

19 February 2016

Dear Councillor/Sir/Madam

You are invited to attend an **ORDINARY MEETING** of Ashfield Council, to be held in the Council Chambers, Level 6, Civic Centre, 260 Liverpool Road, Ashfield on **TUESDAY 23 FEBRUARY 2016 at 6:30 PM.**

SEE ATTACHED AGENDA

ORDINARY MEETING - 23 FEBRUARY 2016

AGENDA

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By remaining in this meeting, you consent to the recording of the meeting.

You are not permitted to record this meeting with any recording device, unless you have the express authorisation of Ashfield Council.

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**DRAFT MINUTES OF ORDINARY MEETING
TUESDAY 9 FEBRUARY 2016**

**DRAFT MINUTES OF THE ORDINARY MEETING OF ASHFIELD COUNCIL HELD
ON LEVEL 6, CIVIC CENTRE, 260 LIVERPOOL ROAD, ASHFIELD ON TUESDAY 9
FEBRUARY 2016, COMMENCING AT 6:38 PM.**

PRESENT

Her Worship the Mayor, Councillor McKenna OAM in the Chair and Councillors Cassidy PSM, Drury, Lofts, Mansour, Passas, Raciti, A Raiola, M Raiola, Stott, Wang and Wangmann

Ms V Chan	General Manager
Ms N Kettle	Director Corporate and Community Services
Mr P Sarin	Director Planning and Environment
Ms C Edwards-Davis	Director Works and Infrastructure
Ms P Mourgelas	Manager Corporate Governance
Ms J Anderson	Governance Officer

ACKNOWLEDGEMENT OF LOCAL ABORIGINAL COMMUNITY

"Let us acknowledge that we are meeting on country for which the members and elders of the local Aboriginal 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."

APOLOGIES/REQUEST FOR LEAVE OF ABSENCE

RESOLVED: Cassidy PSM/A Raiola

That Councillor Mansour be granted Leave of Absence for the period 23 April 2016 to 03 June 2016.

CONDOLENCE AND SYMPATHY MOTIONS

SUDDEN PASSING OF SYDNEY DEPUTY LORD MAYOR ROBYN KEMMIS

MM1/2016

RESOLVED: McKenna OAM

That a letter of condolence be sent to Deputy Lord Mayor Robyn Kemmis' partner Lynne expressing Council's sympathy.

Councillor Raciti left the meeting, the time being 6.39pm.

RESOLVED: Wangmann/McKenna OAM

That a letter of condolence be sent to the family of Mr Rod West, former Principal of Trinity Grammar School expressing Council's sympathy on his passing.

**DRAFT MINUTES OF ORDINARY MEETING
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That Council also send a letter to Trinity Grammar School expressing Council's sympathy on the passing of Mr Rod West.

MOMENT OF PRIVATE CONTEMPLATION

The chairperson invited Councillors, staff, members of the press and gallery to stand and observe a moment of private contemplation.

DISCLOSURES OF INTEREST

Councillor Cassidy PSM declared a Significant Non-Pecuniary Interest in item CM10.2 – 30 Chandos Street, Ashfield, due to having a proprietary interest in a nearby property. Councillor Cassidy PSM will leave the Chamber during consideration of this item.

CONFIRMATION OF MINUTES

RESOLVED: Drury/Mansour

That the minutes of the Extraordinary Meeting held on 27 January 2016 be confirmed.

RESOLVED: Drury/Mansour

That the minutes of the Council Meeting held on 15 December 2015 be confirmed.

RESOLVED: Drury/Stott

That the minutes of the Resumed Council Meeting of 10 November held on 24 November 2015 be confirmed.

RESOLVED: Stott/Lofts

That the minutes of the Ashfield Access Committee Meeting held on 09 November 2015 be confirmed and the recommendations contained within the minutes adopted.

RESOLVED: Lofts/Wang

That the minutes of the Ashfield Youth Committee Meeting held on 02 November 2015 be confirmed and the recommendations contained within the minutes adopted.

**DRAFT MINUTES OF ORDINARY MEETING
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DEVELOPMENT APPLICATION: 10.2015.239.1
23 PROSPECT ROAD SUMMER HILL

CM 10.1

Ms Ann-Maree Barclay addressed the meeting, commencing at 6.46pm and concluded at 6.48pm.

Ms Stephanie Gal addressed the meeting, commencing at 6.48pm and concluded at 6.50pm.

Councillor Raciti returned to the meeting, the time being 6.50pm.

RESOLVED: Stott/Lofts

1/3 That Council as the consent authority pursuant to Clause 80(1)(b) of the Environmental Planning and Assessment Act 1979 (as amended) refuse Development Application No. 10.2015.239.1 for demolition of existing structures of a four storey 25 room (including manager) boarding house accommodating 50 persons (including manager), car parking and associated works on Lot 50, DP 883, known as 23 Prospect Road, Summer Hill, for the reasons detailed on pages 30-31 of the business paper.

2/3 That Council write again to the NSW Police, seeking their comments including history of incidents at that site.

3/3 That if the proponent appeals this matter in the Land & Environment Court, Council engage Senior Counsel to defend refusal of the matter.

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

For the Motion

Councillors Stott, Wangmann, Cassidy PSM, Mansour, Wang, Lofts, Drury, A Raiola, M Raiola, Raciti, Passas and McKenna OAM.

Against the Motion

Nil.

The Motion was Carried

**DRAFT MINUTES OF ORDINARY MEETING
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DEVELOPMENT APPLICATION: 10.2015.197.1
30 CHANDOS STREET ASHFIELD

CM 10.2

Councillor Cassidy PSM left the meeting at 7.06pm having previously declared an interest in this item.

Councillor Passas left the meeting at 7.07pm and returned at 7.12pm.
Councillor Passas left the meeting at 7.15pm and returned at 7.23pm.

Ms Barbara Stephenson addressed the meeting, commencing at 7.07pm and concluding at 7.11pm.

Mr Duncan Reed addressed the meeting, commencing at 7.11pm and concluding at 7.20pm.

Ms Mary Foster addressed the meeting, commencing at 7.20pm and concluding at 7.25pm.

Mr Murray Cleaver addressed the meeting, commencing at 7.25pm and concluding at 7.30pm.

RESOLVED: Wangmann/Passas

1/3 That Council as the consent authority pursuant to Clause 80(1)(b) of the Environmental Planning and Assessment Act 1979 (as amended) refuse Development Application No. 10.2015.197.1 for partial demolition of existing boarding house and construction of a new four level extension to the rear to create a 27 room (incl. manager) and 49 bed (incl. 1 manager bed) boarding house above basement car parking on Lot 1, DP 169164, known as 30 Chandos Street, Ashfield, for the reasons detailed on pages 155-159 of the business paper.

2/3 That should Council's decision be contested, Council engage Senior Counsel to represent our concerns.

3/3 That Council write to the NSW Police seeking comments on past disturbances on the site and complaints.

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

For the Motion

Councillors Stott, Wangmann, Mansour, Wang, Lofts, Drury, A Raiola, M Raiola, Raciti, Passas and McKenna OAM.

Against the Motion

Nil.

The Motion was Carried

**DRAFT MINUTES OF ORDINARY MEETING
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DEVELOPMENT APPLICATION: 10.2015.241.1
21 CLISSOLD STREET ASHFIELD

CM 10.3

Councillor A Raiola left the meeting, the time being 7.38pm and returned at 7.39pm.

Councillor Cassidy PSM returned to the meeting, the time being 7.38pm.

RESOLVED: Passas/Mansour

That Council as the consent authority pursuant to Clause 80(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended) approve Development Application No. 10.2015.241.1 for the demolition of the existing dwelling and detached laundry; Construction of a two storey attached dual occupancy, two garages and front fence on Lot 1 in DP: 921417, known as 21 Clissold Street, Ashfield, subject to conditions.

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

For the Motion

Councillors Cassidy PSM, Mansour, Wang, Lofts, Drury, A Raiola, M Raiola, Raciti, Passas and McKenna OAM.

Against the Motion

Councillors Stott and Wangmann.

The Motion was Carried.

DEVELOPMENT APPLICATION: 10.2013.127.3
85 VICTORIA STREET ASHFIELD

CM 10.4

Mr Adam Harb addressed the meeting, commencing at 7.39pm and concluding at 7.40pm.

MOTION: Passas/Mansour

That Development Application No. 2013.127 for amalgamation of Lots 3, 4 & 13, DP 4272 and their subdivision into two lots, conservation works to "Mountjoy", and construction of 7 multi dwelling housing units with basement parking with access from William Street be modified in accordance with section 96(1A) of the Environmental Planning and Assessment Act 1979 to include conditions detailed on pages 264-267 of the business paper.

FORESHADOWED MOTION: Stott/Lofts

That Development Application No 2013.127 for a amalgamation of Lots 3, 4 & 13, DP 4272 and their subdivision into two lots, conservation works to "Mountjoy", and construction of 7 multi dwelling housing units with basement parking with access from Victoria Street be modified in accordance with section 96(1A) of the Environmental Planning and Assessment Act 1979 to include conditions detailed on pages 264-267 of the business paper.

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That soft and hard landscaping be completed prior to the occupation certificate being issued, and that the two trees be maintained to the satisfaction of Council.

A division was called on the substantive Motion and the voting was as follows:-

For the Motion

Councillors Cassidy PSM, Mansour, Wang, Drury, A Raiola, M Raiola, Raciti and Passas.

Against the Motion

Councillors Stott, Wangmann, Lofts and McKenna OAM.

The Substantive Motion was Carried.

The foreshadowed Motion was not addressed.

DEVELOPMENT APPLICATION: 10.2015.228.1
66 PALACE STREET ASHFIELD

CM 10.5

Mr George Tabbiche addressed the meeting, commencing at 8.03pm and concluding at 8.10pm.

Councillor Passas left the meeting at 8.04pm and returned at 8.10pm.

Councillor A Raiola left the meeting at 8.04pm and returned at 8.14pm.

RESOLVED: Mansour/Lofts

That Council as the consent authority pursuant to Clause 80(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended) approve Development Application No. 10.1015.228 for:

1. Demolition of existing dwelling house;
2. Construction of a dual occupancy development; and
3. Strata title subdivision.

on Lot 1 in DP: 650988, known as 66 Palace Street ASHFIELD, subject to conditions attached to the report with the exception of Conditions A(6) and A(9) which are to be deleted.

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

For the Motion

Councillors Cassidy PSM, Mansour, Wang, Lofts, Drury, A Raiola, M Raiola, Raciti, Passas and McKenna OAM.

Against the Motion

Councillors Stott and Wangmann.

The Motion was Carried.

**DRAFT MINUTES OF ORDINARY MEETING
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**DEVELOPMENT APPLICATION: 10.2015.232.1
69 HAWTHORNE PARADE HABERFIELD**

CM 10.6

Councillor A Raiola left the meeting at 8.15pm.

RESOLVED: Cassidy PSM/Mansour

That Council as the consent authority pursuant to Clause 80(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended) approve Development Application No. 10.2015.232 for the demolition of an existing dwelling and construction of a new dwelling with a subfloor level on Lot 4 in DP: 4385, known as 69 Hawthorne Parade, Haberfield, subject to conditions included in the attachment to this report.

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

Councillors Stott, Wangmann, Cassidy PSM, Mansour, Wang, Lofts, Drury, M Raiola, Raciti, Passas and McKenna OAM.

Against the Motion

Nil.

The Motion was Carried.

**DEVELOPMENT APPLICATION: 10.2015.095.2
157 BLAND STREET HABERFIELD**

CM 10.7

Ms Grace De Luca addressed the meeting, commencing at 8.17pm and concluding at 8.19pm.

Councillor Passas left the meeting at 8.19pm and returned at 8.26pm.

MOTION: Cassidy PSM/Mansour

That the Section 96 Application No. 10.2014.116.2 to modify development consent No. 10.2014.116.1 be approved.

FORESHADOWED MOTION: Lofts/Wangmann:

That Council as the consent authority pursuant to section 80(1)(b) of the Environmental Planning & Assessment Act 1979 refuse consent to development application No. 10.2014.116.2 to modify development consent No. 10.2014.116.1 for the reasons detailed on page 363 of the business paper.

A division was called on the Substantive Motion and the voting was as follows:-

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For the Motion

Councillors Cassidy PSM, Mansour, Wang, Drury, M Raiola, Raciti and Passas.

Against the Motion

Councillors Stott, Wangmann, Lofts and McKenna OAM.

The Substantive Motion was Carried.

The foreshadowed motion was not addressed.

INVESTMENT REPORT DECEMBER 2015

CM 10.8

Councillor A Raiola returned to the meeting at 8.28pm.

RESOLVED: Mansour/Stott

That the Investment Report for December 2015 be received and noted.

ALLIED MILLS SITE - LAND DEDICATIONS

CM 10.9

RESOLVED: Lofts/Stott

1/2 That Council advise EG Funds Management of the preference for the open space and internal roads to be retained in private ownership but publicly accessible via an easement to the Council.

2/2 That Council grant delegation to the General Manager to put into effect the above outcome.

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

For the Motion

Councillors Stott, Wangmann, Wang, Lofts, Drury and McKenna OAM.

Against the Motion

Councillors Cassidy PSM, Mansour, A Raiola, M Raiola, Raciti and Passas.

The vote was tied. The Mayor used her casting vote in favour of the Motion.

The Motion was Carried.

Note: A Notice of Rescission was lodged on 09 February 2016, with regard to Item CM10.9 – Allied Mills Site: Land Dedications, and will be considered at the meeting of Council on 23 February 2016.

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PEDESTRIAN SAFETY

NM5/2016

Mr Damon Smith addressed the meeting, commencing at 8.40pm and concluding at 8.42pm.

Ms Rebecca Dawson addressed the meeting, commencing at 8.42pm and concluding at 8.45pm.

MOTION: Passas/M Raiola

1/2 That the appropriate safety measures at the above location be implemented as a matter of urgency and as Council is aware of the issue there is no need for delay.

2/2 That residents who have raised this with Council be contacted and informed that Council is taking action.

FORESHADOWED MOTION: Lofts/Mansour

That Council notes that the issue of pedestrian access at Holden, Clissold and Armstrong Streets has been included in the PAMP which went to the February Traffic Committee. Any further comments from residents should be included for consideration and be brought back to Council on 23 February 2016 for consideration.

That Council is of the mind that this issue must be resolved.

A division was called on the substantive Motion and the voting was as follows:-

For the Motion

Councillors Cassidy PSM, A Raiola, M Raiola, Raciti and Passas.

Against the Motion

Councillors Stott, Wangmann, Mansour, Wang, Lofts, Drury and McKenna OAM.

The Motion was Lost.

The foreshadowed Motion therefore became the Motion and was put to the vote.

For the Motion

Councillors Stott, Wangmann, Cassidy PSM, Mansour, Wang, Lofts, Drury, A Raiola, M Raiola, Raciti, Passas and McKenna OAM.

Against the Motion

Nil.

The Motion was Carried.

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AUSTRALIA DAY HONOURS

MM2/2016

Councillor Passas left the meeting at 8.58pm.

RESOLVED: McKenna OAM

That a letter of congratulations be sent to Armando Gardiman AM on his Australia Day honour.

CELEBRATIONS HELD IN ASHFIELD FOR AUSTRALIA DAY

MM3/2016

Councillor Passas returned to the meeting at 9.00pm.

RESOLVED: McKenna OAM

That all council staff who worked on the various programs throughout Australia Day be congratulated on their work, and for giving up their Australia Day to ensure a great Australia Day celebration for our community.

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TREE REMOVAL

NM6/2016

Ms Rhonda Kruger addressed the meeting, commencing at 9.08pm and concluding at 9.09pm.

Councillor Cassidy PSM left the meeting at 9.08pm and returned at 9.09pm.
Councillor Raciti left the meeting at 9.09pm and returned at 9.10pm.

Motion: Passas/M Raiola

1/4 That Council's engineer prepare a report to Council, as a matter of urgency, detailing whether the tree is causing damage to the private property.

2/4 That if the tree is found to be causing damage to the private property of 28 Beatrice Street Ashfield, it be removed.

3/4 That the resident be compensated for damage to the above property if the tree is found to be causing the damage.

4/4 That there be more frequent cleaning of the area.

The Motion was put to the vote and all 4 items were voted on separately.

1/4 That Council's engineer prepare a report to Council, as a matter of urgency, detailing whether the tree is causing damage to the private property.

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

For the Motion

Councillors Cassidy PSM, A Raiola, M Raiola, Raciti and Passas.

Against the Motion

Councillors Stott, Wangmann, Mansour, Wang, Lofts, Drury and McKenna OAM.

The Vote was tied and the Mayor did not use her casting vote.

Item 1/4 was Lost

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2/4 That if the tree is found to be causing damage to the private property of 28 Beatrice Street Ashfield, it be removed.

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

For the Motion

Councillors Cassidy PSM, A Raiola, M Raiola, Raciti and Passas.

Against the Motion

Councillors Stott, Wangmann, Mansour, Wang, Lofts, Drury and McKenna OAM.

Item 2/4 was Lost

3/4 That the resident be compensated for damage to the above property if the tree is found to be causing the damage.

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

For the Motion

Councillors Cassidy PSM, A Raiola, M Raiola, Raciti and Passas.

Against the Motion

Councillors Stott, Wangmann, Mansour, Wang, Lofts, Drury and McKenna OAM.

Item 3/4 was Lost

4/4 That there be more frequent cleaning of the area.

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

For the Motion

Councillors Stott, Wangmann, Cassidy PSM, Mansour, Wang, Lofts, A Raiola, M Raiola, Raciti and Passas

Against the Motion

Councillors McKenna OAM and Drury

Item 4/4 was Carried

**DRAFT MINUTES OF ORDINARY MEETING
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WESTCONNEX PROPERTY ACQUISITIONS

CM 10.10

Mr John Hyde addressed the meeting, commencing at 9.33pm and concluding at 9.36pm.

Ms Sharon Laurar addressed the meeting, commencing at 9.36pm and concluding at 9.38pm.

RESOLVED: Cassidy PSM/Mansour

1/3 That the RMS be advised that the Council does not accept the proposed offer of compensation for Lot 1 DP 169385 and Lot 5 DP 733249 outlined in the compensation notice.

2/3 That Council's solicitor be instructed to lodge an objection with the Land and Environment Court (Class 3 proceedings) on Council's behalf and engage an appropriate expert(s) to present evidence in support of the Council's valuation advice.

3/3 That Council engage Senior Counsel to act on our behalf in the Land & Environment Court.

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

For the Motion

Councillors Stott, Wangmann, Cassidy PSM, Mansour, Wang, Lofts, Drury and McKenna OAM.

Against the Motion

Councillors A Raiola, M Raiola, Raciti and Passas.

The Motion was Carried.

WESTCONNEX - DRAFT CONSTRUCTION MANAGEMENT PLANS

CM 10.11

Councillor Passas left the meeting, the time being 9.50pm.

Ms Sharon Laurar addressed the meeting, commencing at 9.50pm and concluding at 9.52pm.

Ms Jo Alley addressed the meeting, commencing at 9.52pm and concluding at 9.55pm.

RESOLVED: Lofts/Cassidy PSM

1/2 That Council note the information.

2/4 That Council advise the project builder (LSJH) that further Council comments will be provided on plans and other documents once an assessment of the WestConnex application has been completed and, should it be supported, full details of any additional requirements the proponent must address are specified.

3/4 That information received from the Minister and the WestConnex contractors be placed on the Council website.

4/4 That Council is not willing to endorse any construction management plans draft or otherwise prior to proper planning determinations, ministerial approval and prior to the release of detailed design plans for the M4 East project.

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

For the Motion

Councillors Stott, Wangmann, Cassidy PSM, Mansour, Wang, Lofts, Drury, A Raiola, M Raiola, Raciti and McKenna OAM.

Against the Motion

Nil.

The Motion was Carried.

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WESTCONNEX PROJECT

MM4/2016

Councillor Passas returned to the meeting, the time being 10.02pm.

Mr Chris Elenor addressed the meeting, commencing at 10.02pm and concluding at 10.04pm.

Mr John Hyde addressed the meeting, commencing at 10.05pm and concluding at 10.07pm.

Ms Louise Farrell addressed the meeting, commencing at 10.07pm and concluding at 10.08pm.

Councillor Raciti left the meeting at 10.12pm.

RESOLVED: McKenna OAM

That:

1/5 Ashfield Council call on the Secretary of the Department of Planning and Environment for a public hearing on the poor quality of the community consultation related to the M4 East EIS. We note that Section 57 of the Environment Planning and Assessment Act 1979 allows for such a hearing.

2/5 Council withdraw approval for any test drilling or preparatory works on Reg Coady Reserve for WestConnex, so that the matter can be brought to the elected Council.

3/5 Council commits to take all reasonable steps to notify the community of all test drilling or preparatory works or proposals that Council is aware of, or becomes aware of, in relation to WestConnex or related road projects.

4/5 Council confirm that any future decisions or applications for work related to WestConnex will be brought to the elected Council for decision.

5/5 Council confirm the right of residents to peacefully protest at Reg Coady Reserve and any other sites owned or managed by Council.

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

For the Motion

Councillors Stott, Wangmann, Cassidy PSM, Mansour, Wang, Lofts, Drury and McKenna OAM.

Against the Motion

Councillors A Raiola, M Raiola and Passas.

The Motion was Carried

**DISCUSSION PAPER - COMPLYING DEVELOPMENT
LOW RISE MEDIUM DENSITY HOUSING**

CM 10.12

Councillor Passas left the meeting at 10.14pm
Councillor Raciti returned to the meeting at 10.14pm

RESOLVED: Cassidy PSM/Mansour

- 1/5 That a copy of this report be provided to the Department of Planning and Environment as Council's response to the exhibited Discussion Paper - Options for Low Rise Medium Density Housing as Complying Development.
- 2/5 That Council opposes having Complying Development apply to land uses which are not currently permissible in Low Rise R2 Low Density Zones of the Ashfield LEP 2013.
- 3/5 That Council opposes having Complying Development which would permit Dual Occupancies, Manor Homes, Townhouses - Multi Dwelling Housing, on sites which have Heritage items or sites within Heritage Conservation Areas.
- 4/5 That the controls which would apply for multi dwelling housing, such as that of townhouses, have deficient site area requirements, deficient building separation requirements, and deficient privacy standards for neighbouring properties proposed in the Discussion Paper. Any such design standards must be informed via comprehensive design studies.
- 5/5 That the Discussion Paper and certification for Complying Development does not adequately address design quality for new dwelling buildings and their open spaces such as front gardens and urban design impacts on streetscapes.

IPART REVIEW OF THE LOCAL GOVERNMENT RATING SYSTEM

CM 10.13

Councillor Passas returned to the meeting at 10.17pm.

RESOLVED: Mansour/Lofts

That the report be received and noted.

NOTICE OF RESCISSION -

TENDER 15/54672 - HERITAGE AND URBAN DESIGN ADVISORY PANEL MEMBERS

NR6/2015

MOTION: Cassidy PSM/Passas

That the resolution of Item CM10.16, Tender 15/54672 – Heritage and Urban Design Advisory Panel Members, passed at the Ordinary meeting of Council held on 15 December 2015, be rescinded.

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

For the Motion

Councillors Cassidy PSM, A Raiola, M Raiola, Raciti and Passas.

Against the Motion

Councillors Stott, Wangmann, Mansour, Wang, Lofts, Drury and McKenna OAM.

The Motion to rescind was Lost.

APPOINTMENT OF INDEPENDENT MEMBER TO INTERNAL AUDIT COMMITTEE

CM 10.14

RESOLVED: Drury/Mansour

That Council appoint Ms Lee Wong as an independent member on the Internal Audit Committee for the remainder of the current Committee term.

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ASHFIELD BOWLING CLUB - LEASING ARRANGEMENT

CM 10.15

Councillor Wangmann left the meeting at 10.30pm and returned at 10.32pm.

Councillor Passas left the meeting at 10.30pm.

Councillor Raciti left the meeting at 10.32pm.

MOTION: Drury/Mansour

1/2 That Council proceed with a new 5 year lease with Ashfield Bowling Club, as per resolution dated 24 November 2015.

2/2 That the General Manager signs the new lease (or licence agreement) as the Reserve Trust Manager of the Ashfield Park Reserve Trust in accordance with the provisions of the Local Government Act 1993 and the Crown Lands Act 1989, and subject to Crown Lands ministerial approval.

FORESHADOWED MOTION: Cassidy PSM/ M Raiola

That the matter be deferred for advice from the Chief Executive Officer of the Office of Local Government (OLG) advising Council that the proposal to enter into the lease as proposed in the staff report is in accordance with the guidelines submitted to Council for operational matters during the restructure of Local Government Councils in NSW.

A division was called on the Substantive Motion and the voting was as follows:-

For the Motion

Councillors Stott, Wangmann, Mansour, Wang, Lofts, Drury and McKenna OAM.

Against the Motion

Councillors Cassidy PSM, A Raiola and M Raiola.

The Motion was Carried.

The foreshadowed motion was not addressed.

**DRAFT MINUTES OF ORDINARY MEETING
TUESDAY 9 FEBRUARY 2016**

LEASING POLICY

CM 10.16

RESOLVED: Drury/Mansour

That Council adopts the revised Leasing Policy.

REVIEW OF STATEMENT OF BUSINESS ETHICS

CM 10.17

RESOLVED: Drury/Mansour

That Council adopt the revised Statement of Business Ethics subject to an additional dot point to clause 3 on page 624 of the business papers as follows:

- *Comply with relevant industrial laws.*

PROCEEDINGS TERMINATED 10.43pm

Chairperson of the meeting of Ordinary Meeting
when the Minutes were confirmed

Chairperson

Date

NOTICE OF MOTION OF WHICH DUE NOTICE HAS BEEN GIVEN BY
COUNCILLORS JULIE PASSAS, VITTORIA RACITI, MAX RAIOLA AND ADRIANO
RAIOLA

ILLEGAL DRUGS

To move Notice of Motion No. NM7/2016

This motion calls on the Labor State Member for Summer Hill to retract and apologise to her constituents for her recent statements regarding the efforts of the State Liberal Government Health Services, Police and all involved in the war against life destroying illegal drugs, also the families who have lost family members to this scourge.

The Labor State Member for Summer Hill has also said that apart from her personal views she has raised this irresponsible request on behalf of her constituents.

Who are these constituents?

I do not recall the State Member for Summer Hill raising this in her election material at the State Election. We have a major problem with legal drugs yet this State Member wants drug dealers to sell their insidious products with a taxpayer guarantee.

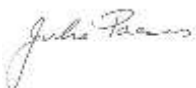
Officers Comments

ATTACHMENTS

Attachment 1 Bitter Pill from a Summer Dill - MP's crazy call for drugs at festivals 1 Page

Accordingly, we move:-

That the State Member for Summer Hill publicly apologise to constituents and parents for her grossly irresponsible statements and publicly declare her support for all involved in the eradication of illegal drugs.



Julie Passas



Vittoria Raciti

ILLEGAL DRUGS



_____**Max Raiola**



_____**Adriano Raiola**

+08

MONDAY FEBRUARY 1

Bitter pill from a Summer Dill

MP's crazy call for drugs at festivals

EXCLUSIVE

ANDREW CLENNELL
STATE POLITICAL EDITOR

LABOR'S rookie inner west MP has called for sniffer dogs to be banned and illegal party drugs to be tested at music festivals to ensure they were safe for young people to take.

"Kids smoking pot or taking pills at music festivals won't go away," Summer Hill MP Jo Haylen said in her speech to colleagues at Labor's state conference.

"Let's introduce amnesty bins and pill testing at festivals so we're not putting people at risk. Let's retire sniffer dogs so we're not unnecessarily targeting vulnerable people on our streets."



"Let's decriminalise the possession and use of drugs and get the debate back on track — let's get drug users out of cop cars and into the health system."

Ms Haylen gave the speech late on Saturday, at a health committee debate that colleagues felt should have been focused on the gap in health funding Premier Mike Baird wants funded through an increase in the GST.

Instead the former Marrickville mayor said it was time to "put Labor at the vanguard again", just as when former premier Bob Carr introduced a medically supervised injecting room at Kings Cross. She also criticised the Baird government for increasing roadside drug testing.

The motion put by Ms Haylen, a member of the Left, to review the sniffer dog drug detection program, introduce pill testing at festivals and hold a parliamentary inquiry into drugs was defeated by the Right.

Ms Haylen said yesterday that she did not intend to take her proposals to caucus, they were her personal views and reflected the views of her electorate.

EDITORIAL PAGE 24



Summer Hill MP Jo Haylen is calling for sniffer dogs (inset) to be banned.
Picture: Daniel Aarons

**NOTICE OF MOTION OF WHICH DUE NOTICE HAS BEEN GIVEN BY
COUNCILLORS MARK DRURY, ALEX LOFTS AND JEANETTE WANG**

**ASHFIELD IS WHERE WE LIVE AND PLAY: THIS IS WHAT WE STAND FOR
SUPPORTING, COMMUNITY SPORT**

To move Notice of Motion No. NM8/2016

The Ashfield Pirates are new not for profit, grass roots, community managed, junior football club. They are attracting local boys and girls aged 5 – 12 years to play football and have no intention of expanding to be a senior football club. Last year the club had 93 boys and girls playing in 11 football sides.

The Club has made a causal booking for 2016 for Hammond Park for Saturday morning games 8am to 12.30 pm and for training on Tuesday Wednesday Thursday nights 5pm – 730pm throughout the football season 02nd April 16 to 27th August 2016.

The Club has expressed a desire for a 5 year lease on Hammond and for permission to alter the one of the current change rooms into a canteen that they will operate on Saturday mornings during the football season for the period of the lease. See attached letter.

Ashfield Council supports the appropriate use of our parks in line with the plan of management and it proposed that the council seek a fee for the use of the Hammond that is consistent with the current market rate as reflected by the Ashfield Council fees and charges 2015 -2016 as a guide.

Given that the Pirates are a new club it would be reasonable not to require the club to make a capital contribution for as part of the five year lease but require them to work with council and the community to maintain the park in good condition for all

ATTACHMENTS

Attachment 1 Hammond Park Access Letter 2016

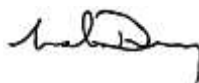
4 Pages

Accordingly, I move:-

That Ashfield Council notify the residents of Ashfield and letterbox residents in the immediate proximity that the Ashfield Pirates football club is seeking a 5 year lease and to alter the one of the current change rooms into a canteen that they will operate on Saturday mornings during the football season.

The notification is to seek community feedback about the proposed lease and proposed modification of the change room into a canteen. Council will then determine if the change to the change rooms can proceed and request the General Manager to arrange a lease.

**ASHFIELD IS WHERE WE LIVE AND PLAY: THIS IS WHAT WE STAND FOR
SUPPORTING, COMMUNITY SPORT**



Mark Drury



Alex Lofts



Jeanette Wang

Ashfield Pirates Football Club Inc.

2015



Date: 10th December 2015

Councillor Lucille McKenna OAM
Mayor of Ashfield
260 Liverpool Road,
Ashfield NSW 2131

Dear Mayor McKenna

Re: Hammond Park and the Ashfield Pirates Football Club

We are writing to you to request Ashfield Council's consideration to approve a five-year lease to the not-for-profit 'Ashfield Pirates Football Club' (Ashfield Pirates FC).

Background

Ashfield Pirates FC is a member of the Canterbury District Soccer Football Association (CDSFA) and was founded in 2015 by Mr. Jean Kouriel (club President). Ashfield Pirates FC played its 2015 season home games at Pratten Park in the Ashfield Municipality.

The club's values are to bring the joy of football to the local community. The club has members ranging from four through to 12 years of age. The club's executives – with the support of the parents – drive a culture of respect, fun and learning in a safe environment.

In its first year, the club provided three scholarships within the local community, enabling three young people the opportunity to play football within the positive environment that is Ashfield Pirates FC. The club has built a strong relationship with local schools including Ashfield Public School, Ashbury Public School & Summer Hill Public School.

"Our passion is Football, Our Strength is Teamwork, our Pride is the Ashfield Pirates!"

Ashfield Pirates Football Club Inc.

2015

The club achieved over 90 registered members in 2015 and is targeting 150+ in 2016. Girls represent 20% of club membership and an objective is to increase this ratio to 35% in 2016. 80% of registered players are residents of Ashfield Municipality. Ashfield Pirates FC has established itself as a proactive member of the local community.

Ashfield Pirates FC is currently the only football club within Ashfield Municipality without a home ground.

Proposal for 2016

Ashfield Pirates FC is in need of a suitable home ground for the purposes of training (three nights per week) and match days (Saturdays) during the football season. As Hammond Park is classified as a 'sports ground' (source: Hammond Park Plan of management February 2011), the club requests that Ashfield Council authorises a five-year arrangement for the club to be able to use Hammond Park as its home ground.

Not-for-profit club

The club loses approximately \$50 on every membership registration (outlay of kits provided). To offset the loss, the club seeks sponsorship (as is widely accepted within sporting club environments) and profits made through a small kiosk managed and supported by parents of club members. The kiosk at Pratten Park only operated on game day and the proposal is to continue this mutually beneficial arrangement at Hammond Park on Saturday game days. The children and parents enjoy basic refreshments (coffee, tea, BBQ; etc.) and the club receives revenue from the kiosk.

The kiosk will be located within the existing changing room/toilet facility (refurbished a few years ago, but not utilised). The club would adapt only one of the two changing rooms into a kiosk at the club's expense. Of course any council funds to achieve these works would be welcomed.

Ground lease fees

Ashfield Pirates FC requests that Ashfield Council charges Ashfield Pirates FC a discounted lease fee, as the club is a not-for-profit organisation.

Recognition of traditional owners

With respect to the traditional owners of the land that is currently Hammond Park, the club proposes it provides a suitable recognition plaque acknowledging the Wangal people. The plaque would be located on the kiosk/changing room outside wall.

"Our passion is Football, Our Strength is Teamwork, our Pride is the Ashfield Pirates!"

Ashfield Pirates Football Club Inc.

2015

Consideration of local residents

Ashfield Pirates FC recognises that the local residents surrounding the park should be able to enjoy the park. The club believes the impact will be minimal with training from 5 p.m. to 7 p.m. three times a week. Many children are given lifts to training by other parents (car sharing) and match day Saturday games occur between 9 a.m. and 12.30 p.m. The kiosk would only be open during Saturday games. Each age group's home game is at a different time during Saturday mornings so parking impact is reduced. Of course local residents are always welcome to support the games. The club executives would be more than willing to hold a community meeting to discuss the club's proposal with residents living adjacent to Hammond Park (if required by Ashfield Council).

Parking

The club recognises that parking spaces are tight. One option is to monitor the situation and if need be look to work with council and the Roads and Maritime Authority to create some parking spaces along Frederick Street between the road and the park itself.

Equipment storage

Although there is a small space accessed from the rear of the changing room buildings it contains the water heater. It is proposed that a suitable lockable storage shed is made available to store training equipment.

Future community support initiative

In discussions with Mission Australia, the club is aware that homelessness is increasing rapidly within the Ashfield Municipality. Club members saw this issue first hand at Pratten Park. The club is open to considering ways (in collaboration with council) that it can provide support to Mission Australia to subsequently provide support to Ashfield Council and the local homeless community.

Summary

Ashfield Pirates FC has already demonstrated that it is providing physical, social, cultural, intellectual development for the local community. Hammond Park is currently under utilised and the club requires a home in the coming years. Other clubs have grounds already allocated. Other football grounds within Ashfield Municipality operate a kiosk. The Ashfield Pirates request that Ashfield Council approves a five-year lease of Hammond Park to the club as soon as possible, so that the club can commence preparations for the 2016 football season.

"Our passion is Football, Our Strength is Teamwork, our Pride is the Ashfield Pirates!"

Ashfield Pirates Football Club Inc.

2015

Mayor McKenna, thank you for your consideration of this very important matter and the support provided in 2015. We look forward to working with you and your team at Ashfield Council in providing our mutual Ashfield Pirates FC members a home at Hammond Park in 2016.

Yours sincerely,



Mr. Jean Kouriel
President, Ashfield Pirates FC
E: president@piratesfc.com.au
M: 0411 411 142



Natalie Caruso
Secretary, Ashfield Pirates FC
E: Secretary@piratesfc.com.au
M: 0439 990 143

CC: Councillor Mark Drury, Ashfield Council
CC: Natalie Caruso, Ashfield Pirates FC Secretary

"Our passion is Football, Our Strength is Teamwork, our Pride is the Ashfield Pirates!"

**NOTICE OF MOTION OF WHICH DUE NOTICE HAS BEEN GIVEN BY
COUNCILLORS MARK DRURY, ALEX LOFTS AND JEANETTE WANG**

**ASHFIELD IS WHERE WE LIVE: THIS IS WHAT WE STAND FOR, ADDRESSING
FREDERICK ST PARKING AND TRAFFIC PROBLEMS**

To move Notice of Motion No. NM9/2016

On August 11th 2015 Ashfield Council discussed matters relating to Frederick St. We resolved to write to the RMS to seek a meeting to work out how to fix the advertising trailer problem along Frederick Street Ashfield in the vicinity of Hammond Park. Many of the trailers are parked there 24hours a day 7 days a week.

Ashfield Council did this because Frederick street traffic is congested most of the time and the advertising trailers are not just unsightly but contribute to the clutter and congestion on the street. The trailers also reduce the availability of parking for those who want to use the park. Council noted Frederick Street is under the care and control of the RMS.

“I am advised that representatives from the RMS met with council staff on 2 September 2015. The RMS advised council staff that the trailers seem to be in the “safest possible location along Frederick Street”. Talk about missing the point.” Said Cllr Mark Drury.

Officers Comments

ATTACHMENTS

There are no attachments for this report

Accordingly, I move:-

That Ashfield Council writes to the Minister for Roads to advise him that our community does not want advertising trailers continuously parked alongside Hammond Park and we need his department to work with Council to resolve this issue.



Mark Drury

**ASHFIELD IS WHERE WE LIVE: THIS IS WHAT WE STAND FOR, ADDRESSING
FREDERICK ST PARKING AND TRAFFIC PROBLEMS**



Alex Lofts



Jeanette Wang

NOTICE OF MOTION OF WHICH DUE NOTICE HAS BEEN GIVEN BY

COUNCILLORS JULIE PASSAS, VITTORIA RACITI, MAX RAIOLA AND ADRIANO RAIOLA

MOTION: SUSPENSIONS

To move Notice of Motion No. NM10/2016

The Labor Councillors with the support of the 3 independents voted to suspend the four Liberal Councillors from Committee Meetings.

This political move was unprecedented in the history of Ashfield Council, (Confirmed by staff).

There was no resolution by Council for staff to spend time gathering the information on the Liberal Councillors attendance.

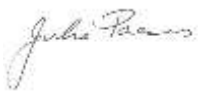
The resolution to suspend the four Liberal Councillors did not state a time frame for the suspensions nor did it report on the attendance record of the other seven Councillors.

ATTACHMENTS

There are no supporting documents for this report.

Accordingly, I move:-

- 1/2 that a report be given on the attendance record of the Labor and independent Ashfield Councillors, also the validity of the suspensions.**
- 2/2 that why one of the Liberal Councillor is permitted to remain on the Audit Committee.**



_____**Julie Passas**



_____**Vittoria Raciti**



_____**Max Raiola**



_____**Adriano Raiola**

NOTICE OF RESCISSION BY

COUNCILLORS EDWARD CASSIDY PSM, MORRIS MANSOUR AND MAX RAIOLA

ALLIED MILLS SITE - LAND DEDICATIONS

That Council rescind the previous resolution in relation to Item CM10.9 – ALLIED MILLS SITE – LAND DEDICATIONS, passed at the Ordinary meeting of Council held on 09 February 2016, namely:

- 1/2 *That Council advise EG Funds Management of the preference for the open space and internal roads to be retained in private ownership but publicly accessible via an easement to the Council.*
- 2/2 *That Council grant delegation to the General Manager to put into effect the above outcome.*

If successful, we intend to move:

That the communal open space and roads within the development be dedicated in fee simple ownership to Ashfield Municipal Council for use of public in perpetuity.

ATTACHMENTS

There are no supporting documents for this report.

Accordingly we move:

That resolution of Item CM10.9 – Allied Mills Site – Land Dedications, passed at the Ordinary meeting of Council held on 09 February 2016, be rescinded.



Edward Cassidy PSM



Max Raiola



Morris Mansour

Subject **DEVELOPMENT APPLICATION: 10.2014.012.2**
425 LIVERPOOL ROAD ASHFIELD

File Ref 10.2014.012.2

Prepared by Philip North - Specialist Planner

Reasons Matter requires Council determination

Objective For Council to determine the application

1.0 DESCRIPTION OF PROPOSAL

An application pursuant to Section 96 (2) of the Environmental Planning and Assessment Act 1979, as amended, seeks Council's approval to the modification of the development consent for an existing residential flat building currently under construction to modify the wording of condition B (1) (a) and (b) of the Parent consent, allowing Level 6 (southern building) in part and Level 3 (northern building) in part to be reinstated but with changes to the unit mix, unit sizes, unit siting and common open space.

When this matter was originally before the Council it was refused consent for a number of reasons including the additional floor level proposed in the 'non-habitable roof space area' - a specific provision in Council's LEP.

The applicant appealed against the refusal and the Land & Environment Court (LEC) approved the proposal minus the upper floor level. The applicant lodged further unsuccessful appeals against this decision with the LEC (heard by a judge the second time) and then the Court of Appeal claiming, among other things, that the Court had incorrectly interpreted this 'habitable roof space' LEP provision.

The proposed modification to the wording of condition B (1) (a) and (b) is set out below:

B Design Changes

(1) Amended Plans to Be Submitted

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

(a) Level 6 - Southern Building, is to be reinstated, comprising of units 6.01, 6.03 and 6.04 = 3 x 1 bedroom units and (6.02) = 1 x 2 bedroom unit, with associated roof top communal open space and landscaping. (emphasis added);

(b) Level 3 – Northern Building, is to be reinstated, comprising Units 3.06, 3.07 and 3.08 = 3 x 1 bedroom units with associated roof top communal open space and landscaping. (emphasis added).

DEVELOPMENT APPLICATION: 10.2014.012.2
425 LIVERPOOL ROAD ASHFIELD

2.0 SUMMARY RECOMMENDATION

The proposed amendment seeks to reinstate, in amended form, the northern fourth storey and southern seventh storey sought in the original application and which were deleted in the consent granted by the Land and Environment Court.

This proposal breaches two main planning controls:

- Clause 4.3(2A) of Ashfield LEP 2013 which does not permit gross floor area to be contained within the upper 3m of the maximum building height limit:
 - Northern Portion: The proposal intrudes into the upper 3m of the maximum height limit by approximately 2.7m.
 - Southern Portion: The proposal intrudes into the upper 3m of the maximum height limit by approximately 2m.
- Clause 2.1 of Ashfield Interim Development Assessment Policy 2013 as follows:
 - Northern Portion: The proposal for four storeys breaches the maximum height limit of three storeys.
 - Southern Portion: The proposal for seven storeys breaches the maximum height limit of six storeys.

In defence of the non-compliances, the applicant has mounted the following argument that the amended form addresses the intent of Ashfield LEP 2013 and Ashfield West DCP as follows:

- Northern Portion:
 - It recesses the top level away from the front facade to give the impression of a three storey structure;
 - It locates the top level well away from the R3 zone to the north to minimise the scale impacts upon the existing single storey dwelling to the north.
- Southern Portion:
 - It recesses part of this level away from the front facade on the northern and eastern sides to give the impression of a six storey structure;
 - It expresses the reinstated level as a full seventh storey on the corner of Frederick Street with Liverpool Road to express the corner as an urban design gesture and to echo the approved seven storey form on the corner of the opposite site at 380 Liverpool Road.
 - In combination with 380 Liverpool Road, it forms an urban design “gateway” to the Ashfield Town Centre from the west.

Despite this, the proposed amendment does not provide a compelling argument for the clear breaches in the applicable development standards of ALEP 2013 and the storey controls of AIDAP 2013.

DEVELOPMENT APPLICATION: 10.2014.012.2
425 LIVERPOOL ROAD ASHFIELD

Notwithstanding the applicant's arguments, the northern portion will continue to present a three storey due to inadequate setback of the level from the facade and the presence of the dividing structures between balconies which extend to the frontage.

Although the applicant argues that the southern portion replicates what has already been approved at 380 Liverpool Road, it should be noted that:

- the seventh storey of 380 Liverpool Road was approved under Ashfield LEP 1985 when the Ashfield LEP 2013 was still in draft form and carried little weight;
- an FSR bonus applied to the site to compensate for the public domain improvements and landscaping on land affected by RMS road widening; and
- Part C4 – Ashfield West of Ashfield Interim Development Assessment Policy 2013 (which sets height limits in storeys) had not been adopted by Council at that time of assessment of the application.

It is considered that the proposed amendment is unacceptable and is recommended for refusal.

3.0 APPLICATION DETAILS

Applicant	:	Four2Five Pty Ltd
Address	:	PO Box 776, Drummoyne 1470
Owner	:	Four2Five Pty Ltd
Lot/DP	:	Lot 1, DP 700804
Date lodged	:	29/10/2015
Date of last amendment	:	N/A
Building classification	:	2 and 6
Application Type	:	Local
Construction Certificate	:	No

4.0 SITE AND SURROUNDING DEVELOPMENT

Not altered by proposal.

5.0 DEVELOPMENT HISTORY

The following table summarises the development consents issued for the site under this development application:

File No	Date of Determination	Details
10.2014.12.1	26.08.2014	Application Refused
Land and Environment Court: 10482/ 2014	30.01.2015	Approved by Land and Environment Court of NSW subject to the following conditions: <i>(1) Amended Plans to Be Submitted</i> <i>Amended plans and specifications incorporating the following amendments are to be submitted with the application for a construction certificate.</i> <i>(a) Level 6 (comprising Units 6.01 – 6.03) is to be deleted from the</i>

DEVELOPMENT APPLICATION: 10.2014.012.2
425 LIVERPOOL ROAD ASHFIELD

		<i>southern part of the site (emphasis added).</i> <i>(b) Level 3 (comprising Units 3.06 –3.09) is to be deleted from the northern part of the site (emphasis added).</i>
Land and Environment Court: 10098/2015	03.06.2015	Appeal against previous court decision dismissed.
Court of Appeal: 2015/190580	20.08.2015	Leave to appeal refused.

6.0 ZONING/PERMISSIBILITY/HERITAGE

Not altered by proposal.

7.0 SECTION 79C and 96(2) ASSESSMENT

The following is an assessment of the application with regard to the heads of consideration under the provisions of Section 79C and 96(2) of the Environmental Planning and Assessment Act.

7.1 The provisions of section 96(2)

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:

S96(2) clause	Provision	Performance	Compliance
(a)	it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all),	The proposed amendments would alter the substance of the approved development in that: <ul style="list-style-type: none"> • The number of storeys would increase. • The intensity of use would increase (i.e. the bed numbers); • The streetscape character would change significantly; • New elements would be added. 	No
(b)	it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent	Consultation with RMS was undertaken as part of the original Development Application which was of the same scale and intensity as the amendment. The proposal would not alter any matters with which RMS would be concerned.	Yes
(c)	it has notified the application in accordance with: <ul style="list-style-type: none"> (i) the regulations, if the regulations so require, or (ii) a development control plan, if 	The proposal has been notified as required.	Yes

DEVELOPMENT APPLICATION: 10.2014.012.2
425 LIVERPOOL ROAD ASHFIELD

	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		
(d)	it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.	Submissions have been considered as required.	Yes (refer to Section 7.8 of report)

7.2 The provisions of any Environmental Planning Instrument

7.2.1 Local Environmental Plans

Ashfield Local Environmental Plan 2013

Ashfield Local Environmental Plan 2013 (ALEP 2013) was gazetted on 23 December 2013 and applies to the proposal.

Ashfield Local Environmental Plan 2013 Summary Compliance Table				
Clause No.	Clause	Standard	Proposed	Complies
2.3	Zone objectives and land use table	Zone B4 Mixed Use	<ul style="list-style-type: none"> Residential Flat Building Retail 	Yes
4.1	Minimum subdivision lot size	500m ²	1,796m ²	Yes
4.3	Height of buildings	Northern Portion: 12.5m	12.5m	Yes
		Southern Portion: 23m	22.9m	Yes
4.3(2A)	Height of buildings	If a building is located on land in Zone B4 Mixed Use, any part of the building that is within 3 metres of the height limit set by sub-clause (2) must not include any area that forms part of the gross floor area of the building and must not be reasonably capable of modification to include such an area.		No
		Northern Portion: 9.5m	12.5m	No
		Southern Portion: 20m	22.3m	No
4.4	Floor space ratio	2.0:1	1.89:1	Yes
4.6	Exceptions to development standards	Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the	Not applicable to section 96 modification application	N/A

DEVELOPMENT APPLICATION: 10.2014.012.2
425 LIVERPOOL ROAD ASHFIELD

		contravention of the development standard		
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As demonstrated in the above table, the proposal generally complies with Ashfield LEP 2013 except for:

- Cl. 4.3(2A): Height: The exclusion of gross floor area from the top 3 metres of the maximum height limit is breached across both north and south parts of the site.
 - Northern Portion: The application proposes to reinstate (in a modified form) the fourth floor which was deleted as a condition of consent.
 - Southern Portion: The application proposes to reinstate (in a modified form) the seventh floor which was deleted as a condition of consent.

Given this, it is considered that the proposal is an overdevelopment of the site and inconsistent with the aims and objectives of ALEP 2013.

7.2.2 Regional Environmental Plans

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The amendment does not alter compliance with this plan.

7.2.3 State Environmental Planning Policies

State Environmental Planning Policy No. 55 - Remediation of land

The amendment does not alter compliance with this planning policy.

