

# ORDINARY MEETING 28 APRIL 2009

#### **AGENDA**

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1		PFN	ING

- 2. ACKNOWLEDGEMENT OF LOCAL INDIGENOUS COMMUNITY
- 3. APOLOGIES/REQUEST FOR LEAVE OF ABSENCE
- 4. CONDOLENCE AND SYMPATHY MOTIONS
- 5. MOMENT OF PRIVATE CONTEMPLATION
- 6. DISCLOSURES OF INTEREST

Disclosures to be made by any Councillors who have a pecuniary / non-pecuniary interest in respect of matters that are before Council at this meeting. (28/04/2009)

#### 7. CONFIRMATION OF MINUTES OF COUNCIL/COMMITTEES

ORDINARY MEETING - 14/04/2009
CODE OF CONDUCT WORKING PARTY - 07/04/2009
AQUATIC CENTRE WORKING PARTY - 07/04/2009

#### 8. MAYORAL MINUTES

MM 12/2009 FINANCIAL SUPPORT FOR BRIDGE FOR ASYLUM SEEKER PROJECT

#### 9. NOTICES OF MOTION

NM 13/2009 REVITALISATION OF THE SOCIAL AND BUSINESS ENVIRONMENT OF THE CROYDON TOWN CENTRE AREA

NM 19/2009 STORMWATER OVERFLOW FROM QUEEN STREET ASHFIELD INTO NEIGHBOURING PROPERTIES IN QUEEN STREET AND SERVICE AVENUE

#### 10. STAFF REPORTS

- 10.1 DEVELOPMENT APPLICATION: 10.2006.299.2 1-11 CHARLOTTE STREET, ASHFIELD
- 10.2 SECTION 94 PLAN REVIEW UPDATE

10.3	ASHFIELD CBD PUBLIC DOMAIN IMPROVEMENTS
10.4	WASTE AND RECYCLING - PROJECTS & INITIATIVES
10.5	USE / HIRE OF ASHFIELD COUNCIL PARKS
10.6	IMPACT OF GLOBAL FINANCIAL CRISIS ON LOCAL SOCIAL WELFARE AGENCIES
10.7	DRAFT ASHFIELD COUNCIL CODE OF CONDUCT 2009
10.8	UPDATE ON ASHFIELD COUNCIL'S STRATEGIC PLAN
10.9	BIODIESEL FUEL FOR DEPOT VEHICLES / PLANT
10.10	2009 REFUGEE WEEK PROJECT

### 11. GENERAL BUSINESS

### 12. CLOSE

### **ASHFIELD COUNCIL**

# ORDINARY MEETING 28 APRIL 2009

- 8 SUMMARY OF MAYORAL MINUTES
- 8.1 FINANCIAL SUPPORT FOR BRIDGE FOR ASYLUM SEEKER PROJECT.

  Councillor Cassidy Mayor. Report submitted with attachment 1.

  (17/04/09)

  Donations from Council h:\reports.bp\Council\Reports\CM280409MM\_12.doc

  MM12/2009 Attached

#### **RECOMMENDATION**

That Council donate \$2,000 from the Contingency Fund to support Bridge for Asylum Seekers.

**Donations from Council** 

#### **MAYORAL MINUTE**

#### FINANCIAL SUPPORT FOR BRIDGE FOR ASYLUM SEEKER PROJECT

I am in receipt of a letter from Leichhardt Council dated 6 April 2009 (copy attached) seeking financial support for the Project which operates out of the offices of the Balmain Uniting Church.

The Co-ordinator has raised significant funds to support over 120 Asylum seekers who rely almost entirely on BASF for their survival.

A contribution of \$2,000 from Councils identified as Refugee Welcome Zone Councils would enable the Project to continue providing essential daily support to asylum seekers.

#### **ATTACHMENTS**

Attachment 1 Letter from Leichhardt Council

1 Page

#### **RECOMMENDATION**

That Council donate \$2,000 from the Contingency Fund to support Bridge for Asylum Seekers.

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COUNCILLOR E CASSIDY Mayor

Mayor's Room Civic Centre

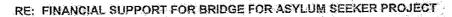
#### Office of the Mayor

Contact: Phone: Craig Greene 9367 9246

6 April 2009

Cir Edward Cassidy PSM MayorThe Council of the Municipality of Ashfield PO Box 1145 Ashfield NSW 1800

Dear Cir Edward Cassidy PSM,



On behalf of Leichhardt Council and the Asylum Seeker Project. I am writing to seek your financial support for the Project which operates out of the offices of the Balmain Uniting Church. We are requesting financial support for the BASF project to assist in the development of their Management Plan, and their continued effective operation for the next financial year.

ASHFIELD COUNCIL

RECORDS SECTION SCANNED

Management Planning is essential for the sustainability and ongoing operations of any organisation and in this case, it is vital. The project performs a strong advocacy and outreach role in the community and thanks to the excellent and committed work of the Coordinator and the Committee; it has significantly raised awareness of refugee issues throughout Sydney.

The Co-ordinator has raised significant funds to support over 120 Asylum seekers who rely almost entirely on BASF for their survival.

In previous years, the project has been supported by Councils on apolitical grounds, with all parties and independent councillors recognising the essential advocacy and social justice outcomes achieved through the Asylum Seeker project. In the past three years the project has been funded by Hornsby, Canterbury, Fairfield, Waverley, North Sydney, Marrickville, Randwick, Strathfield, Willoughby and Botany Bay Councils, in addition to Leichhardt Council and City of Sydney.

A contribution of \$2,000 from Councils identified as Refugee Welcome Zone Councils would enable the Project to continue providing essential daily support to asylum seekers.

We hope that you look favourably on this request and I look forward to your response.

Yours sincerely,

Cr Jamie Parker

MAYOR, LEICHHARDT COUNCIL

Administrative Centre
7-15 Wetherill Street, Leichhardt NSW 2040
PG Box 45, Leichhardt NSW 2040
Phote: (02) 9367 9191 Fax: (02) 9369 939
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### **ASHFIELD COUNCIL**

## ORDINARY MEETING 28 APRIL 2009

#### 9 SUMMARY OF NOTICES OF MOTION

9.1 REVITALISATION OF THE SOCIAL AND BUSINESS ENVIRONMENT OF THE CROYDON TOWN CENTRE AREA. Councillors Rerceretnam, Wangmann, Kennedy and Kelso. Report submitted.

(18/03/09) Croydon CBD Improvements

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NM13/2009 Attached

#### Accordingly, I move:-

- 1/3 Ashfield Council request a report by the Economic Development Officer, in conjunction with Council's Community Services section, to examine ways Council can encourage stronger social and business activity in the Croydon Park and Croydon Village, especially Elizabeth Street, Edwin Street North and Hennessy Street.
- 2/3 This report come back to Council for determination within 16 weeks.
- The Mayor initiate discussion on this issue relating to the Croydon Village and Croydon Park in his Mayoral column.
- 9.2 <u>STORMWATER OVERFLOW FROM QUEEN STREET ASHFIELD INTO NEIGHBOURING PROPERTIES IN QUEEN STREET AND SERVICE AVENUE.</u>

  <u>Councillors Rerceretnam, Kennedy and Kelso.</u> <u>Report</u> submitted with attachment 1.

(08/04/09)

Stormwater > Flooding > Investigation h:\reports.bp\Council\Reports\CM280409NM\_19.doc

NM19/2009 Attached

#### Accordingly, I move:-

- 1/3 That Council officers convene a public meeting for all concerned residents with special emphasis on residents/owners from the following properties: 232 to 250 Queen Street and 21 to 29 Service Avenue, Ashfield.
- 2/3 That Ashfield Council provide a comprehensive report to Council on the stormwater drainage systems that run through Queen Street and Service Avenue Ashfield and that this report come back to Council within 6 weeks.
- 3/3 This report look at all options Council has to stop stormwater run off from Queen Street and entering surrounding properties.

**Croydon CBD Improvements** 

#### NOTICE OF MOTION OF WHICH DUE NOTICE HAS BEEN GIVEN BY

## COUNCILLORS MARC RERCERETNAM, MONICA WANGMANN, LYALL KENNEDY AND PATRICK KELSO

#### REVITALISATION OF THE SOCIAL AND BUSINESS ENVIRONMENT OF THE CROYDON TOWN CENTRE AREA

#### To move Notice of Motion No. NM13/2009

Over the last 30 years the different town centres of the Ashfield municipality have developed in a haphazard manner. The Haberfield town centre has had the benefit of a long established post-war association with the Australian-Italian community and its wonderful culinary traditions. The success of this area to a large extent has worked in tandem with the growth of the nearby Leichhardt restaurant areas.

Summer Hill has had the benefit of its small village aesthetic and atmosphere and a vigilant, close-knit community intent on guarding against inappropriate overdevelopment - as seen in their fight against a proposed multi-storeyed carpark in the late 1980s.

The Ashfield town centre has not been so lucky. Large developments like the Ashfield Mall in the early 1980s stunted the growth of small business in the Liverpool Road area. Retail business declined inordinately. However in the last 15 years the area has experienced a rebirth as a cluster of relatively successful North Chinese (Shanghainese) restaurants and grocery shops. The area has also become a magnet for shoppers outside of the Ashfield municipality, especially on the weekends. The on-going business revitalisation program (a Greens initiative), beginning in 2005/6 continues to address pivotal issues for the area.

One of the remaining business centres is located in the Croydon area, especially the Edwin Street North, Elizabeth Street and the Hennessy Street areas. While Council has already received a proposed plan for a physical makeover of this area, it is important that social and economic initiatives, comparatively similar to that of the Ashfield Town Centres 2005/6 Revitalisation/Community Harmony Program be implemented in this area.

This area has several significant social and economic features:

- 1. Many ratepayers compare this area with new improvements to Burwood Council's successful revitalisation of The Strand area, only 150m away.
- 2. Some businesses have left the area.
- 3. Some of the shops and shop-fronts are being used as residential and/or rental properties.
- 4. The area is being cast in a negative light especially if there are any further attempts to re-establish additional brothels in the area.
- 5. Many ratepayers believe new high-rise developments on Edwin St North have severely killed off the aesthetic appeal of the traditional Victorian/Edwardian streetscape.

We would like to propose Ashfield Council consider the following:

# Ashfield Council – Report to Ordinary Meeting held on Tuesday 28 April 2009 NM13/2009 REVITALISATION OF THE SOCIAL AND BUSINESS ENVIRONMENT OF THE CROYDON TOWN CENTRE AREA

- 1. Initiate an audit of businesses in the Croydon Village and Croydon Park area.
- 2. Initiate an audit of businesses that have abandoned this area in recent years and determine why this took place.
- 3. Look at ways to target potential growth for particular businesses ie. Elizabeth Street has a small cluster of book shops and Edwin Street has a cluster of art galleries and studios.
- 4. Evaluate the pros and cons of using shops as residential apartments.

#### **Officers Comments**

Duncan Gilchrist – Economic Development Officer

The Town Centre of Croydon is bisected by the railway line with the majority of businesses being located on the Burwood Council side. Despite the proximity of the two sections there are massive infrastructure differences particularly in relation to the width of the thoroughfares. This area needs to reinvent itself. For instance, a working relationship between Council PLC Sydney and a University could see this area turned into a very successful varsity precinct specialising in business or arts studies. The existing businesses such as bookshops and galleries would complement this type of change and the existing food outlets could have more coffee shops and eateries added to improve the atmosphere and convenience.

A varsity village would see most people arrive by train or bus, thus minimising traffic congestion that would be associated with other forms of development. Some discussions has already been undertaken by the EDO with the property officer at PLC Sydney.

#### Gerard Howard – Manager Community Services

The Croydon Town Centre area around Edwin Street North/Elizabeth Street and Hennessey Street is an historic precinct, evidence of which can be seen in one of the heritage photos within the Brown Street Pedestrian Underpass. The precinct benefits from good exposure, due to a daily high volume of vehicular traffic that passes through in both a western and easterly direction. It is adjacent to Croydon Railway station and the PLC School. An interesting array of shops already feature in the precinct including old and restored books, home décor, tax agents, upholstery, art gallery/classes, hairdresser, Italian eatery, florist etc. These features are some of the strengths of the precinct.

Nevertheless, a high proportion of shops in the Croydon town centre have security grills and bars on their windows. Others have very poor shop-front presentation with no effort to create interesting product displays for the benefit of passers by. The railway fence adjacent to the Italian Pizza restaurant is in poor condition and looks unattractive. A coordinated colour scheme for the historic building facades does not exist. There is no designated car park for shoppers and those who wish to stop and purchase convenience items. These then are some of the weaknesses of the precinct.

There is a relatively high proportion of home ownership in the North Croydon geographical area. This, combined with proximity to a railway station and to a private school, where it can be expected families have a high level of disposable income, presents some real

# Ashfield Council – Report to Ordinary Meeting held on Tuesday 28 April 2009 NM13/2009 REVITALISATION OF THE SOCIAL AND BUSINESS ENVIRONMENT OF THE CROYDON TOWN CENTRE AREA

opportunities. Such opportunities might include encouraging a vibrant sector of home décor shops, craft and 'collectible' businesses, hobby shops, antique businesses etc., which complement existing art galleries & second hand book outlets. Added value would also come from services such as a doctor &/or dentist operating from the precinct.

Unless action is taken, the issue of pedestrian safety could be an ongoing threat to the future prosperity of the precinct. This is particularly so with an ageing population. It is important that pedestrians can move safely in all directions – north, south, east and west. Given a lack of car parking, shoppers can park in adjoining streets and make a short walk to the shops. However it is essential that this walk be made safe and pleasant.

The Croydon Town Centre precinct already features public art in the form of murals. However there is scope for further street beautification through planter boxes & additional wall murals. Attracting a grocery store and fruit and vegetable outlet to the town centre might have appeal to railway commuters, amongst others.

A number of shops are currently vacant and this presents a poor image particularly since these are located near key intersections. Developing a data base of vacant properties would be beneficial particularly if it was accompanied by details of floor space, internal facilities etc. Such a data base enables prospective tenants to be quickly provided with essential information.

The Croydon Town Centre precinct presents clear opportunities for revitalization & some possible strategies include:

- Initial enhancement through colourful planter boxes and the replacement of railway fence near the Italian Pizza restaurant with something more visually appealing.
- Coordinated education effort with shopkeepers to develop attractive shop-front presentation and window displays. This is essential for sparking the curiosity of passing motorists and pedestrians.
- Investigate the need for/alternative to bars and grills on shop-front windows.
- Development of a vacant property data base to assist prospective business tenants with essential information.
- Investigation of the status/availability of shop-top rental accommodation. Residential living above shops can contribute to feelings of safety and vibrancy within an area.
- Take measures to improve pedestrian safety to and throughout the town centre precinct.
- Consider additional playground equipment in nearby Edwin Street North Reserve. This can add value to any 'shopping outing' for young families.
- Investigate potential to promote day/ night parking at the Aquatic Centre for users of the Croydon town centre. A similar suggestion was put forward during the public consultation process for the town centre.
- Create a theme for the shopping precinct e.g. 'Traditional atmosphere Traditional Service'.
- Consider applying to the Commonwealth Innovations Fund in June for a 12 month Main Street Coordinator to revitalize the precinct and provide an economic stimulus to the locality.

#### **ATTACHMENTS**

There are no supporting documents for this report.

#### Accordingly, I move:-

- 1/3 Ashfield Council request a report by the Economic Development Officer, in conjunction with Council's Community Services section, to examine ways Council can encourage stronger social and business activity in the Croydon Park and Croydon Village, especially Elizabeth Street, Edwin Street North and Hennessy Street.
- 2/3 This report come back to Council for determination within 16 weeks.
- The Mayor initiate discussion on this issue relating to the Croydon Village and Croydon Park in his Mayoral column.

**Marc Rerceretnam** 

**Monica Wangmann** 

**Lyall** Kennedy

**Patrick Kelso** 

**Stormwater > Flooding > Investigation** 

# NOTICE OF MOTION OF WHICH DUE NOTICE HAS BEEN GIVEN BY COUNCILLORS MARC RERCERETNAM, LYALL KENNEDY AND PATRICK KELSO

## STORMWATER OVERFLOW FROM QUEEN STREET ASHFIELD INTO NEIGHBOURING PROPERTIES IN QUEEN STREET AND SERVICE AVENUE

#### To move Notice of Motion No. NM19/2009

Ashfield residents have complained how heavy downpour causes an underground stormwater drain located in Queen Street Ashfield, to back up and overflow into surrounding properties in Queen Street and Service Avenue.

Several of these properties experience severe flooding in their backyards and in some cases flooding in parts of their home and other built up structures.

According to two long-term residents, this issue was brought to the attention of Ashfield Council back in the 1970s however despite promises little to nothing was done to correct this problem.

While in the past such flooding may have been infrequent, in the last 3 years such flooding has occurred on an annual basis, a development possibly linked to changes in climate.

#### **Officers Comments**

Anthony Ogle – Manager Infrastructure & Tony Giunta – Stormwater Engineer

The suggestion with the motion is that problems of surface stormwater flow on private land may be associated with global climate change. Sydney experienced an extended drought for approximately a decade, followed by repeated rain/storm events over the last year. This pattern is typical of the past climate of Sydney, and the rainfall patterns have been within the normal statistical variation.

Where problems appear to have become worse, especially where residents have a longer occupancy to give a frame of reference, the typical causes are failures/blockages in the underground piping or changes in surrounding land use by residents which re-direct or block surface flows.

A plan has been attached to show the properties referred to in this motion and existing stormwater pipes.

In this case, since the issue was freshly raised several months ago, Council's Stormwater Engineer has arranged for the pits and pipes to be cleared and carried out CCTV inspections to confirm there are no blockages upstream of Old Canterbury Rd. Below this point the pipeline is in Marrickville Council and is the responsibility of Sydney Water. Enquiries are being made to confirm the downstream pipeline is clear and functioning.

# Ashfield Council – Report to Ordinary Meeting held on Tuesday 28 April 2009 NM19/2009 STORMWATER OVERFLOW FROM QUEEN STREET ASHFIELD INTO NEIGHBOURING PROPERTIES IN QUEEN STREET AND SERVICE AVENUE

The properties in question back onto a gully which would have been a creek until the pipeline was laid and the land infilled. During rainfall events, the runoff flowing between properties (called riparian flows) crosses between properties through and under fencing and around any features higher than the land such as buildings, garden, paving and swimming pools.

In addition, for larger storms, the water that exceeds the capacity of the pipes will follow along the lie of the land above the pipes.

An aerial photo of the area shows that many of these properties have added outbuildings (garages, sheds etc) over the years that created almost continuous barriers to any surface flows, redirecting water along different paths and into properties or parts of properties that may not normally have experienced surface flows. This can be made worse by modern metal fencing which is often set at ground level and being solid creates a dam effect (paling fences by contrast are "leaky"). Experience has shown that one flow redirection can come from swimming pools that are constructed higher than the surrounding land to keep the flows out, but then push the water onto the neighbours.

In summary, the problems arise due from changes of land use, which is an inter-neighbour civil tort matter, over which Council does not have a regulatory role. Council can meet and advise / assist residents, but does risk getting involved in an intractable situation, where neighbours can be in dispute.

In 1988 a report was presented to Council proposing to increase the capacity of the underground pipes to reduce the surface flows as one way of dealing with the problem as it was at the time. The cost for these works was around \$500,000. At today's value this would be in the vicinity of \$1.5 to \$2.0M. Also in order for the works to take effect all the affected residents needed to agree to a drainage easement, disruption to their property, and possibly reconstruction of some of the outbuildings and fences. There were several objections from property owners particularly to create an easement for future maintenance access.

Since 1988, the study and understanding of urban drainage has progressed, and it is now recognised that the drainage works proposed would not perform as intended without further upgrade to the drainage system downstream for most of the way down to Hawthorne Canal.

In terms of the proposed motions, it may be prudent to have the investigation of the changes within the properties investigated to determine the extent of their influence, and the report presented to Council, prior to any meeting with residents. As inspections of over 20 yards including arranging the access and possibly some surveying of levels is involved, a comprehensive report will take longer than 6 weeks. This process will also allow individual contact with residents to assess how they are affected without being in a confrontational environment of a public meeting. Allowing for the other work in hand to proceed, a time frame of about 3 months is suggested. This report would also require supplementary analysis by specialist consultants and surveying, and could cost \$30,000 plus, which would be funded from the Stormwater Levy.

As an interim measure, the properties worst affected could mitigate the effects by adjusting the underside of their side and or rear fences with the addition of a mesh barrier to allow

# Ashfield Council – Report to Ordinary Meeting held on Tuesday 28 April 2009 NM19/2009 STORMWATER OVERFLOW FROM QUEEN STREET ASHFIELD INTO NEIGHBOURING PROPERTIES IN QUEEN STREET AND SERVICE AVENUE

the passage of water from one property to another. This will be suggested to residents during any discussions as part of the investigation.

#### **ATTACHMENTS**

**Attachment 1** Aerial map of area showing stormwater line

1 Page

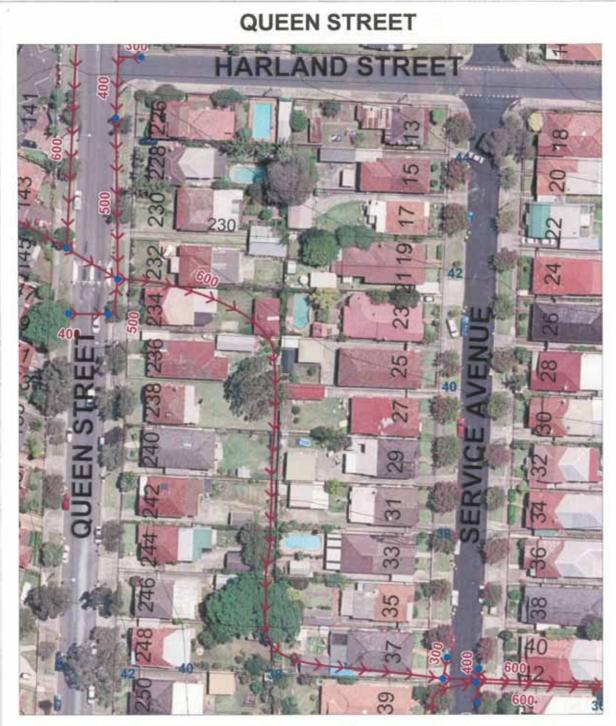
#### Accordingly, I move:-

- 1/3 That Council officers convene a public meeting for all concerned residents with special emphasis on residents/owners from the following properties: 232 to 250 Queen Street and 21 to 29 Service Avenue, Ashfield.
- 2/3 That Ashfield Council provide a comprehensive report to Council on the stormwater drainage systems that run through Queen Street and Service Avenue Ashfield and that this report come back to Council within 6 weeks.
- This report look at all options Council has to stop stormwater run off from Queen Street and entering surrounding properties.

**Marc Rerceretnam** 

**Lyall Kennedy** 

**Patrick Kelso** 





## Ashfield Municipal Council

This map has been produced using the Ashfield Council's Geographic Information System. It is not to be reproduced without prior consent. This plan should not be relied on for contract or any other legal purposes.





Ashfield Municipal Council 250 Liverpool Road, Ashfield PO Box 1145 Ashfield NSW 1800 DX 21221 ASHFIELD Tel. (02) 9716-1800 Fax. (02) 9716-1911 Email: ashcncl@ashfield.nsw.gov.au Website: www.ashfield.nsw.gov.au

20/4/2009

### **ASHFIELD COUNCIL**

## ORDINARY MEETING 28 APRIL 2009

#### 10 SUMMARY OF STAFF REPORTS

#### 10.1 **DEVELOPMENT APPLICATION: 10.2006.299.2**

<u>1-11 CHARLOTTE STREET, ASHFIELD.</u> <u>Martin Amy - Development Assessment</u> Officer. Report submitted with attachments 1 and 2.

(20/04/09)

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CM 10.1 Attached

10.2006.299

#### **RECOMMENDATION**

That pursuant to Section 80(1)(b) of the Environmental Planning and Assessment Act, 1979, as amended, the Council, refuse the application to modify development the development consent 10.2006.299.1 granted on 13 November 2007 for demolition of 11 Charlotte Street, partial demolition of 1-3 Charlotte Street and alterations & additions to existing Club at 5-9 Charlotte Street to include the construction of a café and gymnasium at 1-3, 5-9 & 11 Charlotte Street Ashfield on Lot 1 DP 1124828 and known as 1-11 Charlotte Street, Ashfield applied for in the following manner: -

By deleting Condition C(3) – S94 Contributions that reads: -

The payment of a cash contribution of \$182,496 under Section 94 of the Environmental Planning and Assessment Act 1979.

This contribution is based on an assessment of car parking required to support this development and is assessed on the basis of twelve (12) car spaces at the current rate of \$15,208 per space as per Council's Section 94 Contributions Plan: Public Car Parking.

Any contributions required in satisfaction of a condition of development consent are to be valid until Council's next review of Section 94 Contribution Plans on 30 June 2008 following which the amount of the contribution will be reassessed in line with the revised figured.

Payment is to be made prior to release of the Construction Certificate.

For the following reasons: -

- 1. The modification will result in a development that has a deficient amount of onsite parking and does not provide an alternative to assist in the provision of future public car parking in the locality.
- 2. It will not be in the public interest and will not promote the orderly development of land within the Ashfield Local Government Area.

- 3. Approval of the modification will set an undesirable precedent for future applications involving S94 car parking contributions.
- 10.2 <u>SECTION 94 PLAN REVIEW UPDATE</u>. <u>Phil Sarin Director Planning and Environment</u>. <u>Report submitted with attachment 1</u>.

  (20/04/09) Section 94 Contributions h:\reports.bp\Council\Reports\CM280409SR\_7.doc

CM 10.2 Attached

#### **RECOMMENDATION**

- 1/3 That a project brief be prepared for the consideration of Council for a comprehensive review of all current section 94 plans.
- 2/3 That the project brief be reported to Council for endorsement.
- 3/3 That Council reaffirm its position not to proceed with a review of its Section 94 plans until such time as the Minister has released new guidelines for the preparation of Section 94 plans.
- 10.3 <u>ASHFIELD CBD PUBLIC DOMAIN IMPROVEMENTS</u>. Ron Sim Manager Strategic Planning & Projects. Report submitted with attachments 1 to 4.

  (16/04/09) Urban Planning > Strategic Planning h:\reports.bp\Council\Reports\CM280409SR\_5.doc

  CM 10.3 Attached

#### **RECOMMENDATION**

That Council's heritage consultant be authorised to prepare paint schemes for eight (8) buildings within the Ashfield CBD at the fee proposed and a further report to Council be prepared canvassing possible incentives and implementation methodologies when this work is complete.

10.4 WASTE AND RECYCLING - PROJECTS & INITIATIVES. Anthony Ogle - Manager Infrastructure. Report submitted.

(21/04/09) Waste Management > Management > Budget & Reporting h:\reports.bp\Council\Reports\CM280409SR\_8.doc

CM 10.4 Attached

#### **RECOMMENDATION**

That Council note the information on the projects and initiatives for waste and recycling.

10.5 <u>USE / HIRE OF ASHFIELD COUNCIL PARKS</u>. <u>Epeli Naivalu - Manager</u>

Operations. Report submitted with attachment 1. (16/04/09)

Parks & Reserves > Seasonal Hire

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CM 10.5 Attached

#### **RECOMMENDATION**

- 1/2 That all five clubs be approved for use/hire of Ashfield sporting fields for the winter 2010 season based on previous amicable associations with Ashfield Council. That this includes Haberfield Football Club using Hammond Park, Croydon for training and competition.
- 2/2 That should Council intend to proceed further to develop a policy for preferential priority in the hire of playing fields, the peak regional sporting bodies for each code using Council's playing fields and the other Councils within those districts be consulted to assess how the issue of priority allocation of playing field hire is best and equitably dealt with.

10.6 IMPACT OF GLOBAL FINANCIAL CRISIS ON LOCAL SOCIAL WELFARE AGENCIES. Gerard Howard - Manager Community Services. Report submitted.

(15/04/09) Community & Mental Health Issues h:\reports.bp\Council\Reports\CM280409SR\_1.doc

CM 10.6 Attached

#### **RECOMMENDATION**

That the information contained in this report be noted

10.7 <u>DRAFT ASHFIELD COUNCIL CODE OF CONDUCT 2009</u>. <u>Vanessa Chan - Director Corporate and Community Services</u>. <u>Report</u> submitted with attachments 1 and 2.

(17/04/09) Code of Conduct

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CM 10.7 Attached

#### **RECOMMENDATION**

That Council adopt the Draft Ashfield Council Code of Conduct 2009 for the purpose of public exhibition

10.8 <u>UPDATE ON ASHFIELD COUNCIL'S STRATEGIC PLAN</u>. <u>Lauren McIver - Corporate Relations Officer</u>. <u>Report</u> submitted with attachments 1 to 4.

(21/04/09) Ashfield Strategic Plan 2020

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CM 10.8 Attached

#### **RECOMMENDATION**

- 1/2 That Council notes the dates and venue for the public conversations for Ashfield's Biggest Conversation:
  - Public Conversation #1, Wednesday 20 May, 6.30pm –
     8.30pm, Ashfield Boys High
  - Public Conversation #2, Wednesday 5 August, 6.30pm –
     8.30pm, Ashfield Boys High
- 2/2 That Council notes the progress on the new strategic plan and provides comments and/or feedback.
- 10.9 BIODIESEL FUEL FOR DEPOT VEHICLES / PLANT. Epeli Naivalu Manager Operations. Report submitted.

(16/04/09) Fuel > Alternatives

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CM 10.9 Attached

#### **RECOMMENDATION**

That Council note the contents of this report.

10.10 2009 REFUGEE WEEK PROJECT. Gerard Howard - Manager Community

Services. Report submitted.

(21/04/09) Community > Activities > Multicultural h:\reports.bp\Council\Reports\CM280409SR\_9.doc

CM 10.10 Attached

#### RECOMMENDATION

That Council participate with other Inner West Councils in the signing of a 'Refugee Welcome Zone Declaration' during Refugee Week 2009.

Subject DEVELOPMENT APPLICATION: 10.2006.299.2

1-11 CHARLOTTE STREET, ASHFIELD

**File Name** 10.2006.299

Prepared by Martin Amy - Development Assessment Officer

**Reasons** Matter requires Council determination.

**Objective** For Council to determine the application.

Strategic Plan Link N/A

Management Plan

Activity

2.11 Development & Building Control, Strategic Planning

#### **Overview of Report**

Pursuant to Section 96(1A) of the *Environmental Planning and Assessment Act* 1979, consent is sought for the modification of Development Consent 10.2006.299.1 to delete Condition C(3), which requires the payment of Section 94 contributions.

#### 1.0 Description of Proposal

Pursuant to Section 96(1A) of the *Environmental Planning and Assessment Act 1979*, consent is sought for the modification of Development Consent 10.2006.299.1 to delete Condition C(3), which requires the payment of Section 94 contributions.

Condition C(3) states:

#### (3) Section 94 Contributions

Section 94 Contributions - Car Parking

The payment of a cash contribution of \$182,496 under Section 94 of the Environmental Planning and Assessment Act 1979.

This contribution is based on an assessment of car parking required to support this development and is assessed on the basis of twelve (12) car spaces at the current rate of \$15,208 per space as per Council's Section 94 Contributions Plan: Public Car Parking.

Any contributions required in satisfaction of a condition of development consent are to be valid until Council's next review of Section 94 Contribution Plans on 30 June 2008 following which the amount of the contribution will be reassessed in line with the revised figured.

Payment is to be made prior to release of the Construction Certificate.

#### Background

DA No.10.2006.299 involves comprehensive redevelopment of the site involving the demolition of buildings and construction of additions to the existing Club which include a gymnasium and café. The consent will increase the floor space of the site and also involved variations to Council's controls with respect to both ALEP 1985 and ADCP 2007. A key issue in the original consideration of the application was the proposal's non-compliance with Council's on-site parking requirements.

In summary, it was considered that in the absence of providing the required on-site parking, that Council levy a Section 94 contribution. The Section 94 Contribution will assist in the future attainment and provision of car parking off-site. The requirement for a Section 94 Contribution was considered to be appropriate given that the Club does not provide any on-site parking for patrons on its own land.

The DA was determined by Council on 13 November 2007. The determination was a 'deferred commencement' consent. This approval required the submission of information with respect to the construction of a 'shared-way' in Charlotte and Station Streets, acoustic information and a Plan of Management for the site.

A rescission motion was also moved to delete Condition C(3). This motion was also considered on 13 November 2007 and lost.

The information required by the 'deferred commencement' consent has now been received and the release of the operational consent occurred on 10 March 2009.

A copy of the previous report to Council and rescission motion is provided in **Attachment 1**.

#### 2.0 Summary Recommendation

The subject application has been assessed against Ashfield Local Environmental Plan 1985 (ALEP 1985), Ashfield Development Control Plan 2007 (ADCP 2007) and Council's Section 94 Contribution Plan - Car Parking.

It is considered that the proposal to waive the Section 94 contribution will not meet the objectives of ALEP 1985, as an adverse 'public' impact will result in the site not providing the required onsite car parking and furthermore, if the Section 94 Contribution is not paid, the ability for Council to obtain future car parking in the locality will be adversely affected.

As such the recommendation of this report is for refusal.

#### 3.0 Application Details

Applicant : Form Architects Pty Limited

Owner : Ashfield Catholic & Community Club Ltd

Value of work : Nil

Date lodged : 24 March 2009

Building classification : 9b & 6

**DEVELOPMENT APPLICATION: 10.2006.299.2** 

#### 1-11 CHARLOTTE STREET, ASHFIELD

Application Type : Local Construction Certificate : No

#### 4.0 Site and Surrounding Development

The subject site is known as Club Ashfield (or the Ashfield Catholic Club) and is located on the corner of Charlotte and Station Streets. The amalgamated site area is approximately 1118.2 square metres.

#### 5.0 Development History

NO.	DATE	PROPOSAL	DECISION
10.2006.299.1	13/11/2007	The demolition of 11 Charlotte	Approved
		Street, partial demolition of 1-3	(Deferred
		Charlotte Street and alterations &	Commencement)
		additions to existing Club at 5-9	,
		Charlotte Street to include the	
		construction of a café and	
		gymnasium at 1-3, 5-9 & 11	
		Charlotte Street Ashfield	

Development Consent 10.2006.299 is relevant to the current application as it is this consent to which the modification application relates.

Of note is that a similar Section 96 application to waive s94 Contributions at 275 Liverpool Road, Ashfield (10.2008.008) was reported to Council on 24 February 2009. This application was refused.

#### 6.0 Zoning/Permissibility/Heritage

The modification does not affect the zoning, permissibility or heritage issues of the application. These matters were assessed during the original assessment.

#### 7.0 Section 96(1A) & Section 79C Assessment

The following is an assessment of the application with regard to the heads of consideration under the provisions of Section 96(1A) of the Environmental Planning and Assessment Act.

1A) Modifications involving minimal environmental impact A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:	
(a) it is satisfied that the proposed modification is of minimal environmental impact, and	The proposed modification is of minimal environmental impact.

DEVELOPMENT APPLICATION: 10.2006.299.2 1-11 CHARLOTTE STREET, ASHFIELD

(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and	The proposed modification would result in substantially the same development.	
<ul><li>(c) it has notified the application in accordance with:</li><li>(i) the regulations, if the regulations so require, or</li></ul>	The proposal did not require notification pursuant to Clause 2.26(c) of Part C12 – Public Notification – ADCP 2007).	
(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and		
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	Not applicable.	

The following is an assessment of the application with regard to the heads of consideration under the provisions of Section 79C of the Environmental Planning and Assessment Act.

#### 7.1 The provisions of any Environmental Planning Instrument

#### 7.1.1 Local Environmental Plans

#### Ashfield Local Environmental Plan 1985 (as amended)

The original development application failed to comply with Council on-site parking requirements. As such, pursuant to Clause 29 – *Provision for public amenities and services,* Condition c(3) was imposed to require the payment of a Section 94 Contribution to enable the future attainment and provision of public car parking in the vicinity of the subject land.

As previously noted, the site provides no onsite parking for patrons and the subject Section 96 Application now requests that a Section 94 Contribution not be paid towards future public parking provision. The provision of no onsite parking and the lack of a contribution towards public parking is not considered to assist in the likely demand for further public services (public car parking) arising from the development and in doing so, is considered to be contrary to the public interest.

Therefore, it is considered that the modification cannot be supported, as ultimately it will not result in the orderly development of the Ashfield Council area in accordance with Clause 2(a) of the ALEP 1985.

#### 7.1.2 Regional Environmental Plans

Not applicable.

#### 7.1.3 State Environmental Planning Policies

Not applicable.

7.2 The provisions of any Draft Environmental Planning Instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority.

None applicable.

#### 7.3 The provisions of any Development Control Plan.

The proposal is considered to meet the aims and objectives of Development Control Plan 2007. Specifically to the following Parts: -

С3	ASHFIELD TOWN CENTRE  Refer also to the ASHFIELD TOWN CENTRE STRATEGY that supplements Part C3.	, , , , , , , , , , , , , , , , , , , ,
C11	PARKING	The required parking provision was discussed in the previous report. It concluded that in the absence of providing the required 12 onsite parking spaces, that the 'alternative' to the onsite parking is the requirements for a Section 94 Contribution to be paid. Further comment on this matter is included below.
C12	PUBLIC NOTIFICATION IN THE PLANNING PROCESS AND ALL ASPECTS OF LAND MANAGEMENT	The application did not require notification - refer to Clause 2.26(c) i.e. applications in relation to technical conditions of consent do not require notification.

#### C11- Parking

Clause 3.7 – Alternatives to on-site parking – are financial contributions acceptable?

The Clause states that 'The objective is to provide parking on the site.' However, it allows Section 94 Contributions to be levied when onsite parking is not provided subject to certain criteria being fulfilled. These being: -

Criter	ia	Compliance
a)	existence of a plan	Council has a Section 94 Plan for 'Public Car Parking'

b)	ability of Council to provide the spaces in the locality in existing or proposed public parking areas	Council has the availability to provide spaces
(c)	physical site constraints	Vehicular access to the site is slightly constrained due to the boundary to boundary construction of the existing building and the existing roadways around the site being Charlotte Street, Station Street and an unnamed rear laneway.
d)	amount of deficiency	The 12 space deficiency is considered to be significant. The various uses proposed and the increase in floor area of the existing Club is likely to increase the demand for car parking.

As no onsite parking is provided, it is considered that the payment of a Section 94 Contribution towards the provision of public car parking is still justified. If the requirement to pay Section 94 Contributions is waived, the redevelopment of the site will result in the provision of no onsite parking and no financial payment to compensate for the lack of onsite parking by the attainment and provision of public car parking.

Therefore it is considered the proposed modification is not acceptable.

7.4 Any matters prescribed by the regulations that apply to the land to which the development application relates.

This application does not alter the requirements in the regulations.

7.5 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality.

#### **Parking**

The applicant has presented the following argument in support of the application:

- The proposal includes substantial public domain improvements to Charlotte and Station Street on the basis of advice of Traffic Consultants (the applicant's) that the proposed development was neutral in terms of the requirement for additional car parking, thereby not requiring contributions under Council's Section 94 Contribution Plan.
- The imposition of Condition C(3) is considered an unreasonable impost on the financial viability of the proposed development and fails to recognise the public benefits embodied in the consent with respect to streetscape improvements to Charlotte and Station Streets
- The deletion of Condition C (3) will enable the public domain improvement works to be undertaken (estimated at \$281,000 by the applicant). The scope of the proposed works will need to be reviewed if Council maintains its position in respect to the imposition of a parking contribution.

- The applicant disputes the claim inherent in Condition C(3) that the proposal results in a shortfall of 12 car spaces.
- The initial assessment did not take into account the proximity of the site to Ashfield Railway Station and public bus routes through Ashfield Town Centre.
- As stated in the (applicant's) Traffic and Parking Study, the proposal will result in a surplus of parking spaces and it is unreasonable to apply the car parking rates for the proposed uses.
- The identified 'lost' car spaces to 1-3, 11 Charlotte Streets are not able to be considered as existing nor have the existing uses been acknowledged.

A copy of the Statement of Environmental Effects submitted as part of this application is provided in **Attachment 2**.

#### Comment

The streetscape works were considered as part of initial 'deferred commencement' consent and required further documentation to confirm the work. This documentation has now been submitted and Council is satisfied with the proposed works to Charlotte and Station Streets. The works were proposed by the applicant and Council raised no objection to their inclusion in the proposal. The estimated cost is not a consideration in terms of the context of the modification sought given that the streetscape improvements were proposed by the applicant. The parking rates and alternatives to not providing the required car parking are clearly outlined in Council's LEP, DCP and Contributions plan.

Whilst the streetscape work will be a public benefit, it is not relevant to the issue of the proposal's lack of car parking which is similarly a matter of public interest.

As outlined in the previous report, the proposed shortfall of 12 car parking spaces was based on the additional floor area created by the proposal and the loss of existing car parking resulting from the new works. This is not considered to be an inappropriate method of determining the required car parking provision and applicable rates for calculating the contribution.

The location of the site is fortunate in its proximity to public transport nodes. However, notwithstanding its location, the proposal seeks to provide no onsite parking and is reliant upon a 'non-permanent' car park arrangement with a third party (Vincentian Fathers) and public street parking for any person visiting the site by car. The applicant's traffic consultant commented that the use of the leased car park is essential, however, this cannot be guaranteed indefinitely into the future.

It is considered that the imposition of a levy to assist with the provision of future car parking in instances were no onsite parking is provided is available (as per Part C11 – Parking and s94 Contribution Plan – Public Car Parking) is a reasonable imposition. In not imposing the contribution concern is raised that an undesirable precedent will occur with respect to the payment of Section 94 Contributions.

It is considered that the modification is not acceptable as it will result in a proposal that does not provide the required onsite parking and does not assist in the provision of future parking in the locality.

#### 7.6 The suitability of the site for the development

These matters have been considered as part of the assessment of the application.

#### 7.7 Any submissions made in accordance with this Act or the regulations

The proposal did not require notification – refer to Clause 2.26(c) of Part C12 – Public Notification, ADCP 2007.

#### 7.8 The public interest

The waiving of the car parking contribution is not considered to be is in the public interest.

#### 8.0 Referrals

Not required.

#### 9.0 Other Relevant Matters

#### S94 Contribution Plan - Public Carparking/Financial Implications

The Plan levies an amount of \$15,208 per space, resulting in a required contribution of \$182,496.

It should be noted that public parking within the Town Centre is likely to be reduced as the lease has recently expired on the Holden Street car park that contained 84 spaces (near Ashfield Railway Station) and the court approved Ashfield Mall redevelopment will result in fewer public car parking spaces being dedicated to the Council (approximately 60 fewer spaces).

Without contributions being made for car parking deficiencies, it is likely Council will not be able to secure alternative funds to assist in establishing additional public car parking in the Ashfield CBD.

#### 10.0 Building Code of Australia (BCA)

The subject application does not affect compliance with the Building Code of Australia.

#### **Other Staff Comments**

See 8.0

#### **Public Consultation**

See 7.7

#### Conclusion

The application has been assessed in accordance with the provisions of the Environmental Planning and Assessment Act, 1979 as amended with all matters specified under Section 96(1A) and 79C (1) Clauses (a) to (e) having been taken into consideration.

The modification has been assessed against Ashfield Local Environmental Plan 1985, Development Control Plan 2007 and Council's Section 94 Contribution Plan - Car Parking.

It is considered that the proposal to waive the Section 94 contribution will not meet the objectives of ALEP 1985 as the proposal will result in an adverse 'public' impact by not providing the onsite car parking and not providing any assistance for the attainment and provision of future car parking in the locality.

Therefore, the application is recommended for refusal.

#### **ATTACHMENTS**

Attachment 1 Previous Council Report 158
Pages
Attachment 2 Applicant's Statement of Environmental Effects 17 Pages

#### RECOMMENDATION

That pursuant to Section 80(1)(b) of the Environmental Planning and Assessment Act, 1979, as amended, the Council, refuse the application to modify development the development consent 10.2006.299.1 granted on 13 November 2007 for demolition of 11 Charlotte Street, partial demolition of 1-3 Charlotte Street and alterations & additions to existing Club at 5-9 Charlotte Street to include the construction of a café and gymnasium at 1-3, 5-9 & 11 Charlotte Street Ashfield on Lot 1 DP 1124828 and known as 1-11 Charlotte Street, Ashfield applied for in the following manner: -

By deleting Condition C(3) - S94 Contributions that reads: -

The payment of a cash contribution of \$182,496 under Section 94 of the Environmental Planning and Assessment Act 1979.

This contribution is based on an assessment of car parking required to support this development and is assessed on the basis of twelve (12) car spaces at the current rate of \$15,208 per space as per Council's Section 94 Contributions Plan: Public Car Parking.

Any contributions required in satisfaction of a condition of development consent are to be valid until Council's next review of Section 94 Contribution Plans on 30 June 2008 following which the amount of the contribution will be reassessed in line with the revised figured.

Payment is to be made prior to release of the Construction Certificate.

#### For the following reasons: -

- 1. The modification will result in a development that has a deficient amount of onsite parking and does not provide an alternative to assist in the provision of future public car parking in the locality.
- 2. It will not be in the public interest and will not promote the orderly development of land within the Ashfield Local Government Area.
- 3. Approval of the modification will set an undesirable precedent for future applications involving S94 car parking contributions.

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#### MIN NO

MINUTES OF EXTRAORDINARY MEETING OF THE COUNCIL OF THE MUNICIPALITY OF ASHFIELD HELD IN THE COUNCIL CHAMBERS, LEVEL 3 CIVIC CENTRE, 260 LIVERPOOL ROAD, ASHFIELD ON TUESDAY 20 NOVEMBER 2007, COMMENCING AT 6.45PM

#### PRESENT

The Mayor, Councillor Cassidy in the Chair and Councillors Adams, Bonanno, Dale, Hawkins, Jones, McKenna, Rerceretnam, Stott and Wangmann.

Ms V Chan Director Corporate and Community Services

Mr S Joannidis Director Works and Infrastructure
Mr P Sarin Director Planning and Environment
Mr S Glass Manager Administration and Finance

Mr A Ogle Manager Infrastructure
Miss H Tola Semor Administration Officer

#### APOLOGIES

Apologies for non-attendance were received and accepted from Councillor Drury and Councillor Gartrell,

#### ACKNOWLEDGEMENT OF LOCAL INDIGENOUS COMMUNITY

"Let us acknowledge that we are meeting on country for which the members and elders of the local Indigenous community have been custodians for many centuries, and on which Aboriginal people have performed age old ceremonies. We acknowledge their living culture and unique role in the life of this region."

#### CONDOLENCE AND SYMPATHY MOTIONS

The Mayor Councillor Cassidy advised of the passing of the late Mrs 1 Doyle a member of the Benevolent.

DEATH OF MRS IOSBEL DOYLE. The Mayor — Councillor Cassidy Report submitted.

Cassidy

h:\reports.bp\Council\Reports\CM131107MM 46.doc

MM46/2007 Attached

000144

493/07 RESOLVED

(20/11/07)

That Council send a letter of condolence to the family and flowers to the funeral on Monday 26 November 2007 at 1.30pm.

#### MOMENT OF PRIVATE CONTEMPLATION

The Chairperson invited Councillors, staff, members of the press and gallery to stand and observe a moment of private contemplation in respect of the passing of the late Mrs I Doyle.

This is Page 1 of the Minutes of the Extraordinary Meeting of the Council of the Municipality of Ashfield held on Tuesday 20 November 2007

### MIN NO MINUTES OF EXTRAORDINARY COUNCIL MEETING — 20 NOVEMBER 2007

#### DISCLOSURES OF INTEREST

No disclosures were made.

#### MAYORAL MINUTES

DEATH OF MRS IOSBEL DOYLE The Mayor – Councillor Cassidy. Report submitted. (20/11/07) 000

h/reports/bp/Council/Reports/CM131107MM 46 doc

MM46/2007 Attached

This item was dealt with earlier in the meeting. Refer to minute number 493/07.

#### NOTICES OF MOTION

1-3, 5-9 and 11 CHARLOTTE STREET ASHFIELD. Councillor Bonanno, <u>Councillor Adams and Councillor McKenna</u> Report submitted. (14/11/07) 10.2006.299.1

h:/reports/bp/Committs/Reports/ECM201107NM\_47.doc

NM47/2007 Attached

494/07 RESOLVED Bonanno/Adams

#### That members of the public be permitted to address the meeting.

Mr R Edgar Form Architects addressed the meeting at 6.48pm and concluded at 6.49pm.

A motion was moved by Councillor Bonanno seconded Councillor Adams

That the Minute No. 475/07 be rescinded.

#### Alternative motion should rescission be carried:

- A The Objection pursuant to the provisions of State Environmental Planning Policy No 1 to the 'site area' in clause 20(a) of the Ashfield Local Environmental Plan 1985, is considered well founded and compliance with the standard would be unnecessary and unreasonable in this case for the following reasons:
  - The Club has been in existence since 1966 well before the gazettal of the Ashfield LEP in 1985 and this proposal seeks an alteration to an existing Club premise,
  - The Club is located in the Ashfield CBD and in close proximity with Railway Station and other transport nodes.

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### MIN NO MINUTES OF EXTRAORDINARY COUNCIL MEETING 20 NOVEMBER 2007

- B The Objection pursuant to the provisions of State Environmental Planning Policy No 1 to the floor space ratio in clause 17B of the Ashfield Local Environmental Plan 1985, is considered well founded and compliance with the standard would be unnecessary and unreasonable in this case for the following reasons:
  - The increased floor space does not result in a bulk and scale that has an adverse impact upon adjoining properties through loss of solar access or pprivacy.
  - The increased floor space does not adversely affect the heritage significance of the heritage-listed items in its vicinity.
  - 3. The increased floor area does not result in adverse traffic generation.
- C That pursuant to Clause 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) a Deferred Commencement consent be granted for Development Application No. 10 2006.299.1 for the demolition of 11 Charlotte Street, partial demolition of 1-3 Charlotte Street and alterations & additions to existing Club at 5-9 Charlotte Street, construction of a cafe, gymnasium and use of Council's footpath for outdoor dining to Lot 17 DP 819022, Lots 1, 2 & 3 DP 194429 and Lot 1 DP 770875 and known as 1-3, 5-9 & 11 Charlotte Street Ashfield, subject to the following matters being satisfied:
  - Plan of Management (POM)

Further information is to be provided in the POM as follows:

- The extent of 'large function facilities' that are proposed to continue including the types of functions, times, groups and likely attendance numbers. How it is intended to manage these functions to ensure that they will not result in adverse amenity impacts, impacts on surrounding properties in the locality are minimised.
- The time and number of buses associated with use of the existing Club and proposed facilities. How the Club intends to ensure patron usage of the transport facilities and the method of supervising users arriving and departing from site using the Club buses.
- The Plan of Management is to specify and list all deliveries to the site and times and identify the location of deliveries and associated supervision. Refer to operational condition for specific restrictions.
- A lighting maintenance policy.
- A maintenance policy in relation to graffiti removal.

This is Page 3 of the Minutes of the Extraordinary Meeting of the Council of the Municipality of Ashfield hold on Tuesday 20 November 2007

#### MIN NO MINUTES OF EXTRAORDINARY COUNCIL MEETING – 20 NOVEMBER 2007

- The use of all external terraces and how they will be managed.
- The maximum number of patrons for each individual use and how the Club intends to ensure that these numbers are not exceeded.
- The restrictions to the Bottle Shop hours as indicated in the operational consent.
- In the event of a complaint being received by the operators from a neighbouring resident or person with respect to a disturbance to the quiet and good order of the neighbourhood, how the operators intends to deal with such complaints.
- An acoustic report being submitted detailing the use of the terraces
  accessed by areas identified as 'Admin' to the First Floor and 'Board
  Room' to the Second Floor. The report is to assess potential acoustic
  matters and provide recommendations in order to protect the amenity of
  surrounding properties.
- Full details of the 'shared way' and public infrastructure works proposed for Charlotte Street and Station Street to include:
  - The existing kerb and gutter is to be removed and reconstructed on the proposed alignment.
  - b) The footpath shall be reconstructed using the type of pavers and pattern that have already been used in the surrounding area. (Pebblecrete pavers 400 x 400 x 60 honed, acid etched PPX540:400D and PPX49:400D.)
  - c) The footpath shall be constructed so that it has a minimum 2.5% crossfall from the property boundary to the proposed kerb.
  - d) All Council street drainage pits shall be located on the proposed kerb alignment and not within the footpath area. The use of heel safe grated drains in the footpath area will not be permitted.
  - e) In all areas where it is proposed to realign the kerb a new Council street drainage pit shall be constructed, these pits shall then be connected into Council's existing street pipe network using a minimum 375mm diameter concrete pipe.
  - f) The applicant will be responsible for providing and installing all street signage and road line marking associated with this development.
  - g) The raised share way shall be extended to incorporate the existing Pedestrian Crossing in Station Street. This pavement including the

This is Page 4 of the Minutes of the Extraordinary Meeting of the Council of the Municipality of Ashfield held on Toesday 20 November 2007

# MIN NO MINUTES OF EXTRAORDINARY COUNCIL MEETING – 20 NOVEMBER 2007

pavers colour and pattern, shall be approved by the relevant Road Authority being Ashfield Council.

- h) All road asphalt works involved in matching the existing road pavement crossfall in both Charlotte Street and Station Street to the share way will be at the applicants expense.
- D Subject to C above being satisfied, an operational development consent be issued, subject to the conditions in the report and subject to the following:
  - deletion of Section 94 Contribution Car Parking (operational condition)
  - that the street awning be continuous and of similar style, scale and height to that existing in the street currently.

The motion was lost.

A division was called and voting was as follows:-

For the motion

Councillors Jones, Bonanno, Adams and McKenna.

Against the motion

Councillors Hawkins, Stott, Wangmann, Dale, Rerceretnam and Cassidy.

#### PROCEEDINGS TERMINATED AT 7.41PM

Chairperson of the meeting of the Council of the Municipality of Ashfield held on 20 November 2007 when the Minutes were confirmed

Mayor

Date

This is Page 5 of the Minutes of the Extraordinary Meeting of the Council of the Municipality of Ashfield held on Tuesday 20 November 2007

MINUTES OF ORDINARY COUNCIL MEETING - 13 NOVEMBER

**GENERAL BUSINESS** 

RESCISSION MOTION ITEM CM 10.1

10.2006.299.1

487/07

RESOLVED

Stott/Dale

That the rescission motion lodged by Councillor Bonanno, Councillor Adams and Councillor McKenna relating to the Catholic Club, be considered at an Extraordinary Council Meeting prior to the Committees on 20 November 2007.

Company See See See Control

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This is Page 27 of the Minutes of the Ordinary Meeting of the Council of the Municipality of Ashfield held on Tuesday 13 November 2007

MINUTES OF ORDINARY COUNCIL MEETING - 13 NOVEMBER

#### STAFF REPORTS

DEVELOPMENT APPLICATION 10.2006.299,1

1-3, 5-9 AND 11 CHARLOTTE STREET, ASHFIELD, Martin Amy – Town Planner, Report submitted with attachments 1 to 7, (05/11/07) 10.2006.299.1

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CM 10.1 Attached

473/07

RESOLVED

Bonanno/Adams

That members of the public be permitted to address the meeting.

Mr Edgar Form Architects addressed the meeting at 7.40pm and concluded at 7.48pm.

A motion was moved by Councillor Bonanno seconded Councillor Adams

- A The Objection pursuant to the provisions of State Environmental Planning Policy No 1 to the 'site area' in clause 20(a) of the Ashfield Local Environmental Plan 1985, is considered well founded and compliance with the standard would be unnecessary and unreasonable in this case for the following reasons:
  - The Club has been in existence since 1966 well before the gazettal
    of the Ashfield LEP in 1985 and this proposal seeks an alteration to
    an existing Club premise.
  - The Club is located in the Ashfield CBD and in close proximity with Railway Station and other transport nodes.
- B The Objection pursuant to the provisions of State Environmental Planning Policy No 1 to the floor space ratio in clause 17B of the Ashfield Local Environmental Plan 1985, is considered well founded and compliance with the standard would be unnecessary and unreasonable in this case for the following reasons:
  - The increased floor space does not result in a bulk and scale that
    has an adverse impact upon adjoining properties through loss of
    solar access or privacy.
  - 2. The increased floor space does not adversely affect the heritage significance of the heritage-listed items in its vicinity.
  - The increased floor area does not result in adverse traffic generation.
- C That pursuant to Clause 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) a Deferred Commencement consent be granted for Development Application No. 10 2006,299.1 for the demolition of 11 Charlotte Street, partial demolition of 1-3

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#### MINUTES OF ORDINARY COUNCIL MEETING - 13 NOVEMBER

Charlotte Street and alterations & additions to existing Club at 5-9 Charlotte Street; construction of a café, gymnasium and use of Council's footpath for outdoor dining to Lot 17 DP 819022, Lots 1, 2 & 3 DP 194429 and Lot 1 DP 770875 and known as 1-3, 5-9 & 11 Charlotte Street Ashfield, subject to the following matters being satisfied:

1. Plan of Management (POM)

Further information is to be provided in the POM as follows:

- The extent of 'large function facilities' that are proposed to continue including the types of functions, times, groups and likely attendance numbers. How it is intended to manage these functions to ensure that they will not result in adverse amenity impacts on the locality.
- How the Club intends to manage the car parking needs of patrons to ensure any impacts on surrounding properties in the locality are minimised.
- The time and number of buses associated with use of the existing Club and proposed facilities. How the Club intends to ensure patron usage of the transport facilities and the method of supervising users arriving and departing from site using the Club buses.
- The Plan of Management is to specify and list all deliveries to the site and times and identify the location of deliveries and associated supervision. Refer to operational condition for specific restrictions.
- A lighting maintenance policy.
- A maintenance policy in relation to graffiti removal.
- The use of all external terraces and how they will be managed.
- The maximum number of patrons for each individual use and how the Club intends to ensure that these numbers are not exceeded.
- The restrictions to the Bottle Shop hours as indicated in the operational consent.
- In the event of a complaint being received by the operators from a neighbouring resident or person with respect to a disturbance to the quiet and good order of the neighbourhood, how the operators intends to deal with such complaints.
- An acoustic report being submitted detailing the use of the terraces
  accessed by areas identified as 'Admin' to the First Floor and 'Board
  Room' to the Second Floor. The report is to assess potential acoustic

This is Page 7 of the Minutes of the Ordinary Meeting of the Council of the Municipality of Ashfield held on Tuesday 13 November 2007

### MINUTES OF ORDINARY COUNCIL MEETING – 13 NOVEMBER

matters and provide recommendations in order to protect the amenity of surrounding properties.

- Full details of the 'shared way' and public infrastructure works proposed for Charlotte Street and Station Street to include: -
  - a) The existing kerb and gutter is to be removed and reconstructed on the proposed alignment.
  - b) The footpath shall be reconstructed using the type of pavers and pattern that have already been used in the surrounding area. (Pebblecrete pavers 400 x 400 x 60 honed, acid etched PPX540:400D and PPX49:400D.)
  - c) The footpath shall be constructed so that it has a minimum 2.5% crossfall from the property boundary to the proposed kerb.
  - d) All Council street drainage pits shall be located on the proposed kerb alignment and not within the footpath area. The use of heel safe grated drains in the footpath area will not be permitted.
  - e) In all areas where it is proposed to realign the kerb a new Council street drainage pit shall be constructed, these pits shall then be connected into Council's existing street pipe network using a minimum 375mm diameter concrete pipe.
  - f) The applicant will be responsible for providing and installing all street signage and road line marking associated with this development.
  - g) The raised share way shall be extended to incorporate the existing Pedestrian Crossing in Station Street. This pavement including the pavers colour and pattern, shall be approved by the relevant Road Authority being Ashfield Council.
  - b) All road asphalt works involved in matching the existing road pavement crossfall in both Charlotte Street and Station Street to the share way will be at the applicants expense.
- D Subject to C above being satisfied, an operational development consent be issued, subject to the conditions in the report subject to the following:-

Deletion of Section 94 Contribution - Car Parking (operational conditions).

An amendment was moved by Councillor Wangmann

This is Page 8 of the Minutes of the Ordinary Meeting of the Council of the Municipality of Ashfield held on Tuesday 13 November 2007

# MINUTES OF ORDINARY COUNCIL MEETING – 13 NOVEMBER 2007

D Subject to C above being satisfied, an operational development consent be issued, subject to the conditions in the report subject to the following:-

That the street awning be continuous and of similar style, seale and height to that existing in the street currently.

The amendment was accepted by the mover.

#### 474/07 RESOLVED McKenna/Stott

### That members of the public be permitted to address the meeting,

Mr M Farry Treasurer Catholic Club addressed the meeting at 8.21pm and concluded at 8.22pm.

A further amendment was moved by Councillor Wangmann

- 1. That Council does not support an increase of the gaming room area.
- 2. That no ATMs be permitted on the premises.

The amendment was not accepted by the mover.

The Mayor ruled that the amendments would be put separately.

The amendment (1) was lost.

A division was called and voting was as follows:-

For the amendment

Councillors Hawkins, Wangmann, Dale and Rerceretnam.

Against the amendment

Councillors Jones, Stott, Bonanno, Adams, McKenna, Drury, Gartrell and Cassidy.

The amendment (2) was lost.

A division was called and voting was as follows:-

For the motion

Councillors Hawkins, Wangmann and Rerceretnam.

Against the motion

Councillors Jones, Stott, Bonanno, Adams, Dale, McKenna, Drury, Gartrell and Cassidy.

This is Page 9 of the Minutes of the Ordinary Meeting of the Council of the Municipality of Ashfield held on Fuesday 13 November 2007

### MINUTES OF ORDINARY COUNCIL MEETING - 13 NOVEMBER

The Mayor ruled that the amendment (Wangmann) and Part D of the recommendation be put separately.

The amendment (Wangmann) was carried.

A division was called and voting was as follows:-

For the motion

Hawkins, Jones, Stott, Wangmann, Bonanno, Adams, Dale, McKenna, Rerceretnam, Drury, Gartrell and Cassidy.

Against the motion

Nil.

Part D of the recommendation (Bonanno/Adams) was lost.

A division was called and voting was as follows:-

For the motion

Councillors Jones, Bonanno, Adams, McKenna and Drury.

Against the motion

Councillors Hawkins, Stott, Wangmann, Dale, Rerceretnam, Gartrell and Cassidy.

#### 475/07

#### RESOLVED

Bonanno/Adams

- A The Objection pursuant to the provisions of State Environmental Planning Policy No 1 to the 'site area' in clause 20(a) of the Ashfield Local Environmental Plan 1985, is considered well founded and compliance with the standard would be unnecessary and unreasonable in this case for the following reasons:
  - The Club has been in existence since 1966 well before the gazettal of the Ashfield LEP in 1985 and this proposal seeks an alteration to an existing Club premise.
  - 4. The Club is located in the Ashfield CBD and in close proximity with Railway Station and other transport nodes.
- B The Objection pursuant to the provisions of State Environmental Planning Policy No 1 to the floor space ratio in clause 17B of the Ashfield Local Environmental Plan 1985, is considered well founded and compliance with the standard would be unnecessary and unreasonable in this case for the following reasons:

This is Page 10 of the Minutes of the Ordinary Meeting of the Council of the Municipality of Ashfield held on Tuesday 13 November 2007

#### MINUTES OF ORDINARY COUNCIL MEETING - 13 NOVEMBER

- 4. The increased floor space does not result in a bulk and scale that has an adverse impact upon adjoining properties through loss of solar access or privacy.
- 5. The increased floor space does not adversely affect the heritage significance of the heritage-listed items in its vicinity.
- 6. The increased floor area does not result in adverse traffic generation.
- C That pursuant to Clause 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) a Deferred Commencement consent be granted for Development Application No. 10,2006,299,1 for the demolition of 11 Charlotte Street, partial demolition of 1-3 Charlotte Street and alterations & additions to existing Club at 5-9 Charlotte Street; construction of a café, gymnasium and use of Council's footpath for outdoor dining to Lot 17 DP 819022, Lots 1, 2 & 3 DP 194429 and Lot 1 DP 770875 and known as 1-3, 5-9 & 11 Charlotte Street Ashfield, subject to the following matters being satisfied:





3. Plan of Management (POM)

Further information is to be provided in the POM as follows:

- · The extent of 'large function facilities' that are proposed to continue including the types of functions, times, groups and likely attendance numbers. How it is intended to manage these functions to ensure that they will not result in adverse amenity impacts on the locality.
- · How the Club intends to manage the car parking needs of patrons to ensure any impacts on surrounding properties in the locality are minimised.
- · The time and number of buses associated with use of the existing Club and proposed facilities. How the Club intends to ensure patron usage of the transport facilities and the method of supervising users arriving and departing from site using the Club buses,
- · The Plan of Management is to specify and list all deliveries to the site and times and identify the location of deliveries and associated supervision. Refer to operational condition for specific restrictions.
- · A lighting maintenance policy.
- · A maintenance policy in relation to graffiti removal.

This is Page 11 of the Minutes of the Ordinary Meeting of the Council of the Municipality of Ashfield held on Tuesday 13 November 2007

### MINUTES OF ORDINARY COUNCIL MEETING - 13 NOVEMBER

- The use of all external terraces and how they will be managed.
- The maximum number of patrons for each individual use and how the Club intends to ensure that these numbers are not exceeded.
- The restrictions to the Bottle Shop hours as indicated in the operational consent.
- In the event of a complaint being received by the operators from a neighbouring resident or person with respect to a disturbance to the quiet and good order of the neighbourhood, how the operators intends to deal with such complaints.
- 2. An acoustic report being submitted detailing the use of the terraces accessed by areas identified as 'Admin' to the First Floor and 'Board Room' to the Second Floor. The report is to assess potential acoustic matters and provide recommendations in order to protect the amenity of surrounding properties.
- Full details of the 'shared way' and public infrastructure works proposed for Charlotte Street and Station Street to include:
  - a) The existing kerb and gutter is to be removed and reconstructed on the proposed alignment.
  - b) The footpath shall be reconstructed using the type of pavers and pattern that have already been used in the surrounding area. (Pebblecrete pavers 400 x 400 x 60 honed, acid etched PPX540:400D and PPX49:400D.)
  - c) The footpath shall be constructed so that it has a minimum 2.5% crossfall from the property boundary to the proposed kerb.
  - d) All Council street drainage pits shall be located on the proposed kerb alignment and not within the footpath area. The use of heel safe grated drains in the footpath area will not be permitted.
  - e) In all areas where it is proposed to realign the kerb a new Council street drainage pit shall be constructed, these pits shall then be connected into Council's existing street pipe network using a minimum 375mm diameter concrete pipe.
  - f) The applicant will be responsible for providing and installing all street signage and road line marking associated with this development.

This is Fage 12 of the Minutes of the Ordinary Meeting of the Council of the Municipality of Ashfield held on Tuesday 13 November 2007

#### MINUTES OF ORDINARY COUNCIL MEETING - 13 NOVEMBER

- g) The raised share way shall be extended to incorporate the existing Pedestrian Crossing in Station Street. This pavement including the pavers colour and pattern, shall be approved by the relevant Road Authority being Ashfield Council.
- h) All road asphalt works involved in matching the existing road pavement crossfall in both Charlotte Street and Station Street to the share way will be at the applicants expense.
- Subject to C above being satisfied, an operational development consent be issued, subject to the conditions in the report subject to the following:-
  - That the street awning be continuous and of similar style, scale and height to that existing in the street currently.

Councillor Bonanno gave notice of rescission.

L. Barrier

This is Page 13 of the Minutes of the Ordinary Meeting of the Council of the Municipality of Ashfield held on Tuesday 13 November 2007

# MEMORANDUM

To: Mayor & Councillors

FROM: DPE

DATE: 19 November 2007

SUBJECT: Rescission Motion - Section 94 Car

Parking Contribution condition for Club

Ashfield DA

FILE: PA 2006.000024



Ashfield Municipal Council

Please note the following information on recent Council decisions relating to the imposition of S94 Car Parking Contributions on development applications. This is not an exhaustive list as identifying all properties that could be the subject of a recommendation for a car parking contribution would potentially require researching hundreds of development applications. This is a list compiled from the recollection of Council planning staff.

DA No.	Address	Potential S94 car parking contribution	Council decision	Voting Division
99,2906	262 Liverpool Road, Ashfield (Crocodile Farm Hotel)	\$106,451*	Deemed refused appeal to LEC successful. Court imposed the parking contribution.	N/A
221,2004	94A Ramsay Street, Haberfield	\$205,000	Not applied by Council	Not recorded
384,2003	122 Smith Street, Summer Hill	\$74,760	Not applied by Council	Not recorded
333,2003	2-4 Lackey Street, Summer Hill	\$18,690	Not applied by Council	Not recorded
286.2003	98 Ramsay Street, Haberfield	\$93,450	Not applied by Council	Not recorded
262.2003	60 Dalhousie Street. Haberfield	\$158,865	DA withdrawn	N/A
296.2002	185 Ramsay Street, Haberfield	\$26,700*	Applied by Council	Not recorded
216.2002	14 Lackey Street, Summer Hill	\$124,600	Not applied by Council	For: Pas, Stt, Vac, B-M, D'Ono, Cass, Chng, Herm, Bon Against: Jones W'mann
170,2002	25 Lackey Street, Summer Hill	\$240,300	Not applied by Council	Not recorded
30.2002	96 Ramsay Street, Haberfield	\$233,559	Not applied by Council	For Pas, Jon. Stt, Vac, W'man, D'Ono, Cass, Ching, Herm, Blds, Bon Against: B-M
TOTAL		\$1,282,366		

Since 2000 the Council has received a total of \$133,151\* in car parking contributions from two development applications. Most of the above DAs involved conversions of premises to cafes or restaurants or additions to commercial premises.