State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development

The amendment fails to satisfy the requirements of the policy as follows:

Cl. 28(2)(b), Design Quality Principles:

The following non-compliances have been identified:

- Principle 1: Context and Neighbourhood Character: The proposal is of an inappropriate scale for the context, in particular in its relationship with the adjacent R3 zone to the north.
- Principle 2: Built form and Scale: The proposal is of an inappropriate scale, in particular in its relationship with the adjacent single storey dwelling house at 20 Beatrice Street and its presentation to the street of seven storeys in a locality in which the desired future character is a street wall of six storeys.

Given the above, it is considered that the proposal fails to satisfy the provisions of the SEPP.

DEVELOPMENT APPLICATION: 10.2014.012.2
425 LIVERPOOL ROAD ASHFIELD

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

The application has been lodged with a BASIX certificate and satisfies the requirements of the SEPP.

State Environmental Planning Policy (Infrastructure) 2007

The amendment does not alter compliance with the SEPP.

7.3 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.

Not applicable.

7.4 The provisions of any Development Control Plan.

The following parts of Ashfield Interim Development Assessment Policy Apply to the proposed amendment:

C1	ACCESS ADAPTABILITY AND MOBILITY	Does not comply. The proposed additional units do not contain bathrooms useable by a person in a wheelchair as required by this part.
C11	PARKING	Complies Required: <ul style="list-style-type: none"> • Resident spaces: 43 (incl. 4 disabled) • Visitor spaces: 11 • Carwash: 1 • Retail spaces (190m²): 5 • Bicycle spaces (residential): 4 • Bicycle spaces (visitor): 4 • Bicycle spaces (retail): 2 • Motorcycle spaces: 2 Provided: <ul style="list-style-type: none"> • Resident spaces 48 (including 6 disabled) • Visitor spaces: 11 (incl. 1 disabled) • Carwash: 1 • Retail spaces (190m²): 5 (incl. loading) • Bicycle spaces (residential): 6 • Bicycle spaces (visitor): 6 • Bicycle spaces (retail): 4 • Motorcycle spaces: 4 The parking provision exceeds the minimum requirements for the development and is acceptable.
C12	PUBLIC NOTIFICATION IN THE PLANNING PROCESS AND ALL	Complies. The proposal was notified in accordance with this part.

DEVELOPMENT APPLICATION: 10.2014.012.2
425 LIVERPOOL ROAD ASHFIELD

D1	PLANNING FOR LESS WASTE	Compliance not altered.
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Ashfield Interim Development Assessment Policy 2013 Part C4: Ashfield West Summary Compliance Table				
Clause No.	Standard	Required	Proposed	Complies
2	Building Height and Location			
2.1	Maximum Building Height	Northern Portion: 3 storeys	4 storeys	No
		Southern Portion: 6 storeys	7 storeys	No

It is considered the application fails to comply with multiple parts of the Ashfield Interim Development Assessment Policy as indicated and ultimately fails to achieve the aims and objectives of AIDP 2013.

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

Not applicable.

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

These matters have been considered as part of the assessment of the development application. It is considered that the proposed alterations will add to the bulk and scale of the building resulting in adverse environmental impacts on the locality.

7.7 The suitability of the site for the development

These matters have been considered as part of the assessment of the development application. The site is considered to be unsuitable for a development of this scale due to the desired future streetscape character of 3 and 6 storey development.

7.8 Any submissions made in accordance with this Act or the regulations.

The proposal was notified in accordance with the relevant DCP.

The proposal was notified to all adjoining and nearby affected property owners and occupants, and Councillors from 6 November 2015 until 30 November 2015.

7.8.1 Summary of submissions

Eleven submissions and one petition of 3 signatures (**Attachment 2**) were received during the notification of the development application.

DEVELOPMENT APPLICATION: 10.2014.012.2
425 LIVERPOOL ROAD ASHFIELD

Submission from	Address
J. Li – Head petitioner	18 Beatrice Street, Ashfield NSW 2131
B. & N. Bird	12 Milton Street North, Ashfield NSW 2131
E. Bodeker	35/417 Liverpool Road, Ashfield NSW 2131
M. Cao	3/417 Liverpool Road, Ashfield NSW 2131
M. & N. Depala	31/417 Liverpool Road, Ashfield NSW 2131
W. Ho	36/417 Liverpool Road, Ashfield NSW 2131
M. Hung	monidanitig@gmail.com
A. & H. Hunter	66 Gibbon Street, Lennox Head NSW 2478
V. Jones	10/417 Liverpool Road, Ashfield NSW 2131
C. & S. Knowles	4/10-16 Beatrice Street, Ashfield NSW 2131
R. Matthysen	25/151B Smith Street, Summer Hill NSW 2130
M. Nicholas	marynicholas14@hotmail.com

Submission Issue	Assessing Officer's Comment
Adverse privacy impacts.	The configuration of the proposal would ensure that there would be no additional privacy impacts.
Reduced light.	The proposal would not excessively overshadow adjoining properties.
Reduced ventilation.	The proposal would not reduce ventilation of adjacent properties.
Roof terrace will create noise nuisance.	The proposed roof terrace is smaller than that already approved and is further set back from the boundaries. It is likely to have lesser impacts than the development as approved.
Traffic safety.	The proposal would not adversely impact on traffic safety.
Lack of parking.	The proposal provides parking in excess of Council's requirements.
Height is excessive.	Agreed.
Retail shop will add to parking issues.	The retail space was approved as part of the original consent.

7.9 The public interest

The public interest would not be served by approval of this proposal for reasons outlined in the report.

DEVELOPMENT APPLICATION: 10.2014.012.2
425 LIVERPOOL ROAD ASHFIELD

8.0 REFERRALS

Not applicable.

9.0 OTHER RELEVANT MATTERS

In the event that Council were to support the proposal an additional S94 payment would be required for the additional dwellings based on the indexed contribution rate applicable at the time of payment.

10.0 BUILDING CODE OF AUSTRALIA (BCA)

The proposed changes do not alter compliance with the Building Code of Australia.

11.0 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) and Section 96(2) have been taken into consideration. The proposal is considered to be unacceptable and is therefore recommended for refusal.

ATTACHMENTS

Attachment 1	Plans of Proposal	11 Pages
Attachment 2	Submissions	15 Pages

RECOMMENDATION

- A. That Council as the consent authority pursuant to section 96(1A) of the Environmental Planning and Assessment Act 1979 (as amended) refuse modification of development application no. 10.2014.12.2 for, construction of a mixed use residential and retail development above basement car parking and strata subdivision on Lot 1, DP 700804, known as 425 Liverpool Road, Ashfield, for the following reasons:**

Reasons for Refusal

- 1. The proposed development represents an overdevelopment of the site and is excessive in bulk and scale.**
- 2. The proposed development does not comply with State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development, as follows:**

DEVELOPMENT APPLICATION: 10.2014.012.2
425 LIVERPOOL ROAD ASHFIELD

- a. cl. 28(2)(b), Design Quality Principles: The proposal does not comply with:
 - i. Principle 1: Context and Neighbourhood Character: The proposal is of an inappropriate scale for the context, in particular in its relationship with the adjacent R3 zone to the north.
 - ii. Principle 2: Built form and Scale: The proposal is of an inappropriate scale, in particular in its relationship with the adjacent single storey dwelling house at 20 Beatrice Street and its presentation to the street of seven storeys.
3. The proposed development does not comply with Ashfield Local Environmental Plan 2013, as follows:
 - a. cl. 4.3(2A), Height of buildings: The proposal includes gross floor area within 3m of height limits for the site;
4. The proposed development does not comply with Ashfield Interim Development Assessment Policy 2013, as follows:
 - a. Part C1, Access and Mobility, The bathrooms of all additional units are not useable by a person in a wheelchair;
 - b. Part C4, Ashfield West, cl. 2.1, Maximum Building Height: The four storey northern portion of the proposal exceeds the maximum height limit of three storeys by one storey;
 - c. Part C4, Ashfield West, cl. 2.1, Maximum Building Height: The seven storey southern portion of the proposal exceeds the maximum height limit of six storeys by one storey.
5. Council is not satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted.
6. The proposal is not in the public interest.

PHIL SARIN
Director Planning and Environment

SECTION
PAGE 01.01

425 LIVERPOOL ROAD ASHFIELD
GFA CALCULATION COMPARISON

01.10.2015

ORIGINAL APPLICATION

	RETAIL	1 BED	2 BED	3 BED	TOTAL	GFA
G	1		2	0	3	400
LEVEL 1		1	8	0	9	714
LEVEL 2		1	8	0	9	714
LEVEL 3		1	8	0	9	714
LEVEL 4		1	4	0	5	376
LEVEL 5		1	4	0	5	376
LEVEL 6		0	0	3	3	298
	1	5	34	3	43	3592
SITE AREA						1796
ALLOWABLE GFA						3592 (2:1)
ACTUAL GFA						3592 (2:1)

APPROVED APPLICATION

	RETAIL	1 BED	2 BED	3 BED	TOTAL	GFA
G	1		2	0	3	400
LEVEL 1		1	8	0	9	714
LEVEL 2		1	8	0	9	714
LEVEL 3		1	4	0	5	376
LEVEL 4		1	4	0	5	376
LEVEL 5		1	4	0	5	376
LEVEL 6		0	0	0	0	0
	1	5	30	0	36	2956
SITE AREA						1796
ALLOWABLE GFA						3592 (2:1)
ACTUAL GFA						2951 (1.64:1)

SECTION 96 PROPOSAL

	RETAIL	1 BED	2 BED	3 BED	TOTAL	GFA
G	1		2	0	3	400
LEVEL 1		1	8	0	9	714
LEVEL 2		1	8	0	9	714
LEVEL 3		4	4	0	8	554
LEVEL 4		1	4	0	5	376
LEVEL 5		1	4	0	5	376
LEVEL 6		3	1	0	4	274
	1	11	31	0	43	3408
SITE AREA						1796
ALLOWABLE GFA						3592 (2:1)
ACTUAL GFA						3408 (1.89:1)



Ashfield Council
29 OCT 2015
10.2019.12.2



SECTION
PAGE 01.01



Ashfield Council

29 OCT 2015

Application No.

10.2014.12.2

425 LIVERPOOL ROAD ASHFIELD
GFA CALCULATION COMPARISON

01.10.2015

ORIGINAL APPLICATION

	RETAIL	1 BED	2 BED	3 BED	TOTAL	GFA
G	1		2	0	3	400
LEVEL 1		1	8	0	9	714
LEVEL 2		1	8	0	9	714
LEVEL 3		1	8	0	9	714
LEVEL 4		1	4	0	5	376
LEVEL 5		1	4	0	5	376
LEVEL 6		0	0	3	3	298
	1	5	34	3	43	3592
SITE AREA		1796				
ALLOWABLE GFA		3592	(2:1)			
ACTUAL GFA		3592	(2:1)			

APPROVED APPLICATION

	RETAIL	1 BED	2 BED	3 BED	TOTAL	GFA
G	1		2	0	3	400
LEVEL 1		1	8	0	9	714
LEVEL 2		1	8	0	9	714
LEVEL 3		1	4	0	5	376
LEVEL 4		1	4	0	5	376
LEVEL 5		1	4	0	5	376
LEVEL 6		0	0	0	0	0
	1	5	30	0	36	2956
SITE AREA		1796				
ALLOWABLE GFA		3592	(2:1)			
ACTUAL GFA		2951	(1.84:1)			

SECTION 96 PROPOSAL

	RETAIL	1 BED	2 BED	3 BED	TOTAL	GFA
G	1		2	0	3	400
LEVEL 1		1	8	0	9	714
LEVEL 2		1	8	0	9	714
LEVEL 3		4	4	0	8	554
LEVEL 4		1	4	0	5	376
LEVEL 5		1	4	0	5	376
LEVEL 6		3	1	0	4	274
	1	11	31	0	43	3408
SITE AREA		1796				
ALLOWABLE GFA		3592	(2:1)			
ACTUAL GFA		3408	(1.89:1)			

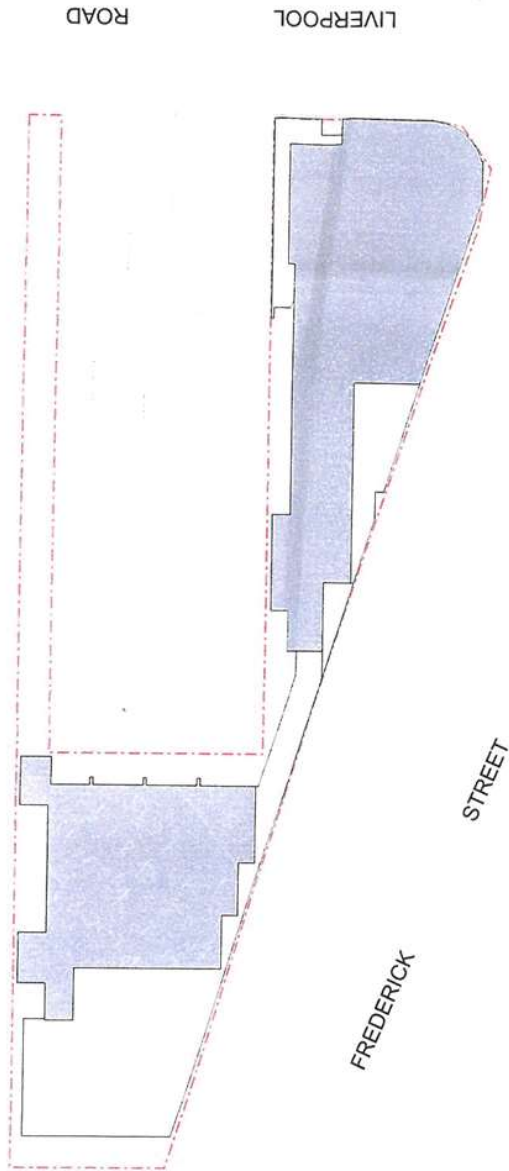


BEATRICE STREET

Ashfield Council

29 OCT 2015

10/2014-12-2



SITE PLAN

ROSS HOWIESON ARCHITECTS
218 BALWARRA ROAD ULTIMO NSW 2007
TEL: 02 9550 1234 FAX: 02 9550 1235 WWW.RHARCH.COM.AU

FOURFIVE PTY LTD

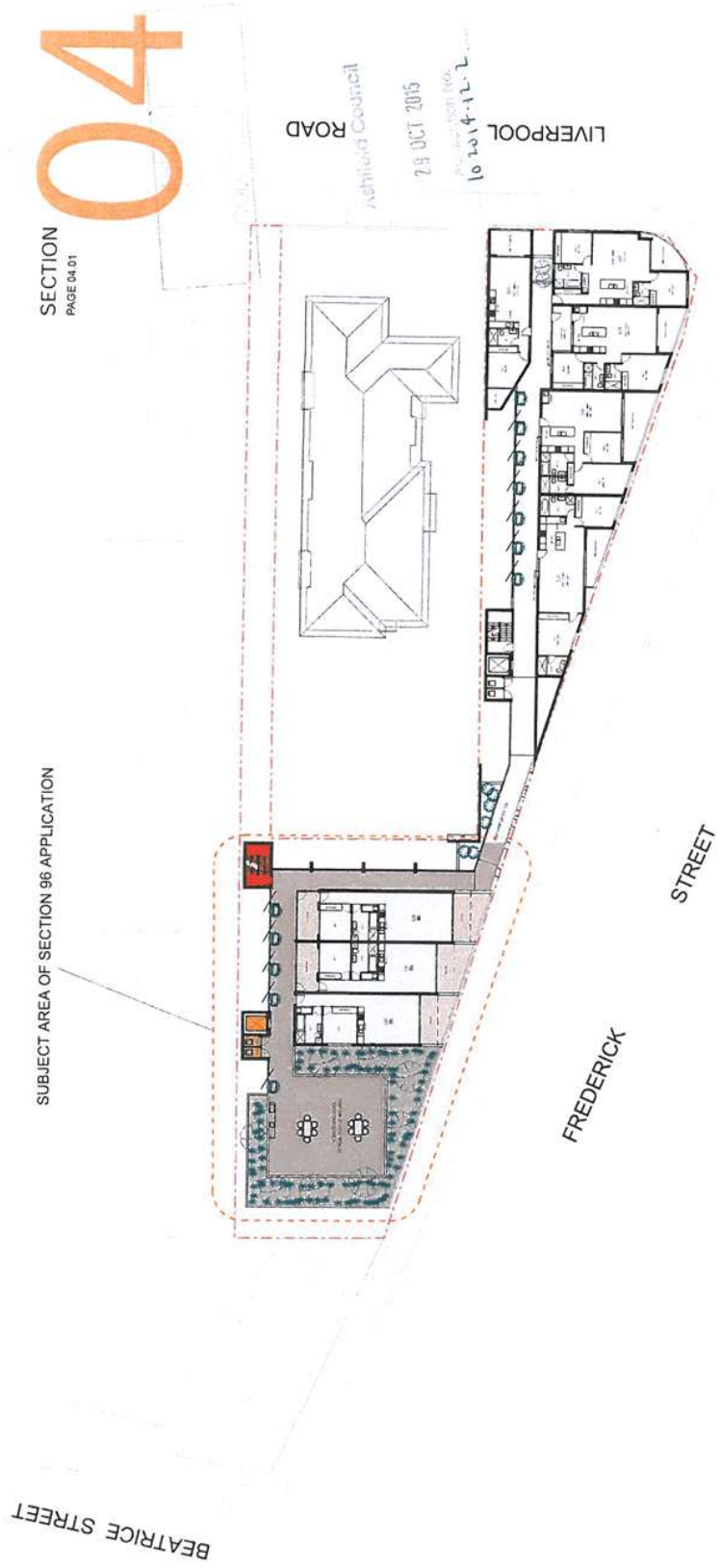
MIXED USE DEVELOPMENT
443/200 FREDERICK ROAD
ASHFIELD NSW

SITE PLAN

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

443 200 S96-1

15.09.2015



PROPOSED LEVEL 3 PLAN

ROSS HOWIESON ARCHITECTS
2/5 ELIZABETH ROAD, ULTIMA NSW 2007
TEL: 02 9550 1234 FAX: 02 9550 1235
WWW.ROSSHOWIESON.COM.AU

FOURFIVE PTY LTD
MIXED USE DEVELOPMENT
425 LIVERPOOL ROAD
ASHFIELD NSW

PROPOSED LEVEL 3 PLAN

PROJECT	443	307	S96-1	DATE
			15/09/2015	

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04

Ashtfield Council

29 OCT 2015
Amendment No.
10 1014-1.2.2

AREA SCHEDULE

COMMON OPEN SPACE: 257 SQ.M. (14.5% OF SITE AREA)

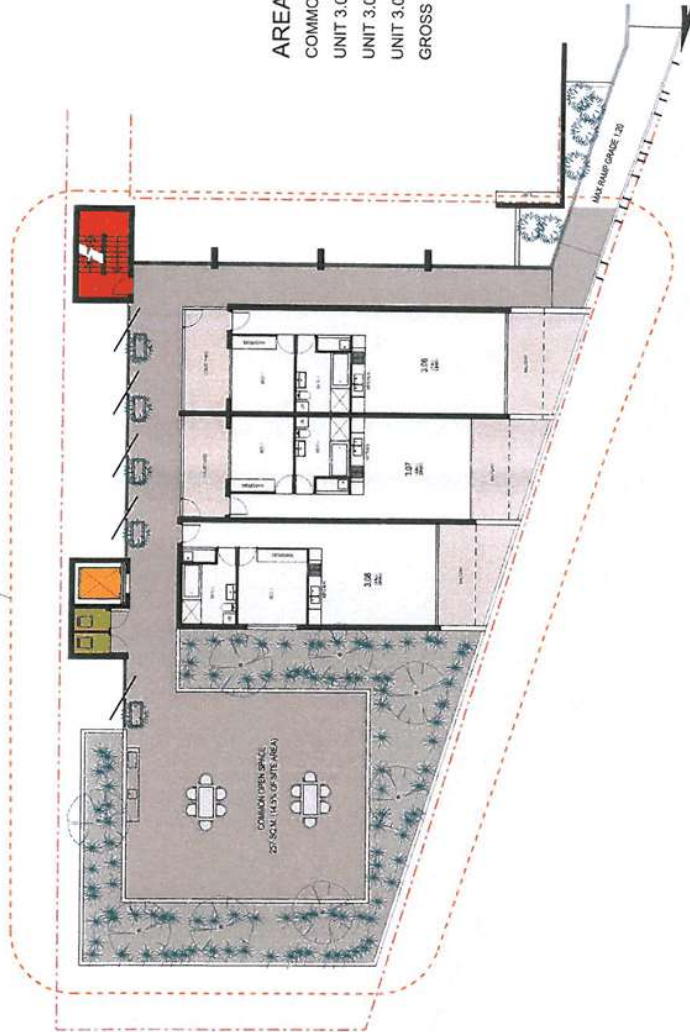
UNIT 3.06: 63.5 SQ.M. INTERNAL + 25 SQ.M. EXTERNAL

UNIT 3.07: 55.5 SQ.M. INTERNAL + 25 SQ.M. EXTERNAL

UNIT 3.08: 58.5 SQ.M. INTERNAL + 14.5 SQ.M. EXTERNAL

GROSS FLOOR AREA = 183 SQ.M.

SUBJECT AREA OF SECTION 96 APPLICATION



PROPOSED LEVEL 3 PLAN

SCALE 1:200 AT A3

RIA

ROSS HOWIESON ARCHITECTS
718 BALWARRA ROAD ULTIMO NSW 2007
02 9550 1234
ross@rosshowieson.com.au

FOUR2PIVE PTY LTD
425 LIVERPOOL ROAD
ASHTFIELD NSW
02 9550 1234

PROPOSED PART LEVEL 3 PLAN

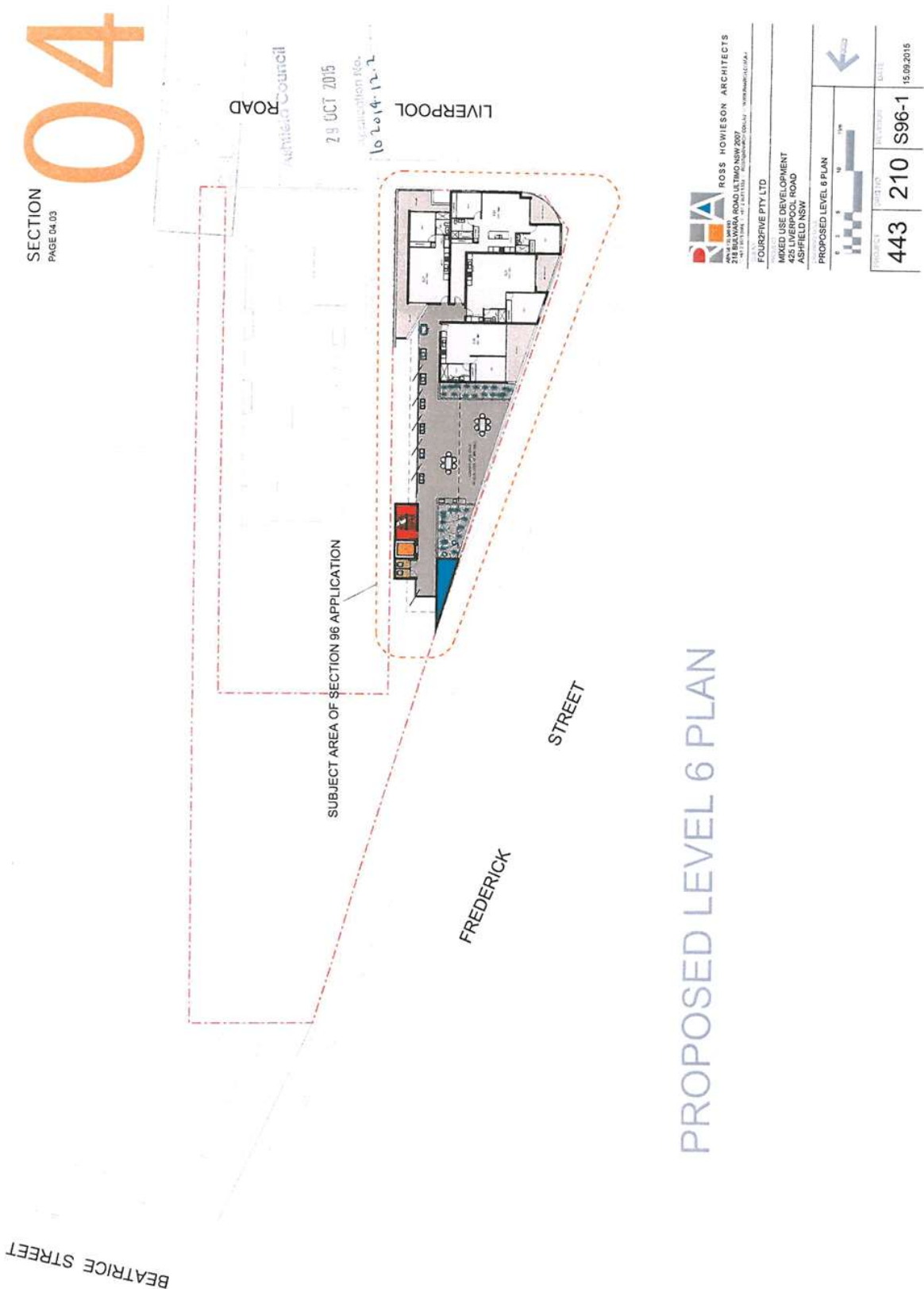
1 2 3 4 5

0 1 2 3 4 5

metres

443 308 S96-1

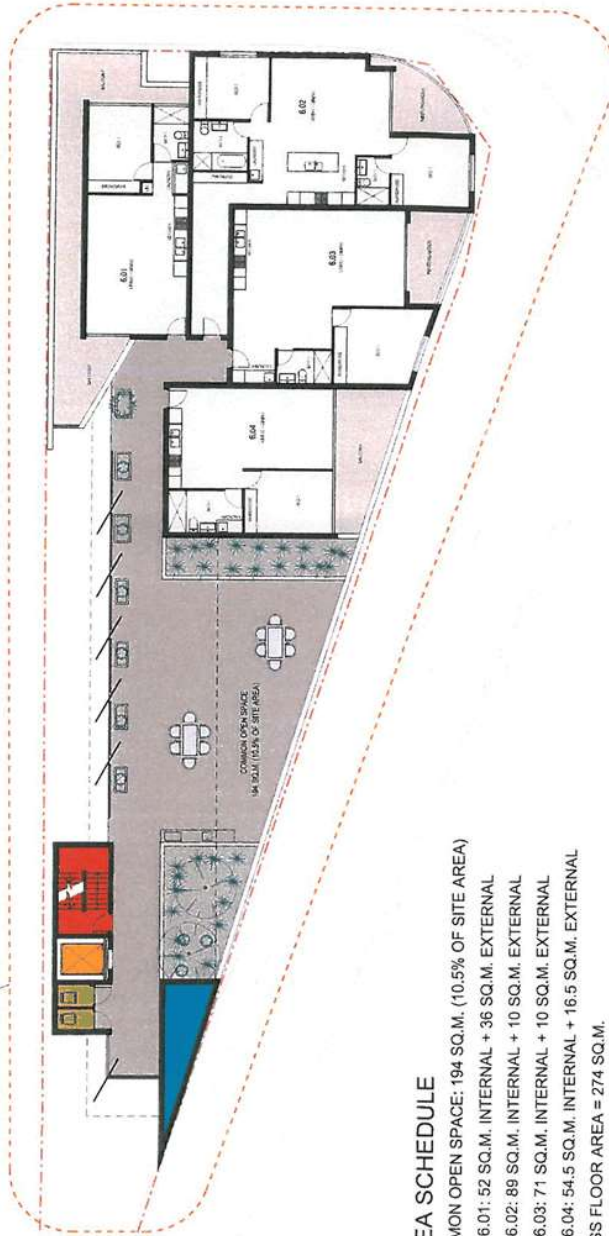
15.09.2015



SECTION
PAGE 04/04

04

SUBJECT AREA OF SECTION 96 APPLICATION



AREA SCHEDULE

COMMON OPEN SPACE: 194 SQ.M. (10.5% OF SITE AREA)
UNIT 6.01: 52 SQ.M. INTERNAL + 36 SQ.M. EXTERNAL
UNIT 6.02: 89 SQ.M. INTERNAL + 10 SQ.M. EXTERNAL
UNIT 6.03: 71 SQ.M. INTERNAL + 10 SQ.M. EXTERNAL
UNIT 6.04: 54.5 SQ.M. INTERNAL + 16.5 SQ.M. EXTERNAL
GROSS FLOOR AREA = 274 SQ.M.

PROPOSED LEVEL 6 PLAN

SCALE 1:200 AT A3



ROSS HOWIESON ARCHITECTS
218 BUNAWA ROAD ULTIMO NSW 2007
PH: 02 9550 1234 FAX: 02 9550 1235
WWW.ROSSHOWIESON.COM.AU

FOURZYME PTY LTD

MIXED USE DEVELOPMENT
425 LIVERPOOL ROAD
ASHFIELD NSW

PROPOSED LEVEL 6 PLAN

DATE: 15.03.2015

PROJECT: 443 211 S96-1

DATE: 15.03.2015

DATE: 15.03.2015

Application No
102014-12-2

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SUBJECT AREA OF SECTION 96 APPLICATION
LEVEL 6

SUBJECT AREA OF SECTION 96 APPLICATION
LEVEL 3

SUBJECT AREA OF SECTION 96 APPLICATION
LEVEL 3

COMPUTER & DATA CENTER

200-4800-7 CENTER



FOUR2FIVE PTY LTD

MIXED USE DEVELOPMENT
425 LIVERPOOL ROAD
ASHFIELD NSW

PROPOSED WEST ELEVATION



443 301

S96-1 15.09.2015

Ashford Council

23 OCT 2015

10.2014-12-2

SUBJECT AREA OF SECTION 96 APPLICATION
LEVEL 6

1998



ROSS HOWIESON ARCHITECTS
16 BULWARA ROAD, LEITHVILL NSW 2037
TEL: 02 9551 5544 FAX: 02 9551 5543
WWW.ROSSHOWIESONARCHITECTS.COM.AU

FOUR2FIVE PTY LTD

MIXED USE DEVELOPMENT
#25 LIVERPOOL ROAD
WASHFIELD NSW

PROPOSED SOUTH ELEVATION

443	302	S96-1
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15

04

Ashfield Council
COUNCIL COPY

Ashfield Council
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29 OCT 2015
Application No.
10 2319-11-2

SUBJECT AREA OF SECTION 96 APPLICATION
LEVEL 6

SUBJECT AREA OF SECTION 96 APPLICATION
LEVEL 3

1.0m
2.0m
3.0m
4.0m
5.0m
6.0m
7.0m
8.0m
9.0m
10.0m

1.0m
2.0m
3.0m
4.0m
5.0m
6.0m
7.0m
8.0m
9.0m
10.0m

ROSS HOWESON ARCHITECTS
271 BALMAIN ROAD, BALMAIN NSW 1507
PH: 02 9550 1111 FAX: 02 9550 1112
www.rosshoweson.com.au

FOURSENE PTY LTD
MIXED USE DEVELOPMENT
425 LIVERPOOL ROAD
ASHFIELD NSW

PROPOSED EAST ELEVATION

443 303 S96-1 15.05.2015

PROPOSED EAST ELEVATION

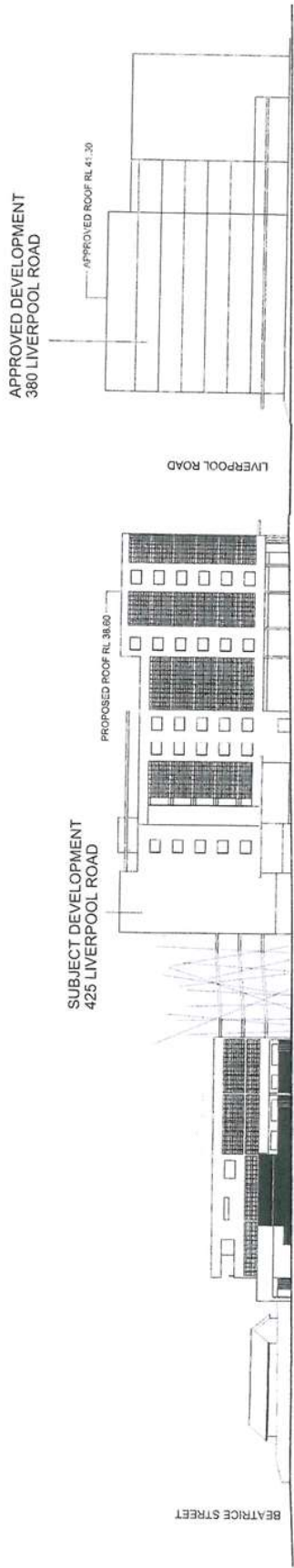
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04

ASHFIELD COUNCIL

29 OCT 2015

Application No.
10/2014/12-2



STREET ELEVATION



ROSS HOWESON ARCHITECTS
15/01/2015
15/01/2015
15/01/2015

FOURSEIVE PTY LTD
MIXED USE DEVELOPMENT
425 LIVERPOOL ROAD
ASHFIELD NSW



STREET ELEVATION

443 401 S96-1 15/02/2015

The General Manager
Ashfield Council



23rd November 2015

Dear Sir/Madam,

I refer to the council's letter dated on the 6th November 2015 for the S.96 (2) Amendment to Development Consent No. 10.2014.012 for property at the address of 425 Liverpool Rd, Ashfield.

As the owner of 18 and 18A Beatrice Street, now I am writing to submit the petition as I object the amendment in relation to reinstating the court deleted level 3 on the northern part. May I bring your attention to the following:

- My properties are just beside/behind the northern part of the proposed building;
- I noticed the original proposal is approved by Land and Environment Court instead of Ashfield council, in this case, I cannot understand why now the applicant wants to modify the wording of condition B (1)(a)& (1)(b) of the consent by reinstating the court deleted level 6 on the southern part and level 3 on the northern part in a different form;
- I am ok with the amendment to the southern part, but I object the northern part to be amended as the increased building height will affect the light conditions and ventilation to the rear of my properties; especially I worry about the overlooking issue from the proposed building, and obviously the privacy of my properties will be affected due to the higher building level of the proposal.

Could you please look into it and let me know the outcome of the application, thank you.

Kind Regards

Jian Li

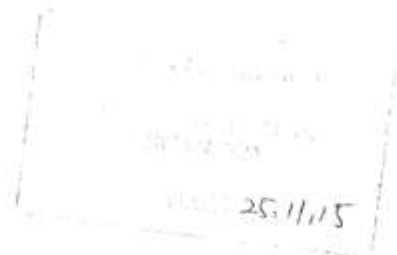
Jian Li

Shakuntala Deo

Jian Lin

Shakuntala Deo

Jian Lin





S 96(2) amendment to DA 10.2014.012

Beatrice Marett-Bird

to:

Ashfield Nsw Gov Info

26/11/2015 01:03 PM

Hide Details

From: Beatrice Marett-Bird <bee_marett@yahoo.com.au>

To: Ashfield Nsw Gov Info <info@ashfield.nsw.gov.au>,

Please respond to Beatrice Marett-Bird <bee_marett@yahoo.com.au>

To the General Manager,

We are writing to express our view that the proposed amendments to DA 1.2014.012 at 425 Liverpool Rd Lot 1 DP 700804 should not be approved. We live at 12 Milton St Nth and the rear of our house faces the development site (Frederick St). An additional 6th floor (already deleted by the NSWLEC) would mean we had less privacy and that that additional floor would be visible from the back of our property.

Please consider the negative impact on residents this when determining this s 96 application. Any additional floors will negatively impact on the privacy of residents in Milton St Nth.

Regards,

Beatrice Marett-Bird and Nicholas Bird
12 Milton St Nth
Ashfield NSW 2131



421 Liverpool Rd Ashfield.
Elizabeth Bodeker
to:
General Manager
20/11/2015 10:56 AM
Hide Details
From: "Elizabeth Bodeker" <ebodeker@optusnet.com.au>
To: "General Manager" <info@ashfield.nsw.gov.au>.

Miss Elizabeth Bodeker

Unit 35/ 417 Liverpool Rd

Ashfield. 2131

N.S.W.

S.96(2) Amendment to Development Consent No.10.2014.012
425 Liverpool Road,Ashfield LOT:1 DP:700804

Attention: General Manager,

I am writing to inform you of some of the reasons why I object to the buildings going up, in front of our building 417 Liverpool Rd.

No 1. First of all, the height of both buildings are going to take away all of our sunlight from the west.

The first half of our building near Liverpool Rd. already doesn't have much daylight because of the six (6) story building on the Eastern side (415). Also, all of these trees that are growing over onto our side of the fence are touching our building.

No 2. I believe that there is going to be a roof garden of some sort for people to relax! (425)

What about when the tenants decide to go up at night and decide to have a drunken party with friends at midnight and early hours of the morning or on weekends and public holidays start throwing cans and glass bottles over the side or at the next building or on the other side at the traffic going past? What about when they cause a death from some stupid incident? Don't say that it won't happen, because as you may be aware of stupid things happen more frequently these days.

No 3. I believe that there was a traffic study done at around 11 a.m on Fredrick St near Liverpool Rd, what a waste of time that was!

It should have been done at peak hour either at 8 a.m or 5 p.m or even on a weekend when there are sports on all around the

area. Liverpool Rd. and Fredrick St is a car park. The traffic is at a stand still.

Obviously, none of you who are to make the decisions have been down this end of Ashfield at these times otherwise you would

have seen the crisis that is causes.

With the traffic coming down Fredrick Street from the Parramatta Rd end and the lights being Green at Thomas St. can't you imagine

the smashes that are going to happen when a line of cars are waiting to do a very sharp U turn into their building car park four levels

down of Fredrick St. right near the Left Hand turn off, onto Liverpool Rd.

With two such large buildings, these people will have visitors, where are they supposed to park?

Taking up the parking spaces of other residents in the streets around the area.

No 4. As it is now, all of the buildings near that corner on Liverpool Rd, the people that have cars have trouble just

getting out of their
driveway day and night as it is!

No 5. On top of what I have said, I have not even mentioned about people looking into our windows. As our building is twelve units long and has a common balcony facing the West right on top of the new buildings, we have no alternative to privacy.

No 6. Also having retail on the corner is a waist of time. The businesses that are already on the North Western side of Liverpool Rd

and Fredrick St have gone broke over the years as there is no where for anyone to park.

The only business is the lighting shop which I thing the R.S.L. club keep in business.

No 7. Last but not lease of all, is the loss of value to this property with being built out and no view, we won't get the proper price

if and when any of us wish to sell.

Regards

Rate paying resident

Ms. Elizabeth Bodeker



tien cao
to:
info@ashfield.nsw.gov.au
26/11/2015 01:38 PM
Hide Details
From: tien cao <tiencao1946@yahoo.com.au>
To: "info@ashfield.nsw.gov.au" <info@ashfield.nsw.gov.au>,

Please respond to tien cao <tiencao1946@yahoo.com.au>

To General Manager,

RE S.969(2) AMENDMENT TO DEVELOPMENT CONSENT NO.102014.012 ON 425
LIVERPOOL RD,ASHFIELD.LOT 1DP:700804

MY NAME IS MR MANH TIEN CAO, RESIDING AT 3/417 LIVERPOOL
RD,ASHFIELD,NSW 2131 HEREBY SUBMIT MY OBJECTIONS TO

DEVELOPMENT CONSENT MENTIONED ABOVE FOR FOLLOWING REASONS:

1.MORE TRAFFIC CONGESTIONS

2.NEW HEIGHTS BLOCK OUT SUNSHINE TO MY BLOCK AT 417 LIVERPOOL
RD,ASHFIELD

SINCERELY YOURS

MR MANH T CAO



Objection to: Amendment to Development Consent No.10.2014.012 425 Liverpool Road, Ashfield LOT: 700804

Nirav Depala

to:

info@ashfield.nsw.gov.au

30/11/2015 08:44 PM

Hide Details

From: Nirav Depala <niravdepala@hotmail.co.uk>

To: "info@ashfield.nsw.gov.au" <info@ashfield.nsw.gov.au>,

Dear Sir/Madam,

Reference:

**s.96(2) Amendment to Development Consent No.10.2014.012
425 Liverpool Road, Ashfield LOT: 700804**

I am writing in connection to the above Amendment to Development Consent at 425 Liverpool Road. I have examined the plans and I know the site well. I wish to object strongly to the recent changes proposed to this development on the following grounds:

[if !supportLists]--> <!--[endif]-->Traffic congestion

The increased traffic congestion, especially at peak hour times, will struggle to be safely and conveniently accommodated by the existing street networks.

[if !supportLists]--> <!--[endif]-->Overlooking/Loss of privacy

The proposed plans for a rooftop/barbecue area on the Northern building (above the underground car park) will have a direct and hugely detrimental impact on privacy of the habitants of the neighbouring apartment block at 417 Liverpool Road. From the proposed rooftop, there will be a direct view into many of the units at 417 Liverpool Road.

[if !supportLists]--> <!--[endif]-->Loss of view/outlook

Direct and detrimental effect on the outlook/view for the habitants residing at 417 Liverpool Road. Whilst I understand there is no legal right to a view, the proposed development will have an adverse affect on the amenity of the surrounding buildings.

[if !supportLists]--> <!--[endif]-->Noise Generation

Significant loss of amenity due to noise generation, particularly from the rooftop/barbecue area.

[if !supportLists]--> <!--[endif]-->Loss of Sunlight

There will be a significant loss of sunlight on the Western side due to the height of the new proposed works

We look forward to your response after careful consideration of the above objections.

Please do not hesitate to contact us if you have any further questions

Yours Faithfully

Nirav Depala and Manasi Depala

(Owners of 31/417 Liverpool Road, Ashfield)



Objection to S96(2)Amendment to Development Consent No10.2014.012

Winnie Choy

to:

Ashfield Council

26/11/2015 02:56 AM

Cc:

"info@contipropertygroup.com.au"

Hide Details

From: Winnie Choy <wacky_winnie@hotmail.com>

To: Ashfield Council <info@ashfield.nsw.gov.au>

Cc: "info@contipropertygroup.com.au" <info@contipropertygroup.com.au>

Dear General Manager

RE: S96(2) AMENDMENT TO DEVELOPMENT CONSENT NO 10.2014.012

425 LIVERPOOL RD ASHFIELD ;LOT 1 DP :700804

As the owner of unit 36 in the adjacent property at 417 Liverpool Road, Ashfield, I wish to lodge an objection to the above amendment development consent. The current proposed amendment and structure will block our view and natural daylight. The increase height and additions of the development proposal will also encroach and intrude on our privacy and reduce the value of our property by increasing the living density, reducing the natural space and view in front of our building

Consequently, I strongly object to the current amendment to the development consent stated. Please note this as a formal submission against the listed amendment to development consent.

Regards

(Ms) Winnie Ho

for

36/417 Liverpool Rd,

Ashfield NSW 2131

Lot 36 SP 811

Rate payer ref No: 082859



STOP-S.96(2) AMENDMENT TO DEVELOPMENT CONSENT No.10.2014.012-425
Liverpool Road, Ashfield LOT : 1 DP :700804
Monica Hung
to:
info
30/11/2015 06:27 AM
Hide Details
From: Monica Hung <monidanitig@gmail.com>
To: info@ashfield.nsw.gov.au,

Dear General Manager,

Re: S.96(2) Amendment to Development Consent No.10.2014.012-
- 425 Liverpool Road, Ashfield LOT : 1 DP :700804

I Monica Hung, objecting the above development for the following reason:

The noise and dust building extra garage space

The height of the building will under value my property

Loss of day light from to my unit I enjoy every day.

I will appreciate take in consideration my email and stop the amendment to
development Consent No-10.2014.012-- 425 Liverpool Road, Ashfield
LOT : 1 DP :700804

Kind Regards

Monica Hung

Anthony and Helen Hunter
66B Gibbon Street
LENNOX HEAD 2478

26th November 2015

The General Manager
Ashfield Council
260 Liverpool Road
ASHFIELD 2131

Re: **S.96 (2) Amendment to Development Consent No.10.2014.012**
425 Liverpool Road, Ashfield LOT: 1 DP: 700804

We are writing to you to lodge my objection at the proposed amendment as outlined above. My wife and I have been rate payers of Ashfield Council since purchasing Unit 20 at 417 Liverpool Road in 1991.

There has been so much development over the past 25 years in this area and it has been quite exciting for all who have been a part of this. Of all the building applications that have been shared with us, we have not lodged one formal objection as we know that progress is a positive thing for everyone.

We do however, wish to lodge a formal objection to the amendment to the proposed development at 425 Liverpool Road for the following reasons.

1. Height of the new building.
2. Further congestion to roads around the area. There has been so much development in this precinct but no improvement to road infrastructure
3. Further traffic will lead to further parking problems and currently now there is very limited space for off street parking with so many high rise around. Flow over would see people parking in the designated areas for not only our Unit Block but also for others.
4. Less sunlight from the west in the afternoon as the new building will cast a very early afternoon shadow onto our building.
5. Less privacy due to more units looking into our unit block
6. Increased noise due to further increase of residents from new building along with the increase of cars and traffic congestion.

We thank you for your consideration of our objections and do hope that an amicable agreement can be met that will benefit all rate payers in this particular area of Ashfield.

Yours sincerely,

Anthony and Helen Hunter



Development Consent No 10.2014.012

vickifjones@outlook.com

to:

Ashfield Council/Ashfield/AU

20/11/2015 09:31 AM

Hide Details

From: "vickifjones@outlook.com" <vickifjones@outlook.com>

To: "Ashfield Council/Ashfield/AU" <info@ashfield.nsw.gov.au>,

Dear General Manager,

We are owners of No10/417 Liverpool Road Ashfield. This development will be built directly in front of our building. We **are opposed** to the request to extend the building by 3 extra stories. This will affect the amount of light we will receive in the winter and considerably increase the difficulty of coming and going out of our driveway.

Regards

Vicki Jones

Sarah Adam & Chris Knowles
4/10-16 Beatrice Street
Ashfield NSW 2131

To The General Manager

**Re: OBJECTION TO S.96 (2) Amendment to Development Consent No. 10.2014.012
425 Liverpool Road Ashfield LOT: 1 DP: 700804**

We are writing to provide an objection to the proposed amendment to S.96 (2) Amendment to Development Consent No. 10.2014.012 at 425 Liverpool Road ASHFIELD. We object in the strongest possible terms to modifications to the wording of condition B(1)(a) & 1(b) of the consent reinstating the Court deleted level 6 on the southern part and level 3 on the northern part in a different form. The key reasons for this objection are as follows:

Overshadowing - The addition in height will further obstruct light into all of the Units in 10-16 Beatrice Street Ashfield, including our courtyard, and will result in privacy issues with our block being overlooked. This will also be a concern for the units and houses directly overshadowed by the development namely properties 18, 18A and 20 Beatrice Street.

Increased Parking Congestion - The additional units will compound the existing considerable parking problem on Beatrice Street. Parking on our street is already limited and since the new block is being built right onto Frederick Street, the only option will be for residents with second cars and visitors to park on Beatrice Street. An additional floor will mean yet more dwellings, and yet more potential cars. Parking on Beatrice Street is already at capacity and any addition units in the new block are likely to create real issues for residents.

Increased Traffic Congestion - The inevitable impact the development will have on traffic flow on Frederick Street and Liverpool Road will be considerable. The generation of a higher number of vehicles requiring ingress to and egress from the development will result in a much greater number of vehicles on the surrounding roads. This will increase traffic congestion to already heavily congested roads and create bottlenecks and long queues, particularly in peak hours.

Visual impacts - the addition of another floor will add to the unsuitable size of the development and encroachment of the development over the footpath.

Authority of Supreme Court Ruling - The following has been extracted directly from the EX TEMPORE JUDGMENT in the case of Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248 the Court of Appeal Supreme Court New South Wales dated 20 August 2015.

‘Condition B(1)(a) and (b) required the deletion of units on level six from the southern part of the site, and on level three from the northern part of the site, because there was non-compliance with the development standard relating to the height of buildings in the Ashfield Local Environmental Plan 2013 (NSW) (LEP). Clause 4.6 of the LEP empowers development consent to be granted for developments that contravene the development

standard in certain circumstances, but the Commissioner was not persuaded that the clause applied.

Four2Five then appealed, pursuant to s 56A of the Land and Environment Court Act 1979 (NSW), to a judge of that Court on questions of law. That appeal was heard on 11 May 2015 and determined on 3 June 2015 by dismissing the appeal: *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90. The primary judge addressed two questions relating to the construction of cl 4.6 of the LEP, and concluded that there was no error at all, let alone error of law, in the decision of the Commissioner.'

The outcome of *Four2Five Pty Ltd v Ashfield Council* [2015] NSWCA 248 on 20 August 2015 was 1. Leave to appeal refused and 2. Notice of Motion filed 12 August 2015 dismissed in the Court of Appeal Supreme Court New South Wales.

Therefore, we are at a loss to understand how they can be attempting to modify this Condition AGAIN to allow them to add additional floors to the development which we believe is already grossly unsuitable for the site. This attempt to add the disputed levels should be overruled as a result of the above authority of the Court of Appeals Supreme Court of New South Wales ruling. We believe the integrity of the Supreme Court ruling will be under extreme question if this amendment is approved. We question the point of having a Court of Law hand down a ruling if developers are effectively allowed to push through and amend their plans at will.

For all the above reasons, we sincerely hope you will reject this amendment.

Yours sincerely,

Sarah Adam and Chris Knowles on behalf of the Owners Corporation SP 63355 10-16
Beatrice Street Ashfield.