The current S94 Car Parking Contributions Plan was adopted by the Council on 26 July 2005 and only applies to the Ashfield CBD area. It was prepared by the former General Manager and is essentially a plan to recover funds already expended in the construction of the Brown Street Car Park in 2004. A copy of the Plan is attached.

The previous S94 Car Parking Contributions Plan applied to the whole of the Ashfield Municipality,

Phil Sarin DPE



# **Ashfield Municipal Council**

## **Section 94 Contribution Plan**

# **Public Car Parking**

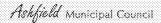
Effective: 26 July 2005

## Ashfield Municipal Council

## Contents

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3.	Land to which this Contributions Plan applies	4
4.	Nexus	4
5.	Priorities and Works Schedule	4
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7.	Plan Administration	5
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9,	Method of Payment	6
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Appendix A: Map showing areas within which public car parking contribution rates will apply.



# THE COUNCIL OF THE MUNICIPALITY OF ASHFIELD ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

#### SECTION 94 CONTRIBUTIONS PLAN 2005

#### PUBLIC CAR PARKING

#### 1. Introduction

This plan is referred to as the "Ashfield Section 94 Contributions Plan 2005: Public Car Parking", and supercedes the previous plan effective from 21 December 1993.

This plan seeks to support Council's strategic goals and community values by ensuring that the contributions provided by new development maintains and enhances the quality of life enjoyed by the community.

This plan is supported by:

- The Ashfield Local Environment Plan 1985, including any amendments;
- Any Development Control Plans applicable to the Ashfield Local Government Area, including any amendments;
- Ashfield Council's Management Plans.

#### 2. Purpose

This Contributions Plan will:

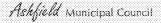
- Enable Ashfield Council to implement the objectives set out in Section 94 of the Environmental Planning and Assessment Act, and;
- Enable Ashfield Council to levy developer contributions for public car parking which has been provided by Council to meet the increased demand arising from new commercial development or the intensification of existing commercial development.

It is Council's preferred position that all developments satisfy the off-street car parking demands created by those developments, within the site being developed.

However, Council acknowledges that there will be instances where, due to:

- the dimensions of the site being developed;
- the maximum amount of off-street car parking which may reasonably or practically be provided on a site is restricted by the design or extent of the development that is proposed; and/or
- Council's desire to minimise the conflict between pedestrians and motor vehicles within centres by restricting the number of vehicular footpath crossings and Council considers that a centrally located public car park more suitably addresses the particular off-street car parking needs of a center;

Section 94 Contribution Plan 2005 Public Car Parking 3



Council may accept or require a contribution to be paid for the car parking spaces that cannot be provided within the development.

If the off-street car parking demands of a development cannot be satisfied within the site being developed and Council is unwilling to take upon itself the obligation to provide or enlarge a public car parking area to make up for this deficiency, Council will refuse to issue development consent.

Council is willing to accept contributions to provide public car parking in respect of applications for development consent within the environs of the Ashfield Town Centre.

Council will not accept cash contributions for residential components of developments. Parking for residents must be provided on the property.

Contributions will generally not be accepted for more than one-third of required spaces.

For the purposes of this plan, the off-street parking standards as specified by the Ashfield Town Centre DCP are deemed to be the minimum requirements for off-street parking in the Ashfield Town Centre.

#### 3. Land to which this Contribution Plan applies

This plan applies to land within the Ashfield Town Centre. The map in *Appendix A* indicates those areas within which public car parking contributions rates will apply.

#### 4. Nexus

Development in the Ashfield Town Centre which leads to increases in floor space, shoppers and workers will increase the demand for car parking. The increase in demand leads to a requirement to augment existing parking facilities, since there is insufficient capacity to meet the increased demand. Council has specific policies for augmenting car parking.

The parking contribution is for the shortfall between the number of spaces required according to Council's parking standards and the number of on-site spaces provided.

#### 5. Priorities and works schedule

#### Ashfield Town Centre

Council already provides areas of off-street car parking in the Ashfield Town Centre. Council recently constructed the Brown Street Car Park and this was primarily funded from sources other than Section 94 contributions. Where a car park has not been funded from Section 94 funds, it is appropriate to recover the

## Ashfield Municipal Council

cost of providing the new parking area by levying new development that does not comply with the requirements of Council's Car Parking code.

The cost of constructing the Brown Street Car Park was \$1,988,000 including an allowance for the appropriate land cost. The car park provides 80 car parking spaces giving a cost per car parking space of \$24,850.

Council has decided to apportion only 60% of the construction cost to new development with the remaining 40% of the construction cost apportioned to existing development within the Town Centre.

#### 6. Formula for calculating contributions

#### Ashfield Town Centre

The Section 94 Car Parking Contribution required will be calculated as follows:

 $C = A \times B \times N \times M$ 

where:

C - Section 94 Car Parking Contribution

A = Apportionment

B = Cost of providing a car parking space in the Brown Street Car Park

N = The shortfall in the number of parking spaces required to be provided

M = A factor to reflect the cost of administering this plan

For the Ashfield Town Centre Council has decided the apportionment will be 60%, and the plan administration cost will be 2% giving a contribution amount as follows.

 $C = 0.60 \times $24850 \times 1.02 \times N$ 

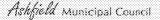
 $C = $15208 \times N$ 

#### 7. Plan Administration

To ensure that this plan is administered effectively and efficiently, Council is seeking contributions to manage, monitor and implement the plan. Council staff and specialist consultants are regularly involved in:

- · Preparing the plan
- Ongoing monitoring and review of the plan

Section 94 Contribution Plan 2005 Public Car Parking 5



- · Regular reviews to adjust contribution rates
- · Master planning of Section 94 infrastructure
- Research and investigation to amend/modify the plan.

Guidelines established by DIPNR allow for the costs directly associated with these tasks to be included as Section 94 Contributions. In line with these guidelines Council has adopted a cost factor of 2% to allow for administration of this plan.

#### 8. Indexation

Because the funds to construct the Brown Street Car Park have already been expended Council will not increase the contribution rate for the Ashfield Town Centre.

#### 9. Method of Payment

A monetary payment will be required for contributions made under this Plan. Monetary payment will only be accepted by:

- Cash
- · Bank Cheque (from an Australian bank only)
- EFTPOS (Debit only)

#### 10. Timing of Payment

Unless otherwise negotiated, payment for Section 94 contributions is to be made at the following stages:

- For a development application involving subdivision before the issue of any Construction Certificate related to the site works or before the issue of the Subdivision Certificate, whichever occurs first;
- For development applications involving building works before the issue of the Construction Certificate;
- For development applications involving both subdivision and building work – before the issue of the Construction Certificate or before the issue of the Subdivision Certificate, whichever occurs first;
- For development applications where no construction or subdivision certificate is required – at the time of issue of notification of consent or prior to the commencement of the approved use, or prior to the occupation of the premises, as may be determined by Council.

#### 11. Deferred and Periodic Payment of Contributions

Council may decided to accept the deferred or periodic payment of a monetary contribution if the applicant satisfies Council that compliance with the provisions of this Plan as to when contributions are payable is unreasonable or unnecessary in the circumstances of the case and that non-compliance will not prejudice the timing or the manner of the provision of the public amenity or public service for

Section 94 Contribution Plan 2005 Public Car Parking 5

### Askfield Municipal Council

which the contribution was required. The period of time for deferring payments is flexible but will be generally limited to a maximum of twelve (12) months.

Council may, if it decides to accept the deferred or periodic payment of a monetary contribution, require the applicant to provide a bank guarantee by an Australian bank for the contribution or the outstanding balance:

The bank guarantee:

- (1) requires the bank to pay the guaranteed amount unconditionally to the Council if the Council so demands in writing not earlier than the period specified in the consent, (generally limited to a maximum of 12 months) from the provision of the guarantee or completion of the development or stage of the development to which the contribution or part relates.
- (2) prohibits the banks from:
  - having recourse to the applicant or other person entitled to act upon the consent; or
  - having regard to any appeal, dispute, controversy, issue or other matter relating to the consent or the carrying out of development in accordance with the consent, before paying the guaranteed amount;
- (3) provides that the banks obligations are discharged:
  - when payment is made to the Council according to the terms of the bank guarantee;
  - the related consent lapses; or
  - if the Council otherwise notifies the bank in writing that the bank guarantee is no longer required.

Applicants seeking a deferred payment of Section 94 contributions need to request such in their development application submission and incorporate details addressing the above matters.

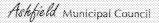
In the event that development consent has already been granted for the proposed development, it would be necessary to lodge an application under Section 96 of the Environmental Planning and Assessment Act in the prescribed manner seeking approval to modify the subject condition(s) of consent to permit deferred payment of the assessed contribution(s).

#### 12. Transitional Provisions

Any development application lodged before the date that the Ashfield Section 94 Contribution Plan 2005 Public Car Parking is made effective shall be subject to the requirements of the 1993 Ashfield Contribution Plan.

Any development application received on or after the date that the Ashfield Section 94 Contribution Plan 2005 Public Car Parking is made effective shall be subject to the requirements of this Plan.

Section 94 Contribution Plan 2005 Public Car Parking



#### 13. Contribution Plan Account

When a payment for a financial contribution under this Plan is received, Council will deposit it into a separate account for Section 94 contributions. Any interest on money in this account will be credited to the account.

#### 14. Section 94 Contribution Register

Council is responsible for maintaining an up-to-date register of the administrative details of Section 94 transactions. This register is updated periodically and is able to be viewed at no cost.

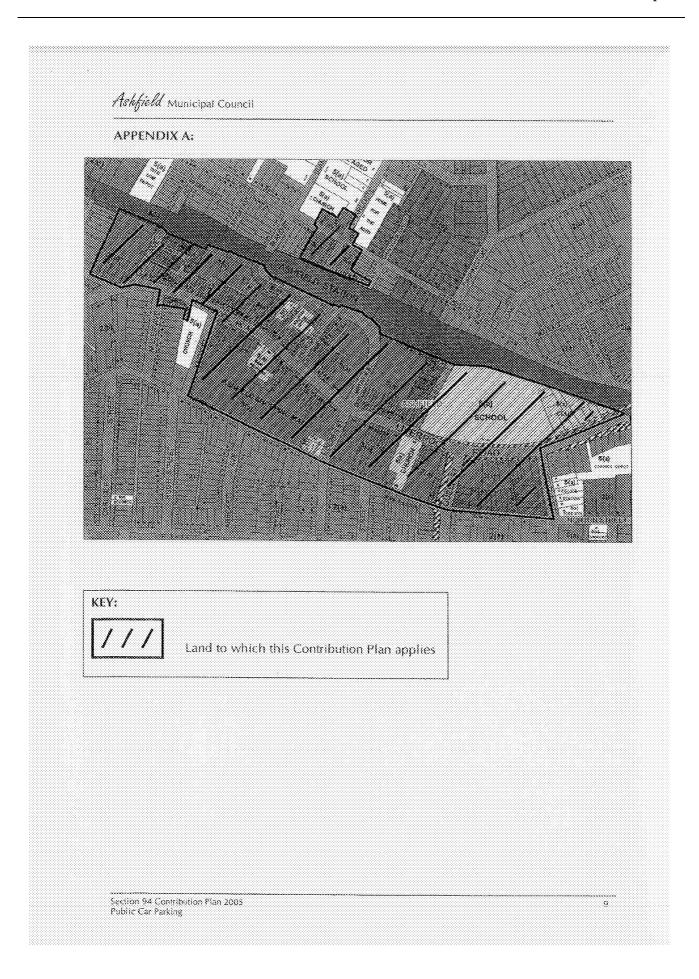
In accordance with clause 34 of the Environmental Planning and Assessment Regulation 2000, the contributions register will contain the following details:

- particulars sufficient to identify each development consent for which a Section 94 condition has been imposed.
- the nature and extent of the Section 94 contribution required by the condition for each public amenity and service;
- · the contributions plan under which the condition was imposed; and
- the dates or dates on which any Section 94 contribution required by the condition was received and its nature and extent.

#### 15. Review of the Plan

The contribution rates will be reviewed on an annual basis as from 1 July each year. Review will take place in line with Council's Management Plan.

A full review of the Plan will take place every 5 years. This is a suitable timeframe within which to establish trends in development and population within the Ashfield LGA.



#### MINUTES OF DEVELOPMENT APPROVALS COMMITTEE MEETING -**12 OCTOBER 2004**

#### CORRESPONDENCE AND REPORTS

DEVELOPMENT APPLICATION 2004,221

94A RAMSAY STREET, HABERFIELD, Town Planner, Report submitted with

attachments 1 to 6.

(30-Sep-04) 10.2004.221

h:\reports.bp\DAC\Reports\DAC121004DA 95.doc DAC 6.3 Attached

D196/04

D197/04

RESOLVED

RESOLVED

Herman/Dale

That members of the public be permitted to address the meeting.

Mr S Shevloa 94A Ramsay Street Haberfield addressed the meeting at 8,14pm and concluded at 8.20pm.

Cassidy/Dale

That Council as the consent authority pursuant to Section 80 of the Environmental Planning & Assessment Act 1979 grant consent to Development Application No. 2004.221 for the change of use from a video shop to a pizzeria restaurant at 94A Ramsay Street, Haberfield, subject to the conditions in the report, with the deletion of condition C(2).

AM C Records Section

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This is Page 5 of Attachment "MDA" referred to in the Minutes of Council Meeting 23 November 2004

MINUTES OF DEVELOPMENT APPROVALS COMMITTEE MEETING - 16 MARCH 2004

MINUTES OF MATTERS DETERMINED BY THE DEVELOPMENT APPROVALS COMMITTEE MEETING OF THE COUNCIL OF THE MUNICIPALITY OF ASHFIELD UNDER DELEGATED AUTHORITY PURSUANT TO MINUTE NO. 254/00 HELD IN THE COUNCIL CHAMBERS, LEVEL 3, CIVIC CENTRE, 260 LIVERPOOL ROAD, ASHFIELD ON TUESDAY, 16 MARCH 2004, COMMENCING AT 6:41PM.

#### CORRESPONDENCE AND REPORTS

A M C Records Section

DEVELOPMENT APPLICATION 2003,384 MAIL REGISTRATION 122 SMITH STREET, SUMMER HILL TOWN Planner Report submitted with attachments 1 and 2.

(05-Mar-04)

REGISTERED 1 8 MAR 2008 0.2003.384 h:\reports.bp\DAC\Reports\DAC160304DA\_23.doc

DOC TYPE 19 DAC 6.4 attached DOC NO. 6/1
ACTION OFFICER PS-5-1
COPY TO.

D42/04

RESOLVED

Stott/Vaccari

Ms A Martin 122 Smith Street Summer Hill addressed the meeting at 7.54pm and concluded at 7.59pm.

A motion was moved by Councillor Stott seconded Councillor Vaccari

That Development Application No. 2003.334 for the change of use of upper level of building from a photographic studio to a function room and office associated with the café on the ground floor of the building at 122 Smith Street, Summer Hill be approved subject to the conditions in the report with the following amendments:-

Desploy

the deletion of clause C (2) relating to the section 94 contributions – car parking

the deletion of clause H (8) Alcohol prohibited

RESOLVED

Wangmann/Vaccari

That Ms Martin be permitted to readdress the meeting.

Ms Martin addressed the meeting at 8.06pm and concluded at 8.07pm.

D43/04

A motion was foreshadowed by Councillor Passas

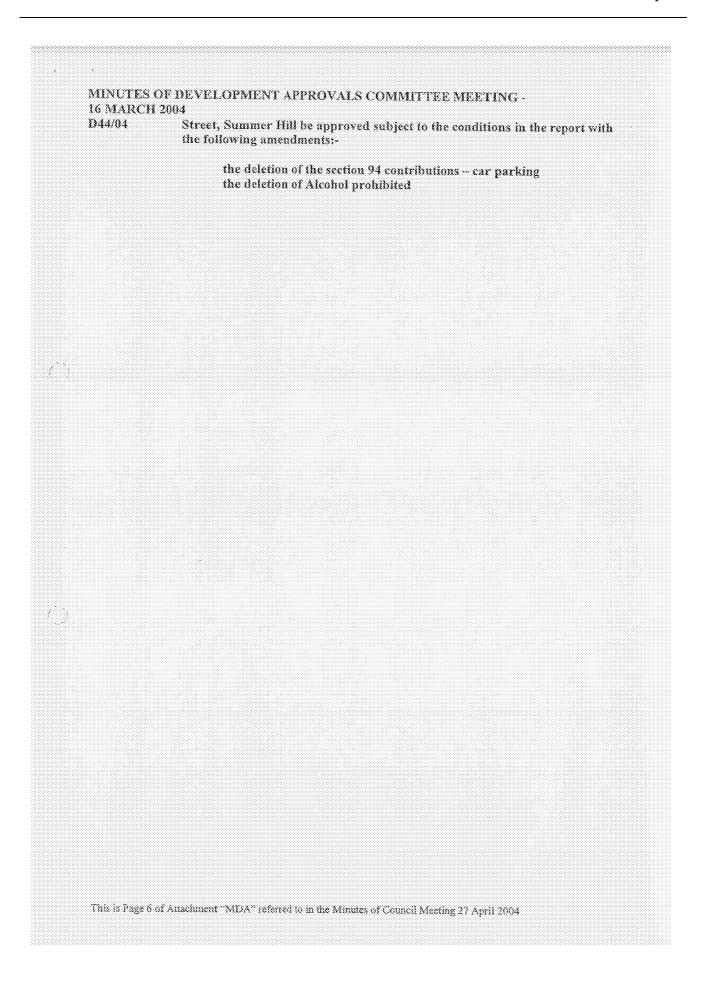
That Development Application No. 2003.384 for the change of use of upper level of building from a photographic studio to a function room and office associated with the café on the ground floor of the building at 122 Smith Street, Summer Hill be deferred.

RESOLVED

Stott/Vaccari

That Development Application No. 2003.384 for the change of use of upper level of building from a photographic studio to a function room and office associated with the café on the ground floor of the building at 122 Smith

This is Page 5 of Attachment "MDA" referred to in the Minutes of Council Meeting 27 April 2004



MINUTES OF DEVELOPMENT APPROVALS COMMITTEE MEETING - 16 MARCH 2004

MINUTES OF MATTERS DETERMINED BY THE DEVELOPMENT APPROVALS COMMITTEE MEETING OF THE COUNCIL OF THE MUNICIPALITY OF ASHFIELD UNDER DELEGATED AUTHORITY PURSUANT TO MINUTE NO. 254/88 HELD IN THE COUNCIL CHAMBERS, LEVEL 3, CTVIC CENTRE, 268 LIVERPOOL ROAD, ASHFIELD ON TUESDAY, 16 MARCH 2884, COMMENCING AT 6:41PM.

#### CORRESPONDENCE AND REPORTS

DEVELOPMENT APPLICATION 2003,333

1/2-4 LACKEY STREET, SUMMER HILL. Town Planner. Report submitted with attachments 1 to 3.

(05-Mar-04)

10.2003.333

h:\reports.bp\DAC\Reports\DAC160304DA\_24.doc

DAC 6.3 attached

D39/04

RESOLVED

Herman/Cassidy

That members of the public be permitted to address the meeting,

19/3/34

Mr Oldfield 7/60 Carlton Crescent Summer Hill representing the body corporate addressed the meeting at 7.32pm and concluded at 7.40pm.

Ms J Kelly 292 Old Canterbury Road Summer Hill addressed the meeting at 7.40pm and concluded at 7.42pm.

D40/04

RESOLVED

Wangmann/Stott

That Mr Oldfield be permitted to readdress the meeting.

Mr Oldfield addressed the meeting at 7.45pm and concluded at 7.46pm.

D41/04

RESOLVED

Passas/Stott

That Development Application No. 2003.333 for change of use to cafe at 1/2-4 Lackey Street, Summer Hill, be approved subject to the conditions in the report with the deletion of clause C (2) relating to the carparking contribution on the basis that most of the patronage will be passing pedestrian traffic.

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COPY No.

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This is Page 4 of Astachment "MDA" referred to in the Minutes of Council Meeting 27 April 2004

MINUTES OF MATTERS DETERMINED BY THE DEVELOPMENT APPROVALS COMMITTEE MEETING -- 18 NOVEMBER 2003

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MINUTES OF MATTERS DETERMINED BY THE DEVELOPMENT APPROVALS COMMITTEE MEETING OF THE COUNCIL OF THE MUNICIPALITY OF ASHFELD UNDER DELEGATED AUTHORITY PURSUANT TO MINUTE NO 254/00 HELD IN THE COUNCIL CHAMBERS, I EVEL 3. CIVIC CENTRE, 260 LIVERPOOL ROAD, ASHFIELD ON TUESDAY 18 NOVEMBER 2003. COMMENCING AT 6.42PM.

### CORRESPONDENCE AND REPORTS

DEVELOPMENT APPLICATION 2003,286

98 RAMSAY STREET, HABERFIELD. Town Planner. Report submitted with

attachments 1 to 5.

10.2003.286

h:\reports.bp\dac\reports\dac181103da\_305.doc

DAC 6.5 attached

D293/03

RESOLVED

(14/11/03)

D'Onofrio/Cassidy

That Development Application No. 2003.286 for the change of use of the building to a café and children's party venue, alterations and additions including new shopfront, restoration of front verandah and rear addition of a toilet at 98 Ramsay Street, Haberfield, be approved subject to the conditions in the report.

> AM C Records Section MAIL REGISTRATION

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This is Page 7 of Attachment "MDA" referred to in the Minutes of Council Meeting 9 December 2003

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MINUTES OF MATTERS DETERMINED BY THE DEVELOPMENT APPROVALS COMMITTEE MEETING OF THE COUNCIL OF THE MUNICIPALITY OF ASHITELD UNDER DELEGATED AUTHORITY PURSUANT TO MINUTE NO 254/00 HELD IN THE COUNCIL CHAMBERS, LEVEL 3, CIVIC CENTRE, 260 LIVERPOOL ROAD, ASHFIELD ON TUESDAY 4 FEBRUARY 2003, COMMENCING AT 6:30 PM. 4 FEBRUARY 2003

> DEVELOPMENT APPLICATION 2002,296 185 RAMSAY STREET, HABERFIELD. Team Leader - Development Assessment Officer, Report submitted with attachments 1 to 6. (21/01/2003)10.2002.296

> > h:\reports.bp\DAC\Reports\DAC040203DA 156.doc

DAC 6.4 attached

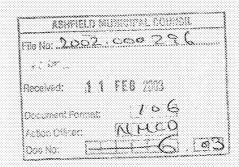
D08/03

RESOLVED

D'Onofrio/Cassidy

That Development Application No. 296/2002 for alterations and additions to a former Salvation Army Church Hall and use as a fruit and vegetable market at 185 Ramsay Street, Haberfield, be approved subject to the conditions indicated in the report with the following amendment;

That condition B(1) (a) be deleted and that a further condition be inserted to require (5) spaces only and an increase in Section 94 Contribution accordingly.



This is Page 5 of Attachment "MDA" referred to in the Minutes of Council Meeting 25 February 2003

MINUTES OF MATTERS DETERMINED BY DEVELOPMENT APPROVALS COMMITTEE UNDER DELEGATED AUTHORITY PURSUANT TO MINUTE NO. 254/00 - 3 SEPTEMBER 2002

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MINUTES OF MATTERS DETERMINED BY THE DEVELOPMENT APPROVALS COMMITTEE MEETING OF THE COUNCIL OF THE MUNICIPALITY OF ASHFIELD UNDER DELEGATED AUTHORITY PURSUANT TO MINUTE NO 254/00 HELD IN THE COUNCIL CHAMBERS, LEVEL 3. CIVIC CENTRE. 260 LIVERPOOL ROAD, ASHFIELD ON TUESDAY 3 SEPTEMBER 2002. COMMENCING AT 6.36PM

#### CORRESPONDENCE AND REPORTS

DEVELOPMENT APPLICATION 2002.216 14 LACKEY STREET, SUMMER HILL Town Planner. Report submitted with attachments 1 to 3. (21/08/02)10.2002.216

h:\reports.bp\dac\reports\2002\dac030902DA\_78.doc DAC 5.4 attached

A motion was moved by Councillor Stott seconded Councillor Passas

That Development Application No. 2002/216 for change of use of ground floor to restaurant plus associated fit-out, alterations to existing toilet to a disabled toilet to rear of building and change of use of upper level to offices used in association with the ground floor restaurant at 14 Lackey Street, Summer Hill, be approved subject to the conditions indicated in the report.

A motion was foreshadowed by Councillor Iones

That Development Application No. 2002/216 for change of use of ground floor to restaurant plus associated fit-out, alterations to existing soilet to a disabled toilet to rear of building and change of use of upper level to offices used in association with the ground floor restaurant at 14 Lackey Street, Summer Hill, be deferred.

D236/02 RESOLVED Stott/Passas

> That Development Application No. 2002/216 for change of use of ground floor to restaurant plus associated fit-out, alterations to existing toilet to a disabled toilet to rear of building and change of use of upper level to offices used in association with the ground floor restaurant at 14 Lackey Street, Summer Hill, be approved subject to the conditions indicated in the report.

A division was called and the voting was as follows:-

For the motion

Councillors Passas, Stott, Vaccari, Brooks Maher, D'Chofrio, Cassirly, Cheinig, Herman and Bonanno

Against the motion

DA 216/02 Councillors Jones and Wangmann

8 · SEP 700

This is Page 4 of Attachment "MDA" referred to in the Minutes of Council Meeting 24 September 2002

MINUTES OF MATTERS DETERMINED BY .

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MINUTES OF MATTERS DETERMINED BY THE DEVELOPMENT APPROVALS COMMITTEE MEETING OF THE COUNCIL OF THE MUNICIPALITY OF ASHFIELD UNDER DELEGATED AUTHORITY PURSUANT TO MINUTE NO 254/98 HELD IN THE COUNCIL CHAMBERS, LEVEL 3. CIVIC CENTRE, 269 LIVERPOOL ROAD, ASHFIELD ON TUESDAY 16 JULY 2002, COMMENCING AT 6:37 PM.

### CORRESPONDENCE AND REPORTS

#### DEVELOPMENT APPLICATION 2002,170

25 LACKEY STREET, SUMMER HILL. Town Planner, Report submitted with attachments 1 to 5. (3/07/2002).

10.2002.170 h:\reports.bp\DAC\Reports\DAC160702DA\_51.doc

DAC 6.6 attached

D189/02

RESOLVED

Stott/Jones

That members of the public be permitted to address the meeting.

Mr Markessinis owner of Mancini's Pizzeria Summer Hill addressed the meeting 8.55pm and concluded at 9.00pm.

D190/02

RESOLVED

Stott/Jones

- 1/2 That Development Application No. 2002.170 for alterations, pergola addition, signage and use as a pizzeria at 25 Lackey Street, Summer Hill, be approved subject to the conditions indicated in the report.
- 2/2 That Council agree to demolishing approximately 2.5 metres of the brick wall on Council's property adjacent to 25 Lackey Street, Summer Hill to improve visibility for vehicles using the proposed pizzeria's on-site carparking subject to the applicant paying the cost of removal of the wall and that the General Manager be given delegated authority to deal with this matter.

This is Page 11 of Attachment "MDA" referred to in the Minutes of Council Meeting 27 August 2002

MINUTES OF MATTERS DETERMINED BY DEVELOPMENT APPROVALS COMMITTEE UNDER DELEGATED AUTHORITY PURSUANT TO MINUTE NO. 254/00 - 19 MARCH 2002

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MINUTES OF MATTERS DETERMINED BY THE DEVELOPMENT APPROVALS COMMITTEE MRETING OF THE COUNCIL OF THE MUNICIPALITY OF ASHFIELD UNDER DELEGATED AUTHORITY PURSUANT TO MINUTE NO 154/60 HELD IN THE COUNCIL CHAMBERS, LEVEL 3. CIVIC CENTRE, 268 LIVERPOOL ROAD, ASHFIELD ON TUESDAY 19 MARCH 2002. COMMENCING AT 6.30PM

# CORRESPONDENCE AND REPORTS

DEVELOPMENT APPLICATION 030/02

96 RAMSAY STREET HABERFIELD. Town Planner. Report submitted

with attachments 1 to 6.

039 848

(11/03/02)

b.\rsports.bp\dac\reports\2002\damar3r10.doc

DAC 6.10 attached

D74/02

RESOLVED Herman/Blades

That members of the public be permitted to address the meeting.

 $M_{
m f}$  D Sutton on behalf of the Haberfield Association addressed the meeting at 9.49pm and concluded at 9.50pm.

Mr C Filmer Architect 115 Ramsay Street Haberfield addressed the meeting at 9.53pm and concluded at 9.56pm

A motion was moved by Councillor Brooks Maher seconded Councillor Stott

That development application no. 2002/30 for alterations and additions to existing building involving change of use of two-storey component to restaurant use at 96 Ramsay Street, Haberfield, be deferred for further notification and that the report be brought to the development approvals committee in 2 weeks time for determination.

The motion was lost.

A division was called and the voting was as follows:-

For the motion

Councillors Wangmann and Brooks Maher

Against the motion

Councillors Passas, Iones, Stott, Vaccari, D'Onofrio, Cassidy, Cheung, Herman, Blades and Bonanno

D78/02

RESOLVED

Cassidy/D'Onofrio

That development application no. 2002/30 for alterations and additions to existing building involving change of use of two-storey component to

This is Page 15 of Attachment "MDA" referred to in the Minutes of Council Meeting 26 March 2002

MINUTES OF MATTERS DETERMINED BY DEVELOPMENT APPROVALS COMMITTEE UNDER DELEGATED AUTHORITY PURSUANT TO MINUTE NO. 254/00 – 19 MARCH 2002

restaurant use at 96 Ramsay Street, Haberfield, be approved subject to the conditions indicated in the report.

A division was called and the voting was as follows:-

For the motion

Councillors Passas, Jones, Stott, Vaccari, Wangmann, D'Onofrio, Cassidy, Cheung, Herman, Blades and Bonanno

Against the motion

Councillor Brooks Maher

This is Page 16 of Attachment "MDA" referred to in the Minutes of Council Meeting 26 March 2002

Ashfield Municipal Council -- Report to Extraordinary Council Meeting held on Tuesday 20 November 2007

10.2006.299.1

# NOTICE OF MOTION OF WHICH DUE NOTICE HAS BEEN GIVEN BY

#### COUNCILLORS MARK BONANNO, N ADAMS AND L MCKENNA

#### 1-3, 5-9 and 11 CHARLOTTE STREET ASHFIELD

#### RESCISSION MOTION

#### To move Notice of Motion No.

We the undersigned give notice to hereby move rescission of the decision of Council at its meeting on Tuesday 13 November 2007 relating to 1-3,5-9 and 11 Charlotte Street Ashfield which reads as follows:

#### 475/07 RESOLVED Bonanno/Adams

- A The Objection pursuant to the provisions of State Environmental Planning Policy No 1 to the 'site area' in clause 20(a) of the Ashfield Local Environmental Plan 1985, is considered well founded and compliance with the standard would be unnecessary and unreasonable in this case for the following reasons:
  - The Club has been in existence since 1966 well before the gazettal of the Ashfield LEP in 1985 and this proposal seeks an alteration to an existing Club premise.
  - The Club is located in the Ashfield CBD and in close proximity with Railway Station and other transport nodes.
- B The Objection pursuant to the provisions of State Environmental Planning Policy No 1 to the floor space ratio in clause 17B of the Ashfield Local Environmental Plan 1985, is considered well founded and compliance with the standard would be unnecessary and unreasonable in this case for the following reasons:
  - The increased floor space does not result in a bulk and scale that has an adverse impact upon adjoining properties through loss of solar access or privacy.
  - 2. The increased floor space does not adversely affect the heritage significance of the heritage-listed items in its vicinity.
  - 3. The increased floor area does not result in adverse traffic generation.
- C That pursuant to Clause 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) a Deferred Commencement consent be granted for Development Application No. 10.2006.299.1 for the demolition of 11 Charlotte Street, partial demolition of 1-3 Charlotte Street and alterations & additions to existing Club at 5-9 Charlotte Street; construction of a café, gymnasium and use

Ashfield Municipal Council - Report to Extraordinary Council Meeting held on Tuesday 20 November 2007

#### 1-3, 5-9 and 11 CHARLOTTE STREET ASHFIELD

of Council's footpath for outdoor dining to Lot 17 DP 819022, Lots 1, 2 & 3 DP 194429 and Lot 1 DP 770875 and known as 1-3, 5-9 & 11 Charlotte Street Ashfield, subject to the following matters being satisfied:

#### 1. Plan of Management (POM)

Further information is to be provided in the POM as follows:

- The extent of 'large function facilities' that are proposed to continue including the types of functions, times, groups and likely attendance numbers. How it is intended to manage these functions to ensure that they will not result in adverse amenity impacts on the locality.
- How the Club intends to manage the car parking needs of patrons to ensure any impacts on surrounding properties in the locality are minimised.
- The time and number of buses associated with use of the existing Club and proposed facilities. How the Club intends to ensure patron usage of the transport facilities and the method of supervising users arriving and departing from site using the Club buses.
- The Plan of Management is to specify and list all deliveries to the site and times and identify the location of deliveries and associated supervision. Refer to operational condition for specific restrictions.
- · A lighting maintenance policy.
- · A maintenance policy in relation to graffiti removal.
- The use of all external terraces and how they will be managed.
- The maximum number of patrons for each individual use and how the Club intends to ensure that these numbers are not exceeded.
- The restrictions to the Bottle Shop hours as indicated in the operational consent.
- In the event of a complaint being received by the operators from a neighbouring resident or person with respect to a disturbance to the quiet and good order of the neighbourhood, how the operators intends to deal with such complaints.
- 2. An acoustic report being submitted detailing the use of the terraces accessed by areas identified as 'Admin' to the First Floor and 'Board Room' to the Second Floor. The report is to assess potential acoustic matters and provide recommendations in order to protect the amenity of surrounding properties.

Ashfield Municipal Council – Report to Extraordinary Council Meeting held on Tuesday 20 November 2007

#### 1-3, 5-9 and 11 CHARLOTTE STREET ASHFIELD

- Full details of the 'shared way' and public infrastructure works proposed for Charlotte Street and Station Street to include: -
  - a) The existing kerb and gutter is to be removed and reconstructed on the proposed alignment.
  - b) The footpath shall be reconstructed using the type of pavers and pattern that have already been used in the surrounding area. (Pebblecrete pavers 400 x 400 x 60 honed, acid etched PPX540:400D and PPX49:400D.)
  - c) The footpath shall be constructed so that it has a minimum 2.5% crossfall from the property boundary to the proposed kerb.
  - d) All Council street drainage pits shall be located on the proposed kerb alignment and not within the footpath area. The use of heel safe grated drains in the footpath area will not be permitted.
  - e) In all areas where it is proposed to realign the kerb a new Council street drainage pit shall be constructed, these pits shall then be connected into Council's existing street pipe network using a minimum 375mm diameter concrete pipe.
  - f) The applicant will be responsible for providing and installing all street signage and road line marking associated with this development.
  - g) The raised share way shall be extended to incorporate the existing Pedestrian Crossing in Station Street. This pavement including the pavers colour and pattern, shall be approved by the relevant Road Authority being Ashfield Council.
  - h) All road asphalt works involved in matching the existing road pavement crossfall in both Charlotte Street and Station Street to the share way will be at the applicants expense.
- D Subject to C above being satisfied, an operational development consent be issued, subject to the conditions in the report subject and subject to the following:-
  - that the street awning be continuous and of similar style, scale and height to that existing in the street currently.

#### Officers Comments

An addendum to the original DA assessment report will be distributed prior to the 20<sup>th</sup> November 2007.

#### ATTACHMENTS

There are no supporting documents for this report.

Ashfield Municipal Council – Report to Extraordinary Council Meeting held on Tuesday 20 November 2007

#### 1-3, 5-9 and 11 CHARLOTTE STREET ASHFIELD

Accordingly, I move:-

That the Minute No. 475/97 be rescinded.

#### Alternative motion should rescission be carried:

- A The Objection pursuant to the provisions of State Environmental Planning Policy No 1 to the 'site area' in clause 20(a) of the Ashfield Local Environmental Plan 1985, is considered well founded and compliance with the standard would be unnecessary and unreasonable in this case for the following reasons:
  - The Club has been in existence since 1966 well before the gazettal of the Ashfield LEP in 1985 and this proposal seeks an alteration to an existing Club premise.
  - 2. The Club is located in the Ashfield CBD and in close proximity with Railway Station and other transport nodes.
- B The Objection pursuant to the provisions of State Environmental Planning Policy No 1 to the floor space ratio in clause 17B of the Ashfield Local Environmental Plan 1985, is considered well founded and compliance with the standard would be unnecessary and unreasonable in this case for the following reasons:
  - The increased floor space does not result in a bulk and scale that has an adverse impact upon adjoining properties through loss of solar access or privacy.
  - 2. The increased floor space does not adversely affect the heritage significance of the heritage-listed items in its vicinity.
  - 3. The increased floor area does not result in adverse traffic generation.
- C That pursuant to Clause 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) a Deferred Commencement consent be granted for Development Application No. 10.2006.299.1 for the demolition of 11 Charlotte Street, partial demolition of 1-3 Charlotte Street and alterations & additions to existing Club at 5-9 Charlotte Street; construction of a café, gymnasium and use of Council's footpath for outdoor dining to Lot 17 DP 819022, Lots 1, 2 & 3 DP 194429 and Lot 1 DP 770875 and known as 1-3, 5-9 & 11 Charlotte Street Ashfield, subject to the following matters being satisfied:
  - 1. Plan of Management (POM)

Further information is to be provided in the POM as follows:

- The extent of 'large function facilities' that are proposed to continue including
  the types of functions, times, groups and likely attendance numbers. How it is
  intended to manage these functions to ensure that they will not result in
  adverse amenity impacts on the locality.
- How the Club intends to manage the car parking needs of patrons to ensure any impacts on surrounding properties in the locality are minimised.

Ashfield Municipal Council - Report to Extraordinary Council Meeting held on Tuesday 20 November 2007

#### 1-3, 5-9 and 11 CHARLOTTE STREET ASHFIELD

- The time and number of buses associated with use of the existing Club and proposed facilities. How the Club intends to ensure patron usage of the transport facilities and the method of supervising users arriving and departing from site using the Club buses.
- The Plan of Management is to specify and list all deliveries to the site and times and identify the location of deliveries and associated supervision. Refer to operational condition for specific restrictions.
- · A lighting maintenance policy.
- · A maintenance policy in relation to graffiti removal.
- The use of all external terraces and how they will be managed.
- The maximum number of patrons for each individual use and how the Club intends to ensure that these numbers are not exceeded.
- The restrictions to the Bottle Shop hours as indicated in the operational consent.
- In the event of a complaint being received by the operators from a neighbouring resident or person with respect to a disturbance to the quiet and good order of the neighbourhood, how the operators intends to deal with such complaints.
- An acoustic report being submitted detailing the use of the terraces accessed by areas identified as 'Admin' to the First Floor and 'Board Room' to the Second Floor. The report is to assess potential acoustic matters and provide recommendations in order to protect the amenity of surrounding properties.
- Full details of the 'shared way' and public infrastructure works proposed for Charlotte Street and Station Street to include:
  - a) The existing kerb and gutter is to be removed and reconstructed on the proposed alignment.
  - b) The footpath shall be reconstructed using the type of pavers and pattern that have already been used in the surrounding area. (Pebblecrete pavers 400 x 400 x 60 honed, acid etched PPX540:400D and PPX49:400D.)
  - b) The footpath shall be constructed so that it has a minimum 2.5% crossfall from the property boundary to the proposed kerb.
  - c) All Council street drainage pits shall be located on the proposed kerb alignment and not within the footpath area. The use of heel safe grated drains in the footpath area will not be permitted.

Ashfield Municipal Council – Report to Extraordinary Council Meeting held on Tuesday 20 November 2007

### 1-3, 5-9 and 11 CHARLOTTE STREET ASHFIELD

- d) In all areas where it is proposed to realign the kerb a new Council street drainage pit shall be constructed, these pits shall then be connected into Council's existing street pipe network using a minimum 375mm diameter concrete pipe.
- f) The applicant will be responsible for providing and installing all street signage and road line marking associated with this development.
- g) The raised share way shall be extended to incorporate the existing Pedestrian Crossing in Station Street. This pavement including the pavers colour and pattern, shall be approved by the relevant Road Authority being Ashfield Council.
- h) All road asphalt works involved in matching the existing road pavement crossfall in both Charlotte Street and Station Street to the share way will be at the applicants expense.
- D Subject to C above being satisfied, an operational development consent be issued, subject to the conditions in the report and subject to the following:
  - . deletion of Section 94 Contribution Car Parking (operational condition)
  - That the street awning be continuous and of similar style, scale and height to that existing in the street currently.

Mark Bonanno

N Adams

L McKenna

. 2.000-2.

Subject DEVELOPMENT APPLICATION 10,2006,299,1

1-3, 5-9 AND 11 CHARLOTTE STREET, ASHFIELD

File No 10.2006.299.1

Prepared by Martin Amy - Town Planner

Reasons Application requires Council determination.

Objective For Council to determine the application.

Strategic Plan Link Not Applicable

Activity

2.11 Development & Building Control, Strategic Planning

### Overview of Report

Management Plan

### 1.0 Description of Proposal

Pursuant to Clause 78A(1) of the Environmental Planning and Assessment Act 1979, this application seeks Council's consent to the demolition of LI Charlotte Street, partial demolition of L3 Charlotte Street and alterations & additions to existing Club at 5-9 Charlotte Street to include the construction of a café and gymnasium at 1-3, 5-9 & 11 Charlotte Street Ashfield to include:

- Demolition of an existing two-storey building at 11 Charlotte Street
- Partial demolition of the two-storey building on the corner of Charlotte and Station Streets
- (1-3 Charlotte Street) with the retention of the (acades to Charlotte and Station Streets
- Returbishment and extensions to the existing Club at 5 9 Charlotte Street
- Construction of a gymnasium
- Construction of ground level cafe
- Widening of footpath, and mising of road level to the corner of Charlotte and Station Streets.
- Street tree-planting to Charlotte and Station Streets
- Outdoor dining for café to Charlotte Street

## Background

### 2.0 Summary Recommendation

The development is considered to be generally satisfactory, however, further more detailed information is require in relation to the proposed 'shared vehicle/pedestrian way' for Charlotte/Station Streets, the Plan of Management and acoustic information in respect to the terraces to the north of the site.

Therefore, the development is recommended for deferred commencement approval.

### DEVELOPMENT APPLICATION 10.2006.299.1

### 1-3, 5-9 AND 11 CHARLOTTE STREET, ASHFIELD

## 3.0 Application Details

Applicant : Form Architects Pty Ltd

Owner : Ashfield Catholic & Community Club Ltd

Value of work : \$4 million

Lot/DP : Lot: 17 DP: 819022

Lots: 1, 2 & 3 DP: 194429

Lots: 1 DP: 770875

Date lodged : 06/12/2006

Date of last amendment : 19 February 2007

Building classification : 9b, 6 Application Type : Local Construction Certificate : No

### 4.0 Site and Surrounding Development

The subject site is a located on the corner of Charlotte and Station Streets. The amalgamated site area is approximately 1118.2 square metres. An existing Club, restaurant and vacant shop are located on the site.

Surrounding development comprises: -

North: To complete the block there is a 2-storey mixed development with retail on the ground floor and two (2) dwellings at first floor (13-15 Charlotte St). Further to the north are a small row of shops, residential development and the Presbyterian Aged Care facility.

East: Adjacent to the site is a laneway with a row of shops and single storey dwelling-houses abutting the other side of the lane. Beyond are a small number of service and further residential uses.

South: Ashfield Station is located directly to the south on the opposite side of Station Street.

West: On the opposite side of Charlotte Street are buildings of 2-storey mixed development. The buildings have retail at ground floor and dwellings above.

Refer to Attachment 1 for a locality map.

## DEVELOPMENT APPLICATION 10.2006.299.1 1-3, 5-9 AND 11 CHARLOTTE STREET, ASHFIELD

## 5.0 <u>Development History</u>

Previous building and development applications submitted to Council for the subject site include:

### 1-3 Charlotte Street

NO.	DATE	PROPOSAL	DECISION
2007.076	13/08/2007	S96 Amendment	Approved
2007.076	04/06/2007	Demolition of garages and construction	Approved
	}	of outdoor terrace to existing Club	
2003,203	31/08/2004	Alterations & additions to Club	Withdrawn
5.1994,128	18/07/2004	Tax and accounts business	Approved
6,1971.8124	06/08/1971	Alterations to Pharmacy	Approved
6.1962,3922	06/02/1962	Unknown	Approved

### 5-9 Charlotte Street

NO.	DATE	PROPOSAL	DECISION
602	10/12/1962	Use of property as licensed premises (Club)	Approved
1981,53	01/09/1981	Use of shop as extension to licensed premises (Club)	Approved
397	04/08/1964	Use of premises as licensed premises (Club)	Approved
598	16/11/1965	Additional storey to licensed premises (Club)	Approved
395	11/08/1964	Use of premises as licensed premises (Club)	Approved
6.1998.120	22/03/1999	Use of Premises as Place of Public Entertainment	Approved
6.1990.115	01/05/1990	Alterations to licensed premises (Club)	Approved
6.1982.328	23/09/1982	Additions to licensed premises (Club)	Approved

### 11 Charlotte Street

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The 10 2003 203 consent application was recommended for refusal and eventually withdrawn by the applicant.

Most recently Council approved the demolition of garages and construction of an outdoor terrace area for the Club (10.2007.076). This area of the Club does form part of the current proposal with a revised design. The revised design is needed to meet new smoking regulations requirements.

## DEVELOPMENT APPLICATION 10.2006.299.1 1-3, 5-9 AND 11 CHARLOTTE STREET, ASHFIELD

### 6.0 Zoning/Permissibility/Heritage

The site is zoned 3(a) - General Business under the provisions of Ashfield LEP 1985.

The property is not located within a Conservation Area.

The property is not a heritage item.

The property is located within the vicinity of a heritage items at 13-15, 2-20, 17, 17A, 19, 21, 23. Charlotte Street, and draft heritage items at 3, 5, 7, 9, 11 & 13 Wood Street.

The property is located within the Ashfield Town Centre.

The proposed works are permissible with Council consent.

### 7.0 Section 79C Assessment

The following is an assessment of the application with regard to the heads of consideration under the provisions of Section 79C of the Environmental Planning and Assessment Act.

## 7.1 The provisions of any Environmental Planning Instrument

### 7.1.1 Local Environmental Plans

## Ashfield Local Environmental Plan 1985 (as amended)

It is considered that the proposal generally complies with the provisions of the Ashfield LEP 1985 with the exception of floor space ratio and site area controls. Refer to Attachment 3 for a compliance table.

Clause 17B provides the floor space ratio controls in the 3(a) zone, namely:

## Development of Ashfield Business Centre - Zone No. 3(a) floor space ratio

The Clause 17B(2) prescribes a maximum 2:1 floor space for this site with no possible additional 'bonus' floor space ratio. The proposal will result in a 2.25:1 floor space ratio (this is approximately 280m² in excess of the allowable area), thereby failing to comply with Clause 17B of the Ashfield LEP 1985. The Ashfield LEP is silent in respect to the objectives for the floor space ratio, however, Part C3 of DCP 2007 (Ashfield Town Centre) does indicate the rationale for the permissible floor space ratio being:

- (i) to allow a reasonable quantum of development potential where desirable;
- (ii) to ensure this quantum of development is not so large as to create:
  - environmental problems (out of scale buildings, shadowing);
  - traffic generation problems.

## DEVELOPMENT APPLICATION 10.2006.299.1 1-3, 5-9 AND 11 CHARLOTTE STREET, ASHFIELD

Clause 20 relates to Clubs, and states:

"A person shall not erect or use a building for the purposes of a club which is or is proposed to be registered under the Registered Clubs Act, 1976, on an allotment of land within Zone No 3(a) or 3(b) unless the allotment —

- (a) has an area of not less than 4000 square metres; and
- (b) has a frontage to any road of not less than 30 metres."

The proposal does not comply with (a) as it has a site area of 1118.2m<sup>2</sup>, however, it does comply with (b) as its frontage includes two streets.

A SEPP No. 1 Objection was submitted arguing that compliance with these standards is unreasonable in this instance (Refer to Attachment 7 for objection and further comments in Section 7.1.3).

## Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

It is considered that the carrying out of the proposed development is generally consistent with the objectives of the Plan and would not have any adverse effect on environmental heritage, the visual environmental, the natural environment and open space and recreation facilities.

7.1.3 State Environmental Planning Policies

## State Environmental Planning Policy No. 1 - Development Standards

Clause 17B Floor Space Ratios

The proposal comprises a number of existing parcels, which have different land uses and densities as follows:

- 5-9 Charlottes Street (current Club site FSR of 2.53:1
- 1-3 Charlotte Street (former chemist shop/residence FSR 1.26:1)
- 11 Charlotte Street (two storey restaurant FSR 1.17:1)

In overall terms the new proposal will result in a collective FSR of 2.25:1 which equates to approximately 280 m<sup>2</sup> of additional floor space above the allowable maximum (2:1).

The SEPP No. 1 Objection argues that compliance with this development standard is unreasonable and unnecessary in this instance (Refer to Attachment 7 for objection).

The applicant has argued that the additional 0.25:1 FSR above the allowable maximum will not result in the proposal generating an unacceptable scale, bulk, character or adverse environmental impacts. In addition, the retention of the existing building façade of 1-3 Charlotte Street, although not heritage listed, will assist in retaining the existing streetscape character and scale with the minor increase in building bulk essentially comprising a 'stepped in upper level'. So as a total concept for

### DEVELOPMENT APPLICATION 10.2006.299.1

### 1-3, 5-9 AND 11 CHARLOTTE STREET, ASHFIELD

the redevelopment of all site parcels the proposal will result in an enhanced streetscape appearance with minimal external environmental impacts.

Council's Engineers have discussed the matter of traffic generation with the applicant and the matter was reported to the Local Traffic Committee. Following discussion the engineers do not consider the proposal has unacceptable impacts in respect to traffic generation.

Council officers accept the applicant's rationale that compliance with the FSR standard in this instance is unreasonable and unnecessary.

Clause 20 - Club Site Area and Frontage

The proposal does not comply with (a) as it has a site area of 1118.2m<sup>2</sup>, however, it does comply with (b) as its frontage includes two streets.

The SEPP No. 1 Objection argues that compliance with this development standard is unreasonable and unnecessary in this instance (Refer to Attachment 7 for objection).

The objection contends that: -

- The Club was granted consent in 1965 and has been in existence since 1966 well before the gazettal of the Ashfield LEP in 1985.
- The site is located within 50 metres of the Ashfield Railway Station and on a bus route thereby minimising the requirement for extensive car parking areas.
- The existing and proposed Club is modest in the scale of its operation and the facilities that
  it provides to the community reflecting the site and building constraints.

The objections also comments as follows:

"It is considered that the application of the development standard in Clause 20(a) would not be relevant in controlling or restricting development potential on an existing club premises that has been operating on the site for over 40 years. Non-compliance with the standard will not have any adverse planning impacts on the locality or the community."

'Area' in the clause is interpreted as site area not floor space. The Ashfield LEP is silent in respect to the objectives for the site area for Clubs. However, the rationale for the standard is generally considered to be that the Club site area is of an adequate size to enable appropriate functions and services to operate without any undue impacts upon the area, in particular car parking, unloading/loading.

The Club is located in the Ashfield CBD and in close proximity with Railway Station and at present it does not have any onsite car parking and limited unloading/loading facilities. It has occupied its current location since the 1960's and has had many development applications approved largely involving its ongoing refurbishment. The existing Club is currently well under the required site area, and although this extension moves closer to the desired site area, in its present location it is unlikely to achieve the desired 'minimum' area without the acquisition of a significant number of adjoining sites.

### DEVELOPMENT APPLICATION 10,2006,299.1

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Council officers generally agree that the application of the standard is largely related to the establishment of 'new' club premises, although how this arbitrary figure came about in the LEP is unclear. Given that the proposal does involve expanding the site area, albeit not to the minimum standard and recognising the unlikely ability of the club to meet this arbitrary standard, non-compliance with this clause can be supported in this instance.

## State Environmental Planning Policy No. 55 - Remediation of land

Given the commercial/retail uses on the sites it is not considered that remediation of the site(s) is required prior to the carrying out of the proposed development.

## State Environmental Planning Policy No. 64 - Advertising and Signage

No signage is proposed as part of this application. A condition is recommended that any signage be subject of a separate application to Council.

7.2 The provisions of any Draft Environmental Planning Instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority.

### **Draft Local Environmental Plans**

It is considered that proposal will have no impact upon the Draft LEP amendments to the draft Heritage Listed Items at 3, 5, 7, 9, 11 & 13 Wood Street.

## Draft Environmental Planning Policy No 66 - Integrating Land Use and Transport

The proposal was referred to the Roads & Traffic Authority for comment. Refer to Section 8.2 for comments.

## 7.3 The provisions of any Development Control Plan.

The proposal is considered to generally meet the aims and objectives of Development Control Plan 2007.

CI	ACCESS ADAPTABILITY AND MOBILITY	The plans do not have sufficient detail to demonstrate that the proposal will comply with Clause 5.3.1, which requires all areas to accessible and adaptable, however, this can be made a specific requirement of the consent.
		A condition is recommended that plans indicating compliance with AS1428.1 be provided with the Construction Certificate. The owner is also advised of their obligations under the Disability Discrimination Act 1992.
Ċ2	ADVERTISEMENTS AND ADVERTISING STRUCTURES	No signage is proposed as part of this application. A condition is recommended that any signage be subject of a separate application to Council.
<u>C3</u>	ASHFIELD TOWN CENTRE	Does not comply with some provisions of this part. Refer to comments below.
C6	41-51 ELIZABETH STREET	Not applicable.

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## 1-3, 5-9 AND 11 CHARLOTTE STREET, ASHFIELD

C11	FARKING	Does not comply. Refer to comments below.
C12	PUBLIC NOTIFICATION IN THE PLANNING PROCESS AND ALL ASPECTS OF LAND MANAGEMENT	Refer to Section 7.7 of the report.
21	PLANNING FOR LESS WASTE	A waste management plan has been submitted with the application and a condition to comply with this plan has been recommended.
		It is also recommended that a construction/management plan be submitted with the construction certificate.

## Part C3 - Ashfield Town Centre Development Strategy and Development Control Plan

### Strategy

The site is located in the 'Particular Place of North Ashfield (7.2)'. A strategic principle in this section recommends that any redevelopment of the Catholic Club does not change the scale of the area. The strategy includes the suggestions of a roof terrace; a corner shop-front; picture windows showing the club activities and footpath awnings.

The strategy also identifies Charlotte Street for upgrading to improve vehicular and pedestrian access.

It is considered that the proposal complies with a number of these recommendations and its scale and built form is acceptable.

### Development Control Plan

## 1. Preliminary - Objectives

It is considered that the proposed development is generally consistent with the aims and objectives of this part.

### 2. What to Keep & Opportunities for Change

The proposal to retain the facade of 1-3 Charlotte Street is a positive contribution and the design of the building has been focussed on maintaining the current streetscape scale.

### 3. Good Town Design

As mentioned above careful attention has been given to ensure that the new additions complement the local area character and built form.

### 4. Floor Space Ratio

This is discussed in Section 7.1.1.

### 5. Building Height

## DEVELOPMENT APPLICATION 10.2006.299.1

## 1-3, 5-9 AND 11 CHARLOTTE STREET, ASHFIELD

The proposal has three levels (maximum of four levels allowed under the DCP height provisions). The top floor is 'stepped in' from the building façade to maintain a consistent façade height along this eastern section of Charlotte Street. The overall height is acceptable.

6. Car parking & Servicing

Refer to comments below.

7. Residential Amenity

Not applicable. The proposal does not propose any residential component.

8. Environmental Considerations

Installation of rainwater tanks to enable rainwater to be collected and used for watering of landscaping and internal reuse is a positive contribution to reducing water consumption.

## Car Parking

The Club does not currently nor in the proposed redevelopment provide any ousite car parking for patrons. The Club has an existing arrangement with the Vincentian Fathers to utilize part of the site on the corner of Bland, Elizabeth & Charlotte Streets for car parking purposes. This area is jointly shared with the Church (St Vincents Presbytery) and a lease arrangement has been in place for many years and provides for the Club to access 35 marked spaces. It should be noted that this is by no means a secure and permanent arrangement. Some years ago the Vincentian Fathers sought Council approval to vary the planning controls applicable to this site to facilitate its redevelopment for a mixed development. Changes to the LEP provisions and a site specific DCP were adopted but the site has remained unchanged. To 'secure' this car parking arrangement it would be necessary to involve the owners of the land, Club Ashfield and the Council in a legal agreement but this does not form part of the current proposal. Nor is such an arrangement likely to be agreed to as it could potentially impact upon the eventual redevelopment potential of the Church land.

The only way any 'meaningful' car parking area could be provided is for all buildings on the site to be demolished and for a new proposal to include basement car parking.

The applicant has justified the acceptance of the existing car parking provision as being satisfactory to accommodate the redevelopment on the basis of a survey of Club patrons and their travel modes to the Club facility. The significance of the findings is the high percentage of patrons that do not use their own vehicle to travel to and from the Club – approximately 78%. Based on these findings the applicant is of the view that existing car parking arrangements – lease of the Vincentian's site and local on street car parking availability will suffice even with the proposed redevelopment of the site.

The DCP provisions require car parking for the various components as follows:

## DEVELOPMENT APPLICATION 10.2006.299.1

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Gymnasiums	4 spaces per 100m <sup>2</sup> gross floor area	Council will consider location of premises, proximity to transport services and any public parking. Allow for class changeovers. Traffic and Parking Assessment Report required.
Clubs - Licensed and Non-Licensed	Ispace /6m² bar, lounge, and dining room floor area plus I space per 6 seats in an auditorium plus I space per 3 employees.	A Traffic and Parking Assessment Report must be submitted.
Restaurants, Cafes, Coffee Shops	l space per 40 m² gross floor ar∉a.	Council will consider a variation in requirements in some instances.

Given that the various parcels that collectively make up the new club site are already developed we are not looking at a 'greenfields' site so the consideration of car parking should be based on additional floor space, loss of any existing car parking spaces and any changes in use involved and the implications of these changes in terms of additional car parking demand.

On this basis the following is considered to be a reasonable assessment of car parking demand:

- total new floor area (i.e. additional to existing buildings on all sites) = 239.4m<sup>2</sup> this is
  essentially dedicated to the new gymnasium facility and using Council's car parking
  standards would generate demand for nine car parking spaces i.e. I space per 25m<sup>2</sup> of floor
  space
- 11 Charlotte Street two existing spaces accessed from the rear lane are 'lost' in the redevelopment
- 1-3 Charlotte Street one existing car parking space is 'lost' in the redevelopment

Adding the above comes to a total of 12 car parking spaces.

Council has the ability to levy for car parking contributions under its Section 94 Car Parking Plan. The Club site is located within the area described as the Ashfield Town Centre for levying purposes. Given that the Club proposes to increase the overall floor area across the site, introduce a new activity (gymnasium), is proposing to remove existing onsite car parking and has not accommodated any onsite car parking a contribution under the S94 car parking plan is justified. 12 spaces at the current rate of \$15,208 per space would attract a contribution of \$182,496. This could be used to fund additional public car parking facilities in the CBD area in accordance with the Plan. A condition of development consent has been recommended accordingly.

7.4 Any matters prescribed by the regulations that apply to the land to which the development application relates.

These matters will be addressed with the lodgement of a Construction Certificate

7.5 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality.

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The proposal seeks the use of the site for the purposes of Club (retained Club Ashfield), a gymnasium and a café with outdoor dining. All uses at this stage are proposed to be under the management of the Club. The operating times vary for the different uses, however, the applicant has quoted the following operational times: -

### Club: -

Monday to Sunday (daily)

24 hours

### Bottle Shop: -

Monday to Saturday

Sunday

5:00am to 12midnight 10:00am to 10:00pm

## Café (refreshment room): -

Monday to Thursday Friday to Saturday

Sunday

7:00am to 9:00pm 7:00am to 10:00pm 9:00am to 7:00pm

### Gymnasium

Saturday to Thursday Friday

6:00am to 10:00pm 6:00am to 7:30pm

### Comment

The Bottle Shop proposes to operate from 5:00am Monday to Saturday. This opening time is not consistent with general retail trade, and in particular with similar premises retailing liquor (alcoholic) goods. It is therefore recommended that the opening time be more consistent with similar off-licence traders in the area, that open at 10 00am or later. This is recommended by way of condition, as have the operational hours of the other uses.

At present there is no Management Plan that has been approved by Council for the Club premises and it was considered given the nature of the uses that such a plan be provided. The applicant did provide a Plan to this effect and whilst it identified many aspects of the proposed uses, there were areas that were not identified or required the submission of further detailed information. The applicant has since submitted further information yet there remain outstanding management issues that are considered appropriate to include to include in the Plan of Management. This can be finalised by way of a deferred commencement recommendation.

### Lighting

The applicant has not provided full details of the proposed lighting for the site and surrounds. The Police also have commented on this aspect of the proposal. It is considered therefore appropriate to ensure that appropriate lighting is provided and that it does not affect the adjoining properties and railway station.

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### Noise

Council engaged its Acoustic Consultant/Environmental Health Surveyor to review the information. Refer to Section 8.1 for comments.

These matters have been considered as part of the assessment of the development application. It is considered that with the submission of additional information the proposed development will have no significant adverse environmental, social or economic impacts upon the locality.

#### The suitability of the site for the development 7.6

These matters have been considered as part of the assessment of the development application. There are no natural hazards or other site constraints that are likely to have a significant adverse impact upon the proposed development. The proposed development is considered suitable in the context of the locality.

### Any submissions made in accordance with this Act or the regulations 7.7

The proposal was notified to all adjoining and nearby affected property owners and occupants, the Councillors from 15 December 2006 until 30 January 2007. Notification was checked during site inspection and was acceptable.

## 7.7.1 Summary of submissions

Eleven (11) submissions were received from the following:

### Objection

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### Issues

Noise from the terrace could affect the occupants of 13-15 Charlotte St (adjacent to the bedroom of a flat)

### Comment

The applicant has commented that the office terrace (first floor) will be used by administration staff during normal working hours and would not be accessible to Club patrons. The boardroom terrace (second floor) is intended for occasional use by directors of the Club. No specific details are provided in relation to when this terrace will be used.

The potential noise impacts arising from the use of the terraces has not been addressed in the applicant's acoustic report. In the absence of such information it is considered appropriate that this be addressed and reviewed prior to operation of the consent becoming effective, hence the reason for including the examination of this issue as part of the deferred commencement approval.

## DEVELOPMENT APPLICATION 10.2006.299.1 1-3, 5-9 AND 11 CHARLOTTE STREET, ASHFIELD

The proposed large brick wall will have an overbearing impact on adjacent residents, resulting in a 'ghetto' environment.

### Comment

The applicant has commented that the height and scale of the building is similar to the existing building and that the height adjacent to 13-15 Charlotte St is lower than the existing Club. The applicant also comments that it complies with the Building Height provisions of the Ashfield Town Centre controls (Part C3, Section 5 of DCP 2007) and given it's location to the south of 13-15 Charlotte St there is no overshadowing impact.

They're have been no discussions about the removal of the boundary fence.

### Comment

The applicant comments that the boundary fence will be removed as the development is to be constructed on the common boundary. Council has recommended that the applicant be advised of the requirements under the Dividing Fences Act in respect to development onto a shared boundary.

### Support/ No Objection

	Submissions		Notification	
	Name and Address	First	Second	Third
2	E. Shi (including signatories) 299 Liverpool Road Ashfield 2131 (Senior Chinese Care Free Group)	V		
3	I. Gosling 18 Charlotte St Ashfield 2131			
3	T. Thomson 14 Charlotte St Ashfield 2131			
3	T. Shang 6 Charlotte St Ashfield 2131			
ŏ	Ying da 20 Charlotte St Ashfield 2131	· /		
7	P. Martirez 13 Charlotte St Ashfield 2131	7		
8	P. Graham 23 Charlotte St Ashiield 2131 (Presbyterian Church of Australia)			
9	Cathy's Vogue Hair 15 Charlotte St Ashfield 2131			
1	C. Runesikansong 12 Charlotte St Ashfield 2131			

All letters of support indicate the proposal will increase patronage to Charlotte Street and benefit all shop owners.

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### 7,7,2 Mediation

Not warranted in this instance.

## 7.8 The public interest

The proposal will result in improvements to the eastern side of Charlotte Street, additional facilities for community use, streetscape improvements and the retention of the façade of a building of local character. Support for the proposal is therefore in the public interest.

### 8.0 Referrals

### 8.1 Internal

Building Surveyor - No objection subject to conditions.

Heritage Adviser - No objection raised

Traffic Engineer — There were initial concerns raised largely relating to the lack of onsite car parking and the servicing of vehicles to the site.

In respect to parking it was outlined that more a 'secure' arrangement covering use of the Bland Street car park was desirable as the Club identified that this car park was 'essential' for patrons. Whilst consideration has been given to this matter, the Club has not proposed any change to this current arrangement nor is the Church likely to agree to any changes (refer to comments in Section 7.3).

The parking analysis provided by the Club identified that for the number of patrons visiting the Club via a motor vehicle there is ample available on-street parking in the area. It was also noted that the proximity of the Club to various transport nodes could also promote non-car usage. The analysis also identified that peak car parking demands for the Club occur outside of the business hours parking restrictions that apply to surrounding streets.

Council's engineers have accepted the findings that the proposal will not give rise to an unacceptable level of traffic generation and significant car parking impacts. In respect to the deliveries and use of the rear laneway, conditions have been included in the recommendation.

As part of the proposal it is sought to alter the road treatment in Charlotte Street. This is primarily to create a 'shared way' from the intersection with Charlotte and Elizabeth Streets to the Railway Station entrance along Station Street.

The application was reported to the Local Traffic Committee. The Committee did not raise any objection in principle to the application, however, further information was requested. Additional information has been submitted, however, it needs a more detailed analysis to ensure all aspects of the treatment of this section of roadway are satisfactory. In general terms it is considered that the changes will be of public benefit and provide a more 'pedestrian friendly' area adjacent to the Railway Station.

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Hydraulic Engineer - No objection subject to conditions.

Environmental Health - Raised concerns with the proposed garbage facilities and requirements of Sydney Water. The applicant submitted amended plans to which are now satisfactory.

Community Services - No objection raised.

Acoustic consultant - The applicant provided an acoustic report that detailed proposed recommendations to ensure noise impacts on adjacent properties were minimised. The report was referred to Council's Acoustic Consultant for review and in summary the consultant considered that report was deficient in a number of areas. The applicant submitted a further report in relation to use of the external terraces and advised that their use was acceptable subject to conditions. There is still an absence of information for use of the terraces to the north of the site and this is requested to be submitted as part of the deferred commencement requirements.

### 8.2 External

Roads & Traffic Authority - Commented that Council should have regard to: -

- the traffic light signals at the intersection of Charlotte St and Elizabeth Street
- the off-street parking provision to be to Council's satisfaction
- the outdoor dining is to be to Council's satisfaction
- the relocation of the bus zones and post box should be referred to the STA and Aust Post

The matters in respect to traffic and parking are discussed in Section 8.1. The outdoor dining comment has been considered as part of Council's Outdoor Dining Policy and discussed in Section 9.0. In summary these matters have been into account and are acceptable subject to the imposition of appropriate conditions.

NSW Police - The proposal was also referred to the Police for comment. In previous advice the Police have commented on the need to address the following matters in the operations of the Club:

- Surveillance
- Lighting
- Signage (particularly in relation to entry and exit points)
- Maintenance of graffiti
- · Access Restrictions

These matters have been included as items to be addressed in the revised Plan of Management and by way of operational conditions of consent.

### State Rail

Railcorp commented on the proposal in relation to the noise and vibration associated with the rail corridor and use of lights and reflective materials as well as construction comments. These have been included as part of recommendation by way of conditions.

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## 9.0 Other Relevant Matters

## **Guidelines for Food Premises**

It is recommended by way of condition that the proposed café comply with the Food Premises Guidelines.

### **Outdoor Dining Policy**

It will be necessary for the operator of the café to apply for an outdoor dining licence in accordance with Council policy.

### S94 Public Car Parking

Council's contributions plan allows for deficiencies in on-site car parking to be provided by way of a cash contribution to Council. As discussed in Section 7.3 of the report, there is justification for a contribution to be made for 12 car parking spaces. A condition has been recommended accordingly.

# 10.0 Building Code of Australia (BCA)

A Construction Certificate will be required to be applied for by condition of consent.

## Financial Implications

Nii

## Other Stuff Comments

See 8.0

## Public Consultation

Sec 7.7

### Conclusion

The application has been assessed in accordance with the provisions of the Environmental Planning and Assessment Act, 1979 as amended with all matters specified under Section 79C (1) Clauses (a) to (e) having been taken into consideration.

The proposal is generally acceptable, however, further more detailed information needs to be submitted in order to resolve all issues relating to the proposed shared pedestrian/vehicle way for Charlottes & Station Streets, the Plan of Management and acoustic information in respect to the terraces to the north of site. The proposal is therefore recommended for deferred commencement approval.