425 Liverpool RD - S.96.(2) AMENDMENT TO DEVELOPMENT CONSENT
No .10.2014.012
Roger M
to:
info
26/11/2015 11:01 AM
Cc:
"Mary Toutzaridis - Conti Property Group"
Hide Details
From: "Roger M" <rogerabbit1@gmail.com>
To: <info@ashfield.nsw.gov.au>,
Cc: "Mary Toutzaridis - Conti Property Group" <mary@contipropertygroup.com.au>

Roger Matthysen
26 /151B Smith St.
Summer Hill. 2130
NSW.

Owner of 11/417 Liverpool Rd.
Ashfield 2131
NSW.

S.96.(2) Amendment to Development Consent No.10.2014.012 425 Liverpool Road, Ashfield LOT: 1 DP: 700804

Attention: General Manager,

Following are my reasons of concern and rejection to support any change in proposal from the original plan.

In particular Level 3 of the Northern part - reinstating the court.(subject area of section 96 of the application).

No 1. The Height of the building will put us in darkness everyday onwards / every afternoon every day the world turns , forever more.

No 2. The Height of the building takes away valuable daylight to us in Building 417 Liverpool Rd next door.

No 3. Having a Roof garden on the Northern building. 'Parties' at any time of the night. 'NOISE' , Privacy to us coming from the Western side. Us having to close windows / curtains /doors to maintain this of what was previously there. Nothing !! There is one common balcony for us , which is on the Western side facing this monumentis building.

No 4. Retail shops on the corner . This will create more parking problems that already exists. Also leading to possible incursions into our close by 417 property. In other words the constant Parking issues, on a busy corner , now with shops for more customers will only increase the volume of complaints of Foreign cars in the area.

No.5 Access to these buildings from Fredrick St will only slow down the traffic there even

file:///C:/Users/Philipn/AppData/Local/Temp/notesDAD0F2/~web1116.htm

15/02/2016

more. It is going to increase the traffic on Fredrick St 3 fold as people use the 4 level carpark continuously.

So in summing up, General Manager , I disagree to changes of this Development that effect the living standards of 425'S neighbour , being us 417 Liverpool Rd.

Regards,
Rate paying resident.

Roger Matthysen.
Mob : 0438 206 212.



Mary Nicholas

to:

info

25/11/2015 12:44 PM

Hide Details

From: Mary Nicholas <marynicholas14@hotmail.com>

To: info@ashfield.nsw.gov.au,

To: General Manager

S.96(2) Amendment to Development Consent No.10.2014.012
425 Liverpool Road, Ashfield LOT : 1 DP :700804

Dear Sir/Madam,

I am writing to you in regards to the proposed development at 425 Liverpool Rd Ashfield. I am the owner of a property at 417 Liverpool Ashfield, and I have several concerns about the proposed development at 425 Liverpool Rd.

The area is already experiencing extremely high levels of traffic congestion due to the sheer volume of cars coming through this area, particularly during peak hours. The addition of more residential dwellings will contribute even further to the traffic problem. As my property is situated on a busy road, it is already extremely difficult to get in and out of the property, and the addition of this new development will further exacerbate this problem. There is also the concern of construction vehicles adding to the traffic, as well as road blocks and lengthy delays for commuters. It will also contribute to excess noise, not just from construction, but also from extra vehicles on the road, and increased traffic to an already congested area.

The positioning of this new and very large building threatens to take away what limited sunlight we are currently receiving. Property 417 Liverpool Rd has already been negatively impacted by many new surrounding developments taking away limited sunlight already, and the proposed height of this new building would reduce sunlight exposure to the property to very minimal levels. The proposed dwelling will have more than enough sunlight exposure as is, and adding the proposed 7th story will take away what limited sunlight we have, and be detrimental to the quality of life for residents.

At present, surrounding buildings are only 6 stories high. It is not necessary to have the new proposed development to be 7 stories, and the extra height and space they gain will come at the expense of all surrounding residents, both due to sunlight, congestion, traffic and noise.

The new development also poses as a cause of significant loss of value to my property. Not only are the above concerns limiting the quality of the living experience in my property, the overall value will now be significantly reduced if the proposed dwelling proceeds. We have been as accommodating as possible to many new developments in our immediate surrounding, but this new proposed dwelling will just not be sustainable for residents in our property.

Finally, I understand that every dwelling is proposed with the future of our community in mind. I kindly ask that you consider thoroughly the negative impacts that this proposed development will have on existing members of the community, and their long term health and quality of life. I kindly request that even if we cannot prevent this new development from proceeding, that you will at least consider at length the prospect of limiting the height of this building. This way, we can still retain some sunlight at my property, reduce overall congestion and hopefully ease some of the strain from an already heavily crowded location.

I appreciate greatly the time you have taken to read my concerns, and hope that this will help you to come up with a solution that helps all residents and members of the community.

Kind Regards,
Mary Nicholas

Subject **DEVELOPMENT APPLICATION: 10.2015.180.1**
46 EDWARD STREET SUMMER HILL

File Ref DA 10.2015.180.1

Prepared by Philip North - Specialist Planner

Reasons Matter requires Council determination

Objective For Council to determine the application

Overview of Report

1.0 Description of Proposal

Pursuant to Clause 78A (1) of the Environmental Planning and Assessment Act 1979, consent is sought for the demolition of existing structures and the construction of a four storey residential flat building with two levels of basement parking and 25 dwellings.

Background

2.0 Summary Recommendation

This proposal initiates the first element stage of the redevelopment of the B4 zone in Edward Street. It defines this prominent corner site, and addresses not only Edward Street and Old Canterbury Road, but also the future access road in stage 3 of the redevelopment of the Flour Mills site at 2-32 Smith Street, to which it also creates a pedestrian connection. In addition, it resolves the presently unformed public space between the site and Old Canterbury Road by retaining the embankment, providing public seating and a cycle path which will connect to the planned cycle network in the precinct.

The proposal exceeds the FSR nominated for the site and also proposes gross floor area that intrudes into the upper 3m of the height limit, contrary to Ashfield LEP 2013. Clause 4.6 Variation Requests have been provided in respect of each of these non-compliances. The request in respect of FSR is considered to be well founded given that the proposal reduces the existing gross floor area on the site to lessen an existing non-compliance. The request in respect of height is also considered to be well founded given that the height non-compliance is the result of an isolated drop in the natural ground level at one corner of the site below the level of the road alignment and that the appearance of the proposal is that of a compliant development.

The development is recommended for conditional approval.

DEVELOPMENT APPLICATION: 10.2015.180.1
46 EDWARD STREET SUMMER HILL

3.0 Application Details

Applicant	:	Tony Owen Partners Pty Ltd
Owner	:	Edward Street (NSW) Pty Limited
Value of work	:	\$7,591,430
Lot/DP	:	LOT: 1 DP: 235141
Date lodged	:	25/09/2015
Building classification	:	2
Application Type	:	Local
Construction Certificate	:	No

4.0 Site and Surrounding Development

The subject site is located on the Eastern side of Edward Street, the Northern side of Old Canterbury Road and is adjacent a proposed internal street (MP_0155 & DA 10.2015.202.1) at the redevelopment of the Mungo Scott Flour Mills site at 2-32 Smith Street. An existing factory building is located on the site. Surrounding development comprises dwelling houses, residential flat buildings under construction and light industrial buildings. The site is also in close proximity to the Inner West Light Rail line.

Refer to **Attachment 1** for a locality map.

The site consists of the following five individual lots:

Street Address	Lot No.	Deposited Plan	Title System	Total Site Area (by title)
46 Edward Street	1	235141	Torrens	1,087m ²
TOTAL AREA				1,087m ²

5.0 Development Application History

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

No.	Determination Date	Proposal	Determination
6.1936.6023.1	Unknown	Construction of wheat silos	Unknown
6.1967.6403.1	05.09.1967	Factory	Approved

DEVELOPMENT APPLICATION: 10.2015.180.1

46 EDWARD STREET SUMMER HILL

The following table shows the background to the current application:

Application Milestones		
Date	Event	File no
28.10.2014	Pre-lodgement Application submitted	9.2014.37
20.11.2014	Pre-lodgement meeting held at Council	9.2014.37
27.11.2014	<p>Letter sent to applicant identifying the following issues:</p> <ul style="list-style-type: none"> <i>The subject site is located in a B4 Mixed use zone under Ashfield Local Environmental Plan LEP 2013. The zone objectives are for a mixture of compatible uses.</i> <i>The maximum allowable FSR under Ashfield LEP 2013 is 1.5:1. You are requesting an FSR of 1.98:1. Any proposal will have to comply with the FSR control. Council Officers will not support any floor space ratio which exceeds the maximum allowed FSR.</i> <i>The height of building map under the ALEP 2013 allows a maximum height of 13m. It is noted that the proposed development does not comply with clause 4.3(2A) as the top storey is for residential use.</i> <i>Clause 4.3(2A) of ALEP reads as follows:</i> <i>If a building is located on land in Zone B4 Mixed Use, any part of the building that is within 3 metres of the height limit set by sub-clause (2) must not include any area that forms part of the gross floor area of the building and must not be reasonably capable of modification to include such an area.</i> <i>The proposed development should be amended to comply with the above control.</i> <i>Part C11 of Ashfield Interim Development Assessment Policy (Council Policy) requires one car space per unit plus one visitor space for every 4 units and a car wash bay is required. One car space is required per 40m² of commercial space and one accessible car parking space is required for each accessible/adaptable residential unit. Refer to Part C1- Access Adaptability and Mobility.</i> <i>All parking spaces to be clearly shown with numbers on the plans and the proposal must comply as no variation will be supported.</i> <i>The bicycle parking is required at the following rate;</i> <i>One bicycle space is required for every 10 units in an accessible communal area.</i> <i>One bicycle space is required for every 20 employees of a retail business and for every 250m² of a retail gross floor area.</i> <i>Any proposal must demonstrate compliance with the Access and Mobility and Universal Accessible Design requirements of Part C1 of Council Policy. Access for disabled to comply with AS 1428.1. It is mandatory that 10% of the units be adaptable housing as required by Part C1 of ADCP.</i> <i>SEPP 65 Design of Residential Flat Buildings and the Residential Flat Design Code are applicable for the proposed development as it contains more than three storeys and has more than 4 dwellings.</i> <i>The building should be setback from Edward Street similar to other recently approved residential development on the eastern side of the street and the setback area landscaped to provide a buffer zone for the residential units.</i> <i>There is a proposal for a future road at the rear of the site which may affect the design of your proposed development including vehicular access and open space</i> <i>As the property has a history of industrial use the land may be contaminated as such the following investigations may be required. Any application should include</i> <i>Stage 1—Preliminary Investigation.</i> <i>Stage 2—Detailed Investigation under SEPP 55 Remediation of land.</i> 	9.2014.37

DEVELOPMENT APPLICATION: 10.2015.180.1
46 EDWARD STREET SUMMER HILL

	<p><i>The reports must clearly confirm that the subject land is suitable for the proposed use.</i></p> <ul style="list-style-type: none"> <i>A storm water drainage concept plan including on site detention and connection into any Council storm water drainage pipes is required to be submitted with any development application. Drains from the site must be connected to a pit and as there is no Ashfield Council pit in the vicinity the applicant is advised to contact Marrickville Council for pit and pipe information so as to locate the nearest appropriate pit and pipe..</i> <i>The proposed development is in the vicinity of several Heritage Items and a Heritage Conservation Area .The proposed development should take into account the heritage significance of the existing development in the vicinity. In addition any proposed development will need to demonstrate that it will not adversely affect the Heritage significance of the Heritage Items and Heritage Conservation Area.</i> <i>Communal open space of a minimum of 25% of the site shall be provided exclusive of any drying or service areas. The communal area should be adapted for active and passive recreation and may include children's play areas, barbeque areas and the like. As many aboveground units as possible within the development should enjoy an outlook over this space. This is a mandatory requirement and non-compliances will not be permitted.</i> <i>The minimum amount of landscaped area to be provided on site shall be 35% of the site area.</i> <i>All vehicles associated with this complex must enter and exit the building in a forward direction. Ramp gradients, isle widths, and manoeuvring areas to be shown on the plans and must comply with AS 2890.1</i> <i>The accessible car spaces should be designed in accordance to AS 2890.6:2009.Headroom clearance to car park should be made in accordance to AS2890.1:2004 Sect 5.3 and dimensioned on plan.</i> <i>A waste management plan in accordance with Part D1 of Council's Policy is required to be submitted detailing 'Inter Alia' garbage collection area .The bin storage area needs to be well ventilated and not affecting the amenity of neighbours and must have water for cleaning of bins. The bin storage area must have enough space for the storage of recycling bins. For the residential units there would need to be one 120 litre bin and one x 240litre recycling bin per 2 units. The bins will need to be left in Edward Street the night before collection as Council contractor is not able to service bins on private property.</i> <i>The proposed development must address solar access to properties in the vicinity. Shadow diagrams in plan and elevation are required to show the existing and proposed shadowing at 9am 12 noon and 3pm on 21 June.</i> <p><i>As a rule 3 hours of sunlight should be maintained to at least 40% of the glazed area of north facing living area windows and to 50% or 35m2 of private open space of properties in the vicinity between 9am and 3pm on 21 June.</i></p> <i>The proposal shall not compromise the ability of adjoining sites to build to their full potential with regard to solar access.</i> <i>The proposed development must maintain privacy to adjoining properties. In this regard upper floor balconies should be sited to minimise direct overlooking of adjoining and nearby properties.</i> <i>Loading and unloading area should be designed to allow vehicles to move in and out of the site in a forward direction.</i> <i>Mailbox location, clothes drying areas and television aerial location to be shown on the plans.</i> <i>Ausgrid should be contacted at an early stage regarding their requirements for power to the site and the location of any electrical substation if required.</i> <i>A Basix certificate is required.</i> <i>A full Building Code of Australia assessment has not been carried out .You are advised that the proposed building must comply with the BCA.</i> <i>An aborist report shall be submitted to Council with regard to any trees that may be affected on or near the site.</i> 	
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DEVELOPMENT APPLICATION: 10.2015.180.1
46 EDWARD STREET SUMMER HILL

09.03.2015	Provisional Development Application submitted	17.2015.55
01.04.2015	<p>Letter sent to applicant identifying the following issues:</p> <ul style="list-style-type: none"> <i>The maximum allowable FSR under Ashfield LEP 2013 is 1.5:1 whereas the proposal seeks an FSR of 1.76:1. Whilst a Clause 4.6 – Exceptions to development Standards request has been submitted, Council will not support any variation to the FSR and the proposal should be modified to comply.</i> <i>The proposal exceeds the maximum permissible height of 13m Under ALEP 2013. In addition the proposal also does not comply with clause 4.3(2A) as the upper 3m of the 13m height limit contains gross floor area. Whilst a Clause 4.6 – Exceptions to development Standards request has been submitted, Council will not support any variation to either the height standard or the standard preventing GFA in the upper 3m. The proposal must be modified to comply.</i> <i>The building should be setback from Edward Street similar to other recently approved residential development on the eastern side of the street and the setback area suitably landscaped. As a guide, the approved setback of the Flour Mill site buildings fronting Edward Street is 1.5m to the front of the balconies/blade walls etc and 3m to the front of the enclosed space. An appropriate setback for your proposal would thus be 1.5m with some recessed areas</i> <i>Although there is Concept Plan approval (MP10_0155) for a future road at the rear of the site to be dedicated to Council, this has not yet commenced construction or received development consent. Until such time as it is dedicated, it would technically constitute an adjacent site and this may have BCA implications for and construction on the boundary which should be considered.</i> <i>In accordance with the recommendations of the Supplementary Site Investigation, a Remediation Action Plan is to be prepared verifying unconditionally that the site can be made suitable for the proposed residential use.</i> <i>A storm water plan is to be provided showing on-site detention with the OSD tank located in an accessible common area. The OSD calculations are also to be provided.</i> <i>The site is to connect to the Council storm water pit.</i> <i>The car parking and basement design is being reviewed by Council's traffic engineer and any comments will be forwarded to you in due course.</i> <i>More detailed information is required regarding the quantity of deep soil on the site and how that relates to the recommended provisions of the Residential Flat Design Code. It is noted, however, that the areas nominated as "deep soil" on drawing A100 could not be classed as such given that they sit below other parts of the building, the OSD tank or paved surfaces. Notwithstanding the lack of information, the quantity of deep soil on the site appears low but this may be improved by compliance with the FSR and a consequently smaller basement footprint.</i> <i>The garbage rooms show stacked storage of the garbage bins. A single tier arrangement would be more suitable.</i> <i>The drawings note that the road on the Flour Mills site to the east as being approved under DA 10.2014.70.1. In fact, this DA only addressed stage 2 of this project and the road is simply the subject of Concept Plan approval (MP10_0155). This section of road is part of Stage 3 of the approved concept plan and to date no development application has been received in respect of this stage.</i> <i>A full Building Code of Australia assessment has not been carried out. You are advised that the proposed building must comply with the BCA.</i> <i>It is not clear if the degree of three dimensional modelling of the sculptural screens can be adequately achieved within the 1m setback allowed. It is suggested that 2-3m may achieve a more satisfactory result.</i> <i>Large scale details (e.g. 1:20) of the sculptural screens should be provided to ensure certainty of the built outcome.</i> <i>The large areas of west facing glazing present some concern and further</i> 	17.2015.55

DEVELOPMENT APPLICATION: 10.2015.180.1
46 EDWARD STREET SUMMER HILL

	<p><i>information should be provided in respect of any shading method proposed.</i></p> <ul style="list-style-type: none"> • Council records indicate a different ownership of the property than is shown on the DA application form. Whilst a sale of contract has been submitted, a letter from the solicitor be provided to confirm any change of ownership. • Please provide a completed Political Donations and Gift Disclosure Statement. This document can be downloaded from Council's website (http://www.ashfield.nsw.gov.au/page/political_donations.html) • In future applications, Council would prefer that plans (including architectural, landscape, storm water and the survey) be provided on paper no larger than A3 unless the proposal cannot fit on that size at a standard scale of at least 1:100/1:200 (for floor plans, elevations & site plans) or at least 1:500/1:1000 (for site plans only). 	
27.08.2015	<p>Letter sent to applicant identifying the following issues:</p> <ul style="list-style-type: none"> • The revised proposed FSR exceeds by more than 12% of the maximum FSR allowed under Ashfield LEP 2013. Whilst at a site meeting there was discussion on council allowing some minor variation, the FSR proposed is considered excessive and is unlikely to be supported. • The proposed height exceeds both the maximum 13m limit (the lift overrun) under Clause 4.3 as well as the 10m limit under Clause 4.3(a). As discussed at the on-site meeting, Council will not support any variation to the maximum height control. With respect to the encroachment into the top 3m, it was suggested that the maximum encroachment which Council may consider will be 600mm for a small part of the site. The proposed encroachment appears to exceed by 1m and results in a building which is greater than the desired 3 storey form for the locality. The proposal should be amended to minimise the extent of a visible fourth floor in particular from the private road to the rear. • The Deep soil does not meet the recommended minimum 7% of the site area under the Apartment design Code. Please note that the parking provision appears to exceed the minimum requirement under Ashfield IDAP 2013. This may provide opportunity for additional deep soil planting at the south west corner of the site. • An amended Statement of Environmental Effects reflecting the amended plans be submitted. • Amended storm water plans are to be submitted. 	17.2015.55
25.09.2015	Development Application lodged with Council.	10.2015.180

6.0 Zoning/Permissibility/Heritage

The site is zoned B4 - Mixed Use under the provisions of Ashfield LEP 2013.
The property is located within the vicinity of a heritage item.

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.

DEVELOPMENT APPLICATION: 10.2015.180.1
46 EDWARD STREET SUMMER HILL

7.1 The provisions of any Environmental Planning Instrument

7.1.1 Local Environmental Plans

Ashfield Local Environmental Plan 2013

Ashfield Local Environmental Plan 2013 (ALEP 2013) was gazetted on 23 December 2013 and applies to the proposal. The following table summarises the compliance of the application with ALEP 2013.

Ashfield Local Environmental Plan 2013 Summary Compliance Table				
Clause No.	Clause	Standard	Proposed	Complies
2.3	Zone objectives and land use table	Zone B4 Mixed Use	Residential flat building	Yes
4.3(2)	Height of buildings	13m	12.8m	Yes
4.3(2A)	Height of buildings: If a building is located on land in Zone B4 Mixed Use, any part of the building that is within 3 metres of the height limit set by sub-clause (2) must not include any area that forms part of the gross floor area of the building and must not be reasonably capable of modification to include such an area.	10m	10.6m	No
4.4	Floor space ratio	1.5:1	1.64:1	No
4.6(3)	Exceptions to development standards to Clause 4.3(2A): <ul style="list-style-type: none"> units 301, 302 and 303 intrude into the upper 3m of the height limit by up to 600mm 	Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:	Written request submitted.	Yes - submitted
4.6(3)(a)	“	That compliance with the development standard is unreasonable or unnecessary in the circumstances of the	Demonstrated. It is considered that compliance with the standard is unnecessary as	Yes

DEVELOPMENT APPLICATION: 10.2015.180.1
46 EDWARD STREET SUMMER HILL

		case, and	the proposal meets the objectives of the standard: <ul style="list-style-type: none"> • A dramatic dip in the topography of the site in the south east corner results in the non-compliance; • If measured from the road alignment of Old Canterbury Road, the height is compliant; • The appearance from the public realm is that of a building of compliant height. 	
4.6(3)(b)	“	That there are sufficient environmental planning grounds to justify contravening the development standard.	Demonstrated. It is considered that there are sufficient environmental planning grounds to justify the contravention: <ul style="list-style-type: none"> • The non-compliance results in a streetscape which appears to be of a compliant height and thus satisfies the urban design intent of the standard; and • The proposal includes public space improvements in respect of the public reserve between the southern boundary of the site and Old Canterbury Road. 	Yes
4.6(4)	“	Development consent must not be granted for development that contravenes a development standard unless:		
4.6(4)(a)	“	The consent authority is satisfied that:		
4.6(4)(a)(ii)	“	The applicant's written request has adequately addressed the matters required to be demonstrated by sub-clause (3), and	Adequately addressed.	Yes
4.6(4)(a)(iii)	“	The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and	This aspect of the proposed development is consistent with the objectives of the standard and of the zone: <ul style="list-style-type: none"> • A dramatic dip in the topography of the site in the south east corner results in the non-compliance; • If measured from the road alignment of Old Canterbury Road, the height is compliant; • The appearance from the public realm is that of a building of 	Yes

DEVELOPMENT APPLICATION: 10.2015.180.1
46 EDWARD STREET SUMMER HILL

			compliant height.	
4.6(4)(b)	“	The concurrence of the Director-General has been obtained.	Concurrence delegated to Council.	Yes
4.6(3)	Exceptions to development standards to Clause 4.4 – Floor Space Ratio: <ul style="list-style-type: none"> The proposed FSR of 1.64:1 exceeds the maximum permissible of 1.5:1. 	Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:	Written request submitted.	Yes - submitted
4.6(3)(a)	“	That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and	Demonstrated. It is considered that compliance with the standard is unnecessary as the proposal meets the objectives of the standard: <ul style="list-style-type: none"> The proposal reduces the FSR of the existing development from 1.78:1 to 1.64:1 to achieve a structure more consistent with the desired future character ; 	Yes
4.6(3)(b)	“	That there are sufficient environmental planning grounds to justify contravening the development standard.	Demonstrated. <ul style="list-style-type: none"> The proposal achieves a more appropriately scaled structure than that which currently exists on the site. 	Yes
4.6(4)	“	Development consent must not be granted for development that contravenes a development standard unless:		
4.6(4)(a)	“	The consent authority is satisfied that:		
4.6(4)(a)(ii)	“	The applicant's written request has adequately addressed the matters required to be demonstrated by sub-clause (3), and	Adequately addressed.	Yes
4.6(4)(a)(iii)	“	The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and	This aspect of the proposed development is consistent with the objectives of the standard or of the zone: <ul style="list-style-type: none"> The proposed scale is more consistent with the new and existing development than the existing scale; The proposal lessens the impacts upon the adjacent heritage item by virtue of the reduction in the existing scale; 	Yes

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			<ul style="list-style-type: none"> The proposal improves the relationship of the site with the public domain; and It adopts an appropriate visual scale relationship with the adjacent site which is undergoing redevelopment (MP _0155 & DA 10.2015.202.1). 	
4.6(4)(b)	“	The concurrence of the Director-General has been obtained.	N/A	Yes
5.10	Heritage Conservation	Located adjacent: <ul style="list-style-type: none"> Heritage Item No. I-619 (2 -32 Smith Street, Summer Hill – Flour Mills Site) 		
5.10(4)	Effect of proposed development on heritage significance	The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This sub-clause applies regardless of whether a heritage management document is prepared under sub-clause (5) or a heritage conservation management plan is submitted under sub-clause (6).	No adverse impacts upon heritage values of adjacent heritage items considered to result.	Yes
5.10(5)	Heritage assessment	The consent authority may, before granting consent to any development: <ul style="list-style-type: none"> (a) on land on which a heritage item is located, or (b) on land that is within a heritage conservation area, or (c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.	Submission of a heritage management document not considered necessary due to significant separation from any structures of heritage significance.	N/A
6.2(3)	Flood Planning	Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:		
6.2(3)(a)		is compatible with the flood hazard of the land, and	No issues identified by Council's engineer.	Yes
6.2(3)(c)		incorporates appropriate	No issues identified by	Yes

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		measures to manage risk to life from flood, and	Council's engineer.	
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As demonstrated in the above table, the proposed development generally satisfies the provisions of ALEP 2013 and where variations to the LEP have been sought, adequately justifies those variations through appropriate Clause 4.6 submissions.

7.1.2 Regional Environmental Plans

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

An assessment has been made of the matters set out in Clause 20 of the 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. 55 - Remediation of land

The applicant has submitted a supplementary site investigation report which concludes that the site can be made suitable for its proposed use subject to specified remediation works. Compliance with this report will be a condition of any development consent.

State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development

The proposed development includes a residential flat building as defined by the SEPP in that it comprises 3 or more storeys and 4 or more self contained dwellings. The proposal is therefore subject to the provisions of the SEPP. The proposal is accompanied by a suitable Design Verification Statement as required by the regulations.

State Environmental Planning Policy No. 65: Design Quality of Residential Flat Development			
Clause	Standard	Proposed	Complies
28	Determination of Development Applications		
28(1)	After receipt of a development application for consent to carry out development to which this Policy applies (other than State significant development) and before it determines the application, the consent authority is to refer the application to the relevant design review panel (if any) for advice concerning the design quality of the development.	The application has been referred to Council's SEPP 65 review officer for comment.	Yes

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28(2)	In determining a development application for consent to carry out development to which this Policy applies, a consent authority is to take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration): (a) the advice (if any) obtained from the design review panel, and (b) the design quality of the development when evaluated in accordance with the design quality principles, and (c) the Apartment Design Guide.		Yes
28(2)(b)	The design quality principles		
1.	<p>Principle 1: Context and neighbourhood character</p> <p>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</p> <p>Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</p> <p>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</p>	The proposal responds appropriately to the context:	Yes
2.	<p>Principle 2: Built form and scale</p> <p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p>The scale is generally appropriate for the context.</p> <ul style="list-style-type: none"> It expresses the corner site; Edward Street setbacks are consistent with established pattern of residential development; Addresses the private street on the flour mills site appropriately. 	Yes
3.	<p>Principle 3: Density</p> <p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	The density is generally consistent with the FSR nominated for the site by ALEP 2013. There is a slight excess but this is justifiable by the scale of the existing building on the site which has a significantly larger FSR.	Yes
4.	<p>Principle 4: Sustainability</p> <p>Good design combines positive</p>	The proposal has been accompanied by a BASIX certificate demonstrating	Yes

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	<p>environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</p>	compliance with fundamental sustainability requirements.	
5.	<p>Principle 5: Landscape</p> <p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p> <p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.</p>	<p>The landscaping of the site adequately provides:</p> <ul style="list-style-type: none"> • A north facing central communal courtyard space; • Deep soil planting areas; • Landscaping to Edward Street; • Suitable treatment of the public domain along Canterbury Road. 	Yes
6.	<p>Principle 6: Amenity</p> <p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.</p> <p>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</p>	The proposal provides suitable internal amenity to residents.	Yes
7.	<p>Principle 7: Safety</p> <p>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p>	Safety and security is adequate due to good passive surveillance of internal and external circulation spaces.	Yes

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	A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.			
8.	<p>Principle 8: Housing diversity and social interaction</p> <p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</p>		A variety of unit sizes are provided ranging from one to three bedrooms as well as accessible units.	Yes
9.	<p>Principle 9: Aesthetics</p> <p>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</p> <p>The visual appearance of a well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>		The aesthetic resolution is satisfactory in the context of the site.	Yes
28(2)(c)	Apartment Design Guide			
Part 3	Siting the development			
3B	Orientation	On merit.	Orientation to the three street frontages is appropriate in the context.	Yes
3C	Public domain interface	On merit.	Appropriate in the context.	Yes
3D-1	Communal open space	Communal open space: min. 25% site area: 272m ²	34%	Yes
		Solar access to communal open space	Excellent	Yes
3D-3	Communal open space is designed to maximise safety	Safety	Adequate passive surveillance.	Yes
3E-1	Deep soil zones	7% min dimension 3m:	10%	Yes

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3F1	Building Separation (up to four storeys)	6 metres between habitable rooms/balconies and side boundaries	Approx. 7m	Yes
3F-2	Privacy		Communal open spaces adequately separated from private open spaces and windows.	Yes
3J-1	Car parking <ul style="list-style-type: none"> • 800m of railway or light rail station; or • In or within 400m of B3/B4 land RTA Guidelines or Council controls whichever is lesser	RTA Guidelines: Metro Sub-regional: <ul style="list-style-type: none"> • 0.6 space/1 bed: 2.4 • 0.9 space/2 bed: 18.9 • 1.4 space/3 bed: 0 • 1 visitor/ 5 units: 5 TOTAL: 26.3	34 spaces	Yes
Part 4 Designing the Building				
4A-1(1)	Solar & daylight access	70% of living rooms and private open spaces: min. 2 hours solar access between 9am and 3pm in mid-winter.	70%	Yes
4A-1(3)	Solar & daylight access	No direct sunlight at the above time: max. 15%	8%	Yes
4B-3(1)	Natural ventilation	Natural cross ventilation: min. 60% of apartments	88%	Yes
4B-3(2)	Natural ventilation	Maximum depth of cross through apartments: 18m glass to glass	Less than 18m	Yes
4C-1	Ceiling heights	<ul style="list-style-type: none"> • Habitable rooms: 2.7m • Non-habitable: 2.4m • 2 storey: 2.4m 2nd storey • Attics: 1.8m at edge of room with 30 deg slope • Commercial: 3.3m ground and first floor. 	Min 2.7m	Yes
4D-1(1)	Apartment size and layout	Minimum internal areas: <ul style="list-style-type: none"> • Studio: 35m² • 1 bed: 50m² • 2 bed: 70m² • 3 bed: 90m² 	Complies	Yes
4D-1(2)	Apartment size and layout	All habitable rooms to have window in external wall min. 10% floor area.		Yes
4D-2	Apartment size and layout	Max. Habitable room depth: 8m		Yes
4D-3(1)	Apartment size and layout	Min areas: <ul style="list-style-type: none"> • Master bedroom: 10m² • Other bedrooms: 9m² 		Yes
4D-3(2)	Apartment size and layout	Min. Bedroom dimension (excl. Robe): 3m		Yes
4D-3(3)	Apartment size and layout	Min. Living room dimension: <ul style="list-style-type: none"> • 1 Bed Unit: 3.6m • 2 Bed Unit: 4.0m 		Yes

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4E-1(1)	Private open space & balconies	Min. Balcony size/depth: • Studio: 4m ² / • 1 Bed: 8m ² /2m • 2 Bed: 10m ² /2m • 3 Bed: 12m ² /2.4m		Yes
4E-1(2)	Private open space & balconies	Min. Courtyard size/depth: • 15m ² /3m		Yes
4F-1(1)	Common circulation spaces	Max. apartments off a single core: 8	8	Yes
4F-1(2)	Common circulation spaces	Max. apartments sharing single lift: 40 (10 storeys and over)	25	Yes
4G-1(1)	Storage	Minimum storage: • Studio: 4m ³ • 1 Bed: 6m ³ • 2 Bed: 8m ³ • 3 Bed: 10m ³ 50% to be in apartment (not bedroom/kitchen)		Yes
4H-1	Acoustic privacy	Noise transfer is minimised through the siting of buildings and building layout.	Layout is appropriate.	Yes
4H-2	Acoustic privacy	Noise impacts are mitigated within apartments through layout and acoustic treatments.	Acoustic report provided.	Yes
4J-1	Noise and pollution	In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings.	The site is not considered unduly noise affected.	N/A
4J-2	Noise and pollution	Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.	Suitable methods applied.	Yes
4K-1	Apartment mix	A range of apartment types and sizes is provided to cater for different household types now and into the future.	A variety of one, two and three bedroom apartments is provided.	Yes
4L-1	Ground floor apartments	Street frontage activity is maximised.	Ground floor apartments create an active frontage.	Yes
4L-2	Ground floor apartments	Private courtyards elevated above the street by 1m-1.5m	Due to the unusual topography of the site, this is not universally possible. Privacy has nevertheless been addressed by way of screening and planting.	Acceptable
4M-1	Facades	Building facades provide visual interest and respect character of local area.	The facade is highly articulated to create a high degree of visual interest.	Yes

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4M-1	Facades	Building functions are expressed on the facade.		Yes
4N-1	Roof design	Roof treatments are integrated into the building design and positively respond to the street.		Yes
4N-2	Roof design	Opportunities to use roof space for residential accommodation and open space are maximised.	A large area of communal open space has been provided on the roof terrace.	Yes
4N-3	Roof design	Roof design incorporates sustainability features.	Skylights, pergolas, rooftop planting, etc, provided.	Yes
4O	Landscape design			
4P-1	Planting on structures	Min. Soil depths: <ul style="list-style-type: none"> • 12-18m trees: 1.2m deep & 10m x 10m • 8-12m trees: 1.0m deep & 6m x 6m • 6-8m trees: 0.8m deep & 3.5m x 3.5m • Shrubs: 0.5m – 0.6m deep • Ground cover: 0.3m – 0.45m deep • Turf: 0.2m deep 	Minimum soil depths provided.	Yes
4Q-1	Universal design	20% of apartments to achieve Livable Housing Guidelines silver level design features.	Inadequate detail to ascertain full compliance but generally capable of compliance and detailed compliance can be conditioned.	Condition
4Q-2	Universal design	Adaptable housing in accordance with Council policy.	Not every unit has a bathroom useable by a person in a wheelchair. Compliance can be conditioned.	Condition
4R-1	Adaptive reuse	New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.	New building.	N/A
4S-2	Mixed use	Residential uses of the building are integrated within the development, and safety and amenity is maximised for residents.		N/A
4T-1	Awnings and signage	Awnings are well located and complement and integrate with the building design.		N/A
4T-2	Awnings and signage	Signage responds to the context and desired streetscape character.		N/A
4X-3	Building maintenance	Material selection reduces ongoing maintenance	Suitable selection of materials	Yes

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		costs.		
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As identified in the above table, the proposal generally satisfies the provisions of the SEPP. Any non-compliances are minor and can be addressed by way of condition.

State Environmental Planning Policy (Infrastructure) 2007

The proposal is subject to the provisions of the SEPP due to its size and location.

State Environmental Planning Policy (Infrastructure) 2007 Summary Compliance Table			
Clause No.	Standard	Proposed	Complies
86	Excavation in, above or adjacent to rail corridors		
86(1)	This clause applies to development (other than development to which clause 88 applies) that involves the penetration of ground to a depth of at least 2m below ground level (existing) on land:	Clause applies.	Noted
86(1)(a)	within or above a rail corridor, or	N/A	N/A
86(1)(b)	within 25m (measured horizontally) of a rail corridor. or	Clause applies.	Noted
86(1)(c)	within 25m (measured horizontally) of the ground directly above an underground rail corridor.	N/A	N/A
86(2)	Before determining a development application for development to which this clause applies, the consent authority must:	Noted	Noted
86(2)(a)	within 7 days after the application is made, give written notice of the application to the chief executive officer of the rail authority for the rail corridor, and	Referral undertaken.	
86(2)(a)	take into consideration:		
86(2)(a)(i)	any response to the notice that is received within 21 days after the notice is given, and	No response received at time of writing (over 21 days).	
86(2)(a)(ii)	any guidelines issued by the Director-General for the purposes of this clause and published in the Gazette.	No response received at time of writing (over 21 days).	

Given that the period of 21 days has expired and no response has been received from Sydney Trains, it is open to the Council to grant consent notwithstanding the lack of concurrence from Sydney Trains.

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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.

There are no draft State Environmental Planning Policies applicable.

7.3 The provisions of any Development Control Plan.

The proposal is considered to meet the aims and objectives of Ashfield Interim Development Assessment Policy 2013. Specifically to the following Parts:

Ashfield Interim Development Assessment Policy 2013 Summary Compliance Table				
No.	Standard	Required	Proposed	Complies
Part C1 Access, Adaptability and Mobility				
2.3	Universal Accessible Design	i. Villas and townhouses: ii. Low rise Flats iii. Residential Flat Buildings	Residential Flat Buildings	Yes
2.4	Adaptable Housing	10%	12%	Yes
2.5	Variations to Universal Accessible Design Requirements	Site conditions	No variations proposed due to site conditions.	N/A
7.5(e)	Interior Dwelling Design	The bathroom shall enable circulation by a wheelchair user.	Bathrooms (except for those in the adaptable units) are not large enough to enable circulation by a wheelchair user.	No Can be addressed by condition
Part C11 Parking				
3.3	Parking Credits	Do not apply if more than 50% of the building is being demolished.	100% of the existing buildings are to be demolished and as such no parking credits are applicable.	N/A
4.1	Car Parking for People with Disabilities	5 designated spaces per 100 required spaces = 2.5	4	Yes
4.2	Bicycle and Motor Cycle Parking	Bicycle: Residential: • Spaces: 1/10 units = 2.5 Residential Visitors: • Spaces: 1/10 units = 2.5 TOTAL: 5	Bicycle: Residential: TOTAL: 5	Yes
		Motor Cycle • Spaces: 1/25 car parking spaces = 1	Motor Cycle • Spaces: 2	Yes
4.3	Parking Rates for Specific Land Uses	Resident spaces: • 1/unit (incl. 1 accessible space/adaptable unit)	Resident spaces: • 25+ (incl. 3 accessible)	Yes

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		Total: 25 spaces incl. 3 disabled spaces.		
		Visitor spaces: • 1 per 4 dwellings Total: 6 spaces	Visitor spaces: Not nominated but • 6+ (incl. 1 accessible)	Yes
		Car wash bay: 1 per 4 dwellings	Not nominated but a space is available for nomination by condition.	
		TOTAL: 31	35	Yes
5.0	Design Requirements	Compliance with relevant Australian Standards and detailed requirements of the Part.	See comments by traffic engineer.	Yes
Part C12 Public Notification				
Section 2	Notification Process		The application was notified in accordance with this part.	Yes
Part D1 Planning for Less Waste				
	Bin Numbers	Residential (25 dwellings): • 1 x 240L garbage bin/2 dwellings=12.5 bins • 1 x 240L recycling bin/2 dwellings=12.5 bins • TOTAL: 25 bins	Residential (25 dwellings): TOTAL: 23 bins Bin rooms are capable of containing an additional two bins to achieve compliance.	Yes
	Bin Presentation		Bin collection is feasible on Edward Street.	Yes

The application generally complies with the Ashfield Interim Development Assessment Policy 2013 with the exception of Cl. 7.5(e), Part C1, Access, Adaptability and Mobility - not all bathrooms are of adequate size to accommodate a wheelchair. A condition has been recommended to address this issue.

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

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

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.

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

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7.6 The suitability of the site for the development

These matters have been considered as part of the assessment of the development application. The proposed development is considered suitable for the site.

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

The proposal was notified to all adjoining and nearby affected property owners and occupants, and Councillors from 29 September 2015 until 28 October 2015. Notification was checked during site inspection and was acceptable.

7.7.1 Summary of submissions

No submissions were received during the notification of the development application.

7.8 The public interest

The proposal will contribute to the evolving residential character of the precinct and make a positive urban design contribution to the public domain, in particular in its resolution of this difficult prominent corner site. It will also contribute to the improvement of the public domain by way of landscaping and construction of part of the cycle way network. It is therefore considered to be in the public interest.

8.0 Referrals

Internal Referrals		
Officer	Comments	Support
Building Surveyor	Supported subject to conditions. It is noted that the eastern boundary of the site abuts a common boundary with 2-32 Smith Street and a part of that site which will be developed as a private road. The proposal includes balconies and openings to dwellings which are located both on the boundary and within 3m of it. Council's building survey has confirmed, however, that although this will not satisfy the deemed to comply provisions of the BCA, it will be capable of resolution by way of an alternative solution without material changes to the design.	Yes
Traffic Engineer	No objection raised.	Yes
Drainage Engineer	No objection raised.	Yes
Heritage Adviser	No objection raised.	Yes
SEPP 65 Advisor	No objection raised.	Yes
GreenWay Place Manager	Supported subject to conditions: 1. Landscaping - any new landscaping should reflect the guidelines and recommended plant species in the GreenWay Revegetation and Bushcare Plan 2011, available from www.greenway.org.au 2. Shared path - the proposed 3m wide shared path from the GreenWay/Light Rail Corridor on the eastern side of the property to Edwards Street is supported. This will provide an important link for pedestrians and cyclists. It is important that the new section of path is identified as a shared path (not just a cycle path), is adequately lit and constructed in either asphalt or brushed concrete.	Yes

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	<p>3. Retaining wall - to provide an appropriate aesthetic look, it is preferable that the pre-cast concrete retaining wall is made of dyed concrete (e.g. brown, or grey/black) with an embedded design and/or texturing, so that it blends in well with the landscape. Ideally, it would be suitable to have vegetation growing over sections (e.g. native creeper) to soften its look/feel.</p> <p>4. Guidelines for new development fronting the GreenWay - Attached some general urban design principles which were drafted by the GreenWay Program in 2010. These can be used to inform choice of landscaping materials, etc, to enhance the extent to which new buildings fronting the GreenWay corridor can enhance its natural qualities, rather than undermine or work against them.</p>	
Waste Management	<p>Subject to conditions:</p> <ol style="list-style-type: none"> 1. Waste management plans for demolition and construction must be provided. Attention must be drawn in the demolition plan to the presence of any asbestos, and its appropriate management if present. 2. Gradients of the ramps for manoeuvring bins to the collection point are excessive for manual handling (reaching 4:1) and a bin tug or trailer will be essential for movement of bins, and must form a condition of consent. A waste caretaker must be appointed for the ongoing waste management. 3. The development will be provided with 14 x 240L garbage bins collected once per week and 14 x 240L recycling bins, collected once per fortnight, and 1 garden waste bin collected once per fortnight. The proposed areas at around 19m² total for the general waste and the recycling rooms are adequate for storage of this many bins. Minimum space required would be 18.7 m². 4. The drawings do not specify the location of the bulky waste interim storage room as noted in the Ongoing Waste Management Plan. This provision should be for 8m² for a development of 27 units. 5. The waste and recycling bin stores at Basement level 1 will both need a hot and cold water outlet with hose cock for cleaning of room and bins, and be drained to an approved drain. Adequate ventilation is to be provided in compliance with the provisions of <i>Australian Standard 1668:2012 The use of air conditioning and ventilation in buildings</i>. 6. The architectural plans indicate only a standard door for the general waste storage room in basement. Doors for the bin room should provide sufficient clearance to allow manoeuvring of the bins to be stored and flexibility for future usage. Doors should provide 1200mm side-to-side clearance. 	Yes

External Referrals		
Referral Body	Comments	Support
Ashfield Police	Supported subject to conditions.	Yes
Sydney Trains	No response received to referral to date and 21 days has expired. It is therefore open to the consent authority to grant consent notwithstanding the lack of concurrence from Sydney Trains.	N/A

9.0 Building Code of Australia (BCA)

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

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Financial Implications

Section 94 contributions will be payable should the application be approved.

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 79C (1) Clauses (a) to (e) having been taken into consideration.

As mentioned previously, this proposal initiates the first element stage of the redevelopment of the B4 zone in Edward Street. It defines this prominent corner site, and addresses not only Edward Street and Old Canterbury Road, but also the future access road in stage 3 of the redevelopment of the Flour Mills site at 2-32 Smith Street, to which it also creates a pedestrian connection.

Clause 4.6 Variation Requests have been provided in respect of building height and FSR non-compliances and are considered to be well founded given that the proposal reduces the gross floor area on the site to lessen an existing non-compliance and in respect of height is the result of an isolated drop in the natural ground level at one corner of the site below the level of the road alignment.

The proposal is acceptable and is recommended for approval.