# DEVELOPMENT APPLICATION 10.2006.299.1

# 1-3, 5-9 AND 11 CHARLOTTE STREET, ASHFIELD

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Attachment 1	Locality Plan	1 Page
Attachment 2	Plans	9 Pages
Attachment 3	Compliance Table - Ashfield Local Environmental Plan 1985	5 Pages
Attachment 4	Submissions	10 Pages
Attachment 5	Applicant's Response to submissions	1 Page
Attachment 6	SEPP No.1 Objection(s)	8 Pages
Attachment 7	Plan of Management	38 Pages

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## 1-3, 5-9 AND 11 CHARLOTTE STREET, ASHFIELD

### RECOMMENDATION

- A 'The Objection pursuant to the provisions of State Environmental Planning Policy No I to the 'site area' in clause 20(a) of the Ashfield Local Environmental Plan 1985, is considered well founded and compliance with the standard would be unnecessary and unreasonable in this case for the following reasons:
  - The Club has been in existence since 1966 well before the gazettal of the Ashfield LEP in 1985 and this proposal seeks an alteration to an existing Club premise.
  - 2. The Club is located in the Ashfield CBD and in close proximity with Railway Station and other transport nodes
- B The Objection pursuant to the provisions of State Environmental Planning Policy No 1 to the floor space ratio in clause 17B of the Ashfield Local Environmental Plan 1985, is considered well founded and compliance with the standard would be unnecessary and unreasonable in this case for the following reasons:
  - The increased floor space does not result in a bulk and scale that has an adverse impact upon adjoining properties through loss of solar access or privacy
  - The increased floor space does not adversely affect the heritage significance of the heritage-listed items in its vicinity.
  - 3. The increased floor area does not result in adverse traffic generation.
- C That pursuant to Clause 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) a Deferred Commencement consent be granted for Development Application No. 10.2006.299.1 for the demolition of 11 Charlotte Street, partial demolition of 1-3 Charlotte Street and alterations & additions to existing Club at 5-9 Charlotte Street; construction of a café, gymnasium and use of Council's footpath for outdoor dining to Lot 17 DP 819022, Lots 1, 2 & 3 DP 194429 and Lot 1 DP 770875 and known as 1-3, 5-9 & 11 Charlotte Street Ashfield, subject to the following matters being satisfied:
  - 1. Plan of Management (POM)

Further information is to be provided in the POM as follows:

- The extent of 'large function facilities' that are proposed to continue including
  the types of functions, times, groups and likely attendance numbers. How it is
  intended to manage these functions to ensure that they will not result in adverse
  amenity impacts on the locality.
- How the Club intends to manage the car parking needs of patrons to ensure any impacts on surrounding properties in the locality are minimised.
- The time and number of buses associated with use of the existing Club and proposed facilities. How the Club intends to ensure patron usage of the transport

### DEVELOPMENT APPLICATION 10.2006.299.1

## 1-3, 5-9 AND 11 CHARLOTTE STREET, ASHFIELD

facilities and the method of supervising users arriving and departing from site using the Club buses.

- The Plan of Management is to specify and list all deliveries to the site and times and identify the location of deliveries and associated supervision. Refer to operational condition for specific restrictions.
- A lighting maintenance policy.
- A maintenance policy in relation to graffiti removal.
- . The use of all external terraces and how they will be managed.
- The maximum number of patrons for each individual use and how the Club intends to ensure that these numbers are not exceeded.
- The restrictions to the Bottle Shop hours as indicated in the operational consent.
- In the event of a complaint being received by the operators from a neighbouring resident or person with respect to a disturbance to the quiet and good order of the neighbourhood, how the operators intends to deal with such complaints.
- 2. An acoustic report being submitted detailing the use of the terraces accessed by areas identified as 'Admin' to the First Floor and 'Board Room' to the Second Floor. The report is to assess potential acoustic matters and provide recommendations in order to protect the amenity of surrounding properties.
- 3. Full details of the 'shared way' and public infrastructure works proposed for Charlotte Street and Station Street to include:
  - a) The existing kerb and gutter is to be removed and reconstructed on the proposed alignment.
  - b) The footpath shall be reconstructed using the type of pavers and pattern that have already been used in the surrounding area. (Pebblecrete pavers 400 x 400 x 60 honed, acid etched PPX540:400D and PPX49:400D.)
  - c) The footpath shall be constructed so that it has a minimum 2.5% crossfall from the property boundary to the proposed kerb.
  - d) All Council street drainage pits shall be located on the proposed kerb alignment and not within the footpath area. The use of heel safe grated drains in the footpath area will not be permitted.
  - e) In all areas where it is proposed to realign the kerb a new Council street drainage pit shall be constructed, these pits shall then be connected into Council's existing street pipe network using a minimum 375mm diameter concrete pipe.

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- f) The applicant will be responsible for providing and installing all street signage and road line marking associated with this development.
- g) The raised share way shall be extended to incorporate the existing Pedestrian Crossing in Station Street. This pavement including the pavers colour and pattern, shall be approved by the relevant Road Authority being Ashfield Council.
- h) All road asphalt works involved in matching the existing road pavement crossfall in both Charlotte Street and Station Street to the share way will be at the applicants expense.
- D Subject to C above being satisfied, an operational development consent be issued, subject to the following conditions:-

### OPERATIONAL CONDITIONS

### A General Conditions

## (1) Approved plans stamped by Council

The development must be carried out only in accordance with the plans and specifications set out on drawing numbers

0507.03/da101 Rev A and dated 27 November 2006 0507.03/da201 Rev B and dated 19 February 2007 0507.03/da202 Rev B and dated 19 February 2007 0507.03/da203 Rev B and dated 19 February 2007 0507.03/da302 Rev A and dated 27 November 2006 0507.03/da401 Rev A and dated 27 November 2006

prepared by Form Architects and any supporting documentation received with the application, except as amended by the conditions specified hereunder.

## (2) Plan of Management

The Pian of Management prepared pursuant to deferred commencement condition shall form part of this consent. The operations of the site shall be carried out in accordance with the Plan of Management. No changes to the Pian of Management shall occur without the prior written consent of Council.

The Plan of Management is to be made available on site during the operation of the premises and made known to all management and staff.

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## 1-3, 5-9 AND 11 CHARLOTTE STREET, ASHFIELD

#### (3) Hours of operation

The hours of operation are restricted to the following: -

Club: -

Monday to Sunday (daily) 24 hours

Bottle Shop: -

Monday to Saturday Sunday

10:00am to 12midnight 10:00am to 10:00pm

Café (refreshment room): -

Monday to Thursday Friday to Saturday

Sunday

7:00am to 9:00pm 7:00am to 10:00pm 9:00am to 7:00pm

Gymnasium

Saturday to Thursday

Friday

6:00am to 10:00pm 6:00am to 7:30pm

Outdoor dining area

Monday to Thursday Friday to Saturday Sunday

7:00am to 9:00pm 7:00am to 10:00pm 9:00am to 7:00pm

#### Outdoor Dining Area conditions (3)

### Time limited consent

The outdoor dining that forms part of this consent is limited to a six (6) year time period from the date of this consent and lapses after the expiry of this period. A new development application must be lodged with Council and a new consent granted to continue the use following the expiry of the consent. The licence shall be issued for a period of three years with a right to renewal for a further three years subject to review of the operation of the licensed activities.

#### Licence required - outdoor area. (b)

Prior to the use of the area commencing the applicant shall execute an annual licence agreements with Council for the use of the footpath on Charlotte Street.

### DEVELOPMENT APPLICATION 10.2086.299.1

## 1-3, 5-9 AND 11 CHARLOTTE STREET, ASHFIELD

The applicant will be required to pay an annual licence fee of \$125.00 per annum per square metre, plus a \$70 administration fee. The applicant will also be required to pay the applicable stamp duty on the licence, and provide appropriate insurance indemnity.

The amount nominated is current for the 2007/2008 financial year only and is to be revised each financial year.

## (c) Hours of operation – Tables/chairs removal and storage – outdoor area

The furniture and structures to be placed on the footpath as part of this consent are to be erected only after the opening of refreshment room (café) and shall be removed 15 minutes prior to the close of business daily and shall be stored within the premises.

The hours of operation are limited to the following:

Monday to Thursday 7:00am to 9:00pm Friday to Saturday 7:00am to 10:00pm Sunday 9:00am to 7:00pm

## (d) Pedestrian access and kerb distances

The minimum distances for pedestrian access along the footpath of 1800mm from the building and distance of furniture to the road alignments of 600mm must be maintained at all times.

## (e) Designated dining area to be maintained

All maintenance and up keeping of the dining area is to be undertaken by the applicant, including the clear zone (pedestrian walkway) between the building and the dining area.

# (f) Tables and chairs -outdoor area - condition/appearance

The number of tables and chairs hereby approved to the footpath area outside the refreshment room (café) formerly known as 1-3 Charlotte Street are:

- O 4 x 700mm diameter circular tables
- o 16 x chairs
- o Pedestrian barrier

No furniture or structures other than the furniture and structures hereby approved shall be used without the prior written agreement of Council. Council reserves the right to require replacement of inappropriate furniture, items that fail to be maintained to an acceptable standard, furniture that is not capable of withstanding anticipates wind forces and pose a risk to the safety of the public.

The tables chairs and other structures hereby approved are at all times during the operation of the premises to be located within the approved dining area and at no time extend outside this area to the clear zone (pedestrian walkway) or onto the road.

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## 1-3, 5-9 AND 11 CHARLOTTE STREET, ASHFIELD

## (g) Advertising Prohibited

No advertising is permitted to the any furniture or structures hereby approved as part of this application. Business identification signage, not generic signage, is permissible on the pedestrian safety barriers in accordance with the Outdoor Dining Policy.

## (h) Management of approved outdoor dining area

- o Management of the premises to which the outdoor dining area pertains are responsible to supervise and maintain the area to a satisfactory manner.
- Regular litter patrols are to be undertaken to collect and dispose of litter and include footpath to gutter litter cleaning.

Rubbish is to be cleared by operators and not disposed of into public bins.

## Public Liability Insurance – Works on Council/public lands

In respect of the tables and chairs to be located on the Charlotte Street footpath, the proprietor of the premises will be required to hold public liability insurance to a value of twenty million dollars. Proof of this shall be submitted to Council prior to the issue of an annual licence required by Condition 3(j) and prior to the occupation of this area.

## (j) Annual license-outdoor area

The use of the area shall only occur while a current annual license in accordance with Condition 3(j) of this consent is held in respect of the premises. A copy of this licence must be kept on the premises and on display whenever the footpath is in use and is to be produced on request by any authorised Council employee.

# (k) Alcohol - serving prohibited in outdoor area

No alcohol to be served in the outdoor dining area.

## (l) Table usage-outdoor area-patrons

A sign shall be place on each of the tables stating that the use of the tables is reserved for persons who are consuming food purchased on the premises.

# (m) Outdoor area - acceptable use requirement

The use of the area shall not give rise to any public nuisance, or any offensive noise as defined in the Protection of the Environment Operations Act 1997, to adjoining properties or the public.

## (n) Traffic impediments

At no stage are any traffic facilities, i.e. traffic signals; parking signs or alike are to be obstructed by any works carried out by the applicant, or any person(s) associated with the business or premises.

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### (o) Unauthorised Structures

Any unauthorised structures are to be removed and no other structures other than those approved as part of this application are to be erected without the consent of Council.

### (p) Damage Restoration

Council shall repair any damage caused to the footpath surface as a result of the use of the footpath for outdoor dining purposes at the full expense of the business operator.

### B Design Changes

### Amended plans to be submitted

Amended plans and specifications incorporating the following amendments are to be submitted with the application for a construction certificate: -

- 1. A solid barrier is to be constructed to the area identified as "ground floor terrace" extending from the substation along the eastern boundary. The barrier is to be 1.5m long and constructed from the ground to the underside of the Level 1 Slab.
- 2. The folding glass panel doors to the area identified ass "bistro terrace" are to be 10,38mm laminated with a minimum STC/Rw rating of 36. The approved contractor is to certify that the installed system achieve the minimum rating.

# C Conditions that must be satisfied prior to issuing/releasing a Construction Certificate

## (1) Construction and Site Management Plan

Prior to the issue of a Construction Certificate the applicant shall submit to Council or the accredited certifier a construction and site management plan that clearly sets out the following:

- (a) what actions and works are proposed to ensure safe access to and from the site and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery, or static loads from cranes, concrete pumps and the like,
- (b) the proposed method of loading and unloading excavation machines, building materials, formwork and the erection of any part of the structure within the site,
- (c) the proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period,
- (d) how it is proposed to ensure that soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways,
- (e) the proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed by a chartered Civil Engineer or an accredited certifier.

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## 1-3, 5-9 AND 11 CHARLOTTE STREET, ASHFIELD

Where it is proposed to:

- pump concrete from within a public road reserve or laneway, or
- stand a mobile crane within the public road reserve or laneway, or
- use part of Council's road/footpath area,
- pump stormwater from the site to Council's stormwater drains, or
- store waste and recycling containers, skip, bins, and/or building materials on part of Council's footpath or roadway,

An Activity Application for a construction zone, a pumping permit, an approval to stand a mobile crane or an application to pump water into a public road, together with the necessary fee shall be submitted to Council and approval obtained before a Construction Certificate is issued.

Note: A separate application to Council must be made for the enclosure of a public place (hoarding).

## (2) Damage deposit/footpath, road, kerb and gutter

A Damage Deposit of \$67,000 is to be submitted prior to the release of the Construction Certificate covering repair and/or replacement of adjoining footpath, road shoulder, road pavement, kerbing and guttering both outside the subject site and the surrounding area shall be lodged with Ashfield Council either in the form of cash or a Bank Guarantee which will be refunded subject to satisfactory completion of construction or demolition.

This Damage Deposit covers <u>unforeseen damage</u> to the above property by construction vehicles, skip bins, construction methods etc. Note: Should repair works or maintenance be required on Council land, a Road Opening Permit must be obtained before those works take place.

Bank Guarantees are accepted in lieu of any Council security deposit/bond subject to the following:

- A charge equal to the value multiplied by the current "overdue rates interest charge" be levied, per month or part thereof, with a minimum charge of three months is to be paid upon lodgement.
- Any remaining charge is to be calculated at the prevailing "overdue rates interest rate" for each
  month or part thereof beyond the original three months that the Bank Guarantee was held, and
  paid prior to its release.
- Any costs incurred in the acceptance, administration or release of such Bank Guarantees be oncharged to the entity claiming the release of such Bank Guarantee, and that these amounts be paid prior to its release.
- At the time of lodgement, Council will seek verification of the Bank Guarantee. Please provide contact details for the branch (phone number and officer) to assist with verification of the bona fides of the Bank Guarantee.

Until all items above are completed, no documents or usage sought from Council by the party lodging the Bank Guarantee can be issued. Please allow a minimum of 2 business days for this process.

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## 1-3, 5-9 AND 11 CHARLOTTE STREET, ASHFIELD

### (3) Section 94 Contributions

### Section 94 Contributions - Car Parking

The payment of a cash contribution of \$182,496 under Section 94 of the Environmental Planning and Assessment Act 1979.

This contribution is based on an assessment of car parking required to support this development and is assessed on the basis of twelve (12) car spaces at the current rate of \$15,208 per space as per Council's Section 94 Contributions Plan: Public Car Parking.

Any contributions required in satisfaction of a condition of development consent are to be valid until Council's next review of Section 94 Contribution Plans on 30 June 2008 following which the amount of the contribution will be reassessed in line with the revised figured.

Payment is to be made prior to release of the Construction Certificate.

### (4) Long service levy

Compliance with Section 109F of the Environmental Planning and Assessment Act 1979 – payment of the long service levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 (or, where such a levy is payable by instalments, the first instalment of the levy) – is required. All building works in excess of \$25,000.00 are subject to the payment of a Long Service Levy at the rate of 0.35%. 0.35% X \$4million = \$14,000.

## (5) Lighting to basement/pedestrian routes-safety

Lighting which meets the Australian and New Zealand Standard 1158, spaced at appropriate intervals to provide the required surveillance shall be provided along pedestrian access routes for safety and security purposes during the evenings. This lighting is not to be directed into adjoining properties. No up lighting is permitted.

Details to be shown on the construction certificate.

## (6) Surveillance

A surveillance system, for the building is to be designed by a professionally recognised security firm and provide details to Ashfield Police for confirmation, which include the following:

- a closed circuit television (surveillance cameras);
- the Manager's office having the relevant control panels; and

Digital data 'on disc' are to be properly stored and retained on site for a minimum of twenty-one (21) days for the availability of Council or NSW Police.

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### (7) Warning signage

Signage is to be provided at entry/exit points throughout the development to assist users and warn intruders they will be prosecuted.

Signage is to be provided on the fire exit doors warning users that the doors are to be used for emergency purposes only. Details are to be provided with the Construction Certificate.

## (8) Access and services for people with a disability

Detailed plans drawn to the scale of 1:50 shall be submitted detailing compliance with the requirements of and AS 1428 and the provisions of the Part C1 – Access, Adaptability and Mobility, Ashfield Development Control Plan 2007 prior to the issue of a Construction Certificate, and details of complying levels, ramp slopes, door widths, circulation spaces.

## (9) Vibration damage assessment

To minimise vibration damage and loss of support to buildings in close proximity, a report shall be prepared by a qualified Geo-technical engineer detailing the maximum size of hammer to be used where a hydraulic hammer is to be used within 30 metres of any building (other than a path or a fence). The report is to be submitted to Council prior the issue of a Construction Certificate.

# (10) Footpath/laneway- photographs to be submitted

Prior to the release of the Construction Certificate, the applicant shall lodge with Council photographs of the roadway and footpath both in Charlotte Street and Station Street at the property indicating the state of the relevant pavements. At the completion of construction, again at the expense of the applicant, a new set of photographs is to be taken to determine the extent, if any, of any damage, which has occurred to the relevant pavements. If any damage has occurred, the applicant shall meet the full cost to repair or reconstruct these damaged areas to Council's relevant standard. (The type of pavers that have been used on the footpath area are Pebblecrete pavers 400 x 400 x 60 honed, acid etched PPX540:400D and PPX49:400D.)

## (11) Sydney Water - Section 73 Compliance Certificate

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

Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site <a href="www.sydneywater.com.au">www.sydneywater.com.au</a> then follow the "e-Developer" icon or telephone Sydney Water 13 20 92 for assistance.

Following application, a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the release of an occupation or subdivision certificate.

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## (12) Erosion & sedimentation control-management plan

Prior to issue of a construction certificate the applicant shall prepare an erosion and sedimentation control plan in accordance with Part 4 of the guidelines titled "Pollution Control Manual for Urban Stormwater", as recommended by the Environmental Protection Authority.

Any stormwater runoff collected from the site must be treated in accordance with the Guidelines, before discharge off the site to comply with the Protection of the Environment Operations Act 1997 or other subsequent Acts.

Where sedimentation control basins are provided discharge shall be to the requirements of the Environment Protection Authority.

Applicants are further advised to refer to the following publications for additional information:

- (a) "Sedimentation and Erosion Control" Department of Conservation and Land Management.
- (b) "Soil and Water Management for Urban Development" Department of Housing.

The plan must be submitted with the application for a construction certificate.

Further information may be obtained from:

Environment Protection Officer Environment Protection Authority Inner Sydney Region Locked Bag 1502 BANKSTOWN NSW 2200

# (13) Services and infrastructure adjustment/relocation

The applicant shall meet the full cost for Telstra, Sydney Electricity, Sydney Water or Natural Gas Company to adjust/relocate their services as required. The applicant shall make the necessary arrangements with the service authority. (For information on the location of these services contact the "Dial before you Dig" service on 1100.)

Documentary evidence from the public utility authorities confirming that all of their requirements have been satisfied shall be submitted to council with the Construction Certificate under Section 68 of the Local Government Act, 1993, for construction of the development

## (14) Railcorp Requirements

(a) Stray currents and Electrolysis from Rail Operations

The Applicant is to procure a report on the Electrolysis Risk to the development from stray currents, and the measures that will be taken to control that risk. The Applicant is advised to consult an

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## 1-3, 5-9 AND 11 CHARLOTTE STREET, ASHFIELD

Electrolysis expert. The expert's report must be submitted to Railcorp and provided to the Principal Certifying Authority prior to release of the Construction Certificate.

## (b) Use of light and reflective materials

Any use of lights, signs and reflective materials to be used in construction are to be submitted to Railcorp for review prior to works commencing.

## (c) Crane and other aerial operations

No crane or other aerial equipment is to be operated with the potential to reach over the rail corridor or within a vertical envelope defined as three (3) metres (horizontally) from any electrified infrastructure, unless the written consent has been obtained from Railcorp for the use of the crane or equipment.

## ENGINEERING CONDITIONS

# (15) Stormwater runoff-collection/discharge

Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe system to:

the nearest appropriate Council stormwater pit or drainage line at a maximum Permissible Site Discharge of 39 L/sec for the 1:100 ARI to Council's drainage system located at the intersection of Charlotte Street & Station Street on the opposite side of the street from this development.

This developments stormwater shall discharge generally in accordance with Xenith Project Services plan number 06-302-dac01 rev b, with the exception to the following. The pit shown as "pit A" in Station Street shall not connect as proposed to the existing Council pit in front of the site in Charlotte Street rather it shall have a new 375mm diameter pipe connection across the road to the existing Council pit on the opposite side of the road. The new pipe network in Station Street shall be lowered sufficiently so as the need to concrete encase the proposed stormwater pipes will not be required. Plans and details of this work shall be submitted to the relevant Road Authority (Ashfield Council) prior to the release of the Construction Certificate.

# (16) Stormwater disposal-calculations

(a) Calculations and details of the proposed method of stormwater disposal shall be prepared by a suitably qualified professional civil engineer in accordance with Council's Stormwater Management Code and submitted to, and approved by, Council prior to the release of the Construction Certificate.

The Construction Certificate plan to be submitted to Council must consist of the following items:

Separate catchment areas within the site draining to each collection point or surface pit classified into the following categories:

- (i) Roof areas.
- (ii) Paved areas.

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- (iii) Grassed areas.
- (iv) Garden areas.
- (v) The percentages of Pre-development and Post-development impervious areas
- At each pit and or bend, a level of pipe is to be shown (the minimum grade for pipes is (b) 1%.).
- All flowpaths both internal and external, which pass through or around the proposed (c) development site, are to be shown on the Construction Certificate plan
- Calculations and details are to be provided to Council showing that provisions have been (d) made to ensure that the piped drainage system including pits have been sized to accept runoff from all storms up to the 100 year ARI, (including overflows from roof gutters).
- The depth and location of all services within the area affected by the development (i.e. gas, (f) water, sewer, electricity, Telstra, etc) shall be confirmed by the applicant on site, this shall include the proposed Council 375mm diameter pipe to be constructed in Station Street, prior to the release of the Construction Certificate.
- All garbage and waste areas must drain to the sewer and not the stormwater system. (g)

#### Stormwater detention storage facility (17)

- On-site Stormwater Detention storage shall be provided in conjunction with the stormwater disposal. This storage shall be designed in accordance with Council's Stormwater (a) Management Code. Details of the storage shall be submitted to and approved by Council prior to the release of the Construction Certificate.
- The minimum stormwater detention volume required for this site shall not be less than (b) 31.56m<sup>3</sup>. As stated by Xenith Project Services on plan number 06-302-dac01 rev b.
- Prior to the release of the Construction Certificate, a maintenance schedule is to be prepared which clearly outlines the routine maintenance necessary to keep the OSD (c) system working, this information is to be included in the Positive Covenant required for this development. Some of the issues that will need to be addressed are:
  - where the storage and silt arrestor pits are located
  - which parts of the system need to be accessed for cleaning and how access is obtained
  - description of any equipment needed (such as keys and lifting devices) and where they can be obtained
  - the location of screens and how they can be removed for cleaning
  - who should do the maintenance (i.e. commercial cleaning company)
  - how often should it be done

The abovementioned maintenance schedule is to be submitted to and approved by Ashfield Municipal Council prior to the release of the Occupation Certificate.

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# 1-3, 5-9 AND 11 CHARLOTTE STREET, ASHFIELD

### (18) Security Deposit

A Security Deposit of \$10,000 is to be submitted <u>prior to the release of the Construction Certificate</u> covering repair and/or replacement of works to be undertaken for the construction of the Share way shall be lodged with Ashfield Council either in the form of cash or a Bank Guarantee which will be refunded subject to satisfactory completion of construction of these works.

# D Conditions that must be complied with before work commences

## (1) Sanitary facilities - demolition/construction sites

Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.

## (2) Building location - check survey certificate

To ensure that the location of the building satisfies the provision of the approval, a check survey certificate shall be submitted to the Principal Certifying Authority either prior to the pouring of the ground floor slab or at dampcourse level, whichever is applicable or occurs first, indicating the:

- location or the building with respect to the boundaries of the site;
- level of the floor in relation to the levels on the site (all levels are to be shown relative to Australian Fieight Datum);
- (iii) site coverage of the buildings on the site.

# (3) Protection of public places - erection or demolition of building

- If the work involved in the erection or demolition of a building is likely to cause pedestrian or
  vehicular traffic in a public place to be obstructed or rendered inconvenient or involves the
  enclosure of a public place; a hoarding or fence must be erected between the work site and the
  public place.
- If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to
  persons in the public place.
- Any such hoarding, fence or awning is to be erected prior to works commencing and only with Council approval in accordance with Workcover requirements. The temporary structures are to be removed when the work has been completed.

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## (4) Dilapidation Reports

A Dilapidation Report on the current structural condition of the existing buildings at 13-15 Charlotte Street must be prepared by a practicing structural engineer. The Dilapidation Report must be completed and submitted to the owner of the subject property and to Council prior to the commencement of any demolition, excavation or construction works. At the completion of the works, a second Dilapidation Report recording the structural condition must be prepared. That Report must be submitted to the owner of the subject property and to Council.

### (5) Sydney Water approval

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site: <a href="https://www.sydneywater.com.au">www.sydneywater.com.au</a>, see Your Business then Building & Developing then Building & Renovating or telephone Sydney Water 13 20 92.

## (6) Notice of Commencement - Notification of Works

Work must not commence until the Principal Certifying Authority or the person having the benefit of the development consent has given <u>Notification in Writing to Council</u> no later than two days before the building work commences.

## (7) Requirement for a Construction Certificate

In accordance with the provisions of Section 81A of the Environmental Planning and Assessment Act 1979 the erection of a building and/or construction works must not commence until:

- detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
  - (i) Council; or
  - (ii) an accredited certifier; and
- a principal certifying authority (PCA) has been appointed and the Council has been notified in writing of the appointment, and
- (c) at least two days notice, in writing, has been given to Council of the intention to commence

The documentation required under this condition shall show that the proposal complies with all development consent conditions and the Building Code of Australia.

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Note: If the principal certifying authority is the Council, the appointment will be subject to the payment of a fee for the service to cover the cost of undertaking building work and / or civil engineering inspections.

WARNING: Failure to obtain a Construction Certificate prior to the commencement of any building work is a serious breach of Section 81A(2) of the Environmental Planning & Assessment Act 1979. It is a criminal offence that attracts substantial penalties and may also result in action in the Land and Environment Court and orders for demolition.

## (8) Inspections required by Principal Certifying Authority

If Council is selected as the Principal Certifying Authority (PCA) inspections will be required and fees must be paid for in advance. The fees are only valid until 30 June 2008 following which the charges will be reassessed. If additional inspections are required, an additional fee is payable for each inspection. A minimum of 24 hours notice is required to be given to Council to obtain an inspection. Work is not to proceed until the works or activity covered by each inspection is approved.

## (9) Crane permit

Should the applicant need to use a crane during the course of building, it will be necessary to first obtain a "Crane Permit" from Council's One Stop Shop. A fee of is payable for the permit. The approval of other authorities (eg Police Department, RTA) may be required for the use of a crane.

# (10) Support for neighbouring buildings and notice to adjoining owners

- (1) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
  - (a) must preserve and protect the building from damage, and
    - (b) if necessary, must underpin and support the building in an approved manner, and
    - (c) must at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (2) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

### Notes:

(i) Details of underpinning works, prepared and certified by a practicing structural engineer shall be submitted to and approved by the Principal Certifying Authority prior to the commencement of any works.

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(ii) allotment of land includes a public road and any other public place.

### (11) Structural engineer's details

To ensure compliance with the provision of Section B of the *Building Code of Australia* structural engineer's details of all structural elements shall be submitted to the Principal Certifying Authority prior to commencement of work, including:

- (i) pier and beam footings;
- (ii) reinforced concrete slabs;
- (iii) stairs, including patio steps;
- (iv) retaining walls
- (v) all structural timber including floors, walls and roof; and
- (vi) all structural steel.

# (12) Structural engineer's certificate - superimposed loads

A practicing structural engineer's certificate to be submitted to the Principal Certifying Authority with the Construction Certificate application certifying that the existing building is structurally capable of supporting the superimposed loads of the addition prior to commencement of any building work.

## (13) Erosion, dust, topsoil and sediment control

Temporary measures shall be provided during construction eg. bunding, shade cloth to prevent dust leaving the site, sandbags around Council/private stormwater pits etc. in order to prevent sediment, dust, topsoil and polluted waters discharging from the site. Plans showing such measures shall be submitted to Council and approved prior to the release of the Construction Certificate.

# (14) Public liability insurance – Works on Council/public lands

The applicant or any contractors carrying out works on public or Council controlled lands shall have public liability insurance cover to the value of \$10 million and shall provide proof of such cover prior to carrying out the works.

# E Conditions that must be complied with during construction or demolition

# (1) Mechanical ventilation installation - Australian Standards

Ventilation is to be provided to the premises in accordance with Part F4.5 of the Building Code of Australia.

# (2) Encroachment on Council property prohibited

No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council's footpath area.

## (3) Signs to be erected on building and demolition sites

## DEVELOPMENT APPLICATION 10.2006.299.1

## 1-3, 5-9 AND 11 CHARLOTTE STREET, ASHFIELD

- (1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
  - stating that unauthorised entry to the work site is prohibited, and
  - (b) showing the name and address of the contractor for the building work and the person in charge of the work site and a telephone number at which the person may be contacted outside working hours; and
  - (c) showing the name, address and telephone number of the Principal Certifying Authority appointed for the building works.
- (2) Any-sign shall be maintained and not removed until work has been finished.

### (4) Trespass/damage

No trespass or damage to adjacent properties in Charlotte, Wood and Station Streets shall occur during construction, except with the owner's consent. Should any damage occur, the respective owners shall be compensated for any costs associated with the rectification of those works.

## (5) Waste Management Plan - compliance

- (a) All requirements of the approved Waste Management Plan must be implemented during the demolition and/or excavation and construction period of the development. Adequate measures need to be in place to ensure the ongoing waste management of the site.
- (b) Keep receipts of where waste will be taken to be treated or disposed. The receipts must be presented to the Principal Certifying Authority <u>prior to issue of the</u> occupation certificate.
- (6) Demolition/excavation/construction hours of work for developments likely to involve substantial construction works that may affect the amenity of the locality
- (a) Subject to sub-clauses Clauses (b) and (c) below, demolition, excavation and construction work including loading and unloading of materials and the use of machinery, shall be restricted to between the hours of 7.00am to 6.00pm, Monday to Saturday inclusive. Work is prohibited on Sundays, on public holidays and on union picnic days or on any fixed building industry agreed "rostered" days off that apply during the period of demolition, excavation and construction works.
- (b) In the event that a public holiday is a Friday, work is not to be conducted on the Saturday following the public holiday.
- (c) In the event that a public holiday falls on a Monday, Council expects that the following Tuesday should be a rostered day off:

#### DEVELOPMENT APPLICATION 10,2006,299.1

#### 1-3, 5-9 AND 11 CHARLOTTE STREET, ASHFIELD

(7) Demolition/excavation/construction - noise - Protection of the Environment Operations Act 1997

Noise arising from demolition/excavation/construction works shall be controlled in accordance with the requirements of *Protection of the Environment Operations Act 1997* and guidelines currently contained in the NSW EPA Environmental Noise Control Manual.

#### (8) Demolition requirements/standards

Demolition is to be carried out in accordance with the following:

- (a) Australian Standard 2601 and any requirements of the Workcover Authority.
- (b) The Waste Management Plan submitted with the Development Application.
- (c) The property is to be secured to prohibit unauthorised entry.
- (d) All precantions are to be exercised in the handling, removal and disposal of all asbestos materials. Licensed contractors and the disposal of asbestos is to be carried out in accordance with the requirements of the Work Cover Authority.
- (e) All other materials and debris is to be removed from the site and disposed of to approved outlets.
- (f) Any demolition on the site is to be conducted in strict accordance with, but not limited to, sections 1.5, 1.6, 1.7, 3.1 and 3.9 of the AS 2601 1991, demolition of structures. The following measures must be undertaken for hazardous dust control:
- (g) Prior to demolition, the applicant shall submit a Work Plan prepared in accordance with AS 2601 by a person with suitable expertise and experience. The Work Plan shall identify any hazardous materials, the method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
- (h) Hazardous dust must not be allowed to escape from the site or contaminate the immediate environment. The use of fine mesh dust proof screens, wet-lead safe work practices, or other measures is required.
- (i) All contractors and employees directly involved in the removal of hazardous dusts and substances shall wear protective equipment conforming to AS 1716 Respiratory Protective Devices and shall adopt work practices in accordance with WorkSafe Requirements (in particular the WorkSafe standard for the Control of Inorganic Lead At Work (NOHSC: 1012, 1994) and AS 2641, 1998).
- (j) Any existing accumulations of dust (eg; ceiling voids and wall cavities must be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter and disposed of appropriately.

#### DEVELOPMENT APPLICATION 10,2006,299.1

#### 1-3, 5-9 AND 11 CHARLOTTE STREET, ASHFIELD

- (k) All dusty surfaces and dust created from work is to be suppressed by a fine water spray. Unclean water from the suppressant spray is not be allowed to enter the street gutter and stormwater systems.
- Demolition is not to be performed during high winds that may cause dust to spread beyond the site boundaries without adequate containment.
- (m) All lead contaminated material is to be disposed of in accordance with the NSW Environment Protection Authorities requirements.
- (n) Construction and demolition waste, particularly timber, bricks and tiles, concrete and other materials need not be disposed of they can be recycled and resold if segregated properly from any hazardous waste contamination.

### (9) Parking spaces and loading areas - maintenance/ line marking/use

The loading/unloading areas provided on site shall be maintained and line marked in accordance with AS2890.1 (2004). Under no circumstances are such spaces to be used for the storage of goods or waste products.

#### (10) Wall position and boundary - check survey

A Survey Certificate (or copy) taken at damp course level and showing distances of walls to boundaries and alignments is to be submitted to the Principal Certifying Authority.

### (11) Locate structures within boundaries

The proposed structure(s) to be erected must stand wholly within the boundaries of the allotment.

### (12) Building materials - storage/placement on footpath/roadway - Council approval

All building materials shall be stored wholly within the property boundaries and shall not be placed on the footpath, grass verge or roadway without prior written approval of Council.

Bulk refuse bins shall not be placed on the grass verge, footpath or roadway without Council permission. Application forms and details of applicable fees are available from Council's One Stop Shop telephone 9716 1800.

### (13) Road user permit - Council controlled lands

A road opening permit shall be obtained for all works carried out in public or Council controlled lands. Contact Council's Engineering Services for details.

This road opening permit covers the direct costs involved in the repair/replacement of works where the public or Council controlled lands are specifically damaged/saw cut etc for the construction of services, stormwater pipes, kerb works, bitumen works, footpath works etc. It is separate from a Damage Deposit as listed elsewhere in these Conditions of Consent.

#### DEVELOPMENT APPLICATION 10,2006,299,1

#### 1-3, 5-9 AND 11 CHARLOTTE STREET, ASHFIELD

#### (14) Anti-graffiti paint and maintenance of facades

All masonry is to be applied with anti-graffiti paint.

The facades are to be maintained to a high standard to protect the visual amenities of the area. This maintenance and upkeep of the facades is to be undertaken at the owner's expense.

#### (15) Materials and colour schemes

Materials of construction are to be as specified in the schedule of finishes submitted with the development application and on the approved plans, except where amended by the conditions hereunder.

#### (16) Sound limiting device

A sound-limiting device with an octave filter be installed. The device is to be set to a sound pressure level of 95dB(A) within the function room. Access to the control box is to be limited to managerial staff and kept in a secure location. The control box and microphone are to be checked regularly to ensure it has not been tampered with and is working properly.

#### (17) Stormwater runoff

Allowance shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other properties

### (18) Spoil and building materials on road and footpath

Spoil and building materials shall not be placed or stored within any public roadway or footpath.

#### (19) Traffic control on public roads

Where works are undertaken on public roads, adequate traffic control in accordance with AS 1742.3 1996 "Traffic Control Devices for work on Roads", particularly regarding traffic movement controllers, advance warning signs and directions to motorists, shall be provided. Where such measures are not satisfactorily provided to this Australian Standard, Council may provide such and recover the costs from any bonds held.

### (20) Engineering staff to inspect roadworks/drainage

An inspection by Council's staff will be required for (kerb /gutter /crossing /drainage works etc) at the following stages:

- (i) After excavation.
- (ii) After the erection of formwork and the placement of reinforcement and prior to pouring of concrete
- (iii) After placement of road base course.
- (iv) After completion of any pits.
- (v) After pipes have been laid and prior to backfilling.

### DEVELOPMENT APPLICATION 10.2006.299.1

#### 1-3, 5-9 AND 11 CHARLOTTE STREET, ASHFIELD

#### (vi) On completion of works.

A minimum of 24 hours notice is required to be given to Council to obtain an inspection. Work is not to proceed until the works or activity covered by the inspection is approved.

#### (21) Redundant vehicular crossings-removal and replacements

The redundant vehicular crossings adjacent to the rear laneway outside the site shall be removed and replaced with footpath pavers (similar to Pebblecrete pavers 400 x 400 x 60 honed, acid etched PPX540:400D and PPX49:400D), concrete kerb and concrete gutter at no cost to Council at the applicant's expense. This work shall be carried out prior to the release of the Occupation Certificate.

#### (22) Finished ground surface levels at property boundary

Finished ground surface levels shall match existing levels at the property boundary after works have been completed.

#### (23) Footpath, kerb and gutter protection

The applicant is to take all precautions to ensure footpaths and roads are kept in a safe condition and to prevent damage to Council's property.

The applicant shall construct a temporary vehicular access crossing for vehicles entering and leaving the site across Council's footpath. Pedestrian access across this footpath must be maintained in good order at all times during work. Any damage caused will be made good by Council at Council's restoration rates, at the applicant's expense.

### (24) Work to comply with Ashfield Council's "Guidelines for Food Premises"

All work shall comply with Ashfield Council's "Guidelines for Food Premises" and Australian Standard 4674-2004 "Design, construction and fluou of food premises".

### F Conditions that must be complied with prior to installation of services

#### (1) Grease traps

Details of the grease trap and the proposed method of cleaning the trap shall be submitted to and be approved by the Principal Certifying Authority before the installation work is commenced.

### G Conditions that must be complied with before the building is occupied

#### (1) Street Number

A street number appropriately designed to complement the character of the building must be displayed in a position clearly visible from the street, in numbers having a height of not less than 75 mm. The number must be in place before the premises can be occupied.

#### DEVELOPMENT APPLICATION 10,2006,299.1

### 1-3, 5-9 AND II CHARLOTTE STREET, ASHFIELD

### (2) Grease arrestor installation required - Sydney Water

A grease arrestor shall be installed to the requirements of Sydney Water prior to occupation.

#### (3) Approval to use/occupy building

The building or any part thereof must not be used or occupied until an Occupation Certificate has been issued for the class 2-9 buildings, or a completion inspection, has been satisfactorily carried out for class 1&10 structures.

#### (4) Consolidation of allotments

Lot 17 DP 819022, Lots 1, 2 & 3 DP 194429 and Lot 1 DP 770875 (which is the land the subject of DA No. 2006/299) are to be consolidated into one allotment. A plan of consolidation prepared by a registered surveyor and six (6) paper copies are to be submitted to Council for signature prior to registration at the Land Titles Office (Department of Information and Land Management). Evidence of consolidation from the Land Titles Office shall be submitted to Council or the Principal Certifying Authority prior to the release of any form of construction certificate or within 6 months from the date of determination.

A subdivision certificate, being a certificate that authorises the registration of a plan of subdivision under Division 3 of Part 23 of the <u>Conveyancing Act 1919</u> is to be obtained from Council in accordance with Section 109C(1)D of the <u>Environmental Planning and Assessment Act 1979</u>.

## (5) Engineering conditions to be satisfied prior to the issue of occupation certificate

Prior to the release of the Occupation Certificate when the on-site building works are completed there are three (4) conditions that must be satisfied.

They are:

#### (a) Work-As-Executed Plans

A "Work-as-Executed" plan prepared and signed by a registered surveyor is to be submitted to Council's Engineering Department at the completion of the works showing the location of the detention basin with finished surface levels, contours at 0.2 metre intervals and volume of storage available. Also the outlet pipe from the detention basin to its connection to Council's drainage system, is to be shown together with the following information:

- location
- pipe diameter
- gradient
- pipe material i.e. PVC or EW etc
- orifice size (if used)
- trash screen at orifice
- all buildings (including floor levels) and finished ground and pavement surface levels

### DEVELOPMENT APPLICATION 10.2006.299.1

### 1-3, 5-9 AND 11 CHARLOTTE STREET, ASHFIELD

#### (b) Engineer's Certificate

A qualified practising Civil Engineer shall certify on the completion of drainage works in respect of:

- the soundness of the storage structure;
- \* the capacity of the detention storage;
- \* the emergency overflow system being in place;
- the works being constructed in accordance with the Council approved plans;
- \* the freeboard from maximum water surface level to the finished floor and garage levels are at or above the minimum required in Council's Stormwater Code.
- basement car park pumps are class one zone two (if used).

#### (c) Restriction-As-To-User

A "Restriction-as-to-User" is to be placed on the title of the subject property to indicate the location and dimensions of the detention area. This is to ensure that works, which could affect the function of the stormwater detention system, shall not be carried out without the prior consent in writing of the Council.

Such restrictions shall not be released, varied or modified without the consent of the Council.

#### (d) Positive Covenant

A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property detailing the

- (a) surface flow path
- (b) finished pavement and ground levels
- (c) prevent the erection of any structures or fencing
- (d) on-site stormwater detention system

The wording in the Instrument shall be submitted to and approved by Ashfield Municipal Council prior to lodgement at the Land Titles Office and prior to the release of the Occupation Certificate. The Instrument shall be registered prior to the completion of development.

In order to ensure that the on-site detention system is properly maintained the owner of the site shall each year provide Council with a Certificate from a practicing civil engineer stating that the on-site detention system is functioning correctly and has not been compromised in any manner.

#### DEVELOPMENT APPLICATION 10,2006,299.1

#### 1-3, 5-9 AND 11 CHARLOTTE STREET, ASHFIELD

#### (6) Rear lane reconstruction

The public laneway at the rear of the site shall be completely reconstructed to the requirements of Council's Works & Infrastructure Department at the applicant's expense. This work shall be carried out prior to the release of the Occupation Certificate.

This reconstruction shall necessitate the following works being carried out by the applicant.

- A survey plan is to be undertaken showing the existing road levels and utilities (water, gas etc), levels are to be taken in a grid like pattern at a minimum 10m interval.
- The laneway is to be excavated to a minimum depth of 200mm and then replaced using 150mm cement or lime stabilisation of its base area.
- The top 50mm of the laneway shall then be replaced with asphaltic concrete (maximum 10mm stone size).
- At the completion of these works a work as executed survey is to be undertaken in order to satisfy satisfactory compliance of road crossfall etc.

Prior to the commencement of works approval must be obtain by the relevant Road Authority (Ashfield Council) to carry out these works. A traffic management will be required to be submitted for these works.

#### (7) Footpath, kerb and gutter reconstruction

The public kerb and gutter both in Charlotte Street and Station Street outside the site and for the shared way shall be reconstructed to the requirements of Council's Works & Infrastructure Department at the applicant's expense. This work shall be carried out prior to the release of the Occupation Certificate.

#### H Conditions that are ongoing requirements of development consents

#### (1) Approved use-outdoor eating area

The use of the area shall be limited to outdoor seating facilities only, and this is to be only in conjunction with the provision of a simultaneous food service from the restaurant.

#### (2) Noise-licensed premises - acoustical engineer report

- a The LA 10 noise level emitted from the premises shall not exceed the background noise level by 5dB in any octave band centre frequency (31.5Hz 8kHz inclusive) between 7.00am to 12 midnight at the boundary of any affected residential premises.
- The LA 10 noise level emitted from the premises shall not exceed the background noise level in any octave band centre frequency (31.5Hz 8kHz inclusive) between 12 midnight to 7.00am at the boundary of any affected residential premises.
- Notwithstanding compliance with the above, the noise from the premises shall not be audible within any habitable room in any residential premises between the hours of 12:00midnight to 7.00am (daily).

#### DEVELOPMENT APPLICATION 10,2006,299.1

#### 1-3, 5-9 AND 11 CHARLOTTE STREET, ASHFIELD

A copy of an acoustical report demonstrating compliance with noise level compliance for licensed premises shall be submitted to the Council within six months of the issue of an occupation certificate.

# (3) Protection of the Environment Operations Act 1997 - offensive noise/vibration prohibited

The use and occupation of the premises including all plant and equipment installed thereon, shall not give rise to any offensive noise or vibration from the premises within the meaning of the Protection of the Environment Operations Act 1997.

#### (4) Discharge of condensate from air conditioning units

Any condensate, moisture, etc shall not be permitted to be discharged onto the ground surface of the premises or into stormwater drainage systems in contravention of the requirements of the *Protection of the Environment Operations Act 1997*.

All such wastes must be discharged to sewers of the Sydney Water.

#### (5) Loading/unloading on site

All loading and unloading are to be conducted within the site at all times. Any designated loading bay/dock area is to remain available for loading/unloading purposes at all times. No storage of goods or parking of cars is to be carried out in these areas.

No vehicles are entitled to stand in the rear lane way unless supervised

#### (6) Landscaping

Any landscaped areas are to remain free of litter and to be maintained to a high standard to protect the visual amenities of the area. The planters shall be regularly maintained to ensure that branches cannot act as a natural ladder to the terrace.

The landscaping is to be maintained at the operator's expense,

#### (7) Garbage disposal—licensed premises

No bottle, can or garbage disposal shall take place between the hours of 10.00pm, and 8.00am daily. This is to protect the amenities of the area.

#### (8) Lighting

All lighting (except emergency lighting, as required by Part E of the Building Code of Australia) installed to the building is to be switched off when the specified uses are not operational or at the end of the hours of operation as specified in the conditions, which ever is the earlier. This is to protect the amenities of the area and to promote energy efficiency.

#### DEVELOPMENT APPLICATION 10.2006,299.1

### 1-3, 5-9 AND 11 CHARLOTTE STREET, ASHFIELD

#### (9) Pedestrian Access

No pedestrian access shall be available from the rear lane into the building. This point shall only be used for emergency purposes.

#### I <u>Advisory Notes</u>

### (1) Compliance with the Disability Discrimination Act - liability

This decision does not ensure compliance with the Disability Discrimination Act. The owner, lessee, operator and/or manager of the premises is advised that under the Disability Discrimination Act 1992, it is illegal to discriminate against a person with a disability by means of restricting access to or within the building. If access is restricted the owner, lessee, operator and/or manager of the premises may be liable for prosecution and/or a successful appeal to the Human Rights and Equal Opportunities Commission. You should therefore investigate your liability under that Act. Australian Standard 1428 - Design for Access and Mobility, Parts 2, 3 and 4 may assist in determining compliance with the Disability Discrimination Act 1992.

#### (2) Compliance with the Building Code of Australia

Preliminary assessment of the development application drawings indicates that the proposal may not comply with the following sections of the *Building Code of Australia*:

1. Parts C, D, E, F & J

#### (3) Advertisements/signage

No advertisements or signage shall be erected without the prior approval of Council unless otherwise permitted under the Ashfield Local Environmental Plan or other environmental planning instrument.

Any advertisements that do not require the prior approval of Council are to be displayed in the English language and may include a basic translation, in a language other than English, of a sufficient size to be legible to the public.

#### (4) Work on or close to shared boundaries

You are advised that the consent given, to build in close proximity to the allotment boundary, is in no way to be construed as permission to build on or encroach over the allotment boundary. Your attention is directed to the provisions of the *Dividing Fences Act 1991* that gives certain rights to adjoining owners, including use of the common boundary. In the absence of any structure standing well clear of the common boundary, you need to make yourself aware of your legal position, which may involve a survey to identify the allotment boundary.

#### (5) Outdoor dining requirement

A copy of the required Insurance Policy, Licence and fees must be submitted to Council PRIOR to the use of the area for outdoor seating.

### DEVELOPMENT APPLICATION 10,2006,299,1 1-3, 5-9 AND 11 CHARLOTTE STREET, ASHFIELD

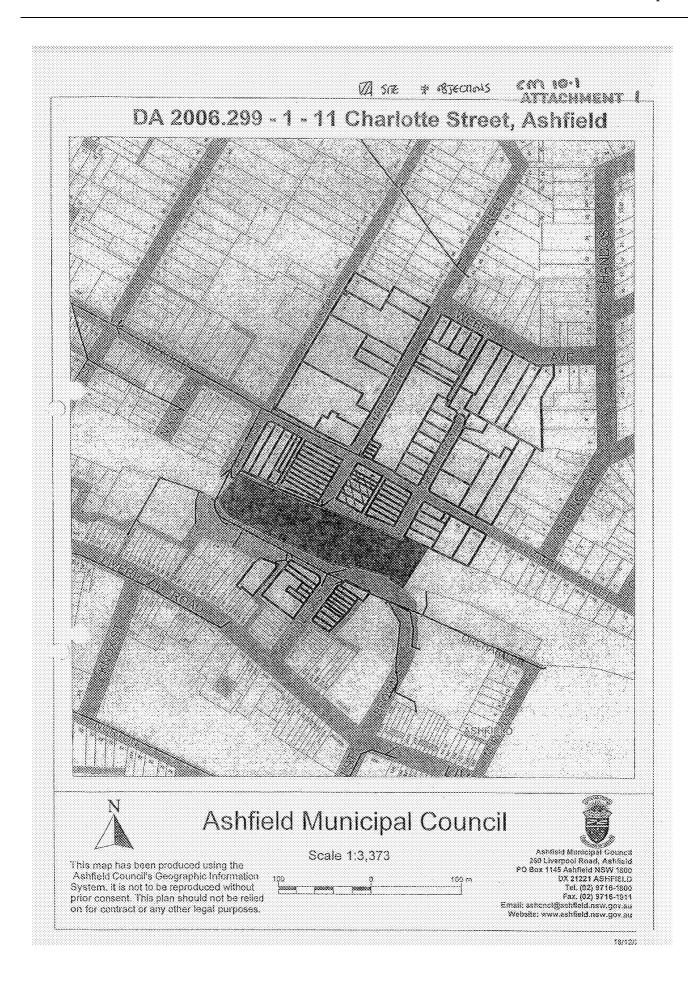
#### (6) Other approvals

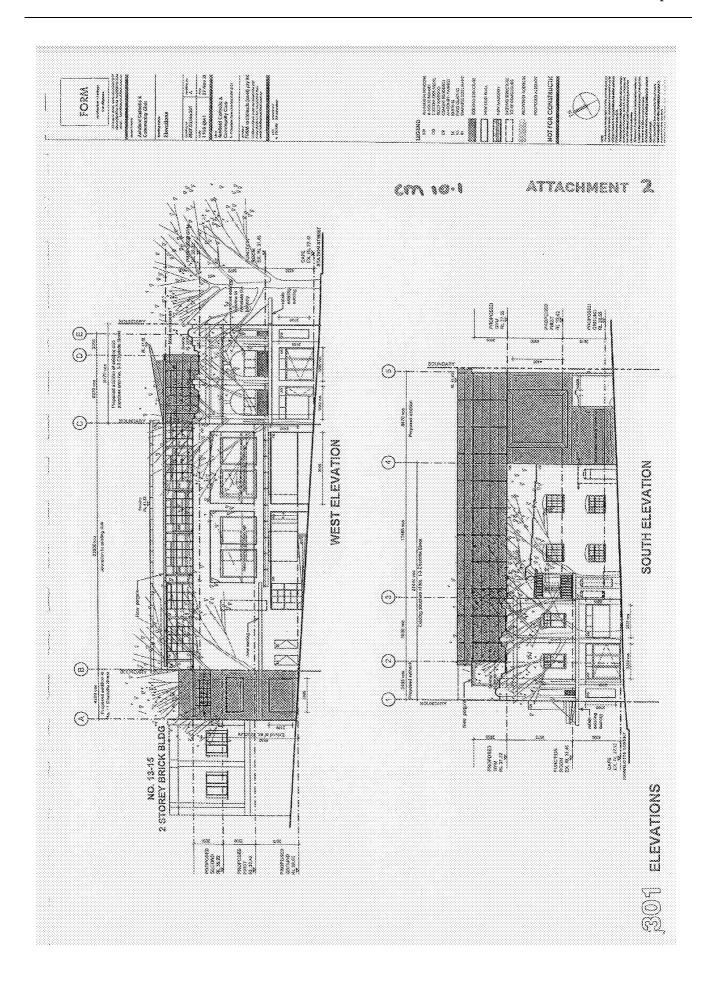
This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, including:

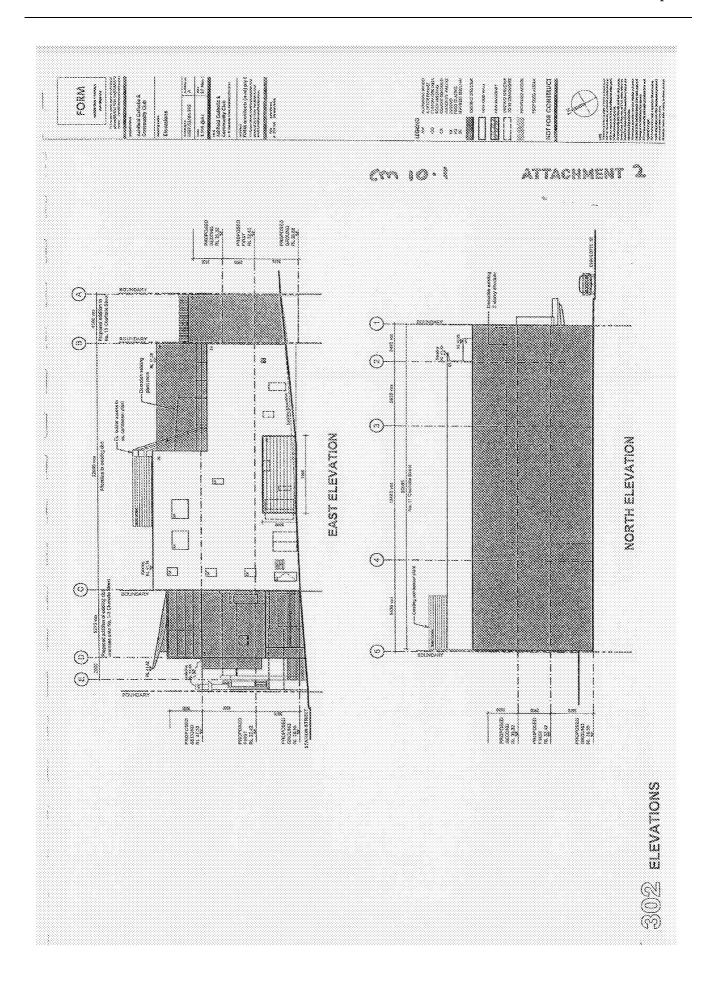
- an Application for Approval under Section 68 of the Local Government Act 1993 for any
  proposed activity under that Act, including any erection of a hoarding. All such applications
  must comply with the Building Code of Australia.
- an Application for Approval under Section 68 of the Local Government Act 1993 for a Place of Public Entertainment if proposed. Further building work may also be required for this use in order to comply with the Building Code of Australia. If there is any doubt as to what constitutes "Public Entertainment" do not hesitate to contact Council's Fire Officer.
- an application for an Occupation Certificate under Section 109(C)(2) of the Environmental Planning and Assessment Act 1979.

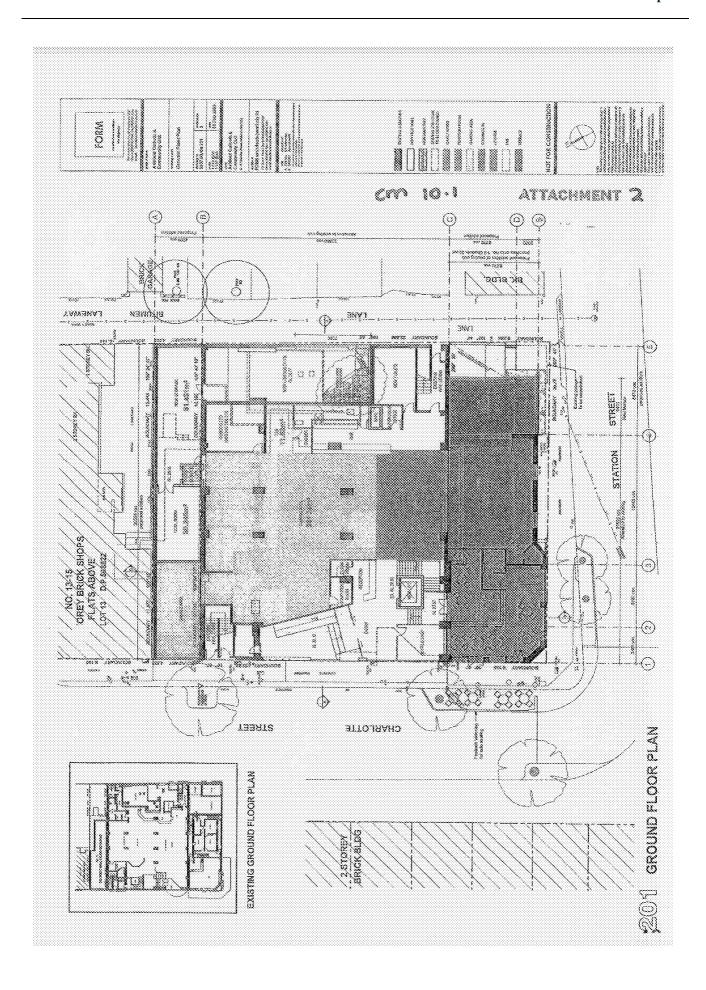
Note: An application for an Occupation Certificate may be lodged with Council if the applicant has nominated Council as the Principal Certifying Authority.

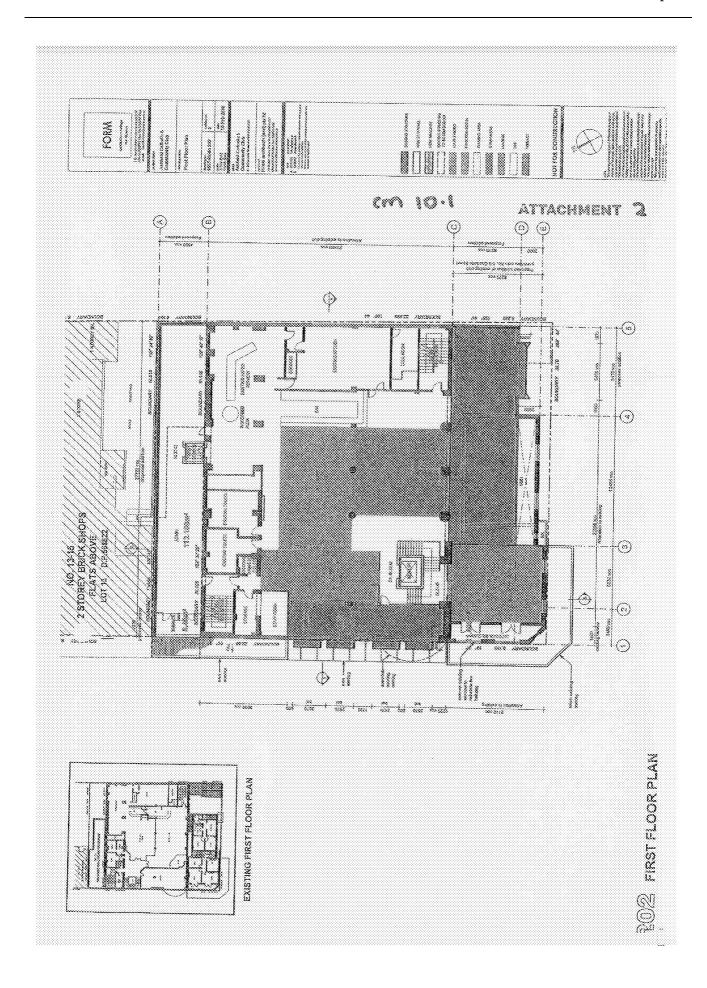
- an Application for a Subdivision Certificate under Section 109(C)(1)(d) of the Environmental Planning and Assessment Act 1979 if land (including stratum) subdivision of the development site is proposed.
- an Application for Strata Title Subdivision under the Strata Schemes (Freehold Development)
   Act 1973, if strata title subdivision of the development is proposed.
- a development application for demolition approval under the Environmental Planning and Assessment Act 1979 if consent for demolition is not granted by this consent.

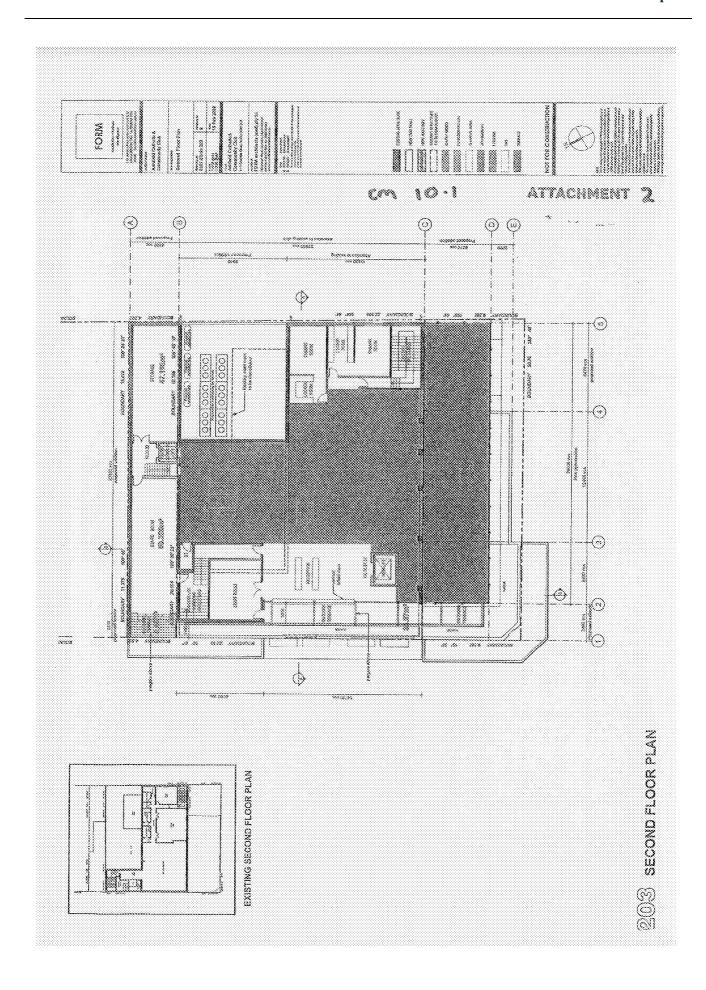


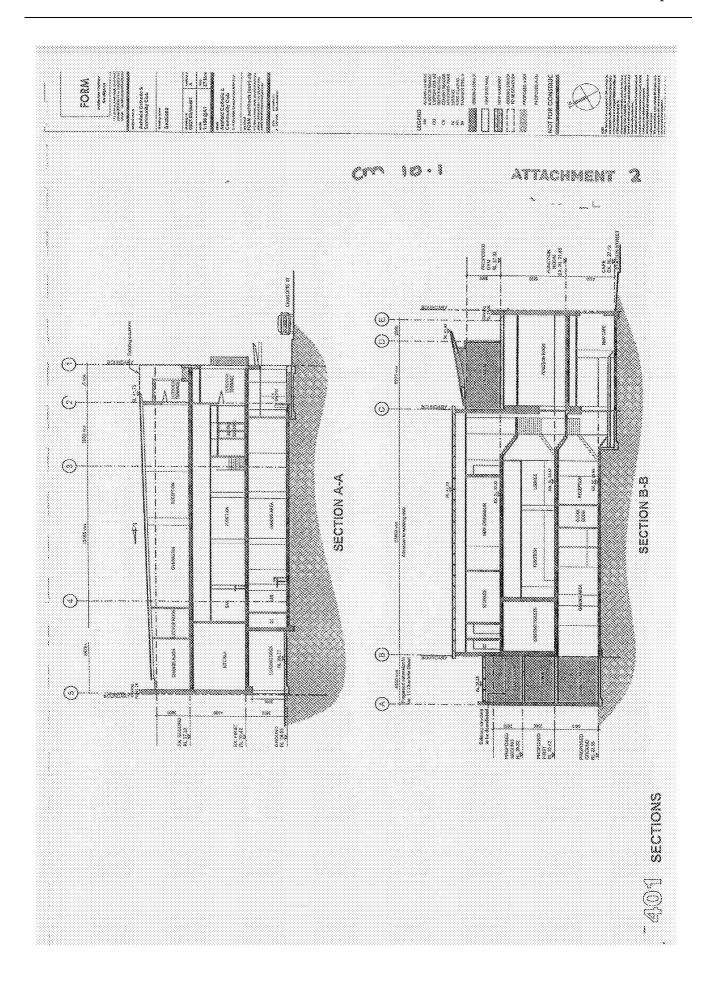


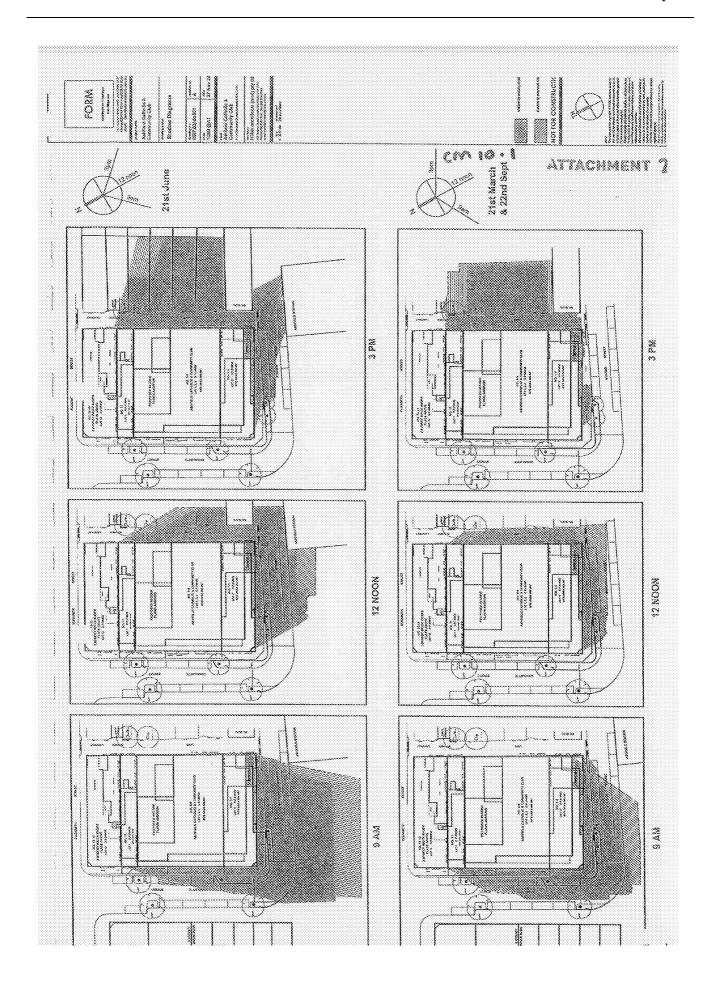


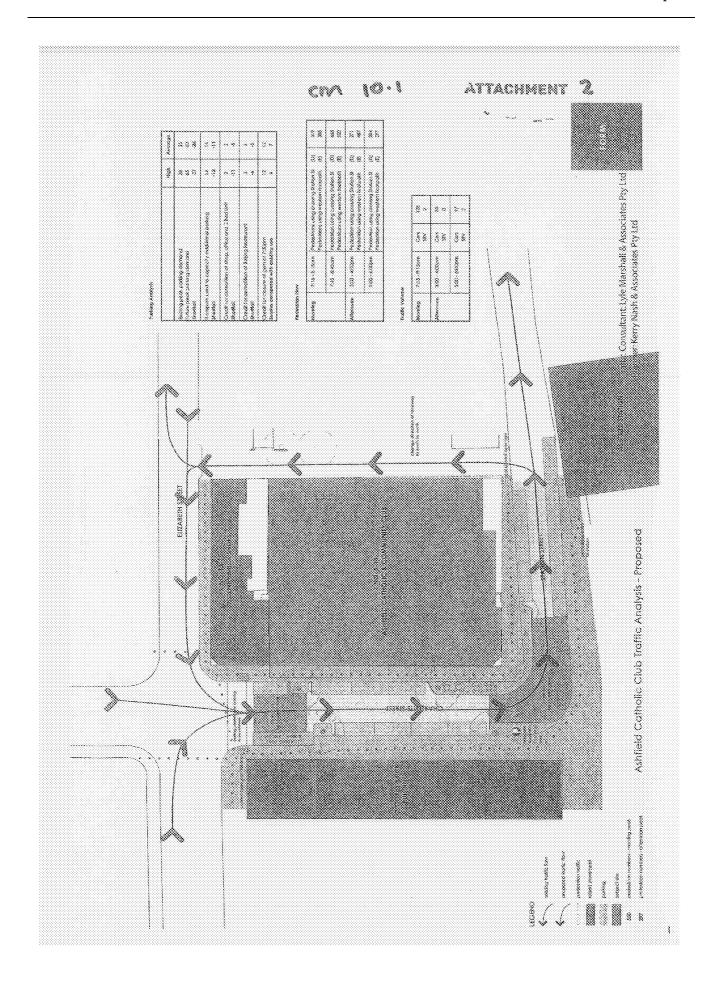


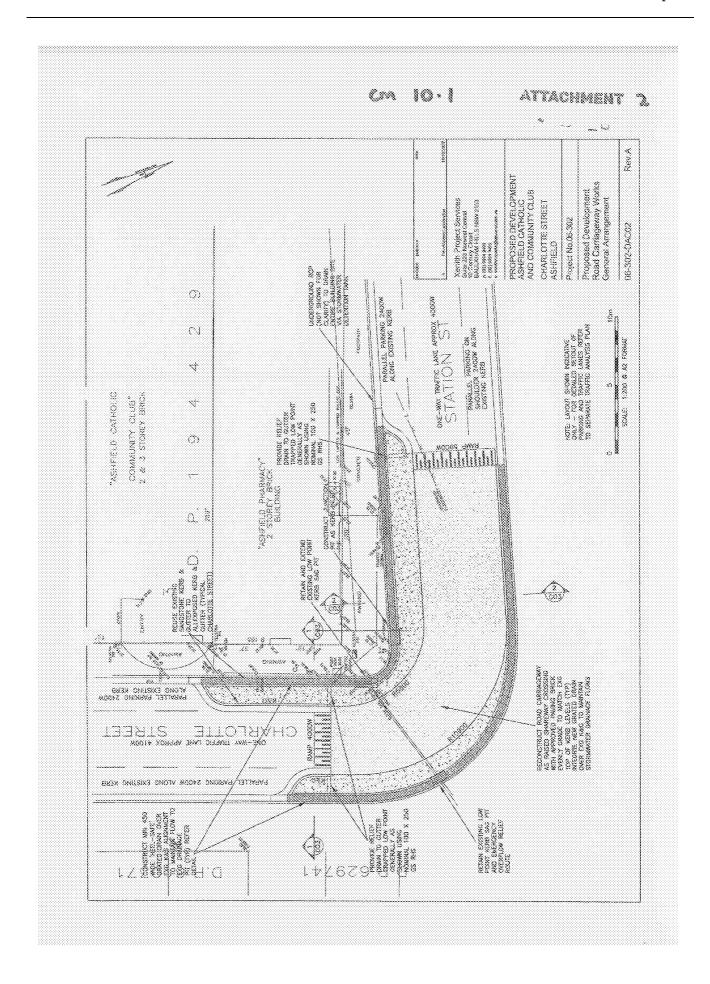














### DEVELOPMENT APPLICATION: 10.2006.299.1 1-3, 5-9 & 11 CHARLOTTE STREET, ASHFIELD

CLAUSE 2  Aims, objectives etc. This plan aims to. (a) promote the orderly and economic development of the loost government area of Ashfield in a manner consistent with the need to protect the environment, and (b) retain and enhance the identity of the Ashfield area derived from its role as an early residential suburb with local service industries and retail centres; and containing the first garden suburb of Haberfield (now listed as	Generally Complies. It is considered that the carrying out of the proposed development will generally meet the aims and objectives of Ashfield LEP 1985.
part of the National Estate). CLAUSE 10 Zoning	Complies. The property is zoned 3(a) General Business and the proposal is permissible with Council consent.
CLAUSE 10A Development consent required for change of building use and subdivision	Complies. The proposal requires development consent and this has been sought in the appropriate manner.
CLAUSE 11 Dwelling houses - residential allotment size	Not applicable.
CLAUSE 12: Number of floors in dwelling- houses	Not applicable.
CLAUSE 13 Dwelling houses — dual occupancy	Not applicable
CLAUSE 17 Floor space ratios (1) in this clause "building" does not include a building used exclusively as a dwelling-house or residential flat building, but includes a building or buildings comprising 2 dwellings only on the same allotment. (2) A person shall not, upon an allotment of land within a zone specified in Column I of the Table to this clause, erect a building with a floor space ratio that exceeds the ratio set out opposite the zone in Column II of that Table.	Does not comply with Clause 17B. See comments in the report.
CLAUSE 17A Height of residential flat buildings	Not applicable.