ATTACHMENTS

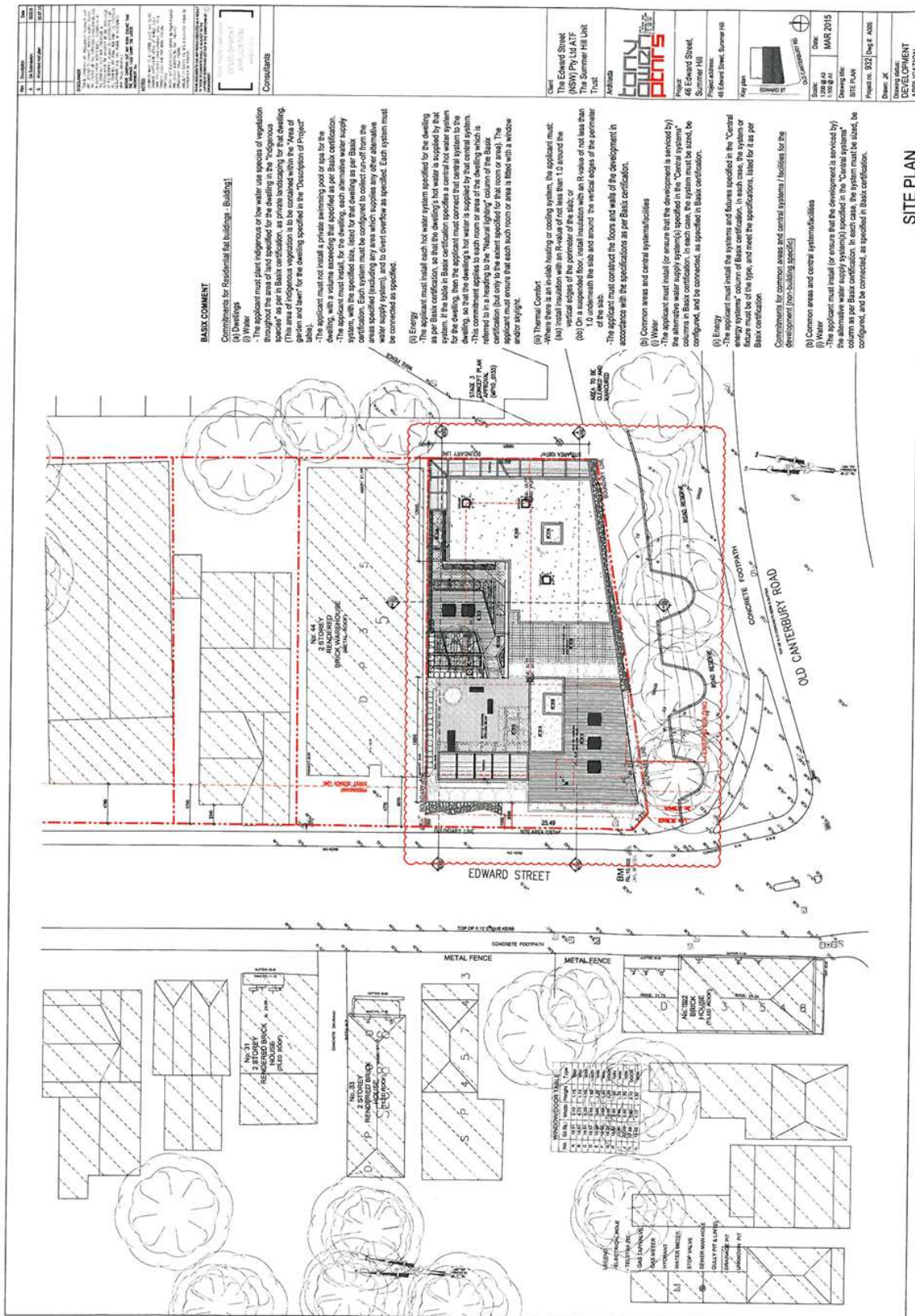
Attachment 1	Plans of Proposal	16 Pages
Attachment 2	Locality Map	1 Page
Attachment 3	Conditions	24 Pages
Attachment 4	Clause 4.6 - Variation Request	14 Pages

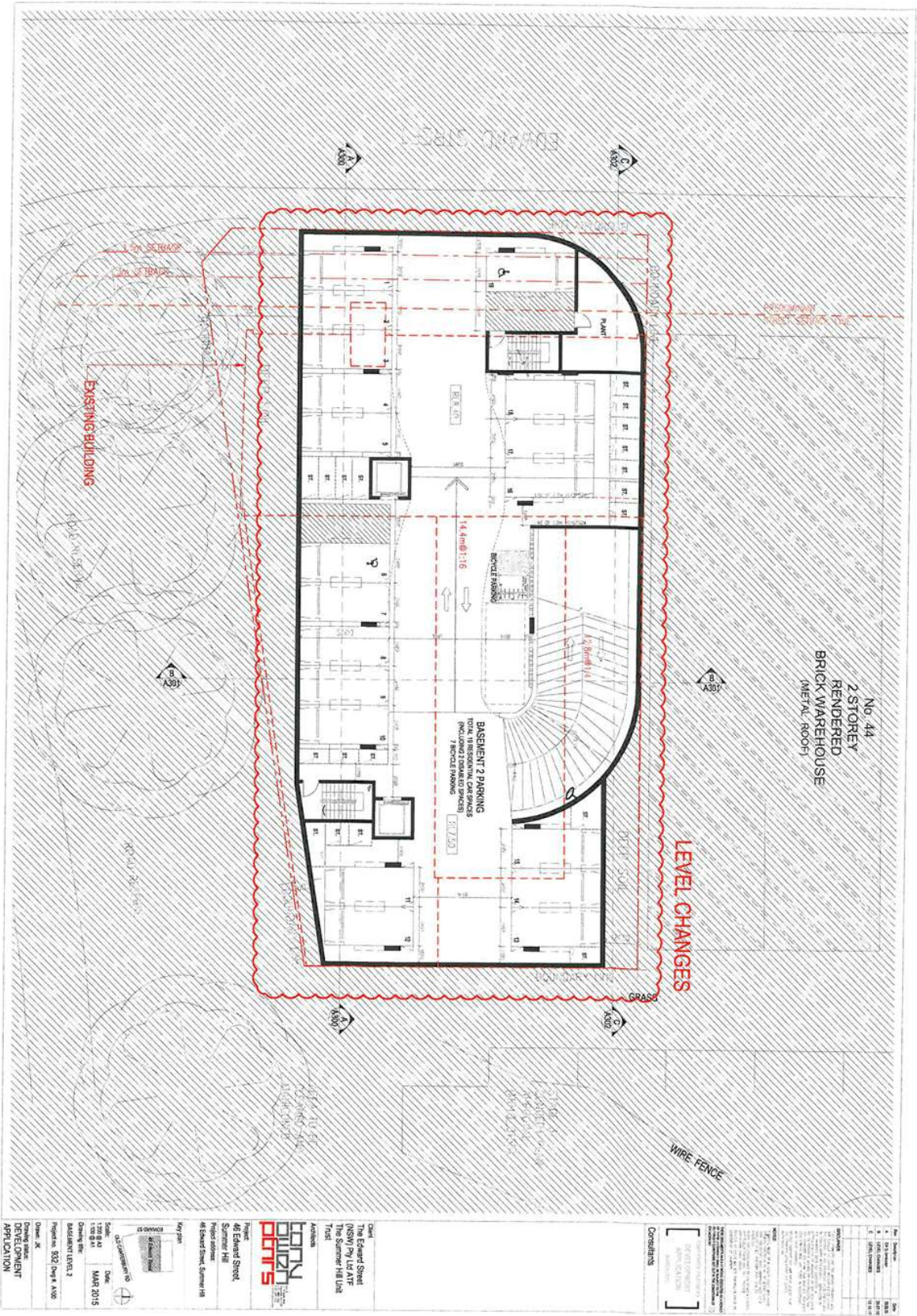
**DEVELOPMENT APPLICATION: 10.2015.180.1
46 EDWARD STREET SUMMER HILL**

RECOMMENDATION

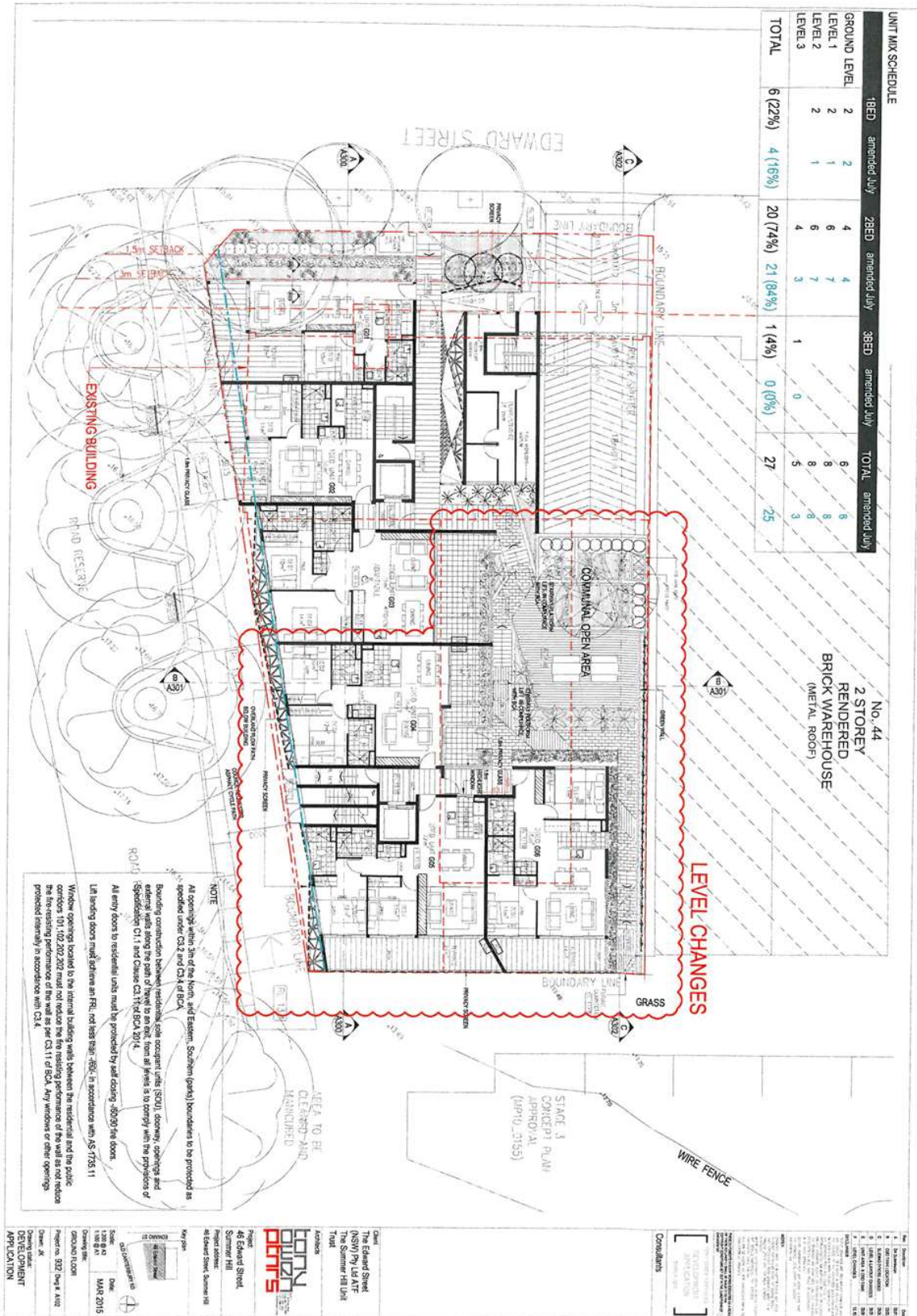
- A. That the variation requests pursuant to clause 4.6 of Ashfield Local Environmental Plan 2013 regarding clause 4.3(2A) of Ashfield Local Environmental Plan 2013 in respect of height of buildings and clause 4.4 of Ashfield Local Environmental Plan 2013 in respect of floor space ratio be supported.**
- B. That Council as the consent authority pursuant to Clause 80(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended) grant consent to Development Application No. 10.2015.180.1 for the demolition of existing structures and the construction of a four storey residential flat building with two levels of basement parking and 25 dwellings on Lot 1 in DP 235141, known as 46 Edward Street, Summer Hill, subject to conditions.**

PHIL SARIN
Director Planning and Environment









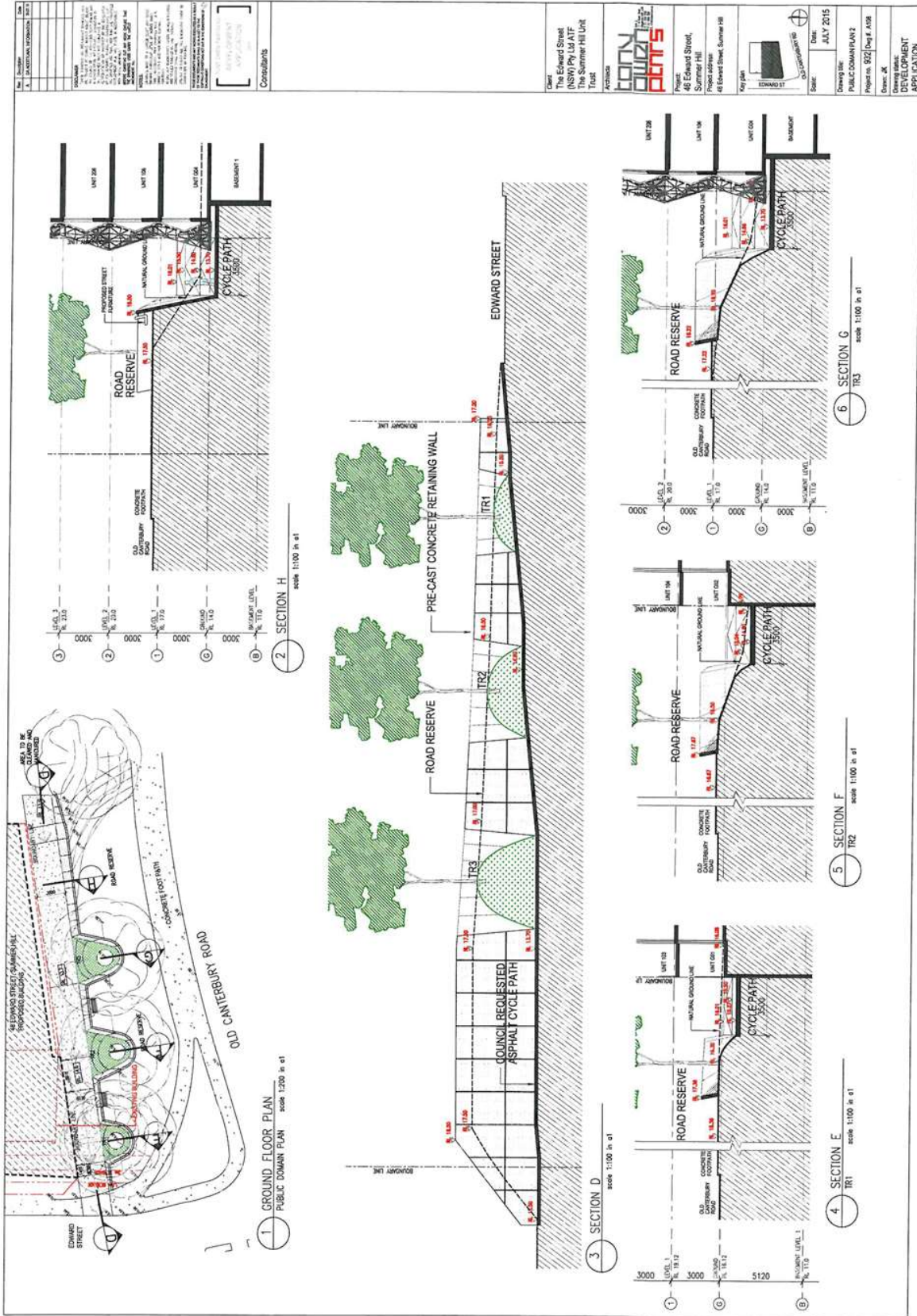














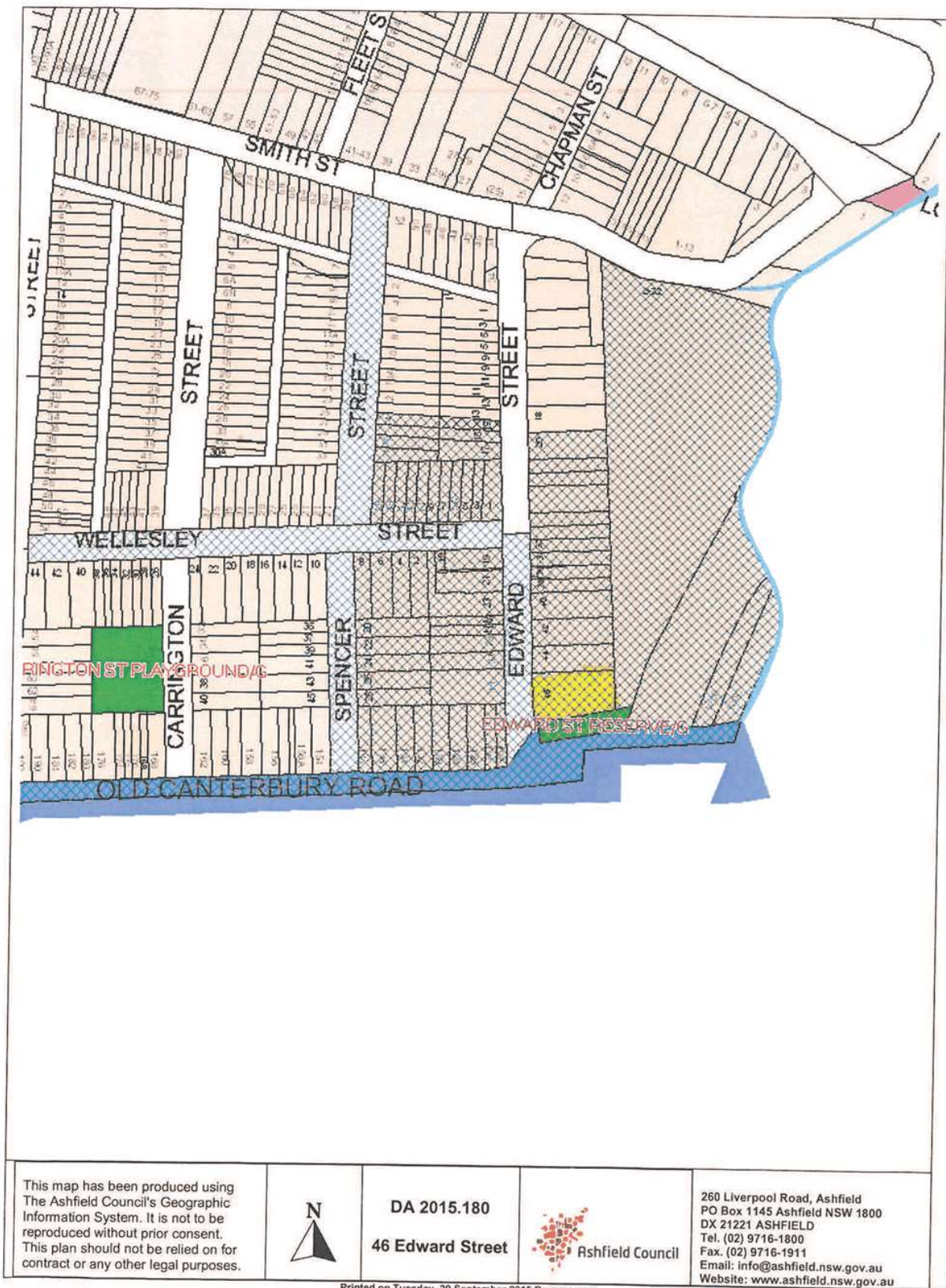












CONDITIONS

DA 10.2015.180.1

46 Edward Street SUMMER HILL 2130

Description of Work as it is to appear on the determination:

Demolition of existing structures and the construction of a four storey residential flat building with two levels of basement parking and 25 dwellings

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 in the table below and stamped as approved by Council, and in any supporting documentation received with the application, except as amended by the conditions specified hereunder.

No.	Revision	Title	Prepared by	Amendment Date
A005	B	Site Plan	Tony Owen Partners	30.07.2015
A100	C	Basement Level 2	Tony Owen Partners	12.10.2015
A101	E	Basement Level 1	Tony Owen Partners	12.10.2015
A102	F	Ground Floor	Tony Owen Partners	12.10.2015
A103	F	Level 1	Tony Owen Partners	12.10.2015
A104	E	Level 2	Tony Owen Partners	12.10.2015
A105	E	Level 3	Tony Owen Partners	12.10.2015
A107	A	Public Domain Plan	Tony Owen Partners	30.07.2015
A108	A	Public Domain Plan 2	Tony Owen Partners	30.07.2015
A200	D	West Elevation	Tony Owen Partners	08.09.2015
A201	E	South Elevation	Tony Owen Partners	12.10.2015
A202	E	North Elevation	Tony Owen Partners	12.10.2015
A203	E	East Elevation	Tony Owen Partners	12.10.2015
A300	D	Section A	Tony Owen Partners	12.10.2015
A301	D	Section B	Tony Owen Partners	12.10.2015
A302	E	Section C	Tony Owen Partners	12.10.2015
A401	C	Ramp Detail	Tony Owen Partners	30.07.2015
A520	B	Screen Detail	Tony Owen Partners	30.07.2015
A521	B	Glazing Detail	Tony Owen Partners	30.07.2015
A800	A	Screen Detail	Tony Owen Partners	03.03.2015
L01	A	Landscape Concept Plan Ground Floor	Formed Gardens	26.02.2015
L02	A	Landscape Concept Plan Level 3 Terrace	Formed Gardens	26.02.2015
L03	A	Landscape Sections	Formed Gardens	26.02.2015
SW01	B	Cover Sheet	S & G Consultants Pty Ltd	-
SW02	A	Stormwater Concept Design: Basement 2 Plan	S & G Consultants Pty Ltd	-
SW03	B	Stormwater Concept Design: Ground Floor Plan	S & G Consultants Pty Ltd	20.03.2015
SW04	A	Stormwater Concept Design: Level 1 Plan	S & G Consultants Pty Ltd	20.03.2015
SW05	A	Stormwater Concept Design: Roof Plan	S & G Consultants Pty Ltd	27.02.2015

SW06	A	Sediment & Erosion Control: Plan & Details	S & G Consultants Pty Ltd	27.02.2015
SW07	A	Stormwater Concept Design: Details Sheet	S & G Consultants Pty Ltd	20.03.2015

Note: The architectural plans take precedence in respect of the built form. Should there be any inconsistency between the built form shown on the architectural and the engineering or landscape plans, the architectural plans take precedence.

Payment of any Additional Fees

If the estimated cost of works for the construction certificate application exceeds the estimate supplied with the development application, an additional fee, any contributions and bonds based on the revised estimate must be paid to Council prior to release of the Construction Certificate.

B Design Changes

nil

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.

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) 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 Environmental 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

(3) Home Building Act 1989 Insurance

Compliance with Part 6 of *Home Building Act 1989* is required. A copy of either the Builders Home Warranty Insurance OR a copy of the Owner-Builder Permit shall be submitted to Council.

(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 Acts 1986 – is required. All building of \$25,000.00 and over are subject to the payment of a Long Service Levy fee. A copy of the receipt for the payment of the Long Service Levy shall be provided to the Principal Certifying Authority (PCA) prior to the issue of a Construction Certificate. Payments can be made at Long Service Payments Corporation offices or most Councils.

(6) 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 www.sydneywater.com.au 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.

(7) Section 94 Development Contributions

In accordance with Section 80A(1) of the *Environmental Planning and Assessment Act 1979* and the Ashfield Council Development Contributions Plan, the following monetary contributions shall be paid to Council Prior to issue of a Construction Certificate to cater for the increased demand for community infrastructure resulting from the development:

<u>Community Infrastructure Type</u>	<u>Contribution</u>
Local Roads	-\$6,001.90
Local Public Transport Facilities	\$15,934.14
Local Car Parking Facilities	\$0.00
Local Open Space and Recreation Facilities	\$256,479.95
Local Community Facilities	\$13,504.90
Plan Preparation and Administration	\$12,731.51
TOTAL	\$292,648.60

If the contributions are not paid within the financial quarter that this consent is granted, the contributions payable will be adjusted in accordance with the provisions of the Ashfield Development Contributions Plan and the amount payable will be calculated on the basis of the contribution rates applicable at the time of payment in the following manner:

$$\$C_C = \frac{\$C_P \times CPI_C}{CPI_P}$$

Where:

\$C_C is the amount of the contribution for the current financial quarter

\$C_P is the amount of the original contribution as set out in this development consent

CPI_C is the Consumer Price Index (Sydney – All Groups) for the current financial quarter as published by the ABS.

CPI_P is the Consumer Price Index for the financial quarter at the time of the original consent.

Prior to payment of the above contributions, the applicant is advised to contact Council's Planning Division on 9716 1800. Payment may be made by cash, money order or bank cheque.

Council's Development Contributions Plan may be viewed at www.ashfield.nsw.gov.au or a copy

may be inspected at Council's Administration Centre.

(8) Damage deposit/footpath, road, kerb and gutter

- A Damage Deposit of \$20,000 is to be submitted prior to any of the following:
- * commencement of works or
 - * demolition or
 - * excavation upon the site or
 - * the release of the **Construction Certificate**

whichever may come first, covering repair and/or replacement of adjoining footpath, road shoulder, road pavement, kerbing and guttering both outside the subject site and the surrounding area. This is to be paid to Council and may be refunded subject to satisfactory completion of construction or demolition.

This Damage Deposit covers unforeseen damage 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:

It must be an **original with no end date** and issued in favour of Council, details of the proponent's address shall be included.

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 on-charged 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.

The return of the Damage Deposit shall not be refunded until all conditions of Consent have been completed and the Occupation Certificate has been released.

(9) 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 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. Failure to do this will result in the applicant being held accountable for the cost of all repair works in the area near / at the site.

(11) Design and construction of car parking area

The car park layout is to be designed and constructed in accordance with Australian Standards AS 2890.1 2004 "Off Street Car Parking" as well as AS2890.6 -2009 Parking Facilities - Off-street parking for people with disabilities.

The following changes shall be included in the design for basement 2:

1. That the length of parking space 15 be increased to 6.2m.
2. Parking spaces 15 and 16 are shown hard up against the adjacent wall. AS 2890.1 Fig 2.5 note 1 requires these spaces to be at least 300mm clear of any obstruction higher than 150mm. They should therefore be shifted 150mm away from the wall.

The following general inclusions shall also be made to the design:

3. That all visitor parking spaces be designated on the final plans and marked on site as "VISITOR" spaces
4. That the car wash bay be designated on the final plans and marked on site as "CAR WASH BAY"

(12) Services adjustment or 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

(13) Connection to Council's street drainage

Details and a Long section of the proposed street drainage line in Edward Street and Old Canterbury Road shall be prepared by a suitably qualified professional civil engineer in accordance with Council's Stormwater Management Code, and submitted and approved by Council prior to the release of the Construction Certificate.

The depth and location of all services within the area affected by the new 375mm stormwater pipeline to be laid in Edward Street (i.e. gas, water, sewer, electricity, Telstra, etc) shall be confirmed by the applicant on site prior to the release of the Construction Certificate.

(14) Pumpout system specifications

A pumpout system may be permitted to discharge small volumes of stormwater from the basement car parking area. Full details of the pump size, capacity, performance curves, friction losses etc from the manufacturers specifications must be submitted with the stormwater drainage calculations demonstrating that the pump will function in accordance with the manufacturer's specifications for the required volume of stormwater at the subject total head. Minimum pump capacity allowable is for a 5 minute 1 in 20 ARI

storm.

The drainage sump storage area for the pump shall be a bunded area able to cater for a 1 hour 1 in 20 ARI storm to minimise flooding in the event of a power blackout during a storm.

A dual pumpout arrangement will be necessary, these pumps will be required to be connected in parallel and alternate automatically, with each pump being capable of emptying the holding tank or holding area at the permissible site discharge rate. (All pumps must be Class 1 Zone 2, if the pumps are located within a building (i.e. in the basement).

The stormwater volumes discharged from the pumpouts are to be included in the permissible amount of stormwater discharged from the site as stated in other relevant conditions.

(15) 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 or Certifier 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.
 - (iii) Grassed areas.
 - (iv) Garden areas.
 - (v) The percentages of Pre-development and Post-development impervious areas
- (b) At each pit and or bend, a level of pipe is to be shown (the minimum grade for pipes is 1%).
- (c) All flowpaths both internal and external, which pass through or around the proposed development site, are to be shown on the Construction Certificate plan
- (d) Calculations and details are to be provided to Council showing that provisions have been made to ensure runoff from all storms up to the 100 year ARI, which cannot be conveyed within the piped drainage system (including pits and including overflows from roof gutters) is safely conveyed within formal or informal overland flow paths to the detention storage facility. Where it is not practicable to provide paths for overland flows the piped drainage system should be sized to accept runoff up to and including the 100-year ARI.
- (e) All garbage and waste areas must drain to the sewer and not the stormwater system.
- (f) A new Council stormwater kerb pit with a minimum 2.44m overall lintel length shall be constructed on Edward Street in accordance with **Council's Stormwater Management Code**. The existing stormwater kerb pit located at the intersection of Edward Street & Old Canterbury Road shall be reconstructed as per with **Council's Stormwater Management Code** to provide adequate fall of 1% within the pipeline. The pipeline from

this pit will continue to be reconstructed until adequate gravity fall is achieved.

(16) Stormwater detention storage facility

- (a) 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 Management Code. Details of the storage shall be submitted to and approved by Council or Certifier prior to the release of the Construction Certificate.
- (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 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.

(17) Flood levels for Finished Floor Levels (FFL)

The Finished Floor Levels (FFL) of all habitable rooms fronting Liverpool Road shall be a minimum of 500mm above the 1:100 ARI flood level identified as 13.30m Australian Height Datum in the Flood Study. As such, the minimum finished floor level for habitable rooms fronting Liverpool Road shall be 13.80m AHD.

The ramp to the underground garage (prior to descending) is to be a minimum of 500mm above the 1:100 ARI flood level. As such, the minimum ramp level to the underground garage (prior to descending) is to be 13.80m AHD.

(18) To Mitigate Flood Level Impacts Due to Development

A 1.0m wide flow path shall be provided on the southern extent of the lot, giving a flow path which slopes from 15.42m AHD to 14.30m AHD which is one metre wide with a minimum 0.3m high flow path.

(19) Building Component

A Construction Certificate will not be issued until a detailed report from an Engineer, having qualifications acceptable for membership of the Institution of Engineers Australia, certifying that the building has been designed to be capable of withstanding all flooding conditions, including impact of standing water on foundation, forces of flowing water during a 1% AEP flood, debris, loading and buoyancy forces has been received.

(20) Building Foundations

The building footings are to be constructed of concrete and pierced to existing ground. Details are to be submitted prior to the issue of a Construction Certificate. If the building footings are not pierced to the existing ground, a report from an engineer whose qualifications are acceptable for the membership of the Institution of Engineers Australia,

certifying that the building foundation has been designed to withstand a 1% AEP flooding conditions is to be provided. The report is to include an analysis of the soil characteristics of the ground and its impact on foundation during flooding.

(21) Unconditional Remediation

The site shall be appropriately remediated to be suitable for the purposes of residential use. The proposed remediation works shall be unconditional and details shall be submitted to Council prior to release of the Construction Certificate.

(22) Provision of public art

A public art feature shall be designed and constructed/installed at the applicants cost. This feature shall provide visual interest for pedestrians and interpret or reflect the local setting and/or landscape character and/or the cultural setting of the area. The feature shall be designed to ensure long-term durability and be resistant to vandalism. Details shall be approved by Ashfield Council prior to issue of Construction Certificate, and the applicant is advised to liaise with Council during design stages.

(23) Entry control - safety

At the entry to the resident basement car park, the following shall be provided:

- a security gate or shutter; and
- an intercom system between visitors and residents to enter and exit from the car park.

Each ground level entry area to the building shall have an intercom system whose purpose is to contact residents or the manager/caretaker to allow entry to visitors. Details to be shown on the application with the construction certificate.

(24) Exhaust fumes from car park

Any exhaust ventilation from the carpark is to be ventilated away from the property boundaries of the adjoining dwellings, and in accordance with the provisions of AS1668.1. Details demonstrating compliance are to be provided with the Construction Certificate.

(25) No external service ducts

Service ducts shall be provided within the building to keep external walls free of plumbing or any other utility installations. Such service ducts are to be concealed from view from the street. Details demonstrating compliance are to be provided in the Construction Certificate.

(26) SEPP 65 – Design Verification

Prior to release of the Construction Certificate design verification is required to be submitted from the original designer to confirm the development is in accordance with the approved plans and details and continues to satisfy the design quality principles in State Environmental Planning Policy No – 65 Design Quality of Residential Flat Building Development.

(27) Stormwater Design

The following information is to be supplied to Council and approved by Council's engineer prior to the issue of any construction certificate:

A plan and long section of the proposed Council pipe to be laid in Edward Street so as to join the site's stormwater into the existing pipe network in Old Canterbury Road. This section shall show pipe grade, pipe depth, pipe chainages.

D Conditions that must be complied with before work commences

(1) 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 Notification in Writing to Council no later than two days before the building work commences.

(2) 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:

- (a) detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
 - (i) Council; or
 - (ii) an accredited certifier; and
- (b) 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 work.

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

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.

(3) Inspections required by Principal Certifying Authority

Inspections shall be carried out at different stages of construction by Council or an accredited certifier. If Council is selected as the Principal Certifying Authority (PCA) the inspection fees must be paid for in advance which will be calculated at the rate applicable at the time of payment.

(4) Site Controls

Sediment and erosion controls must be in place before work is commenced on the site. The control strategies must be consistent with the technical requirements set out in the Sydney Coastal Councils' *Stormwater Pollution Control Code for Local Government*.

Material from the site is not to be tracked onto the road by vehicles entering or leaving the site. At the end of each working day any dust/dirt or other sediment shall be swept off the road and contained on the site and not washed down any stormwater pit or gutter.

A sediment and erosion control plan must be prepared and identify appropriate measures for bunding and siltation fencing. Any such erosion and sedimentation controls shall also include the protection of stormwater inlets or gutter systems within the immediate vicinity of the site.

The sediment and erosion control measures are to be inspected daily and defects or system failures are to be repaired as soon as they are detected.

(5) 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: -

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

(6) 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.

(7) Site fencing/security

The site must be appropriately secured and fenced to the satisfaction of Council during demolition, excavation and construction work to ensure there are no unacceptable impacts on the amenity of adjoining properties. Permits for hoardings and or scaffolding on Council land must be obtained and clearly displayed on site.

(8) 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: www.sydneywater.com.au, see Your Business then Building & Developing then Building & Renovating or telephone Sydney Water 13 20 92.

(9) Structural Engineering Details

Structural engineer's details prepared and certified by a practising structural engineer for all reinforced concrete and structural members is to be submitted to the Principal Certifying Authority for approval.

(10) Dilapidation Reports

A Dilapidation Report on the current structural condition of the existing buildings at 44 Edward 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.

(11) 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.
- (ii) allotment of land includes a public road and any other public place.

(12) 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.

(13) Traffic Management Plan

A Demolition and Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hour of operation, access arrangements and traffic control will be submitted to Council, for approval, prior to the commencement of any works on site.

(14) 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.

(15) 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.

(16) Haulage route information

Full details of proposed haulage routes, estimated number of vehicle movements and trip locations related to demolition/construction activities are to be submitted to Ashfield Council prior to work commencing.

E Conditions that must be complied with during construction or demolition

(1) Plans to be available on site

The Council stamped approved plans, Development Consent and Construction Certificate shall be held on site to be produced unobliterated to Council's officer at any time when required.

(2) Building materials and equipment - storage/placement on footpath/roadway - Council approval

All building materials and equipment 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.

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

(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:

- (a) 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) Demolition/excavation/construction - hours of work

Demolition, excavation and construction work, including loading and unloading of materials and machinery, shall be restricted to between the hours of 7.00 am to 6.00 pm, Monday to Friday and from 7:00 am to 1.00 pm on Saturday. Work is prohibited on Sundays, and on public holidays.

(5) Demolition requirements/standards

Demolition of 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 precautions 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 to the Principal Certifying Authority. 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.
- (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.
- (l) 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.
- (o) Following demolition activities, soil must be tested by a person with suitable expertise to

ensure the soil lead levels are below acceptable health criteria for residential areas. Full certification is to be provided for approval by the Principal Certifying Authority.

(6) Waterproofing materials/installation – BCA/Australian Standards

Approved products that are impervious to water shall only be used as a substrate or as a lining and as a finish to floors and walls of wet areas (i.e. bathroom/shower room, WC compartment and laundry). Floors and cubicles shall be properly graded and drained to approved outlets.

The wet areas in the building shall be impervious to water as required by Part 3.8.1 of the Building Code of Australia (BCA). The junction between the floor and wall and the construction of the bath shower recess, basin, sink or the like shall be in accordance with the BCA & AS 3740:2004 'Waterproofing of wet areas within residential buildings'.

On completion of the waterproofing of the wet areas, the Principal Certifying Authority shall be furnished with a certificate from the person responsible. This is to state that the materials are suitable for the situation and that the application and/or installation has been carried out in accordance with the manufacturer's instructions, the BCA and AS 3740.

(7) Safety Glazing - BCA

Safety glazing complying with B1 of the Building Code of Australia (BCA) is to be used in every glazed door or panel that is capable of being mistaken for a doorway or unimpeded path of travel. The glazing must comply with AS 1288:2006 'Glass in Buildings – Selection and Installation'.

Framed panels or doors enclosing or partially enclosing a shower or bath shall be glazed with "A" or "B" grade safety glazing material in accordance with AS 1288 and Part 3.6.4 of the BCA.

(8) BASIX Requirements

The new works shall be constructed in accordance with, and comply with the undertakings given on the BASIX (Building Sustainability Index) Certificate as obtained from the Department of Infrastructure, Planning and Natural Resources. For more information visit www.basix.nsw.gov.au.

(9) 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.

(10) Footpath, kerb and gutter reconstruction

The public footpath, verge, and kerb and gutter outside 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.

(12) Footpath, kerb and gutter protection

The applicant is to take all precautions to ensure footpaths and roads (including the right of way) are kept in a safe condition and to prevent damage to Council's property.

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

(13) Redundant vehicular crossings-removal and replacements

All redundant vehicular crossings shall be removed and replaced with concrete footpath, 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.

(14) Vehicle access driveways

A vehicular access driveway shall be constructed in accordance with Council's standard drawing and specifications. The driveway shall be located a minimum of 1.0m clear of any existing stormwater pits, lintels or poles and 2m clear of any trees within the road reserve. The driveway shall also be located a minimum of 0.5m clear of any utility service opening such as Telstra, Sydney Electricity, Sydney Water or Natural Gas Company.

This work shall be carried out prior to the release of the Occupation Certificate.

(15) Road opening permit- Council controlled lands

A "road use-opening permit" shall be obtained for all works carried out in public or Council controlled lands. Contact Council's Works and Infrastructure Department for details.

(16) 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.

(17) Engineering staff to inspect roadworks/drainage

An inspection by Council's staff will be required for (kerb/gutter/crossing 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 pipes have been laid and prior to backfilling.
- (v) 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.

(18) Finished ground surface levels at property boundary

Finished ground surface levels shall match existing levels at the property boundary.

(19) Spoil and building materials on road and footpath

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

(20) 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 at a maximum Permissible Site Discharge (PSD) where the Pre-development discharge equals the Post-development discharge for all stormwater events up to a 1:100 ARI event.

Prior to works commencing a Council " Road Opening Permit" must be obtained.

(21) Connection to Council's street drainage

The connection to Council's street drainage system shall be constructed at the applicants expense. It shall consist of a pipeline across to the street kerb with the pipeline then continuing under the kerb and gutter to Council's pipe.

The pipes shall be 375 mm diameter reinforced concrete spigot and socket with rubber ring joins. A pit shall be constructed at the property boundary and at the kerb line as well as at the connection to Council's pipe.

Any adjustment required will be at the applicant's expense. The relevant authority's written consent for any adjustments or works affecting their services shall be obtained prior to works commencing.

Prior to works commencing a Council " Road Opening Permit" must be obtained.

(22) 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

(23) Disposal of site soils

All soils excavated from the subject site are to be classified under the NSW DECC Waste Classification Guidelines (2008). Testing is required prior to offsite disposal. All waste materials must be removed to appropriately licensed waste facilities by a suitably qualified contractor in accordance with NSW DECC (2008) Waste Classification Guidelines. Details of soil excavation, transportation and disposal works must be reported to Council by a suitably qualified consultant. This is to be submitted as part of the validation reporting for the development.

(24) Soils to be used on site

Any soil to be reused on site must be tested for contaminants by a suitably qualified consultant. Soils imported onto the subject site for the purpose of backfilling excavation, must be of a standard that is suitable for the receiving site. Documentation indicating the suitability of these soils must be provided to Council as part of the validation reporting for the development.

(25) Validation

Validation reporting from an appropriately qualified person verifying that the site has been fully remediated in accordance with the recommendations of the Remediation Action Plan, must be completed and submitted to Council within 30 days of completion of the remediation works.

(26) Disabled Access to Bathrooms

At least one bathroom in each of the 25 dwellings shall be constructed to allow circulation space by a wheelchair user after fixtures and furniture is in place and with hobless shower.

(27) Livable Housing Design

At least 20% of the dwellings are to comply with the requirements for Silver Level Livable Housing Design in accordance with the publication *Livable Housing Design Guidelines*, Livable Housing Australia, 2012.

(28) Vehicle wash bays

All vehicle wash bays shall be provided with a tap connected to a continuous supply of water and the wash bays shall be bunded and graded to a floor waste connected to the sewer.

(29) Ausgrid Requirements

Ausgrid shall be consulted and its requirements be met in the construction of the development. Details to be provided.

(30) Building location - check survey certificate

To ensure that the height of the building complies with ALEP 2013 and satisfies the provision of the approval, a check survey certificate shall be submitted to Council prior to the pouring of the ground floor slab including :-

- (i) The RL and height of the top most level ensuring that no GFA is located above Xm at any point; and
- (ii) The overall height of the building does not exceed Xm at any point

(31) Noise transmission - stair shaft - BCA

The walls of the stair shaft to have a Sound Transmission Class of not less than 45 and to be constructed in accordance with the relevant provisions of Part F5 of the *Building Code of Australia*.

(32) Noise transmission - dividing walls - BCA

The walls dividing bathrooms, laundries and kitchens in one flat from habitable rooms in an adjoining flat having a Sound Transmission Class of not less than 50 and being constructed in accordance with the provisions of Part F5 of the *Building Code of Australia*.

(33) Noise transmission - soil/waste pipes - BCA

Soil and waste pipes, including those that pass through a floor shall be separated from the rooms of any flat immediately adjacent thereto by construction having a Sound Transmission Class in accordance with Part F5 of the *Building Code of Australia*.

(34) Landscaping

The landscaping should be consistent with the guidelines of the recommended plant species in the GreenWay Revegetation and Bushcare Plan, 2011 available from www.greenway.org.au.

(36) Tree Protection

The three large brushbox trees located in the reserve to the south of the site are to be

retained and protected during construction of both the building and the public domain works to ensure their survival to the satisfaction of Council. No roots greater than 50mm in diameter are to be cut during construction. Construction works are to be supervised by a registered arborist to ensure their survival during construction and in the long term following completion of construction.

Should the arborist conclude that the surrounding earthworks and retaining wall construction may compromise the health of the trees, the retaining wall and earthworks design is to be modified as necessary by way of a section 96 application lodged with Council to ensure the long term survival and health of the trees.

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

nil

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

(1) Landscaping completion

All site works and landscaping are to be carried out in accordance with the approved landscaping plans prior to the issue of any occupation certificate.

(2) Approval to use/occupy building

The building or any part thereof must not be used or occupied until an Occupation Certificate has been obtained from the Principal Certifying Authority.

Note: If Council is chosen as the Principal Certifying Authority a fee is applicable prior to the release of the Construction Certificate.

(3) 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 (3) 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
- trash screen at orifice
- all buildings (including floor levels) and finished ground and pavement surface levels

(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; and
- * 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.
- *

(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.

(4) **Positive Covenant-stormwater detention/surface flow paths-occupation certificate**

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
- (e) stormwater culvert

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.

(5) **Compliance with approved plans**

Prior to the issue of a Occupation Certificate, written verification from a suitably qualified professional civil engineer shall certify that the new building works have been designed and built in accordance with Ashfield Interim Development Policy 2013, Part E the "Flood Development Policy", which would include building materials and electrical works.

(6) **Completion of Public Domain Works**

The public domain works listed below and shown on the following drawings located between the southern boundary of the site, Old Canterbury Road, Edward Street and the rail reserve are to be completed to Council's satisfaction prior to the issue of any interim or final occupation certificate for the development.

Scope of Public Domain Works to be Completed		
No.	Item	Location
1	Shared pedestrian/bicycle path 3.5m	As shown on drawing A107 below

	wide constructed from 80mm thick reinforced brushed concrete.			
2	Retaining wall constructed in embossed or textured concrete dyed with a charcoal or brown oxide and covered with vegetation (native creeper or ground cover of a species species recommended in the GreenWay Revegetation and Bushcare Plan, 2011 available from www.greenway.org.au)	As shown on drawing A107 below		
3	Ground cover around base of trees of species agreed by Council.	Trees 1, 2 and 3		
4	Park benches x 2 Specification to be agreed by Council prior to installation	As shown on drawing A107 below		
5	Removal of all weeds and overgrowth including lantana	The area between the southern boundary of the site/southern boundary of 32 Smith St, Old Canterbury Road, Edward Street and the rail reserve		
6	Making good of the ground surface from item 3 above to produce an evenly graded surface	The area between the southern boundary of the site/southern boundary of 32 Smith St, Old Canterbury Road, Edward Street and the rail reserve		
7	Turfing of the area in items 3 and 4 with a turf material approved by Council and completed to Council's satisfaction.	The area between the southern boundary of the site/southern boundary of 32 Smith St, Old Canterbury Road, Edward Street and the rail reserve		
8	Pole lighting of the shared pedestrian/bicycle path in accordance with AS/NZS 1158.3.1:2005 (Category 2) (pole unit to be approved by Council prior to installation)	Adjacent the southern side of the shared pedestrian/bicycle path from Edward Street to the eastern boundary of the site.		
Drawing Schedule of Public Domain Works				
No.	Revision	Title	Prepared by	Amendment Date
A107	A	Public Domain Plan	Tony Owen Partners	30.07.2015
A108	A	Public Domain Plan 2	Tony Owen Partners	30.07.2015

(7) Residential car park

All residents shall be provided with minimum of one (1) car parking space and be indicated on the plans with the construction certificate.

(8) Surveillance

A surveillance system, for the building, open space, site link and basement car park is to be designed by a professionally recognised security firm, which include the following:

- a closed circuit television (surveillance cameras);
- A room having the relevant control panels; and
- Digital data 'on disc' or similar to be properly stored and retained on site for a minimum of twenty-one (21) days for the availability of Council or NSW Police.

Details to be shown on the construction certificate and provided to Ashfield Police prior to occupation.

(9) NSW Police Conditions

The following requirements of NSW Police are to be satisfied prior to the issue of any occupation certificate:

- a) Surveillance IP Cameras with a minimum of 1.3 megapixels are to be installed and operable 24 hours a day with images kept for a minimum of 30 Days for viewing by police as required. Cameras should be placed in the following areas to maximise security; Foyer entry/exits, driveway entry and letterbox area.
- b) The camera facing the driveway entry/exit should be an Automated Number Plate Recognition camera. This is to be installed and operable prior to the issue of an Occupation Certificate.
- c) Cameras are to be registered with the NSW Police Force CCTV Register.
http://www.police.nsw.gov.au/cctv_register
- d) Install bright sensor lights around the building to provide adequate illumination of all areas around the building where residents and visitors might have access to.
- e) Affix signage on the internal and external walls to reinforce security and deter unauthorised access and trespassing.
- f) Ensure all access points to the building (this would include lifts and stairwells) should be restricted to residents only through a security system. Visitors to the residential complex should be provided with access via the intercom.
- g) Ensure vehicle and pedestrian access to any parking area is controlled by key or key card access only.
- h) Storage lockers should be covered, so its contents cannot be seen by visitors or residents.
- i) The site is to be treated with anti-graffiti paint to a height level which is usually accessible in order to deter graffiti offenders targeting the building and its perimeter.
- j) Emergency exit signs must be clearly marked. Especially the Basement parking.
- k) Safety devices must be installed on all windows above ground floor level which stop the window opening more than 12.5cm.
- l) All access points to the building should be restricted to residents only through a security system. Visitors to the residential complex should be provided with access via the intercom.
- m) Sensor lights be placed in the communal open area to prevent unauthorised persons loitering at location at night.
- n) Letter boxes must be fitted with quality 'Radial Pin Locks' to prevent mail theft.
- o) Police response to Ashfield Council DA10.2015.180.1 Page 3 of 10
- p) Letter boxes must be easily accessible to postman from council pedestrian footpaths.
- q) Secured letter boxes are to be installed.
- r) Final risk assessments to be conducted by the NSW Police Crime Prevention Officer to ensure the Crime Prevention measures have been applied.

H Conditions that are ongoing requirements of development consents

(1) Landscape Maintenance

The landscaping approved as part of this application is to be maintained to the satisfaction of Council.

I Advisory Notes

(1) 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 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.

(2) Works and requirements of other authorities

- Sydney Water may require the construction of additional works and/or the payment of additional fees. Other Sydney Water approvals may also be necessary prior to the commencement of construction work. You should therefore confer with Sydney Water concerning all plumbing works, including connections to mains, installation or alteration of systems, and construction over or near existing water and sewerage services.
- Contact Sydney Water, Rockdale (Urban Development Section) regarding the water and sewerage services to this development.
- Australia Post has requirements for the positioning and dimensions of mail boxes in new commercial and residential developments. A brochure is available from your nearest Australia Post Office.
- Energy Australia/AGL Electricity/AGL Retail Energy or other alternative service/energy providers have requirements for the provision of connections.
- Energy Australia has a requirement for the approval of any encroachments including awnings, signs, etc over a public roadway or footway. The Engineer Mains Overhead Eastern Area should be contacted on 9663 9408 to ascertain what action, if any, is necessary.
- Telstra has requirements concerning access to services that it provides.

(3) Application for a Construction Certificate

The required application for a Construction Certificate may be lodged with Council. Alternatively, you may apply to an accredited private certifier for a Construction Certificate.

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 also a criminal offence which attracts substantial penalties and may also result action in the Land and Environment Court and orders for demolition.

(4) Modifications to your consent - prior approval required

Works or activities other than those authorised by the approval including changes to building configuration or use will require the submission and approval of an application to modify the consent under Section 96 of the *Environmental Planning & Assessment Act*

1979. You are advised to contact Council immediately if you wish to alter your approved plans or if you cannot comply with other requirements of your consent to confirm whether a Section 96 modification is required.

Warning: There are substantial penalties prescribed under the *Environmental Planning and Assessment Act 1979* for breaches involving unauthorised works or activities.



ANNEXURE C

CLAUSE 4.6 VARIATION REQUEST – BUILDING HEIGHT

PLANNING
I N G E N U I T Y

CLAUSE 4.6 VARIATION - BUILDING HEIGHT, CLAUSE 4.3 OF ALEP 2013
No. 46 EDWARD STREET, SUMMER HILL

Clause 4.3 of Ashfield LEP 2013 relates to the height of buildings and prescribes a maximum building height of 13m. In addition, Clause 4.3(2A) stipulates that if a building is located on land in Zone B4 Mixed Use, any part of the building that is within 3 metres of the height limit (i.e. above 10m in the case of the subject site) set by subclause (2A) must not include any area that forms part of the gross floor area of the building and must not be reasonably capable of modification to include such an area.

The proposed building has been designed to fully comply with the maximum 13m building height limit as detailed on the submitted sectional drawings. However, the proposal contains habitable floor area in the form of the upper most level at the western portion of the proposed building that is located 11.7m above natural ground level. In this respect, a portion of the upper level of the proposal exceeds the maximum 10m height limit for habitable parts of the building set by subclause (2A) and results in a non-compliance of 1.7m.

Notwithstanding the height exceedance, which is essentially related to the use of this space, as opposed to a built form outcome, the proposal involves public domain works to the area to the south of the site adjacent to Old Canterbury Road. The public domain works will provide a retaining wall to facilitate a level and functional public space. The retaining wall will also allow for the provision of a cycle path adjacent to the southern boundary of the site and will ultimately alter the perceived height of the building above ground level. Figure 1 below indicates a section of Old Canterbury Road and the retained area of open space adjacent to the building at the most critical point. This section demonstrates that at the area of non-compliance, the building will be located below the perceived natural ground level which will result in the appearance of a fully compliant scheme.

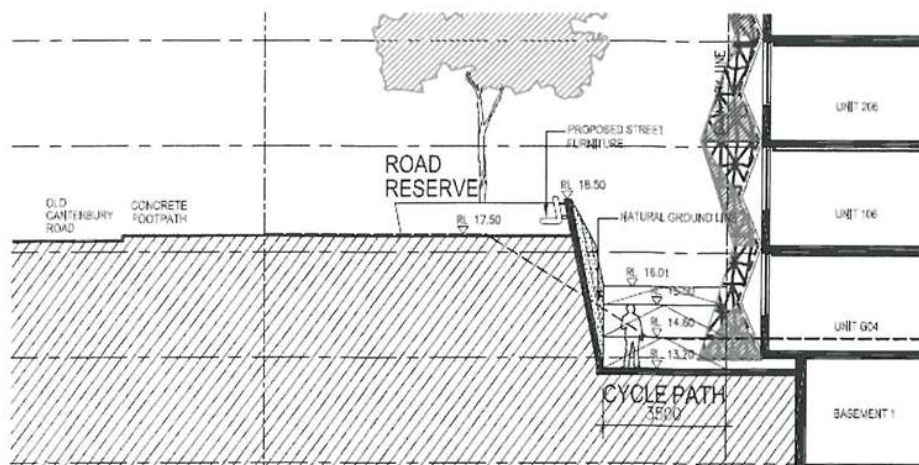


Figure 1: Sectional drawing of the interface between the site and the public domain works

The proposed height variation is minor and there exists clear site specific factors that provide mitigating circumstances, whereby the development is submitted in conjunction with a public works package that will result in significant improvement to the public domain at no expense from Council. The public works also serve to provide the appearance of a fully compliant scheme and is therefore consistent with reasonable public expectations.