### DEVELOPMENT APPLICATION: 10.2006.299.1 CON 10.1 ATTACHMENT 3 1-3, 5-9 & 11 CHARLOTTE STREET, ASHFIELD



CLAUSE 17B	Does not comply.
Development of Ashfield Business Centre - Zone No. 3(a) floor space ratio (1) This clause applies to land within Zone No.	Proposed FSR = 2.25:1 Maximum allowable FSR = 2:1
(1) This claims applies to land within Zone No. (a) that is shown edged with an unbroken (or, if fronting Elizabeth Avenue, a broken) heavy black line on Sheet 3 of the map marked "Ashfield Local Environmental Plan 1935 (Amendment No 72)".  (2) The Council must not grant consent for buildings on land to which this clause applies if the floor space ratio of the building would exceed the base floor space ratio shown for the land on Sheet 2 of the map marked "Ashfield Local Environmental Plan 1985 (Amendmen No 72)", except as provided by subclause (3).  (3) The Council may consent to a building on a site of land to which this clause applies which is also land shown edged with a broken or unbroken heavy black line on Sheet 3 of the map marked "Ashfield Local Environmental Plan 1985 (Amendmen No 72)" that will result in the gross floor area of the buildings on the site being greater than that allowed by that base floor space ratio by no more than an amount equivalent to the site area, subject to subclause (4).  (4) The Council may grant consent pursuant to subclause (3) only if it is satisfied that the additional floor area will be developed as referred to on Sheet 3 of ther map in relation to the land concerned and only if the Council is satisfied that the additional floor area will be developed as referred to on Sheet 3 of the map in relation to the land concerned and only if the Council is satisfied that the additional development will not result in an adverse impact on any of the following.  (a) the scale and character of the streetscape, (b) the amenity of any existing or potential residential units on reighbouring land, sunlight access to surrounding streets, open space and nearby properties, (d) wind flow pattern to surrounding streets, open space and acarby properties.	A SEPP 1 Objection has been submitted in relation to the non-compliance with this Clause. Refer to Section 7.1.3 of the report
CLAUSE 18 Development for the purpose of advertisements	Not applicable.
CLAUSE 20 Clubs	Does not comply with minimum site area requirements.
	Site Area = 1,118.2m2 Minimum Area = 4,000m2  A SEPP I Objection has been submitted. Refer to Section 7.1,3 of the report
	Complies with road frontage requirements.
CLAUSE 21 Motor showrooms	Not applicable.
CLAUSE 22 Industrial uses 4(b)	Not applicable.
CLAUSE 23 Setbacks 4(b)	Not applicable.
CLAUSE 24 Parking in Zone 4(b)	Not applicable.

# DEVELOPMENT APPLICATION: 10,2006,299.1 1-3, 5-9 & 11 CHARLOTTE STREET, ASHFIELD

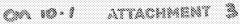


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CLAUSE 25 Development of land within Zone	Not applicable.
No. 6(a)	
CLAUSE 27	Not applicable.
Acquisition of land	
CLAUSE 28	Not applicable.
Suspension of certain laws	
CLAUSE 29 Provision for public amenities and services	The demand for public amenities and public services is likely to increase as a result of this proposal. Section 94 contributions will be applicable in accordance with the relevant section 94 contributions plan. Refer to Section 9.0 of the report.
CLAUSE 29A Classification and reclassification of public land as operational	Not applicable.
CLAUSE 30	It is considered that the carrying out of the proposed development will meet
Heritage provisions – aims The sims of this Part are:  (a) to retain the identity of Ashfield by conserving its environmental heritage, which includes the first garden suburb of Fisherfield now listed as part of the National Estate; and (b) to integrate heritage conservation into the planning and development control processes; and (c) to provide for public involvement in the conservation of Ashfield's environmental heritage; and (d) to ensure that any development does not adversely affect the heritage significance of heritage items and beritage conservation areas and their settings as well as landscapes and streetscapes and the distinctive character that they impart to the land to which this plan applies.	the aims of the heritage provisions of Ashfield LEP 1985.
CLAUSE 32 Protection of heritage items, heritage conservation areas and relics	Not applicable.
CLAUSE 34 Notice to Heritage Council	Not applicable.

### DEVELOPMENT APPLICATION: 10.2006.299.1 1-3, 5-9 & 11 CHARLOTTE STREET, ASHFIELD







,	
CLAUSE 35	Not applicable.
Haberfield Heritage Conservation	
Area	<del>                                      </del>
CLAUSE 36	Not applicable.
Development of known or	
potential archaeological sites	
CLAUSE 37	Complies. It is considered that the carrying out of the proposal will have no
Development in vicinity of	adverse impact upon the heritage significance of any heritage items,
heritage items, heritage	conservation areas, archaeological sites in its vicinity.
conservation areas,	
archaeological sites or potential	
archaeological sites	<u> </u>
CLAUSE 37A	Not applicable.
Conservation incentives	
CLAUSE 38	Not applicable.
Development of land known as	
476 Parramatta Road Ashfield	l <sub>s</sub> , , , , , , , , , , , , , , , , , , ,
CLAUSE 38A	Not applicable.
Multiple dwellings on certain	
land	1
CLAUSE 38B	Not applicable.
Development of land known as	
Lot I (adjacent to Brown Street	
and Markham Avenue Ashfield	
CLAUSE 39	Not applicable. This clause has been superseded by LEP amendment no. 76
Development of land known as 4	that rezones the properties to General Business 3(a).
Parramatta Road, Summer Hill	
and 47 Dover Street, Summer	
Hill	
CLAUSE 39A	Not applicable
Temporary car park-Liverpool	
Road and Elizabeth Avenue, Ashfield	
	Not amplicable
CLAUSE 398 Mixed development in	Not applicable.
Mixed development in commercial zones – generally	
CLAUSE 40	Not send to the
K	Not applicable.
Mixed development on certain	
land - floor space concessions	
CLAUSE 41	Not applicable.
Development of land known as	
No. 91A Smith Street, Summer	
Hill CLAUSE 42	Mar and Book Is
F	Not applicable.
Development of land adjacent to	
Liverpool Road and railway line, Ashfield	
CLAUSE 43	Not socilizable
Development of community	Not applicable.
centre at Smith Street, Summer	
Hill	
1 1311	

### DEVELOPMENT APPLICATION: 10.2006.299.1 ON 10 . ATTACHMENT 3 1-3, 5-9 & 11 CHARLOTTE STREET, ASHFIELD

CLAUSE 44 Development of land known as No. 60 Dalhousie Street,	Not applicable.
Haberfield (Haberfield Post Office) CLAUSE 45	Not applicable.
Development of land adjacent to Liverpool Road and railway line, Ashfield	
CLAUSE 48 Development of land known as the Ashfield Public School Playing Fields Site, 3 Orchard Crescent and 209 Liverpool Road, Ashfield	Not applicable.
CLAUSE 49 Development of land known as 191 Ramsay Street, Haberfield	Not applicable.
CLAUSE 51 Development of land known as 93 Milton Street, Ashfield	Not applicable.
CLAUSE 52 Development of land known as 412-416 Liverpool Road, Croydon	Not applicable.
CLAUSE 53 Development of land known as 3 Carlton Crescent, Summer Hill MODEL PROVISIONS	Not applicable.
5(1) - Aesthetic appearance of proposed development from waterway, main or arterial road, railway, public reserve or land zoned for open space.	Satisfactory.
S(2) - Car impacts  a) adequate exits and entrances so as not to endanger persons and vehicles using public roads  b) adequate car-parking c) compliance with RTA representations	Satisfactory
d) adequate area for loading, unloading and fuelling vehicles and for the picking up and setting down of passengers	
12 - Land used for commercial or industrial purposes	Not applicable.
13 - Off street loading, facilities, etc.	Satisfactory.
racinites, etc.	I

FOR INFORMATION ONLY

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ATTACHMENT &

- 2004. 2004. 2004. 2004. 200

------ 1 a JAN 2007

Ashfield Municipal Council Po Box 1145 Ashfield NSW 1800

10/1/07

Re: Proposed Development for 1 – 11 Charlotte St, Ashfield Catholic & Community Club Ltd. Application number: 10.2008,299

As shop owners on Charlotte Street, we support the Club Ashfield development.

Club Ashfield's development would increase patronage to Charlotte Street benefiting all on Charlotte Street. Charlotte Street currently needs a new approach which could happen if approval was granted by Council.

As shop owners on Charlotte Street we ask Council to increase their support for Charlotte Street. We believe that a showing council support for the Club Ashfield development would be a good start.

Concerned Shop Keepers of Charlotte Street.

MASAGANA ORIENTAL VARIETY STORE 13 CHARLOTTE ST.

POL MARTIREZ

ASHFIELD

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ATTACHMENT M

OR INFORMATION ONLY

RECISTERED 17 JAN 2007

DOC TYPE 4072
A STORY FOREE TO AND SA

Ashfield Municipal Council Po Box 1145 Ashfield NSW 1800

10/1/07

Re: Proposed Development for 1 – 11 Charlotte St, Ashfield Catholic & Community Club Ltd. Application number: 10.2006.299

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Concerned Shop Keepers of Charlotte Street.

20 Charlotte ST

- Page 117 -

M 10.1 ATTACHUS NE A A C Secretor Continue trongle ( PERSONAL S 1015 PA 2006 2503.59 CPY 4c ECCIEPED 10 JAN 2007 Ashfield Municipal Council Pa Box 1145 Ashfield NSW 1800 10/1/07 FOR INFORMATION ONLY Re: Proposed Development for 1 - 11 Charlotte St, Ashfield Catholic & Community Club Ltd. Application number: 10.2006,299 As shop owners on Charlotte Street, we support the Club Ashfield development. Club Ashfield's development would increase patronage to Charlotte Street benefiting all on Charlotte Street. Charlotte Street currently needs a new approach which could happen if approval was granted by Council. As shop owners on Charlotte Street we ask Council to increase their support for Charlotte Street. We believe that a showing council support for the Club Ashfield development would be a good start. Concerned Shop Keepers of Charlotte Street.

(/\* I/) · I ساير د، پ may "IL RESIDE COLAR SEE 18 JAN 2007 Ashfield Municipal Council Po Box 1145 Ashfield NSW 1800 10/1/07 Re: Proposed Development for 1 – 11 Charlotte St, Ashfield Catholic & Community Club Ltd. Application number: 10.2006.299 As shop owners on Charlotte Street, we support the Club Ashfield development. Club Ashfield's development would increase patronage to Charlotte Street benefiting all on Charlotte Street. Charlotte Street currently needs a new approach which could happen if approval was granted by Council. As shop owners on Charlotte Street we ask Council to increase their support for Charlotte Street. We believe that a showing council support for the Club Ashfield development would be a good start. Concerned Shop Keepers of Charlotte Street. Monnon Theresa Thomson Beautify Unisex beauty Sacon FOR INFORMATION ONLY 14 charlotte st. Ashfice.

ACKNOWLEDGED BY RECORDS

Cov 10.1 ATTACHMENT 4

AMIC Records Section

MMY MA REDISTRATION 299

REGISTERED 4 5 JAN 2007

Ashfield Municipal Council Po Box 1145 Ashfield NSW 1800

DOC TITE 30 SWAY COPY TO

3/1/07

Re: Proposed Development for 1 – 11 Charlotte St, Ashfield Catholic & Community Club Ltd, trading as Club Ashfield. Application No: 10.2006,299

To Whom It May Concern,

As the owner of the newsagency on Charlotte street, it is my opinion that the Club is the main influence in keeping this side of the line alive. The proposed development will not only be highly beneficial to this side of the line and to all nearby businesses but will also serve to enhance Charlotte Street.

The idea of footpath dining will finally give this side of the line an edge as it is something which cannot be done on the other side of the line. This could see an increase in different types of shops for this side of the line which will further attract people to the area. It could also provide an opportunity to replicate areas like Concord, Five Dock and Haberfield.

I have carefully examined the plans and love the look that the club is aiming for. The proposed development provides for an excellent balance between old and new. To date, this side of the line has successfully been able to retain its historic aspect and the Club has not only managed to keep this historic aspect but has further improved the area by also including a modern aspect in it's design.

I believe that if the approval was granted the shopping centre in Charlotte Street would flourish as more patronage to Club Ashfield would see an increase in business which would help in times of economic restraint.

Concerned shop keeper

lan Gosling

Charlotte Street Newsagency

		QV 10.4	ATTACHMENT
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	Senior Chinese Care F	ree Group	
	299 Liverpool Road, Ashfield, Tel: 97165236 Fax: 9764655 Ema	N.S.W. 2131 Australia sil: Junbian @bidpond.c	om
To Mr. Ken Gainge		MAMY <u>R</u> A	2006.000299
General Manage Ashfield Munic	ir,		5 JAN 7007
Dear Sir.	Ashfield, 2 <sup>nd</sup> January 20	iin7 ←	1
	Re: Development Applicati	`	O MAMY
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ATTACHMENT

FOR INFORMATION ONLY

Ashfield Municipal Council Po Box 1145 Ashfield NSW 1800

10/1/07

A MMY MOLER STATE 1999 COPY No ..... RESISTERED 2 9 JAN 2007

COFYTO:.....

Re: Proposed Development for 1 - 11 Charlotte St, Ashfield Catholic & Community Club Ltd. Application number: 10.2006.299

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Concerned Shop Keepers of Charlotte Street.

CHAMPEN RUNESIKANSONE

Thai 12 CHARLOTTE ST ASHFIELD N.S.W. 2131 PH : 97977900 PH : 97977667 FAX: 97976275 Email Thainumbert@yahoo.com.qu 

FOR INFORMATION CALL

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REGITERED 22 JAN 7007

Ashfield Municipal Council Po Box 1145 Ashfield NSW 1800

10/1/07

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Coxthy's Voque Hair 15 Charlotte Street Pohjield

- Page 123 -



### Presbyterian Church of Australia

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in the State of New South Wales

ATTACHMENT 4

FOR DEFOR

Attitions to a

PRIME PA 1996 999 COPYRELL
RECTURED 18 JAN 2007

168 CHALMERS STREET, SURRY HILLS NSW 2010 PO 80X 2196, STRAWBERRY HILLS NSW 2012 DX 22502 SURRY HILLS Telephone: (02) 9690 9333 Facsimile: (02) 9310 2148 E-mail: general@pcnsw.org.au

17 January, 2006

General Manager Ashfield Municipal Council PO Box 1145 ASHFIELD NSW 1800

Dear Sir,

NOTIFICATION OF DEVELOPMENT APPLICATION
DEVELOPMENT SITE: 1-3 CHARLOTTE STREET, ASHFIELD (Cnr. Station Street)
APPLICATION NO: 10.2006.299

Receipt is acknowledged of your letter of 18th December, 2006 and we would advise that The Presbyterian Church (New South Wales) Property Trust has no objections to the proposed Development Application.

Yours faithfully

PETER J. GRAHAM, OAM Trusts and Property Manager

pjg.shj

## Sheryl Gore chioa ATTACHMENT W Post Office Box 734. MANLY 1655

Mobile: 0411 395 059

17th January 2007

Ashfield Municipal Council Post Office Box 1145. Ashfield 1800

Dear Sir/Madam.

Re: Development site 1-3 Charlotte St, Ashfield Application No: 10.2006,299

RCC 100 1 9 JAN 2007 ACKNOWLEDGED BY RECORDS

I refer to the above development application and as the owner of 13-15 Charlotte Street Ashfield, I wish to object to the following:-

1. I am concerned that this development will have a detrimental impact on my property and the occupants within regarding noise from the terrace overlooking Charlotte Street. This terrace is right near the bedroom of one of the flats and despite the club advising that this terrace will only be used for administration purposes, there will no doubt be times when large gatherings will congregate on the terrace causing excessive noise and disturbance to my occupants

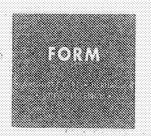
2. I am also concerned about the boundary wall height onto my courtyard area -- this will mean that my occupants will have a huge brick wail to look at whereas now they at least can see the sky/sun and openness. This will give my property an overbearing appearance and be like living in a ghetto environment

3. No discussions have taken place regarding the removal of the boundary fence which is currently colour bond and this will need to be addressed

For the above reasons I request that the development application be amended to address noise and the overbearing appearance of a 2-3 storey brick wall.

Yours faithfully,

Sheryl Gare



CYN., 10.7 ATTACHMENT 5

5th March 2007

Ashiield Municipal Council PO Box 1145 Ashfield NSW 1890 Aftn: Martin Amy FEGURED 6 - MAR 2007



Dear Mr. Amy,

Re: Proposed development for Ashfield Cotholic Club (DA 2006-299)

In response to Council's letter dated 19 February 2007 regarding objection raised during the notification period for above DA application, we submit response addressing following issues.

#### 1. Noise

There was concern raised regarding noise from the use of the terrace associated with the office on the tirst floor level and boardroom on the second floor level. It is expected that the office terrace on first floor level would only used by administration staffs during normal working hour and would not accessible to Club users. The boardroom terrace on second floor level is only occasionally used by the directors of the club. There will be no access to terrace once the office and boardroom are closed.

#### 2. Bulk & Scale

The proposal comprises three storey buildings, which is consistent with the existing club development. The heights and scale of the proposed development is virtually the same as the existing buildings on the site. The northern section of the proposed development, 11 Charlotte Street, is lower than the existing club to minimise impact on neighbouring building, 13-15 Charlotte Street.

The controls in Section 5 of Part C3 of the Ashfield Town Centre DCP 2006 identifies a 4-storey building height control on the subject site, based on a floor to ceiling height of 3m. The northern section of the proposed development, 11 Charlotte Street, with 9.42m from ground level to upper ceiling, satisfies the building height provision under sections 5.3 of the Ashfield Town Centre DCP.

The bulk of new development will have no impact on the overshadowing of the neighbouring building, 13-15 Charlotte Street, located north of the subject site.

#### 3. Boundary fence

The proposed development is on the boundary, the boundary fence will be redundant if the development is constructed. The boundary fence will be removed at the club's expense.

Should you require more information or discussion please do not hesitate to contact Ron Edgar by phone, fax or email.

Yours sincerely,

FORM dischitects (aust) phy itd

Director

Per:

Ron Edgar B Arch FRAIA

Registered Architect NSW 5022 Architect/Heritipge Consultant

FORM ARCHITECTS (AUST) FTY ITD ABM 63 446 075 267

PO Box 147 North Stratifield 2137 NSW Australia + 113 Queen Street North Stratifield HSW Australia P +61 2 8765 9266 + F +61 2 8765 9366 + www.formarchitects.com.ao

# CAN 10 · 1 SEPP 1 OBJECTION: CLAUSE 178 - FLOOR SPACE RATIO ASHFIELD LOCAL ENVIRONMENTAL PLAN 1985

#### A. PLANNING INSTRUMENT

Ashfield Local Environmental Plan 1985.

# B. DEVELOPMENT STANDARD

"Development of Ashfield Business Centre – Zone No. 3(a) floor space ratio

- 17B. (1) This clause applies to land within Zone No. 3(a) that is shown edged with an unbroken (or, if fronting Elizabeth Avenue, a broken) heavy black line on Sheet 2 of the map marked "Ashfield Local Environmental Plan 1985 (Amendment No. 72)".
  - (2) The Council must not grant consent for buildings on land to which this clause applies if the floor space ratio of the buildings would exceed the base floor space ratio shown for the land on Sheet 2 of the map marked "Ashfield Local Environmental Plan 1985 (Amendment No. 72)", except as provided by subclause (3).
  - (3) The Council may consent to a building on a site of land to which this clause applies which is also land shown edged with a broken or unbroken heavy black line on Sheet 3 of the map marked "Ashfield Local Environmental Plan 1985 (Amendment No. 72)" that will result in the gross floor area of the buildings on the site being greater than that allowed by that base floor space ratio by no more than an amount equivalent to the site area, subject to subclause (4).
  - (4) The Council may grant a consent pursuant to subclause (3) only if it is satisfied that he additional floor area will be developed as referred to on Sheet 3 of that map in relation to the land concerned and only if the Council is satisfied that the additional development allowed will not result in an adverse impact on any of the following:-
    - (a) the scale and character of the streetscape.
    - (b) the amenity of any existing or potential residential units on neighbouring land.
    - (c) sunlight access to surrounding streets, open space and nearby properties,
    - (d) wind flow patterns to surrounding streets, open space and nearby properties."

Sheet 2 of Amendment No. 72 to the Ashfield LEP 1985 indicates "Allowable Floor Space - Base Ratios" of 2:1 on the subject site (1-11 Charlotte Street, Ashfield).

K.R. NASH & ASSOCIATES PTY LIMITED

#### C/A 10 · 1

ATTACHMENT &



#### ٥. PROPOSAL

The development application involves alterations and additions to the existing Ashfield Catholic and Community Club at 5-9 Charlotte Street, Ashfield comprising the enlargement of the site by inclusion of land at 1-3 and 11 Charlotte Street; the demolition of the building at 11 Charlotte Street; the retention of the façade of 1-3 Charlotte Street as a contributory item to the adjacent group of heritage buildings at 2-20 Charlotte Street; and erection of additional floor area for ground level café, gymnasium and improved loading and storage facilities.

The proposed development achieves an FSR of 2,25:1.

#### D. OBJECT OR PURPOSE OF THE STANDARD

There are not specific objectives embodied in the Ashfield LEP 1985 in respect to the floor space ratio development standard.

However, it is considered reasonable to accept that the underlying objective of the standard is to control the bulk, massing and scale of any proposed development on a site and to that extent it is considered that the four environmental impacts identified in Clause 17B(4) also can be considered to be specific underlying objectives of the outcomes envisaged through the FSR standard, namely:

- (a) be consistent with the scale and character of the streetscape;
- (b) protect the amenity of any adjoining residential properties;
- ensure sunlight access to surrounding streets, open space and nearby (c) properties; and
- (d)avoid unacceptable wind flow patterns to surrounding streets, open space and nearby properties.

#### IS COMPLIANCE WITH THE STANDARD CONSISTENT WITH THE AIMS OF THE Œ. POLICY?

The stated aim of the policy, at Clause 3 of SEPP 1, is to provide "flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in s5(a)(i) and (ii) of the Act".

Section 5(a) of the Environmental Planning and Assessment Act, 1979 states:-

- The objects of this Act are:
  - (a) to encourage;

1-11 Charlotte Street, Ashfield SEPP 1 Objection - Clause 178 - Floor Space Ratio

#### K.R. NASH & ASSOCIATES PTY LIMITED



# ATTACHMENT (



- the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,
- the promotion and coordination of the orderly and economic use and development of land,"

It is considered that compliance with the FSR standard would, in the circumstances of this case, hinder the attainment of the objects of the Act specified in 5(a)(i) and (ii) as the existing licensed Club on the site already exceeds the floor space ratio standard with an FSR of 2.53:1 and the proposal is for alterations and additions through amalgamation of adjoining sites, not a "knock-down" and rebuild proposal.

#### IS COMPLIANCE WITH THE STANDARD UNREASONABLE OR UNNECESSARY IN ₽. THE CIRCUMSTANCES OF THE CASE?

The existing building at 5-9 Charlotte Street is not in character or scale with the adjoining and adjacent commercial buildings in Charlotte Street, all (except No. 11) of which are 2-storey in height and listed as heritage items under the Ashfield LEP 1985.

The proposed development embodies significant alterations to the existing façade and building through a reduction in floor area, façade penetrations and the setback of the upper floor from the Charlotte Street alignment in order to achieve a consistency of building bulk, height and scale with adjoining properties, namely:-

13-15 Charlotte Street; and

1-3 Charlotte Street - through the retention of the existing façade.

The incorporation of the adjoining land at 1-3 and 11 Charlotte Street will enable the introduction of ground level retailing (café), additional community facilities (gymnasium), the retention of a contributory item in a heritage street (façade of 1-3) and the inclusion of substantial public domain improvements at the intersection of Charlotte and Station Streets.

It is considered that compliance with the 2:1 floor space standard would be unreasonable and unnecessary in the circumstances of this application as the planning, community and urban design/streetscape outcomes achieved through the proposal will be a significant improvement on the current environment and will be of benefit to the broader community of Ashfield.

Compliance with the standard would require the deletion of 286 square metres of floor area which would significantly impact on the viability of the proposed gymnasium on the upper level without any further contribution to the issue of streetscape and the bulk and scale of the building as it is this component of the building that is set back from the

1-11 Charlotte Street, Ashfield SEPP 1 Objection - Clause 17B - Floor Space Ratio



Charlotte Street and Station Streets alignment to ensure that the 2-storey scale of the streetscape is maintained.

In these circumstances it is considered that compliance with the FSR standard is unnecessary and unreasonable,

# G. JUSTIFICATION FOR VARIATION OF STANDARD



In the context of the underlying objectives outlined in "D" above, the proposed variation in the floor space ratio standard is justified for the following reasons:-

Scale and character of streetscape – The proposal will reduce the height and bulk of the existing Club premises at 5-9 Charlotte Street through the setback of the existing upper level. This setback, in conjunction with a new 2-storey building at No. 11 and the retention of the façade of No. 1-3, will ensure that the building will present a 2-storey scale to the Charlotte Street and Station Street alignment which is consistent with the listed heritage buildings adjoining (13-15) and opposite (2-20).

The urban design and streetscape outcomes will be a significant improvement on what currently exists in this part of Charlotte Street.

Furthermore, the additional floor area, in excess of that required by the FSR standard, will not contribute to the bulk and scale of the building when viewed from the street.

- Protect the amenity of adjoining residential properties The proposed development will not have any adverse impacts on the amenity of residential properties on Wood Street to the east. Furthermore, the additional floor area, in excess of the FSR standard, will not contribute to any adverse amenity impacts on nearby residential properties.
- Ensure sunlight access to streets, open space and nearby properties The proposal does not have any adverse solar access impacts on the street, or nearby residential properties. The amendments to the existing profile of the Club premises at 5-9 Charlotte Street through the setback of the upper level of the building from the street alignment will have a minor, but positive, improvement of sunlight access to Charlotte Street in the a.m. period.
- Avoid unacceptable wind flow patterns The proposed alterations and additions to the existing buildings (1-3 and 5-9) and the new building at No. 11 will not generate any unacceptable wind flow impacts on the adjoining streets and nearby residential properties.

It is clear that the additional floor area in excess of the 2:1 standard will not have any adverse outcomes in the context of the underlying objectives of the floor space ratio standard.

1-11 Charlotte Street, Ashfield SEPP 1 Objection - Clause 178 - Floor Space Ratio

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Rather, the proposed development will make a significant and positive contribution to the streetscape of Charlotte Street whiles providing an active shop front and additional community facilities.

In the circumstances, it is considered that the non-compliance with the FSR standard is justified.

# H. IS THE OBJECTION WELL FOUNDED?

For the reasons set out above and in the circumstances of the case, compliance with the floor space ratio standard under Clause 17B of Ashfield LEP 1985 is considered unreasonable and unnecessary.

1-11 Charlotte Street, Ashfield SEPP 1 Objection - Clause 178 - Floor Space Ratio

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# SEPP 1 OBJECTION: CLAUSE 20 - CLUBS ASHFIELD LOCAL ENVIRONMENTAL PLAN 1985

#### PLANNING INSTRUMENT Α,

Ashfield Local Environmental Plan 1985.

#### 8. DEVELOPMENT STANDARD

#### "Clubs

- 20. A person shall not erect or use a building for the purposes of a club which is or is proposed to be registered under the Registered Clubs Act, 1976, on an allotment of land within Zone No. 3(a) or 3(b) unless the allotment -
  - has an area of not less than 4000 square metres; and (a)
  - (b) has a frontage to any road of not less than 30 metres."

#### C. PROPOSAL

The existing Club premises (5-9 Charlotte Street) has a site area of 697.5 square metres and a frontage to Charlotte Street of 22.86 metres.

The proposed development, incorporating 1-3 and 11 Charlotte Street, will have a site area of 1118.2 square metres and a frontage to Charlotte Street of 36.48 metres and Station Street of 30.76 metres.

Thus, the proposal does not comply with the minimum site area in Clause 20(a).

#### OBJECT OR PURPOSE OF THE STANDARD D.

There are no specific objectives for the minimum site area standard for "Clubs" in the Ashfield LEP 1985.

However, it is considered that the underlying objective or purpose of the standard was to ensure that for new club development there would be adequate site area to provide the facilities and car parking for club patrons.

#### IS COMPLIANCE WITH THE STANDARD CONSISTENT WITH THE AIMS OF THE E. POLICY?

The stated aims of the policy, at Clause 3 of SEPP 1, is to provide "flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in s5(a)(i) and (ii) of the Act.

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Section 5(a) of the Environmental Planning and Assessment Act, 1979 states:-

- "5. The objects of this Act are:
  - (a) to encourage:
    - (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,
    - (ii) the promotion and coordination of the orderly and economic use and development of land."

It is considered that compliance with the minimum site area for clubs standard would, in the circumstances of this case, hinder the attainment of the objects of the Act specified in 5(a)(i) and (ii) as the existing licensed Club premises have been an approved development on its current site since consent was granted by Ashfield Council on 16 December 1965 well before the advent of the Ashfield LEP in 1985 and the provisions of Clause 20.

# F. IS COMPLIANCE WITH THE STANDARD UNREASONABLE OR UNNECESSARY IN THE CIRCUMSTANCES OF THE CASE?

The Ashfield Catholic and Community Club has been in existence on the subject site since 1966. The proposed development embodies the amalgamation of two small adjoining sites to increase the site area by 420.7 square metres to 1118.2 square metres.

Attainment of a minimum site area of 4000 square metres is not possible given the zoning and subdivision pattern constraints in the immediate locality and compliance with the standard in Clause 20(a) would be unnecessary and unreasonable in the circumstances of this case.

#### G. JUSTIFICATION

In the context of the underlying objective outlined in "D" above, the proposed variation to the minimum site area for clubs standard is justified for the following reasons:-

- the club has been in existence since 1966 well before the gazettal of the Ashfield LEP in 1985;
- the site is located within 50 metres of the Ashfield Railway Station and on a bus route, thereby minimizing the requirement for extensive car parking areas for patrons of the Club as reflected in the parking study by Lyle Marshall & Associates dated December 2006 submitted with the development application;

1-11 Charlotte Street, Ashfield SEPP 1 Objection - Glause 20 - Clubs

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the existing and proposed Club is modest in the scale of its operations and the facilities that it provides to the community reflecting the site and building constraints.

It is considered that the application of the development standard in Clause 20(a) would not be relevant in controlling or restricting development potential on an existing club premises that has been operating on the site for over 40 years. Non-compliance with the standard will not have any adverse planning impacts on the locality or the community.

In the circumstances, it is considered that non-compliance with the standard in Clause 20(a) is justified.

#### IS THE OBJECTION WELL FOUNDED? Н.

For the reasons set out above and in the circumstances of the case, compliance with the minimum site area for clubs standard under Clause 20(a) of the Ashfield LEP 1985 is considered unreasonable and unnecessary.

1-11 Charlotte Street, Ashfield SEPP 1 Objection - Clause 20 - Clubs

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# MANAGEMENT PLAN

**Ashfield Catholic and Community Club** Club Ashfield

5-9 Charlotte St, Ashfield NSW 2131 Phone: 9798-6344 Fax: 9798-6551 Web: www.clubashfield.com.au

Email: info@clubashfield.com.au

Cm 10 · 1 ATTACHMENT Club Ashfield CONTENTS PART 1 - Purpose 3 PART 2 - Use of Plan 3 PART 3 - Executive Summary 3 PART 5 - Existing Club Facilities 4 PART 6 - Improvements to existing facilities .......4 PART 7 - Car parking \_\_\_\_\_\_6 PART 8 - Capacity of the premises \_\_\_\_\_\_6 PART 9 - Signage 7 PART 11 – Noise 7 PART 12 - Behaviour of Patrons 9 PART 13 - Control on Number of Patrons 10 PART 14 - Staff and Security \_\_\_\_\_\_\_\_11 PART 15 - Delivery and Waste Disposal. 14 PART 16 - Maintenance 14 PART 17 - Removal of liquor from the premises \_\_\_\_\_\_\_14 PART 18 - Illicit Substances 15 PART 19 - Other Policy 16 Appendix A - NSW Liquor Industry Code of Practice Appendix B - House Policy Club Ashfield Ashfield Catholic and Community Club Signature Date Management Plan Ashfield Catholic and Community Club January, 2007

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#### PART 1 - Purpose

The purpose of this Management Plan is to illustrate various aspects of operations at the Ashfield Catholic and Community Club Ltd trading as Club Ashfield.

#### PART 2 - Use of Plan

All staff shall be made familiar with this Management Plan.

#### PART 3 - Executive Summary

Club Ashfield first and foremost provides members and the community with a first class facility, by providing them with an entertaining place in which to socialize. Further, Club Ashfield provides support for many organisations and people who rely heavily on the club. The club is currently situated at 5-9 Charlotte Street. The club wishes to expand its facilities to the adjoining properties that it owns, namely, 1-3 Charlotte Street and 11 Charlotte Street.

The building works of the proposal will cost approximately \$4,000,000.

Our future plan is to diversify income away from traditional sources so that the club can continue providing such facilities and support in future. Further, the Club also wants to be able to attract a younger clientele and encourage multi-cultural events to attract more members from different backgrounds.

#### PART 4 - Hours of Trade

- The premises may trade 24 a day hours however currently trade from 9am to 6am seven days a week.
- The hours of trade for the purposes of live entertainment shall never take place between the hours of midnight and 9am.

Management Plan
Ashfield Catholic and Community Club

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# PART 5 - Existing Club Facilities

Our current facilities consist of the following:

- Main Lounge Bar
- TA8
- Keno
- Coffee Shop
- 85 Gaming Machines
- · Bistro facilities
- Function Rooms
- · Various sub clubs

# PART 6 - Improvements to existing facilities

- The following facilities will be added to ground floor operations:
  - Bottle Shop

The bottle shop will be trading from the following hours:

Monday to Saturday 5.00am to 12 midnight

Sunday

10.00am to 10.00pm

The bottle shop will be run under the clubs current licence and all requirements under the Registered Clubs Act and the Liquor Act will apply.

Coffee shop/ Cafè

The Club believes that the coffee shop/café will be trading between the following hours:

Monday to Thursday: 7.00am to 9.00pm

Friday and Saturday: 7.00am to 10.00pm

Sunday:

9.00am to 7.00pm

This will be monitored during the early stages of operation to determine the best possible trading hours. The coffee shop/café will operate outside the licensed area of the club which means that it will not be covered under the club's licence. This also means that no alcohol can be sold from the coffee

Management Plan

Ashfield Catholic and Community Club

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shop/café, however we may decide to have a BYO policy. The Club has no plans at this stage to outsource the coffee shop/café to a third party.

Outdoor Area

The outdoor terrace area on the ground floor will be opened during the following hours:

Sunday to Saturday:

9am to 6am

- The following facilities will be added to first floor operations:
  - Outdoor Area

The outdoor area on the first floor will operate during the hours of operations of our bistro/function room:

Sunday to Thursday:

11.30am-3.00pm,

5.30pm-9.30pm,

Friday and Saturday:

11.30am-3.00pm,

5.30pm-12.00am,

- Large function facilities

Will not change greatly from current facilities however will result in an increase in capacity.

- 3. The following facilities will be added to second floor operations:
  - Gymnasium

Club Ashfield's gymnasium will be trading during the following times:

Saturday to Thursday: 6.00am to 10.00pm

Friday:

6.00am to 7.30pm

The club will have the ability to improve the facilities serving the elderly with senior indoor bowls, gentle exercise classes and stroke recovery. At this stage the club has plans to run the gymnasium. To join the gymnasium one will first have to become a member of the club. This will give gymnasium members full access to all club facilities including the club bus.

Outdoor area

The gym terrace will not open until 9.00am.

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Ashfield Catholic and Community Club

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PART 7 - Car parking

The Club's car park is located on 1-9 Bland Street Ashfield. The Club has had a licensing agreement with the Vincentian Fathers for the last forty years. The club has exclusive use of the car park except during mass on Sundays, when the car park is shared. Mass times for the weekend are listed below:

Sunday:

8.00am

10.00am

12.00 noon (Polish Mass)

6.00pm

7.30pm (Polish Mass)

The mass times listed above are outside the club's peak trading times. This means that club patrons requiring use of the carpark during mass times would be at a bare minimum.

The club and the Vincentian Fathers both wish to continue this agreement. The club has also made offers to the Vincentian Fathers to buy the car park, however the Vincentian Fathers have not expressed interest in selling the property.

#### PART 8 - Capacity of the premises

The maximum number of patrons permitted on the premises at any one time shall be 480 based on calculations for ground and first floor prepared by Lyle Marshall & Associates.

	Facility / Use	No. of Seats (or P	oker Machines)	
		Proposed	Existing	
	Gaming Area	85pmc	85pmc	
GROUND FLOOR	Lounge	78	80	
₹8	TAB	12	18	••••
89	Cafe	50	0	
ಅಥ	Terrace	Ancillary	0	
C	Bistro	36	64	
Æ c	Bistro Terrace Function Room 1	36	0	
II - II	Function Room 1	44	86	

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#### PART 9 - Signage

 Currently the club has exterior signs on the building. Two signs are located on Charlotte Street and the other is located on Station Street. No new signs (except those required by the Liquor Act 1982), will be displayed on the building without prior consent from Council. Signage on the wall above Charlotte Street and Station Street is proposed and will be subject to a separate Development Application.

#### PART 10 - Amenity of Neighbourhood

- 1. Club Ashfield shall consider the amenity of neighbours and shall take all reasonable measures to ensure the conduct of the business does not impact adversely on the surrounding area. The only area identified as being a potential noise source is the open terrace at the corner of the laneway and Station Street. This will be screened with an appropriate glazed screen to the specifications recommended by Vipac Engineers & Scientists.
- Club Ashfield will take all reasonable measures to ensure that the behaviour of staff and patrons when entering or leaving the premises do not detrimentally affect the amenity of the neighbourhood.
- 3. The business shall be conducted in such a manner as not to interfere with, or materially affect, the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, or otherwise

#### PART 11 - Noise

The Club's Acoustic consultant has specified that: -

 The LA10 noise level emitted from the premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz - 8kHz inclusive) by

Management Plan Ashfield Catholic and Community Club



more than 5dB between 7.00am and Midnight at the boundary of any affected residence

The LA10 noise level emitted from the premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz - 8kHz inclusive) between Midnight and 7:00am at the boundary of any affected residence.

Notwithstanding compliance with the above, noise from the premises shall not be audible within any habitable room in any residential premises between the nours of Midnight and 7:00am.

- 2 The following requirements of the acoustic report are to be implemented by management at all times as follows:-
  - There is no amplified music outside and the doors and windows of the club are closed at all times
  - The proposed substation located on the eastern side of the terrace will extend from ground floor to level 1 and asts as a noise barrier to residences.
  - Construct a solid barrier extending from the substation along the eastern boundary. The barrier is to be 1.5m long and constructed from the ground to the underside of level 1 slab.
  - There will be no access to gymnasium terrace before 7pm and after 10pm
  - There will be no access to bistro terrace after midnight.
  - The function rooms could be used for dancing with amplified music. A sound pressure level of 95dB(A) inside the function room has been used in the assessment
  - The folding glass panel doors are to be 10.38mm laminated with a minimum STC/Rw rating of 36.
  - Additional acoustic absorption lining is to be installed on the soffit and wall
    of the terrace. The acoustic material is to have a minimum NRC 0.7, such

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Ashfield Catholic and Community Club

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as polyester insulation (minimum density 32kg/m³) with a perforated or slotted facing.

#### PART 12 - Behaviour of Patrons

- Club Ashfield shall take all reasonable steps to control the behaviour of the patrons of the premises as they enter and leave.
- (a) The licence attached to the premises shall be exercised, at all times, in accordance with the provisions of the Liquor Act;
  - (b) The following operational policies for the responsible service of alcohol shall apply, together with the NSW Liquor Industry Code of Practice which is attached as Appendix A:-
    - All management and staff involved in the sale or supply of liquor at Club Ashfield shall complete an approved course in the Responsible Service of Alcohol.
    - ii) The Club will maintain a register containing copies of the certificates showing the satisfactory completion of the Responsible Service of Alcohol course undertaken by the licensee and all staff required to complete that course. That register shall be made available for inspection on request by a NSW Police officer or special inspector.
    - iii) The Club shall adopt and promote the 'New South Wales Liquor Industry Code of Practice for Responsible Promotion of Alcohol Products'.
    - iv) The Club shall not engage in any liquor promotion that is likely to promote irresponsible service of liquor.
    - v) The Club shall not serve alcohol to any person who is intoxicated.
    - vi) Any person who is intoxicated shall be denied entry to the premises.
    - vii) The Club will not permit intoxication or any indecent, violent or

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quarrelsome conduct by patrons on the premises. Any person causing such a disturbance shall be refused service and asked to leave the premises. Any patron whose behaviour is either extreme or repeatedly objectionable may be barred from entering the premises for a period determined by the licensee.

- viii) No person under the age of 18 years shall be admitted to unauthorised areas of the premises. Production of photographic identification will be required where age is an issue. The only acceptable proofs of age identification shall be:
  - · Photo driver's licence:
  - · RTA proof of age card; or
  - · Current passport.
- ix) Low alcohol beer and non-alcoholic beverages (including water) will be available at all times when full strength figuor is available.
- x) Food will be available for consumption on the premises.
- xi) The Club will ensure that the "No More It's The Law" and house policy posters developed by the Liquor Industry Consultative Council are prominently displayed throughout the premises.
- xii) The official "Intoxication" sign and "Proof of Age" poster will be prominently displayed on the premises.
- xiii) The club will arrange (without charge) for taxis to collect any patron from the front of the premises if requested to do so.

#### PART 13 - Control on Number of Patrons

- (a) At all times, Club Ashfield shall ensure that the total numbers of patrons
  present in the Club does not exceed 480.
  - (b) The Duty Manager shall either monitor the number of patrons in the premises

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#### Club Ashfield

or appoint a member of the staff or a security person to do so.

- (c) When the person monitoring the number of patrons in the premises forms the opinion that there may be 430 patrons, that person will ensure that a physical head count of the patrons present is undertaken.
- (d) If such a count reveals that there are not less than 430 patrons on the premises, the Duty Manager shall assign staff or security personnel to monitor the number of patrons entering and leaving the premises to ensure that the maximum number of patrons present does not exceed 480.

#### PART 14 - Staff and Security

- The Club will ordinarily have a total of 32 staff on its payroil. At peak periods, ordinarily, there would be one manager, five other staff, four entertainers and an appropriate number of security personnel on duty.
- 2. Due to the possible club expansion, the Club believes this will result in an increase in the number of staff employed by the club. The club envisages that the club will need to employ approximately 22 extra staff members. This is an increase in total staff overall, not an increase in the number of staff rostered on at any one time.

The break-up of extra employees is as follows:

Gymnasium 10 Coffee Shop 5 General Staff 5 Administration 2

- At least one (1) security staff will be employed at the club each night from the hours of 5.30pm to 9.00am. A security firm is employed to provide security staff.
- 4. When any type of function is held, at least one (1) additional security staff shall be employed for each 50 guests. This additional security shall remain on duty until one hour after the entertainment ceases or the number of patrons is below 50 guest.

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Ashfield Catholic and Community Club

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#### Club Ashfield

- 5. Security personnel shall carry out the security procedures in accordance with clause 17 hereunder. A log book shall be kept to record all incidents. Security staff are to monitor and control access into the club. Security personnel will regularly carry out routine patrols of the club premises including external perimeter and car park patrols.
- The Club's policy is to ID any persons appearing to be 25 or under in accordance with relevant legislation.
- 7. The club's requirements for security personnel is as follows:
  - a. be dressed in readily identifiable uniform displaying identification as a security officer and be appropriately licensed.
  - b. fill in a time sheet (start and finish times) which is to be initialled by the manager on duty.
  - report to the Duty Manager to obtain a briefing on any specific duties to be addressed on the evening before commencing duty.
  - d. note details of any incidents which required intervention by security personnel within the premises or in the vicinity of the premises in log books.
  - e. ensure that persons entering the premises are suitably attired in accordance with the club's dress code which shall require patrons, at least, to be neatly dressed in casual wear, to wear shoes and to be clean.
  - f. prevent any person, detected as intoxicated, from entering the premises and bring to the notice of the Duty Manager, any person on the premises who might be considered intoxicated.
  - g. prevent patrons leaving the premises with glasses or other opened drinking containers
  - h all security staff must have Responsible Service of Alcohol and

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Responsible Conduct of Gaming certificate.

- monitor patron behaviour in, and in the vicinity of, the premises until all
  patrons have left, taking all practical steps to ensure the quiet and
  orderly departure of patrons.
- collect any rubbish on the streets that may be associated with the business.
- co-operate with the Police and any other private security personnel operating in the vicinity of the premises.
- I Regularly check CCTV monitor located at reception.
- m. Control access to the gymnasium through the club lift during the hours of 7am to 9am.
- n. Be familiar with this Management Plan.
- 8 The club shall install and maintain closed circuit TV cameras to provide surveillance of the interior of the club as well as the entries to the club, the rear of club and all outdoor areas. Monitoring screens shall be installed where the Manager or staff can easily observe them. Digital recordings from those cameras shall be kept for approximately 4 weeks and shall be made available to the Police upon receipt of a request for access to them.
- 9. The club shall maintain and record in the Incident Book, i) any complaints made directly to the management or staff of the club by local residents or businesses regarding the operation of the club or the behaviour of its patrons, ii) any visits by any law enforcement personnel noting their agencies, departments, badge numbers, reasons for the visits and results of the visits, iii) any problems regarding problem patrons, iv) any issues relating to the responsible service of alcohol and v) any issues relating to the responsible conduct of gaming.
- 10. The club will make the incident Book available to Council and the Police at all reasonable times and within 7 days of receipt of a written request from the Council to do so.

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#### Club Ashfield

11. All staff will be trained to comply with NSW Workcover guidelines for clubs including anti-hold-up and theft procedures and weapons detection techniques. Staff will all have the option of joining the Occupational Health and Safety Committee.

#### PART 15 - Delivery and Waste Disposal

- All deliveries are to take place at the rear of the site utilising the off street loading dock facilities. Wherever possible, the impact to the surrounding properties, is to be limited and therefore deliveries will be limited to Wednesdays whenever possible between the hours of 8.00am and 11.00am.
- 2. All deliveries are to be supervised by a suitably trained member of staff.
- The club undertakes to send correspondence to suppliers requiring them to use the loading dock for deliveries.
- 4. No deliveries are to take place on Charlotte and Station Street,
- All wastes shall be stored in approved containers placed inside the premises before being removed for disposal by Council or appropriate contractors.

# PART 16 - Maintenance

 The premises shall be kept in a clean and tidy condition and regularly maintained to the satisfaction of Council both internally and externally.

# PART 17 - Removal of liquor from the premises

- a) The Club shall prevent patrons leaving the premises with liquor in opened containers, glasses or the like.
  - b) Under the Certificate of Registration under the Registered Clubs Act 1976, the club may only self take away liquor from the premises on Monday to Saturday between 5.00am and midnight and Sundays from 10.00am to 10.00pm. No take away liquor sales will be done on Christmas day and Good Friday.

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#### Club Ashfield

#### PART 18 - Illicit Substances

- 1. a) The venue's policy states that the carrying use or dealing in any form of illegal drugs by any patron, member of staff or security person will not be tolerated.
  - b) In the event that the club becomes aware of any illegal drugs in the venue, the Police shall be informed immediately of that fact.
  - c) If illegal drugs are found on the premises by staff, staff must retain the drug, for collection by the NSW Police Service, and report the incident to the NSW Police Service as soon as practicable.
  - d) Management is to ensure that all relevant staff are trained in relation to:
    - i) the detection of illegal drugs on patrons;
    - ii) the reporting of illegal drug detection on patrons and on the premises generally to the NSW Police Service; and
    - iii) first aid in relation to patrons affected by illegal drugs.

#### PART 18 - Fire Safety Measures

- 1. (a) The club has installed a monitored back to base fire system (EWAS) which is certified bi- annually which ensures that they remain in good working order.
  - (b) In the event of any maifunctioning of any essential service or the CCTV system, the club shall ensure that it is rectified as quickly as is reasonably possible.
    - i. Lists of the telephone numbers of all relevant emergency agencies shall be kept near all telephones.
    - ii. All managers and other permanent staff shall be made aware of fire safety requirements and the procedures to be followed in the event of an emergency at the premises, (a copy of Club Ashfield Evacuation Procedures is ATTACHED)

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#### PART 19 - Other Policy

- 1. The business's' house policy relating to matters including:-
  - · the responsible service of alcohol;
  - · the responsible conduct of gaming;
  - smoking;
  - occupational health and safety;
  - the admission of minors;
  - Evacuation procedure;

shall be displayed both within the premises and on a suitable plaque or notice at the entry of the premises.

2. A copy of other policies are attached to this Management Plan as Annexure B.

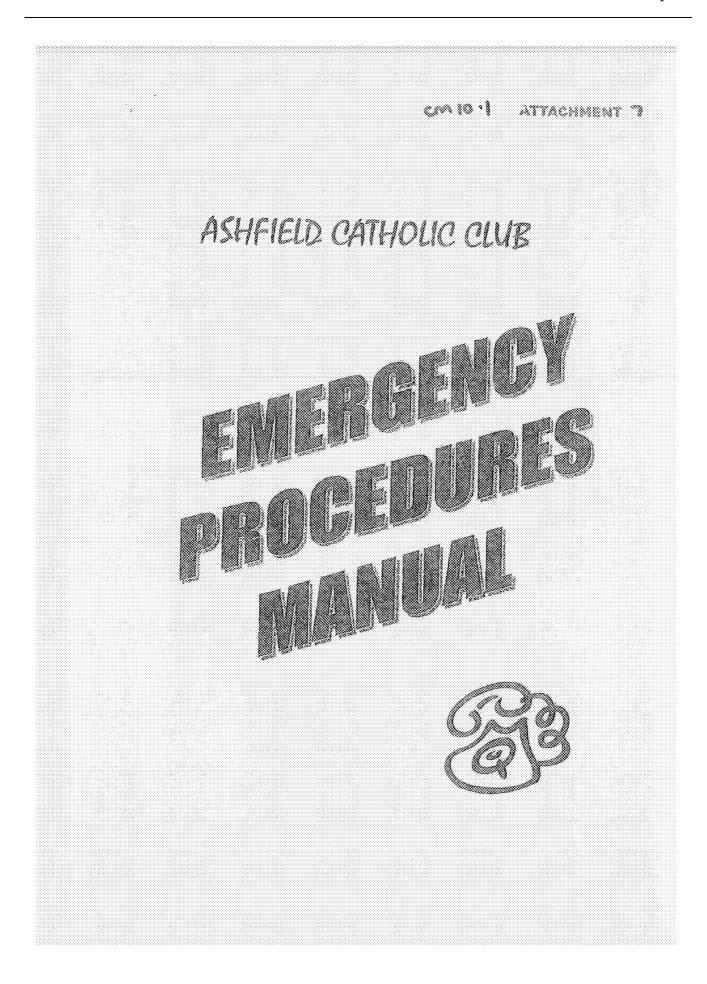
#### PART 20 - Amendment to this plan

1. If, in circumstances where experience shows that it is reasonable or desirable to modify any provision of this plan for the better management of the premises, that modification shall be made to the plan only with the consent of Council, which consent shall not be unreasonably withheld.

Management Plan Ashfield Catholic and Community Club

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# Scope

This plan has been prepared for Ashfield Catholic Club Limited 7 Charlotte Street Ashfield.

An emergency can be determined as an abnormal and dangerous situation needing prompt action to control, correct and return to a safe condition

The aim of this plan is to provide a basis for training and preparedness for all people who could be involved in any emergency at the site.

# Purpose of Plan

- To control or limit any effect that an emergency or potential emergency may have on patrons and staff;
- To facilitate emergency response to provide such assistance on site as is appropriate to the occasion;
- 3. To ensure communication of all vital information as soon as possible;
- To provide for training so that a high level of preparedness can be continually maintained; and
- To provide a basic for upgrading and reviewing emergency procedures.

#### Alarm Initiation

#### Verbal

That is, any person discovering incident must alert Duty Manager and/or staff.

# Fire Alarm System

Ceiling mounted smoke or thermal detector sense smoke or heat and initiates an electronic impulse to the fire indicator board. Local alarm operates and the Fire Brigade are notified, who in turn attend premises to investigate.

False alarms can occur with these systems and as such in the event of a fire emergency the Fire Brigade should immediately be notified by Phone the reason of the false alarm.

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# Emergency Response

The Duty Manager is the person recognised as being in charge. The other Managers, supervisors and all staff will recognise his/her authority. The Supervisor will be recognised as the assistant. The Duty Manager may nominate runners, allocating them in areas of the club to co-ordinate evacuation procedures and to check isolated areas.

The Club command centre will be at the Alarm Panel main reception area and be under control of the Duty Manager. All the Supervisors will report to the Alarm Panel main reception area. Both the Duty Manager and the Supervisor will remain in contact with each other by means of either hand held radios or red WIP telephones. Emergency response personnel will be met on arrival by the Duty Manager, or person appointed as Liaison Officer, and briefed on the situation.

On arrival of emergency service personnel, the Duty Manager/Supervisor will hand over authority. However the Duty Manager must act as adviser to the emergency service Commander in relation to:

Gas / Oxygen Cylinders - Quantity, size and location.

Planumable Liquids - Quantity, size and location.

Number of staff
 Number and location of guests and their visitors to the best of there knowledge.

4. Fire panel location.

5. Electric power main switch / circuit breakers / isolation switches. (

6. Gas valves, (

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# **Emergency Procedures**

#### (A) Evacuation

- Keep calm
- On the Alert Tone (Beep! Beep! Beep! Activated by the fire alarm panel), be
  prepared to evacuate the area, turn off equipment, secure all cash, await instructions
  from your Duty Manager / Supervisor, or an announcement over the public address
  system.
- On the Evacuation, a Tone Siren will be broadcasted over the public address system, immediately evacuate staff and customers from your area via the nearest emergency exit or as directed.
- Proceed to Safe Assembly Area at the railway and of the shops diagonally opposite the club entrance in Charlotte street.
- Do not use the lifts (unless otherwise directed by the Fire Brigade).
- Disabled Persons should be assisted to a safe area (ie smoke isolated stair landing).
- Notify Authorised staff or other attending emergency services of the exact location of the disabled person. Where possible and safe to do so, use the red WIP phones or 2 way radies to communicate information to the Duty Manager.

Nate:

Two persons should be detailed to assist the disabled person on the floor. One should remain with the disabled person until help arrives.

# (B) Fire & Smoke Emergency Staff Procedure

- If you detect fire or smoke Keep Calm.
- Move persons from danger to safety only if safe to do so.
- Alert others in the vicinity of the emergency and assist where required <u>but only if safe</u> to do so.
- Confine the fire/smoke by closing doors where possible and only if safe to do so.
- Immediately phone ext. 201 or 202 and give details of the emergency.
- Inform Management of the fire and action that you have taken.

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- Duty Manager when required to contact Emergency Services directly shall provide them with:
  - your name, Address, location and floor of the building
  - location and extent of fire emergency
  - telephone number you are calling from
- Use fire extinguishers or hose reel only if you are trained and only if safe to do so.
- If the situation is unsafe or if directed by emergency control staff, evacuate the area to the Safe Assembly Area using the nearest emergency exit door. Assist moving other persons from the area if safe to do so.
- The Safe Assembly Area at the railway end of the shops diagonally opposite the club entrance in Charlotte street.

As employees, it is the duty of each one of us to help prevent fire. Always be aware of the danger of fire.

- Never smoke in unauthorised places.
- Do not empty ashtrays in rubbish bins without checking that there are no smouldering cigarette ends.
- If you are the last person to leave your work area or office, always spend a moment checking that computers, photocopiers and associated equipment are switched off and lights are not left on unnecessarily.
- Report any faulty electrical problem to the facilities manager.
- Never use damaged electrical cables.

# (C) Armed Hold Up or Other Weapons Related Issue

- Obey the offender's instructions
  - do no more than asked
  - do not volunteer anything remain calm
  - do not try to be a here
- Pass the lower denomination notes or change first but only if this can be done safely.
- Under no circumstances are you to argue with the offender or attempt to impede his or her movements.
- Where duress buttons are installed they should be activated only when safe to do so.

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- Closely study the robber, noting details for later assistance to the Police. Try to remember any unusual mannerisms, physical characteristics, etc. e.g. left handed, speech, clothing, weapons, tattoos, sears.
- Estimate heights, perhaps by comparing the bandit's height against some fixtures in the premises.
- Observe anything that the offender may touch, as fingerprints can be helpful to police as an aid to identification.
- Observe direction of escape. Endeavour to obtain a description of the vehicle, the numberplate and its colour. However, do not pursue the offender in an attempt to achieve this.
- Immediately phone 000 Emergency only if safe to do so.

# (D) Medical Emergency (life at risk)

- Check for dangers to yourself, by-standers and the patient.
- Phone Switch Operator for First Aid assistance.
- When calling for First Aid assistance;
  - give your name and ext. number
  - give details of the injury, exact location of the injured person.
- Remain with the injured person until help arrives.

#### (E) Blackout

- · Stay calm,
- Stay at your workstation and await instructions from either your Duty Manager / Supervisor or a message over the public address system.
- Follow instructions/assist if safe to do so.
- If evacuation is required, look for and use the nearest emergency exit.

#### (F) Trapped in Lift

- Phone Switch Operator and give details.
- Reassure persons trapped in the lift that help is on the way.
- Keep ongoing communication with persons trapped in the lift until help arrives.
- When released, comfort persons involved.
- Do not make any public statements or comments regarding the emergency.
- Follow instructions as directed by Management.

ON 10.1 ATTACHMENT 7

# (G) Flood Emergency

- Immediately phone Switch Operator and give details of the emergency.
- Alert others in the vicinity of the emergency and assist where required to move visitors/members, staff and stock from the area only if safe to do so.
- Follow instructions as directed by your Duty Manager / Supervisor, or an announcement over the public address system.

#### (H) Wind/Rain Damage

- Immediately phone Switch Operator and give details of the emergency.
- Alert others in the vicinity of the emergency and assist where required to move visitors/members, staff and stock equipment from the area only if safe to do so.
- Follow instructions as directed by your Duty manager / Supervisor, or an announcement over the public address system.

#### (I) Gas Leak

- Immediately phone Switch Operator and give details of the emergency.
- Alert others in the vicinity of the emergency and assist where required to move visitors/members, staff from the area only if safe to do so.
- Follow instructions as directed by your Duty Manager / Supervisor an announcement over the public address system.

# (J) Extortion, Ransom or Kidnap

- · Keep calm
- Take note of all details relating to the circumstances and offending person/s.
- Do not place yourself or others at risk.
- When safe to do so, record all details on nearest paper.

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Immediately report all details by phone to Management.

# (K) Demonstration or Civil Disturbance

- Keep calm
- Immediately report circumstances to Management and give details.
- If safe to do so, move Members/Visitors and staff away from the area. Lock offices, close reserves and cash draws.
- At all times Members/Visitors and staff should be kept at a safe distance.
- Await further instructions.

# (L) Earthquake

- Keep calm
- Stay at your workstation if safe to do so or move to a safer location and await
  instruction from either your Duty Manager / Supervisor, or a message over the public
  address system from Management.
- Follow instructions and assist if safe to do so.
- Proceed to Safe Assembly Area only if safe to do so.

#### (M)Bomb Threat by Person

- · Keep calm
- · Evaluate the person making the threat:
- Is the person under the influence of drugs or alcohol?
- Has the person got a complaint against the business?
- Was the threat made in a joking or sarcastic manner?
- Take note of the appearance and other characteristics of the person making the threat
- Record all details on nearest paper after the person has left.
- Do not discuss the call with other occupants.

# CAN 10.1 ATTACHMENT 7

- Immediately report the bomb threat to Switch Operator and give details.
- Await further instructions. Evacuation is not always necessary.
   (N) Bomb or Suspect Item
- Keep Calm! Do not touch or disturb in any way!
- Move persons in area to safety, do not pass the location of the suspect item. Keep area clear.
- Report it immediately to Switch Operator and give a brief description of the item and its exact location. Await further instructions.

# (O) Bomb Threat by Telephone

- Keep calm
- · Let the caller finish message
- Try to keep the caller on the line as long as possible
- Record all information on nearest paper. After the call complete the Bomb Threat Check List (attached)
- Try to obtain as much detail about the bomb as possible.
- Ask questions such as:
   When is the bomb going to explode?
   Where is it now?
   What does it look like?
   What kind is it?
   What will cause it to explode?
- Listen for any background noises, speech accents or other clues that may indicate age, gender, nationality and location of the caller.

Do not hang phone up. Leave the receiver off the hook

- Immediately after the threat, complete the Bomb Threat Check List (attached).
- Do not discuss the call with other occupants.
- Immediately report the bomb threat to Switch Operator and give details.
- Awart further instructions. Evacuation is not always necessary.

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# (P) Any Other Emergency Incident

- Immediately phone Switch Operator (ext. 201) and give details of the incident
- Do not make any public statements or comments regarding the incident.
- Follow instructions as directed by Management.

Note: We have a Crisis Management procedure, which comes into place in the event of any significant incident involving the Club

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	BOMB THREAT CHECK LIST
	2 W) 4 W 4 C
	REMEMBER KEEP CALM
	DON'T HANG UP
	EXACT WORDING OF THREAT.
	BOMB THREAT CHECK LIST - QUESTIONS TO ASK:
	When is the bomb going to explode?
	2. Where did you put the bomb?
	3. When did you put it there?
	· · · · · · · · · · · · · · · · · · ·
	4. What does the bomb look like?
	5. What kind of bomb is it?
	No service and the contract of
	6 William D. A
	6. What will make the bomb explode?
	7. Did you place the bomb?
	8. Why did you place the homb?
	9. What is your name?
	10 Where are visually
	10.Where are you?

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11 What's your address?		
ACTION		
Report call immediately to:		
Telephone Number:		
CALLER'S VOICE:		
Accent (specify)	***************************************	
Any impediment (specify)	******	
Voice (loud, soft etc)		************
Speech (fast, slow, etc)	******************	
Diction (clear, muffled)	•••••••	······························
Manner (caim, emotional ctc)		
Did you recognise the voice?	**************************	·*************************************
If so, who do you think it was?	******************************	
Was the caller familiar with the area?	***************************************	
THREAT LANGUAGE:		
Well spoken	·	************
Incoherent.	******************************	************
Irrational		
Taped:		
Message read by caller:		
Abusive:		

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Other	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,			******	
BACKGROUND NOISES:					
Street Noise:			· · · · · · · · · · · · · · · · · · ·		
House Noise:					
Aircraft					
Voices:					
Local Call:					
Long Distance Call/STD					
Machinery:					
Music					
OTHER;					
Sex of caller:	*************	**************		***********	
Estimated Age:					
CALL TAKEN:					
Date:					
Time:					
Duration of call:					
Number called					
			***********	*************	
RECIPIENT:					
Name: (print)					
Telephone number					

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SIGNATURE:

#### **EVACUATION GUIDELINES**

## ARGUMENTATIVE PERSONS.

Do not engage in arguments. Restate the situation and your request. If persons refuse to comply, carry on with your own emergency duties and report the matter to the Duty Manager as soon as possible.

#### DIRECTIVES

Must be given in a calm, clear voice and supported by visual signals. Avoid emotive terms and actions. Avoid lengthy explanations. Words, tone and body language must be consistent.

#### EXITS & ESCAPES ROUTES

Must be safe & unobstructed.

#### ISOLATED PLACES

Providing it is safe to do so, particular attention must be paid to toilets, storerooms, offices etc. where persons could be unaware of an evacuation in progress.

## LEAVING THE BUILDING

Persons should leave via the nearest safe exit.

#### MEDIA INQUIRIES

Should be referred to the General Manager or designated representative.

## PEOPLE GATHERING OUTSIDE

Be on the alert for persons gathering outside the building – they must be encouraged to move well away from the building to ensure that they do not block exits, obstruct emergency services personnel or expose themselves to secondary hazards.