It is hereby requested that an exception to this development standard be granted pursuant to clause 4.6 so as to permit the subject development to contain habitable floor area to extent to 11.7m above ground level.

The objectives and provisions of clause 4.6 are as follows:

- " **4.6 Exceptions to development standards**
- (1) *The objectives of this clause are as follows:*
- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
- (a) *the consent authority is satisfied that:*
 - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (5) *In deciding whether to grant concurrence, the Director-General must consider:*
- (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - (b) *the public benefit of maintaining the development standard, and*
 - (c) *any other matters required to be taken into consideration by the Director-General before granting concurrence.*
- (6) *Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:*
- (a) *the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
 - (b) *the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*
- (7) *After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).*
- (8) *This clause does not allow development consent to be granted for development that would contravene any of the following:*
- (a) *a development standard for complying development,*
 - (b) *a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*
 - (c) *clause 5.4."*

The development standards in clause 4.3 are not “expressly excluded” from the operation of clause 4.6.

Objective 1(a) of clause 4.6 is satisfied by the discretion granted to a consent authority by virtue of subclause 4.6(2) and the limitations to that discretion contained in subclauses (3) to (8). This submission will address the requirements of subclauses 4.6(3) & (4) in order to demonstrate that the exception sought is consistent with the exercise of “an appropriate degree of flexibility” in applying the development standard, and is therefore consistent with objective 1(a). In this regard, I note that the extent of the discretion afforded by subclause 4.6(2) is not numerically limited, in contrast with the development standards referred to in, for example, subclause 4.6(6).

Objective 1(b) of clause 4.6 is addressed later in this request.

The objectives and relevant provisions of clause 4.3 are as follows, inter alia:

- “ **4.3 Height of buildings**
- (1) *The objectives of this clause are as follows:*
- (a) *to achieve high quality built form for all buildings,*
 - (b) *to maintain satisfactory sky exposure and daylight to existing buildings, to the sides and rear of taller buildings and to public areas, including parks, streets and lanes,*
 - (c) *to provide a transition in built form and land use intensity between different areas having particular regard to the transition between heritage items and other buildings,*
 - (d) *to maintain satisfactory solar access to existing buildings and public areas.*
- (2) *The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*
- (2A) *If a building is located on land in Zone B4 Mixed Use, any part of the building that is within 3 metres of the height limit set by subclause (2) must not include any area that forms part of the gross floor area of the building and must not be reasonably capable of modification to include such an area.”*

The abovementioned objectives are considered below in light of the proposed non-compliance with Clause 4.3(2A). It is noted that the objectives in Clause 4.3(1) do not provide any rationale, or outline any specific planning purpose, for the requirements of Clause 4.3(2A). Given that Clause 4.3(2A) is confined to the question of the use of part of a building, rather than the height or form of the building, and that it applies in only the B4 Zone under the Ashfield LEP, its planning purpose is not clear. Nevertheless, in order to address the requirements of subclause 4.6(4)(a)(ii), each of the objectives of clause 4.3 are addressed in turn below:

a) to achieve high quality built form for all buildings,

The proposed building has been designed to a high architectural standard and will replace an existing industrial building of limited architectural merit. The built form on the site provides a unique and contemporary appearance, including wrap around balconies, architectural screens and various contemporary design elements that contribute to its high quality form that complies with the maximum 13m height limit. The proposed building has been designed to enhance the quality and desirability of housing within the Ashfield local government area by providing high amenity living environments. The design provides a well resolved development that is contextually responsive in respect of the flood affectation of the site and its relationship to Old Canterbury Road and the public domain works.

As previously discussed, the building is compliant with the maximum height limit and contains a portion of the building that exceeds the height limit by virtue of it being classified as gross floor area. The quality of the built form is not in issue, the only issue arising from the alleged breach of Clause 4.3(2A) is the use that is to be made of the top level of the building. As such the proposal is entirely consistent with Objective (a).

b) to maintain satisfactory sky exposure and daylight to existing buildings, to the sides and rear of taller buildings and to public areas, including parks, streets and lanes,

The building fully complies with the maximum 13m height limit which ultimately provides the desired level of sky exposure and daylight access. As detailed on the submitted shadow diagrams, the proposed development does not result in any overshadowing of adjoining buildings due to the site orientation and context. It therefore cannot be said that the extent of the proposed non-compliance will reduce sky exposure and daylight access to surrounding buildings. If the building was constructed to the exact same scale and contain non-habitable uses in the upper 1.7m of the upper level, the proposal would be compliant with the respective control. As such, the use of the upper level for residential purposes is not antipathetic to the above objective.

Accordingly, the development proposed is considered to be appropriate and satisfies objective (b) of the standard.

c) to provide a transition in built form and land use intensity between different areas having particular regard to the transition between heritage items and other buildings,

The proposal provides a consistent wall to wall building at the Edward Street frontage, which is consistent with the desired future character of the locality by providing a building of 3 storeys in height at the Edward Street frontage. As previously discussed, the properties to the north of the site are likely to undergo significant change and it is foreseeable that these properties will be developed to a scale that is consistent with the proposal. The only adjoining heritage listed property is a large industrial activity that will not be affected by the proposed development due to the proximity of the proposed building from the main portions of the site.

Given that the proposal complies with the maximum building height limit across the site, the proposal is consistent with the desired height of buildings at the site and represents a contextually appropriate form. It is further noted that the built form context is not affected in any way by the use of the space within the building. Whether or not there is "gross floor area" within the parts of the building that are within 3m of the height limits will have no impact on the building appearance and built form or the extent of transitioning between other buildings. The extent of those impacts is not affected in any way by the use of the space at the top of the building.

Accordingly, the development proposed is considered to be appropriate and satisfies objective (c) of the standard.

d) to maintain satisfactory solar access to existing buildings and public areas.

The appropriateness of the proposed development in relation to maintaining sky exposure and daylight to existing buildings and public areas has been dealt with above in response to objective (b) and is considered to be satisfactory for the reasons outlined previously. For these same reasons, the proposed development is considered to maintain satisfactory solar access to those buildings and public areas and in relation to the use of the upper level of the building as floor area, the extent of impact is not affected in any way by the use of the space within the building.

Accordingly, the development proposed is considered to be appropriate and satisfies objective (d) of the standard.

In relation to broader public benefits arising from the proposal, the site is located in a mixed use zone, with immediate proximity to public transport and in close proximity to major regional road networks and

Clause 4.6 Variation Request – Building Height
46 Edward Street, Summer Hill

the Summer Hill town centre. As such the site has excellent accessibility to major transport and employment opportunities and is well suited for the scale and form of development proposed.

The site is ideally located to accommodate additional density as it has excellent access to public transport and areas of employment, educational facilities, entertainment and open space. These characteristics are consistent with the aims and objectives for additional housing and population density as outlined under the *NSW Draft Metropolitan Strategy for Sydney to 2036*.

The proposed development will replace an existing warehouse and commercial building with a contemporary residential flat building that has been designed with regard to the built form context of the site and providing high levels of amenity to prospective residents. The development has been designed to respond to the flood affectation of the site and will provide an overland flow path that will result in improvements to local flood behaviour.

Furthermore in relation to the site specific aspects of this development, the natural ground level is taken to be the floor level of the existing building and is not representative of the perceived natural ground levels externally to the site as a result of both existing ground levels and the ground levels following the public domain works within the Old Canterbury Road reservation. The public benefits to be delivered by this project include levelling the area of open space within the road reserve to provide a useable common area that contains seating and preserves the existing mature trees. In addition a cycle path will be provided adjacent to the development that will improve opportunities for alternative transport in the area. Furthermore, as detailed on the public domain plans the applicant will pay for the clearing and landscaping of the area to the east of the site adjacent to the railway corridor with significant net public benefit.

Once completed, the development will appear to be fully compliant with the height control and will appear to be significantly lower than what could reasonably be expected from the perceived natural ground level. The proposal therefore results in a better outcome by providing a contextually appropriate development that is consistent with the likely future height of the adjoining properties to the north and provides an appropriate transition to the upgraded public domain area to the south. To require the development to be lowered or the upper level to be removed would provide an inferior relationship to the improved public domain area and Old Canterbury Road with no clear built form benefit.

Having regard to the public benefits arising from the proposal, the development satisfies objective 1(b) of clause 4.6 in that allowing flexibility in the particular circumstances of this development will achieve "a better outcome for and from development" by providing a development that is consistent with public expectations for height at the site and will have an improved presentation, upgraded public domain area and a significantly improved relationship to Old Canterbury Road.

Clause 4.6(4) also requires consideration of the relevant zone objectives. The objectives of the B4 – Mixed Use zone are as follows:

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To enhance the viability, vitality and amenity of Ashfield town centre as the primary business activity, employment and civic centre of Ashfield.
- To encourage the orderly and efficient development of land through the consolidation of lots.

The proposal is consistent with the zone objectives in that it provides residential development that will be suitable integrated into an area that has excellent access to public transport and services. The residential development has been designed to be appropriately integrated into the area that currently contains a mixture of non-residential uses.

Clause 4.6 Variation Request – Building Height
46 Edward Street, Summer Hill

Returning to Clause 4.6(3)(a), in *Wehbe V Pittwater Council (2007) NSW LEC 827* Preston CJ sets out ways of establishing that compliance with a development standard is unreasonable or unnecessary. It states, inter alia:

" An objection under SEPP 1 may be well founded and be consistent with the aims set out in clause 3 of the Policy in a variety of ways. The most commonly invoked way is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard."

The judgement goes on to state that:

" The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. Compliance with a development standard is fixed as the usual means by which the relevant environmental or planning objective is able to be achieved. However, if the proposed development proffers an alternative means of achieving the objective strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served)."

Preston CJ in the judgement then expressed the view that there are 5 different ways in which an objection may be well founded and that approval of the objection may be consistent with the aims of the policy, as follows (with emphasis placed on number 1 for the purposes of this Clause 4.6 variation [our underline]):

1. The objectives of the standard are achieved notwithstanding non-compliance with the standard;
2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;
3. The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;
4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;
5. The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard that would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.

Having regard to all of the above, it is considered that compliance with the building height development standard is unnecessary in the circumstances of this case as the development meets the objectives of that standard and the zone objectives.

Therefore, insistence upon strict compliance with that standard would be unreasonable. On this basis, the requirements of clause 4.6(3) are satisfied.



ANNEXURE D

CLAUSE 4.6 VARIATION REQUEST – FLOOR SPACE RATIO

PLANNING
I N G E N U I T Y

CLAUSE 4.6 VARIATION – FSR, CLAUSE 4.4 OF ALEP 2013
No. 46 EDWARD STREET, SUMMER HILL

Clause 4.4 of Ashfield Local Environmental Plan 2013 relates to maximum floor space ratio (FSR) requirements and refers to the *Floor Space Ratio Map*. The relevant map identifies the subject site as having a maximum FSR of 1.5:1 which is equivalent to a gross floor area of 1,630.5m² for the subject site. Gross floor area is defined as:

- “ **gross floor area** means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:
- (a) the area of a mezzanine, and
 - (b) habitable rooms in a basement or an attic, and
 - (c) any shop, auditorium, cinema, and the like, in a basement or attic,
- but excludes:
- (d) any area for common vertical circulation, such as lifts and stairs, and
 - (e) any basement:
 - (i) storage, and
 - (ii) vehicular access, loading areas, garbage and services, and
 - (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
 - (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
 - (h) any space used for the loading or unloading of goods (including access to it), and
 - (i) terraces and balconies with outer walls less than 1.4 metres high, and
 - (j) voids above a floor at the level of a storey or storey above.”

The existing building at the site comprises a gross floor area of 1,935m² resulting in an FSR of 1.78:1 and therefore significantly exceeds the maximum permitted FSR at the site by 304.5m². The proposed development comprises a gross floor area of 1,784m² and results in an FSR of 1.64:1. Although the proposal exceeds the maximum permitted FSR of 1.5:1 it results in a reduction in 151m² of the existing gross floor area at the site resulting in a departure of 9.2%. The scheme in its current form has been revised from the previously submitted development that sought an exceedance of 12.2%.

The reduction in FSR at the site will bring the site closer to compliance with the FSR development standard and in doing so will replace an existing commercial building of limited architectural merit, with a contemporary dwelling that offers high levels of occupant amenity and a significant improvement to the aesthetic of the area.

Maximum FSR is a “development standard” to which exceptions can be granted pursuant to clause 4.6 of the LEP. The objectives and provisions of clause 4.6 are as follows:

- “ **4.6 Exceptions to development standards**
- (1) The objectives of this clause are as follows:
 - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
 - (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Development consent must not be granted for development that contravenes a development standard unless:
- (a) the consent authority is satisfied that:
- (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
- (b) the concurrence of the Director-General has been obtained.
- (5) In deciding whether to grant concurrence, the Director-General must consider:
- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
- (b) the public benefit of maintaining the development standard, and
- (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:
- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
- (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- Note. When this Plan was made it did not include any of these zones.
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following:
- (a) a development standard for complying development,
- (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,
- (c) clause 5.4."

The development standard in clause 4.4 is not expressly excluded from the operation of clause 4.6.

Objective 1(a) of clause 4.6 is satisfied by the discretion granted to a consent authority by virtue of subclause 4.6(2) and the limitations to that discretion contained in subclauses (3) to (8). This submission will address the requirements of subclauses 4.6(3) & (4) in order to demonstrate that the exception sought is consistent with the exercise of "an appropriate degree of flexibility" in applying the development standard, and is therefore consistent with objective 1(a). In this regard, it is noted that the extent of the discretion afforded by subclause 4.6(2) is not numerically limited, in contrast with the development standards referred to in, for example, subclause 4.6(6).

Objective 1(b) of clause 4.6 is addressed later in this request.

The objectives and relevant provisions of clause 4.4 are as follows, inter alia:

- "
- (a) to establish standards for development density and intensity of land use,
 - (b) to provide consistency in the bulk and scale of new development with existing development,
 - (c) to minimise adverse environmental impacts on heritage conservation areas and heritage items,
 - (d) to protect the use or enjoyment of adjoining properties and the public domain,
 - (e) to maintain an appropriate visual relationship between new development and the existing character of areas that are not undergoing, and are not likely to undergo, a substantial transformation."

As previously noted, the *Floor Space Ratio Map*, nominates a maximum FSR of 1.5:1 on the site. It is hereby requested that an exception to this development standard be granted pursuant to clause 4.6 so as to permit a maximum FSR of 1.64:1 for the subject development.

In order to address the requirements of subclause 4.6(4)(a)(ii), each of the objectives of clause 4.4 are addressed in turn below.

(a) to establish standards for development density and intensity of land use,

The FSR control is a development standard which is a numerical measure of development density and intensity. As stated above, the variation is equivalent to 9.4% or 154m² which will result in a net reduction in FSR at the site and will bring the site closer to compliance with the intended FSR, furthermore, as previously noted the proposal in its current form has been reduced from the originally submitted development that sought a 12.2% variation. The extent of the proposed non-compliance is minimal in the context of the strategic intent of the control and is considered to be inconsequential in the overall density and intensity of the development in the area. In relation to development intensity, it is noted in the *Assessment of Traffic and Parking Implications* that the proposal will in fact reduce traffic demand on the local street network. As such, the scale of development at the site and the intensity of activity will be similar and within what could be expected at the site.

(b) to provide consistency in the bulk and scale of new development with existing development,

Objective (b) seeks to provide consistency in the bulk and scale of new development with existing development. The scale and form of development in the area is likely to undergo significant change to respond to the applicable height and FSR controls that have been introduced under the Ashfield LEP 2013. The existing buildings on the western side of Edward Street are 1 and 2 storey buildings that are likely to be replaced with 4 storey buildings in the near future. The subject site is located on a prominent corner and provides excellent opportunity for a pronounced and distinguished building form that establishes the desired future scale of development in the area.

The proposal will replace the existing established building and in doing so will reduce the FSR, resulting in a 3 and 4 storey building that is of a scale reasonably expected at the site. As such the proposal is considered to be an appropriate balance between the existing scale of development at the site and the desired future character of the area.

(c) to minimise adverse environmental impacts on heritage conservation areas and heritage items,

The subject site is located approximately 85m to the south of the closest conservation area and is considered to be outside of the visual catchment of that area. The extent of the proposed non-compliance (154m²) will not in any way impact on the existing character of the conservation area or its setting. In addition, the only Heritage Item that is located in the visual catchment of the site is Item No. 619 and the significant elements of this site are located 50m to the north-east of the site. The extent of the FSR exceedence cannot be taken to have any adverse impact on the conservation areas and heritage items in the vicinity of the site.

(d) to protect the use or enjoyment of adjoining properties and the public domain,

The proposal will not compromise the use and enjoyment of adjoining properties. The impacts of the proposal have been considered in detail at Section 4.3.6 of the Statement of Environmental Effects. The proposed development has been designed to minimise privacy impacts on any likely development of the adjoining property and results in no demonstrable impacts in terms of solar access and view loss.

In the absence of any material impacts on adjoining properties and the public domain, the proposed FSR exceedence is consistent with objective (d).

(e) to maintain an appropriate visual relationship between new development and the existing character of areas that are not undergoing, and are not likely to undergo, a substantial transformation.

Objective (e) seeks to maintain an appropriate visual relationship between new development and the existing character of areas that are not undergoing, and are not likely to undergo, a substantial transformation. As previously discussed, the properties to the north of the site are likely to undergo significant change and as such this objective is not relevant to those properties. Properties that will not undergo significant change are the residential properties that are located to the east of the site on the opposite side of Edward Street. The change in built form resulting from the demolition of the existing building and the construction of the new building will have a positive visual impact in that landscaping will be introduced at the site frontage. In addition, the building will contain a 3 storey presentation to Edward Street which is consistent with the intended building height in the street. As such, the proposal will result in a building that is consistent with the likely scale of development at the site, is less than the existing density of development and will only result in an appropriate visual relationship between the proposal and the residential dwellings on the opposite side of Edward Street.

In light of the above, the proposed development is consistent with the objectives for FSR, despite the numeric non-compliance.

Clause 4.6 (4) also requires consideration of the relevant zone objectives. The objectives of the B4 Mixed Use zone are as follows:

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.

- To enhance the viability, vitality and amenity of Ashfield town centre as the primary business activity, employment and civic centre of Ashfield.
- To encourage the orderly and efficient development of land through the consolidation of lots.

The proposal is consistent with the zone objectives in that it provides residential development that will be suitable integrated into an area that has excellent access to public transport and services. The residential development has been designed to be appropriately integrated into the area that currently contains a mixture of non-residential uses.

Having regard to Clause 4.6(3)(b) and the need to demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard, as discussed above it is considered that there is an absence of a significant impacts of the proposed non-compliance on the amenity of future building occupants, on the character of the area and on the neighbouring properties. Furthermore, in terms of the orderly and economic development of the site, the proposal results in a net reduction in FSR at the site and the provision of a suitable residential development in an area that is entirely suited for such development.

On "planning grounds" and in order to satisfy that the proposal meets objective 1(b) of clause 4.6 in that allowing flexibility in the particular circumstances of this development will achieve "a better outcome for and from development", it has to be acknowledged that there is an existing industrial / warehouse building that currently exceeds the maximum permitted FSR and has no positive contribution to the streetscape character. The proposal will replace the existing building with a contemporary apartment development that brings the site closer to compliance with the maximum permitted FSR and results in a building that is contemporary, provides residential accommodation and is consistent with the desired future character of the area.

In addition, the applicant has undertaken to do various public domain works to the public reserve adjacent to the southern property boundary and the land between the development site and the rail corridor as detailed on the submitted public domain plans. The public domain works will be done at the cost of the applicant, will result in a significant public benefit and includes the following:

- The construction of a retaining wall that has been engineered to minimise disturbance on the existing mature trees to the south of the site. The proposed retaining wall will allow for the creation of a level and usable public space. This will replace the existing steep and unusable public reserve to the south of the site and will provide a functional public space at no cost to Council;
- The proposal includes the provision of seating within the newly created level space;
- A cycle path will be provided adjacent to the site in accordance with the request from Council to assist with providing a well connected cycle route in the area; and
- The applicant will clear and make good the land between the development site and the railway line in accordance with the request made by Council.

In light of the above, a net public benefit will be delivered as a result of the orderly and economic redevelopment of the site which relies on achieving the proposed density. The net public benefit from the proposal provides further circumstances that are particular to the site to support the better outcome that will result for and from the development by allowing flexibility to the FSR control in the circumstances.

Additionally, the proposed development in its current form will deliver a further public benefit by providing a formalised overland flow path at the site that will ensure the appropriate management of flood waters from and off the site.

The degree to which the FSR is exceeded does not result in a significant increase in intensity beyond that of the existing building and will not give rise to any detrimental impacts to the amenity of neighbouring properties or the streetscape. Rather, the proposal will facilitate the orderly redevelopment of the site consistent with the intention of the applicable planning controls.

Returning to Clause 4.6(3)(a), in *Wehbe V Pittwater Council (2007) NSW LEC 827* Preston CJ sets out ways of establishing that compliance with a development standard is unreasonable or unnecessary. It states, inter alia:

" An objection under SEPP 1 may be well founded and be consistent with the aims set out in clause 3 of the Policy in a variety of ways. The most commonly invoked way is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard."

The judgement goes on to state that:

" The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. Compliance with a development standard is fixed as the usual means by which the relevant environmental or planning objective is able to be achieved. However, if the proposed development proffers an alternative means of achieving the objective strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served)."

Preston CJ in the judgement then expressed the view that there are 5 different ways in which an objection may be well founded and that approval of the objection may be consistent with the aims of the policy, as follows (with emphasis placed on number 1 for the purposes of this Clause 4.6 variation [our underline]):

1. The objectives of the standard are achieved notwithstanding non-compliance with the standard;
2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;
3. The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;
4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;
5. The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard that would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.

Having regard to all of the above, it is our opinion that compliance with the FSR development standard is unnecessary in the circumstances of this case as the development meets the objectives of that standard and the zone objectives.

Therefore, insistence upon strict compliance with that standard would be unreasonable. On this basis, the requirements of clause 4.6(3) are satisfied.

Subject	GREENWAY PROGRESS REPORT - 2015
File Ref	SC549
Prepared by	Nick Chapman - Greenway Place Manager
Reasons	To update councillors on progress with the GreenWay Program during 2015
Objective	To maintain Councils' interest and commitment to implement the GreenWay vision to achieve a continuous 5km sustainable transport and environmental corridor linking Cooks River to Iron Cove.

Overview of Report

2015 has been an important year for the GreenWay and much has been achieved.

Significant progress has been made in identifying priority GreenWay Missing Links, commissioning concept designs and embarking on negotiations with private and public sector stakeholders re: funding, design and construction over the next 5 years.

The GreenWay Place Management Program has consolidated its coordination role and the GreenWay Steering Committee continues to provide guidance and support to the GreenWay councils and broader community.

This report summarises key activities and achievements during 2015 in the areas of:-

- governance
- place management
- active transport
- biodiversity and bushcare
- community and culture

The report emphasises the regional significance of the GreenWay and Inner West Light Rail corridor as a place where important outcomes are being achieved in accordance with the councils' long term community strategic plans and various state government strategies and programs.

1. Background to this Report

The four GreenWay councils are continuing to actively promote the community's Vision for the GreenWay and to invest resources in a series of activities being implemented under the auspices of the GreenWay Program MoU 2014-2019.

GREENWAY PROGRESS REPORT - 2015

At the bi-monthly meetings of the GreenWay Steering Committee, key activities and achievements of the GreenWay Program are summarised in the GreenWay Place Manager's Update (see attachment 1 - GreenWay Place Manager's Update no. 17 November 2015).

More comprehensive GreenWay progress reports are provided to the councils every 12 months, or as required. The last comprehensive report was dated 18 November 2014.

2. Progress during 2015

2.1 Governance

Long term management and maintenance of Light Rail and GreenWay Corridor

The Place Manager continues to coordinate negotiations between the three councils and TfNSW (Transport for NSW) about long-term access, management and maintenance requirements to be shared between the Councils and TfNSW along the corridor. A draft Heads of Agreement has been prepared by the councils for TfNSW. It outlines general principles for management and maintenance of new light rail assets on council land, including hard and soft landscaping, paths, street furniture, lighting and public art.



GreenWay Steering Committee and council

coordination – Strategic direction and progress evaluation is provided by several groups, including the GreenWay Steering Committee, the GreenWay council general managers and directors, council staff on the GreenWay Program Steering Group and other project specific groups. Five meetings of the GreenWay Steering Committee were held in 2015. The GreenWay Council general managers met on 9 September to address various issues. The councils' GreenWay Program Steering Group meets monthly.

2.2 Place Management

Lewisham West Development Precinct Coordination Group

The Lewisham West development precinct on either side of the new light rail stop and GreenWay will ultimately accommodate approximately 1,500 dwellings and several thousand square metres of commercial and retail space. The Group was established in 2013 and includes Ashfield and Marrickville Council representatives and, when required, Dept. Planning and Environment, TfNSW and Sydney Water.



In mid 2015 the Group commissioned JMD Landscape Architects to develop a comprehensive set of public domain guidelines to create consistent public domain on both

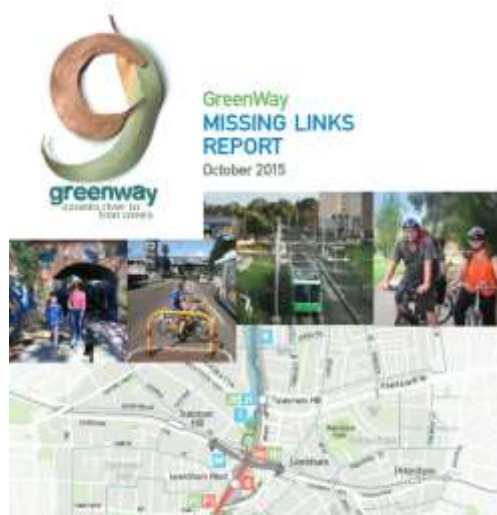
GREENWAY PROGRESS REPORT - 2015

sides of the light rail/GreenWay corridor. The guidelines will inform decisions by public and private sector stakeholders regarding key public domain elements such as paving, avenue trees, street furniture and lighting. This will enhance legibility, wayfinding and design quality for new access ways and publicly accessible open space throughout the precinct, in both Ashfield and Marrickville LGAs.

2.3 Active Transport

GreenWay Missing Links – A Working Group was established by the GreenWay Program in late 2013 to coordinate efforts by the councils to complete the remaining 50% of the GreenWay shared use path through staged implementation of priority missing links. A key part of the process has been detailed discussions with TfNSW's Active Transport Unit re: prioritisation, funding and implementation issues.

The Working Group drafted the GreenWay Missing Links Report which outlines 11 priority missing links to be constructed over the next 5 years at an estimated cost of \$15 million. The Report was adopted by the four GreenWay councils in late 2015 and will provide the framework for negotiations with developers and state agencies who own land or infrastructure along the corridor. The Report is also being used to inform council infrastructure planning and applications for state funding for design and construction of individual missing links.



GreenWay schools active travel study – The GreenWay councils commissioned Bicycle Network to undertake a telephone survey of active travel rates in 22 primary schools along the GreenWay. A stakeholder reference group was convened to inform the project, including representatives from NSW Health, a local primary school, council staff and local bike user groups. Survey findings will inform the GreenWay Schools Active Travel Project in 2016.

GreenWay concept design – Missing Links F to J – In June Leichhardt, Ashfield and Marrickville Councils commissioned a consulting team led by the Government Architects Office to develop concept designs and detailed costings for 5 GreenWay Missing Links between Old Canterbury Rd and Parramatta Rd. The total estimated cost of the five links is \$10.1 mil. The Report formed the basis of an application to RMS for funding for detailed designs to be done in 2016.



2.4 Biodiversity and Bush Care

TfNSW compensatory bush care sites – Consent conditions require TfNSW to provide 6 new bush care sites at agreed locations along the Light Rail/GreenWay corridor to compensate for vegetation and habitat lost due to light rail construction.

GREENWAY PROGRESS REPORT - 2015

Negotiations with TfNSW have been coordinated through the GreenWay Program. Discussions in 2015 have focussed on site selection, preparation of site management plans and negotiation of funding contributions by TfNSW to establish and maintain the sites over 5 years. The councils and established community groups will ultimately take over and manage the sites.

2.5 Sustainability Education

GreenWay schools sustainability program

There are 22 primary schools in the GreenWay corridor and catchment. A \$20,000 Environmental Education Trust grant was secured to roll out the award winning, accredited GreenWay Primary Schools Sustainability Program to Greenway primary schools in 2015. The GreenWay Team partnered with Observatory Hill Environmental Education Centre to deliver the Program. 850 students from 9 public schools were involved in a range of activities along the GreenWay, including all-day walks, bug hunting, drawing, collecting and story telling. The Greenway Team provided curriculum materials and peer support for in-class and outdoor learning activities which link to the stage 2 sustainability cross curriculum.



University student projects

The GreenWay/Inner West Light Rail corridor continues to provide valuable case study material for a range of university disciplines such as architecture, town planning, communications and exercise physiology. In 2015 this included a Healthy Planning project coordinated by UNSW's Faculty of Built Environment. Nine multi-disciplinary student groups conducted a pedestrian safety and urban design audit of the GreenWay/light rail corridor. Posters summarising student recommendations for improvement were displayed at the 2015 GreenWay Art Exhibition.

2.6 Community and Culture

2015 GreenWay Art Exhibition – The 6th annual GreenWay Art Exhibition was held from 12 to 22 November at ArtEst. Art School and Gallery, Leichhardt. Entries were invited reflecting GreenWay themes of sustainable transport, community connections and the urban environment. The Cooks River Alliance contributed the inaugural GreenWay Small Sculpture Prize (\$2,000) to compliment the annual GreenWay Art Prize (\$4,500) and GreenWay Community Art Prize (1,000). The number of entries increased nearly threefold compared to last year (135 entries received, 41 entries exhibited). A smaller collection of entries was exhibited at Campsie Library from 25 Nov to 9 Dec. to extend the exhibition's reach and impact.

Art Est. Gallery invites you to the
GreenWay Art Prize
and Cooks River Small Sculpture Prize



12-22 November 2015
Official Opening Thursday 12 Nov 6-8pm

GREENWAY PROGRESS REPORT - 2015

LoST 2015 (Leichhardt Open Studio Trail) “Art on the GreenWay” For the first time, LoST included a small display of temporary GreenWay environmental artworks which were exhibited on the Hawthorne Canal foreshore adjacent to the Canal Road Studios. Leichhardt Council invited expressions of interest from local artists and 5 works were commissioned (\$1,000 each) for display over the LoST weekend in March.

GreenWay website and promotions Management and enhancement of the GreenWay website and associated social media continues, with regular postings about GreenWay activities such as bush care working bees and cycling workshops. The GreenWay Program participated in various stalls at community events in 2015 eg Ashfield Carnival of Cultures (April) and Dulwich Hill Fair (September).



3. GreenWay Program priorities in 2016

Governance

- On-going briefings and meetings with general managers, councillors, local MPs and council staff re: development and implementation of the GreenWay Program. Coordination of 5 meetings of the GreenWay Steering Committee, approx. 10 meetings of the GreenWay Program Steering Group and implementation of outcomes arising.
- Finalisation of the TfNSW and GreenWay Councils Light Rail Access, Management and Maintenance Agreement and associated documents.

Place management

- Ongoing facilitation of stakeholder negotiations, place planning and place management in priority light rail stop precincts eg Lewisham West, Taverners Hill.
- Preparation of GreenWay submissions on relevant DAs, strategies and plans.
- Stakeholder engagement, place management promotion and coordination.
- Project management of a study to develop a cost benefit analysis methodology to evaluate the cost and benefits of investment in the GreenWay/light rail corridor.

.Active transport

- Coordination of public and private sector stakeholder consultations, concept designs and funding proposals for priority missing links as per GreenWay Missing Links Report (2015) eg Parramatta Rd. and Longport St. crossings.
- Negotiations with NSW agencies re: options for joint council/state agency funding of Missing Links eg Urban Growth (Bays Precinct, Parramatta Rd. Corridor), Dept. Planning and Environment (Sydenham to Bankstown Renewal Corridor).
- Coordination of events/activities to promote active transport along the GreenWay.
- Implementation of the GreenWay Schools Active Travel Program in 8 primary schools along the GreenWay (subject to funding).

GREENWAY PROGRESS REPORT - 2015

Bushcare and biodiversity

- Coordination of negotiations between TfNSW Projects , GreenWay councils and Inner West Environment Group to finalise and implement the IWLR Revegetation and Biodiversity Compensation and Monitoring Package.
- Liaison and negotiation with community groups, local and state agency stakeholders re: biodiversity and bush care priorities along the GreenWay.

Community and culture

- Implementation of GreenWay Primary Schools Sustainability Program in primary schools along the GreenWay (subject to funding).
- Project management of the 2016 GreenWay Art Exhibition (subject to funding).
- Coordination and/or support of community awareness program, tours, website.

4. Conclusion

2015 has been an important year for the GreenWay Program and much has been achieved. Significant progress has been made in identifying GreenWay Missing Links, commissioning concept designs and embarking on negotiations with private and public sector stakeholders re: funding, design and construction of priority links over the next 5 years. The GreenWay Place Management Program has consolidated its coordination role and the GreenWay Steering Committee continues to provide guidance and support to the GreenWay councils and broader community.

As illustrated in section 2 of this Report, the GreenWay Program continues to achieve important place-based outcomes outlined in the councils' long term community strategic plans and in state government strategies and plans. These community and council outcomes include:-

- enhanced community connections and urban environmental improvements;
- creation of safe, inclusive, vibrant and attractive public places;
- improved, integrated sustainable transport (walking, cycling, light rail, bus);
- cultural, economic development and employment generating activities.

ATTACHMENTS

Attachment 1	GreenWay Place Managers' Update no. 17, GreenWay Steering Committee, November 2015	2 Pages
Attachment 2	Greenway Progress Report 2009 to 2014	24 Pages

GREENWAY PROGRESS REPORT - 2015

RECOMMENDATION

That Council:

1. Notes this Progress Report.
2. Notes the GreenWay Progress Report 2009-2014, prepared for the Councils and GreenWay Steering Committee.

PHIL SARIN
Director Planning and Environment

GreenWay Place Manager's Update no: 17

November 2015



1. Inner West Light Rail

On-going facilitation of negotiations between TfNSW and councils re:-

- (i) **bush care** - establishment, funding and maintenance of 6 compensatory bush care sites along the corridor;
- (ii) **bandicoots** - development and implementation of a bandicoot population survey, in partnership with Sydney University;
- (ii) **light rail agreement** - development of a satisfactory and equitable Agreement between TfNSW and the councils to manage on-going operation and maintenance of new light rail assets on council land along the corridor.

2. Coordination, strategic planning, place making and place management

- (i) **GreenWay Steering Committee** - Coordination of Steering Committee meeting on 30 November and on-going coordination of actions arising.
- (ii) **Lewisham West Development Precinct** - Coordination of a Steering Group of Council staff and JMD Landscape Architects to develop a Lewisham West Public Domain Precinct Plan (now 70% complete). The Plan will assist councils and developers to achieve a consistent and coordinated approach to access ways, public domain and revegetation across the precinct. Convened meetings with JMD and/or Council staff on 26/10 and 6/11.
- (iii) **GreenWay Councils Place Management Steering Group** - Ongoing facilitation of the Steering Group and actions arising. Convened meetings on 14/10 and 23/11.
- (iv) **Leichhardt LGA** - Attended meetings on 16/10 and 9/11 with various council staff to help facilitate a coordinated and efficient approach to Greenway Program activities in the Leichhardt LGA eg Missing Links, stormwater quality, place making.
- (v) **Sydenham to Bankstown Urban Renewal Corridor Strategy** – The draft infrastructure schedule identifies as an action a TfNSW/councils program to “extend the GreenWay bicycle route between Lewisham and Dulwich Hill to provide a means of travelling to key employment centres (eg Sydney CBD)”. Attended a community consultation meeting at Seaview St Hall, Dulwich Hill on 20/10 and delivered a presentation to Dept. Planning and Environment staff on 24/11, in collaboration with the Principal Landscape Architect from the Government Architects Office (GAO).

3. Active transport and biodiversity

- (i) **GreenWay Missing Links Report** – Coordination of finalisation and dissemination of the Missing Links Report, which has now been adopted by all 4 councils and published on the GreenWay website on 20/11.



- (ii) **Missing Links – Parramatta Rd to Old Canterbury Rd** – On-going coordination of the Ashfield Council led program to implement Missing Links J1, I, H2, G and F2 (Parramatta Rd to Old Canterbury Rd). A concept design has been prepared for the councils by a consortium led by GAO. On 17/9 Urban Growth NSW announced that construction of Links J1 (bike bridge under Parramatta Rd) and H1 (tunnel under Longport St) would be delivered by the state government, as outlined in the draft Parramatta Road Urban Transformation Study being exhibited by Urban Growth.
- (iii) **Missing Link K – Hawthorne Canal**. Leichhardt Council has allocated funding to upgrade this 500m link from Marion St to Parramatta Rd. Work will include selective thinning of vegetation to improve sightlines and visual surveillance, path widening and installation of new lights. On-going liaison with community members and LMC staff re: finalisation of the scope and design for the works.
- (iv) **Missing Link E – Johnson Park** – The Grove Street development has been conditioned to fund part of the link. Attended a site meeting with developer on 29/9.
- (v) **GreenWay Schools Active Travel Study** – On-going coordination of a proposed active travel project at 8 GreenWay primary schools in 2016 (subject to council and RMS funding). The schools were selected following the GreenWay Schools Active Travel survey of 22 primary schools conducted during 2015.

4. Community and culture

- (i) **GreenWay Primary Schools Sustainability Project 2014/15** - On- going coordination of \$20,000 Environmental Trust funded primary schools project which is being implemented in 10 GreenWay schools in 2014/15. During Term 4 coordinated and/or led GreenWay walks and incursions for 100 students at Ashbury PS.
- (ii) **Petersham TAFE** – led two half-day walks for students undertaking the Ecotherapy course. This included a visit to IWEG's Johnson Park site on 4/11.
- (iii) **GreenWay website** - On-going coordination of website and responses to community inquiries. Wrote and published GreenWay "end of year wrap" on 20/11.
- (iv) **2015 Greenway Art Exhibition** – Coordinated the 6th Greenway Art Exhibition which opened at Art Est, Leichhardt on 12/11. It has been extended to include a 2 week exhibition at Campsie Library from 25/11 to 9/12. This year we received nearly 3 times the number of entries compared to previous years, including 50 for the inaugural Cooks River Small Sculpture Prize, sponsored by the Cooks River Alliance. 41 art works were selected for exhibition, plus school and UNSW displays.
- (v) **Ashfield Police and Principals Forum** – Attended the meeting on 15/10 for school principals, youth workers and police from Canterbury and Ashfield LGAs.
- (vi) **Student interns and university projects** – On-going coordination of student internships re: active transport and street furniture design. Joint facilitation of UTS communications student project re: GreenWay website (walking map and skating video) and UNSW project with Faculty of Built Environment re: light rail and GreenWay access, safety and urban design challenges.

Nick Chapman, GreenWay Place Manager, 25 November 2015





PROGRESS REPORT 2009 - 2014

www.greenway.org.au

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ACKNOWLEDGEMENTS

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Visitors to GreenWay stalls at various festivals voice their support



1. INTRODUCTION

This Report summarises progress made by the GreenWay community and stakeholders over five years, following adoption by the four GreenWay councils of the GreenWay Coordination Strategy and Master Plan in 2009.¹

It draws on the GreenWay Sustainability Project Final Report (2012)² and the outcomes of a Planning Workshop hosted by the GreenWay Steering Committee in June 2014. The Workshop brought together people with a shared interest in the GreenWay to review progress made in the five years since the Master Plan was adopted and to help the councils confirm GreenWay priorities for the next five to ten years.

Cooks River to Iron Cove GreenWay

The GreenWay is a 5km long urban green corridor connecting the Cooks River at Earlwood to the Parramatta River at Iron Cove. Following the route of the Inner West Light Rail and Hawthorne Canal, the GreenWay features bike paths and foreshore walks, cultural and historical sites, public art, cafes, ten bush care sites and a range of well-used parks, playgrounds and sporting facilities. The GreenWay winds its way through parts of the Inner West council areas of Ashfield, Leichhardt, Marrickville and Canterbury. The GreenWay corridor and its catchment has a population of some 48,000 people. There are 22 primary schools and 8 high schools and colleges in the catchment. The GreenWay crosses several busy arterial roads such as the City West Link and Parramatta Road and passes under Sydney's main western rail line at Summer Hill. Some 45% of the GreenWay Trail (shared use path) is in place, with the remaining 55% to be built, mostly along the southern part of the GreenWay from Longport St, Summer Hill to the Cooks River.



Images left to right: City West Bridge, Iron Cove; young cyclists at Richard Murden Reserve.

¹. GreenWay Progress Report 2009-2014

The GreenWay Program embraces a grass-roots vision developed by the community in the late 1990s to:

- foster community connections in Sydney's Inner West
- facilitate sustainable transport
- enhance the urban environment
- implement sustainability education, and
- encourage greater awareness and enjoyment of local history and culture

GreenWay Steering Committee

Following adoption of the GreenWay Master Plan and Coordination Strategy in 2009, the four GreenWay councils formed an alliance to implement the GreenWay vision. This included convening the GreenWay Steering Committee in 2010 and development by the GreenWay councils of a formal five year Memorandum of Understanding (MoU) from 2014 to 2019.

The GreenWay Steering Committee (which was preceded by several ad hoc community advisory groups) provides guidance to the councils about the strategic direction for the GreenWay Program. The committee is chaired by a councillor and consists of councillors from each of the GreenWay LGA's, council staff, community representatives and delegates from established community groups such as Friends of the GreenWay (FoG), Ashfield Bike Users Group (AshBUG) and the Inner West Environment Group (IWEG).

Transforming the Greenway...



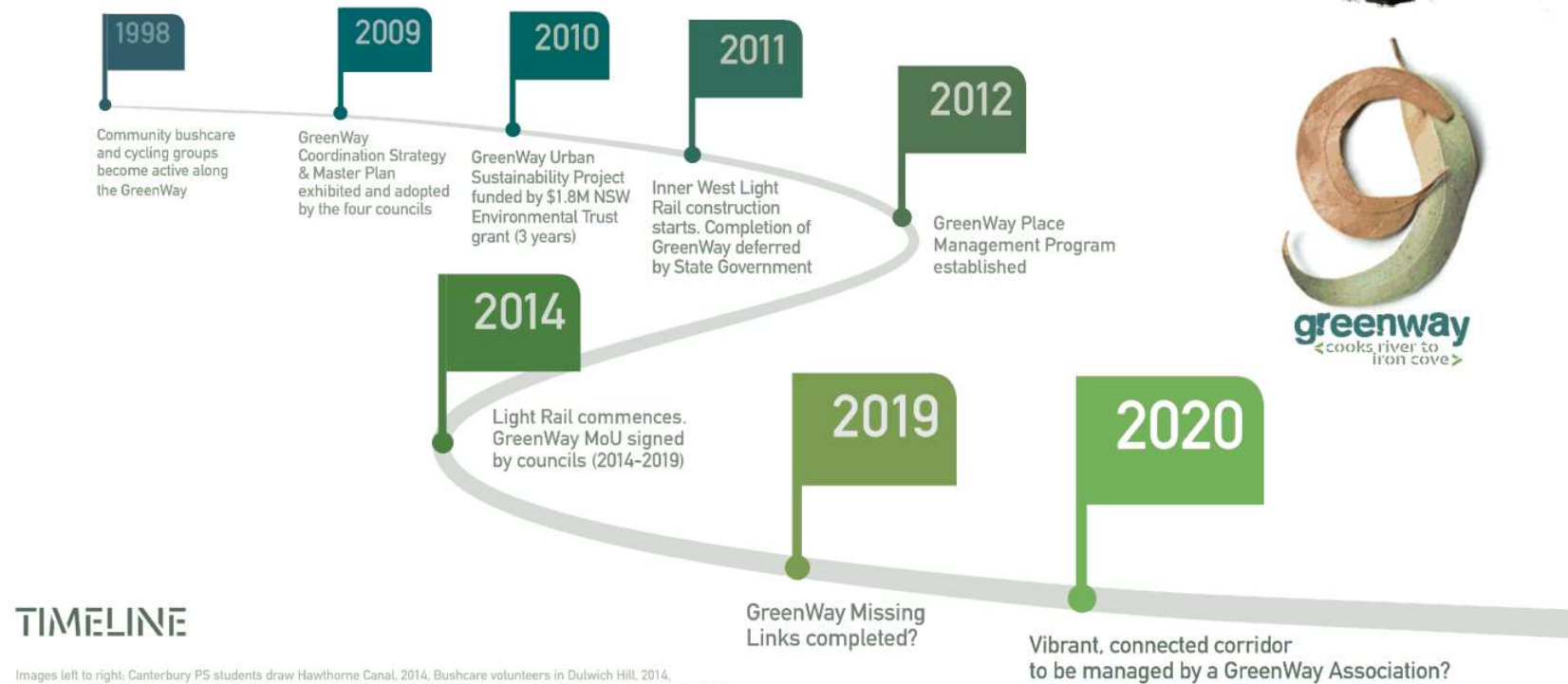
IMAGES LEFT TO RIGHT: WARATAH MILLS COMMUNITY BUSH CARE SITE, DULWICH HILL



Workshop for GreenWay Steering Committee and Community Champions to evaluate progress.
June 2014



2014 National Tree Day, Richard Murden Reserve, Haberfield



TIMELINE

Images left to right: Canterbury PS students draw Hawthorne Canal, 2014, Bushcare volunteers in Dulwich Hill, 2014, GreenWay Art Prize Opening Night, 2014, Dulwich Grove Light Rail Stop, 2014, UNSW students on GreenWay assignment, 2014

3. GreenWay Progress Report 2009-2014

2. MILESTONES 2009-2014

2009 GreenWay Master Plan and Coordination Strategy

The GreenWay vision:

"a recognizable environmental, cultural and non-motorised transport corridor linking the sub-catchments of two of Sydney's most important waterways"¹

The concept of the GreenWay began in the late 1990's when local environmental activists were inspired to develop and implement a vision for an urban green corridor through Sydney's Inner West. Inspired by examples in other parts of Australia and overseas, they recognized the potential for the GreenWay to offer the inner west community "an alternative to a hectic lifestyle and congested roads ... a place for relaxation, a place to enjoy and reconnect with nature"¹. Following a series of community and stakeholder workshops and consultations with the four councils from 2003 to 2007, a GreenWay vision, philosophy and 50 detailed actions were developed and exhibited by the councils in late 2008. The finished document, the GreenWay Master Plan and Coordination Strategy, was formally adopted by the four councils in 2009.

The Master Plan describes the potential benefits of the GreenWay corridor as follows:

"With its gentle gradients crossing over and under major barriers such as roads, it offers the potential for a pleasant low stress trail for walkers and cyclists from the neighbouring suburbs. It will also offer a quick link for commuters between busy suburbs, connecting public transport nodes such as train and light rail stations. With 25 schools located within 400 metres of the GreenWay, it will provide a safe route for school commuting. Reduced car usage and increased active transport (walking and cycling) will deliver both environmental and health benefits for the community. The GreenWay is also a unique biodiversity

corridor and "green lung" in an urban area of Sydney that has limited open space. Biodiversity can move up and down the corridor in the same way people can."¹

The Master Plan identified 50 actions for implementation by the community, the GreenWay councils, state agencies and other stakeholders. An analysis of progress made against the 50 actions in the Master Plan is summarised in section 3 of this Report. A more detailed analysis is contained in the Appendix.



2010-2012 GreenWay Sustainability Project

The alliance of GreenWay councils successfully applied to the NSW Environmental Trust for an Urban Sustainability Program grant to implement a range of the actions in the Master Plan. The \$1.82M grant funded a GreenWay Sustainability Project Team which was located at Ashfield Council (the lead council in the GreenWay Alliance) from 2010 to 2012.

The GreenWay Sustainability Project focused on four key elements:

1. Developing integrated governance capacity and tools
2. Improving urban environmental conditions
3. Building harmonious communities
4. Promoting and developing effective sustainable transport options

Image above, members of the GreenWay Sustainability Project Team: Sara Kamarudin, Lauren McIver, Adam Ward, Joanne McDonnell.



4. GreenWay Progress Report 2009-2014

2011 Inner West Light Rail and deferral of the GreenWay Trail

The GreenWay follows the route of the Rozelle Goods Rail Line which commenced operations in 1916 to service the ports of Glebe and Darling Harbour. By the late 1990's, the line was becoming redundant as the former industrial sites along the corridor were replaced by mixed use and residential development. In keeping with the community's vision for the GreenWay to become a sustainable transport corridor through Sydney's Inner West, GreenWay community groups and advocates such as Eco Transit lobbied the NSW government to extend the existing light rail from Lilyfield along the Goods Line to Dulwich Hill.

In early 2010 the NSW Labour government approved the light rail extension which was to include construction of the remaining 50% of the GreenWay Trail from Parramatta Rd south along the GreenWay to the Cooks River at Earlwood.

Following the March 2011 NSW election, the in-coming Liberal government continued the light rail extension, but deferred construction of the GreenWay Trail. The community responded vigorously to this shift in government policy through public meetings, a media campaign and a petition which attracted 10,500 signatures, resulting in a debate in NSW Parliament on 31 May 2012.

Despite continuing community pressure, the state government has maintained its deferral of the GreenWay Trail due to perceived conflicts with light rail construction and competing demands for cycleway funding across Sydney and regional NSW.

The Inner West Light Rail commenced operations in March 2014. The GreenWay councils are maintaining the community's commitment to construct the remaining 50% of the GreenWay Trail as a series of missing links, funded through a combination of developer contributions, council capital works and cycleway grants from state and federal government. See also GreenWay Missing Links Report adopted by the four councils in 2015¹¹.

2012-2014 GreenWay Place Management Program and MoU

In November 2012 the new GreenWay Place Manager position was established, initially part time, to develop and implement the GreenWay Place Management Program. The position was combined with the part-time GreenWay Coordinator role in February 2014.

The five main elements of the Program are:

1. Place management/place making, with a focus on the 9 new light rail stops
2. Sustainable transport, in particular completion of the remaining 50% of the GreenWay Trail
3. Urban bush care, maintenance of 10 existing and establishment of 6 new GreenWay bush care sites
4. Art and community culture, celebrating the natural and historical qualities of the GreenWay
5. Sustainability education and promotion, using the GreenWay as an outdoor class room to learn about urban sustainability

In July 2014 the four councils signed a Memorandum of Understanding to continue funding the GreenWay Program until at least 2019.



Transforming the GreenWay...



IMAGES LEFT TO RIGHT: DISUSED SECTION OF ROZELLE GOODS LINE NEAR DULWICH HILL, ARLINGTON GROVE LIGHT RAIL STOP



5. GreenWay Progress Report 2009-2014



3. PROGRESS REPORT

2010-2012

GreenWay Sustainability Project

Most of the actions proposed in the GreenWay Coordination Strategy and Master Plan were progressed by the Environmental Trust funded GreenWay Sustainability Project team from 2010 to 2012. A detailed account of their achievements is outlined in the Final Report to the Environmental Trust – 2012.² In summary, the outcomes achieved were:

i. sustainable governance

- 3 year GreenWay Sustainable Governance action research project with Macquarie University³
- development of GreenWay place management model, adopted by the GreenWay councils in May 2012
- provision of a platform to facilitate regional, place-based collaboration and capacity building at all levels within partner councils
- an adaptive management process to accommodate evolving state government policies and priorities (in particular deferral in 2011 of construction of the remaining sections of the GreenWay Trail)

ii. improving urban biodiversity

- development of GreenWay Revegetation and Bushcare Plan 2010⁵, GreenWay Flora & Fauna Literature Review, 2010⁶, GreenWay Biodiversity Strategy 2012⁴
- 33 GreenWay bushcare working bees, including National Tree Day and Clean Up Australia events
- 15,000 trees, shrubs and grass tubes stock planted by volunteers and contractors
- 10 volunteer bush care training days held
- GreenWay bandicoot education and awareness program established

iii. community capacity building and sustainability education

- development of the GreenWay Primary Schools Sustainability Program 2012⁸, including trialing in 3 GreenWay schools and NSW accreditation by Observatory Hill Environmental Education Centre
- major redesign of the GreenWay website¹⁰ and development of GreenWay Style Guide
- GreenWay Festival (2010, 2011) and GreenWay Annual Art Exhibition (2010, 2011, 2012)
- installation of interpretative and wayfinding signage along GreenWay

iv. promoting and developing effective sustainable transport options

- development of the GreenWay Active Transport Strategy and Action Plan 2012⁷
- negotiation with state and council stakeholders to facilitate design of new sections of the GreenWay Trail within the light rail corridor and achieve pedestrian and cycle access to the 9 new light rail stops
- funding for specific active transport projects and activities eg cycle training days, Ashfield Council Cycling Map and Guide 2012¹²

Images left to right:
GreenWay signage installed 2012
IWEG Landcare for Singles Day, Johnson Park, Dulwich Hill, 2014
GreenWay Schools Program Teachers Workbook, 2012

2012-2014 GreenWay Place Management

Following completion of the GreenWay Sustainability Project, the councils resolved to continue implementing the GreenWay Vision and the 50 actions identified in the 2009 Master Plan.

This was to be done through adoption of the place management model recommended by the Macquarie University Governance Project³.

Progress from 2012-2014 is summarized as follows:

i. place management

- Continuation of part-time Greenway Coordinator
- Appointment of new GreenWay Place Manager position (part-time from November 2012, full-time from February 2014)
- Coordination of GreenWay Steering Committee meetings (5 per year) and implementation of outcomes
- Development of the GreenWay Councils Memorandum of Understanding (2014-2019⁷) guaranteeing funding for one staff member and associated in-kind support
- Establishment of the Lewisham West Development Precinct Coordination Group to achieve a consistent approach to urban design and access across the whole precinct
- Coordination of negotiations between the GreenWay Councils and TfNSW regarding long-term management and maintenance of new public domain assets in the Corridor and license arrangements for GreenWay bush care sites.

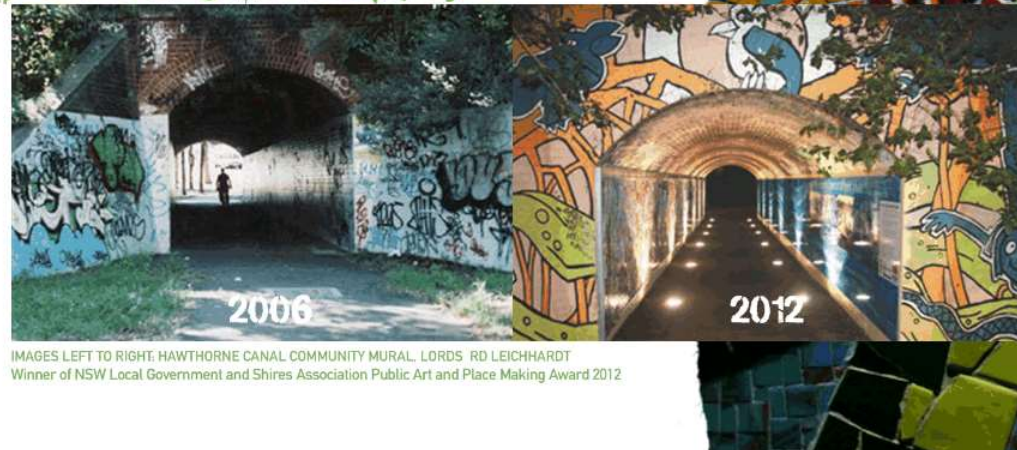


Protest Ride - GreenWay Day of Action - August 2011

ii. sustainable transport

- Establishment and coordination of the GreenWay Missing Links Working Group
- Coordination of negotiations between the Councils and TfNSW Projects about detailed public domain design, place-making and pedestrian access works for the 9 new light rail stops
- Implementation of stage 2 of the GreenWay signage program
- Coordination of analysis and negotiations with TfNSW's Active Transport Unit regarding priority GreenWay Missing Links and funding opportunities

Transforming the Greenway...



IMAGES LEFT TO RIGHT: HAWTHORNE CANAL COMMUNITY MURAL, LORDS RD LEICHHARDT
Winner of NSW Local Government and Shires Association Public Art and Place Making Award 2012

7. GreenWay Progress Report 2009-2014

iii. urban bushcare

- On-going support of 10 existing GreenWay bush care sites being collectively managed by the Inner West Environment Group (IWEG), Ashfield Council GreenWay Bushcare and Leichhardt Council. On-going management of complimentary bush care programs by Leichhardt, Canterbury and Marrickville Councils
- Coordination of negotiations with TfNSW about establishment of 6 new compensatory bush care sites along the GreenWay, as required by the state government's conditions of consent for the light rail

iv. community arts and culture

- Coordination of GreenWay Art exhibitions in 2013 and 2014
- Coordination of GreenWay councils' input to the light rail public art program
- Commissioning of 'TreeCycle', the inaugural, GreenWay public art commission (in collaboration with Leichhardt Council)

v. sustainability education and promotion

- Securing \$20,000 Environmental Trust grant to implement the GreenWay Primary Schools Program in 10 schools near the GreenWay during 2014/15
- Collaborative projects with University of Technology Sydney: (i) pedestrian safety and comfort (Designing Out Crime Centre) (ii) light rail patronage and stop design (School of the Built Environment)
- Collaborative projects with University of NSW regarding light rail stop precinct design, access and safety (Faculty of the Built Environment)
- GreenWay website management and review
- Community education and awareness such as production of brochures and flyers, attendance at stalls at various festivals and fiestas being held near the GreenWay.



GreenWay Art Prize opening night - 2014

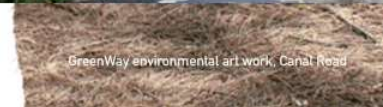
Transforming the GreenWay...



KEGWORTH PS STUDENTS WHO HELPED ESTABLISH LORDS RD BUSHCARE SITE PAY A VISIT 14 YEARS LATER



IMAGES LEFT TO RIGHT: GREENWAY BUSH CARE SITE, CADIGAL RESERVE, SUMMER HILL



GreenWay environmental art work, Canal Road



ACTIONS IN 2009 GREENWAY MASTER PLAN

The 2009 GreenWay Master Plan and Coordination Strategy contains 50 individual actions for implementation over a 10 to 20 year period. To help evaluate progress in the first 5 years, the GreenWay Steering Committee convened a Planning Workshop in June 2014. The 30 workshop attendees comprised GreenWay Steering Committee members, representatives from established GreenWay community groups such as IWEG and community champions who have been actively involved for a number of years in GreenWay activities. The workshop was facilitated by Lucy Cole-Edelstein of Straight Talk.

Attendees were invited to share their views on how the actions in the Master Plan have progressed from 2009 to 2014 and to consider priorities for the next 5 to 10 years. Master Plan actions were allocated to each group for their consideration, as follows:

QUESTION 1:

How is the action going - good, OK, not good?

QUESTION 2:

Should the action be high, medium or low priority over the next 5 years?

QUESTION 3:

Is anything missing from the action, or the table of actions as a whole?

Attendees at the Planning Workshop concluded that considerable progress has been made over the past 5 years in implementing the 50 actions in the 2009 Master Plan:

PROGRESS OF ACTIONS IN 2009 MASTER PLAN



PROGRESS OF 19 HIGH PRIORITY ACTIONS

5 COMPLETED
14 SUBSTANTIALLY UNDERWAY

Planning Workshop attendees were asked to review the 50 actions in the 2009 Master Plan and suggest any changes.

CHANGES TO ACTIONS IN 2009 MASTER PLAN

28 ACTIONS REQUIRE NO CHANGE
They have been successfully implemented, or are continuing to do a good job.

22 ACTIONS NEED UPDATING
To reflect progress made through knowledge gained and/or changes on the ground, eg. construction of the Inner West Light Rail.

6 SUBSTANTIAL UPDATES
16 MINOR AMENDMENTS

ATTACHMENT 1 contains a more detailed summary of the analysis by workshop attendees of each of the 50 individual actions in the 2009 Master Plan, including comments on outcomes achieved to date and suggestions about how some actions could be refined to better reflect current circumstances and increase chances of success.

Images left to right: GreenWay Planning Workshop, June 2014
Site visit with Government Architect Office Missing Links consulting team
Excerpt from 2009 Master Plan



4. 2015-2019 GREENWAY PRIORITIES

Eleven key themes emerged from the June 2014 Workshop discussion which will guide on-going implementation of the 50 Master Plan actions and inform priority setting and the allocation of resources over the next 5 years:

- 1. Incorporate planning for the Rozelle Goods Yard/Bays Precinct and other state government urban renewal programs**
The State Government and Leichhardt Council (LMC) need to work together to better define the potential to implement an extension to the GreenWay from Leichhardt North Stop through (or along side) the Rozelle Goods Yards to Anzac Bridge. This can be done as part of council's ongoing input to planning for the Bays Precinct. This could include extension of the GreenWay boundary. The GreenWay Program needs to engage with other NSW government urban renewal programs which will potentially impact on the GreenWay corridor eg. Parramatta Road Urban Transformation, Sydenham to Bankstown Urban Renewal Corridor.
- 2. Ensure the GreenWay Vision is reflected in planning strategies, instruments and conditions**
Considerable progress has been made in ensuring that the Greenway Vision is recognised and acted upon, through incorporation in various development control plans (DCPs), local environment plans (LEPs) and supporting strategies and plans. We need to continue to be vigilant and proactive in this area, particularly in regard to state agency strategies and plans (eg Regional Action Plans being prepared by Dept. Premiers and Cabinet) and DA's for large developments along the corridor (eg Levisham West Precinct), which are usually assessed by the State Government.

- 3. Prioritise work on Missing Links**
Implementing the remaining 50% of the GreenWay Trail (shared use path) is a high priority. This should incorporate place making and activation elements to achieve multiple community benefits.
- 4. Focus on priority places along the GreenWay/light rail corridor**
A place-based approach is needed, which prioritises sections of the Corridor requiring the greatest attention or with the greatest potential for improvement. This includes priority missing links, significant light rail stops adjacent to development sites (Taverners Hill stop) and important East/West links and GreenWay hubs.
- 5. More rigorous evaluation of the costs and benefits of the GreenWay/light rail corridor is required**
The Corridor continues to be transformed as a result of major public and private sector investment. A more rigorous evaluation of the costs and benefits associated with this transformation is required, to inform strategic planning by local and state government and resourcing proposals and/or decisions. A partnership approach would enhance outcomes and reach. Collaborative work could be undertaken by universities or established research organisations, GreenWay councils and relevant state agencies.
- 6. Better integration of GreenWay biodiversity strategy, vegetation and landscape management plans**
Existing and proposed GreenWay revegetation plans need to complement each other and be well integrated, to inform effective habitat planning and management by volunteers, landowners, councils and state agencies. A holistic approach is needed which reflects the broad interests and needs of the community and achieves multiple benefits. We need to ensure that selection and maintenance of appropriate, indigenous species is stipulated in planning guidelines, consent conditions etc.

- 7. Broaden the marketing and promotion of experiences available along the Corridor**
The light rail has greatly enhanced the potential to access and enjoy a broad range of experiences and activities along the corridor, from the CBD to Dulwich Hill. We need to enhance the impact and reach of the corridor and what it offers, for example through partnerships with City of Sydney, TfNSW and the light rail operator.
- 8. Broaden biodiversity monitoring**
We need to extend the current emphasis on monitoring of bandicoots to include a broader range of ecosystem/habitat health indicators eg small birds, water quality. There is considerable potential to involve resident volunteers and volunteers along the corridor in monitoring activities (citizen scientists) if resources are available.
- 9. Maximise opportunities to promote community awareness, understanding and involvement**
The success of the GreenWay has depended, to a significant extent, on growing community awareness and participation. Significant effort is required to maintain and build momentum, through programs such as sustainability education (primary, secondary and tertiary), increased community arts/culture, greater use of GreenWay Hubs etc. This should include efficient enhancement of the GreenWay website eg increased interaction platforms.
- 10. Partnering with stakeholders and working across boundaries is essential**
We need to continue to forge effective partnerships with public and private stakeholders to achieve outcomes identified in the 10 year council community strategies, the various GreenWay strategies and plans and other key statements of community intent. Working across agency and land-owner boundaries through a place management approach is an important aspect of this process.
- 11. Renewed focus on stormwater quality issues**
We need to pay more attention to the actions in the Master Plan which focus on catchment management approaches and interventions to improve stormwater quality and ecosystem health, particularly in Hawthorne Canal.



5. CONCLUSION

The GreenWay Master Plan and Coordination Strategy adopted by the four GreenWay councils in 2009 was an aspirational document. There were no firm commitments by local or state government to resource the 50 actions in the Master Plan covering a range of activities from urban bush care to community arts and culture.

Much has been achieved by the GreenWay community and the councils in the five years since the Masterplan was adopted. A \$1.8 mil grant was secured, allowing for the employment of a project team for three years from 2010 to 2012. The team achieved much, including the production of detailed reports about key GreenWay issues and challenges such as urban biodiversity and active transport. Three GreenWay art exhibitions were held and a major community engagement program was rolled out to secure community input to issues ranging from governance to the new GreenWay logo.

The continuation of the GreenWay Program was secured following the appointment of the inaugural GreenWay Place Manager in November 2012 and the signing by the four councils of the GreenWay Program MoU (2014-2019). Commencement of Inner West Light Rail operations in March 2014 with 9 new Stops along the GreenWay confirmed the corridor's role as a major sustainable transport asset and urban environmental resource in Sydney's Inner West.

The review by the GreenWay Steering Committee and



greenway champions



community champions of progress made against the 50 actions in the 2009 GreenWay Master Plan confirmed that much has been achieved. One quarter of the Master Plan's actions have been completed and nearly two thirds are substantially underway. The GreenWay community is overcoming a major setback represented by the deferral by the new state government in March 2011 of construction of the remaining 50% of the GreenWay Trail as part of the light rail works. The councils remain committed to completing the GreenWay as a series of Missing Links by 2020.

In conclusion, the community, councillors and staff of the four councils should be proud of what has been achieved from 2009 to 2014. With the establishment of the MoU and continuation of the GreenWay Place Management Program, they can be confident that the 50 actions in the 2009 Master Plan will continue to be implemented over the next 5 to 10 years to achieve its Vision for the GreenWay:

"as a recognizable, cultural and non-motorised transport corridor linking the sub-catchments of two of Sydney's most important waterways."¹



Portrait of GreenWay Visionary, Bruce Ashley by Gilbert Grace
2010 GreenWay Art Prize winner

Images left to right:

Greenway Council general managers sign the GreenWay MoU 2009 to 2014

IWEG champions, Johnson Park, Dulwich Hill - 2013

GreenWay stall at Ashfield Carnival of Cultures, staffed by GreenWay champions Jennifer Kent (FoG) and Claire Felton (IWEG)

6. REFERENCES

1. Cooks River to Iron Cove GreenWay Master Plan and Coordination Strategy, Leichhardt, Marrickville, Ashfield and Canterbury councils, 2009
2. GreenWay Sustainability Project, Final Report to the NSW Environmental Trust GreenWay Sustainability Project, 2012
3. GreenWay Sustainable Governance Action Research Project, Final Report 2012 Macquarie University
4. GreenWay Biodiversity Strategy, GreenWay Sustainability Project, 2012
5. GreenWay Revegetation and Bushcare Plan, GreenWay Sustainability Project, 2010
6. GreenWay Fauna and Flora Review, GreenWay Sustainability Project, 2010
7. GreenWay Active Transport Strategy and Action Plan, GreenWay Sustainability Project, 2012
8. Greenway Primary Schools Sustainability Program Teachers Workbook, GreenWay Sustainability Project, 2012
9. GreenWay Program Memorandum of Understanding, Leichhardt, Marrickville, Ashfield and Canterbury councils, 2014 - 2019
10. GreenWay website www.greenway.org.au
11. Greenway Missing Links Report, 2015
12. Ashfield Council Cycling Map and Guide, Ashfield Council, 2012

The above documents can be accessed via the GreenWay and/or council websites.

www.greenway.org.au



Straw Necked Ibis and gross pollutants in Hawthorne Canal, Haberfield

7. APPENDIX GREENWAY PROGRESS REPORT 2009-2014

Review of individual actions in 2009 GreenWay Master Plan and Coordination Strategy

2009 Master Plan actions section 1 - Planning and Governance

2009 Master Plan initiative/action	Status@June 2014	Priority	Amend	Comments/additions to Action Plan
1.1 Secure a formal agreement from NSW State Government that the Rozelle freight rail corridor be retained as a continuous and connected corridor in public ownership. Seek use of the corridor for a GreenWay Trail; revegetation associated with the Creating a Bush Link project; development of a pathway link between the GreenWay Trail and Anzac Bridge; with the above in conjunction with any extension of light rail from Lilyfield.	UNDERWAY TfNSW & Councils Operations & Maintenance Agreement being negotiated Revegetation underway Lilyfield Rd cycleway upgrade under consideration	HIGH	NO	Negotiate with stakeholders to ensure sufficient width of Greenway through (or adjacent to) Rozelle Goods Yards.
1.2 GreenWay vision is included and/or referenced in local and State Government planning documents and instruments.	UNDERWAY Eg referenced in Inner West Subregional Strategy, Sydney's Cycling Future, various Council DCPs, LEPs & strategies	HIGH	NO	Need to be vigilant with State plans/instruments, as the legislative planning framework, guidelines and requirements are changing quite rapidly.
1.3 Establish an ongoing working group for the greenway	COMPLETED GWay Steering Cttee	N/A	N/A	
1.4 Develop a landscape management plan for the corridor	UNDERWAY some local plans exist eg bushcare site management plans, park plans of management	MED/HIGH	YES	Relate this to action 3.13. Prioritise certain corridor sections eg Hawthorne Canal corridor, Lewisham West Precinct.
1.5 Develop a formal agreement such as a memorandum of understanding between the councils & key stakeholders on how the GreenWay vision is to be progressed, and operational responsibilities for individual stakeholders.	COMPLETED 5 year Council MoU signed in 2014 TfNSW & Councils Operations & Maintenance Agreement being negotiated	N/A	N/A	

APPENDIX

2009 Master Plan initiative/action	Status@June 2014	Priority	Amend	Comments/additions to Action Plan
1.6 Formalise the working group membership, terms of reference, protocols and reporting requirements	COMPLETED GreenWay Steering Cttee ToRs etc	N/A	N/A	
1.7 Seek funding to employ a GreenWay Coordinator on a more permanent basis.	COMPLETED MoU secures \$ for 5 yrs to employ 1 full-time staff	N/A	N/A	
1.8 Develop a communication strategy for the GreenWay and a suite of communication tools so actions are shared across stakeholders groups.	UNDERWAY Website, common flyers eg Art Exhibition	MED/HIGH	NO	Website is only as good as the extent to which it is maintained. Can absorb lots of resources, therefore need a balanced approach. Maintain GreenWay Facebook page.
1.9 Ensure new developments take into account the GreenWay concepts and support these rather than conflict with them.	UNDERWAY DA's for Allied Mills, Grove St take account of GWay	HIGH	YES	Need to ensure council planners (strategic and statutory) are familiar with the qualities of the GreenWay. Need to articulate its value to developers.
1.10 Develop a long term management plan and maintenance strategy for the GreenWay corridor and its associated elements (paths, facilities, bush sites etc) with allocated funding.	UNDERWAY TfNSW & Councils Operations & Maintenance Agreement being negotiated	MED/HIGH	YES	Need to be aware of (and try to address) challenges arising from staff turnover. Consider securing developer contributions towards long-term landscape maintenance and place management.

APPENDIX

Workshop Group 2 discussion outcomes - Community and Education

2009 Master Plan initiative/action	Status@June 2014	Priority	Amend	Comments/additions to Action Plan
2.1 promote the GreenWay vision & projects to the local community and stakeholders through a media strategy	UNDERWAY Website, Enews, press releases, event flyers etc	HIGH	NO	Links to many other actions. Need to link up better to other event programs (eg those sponsored by Councils).
2.2 Develop a GreenWay brand and promote sites along the GreenWay that demonstrate coordinated action for sustainability	UNDERWAY USP made lots of progress with logo, hub & demonstration sites/ hubs	MED	YES	Links to group 5. Look at opportunities to utilise/promote Greenway hubs.
2.3 Identify/engage with community and environment groups in the corridor & catchment and keep local residents, business and agencies informed and involved	UNDERWAY USP made a lot of progress. Work is ongoing eg workshops, website inquiries, meetings with special interest groups etc	HIGH	NO	Achieved through many actions in Master Plan.
2.4 Support existing volunteer programs & provide resources to attract and build capacity of on-ground volunteer activity in areas other than biodiversity eg bird, bandicoots surveys, Streamwatch	UNDERWAY IWEG is main focus, Streamwatch no longer properly funded by State Government. Bandicoot & bird surveys under consideration, as part of IWLR compensation sites	MED/HIGH	YES	Aim for more volunteer training and develop incentives, if resources are available. Make good use of existing promotional materials that can be adopted for use along GreenWay.
2.5 support & encourage new community groups and volunteers	UNDERWAY Mostly via IWEG & GWay bushcare.	HIGH	YES	As above. Maybe target particular groups eg teenagers and expand activities "on offer".
2.6 encourage and assist the development of community gardens along and adjacent to the Greenway & adjoining streets	TO BE ACTIONED	LOW	NO	Could develop a "how to establish a community garden" kit or link.
2.7 Develop GWay environmental education program (schools and community) to boost local understanding of the Greenway Corridor	COMPLETE GreenWay Primary Schools Sustainability Program trialed/ completed. \$20,000 grant secured to roll-out to 10 schools in 2015	HIGH	YES	Need to articulate link to emerging National Sustainability Curriculum. Resources permitting, should develop a complimentary program to target teenagers to enhance resilience, independence, sleeves rolled-up activities eg Streamwatch.
2.8 Look at ways of engaging with and encouraging involvement of aboriginal community	TO BE ACTIONED	MED	YES	Limited scope in inner city area. Could partner with Cooks River Alliance.
2.9 develop corridor tours and workshops on GreenWay related themes	UNDERWAY Treading Lightly, Place Manager's tours, bike tours etc	HIGH	NO	Links to other actions. Should utilise other programs/tours/ resources within Council & beyond eg Duke of Edinburgh. Local Studies/History.

APPENDIX

Workshop Group 3 discussion outcomes – Transport and related actions

2009 Master Plan initiative/action	Status@June 2014	Priority	Amend	Comments/additions to Action Plan
3.1 Establish a GreenWay trail shared multi-user off-road trail from Cooks River pathway at Earlwood to the Bay Run at Iron Cove, following or using the Rozelle freight railway corridor and using as much as possible of existing pathway network alongside Hawthorne Canal.	UNDERWAY Little progress due to deferral by Liberal State Government in 2010. Missing Links project will progress incrementally	HIGH	YES	Enhance existing on-road links to compliment priority off-road links, pending completion of entire off-road trail. Ensure best engineering design (particularly safety).
3.2 Develop an implementation strategy including feasibility and concept planning for construction with funding options.	UNDERWAY As per 3.1 above	HIGH	YES	Additional funding options may include crowd sourcing, "adopt a GreenWay section" sponsorship
3.3 Identify key barriers to movement such as major road crossings and develop alternatives as a priority, examples include Battle Bridge, Old Canterbury Road, Marion Street	UNDERWAY Battle Bridge tried once, may revisit via Missing Links Project. New signalized crossings due for Marion St. (IWLRL), Old & New Canterbury Rd	HIGH	NO	
3.4 Install interpretive and directional signage along the route and in key positions.	COMPLETE Stage 1 & 2 signage implemented, maintenance & anti-graffiti on-going, new stenciling needed post IWLRL	HIGH	YES	Also incorporate behavioural messaging (eg slow down cyclists) and outward destinations (eg attractors/destinations eg café.schools). Collaborate with TfNSW re: joint signage eg Local Area Maps at IWLRL Stops
3.5 Prepare, distribute and update GreenWay trail maps.	COMPLETE Incorporated in Stage 1 signage & on website, need to review periodically. Work with IWLRL re: stop maps	MED	NO	Need to update where practical and include behavioural messaging.
3.6 Plan and progressively implement a "greenstreet" network of quiet cycling and pedestrian-friendly streets to complement and link to the GreenWay Trail "spine" and any light rail service extending from Lilyfield. To include investigation of local street connections across the goods railway corridor.	UNDERWAY Partly being addressed through Council bike plans, IWLRL streetscape works etc. More work needed by Missing Links Working Group, TfNSW Active Transport Unit and relevant council units eg strategic transport planning.	MED/HIGH	YES	Links to 3.1. Ensure s94 plans reflect this priority and help facilitate it. Capitalise on new East/West links provided by IWLRL Stops.

APPENDIX

2009 Master Plan initiative/action	Status@June 2014	Priority	Amend	Comments/additions to Action Plan
3.7 Investigate options for an off-road grade-separated cycling priority pathway from the GreenWay to the Anzac Bridge within or immediately parallel to the Rozelle freight railway corridor.	TO BE ACTIONED Under consideration via Missing Links project. TfNSW priority.	MED	NO	Links to 1.1. Reserving corridor through Rozelle Goods Yard is a priority. Need to investigate alternative routes to Goods Yard. Free light rail for cyclists?
3.8 Evaluate the costs and benefits of GreenWay strategies, and set performance targets including achieving active transport outcomes.	TO BE ACTIONED	MED/HIGH	YES	Councils and TfNSW could/should combine their efforts. Good student and/or research project for university eg UNSW, UTS..
3.9 Implement the GreenWay with consideration to the wider locality and community to avoid conflict.	UNDERWAY Need to revisit Weston St conflict. Also underway via Missing Links project.	MED	NO	Need to build awareness of benefits of Greenway (and being close to it). Weston St. is a priority. Could be a student project.
3.10 Support extension of light rail from Lilyfield using the Rozelle freight rail corridor, and inform the design process so the project complements the implementation and operation of the GreenWay Trail.	COMPLETE Some Streetscape works have been scaled back by TfNSW	N/A	N/A	
3.11 Develop route marking / way finding and signage protocol to support the GreenWay Trail and links, and establish branding guidelines.	COMPLETE Stage 1 & 2 signage implemented	MED	NO	Need to periodically review and update sign information and designs.

APPENDIX

Workshop Group 4 discussion outcomes – Biodiversity, Bushcare and Catchment actions

2009 Master Plan initiative/action	status@June 2014	Priority	Amend	Comments/additions to Action Plan
3.12 Develop a GreenWay corridor biodiversity strategy including a baseline survey of current corridor biodiversity and potential for new areas; protection of Long-nosed Bandicoot population and a strategy for progressively enhancing biodiversity in the immediate corridor and surrounding catchment.	COMPLETE GW Biodiversity Strategy completed, but yet to be endorsed by LMC. Bandicoot monitoring & habitat improvement to be achieved via TINSW compensatory bushcare arrangements.	HIGH	YES	Need to focus on implementation, cross-council coordination, staff and volunteer training, progress monitoring and reporting. Need to ensure strategy links with/informs management of IWLRL compensatory bush care sites. Broaden consideration beyond bandicoots to include other appropriate species eg small birds.
3.13 Develop a vegetation management plan to guide future work in the corridor.	COMPLETE GW Bushcare Management Plan done & endorsed, need to ensure its implementation	HIGH	YES	Need to ensure plan links with and supports Biodiversity Strategy. Make sure it informs consideration of DA's, management of IWLRL compensatory bush care sites and council/IWEG sites
3.14 Continue to revegetate the corridor under the Creating a Bush Link project with local provenance species to maximise continuous native vegetation.	UNDERWAY Through IWEG, GWay bushcare, council & development projects	N/A	YES	Superseded by 3.12 and 3.13. The priority is ensuring healthy, diverse habitat, rather than being too focused on securing local provenance species which are often not available when major replanting is underway (eg during IWLRL construction).
3.15 Encourage sympathetic planting on adjoining properties with local provenance Turpentine-Ironbark species to create a more viable bush corridor.	TO BE ACTIONED as per 3.14 above	HIGH	YES	Reword and make stronger eg develop standard consent conditions requiring appropriate use of local provenance (STIF vegetation), assuming stock is available. Develop contingency recommendations if local provenance is not readily available.
3.16 Establish a biodiversity bank and seed banking for the revegetated sites along the corridor	UNDERWAY some nurseries are propagating local GWay species eg Marrickville Community Nursery	MED/HIGH	NO	Needs a lot of resourcing to be done properly and for continuity to be maintained over time. Long term data management is a critical part of this action. Should seek grant funding.
3.17 Protect and enhance remnant habitats and any endangered or threatened populations including the listed endangered population of Long-nosed Bandicoot.	UNDERWAY bandicoot monitoring & habitat improvement underway eg compensatory bushcare sites for light rail	HIGH	YES	Needs to be broadened to include other appropriate species eg small birds, key species mapping. Ensure this links with Biodiversity Strategy.

APPENDIX

2009 Master Plan initiative/action	status@June 2014	Priority	Amend	Comments/additions to Action Plan
3.18 Develop initiatives to manage weeds and feral animals along corridor and the immediate catchment with the goal of a Weed-free by 2023	UNDERWAY through IWEG, GWay bushcare, & council projects, need better state govt cooperation eg SWC	MED	YES	Need additional emphasis on animal management, particularly fox control. Options include pet owner education, declaring GreenWay a "wildlife corridor".
3.19 Develop a Memorandum of Understanding between stakeholders regarding reasonable and practicable access protocols for bushcare contractors and community volunteers working in the Rozelle rail corridor.	UNDERWAY through IWEG, GWay bushcare, council projects, negotiation with TfNSW	MED	NO	Protocols, access arrangements and agreed management approaches for IWLR compensatory bush care sites will be implemented under the auspices of the License Agreements and Site Management Plans being developed by TfNSW in consultation with Councils
3.20 Develop agreed written protocols for vegetation clearance and maintenance done by Railcorp and/or their contractors to maintain or enhance biodiversity and protect an endangered fauna population.	UNDERWAY via consent conditions, preparation of management plans for TfNSW compensatory bushcare sites, monitoring, evaluation	MED/HIGH	NO	More consultation required about how best to manage implementation of TfNSW protocols and works by TfNSW contractors (eg fencing, weed control). Should include direct liaison between contractors and relevant council staff. Maybe use proposed TfNSW/councils Corridor Management Group as the vehicle to improve "on the ground" performance by contractors?
3.26 Integrate stormwater sustainability projects and stormwater initiatives such as the USWIM with GreenWay actions and concepts to increase permeability, stormwater detention and runoff quality.	TO BE ACTIONED some work done by M'ville Co. (eg urban stormwater CRC), need Sydney Water cooperation	MED/HIGH	NO	Need to integrate with current Council and Sydney Water led stormwater management projects eg water sensitive urban design initiatives (Sydney Water), Hawthorne Canal & Dobroyd Canal Catchment Flood Study (2013)
3.27 Investigate naturalisation of stream banks and foreshore at Hawthorne Canal and Cooks River; off-stream saltmarsh and/or wetland creation.	COMPLETE considered (and mostly rejected) by Councils and University of Sydney	LOW	NO	Not feasible due to tidal fluctuation.
3.28 Develop an integrated approach at Marrickville Golf Course to open up drainage line in conjunction with creating a bush link(s).	TO BE ACTIONED	MED	NO	Has been incorporated in Marrickville Council's Tennyson St Sub-Catchment Management Plan. There is a risk of conflict with golfing stakeholders and/or local residents.

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2009 Master Plan initiative/action	status@June 2014	Priority	Amend	Comments/additions to Action Plan
3.29 Support the existing Streamwatch sites and establish further StreamWatch sites. Promote community education about water quality and stormwater issues along the GreenWay corridor and across the GreenWay catchment.	UNDERWAY some Streamwatch groups established eg Cooks River, Kegworth PS (Leichhardt). Streamwatch has been scaled back by state govt., GWay Schools Program includes catchment issues	MED/HIGH	NO	Establishment of Streamwatch as an activity in GreenWay primary and secondary schools could be contemplated, but is subject to the availability of council funding, because it appears that the Australian Museum (which is now custodian of the NSW Streamwatch Program) does not have adequate funding for widespread implementation in schools. Could compliment the Greenway schools program and/or other council-funded schools initiatives.

APPENDIX

Workshop Group 5 – Discussion outcomes – Cultural works, Events and Promotion actions

2009 Master Plan initiative/action	Status@June 2014	Priority	Amend	Comments/additions to Action Plan
3.21 Support the development of a GreenWay Arts Trail along the corridor including an interpretation and public art strategy.	UNDERWAY Draft GWay art strategy completed in 2011, needs more work.	MED/HIGH	YES	Complete Inner West Food and Art Trail and Map & broaden to include other tourist attractions. Collaborate with City of Sydney and TfNSW. Investigate options to design and fund dual use installations (eg joint street furniture/public art)
3.22 Support the development of cultural sites along the corridor and near the GreenWay Trail where artworks are displayed, and cultural events held. This also acts to publicise or promote the GreenWay and sustainability.	UNDERWAY Good progress made by USP eg Art Exhibition, Festival, Hub Days. Considerable activity in LMC eg Hawthorne Canal Community Art Work (2012). Art Exhibition, "Intersect" Environmental Art Commission (2014).	HIGH	NO	Momentum developed by USP could drop away. Site specific opportunities could be explored eg: Environmental art/installations Ewan Park Bridge Performance event at Lilyfield Road Bridge Pursue opportunities for piggy-backing in the interests of maximizing limited resources eg: CoS Festival skate event @ Jack Shanahan Collaboration with NSW Art Gallery, Canal Rd
3.23 Hold regular events to promote the GreenWay at locations along the corridor including active events using the GreenWay Trail and linking the cultural precincts.	UNDERWAY GWay Art Exhibition now in its 5 th yr and well received. Needs confirmed funding. Much potential for broadening scope eg performance, student work	MED	NO	Examples could include: Film festival (open air cinema?) Bicycle film festival Food trucks along GreenWay Signifiers at gateway points Need to ensure events are family friendly
3.24 Use the local media to promote activities and works at significant locations that are contributing to the completion of the GreenWay.	UNDERWAY USP raised profile, needs to be maintained via website, council media etc	LOW	NO	Limit to significant/important GreenWay events, to minimise overkill and maximise potential media interest
3.25 Develop website and other tools (such as a newsletter) to share information about the GreenWay with broader community.	COMPLETE Website built and functioning, but not that easy to navigate and requires attention	HIGH	YES	Website urgently needs quite major upgrade to maximise utility, as it is often first port of call for interested parties. Need to enhance interactive capacity. Council's should collaborate to minimise duplication (eg GWay Trail App) and ensure council consistency. Link to other Sydney green web sites.

APPENDIX

Workshop Group 1 Discussion outcomes (continued) - Monitoring and update actions

2009 Master Plan initiative/action	Status @ June 2014	Priority	Change	Comments/additions to Action Plan
4.1 Develop and implement a reporting system with regular review of the Action Plan. The Action Plan and Master Plan and Coordination Strategy to be updated as required.	UNDERWAY May 14 planning workshop, plus regular progress reports to Councils & grant bodies	MED/HIGH	YES	Need to identify specific factors/elements eg active transport number/trends along GreenWay NB growth in use can be used to leverage additional funding. Small birds (not just bandicoots) – see action 3/13
4.2 Seek ongoing funding, grants and other contributions to enable the completion of the GreenWay and delivery of the actions.	UNDERWAY Environmental Trust grants for USP & schools education, Council MOU funding & project funding eg Art Exhibition	HIGH	NO	Need to encourage cooperative funding applications across councils

Subject	SECOND QUARTER BUDGET REVIEW 2015-16
File Ref	Q2-2015-16
Prepared by	Myooran Vinayagamoorthy - Chief Financial Officer
Reasons	Statutory Requirement
Objective	To inform Councillors of Council's financial position and to comply with Clause 203 of the Local Government (General) Regulation 2005

Overview of Report

The Local Government (General) Regulation 2005 requires Council to review its budget on a quarterly basis. This is the second quarter budget review for the 2015/16 financial year.

Background

The **Quarterly Budget Review Statement** (QBRs) is a requirement of the Office of Local Government. The QBRs presents a summary of Council's financial position at the end of each quarter. It is the mechanism whereby Councillors and the community are informed of Council's progress against the Council Plan and Operational Plan (original budget) and the last revised budget along with recommended changes and reasons for major variances.

The QBRs (attached) is composed of the following budget review (BR) components:

- Income Statement;
- Balance Sheet;
- Capital Review;
- Cash & Investments – Restrictions Held;
- Capitalised Works Review;
- Bank Reconciliation;
- Contracts Budget Review Statement;
- Other Expenses Budget Review Statement;
- Key Performance Indicators;

Financial Implications

The original budget adopted by Council for 2015/16 was based on a surplus of \$851k. At the end of the second quarter, the projected year end result remains at a surplus of \$792k if Council adopts all of the recommendations in this report.

Recommended adjustments to the budget – Quarter 2

To reflect the expected year end position as at 31 December 2015, the following adjustments to the budget are proposed:

SECOND QUARTER BUDGET REVIEW 2015-16

Income

1. Increase S94 income by \$1,096,634 to reflect the income received during the quarter. This does not affect the bottom line as the income is transferred to the S94 capital contribution restriction.
2. Increase S94A income by \$81,384 to reflect the income received during the quarter. This does not affect the bottom line as the income is transferred to the S94A capital contribution restriction.
3. Increase Development Application Income by \$80,000 to reflect increased Development Application fees received.
4. Increase Footpath Occupation Income by \$50,000 to reflect increased activities in Ashfield LGA.
5. Increase of \$600,000 in Restoration Income in line with the re-forecast of restoration income for the year at the end of the quarter 2.
6. Decrease of \$163,569 in Aquatic Centre Income in line with the re-forecast of aquatic centre income for the year at the end of the quarter 2.

Expenses

1. Decrease of \$250,000 in Street Lighting Expenses in line with the reforecast of full year expenses for the financial year 2015/16.
2. Decrease of \$52,000 in Fire Board Levy (NSW) Expenses in line with the reforecast of full year expenses for the financial year 2015/16.
3. Increase of \$50,000 in Internal Audit Expenses to reflect continuation of the 2015/16 internal audit program into the second half of the financial year as recommended by the Internal Audit Committee.
4. Increase of \$50,000 in Transition Expenses as resolved by Council in transition to amalgamation.
5. Increase of \$520,000 in Restoration Expenses in line with the re-forecast of restoration expenditure for the year at the end of the quarter 2.
6. Decrease of \$86,978 in Aquatic Centre Expenses in line with the re-forecast of aquatic centre expenditure for the year at the end of the quarter 2.
7. Increase of \$120,000 for updating of selected parks' Plan of Management.
- 8.

SECOND QUARTER BUDGET REVIEW 2015-16

Reserve transfers

1. A transfer of \$700,000 from the S94 restriction into the capital budget to cover pram ramps, verge and other ancillary works undertaken in conjunction with the Accelerated Footpath program.
2. A transfer of \$400,000 from the Infrastructure Reserve into the capital budget to augment funding for the Haberfield Shopping Centre Footpath Paving.

Key Variances / Discussion

Fees & User Charges

Increase in fees & charges are mainly in relation to Planning & Building fees and charges associated with increased level of development activities taking place in the Ashfield LGA, and Increased level of restoration works. Budget adjustments have been recommended above.

Consultant Costs

Year to date (YTD) actual expenditure on consultant costs is in line with the year to date budgeted expenditure. Significant expenditure on consultant costs associated with the Westconnex Project is expected during the second half of the financial year 2015/16.

Capital works program

A number of minor works in parks have been completed and the rest are on track for completion, including new BBQs, new bubblers, new youth play spaces and a new outdoor gym. The sportsfield lighting works have commenced. A tender for the park irrigation and drainage is being evaluated with works to commence in 2015/2016 and to be completed in 2016/2017.

The building capital works projects are well progressed and on track for completion, in consultation with the relevant tenants, including 10 Norton Street, Bastable Hall and the Haberfield Library. The tender for the Centenary Park facilities upgrade has been advertised and will be awarded in the third quarter, with works to be staged over two financial years. A DA for the redevelopment of the Yeo Park Baby Health Centre is being prepared and it will be submitted in the third quarter.

The roads program, including road re-sheeting, kerb & gutter and stormwater has commenced and is on track.

The Haberfield paving project is practically complete. The bridge over Dobroyd Canal was formally opened in the second quarter. The detailed design for the Ashfield Town Centre Upgrade has commenced and a tender for the works contractor will be advertised in the second half.

The Aquatic Centre Redevelopment Project Manager and Design Consultant have been appointed. Council will not expend the full \$7 million budget in 2015/2016, and this will be rolled over to 2016/2017 when substantive works will commence.

Other Staff Comments

The executive management have provided input to the delivery of the second quarter budget review.

SECOND QUARTER BUDGET REVIEW 2015-16

Public Consultation

No public consultation required, however this report is available to the public via Council's website.

Conclusion

As at 31 December 2015, Council's financial position is sound and the budgetary review procedures are operating satisfactorily.

Should the recommendations in this report be adopted, as at the end of Quarter 2, Council is expected to achieve the projected cash surplus of \$792k at year end. This remains a strong position.

ATTACHMENTS

Attachment 1 Quarterly Budget Review Dec2015

9 Pages

RECOMMENDATION

That Council receives the Quarterly Budget Review Statement for the period 1 October 2015 to 31 December 2015 and adopts the recommended budget adjustments outlined in the report.