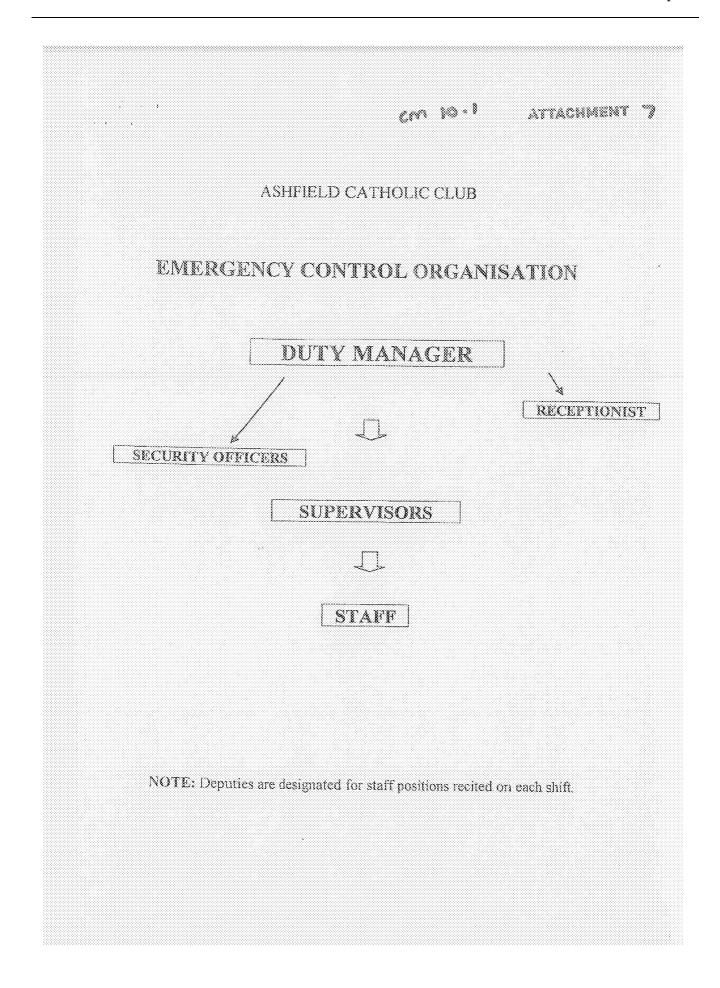
#### PERSONAL BELONGINGS

Should only be taken if immediately and safely accessible.

#### RE ENTRY

Be alert for persons attempting to enter the building during or following the evacuation.

Once a building has been evacuated, re-occupation of the building must be authorised by the Duty Manager.



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## ASHFIELD CATHOLIC CLUB

## **EVACUATION PROCEDURE**

## PREPARING TO EVACUATE

On the sounding of the fire alarm: (Alert Tone)

	,	
Step 1	Emergency Team	DUTY MANAGER Supervisors
		Receptionist (stays at reception)
		Security Officers
	REPORT TO	THE FIRE PANEL
Step 2	Investigation	Duty Manager
•		- Location & Nature of Emergency
		- Deploy supervisors to designated areas
		- Any injuries / Any Disabled persons
		- Name of informant & tel, no.
വ ക		<ul> <li>Time of the report / keep records</li> </ul>
Step 3	Report	Supervisor
6	<u> </u>	<ul> <li>Notify Duty Manager of emergency</li> </ul>
Step 4	Evacuation Message	Duty Manager
		- Activates Evac. Action tone
		- Security to Traffic Control
		Obtain Bundy cards & contractors log     Inform Emergency Services
		Supervisor
		- Direct staff instructions
		- Confirms area clear to duty manager
		- Report to assembly area
		- Check staff against cards
Step 5	Confirmation	Duty Manager
		-Hands over to Emergency Services
		- Communicates with GM & E.S.
		77. 57 5 Are

- Gives all clear/Return to work

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## DUTY MANAGERS CHECKLIST

## GROUND

- 1. TAB/LOUNGE/POKER MACHINE AREAS
- 2. DOCK AREA STAFF ROOM STORES
- 3. SERVICE AREAS ie BARS COOL ROOM

## FIRST FLOOR

- 1. KITCHEN/BAR/BISTRO AREA
- 2. FUNCTION ROOMS/STAGE/FOYER/TOILETS
- 3. ADMINISTRATION & OFFICE AREA
- 4. BRIDES ROOM/SERVICES AREAS

## SECOND FLOOR

- 1. BOARDROOM
- 2. GAMES ROOMS/TOILETS
- 3. FOYER/STORES
- 4. SERVICE AREAS ic. LIFT MOTOR / PLANT ROOM



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#### **CLUB ASHFIELD** ASHFIELD CATHOLIC AND COMMUNITY CLUB OCCUPATIONAL, HEALTH AND SAFETY POLICY

Club Ashfield is committed to ensuring the health and safety of our employees and others who altend the Club. Appropriate financial and stoffing resources will be allocated to ensure that all OH&S legislative requirements are complied with and the best available OH&S management systems are provided.

#### **General Policy**

Club Ashfield is committed to the occupational health and safety of all person employed with the organisation and those visiting the organisation. Club Ashfield regards its occupational health and safety responsibilities with the utmost importance.

#### Principles

All Managers and Employees of Club Ashfield have a responsibility for ensuring that the workplace is safe and without risk to health. Club Ashfield is committed to providing the necessary resources to meet its responsibilities and to comply with all relevant Acts and regulations. Management shares it responsibility with the workforce for the promotion of occupational health and safety. However management at all levels has the primary responsibility for ensuring the health and safety of all persons in the workplace.

## Objectives

To provide safe methods of work

To provide a safe working environment

To promote health within the work force

To reduce and minimise the number and severity of injuries in the workplace.

ASHFIELD CATHOLIC & COMMUNITY CLUB LTD. 7-9 Charlotte Street Ashfield NSW 2131 Po Box 213 Ashfield NSW 1800 Phone: 97985344 Fax: 97986551 www.clubashfield.com.au email: Info@clubashfield.com.au

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#### Strategies

Risk Management:

Club Ashfield will establish and maintain an occupational health and safety system, which will identify, assess and control workplace hazards.

#### Occupational Health and Safety Committee

The Occupational Health and Safety Committee is a consultative committee comprising of employee and management representatives. The committee's role in brief is to provide consultation between management and employees to ensure that OHAS issues are addressed.

#### **OHS** Consultation

OHS Consultation is an important part of our policy, and management will support the requirements for consultation between management and employees.

## Occupational Health and Safety Program

Programs and procedures will be implemented to ensure that Occupational Health and Safety is effectively carried out. Such procedures will continually be updated.

The programs and procedures will relate to the following:

OHS training and education

Work design, workplace design and safe work practices

Changes to work methods and practice

Safety rules

Emergency procedures

OHS equipment

Workplace inspections

Reporting incidents

Contractors and sub-contractors

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## Specific Responsibilities

#### Senior Managers

All managers are required to ensure that this policy is effectively implemented in their areas of control and to support Duty Managers and hold them accountable for their specific responsibilities.

implementation of this policy will be evaluated to ensure its effectiveness.

Identification and control of risk shall be a main focus for managers in each area.

#### (B) Duty Managers

Each Duty Manager is responsible for, and will be held accountable for taking all practical measures to ensure:

That the workplace under their control is safe and without risk to health

That the behaviour of all persons in the workplace is safe and without risk to health

#### More specifically:

The Duty Managers will always be held accountable for detecting any unsafe or unhealthy conditions or behaviour.

If the Duty Managers do not have the necessary authority to fix a problem, they will be held accountable for reporting the matter promptly- together with any recommendations for remedial action to a manager who does have the necessary authority.

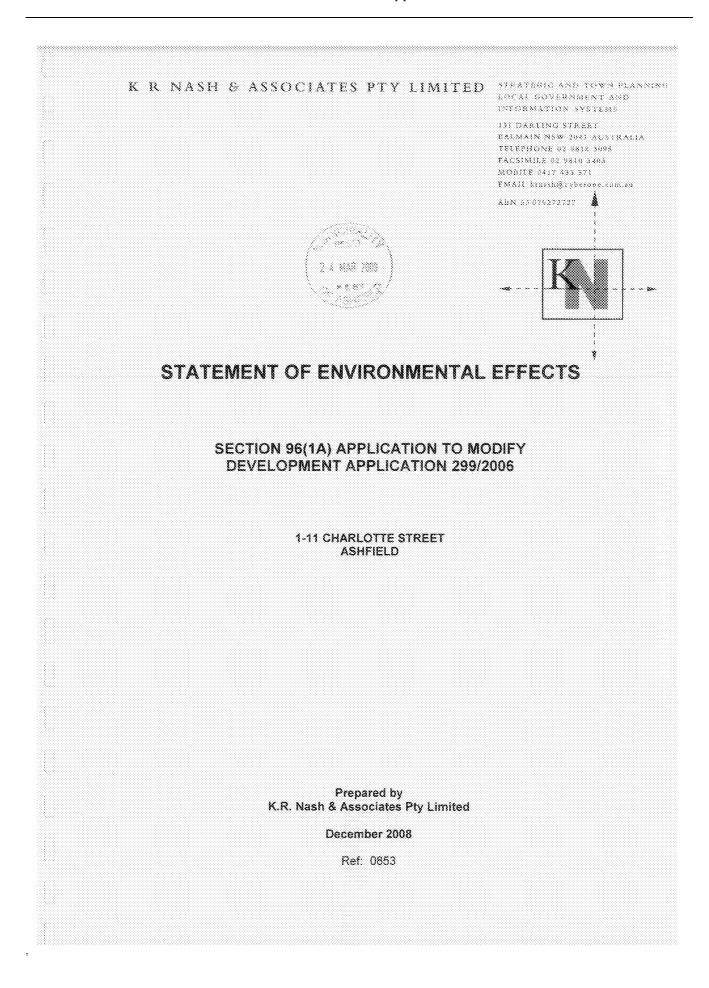
#### (C) Employees

- All employees are required to co-operate with the Occupational Health and Safety Policy and Programs to ensure their own health and safety and the health and safety of others in the workplace.
- All employees will carry out their work according to the safe system of work, use protective equipment provided and use all materials and tools in the manner for which they are intended.

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## Contractors and Sub-Contractors

All contractors and sub-contractors engaged to perform work on the organisation's premises or location are required, as part of their contract, to comply with occupational health and safety policies, procedures and programs of the organisation, further they must observe directions on health and safety from the management of the organisation. Failure to comply or observe a direction will be considered a breach of the contract and sufficient grounds for termination of the contract.



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#### 1. INTRODUCTION

This report has been prepared to accompany an application under s96(1A) of the Environmental Planning & Assessment Act, 1979 for a modification to the consent granted by Ashfield Council for Development Application No 299/2006 relating to alterations and additions to the Ashfield Catholic Club at 1-11 Charlotte Street. Ashfield.

The applicant, Form Architects Pty Limited, is acting on behalf of the owner of the subject site, Ashfield Catholic and Community Club.

The application seeks to modify the consent through the deletion of Condition C(3) to the Notice of Determination dated 13 November 2007, namely:-

#### "C(3) Section 94 Contributions

#### Section 94 Contributions - Car Parking

The payment of a cash contribution of \$182,496 under Section 94 of the Environmental Planning and Assessment Act 1979.

This contribution is based on an assessment of car parking required to support this development and is assessed on the basis of twelve (12) car spaces at the current rate of \$15,208 per space as per Council's Section 94 Contributions Plan: Public Car Parking.

Any contributions required in satisfaction of a condition of development consent are to be valid until Council's next review of Section 94 Contribution Plans on 30 June 2008 following whi8ch the amount of the contribution will be reassessed in line with the revised figure.

Payment is to be made prior to release of the Construction Certificate."

The purpose of this report is to present a planning assessment in support of the s96(1A) application and to that end the report:-

- describes the site and context in the locality;
- outlines the statutory planning controls applying to the site;
- sets out the details of the application for modification;
- assesses the key planning issues associated with the application; and
- presents a summary assessment of the proposal in terms of the Heads of Consideration under s79C(1) of the Environmental Planning & Assessment Act.

1-11 Charlotte Street, Ashfield Statement of Environmental Effects – Section 96(1A) Application

#### 2. SITE AND CONTEXT

#### 2.1 Site Details

The subject site is located on the corner of Charlotte and Station Streets, Ashfield. The site is on the northern side of the main Western Railway Line and approximately 50 metres from the entry to Ashfield Railway Station (Figure 2.1)

The site comprises three allotments, namely:-

Lot 17, DP 819022 (1-3 Charlotte Street) Lots 1, 2 and 3, DP 194429 (5-9 Charlotte Street) Lot 1, DP 770875 (11 Charlotte Street)

The amalgamated site is generally rectangular in shape and has frontage to Charlotte Street of 36.58 metres, frontage to Station Street of 30.76 metres, frontage to the rear laneway of 36.845 metres and a northern common boundary with 13-15 Charlotte Street of 30.26 metres.

The site has a total site area of 1118.2 square metres.

The site slopes from north to south with a fall in the order of 1.76 metres on the Charlotte Street frontage and 2.35 metres in the rear lane. The site also falls from east (laneway) to Charlotte Street in the order of 1.0 metre as detailed in Figure 2.2.

#### 2.2 Context

The subject site falls within the Ashfield Town Centre Precinct, located on the northern side of the railway line and Ashfield Railway Station.

The surrounding development comprises:-

to the north: A two-storey mixed development with retail on the ground

floor and residential dwelling units on the first floor

(13-15 Charlotte Street, corner of Elizabeth Street).

further to the north: Residential developments comprising a mixture of detached

dwellings and three-storey residential flat buildings, service

station and De La Salle College.

to the west: Two-storey row of terraces with ground floor retailing and

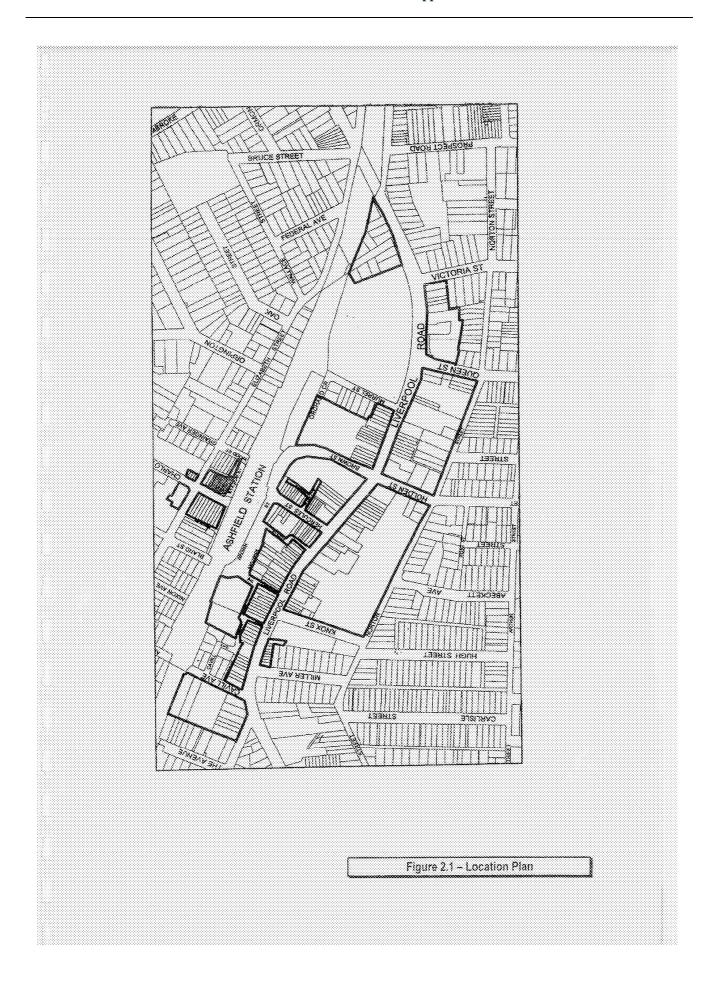
residential uses above (4-20 Charlotte Street).

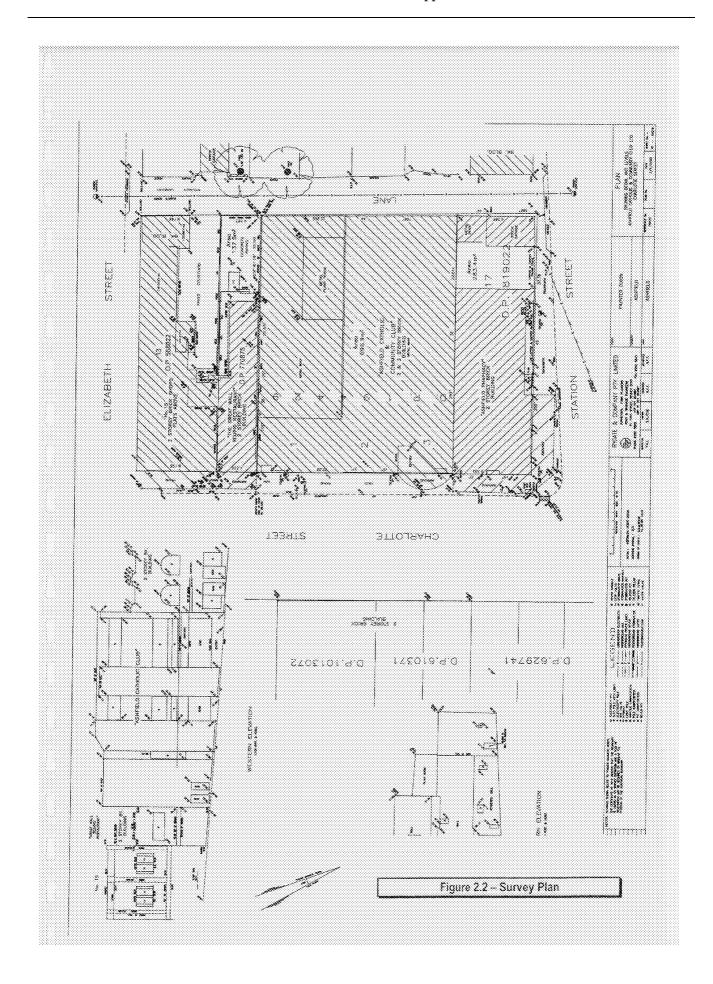
further to the west: A mixture of residential dwelling forms.

to the south: Ashfield Railway Station and Main Western Railway Line.

further to the south: Ashfield Town Centre.

1-11 Charlotte Street, Ashfield Statement of Environmental Effects – Section 95(1A) Application





to the east:

Single storey row of retail shops in Station Street: single

storey detached dwellings in Wood Street.

further to the east:

Mixed residential precinct.

Charlotte Street and Station Street are one way street system, south and east bound, south of Elizabeth Street with time restricted kerbside parking available on both sides of both road carriageways.

## 2.3 Development History

Ashfield Council granted Deferred Commencement consent to Development Application 299/2006 on 13 November 2007 for the demolition of the building 11 Charlotte Street, partial demolition of 103 Charlotte Street, alterations and additions to the existing Club ("Club Ashfield") at 5-9 Charlotte Street, construction of a cafe, gymnasium and use of Council's footpath for outdoor dining.

The deferred commencement conditions relating to the preparation of a Plan of Management, submission of an acoustic report and full details of the "shared way" and public infrastructure works proposed for Charlotte Street and Station Street have been completed and lodged with Council.

1-11 Charlotte Street, Ashfield Statement of Environmental Effects – Section 96(1A) Application

#### 3. PLANNING FRAMEWORK

The site is zoned 3(a) General Business under Clause 10 of the Ashfield Local Environmental Plan 1985

Clause 2 of the LEP embodies the aims and objectives of the plan, namely:-

- "2. This plan aims to:
  - (a) promote the orderly and economic development of the local government area of Ashfield in a manner consistent with the need to protect the environment; and
  - (b) retain and enhance the identity of the Ashfield area derived from its role as an early residential suburb with local service industries and retail centres; and containing the first garden suburb of Haberfield (now listed as part of the National Estate)."

Clause 10A(2) requires development consent for the carrying out of demolition.

Clause 178 provides the floor space ratio controls in the 3(a) zone, namely:-

#### \*Development of Ashfield Business Centre - Zone No. 3(a) floor space ratio

- 17B. (1) This clause applies to land within Zone No 3(a) that is shown edged with an unbroken (or, if fronting Elizabeth Avenue, a broken) heavy black line on Sheet 2 of the map marked "Ashfield Local Environmental Plan 1985 (Amendment No 72)".
  - (2) The Council must not grant consent for buildings on land to which this clause applies if the floor space ratio of the buildings would exceed the base floor space ratio shown for the land on Sheet 2 of the map marked "Ashfield Local Environmental Plan 1985 (Amendment No 72)" except as provided by subclause (3)
  - (3) The Council may consent to a building on a site of land to which this clause applies which is also land shown edged with a broken or unbroken heavy black line on Sheet 3 of the map marked "Ashfield Local Environmental Plan 1985 (Amendment No 72)" that will result in the gross floor area of the buildings on the site being greater than that allowed by that base floor space ratio by no more than an amount equivalent to the site area, subject to subclause (4)
  - (4) The Council may grant a consent pursuant to subclause (3) only if it is satisfied that the additional floor area will be developed as referred to on Sheet 3 of the map in relation to the land concerned and only if the Council is satisfied that the additional development allowed will not result in an adverse impact on any of the following:
    - (a) the scale and character of the streetscape.
    - the amenity of any existing or potential residential units on neighbouring land,

1-11 Charlotte Street, Ashfield Statement of Environmental Effects – Section 96(1A) Application

- sunlight access to surrounding streets, open space and nearby properties,
- (d) wind flow patterns to surrounding streets, open space and nearby properties."

Sheet 2 of Amendment 72 indicates a floor space ratio of 2:1.

Clause 20 of the LEP relates to Clubs, namely -

- "20. A person shall not erect or use a building for the purposes of a club which is or is proposed to be registered under the Registered Clubs Act. 1976, on an allotment of land within Zone No 3(a) or 3(b) unless the allotment —
  - (a) has an area of not less than 4000 square metres, and
  - (b) has a frontage to any road of not less than 30 metres."

Clause 37 of the LEP is relevant as the subject site adjoins a heritage item (13-15 Charlotte Street) and is opposite a group of heritage items (4-20 Charlotte Street). The site is also within a Heritage Conservation Area. Clause 37 requires.

"Development in the vicinity of heritage items, heritage conservation areas, archaeological sites or potential archaeological sites

37 The Council must assess and take into consideration the likely effect of the proposed development on the heritage significance of a heritage item, heritage conservation area, archaeological site or potential archaeological site, and on its setting, when determining an application for consent to carry out development on land in its vicinity."

Clause 37A provides for conservation incentives for sites within a Heritage Conservation Area in the following terms:-

#### \*Conservation incentives

- 37 (1) The Council may grant consent to the use, for any purpose, of a building that is a heritage item or within a heritage conservation area, or of the land on which the building is erected, even though the use would otherwise be prohibited by this plan, if it is satisfied that
  - (a) the proposed use would not adversely affect the heritage significance of the item or heritage conservation area, or the amenity of any surrounding or adjacent residential area; and
  - (b) the conservation of the building depends on the granting of the consent.
  - (2) When considering an application for consent to erect a building on land on which a heritage item is locafed or on land within a heritage conservation area, the consent authority may, for the purpose of determining
    - (a) the floor space ratio; and
    - (b) the number of parking spaces to be provided on the site

1-11 Charlotte Street, Ashfield Statement of Environmental Effects - Section 96(1A) Application

exclude the floor space of the building from its calculation of the floor space of the buildings erected on the land but only if the consent authority is satisfied that the conservation of the building depends on it making the exclusion."

The provision of the Ashfield Development Strategy and Development Control Plan for the Ashfield Town Centre 1997 also applied to the site at the time of lodgement of the development application.

The subject site falls within the North Ashfield Precinct under Clause 7.2 of the Development Strategy attached to the DCP. Relevant guidelines include:-

"Redevelopment of the Catholic Club should not change the scale of the area too much and should retain "active" frontages including retail to Charlotte and Station Streets. Redevelopment will provide the opportunity to improve servicing arrangements.

- Neighbourhood shopping street possible angle parking, coordinate signs and façade colours + window displays. Wider footpaths? and
- 6. Catholic Club new height should not disrupt neighbourhood scale of Charlotte Street. A roof terrace may give good views. Corner shopfront. Picture windows to street showing club activity. Footpath awnings."

Relevant provisions in Ashfield Town Centre DCP are:-

- Objectives
- Opportunities for change the subject site is identified as an area "suitable for comprehensive redevelopment" and where the façade of 1-3 Charlotte Street should be retained to "contribute to the character of Ashfield"
- 3. Good Town Design Parts 2, 3, 4, 5 and 6 are relevant.
- 4. Floor Space Ratio 2:1 maximum for subject site.
- 5. Building Heights 1(a): 4 storeys (12 metres): 1(b)(iii): street scale of 1.2 for Charlotte Street (as it is a north/south street): 4: corner sites have increased height to emphasise corner.
- Car Parking.
- 8. Environmental considerations.

The provisions of Ashfield Development Control Plan – Access Adaptability and Mobility 1998 also apply to the site

The provisions of Ashfield Development Control Plan 2007 also apply to the site.

The requirements of the Ashfield Section 94 Contributions Plans for Public Car Parking (2005) are also relevant to the development and is the subject of the s96(1A) application.

1-11 Charlotte Street, Ashfield Statement of Environmental Effects – Section 96(1A) Application

#### 4. S.96(1A) APPLICATION

The s96(1A) application seeks to modify the consent granted to Development Application 299/2006 for the alterations and additions to buildings at 1-11 Charlotte Street for "Club Ashfield" by the deletion of Condition C(3) of the consent.

Condition C(3) states:-

## \*C(3) Section 94 Contributions

## Section 94 Contributions - Car Parking

The payment of a cash contribution of \$182,496 under Section 94 of the Environmental Planning and Assessment Act 1979.

This contribution is based on an assessment of car parking required to support this development and is assessed on the basis of twelve (12) car spaces at the current rate of \$15,208 per space as per Council's Section 94 Contributions Plan. Public Car Parking.

Any contributions required in satisfaction of a condition of development consent are to be valid until Council's next review of Section 94 Contribution Plans on 30 June 2008 following whi8ch the amount of the contribution will be reassessed in line with the revised figure

Payment is to be made prior to release of the Construction Certificate."

The effect of Condition C(3) is to require the payment of \$182,496 to Council for public parking despite the deferred commencement condition A3 requiring the Club to undertake public infrastructure and streetscape improvements to Charlotte and Station Streets at a cost in the order of \$281,000. The development application on lodgement incorporated substantial public domain improvements to Charlotte and Station Streets on the basis of the advice of traffic consultants that the proposed development was neutral in terms of the requirement for additional car parking, thereby not requiring contributions under Council's Section 94 Contributions Plan.

The imposition of C(3) is considered an unreasonable impost on the financial viability of the proposed development and fails to recognise the public benefits embodied in the consent in terms of the streetscape improvements to Charlotte and Station Streets.

The deletion of Condition C(3) will enable the public domain improvement works to be undertaken.

1.11 Charlotte Street, Ashfield Statement of Environmental Effects – Section 96(1A) Application

#### 5. KEY PLANNING ISSUES

#### 5.1 Car Parking Generation

The applicant disputes the claim inherent in Condition C(3) that the proposal results in a shortfall of 12 car spaces.

As Council is aware, the Ashfield Catholic and Community Club leases land from the Trustees of the Vincentian Fathers for the parking of 35 vehicles. This arrangement has been accepted by Council since the original consent granted for the development of the club premises in 1966.

The Parking Study prepared by Lyle Marshall & Associates Pty Limited entitled "Report on Patronage and Parking Requirements for Proposed Alterations and Additions to Club Ashfield" dated November 2006 states at pages 19-20 the following:

#### 4.0 SUMMARY

- Patronage surveys were conducted in the Club and parking accumulation surveys were
  made in the Club car park and on street within about 213 metres of the Club entrance
  on 3 consecutive Friday nights Friday night is the busiest night of the week at Club
  Ashfield.
- Bar sales for Friday nights from 4.00pm to 12 midnight for 52 weeks were ranked in order of magnitude and together with the peak patronage survey results used to estimate average and high estimates of peak patronage on the 85<sup>th</sup> percentile Friday night at 8.00pm.
- A questionnaire survey was carried out from 4.00pm to 8.00pm on 1 Friday night yielding 147 responses. Analysis of the data indicated that the car driver travel mode increased each hour from 4.00pm until 8.00pm. The estimated patron car driver travel mode at the time of peak patronage was 21.43%. The number of patrons and staff cars was estimated to be 38 high estimate and 35 average estimate on the 85th percentile Friday night.
- The Club has a lease arrangement on an off street car park in Elizabeth Street that has 35 marked parking spaces. The parking surveys showed that this car park was underutilized because patrons could park on street closer to the Club
- There are 104 parking spaces within walking distance of the Club. At the time of peak
  patronage the number of vacant spaces ranged from 19 to 24.
- The utilization factors obtained from the patronage surveys together with the increased seating and poker machines have been used to estimate future peak patronage on the 85th percentile Friday night. To these patronage estimates patronage in the proposed gymnasium has to be added. Since there is no floor place for the gymnasium the parking rate in DCP 2006 has been adopted for Monday nights and reduced by 50% on Friday nights to reflect industry trends. The proposed cafe is expected to attract strong patronage from local residents in its location.

1-11 Charlotte Street, Ashfield Statement of Environmental Effects – Section 96(1A) Application

- The peak patronage in the Club and cafe on the 85<sup>th</sup> percentile Friday night is estimated
  to be 194 high estimate and 172 average estimate. Total peak parking demand
  including staff and gymnasium patrons is expected to be 65 cars high estimate and
  60 cars average estimate.
- If the Club car park is fully utilised it could provide 14 of the additional 24 spaces (high estimate) required. Measures are suggested to encourage full usage of the Club car park. A credit for the existing shop and offices and Beijing restaurant could reduce the parking shortfall to 6 (high) and 5 (average) spaces respectively. It is recommended that the gymnasium close at 7.30pm on Friday nights. There will then be a surplus of 6 spaces (high demand) or 7 spaces (average demand) compared with the existing peak parking demand as summarised on the table below:-

	High	Average
Existing peak parking demand	38	35
Future peak parking demand	65	60
Shortfall	- 27	- 25
If car park used to capacity Additional parking	+ 14	+14
Shortfall	- 13	- 11
Credit for demolition of shop, offices and 2 Bedroom Unit	+2	+2
Shortfall	- 11	- 9
Credit for demolition of Beijing Restaurant	+5	+4
Shortfall	- 6	-5
Credit for closure of gym at 7.30pm	+ 12	+ 12
Surplus compared with existing use	+6	+7

 The Club courtesy bus carries patrons from the Club to home that this service be made available to gym patrons."

The conclusions reached by Lyle Marshall & Associates Pty Limited that the proposal resulted in the status quo or a surplus of parking in relation to the development influenced the owners of the site. Ashfield Catholic and Community Club, in proposing the broad scope of the public domain and infrastructure works in Charlotte and Station Streets to improve the streetscape and pedestrian safety. The detailed engineering works have been costed at \$281,000 in November 2008.

Other considerations in support of the conclusions reached by Lyle Marshall were:-

- A substantial majority of the patrons of Club Ashfield, in the order of 78%, do not use
  their own vehicle to travel to and from the Club, particularly given its proximity to the
  railway station, surrounding residential areas and the provision of a courtesy bus.
- DCP 2007 provides, in respect to parking for gymnasiums and cafes, that a variation in the car parking requirements will be considered including, amongst other things, proximity to public transport services. The Report to Council dated 13 November 2007 did not take into account the proximity of the site to Ashfield Railway Station (in the order of 50 metres) and public bus routes through Ashfield Town Centre (Liverpool Road) in assessing the parking requirements for the additional floor area proposed.

<sup>1-11</sup> Charlotte Street, Ashfield Statement of Environmental Effects – Section 96(1A) Application

The additional floor area in the order of 240 square metres is primarily related to the gymnasium and ground floor café on the corner of Station and Charlotte Streets.

Given the findings in the traffic and parking study provided in support of the development application, it is considered that the full application by Council of 1 car space per 25 square metres for gymnasium and 1 car space per 40 square metres for cafe, resulting in a nominated parking shortfall of 9 car spaces, is unreasonable and not a proper application of the provisions in Council's statutory planning controls and the s94 Contribution Plan.

Furthermore, the Council report identifies a loss of 2 car spaces at the rear of 11 Charlotte Street ("The Great Wall Beijing Restaurant") as a result of the redevelopment. The existing restaurant provided no parking off the rear laneway as it was enclosed by a metal panel fence as evidenced by the plan of survey at Figure 2.2.

Similarly, the suggested "loss" of 1 car space associated with the redevelopment of 1-3 Charlotte Street fails to acknowledge the presence of a retail shop, commercial offices and 2-bedroom unit.

It is considered that the conclusions reached by Lyle Marshall & Associates Pty Limited in the parking and traffic report submitted with the development application that the proposal results in a surplus of parking spaces through the recommended strategies embodied in his report and the Plan of Management for Club Ashfield.

In the circumstances it is considered that the imposition of a parking contribution for 12 car spaces cannot be substantiated and is an unreasonable impost on the financial viability of the refurbishment of Club Ashfield.

#### 5.2 Public Domain Improvements

A fundamental component of the proposed refurbishment of Club Ashfield was the inclusion of substantial streetscape, drainage and pedestrian safety improvements to Charlotte and Station Streets.

These public domain improvements were the subject of extensive discussions with Council officers, Councillors and the Traffic Committee.

The outcome of the public domain improvements will be a significant improvement in:-

- pedestrian safety in Charlotte Street and Station Street with the introduction of a "shared zone", footpath widening and improved disabled access;
- (ii) the streetscape of Charlotte Street including footpath widening, street tree planting and continuous awning for pedestrian protection; and
- (iii) improved stormwater drainage to reduce existing flood prone areas adjacent to the railway line.

The cost of the proposed public domain works is \$281,000.

The scope of proposed works will need to be reviewed if Council maintains its position in respect to the imposition of a parking contribution of \$182,496 through Condition C(3) of the consent granted to DA 199/2006

1-11 Charlotte Street, Ashfield Statement of Environmental Effects – Section 96(1A) Application

## 6. s79C(1) EVALUATION

Section 79C(1) of the Environmental Planning & Assessment Act 1979 specifies the matters which a consent authority must consider when determining a development application. The following is a summary assessment of the proposed development against the Matters for Consideration in s79C(1) of the Act.

#### (a)(i) The provisions of any environmental planning instrument.

The site is zoned 3(a) General Business under the Ashfield LEP 1985. The proposed development is permissible with consent. The site is also within the vicinity of heritage items under Clause 37 of the LEP. The proposal has a high degree of compliance with the provisions of the LEP. The s96(1A) application is consistent with the objectives and provisions of the LEP.

## (a)(ii) The provisions of any draft environmental planning instrument.

There are none relevant to the site.

#### (a)(iii) Any development control plan.

The Ashfield Development DCP 2007 applies to the site. The objectives and provisions of the DCP as they relate to the Ashfield Town Centre and Car Parking are detailed in Section 5.1 of this report.

#### (a)(iv) Any matters prescribed by regulations.

There are none

## (b) Likely impacts of that development.

The s96(1A) application seeks the deletion of Condition C(3) to the consent granted to DA 299/2006 which will remove the requirement for a payment of \$182,496 in parking contribution thereby enabling substantial public domain improvements to be undertaken in Charlotte and Station Streets.

The comprehensive traffic and parking report undertaken as part of the development application indicates that there will not be any additional parking demands arising from the proposed development. The imposition of a parking contribution for 12 car spaces is unreasonable.

## (c) The suitability of the site for development.

The Ashfield Catholic Club has been operating from the site since 1966. The expansion and refurbishment of the club premises will provide improved community access and facilities and result in significant public domain and streetscape improvements.

The imposition of the parking contribution of \$182,496 will impact the financial viability of the proposed development and will require a substantial review of the scope of public domain works proposed by the applicant.

<sup>1-11</sup> Charlotte Street, Ashfield Statement of Environmental Effects – Section 96(1A) Application

(d) Submissions.

None at this stage.

(e) Public interest.

The proposed development will significantly improve the streetscape of Charlotte and Station Streets and provide public domain improvements and retailing (café) at the ground floor level.

The imposition of Condition C(3) in the consent will seriously impact on the viability of the proposed refurbishment of Club Ashfield and the associated public domain improvements. In this context it is considered that the approval of the s96(1A) application would be in the public interest.

1-11 Charlotte Street, Ashfield Statement of Environmental Effects – Section 96(1A) Application

## 7. SUMMARY AND CONCLUSIONS

The s96(1A) application seeks to modify the consent granted by Council for DA 299/2006 for the refurbishment of Club Ashfield at 1-11 Charlotte Street. Ashfield through the deletion of Condition C(3) which relates to a requirement for a financial contribution of \$182,496 for a shortfall of 12 car parking spaces.

The imposition of the condition is unreasonable as the traffic and parking report lodged with the application clearly demonstrates that there is not a shortfall of parking.

Furthermore, the Council officers, in their report to Council on 13 November 2007, failed to take into consideration the provisions within the DCP for Council to vary the parking guidelines given the proximity of the site to public transport (Ashfield Railway Station).

The imposition of Condition C(3) will impact on the financial viability of the proposed development and will require a substantial reduction in the scope of works proposed in the public domain.

For these reasons and for the reasons detailed in this report, the s96(1A) application is supported and recommended for approval by Council.

Kerry Nash Director K.R. Nash & Associates Pty Limited

11 December 2008

1-11 Charlotte Street, Ashfield Statement of Environmental Effects – Section 96(1A) Application

Subject SECTION 94 PLAN REVIEW UPDATE

File Name Section 94 Contributions

Prepared by Phil Sarin - Director Planning and Environment

**Reasons** Council resolution

**Objective** For Council to progress the review of its current S94 Plans

Strategic Plan Link N/A

Management Plan

**Activity** 

2.11 Development & Building Control, Strategic Planning

## **Overview of Report**

At the last Council meeting a draft Section 94A plan was adopted for public exhibition purposes. There was also discussion raised about progress on the review of the current Section 94 plans. This report provides an update on the status of the review.

## **Background**

The last major report to Council on the review of its current Section 94 plans was considered in September 2007. The Council resolved as follows:

- 1 That Council pursue the preparation of a Section 94A plan for the whole of the LGA for all forms of development not covered by the current Section 94 plans, based on Ministerial direction criteria contained in Section 94E of the EP&A Act.
- 2 Council retain its current Section 94 plans.
- 3 That when the Department of Planning issues new guidelines/criteria for Section 94 plans, that Council review its Section 94 plans as soon as possible thereafter.

A draft Section 94A plan was prepared in accordance with this resolution but has been, until last week's meeting, held in abeyance pending the State government's introduction of new legislation relating to contributions plans.

A copy of the previous report and the discussion papers which were an attachment to the report are included for the benefit of existing and new Councillors in **Attachment 1**. These discussion papers put forward the pros and cons of Section 94 and 94A plans and the potential combination of the use of both means for the levying of development contributions. Council ultimately chose to retain both approaches.

Since this report and papers were prepared the State government has embarked on a major planning reform agenda which culminated in the passage of an amendment to the EP&A Act in June 2008 to reform the NSW planning system. Parts of the new amendment

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**SECTION 94 PLAN REVIEW UPDATE** 

to the Act have come into effect but not the specific provisions relating to developer contributions. Despite repeated calls and enquiries to DOP Council officers have not been able to ascertain when the new provisions will take effect nor when Ministerial guidelines for the preparation of plans under the new amendment will be available. They have been mooted for some time and the latest news suggests that the guidelines could be published within the next few months.

As an 'interim measure' the State government issued a series of Ministerial directions under the current Act as follows:

#### November 2007

Advised that future plans could only levy for a range of specifically defined infrastructure items where the need for that infrastructure arises from the development of land (rather than infrastructure driven by general population growth – this is particularly relevant to Section 94 as opposed to Section 94A). In addition, plans prepared under the new guidelines would need to be endorsed by a delegate of the Minister for Planning.

#### December 2008

Various changes were introduced aimed at reducing the amount councils could levy. A \$20,000 maximum threshold was advised to come into effect from the 30<sup>th</sup> April 2009 (unless the Minister agrees to a larger amount). Ashfield's current figures for residential development (per new dwelling or allotment charge) are well below this threshold figure (\$9070 for new lots and detached dwellings and \$6385 for new flats/apartments).

Advice was also provided about changes to the concept of 'nexus' and 'apportionment' under the new Act provisions which will restrict and limit what key community infrastructure a council will be able to levy for. There will also be new reporting requirements for the expenditure of funds.

## January 2008

Further more detailed information was provided on how councils who wish to submit applications for plans which allow for levies in excess of the proposed \$20,000 maximum threshold figure should proceed and how such applications will be assessed by the Minister.

The State government has been clear in signalling its intentions that the new changes will be aimed at reducing the ability of councils to levy for developer contributions. This is being driven by lobbying from developer groups, the global economic downturn and the question of housing affordability. The days of councils charging significant levies for the creation of new allotments and/or new dwellings are numbered and we will see, in the near future, all new plans coming under much greater scrutiny and having to go through a formal review process led by the State government for the first time.

## Where to from here?

While it is acknowledged that the current Section 94 plans are long overdue for review and replacement if Council were to go ahead and commence a review in the absence of the new Ministerial guidelines it could result in the review missing vital information, not including the appropriate justification for the premise of a new levy or including a works

schedule which was inappropriate. The end result may be that the Council incurs additional expenses to rectify deficiencies or for the research and preparation of additional information. Given that a review of the current plans could cost in the order of \$50,000 it may be prudent to wait until the guidelines are published before commissioning a new review.

Unfortunately, there are many questions which relate to the content and interpretation of the new legislative provisions which remain unanswered at the moment so while some preliminary work may be able to proceed, principally in terms of research, it would obviously be beneficial and responsible to wait on the new guidelines before engaging consultants to commence a review for the preparation of a new Section 94 plan(s).

At the last Council meeting queries were raised about the works schedule, which was included in the draft Section 94A plan, concerning the Council's ability to fund the same project in both a 94 and 94A plan. In my view this may not be possible, however, there is no clear information available from DOP on this point. In addition, it is also unclear as to what interpretation DOP will have of the new 'community infrastructure' provisions which are intended to establish the types of services and facilities upon which a levy can be imposed. There is ongoing speculation that under the new legislative requirements it will no longer be possible to levy for facilities for an existing population, i.e. the services and facilities must relate to those required to service new residents. This will have a significant bearing on what facilities can be included in a new plan.

## **Financial Implications**

As the Council has no specific budget allocation to undertake the review it will be necessary to source funds from the Section 94 reserve fund.

## **Other Staff Comments**

Not sought at this time.

## **Public Consultation**

Will be sought following the preparation of a draft plan.

#### Conclusion

Given the uncertainty over the timing of the State government's planning reform agenda program and the release of the guidelines to assist councils in their preparation of new developer contribution plans it is recommended that the Council only proceed with the preparation of a project brief at this time.

## **ATTACHMENTS**

Attachment 1 Previous Council report and Discussion Papers 44 Pages

## **RECOMMENDATION**

- 1/3 That a project brief be prepared for the consideration of Council for a comprehensive review of all current section 94 plans.
- 2/3 That the project brief be reported to Council for endorsement.
- That Council reaffirm its position not to proceed with a review of its Section 94 plans until such time as the Minister has released new guidelines for the preparation of Section 94 plans.

Askfield Municipal Council – Report to Strategic Planning and Economic Development
Committee held on Tuesday 18 September 2007

SPC4.1

Subject SECTION 94 - REVIEW UPDATE

File No T01/04

Prepared by Phil Sarin - Director Planning and Environment

Reasons Update Councillors on the Section 94 Plan Review

**Objective** For Council to determine the final form of plan(s) to be prepared

Strategic Plan Link N/A

Management Plan

Activity

2.11 Development & Building

#### Overview of Report

This report contains an addendum to the Issues Paper prepared by consultants Connell Wagner that was discussed at a recent Council workshop.

Note: Representatives from Connell Wagner will be in attendance to answer questions concerning the addendam report.

#### Background

Counciliors will recall that the original project brief called for a review of the current Section 94 Plans but in March this year the Council also resolved to prepare a Section 94A Plan that was restricted in its application to commercial redevelopment and residential development above \$100K in value.

Connell Wagner prepared an Issues Paper on the review of Council's Section 94 Plan, which was presented at a workshop held on the 31st July 2007 (refer to Attachment 2).

At the workshop there was considerable discussion about a S94 v S94A Plan and the pros and cons of each in the Ashfield context. At the request of Councillors who attended the workshop an addendum has been prepared to the Issues Paper which further explores the ramifications of going down a Section 94 or 94A path, or a combination of the two. This addendum report is contained in Attachment I.

In addition, a comparison chart is also attached (Attachment 3) which was prepared some time ago but shows Council's relative position to other councils in the inner west in terms of Section 94 contributions. While the figures are two years old the comparative data is still relevant.

At a recent meeting of inner west Councils, at which the Minister for Planning was in attendance, discussion turned to upcoming planning reforms. The issue of housing affordability has been receiving nationwide attention in recent months and NSW has been in the spotlight in relation to the high level of developer contributions that are levied on development proposals in this State. The

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Ashfield Municipal Council – Report to Strategic Planning and Economic Development
Committee held on Tuesday 18 September 2007
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SECTION 94 - REVIEW UPDATE

Minister hinted that the forthcoming reform discussion paper would consider developer contributions in this State and their impact on housing affordability. My sense was that Section 94 Plans were likely to be in his sights and part of this reform agenda.

Council will need to bear this in mind if it does wish to continue with a new Section 94 Plan - there may be further changes which could impact on how councils can levy under 894 in the future.

#### **Financial Implications**

Nil.

#### Other Staff Comments

Not required.

#### Conclusion

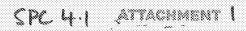
The Council needs to determine whether or not to pursue both a Section 94 and 94A plan or a single plan based on a 94 or 94A approach. The preliminary work undertaken by Council's consultant suggests that a single 94A plan is the best approach for Ashfield which will provide a consistent source of contributions across a broader range of development application types. This is likely to yield, on average, a good source of revenue to support improvements to our parks and reserves, community facilities and public works programs.

#### ATTACHMENTS

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## RECOMMENDATION

That Council pursue the preparation of a Section 94A Plan for the whole LGA for all forms of development based on the Ministerial direction criteria contained in Section 94E of the EP&A Act.



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Issues Paper Addendum
Section 94 Plan Review
Ashfield Municipal Council

30 August 2007 Reference 26906-001 Revision 0

Connell Wagner

# SPC 4-1 ATTACHMENT Connell Wagner **Document Control** Document D) 0326308000 NPRQUECT OUTPUTS REPORTS DRAFTS ADDOCT 300807.000 Revision Details Verifier Approver Typist Author Rey No Data ΩB MES MRS MES D-26 30 August 2007 A person using Connell Wagner decuraents or data accepts the risk of

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# - - Ashfield Municipal Council Section 94 Plan Review issues Papar Addendum Contents Page 1 1, Introduction 2 How and where could Ashfield apply a section 94 plan? 2. What are the financial implications of adopting a new section 94 plan 3. for the town centre? What are the pros and cons of having both a section 94 plan and a 4, section 94A plan operating in parallel? 7 8 Conclusions and recommendations 5. Conclusions 8 5.1 8 5.2 Recommendations Connell Wagner FILE COMMONDERPROJECT COMPUTS REPORTS CRAFTE ADOME, 2008/07-DOC 1-30 AUGUST 2007 | REVISION 9-1

SPC 4-4 ATTACISMENT I

Section 94 Plan Review Issues Paper Addendum

## 1. Introduction

This report is an addendum to the Issues Paper dated 24 July 2007 and should be read together with the Issues Paper

The Issues Paper was presented to a councilior workshop on 31 July 2007. As an outcome of the workshop Connell Wagner was requested to undertake additional analysis on the potential to use a traditional section 94 plan within the Ashfield LGA.

This additional analysis has been undertaken to answer three specific questions:

- How and where could Ashfield apply a section 94 plan?
- 2. What are the financial implications of adopting a new section 94 plan? Is it a viable option for council?
- 3. What are the pros and cons of having both a section 94 plan and a section 94A plan operating in parallel?

The outcomes of the analysis undertaken is documented in this addendum report for council consideration.



Connell Wagner

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SPC 4-1 ATTACHMENT I

Section 94 Plan Review Issues Paper Addendum

# 2. How and where could Ashfield apply a section 94 plan?

The difference between section 94 and section 94A in application is the ability of section 94A to derive income from relatively slow or low growth areas on a consistent basis over a long time period. A traditional section 94 plan is a more appropriate funding tool where significant development can be anticipated in a relatively short time frame and particularly where the scope of new development will impose a burden on council resources and infrastructure.

Section 94 plans are presently operating in almost every urban release area and can provide a council with a very substantial annual income to match the needs generated by large-scale development. However a section 94 plan requires a defined and significant growth in either workers or resident population (causal nexus) to be projected within a specified geographical area (spatial nexus) and timeframe (temporal nexus).

The future growth expectations of Ashfield were documented in the Issues Paper. This identified the potential for 1,870 new dwellings within the next 10 to 15 resulting in a population increase of 4,500. Most of this growth is anticipated to be concentrated within the Ashfield town centre.

A section 94 pian could therefore only reasonably is signified to residential development within the Ashfield town centre. The plan would need to cater for a potential population growth of 4,500 people and capital works on local infrastructure to support that population increase over the next 15 years.

The scope of residential growth oblined above is the most optimistic growth scenario that could be reasonably justified. The issues Paper bid not identify a viable nexus for section 94 to be applied to any other development type guecation within the Ashibeid LGA.

Connell Wagner

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Section 94 Plan Review Issues Paper Addendum

# 3. What are the financial implications of adopting a new section 94 plan for the town centre?

The Issues Paper provided some analysis of potential income under a section 94A plan compared to actual income under the current Ashfield section 94 plans in recent years. Council requested a further comparison of future income potential from a **new** section 94 plan versus a flat rate section 94A plan to be undertaken to inform its decision making process.

A meaningful assessment of potential future income from a new section 94 plan is not possible without actually preparing a new plan. This is not practical. We have therefore instead looked at the financial implications for council of adopting a new section 94 plan for the town centre. This has been done through a review of apportionment issues related to different types of facilities and selected hypothetical projects within the town centre (identified in consultation with council staff).

The objective of this review is to determine what proportion of a works program would need to be apportioned to council if a new section 94 plan is adopted. This will demonstrate the financial implications of a new plan.

As a starting point apportionment of costs will be on a proportion of population basis. This may change depending upon the circumstances of a facility type: Without any further analysis it appears that works proposed under a section 94 plan would be subject to the following apportionment:

Cost of works apportioned to esuncil

Existing population Existing + Projected population

39.667

39,667 + 4,500

39 667 44 167

Cost apportioned to council

89.8%

The ability of council to apply a contributions plan with a greater apportionment to future development is limited by the circumstances of the potential development in Ashfield. That is, a relatively small population increas over a prolonged period, and contained within a very well established and developed centre. These circumstances mean that any works program devised to support growth will also benefit existing residents and property owners.

The following sections consider what works may be applicable, the approximate cost of those works, and any means by which an alternative apportionment to new population could be justified.

#### Traffic facilities

Proposed development would increase traffic around individual development sites and through the town centre as a whole. However, proposed development sites are distributed along Liverpool Road and are all within walking distance to Ashfield train station and bus services. Developments are all also within walking distance to retail and commercial services. There is very little need for any new residents to drive as a habit.

Given also that vehicular trips that are required can be quite quickly dispersed through a number of access ways to and from the town centre from a range of development sites, there is no clear traffic impact to be considered. It would be unreasonable to assume that the potential development will generate a demand for any particular traffic facility or upgrade. It is more likely that development will generate a greater need for enhanced pedestrian facilities along Liverpool Road. But even in this case

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there are existing facilities that are not likely to require upgrade due to the potential development

#### Example:

Council has determined that the intersection of Canton Crescent. Smith Street. Shower of Street needs upgrading based on the existing level of use and the anticleated growth in traffic volumes. The cost of Sonai singlifie existing intersection controlled by a roundarium is estimated at \$250,000. The intersection however is located in Summer Hill. Given the need assess out of existing traffic and future development if Cantol be reasonable to except development in Ashfield and or Summer Hill in meet 100% of the cost.

Even if the intersections of Liverpool Road with Frederick Street or Brown Street or Thomas Street required some form of appraise in part due to potential development. Council would need to have a comprehensive traffic analysis carried out before any of the works could be apportioned more than 10% to future development – based on a predicted 15% increase in population.

Overall it will be difficult to justify the upgrade of any facility is required solely by the new development. Many of the factors arready put forward (such as public transport access) would require council to fund the majority of the works even after such a study was carried out.

#### Community facilities

A range of community facilities can be funded under a Section 94 plan – Ashfield has already utilised contributions for literary upgrades for example. The table below outlines some general provision rates applied to community facilities.

Facility	Standard*	Plompace requirements <sup>o</sup>
Long day care	s pager par 11 chadrels 0.4 years	3000m² site with building of 300- 400m² tor 50 place facility
Youth centre	1 per 26,000 persona si 1 per 3,000 13-19 year olde	395-490m²
Community centre	t per 7 (00-10-000 persons <sup>a</sup>	600-800m²
Library *	(District 1 per 30 000 persons	1000m <sup>3</sup>
	Branch: 1 per 5 000 persons Resources: 1 item per 2.5 persons 1	600-700m²
Seniors centre	1 par 30 000 persons	1000-2000m <sup>2</sup>

#### Motes

- a) Standards derived from Blacktown Council / Baulkham Hills Council / Campbelltown Council / Department of Planning / various other statutory authorities.
- Floorspace requirements based on modest facility palv.
- c) Where private facilities are provided this may be relaxed to 1.20, 60 place centre required for population of 7 000.
- d) Current Department of Community Service standard.
- e) Library standards typically predicated on persons including workers.
- State Library current standard

Potential development generating 4,500 new residents does not create a need for any new facility in itself. It is possible however to require a contribution for augmentation or expansion of an existing facility to cover the growing demand. In terms of the above list council must then consider if there is scope to provide a new branch library or community centre or expansion of the existing facilities within reach of the proposed development.

Council presently provides the following community facilities:

- Ashfield Town Hali
- Menzyn Fletcher Hall

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- Cadigal Room
- Bastable Hall
- Share Building
- Ashfield Library
- Haberfield Library
- Summer Hill Community Centre
- Yeo Park Community Centre
- Kindergarten (Railway Terrace)
- Pre-School (Henson Street)
- Long Day Care Centre (Norton Street)
- Ashfield Swimming Centre

It is likely that adequate floor space exists within each facility type to accommodate the potential population increase. If this is not the case, council will need to follow the steps set out below to devise a works program applicable to future development only:

- Determine which facility type needs to be upgraded based on population growth.
- Determine if a relevant facility can be upgraded relevant being the correct type and relevant to the Ashfield town centre
- · Determine the cost of that upgrade.
- Determine a contribution rate

#### Example:

Council needs to demonstrate a need to upgrade the Astifield Litrary based on population growth. If this need is established and an upgrade is physically possible. Council then needs to estimate the cost of the upgrade (hypothetically \$750,000). Council can then use a section \$4 plan to apply a contribution rate of approximately \$4.00 per new diveiling.

Council can also forward fund the project and apply the interest charged on any loan for the facility of the contribution plan. Alternatively council may need to wait a number of years for the funds to accumulate.

#### Drainage

Development will occur on land already developed. As such there will be no additional stormwater runoff created. Nor will the quality of stormwater runoff be reduced from the existing circumstances. There are no reasonable grounds to be charging section 94 contributions for any drainage facility.

## Open Space

The present plan for open space adopts a provision rate of 11 square metres per person. This area is further defined as either passive or active with 45% being active open space and the remaining 55% passive. A notional standard often applied to new developments is 2.7 to 3.0 hectares per thousand people or 27 to 30 square metres per capita. This is well in excess of the actual provision rate in Ashfield.

Based on current provision rates for Ashfield the potential development as a whole (4,500 people) would generate a need for 4.95 hectares of open space. The value of this land alone would result in a very substantial contribution rate.

Council would need to consider if it is reasonable to impose such a contribution in view of the following points:

- Council's ability to deliver the land area?
- How that land would be used?
- · Does it serve the needs of the new population solely?
- Does it augment existing land and uses?

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The critical point to be addressed is can council deliver open space that serves the needs of the new population primarily. If not, then the cost of the open space that can be provided needs to be apportioned appropriately. It would not be reasonable for council to extract contributions from the town centre residential development if the only teasible project for the funds was the expansion of a junior football field in Summer Hill.

#### Example

One project that can be considered is the acquisition and construction of a dividipent within the centre of Ashneld. This can be reaccidely apportioned to the new residents as they create a need for a passive open space area. The provision rate would suggest that the new population would generate a need for approximately 2.7 rectares of passive open space.

Council has purchased land for such a town square. The estimated current property value and the area of the site yield a current land acquisition oset of \$6,430 per square metre. The final cost of buying the site and construction of a town square can reasonably be apportuned 10% to future development.

The final cost of the completed town square project would be in the vicinity of \$7 to \$10 million, which includes any additional land ecquisitions demolition, convict relocations, as a remediation, loggical construction of facilities, landscaping and public art. Only 10% of this could be recorded via a section \$4 pain over the next 15 years.

Again however, there is a need to consider the wide-targing benefits of such an asset. The acquisition and creation of a town square in Ashfield would not only serve as a passive recreation area for new residents but would benefit all residents and workers who visit Ashfield and would then have benefits to all existing property owners in Ashfield.

In fact, unlike the previous example of the library upgrade, the town square is a completely new facility rather than just an augmentation of an existing facility. As such, the potential to apportion greater than 10% of the cost to future development is very low.

#### Streetscape and footpath upgrade

Council may also consider the need to rebuild or upgrade the standard of tootpath treatment through the Ashfield town centre. Increasing residential development will increase the number of pedestrians using the footpath after business hours. The presentation and amenity of the main street needs to reflect the increasing usage.

#### Example:

Using unit rates supplied by council, recoving a significant section of the Liverpool Street footpath (Thomas Street to Murrer Street) would does approximately \$600,000, in addition, the installation of new street furniture, lighting, trees, project design and supervision costs would just the completed project to approximately \$1 million, in this instance council would again need to justify any appointment adopted in excess of 10% to future development. This may be possible based on a ratio of new residents and yorkers to existing residents and workers for the specific twin centre area alone. Although the actual appointment cannot be estimated here it would be considerably more than 10%.

#### Conclusion

The likely total works program value for a new section 94 plan for the town centre is approximately \$10 to \$12 million. Only 10% of this would be derived from contributions levied on future development. Further work on the potential apportionment of cost for traffic facilities and streetscape upgrades could yield a higher apportionment to luture development for those facilities alone. Allowing for increased apportionment on traffic or streetscape works council still would not be able to derive more than \$2 to \$2.5 million funding from a section 94 plan over 15 years. This leads to council needing to find approximately 90% of the works program value. Alternatively the works program remains incomplete until sufficient funds have been accrued. This would take a considerable period of time based on recent growth rates (up to 50 years).

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## 4. What are the pros and cons of having both a section 94 plan and a section 94A plan operating in parallel?

Some councils have adopted this approach for a variety of reasons. These reasons include:

- It offers a degree of flexibility if council has a choice of which plan to apply.
- It can be used to provide a regular base income via section 94A continuumons
- Council still retains a substantial and responsive section 94 plan for larger development areas.
- Additional income can be derived from a section 94A plan that cannot be accessed through a section 94 plan.

The difficulties encountered with operating two plans are numerous. These include:

- There needs to be very clear direction concerning how and when each plan applies. This is simplified if the plans cover specific geographic areas but is more complex if the distinction between the two is based on development type.
- As section 94A applies a contribution based on development value, there are prescribed requirements on how the value of a development is estimated. Operating parallel plans can create confusion in calculating the development yasus.

#### Example:

A mixed use development on Everyop Road may mustble Coverings and at least of commercial or retail floor space. It section 94 is applied to the residential component of the governorment in section 94 is applied to the residential development value of the remaining project for the purposes of section 94A.

- If council takes a more fluxible approach and allows a choice about which plan to apply to each development individually, it is open to potential abous and can be seen as marcenary.
- While both pians would allow pooling of funds to be applied to the works program, both plans will have separate works programs and are prevented from pooling funds between the plans. Section 94 funds, which are derived through stringent nexus and apportionment requirements, could not simply be used to complete works within the section 94A program. This has the affect of again separating the funds accrued into specific accounts and may result in council holding a large sum of money but being unable to pursue the required project for tack of funds.

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Section 94 Plan Review Issues Paper Addendum

## Conclusions and recommendations

## 5.1 Conclusions

- If Ashfield Council was to adopt a section 94 plan, it would need to be limited to residential
  development within the Ashfield town centre as nexus cannot be demonstrated for any other
  development type or location within the Ashfield LGA. A section 94 plan would be catering for a
  projected population increase of approximately 4,500 people and would support a works
  program focussed on the town centre.
- Any adopted section 94 plan would have a very high apportionment of cost to council approximately 90%.
- The apportionment to council could only be reduced from 90% on selected works such as traffic
  facilities and streetscape works. However this would require further complex analysis in order to
  justify the reduction and establish a defendable argument.
- The likely total works program value under a section 94 plan is approximately \$10 to \$12 million. Only \$1.2 million would be derived from contributions from new development.
- Even allowing for increased apportionment on traffic or streetscape works, council still would not be able to derive more than \$2.5 million folding from a new section 94 plan over 15 years.
- The cost appointinged to council under a section 94 pian could not be offset by using section 94A income. This means funding would need to come from other sources in order to implement the works program.
- Operating both forms of contribution plan in parallel will not deliver to council any greater
  flexibility and will have to morease the risk of a development being incorrectly levied under one
  plan or the other. If could also increase confusion for developers and the community about
  development contribution liabilities.

#### 5.2 Recommendations

A section 94A contributions plan should be adopted for the whole LGA and should be applied to all development. The actual rates to be applied are a matter for council to decide in light of the analysis presented in the Issues Paper.

Ashtield Council should not pursue section 94 as a funding mechanism as it would commit council to a largely unfunded works program. This places a financial burden on council if the works program is to be completed and risks the works not being undertaken due to lack of funds.

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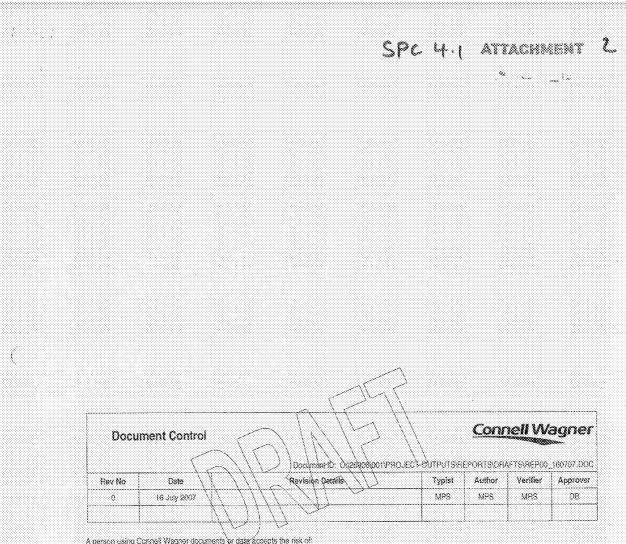


# Development Contributions Plan Review Issues Paper

## **Ashfield City Council**

16 July 2007 Reference 26906-001 Revision 0

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Development Contributions Plan Review Issues Paper

## **Executive summary**

#### Purpose of the review

Amendments to the Environmental Planning and Assessment Act 1979 (EP&A Act) in relation to development contributions have provided local government with a new set of planning tools to address the manner in which councils may seek a developer contribution. The most significant changes – including the introduction of flat rate levies and the codification of planning agreements – require changes in the way current council policy operates to ensure council makes best use of these provisions.

The main purpose of this issues Paper is to provide council with advice in relation to:

- The most beneficial contributions regime of levying for council-provided public services and facilities including maximising benefits whilst minimising risks to council.
- A regime that is equitable across the community.
- Clear guidance on how to best approach voluntary planning agreements as the basis for a new policy on the matter.

#### Recommendations for future funding of local infrastructure - Section 94A

It is recommended council adopt a section 34A plan for the whole Ashfield LGA for the following reasons:

- It will déliver a gréater funding level when compared with a section 94 traditional plan.
- It will provide greater internal flexibility and deliver outcomes council seeks without the complications of the traditional approach.
- It removes the risk of appeal as section 94A levies are not appealable.
- It is simpler to administer and does not required high levels of internal resources to operate.
- It allows council to develop a program that can be delivered in a more timely fashion than the current section 94 plans.
- It moves away from the existing section 94 plans which are complex and difficult to administer and require substantial council supplementary funding.

The adoption of a section 94A plan would require that council adopt a new works program within that plan. To achieve this council will need to make some decisions on what priorities it has for the acquisition of capital infrastructure.

The community equity issues associated with a section 94A plan have been considered in detail. It is considered that a flat rate levy as proposed is equitable as it places the burden for new and improved facilities across the LGA broadly.

The general parameters for a section 94A plan for Ashfield are:

The use of the Department of Planning template.

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- Adopting a works program to the value of \$9 million over a 10 year period. This value is based
  on a projection of an average annual income of approximately \$850 000 to \$900 000 over a 10
  period.
- Council should also consider simply applying a priority list of works that can be completed as funds are available. The parameters listed above are then a guide but the plan is not limited to a set timeframe.

#### It is also recommended that:

Council should have a policy for planning agreements in place that sets out a system for their
use that conforms to the relevant regulations. This does not mean that council is approving the
use of planning agreements. Rather, should council in the future believe that a planning
agreement is a preferred approach in a particular circumstance, it provides the tools for the
acceptance of such an agreement.

#### Retention of a traditional Section 94 contributions plan

The following actions are recommended in the event that council chooses to maintain the existing section 94 system:

- The various strategies within the current contribution plans do not provide adequate justification
  for the works programs and resultant contributions rates and are open to appeal. Further work
  is required to ensure that any future plan is robust and also applicable to non-residential
  development.
- Before a traditional section 94 plan could be applied to any development a clear strategy
  relating to future development is fequired to address the needs created by that development.
  No such documentation is to place at present.

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Development Contributions Plan Review Issues Paper

## 1. Introduction

## 1.1 Background to the review

Development contributions for public infrastructure across the Ashfield local government area (LGA) are levied through three section 94 plans:

- Ashfield Municipal Council Section 94 Contributions Plan Public Car Parking.
- Ashfield Municipal Council Section 94 Contributions Plan Open Space and Recreational Facilities
- Ashfield Municipal Council Section 94 Contributions Plan 1996 Community Facilities.

There has been substantial legislative change to the NSW development contributions system under the Environmental Planning and Assessment Act 1979 (EP&A Act). This impacts on the adequacy of these current section 94 plans and introduces alternative infrastructure funding methods such as flat rate levies (or section 94A plans) and planning agreements that should be considered as possible infrastructure funding options for council.

In response to these issues Ashfield Municipal Council initiated a process to review its current approach to funding public infrastructure within the Ashfield LGA through development contributions. The review process is expected to culminate in the preparation of a new development contributions plan or plans that can best fund future infrastructure requirements across the LGA and meet legislative and best practice standards.

## 1.2 Review scope and process

The scope of the veriew has been defined to address the following key issues as set out in the original council brief:

- To review the existing section 94 plans.
- To undertake a financial study of the existing contributions plans to identify key risks and areas
  of improvement.
- To assess the options to extend contribution types.
- To prepare a works program that is robust and minimises the need for supplementary funding from council.
- To assist council in the preparation of a new development contributions plan.

The agreed review scope has been organised into two sequential stages with defined activities and outputs/outcomes associated with each stage. The process is summarised below.

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Stage · lasue Paper Project inception Initial council workshop Decision made on most Data collection and analysis appropriate contributions Outline legislative requirements sysism Assessment of funding options . Preparation of Issues Paper Preparation of draft contributions
 Draft contributions plan plan or plans ur plans and planning Preparation of planning agreements policy for public exhibition agreements policy Public exhibition and finelisation. Final contributions plan or of plan or plans and planning plans and planning agreements policy for council adoption agreements policy

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## 1.3 Issues Paper purpose and scope

**Development Contributions Plan Review** 

Issues Paper

The purpose of the Issues Paper is to report on the Stage tractivities and provide advice to assist council in its decision on the best funding method for local intrastructure in the Ashfield LGA. The scope includes information and guidance on the following issues:

- New legislative requirements and downoil obligations. This includes advice on the requirements for traditional section 94 plans and section 94A plans and the requirements and procedures for planning agreements.
- The current Ashiristic softributions plans and their compliance with legislative requirements and best practice standards. This includes an assessment of the works programs and identifies risks to council associated with the current plans – in terms of legal challenge and funding gaps.
- Local infrastructure funding methods available to council and the application of these. This
  includes an evaluation of section 94 versus section 94A plans or a combination of section 94
  and section 94A plans and potential income streams.

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## 2. The legislative framework and recent changes

#### 2.1 Introduction

Section 94 of the EP&A Act has traditionally been the principal method anabling councils to levy contributions for public amenities and services required as a consequence of development. This may be the provision of new facilities for a new area or the expansion of existing facilities where a developed area is growing.

Since 1993 councils have been able to levy section 94 contributions only if they have prepared and exhibited a contributions plan. This has allowed the system to be made more transparent. In 2003 the Minister for Infrastructure and Planning and Minister for Natural Resources established a taskforce to look more closely at the way the section 94 developer contribution system operated and in particular the alternative mechanisms by which planning authorities may obtain a development contribution.

The taskforce found that:

- The original policy basis for levying developer contributions at the local level remained legitimate and sound and the current system should be maintained but there should be greater accountability in the system.
- Developer agreements and flat-rate percentage levies could be alternative approaches in certain circumstances.
- Improvements to the operation and accountability of the surrent system were appropriate. Such improvements include;
  - allowing for oross boundary levying
  - promoting consistency in the format of contributions plans
  - ensulting regular review of contributions plans
  - encouraging better accounting practices
  - the publication of data relating to the collection and expenditure of section 94 funds
- A system could be developed to allow councils to borrow funds for the up front acquisition of land identified in contribution plans.