NELLETT KETTLE

Director Corporate & Community Services

Quarterly Budget Review Dec2015

Ashfield Council
Income Statement
For the period to 31 December 2015

Income & Expenses Budget Review Statement	Original Budget as per 2014/15	Rollovers and Adjustments	Program Reallocations	1st Qtr Changes Adopted	2nd Qtr Changes Recommended	3rd Qtr Changes Recommended	4th Qtr Changes Recommended	Projected Year End Result	Actual YTD	\$ Variance Actual YTD to Projected Year End Result	% Variance Actual YTD to Projected Year End Result
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	%
Revenue											
Rates & Annual Charges	(28,233,397)	0	0					(28,233,397)	(13,898,801)	14,233,596	50%
User Charges & Fees	(3,785,703)	0	0		(588,431)			(4,335,134)	(2,036,123)	1,940,011	62%
Interest & Investment Revenue	(910,800)	0	0					(910,800)	(947,546)	463,254	49%
Other Revenue	(2,096,019)	0	0			0		(2,096,019)	(1,174,409)	921,614	59%
Grants & Contributions - Operational	(2,397,794)	0	(13,900)	45,000				(2,366,694)	(1,451,581)	915,103	61%
Grants & Contributions - Capital	0	0	(250,000)	(3,380,187)	(1,178,018)			(4,708,205)	(4,543,206)	250,000	95%
Gain (Loss) on Sale of Assets	(72,510)	0	0					(72,510)	0	72,510	0%
Total Revenue	(37,485,213)	0	(263,900)	(3,320,187)	(1,744,449)	0	0	(42,808,749)	(24,512,661)	18,496,088	57%
Expenses											
Employee Benefits & On Costs	18,768,841	0	80,000	150,000	0			18,998,841	9,284,009	(9,714,832)	49%
Borrowing Costs	1,214,859	0	0		0			1,214,859	234,876	(979,983)	19%
Materials & Contracts	9,356,580	969,929	58,900	80,000	351,022			10,816,431	4,781,110	(6,035,321)	44%
Legal	304,004	0	0					304,004	129,808	(174,196)	43%
Consultants	98,004	190,000	30,600					278,604	76,559	(202,045)	27%
Depreciation - BRR	4,900,572	0	0					4,900,572	2,450,304	(2,450,268)	50%
Depreciation & Amortisation - Other	0	0	0					0	0	0	#DIV/0!
Other Expenses	4,852,943	135,835	0					4,788,578	2,734,497	(2,054,111)	57%
Total Expenses	39,295,833	1,255,564	169,500	230,000	351,022	0	0	41,391,889	19,691,133	(21,610,796)	48%
Operating (Surplus) Deficit	1,815,990	1,255,564	(94,400)	(3,090,187)	(1,393,427)	0	0	(1,606,860)	(4,621,528)	(3,114,666)	307%
Add back: Non-Cash Charges											
Depreciation	(4,900,572)							(4,900,572)	(2,450,304)	2,450,268	50%
Gain (Loss) on Sale of Assets	72,510							72,510	0	(72,510)	0%
Adjusted Operating (Surplus) Deficit	(3,012,472)	1,255,564	(94,400)	(3,090,187)	(1,393,427)	0	0	(6,334,922)	(7,071,832)	(736,910)	112%

Ashfield Council
Balance Sheet
As at 31 December 2015

Capital Budget Review Statement	Original Budget as per 2015/16	Rollovers	Program Reallocations	1st Qtr Changes Adopted	2nd Qtr Changes Recommended	3rd Qtr Changes Recommended	4th Qtr Changes Recommended	Projected Year End Result	Actual YTD	\$ Variance Actual YTD to Projected Year End Result
Grand Total	0	0	0	0	0	0	0	0	0	0
Current Assets										
Cash & Cash Equivalents	2,072,643			(275,000)	215,409			2,013,052	844,532	1,168,520
Investments	19,628,381	(2,003,891)	(115,000)	3,369,187	78,018			19,952,595	29,015,832	(9,063,237)
Receivables	2,439,603							2,439,603	(727,362)	3,166,965
Inventories	35,094							35,094	37,127	(2,033)
Other Current Assets	278,767							278,767	78,776	199,991
Total Current Assets	24,454,488	(3,003,891)	(115,000)	3,090,187	293,427	0	0	24,718,111	29,249,505	(4,530,394)
Non-Current Assets										
Infrastructure, Property, Plant & Equipment	285,384,766	1,748,427	209,400		1,100,000			288,442,593	275,872,435	12,570,158
Receivables	0							0	0	0
Total Non-Current Assets	285,384,766	1,748,427	209,400	0	1,100,000	0	0	288,442,593	275,872,435	12,570,158
Current Liabilities										
Payables	(5,672,486)							(5,672,486)	(5,251,522)	(1,420,964)
Provisions	(9,903,980)							(9,903,980)	(8,902,180)	(70,801)
Borrowings	(14,000,000)							(14,000,000)	229,774	(14,229,774)
Total Current Liabilities	(24,575,966)	0	0	0	0	0	0	(24,575,966)	(8,944,080)	(15,731,936)
Non-Current Liabilities										
Provisions	(1,101,731)							(1,101,731)	(711,731)	(790,000)
Borrowings	(1,799,975)							(1,799,975)	(7,137,581)	5,367,106
Total Non-Current Liabilities	(2,871,706)	0	0	0	0	0	0	(2,871,706)	(7,448,812)	4,577,106
Equity										
Accumulated (Surplus) / Deficit	(164,806,737)							(164,806,737)	(164,806,733)	(4)
Asset Revaluation Reserve	(119,300,832)							(119,300,832)	(119,300,837)	5
Retained Earnings	1,815,580	1,255,564	(94,400)	(3,090,187)	(1,393,427)	0	0	(1,506,860)	(4,921,526)	3,114,669
Total Equity	(262,291,879)	1,255,564	(94,400)	(3,090,187)	(1,393,427)	0	0	(265,614,429)	(288,729,098)	3,114,669

Ashfield Council
Capital Review
For the period to 31 December 2015

Capital Budget Review Statement	Original Budget as per 2015/16	Rollovers	Program Reallocations	1st Qtr Changes Adopted	2nd Qtr Changes Recommended	3rd Quarter Changes Recommended	4th Quarter Changes Recommended	Projected Year End Result	Actual YTD	\$ Variance Actual YTD to Projected Year End Result
	\$	\$	\$		\$	\$		\$	\$	\$
Adjusted Operating (Surplus) Deficit	(3,012,472)	1,255,564	(94,400)	(3,090,187)	(1,353,427)	0	0	(6,334,922)	(7,071,832)	(736,910)
Proceeds - Sale of Fixed Assets	(223,695)							(223,695)	0	223,695
Proceeds - Loan	(14,000,000)							(14,000,000)		14,000,000
Proceeds - Decrease in Internal Restricted Assets (i)	115,000							115,000		(115,000)
Proceeds - Decrease in External Restricted Assets (Net)				3,365,187	1,178,018			4,543,205	(3,751,854)	(8,296,009)
Proceeds - e94 loans repaid								0		0
Proceeds - Decrease in Restricted Debtors								0	141,298	141,298
Proceeds - Increase in Bonds & Deposits								0	(43,854)	(43,854)
Proceeds - Increase in ELE's	(790,000)							(790,000)	0	790,000
Total Capital Funding	(17,911,137)	1,255,564	(94,400)	275,000	(215,409)	0	0	(16,690,382)	(10,728,145)	5,962,237
Capital Expenditure										
Outflow - Increase in Non-Current Receivables								0	(295,590)	(295,590)
Outflow - Loan Principal Repayment	5,367,106							5,367,106	239,774	(5,127,332)
Outflow - Decrease in ELE's								0	70,801	70,801
Outflow - Decrease in Restricted Liabilities								0	297,029	297,029
Outflow - Increase in Internal Restricted Assets (Net)	(3,090,000)	(2,003,191)			(450,000)			(7,401,991)		7,401,991
Outflow - Increase in External Restricted Assets (Net)			(115,000)		(700,000)		0	(815,000)		815,000
										0
Capitalised Works										
Civic Centre Stage 1 & 2	0	0	0					0		0
Civic Centre Stage 3	0	0	0					0	0	0
Capital Works Program - B&I Renewals	3,637,872	1,546,234	1,902,332		1,100,000			8,186,438	1,421,703	(6,764,735)
Capital Works Program - Other	4,199,000	75,554	(1,649,782)					2,623,772	1,874,874	(348,898)
Other Capital Expenditure	7,854,924	128,639	(43,150)					7,938,413	285,468	(7,652,945)
Total Capital Expenditure	17,050,902	(1,255,564)	94,400	0	0	0	0	15,898,738	3,499,951	(12,008,787)
Movement in General Funds not from Operations								0		0
Movement in Working Capital from Operations	851,235			(275,000)	215,409			791,644	(6,038,194)	6,046,550
	851,235	0	0	(275,000)	215,409	0	0	791,644	6,635,194	6,046,550
Balance	0	0	0	0	0	0	0	0	0	0

Ashfield Council
Cash & Investments - Restrictions Held
For the period to 31 December 2015

Restrictions 2015-16	Actual 30/6/15	Original Budget as per 2015/16 Management Plan	Rollovers	Program Reallocations	1st Qtr Changes Adopted	2nd Qtr Changes Recommended	3rd Qtr Changes Recommended	4th Quarter Recommended	Projected Year End Result
External Restrictions									
s94	8,839,418	(1,700,000)	0	0	3,327,881	396,634	0	0	8,894,133
s94A	966,603	(208,000)	0	0	37,200	81,384	0	0	987,194
Grants - Other	325,621	0	(325,621)	0	0	0	0	0	0
Grants - Greenway	0	0	0	0	0	0	0	0	0
Grants - Waste Improvement	0	0	0	0	0	0	0	0	0
Domestic Waste Management	2,731,634	0	0	(115,000)	0	0	0	0	2,616,634
Stormwater Management	963,984	0	0	0	0	0	0	0	963,984
External Restrictions	12,047,562	(2,098,000)	(625,621)	(115,000)	3,365,186	478,018	0	0	13,151,845
Internal Restrictions									
Investment Fund	0	0	0	0	0	0	0	0	0
Plant Replacement	258,224	0	0	0	0	0	0	0	258,224
Employee Leave Entitlements	1,486,657	0	0	0	0	0	0	0	1,486,657
Carry Over Capital Works Program	0	0	0	0	0	0	0	0	0
Deposits & Bonds	281,022	0	0	0	0	0	0	0	281,022
Aquatics Centre	876,040	0	0	0	0	0	0	0	876,040
Civic Centre - General	0	0	0	0	0	0	0	0	0
Committed Expenditure	2,478,070	0	(2,478,070)	0	0	0	0	0	0
Election Costs	268,996	65,000	0	0	0	0	0	0	333,996
IT Reserve	500,000	0	0	0	0	0	0	0	500,000
Infrastructure	3,001,905	(1,890,000)	0	0	0	(400,000)	0	0	751,905
Internal Restrictions	9,150,814	(1,785,000)	(2,478,070)	0	0	(400,000)	0	0	4,487,844
Total Restrictions	21,198,476	(3,883,000)	(3,003,691)	(115,000)	3,365,186	78,018	0	0	17,639,689
s94 (Spent in Advance)	0	0	0	0	0	0	0	0	0
Net Restrictions	21,198,476	(3,883,000)	(3,003,691)	(115,000)	3,365,186	78,018	0	0	17,639,689
									3,558,787
Reconciliation to Financial Statements									
External Restrictions	12,047,562								
Internal Restrictions	9,150,814								
Unrestricted Cash	3,534,313								
Total Cash & Investments	24,732,789								

Ashfield Council
Capitalised Works Review
For Quarter Ended 31 December 2015

	Original Budget as per 2015/16 Management Plan	Rollovers	Program Reallocations	Recommended Changes For Council Resolution	Projected Year End Result	Actual YTD	\$ Variance Actual YTD to Projected Year End Result
	\$	\$	\$	\$	\$	\$	\$
Capitalised Works - Renewal							
10 Norton Street property works	220,000				220,000	0,300	214,610
Bushbush St Hall Works	30,000				30,000	2,700	27,300
DJ Gardens New Gate/Token Block	350,000				350,000		350,000
Relay Paving in Ashfield CRD Liverpool (SRV)	100,000				100,000	1,080	98,920
RM Reserve Renewal of Kasab	35,000				35,000		35,000
Waterfield Library Works	65,000				65,000	17,773	47,227
Public Toilets Renewal Program					0	4,757	(4,757)
Roads Program	906,607				906,607	77,488	829,119
Alge Park Cafe	350,000				350,000	270	349,730
Cycleney Victoria & Hanes St	0				0	1,400	(1,400)
Storm Water Projects	309,907				309,907	112,016	247,891
Traffic Facilities	0				0	68,879	(68,879)
Yeo Park Renewal & Upgrade building	300,000				300,000		300,000
Summer Hill Car Park Public Toilets	300,000	79,436			379,436	4,617	374,819
RM Reserve Playground Renewal	93,150	0			93,150		93,150
Ashfield Town Centre Establishment	650,000				650,000	51,610	598,390
General Upgrades Various Parks	100,000				100,000		100,000
Sarna Street Road Reconstruction (SRV)	600,000				600,000		600,000
Kerb & Gutter Renewal (SRV)	120,000				120,000		120,000
Gravelnor Cr Crossing Relocation (SRV)	70,000				70,000		70,000
Queen/Armstrong/Hardy St Roundabouts	60,000				60,000	15,500	44,500
Ashfield Park Lamp Improvements	10,000				10,000		10,000
Ashfield Park Irrigation & Drainage	210,000				210,000		210,000
Additional BSO Ashfield Park	30,000				30,000	45,250	(15,250)
Ashfield Park New Buildings	30,000				30,000	11,069	18,931
Bay Run widening & Upgrade	300,000	0			300,000	0	300,000
Ashfield Park Tree Planting & Pruning	10,000				10,000	0	10,000
Ashfield Park Lighting Sportsfield		150,000			150,000	969	149,031
Proton Park Boundary Wall		150,000			150,000	3,948	146,052
Ashfield Park Footpath Upgrade	80,000				80,000	23,740	56,260
Alge Park Irrigation	130,000				130,000	0	130,000
Youth Play Spaces & Outdoor Gyms	100,000				100,000	0	100,000
Drainage & Irrigation Upgrade Various Parks	258,000				258,000	0	258,000
Yeo Park Extension/Upgrade Baby Health Building	300,000	47,500			347,500	8,744	338,756
Bridge Over Dobroyd Canal Iron Cove		123,833			123,833	6,901	117,932
Centenary Park Irrigation		178,750			178,750	0	178,750
Centenary Park Floodlights		236,500			236,500	0	236,500
Accelerated Footpath Works		580,115	51,782	700,000	1,331,897	1,001,690	330,207
Centenary Park Facilities Building	0				0	8,964	(8,964)
Capitalised Works - Renewal	6,207,864	1,546,234	51,782	700,000	8,505,880	1,473,590	7,032,290
Capitalised Works - Other							
Haberfield Shopping Centre Footpath Paving	1,600,000			400,000	2,000,000	1,388,773	211,227
Ashfield LGA PAMP Study		21,812			21,812	5,466	16,346
Bus Stops DSAPT Compliance Programmes		53,742			53,742	28,754	24,988
Aquatic Centre	7,000,000				7,000,000	41,845	6,958,155
Capitalised Works - Other	8,600,000	75,554	0	400,000	9,075,554	1,864,838	7,210,716
Other Capital Expenditure							
Plant & Equipment	448,588	100,000	0		548,588	65,700	482,888
Office Equipment	64,636				64,636	68,833	(4,197)
Other Assets - Library Books	270,188		(5,000)		265,188	124,089	141,100
Other Capital Expenditure	783,413	100,000	(5,000)	0	878,413	238,622	639,791
Total	15,591,277	1,721,788	46,782	1,100,000	18,459,647	3,577,048	14,882,600

Reconciliation prepared: 10/1/2016

**Ashfield Council
Contracts Budget Review Statement
For the period to 31 December 2015**

Contracts Listing ***

Contractor	Contract detail & purpose	Contract Value	Start Date	Duration of Contract	Budgeted (Y/N)	Notes
PricewaterhouseCoopers	Audit Services	210,000	1/07/2012	30/06/2018	Y	
Sam the Paving Man	Haberfield Footpath Renewal	1,944,093	26/05/2015		Y	
Complete Urban Pty Ltd	Consultancy Service for Ashfield Town centre	433,970	26/11/2015	26/05/2017		
ROC Projects Pty Ltd	Aquatic Centre Project Manager for ACRD	348,150	10/12/2015	10/06/2018		
HWL Ebsworth Lawyers	Legal Services for ACRD	150,000	15/12/2015	15/06/2018		
NBRS & Partners Pty Ltd	Aquatic Centre Primary Consultant for ACRD	412,588	18/12/2015	18/06/2018		
Tract Consulting Pty Ltd	Park Plan of Management and Community Consultation Services	117,227	29/12/2015			
<div> <div> <div>*** This report lists contracts (other than employment contracts and contracts entered into from Council's "preferred contracts list") that:</div> <div> <div>- were entered into during the quarter under review but have not been fully performed or completed; and,</div> <div>- have a value equal to or more than \$50,000.</div> </div> </div> </div>						

Consultants & Legal Costs

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Quarterly Budget Review Dec2015

Ashfield Council
Key Performance Indicators
As at 31 December 2015

	Actual 30/6/15	Original Budget as per 2015/16 Management Plan	Rollovers	Program Reallocations	1st Quarter Changes	2nd Quarter Changes	3rd Quarter Changes	4th Quarter Changes	Projected Year End Result	Current Balances
Deposits & Bonds Coverage Ratio										
Deposits & Bonds - Internal Restriction	291,022	291,022							291,022	291,022
Deposits & Bonds - Payables	(2,980,000)	(2,980,000)						0	(2,980,000)	(3,027,348)
Ratio	9.4%	9.4%							9.4%	9.3%
Employee Leave Entitlement Coverage Ratio										
Employee Leave Entitlements - Internal restriction	1,486,657	1,486,657							1,486,657	1,486,657
Provisions - Current Liabilities	(5,003,083)	(5,003,083)							(5,003,083)	(4,932,282)
Provisions - Non Current Liabilities	(311,731)	(1,301,731)							(1,301,731)	(311,731)
Ratio	28.0%	24.4%							24.4%	28.3%
Debt Servicing Ratio										
Operating Income	(36,587,000)	(37,407,703)	0	(13,900)	45,000	(566,431)	0	0	(37,943,034)	(19,769,456)
Borrowing Costs	2,034,000	1,214,859	0	0	0	0	0	0	1,214,859	234,876
Loan Repayments	4,451,000	5,367,106	0	0	0	0	0	0	5,367,106	239,774
Ratio	17.7%	17.0%							17.3%	2.4%
Working Funds Ratio										
Total Revenue	(61,100,000)	(37,480,213)	0	(263,900)	(3,320,187)	(1,744,449)	0	0	(42,858,749)	(24,312,661)
Working Funds	1,000,000	1,000,000	0	0	0	0	0	0	1,000,000	1,000,000
Working Funds from Operations	0	851,235	0	0	(275,000)	215,409	0	0	791,644	6,838,194
Ratio	2.4%	4.9%							4.2%	32.2%
Operating Performance Ratio										
Total Continuing Operating Revenue	(2,400,000)	(1,815,590)	(1,255,504)	(155,600)	(275,000)	215,409	0	0	(3,280,345)	78,323
(excl Capital Grants & Contributions)-Operating Expenses										
Total Continuing Operating Revenue	36,579,000	37,480,213	0	13,900	(45,000)	566,431	0	0	38,015,544	19,769,456
(excl Capital Grants & Contributions)										
Ratio	-6.6%	-4.8%							-8.6%	0.4%
Own Source Operating Revenue Ratio										
Total Continuing Operating Revenue	34,135,000	35,009,910	0	0	0	566,431	0	0	35,76,350	18,317,875
(excl all Grants and Contributions)										
Total Continuing Operating Revenue	41,092,000	37,480,213	0	263,900	3,320,187	1,744,449	0	0	42,858,749	24,312,661
Ratio	83.1%	93.4%							83.1%	75.3%
Unrestricted Current Ratio										
Current Assets less all External Restrictions	14,025,000									15,397,660
Current Liabilities less Specific Purpose Liabilities	9,890,000									8,944,030
Ratio	150.9%									172.2%
Rates Annual Charges, Interest & Extra Charges outstanding										
Rates Annual Charges, Interest & Extra Charges outstanding	1,103,000								-	14,133,622.00
Rates, Annual and Extra Charges Collectible	27,586,000								-	28,186,461.00
Ratio	4.0%								#DIV/0!	50.1%
Cash Expense Cover Ratio										
Current Years Cash and Cash Equivalents & All Term Dep	24,732,000								-	25,860,364
Payments from cash flow of operating & financial activities	3,367,000								-	1,456,717
Ratio	7.35	#DIV/0!							#DIV/0!	20.5
Building & Infrastructure Renewals Ratio										
Building & Infrastructure Renewals	4,001,000	3,637,872	1,546,234	1,902,332	0	0	0	0	8,186,438	3,295,577
Building & Infrastructure Depreciation	3,789,000	4,039,576	0	0	0	0	0	0	4,039,576	2,019,798
Ratio	105.6%	90.1%	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	202.7%	163.2%

Subject	INVESTMENT REPORT JANUARY 2016
File Ref	FY-24-03
Prepared by	Myooran Vinayagamoorthy - Chief Financial Officer
Reasons	Legislative Requirement
Objective	To report the balance of investments as at 31 January 2016

Overview of Report

In accordance with the requirements of Clause 212 of the Local Government (General) Regulation 2005, Council is provided with a listing of all investments made pursuant to Section 625 of the Local Government Act 1993 and held as at 31 January 2016.

Background

Clause 212 of the Local Government (General) Regulation 2005 requires that a report be presented to Council each month listing all investments with certification from the Responsible Accounting Officer.

Council's cash at bank and investments as at 31 January 2016 amounted to \$28,081,544.94. It should be noted that the amount currently invested represents all of Council's external and internal restrictions (i.e. grants, section 94 funds, loans, etc) as well as cash flow requirements.

The movement of cash and investments during the month of January 2015 is as follows:

Cash at Bank and Investments as at 31 Dec 2015	\$29,853,401.14
Increase/ (Decrease) during the month of Jan 2016	<u>\$ (1,771,856.20)</u>
Cash at Bank and Investments as at 31 Jan 2016	<u>\$28,081,544.94</u>

Represented By:

Book Value of Investments	\$26,516,533.23
Cash at Bank	<u>\$ 1,565,011.71</u>
	<u>\$28,081,544.94</u>

In January 2016, the cash at bank and call deposits decreased by \$1,771,856 representing a net cash outflow for maintaining Council's activities during the month. This was mainly due to the mismatch in timing between the receipt of a large proportion of Council's income and expenditure being relatively constant.

INVESTMENT REPORT JANUARY 2016

Return on Investment

The following tables show the return on investment of Council's funds over a range of periods.

Date	Monthly Return*	Quarterly Return*	Annual Return*	Two Years Return*	Three Years Return*
31/01/2016	2.89%	2.77%	2.82%	3.15%	3.37%
31/12/2015	2.89%	2.76%	2.91%	3.19%	3.41%
30/11/2015	2.57%	2.71%	2.97%	3.22%	3.46%
31/10/2015	2.82%	2.63%	3.03%	3.26%	3.50%
30/09/2015	2.74%	2.60%	3.08%	3.30%	3.56%
31/08/2015	2.35%	2.65%	3.17%	3.35%	3.60%
31/07/2015	3.03%	2.94%	3.27%	3.43%	3.67%
30/06/2015	2.94%	2.98%	3.31%	3.48%	3.71%
31/05/2015	2.86%	3.10%	3.38%	3.53%	3.80%
30/04/2015	3.15%	3.12%	3.42%	3.57%	3.85%
31/03/2015	3.28%	3.46%	3.46%	3.59%	3.88%
28/02/2015	2.93%	3.54%	3.50%	3.64%	3.92%
31/01/2015	4.25%	3.61%	3.49%	3.66%	3.98%

* Returns are calculated based on the closing monthly balance of cash & investments.

The average yield on the short term portfolio for January 2016 was 2.81% whilst the comparative benchmark yield for 90 days bank swap rates was 2.27%.

The year to date interest on investments as at 31 January 2016 is \$468,938.

Financial Implications

Nil

Other Staff Comments

Nil

Public Consultation

Nil

Conclusion

I certify that the investments have been made in accordance with the Local Government Act 1993 (as amended), the Local Government (General) Regulation 2005 and the Council's Investment Policy adopted 23/08/2011 at the Budget and Operations Review Committee meeting.

INVESTMENT REPORT JANUARY 2016

ATTACHMENTS

Attachment 1	Investments Graph Jan2016	1 Page
Attachment 2	Interest Income Graph Jan2016	1 Page
Attachment 3	Investment Portfolio Jan 2016	2 Pages

RECOMMENDATION

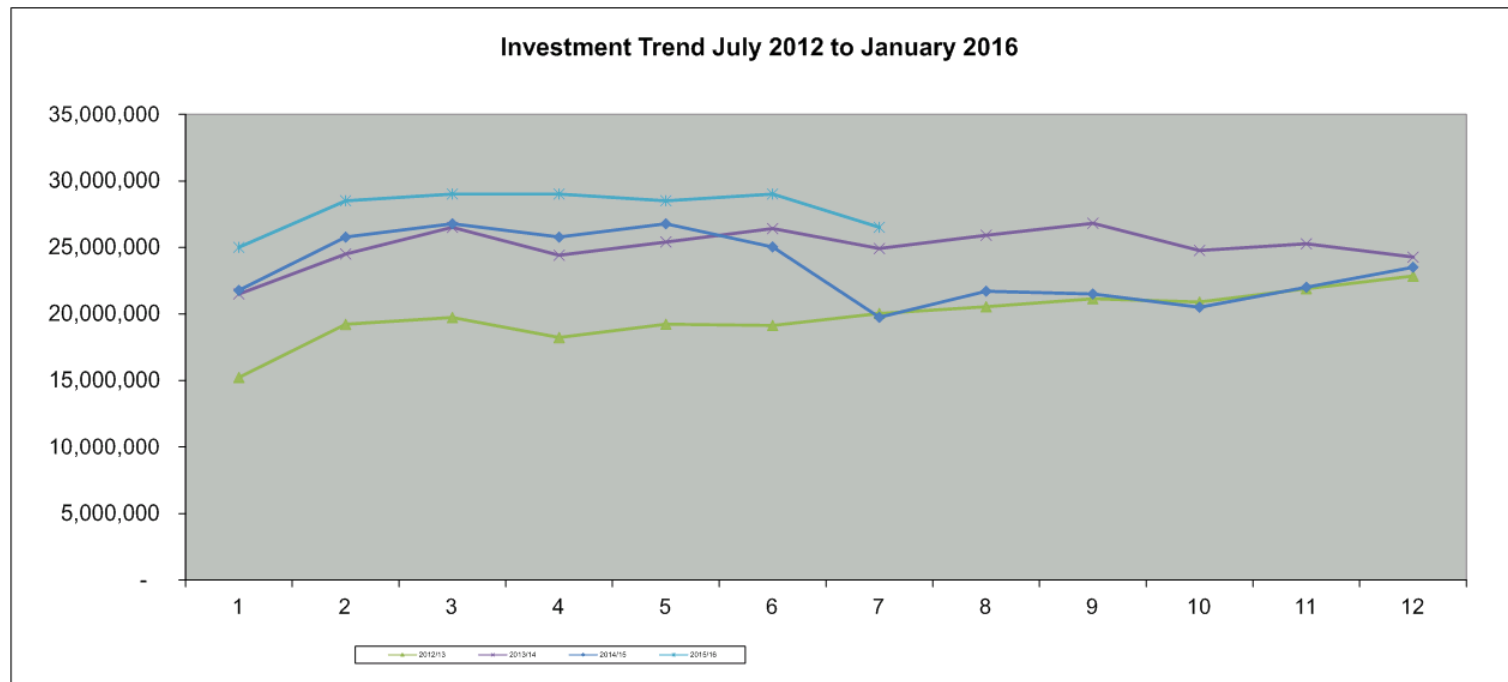
That the Investment Report for January 2016 be received and noted.

NELLETT KETTLE
Director Corporate & Community Services

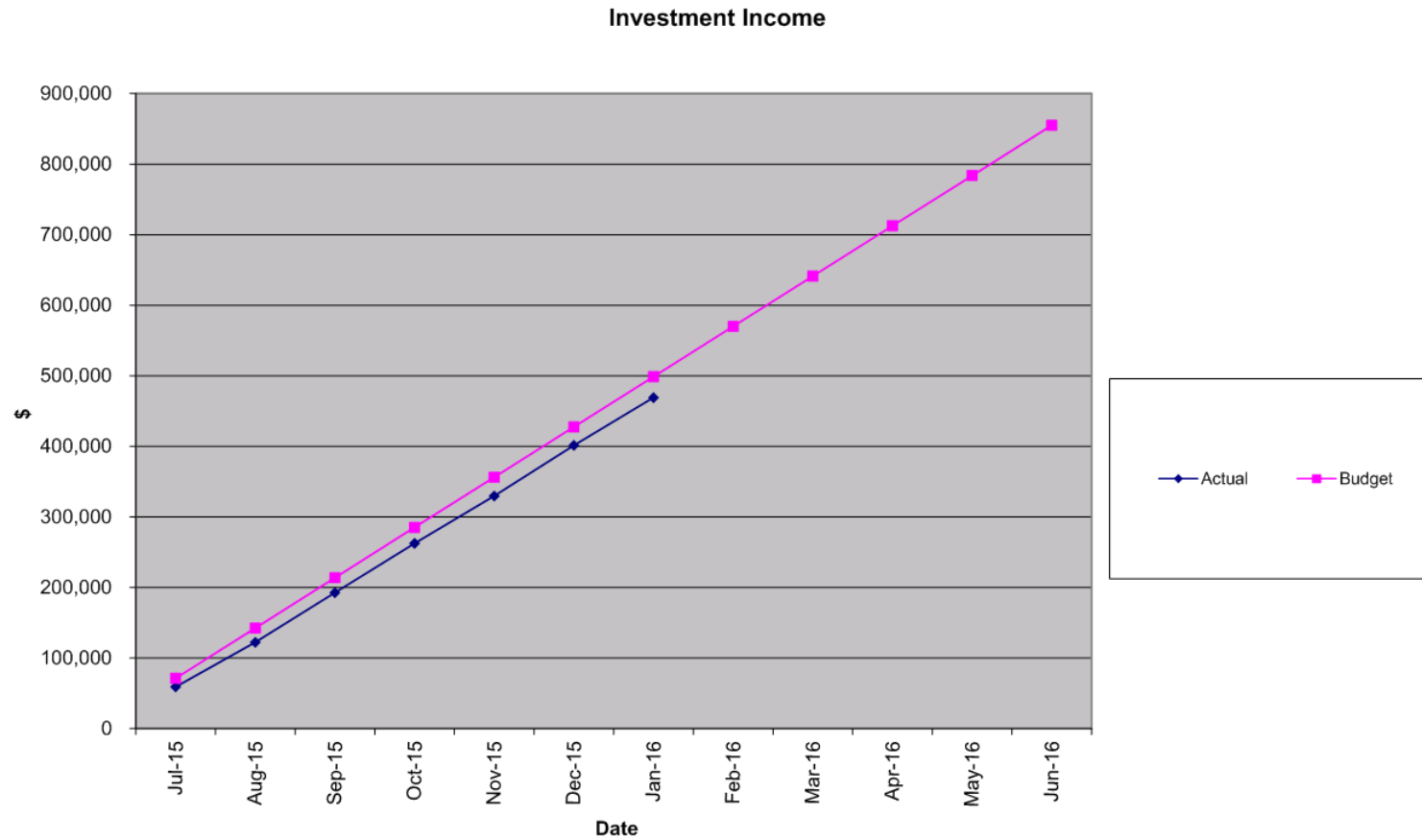
Investments Graph Jan2016

INVESTMENTS TREND GRAPH

	July	Aug.	Sept.	Oct.	Nov.	Dec.	JAN	FEB	MARCH	APRIL	MAY	JUNE
2012/13	15,222,707	19,226,222	19,729,634	18,233,007	19,236,193	19,139,166	20,041,929	20,544,234	21,146,431	20,898,747	21,900,823	22,850,823
2013/14	21,508,420	24,510,224	26,511,903	24,413,443	25,414,923	26,416,410	24,918,038	25,919,540	26,821,117	24,772,458	25,273,787	24,273,787
2014/15	21,775,107	25,776,314	26,777,477	25,778,681	26,779,805	25,040,281	19,746,879	21,707,724	21,508,788	20,509,688	22,010,564	23,511,382
2015/16	25,012,218	28,513,010	29,013,727	29,014,456	28,515,115	29,015,832	26,516,533					



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Investment Portfolio Jan 2016

INVESTMENT PORTFOLIO BY ASSET CLASS AS AT 31 January 2016										
DATE OF INVESTMENT	DATE OF MATURITY	DAYS	YIELD/ COUPON%	WITH WHOM INVESTED	DEPOSIT TYPE	ISSUER RATING	PERCENTAGE OF PORTFOLIO	ORIGINAL INVESTMENT	Investment Value shown in Financial Statement as at 31/01/2016	MONTH END MARKET VALUE
Liquids , Cash & Accruals (invested with ADIs)										
5-Aug-15	3-Feb-16	182	2.90%	BANK OF QLD	Term Deposit	A2/A-	12.28%	\$500,000.00	\$500,000.00	\$507,230.14
5-Aug-15	3-Feb-16	182	2.80%	ME BANK	Term Deposit	A2/BBB+	5.26%	\$500,000.00	\$500,000.00	\$506,980.82
12-Aug-15	10-Feb-16	182	2.90%	AMP	Term Deposit	A1/A+	10.53%	\$500,000.00	\$500,000.00	\$507,230.14
21-Aug-15	10-Feb-16	173	2.90%	IMB	Term Deposit	A2/BBB	5.26%	\$500,000.00	\$500,000.00	\$506,872.60
21-Aug-15	17-Feb-16	180	2.80%	IMB	Term Deposit	A2/BBB	5.26%	\$500,000.00	\$500,000.00	\$506,904.11
27-Aug-15	17-Feb-16	174	2.90%	AMP	Term Deposit	A1/A+	10.53%	\$500,000.00	\$500,000.00	\$506,912.33
27-Aug-15	24-Feb-16	181	2.90%	AMP	Term Deposit	A1/A+	10.53%	\$500,000.00	\$500,000.00	\$507,190.41
28-Aug-15	24-Feb-16	180	2.83%	NATIONAL AUST BANK	Term Deposit	A1+/AA-	10.53%	\$500,000.00	\$500,000.00	\$506,978.08
28-Aug-15	2-Mar-16	187	2.77%	COMMONWEALTH	Term Deposit	A1+/AA-	7.02%	\$500,000.00	\$500,000.00	\$507,095.75
31-Aug-15	2-Mar-16	184	2.90%	AMP	Term Deposit	A1/A+	10.53%	\$500,000.00	\$500,000.00	\$507,309.59
31-Aug-15	9-Mar-16	191	2.83%	SUNCORP METWAY	Term Deposit	A1/A+	10.53%	\$500,000.00	\$500,000.00	\$507,404.52
1-Sep-15	9-Mar-16	190	2.66%	BENDIGO/ADELAIDE	Term Deposit	A2/A-	5.26%	\$1,000,000.00	\$1,000,000.00	\$1,013,846.58
1-Sep-15	16-Mar-16	197	2.81%	NATIONAL AUST BANK	Term Deposit	A1+/AA-	10.53%	\$500,000.00	\$500,000.00	\$507,583.15
1-Sep-15	16-Mar-16	197	2.73%	COMMONWEALTH	Term Deposit	A1+/AA-	7.02%	\$500,000.00	\$500,000.00	\$507,367.26
2-Sep-15	23-Mar-16	203	2.75%	ME BANK	Term Deposit	A2/BBB+	5.26%	\$1,000,000.00	\$1,000,000.00	\$1,015,294.52
2-Sep-15	23-Mar-16	203	2.73%	ANZ	Term Deposit	A-1+	5.26%	\$500,000.00	\$500,000.00	\$507,591.64
9-Sep-15	30-Mar-16	203	2.76%	ANZ	Term Deposit	A-1+	5.26%	\$1,000,000.00	\$1,000,000.00	\$1,015,350.14
9-Sep-15	30-Mar-16	203	2.91%	SUNCORP METWAY	Term Deposit	A1/A+	10.53%	\$500,000.00	\$500,000.00	\$508,092.19
23-Sep-15	30-Mar-16	189	2.80%	AMP	Term Deposit	A1/A+	10.53%	\$500,000.00	\$500,000.00	\$507,249.32
23-Sep-15	6-Apr-16	196	2.85%	BANKWEST	Term Deposit	A+/A-1	8.77%	\$500,000.00	\$500,000.00	\$507,652.05
7-Oct-15	6-Apr-16	182	2.85%	BANKWEST	Term Deposit	A+/A-1	8.77%	\$500,000.00	\$500,000.00	\$507,105.48
7-Oct-15	13-Apr-16	189	2.70%	MY STATE BANK	Term Deposit	A2/BBB	1.75%	\$500,000.00	\$500,000.00	\$506,990.41
14-Oct-15	13-Apr-16	182	2.90%	SUNCORP METWAY	Term Deposit	A1/A+	10.53%	\$500,000.00	\$500,000.00	\$507,230.14
21-Oct-15	20-Apr-16	182	2.80%	BANKWEST	Term Deposit	A+/A-1	8.77%	\$500,000.00	\$500,000.00	\$506,980.82
21-Oct-15	20-Apr-16	182	2.68%	PEOPLES CHOICE CU	Term Deposit	A2/BBB+	3.51%	\$500,000.00	\$500,000.00	\$506,681.64
28-Oct-15	27-Apr-16	182	2.90%	BANK OF QLD	Term Deposit	A2/A-	12.28%	\$500,000.00	\$500,000.00	\$507,230.14
28-Oct-15	27-Apr-16	182	2.75%	RURAL BANK	Term Deposit	A2/A-	7.02%	\$500,000.00	\$500,000.00	\$506,856.16
30-Oct-15	4-May-16	187	2.85%	BANK OF QLD	Term Deposit	A2/A-	12.28%	\$500,000.00	\$500,000.00	\$507,300.68
4-Nov-15	4-May-16	182	2.80%	RURAL BANK	Term Deposit	A2/A-	7.02%	\$500,000.00	\$500,000.00	\$506,980.82
4-Nov-15	4-May-16	182	2.80%	RURAL BANK	Term Deposit	A2/A-	7.02%	\$500,000.00	\$500,000.00	\$506,980.82
11-Nov-15	4-May-16	175	2.80%	RURAL BANK	Term Deposit	A2/A-	7.02%	\$500,000.00	\$500,000.00	\$506,712.33
18-Nov-15	4-May-16	168	2.80%	PEOPLES CHOICE CU	Term Deposit	A2/BBB+	3.51%	\$500,000.00	\$500,000.00	\$506,443.84
18-Nov-15	4-May-16	168	2.85%	BANKWEST	Term Deposit	A+/A-1	8.77%	\$1,000,000.00	\$1,000,000.00	\$1,013,117.81
25-Nov-15	4-May-16	161	2.80%	NATIONAL AUST BANK	Term Deposit	A1+/AA-	10.53%	\$500,000.00	\$500,000.00	\$506,175.34
25-Nov-15	4-May-16	161	2.95%	BANK OF QLD	Term Deposit	A2/A-	12.28%	\$500,000.00	\$500,000.00	\$506,506.16
2-Dec-15	4-May-16	154	2.80%	NATIONAL AUST BANK	Term Deposit	A1+/AA-	10.53%	\$500,000.00	\$500,000.00	\$505,906.85
2-Dec-15	4-May-16	154	2.94%	COMMONWEALTH	Term Deposit	A1+/AA-	7.02%	\$500,000.00	\$500,000.00	\$506,202.19
2-Dec-15	18-May-16	168	2.77%	BANK OF SA	Term Deposit	A1+/AA-	3.51%	\$1,000,000.00	\$1,000,000.00	\$1,012,749.59
9-Dec-15	18-May-16	161	2.95%	BANK OF QLD	Term Deposit	A2/A-	12.28%	\$500,000.00	\$500,000.00	\$506,506.16
9-Dec-15	25-May-16	168	3.00%	SUNCORP METWAY	Term Deposit	A1/A+	10.53%	\$500,000.00	\$500,000.00	\$506,904.11
13-Jan-16	25-May-16	133	3.00%	BANK OF QLD	Term Deposit	A2/A-	12.28%	\$500,000.00	\$500,000.00	\$505,465.75
2-Dec-15	1-Jun-16	182	2.90%	ING	Term Deposit	A2/A-	3.85%	\$1,000,000.00	\$1,000,000.00	\$1,014,460.27
13-Jan-16	1-Jun-16	140	2.95%	SUNCORP METWAY	Term Deposit	A1/A+	10.53%	\$500,000.00	\$500,000.00	\$505,657.53
20-Jan-16	8-Jun-16	140	3.05%	BANK OF QLD	Term Deposit	A2/A-	12.28%	\$500,000.00	\$500,000.00	\$505,849.32

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27-Jan-16	8-Jun-16	133	2.95%	NATIONAL AUST BANK	Term Deposit	A1+/AA-	10.53%	\$1,000,000.00	\$1,000,000.00	\$1,010,749.32
Total Term Deposits and Interest Bearing Securities								\$26,000,000.00	\$26,000,000.00	\$26,357,879.02
Call Account							Balance beginning of the month	Interest, Withdrawls and Deposits	Balance as at End of the Month	Balance as at End of the Month
			1.30%	CBA BUSINESS SAVER	11AM	A1+/AA-	\$515,832.26	\$700.97	\$516,533.23	\$516,533.23
Total Term Deposits , Interest Bearing Securities & Call Deposits								\$26,000,700.97	\$26,516,533.23	\$26,874,412.25

*Please note the call account interest is paid at end of the month

INVESTMENT SUMMARY	
TOTAL OF INVESTMENT PREVIOUS MONTH	\$29,015,832.26
TOTAL OF INVESTMENT THIS MONTH	\$26,516,533.23
DAILY AVERAGE YIELD	2.81%
HIGHEST YIELD	3.05%
LOWEST YIELD	1.30%
TOTAL: DECEMBER INVESTMENTS	\$29,015,832.26
Add: Investments	
Commonwealth	\$700.97
	\$700.97
Less: Investments withdrawn for expenses	
Bendigo/Adelaide Bank	(\$500,000.00)
IMB	(\$500,000.00)
AMP	(\$500,000.00)
Bank of Qld	(\$500,000.00)
Commonwealth	(\$500,000.00)
	(\$2,500,000.00)
Balance as per January Investment Portfolio	\$26,516,533.23

Subject	ASHFIELD TRAFFIC COMMITTEE-MINUTES OF MEETING HELD ON 5 FEBRUARY 2016
File Ref	SC483
Prepared by	Boris Muha - Engineer Traffic and Projects
Reasons	To provide the Council with Minutes of the Ashfield Traffic Committee held on the 5 February 2016.
Objective	That Council note and adopt the minutes of the meeting and recommendations in the Minutes.

Overview of Report

To present the Minutes of the Local Traffic Committee Meeting held on the 5 February 2016 and detail Committee recommendations requiring determination by Council.

Background

Attached are the minutes of the Local Traffic Committee Meeting held on the 5 February 2016.

The following Committee recommendations are submitted to Council for determination.

ITEM NO: 001 Removal of Disabled Parking Space, 39 Moonbie Street, Summer Hill.**COMMITTEE RECOMMENDATION:**

That the existing disabled parking space outside 39 Moonbie Street, Summer Hill, be removed and the subject kerb space be made unrestricted parking.

ITEM NO: 002 Removal of Disabled Parking Space, 26 Carlton Crescent, Summer Hill.**COMMITTEE RECOMMENDATION:**

That the existing disabled parking space outside 26 Carlton Crescent, Summer Hill, be removed and the subject kerb space be made 2P 8am-6pm Mon-Fri., Authorised Permit Holders Excepted (Area 12).

ASHFIELD TRAFFIC COMMITTEE-MINUTES OF MEETING HELD ON 5 FEBRUARY 2016

ITEM NO: 003 Request for introducing parking restrictions, Eccles Lane, Ashfield

COMMITTEE RECOMMENDATION:

That the “No Parking” be introduced on western side of Eccles Lane, Ashfield.

ITEM NO: 004 Parking Restrictions, William Street, Ashfield.

COMMITTEE RECOMMENDATION:

That “No Parking” zone areas be permanently installed on both sides of the bend in William Street, Ashfield, from outside No.22 to across the rear driveway of the Sydney Private Hospital, and from outside No.21 to outside No.17.

ITEM NO: 005 Traffic Calming in Waratah Street and Tillock Street, Haberfield.

COMMITTEE RECOMMENDATION:

That traffic calming devices be installed in locations of Waratah Street (between Boomerang Street and Hawthorne Parade) and Tillock Street (between Leamonth Street and Waratah Street), Haberfield as follows and as shown attached to these LTC minutes:

1. a. Road narrowing-speed hump outside and between No. 1 and 3 Waratah Street.
b. Road narrowing-centre blister island outside No 15 Waratah Street (east corner of Tillock Street).
c. Road narrowing –speed hump outside and between No. 40 and 38 Waratah Street.
d. Road narrowing-speed hump outside and between No. 47 and 49 Waratah Street.
e. Straight single lane- slow point with raised threshold and indented parking bays outside No. 4 Tillock Street.
f. Angle single lane-slow point & indented parking bays outside No. 20 Tillock Street.
g. Kerb island road narrowing in Tillock Street at the intersection of Leamonth Street.
2. That the individual design of the devices be brought back to the LTC informally for technical review before construction.

ASHFIELD TRAFFIC COMMITTEE-MINUTES OF MEETING HELD ON 5 FEBRUARY 2016

ITEM NO: 006 Resident Parking Zone – Webbs Avenue, Ashfield.

COMMITTEE RECOMMENDATION:

1. That a 2P parking restriction (Permit Holders Excepted – Area 3) applying 8am to 6pm Monday to Friday be established on the southern (even numbered) side of Webbs Avenue, Ashfield.
2. That residents of Webbs Avenue eligible under criteria of the Residents Parking Scheme be invited to apply for permits.

ITEM NO: 007 Car Share Parking Space – Moonbie Street, Summer Hill

COMMITTEE RECOMMENDATION:

1. That the No Parking (Car Share Vehicles Excepted) signs and associated road markings be removed from in front of No.12 Moonbie Street and relocated to a new location on the Moonbie Street frontage of No.154 Smith Street within the existing 1P parking zone.
2. That the works be undertaken at Go-Get's cost as per Council's Policy.

ITEM NO: 008 Pedestrian Access and Management Plan Study – Ashfield LGA

COMMITTEE RECOMMENDATION:

That:

1. The PAMP study for the Ashfield LGA be adopted with items listed in the Action Plan to be the subject of detailed investigation and further reporting through the Traffic Committee, where necessary, prior to implementation.
2. The Action Plan priority list be continually updated as new pedestrian access and safety issues become evident. New items to be ranked alongside other Action Plan items utilising the scoring system outlined in the PAMP to prioritise recommendations for future implementation in line with available funding.

Financial Implications

N/A

Other Staff Comments

N/A

Public Consultation

As per relevant items.

Conclusion

ASHFIELD TRAFFIC COMMITTEE-MINUTES OF MEETING HELD ON 5 FEBRUARY 2016

The items in this report, which have been extracted from the Ashfield Traffic Committee Minutes of the 5 February 2016, were discussed by the Traffic Committee members and require Council's determination.

ATTACHMENTS

Attachment 1 Ashfield Traffic Committee minutes of meeting 5 February 2016. 27 Pages

RECOMMENDATION

That the Minutes of the Ashfield Traffic Committee held on 5 February 2016 be confirmed and that the recommendation contained in the Minutes be adopted.

CATHY EDWARDS-DAVIS
Director Works & Infrastructure



**ASHFIELD TRAFFIC COMMITTEE - MINUTES
5 FEBRUARY 2016**

1/2016 MEETING

DATE: FRIDAY 5 FEBRUARY 2016 AT 9.30am

VENUE: LEVEL 6, ASHFIELD CIVIC CENTRE, 260 LIVERPOOL ROAD, ASHFIELD.

The meeting commenced at 9.30am and concluded at 11.30am.

BUSINESS:

A. Attendees and apologies.

B. **Ashfield Traffic Committee minutes of 4 December 2015 and Council's resolution at its meeting on the 15 December 2015:**

1/2 That the Minutes of the Ashfield Traffic Committee held on 4 December 2015 be confirmed and that the recommendation contained in the Minutes be adopted.

2/2 That with regards to Item No: 004 Upgrade of the intersection of Armstrong Street/Queen Street/Hardy Street, Ashfield to a roundabout, before any proposal goes to the Traffic Committee public consultation be undertaken.

C. The next meeting of the Ashfield Traffic Committee will be held at 9:30am on Friday 4 March 2016 at Level 6, Ashfield Civic Centre, 260 Liverpool Road, Ashfield.

FORMAL ITEMS:

Items which require the elected Council to exercise its delegation functions.

1. Request for removal of Disabled parking space, 39 Moonbie Street, Summer Hill	Parking restrictions	SH
2. Request for removal of Disabled parking space, 29 Carlton Crescent, Summer Hill	Parking restrictions	SH
3. Request for parking restrictions, Eccles Lane, Ashfield	Parking restrictions	SH
4. Parking Restrictions, William Street, Ashfield	Road safety	SH
5. Traffic Calming in Waratah and Tillock Street, Haberfield	Road safety	SH
6. Resident Parking Zone, Webbs Avenue, Ashfield	Parking restrictions	SH
7. Car share parking space, Moonbie Street, Summer Hill	Parking restrictions	SH
8. Pedestrian Access and Management Plan Study, Ashfield	Pedestrian facilities	SH, S, C
9. Part-time No Stopping along eastside of William Street for rear sub-divide development of 85 Victoria Street, from opposite 31 William Street to Clissold Street, Ashfield.	Temp development parking restrictions.	SH

(SH) – Summer Hill Electorate

(S) – Strathfield Electorate

(C) – Canterbury Electorate

INFORMAL ITEMS:

Items progressed with members outside of the formal Traffic Committee meeting and require the elected Council to exercise its delegation functions. - NIL



**ASHFIELD TRAFFIC COMMITTEE - MINUTES
5 FEBRUARY 2016**

1/2016 MEETING

BUSINESS

A. Attendees and apologies

Voting members:

Councillor Caroline Stott	Ashfield Council - Acting Chairperson
Mr. Mitchell Wilson.	Representative for Ms. Jo Haylen, State Member of Parliament for Summer Hill

Informal advisors:

Mr. Peter Whitney	Sydney Buses
Ms. Delilah Marta	Ashfield Council – Senior Engineer-Infrastructure Design & Traffic Services.
Mr. Boris Muha	Ashfield Council – Traffic and Projects Engineer

Apologies:

Sergeant John Micallef	NSW Police Service Traffic section (comments forwarded to Council)
Mr. Ryan Horne	Roads and Maritime Services (comments forwarded to Council)
Ms. Jacqui Thorburn	Representative for Ms. Jodi McKay, State Member of Parliament for Strathfield.
Mr. Colin Jones	ASHBUG (bicycle user group)
Ms. Cathy Edwards-Davis	Ashfield Council - Director Works and Infrastructure

Other Attendees:

Ms C Wigbout & Mr P and Ms C Cook Residents William Street- Item 9

B. Ashfield Traffic Committee minutes and Council resolution

The minutes of the 4 December 2015 meeting of the Traffic Committee was circulated to members and informal advisors following the meeting and were confirmed.

Council at its meeting on the on the 15 December 2015 resolved:

1/2 That the Minutes of the Ashfield Traffic Committee held on 4 December 2015 be confirmed and that the recommendation contained in the Minutes be adopted.

2/2 That with regards to Item No: 004 Upgrade of the intersection of Armstrong Street/Queen Street/Hardy Street, Ashfield to a roundabout, before any proposal goes to the Traffic Committee public consultation be undertaken.

C. Next Ashfield Traffic Committee meeting

The next meeting of the Ashfield Traffic Committee will be held at 9:30am on Friday 4 March 2016 at Level 6, Ashfield Civic Centre, 260 Liverpool Road, Ashfield.



**ASHFIELD TRAFFIC COMMITTEE - MINUTES
5 FEBRUARY 2016**

1/2016 MEETING

FORMAL ITEMS

Items which require the elected Council to exercise its delegation functions.

ITEM NO: 001

SUBJECT: Removal of Disabled Parking Space, 39 Moonbie Street, Summer Hill.

ELECTORATE: Summer Hill

DESCRIPTION:

Council has received an email from the resident at 39 Moonbie Street, Summer Hill requesting removal of an existing disability parking space outside her property as she has sold the property and does not require it.

COUNCIL OFFICERS REPORT:

The disabled parking space was provided outside 39 Moonbie Street, Summer Hill in February 2008 upon the request from the resident (same resident requesting removal of this space). This space has been continually monitored by the Council at regular intervals since then. Council received an email from the resident stating that she has sold the property and does no longer require the disabled parking space.

Council's officer sent out consultation letters in the vicinity of this property in order to determine if the space was still required. Council did not receive any verbal or written comments from the residents at Moonbie Street, Summer Hill.

The removal of the disabled parking space will create one additional general parking space on the street.

COMMITTEE DISCUSSION:

Police, RMS and the committee members in attendance supported the officer's recommendation. Council officers advised that a regular review (at least 12 months) would be undertaken to determine continuing need of disabled parking zones throughout the Ashfield Council.

COMMITTEE RECOMMENDATION:

That the existing disabled parking space outside 39 Moonbie Street, Summer Hill, be removed and the subject kerb space be made unrestricted parking.



**ASHFIELD TRAFFIC COMMITTEE - MINUTES
5 FEBRUARY 2016**

1/2016 MEETING

ITEM NO: 002

SUBJECT: Removal of Disabled Parking Space, 26 Carlton Crescent, Summer Hill.

ELECTORATE: Summer Hill

DESCRIPTION:

Council has received an email from the resident at 26 Carlton Crescent, Summer Hill requesting removal of an existing disability parking space outside his property.

COUNCIL OFFICERS REPORT:

The disabled parking space was provided outside 26 Carlton Crescent, Summer Hill in July 2007 upon the request from the resident. This space has been continually monitored by the Council at regular intervals since then. Council has received an email from the current resident stating that the space has now become redundant.

Council's officer sent out consultation letters in the vicinity of this property in order to determine if the space was still required. Council did not receive any verbal or written comments from the residents. The removal of disabled parking space will create an additional general parking space on the street.

Council will be shortly introducing a Resident Parking Scheme in Summer Hill, and the subject kerb space will be signposted with 2P resident parking 8am-6pm Mon-Fri (Area 12).

COMMITTEE DISCUSSION:

Police, RMS and the committee members in attendance supported the officer's recommendation.

COMMITTEE RECOMMENDATION:

That the existing disabled parking space outside 26 Carlton Crescent, Summer Hill, be removed and the subject kerb space be made 2P 8am-6pm Mon-Fri., Authorised Permit Holders Excepted (Area 12).

ITEM NO: 003

SUBJECT: Request for introducing parking restrictions, Eccles Lane, Ashfield

ELECTORATE: Summer Hill

DESCRIPTION:

Council has received multiple requests on various occasions with regards to vehicles parking on both sides of Eccles Lane, Ashfield and obstructing the access to and from this lane.