These recommendations led to wholesale reform of the NSW development contributions system. A summary of the changes made and the resultant new system is presented below.

#### 2.2 The reform changes

On the 6 May 2005 the Environmental Planning and Assessment Amendment (Development Contributions) Bill 2005 was passed by the NSW Parliament (assented on 18 May 2005).

The reforms to section 94 maintain the power to levy a contribution as a consequence of development provided a contribution plan is in place. But the reforms have widened the ambit of the contributions system to include new provisions under sections 93 and 94A of the EP&A Act. These provide greater flexibility as to the means of levying a contribution. The amendments provide for the following methods of funding local infrastructure by a consent authority:

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- Development contribution plans section 94. This type of plan is referred to as a "traditional" plan as its foundation remains the same as that proscribed since 1993. The existing Ashfield Section 94 Contribution Plans are traditional section 94 plans.
- Development contribution plans section 94A levies. This type of plan is known as a "flat rate levy" plan and reflects the new provisions of the EP&A Act that allow a simple percentage rate to be applied to new development.
- Planning agreements. These are voluntary agreements between planning authorities and developers to exact public benefits. Planning agreements provide a framework under which authorities can share responsibility for the provision of infrastructure in major urban redevelopment projects.

The following table summarises the different development contribution methods available to council and outlines areas of application for each method.

Methods of funding infrastructure using the contributions system

Method	Application and issues
Section 94 development contributions	Application:  Optimum where growth is faster and higher levels of contributions are able to offset administration costs, financial tasks and inefficiencies of managing funds.  Typically required where land acquisition is required.  Areas with multiple owners who are unable to coordinate in offering dedications or works-in-kind  Issues:  Substantial work required to satisfy statisfory requirements against potential benefits.  Can fund facilities well if prepared with care.  When wall prepared can be readily defended.
Section 94A levy	
Planning agreements	Application:     One or few owners that have an incentive to fund intrastructure.     More successful where major growth or development occurs in a distinct area.     Can offer different and better outcomes through efficiencies in the process or through innovation by the parties.  Issues:     Substantial effort required to implement a satisfactory agreement.     Not always the best option.     Any agreement is optional and is therefore dependent on having a willing developer.

The following sections outline each of these methods in more detail.



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## 2.3 Section 94 contributions plans

#### 2.3.1 Fundamental principles

Section 94B(1) of the EP&A Act requires that a contribution can be imposed only if a development contribution plan so authorises the council and only if it is in accordance with that contribution plan.

Section 94 contributions are based on two basic concepts:

- Reasonableness in terms of nexus (the connection between development and demand created) and apportionment (the share borne by future development) and other relevant factors.
- Accountability both public and financial.

#### Reasonableness

The concept of reasonableness is evident throughout section 94 and is the philosophy underlying the preparation and administration of a section 94 development contributions plan. Failure to properly satisfy reasonableness may undermine the plan. However what is reasonable in one case may not necessarily be so in another.

Section 94 of the EP&A Act expressly refers to reasonableness by:

- Requiring reasonable dedication or contribution (section 94(2)).
- Requiring reasonable contribution towards recomment (section 94(4)).
- Enabling a condition to be disaffolived by the Land and Environment Court because it is unreasonable (settian 946(3)).

Reasonableness comprises concepts of fairness, equity, sound judgement and moderation. The two key principles underlying reasonableness are nexus and apportionment.

## Nexus

Nexus is the relationship between the expected types of development in the area and the demonstrated need for additional public facilities created by those developments. The requirement to satisfy nexus is one of the core components of a valid development contributions plan and is a specific requirement of clause 27(1)(C) of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

#### Apportionment

Apportionment is a tool to arrive at the correct nexus to ensure that a charge under section 94 only ever reflects the demands of development and not other demands.

#### Accountability

One of the key issues with accountability in relation to reasonableness relates to completion of the works program adopted by a development contributions plan and the time in which a facility is provided. Although amendments have removed the references to provision of facilities in a "reasonable time" (except in relation to land dedicated for a particular purpose), if remains incumbent on a council to ensure the facilities meet the needs of a development

The time for the provision may be expressed as a threshold being achieved (such as a nominated population or floorspace) and need not specify dates. It must nonetheless be clearly determined by sound projections.

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Development Contributions Plan Review Issues Paper

#### 2.3.2 What are the requirements for a contributions plan?

The EP&A Act and EP&A Regulation require that a development contribution plan identify the purpose of a contributions plan (Clause 27(1)(a) of the Regulation). A development contributions plan:

- Is a public document that displays the council policy for the assessment, collection, expenditure and administration of contributions.
- Provides the legal mechanism by which councils may impose a condition of development consent requiring a monetary contribution, dedication of land, or both, pursuant to section 94.

The records, accounts, registers and annual reports that are required to supplement the contributions plan, demonstrate council performance in the management, monitoring, accounting and administration of development activity. These should also be informed by the basic purposes of a plan.

The template for section 94 contributions plan in the Department of Planning Practice Notes recommends a structure as follows:

#### Part 1 - Summary schedules

Summary of works schedule Summary of contribution rates

#### Part 2 - Administration and accounting

Name of the plan Purpose of the plan Area the plan applies to

Relationship with other plans and policies When contributions are paid.

Deferred/periodic payments

Works in kind

Adjusting contribution's

Pacting contributions

### Part 3 - Strategy Plans

Nexus

Expected development

Population increases and characteristics

Meeting needs of the population

Public facilities

Contributions rates

Costs and staging

#### Part 4 - Supporting Documents

## 2.3.3 What can be funded under section 94?

Section 94 can only be applied to the capital funding of facilities. The only recurrent funding permitted is the ongoing maintenance of roads where heavy vehicular traffic movements arises directly from a specific development activity (such as mining).

Capital funding includes:

The costs of land acquisition including all things necessary to bring the land into council
ownership and to a standard suited for the end use.

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Construction and provision of facilities including all the things necessary to facilitate
construction and to bring the facility to a standard that is suited to the end use.

Capital costs do not include ongoing operational or maintenance costs. However contributions can support the administration and management of the contributions systems by employing staff to manage this system where the volume and turnover of contributions is sufficient to utilise large amounts of staff time.

The application of traditional section 94 contributions is considered most appropriate where growth is faster and higher levels of contributions are able to offset the considerable administration costs, tinancial risks and inefficiencies of managing money amongst and within funds. This form of contributions requires substantial effort to satisfy statutory requirements.

#### 2.4 Section 94A levies

#### 2.4.1 When and how are levies applied?

Section 94A allows a levy to be imposed when a development consent or complying development certificate is issued. The levy can only be imposed if a section 94A plan is validly in place.

This type of contributions plan is referred to as a flat rate-levy plan and reflects the new provisions of section 94A of the EP&A Act that enables a simple percentage rate to be applied to new development. The maximum rate of the levy is presently set at 1% of development cost. More recently the Minister has introduced a scale of rates for section 94A contributions based on development value. Section 94A contributions can only be applied as follows.

X X	A 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
Development value	Percentage applicable
\$0 to \$100 000	NH CONTRACT
\$100,000 to \$200,000	\ \ \ 0.5%\
Over \$200 000	// \/\ \/\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\

The rate scale is intended to prevent councils imposing the levy on minor development and unfairly imposing a cost burden on things such as small house additions that do not generate additional demand for local infrastructure.

Traditionally section 94 has only been applied to residential development, commercial development and some industrial development. The levy under section 94A can be applied to any form of development.

Money required to be paid by a condition imposed under section 94A is to be applied towards the provision, extension or augmentation of public facilities or services (or towards the recouping of the cost of same) for the benefit of all in the community. The money collected is to be applied by council towards meeting the cost of the public facilities listed in a schedule to the contributions plan.

Unlike the traditional section 94 plan, no nexus needs to be established. This means that although the contributors to the section 94A fund will have access to and be able to utilise the public facilities provided, there does not need to be demonstrated a direct demand on those facilities caused by the new development.

The EP&A Regulation requires a section 94A plan to include:

The purpose of the plan and the land to which the plan applies.

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- The percentage of the section 94A levy and, if the percentage differs for different types of development, the percentage of the levy for those different types of development, as specified in a schedule to the plan.
- The manner (if any) in which the proposed costs of carrying out the development, after being
  determined by the consent authority, is to be adjusted between the date of that determination
  and the date the levy is required to be paid.
- The council policy concerning the timing of the payment of section 94A levies and the imposition of 94A conditions that allows deferred or periodic payment.
- A map showing the specific public amenities and services proposed to be provided by the council, supported by a works schedule that contains an estimate of their cost and staging (whether by reference to dates or thresholds).
- If the plan authorises section 94A levies paid for different purposes to be pooled and applied
  progressively for those purposes, the priorities for the expenditure of the contributions
  particularised by reference to the works schedule.

These must all be covered in the section 94A development contributions plan. Some of these requirements are the same for a section 94 contributions plan.

## 2.4.2 Restrictions on the use of section 94A

Although section 94A letties may be wildely used there are a number of restrictions on its application and the use of contributions. These include:

- A section 94A levy cannot be imposed on the same development application or complying development certificate in a section 94 contribution is required.
- Contributions must be exhanded towards capital costs associated with the provision, extension
  or augmentation of public amenities or public services (or towards recoupling those costs).
- The contribution rate applied must conform to the maximum rates as prescribed.

Flat percentage levies under section 94A may have a role in the following circumstances:

- Where there is relatively slow accrual of contributions plan funds.
- Where there are multiple owners undertaking dispersed and unrelated development.
- Where there is little scope for the receipt of relevant land dedications or works-in-kind.
- Where contributions cannot fund the high administrative demands relative to low outputs of a contributions plan.
- For the provision of facilities that benefit a dispersed set of contributors especially community facilities

It is noted that the legislation at this stage does not restrict a council having a section 94 plan and a section 94A plan in place for the same area. The only restriction is that a section 94 contribution and section 94A contribution cannot be levied on the **same** development application or complying development certificate.

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## 2.5 Planning agreements

Planning agreements are a voluntary and binding agreement between council and another party or parties to fund or deliver an agreed set of facilities, dedicate land or make appropriate monetary contributions. They differ from traditional and flat rate contributions in that they may be triggered by a rezoning request or a developer may propose them as part of a development application. They have the potential to be used in a wide variety of planning circumstances and to achieve many different planning outcomes. Therefore it is not possible to limit or prescribe their use.

There are varying reasons for the use of planning agreements. These include:

- There is pressure to ensure that development produces targeted public benefits beyond those
  typified by the traditional contributions system. Planning agreements provide a flexible means of
  achieving tailored development outcomes and targeted public benefits.
- The traditional contributions system is not always well equipped to produce such benefits as they are directed towards mitigating external impacts of development.
- Developers are seeking greater involvement in determining the type, standard and location of such facilities as they appreciate how their own developments benefit from the provision of targeted public facilities.
- Negotiation inherent in the agreement process allows compromise and can provide a more effective means for public participation in planning decisions.

Development contributions under a planning agreement can be indirectly contributions, the dedication of land free of cost, any other material public benefit; or any combination of them, to be used for or applied towards a public purpose.

There is no specific nexus test with planning agreements. However, they must be used in accordance with the restrictions imposed by the legislation. There are also onerous requirements for the preparation and adoption of planning agreements that requires considerable clanning and legal effort.

The Department of Planning Practice Note on planning agreements outlines a generally applicable acceptability test for planning agreements. This generally requires such agreements:

- Are directed towards proper or legitimate planning purposes, ordinarily ascertainable from the statutory planning controls and other adopted planning policies applying to development.
- Provide for public benefits that bear a relationship to development that are not wholly unrelated to the development.
- Produce outcomes that meet the general values and expectations of the public and protect the
  overall public interest.
- Provide for a reasonable means of achieving the relevant purposes and outcomes and securing the benefits.
- Protect the community against planning harm.

It is important to note that a council cannot force a developer to enter into a planning agreement and cannot refuse consent if a planning agreement is not entered into.

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#### 2.5.1 Mandatory contents of planning agreements

Section 93F of the EP&A Act requires planning agreements to include provisions specifying:

- A description of the land to which the agreement applies.
- A description of the change to the environmental planning instrument, or the development, to which the agreement applies.
- The nature and extent of the development contributions to be made by the developer under the
  agreement, and when and how the contributions are to be made.
- Whether the agreement excludes (wholly or in part) the application of section 94 or section 94A
  to particular development.
- If the agreement does not exclude the application of section 94 or Section 94A to a
  development, whether benefits under the agreement may or may not be considered by the
  consent authority in determining a contribution in relation to that development under section 94
  or 94A.
- A dispute resolution mechanism.
- The enforcement of the agreement by à suitable means, such as the provision of a bond or bank guarantee, in the event of a breach b) the developer.

## 2.5.2 Procedures

The basic procedures relating to planning agreements are as follows (as set out in the relevant Department of Planning Practice Note);

- Step 1. Before the making of an application, council and the developer decide on the general
  parameters of the agreement.
- Step 2. If an agreement is negotiated, it is documented as a draft planning agreement. The
  parties agree on the terms of the accompanying explanatory note and the content of the
  application to which the draft agreement relates.
- Step 3. The developer makes the application to council, accompanied by the draft planning
  agreement and the explanatory note. In the case of a rezoning application, the application may
  include the offer being subject to the rezoning.
- Step 4. Relevant public authorities are consulted in relation to the application and draft planning agreement and necessary amendments made.
- Step 5. The application, draft planning agreement and explanatory note are publicly notified and
  exhibited in accordance with the EP&A Act and EP&A Regulation. Any consequential
  amendments required to the application and draft agreement are made and, if necessary, the
  amended application, draft planning agreement and explanatory note are exhibited again.
- Step 6. The draft planning agreement and public submissions are considered in the
  determination of the application so far as relevant to the application. The weight given to the
  draft agreement and public submissions is a matter for the relevant authority.

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Step 7. In the case of a rezoning, if the rezoning is approved the agreement may be entered into immediately. Alternatively, it can be entered into if consent is subsequently granted to a development application under the new planning instrument. In the case of a development application, which is granted consent, a condition may be imposed requiring the planning agreement to be entered into but only in terms of the offer made by the developer in connection with the application. The planning authority would resolve to execute the agreement when approving the application.

#### 2.5.3 Policy on planning agreements

It is important in terms of probity as well as for transparency that council should publish policies and procedures concerning their use of planning agreements. These should set out:

- The circumstances in which the planning authority would ordinarily consider entering into a planning agreement.
- The matters ordinarily covered by a planning agreement.
- The form of development contributions ordinarily sought under a planning agreement.
- The kinds of public benefits ordinarily sought and, in relation to each kind of benefit, whether it
  involves a planning benefit.
- The method for determining the value of public benefits and whether that method involves standard charging.
- Whether money paid under different planning agreements is to be pooled and progressively
  applied howards the provision of public benefits to which the different agreements relate.
- When, how and where public benefits will be provided.
- The procedures for regotiating and entering into planning agreements.
- The planning authority policies on other matters relating to planning agreements such as their
  review and modification; the discharging of developer obligations under agreements; the
  circumstances, if any, in which refunds may be given; dispute resolution and enforcement
  mechanisms; and the payment of costs relating to the preparation, negotiation, execution,
  monitoring and other administration of agreements.

The use of planning agreements is most appropriate where there are one or few owners that have an incentive to fund infrastructure or where major growth or development occurs in a discrete area. This form of contributions can offer different and better outcomes through efficiencies in the process or through innovation by the parties. However they are often complex and require substantial negotiation skills from both sides to be successful.



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## 2.6 Department of Planning Practice Notes

In 1997 the former Department of Urban Affairs and Planning prepared a Section 94 Contributions Plan Manual (Section 94 Manual). This provides guidelines for the introduction of contributions. This Section 94 Manual superseded a draft manual prepared by the (then) Department of Planning in 1991.

A new suite of NSW Contributions Practice Notes were prepared by the former Department of Infrastructure Planning and Natural Resources to reflect the reform changes to the Section 94 legislation - see list below. These were released in July 2005. The Practice Notes superseds the Section 94 Manual although the Section 94 Manual remains an important reference document.

Practice Notes	Issue date
Development contributions plans - Section 94	
Key concepts and principles	July 2005
Development contributions as a method of funding public infrastructure	July 2005
Principles underlying development contributions	July 2005
Purpose of a development contributions plan	July 2005
Preparing a section 94 development contributions plan	
Preparing a section 94 development contribution plan	July 2005
Application of a section 94 development contribution plan	July 2005
Relationship between expected development and derpand	July 2005
Determining rates for different types of development \ \	July 2006
Works schedules and mapping	July 2005
Public exhibition and adoption \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	July 2005
Review, accountability and reporting	
Life of a development contributions plant review and amendment \	July 2005
Adjustment of section 94 development contributions	July 2005
Financial management of development confinbutions	July 2005
Exemptions, discounts/credits_arist retunds ////	July 2005
Accountability and reporting	July 2005
Section 94 contributions plan template	<u>                                     </u>
Template for a section 94 bevelopment contribution plan	July 2005
Development contributions plans - Section 94A	
Section 94A development contributions plans	July 2005
Template for a section 94A development contributions plan	July 2005
Planning agreements	
Planning agreements	July 2005

There are also numerous Land and Environment Court cases that have established or clarified the requirements to be met in levying contributions.

These reference documents and court precedents will guide the development of future contributions plans and planning agreements for the Ashfield LGA.

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## 3. Assessment of contributions options

#### 3.1 Introduction

Council wishes to explore the optimum system that should be in place to levy for council-provided public services and facilities. Maximising benefits whilst minimising risks and having a system that is equitable across the community are allied goals.

The following section outlines the implications associated with the alternatives for development contributions in Ashfield.

## 3.2 Ashfield section 94 contributions plans

#### 3.2.1 Description

There are three current section 94 contributions plans applicable across the Ashfield LGA:

- Ashfield Municipal Council Section 94 Contributions Plan 1996 Community Facilities.
- Ashfield Municipal Council Section 94 Contributions Plan Open Space and Recreation

  Facilities
- Ashfield Municipal Council Section 94 Contributions Plan Public Car Parking.

These plans are described below.

#### Community Facilities Plan

The purpose of the community facilities configurations plan is to lavy for certain community facilities and services. This plan was adopted in 1996, and applies to all development across the entire Ashfield LGA — with the exception of dual occupancy dwellings on land where a dwelling already exists and is retained or a confinercial office and retail development with a gross floor area of less than 100 square metres.

The plan incorporates a works program with a total value of \$3 636 000 and includes the following facilities:

- An 84 square metre extension to library facilities.
- One multi-purpose child care facility with 40 places.
- Two multi-purpose community centres.

Separate contribution rates have been calculated for each of the above-mentioned community facilities.

The current contribution plan uses the Implicit Price Deflator for Gross Fixed Capital Expenditure — Private Dwelling (PD) as an Index but does not specify how often the rates will be indexed or where this index can be accessed.

## Open Space and Recreation Facilities Plan

The purpose of the section 94 contributions plan for open space and recreational facilities is to impose levies for the purpose of open space and recreation facilities. This plan was adopted on 21 December 1993 and applies to all land within the Ashfield LGA. The plan provides for:

- · The augmentation of Ashfield Swimming Pool.
- The augmentation of Pratten Park.

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A tree planting program within road and other reserves.

The works program is estimated at \$4.3 million. The program includes the above works and additional unspecified smaller projects for augmenting local open space and recreational facilities within the LGA.

The plan applies a contribution rate of \$1 500 per person which is then adjusted for occupancy rates to determine a contribution rate per new dwelling. This rate is not derived from the cost of the works listed. The rate is an estimation of the apportioned cost of land acquisition. This cost is not included in the works schedule. The apportioned cost of land acquisition is also discounted to arrive at a figure of \$1 500 per person. The plan is indexed to the Consumer Price Index.

#### **Public Car Parking**

This plan requires a contribution for car parking from commercial development within the Ashfield Town Centre where on-site parking is not provided or is deficient.

This plan funds the construction of public car parks using section 94 by the imposition of a levy on development that does not comply with the council car parking code. The contribution rate is based on an apportionment of the cost of construction of the Brown Street car park to future development. The Brown Street car park was completed prior to the adoption of the section 94 plan in 1993 and the plan seeks to reimburse council for the cost of construction.

The plan applies a basic rate of \$15,208 per space. This rate has not been indexed since the plan was first adopted in 1993. This rate has been derived as a pominated percentage (60%) of the construction cost of the Brown Street ear park with an additional 2% for administration purposes. The plan does not include an index as council believed this to be unhacessary because the facility was paid for using existing funds.

#### 3.2.2 Existing accrued funds

Ashfield Council does not have a significant balance of accrued section 94 funds — see balances in the table below. The balances reflect the fact that council has slowly accrued funds over time and expenditure on major projects (such as the heating of the swimming pool) has kept the total funds held to a minimum.

	Funds l	heid as at	36 May 2007	
Community Facilities				-\$276,886,00
Public Car Parking				\$5,119.00
Open Space and Rec	reations	d Facilities		\$424,842.00

#### 3.2.3 Issues associated with existing contributions plans

The current plans have a number of inherent problems that restrict flexibility and increase risk and require substantial funding by council to complete the works programs within a reasonable timeframe.

The significant issues with the existing plans can be summarised as follows:

- The various strategies within the current contribution plans do not provide adequate justification
  of nexus and are open to appeal. Further work is required to ensure these plans are robust.
- There are numerous technical issues with the current plans that will require rectification.
- The administration of a section 94 plan is significant and requires a concerted application of human resources. Any continuation of the present plans will require a full-time section 94 officer with sufficient authority to drive the relevant internal processes.



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These issues are further discussed below.

#### Strategies -- nexus and apportionment

One of the underpinning principles of a traditional section 94 plan is the establishment of nexus and an appropriate level of apportionment as discussed in section 2.3.1. The various strategies within the current contributions plans provide no justification for the works programs and are open to challenge. Further work is required to ensure the plans are robust and that proper demonstration of nexus is adopted.

There is also limited description of the works that are proposed in many instances. There is no substantial discussion concerning the rationale for the imposition of the work programs based on population needs. The plans also contain a variety of differing population projections and none of them seem to have any basis. The actual growth in population indicated by ABS census data does not accord with any of the projections in the plans or demonstrate nexus.

The apportionment of costs and calculation of contribution rates within the plans applies a very high level of discounting. This is effectively apportionment to council. The open space plan applies a discount of 70% to the contribution rate to reduce the impact on development. The community facilities plan effectively applies an 82% discount in the calculation method – without a stated reason. The public car parking plan applies a 40% discount to the cost of a parking space – again without explanation.

In effect council has only funded a fraction of the total works program through the section 94 plans and will need to either wait until accrued funds are available to undertake the identified projects or expend council funds to projects the works listed in the works programs — this will be required to undertake projects in a reasonable timeframe given the slow accrual of section 94 funds.

#### Works program

The works programs as set out lack description and are often incomplete.

The open space and recreational facilities plan in particular lists only three projects that appear to total \$1.7 million. The plan also refers to a further minor reserves program that brings the total works cost to \$4.3 million. This has allowed council a degree of flexibility as the plan remains open-ended, incoming funds are used to augment a range of existing parks and reserves. This is evident in the list of actual expenditure items which list a total expenditure of \$3.95 million since July 2000.

None of the works programs include a timeframe or a link to a population threshold to determine the demand for a facility or a map or diagram of where the facilities are located.

#### **Technical issues**

There are also numerous technical issues with the current plan that will require rectification in addition to the nexus and apportionment issues highlighted above.

The community facilities and open space and recreational facilities plans contain formulas for the calculation of contribution rates that are inconsistent within the plan itself. For example the stated apportionment of the child care facility is 100% to new development yet the contribution rate has applied an 82% discount to this figure. Many such discrepancies exist throughout the existing plans and are not readily addressed by simply reviewing the plans in isolation.

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#### Potential growth projections - existing contribution plans

The growth projections that should form the basis of the existing plans are not outlined in any of the present Ashfield plans, in summary the projected figures in the existing plans are as set out below:

#### Community Facilities Plan

The population projections section (Section 4) is left blank. The calculation of contributions rates however uses a population increase of 3 700 residents and the future facilities section refers to an increase of 3 600 new residents when calculating the demand created for new library floor space. There does not appear to be any stated basis for the use of these numbers.

#### Open Space and Recreation Facilities Plan

This plan has no section dealing with population growth. The calculation of potential income however (Section 12) assumes an incoming population over 10 years of 1 000 residents. There does not appear to be any stated basis for the use of this figure.

#### Public Car Parking Plan

This plan is simply recouping the cost of a car park already provided by council – this was completed in 1993 with a capacity of 80 spaces. The plan authorises a contribution from developments that do not provide sufficient on-site parking in accordance with the relevant DCP. There is no discussion of the capacity of the cap park to absorb this excess parking requirement. As such there is no indication as to the need to move on to another parking facility at any given time.

#### Human resources and maintaining the plans

Ashfield Council-does not employ a dedicated section 94 planner to monitor and review the contribution plans. This has resulted in the plans remaining in place well beyond a useful timeframe. The present plans should have been reviewed some time ago and this demonstrates a need for greater resources applied to managing the contributions plans. However a dedicated full-time contributions position may not be warranted given the scale of development and the works program under the existing contributions plans.

## 3.3 Recent population trends and growth projections

#### 3.3.1 Recent trends

A simple review of ABS census data for the past three census periods highlights three relevant and critical facts:

- A 1.67% decline in population between 1991 and 2006 from 40 342 to 39 667 with a minor increase in the past 5 years.
- A 6.8% increase in the number of dwellings from 15 990 in 1991 to 17 074 in 2006 with most of this growth in the past 5 years.
- A 7.7% decline in average household occupancy rates over the past 15 years from 2.7 persons in 1991 to 2.49 persons in 2006.

This highlights that there has been an overall decline in population over the past 15 years despite a reasonable increase in the number of dwellings. This suggests that there is not a simple correlation between the amount of development and population change. This is because declining household occupancy rates curb the potential population increase associated with new development.

## 3.3.2 Future growth and development

There are several indicators of anticipated luture growth and development within the Ashfield LGA. These are discussed below.

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#### Metropolitan Strategy

The Metropolitan Strategy provides dwelling and employment planning targets on a subregional level. The Ashfield LGA is within the Inner West Subregion. This subregion has a target of 30 000 new dwellings and 10 000 new jobs. There are no specific targets for the Ashfield LGA set out in the Metropolitan Strategy. LGA specific targets are to be determined through subregional planning and the use of the METRIX subregional planning tool – a tool developed to estimate development potential within collector districts across LGAs.

The Department of Planning has applied the METRIX tool to the Ashfield LGA and indicated that Ashfield must accommodate an additional 1 885 dwellings by 2031. This growth is expected to be accommodated almost entirely within apartment developments within or close to the Ashfield town centre – based on advice from Ashfield Municipal Council.

## Metropolitan Development Program

The council provides annual estimates of potential dwelling growth to the Department of Planning as input into the Metropolitan Development Program (MDP). This indicates the expected timing and number of dwelling approvals for major residential development sites and infill sites. The 2006 estimates for Ashfield are presented below.

	ŀε														

	Historical dwelling	g production	Forecast dwelling increase					
Ashfield MDP 2006	Past 6-10 years	Past 0-5 Years	Short term 0-5 years	Long lerm 5-10 years				
Transit Nodes	7878	\\\ 643 \	\ \\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\	240				
in88 Sites		\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\	275	440				
Total	638	750	1190	680				
Source: MDP 2006 \	1111	X 1 X						

## Dwelling type forecast

	Historic building	spprovals	Forecast dwelling types				
Ashfield MDP 2006	Past 6-10 years	Past 0-5 Years	Short term 0-5 years	Long tern 5-10 years			
House	41	37	12	7			
Multi unit dwellings			1178	673			
Medium density	49	84					
Flats 1-2 storeys	22	16					
Flats 3+ storeys	527	489					
Others	53	2	0	9			
Total	692	628	1190	680			

Source: MDP 2006

The MDP forecasts a future dwelling increase of 1 870 new dwellings over the next 10 years with 99% being medium density development. If achieved this would satisfy the Department of Planning new dwellings target more than 10 years ahead of the projected timeframe. This would seem to be optimistic in light of the census data.

The MDP prediction is for 99% of new dwellings to be a medium density form. This is based on past approvals data which indicates 75% to 80% of all approved new dwellings were residential flat.

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buildings greater than three storeys. In general terms this form of development has the towest occupancy rates.

#### Department of Planning population projections

The Department of Planning provides population projections for all LGAs in NSW. The projected population growth for Ashfield is presented in the tables below.

## Projected population and selected characteristics - Ashfield

Yesr	Population	% aged 0-14	% aged 65+	Dependency ratio	Median age
2001	40 520	18%	15%	44	37
2006	41 430	18%	14%	42	38
2011	42 040	15%	14%	41	37
2016	42 070	14%	16%	43	38
2021	42.250	14%	17%	44	38
2026	42.860	14%	18%	46	39
2031	43 620	13%	19%	]_/49	40

Source: Department of Planning 2005

### Projected average annual change + Ashfield

Period	Persons	Per cent
2001-08	_180 \	\ 8,4% \ \
2006-11	\130^\	\\03%
2011-16	10/	\ \0.0%(^\
2016-21	40\\	\0,1%,\
2021-26	120 \	/20.b%\/
2026-31	150 \	-0.4%

Source: Department of Planning 2005

The data indicates that growth within Ashfield will remain very slow over the projected period to 2031. The total projected increased population to 2031 divided by the 2031 new dwellings target (1 885) derived from the METRIX tool indicates an average household occupancy rate of 1.6. This is consistent with the MDP forecasts that indicate new dwellings will be almost entirely higher density flats with lower occupancy rates.

#### 3.3.3 Implications for development contributions

The population and development data available highlights these circumstances in relation to the Ashfield LGA:

- A declining population historically.
- Declining occupancy rates.
- The production of new dwellings is dominated by higher density housing forms.
- The projected population increase to 2031 shows very minor population growth.
- Population deciine is evident regardiess of development activity.

It is evident that population growth or decline and hence the demand on council services and facilities is not presently related to development of new housing. The development that has occurred increases

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the population capacity of the LGA but has not produced an increase in population. It appears that population growth and therefore demands on council are a result of social trends rather than development.

Population growth within Ashfield will not occur until household occupancy rates increase overall or development in Ashfield occurs at a rate rapid enough to encourage inward migration and hence population growth. This appears to be the case in the 2001 to 2006 census period.

Based on the above council may have little to gain from a traditional section 94 plan as the fundamental causal nexus between new development and increased population growth and demand for local infrastructure does not appear to exist in the present circumstances. If will be difficult to assert that new development is or will create additional demand on council services and facilities where there is no net gain in population (and there has not been any over such a long period of time).

#### 3.4 Section 94A contributions

#### 3.4.1 Benefits

A section 94A plan allows council to levy a flat percentage rate above certain development cost thresholds. The maximum rate is presently 1% of the construction costs.

A section 94A plan is a simpler contributions model and bas numerous benefits as:

- It provides greater internal flexibility and will deliver outdomes council seeks without the complications of the traditional approach.
- It removes the risk of appeal.
- It is simpler to administer and does not require high levels of internal resources to operate.
- It moves away from the existing section 94 plans which require substantial council
  supplementary funding (to snable works to be completed in a reasonable timeframe) and are
  difficult to administer.

However it is important that council is not financially disadvantaged if this is the method selected. An analysis has therefore been undertaken and is presented below of the financial implications of adopting a section 94A plan as well as the issues raised with respect to the existing plans.

#### 3.4.2 Potential section 94A income and equity

An analysis of the income potential under a section 94A plan based on the past three years of development approvals compared with the actual section 94 income received has been undertaken for comparative purposes so that the total income under both systems can be assessed.

The table presented below shows the past income received by Ashfield Council for two of the three plans only. The public car parking income is not listed as this is a reimbursement of funds spent by council. The final column of this table shows the potential contributions under the maximum prescribed rates for a section 94A plan as applied to the developments approved in the LGA over the past three years.

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Ashfield Municipal Council

2.

**Development Contributions Plan Review** Issues Paper

Pact cartion 94 income received ve natential section 948 income

Year	Community Facilities	Open Space and Recreational Facilities	Total section 94 income	Potential section 94A Income
2004	\$8 180	\$43,000	\$48 180	\$915 178
2005	\$32,245	\$612 620	\$544 865	\$412 113
2006	\$106.873	\$275.770	\$382 643	\$1 284 728
Average annual Income	\$48,099	\$277 130	\$325,229	\$870,670

Source: Ashfield Municipal Council

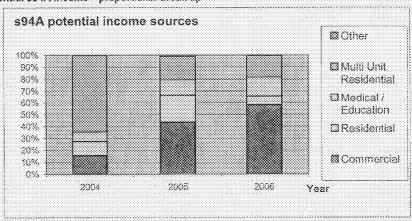
Clearly council would be in a better funding position with a section 94A plan when compared to the existing section 94 plans.

Equity concerns normally raised with section 94A plans revolve around questions about who is going to pay the contributions and how much is imposed on the typical "mums and dads" doing simple home renovations. Further analysis has been undertaken to answer these questions and assess the impact on minor developments.

The funding derived from a section 94A plan covers a range of development types not normally covered by section 94. The sources of potential income from a section 94A plan for Ashfield based on past development applications are highlighted in the table and chart below.

Section 94A potential income v development type	2004	2005	2005
Commercial	\$144.018	\$179.300	\$746 025
Medical / Education	\$74 088	\$54 000	\$203.206
Residential (standard atfliched/oétacked)	\$107.745	\$94.913	\$98 898
Multi Unit Residential	\$588 900	\$79 700	\$231,350
Other	\$2.425	\$4 200	\$5.250
Total	\$915 178	\$412 113	\$1 284 728

#### Potential s94A income - proportional break up



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Development Contributions Plan Review issues Paper Ashfield Municipal Council

The proportion of potential income varies depending on the volume of commercial or multi-unit housing development. Most other development types tend to be a consistent proportion of the whole.

Residential in this context is limited to single dwellings and alterations and additions to existing dwellings (je the "mums and dads" doing renovations). The data presented above indicates that a shift to a section 94A plan would impose a collective contribution of around \$100,000 per arrium on the typical home renovations that do not attract any form of contribution at present.

The analysis presented in the table below shows the potential section 94A income that would have been achieved over the past, three years when the contribution thresholds are increased in \$50,000 increments.

Projected income with different development value thresholds

Flat rate		2004	2008	2006	Average annual income	Average income loss compared to standard rates
Standard	0% under \$100 000 0.5 % \$100 000 to \$200 000 1.0% aver \$200 000	\$915 178	\$412 113	\$1 284 728	\$870 673	
Minimum	0% under \$150 000 0.5 % \$150 000 to \$250 000 1.0% over \$250 000	\$881 787	\$\$\$62.314	\$1 258 443	\$840 848	\$29.825
Minimum	0% under \$200 000 0.5 % \$200 to \$300 000 1.0% over \$300 000	3845.810	\$354,613	\$1238 600	\$812 974	\$57 699
	0% under \$250 000 0.5 % \$250 to \$350 000 11.0% over \$350 000	\$822,800	\$335.874	\$1 828,350	\$795 675	\$74.998
	0% under \$300 000 0.5 % \$300 to \$400 000 1.0% oven \$400 000	<b>\$</b> 80 868	\ <b>\$3</b> 18 990	\$1 209 250	\$776 703	\$93.970

The table demonstrates that a section 94A plan that only applied to all development over \$300 000 value would on average still be generating an average annual income in excess of \$770 000. This far exceeds actual annual income from the current section 94 plans.

Alternatively the thresholds and rates can be adjusted to apply differently to different development types. This would allow council to reduce the impact on selected development types. The table below indicates the total income that could be derived where standard rates are applied to all but residential development.

Projected income from residential development with higher development value thresholds

Flat rate	3004	2005	2008	Average income	Average income loss
7,111,7010					compared to standard
					rates
tos:		*** ***	****	ALCONOMIC CONTRACTOR	A P P A P A
0% under \$300 000	\$38 450	\$38 030	\$59 550	\$45 343	\$56 176
1,0% over \$300 000	V V V				
	\$38 450 \$13 000	\$38 030 \$19 000	\$59 550 \$44 650		\$55 176 \$75 002

The above clearly demonstrates that the application of a higher threshold to residential development will not significantly reduce the income potential of section 94A in Ashfield.

In equity terms it is noted that a section 94A plan would have similar equity outcomes as:

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Development Contributions Plan Review Issues Paper

Ashfield Municipal Council

- The existing section 94 plans have a high apportionment level and the wider community is thus
  already funding the works programs. In other words existing ratepayers are funding the works
  that provide for some of their demand within the plans.
- A section 94A contribution cannot be levied against development under \$100 000 which
  excludes the "mums and dads" that are undertaking minor alterations and additions. The
  contribution rate under \$200 000 is 0.5% which would result in a maximum levy of \$1 000. This
  is considered to be a relatively small impost for a major renovation of a dwelling especially since
  many such renovations would be including additional bedrooms.
- if council was to apply the standard section 94A rates and thresholds but raise the development value at which it applied to residential development to \$300,000 the resultant average annual income would still exceed \$800,000 without impacting on "mums and dads".
- Other development that would generate demand (such as some retail, commercial and
  industrial development) also would be required to make a contribution. Again council is limited
  to the above thresholds. It is considered that the imposition of a levy for this development is
  reasonable given this development could increase traffic and use of council facilities.

Overall it is considered that the equity impacts of the imposition of a section 94A plan would be acceptable and not impose a greater burden on the community. And even in the event that council exclude residential forms of development valued, less than \$300,000 from a section 94A plan then the average income derived from that plan would still exceed. \$800,000 per annum. This is still a significant increase on past performance under the current section 94 plans.

Other issues associated with a section \$4A plan are discussed below.

#### 3.4.3 Flexibility in approach and works program

The introduction of a section 94A pian would provide greater internal flexibility and deliver the outcomes council seeks without the complications of the traditional approach. A section 94A plan is not required to have as close a nexus connection as a traditional plan. This allows council to deliver and fully fund works under the plan where existing demand may be satisfied and which would otherwise require apportionment under a traditional plan.

The works program that can be used under a section 94A works program is largely a list of facilities that will address various demands. Not all of the works program needs to be completed—for example council can set high priority items that will be delivered first. If development increases (thus providing more contributions) other works can be completed that are of a lower priority. This provides a high degree of flexibility in the development of the works program.

#### 3.4.4 Funding gaps

A contributions plan made under section 94A does not need to have a firm apportionment based on nexus for any particular project. As such there will not be any need for council to apportion any cost to existing residents or development. There will be no funding gaps as projects can be entirely funded from the plan contributions received. There will be no need for council to allocate funds to any of the projects listed within the works program unless council chooses to bring a project forward and sufficient funds have not been collected.

#### 3,4,5 Land and Environment Court appeals

Adoption of a section 94A plan removes the risk of appeal because the levies are not appealable.

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Development Contributions Plan Review Issues Paper

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#### 3.4.6 Internal human resource administration

A section 94A plan is simpler to administer once established and simply needs review every 5 years or so (or when the works program is completed). Therefore it does not require high levels of internal resources to operate.

#### 3.4.7 Risk management of existing plan

Moving away from the existing section 94 plans will ensure that any residual risks would be minimised. The risks associated with the existing plans are:

- Appeal on the basis that the contributions imposed has no nexus with the development.
- Financial burden on council as works cannot be provided without an allocation of council funds or waiting a substantial time for funds to accrue.
- Costs to council of lost income from poor administration of the plans.

### 3.4.8 Freeing up funds under existing plan

A move to a section 94A plan would mean the existing plans would be repealed. These plans would then cease to operate and the legal obligation of council under section 94 would be to expend these monies.

in this regard it is noted that council can make "reasonable substitutions" in its works program at the plan preparation stage (refer the decision of Justice Pain in Frecount Pty Ltd v Wingecarribee Shire Council, 2003, NSWLEC 206). Justice Pain found that the obligations under section 94 essentially cannot "force" a council to complete works when such works simply cannot be completed. Provided that the substitutions are like for like (open space for open space works) then this would fulfil the spirit and legal obligations of the legislation.

The funds presently held by council as section 94 certifibutions would be best allocated to the new works program and sould be immediately utilised for any project provided that the new program is largely based on open space and recreational facilities or community facilities.

#### 3.4.9 Conclusions

it is clear from the above analysis that council would be best served by transition to a section 94A plan. The level of income that it would bring and inherent flexibility and simplicity makes the case that this should be the option selected.

In these circumstances a section 94A plan can produce a significant income stream that reflects the level of development activity, is not bound by the strict nexus constraints of section 94, and distributes the cost of those contributions to a wider base than the development-specific section 94 plans.

## 3.5 Planning gain and the use of planning agreements

The use of planning agreements can be used to secure funding as part of a rezoning or as part of the development approval process.

The mechanism for entering into a planning agreement as part of the rezoning process is simply to require the developer to make an offer to fund certain works in return for the increase in the value of the land arising from the rezoning (sometimes referred to as planning gain or value uplift). The planning agreement may become operational once the rezoning is achieved. Alternatively it may operate once a development application under the new zoning is approved. In this regard council should have a policy for these types of circumstances.

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Development Contributions Plan Review issues Paper

Other councils have implemented "bonus" schemes for certain areas to facilitate funding for facilities through planning agreements. This requires a local environmental plan to be prepared that allows additional floor space in return for funding of certain works (again this additional floor space creates planning gain). Waverley Council has such a scheme to fund affordable housing.

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Development Contributions Plan Review Issues Paper

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#### Recommendations 4.

It is recommended that council adopt a section 94A plan for the whole Ashfield LGA for the following reasons:

- it will deliver a greater funding level when compared with a section 94 traditional plan.
- It will provide greater internal flexibility and deliver outcomes council seeks without the complications of the traditional approach.
- it removes the risk of appeal as section 94A levies are not appealable.
- It is simpler to administer and does not required high levels of internal resources to operate.
- It allows council to develop a program that can be delivered in a more timely fashion than the current section 94 plans.
- It moves away from the existing section 94 plans which are complex and difficult to administer and require substantial council supplementary funding.)

The general parameters for a section 94A plan for Ashfield are

- The use of the Department of Rianning temprate:
- Adopting a works program to the value of \$9 million over a 10 year period. This value is based on a projection of an average annual income of approximately \$850,000 to \$900,000 over a 10 period.
- Council should also consider simply applying a priority list of works that can be completed as funds are available. The parameters listed above are then a guide but the plan is not limited to

If council wishes to retain a traditional section 94 contributions plan the following issues must be addressed.

- The various strategies within the current contribution plans do not provide adequate justification for the works programs and resultant contributions rates and are open to appeal. Further work is required to ensure that any future plan is robust and also applicable to non-residential development.
- Before a traditional section 94 plan could be applied to any development a clear strategy relating to future development is required to address the needs created by that development. No such documentation is in place at present.

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## SPC 4-1 ATTACHMENT 3

## COMPARISON CHART - SECTION 94 CONTRIBUTIONS (05/06 FIGURES)

	Ashfield	Burwood	Canada Bay	Canterbury	Leichhardt	Marrickville
Residential*						
Open Space	5000-7200	3400-7400	2600-9400	3000-6800	13000-40000	5200-10000
Library/Community Facilities	640-815		1200-4440	1650-3600	2050-6100	1250-2600
Recreation Pacilities				520-1140		
Envt Amenity Impact	1			640-1400		
Traffic Management (LATMs, etc.)		225	40-4680	110-240		900-1400
Plan Administration						180-360
Sub Total	5640-8015	3625-7625	3840-18520	5920-13180	15050-46100	7530-14360
Commercial						
(e.g. additions, change of use, new bldgs)		27/m additional floor area	280-2650 per 100m <sup>2</sup> additional floor area			
CBD Redevelopment (open space, rec & community fac)		18,000 per 1000m <sup>2</sup>				
Emp Gen Devt (area/type of business)					985/new employee	
Car Parking	[5200(cbd)	5300- 19600	27000(cbd)	2000-5500		7500 15000

<sup>\*</sup> Variation depends on dwelling size/type (e.g. 1 bedroom -3 bedrooms or actual dwelling area)

All figures in table are in dollars

Subject ASHFIELD CBD PUBLIC DOMAIN IMPROVEMENTS

File Name Urban Planning > Strategic Planning

Prepared by Ron Sim - Manager Strategic Planning & Projects

**Reasons** Council resolution – explore improvements to Ashfield CBD

**Objective** Pro-actively encourage upgrading of buildings within the Ashfield

CBD by preparing paint schemes. Explore possible incentives for

progressing painting upgrades in a future report to Council.

Strategic Plan Link OH&UE 2.1(06 - 08) Develop management plans for each of

Ashfield's town centres to improve visual amenity and to promote

pedestrian movement over car and truck traffic.

Management Plan

Activity

Enhance the quality of Ashfield's built environment whilst

protecting its heritage

## **Overview of Report**

Responds to a previous Council resolution to investigate ways of encouraging upgrading of buildings within the Ashfield CBD by preparing paint schemes.

#### Background

When Council adopted the Ashfield Town Centre Development Control Plan it resolved in part that Council's heritage consultant, Mr Bob Irving, OAM be asked to provide a quotation to prepare paint colour schemes for building facades of properties located within the Ashfield CBD. Council also resolved that possible incentives to encourage property owners to paint buildings be investigated, including financial incentives such as "rate holidays". Council also resolved that advice be obtained from Council's legal representatives to explore mechanisms for entering into agreements with property owners to ensure that painting was carried out to an acceptable standard if financial incentives were offered.

The *primary objective* is to encourage private investment and enhance economic viability in the CBD through the sensitive improvement of the public domain. Other aims were to realise paint schemes that would serve as quality examples and at the same time preserve some of the heritage and architectural character distinctive to Ashfield's CBD.

Similar paint schemes (available on Council's web site) have proven to be useful tools for property owners. See **Attachment 1** for an example of a paint scheme in Lackey Street, Summer Hill. Closer to home a "Paint the Town" scheme exists in Canterbury City Council operating on a relatively modest budget (\$500 grant for painting an eligible property) - see **Attachment 2** for details or visit.

## ASHFIELD CBD PUBLIC DOMAIN IMPROVEMENTS

#### http://www.canterbury.nsw.gov.au/www/html/762-facade-improvement-program.asp

**Attachment 3** is self- explanatory and describes how a façade painting scheme typically operates in towns in the United States of America (it is apparent from internet searches that there are many schemes of this type operating in that country).

## **Update**

Robert Irving has recently been engaged on other projects including assisting Council with a review of its Heritage Conservation Development Control Plan which will shortly be the subject of a report to Council. However, he has now submitted a proposal to prepare painting schemes for a total of 8 representative buildings in the Town Centre, These buildings are in Charlotte Street (2) Liverpool Road (4) and Hercules Street (2) – see **Attachment 4** for details. Mr. Irving has verbally advised that preparing a paint scheme for each and every property in the Town Centre is not necessary (many buildings are of brick (unpainted) construction and many are also similar in form and detailing. Selecting a smaller representative sample of eight (8) buildings which are good examples of their era/genre can achieve the same objectives at much less cost.

Mr. Irving says the schemes would be indicative of facade colour schemes appropriate to the style and period of the selected building facades, prepared as follows:-

- → A colour photograph of each facade as existing.
- An outline drawing of each street facade, carefully differentiating the component parts of the building to be painted, such as main walling, architectural details including modelled embellishment, joinery or window trim, footpath awning fascia and other differentiated details.
- Colours to be chosen from exterior and traditional palette schedules in the Dulux range, selected for attractiveness and acuity as well as heritage relevance, so as to enhance the identified architectural and period qualities of each facade. This would generally not include modern or recent shopfronts.
- → Each presentation would also include notes intended to indicate possible improvements such as removal of excrescences and possible repairs, resulting from careful observation of existing conditions.

Mr Irving's quote for completing the above work is a very modest \$200 per building or \$1,600 in total. There is sufficient existing funding allocated for the task.

In order to expedite progress it is suggested that Mr. Irving's quote and methodology now be accepted and he be authorised to proceed. When the work is finished a further report can be submitted to Council providing details of the paint schemes and suggested ways to "incentivise"/publicise this initiative.

It is very important to note that besides the primary objective of kick-starting an improvement in the appearance of the CBD, the scheme is also intended to boost business confidence in the centre.

#### ASHFIELD CBD PUBLIC DOMAIN IMPROVEMENTS

**Note:** It is appreciated that the concept of providing possible future financial incentives to assist owners to implement painting schemes is highly problematic given Council's present budget constraints. However, options for targeting/minimising expenditure can be explored in a further report. For example, expenditure can be limited by either offering modest financial assistance on a "first come first serve basis" (the Canterbury Council model) and/or by targeting a small number of buildings for assistance as part of a longer term "rolling incentives" program. A modest level of targeted expenditure provided on a dollar for dollar basis and limited to facade improvements may not only achieve "value for money" but also act as a catalyst for improvement of other neighbouring properties at no cost to Council while demonstrating Ashfield Council's ongoing commitment to improving the CBD environment. Such an initiative would also demonstrate support for our business community in the midst of what is a remarkably difficult economic climate.

To reiterate, it is suggested that "incentive options" including mechanisms for implementation be explored further after Mr. Irving has completed the painting schemes and reported back to Council. Ultimately, even if no "incentive" funding scheme was approved the colour schemes to be prepared can be widely publicised at little cost and used regularly to promote a culture of "main street awareness" and pride for owners and tenants of properties within the CBD.

## **Financial Implications**

Preparing paint schemes for eight buildings as proposed by Mr. Irving involves a modest expenditure of \$1600. This can be funded from existing budget allocations. If Council decides in due course to offer limited assistance to property owners to paint buildings additional expenditure will be involved. Options for minimising expenditure whilst making inroads into the problem of deteriorating/unsightly façades in the Ashfield CBD can be explored in a further report to Council.

#### **Other Staff Comments**

Council's Economic Development Officer was consulted and broadly concurs with the objectives expressed in this report.

## **Public Consultation**

Not applicable at this stage.

#### Conclusion

There is little doubt that the CBD built environment needs considerable visual improvement. Many traditional buildings have a dilapidated "street presence". A painting uplift could transform their appearance for relatively modest outlay. Over time, a scheme to encourage painting of key traditional buildings which contribute to the character of the centre will realise this objective, enhance civic pride and indirectly support businesses by making the CBD more attractive.

Targeted assistance limited to façade painting only for selected buildings, may also reap substantial long-term environmental "dividends" because (in addition to the building being improved) it will encourage upgrading of other important buildings in the Town Centre. Such an initiative would demonstrate Council's ongoing commitment to improving the CBD

## **ASHFIELD CBD PUBLIC DOMAIN IMPROVEMENTS**

environment and complement the significant public domain improvements anticipated as a result of the new Civic Centre development.

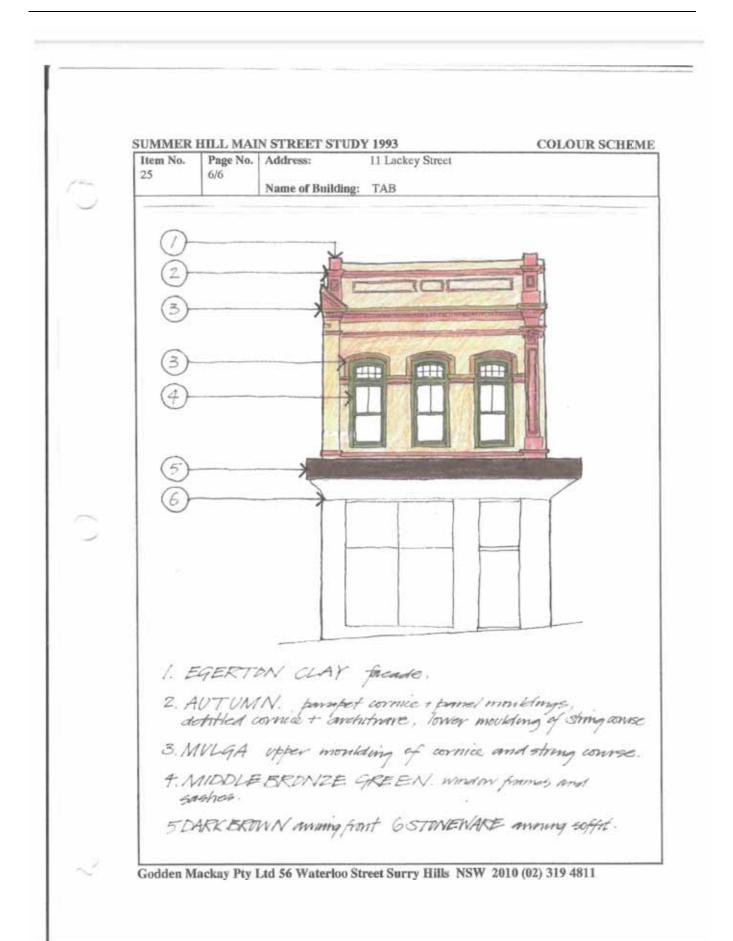
Finally, Council's corporate image with businesses and the wider community as a key player in promoting an enhanced CBD environment would undoubtedly be enhanced.

## **ATTACHMENTS**

Attachment 1	Example of paint scheme for property in Lackey	1 Page
Attachment 2	Street Summer Hill Canterbury City Council "Paint the Town" scheme - website extract	2 Pages
Attachment 3	Details of painting improvement scheme operating in USA	5 Pages
Attachment 4	Submission by heritage consultant	1 Page

## **RECOMMENDATION**

That Council's heritage consultant be authorised to prepare paint schemes for eight (8) buildings within the Ashfield CBD at the fee proposed and a further report to Council be prepared canvassing possible incentives and implementation methodologies when this work is complete.

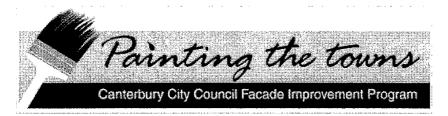


City of Canterbury - Facade Improvement Program

Home | Business and Industry | Town Centres And Economic Development Program | Facade Improvement Program

## **Facade Improvement Program 2006**

Last Updated 15-Jan-2008



#### What is Painting the Towns?

Painting the Towns is a program designed to improve the appearance of our Town Centres through the repainting of the shop and building facades. Many of our buildings have outdated or inappropriate paint schemes and old or incorrect signage.

Canterbury City Council will make funds available to property owners to assist them with covering the costs for the repaint scheme, in accordance with colour schemes designed by Council's Heritage Adviser.

To make this program work we need the support of you - our local business and property owners. This brochure explains how the program works and more details will be provided on the scheme for each Town Centre as we progress the program across the City.

#### How does the program work?

All commercial premises in Town Centres across the City will be photographed and assessed in a staged process to design colour schemes for each Town Centre. We are carefully researching the history of our Centres through photographs and records. Our Heritage Adviser will devise a colour scheme which reflects not only this history of the Centres, but also the diversity of our City today.

This program of funding will be offered across the City in a rolling process, working Centre by Centre. Funds will be offered in individual Centres for a period of six - twelve months which will be advertised in the local press and through our Quarterly Business Newsletter.

#### What funds are available and how to apply

\$500 will be available for each separate property as a contribution towards your fade re-paint. For some corner or

http://www.canterbury.nsw.gov.au/www/html/762-facade-improvement-program.asp

16/04/2009

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Document20

City of Canterbury - Facade Improvement Program

landmark properties some additional funds may be made available by negotiation. This grant is payable only on application to Council and following Council approval.

The grant is not retrospective and cannot be used for work that is already underway or completed.

Funds will be payable only on completion of the work and following inspection by Council staff.

## **Program Application and Approval Process**

- 1 Council announces selected Town Centre, colour schemes and grant funding opening/closing dates
- 2. 2 Invitations to participate in program are sent to all Town Centre commercial properties in the selected Centre
- 3. 3 Applications submitted to Council outlining colour choices
- 4. 4 Applications processed by Council
- 5. 5 If everything is in order, an Approval letter is sent
- 6. 6 Work undertaken by property owners/contractors
- 7. 7 Completed work inspected
- 8. 8 Grant funds paid if work undertaken satisfactorily

#### **Further information**

Should you require any further information please contact our:

Town Centres Development Program Coordinator

Phone: 9789 9642 Mobile: 0414 191 140

Email: localbiz@canterbury.nsw.gov.au

http://www.canterbury.nsw.gov.au/www/html/762-facade-improvement-program.asp

16/04/2009

## Kimball Main Street Design and Improvement Incentives Sponsored by the City of Kimball; Economic Development LB840

GOAL: To improve the appearance of local business establishments

**PROGRAM OVERVIEW:** Businesses can receive up to \$2000 in matching funds as an incentive for doing improvement to the exteriors of their building. Total programs funds are limited to \$10,000. Funds will be earmarked and numbered as applications are approved, disbursements will not proceed until work is completed. Program is on a first come-first served basis. Businesses may receive the following funds based on a matching "dollar-for-dollar" program.

ELIGIBLE APPLICANTS: Any business located within the corporate limits of the City of Kimball. Business owner must own building, or permission must be secured in writing from property owner.

#### **ELIGIBLE ACTIVITIES INCLUDE:**

- Paint and primer (and associated specific supplies)
- Sliding
- Signage
- Lighting
- Awnings
- Permanent landscaping
  - (This includes trees, bushes, flower boxes, and 'hardscape' elements such as retaining walls or screening fences. Landscaping activities that are not included are sprinkler systems, well systems, sidewalks/walkways, flowers, etc.)
- You are eligible to receive credit for up to \$500 for labor performed by yourself, friends or family.
  - (Tasks shall be outlined, work must be of professional quality, and your initial application must include this as part of the overall cost of project.)
- You are eligible to receive up to \$250 for professional architectural renderings done by a professional of your choice.

#### NON ELIGIBLE ACTIVITIES IN ADDITION TO THOSE ALREADY INDICATED:

- Any interior work (exceptions shall be made for removing interior covers or walls on transoms,/decorative glass that results in a different appearance from the street.)
- Roofs
- Window replacement (exceptions may be made for new windows that result in a significantly different and improved appearance from the street.)
- · Sidewalks or driveways
- · Not available to home-based businesses
- Sandblasting of brick
- Point tucking and brick repair (exceptions shall be made in the situation were actual work is incidental to rest of project and is done in order to better secure signage, decorative corbels, architectural enhancements or awnings.)

- · Painting or brick unless previously painted
- · Gutters or drains
- Chimneys

#### PARAMETERS AND ADDITIONAL RULES:

- 1. Total project must be \$300 or more.
- Applicant rebate will not exceed \$2000
- Sales tax, building permits fees, inspections are not considered part of overall project cost.
- Applicant must fill out the attached form indicating your project, cost, and timeline.
- 5. If applicant is unable to complete work, or contract with a craftsman, within 90 days, then applicant must contact the committee chair and inform them that an extension is required. Extensions may be granted for an additional 90 days twice. (For a total of 270 days to complete the work.) After that, if there are still available funds, applicant may reapply.
- 6. Applicant shall attempt to use local contractors.
- 7. Applicant shall endeavor to secure materials locally (if possible and practical.)
- 8. Applicant shall be prepared to provide receipts showing purchases.
- 9. No materials or work will be considered part of the grant project until the application and work project is approved and applicant has been notified. (Credit may be given for projects initialed up to 60 days prior to program approval; however, applicant does so at risk of not being reimbursed for this work.)
- 10. Applicant shall attempt to honor general maintenance guidelines on historic building when possible or practical. (In brief, that includes not painting bricked surfaces that have not been previously painted, no sandblasting of existing paint on brick, and proper materials for tuck point procedures.)
- 11. You should attempt to honor historically correct color for the time of your building. The Design Committee will approve all colors. (Obviously, colors for building constructed in the 60's will be different than the colors of our Victorian buildings.)
- 12. A reminder that interior repairs are not permitted to be part of the project for this year's incentives. Funds for those projects may be available in future years.

#### PROJECT COMPLETION:

All projects must be completed and verified by committee before rebate will be issued.

#### **COMMITTEE:**

Committee will be established by blending representatives from downtown business, LB840, Main Street, and Partners. There shall be a minimum of 5 committee representatives and a maximum of 7. Committee decisions shall remain final unless appealed in writing and facts provided as to why the decision shall be overturned.

#### PROCESS:

Applicant shall fill out form and submit to City Economic Development Director who will then submit to committee chair. Applicant shall be prepared to attend approval meeting and offer samples, sketches/drawings/ or explanations of work. Committee will approve and indicate whether your project is approved and at what level. At that time applicant will be notified that the project grant request will be submitted for City Council final approval. After City Council approval the successful applicant will be notified and then work may commence and supplies procured. Existing supplies may be used but receipts will be required if you wish to receive credit as part of the project. Note: if you choose to pre-purchase supplies, you shall do so at your own risk that your project may not be approved due to fund availability or project non-adherence.

#### FINAL STATEMENT:

No personal or business 'financials' shall be required. Project is based on improving the appearance of business properties. However, committee reserves the right to ask for confirmation that business will be able to secure matching funds. Receipts and proof of work will be required.

(Note: LB840 Loan Committee gave approval for the allocation of \$10,000 to this program in 2005; program details as outline above received final approval 04/06.)

## KIMBALL MAIN STREET DESIGN AND IMPROVEMENT PROGRAM GRANT APPLICATION

lame:		Phone:			
Name of Business:		Phone:			
ddress of Bus	siness:				
roject Mange	r or Contact:				
Building Owne	er:				
renting or leasing bui	en to any Kimball Business, however improvements for home based Ilding, please attach a letter of permission, signed by the owner of th more information, or questions about this application, please contact	e property, giving permission to Business to	perform		
		Committe	Committee Use Only		
PROJECT CO	ST Save all receipts and documentation	Business	Grant		
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SIGNAGE LAND-					
SCAPING			ļ		
SIDING					
LIGHTING					
AWNING					
OTHER			<del> </del>		
MATERIALS					
LABOR			<u></u>		
	Please list details on what kind of labor will be performed, with tin	ne estimates	T		
PERSONAL	(Self, Family, Friends)				
	Estimatedhrs. @ \$10.00 per hour - Not to exceed \$50	00.00			
CONTRACT LABOR					
EADOIN		V 70 to 1			
ARCHITECT	URAL RENDERING				
	) No Required Match				
		TOTALS	TOTALS		
Committee I	Recommended Changes to above list:				
			1		

PROJECT DESCRIPTION	Please describe in detail, the scope of project. Attach paint chips, drawings and any thing else that would aid committee to evaluate your project.
AGREEMENT AND CERTIFIC I have read the approved program until the project is finished and all has been completed	ATION  and agree to its parameters. I also understand that no funds will be issued to me receipts/ documentation has been submitted, and verification of completed project
Applicants Signature	Date
Date received by City Economic Development	Date Referred to City Council
Date referred to Improvement Committee	City Council Action
Improvement Committee recommendation	Submission for reimbursement

#### APPLICATION PROCESS:

After completion of this application, please return to: Director of Economic Development. Application will be reviewed and then forwarded to Improvement Committee. Improvement Committee will make a recommendation and present to City Council for final approval.

#### from ROBERT IRVING

31 March 2009

Mr Ron Sim Manager, Strategic Planning and Projects Ashfield Municipal Council P O Box 1145, Ashfield, NSW, 1800

Dear Mr Sim

#### **Building Facades Paint Schemes, Ashfield Town Centre**

As requested, and following my recent meeting with you and Mr Con Colot, I have pleasure in submitting the following quotation relating to the above.

For the preparation of eight samples, indicative of facade colour schemes appropriate to the style and period of the selected building facades, prepared as follows:-

A colour photograph of each facade as existing.

An outline drawing of each street facade, carefully differentiating the component parts of the building to be painted, such as main walling, architectural details including modelled embellishment, joinery or window trim, footpath awning fascia and other differentiated details.

Colours to be chosen from exterior and traditional palette schedules in the Dulux range, selected for attractiveness and acuity as well as heritage relevance, so as to enhance the identified architectural and period qualities of each facade. This would generally not include modern or recent shopfronts.

Each presentation would also include notes intended to indicate possible improvements such as removal of excrescences and possible repairs, resulting from careful observation of existing conditions.

The eight sample facades, as discussed, would comprise two in Hercules Street, four in Liverpool Road and two in Charlotte Street. The choices of facades would be made from the material in the Ashfield Town Centre Heritage Report prepared for Council in June 2005.

It is understood that these samples are intended ultimately to help in Council's encouragement of the improvement of streetscapes in Ashfield Town Centre..

My estimate for completing the above work is \$200 per building.

Yours sincerely,

(Signed) Robert Irving.

Robert Irving OAM MArch FRAHS

Registered Architect 2732, Architectural Historian and Heritage Consultant
17 Donnelly Street Balmain NSW 2041
Telephone and Facsimile (02) 9810 4717
robert.irving@optusnet.com.au

Subject WASTE AND RECYCLING - PROJECTS & INITIATIVES

File Name Waste Management > Management > Budget & Reporting

**Prepared by** Anthony Ogle - Manager Infrastructure

Reasons To advise Council of the status of several waste and recycling

related projects and initiatives that provide service capability

conforming to Council's strategic direction

**Objective** To continue with the projects and initiatives reported

Strategic Plan Link Our Natural Environment

Management Plan

**Activity** 

**Our Natural Environment** 

## **Overview of Report**

Council is required to tender for contracts for waste and recycling collection services as the current contract have already been extended to the limit considered acceptable. New contracts need to be operating by the time the current ones expire at the end of June 2009. The collection arrangements and scope of the contracts will be substantially the same as present, with provision for changes based on known and likely changes in the market and regulatory framework.

#### Background

Council is responsible for providing property based domestic waste and recycling services under the Local Government Act. In addition, these services allow Council to offer similar services to business for which Council charges a commercial fee.

The NSW Waste Avoidance & Resource Recovery Act requires Council to meet certain targets for recycling and resource recovery. To reinforce this, the NSW Department of Environment and Climate Change (DECC) charges levies on waste to landfill to fund the City & Country Environment Restoration Program. It rebates some of these levies to Council under the Waste Service Performance Improvement Program provided the requirements and targets of the Act are met.

Some of these requirements involve the structuring of Councils services and contracts, as well as creating a situation for the separation and recovery of materials that have viable reuse. This report gives an update of the project and initiatives that allow Council to meet the above requirements.

## Collection Services – Waste & recycling bins

contractor (SITA) have agreed to a casual monthly extension to cover this.

The report to Council of 28 Oct 2008 confirmed proceeding to tender for collection services for the bins. The specification and tender documentation for this is being prepared with the assistance of consultants experienced with these type of contracts (Impact Environmental), and should be finalised within the next few weeks. The public tender period will start in May, with a report to Council to accept a tender expected in June. It is possible that there may be a lag in the contractor in commencing, and the current

This timeline is delayed to what was expected, some of the reasons being the need to be consistent with the food organics contract and the SSROC directions, and the demands on Council's Infrastructure staff resources for a range of other issues.

The key factors of note for this contract are:

- it is for a 5 year period rather than longer to allow Council flexibility to align with emerging technologies and arrangements which are being pursued by SSROC and other Councils but not yet ready.
- the existing bins will be retained, avoiding the impact of a major changeover and disruption to residents, as well as getting the best material life of the plastics involved, and not requiring the financial cost of replacing approximately 40,000 bins.

## **Separated Food organics**

At its meeting of 27 March 2007 Council agreed to enter a Memorandum of Understanding with the Inner West Councils for a contract for dealing with the separation of food from the waste stream. This project has been led by Leichhardt Council, with valuable assistance from the DECC, and has also required ACCC approval for a joint contract and a probity advisor. To deal with the practicalities of bins and public awareness, it is most likely that the system will involve Food and Garden Organics being put into the same bin, and accordingly the contract has been labelled FOGO.

At present Council offers the garden organics as an optional bin service, with close to 4,000 bins issued (out of over 17,000 premises) with almost all to single dwellings.

The contract documentation has recently been finalised, and the tender advertisement will be appearing in the newspapers commencing Tuesday 21<sup>st</sup> April. The contract is limited by the ACCC requirements to be no longer than 10 years from their approval date.

#### Clean Up / Kerbside

Council currently provides a collection of material left on the kerb side in 4 cycles a year. Although this approach assists residents and allows for resource scavenging, it poses many challenges from a streetscape amenity and safety perspective. Many other metropolitan Councils have moved away from this general approach and offer only phone in requested pickups, and this system appears to be well accepted, particularly if not limited to a small number of requests (normally 2 or 4 per year per property).

It is intended to develop a project in 2009/10 to consult with the community on the option of moving to align our services with the other Councils that have phone in requests only.

#### **Mattresses**

Mattresses are a bulky item that traditionally have been difficult to recover any material from. WSN and Veolia have introduced charges for the receipt and disposal for each mattress, well in excess of the weight based charge applied for waste (currently \$20 each). Council was approached by a firm prepared to collect and shred the mattresses for some recycling, at a lesser charge (currently (\$15), and has been using this firm on a casual basis. The number of mattresses collected each year is such that the aggregate payment is well below the tendering limit, and this arrangement will be continued until such time as a viable alternative provider emerges.

#### **Textiles**

The audit of the waste stream shows that approximately 4% of waste is in the form of textiles, mainly clothing, representing about 40t pa out of Ashfield's waste. Although relatively small, it is still a significant quantity of material for which there are markets. The most effective way of separating this material has been shown to be the drop off clothing bins operated by registered charity organisations. The material collected is separated to recover clothing of value for re-use through sale at charity outlets, direct distribution and overseas aid, as well as sale of cloth. Apart form the social benefits, it assist Council achieve its landfill diversion and resource recovery targets. The bins also achieve this at no cost to Council.

Although there are bins around the municipality on private property, Council has not allowed them in public places due to some past issues with poor management of the overflow. The National Association of Charitable Recycling Organisations (NACRO) has developed protocols for their members including best practice management to deal with this issue. One of the members, Learning Links, has approached Council to permit six or seven bins in selected public locations through the municipality. This organisation has agreements in place with several other Councils in the SSROC area, all of which report the management of the bins and any overflow has been in accordance with the protocols and provide good references.

These Councils allow the bins under various controls, the most suitable seeming to be an annual licence system that can be revoked if the operator is not performing, and can be converted to a tender/quote system is multiple operators are seeking access to locations.

It is proposed to trial the bins by this operator using an annual fee of \$500 per bin site (proposed by the operator and is equivalent to a road use permit) and being given a performance bond of \$2,000. The operator would be required to promote the textile recovery aspect being provided, and be closely monitored given the visibility of the locations of:

- Ashfield at the Mall carpark & the railway commuter carpark,
- Croydon the aquatic centre carpark & Georges River Rd at corner with Forbes St
- Haberfield Gillies St carpark & UTS rowers carpark
- Summer Hill carpark towards the back fences away from the main thoroughfare

#### **Waste Education**

Council's Sustainability Team is currently working on a range of new waste education material to raise the awareness of our community with regards to waste issues. The materials being produced include a comprehensive guide to Councils waste services, educational flyers and postcards that target illegal dumping and fact sheets for our

business waste customers. The waste information pages were comprehensively revised and updated in line with the launch of Council's new website.

We offer alternative waste disposal options for Mobile Phones and Corks and we are currently investigating light globe recycling. In addition we continue to promote alternative waste disposal options to our residents through participation in and promotion of:

- the Bower Reuse & Referral Service
- Freecycle
- Chemical Clean Out (run by DECC)
- Fridge Buy Back

Where possible, we also partner with our neighbouring councils and SSROC on waste education campaigns including grant programs, educational workshops and development of regional strategies and education materials.

This year as part of the Environmental Levy Program for schools Council has engaged the Keep Australia Beautiful Waste Watchers Program to undertake curriculum based waste and water education programs for primary schools in the LGA.

## **Financial Implications**

The budget and domestic waste charge for 2009/10 has been set on the expectation that the new contracts and material disposal costs will not differ significantly in price from present, but does recognise that some increase above CPI may occur to account for external trends affecting businesses in the waste and recycling industry. It is intended the domestic waste reserve acts as buffer to cover any variability, and that subsequent years adjusted to match contract prices whilst maintaining an adequate reserve.

## **Other Staff Comments**

Included in the report.

#### **Public Consultation**

As the collection and recycling contracts do not change the service collections arrangements for residents, it is considered that public consultation is not required. Once it is clearer as to the bin implications for the FOGO contract, which is likely to be swapping the regular waste and garden bins around for which is weekly and fortnightly, this will be communicated with the residents with the optional service. There will also be a program of public awareness to promote the uptake of the organics service, which should be favourable given the community satisfaction survey has shown 80% or residents want such a service.

For the proposal of changing the kerb side collection to a phone in request system, a methodology on seeking community opinion on this will presented in a further report.

#### Conclusion

The projects and initiatives are part of Council's ongoing waste and resource recovery services and to meet its statutory obligations. They are all interdependent to achieve the target of 2/3 diversion from landfill and meet the communities expectations for resource

recovery. Further reports will be presented to Council on the key aspects such as tenders or where there is potentially significant public affect such as kerb side collection arrangements. Other initiatives are operational and are provided for Councillor awareness.

## **ATTACHMENTS**

There are no supporting documents for this report.

## **RECOMMENDATION**

That Council note the information on the projects and initiatives for waste and recycling.

Subject USE / HIRE OF ASHFIELD COUNCIL PARKS

File Name Parks & Reserves > Seasonal Hire

**Prepared by** Epeli Naivalu - Manager Operations

**Reasons** The demand for use/hire of sporting fields within the Ashfield

Council is growing for all sporting codes and Council needs to set some guidelines on how best to allocate a limited resource to a

growing need

**Objective**To provide Council with a report on feedback from sporting

organisations who hire/use Council sporting fields

Strategic Plan Link N/A

Management Plan

**Activity** 

N/A

## **Overview of Report**

Council is considering introducing a policy on preferential hire/use of playing fields other than the current historical use basis. This report presents an overview of the responses received from sporting bodies on Council Resolution 526/08, being for local membership as the factor for determining preferential priority.

#### Background

The Council Resolution 526/08 on 11 November 2008 states:

"Council seek the opinion of all sporting associations within the Ashfield Municipality and groups currently using Council fields on a policy under consideration that in all future applications for use of Council's sporting grounds that preference for use/hire be given to local schools within Ashfield Municipality and sporting clubs or groups fostering junior sporting codes with membership predominantly made up from local Ashfield Council residents."

The demand for seasonal hire of playing fields is predominantly for winter season codes, where demand exceeds availability. During summer, only cricket is played and preferential priority is not required. Council did not write to schools within the LGA at this stage as they do not hire playing fields at peak times, and the preference in their favour would not see a diminishment of their likelihood or ability to hire fields.

Council wrote to the sporting organisations who have hired playing fields in previous winter seasons, seeking their feedback. These are:

- > A.P.I.A Leichhardt Tigers
- Balmain Wanderers

#### **USE / HIRE OF ASHFIELD COUNCIL PARKS**

- Burwood Football Club
- Young Irelands GAA Club
- Canterbury District Soccer Football Association
- Football NSW

Feedback from these are included as Attachment 1.

#### Main issues

The clubs operate within a district and code framework, with significant control by the respective peak body. This control may not align with Council's priority of supporting junior sport. This also means that locals could also be involved as away players rather than direct membership.

A robust system to confirm local membership to determine hire may not be possible given the Privacy Act and the methods/timeframes for annual enrolments.

If tenure of use is no longer a priority, Council has not considered how to handle new entrants requesting use of fields, and growth in other codes of sport. In the same vein, the priority doesn't address any proportionality of membership numbers to the amount of space/time requested.

The codes and clubs need some surety of the booking rather than a year to year basis, to allow for recruitment and club development. A system of not confirming bookings until after recruitment would radically affect how any club operates within the district, and could generate conflict of expectations should recruits and members be turned away without any alternatives within their chosen sport

The relative priority given to junior players over adults is not consistent with any social policy of encouraging adult fitness, and may also be discriminatory, on the basis of age. Council has been advised through several forums that the demographic trend is for an ageing population that will have greater demand for fitness and recreation activities.

A suggestion has been raised to relocate Haberfield Football Club to Hammond Park, Ashfield for training and competition. This has been discussed with the club, and they are agreeable for this to take effect from 2010. As the club has only about 40 players, the impact should not be overly significant, especially bearing in mind that by having a playing field in the park, there should be a reasonable expectation of it being used.

## **Financial Implications**

Hire costs are stipulated in Council's Fees and Charges structure. These are sent out to clubs as part of the winter application kit. These are also on the website.

If more than 70% of a club's membership resides within Ashfield LGA, clubs receive 30% discount on fees for night training. As the total fees for night training is not the major component of income for Council, the impact is not large. Of more concern is the ability to reliably determine whether the threshold for the discount has been achieved, given the privacy issues mentioned above.

#### **Other Staff Comments**

Nil

#### **Public Consultation**

A policy of the nature proposed could affect the patterns of usage of playing fields, and would be of interest to the broader community. Also, with local membership preference, the community represents the body of potential and actual membership of clubs, and would expect to be consulted before any further consideration of the proposal.

The proposed relocation of HFC to Hammond Park from 2010 will be communicated to the surrounding residents.

#### Conclusion

Other Councils that have attempted to change the method for hiring playing fields have generated controversy and struggled with the issue. Some have dealt with the issue by establishing stakeholder forums and processes to work through the issues involved. These Councils are typically larger and have specialist recreation planning staff.

Council could consider a similar approach, but would need to resource it with facilitation, investigations and reporting. The priority and effort for this should also be balanced against the benefit to be achieved. In its current form, the only likely effect in the short term is to deny the Haberfield Football Club (HFC) to the benefit of the APIA Leichhardt club. The relocation of the HFC to Hammond Park would remove the major catalyst for introducing the proposed policy on playing field hire for the present.

Applications for use/hire of Council sporting fields closed on 20 February 2009 and all five clubs have submitted their applications. Clubs would clearly have been disadvantaged if applications had not been approved so close to the start of the winter season (01 April 2009), and accordingly the existing arrangements were extended for 2009 while Council considered the proposed policy.

## **ATTACHMENTS**

**Attachment 1** Feedback from sporting organisations

2 Pages

## **RECOMMENDATION**

- 1/2 That all five clubs be approved for use/hire of Ashfield sporting fields for the winter 2010 season based on previous amicable associations with Ashfield Council. That this includes Haberfield Football Club using Hammond Park, Croydon for training and competition.
- That should Council intend to proceed further to develop a policy for preferential priority in the hire of playing fields, the peak regional sporting bodies for each code using Council's playing fields and the other Councils within those districts be consulted to assess how the issue of priority allocation of playing field hire is best and equitably dealt with.

#### FEEDBACK FROM SPORTING ORGANISATIONS

## A.P.I.A Leichhardt Tigers

- Parks
  - Train Pratten, Algie, Hammond and Ashfield Parks
  - o Games Algie
- Registration 1000 plus players in juniors and seniors.
- Residency qualifications 70% of club members reside in Ashfield LGA.
- Tenancy approximately last 20 years
- Comments
  - Supports policy.

## **Balmain Wanderers**

- Park Centenary Fields (games only)
- Registration Approximately 600 players (juniors and seniors)
- Residency qualifications Unknown.
- Tenancy last two years
- Comments
  - Membership and residential status of members will be unknown until 2 – 3 weeks before start of the season at registration, so meeting residential requirements will be unknown and it would be unfair to dismiss clubs 2 – 3 weeks before season starts based on residential requirements which cannot be proven due to privacy laws.
  - Adults should have same rights as children in using sports fields.

## **Burwood Football Club**

- Park Centenary Fields (train and games)
- Registration Approximately 600 players (400 juniors and 200 seniors)
- Tenancy approximately last 10 years
- Residency qualifications Unknown.
- Comments
  - Council needs to consider the absolute number of players within the Ashfield LGA.
  - Council needs to consider the length of the association between club and Council.

#### Haberfield Football Club

- Park Algie Park (train and games)
- Registration Approximately 40 players

- Residency qualifications Greater than 50% of members reside in Ashfield LGA.
- Tenancy last 40 years
- Comments
  - Policy does not take account of the rules or situations over which the clubs have no control eg parent body (Sydney Amateur Football League) prohibits affiliated clubs to have junior teams.
  - The fact that a club does not have junior teams does not mean that they do not support junior sports.
  - The policy does not take account of situations where clubs are allocated grounds but do not use them.
  - The policy does not account for club and area loyalty.
  - The policy does not account for the fact of how the name of the club depicts the area it represents.
  - The policy is potentially discriminatory as it adversely affects groups of predominantly older members over groups with predominantly younger members.
  - The requirement to provide names and addresses may be a breach of the Privacy Act 2000 (Cwth).
  - Club has met Council's requirements to submit applications for ground hire by 20 February 2009.
  - Only club to be part of the sporting history of Ashfield.

## Young Irelands GAA Club

- Park Ashfield Park (train)
- Registration Approximately 40 players
- Residency qualifications Unknown.
- Tenancy last 20 years
- Comments
  - Over the last 20 years the club has had no issues adhering to Council regulations.
  - Club has met Council's requirements to submit applications for ground hire by 20 February 2009.

#### Canterbury District Soccer Football Association

- Affiliated clubs Leichhardt Tigers and Burwood Soccer Club
- Comments
  - Association is member of Pratten Park Advisory Council.
  - Association would like to be involved in meetings with Council in regards to the resolution.

## Football NSW

- Affiliated clubs All clubs through intermediary associations.
- Comments

o Supports resolution.

Subject IMPACT OF GLOBAL FINANCIAL CRISIS ON LOCAL SOCIAL

**WELFARE AGENCIES** 

File Name Community & Mental Health Issues

Prepared by Gerard Howard - Manager Community Services

**Reasons** Council request for a further report.

**Objective**To provide Council with an update on the impact of the Global

Financial Crisis on local social welfare services.

Strategic Plan Link OCW 1.6

Management Plan

Activity

Our Community Well-being

## **Overview of Report**

Significant social impacts of the Global Financial Crises are widely predicted. At this stage there are some initial indications of this impact at a local level but it is considered that the major effects are yet to be felt. The report seeks to provide Council with an update on the impact of the crisis on local welfare services and an overview of national, state and local responses.

#### **Background**

At a meeting of 9 December 2008 Council considered a report on Social Issue Arising from the Global Financial Crises and determined:

That a further report be provided to Council in the first half of 2009 outlining how welfare agencies are responding to demand and proposing further actions to be taken by Council.

This report seeks to provide updated details on national, state and local responses to the economic crises.

#### **National**

- 1) In response to the Global Financial Crisis The Commonwealth Government has introduced a \$42 Billion 'Nation Building-Economic Stimulus Plan'. Some of the features of this plan include:
- \$14.7 billion over 3 years for Building the Education Revolution including new school infrastructure.
- \$12.2 billion towards targeted bonus payment to assist households and support economic growth

# Ashfield Council – Report to Ordinary Meeting held on Tuesday 28 April 2009 CM10.6 IMPACT OF GLOBAL FINANCIAL CRISIS ON LOCAL SOCIAL WELFARE AGENCIES

 \$6 billion over 3 and a half years for the construction of new social housing with a further \$400 million over two years for repairs and maintenance to existing public housing dwellings.

It can be fairly assumed that this stimulus plan will either directly or indirectly impact on residents in the Ashfield Municipality.

2) ACOSS (the Australian Council of Social Service) notes that figures for February show there are an extra 47,100 people looking for work.

"In 1-2 years we can expect to see a sharp rise in long term unemployment. Long term unemployment breeds social exclusion and erodes people's skills, confidence and health. It can also lead to family breakdown, being forced to move to lower-rent areas where jobs are scarce and social problems become entrenched."

- 3) The Job Services tender announced recently by the Federal Government has resulted in the following successful tenders for the Inner West of Sydney:
  - Job Find Centres Australia Pty Ltd.
  - Max employment
  - The ORS Group
  - The Salvation Army Employment Plus.

ACOSS have commented in relation to the tendering process:

"With unemployment rising, tendering the entire employment services network couldn't have come at a worse time. There is real potential for disruption and disadvantage for job seekers."

#### State

Information from the NSW Government emphasises efforts to support jobs in order to boost the economy. Features outlined include:

- A \$56.9 billion infrastructure program supporting more that 150,000 jobs a year.
- 4,000 new government apprenticeships and 2,000 cadetships over four years.

NSW COTA (Council on the Ageing) notes that the number of new aged pensioners rose from about 2,000 per week in October 2008 to 3,000 weekly in December. The financial crisis and the accompanying decline in the value of superannuation accounts and other assets are believed to be behind the increase, according to COTA. COTA notes that decisions on the future of the pension system are to be announced in the May Federal budget.

## **Local Area**

#### **Exodus Foundation**

In January this year the Exodus Foundation provided approximately 250 lunches per day. By February this had gone up to 280 per day and now it is 300 lunches being provided per day. Exodus expects to be providing 700 meals a day by the end of this year. Rev Bill Crews was recently quoted in the metropolitan media:

"Getting donations is harder than ever due to the economic crisis and the demand for services is rising each week. There's a twin tsunami of increased need and less money."

## St Vincent de Paul Society

The Society advises that they have not seen any major impact of the financial crisis on clients at this stage, but expects assistance to increase as unemployment rises. However, support to clients for rent arrears has doubled from last year mainly because landlords have taken advantage of the lack of supply of affordable housing to increase rents. It is worth noting that Ashfield Municipality has a very high proportion of residents in rental accommodation -39.5% in Ashfield LGA compared to 29.7% in the Sydney Metropolitan Area.

The St Vincent de Paul Society is finding more homeless people are coming to them for food vouchers, clothing and warm blankets. More people than ever before are also seeking financial counselling assistance because they find themselves being unable to cope with their escalating cost of normal day to day living and want to be able to help themselves and not ask for charity.

## **Burwood Community Welfare Service**

This service has experienced a slight increase in referrals to financial counselling in the last 3 months compared to the same period last year. The service also can't meet the demand for Emergency Financial Relief, although this was the case last year as well. People have been impacted by the issue of housing. Housing is a significant issue for clients largely due to rent increases experienced towards the end of last year. The Family Support Services within the agency finds that 50% of their clients are having a major issue with housing.

## **Catholic Care Sydney**

Council partners with CatholicCare Sydney on various project including our Confident Parenting workshops. The CEO of CatholicCare, Bernard Boerma, said recently in reference to the current economic crisis:

"It is not unusual for a family presenting to CatholicCare to have a negative equity in a home in the vicinity of \$50,000 to \$100,000 and to have \$20,000 to in excess of \$100,000 worth of unsecured debt, credit cards, personal loans and the like". In this context CatholicCare have reported an increase in families presenting for financial counselling.

On the theme of financial pressures on families due to housing costs, one media report has noted the Reserve Bank saying that more borrowers will fall behind on their loans in the coming months, even as interest rates fall. By last December 20,000 households had slipped more than 90 days behind on their mortgages, according to Reserve Bank estimates. A year earlier, only 13,000 were behind. In this context it is important to note that 31.1% of Ashfield's households are in the process of being purchased.

#### **Ashfield Council**

Where practical Council seeks out employment solutions for our most vulnerable, for example people with disabilities through our Disability Employment Program. At the

# Ashfield Council – Report to Ordinary Meeting held on Tuesday 28 April 2009 CM10.6 IMPACT OF GLOBAL FINANCIAL CRISIS ON LOCAL SOCIAL WELFARE AGENCIES

present time Council is working on an application to the Commonwealth Innovations Fund. The objective of the Innovation Fund is to fund innovative place-based solutions to address barriers to employment for groups of the most disadvantaged job seekers. The specific Council application being worked on by Community Services seeks to address employment issues for people with disabilities and the long term unemployed in the Ashfield LGA and the Inner West area. Broadly the proposal involves working in partnership with local non-government agencies to identify work opportunities and build the capacity of new enterprises to employ people with disabilities, low income people and the long term unemployed. It is anticipated the application will be submitted in May.

Additionally, Council has been approached by the Regional Industry Career Adviser of the Australian Industry Group regarding possible use of office space. This organisation provides practical information, advice and assistance to help members run their businesses more effectively. Council officers will meet with the Adviser to assess the proposal in respect of whether it may benefit businesses in the Ashfield LGA and the potential employment opportunities that may arise for the area.

## **Financial Implications**

Nil

#### **Other Staff Comments**

Nil

#### **Public Consultation**

Council contacted various welfare agencies in the preparation of the report.

#### Conclusion

Not a lot of additional information has come to hand since the first report was provided to Council on this topic. It is anticipated that the major impacts on our community will be felt further down the track, perhaps in 6 to 12 months time. The major impact is likely to be in the area of employment and housing costs. Council needs to continue open communication with, & support for, local welfare agencies as they deal with significantly increased demand for their services.

#### **ATTACHMENTS**

There are no supporting documents for this report.

#### RECOMMENDATION

That the information contained in this report be noted

Subject DRAFT ASHFIELD COUNCIL CODE OF CONDUCT 2009

File Name Code of Conduct

Prepared by Vanessa Chan - Director Corporate and Community Services

**Reasons** Presentation of Draft Ashfield Code of Conduct

**Objective** Adoption of the Draft Ashfield Code of Conduct for the purpose of

public exhibition, in accordance with the Local Government Act

Strategic Plan Link Our Organisation

Management Plan

**Activity** 

Our Organisation

## **Overview of Report**

Ashfield Council adopted the new Model Code of Conduct for Local Councils in NSW on 28 October 2009. The Code of Conduct Working Party has reviewed the provisions of the Model Code and recommended its formal adoption and exhibition with minor amendment.

## **Background**

The Local Government Act requires that Council review and exhibit the Code of Conduct Policy within 12 months of the election of each new Council. The Code of Conduct must be adopted in accordance with the Local Government Act, the Regulations and any guidelines and/or models as released by the Department of Local Government from time to time.

On 20 June 2008 the Department of Local Government gazetted a new Model Code of Conduct. The new Model Code took effect on 20 June 2008 and at it's meeting held 28 October 2008 the then newly elected Council determined to adopt the Model Code as an interim measure and established this Working Party to undertake a substantial review of the Ashfield Code of Conduct. At that meeting Council further resolved to support the formation of a sub-regional Code of Conduct Review Panel.

The Code of conduct Working Party met on 7 April. The meeting was in two parts, the first was a presentation from the NSW Independent Commission Against Corruption (ICAC) about corruption risks in the planning process and outcomes of the ICAC investigation into Wollongong City Council. The second part of the Working Party involved a review of the Model Code of Conduct in the context of Ashfield Council.

#### **About the new Model Code of Conduct**

## DRAFT ASHFIELD COUNCIL CODE OF CONDUCT 2009

The Department of Local Government released several detailed papers outlining the major difference between the previous and new Model Codes. The DLG Circular 08-38 is attached for information.

The major changes include:

- introduction of new declaration of political donations requirements
- call for divisions on every DA matter and publishing of an associated register
- a new complaint handling framework

As previously indicated Council has a responsibility to work in accordance with the requirements of the new Model Code. Additional Council provisions that strengthen the provisions of the Model Code are permissible; however the Model Code acts as the minimum standard and will supersede any provisions that do not meet minimum standard. Also provisions that are significantly more 'onerous' than the Model Code may be deemed beyond powers.

## Complaint handling and the SSROC Sub-Regional Conduct Review Panel

One of the most welcome elements of the new Model Code is that it outlines much more clearly the range of complaint handling options available to Council, the initial assessment criteria for complaints; and substantially changes the role of the GM and particularly the Mayor in the complaint handling process moving the investigative role to new 'independent conduct reviewers'.

At the Council meeting 28 October 2008 Council resolved to support the formation of a sub-regional Code of Conduct Review Panel. I am able to report that SSROC has subsequently called for quotation, interviewed and finalized a panel of independent reviewers and that this regional service is now available.

#### **Policies and Procedures**

Supplementing the Council's Code of Conduct policy is a set of procedures that provide more detail on key elements of the policy. This includes a suite of forms and detailed lists and associated business processes. Responsibility for developing, monitoring and updating these procedures lies with the GM and they are reviewed annually.

## **Outcomes of Code of Conduct Working Party**

At its meeting held 7 April 2009 the Code of Conduct Working party resolved:

That Council adopt the DLG Model Code of Conduct with the following amendment to the body of the Code:

(a) Procedural Fairness, page 31, be amended to read

"provide the person the subject of the complaint with a reasonable opportunity to respond to the substance of the allegation without undue delay"

The attached Draft Ashfield Council Code of Conduct 2009 includes this amendment.

#### **Financial Implications**

Nil

#### **Other Staff Comments**

Nil

#### **Public Consultation**

In accordance with the Local Government Act, the Draft Ashfield Code of Conduct will be placed on public exhibition for a period of not less than 28 days. An advertisement will be placed in the local press, copies available at Customer Service, Ashfield and Haberfield Libraries and on the Council website. A report will be brought back to Council detailing any submission received for consideration of Council in adoption of the final Code of Conduct.

#### Conclusion

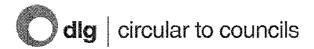
Ashfield Council adopted the new Model Code of Conduct for Local Councils in NSW on 28 October 2009. The Code of Conduct Working Party has reviewed the provisions of the Model Code and recommended its formal adoption and exhibition with minor amendment.

## **ATTACHMENTS**

Attachment 1	Department of Local Government Circular 08/38	9 Pages
Attachment 2	Draft Ashfield Council Code of Conduct 2009	32 Pages

#### **RECOMMENDATION**

That Council adopt the Draft Ashfield Council Code of Conduct 2009 for the purpose of public exhibition



Circular No. 08-38
Date 20 June 2008
Doc ID. A118731

Contact Lyn Brown
02 4428 4161
lyn.brown@dlg.nsw.gov.au

#### REVISED MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW

The Model Code of Conduct for Local Councils in NSW (Model Code) first came into effect on 1 January 2005 and applies to general purpose councils and county councils.

Under section 440 of the Local Government Act 1993 councils must adopt a code of conduct that incorporates the provisions of the Model Code (or is consistent with the Model Code). In addition, councils were required to establish conduct committees to consider relevant complaints about the conduct of councillors and/or the general manager.

The Department of Local Government has now completed a review of the Model Code that included the establishment of a reference group to assist with the review, a call for written submissions, a survey of councils for feedback on the implementation of the Model Code and consultation through focus groups and telephone interviews with local council representatives and specific industry groups.

The outcome of the review is a revised Model Code that will take effect from 20 June 2008. This is achieved by an amendment to the *Local Government* (*General*) Regulation 2005 that prescribes the Model Code. The amendment to the Regulation will appear in the Government Gazette on 20 June 2008. \*

A separate email will be sent to all councils and county councils with a word version copy of the Model Code to assist councils with the changes to their codes.

The Model Code is available on the Department's website.

http://www.dlg.nsw.gov.au/dlg/dlghome/documents/Information/Model Code of Conduct June 2008.pdf

#### Changes to the Model Code

The following are the main changes to the Model Code:

Overall:

Department of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E dlg@dlg.nsw.gov.au www.dlg.nsw.gov.au ABN 99 567 863 195

\* Now see Government Gazette No. 76 of 27 June 2008

- The Code has been organised in three Parts: Context, Standards of Conduct and Procedures.
- Additional sections have been added on complaint handling, complaint assessment criteria, and operational guidelines for conduct review committees/reviewers. These sections are contained in Part 3, Procedures.
- Aspirational language is now only contained in the Part 1 section of the Model Code. The provisions in Part 2, Standards of Conduct, are now phrased in operational language.
- Administrators have been added to the provisions that apply to councillors and included in the definition of council officials.

#### Specific sections and Parts:

#### Part 1: Context

- The introduction has been amended to include a reference to the relationship of the Model Code to section 440 of the Act.
- Additional definitions have been added for the conduct review committee, conduct reviewer, conflict of interests, misbehaviour, person independent of council and personal information.
- The definition of delegates of council has been amended to clarify that it applies to individual members of bodies that exercise a function delegated by council.
- · The key principle of 'objectivity' has been amended to 'impartiality'.
- Guide to ethical decision making has been moved from the general conduct obligations section into the context Part of the Model Code.
- The guide to ethical decision making now includes additional information to assist council officials with political donations and conflict of interests situations.

#### Part 2: Standards of Conduct

 Council officials are reminded of the sanctions for failure to comply with an applicable provision of the standards of conduct.

#### General Conduct Obligations

- Previous clause 5.1 (now clause 6.1) has been worded so that it applies to all council officials and not just councillors. It is consistent with Schedule 6A of the Act.
- An additional clause has been added (6.4) that requires councillors to comply with council resolutions requiring them to take action as a result of a breach.

#### Conflict of Interests

- This section of the Model Code has been substantially rewritten. The clauses have been re-ordered and duplicate clauses removed.
- New provisions relating to non-pecuniary conflicts of interests include the
  addition of a clause (7.12) to provide that the political views of a
  councillor do not constitute a private interest and a clause (7.11) that
  provides that the matter of a conduct review committee/reviewer report to
  council is not a private interest.

- The code provides a clearer definition of significant non-pecuniary conflicts of interests – clause 7.16.
- The code now clarifies the action that is required to be taken if a council
  official has a non-pecuniary conflict of interest. This provides actions for
  significant and less than significant non-pecuniary conflict situations,
  clauses 7.17 and 7.18.
- (New) clause 7.19 provides that council staff should manage any nonpecuniary conflicts of interests in consultation with their managers.
- The political donations provisions now require councillors to treat a
  political donation in excess of \$1000 in the same way as a significant
  non-pecuniary conflict of interest. Councillors are required to determine
  whether or not contributions below \$1000 create a significant conflict of
  interest.

#### Personal Benefit

- This section of the Model Code has also been substantially rewritten. The clauses have been re-ordered and duplicate clauses removed.
- Definitions of token gifts and benefits and gifts and benefits of value have been provided at the beginning of the section. These have been substantially rewritten to provide greater clarity around what is and what is not a gift/benefit of value or of token value.
- (Old) clauses 7.1, 7.2, 7.3 and 7.5 have been rewritten into (New) clause 8.3.
- (Old) clause 7.10 has been removed as the declaration of gifts totalling over \$500 by councillors and designated persons is a requirement in the Act and does not need to be replicated in the Model Code.

#### Relationship Between Council Officials

- The first four inappropriate interactions (clause 9.7) have been collapsed into two that advise about approaches between councillors, administrators and staff in relation to individual staffing matters and allow for discussion on broad industrial policy issues.
- An additional interaction has been provided that advises that it is inappropriate for councillors and administrators to make personal attacks on council staff in a public forum.
- Language has been changed to make it clear that inappropriate interactions are a breach of the code – this was previously implicit only.
- The clause on the role of the Mayor has been removed as it is no longer seen as necessary.

## Access to Information and Council Resources

(Old) clauses 9.1 to 9.13 have been tidied up to ensure they are clear.

#### Reporting Breaches

- The content of this section has changed. This section only contains
  provisions that relate to the reporting of allegations of breaches of the
  code of conduct. The previous section included complaint handling and
  sanction information. That information is now contained in Part 3 of the
  Model Code.
- A provision has been added to make it clear than anyone can make a complaint alleging a breach of the code of conduct.
- The protected disclosures clauses have been modified to ensure that they are consistent with the Protected Disclosures Act.

#### Part 3: Procedures

This is a new part of the Model Code. This Part contains the complaint handling procedures, complaint assessment criteria and the operating guidelines for the conduct review committee/reviewer.

The complaint handling requirements and the complaint assessment criteria now provide for the use of a range of methods for the resolution of complaints, give clearer guidance about the referral of complaints to the conduct review committee/reviewer, clarify the role of the Mayor and the general manager in relation to complaint management and provide for annual reporting to council by the general manager on a summary of complaints under the code of conduct.

Councils can now have conduct review committees or individual reviewers undertake enquiries into breach allegations. Members of these committees or the sole reviewers will now be independent of council and can act in the role for more than one council.

Conduct review committees/reviewers are required to act in accordance with the operating guidelines that are provided in the Model Code.

The general manager is now required to report annually to council on code of conduct complaints.

#### Model Code Guidelines and Education Package Facilitator's Guide

The Department is currently updating the guidelines that assist in interpreting the Model Code. These will be re-issued shortly.

The Model Code Education Package Facilitator's Guide will also be updated to incorporate the new provisions. Only the changed sections and CD will be reissued to councils to update the current resource that was distributed to all councils in 2005.

#### Transitional arrangements

Councils will now need to review their codes of conduct to ensure that they adopt the provisions of the Model Code that is effective from 20 June 2008. Councils are reminded that their codes may include provisions that supplement the Model Code and provisions more onerous than those contained in the

Model Code. However, any supplementary or more onerous provisions will have no effect to the extent that they are inconsistent with the Model Code.

Councils will need to deal with any complaints that are currently on foot in accordance with the procedures established in their current code of conduct. Once councils have adopted the provisions of the revised Model Code, any complaints received about conduct that occurred under their previous code of conduct will need to be dealt with in accordance with the standards that applied in the code at that time. However, councils may choose to use the new procedural arrangements for managing the complaints that are contained in the revised Model Code for those complaints.

A question and answer document is provided with this circular to assist councils in implementing the changes to the code of conduct complaint handling processes.

Garry Payne AM Director General



## REVISED MODEL CODE OF CONDUCT - JUNE 2008

#### **QUESTIONS AND ANSWERS**

## What standards of conduct have changed?

The following standards have been added or changed in the revised Model Code:

#### General conduct obligations:

 An additional clause has been added that requires councillors to comply with council resolutions directing them to take action as a result of a breach.

### Conflict of interests obligations:

The clauses have been re-ordered and duplicate clauses removed. Key changes include:

- New provisions relating to nonpecuniary conflicts of interests that provide that the political views of a councillor do not constitute a private interest; and the matter of a conduct review committee/reviewer report to council is not a private interest.
- Clarification of the action that is required to be taken if a council official has a non-pecuniary conflict of interest. This provides actions for significant and less than significant non-pecuniary conflict situations.
- A definition of "significant nonpecuniary conflict of interest".
- Provision that council staff should manage any non-pecuniary interests in consultation with their managers.
- Political donations provisions that require councillors to treat a political donation in excess of \$1000 in the same way as a significant nonpecuniary conflict of interest. Councillors must also determine whether or not contributions below \$1000 create a significant conflict of interest.

#### Personal benefit obligations:

The clauses have been re-ordered and duplicate clauses removed. The key change is:

 Definitions of token gifts and benefits and gifts and benefits of value have been included at the beginning of the section. These have been substantially rewritten to provide greater clarity around what is and is not, a gift/benefit of value or of token value.

Relationship between council officials obligations:

- Refinement of the provisions relating to inappropriate interactions that advise about interactions between councillors, administrators and staff in relation to individual staffing matters.
- The provisions allow for discussion on broad industrial policy issues.
- An additional provision that advises that it is inappropriate for councillors and administrators to make personal attacks on council staff in a public forum.
- Engaging in inappropriate interactions is now an express breach of the code.

#### Reporting breaches:

- A provision has been added to make it clear than anyone can make a complaint alleging a breach of the code of conduct.
- The protected disclosures clauses have been modified to ensure that they are consistent with the Protected Disclosures Act 1994.

#### Who receives complaints?

The general manager is the person responsible for receiving complaints alleging a breach of the code of conduct by councillors, council staff, council delegates or council committee members (clause 12.1).

The Mayor is the person responsible for receiving complaints alleging a breach of the code of conduct by the general manager (clause 12.2).

## How have the complaint handling procedures changed?

Section 12 of the Model Code prescribes the complaint handling procedures to be used by the general manager, the Mayor and the conduct review committee/sole conduct reviewer.

The complaint handling procedures now provide a range of options for managing a complaint alleging a breach of the code of conduct (section 12). Alternate dispute resolution strategies are provided for. It is expected that the conduct review committee/sole conduct reviewer will deal with the more serious complaints and/or complaints about repeated conduct standards breaches.

In section 13, the Model Code prescribes a set of criteria that must be taken into account in determining how to deal with a complaint. The complaint assessment criteria are to be used by the general manager, the Mayor and the conduct review committee/sole conduct reviewer.

## When is the complaint assessment criteria used?

The complaint assessment criteria are to be used by the general manager or Mayor when they first receive a complaint to determine the most appropriate course of action for handling the complaint (section 13).

Where it is assessed that the complaint shall be referred to the conduct review committee/sole conduct reviewer, then the conduct review committee/sole conduct reviewer must conduct its own assessment of the complaint using the criteria provided to determine the appropriate course of action.

## What are the changes to the conduct review committee process?

The general manager or Mayor will no longer be members of the conduct review committee. They may only act in an advisory capacity to the conduct review committee or sole conduct reviewer.

Conduct reviewers must be independent, qualified persons of high standing in the community who are appointed by council.

The council must appoint 3 or more persons to act in the role as conduct reviewers.

A sole conduct reviewer can now be chosen from the appointed persons to review complaints alleging breaches of the code of conduct.

If a conduct review committee is formed, it must consist of at least 3 members.

The conduct review committee/sole conduct reviewer must undertake its activities in accordance with the operating guidelines provided in the Model Code.

## When are conduct reviewers appointed by council?

Council should ensure that it undertakes a process to appoint conduct reviewers even though it does not have any complaints on foot. This will ensure that appropriately appointed conduct reviewers are available should a complaint arise which requires referral to a conduct committee/reviewer.



On appointing conduct reviewers, council should determine the term of appointment. This could be on an annual basis and determined in September each year when council confirms its committee memberships.

## Can conduct reviewers act for more than one council?

Conduct reviewers may act in that role for more than one council.

Conduct reviewers do not need to be residents of the local government area of the council that has appointed them.

Councils may decide to work with their regional organisation of councils or strategic alliance partners to appoint conduct reviewers to act for the member councils. Each member council will need to appoint the conduct reviewers for their council.

## Should council appoint more than 3 conduct reviewers?

Conduct review committees must consist of 3 or more members. Council should consider appointing more than 3 persons to act as conduct reviewers as circumstances may arise when one or more conduct reviewers are not available to participate in a matter, or may be precluded from considering a matter because of a conflict of interests or a reasonable apprehension of bias.

In such instances, if the council has only appointed 3 conduct reviewers, it will have insufficient persons available to form a conduct review committee. By appointing more than 3 conduct reviewers, the risk of these circumstances arising is minimised.

Who decides who will comprise the conduct review committee or whether one reviewer will act as a sole conduct reviewer?

The general manager or Mayor will decide if the review will be undertaken by a sole conduct reviewer or a conduct review committee and will select the reviewers from the persons appointed by council.

The number of persons who will undertake the review will depend on the nature, complexity and seriousness of the allegations.

For example, a council may have appointed 5 persons to act as conduct reviewers. The general manager or Mayor may receive a complaint that is assessed as requiring referral for review by a conduct review committee or reviewer.

If the matter is serious, the general manager or Mayor may determine to appoint all 5 persons to the conduct committee to determine that particular matter.

If the general manager or Mayor assesses the alleged breach as a reasonably straightforward matter, the general manager may determine to refer the complaint to a sole conduct reviewer.

The general manager or Mayor may then choose, from the persons appointed by council, a reviewer with expertise in relation to the nature of the conduct complained about.

## Are conduct review committee members/sole conduct reviewers paid?

This is a matter for council. Council may undertake an expression of interest process to call for interested and suitably qualified persons of high standing in the community to nominate to be appointed as conduct reviewers. Council should determine whether it is going to meet out of pocket expenses and/or pay a fee for the service.

## What happens if a conduct reviewer has a conflict of interests?

When a conduct reviewer cannot participate in a matter because of a conflict of interests, then the general manager or Mayor will select another person to be a member of the conduct review committee or to act as a sole conduct reviewer from those appointed by council.

llg

How does the conduct review committee/sole conduct reviewer operate?

The conduct review committee/sole conduct reviewer is required to undertake its enquiries in accordance with the operating guidelines provided in section 14 of the Model Code.

The general manager or Mayor may only attend conduct review committee meetings when invited and then in an advisory capacity only. Adequate resources must be provided to ensure that the committee/conduct reviewer can operate effectively.

What should a report of the conduct review committee/sole conduct reviewer contain?

Where the conduct review committee/sole conduct reviewer makes enquiries or causes enquiries to be made into a matter, then it must report its findings in writing to the council on completion of these deliberations.

The conduct review committee/sole conduct reviewer should be mindful that there may be a need to protect the identity of the person making the complaint when preparing the report to council.

The report should be a summary of the enquiries undertaken while providing sufficient information for the council to make a determination as to whether the councillor or the general manager has breached the code of conduct.

It is suggested that, as a minimum, the report should contain:

- The nature of the complaint and the standard of conduct that is alleged to have been breached.
- The process undertaken by the conduct review committee/conduct reviewer in assessing and enquiring into the complaint.
- · The facts of the matter.
- The findings and the reasons for those findings.
- Any recommendations to council (this now includes any recommendations for a revision of council's policies, procedures and/or the code of conduct).

The report will generally be dealt with in open session of council. Council can only close a meeting to the public if the matter is one that meets the requirements of section 10A(2) of the Act. In most cases, a report from the conduct review committee/sole conduct reviewer will not meet those requirements.

#### How are complainants kept informed?

The complaint handling procedures in section 12 of the Model Code now require complainants to be kept informed in writing of the outcome of their complaint. Complainants must be advised when:

- enquiries are not to be made into the complaint and why
- the complaint is to be resolved by use of alternative strategies
- the complaint is to be referred to another body or person
- the conduct review committee/sole conduct reviewer has made its findings, the nature and reasons of those findings.





# **Code of Conduct**

**DRAFT** 

**April 2009** 

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#### **PART 1: CONTEXT**

This Part of the Model Code establishes the purpose and principles that are used to interpret the standards in the Code. This Part does not constitute separate enforceable standards of conduct.

#### 1 INTRODUCTION

This Model Code of Conduct for Local Councils in NSW ("the Model Code of Conduct") is made for the purposes of section 440 of the *Local Government Act* 1993 ("the Act"). Section 440 of the Act requires every council to adopt a code of conduct that incorporates the provisions of the Model Code. For the purposes of section 440 of the Act, the Model Code of Conduct comprises all Parts of this document.

The Code is made in three Parts: Context, Standards of Conduct and Procedures.

- Part 1: Context, establishes the purpose and principles that are used to interpret the standards in the Code. This Part does not constitute separate enforceable standards of conduct.
- Part 2: Standards of Conduct, set out the conduct obligations required of council officials. These are the enforceable standards of conduct.
- Part 3: Procedures, contains the complaint handling procedures, complaint
  assessment criteria and the operating guidelines for the conduct review
  committee/reviewer. This Part should be used to guide the management of
  complaints about breaches of the Code.

Councillors have two distinct roles under the *Local Government Act 1993*: as a member of the governing body of the council; and as an elected person. Councillors, as members of the governing body, should work as part of a team to make decisions and policies that guide the activities of the council. The role as an elected person requires councillors to represent the interests of the community and provide leadership. The Model Code sets the standard of conduct that is expected when council officials exercise these roles.

Councillors, administrators, members of staff of council, independent conduct reviewers, members of council committees including the conduct review committee and delegates of the council must comply with the applicable provisions of council's code of conduct in carrying out their functions as council officials. It is the personal responsibility of council officials to comply with the standards in the code and regularly review their personal circumstances with this in mind. Council contractors and volunteers will also be required to observe the relevant provisions of council's code of conduct.

Failure by a councillor to comply with Part 2, the standards of conduct, of council's code of conduct constitutes misbehaviour. The *Local Government Act 1993* provides for suspension of councillors from civic office for up to six months for proven misbehaviour. For further information on misbehaviour refer to Sections 11 and 12 of this Code.

Failure by a member of staff to comply with council's code of conduct may give rise to disciplinary action.

A set of guidelines has also been developed to assist councils to review and enhance their codes of conduct. The guidelines support this Code and provide further information and examples on the provisions in this Code.

#### 2 DEFINITIONS

In the Model Code of Conduct the following definitions apply:

the Act the Local Government Act 1993

act of disorder see the definition in clause 256 of the Local Government

(General) Regulation 2005

conduct review

committee a committee of three or more persons independent of

council who are selected from those appointed by council to review allegations of breaches of the code of conduct by councillors or the general manager in accordance with

the procedures set out in Sections 12, 13 and 14.

conduct reviewer a person independent of council who is solely selected

from those appointed by council to review allegations of breaches of the code of conduct by councillors or the general manager in accordance with the procedures set

out in Sections 12, 13 and 14.

conflict of interests a conflict of interests exists where a reasonable and

informed person would perceive that you could be influenced by a private interest when carrying out your

public duty.

council official includes councillors, members of staff of council,

administrators appointed under section 256 of the Act, members of council committees, conduct reviewers and

delegates of council

delegate of council a person or body, and the individual members of that

body, to whom a function of council is delegated

designated person see the definition in section 441 of the Act

misbehaviour see the definition in section 440F of the Act

personal information information or an opinion about a person whose identity is

apparent, or can be determined from the information or

opinion

person independent of council

a person who is not an employee of the council, has no current or ongoing contractual relationship with council in the nature of a contract for services, retainer or contract for the provision of goods of any kind, or is not an employee of any entity with such a contractual relationship.

The term "you" used in the Model Code of Conduct refers to council officials.

#### 3 PURPOSE OF THE CODE OF CONDUCT

The Model Code of Conduct sets the minimum requirements of conduct for council officials in carrying out their functions. The Model Code is prescribed by regulation.

The Model Code of Conduct has been developed to assist council officials to:

- understand the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- act in a way that enhances public confidence in the integrity of local government.

#### 4 KEY PRINCIPLES

This Model Code of Conduct is based on a number of key principles. It sets out standards of conduct that meets these principles and statutory provisions applicable to local government activities. The principles underpin and guide these standards and may be used as an aid in interpreting the substantive provisions of the Code, but do not themselves constitute separate enforceable standards of conduct.

#### 4.1 Integrity

You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in the performance of your duties.

#### 4.2 Leadership

You have a duty to promote and support the key principles by leadership and example and to maintain and strengthen the public's trust and confidence in the integrity of the council. This means promoting public duty to others in the council and outside, by your own ethical behaviour.

#### 4.3 Selflessness

You have a duty to make decisions in the public interest. You must not act in order to gain financial or other benefits for yourself, your family, friends or business interests. This means making decisions because they benefit the public, not because they benefit the decision maker.

#### 4.4 Impartiality

You should make decisions on merit and in accordance with your statutory obligations when carrying out public business. This includes the making of appointments, awarding of contracts or recommending individuals for rewards or benefits. This means fairness to all; impartial assessment; merit selection in recruitment and in purchase and sale of council's resources; considering only relevant matters.

#### 4.5 Accountability

You are accountable to the public for your decisions and actions and should consider issues on their merits, taking into account the views of others. This means recording reasons for decisions; submitting to scrutiny; keeping proper records; establishing audit trails.

#### 4.6 Openness

You have a duty to be as open as possible about your decisions and actions, giving reasons for decisions and restricting information only when the wider public interest clearly demands. This means recording, giving and revealing reasons for decisions; revealing other avenues available to the client or business; when authorised, offering all information; communicating clearly.

#### 4.7 Honesty

You have a duty to act honestly. You must declare any private interests relating to your public duties and take steps to resolve any conflicts arising in such a way that protects the public interest. This means obeying the law; following the letter and spirit of policies and procedures; observing the code of conduct; fully disclosing actual or potential conflict of interests and exercising any conferred power strictly for the purpose for which the power was conferred.

#### 4.8 Respect

You must treat others with respect at all times. This means not using derogatory terms towards others, observing the rights of other people, treating people with courtesy and recognising the different roles others play in local government decision-making.

#### 5 GUIDE TO ETHICAL DECISION MAKING

- 5.1 If you are unsure about the ethical issues around an action or decision you are about to take, you should consider these five points:
  - Is the decision or conduct lawful?
  - Is the decision or conduct consistent with council's policy and with council's objectives and the code of conduct?
  - What will the outcome be for the employee or councillor, work colleagues, the council, persons with whom you are associated and any other parties?
  - Do these outcomes raise a conflict of interest or lead to private gain or loss at public expense?
  - Can the decision or conduct be justified in terms of the public interest and would it withstand public scrutiny?

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#### Conflict of interests

- 5.2 If you are unsure as to whether or not you have a conflict of interests in relation to a matter, you should consider these six points:
  - Do you have a personal interest in a matter you are officially involved with?
  - Is it likely you could be influenced by a personal interest in carrying out your public duty?
  - Would a reasonable person believe you could be so influenced?
  - What would be the public perception of whether or not you have a conflict of interests?
  - Do your personal interests conflict with your official role?
  - What steps do you need to take and that a reasonable person would expect you to take to appropriately manage any conflict of interests?

#### Political donations and conflict of interests

5.3 Councillors should take all reasonable steps to identify circumstances where political contributions may give rise to a reasonable perception of influence in relation to their vote or support.

#### Seeking advice

5.4 Remember – you have the right to question any instruction or direction given to you that you think may be unethical or unlawful. If you are uncertain about an action or decision, you may need to seek advice from other people. This may include your supervisor or trusted senior officer, your union representatives, the Department of Local Government, the Ombudsman's Office and the Independent Commission Against Corruption.

Independent Commission Against Corruption	8281 5999
NSW Ombudsman	9286 1000
NSW Department of Local Government	4428 4100

#### PART 2: STANDARDS OF CONDUCT

This Part of the Model Code sets out the conduct obligations required of council officials. These are the enforceable standards of conduct.

Failure by a councillor to comply with Part 2, the standards of conduct, of council's code of conduct constitutes misbehaviour and may constitute a substantial breach for the purposes of section 9 of the ICAC Act 1988. The Local Government Act 1993 provides for suspension of councillors from civic office for up to six months for proven misbehaviour. For further information on misbehaviour refer to Sections 11 and 12 of this Code.

Failure by a member of staff to comply with council's code of conduct may give rise to disciplinary action.

#### **6 GENERAL CONDUCT OBLIGATIONS**

#### General conduct

- 6.1 You must not conduct yourself in carrying out your functions in a manner that is likely to bring the council or holders of civic office into disrepute. Specifically, you must not act in a way that:
  - a) contravenes the Act, associated regulations, council's relevant administrative requirements and policies
  - b) is detrimental to the pursuit of the charter of a council
  - c) is improper or unethical
  - d) is an abuse of power or otherwise amounts to misconduct
  - e) causes, comprises or involves intimidation, harassment or verbal abuse
  - f) causes, comprises or involves discrimination, disadvantage or adverse treatment in relation to employment
  - g) causes, comprises or involves prejudice in the provision of a service to the community. (Schedule 6A)
- 6.2 You must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out your functions under the Act or any other Act. (section 439)
- 6.3 You must treat others with respect at all times.
- 6.4 Where you are a councillor and have been found in breach of the code of conduct, you must comply with any council resolution requiring you to take action as a result of that breach.

#### Fairness and equity

6.5 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.

6.6 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.

#### Harassment and discrimination

6.7 You must not harass, discriminate against, or support others who harass and discriminate against colleagues or members of the public. This includes, but is not limited to harassment and discrimination on the grounds of sex, pregnancy, age, race, responsibilities as a carer, marital status, disability, homosexuality, transgender grounds or if a person has an infectious disease.

#### Development decisions

- 6.8 You must ensure that development decisions are properly made and that parties involved in the development process are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the development assessment process.
- 6.9 In determining development applications, you must ensure that no action, statement or communication between yourself and applicants or objectors conveys any suggestion of willingness to provide improper concessions or preferential treatment.

#### 7 CONFLICT OF INTERESTS

- 7.1 A conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty.
- 7.2 You must avoid or appropriately manage any conflict of interests. The onus is on you to identify a conflict of interests and take the appropriate action to manage the conflict in favour of your public duty.
- 7.3 Any conflict of interests must be managed to uphold the probity of council decision-making. When considering whether or not you have a conflict of interests, it is always important to think about how others would view your situation.
- 7.4 Private interests can be of two types: pecuniary or non-pecuniary.

#### What is a pecuniary interest?

- 7.5 A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. (section 442)
- 7.6 A person will also be taken to have a pecuniary interest in a matter if that person's spouse or de facto partner or a relative of the person or a partner or employer of the person, or a company or other body of which the person, or a nominee, partner or employer of the person is a member, has a pecuniary interest in the matter. (section 443)
- 7.7 Pecuniary interests are regulated by Chapter 14, Part 2 of the Act. The Act requires that:
  - a) councillors and designated persons lodge an initial and an annual written disclosure of interests that could potentially be in conflict with their public or professional duties (section 449)
  - b) councillors and members of council committees disclose an interest and the nature of that interest at a meeting, leave the meeting and be out of sight of the meeting and not participate in discussions or voting on the matter (section 451)
  - c) designated persons immediately declare, in writing, any pecuniary interest. (section 459)
- 7.8 Designated persons are defined at section 441 of the Act, and include, but are not limited to, the general manager and other senior staff of the council.
- 7.9 Where you are a member of staff of council, other than a designated person (as defined by section 441), you must disclose in writing to your supervisor or the general manager, the nature of any pecuniary interest you have in a matter you are dealing with as soon as practicable.

#### What is a non-pecuniary conflict of interests?

- 7.10 Non-pecuniary interests are private or personal interests the council official has that do not amount to a pecuniary interest as defined in the Act. These commonly arise out of family, or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.
- 7.11 The matter of a report to council from the conduct review committee/reviewer relates to the public duty of a councillor or the general manager. Therefore, there is no requirement for councillors or the general manager to disclose a conflict of interests in such a matter.
- 7.12 The political views of a councillor do not constitute a private interest.

#### Managing non-pecuniary conflict of interests

- 7.13 Where you have a non-pecuniary interest that conflicts with your public duty, you must disclose the interest fully and in writing, even if the conflict is not significant. You must do this as soon as practicable.
- 7.14 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes. This disclosure constitutes disclosure in writing for the purposes of clause 7.13.
- 7.15 How you manage a non-pecuniary conflict of interests will depend on whether or not it is significant.
- 7.16 As a general rule, a non-pecuniary conflict of interests will be significant where a matter does not raise a pecuniary interest but it involves:
  - a) a relationship between a council official and another person that is particularly close, for example, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse, current or former spouse or partner, de facto or other person living in the same household
  - b) other relationships that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship
  - c) an affiliation between the council official and an organisation, sporting body, club, corporation or association that is particularly strong.
- 7.17 If you are a council official, other than a member of staff of council, and you have disclosed that a significant non-pecuniary conflict of interests exists, you must manage it in one of two ways:
  - a) remove the source of the conflict, by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another council official
  - b) have no involvement in the matter, by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in section 451(2) of the Act apply

- 7.18 If you determine that a non-pecuniary conflict of interests is less than significant and does not require further action, you must provide an explanation of why you consider that the conflict does not require further action in the circumstances.
- 7.19 If you are a member of staff of council, the decision on which option should be taken to manage a non-pecuniary conflict of interests must be made in consultation with your manager.
- 7.20 Despite clause 7.17(b), a councillor who has disclosed that a significant non-pecuniary conflict of interests exists may participate in a decision to delegate council's decision-making role to council staff, or appoint another person or body to make the decision in accordance with the law. This applies whether or not council would be deprived of a quorum if one or more councillors were to manage their conflict of interests by not voting on a matter in accordance with clause 7.17(b) above.

#### Political donations exceeding \$1,000

- 7.21 Councillors should note that matters before council involving political or campaign donors may give rise to a non-pecuniary conflict of interests.
- 7.22 Councillors should take all reasonable steps to ascertain the source of any political contributions that directly benefit their election campaigns. For example, councillors should have reasonable knowledge of contributions received by them or their "official agent" (within the meaning of the *Election Funding Act 1981*) that directly benefit their election campaign.
- 7.23 Where a councillor or the councillor's "official agent" has received "political contributions" or "political donations", as the case may be, within the meaning of the *Election Funding Act 1981* exceeding \$1,000 which directly benefit their campaign:
  - a) from a political or campaign donor or related entity in the previous four years; and
  - b) where the political or campaign donor or related entity has a matter before council,

then the councillor must declare a non-pecuniary conflict of interests, disclose the nature of the interest, and manage the conflict of interests in accordance with clause 7.17(b).

- 7.24 Councillors should note that political contributions below \$1,000, or political contributions to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interests. Councillors should determine whether or not such conflicts are significant and take the appropriate action to manage them.
- 7.25 If a councillor has received a donation of the kind referred to in clause 7.23, that councillor is not prevented from participating in a decision to delegate council's decision-making role to council staff or appointing another person or body to make the decision in accordance with the law (see clause 7.20 above).

#### Other business or employment

- 7.26 f you are a member of staff of council considering outside employment or contract work that relates to the business of the council or that might conflict with your council duties, you must notify and seek the approval of the general manager in writing. (section 353)
- 7.27 As a member of staff, you must ensure that any outside employment or business you engage in will not:
  - a) conflict with your official duties
  - b) involve using confidential information or council resources obtained through your work with the council
  - c) require you to work while on council duty
  - d) discredit or disadvantage the council.

#### Personal dealings with council

7.28 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.

#### **8 PERSONAL BENEFIT**

For the purposes of this section, a reference to a gift or benefit does not include a political donation or contribution to an election fund that is subject to the provisions of the relevant election funding legislation.

#### Token gifts and benefits

- 8.1 Generally speaking, token gifts and benefits include:
  - a) free or subsidised meals, beverages or refreshments provided in conjunction with:
    - i) the discussion of official business
    - ii) council work related events such as training, education sessions, workshops
    - iii) conferences
    - iv) council functions or events
    - v) social functions organised by groups, such as council committees and community organisations.
  - b) invitations to and attendance at local social, cultural or sporting events
  - gifts of single bottles of reasonably priced alcohol to individual council officials at end of year functions, public occasions or in recognition of work done (such as providing a lecture/training session/address)
  - d) ties, scarves, coasters, tie pins, diaries, chocolates or flowers.

#### Gifts and benefits of value

8.2 Notwithstanding clause 8.1, gifts and benefits that have more than a token value include, but are not limited to, tickets to major sporting events (such as state or international cricket matches or matches in other national sporting codes (including the NRL, AFL, FFA, NBL)), corporate hospitality at a corporate facility at major sporting events, discounted products for personal use, the frequent use of facilities such as gyms, use of holiday homes, free or discounted travel.

#### Gifts and benefits

- 8.3 You must not:
  - a) seek or accept a bribe or other improper inducement
  - b) seek gifts or benefits of any kind
  - accept any gift or benefit that may create a sense of obligation on your part or may be perceived to be intended or likely to influence you in carrying out your public duty
  - d) accept any gift or benefit of more than token value
  - e) accept an offer of money, regardless of the amount.
- 8.4 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, this must be disclosed promptly to your supervisor, the Mayor or the general manager. The recipient, supervisor, Mayor or general manager must ensure that any gifts or benefits of more than token value that are received are recorded in a Gifts Register. The gift or benefit must be surrendered to council, unless the nature of the gift or benefit makes this impractical.

- 8.5 You must avoid situations giving rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to secure favourable treatment from you or from the council.
- 8.6 You must take all reasonable steps to ensure that your immediate family members do not receive gifts or benefits that give rise to the appearance of being an attempt to secure favourable treatment. Immediate family members ordinarily include parents, spouses, children and siblings.

#### Improper and undue influence

- 8.7 You must not use your position to influence other council officials in the performance of their public or professional duties to obtain a private benefit for yourself or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the appropriate exercise of their representative functions.
- 8.8 You must not take advantage (or seek to take advantage) of your status or position with or of functions you perform for council in order to obtain a private benefit for yourself or for any other person or body.

#### 9 RELATIONSHIP BETWEEN COUNCIL OFFICIALS

#### Obligations of councillors and administrators

- 9.1 Each council is a body corporate. The councillors or administrator/s are the governing body of the council. The governing body has the responsibility of directing and controlling the affairs of the council in accordance with the Act and is responsible for policy determinations, for example, those relating to industrial relations policy.
- 9.2 Councillors or administrators must not:
  - a) direct council staff other than by giving appropriate direction to the general manager in the performance of council's functions by way of council or committee resolution, or by the Mayor or administrator exercising their power under section 226 of the Act (section 352)
  - b) in any public or private forum, direct or influence or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the member or delegate (Schedule 6A of the Act)
  - c) contact a member of the staff of the council on council related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the general manager
  - d) contact or issue instructions to any of council's contractors or tenderers, including council's legal advisers, unless by the Mayor or administrator exercising their power under section 226 of the Act. This does not apply to council's external auditors who, in the course of their work, may be provided with information by individual councillors.

### Obligations of staff

- 9.3 The general manager is responsible for the efficient and effective operation of the council's organisation and for ensuring the implementation of the decisions of the council without delay.
- 9.4 Members of staff of council must:
  - a) give their attention to the business of council while on duty
  - b) ensure that their work is carried out efficiently, economically and effectively
  - c) carry out lawful directions given by any person having authority to give such directions
  - d) give effect to the lawful decisions, policies, and procedures of the council, whether or not the staff member agrees with or approves of them.

#### Obligations during meetings

9.5 You must act in accordance with council's Code of Meeting Practice, if council has adopted one, and the *Local Government (General) Regulation 2005* during council and committee meetings.

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9.6 You must show respect to the chair, other council officials and any members of the public present during council and committee meetings or other formal proceedings of the council.

### Inappropriate interactions

- 9.7 You must not engage in any of the following inappropriate interactions:
  - a) Councillors and administrators approaching staff and staff organisations to discuss individual staff matters and not broader industrial policy issues.
  - b) Council staff approaching councillors and administrators to discuss individual staff matters and not broader industrial policy issues.
  - c) Council staff refusing to give information that is available to other councillors to a particular councillor.
  - d) Councillors and administrators who have lodged a development application with council, discussing the matter with council staff in staffonly areas of the council.
  - e) Councillors and administrators being overbearing or threatening to council staff.
  - f) Councillors and administrators making personal attacks on council staff in a public forum.
  - g) Councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make.
  - h) Council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community.
  - Council staff meeting with developers alone AND outside office hours to discuss development applications or proposals.
  - j) Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by council associated with current or proposed legal proceedings unless permitted to do so by council's general manager or, in the case of the Mayor or administrator, exercising their power under section 226 of the Act.
- 9.8 It is appropriate that staff and staff organisations have discussions with councillors in relation to matters of industrial policy.

#### 10 ACCESS TO INFORMATION AND COUNCIL RESOURCES

#### Councillor and administrator access to information

- 10.1 The general manager and public officer are responsible for ensuring that members of the public, councillors and administrators can gain access to the documents available under section 12 of the Local Government Act 1993.
- 10.2 The general manager must provide councillors and administrators with information sufficient to enable them to carry out their civic office functions.
- 10.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to carry out their civic office functions and in accordance with council procedures.
- 10.4 Members of staff of council who provide any information to a particular councillor in the performance of their civic duties must also make it available to any other councillor who requests it and in accordance with council procedures.
- 10.5 Councillors and administrators who have a private (as distinct from civic) interest in a document of council have the same rights of access as any member of the public.

## Councillors and administrators to properly examine and consider information

10.6 Councillors and administrators must properly examine and consider all the information provided to them relating to matters that they are dealing with to enable them to make a decision on the matter in accordance with council's charter.

### Refusal of access to documents

10.7 Where the general manager and public officer determine to refuse access to a document sought by a councillor or administrator they must act reasonably. In reaching this decision they must take into account whether or not the document sought is required for the councillor or administrator to perform their civic duty (see clause 10.2). The general manager or public officer must state the reasons for the decision if access is refused.

### Use of certain council information

- 10.8 In regard to information obtained in your capacity as a council official, you must:
  - a) only access council information needed for council business
  - b) not use that council information for private purposes
  - c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have by virtue of your office or position with council
  - d) only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

#### Use and security of confidential information

- 10.9 You must maintain the integrity and security of confidential documents or information in your possession, or for which you are responsible.
- 10.10 In addition to your general obligations relating to the use of council information, you must:
  - a) protect confidential information
  - b) only release confidential information if you have authority to do so
  - c) only use confidential information for the purpose it is intended to be used
  - d) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
  - e) not use confidential information with the intention to cause harm or detriment to your council or any other person or body
  - f) not disclose any information discussed during a confidential session of a council meeting.

#### Personal information

- 10.11 When dealing with personal information you must comply with:
  - a) the Privacy and Personal Information Protection Act 1998,
  - b) the Health Records and Information Privacy Act 2002,
  - c) the Information Protection Principles and Health Privacy Principles,
  - d) council's privacy management plan,
  - e) the Privacy Code of Practice for Local Government

### Use of council resources

- 10.12 You must use council resources ethically, effectively, efficiently and carefully in the course of your official duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate.
- 10.13 Union delegates and consultative committee members may have reasonable access to council resources for the purposes of carrying out their industrial responsibilities, including but not limited to:
  - a) the representation of members with respect to disciplinary matters
  - b) the representation of employees with respect to grievances and disputes
  - c) functions associated with the role of the local consultative committee.
- 10.14 You must be scrupulous in your use of council property, including intellectual property, official services and facilities, and must not permit their misuse by any other person or body.
- 10.15 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.

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- 10.16 The interests of a councillor in their re-election is considered to be a private interest and as such the reimbursement of travel expenses incurred on election matters is not appropriate. You must not use council letterhead, council crests and other information that could give the appearance it is official council material for these purposes.
- 10.17 You must not convert any property of the council to your own use unless properly authorised.
- 10.18 You must not use council's computer resources to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature.

## Councillor access to council buildings

- 10.19 Councillors and administrators are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the general manager.
- 10.20 Councillors and administrators must not enter staff-only areas of council buildings without the approval of the general manager (or delegate) or as provided in the procedures governing the interaction of councillors and council staff.
- 10.21 Councillors and administrators must ensure that when they are within a staff area they avoid giving rise to the appearance that they may improperly influence council staff decisions.

#### 11 REPORTING BREACHES

- 11.1 Any person, whether or not a council official, may make a complaint alleging a breach of the code of conduct.
- 11.2 For the purposes of Chapter 14, Part 1, Division 3 of the Act, failure by a councillor to comply with an applicable requirement of this code of conduct constitutes misbehaviour. (section 440F)

#### Protected disclosures

- 11.3 The *Protected Disclosures Act 1994* aims to encourage and facilitate the disclosure, in the public interest, of corrupt conduct, maladministration and serious and substantial waste in the public sector.
- 11.4 The purpose of that Act is to ensure that public officials who wish to make disclosures under the legislation receive protection from reprisals, and that matters raised in the disclosures are properly investigated.<sup>1</sup>
- 11.5 If a complaint under this code is or could be a protected disclosure, you must ensure that in dealing with the complaint, you comply with the confidentiality provisions of the Protected Disclosures Act set out in section 22:

'An investigating authority or public authority (or officer of an investigating authority or public authority) or public official to whom a protected disclosure is made or referred is not to disclose information that might identify or tend to identify a person who has made the protected disclosure unless:

- (a) the person consents in writing to the disclosure of that information, or
- (b) it is essential, having regard to the principles of natural justice, that the identifying information be disclosed to a person whom the information provided by the disclosure may concern, or
- (c) the investigating authority, public authority, officer or public official is of the opinion that disclosure of the identifying information is necessary to investigate the matter effectively or it is otherwise in the public interest to do so.'

### Reporting breaches of the code of conduct

- 11.6 You should report suspected breaches of the code of conduct by councillors, members of staff of council (excluding the general manager) or delegates to the general manager in writing.
- 11.7 Where you believe that the general manager has breached the code of conduct, you should report the matter to the Mayor in writing.

<sup>&</sup>lt;sup>1</sup> Protected Disclosures Guidelines, 5<sup>th</sup> Edition, NSW Ombudsman, May 2004, Annexure 2.

- 11.8 Where you believe that an administrator has breached the code of conduct, you should report the matter to the Minister for Local Government in writing.
- 11.9 Councillors should not make allegations of suspected breaches of the code at council meetings or in other public forums.

#### **PART 3: PROCEDURES**

This Part of the Model Code contains the complaint handling procedures, complaint assessment criteria and the operating guidelines for the conduct review committee/reviewer. This Part should be used to guide the management of complaints about breaches of the Code.

#### 12 COMPLAINT HANDLING PROCEDURES & SANCTIONS

- 12.1 Complaints about the conduct of councillors, members of staff of council, members of council committees and delegates of council should be addressed in writing to the general manager.
- 12.2 Complaints about the conduct of the general manager should be addressed in writing to the Mayor.

<u>Complaint handling procedures – staff, delegate and council committee member conduct (excluding the general manager)</u>

- 12.3 The general manager is responsible for making enquiries, or causing enquiries to be made, into complaints alleging breach of the code of conduct regarding members of staff of council, delegates of council and/or members of council committees (other than councillors), and will determine such matters.
- 12.4 Where the general manager has determined not to enquire into the matter, the general manager will give the complainant the reason/s in writing as provided in clause 13.1 of this Code, and those reasons may include, but are not limited to, the fact that the complaint is trivial, frivolous, vexatious or not made in good faith.
- 12.5 Enquiries made into staff conduct that might give rise to disciplinary action must occur in accordance with the relevant industrial instrument and make provision for procedural fairness including the right of an employee to be represented by their union.
- 12.6 Sanctions for staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.
- 12.7 Sanctions for delegates and/or members of council committees depend on the severity, scale and importance of the breach and may include:
  - a) censure
  - b) requiring the person to apologise to any person adversely affected by the breach
  - c) counselling
  - d) prosecution for any breach of the law
  - e) removing or restricting the person's delegation
  - f) removing the person from membership of the relevant council committee
  - g) revising any of council's policies, procedures and/or the code of conduct.

#### Complaint handling procedures - councillor conduct

- 12.8 The general manager is responsible for assessing complaints, made under Section 11.1, alleging breaches of the code of conduct by councillors, in accordance with the assessment criteria provided at Section 13 of this Code, in order to determine whether to refer the matter to the conduct review committee/reviewer.
- 12.9 The general manager must determine either to:
  - a) take no further action and give the complainant the reason/s in writing as provided in clause 13.1 of this Code, and those reasons may include, but are not limited to, the fact that the complaint is trivial, frivolous, vexatious or not made in good faith, or
  - b) resolve the complaint by use of alternative and appropriate strategies such as, but not limited to, mediation, informal discussion or negotiation and give the complainant advice on the resolution of the matter in writing, or
  - c) discontinue the assessment in the circumstances where it becomes evident that the matter should be referred to another body or person, and refer the matter to that body or person as well as advising the complainant in writing, or
  - d) refer the matter to the conduct review committee/reviewer.

### Complaint handling procedures - general manager conduct

- 12.10 The Mayor is responsible for assessing complaints, made under clause 11.1, alleging breaches of the code of conduct by the general manager, in accordance with the assessment criteria provided at Section 13 of this Code, in order to determine whether to refer the matter to the conduct review committee/reviewer.
- 12.11 The Mayor must determine either to:
  - a) take no further action and give the complainant the reason/s in writing as provided in clause 13.1 of this Code, and those reasons may include, but are not limited to, the fact that the complaint is trivial, frivolous, vexatious or not made in good faith, or
  - b) resolve the complaint by use of alternative and appropriate strategies such as, but not limited to, mediation, informal discussion or negotiation and give the complainant advice on the resolution of the matter in writing, or
  - discontinue the assessment in the circumstances where it becomes evident that the matter should be referred to another body or person, and refer the matter to that body or person as well as advising the complainant in writing, or
  - d) refer the matter to the conduct review committee/reviewer.

#### Conduct review committee/reviewer

12.12 Council must resolve to appoint persons independent of council to comprise the members of a conduct review committee and/or to act as sole conduct reviewers.

- 12.13 The members of the conduct review committee and/or the persons acting as sole conduct reviewers should be appropriately qualified persons of high standing in the community. These persons do not need to be residents of the local government area of the council that has appointed them.
- 12.14 The conduct review committee, members of such committee and sole conduct reviewers may act in that role for more than one council.
- 12.15 The general manager, or in the case of complaints about the general manager, the Mayor, will undertake the following functions in relation to the conduct review committee/reviewer:
  - · provide procedural advice when requested
  - ensure adequate resources are provided, including providing secretariat support
  - attend meetings of the conduct review committee if so requested by the committee, and then in an advisory capacity only
  - provide advice about council processes if requested to do so but not so as to take part in the decision making process
  - if attending the conduct review committee meeting to provide advice, must not be present at, or in sight of, the meeting when a decision is taken.
- 12.16 Where a matter is to be considered by the conduct review committee/reviewer, then in each case, the general manager, or Mayor in the case of complaints about the general manager, acting in their capacity as advisor, will either convene a conduct review committee and select its members from those appointed by council or alternatively select a sole conduct reviewer from those appointed by council.
- 12.17 The conduct review committee/reviewer will operate in accordance with the operating guidelines at Section 14 of this code.
- 12.18 The conduct review committee/reviewer operating guidelines (Section 14) are the minimum requirements for the operation of conduct review committees/reviewers. Council may supplement the guidelines, but any additional provisions should not be inconsistent with the guidelines.
- 12.19 The conduct review committee/reviewer is responsible for making enquiries into complaints made under clause 11.1 alleging breaches of the code of conduct by councillors and/or the general manager and must determine either to:
  - a) not make enquiries into the complaint and give the complainant the reason/s in writing as provided in clause 13.1 of this Code, and those reasons may include, but are not limited to, the fact that the complaint is trivial, frivolous, vexatious or not made in good faith, or
  - b) resolve the complaint by use of alternative and appropriate strategies such as, but not limited to, mediation, making recommendations to the general manager, informal discussion or negotiation and give the complainant advice on the resolution of the matter in writing, or
  - c) make enquiries into the complaint, or

- d) engage another appropriately qualified person to make enquiries into the complaint, or
- e) not make enquiries or discontinue making enquiries where it becomes evident that the matter should be referred to another body or person, and refer the matter to that body or person as well as advising the complainant in writing. Despite any other provision of this code, this will constitute finalisation of such matters and no further action is required.
- 12.20 Where the conduct review committee/reviewer conducts enquiries or causes enquiries to be conducted, the conduct review committee/reviewer must make findings on whether, in its view, the conduct referred to it comprises a breach of the code of conduct.
- 12.21 Where the conduct review committee/reviewer makes findings, the conduct review committee/reviewer may recommend that council take any actions provided for in this code of conduct that it considers reasonable in the circumstances.
- 12.22 Where the conduct review committee/reviewer makes findings, the conduct review committee/reviewer will report its findings, and the reasons for those findings, in writing to the council, the complainant and the person subject of the complaint.
- 12.23 The conduct review committee/reviewer will report its findings and any recommendations to council only when it has completed its deliberations.

#### **Sanctions**

- 12.24 Before a council can impose a sanction it must make a determination that a councillor or the general manager has breached the code of conduct.
- 12.25 Where the council finds that a councillor or general manager has breached the code, it may decide by resolution to:
  - a) censure the councillor for misbehaviour in accordance with section 440G of the Act
  - b) require the councillor or general manager to apologise to any person adversely affected by the breach
  - c) counsel the councillor or general manager
  - d) make public findings of inappropriate conduct
  - e) prosecute for any breach of law.

#### Councillor misbehaviour

- 12.26 Under section 440G a council may by resolution at a meeting formally censure a councillor for misbehaviour.
- 12.27 Under section 440H, the process for the suspension of a councillor from civic office can be initiated by a request made by council to the Director General of the Department of Local Government.

- 12.28 The first ground on which a councillor may be suspended from civic office is where the councillor's behaviour has been disruptive over a period, involving more than one incident of misbehaviour during that period, and the pattern of behaviour during that period is of such a sufficiently serious nature as to warrant the councillor's suspension.
- 12.29 Council cannot request suspension on this ground unless during the period concerned the councillor has been:
  - formally censured for incidents of misbehaviour on two or more occasions, or
  - expelled from a meeting of the council or a committee of the council for an incident of misbehaviour on at least one occasion.
- 12.30 The second ground on which a councillor may be suspended from civic office is where the councillor's behaviour has involved one incident of misbehaviour that is of such a sufficiently serious nature as to warrant the councillor's suspension.
- 12.31 Council cannot request suspension on this ground unless the councillor has been:
  - · formally censured for the incident of misbehaviour concerned, or
  - expelled from a meeting of the council or a committee of the council for the incident of misbehaviour concerned.
- 12.32 Under section 440H, the process for the suspension of a councillor can also be initiated by the Department of Local Government, the Independent Commission Against Corruption or the NSW Ombudsman.

#### Reporting on complaints

- 12.33 The general manager must report annually to council on code of conduct complaints. This report should include, as a minimum, a summary of the:
  - a) number of complaints received,
  - b) nature of the issues raised by complainants, and
  - c) outcomes of complaints.

#### 13 COMPLAINT ASSESSMENT CRITERIA

- 13.1 The general manager or Mayor, in the case of a complaint about the general manager, will assess a complaint alleging a breach of the code of conduct to determine if the matter should be referred to the conduct review committee/reviewer. In assessing the complaint, the general manager and Mayor will have regard to the following grounds:
  - a) whether there is any prima facie evidence of a breach of the code of conduct
  - b) whether the subject matter of the complaint relates to conduct that is associated with the carrying out of the functions of civic office or duties as general manager
  - c) whether the complaint is trivial, frivolous, vexatious or not made in good faith
  - d) whether the conduct the subject of the complaint could reasonably constitute a breach of the code of conduct
  - e) whether the complaint raises issues that require investigation by another person or body, such as referring the matter to the Department of Local Government, the NSW Ombudsman, the Independent Commission Against Corruption or the NSW Police
  - f) whether there is an alternative and satisfactory means of redress
  - g) how much time has elapsed since the events the subject of the complaint took place
  - h) how serious the complaint is and the significance it has for council
  - i) whether the complaint is one of a series indicating a pattern of conduct.
- 13.2 Complaints that are assessed as not having sufficient grounds to warrant referral to the conduct review committee/reviewer or that are to be referred to a more appropriate person or body can be finalised by the general manager or the Mayor, in the case of complaints about the general manager.
- 13.3 If a matter is referred to the conduct review committee/reviewer, then the conduct review committee/reviewer should use the above criteria in clause 13.1 for its initial assessment of the complaint and determination of the course to follow in dealing with the complaint.

### 14 CONDUCT REVIEW COMMITTEE/REVIEWER OPERATING GUIDELINES<sup>2</sup>

#### 14.1 Jurisdiction of the conduct review committee/reviewer

The complaint handling function of the conduct review committee/reviewer is limited to consideration of, making enquiries into and reporting on complaints made under clause 11.1, about councillors and/or the general manager.

Complaints regarding pecuniary interest matters should be reported to the Director General of the Department of Local Government and will not be dealt with by the conduct review committee/reviewer.

Sole reviewers and members of the conduct review committee are subject to the provisions of this code of conduct.

### 14.2 Role of the general manager and Mayor

The general manager, or in the case of complaints about the general manager, the Mayor, will undertake the following functions in relation to the conduct review committee/reviewer:

- provide procedural advice when requested
- ensure adequate resources are provided, including providing secretariat support
- attend meetings of the conduct review committee if so requested by the committee, and then in an advisory capacity only
- provide advice about council processes if requested to do so but not so as to take part in the decision making process
- if attending the conduct review committee meeting to provide advice, must not be present at, or in sight of, the meeting when a decision is taken.

Where the general manager, or in the case of complaints about the general manager, the Mayor, is unable to act as advisor to the conduct review committee/reviewer due to a conflict of interests in relation to a complaint, they are to nominate a senior council officer or councillor (in the case of complaints about the general manager) to perform this role.

### 14.3 Composition of the conduct review committee

Where council has a conduct review committee it will comprise three or more appropriately qualified persons of high standing in the community who are independent of the council, convened and selected as provided in clause 12.16.

In the circumstances where a member of the conduct review committee cannot participate in a matter, the general manager, or Mayor in the case of complaints about the general manager, should select another person as provided in clause 12.16.

29

<sup>&</sup>lt;sup>2</sup> The operating guidelines have been adapted from the Ku-ring-gai Council Conduct Committee Guidelines – 25 October 2006

The chairperson is to be elected by the members of the conduct review committee.

The general manager, or in the case of complaints about the general manager, the Mayor, will act in an advisory capacity to the committee when requested.

#### 14.4 Quorum of the conduct review committee

A quorum for a meeting of the conduct review committee is the majority of the members of the conduct review committee.

If a quorum is not present at a meeting of the conduct review committee it must be adjourned to a time and date that is specified.

Business is not to be conducted at any meeting of the conduct review committee unless a quorum is present.

Business may be conducted by video-conference or teleconference.

### 14.5 Voting of the conduct review committee

Each member of the conduct review committee shall be entitled to one vote in respect of any matter. In the event of equality of votes being cast, the chairperson shall have the casting vote.

If the vote on a matter is not unanimous, then this should be noted in any report to council on its findings.

In relation to any procedural matters relating to the operation of the conduct review committee, the ruling of the chairperson shall be final.

### 14.6 Procedures of the conduct review committee/reviewer

The general manager or Mayor, in the case of a complaint about the general manager, will be responsible for convening the initial meeting of the conduct review committee when there is a complaint to be referred to it.

The conduct review committee/reviewer will conduct business in the absence of the public.

The conduct review committee/reviewer will keep proper records of deliberations.

The conduct review committee shall determine the procedures governing the conduct of its meetings provided such procedures are consistent with these operating guidelines.

### 14.7 Procedural fairness

In conducting enquiries, the conduct review committee/reviewer or the person engaged to do so should follow the rules of procedural fairness and must -

- a) provide the person the subject of the complaint with a reasonable opportunity to respond to the substance of the allegation without undue delay
- b) provide the person the subject of the complaint with an opportunity to place before the conduct review committee/reviewer or person undertaking the enquiry any information the person considers relevant to the enquiry
- c) provide the person the subject of the complaint with an opportunity to address the conduct review committee/reviewer in person
- d) hear all parties to a matter and consider submissions before deciding the substance of any complaint
- e) make reasonable enquiries before making any recommendations
- f) act fairly and without prejudice or bias
- g) ensure that no person decides a case in which they have a conflict of interests
- h) conduct the enquiries without undue delay.3

Where the person the subject of the complaint declines or fails to take the opportunity provided to respond to the substance of the allegation against them, the conduct review committee/reviewer should proceed to finalise the matter.

### 14.8 Complaint handling procedures

In addition to complying with these operating guidelines, the conduct review committee/reviewer will ensure it deals with all complaints in accordance with the provisions of Section 12 of this Code.

All persons who are the subject of complaints that are referred to the conduct review committee/reviewer will receive written information about the process being undertaken to deal with the matter.

The conduct review committee/reviewer will only deal with matters that are referred to it by the general manager or the Mayor.

Where the conduct review committee/reviewer determines to make enquiries into the matter, such enquiries should be made without undue delay.

In circumstances where the person the subject of the complaint meets with the conduct review committee/reviewer, they are entitled to bring a support person or legal adviser. That person will act in an advisory and support role to the person affected. They will not speak on behalf of the subject person.

Draft Code of Conduct - April 2009

NSW Ombudsman, Investigating complaints, A manual for investigators, June 2004.

### 14.9 Findings and recommendations of the conduct review committee/reviewer

Where the conduct review committee/reviewer determines, in its view that the conduct referred to it comprises a breach of this code of conduct it may, in its report to the council, make recommendations, that the council take any of the following actions:

- a) censure the councillor for misbehaviour
- b) require the councillor or general manager to apologise to any person adversely affected by the breach
- c) counsel the councillor or general manager
- d) make public findings of inappropriate conduct
- e) prosecute for any breach of the law
- f) revise any of council's policies, procedures and/or the code of conduct.

Before making any such recommendations, the conduct review committee/reviewer shall have regard to the following:

- a) the seriousness of the breach
- b) whether the breach can be easily remedied or rectified
- c) whether the subject has remedied or rectified their conduct
- d) whether the subject has expressed contrition
- e) whether the breach is technical or trivial only
- f) whether the breach represents repeated conduct
- g) the age, physical or mental health or special infirmity of the subject
- h) the degree of reckless intention or negligence of the subject
- i) the extent to which the breach has affected other parties or the council as a whole
- j) the harm or potential harm to the reputation of local government and of the council arising from the conduct
- k) whether the findings and recommendations can be justified in terms of the public interest and would withstand public scrutiny
- whether an educative approach would be more appropriate than a punitive approach
- m) the relative costs and benefits of taking formal enforcement action as opposed to taking no action or taking informal action
- n) what action or remedy would be in the public interest
- o) where to comply with a councillor's obligations under this code of conduct would have had the effect of depriving the council of a quorum or otherwise compromise the capacity of council to exercise its functions

### 14.10 Amendment of the operating guidelines

The conduct review committee/reviewer guidelines may be added to and any additional requirements may be further amended or repealed by resolution of the council.

Subject UPDATE ON ASHFIELD COUNCIL'S STRATEGIC PLAN

File Name Ashfield Strategic Plan 2020

Prepared by Lauren McIver - Corporate Relations Officer

**Reasons** To update Councillors on the process design and progress for the

development of Ashfield Council's new Strategic Plan, including

the community engagement strategy.

**Objective** To facilitate open government and high quality community

consultation and leadership on major public issues

Strategic Plan Link Our Organisation

Management Plan

**Activity** 

Our Organisation

### **Overview of Report**

As part of its new integrated planning framework, Ashfield Council is developing a new 10 year strategic plan to guide the Council's operations and budget towards 2020.

Council has partnered with the Institute for Sustainable Futures (ISF) for this process which involves extensive and ongoing engagement with Council's key stakeholders, including residents, ratepayers, community groups, local businesses and other government agencies, to develop a shared vision for the future.

An extensive process of community engagement is currently underway utilising Council's existing networks, events and activities in the community. These events are leading up to two public conversations which will provide an opportunity for anyone to have their say on the future of the Ashfield Council area.

### **Background**

### Strategic Planning Process

Ashfield Council has adopted an integrated planning framework which is in line with draft legislation being developed by the Department of Local Government. The Strategic Plan will set a long-term vision for Ashfield, and will be the overarching document for Council's other statutory plans, including the State of Environment Report, Social Plan, Management Plan and new Urban Planning Strategy and Local Environmental Plan. Following an extensive process of engagement and analysis with internal and external stakeholders, a draft Strategic Plan will be made available for public exhibition in September 2009.

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### **UPDATE ON ASHFIELD COUNCIL'S STRATEGIC PLAN**

Ashfield Council has partnered with the Institute for Sustainable Future (ISF) to develop a new, 10 year Strategic Plan for Ashfield Council. This project commenced in 2008 under the leadership of Director Corporate and Community Services, Vanessa Chan. Council's Integrated Planning Team, Councillors and the Executive Management Group have been involved in process design for the project.

ISF is an independent, Not-For-Profit research consultancy based at the Sydney University of Technology (UTS). The consultancy team working with Council is led by Associate Professor Michael Paddon, Director, with Research Principal Emma Partridge and Senior Research Consultant Dr Jason Prior. ISF is also seeking expert advice from two internationally renowned professionals, Graham Sansom from the UTS Centre for Local Government and Prof Lyn Carson from the University of Sydney, an expert in participatory democracy and community engagement.

ISF have presented to Council on two occasions about the process for Ashfield Council's Strategic Plan (November 2008 and March 2009), and have conducted interviews with Councillors about their vision for the process and the future of the Ashfield Council community.

### **Community Engagement**

### **Ashfield's Biggest Conversation**

The community engagement strategy for Ashfield Council's Strategic Plan is called Ashfield's Biggest Conversation. The strategy enables Council to capitalise on its existing relationships in the community, as well as provide an opportunity to reach other stakeholders not generally connected with Council's planning and community engagement processes.



The strategy provides stakeholders with a number of ways to participate in the process, from written surveys, to face to face meeting, public conversations and online opportunities.

The strategy has been designed in accordance with Council's Community Engagement Policy and Toolkit and, through various stages, aims to encourage participation at the Inform, Consult, Involve and Collaborate levels on the IAP2 Spectrum.

The community engagement strategy can be described in three phases:

### Phase 1 - Broad Community Engagement (March – May)

- Consultation via Ashfield Council's Existing Activities, networks and events. including: Book Groups, Home Library Morning Tea, school visits, Access Committee, Seniors Action Committee, Ashfield Business Chamber, Youth Week, Seniors Week
- Town planning focussed consultations in Ashfield Mall, and stakeholder workshops
- Focus Groups with representatives from Council's Chinese community
- Meet Your Councillor Session

 Public Conversation #1, Wednesday 20 May, 6.30pm – 8.30pm, Ashfield Boys High

### Phase 2 - Developing options and priorities for our community's future (June - August)

 Public Conversation #2, Wednesday 5 August, 6.30pm – 8.30pm, Ashfield Boys High

### Phase 3 – Providing feedback on the Draft Strategic Plan (September/October)

Public Exhibition

The public conversations are scheduled to be held at Ashfield Boys High School Hall, a neutral venue close to parking and public transport. These sessions will be run as facilitated "world café" style sessions, involving small group work around set questions.

Events for Ashfield's Biggest Conversation are being widely promoted via Council's website, newsletter, weekly column in the "Inner West Courier", display advertising in the "Inner-West Weekly", media relations, invitations and posters displayed on Council's noticeboards. An invitation to the public conversations is currently being printed.

### Meet Your Councillor session

A successful Meet Your Councillor session was held at Ashfield Mall on Saturday 18 April as part of Ashfield's Biggest Conversation. This event was attended by six Councillors, including the Mayor, and provided an opportunity for Councillors to work through the five broad questions with local residents, and record answers on the 'Conversation Capture' tool developed for this purpose.

Another Meet Your Councillor session as part of Ashfield's Biggest Conversation will be scheduled in consultation with the Mayor and Councillors.

### Reporting

The outcomes of each session are captured in a "conversation capture" reporting template developed specifically for Ashfield's Biggest Conversation. The template enables Council to capture some demographic data, as well as the key issues raised by session participants. All reports will be entered into an electronic database and analysed by ISF to identify emerging issues. The website will also be update with emerging issues as throughout the community engagement program.

### **Encouraging maximum participation**

Councillors and Council staff have expressed a strong interest in ensuring our strategic planning process reaches those people who are "seldom engaged" in our community.

This may include, but is not limited to, youth, seniors and people from a Culturally or Linguistically Diverse (CALD) background, such as Ashfield's Chinese, Italian and Polish communities, as well as the emerging community from the Sub-Continent.

Council's Annual Community Survey results from 2008 also indicated the 18-39 year old age bracket felt somewhat disconnected from Council's community engagement and decision-making processes.

### **UPDATE ON ASHFIELD COUNCIL'S STRATEGIC PLAN**

Council is addressing this issue by undertaking a detailed process of stakeholder identification and determining the appropriate strategies to reach different stakeholder groups, including face to face meetings, workshops in with different cultural groups and online engagement.

ISF have also developed a working paper on the seldom engaged. Please refer to Appendix III.

### Online community engagement

Councillors and Council staff have expressed a keen interest in providing opportunities for the "time poor" people in our community to participate in Ashfield's Biggest Conversation via the World Wide Web. With the advent of Web 2.0, the use of social networking sites and online forums is exponentially increasing.

Indeed, the statistics from the 2006 Census indicate *more than 62% of households* in the Ashfield Local Government Area have an internet connection, with this number almost certain to have increased since 2006.

Council staff are currently investigating the use of new online community engagement tools such as Discussion Forums, Frequently Asked Questions, Quick Survey and Videos for Ashfield's Biggest Conversation and future community engagement projects.

### **Financial Implications**

Nil

### **Other Staff Comments**

Nil

### **Public Consultation**

As outlined in the body of this report.

### Conclusion

The development of the strategic plan is progressing well and the model for community engagement is proving a successful method of seeking opinions from a broad range of stakeholders.

### **ATTACHMENTS**

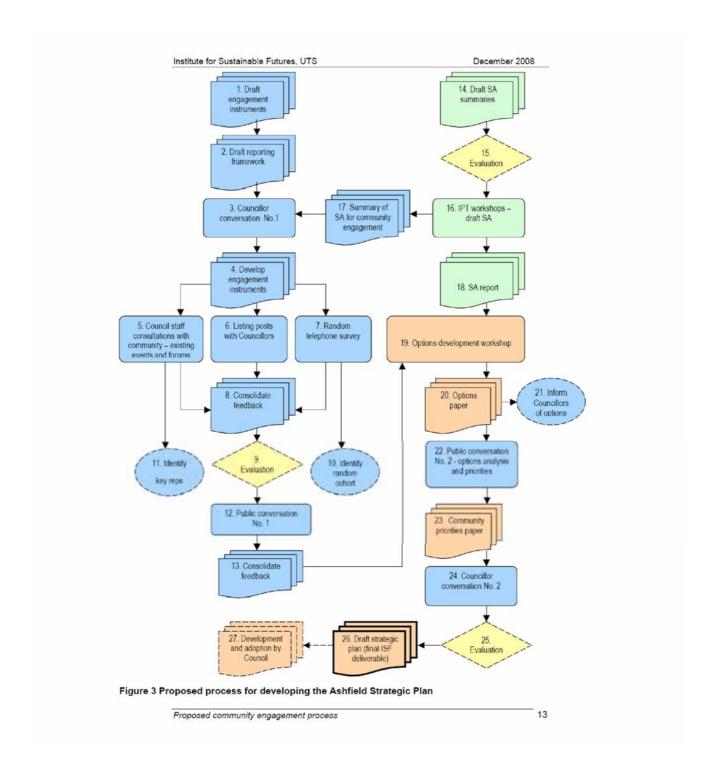
Attachment 1	Process Flow Chart	1 Page
Attachment 2	Storyboard panels produced to provide stakeholders	12 Pages
	with background information about the strategic	
	planning process and Council's services and facilities	
Attachment 3	Calendar of Community engagement events being	7 Pages
	conducted by Ashfield Council as part of "Ashfield's	
	Biggest Conversation"	
Attachment 4	Working paper on consulting the 'Seldom Engaged'	11 Pages
	- Page 315 -	

people in our community, developed by the Institute for Sustainable Futures (ISF)

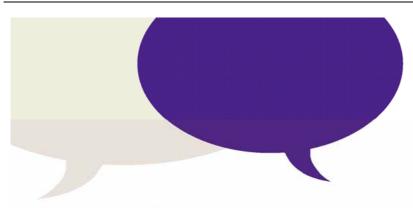
### **RECOMMENDATION**

- 1/2 That Council notes the dates and venue for the public conversations for Ashfield's Biggest Conversation:
  - Public Conversation #1, Wednesday 20 May, 6.30pm 8.30pm, Ashfield Boys High
  - Public Conversation #2, Wednesday 5 August, 6.30pm –
     8.30pm, Ashfield Boys High
- 2/2 That Council notes the progress on the new strategic plan and provides comments and/or feedback.

Attachment 1 Process Flow Chart



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# Ashfield's Biggest Conversation

Have you thought about the type of place and community you would like to be a part of in the future?

Council is having a series of conversations with people who live, work or have an interest in the Ashfield Council area. These conversations are about your vision, opinions and ideas for the future of our area over the next 10 years.

This vision will be reflected in Council's new Strategic Plan and will guide our future work, services and policies. Come and speak to us at Youth Week, Seniors Week, library and community activities or through online forums. We will also hold two public conversations, which will be an opportunity for anyone to have their say on the future of our Council area.

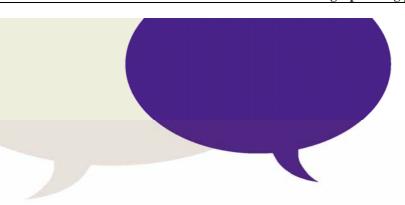
Phase 1 involves broad consultation to seek your ideas, opinions and goals for the future of the Ashfield Council area.

Phase 2 will involve identifying key issues and discussing options and priorities.

Phase 3 will involve developing a Strategic Plan which reflects the shared community and council vision. A draft will be made available for your feedback, before being adopted by Council.



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# Ashfield's Biggest Conversation

### What is the timeline for the project?

Conversations will commence in March 2009 and run through to May. A draft Strategic Plan which incorporates our community's vision will be available for comment and feedback in September 2009.

### Who will the plan involve?

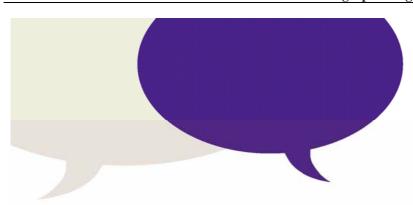
Ashfield Council wants to hear from as many people in our community, of all ages and backgrounds, about their vision for the local area and ideas for action.

### This includes:

- Residents
- Ratepayers
- People who work in the Ashfield Council area
- Young People
- Seniors
- · People with a disability
- High school and primary school students
- Local business owners and operators
- Community groups and organisations
- People from a Culturally & Linguistically Diverse background
- Sporting clubs and organisations
- State Government Departments

We will provide a range of opportunities for you to participate in our visioning process, including discussions, workshops, art competitions, online forums, surveys, visits to schools and community groups. Meet Your Councillor sessions and two public conversations.







## Ashfield's Biggest Conversation

### How will your feedback be used?

Keep a track of what people are saying by visiting Ashfield Council's website @ www.ashfield.nsw.gov.au, which will be regularly updated. Through Ashfield's Biggest Conversation, Council and the community will identify key issues and priorities, as well as strategies for achieving our shared vision. This input will be reflected in the strategic plan. A draft plan will be made available for public comment, so you can check to make sure your feedback and the community's ideas have been accurately reflected in the plan.

### Integrated Planning & Secondary Plans

The results of "Ashfield's Biggest Conversation" will also inform a range of Council's secondary plans, which are required by the NSW Government. This will ensure all of Ashfield Council's services are delivered in a well-coordinated manner according to the community's priorities.

- Local Environmental Plan
  - Town planning 'law' for Ashfield, guiding development and urban planning for the next 30 years
- · State of Environment Report
  - Reporting on Council's environmental management and milestones
- Social Plan
  - Describes the local community, identifies key needs and issues facing the community, and outlines strategies Council will implement to address these needs.

- Sustainable Asset Management Plans
- Plans for maintaining, repairing and/or renewing Council's assets, including roads, footpaths, aquatic centre, parks, community buildings, stormwater infrastructure and public amenities.
- Management and Financial Plans
  - Medium-term plans for Council's operations, service delivery and budget

### Want to be part of Ashfield's Biggest Conversation?



Keep your eye out online @ www.ashfield.nsw.gov.au on Council noticeboards and in the local media and or contact **9716 1906** to register your interest in being part of Ashfield's Biggest Conversation.





# Facts and Figures about the Ashfield Council area

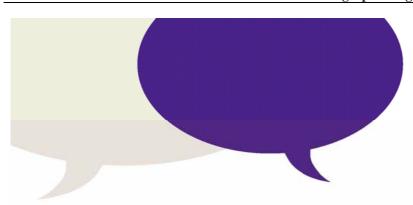
According to data from the 2006 Census\*

Location	Approximately 6 – 12 Kilometres south west of Sydney's OBD
Suburbs	Ashfield, Haberfield and Summer Hill, the eastern part of Croydon and the fringes of Ashbury, Croydon Park and Hurlstone Park
Size	8.29 square kilometres
Population	39,607
% population aged 0 – 4 years	5.6%
%population aged 65 years and over	14.5%
%overseas born	42.9%
Country of birth for 3 top overseas birth places in order	Onina, Italy, India
Top 3 languages other than English spoken at home	Mandarin, Italian, Cantonese
% of population and religious affiliation – main responses	Catholic (33.7%); no religion (20.9%), Anglican (8.8%); Buddhism (4.7%); Eastern Orthodox (4.1%)
Marital status	Married (44.8%); never married (38.7%); separated or divorced (10.4%); widowed (6.2%)
The most common occupations for employed persons	Professionals (31.2%); clerical & administrative workers (16.4%); managers (11.8); technicians and trades workers (10.25); sales workers (9.3%)
Family characteristics of all families	Couple families with children (45.1%); couple families without children (36.6%); one parent families (15.1%); other families (3.2%)
Dwelling characteristics of all private dwellings	Separate houses (38.9%); semi-detached, row or terrace houses, town houses, etc (13.1%); flats, units or apartments (47.1%); other dwellings (0.9%)
Private dwellings owned	27.8%
Private dwellings being purchased	23.0%
Private dwellings rented	39.4%
Household composition of occupied private dwellings	Family households (59.8%); lone person households (27.3); group households (6.5%)

<sup>\*</sup> Some values have been adjusted, such as introduced random error, to ensure that no data are released which could risk the identification of individuals in the statistics. These adjustments may have a significant impact on the calculated percentages.



Visit the Community Profile and Atlas online @ www.ashfield.nsw.gov.au for more demographic and statistical information about our community.





### What Local Councils do

Councils provide and fund a wide range of service and activities.

These activities can be classified by broad responsibility areas. Examples include:

#### Local Roads

- · Construction & Maintenance
- · Footpaths and kerbing
- · Street lighting
- · Oycling tracks

### Waste Management

- Rubbish collection & disposal
- · Recycling

### Recreation Facilities

- · Sporting facilities
- · Swimming pools
- · Skate parks
- Playgrounds
- · Culture & Education
- · Arts centres
- · Library Services
- · Festivals & Events

### Appearance of public areas

- · Provision of local parks and gardens
- · Upkeep of local parks and gardens
- Streetscape
- · Street cleaning and litter collection

### Health and Human Support Services (excluding Hospitals)

- · Community care
- · Community buses
- Immunisation
- · Child care
- Senior Citizens Centres
- Community Centres
- Youth Services and Centre
- · Disability services
- · Migrant services

### Traffic management and parking facilities

- · Provision of parking
- Local road safety

### Town planning & approvals

- Building and development assessments
- Urban planning
- Protection of heritage sites

### **Environmental Management**

- Stormwater
- Bushcare
- Maintenance of waterways and drains
- · Noxious weed control

### Regulatory Services

- · Enforcement of by laws
- Food and health
- Animal control
- · Fire prevention
- Noise

### **Funding Council Services**

The services provided by Council must be funded properly and delivered in a way that meets community standards. In NSW, Council rates (taxes on property calculated on the basis of land value) account for 36% of total funding. Additional income in the form of user fees and charges (e.g. building application fees, charges for use of infrastructure) makes up another 34%, while grants from the Commonwealth or NSW State Government account for about 13% of Council funds.







# **Our Community Well-Being**



### What Ashfield Council does to promote community well-being:

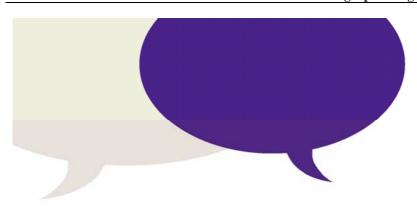
- Youth Week, Seniors Week and NAIDOC Week
- Runs the Ashfield Library and Haberfield Branch Library and a range of library-based events and activities, including a Home Library Service
- · Promotes community harmony and develops strategies for inclusiveness
- Provides free monthly immunisation clinics for babies and children
- · Holds monthly citizenship ceremonies for new Australian residents
- Holds annual Australia Day Awards
- · Funds the Ashfield Men's Shed, a woodwork program for local men

- Organises free community festivals and events including
   Offers recreational and leisure programs for seniors, including bus trips and aquatic centre programs
  - Offers free parenting support programs
  - · Puns the 'Youth Zone' weekly program for young people
  - Runs free school holiday activities
  - · Funds children's programs, including 'The Red Bug' playgroup at Ashfield Park
  - Coordinates the Artist in Residence program at Thirning Villa
  - Translates information into community languages
  - Provides meeting space for community groups at low or no cost
  - Offers monetary grants for eligible community groups and Not-for-Profit organisations

#### Some challenges for the next 10 years:

- · How do we advocate for ageing and care - particularly for people with dementia?
- How do we retain light industries in the Local Government Area (LGA), promote employment assistance programs to increase levels of employment?
- How do we retain existing affordable housing stock and develop new stock where possible?
- · How do we provide family support, such as intergenerational mixing, the creation of imaginative play spaces for children in our parks?
- · How to establish life long learning opportunities, such as English language learning, access to TAFE and Adult Education opportunities.
- · How do we assist in building networks of supportive relationships - such as encouraging volunteering, create good community spaces in new Civic Centre?
- How do we develop a planned strategy that provides positive alternatives to the many alcohol and gambling outlets prevalent throughout the LGA?







### Our Economy



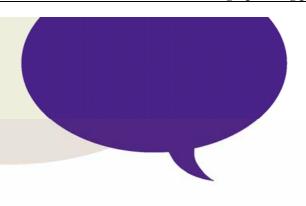
### What Ashfield Council does to promote economic growth and encourage active retail areas with a good mix of employment:

- Employs a full time Economic Development Officer to work with local businesses and generate growth in the regional and sub-regional economy
- Maintains AshfieldBusiness.com.au, an online register of local businesses and information for current and potential business owners in the Ashfield Council Area
- Participates as the Secretary of the Ashfield Business Chamber, incorporated in October 2008 as a representative voice of local business in the Ashfield Council area
- Working with businesses and residents to revitalise the Croydon North precinct through the development of a Landscape Masterplan for the area
- Pluns the Welcome Shop Awards to promote good shopfront presentation and shop access in Ashfield's Town Centre
- Works with local cultural organisations to run cultural events and festivals in Ashfield's Town Centre, including the 5th Ohinese Cultural Festival and the Lunar New Year celebrations in 2009.

### Some challenges in the next 10 years:

- How do we achieve sustainable and appropriate economic development?
- How to realise the economic potential of the Town Centres and Parramatta Road?
- How do we increase the number and type of businesses in Ashfield?
- How do we increase the number of jobs in Ashfield?
- How do we promote and encourage the distinctive nature of our neighbourhood shopping precincts?







## **Transport and Accessibility**



### Our goal is to provide:

- Continuous improvement of pedestrian safety and amenity
- · A well managed regional road network
- Adequate transport access including provision of cycling facilities and parking areas to encourage cycle and public transport usage
- Continuous improvement of bicycle safety and amenity
- The needs of the frail, aged and people with disabilities be considered in the provision of transport and accessibility services

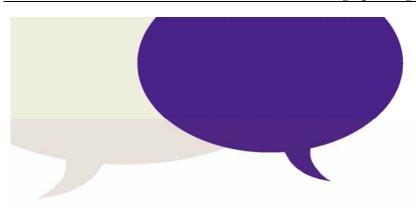
### What Ashfield Council does to promote transport and accessibility:

- · Audit of streets and footpaths
- · Road resurfacing and footpath repair program
- · Stormwater projects funded by the Stormwater levy
- · Findings of the accessible pathways study implemented
- Bicycle infrastructure safety assessment of the existing bicycle network completed

### Some challenges in the next 10 years:



- How do we achieve increased Federal roads funding?
- How to increase resident satisfaction with road and footpath maintenance and public transport services and infrastructure?
- How do we increase the coverage and connectivity of cycleways and cycle networks?
- How to increase the proportional use of public transport and car alternatives?





## Housing and Urban Environment



#### Our goals:

- A pleasant, well maintained and well serviced urban environment
- · Sensitive conservation of the important built heritage
- · Protect the character and amenity of our neighbourhoods

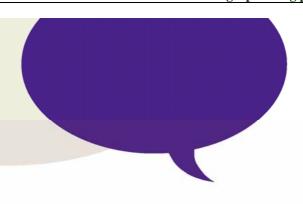
### What Council does to promote a pleasant and functional housing and urban environment:

- New Development Control Plan for the Ashfield Town Centre
- · Identifying and protecting our heritage assets
- Ashfield Clean team expanded to record and remove incidents of graffiti
- Section 94A Plan to allow levying of appropriate developer contributions to improve public facilities
- Advocating community interests in response to State Government development policies
- Providing better access and useability of future housing by requiring universal accessible design

### Some challenges over the next 10 years:

- How do we ensure our community's values are reflected in the new urban planning strategy and Local Environmental Plan (Town Plan) for Ashfield to protect and enhance our environment?
- How do we go about rejuvenating Parramatta Road and our town centres?
- Provide new and improved guidelines for the preservation and maintenance of heritage properties
- How do we support and retain affordable housing initiatives?
   Should this be a focus for Council?







# Sport, Recreation and Culture



### Vision

- Accessible and diverse sporting, recreational and cultural amenities
- A balance of facilities for organised and passive recreation
- Accessible, innovative and safe play spaces for children

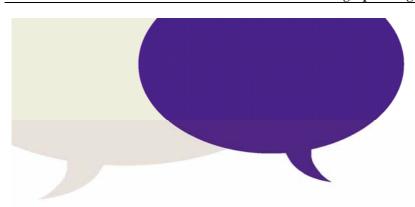
### What Council does to promote sport, recreation and culture:

- · Provides and maintains parks and sporting facilities
- · Ashfield Aquatic Centre
- Plans of Management for Ashfield Park and Pratten Park, to guide the parks' maintenance and management for the future
- Restoration of the historic grandstand at Pratten Park
- · Development of Ashfield Cultural Plan

- · Ashfield Playground strategy
- Regional youth theatre partnership with the Councils of Burwood, Canada Bay, Leichhardt and Strathfield
- Authors at Ashfield Program of author talks, poetry events, Sydney Writers' Festival and book groups

#### Some challenges over the next 10 years

- Ashfield Council
- How do we manage the increasing cost of maintaining community facilities?
- How to increase sponsorship for community events and festivals?
- How can we increase funding for local community groups?
- How do we develop recreational programs and facilities that respond to all ages and cultures?
- How do we manage increased demand for our existing sporting facilities?





# **Natural Environment**



### Our goals:

- A community that protects its flora and fauna and contributes to the preservation of the earth's environment
- A community that protects, develops and increases Ashfield's open space

#### What Council does to promote a sustainable natural environment:

- Implements the Cooks River to Iron Cove GreenWay "Making Sustainability Work" grant project
- Participates in the Cooks River Sustainability Initiative, a regional partnership to improve the health of the Cooks River
- Implements the Street Tree Strategy to maintain and appropriately replace Ashfield street trees
- · Campaigns to reduce illegal dumping
- · Establishes green strategies within Council's operations
- Promotes the Sharps Disposal Program to nonparticipating local Pharmacies which increased the number of participating pharmacies
- Implements strategies to improve to commercial waste management practices
- · Promotes of water saving measures
- Prepares & implements Plans of Management for Ashfield and Pratten Parks

### Some challenges over the next 10 years

- How do we achieve a reduction of domestic waste disposal to landfill?
- How do we achieve a reduction in residential and commercial water use?
- How to increase native vegetation along waterways and in parks and reserves?
- How to increase the survival rate of Council planted trees?
- How to increase the overall funds applied to environmental projects?
- How to achieve a reduction in Council's greenhouse gas emissions?





This project has been assisted by the NSW Government through its Environmental Trust





# **Our Organisation**



### Vision:

- · A financially sound and prudently managed organisation
- An elected Council that is progressive, understanding, cohesive, proactive and consultative
- A results driven, customer focused organisation that has high credibility with customers and values its staff

### What Council does to promote a customer focused and efficient organisation:

- Redevelopment of the Ashfield Council Centre to create a modern, accessible and community-focused facility
- Annual community telephone surveys to seek feedback on customer satisfaction
- Established an integrated planning framework to promote a cohesive and efficient organisation
- Developed Council's first 10 year financial plan to promote strategic and prudent financial management
- · Development of a Statement of Business Ethics
- New IT systems introduced for payroll, customer requests, asset management and information technology
- Community engagement policy to promote robust and meaningful engagement with the Ashfield community.



### Some challenges over the next 10 years:

- · How do we manage continuing financial constraints?
- · How will we continue to attract and retain good staff?





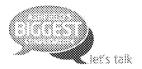
### Community Engagement Calendar for "Ashfield's Biggest Conversation" – Ashfield Council's Strategic Plan

### 1. Existing Activities and Events

Code	Date	Activity	Venue	Officer	Description	Resources	Report Received
ABC01	Sunday 5 April 2009	Youth Week Skate Comp	Darrell Jackson Gardens	Camille Cavill	2-3 questions printed onto corflute and black texta attached. An opportunity for young people to post their ideas on the wall. Freddo's handed out to those who participate.	Conflute Questions     Textas     Freddos	
ABC02	TBC	Korean Community Group Meeting	Ashfield Aquatic Centre Community Mee	Jae Yang	Casual discussion around the 5 questions, Jae to assist in facilitation	Translated materials	Yes
ABC03	TBC	Weekly Table Tennis	The Haberfield Centre, 78 Dalhousie Street, Haberfield	Anthia Hart	Casual discussion around the 5 questions, Anthia to assist in facilitation	Sticky Wall Kit?     Butcher's paper	
ABC04	Weekly, Tuesday	Youth Zone	Goodman Hall, Holden Street, Ashfield	Camille Cavill	General conversation around kitchen table with5- 10 young people. Camille to take notes and hand out incentive/prize	• Freddo Frogs	
ABC05	28 April	Ashfield Boys' High Consultation – Student Representative Committee	Ashfield Boys' High	Melanie Winthorpe	Meeting with 40 students from SRC, potential to run another session with another school		
ABC06	April/May	High school poster or essay competition	N/A	Melanie Winthorpe	Themed poster or essay competition with local high		

Community Engagement Calendar for Ashfield's Biggest Conversation

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					schools, facilitated by Sustainability, prizes offered. Winning entries showcased in Council's website, in libraries etc		
ABC07	15 April	Ashfield Youth Committee	Ashfield Council Chambers	Camille Cavill	Put "Ashfield's Biggest Conversation" on Agenda for next meeting. Facilitated discussion of the 5 questions.	Sticky Wall     Storyboard     Panels	
ABC08	April 20	Ashfield Business Chamber Consultation	Ashfield Council Chambers	Duncan Gilchrist	Agenda Item for Chamber's discussion around 5 questions, with a business focus.	Sticky Wall	
ABC09	Wednesd ay 6 May 2009	Storytime Ashfield	Ashfield Library	Alex Mills	1. Stories and discussion to invoke the ideas of community and place, enabling the children and their parents time to think about what they do and don't like about living in Ashfield.  2. Collage craft to allow the children to express in a visual medium what they like about 'where they live'. These images will be recorded digitally	Camera Collage template Craft materials Morning team Pens Picture books	



						3	.www.
					along with discussion notes from each child.  3. Parents will be asked to respond in writing about what they do and don't like about their children living in Ashfield, and 'In ten years time they would like their children to live in a place that (A5 size)		
ABC10	11am, Thursday 7 May 2009	Storytime Haberfield	Haberfield Library	Alex Mills	As per Storytime Ashfield (ABC09)		
ABC11	Monday 30 March 2009	Home Library Morning Tea	Haberfield Library	Therese Scott	Face to face interview with selection of home library customers		Yes
ABC12	Week of Monday 27 <sup>th</sup> April 2009	Mothers Group Dream Tree: The world my child will live in!	Summer Hill Community Centre	Alex Mills	The "dream tree" concept will be used as a tool for the Mothers Group to discuss their values, hopes and wishes for their families.	Staff Butcher's paper, pens	
ABC13	Early May	Classroom Crash	High school classrooms x 4	Alex Mills	Group brainstorming activity on each of the consultation questions	Staff time (Alex and Sarah Phillips_ Recording Materials (Butcher's	





						paper, pens)	**************************************
ABC14	Early May	Teen Dreams	Ashfield Library	Alex Mills	Group dream tree exercise based on the consultation questions – group of teens invited to participate in session	Staff time Recording materials Camera	
ABC16	TBC	The Red Bug	Ashfield Park	Jae Yang			
ABC17	TBC	Children's Directory Mail Out & Survey		Jae Yang	Distribute a survey based on the 5 questions with the Children's Directory – prize/incentive offered	• Prize	
ABC18	TBC	Playgroup mail out & Survey		Jae Yang	Distribute a survey based on the 5 questions with the Children's Directory – prize/incentive offered	● Prize	
ABC19	April	Authors at Ashfield mail out		Therese Scott	Send with an invitation to "Ashfield's Biggest Conversation" – Public Conversation #1		
ABC20	April and May	Ashfield & Haberfield Library Display		Therese Scott	Display of storyboard panels, sticky wall for comments from library patrons		
ABC21	21 March 2009	Harmony Day 2009					
ABC22	15-22 March 2009	Seniors Week 2009	Summer Hill Community Centre		Facilitated discussion using set questions at the conclusion of a garden workshop.		
ABC23	Wednesd ay 1 April 2009	First Wednesday Book Group	Ashfield Library	Therese Scott	Group discussion on 5 questions	Sticky Wall Kit	

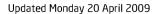
Community Engagement Calendar for Ashfield's Biggest Conversation





ABC24	Tuesday 14 April 2009	Haberfield Book Group	Haberfield Library	Therese Scott	Group discussion on 5 questions	Sticky Wall Kit
ABC25	Friday 17 April 2009	Authors at Ashfield	Level 3, Ashfield Civic Centre	Therese Scott	Group discussion on 5 questions	Sticky Wall Kit
ABC26	Monday 6 April	Access Committee	Level 3, Ashfield Civic Centre	Ruth Paillas	Group discussion on 5 questions	
ABC27	Monday 6 April	Seniors Action Committee	Level 3, Ashfield Civic Centre	Ruth Paillas	Members have been mailed a survey	
ABC28	April	Ashfield Youth Theatre	Online	James Winter	Survey on MySpace	
ABC 29		Community Services Committee		Gerard Howard	ТВА	
ABC 30		LIMEAC Committee		Gerard Howard	ТВА	
ABC31	Saturday 18 April	Meet Your Councillor session		Carolyn Walker	Councillors to ask community members the 5 questions and record answers	

NB. Therese Scott has offered 2 signed copies of "People of the Book by Geraldine Brooks as prizes. Please let me know if you are interested.





2. Additional community engagement activities planned for Ashfield's Biggest Conversation - to support the Ashfield Local Environmental Plan and reaching "seldom engaged" groups in our community



Code	Date	Activity	Venue	Officer	Description	Resources	Report Received
ABC32	Thursday 16 May	Chinese Migrant Welfare Association Focus Group	Ashfield	Cathy Gao	Survey has been translated into Chinese. Other details TBC.	•	
ABC33	Мау	Italian Community	Haberfield Centre	Ruth Paillas/Ant hia Hart	Survey has been translated into Italian. Discussion with Italian Seniors Group.	•	
ABC34	Мау	Indian Community		Gerard Howard	TBC	•	
ABC35		Polish Community		Gerard Howard	TBC	•	
ABC36	April	Exodus Foundation		Gerard Howard/ Anthia Hart	Meeting and discussion with men's group	•	
ABC37	TBA	Boarding/Lodging Houses		Gerard Howard		•	
ABC38	May 6	Town Planning Display in Ashfield Mall	Ashfield Mall	Con Colot	Display in Ashfield Mall with opportunity to provide comments	Storyboard panels	
ABC39	May	Stakeholder Focus Groups for LEP	Ashfield Council	Con Colot	Focused discussion with self-nominated and invited stakeholders regarding guiding principles for urban planning strategy.	•	
ABC40	Wednesday 20 May	Public Conversation #1	Ashfield Boys High	Lauren McIver	Facilitated world café style discussion around key themes and issues that have emerged from initial	•	

Community Engagement Calendar for Ashfield's Biggest Conversation



August

13 May, 2pm

- 4.30pm

ABC43 Wednesday

#### Updated Monday 20 April 2009

Lauren

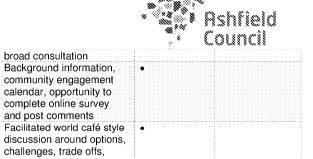
McIver

Lauren

McIver

Cathy Gao

priorities.



Other stakeholders identified and to be invited to public conversations:

www.ashfield.ns

w.gov.au

High - TBC

o Sporting clubs and associations

ABC41 April - August Online display, survey

and forum

ABC42 Wednesday 5 Public Conversation #2 Ashfield Boys

focus group

Chinese community

- Churches
- o Artists @ Ashfield
- Major clubs
- Police and emergency services
- Ella Community Centre
- Also refer to list of stakeholders in Council's Community Engagement Toolkit pages 16-17

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### **Engaging the seldom heard groups**

In the context of local government, 'seldom heard' is a term used to describe those sections of the community that are difficult to involve in public participation. It takes considerably more initiative, imagination and effort to consult effectively and inclusively with certain sections of the community.

The following list provides a framework for engaging with the 'seldom heard' aspects of Ashfield's community during the Ashfield Community Strategic Planning process. The framework incorporates the 'seldom heard' segments of the Ashfield community identified during:

- A series of interviews with Ashfield Councillors
- A series of workshops with small groups of Council managers.
- A review of the framework by the projects community engagement peer reviewer Lyn Carson

The framework separates the community segments of the 'seldom heard' that were indentified during these processes into a range of categories - demographic, cultural, behavioral reasons, and dwelling arrangements:

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- Demographic segments include young people, children, and 18 -39 year olds where understood as being seldomly heard in councils participatory processes.
- Cultural segments of the population including Culturally and linguistically diverse (CALD) communities, indigenous communities, and non readers/ writers where understood as being seldomly heard in councils participatory processes.
- Behavioural groups include the time poor (those who are in full-time work and/or work outside the council area) and disengaged
  people who are disillusioned with, or feel disconnected from Council's engagement process. For example 18 -39 year old people who
  were surveyed during the 2008 Ashfield Community Survey indicated that they felt disconnected from Council.
- Dwelling arrangements (such as renting or living in a hostel) of particular segments of the population were also identified as playing a
  key factor in why people seldom engaged with Council's community participation processes.
- Another identified group that were identified as being seldom heard from by council include those people who do not live in Ashfield LGA but regularly use its services and infrastructure, such as through commuters.

In addition to this list of population segments that are seldom heard by Council the list also identifies a range of community organisations, adjoining Local Government LGAs (Council's) and government agencies that need to be engaged in the participatory process associated with the development of the Ashfield Community Strategic Plan.

There are two separate questions that need to be addressed when developing mechanisms to engage with the 'seldom heard' groups identified in the table below. The first includes identification of organizations, key facilities and information systems that can be used to communicate with each 'seldom heard' group. The table below outlines potential strategies for establishing communications (via facilities commonly used by particular groups, service providers specific to particular groups, and techniques such as general pamphlet drops to access groups that can not be accessed directly through commonly used facilities or service providers). The second are the techniques that can be used to communicate with these groups, these are not shown in the table below, they can only be determined once communication channels are established. The techniques will depend on the advice that is received through the communication channels that are established (via those who manage facilities that are commonly used by specific groups or through the advise of service providers to those groups). Potential engagement techniques are suggested below:

- Listen posts, focus groups and other events can be developed in partnership with key service provider (e.g. set up a listening post at Centrelink).
- Use service provider mailing lists to send information to 'seldom heard' groups via pamphlets and other technologies such as text







messaging and casual sounding emails. These communications could provide general information about the community engagement process, direct people to the Ashfield Biggest Conversation webpage, make people aware of group specific engagement activities, and make people aware of (and distribute invitations to) the public conversations. Consideration needs to be given to the use of relevant languages, print sizes and media.

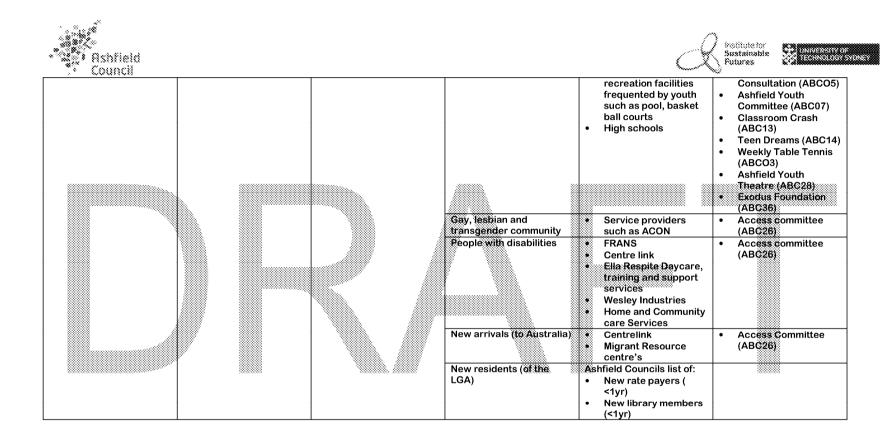
- Information advertising provide general information about the community engagement process, directing people to the Ashfield Biggest Conversation webpage, make people aware of groups specific engagement activities, and make people aware of (and distribute invitations to) the public conversations can be left at key service providers, sporting facilities, retail and commercial facilities, and other locations.
- Consultations can be conducted with the representatives of service organisations as well as the groups they represent.

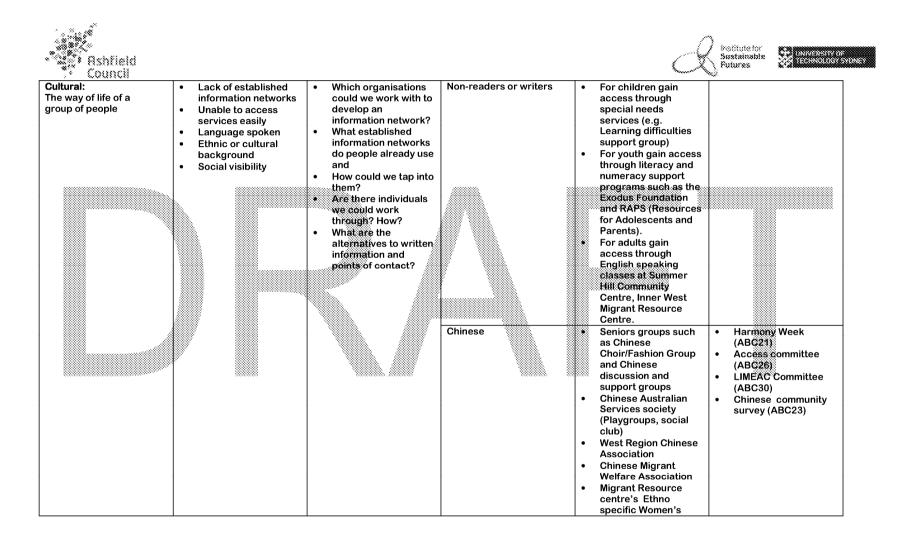


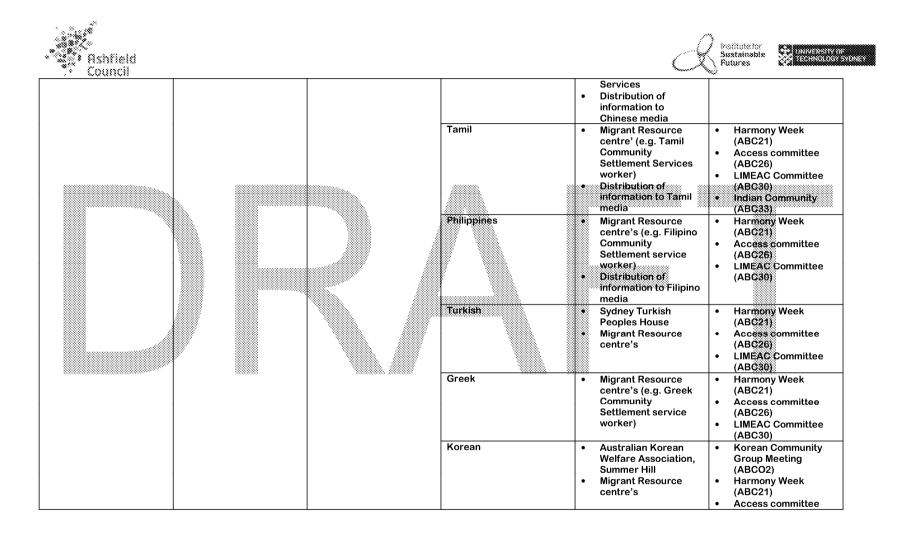


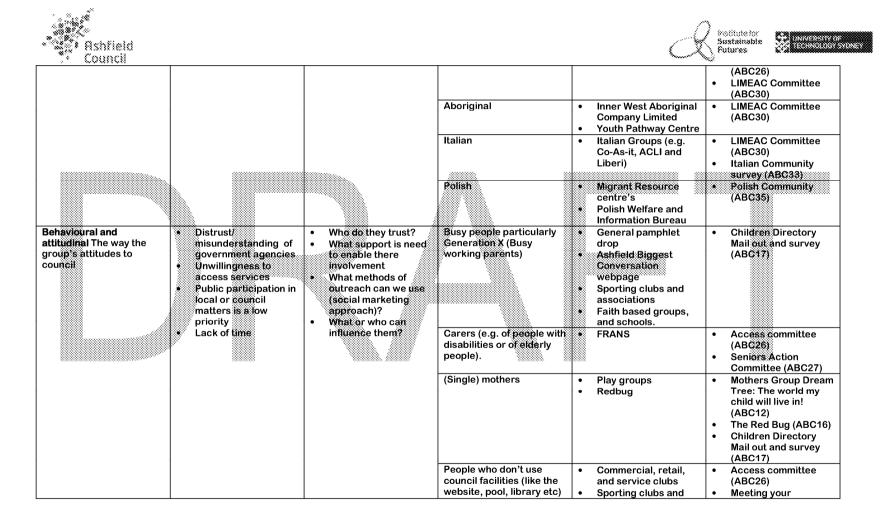


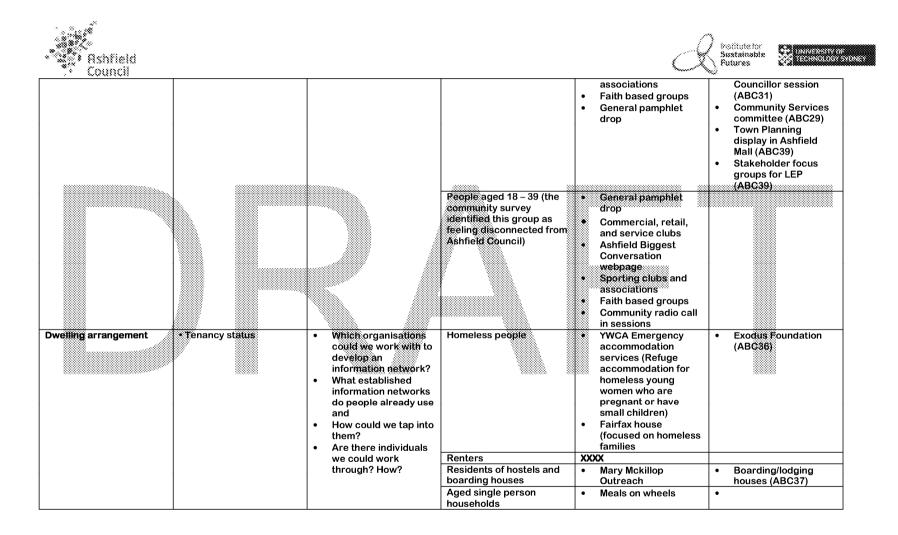
Meta categories for 'seldom heard' groups  Demographic: The quantity and characteristics of the group	Attributes of meta category  Large numbers Dispersed population Age Gender	Questions to ask when developing communication strategies / engagement techniques with these meta categories • Where are these groups found? • How many are there in the group? • What do members of the group have in common? • (Where) do they get together? • Who else contacts them and how?	'Seldom heard' group  Unemployed persons  Children (<12)	Potential communication strategies (key services providers, facilities utilized)  * Centrelink and other key service providers  * Primary schools  * Occasional and long day childcare services (e.g. Ashfield Baptist Church, Ashfield Mall, Wests Leagues Club) and playgroups.  * Council facilities used by children (e.g. pool, children's library and toy library)  • OOSH (Out of School	Current status in community engagement calendar  • Exodus Foundation (ABC36) • Story time Ashfield (ABC99) • Story time Haberfield (ABC10)
	***************************************			OOSH (Out of School Hours Care) and Vacation care such as the SHARE facility at Summer Hill.	***************************************
			Young people (teens to early 20s)	Street outreach services	Youth Week Skate Comp (ABCO1)
			- Carry 200/	Faith based groups	Youth Zone (ABCO4)
				(Youthworx)	High School poster or
				Scouts and Girl     guides groups	essay competition (ABCO6)
				guides groups  Sporting and	Ashfield Boy's High
i			l .	- Sporting and	- Asiliela boy's righ

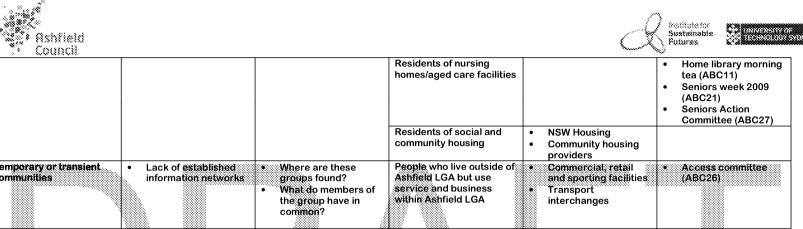




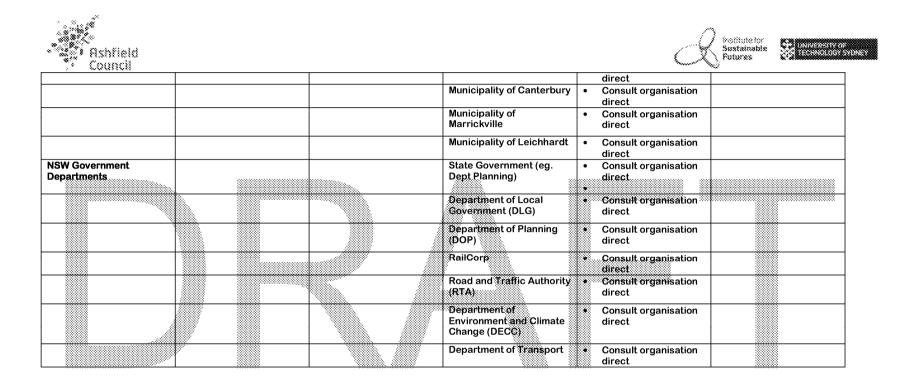








					Seniors Action     Committee (ABC27)
			Residents of social and community housing	NSW Housing     Community housing providers	
Temporary or transient communities	Lack of established information networks	Where are these groups found?     What do members of the group have in common?	People who live outside of Ashfield LGA but use service and business within Ashfield LGA	Commercial, retail and sporting facilities     Transport interchanges	Access committee (ABC26)
			Commuters at buses and train stations	Transport interchanges	Access committee (ABC26)
Community groups			Ashfield and District Historic Society, and other heritage groups	Consult organisation direct	
	/		Refugee suppart groups – migrant resources centre settlement services	Consult organisation direct	Access committee (ABC26)
Trades / Business community	*****		xxxx	XXXX	Ashfield Business     Chamber     Consultation (ABC08)
Transport providers			Transport providers	Consult organisation direct	
Surrounding Councils			Inner Metropolitan Regional Organisation of Councils (IMRQC)	Consult organisation Focused invitations to public conversations	
			City of Canada Bay	• Esashit srganisatish direst	
			Municipality of Burwood	Consult organisation	



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Subject BIODIESEL FUEL FOR DEPOT VEHICLES / PLANT

File Name Fuel > Alternatives

**Prepared by** Epeli Naivalu - Manager Operations

Reasons This is the first of six monthly reports to Council on the raw

material used in biodiesel fuel

**Objective** To provide Council with a six month report on biodiesel fuel

Strategic Plan Link N/A

Management Plan

**Activity** 

N/A

### **Overview of Report**

This report presents required responses to Council on biodiesel fuel.

### Background

Council Resolution 492/08 on 14 October approved the use of biodiesel fuel on diesel vehicles at Council's Summer Hill depot. This followed a successful trial of five months on three depot vehicles. Council was subsequently requested to provide six monthly reports providing an auditable listing of all the sources of biodiesel fuel provided by The Biodiesel Station (the supplier) including details of exactly what plant and animal matter is used.

Depot vehicles transitioned to biodiesel fuel on 18 November 2008.

The Biodiesel Station (TBS) has now been supplying Ashfield Council with biodiesel for five months. During this time TBS has supplied Ashfield Council with a B20 Biodiesel blend that is composed of 20% tallow-based biodiesel and 80% fossil diesel.

TBS, since April of 2008, has only purchased Biodiesel from one supplier, Biodiesel Producers Limited. The BPL plant is located near Albury, on the NSW/VIC border, and they use tallow as the raw material (feedstock) to produce Biodiesel.

TBS has no plans to change the current supplier as the quality of their fuel is superb, and BPL has no plans to change their feedstock from Tallow. Their tallow is locally sourced, and there is sufficient supply of tallow in that area to satisfy their production requirements.

Through the use of biodiesel fuel Council assists the environment by saving approximately 2 tonnes of GHD emissions into the atmosphere per month.

Council vehicles have had no adverse effects since transitioning to biodiesel fuel.

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### **Financial Implications**

Cost per litre is approximately \$1.25 (variable) which includes delivery to the depot.

### **Other Staff Comments**

Nil

### **Public Consultation**

Nil

### Conclusion

- Council's biodiesel supplier (TBS) uses biodiesel that has tallow as a raw material.
- The quality of biodiesel fuel is exceptional.
- TBS service standards are satisfactory.
- There are cost savings with the biodiesel fuel option.
- There are environmental advantages with the biodiesel fuel option.
- Council vehicles have had no adverse effects since transitioning to biodiesel fuel.

### **ATTACHMENTS**

There are no supporting documents for this report.

### **RECOMMENDATION**

That Council note the contents of this report.

Subject 2009 REFUGEE WEEK PROJECT

File Name Community > Activities > Multicultural

**Prepared by** Gerard Howard - Manager Community Services

**Reasons** Request by external agency for Council project support.

**Objective** To seek Council endorsement for the initiative

Strategic Plan Link Our Community Well-being

**Management Plan** 

**Activity** 

Our Community Well-being

### **Overview of Report**

Council has received a request to participate with other Inner West Councils in the signing of a Declaration to Welcome Refugees. This report provides the background to the request.

### **Background**

The Inner West Settlement Service has written to Council regarding a Refugee Week Project for this year's Refugee Week 2009, themed "Freedom from Fear". The service would like to involve Council in the project.

The Settlement Service notes that in a 2008 document produced by the Refugee Council of Australia, that of the five LGA's that make up the Inner West, Leichhardt Council was the only one to sign the 'Refugee Welcome Zone Declaration', which is "a commitment in spirit to welcoming refugees into our community, upholding the human rights of refugees, demonstrating compassion for refugees and enhancing cultural and religious diversity in our community." The Refugee Council states that this public commitment is also an acknowledgement of the tremendous contributions refugees have made to Australian society in the fields of medicine, science, engineering, sport, education and the arts.

The aim of the Refugee Council itself is to promote humane, flexible and constructive policies towards refugees, asylum seekers and displaced persons. Since the end of the Second World War, Australia has become home to over 600,000 refugees.

The Inner West Settlement Service, which is auspiced by the Smith Family, is keen to include Ashfield, Burwood, City of Canada Bay, and Strathfield Councils together in signing the Declaration on a day of celebration and fun during this year's Refugee Week: June 14 - 20. The celebration could be held simultaneously in each Council LGA, or combined at a venue each Council agrees on. The Community Development Manager with The Smith Family Community Settlement Services Scheme would be happy to be the head for this project with the assistance of Community Project Officers from participating

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### Ashfield Council – Report to Ordinary Meeting held on Tuesday 28 April 2009 **2009 REFUGEE WEEK PROJECT**

Councils. The Smith Family Community Settlement Services Scheme provides free community settlement services to newly arrived migrants, refugees and humanitarian entrants living in the Inner West.

The services states that it is in this spirit of increasing awareness and knowledge about Refugees and Humanitarian entrants that they invite the Inner West Council's to take into consideration this worthwhile event.

The Settlement Service would like Councils to consider this matter as they will be applying for a Small Grant from the Refugee Council to get funding for the provision of refreshments and possible entertainment for the signing of the Declaration. The Settlement Service is willing to organise the signing event in collaboration with any interested Community Project Officers.

### **Financial Implications**

No financial implication as the project seeks external grant funds. Any staff time commitment could be absorbed within existing work programs.

### **Other Staff Comments**

Nil

### **Public Consultation**

Nil

### Conclusion

Support for this initiative would send a positive message of compassion to people in great need. It would also signal Council's acceptance of cultural diversity in our community of Ashfield.

### **ATTACHMENTS**

There are no supporting documents for this report.

### **RECOMMENDATION**

That Council participate with other Inner West Councils in the signing of a 'Refugee Welcome Zone Declaration' during Refugee Week 2009.