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COUNCIL OFFICERS REPORT:

Eccles Lane provides two way access between Elizabeth Street and Eccles Avenue, Ashfield. It is 4.5m to 5.0m in width and currently does not have any parking restrictions. This lane also provides the access to four garages in the lane, one on western side and three on eastern side.

There have been various instances when vehicles are parked on both sides of Eccles Lane thereby blocking the access through the lane. Council has received four complaints in one week period from various residents in the surrounds of this lane.

Most residents requested to introduce parking restrictions on the laneway. As a result, consultation letters were issued out to the residents in the surrounds of this lane. Council received three written comments and two verbal comments regarding this proposal, all of them being in favour of introducing "No Parking" on one side or either sides of the lane, except for one, that was unclear.

Following the investigations and comments from the residents, it is recommended that "No Parking" be introduced along the western side of this lane thus providing the access to through traffic while still retaining the parking facility along the eastern side.

COMMITTEE DISCUSSION:

Police, RMS and the committee members in attendance supported the officer's recommendation.

COMMITTEE RECOMMENDATION:

That the "No Parking" be introduced on western side of Eccles Lane, Ashfield.

ITEM NO: 004

SUBJECT: Parking Restrictions, William Street, Ashfield.

ELECTORATE: Summer Hill

DESCRIPTION:

Council has received several complaints with regard to vehicles parking on both sides along the dog-legged section of the street.

COUNCIL OFFICERS REPORT:

William Street is a two way street between Robert Street and Clissold Street, Ashfield with the width varying between 6.5 – 7.0 m. This street also serves as an access to the Sydney Private Hospital and small semi-trailers to the Hospital use this access quite often. More recently this street has seen an increased number of vehicles parking on both sides of the street and it has been observed that parking on this street has become of premium. Investigations reveal that vehicles are even parking



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around the bend making access for garbage collection trucks and emergency vehicles impossible. The situation around this section of the street has made safety concerns obvious.

Council has installed temporary "No Parking" zone around the bend from outside No. 22 William Street to across the rear driveway of the Sydney Private Hospital, and from outside No.21 to approx. 15 metres round the corner at the side of No.15. This is to address the safety issues and assist vehicular access with improved manoeuvrability around the bend. This proposal was sent forth to RMS and Police seeking their consent and both agreed to take immediate actions to ease the situation. Letters were distributed to the residents notifying them about the immediate actions to be taken as a temporary solution to this problem until the time the matter is reported to the Traffic Committee in February 2016. It is therefore after proposed then to extend the zone(s) further to discourage parking around the bend. This would provide a proper and safe environment for traffic movement in the area including that of garbage collection trucks and emergency vehicles. This extended proposal to further the No Parking from the side of No.19 to outside No.17 was also distributed for resident comment in line with the notification to proceed with the temporary measure above. Diagrams were displayed at the meeting for members to view the temporary and extended proposed measures.

Council received five resident responses in total, two being in favour and three in objection with the proposal going ahead. Those residing around the bend were in objection/concern with the proposal, one of them being a holder of disability permit, whilst another requesting modification because that person has been used to parking near his house for many years. A third submission was by a person being happy with the current temporary arrangement, but felt that there was no need for the zone being extended.

Providing the extended "No Parking" zone areas (i.e from outside No.22 and across the rear hospital driveway, and from outside No.21 to outside No.17) will mitigate the safety concerns relating to traffic and will provide room for manoeuvring to the garbage trucks and emergency vehicles. RMS's general guidelines or parking rules specifies the following in relation to parking around the curve, "When you are parking on a hill or a curve outside a built up area, make sure that someone coming over the hill or around the bend can see your car from at least 100 metres away". While this is an ideal condition, it is not achievable in this case. Council has tried to minimise the effect on parking giving consideration to the fact that William Street is a low volume and speed environment, and that the extended proposal is put forth as an optimum solution to solve the access problems and hence the safety issues existing on this street.

An alternative option was to provide/maintain two parking space along the side boundaries of 19 and 22 William Street, within the area of the bend, along with the No Parking. This option was also displayed in diagram at the meeting. This option is not considered favourable, as it is negotiating with the safety and accessibility of vehicles manoeuvring around the bend. It is recommended that a long term / permanent solution should be sorted out to avoid people from parking right around the bend and posing threat to the road users.



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COMMITTEE DISCUSSION:

Police, RMS and the committee members in attendance supported the officer's recommendation in light of the above report.

COMMITTEE RECOMMENDATION:

That "No Parking" zone areas be permanently installed on both sides of the bend in William Street, Ashfield, from outside No.22 to across the rear driveway of the Sydney Private Hospital, and from outside No.21 to outside No.17.

ITEM NO: 005

SUBJECT: Traffic Calming in Waratah Street and Tillock Street, Haberfield.

ELECTORATE: Summer Hill

DESCRIPTION:

A report was provided for the information of Council at its meeting on the 8 December 2015 advising of a Council initiative in response to a community requests, prior to any West Connex information, for traffic calming measures to be introduced in Waratah Street and Tillock Street, Haberfield.

In a overview of the report, it was stated that notice be given to Council, prior to community consultation, of a Council initiative to introduce traffic calming in Waratah Street and Tillock Street, Haberfield. The proposal is independent of the West Connex project. It is intended to consult the community, report the proposal to Traffic Committee and Council for a resolution in early 2016 and complete construction of any approved works prior to June 2016.

In further detail to the above report, Council received a petition in July 2014 from the Haberfield community requesting speed control devices in Waratah and Tillock Streets, Haberfield. Council also received multiple individual requests from Haberfield north area requesting to investigate the possibility of introducing traffic calming in the area.

In response to these requests (and prior to WestConnex information), Council officers commenced investigations, planning and design for local area traffic management in Haberfield north area. Traffic counts were conducted in various locations and a draft concept design was established. Earlier this year, to do something now, some of the speed humps in the area were upgraded as a part of Council's maintenance program as they were deteriorating, as well as some additional line-marking was introduced at selected intersections to try and influence driver's behaviours to slow down. Funding for implementing new devices in Haberfield north area was programmed to commence from 2017/18 under SRV program. Subsequently community consultation on any proposed new devices was delayed to commence closer to funding availability.

Following this, detailed information on WestConnex was released. An opportunity to bring forward funding for these devices to this financial year became available around the same time. This project was considered to be a Council initiative, separate to WestConnex project that would deliver benefits



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to residents in Haberfield. The project was therefore progressed with the aim of construction delivery before June 2016. The concept design was reviewed considering the impacts of the proposed West Connex and further design was undertaken to confirm that the proposed devices were possible.

COUNCIL OFFICERS REPORT:

A thorough traffic count survey was carried in mid- 2015 to determine patterns of traffic movement and speeding in the area. Volumes in Waratah Street, between Boomerang Street and Hawthorne Parade registered Annual Average Daily Traffic (AADT) figures in both directions between 2,700 and 3600 and maximum 85 percentile speeds of around 57kph in Waratah Street, east of Tillock Street. Volumes in Tillock Street, between Leamonth Street and Waratah Street registered AADT figures in both directions between 880 and 1030 and maximum 85 percentile speeds of around 60 kph within the mid-span area of Tillock Street, between Leamonth Street and Waratah Street.

A further analysis of the traffic count survey revealed a tendency and desire for traffic to use Waratah Street to traverse between Boomerang Street and Hawthorne Parade to/from Liechhardt and the City East, with primary traffic movement in the east direction. Similarly there is a tendency and desire for traffic (although of lower volumes) to use Tillock Street from Leamonth Street to Waratah Street to Liechhardt and the City East with predominant traffic movement in the south direction.

As a part of this process, consultation was carried out with local residents and businesses in the surrounds of the proposed treatment to install traffic calming devices in Waratah Street and Tillock Street. See copy of letter with accompanying plan and concept designs of devices to these minutes. A total of 150 residents were directly invited to provide comments on the proposal.

In response to the consultation, Council had received and evaluated responses from 27 households/businesses separately with 1 petition from 8 households. 3 of the households in the petition submitted separate submissions. In all it is viewed that 32 household submissions have been received separately and by petition. The submissions were assessed as follows:

- 13 submissions were in full support of the scheme. – (41%) of total submissions
- 3 submissions were in support to the scheme
with certain concerns to aspects of the scheme. – (9%) of total submissions
- 11 submissions were in objection to certain devices
or aspects of the scheme. – (34%) of total submissions
- 5 submissions were in objection to the scheme - (16%) of total submissions.

Received submissions account for approximately 21% over that of residents invited to comment.

Those in collective **support to the proposal** indicated the following reasons for their support:

- Slow down traffic.
- Discourage rat-running and increase in traffic.
- Positive effect on noise and safety levels in these streets.



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- Control of traffic and speed particular downhills in Waratah Street and Tillock Street.
 - Provide safety to the community in the street environment.
 - Control aggressive driver behaviour in the street.

Those collective **in support with concerns and objection** in the scheme raised the following issues.

1. Supportive however prefer full closure of Leamonth Street at Tillock Street.
2. Speed humps need to be constructed in Dalhousie Street and Boomerang Street in approach to the roundabout (intersection of Boomerang Street/Dalhousie Street and Waratah Street) to prevent vehicles speeding through the intersection.
3. Concern to trees being removed.
4. Loss of parking due to placement of speed humps. Seek to request relocation or removal of speed hump element of devices.
5. Speed limit sign of 50 be introduced all along Waratah Street in conjunction with the traffic devices.
6. The proposed centre blister island outside No.15 Waratah Street (corner to Tillock Street) should not be constructed as to the ones in Hawthorne Parade, where vehicles can pass through without negotiating the speed.
7. Speed humps and indented bay parking causing discomfort to wheelchair passengers in accessible vehicles and the movement and parking of such vehicles to properties outside the speed hump/indented parking bays.
8. Speed humps cause noise problems.
9. Speed hump near 47/49 Waratah Street will impact parking and hence businesses.
10. New speed humps have design that are not suitable for old cars.
11. Traffic calming in Waratah Street and Tillock Street will not resolve rat-running in these streets.
12. Prefer angle single lane –slow point device in lieu of a speed hump in Tillock Street.
13. Concerns raised for style of traffic calming in Tillock Street for cyclists and chicane type device in Tillock Street will create more problems than it solves.
14. A roundabout at Waratah Street and Tillock Street may be more beneficial and not produce chronic noise problem.
15. Traffic counter (between Tillock Street and Hawthorne Parade) observed to be snapped during time of survey providing non-valid reading in travel movement and speeding.
16. The roundabout at the intersection of Boomerang Street and Waratah Street, and STOP control at Waratah Street/Kingston Street fail to control, give-way, and stop traffic.



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17. The proposal does not content to 'rat-running' and corner cutting from Boomerang Street along Leamonth Street.
 18. Many houses have main bedrooms to front of house- impact to sleep is of major concern.
 19. The device at the intersection of Leamonth Street and Tillock Street will affect the heritage outlook and ambience with kerb islands and signage to front of property. Rain and debris will go to the middle of the road and cause danger to drivers. Parking will be affected.
 20. With Westconnex, heavy vehicle movement will be introduced in Waratah Street with increased noise made upon the speed humps.
 21. Has the Westconnex proposal been taken into consideration in line with this proposal? Will the State Government empower to remove the devices if deemed in conflict with its proposal in claim of added traffic detour via Waratah Street? Should Council's proposed action await the determination of the Westconnex Project?

The following comments are offered in response to these issues:

1. Supportive however prefer full closure of Leamonth Street at Tillock Street.

Council is not considering closing off any streets, as this will bear impact on the road network of traffic being disrupted and local resident access being affected. The purpose of the proposal is to traffic calm the area particularly in regard to speeding.

2. Speed humps need to be constructed in Dalhousie Street and Boomerang Street in approach to the roundabout (intersection of Boomerang Street/Dalhousie Street and Waratah Street) to prevent vehicles speeding through the intersection.

Boomerang Street and Dalhousie Street are considered satisfactorily aligned with traffic calming devices. The existing roundabout at the intersection of Waratah Street and Boomerang Street is considered to traffic calm in entry and in alignment to the proposed traffic calming devices in Waratah Street. Any further consideration to traffic calming in Boomerang Street and Dalhousie Street would need to be investigated independently of this proposal.

3. Concern to trees being removed.

Trees along the footway would not be affected. Any kerb islands will be constructed around the trees within the road shoulder area.

4. Loss of parking due to placement of speed humps. Seek to request relocation or the removal of the speed hump device, or removal of the speed hump element of the device (i.e. only allow for road narrowing)

Parking is always of concern, however irrespective of what treatment is proposed, there is always a degree of loss of parking as required to safely accommodate any proper visual and effective traffic device.



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Speed humps (with kerb island road narrowing) are considered most effective in traffic control and are designed and positioned to minimise the loss of parking where possible. Where design permits and based on low traffic volumes (i.e. in Tillock Street), indented parking bays are proposed in conjunction with the single lane speed humps or raised platforms.

The speed humps have been strategically located and spaced between themselves and other devices for the following reasons:

- To reduce the optimum speed between speed hump to speed hump, or speed hump to other traffic calming devices.
- The safe placement of speed humps to flatter gradients of the road.
- The position of speed humps in the vicinity of lighting, and where possible, provide for or upgrade lighting to the proposed speed humps and other devices in the area.
- Allow for appropriate advance sighting of the speed humps.
- Place speed humps in near location to intersections for the proper control of traffic in and out of the streets. Where possible, provide speed humps to side properties without jeopardising the maximum spacing between the traffic devices.

The removal of speed hump device or speed hump element of the device will ineffectively provide traffic calming in the area, and make all other devices work more so in isolation. This will not provide for appropriate traffic control and may pose hazard if these other devices are not combined in alignment with the speed hump devices.

5. Speed limit sign of 50 be introduced all along Waratah Street in conjunction with the traffic devices.

Under legislation all local roads (such as Waratah Street and Tillock Street) are regulated under a 50kph speed limit, and that these roads are not required to be signposted with speed limit signage. Appropriate warning signs, keep left, directional hazard marker signs, line marking, raised pavement marking etc will be installed together with the proposed devices for the appropriate control and guidance of traffic through the devices.

6. The proposed centre blister island outside No.15 Waratah Street (corner to Tillock Street) should not be constructed as to the ones in Hawthorne Parade, where vehicles can pass through without negotiating the speed.

The centre blister island outside No .15 Waratah Street (at the eastern side intersection of Tillock Street is proposed to be designed to the type and size similar to the existing device in Queen Street, just south of Pymont Street, Ashfield. The device will be designed of suitable deflection to control traffic movement and speed through the device and around the intersection.



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7. Speed humps and indented bay parking causing discomfort to wheelchair passengers in accessible vehicles and the movement and parking of such vehicles to properties outside the speed hump/indented parking bays.

Council has good intention to proposing indented parking bays where possible to single lane devices in Tillock Street in order to minimise the impact to parking (item 4 above).

Given the situation that a wheelchair person resides in 4 Tillock Street, consideration will be made to examine and modify the proposed straight single lane –slow point with raised platform (speed hump) and indented bay outside No.4 to assist in accessible vehicle movement and access for persons of disability.

The speed humps are intended to be designed to the type and nature as proposed, and not provide severe discomfort to motorists and passengers.

8. Speed humps cause noise and air pollution problems.

Speed humps are intended to be designed to the type and nature as proposed, and not provide severe vehicle override and noise. The speed humps are proposed in strategic spacing between each other or other devices, in near distance to intersections, and in flatter gradient of the roads in effort to minimise noise and air pollution on account of deceleration and acceleration.

9. Speed hump near 47/49 Waratah Street will impact parking and hence businesses.

The speed hump proposed outside 47/49 Waratah Street are outside of shops being a child occupational therapy business (Kids on Top) and a home craft improvement store (HP home Productions). The speed hump is proposed near to the intersection of Dudley Street. The speed hump is designed with kerb islands similar to those in Dalhousie Street for the effectiveness of traffic calming and to facilitate bicycle movement. The kerb island is designed between the driveways of 47 and 49, and is of short length, affecting the parking of 1 nominal size vehicle. The speed hump is away of the main hub of businesses situated on the corner of Boomerang Street and Waratah Street. It is considered there is still ample parking in the vicinity of this speed hump in Waratah Street and around in Dudley Street for the residents and customers.

10. New speed humps have design that are not suitable for old cars.

Speed humps are to be designed to the type and nature as proposed, with nominal design car clearance according to Australian Standards. Vehicles should be able to negotiate the speed humps at lower speeds.

11. Traffic calming in Waratah Street and Tillock Street will not resolve rat-running in these streets.

The general purpose of the traffic calming devices are to control traffic movement and speeding. Rat-running could be arrested to a certain degree, but emphasis is made upon controlling the speed of traffic through these streets.



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12. Prefer angle single lane –slow point device in lieu of a speed hump in Tillock Street.

The proposal is to provide for a straight single lane-slow point with raised platform and indented parking bays at the location of No.4 Tillock Street. The raised platform is a speed hump type of less severity but still considered far more effective than an angled single lane-slow point in line with the other proposed devices in Tillock Street.

The design of an angle single lane-slow point at this selected location is viewed to interfere/conflict with driveway/parking accesses and the location of a tree outside No.4.

13. Concerns raised for style of traffic calming in Tillock Street for cyclists and chicane type device in Tillock Street will create more problems than it solves.

Tillock Street is not designated a bicycle route under “*Ashfield Council Cycling Map and Guide*” Cyclists if they wish can use Tillock Street and can negotiate the devices with caution and at low speeds.

The chicane type device or single lane slow point out side No 20 Tillock Street is proposed in strategic distance and position downhill in advance sight view of oncoming traffic from Leamonth Street. The device is opted over that of a speed hump in this steeper section of the street so as not to incur heavy deceleration and acceleration and out of control vehicle movement due to the slope. Appropriate advisory and regulatory signposting, line and device marking, illuminated raised pavement marking and lighting of the street would supplement in the control and guidance of road users through the devices.

14. A roundabout at Waratah Street and Tillock Street may be more beneficial and not produce chronic noise problem.

A roundabout at this “T” intersection is not considered favourable with a minor volume road such as Tillock Street connecting to a higher volume road such as Waratah Street. A roundabout design can incur more parking loss at the intersection and could encourage undesirable traffic movements up and down Tillock Street. A roundabout can incur certain continuing and additional levels of noise from various approach and departure sides of the intersection.

15. Traffic counter (between Tillock Street and Hawthorne Parade) observed to be snapped during time of survey providing non-valid reading in travel movement and speeding.

Traffic counters were placed in other block sections of Waratah Street to determine patterns of traffic movement between Boomerang Street and Hawthorne Parade. The counter in question evaluated information over a 24 hour/7 day period and still registered sufficient data to reflect volumes and speed at times the loops were intact. Past counts were also carried out in this downhill section of the street and revealed near similar 85 percentile speeds around 57 kph in the eastbound direction.



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16. The roundabout at the intersection of Boomerang Street and Waratah Street, and STOP control at Waratah Street/Kingston Street fail to control, give-way, and stop traffic.

The existing intersection treatments are considered appropriate in controlling traffic and well aligned with the proposed devices in Waratah Street to traffic calm particularly in regard to speeding.

17. The proposal does not content to 'rat-running' and corner cutting from Boomerang Street along Leamonth Street.

The purpose of the proposal is to traffic calm particularly in regard to speeding. Tillock Street, between Leamonth Street and Waratah Street, is identified with higher speeding problems and is proposed for traffic calming. Rat-running could be arrested to a certain degree back in Leamonth Street with traffic calming in Tillock Street. Various intersections along Leamonth Street have been treated with Give-way control by means of signposting & line marking.

18. Many houses have main bedrooms to front of house- impact to sleep is of major concern.

This issue mainly pertains to speed humps producing noise. See item 8 above. Furthermore speed humps have been sighted and proposed where possible between properties and in front of trees, and kerb islands made landscaped (where practical) to minimise and buffer noise to houses.

19. The device at the intersection of Leamonth Street and Tillock Street will affect the heritage outlook and ambience with kerb islands and signage to front of property. Rain and debris will go to the middle of the road and cause danger to drivers. Parking will be affected.

The design of the kerb islands at this location are considered to improve and compliment in the streetscape and not impair on the aesthetics to properties. Landscaping will be low in height so not to obscure the frontage to properties.

The kerb islands are mainly to be designed within the regulatory parking restriction of corners and around trees to minimise the effect to parking in the area.

The kerb islands allow for drainage to flow along the kerb and gutter. As with any device or street environment, regular maintenance would need to be carried out to clear any debris to the back of the islands or kerb and gutter.

20. With Westconnex, heavy vehicle movement will be introduced in Waratah Street with increased noise made upon the speed humps.

This traffic calming proposal is independent of any Westconnex proposal and addresses requests from the residential community to implement traffic calming measures in Waratah Street and Tillock Street given the current problem to speeding in the area.

Nevertheless, the speed humps in Waratah Street are of a type and design for wider axle heavy vehicles (e.g. buses) to straddle clear and not ride over the humps. The speed hump-



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kerb island road narrowing devices are still made for large vehicles to move through the device at a lower speed.

21. Has the Westconnex proposal been taken into consideration in line with this proposal? Will the State Government empower to remove the devices if deemed in conflict with its proposal in claim of added traffic detour via Waratah Street? Should Council's proposed action await the determination of the Westconnex Project?

The Proposal is a Council initiative in response to a community requests, prior to any West Connex information, for traffic calming measures to be introduced in Waratah Street and Tillock Street, Haberfield. The proposal is independent of the West Connex project. Investigation and design for traffic calming was carried out prior to any information received on Westconnex. It is viewed that the Council's proposal has been formulated more so to address current speeding problems, and considered to assist in traffic control in the area regardless whether or not the Westconnex proposal proceeds.

In view of the above, it is concluded as following:

The devices proposed in the scheme are strategically positioned and removal or repositioning of any device will nullify the effect of traffic calming. A study was made taking care of the street lights locations, dip/crest on the road, effect of gradient, visibility on the road, location of trees, driver behaviour etc. An utmost care has been taken to mitigate the effect of traffic calming devices on parking. Albeit locations have been chosen in a way that there is minimum loss of parking.

Where there are concerns relating to the design of speed humps with indented parking bays, slight modification could be considered to the device to make it more suitable or rather adaptable to the complainant, but cannot be re-positioned from the existing location if the scheme has to have its optimum effect.

Also without speed humps, traffic calming in the area could be deemed ineffective. With regards to the concern raised that speed hump will affect the businesses, the speed hump is not in the immediate surrounds of the business area and it is considered that businesses should not suffer because of provision of speed hump.

In light of above discussions, it is recommended that the location of the devices remain same as indicated in the original proposal with minor changes made to the design to address certain issues, if considered necessary.

COMMITTEE DISCUSSION:

Council's Traffic and Project's Engineer explained to the members the function of each device in traffic calming the area.

The police commented that the locations as provided are considered suitable, and seek that the design of the speed humps be made to prevent or not interpret pedestrians to cross over.



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RMS give support to the LATM scheme, subject to the individual designs being brought back to the LTC (formally or informally) for technical review before construction.

The remaining committee members in attendance supported the officer's recommendation in light of the above report.

COMMITTEE RECOMMENDATION:

That traffic calming devices be installed in locations of Waratah Street (between Boomerang Street and Hawthorne Parade) and Tillock Street (between Leamonth Street and Waratah Street), Haberfield as follows and as shown attached to these LTC minutes:

1. a. Road narrowing-speed hump outside and between No. 1 and 3 Waratah Street.
- b. Road narrowing-centre blister island outside No 15 Waratah Street (east corner of Tillock Street).
- c. Road narrowing –speed hump outside and between No. 40 and 38 Waratah Street.
- d. Road narrowing-speed hump outside and between No. 47 and 49 Waratah Street.
- e. Straight single lane- slow point with raised threshold and indented parking bays outside No. 4 Tillock Street.
- f. Angle single lane-slow point & indented parking bays outside No. 20 Tillock Street.
- g. Kerb island road narrowing in Tillock Street at the intersection of Leamonth Street.
2. That the individual design of the devices be brought back to the LTC informally for technical review before construction.

ITEM NO: 006

SUBJECT: Resident Parking Zone – Webbs Avenue, Ashfield.

ELECTORATE: Summer Hill

DESCRIPTION:

A request has been received from residents of Webbs Avenue for the expansion of the Ashfield Resident Parking zone to include Webbs Avenue in Ashfield.

COUNCIL OFFICERS REPORT:

Following receipt of several requests from residents of Webbs Avenue, Council officers have undertaken parking investigations and community consultation with a view to expanding the Ashfield Resident Parking Scheme into Webbs Avenue.

Webbs Avenue intersects with Charlotte Street (which lies within the Area 3 resident parking scheme). It's western end is approximately a 300m walk from the Ashfield Station and it is, as a result, very attractive as a commuter parking destination. The presence of St Vincent's Catholic School and the Presbyterian Aged Care Facility within close proximity also intensifies parking pressures within the street.



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On-Street parking surveys conducted over several days and times have revealed an average on-street parking occupancy within the street being 95% of available supply. Vacant parking spaces are very difficult to find with double parking and parking across driveways observed to be of common practice. A number plate survey conducted during both business and after hours has revealed that over 60% of the vehicles parked in Webbs Avenue during the day are not present in the street in the evening. i.e they would appear to belong to commuters or other daytime visitors to the street. The number plate survey has also revealed significantly lower parking occupancy rates in the evening (76% occupancy).

Off-street parking surveys reveal that for the 125 dwellings in the street there are some 96 off-street parking spaces i.e. most residences have none or one off-street parking space. There is therefore a high potential demand for resident parking permits from residents of the street.

All residents of the street have been consulted for their views in regard to the potential introduction of a 2P resident parking zone on the southern (even numbered) side of the street. There have been responses from 11 residences with 10 of those expressing support for the introduction of resident parking restrictions. 8 of the 11 respondents have advised that they would prefer the restrictions to apply 8am to 6p.m Monday to Friday

In view of the above, the following recommendation is made:

COMMITTEE DISCUSSION:

Police were of the view not to support a Resident Parking Scheme (RPS) in this street. It felt each premises has off-street parking, and that prime use of the street is made by others (e.g. commuters, visitors, school teachers to nearby schools). The STA representative was not in support of the RPS proposal in this street as it would affect commuters (as customers) from parking and reaching certain transport facilities in the area (i.e. trains and buses).

The street has old residential units and premises with no or insufficient parking for most residents and tenants. However under the RPS and as developed in other streets, one side of the street will remain unrestricted parking for use by the general public. The STA representative therefore accepted the case that one side of the street be left unrestricted.

The RTA and other members in attendance at the meeting (in majority) supported the officer's recommendation.

COMMITTEE RECOMMENDATION:

- 1. That a 2P parking restriction (Permit Holders Excepted – Area 3) applying 8am to 6pm Monday to Friday be established on the southern (even numbered) side of Webbs Avenue, Ashfield.**
- 2. That residents of Webbs Avenue eligible under criteria of the Residents Parking Scheme be invited to apply for permits.**



ASHFIELD TRAFFIC COMMITTEE - MINUTES
5 FEBRUARY 2016

1/2016 MEETING

ITEM NO: 007

SUBJECT: Car Share Parking Space – Moonbie Street, Summer Hill

ELECTORATE: Summer Hill

DESCRIPTION:

A request has been received from Councillor Caroline Stott on behalf of a resident to consider the relocation of a car share pod which is currently located outside No.12 Moonbie Street, Summer Hill.

COUNCIL OFFICERS REPORT:

In April 2015 the Traffic Committee recommended that a signposted car share space (or pod) be introduced on the east side of Moonbie Street outside No.12. Although consultation was carried out in regard to the matter and an expression of support for the creation of the car share pod was received from the resident at No.12, they have now advised that they while they are supportive of a signposted pod in the area they are opposed to it being located in front of their home.

Council has therefore agreed to undertake further consultation with residents to identify an alternate location for the pod.

Consultation letters were distributed asking residents and commercial premises in the vicinity of the Short Street/Moonbie Street intersection to advise on their preferred course of action in regard to the pod.

Options given included:

- Option A – keep the car share space where it is (at No.12 Moonbie St)
- Option B – relocate the space to the north, in front of No.8-10 Moonbie St
- Option C – relocate the space to the north and move it to the western side of Moonbie St (on the side frontage of No.154 Smith Street)
- Option D – relocate the space to the north side of Short Street (side frontage of No.1A Moonbie Street)
- Option E – remove the signposted car share space completely

Residents were given 5 weeks to respond given that consultation was taking place during the school holiday period. The most favoured option is to relocate the space to the side frontage of No.154 Smith Street. No response was received from No.154 Smith Street however as parking is zoned 1P on the side frontage it is not expected that residents at that premises park their private vehicles in this location and the creation of a car share pod at that location will therefore have little impact upon them. The creation of a car share pod at this location will take away one short term parking space which was created to support local business in the vicinity. Business premises have not lodged any submissions opposing relocation of the space into the 1P zone.

Go-Get have advised that they have no objection to relocating the pod elsewhere in the vicinity, if the current location of the pod is raising concerns.

COMMITTEE DISCUSSION:

Police, RMS and the committee members in attendance supported the officer's recommendation.



**ASHFIELD TRAFFIC COMMITTEE - MINUTES
5 FEBRUARY 2016**

1/2016 MEETING

COMMITTEE RECOMMENDATION:

1. That the No Parking (Car Share Vehicles Excepted) signs and associated road markings be removed from in front of No.12 Moonbie Street and relocated to a new location on the Moonbie Street frontage of No.154 Smith Street within the existing 1P parking zone.
2. That the works be undertaken at Go-Get's cost as per Council's Policy.

ITEM NO: 008

SUBJECT: Pedestrian Access and Management Plan Study – Ashfield LGA

ELECTORATE: Summer Hill, Strathfield & Canterbury

DESCRIPTION:

Council has engaged consultants Calibre Consulting to prepare a Pedestrian Access and Mobility Plan for the Ashfield LGA. After public exhibition and stakeholder review the PAMP has now been finalised and is presented to the Traffic Committee for consideration.

A copy of the completed PAMP was circulated separately to the members and councillors.

COUNCIL OFFICERS REPORT:

In developing a PAMP Council's intent was to develop a plan for future pedestrian facilities which:

- aligns with relevant federal, state and local plans;
- identifies pedestrian routes/areas that are safe, convenient and connected;
- coordinates investment in pedestrian facilities;
- develops pedestrian policies; and
- builds pedestrian facilities.

Broad objectives of the PAMP project included the following ideals:

- putting the pedestrian first in town centre areas
- recognising that pedestrians as the most vulnerable road users
- improving the understanding of how pedestrians interact with vehicular traffic and cyclists (including less mobile pedestrians)
- developing a standard package of pedestrian facilities to meet typical pedestrian needs and enhance road safety
- considering means of encouraging pedestrian activity and reducing car dependence

The RMS' "How to Prepare a Pedestrian and Accessibility Mobility Plan" was used as a guide in the preparation of the PAMP and the following steps have been undertaken.

1. Review of relevant council, state and federal government studies.
2. Mapping of study area and the location of pedestrian attractors and generators identified.



**ASHFIELD TRAFFIC COMMITTEE - MINUTES
5 FEBRUARY 2016**

1/2016 MEETING

3. Existing pedestrian facilities have been mapped and a pedestrian route hierarchy developed.
4. A review of existing correspondence relating to pedestrian safety and access concerns has been undertaken.
5. A review of pedestrian crash data has been undertaken and crash clusters identified.
6. An audit of existing pedestrian facilities has been undertaken.
7. The community and stakeholders were invited to raise areas of concern in regard to pedestrian access and safety.
8. A pedestrian "focus areas" map was developed. The Focus Area locations were developed after considering a) the level of pedestrian activity b) the vehicular speed and volume c) the crash history d) the presence of perceived safety concerns e) complaint history.
9. An Action Plan was developed.
10. The draft PAMP was prepared and placed on exhibition.
11. Feedback from the public exhibition from community and stakeholders was reviewed and the PAMP updated and the Action Plan finalised.
12. Each Action Plan recommendation was ranked in terms of its relation to 1. Pedestrian Route Hierarchy 2. Focus Areas 3. Safety/ Level of Risk. On the basis of the resultant score the priority of each Action Plan recommendation was determined.

The outcomes of the PAMP project are:

- A strategic framework for Council to administer safe, convenient and connected pedestrian travel across the municipality,
- An action plan for Council to deliver pedestrian treatments and facilities across a number of years

The PAMP Action Plan provides a basis for an ongoing program of pedestrian facilities for further detailed investigation and implementation. Ultimately, implementation of the Action Plan recommendations will provide pedestrians within the study area with a safe, continuous and accessible network of pedestrian routes. The PAMP Action Plan is composed of 199 individual actions, each of which have been prioritised as follows:

- High priority works (0-5 years): total of 20 items
- Medium priority works (5-10 years): total of 87 items
- Low priority works (10-25 years): total of 78 items

In practice, implementation of some of the Action Plan recommendations may occur sooner than indicated in the above timeframes as the works are of a minor nature. For example, many of the items in the Action Plan relate to the installation or adjustment of pram ramps. These works may be actioned from within existing pram ramp and footpath improvement funding. If these items are excluded from the action plan there are 93 remaining actions which will require allocation of targeted pedestrian facilities funds to ensure timely implementation. A copy of this amended Action Plan was distributed to the members and councillors separately. Many of these actions will also require further detailed investigations and the preparation of designs. Some of the items, which relate to changes on



**ASHFIELD TRAFFIC COMMITTEE - MINUTES
5 FEBRUARY 2016**

1/2016 MEETING

State Roads or at signalised intersections will be referred to RMS for investigation or will require RMS input prior to implementation. Council may be able to apply for RMS funding to assist with implementation of some of the recommended measures.

The PAMP Action Plan is designed to be a 'living document' in the sense that Council will be able to review and make changes to the Action Plan as new pedestrian issues arise or as new accident trends develop and update the program where relevant.

COMMITTEE DISCUSSION:

Council's Senior Engineer-Infrastructure Design & Traffic Services advised that the Action Plan has been devised to guide Council in its direction to provide PAMP treatments in the Ashfield Council Area. Council will further investigate the consultant's recommendation of treatments and prioritise the treatments. The matter will be reported to Council's Access Committee for its information, and through the Traffic Committee, where necessary, in the course of implementation.

Police, RMS and the committee members in attendance supported the officer's recommendation.

COMMITTEE RECOMMENDATION:

That:

1. The PAMP study for the Ashfield LGA be adopted with items listed in the Action Plan to be the subject of detailed investigation and further reporting through the Traffic Committee, where necessary, prior to implementation.
2. The Action Plan priority list be continually updated as new pedestrian access and safety issues become evident. New items to be ranked alongside other Action Plan items utilising the scoring system outlined in the PAMP to prioritise recommendations for future implementation in line with available funding.

ITEM NO: 009

SUBJECT: Part-time No Stopping along the east side of William Street for rear sub-divide development of 85 Victoria Street, from opposite No. 31 William Street to Clissold Street, Ashfield

ELECTORATE: Summer Hill

DESCRIPTION:

Council has received a request for temporary 'No Stopping' along William Street to facilitate construction vehicle movement to/from a new 7 townhouse development at a rear sub-divided lot of 85 Victoria Street. Site access can only be made via a vehicular crossing as approved by Council for the development in William Street.



**ASHFIELD TRAFFIC COMMITTEE - MINUTES
5 FEBRUARY 2016**

1/2016 MEETING

COUNCIL OFFICERS REPORT:

The developer has requested that "No Stopping" be erected on the eastern side of William Street from the driveway of the development (opposite 31 William Street) to Clissold Street. When cars are parked on both sides of the road, trucks are unable to pass by in order to access the site during the day.

The removal of parking will be confined to only DA times of operation to facilitate the safe and proper manoeuvre of trucks in and out of the site. DA times for the development are Monday to Friday, 7am to 6pm, and Saturdays, 7am to 1pm. The No Stopping is for an approximate period of 9 months.

The developer will be required to apply for the utilisation of the kerb space and pay all necessary fees and charges to Council.

Council officers are aware of the current parking issues within William Street, however, as the development application was approved by Council to only have access via William Street, then Council is required to facilitate this request.

A Construction Management Plan has been received by Council, and is currently in discussions with the developer. It is proposed that all construction vehicles will access the site via Clissold Street into William Street. No construction vehicles will be directed down Robert St into William Street.

COMMITTEE DISCUSSION:

The chairperson was concerned with the continuing need to remove parking in William Street affecting the ability for residents to park in the street. It was felt that that access could still be provided via Victoria Street during the course of construction.

Residents in William Street (Ms C Wigbout & Mr P and Ms C Cook) attended the meeting and expressed grave concern to the proposal of removing parking and the impact that truck activity through William Street would have upon the community. They similarly sought request for resident parking in the street, regular enforcement, and have one-way in William Street, Robert Street, Clissold Street and Seaview Street.

Council officers will re-investigate with the builder in have construction vehicular access via Victoria Street.

COMMITTEE RECOMMENDATION:

That the matter be re-investigated for construction vehicular access via Victoria Street.

ANNEXURE TO MINUTES (Item 5)



MINUTES ANNEXURES

1/2016 MEETING

Item No : 005- Traffic Calming in Haberfield North- Resident consultation letter.



Contact: Satwinder Saini
Phone: 9716 1800

17 December 2015
To the Resident

**PROPOSAL: Traffic calming measures in Waratah Street and Tillock Street, Haberfield
HAVE YOUR SAY closes Friday 22 January, 2016**

Ashfield Council is proposing to introduce a number of traffic calming measures in Waratah Street (between Boomerang Street and Hawthorne Parade) and Tillock Street (between Learmonth Street and Waratah Street) to slow down traffic. This proposal is an Ashfield Council initiative in response to a significant number of requests from local residents in the area (which included a petition) to slow down traffic in their streets. Right now Council is inviting you to Have Your Say on this proposal.

Council officers undertook a comprehensive investigation into the traffic patterns, movements and travel speeds in the Haberfield north area: east of Boomerang Street and north of Waratah Street. This assisted Council officers in understanding the issues and priorities and in designing a scheme (series of measures) to lower travel speeds and attempt to discourage rat-running traffic through the area. The scheme includes a number of different measures (devices) which are purposefully located and customised for each specific site. These particular devices have a proven record of being successful in reducing vehicle speeds in other streets in and around our area. For the specific details on what devices are proposed in Waratah and Tillock Streets please see the attached diagrams.

Ashfield Council is also currently in the process of updating our Traffic Management Strategy for the entire Ashfield Council area. This Strategy will provide Council with a systematic and comprehensive approach to managing all the traffic management issues including one-way streets, speed humps, etc. This scheme will be incorporated in this Strategy as well as any further measures that may be needed in the surrounding streets or area.

Right now you are invited to Have Your Say on the proposal for traffic calming measures in Waratah and Tillock Streets (Note: it is also important to advise us if you support the scheme going ahead). Please submit your comments to the General Manager via email, post or Customer Services (as shown below) **no later than Friday 22 January 2016**.

It is intended to report this matter firstly to the Local traffic Committee and then secondly to Council at its meeting on the 23 February 2016 for determination. Should the proposal be approved, it is intended to schedule and complete the construction by the end of June 2016.

This information will also be available on Council's website under Community >> Transport and Accessibility >> Driving. Should you have any further queries on this matter, please contact Council's Traffic Engineer, Ms. Satwinder Saini on 9716 1800.

Yours sincerely

A handwritten signature in black ink, appearing to read "Satwinder Saini".

Satwinder Saini
Traffic Engineer

250 Liverpool Road Ashfield NSW 2131
PO Box 1145 Ashfield NSW 1500

DN 21221 Ashfield
ABN 11211068961

Tel (02) 9716 1800
Fax (02) 9716 1911

info@ashfield.nsw.gov.au
www.ashfield.nsw.gov.au



MINUTES ANNEXURES

1/2016 MEETING

Item No : 005- Traffic Calming in Haberfield North-plan location of devices with letter.



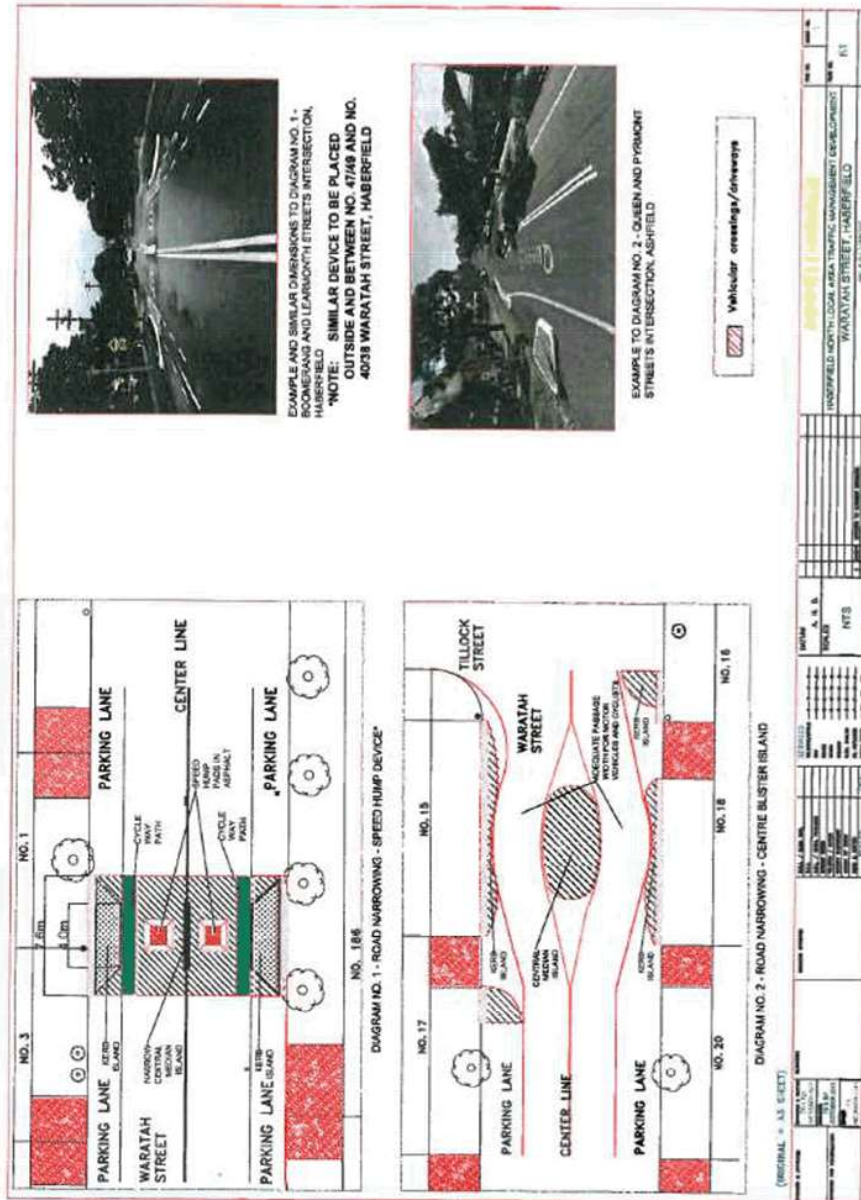


Ashfield Council

MINUTES ANNEXURES

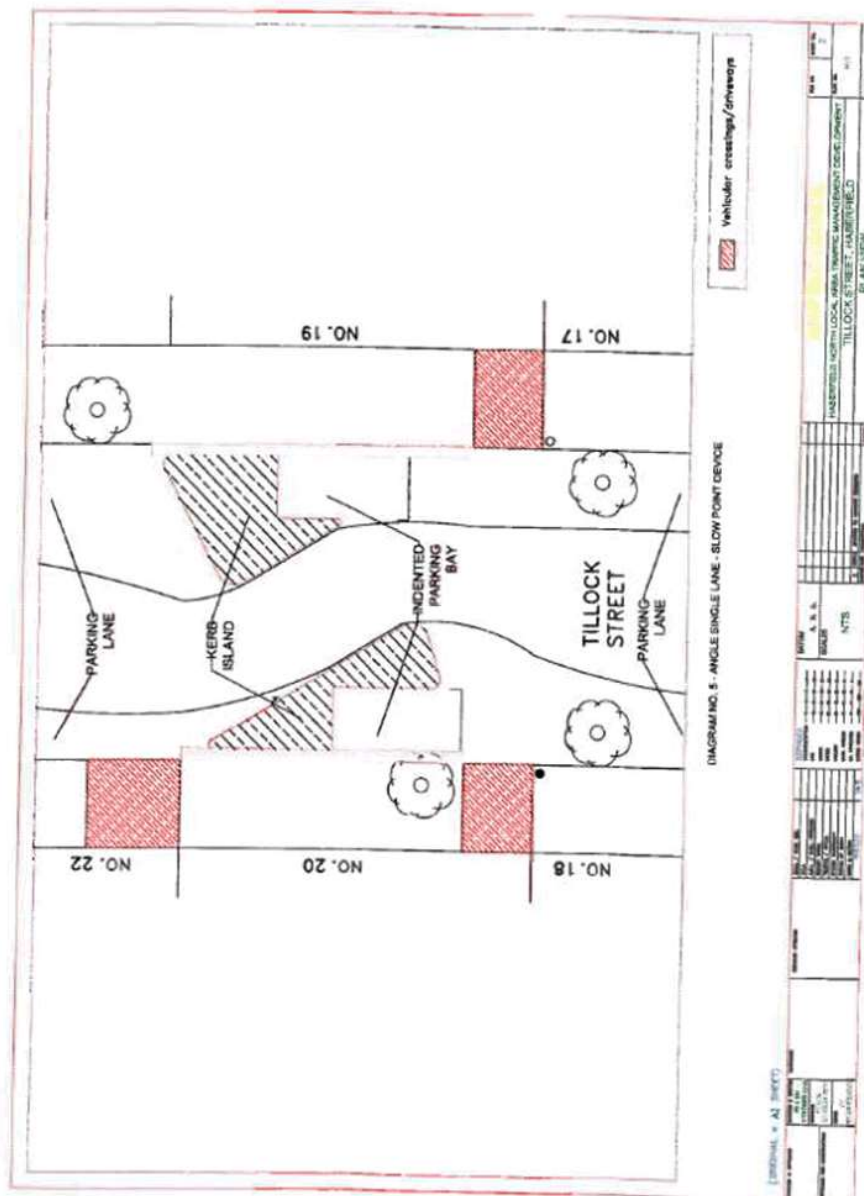
1/2016 MEETING

Item No : 005- Traffic Calming in Haberfield North-concept design of devices with letter





Item No : 005- Traffic Calming in Haberfield North-concept design of devices with letter



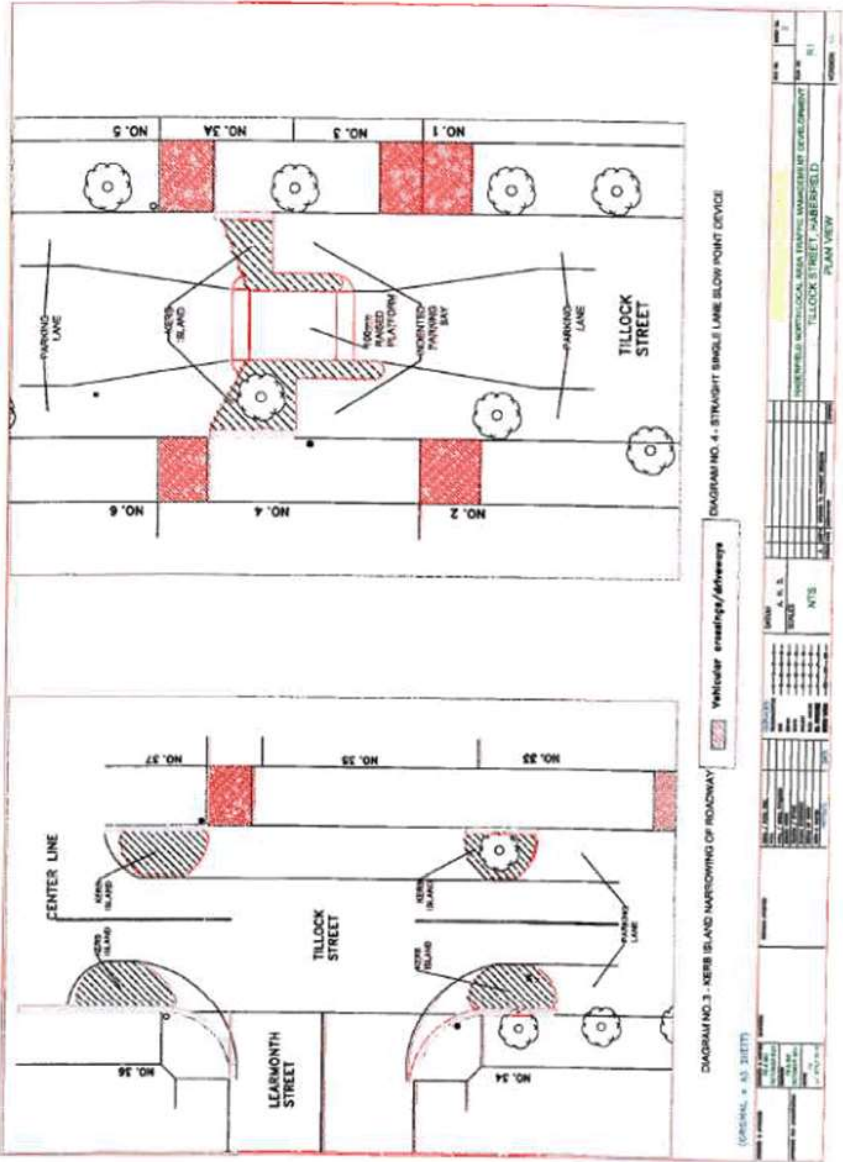


Ashfield Council

MINUTES ANNEXURES

1/2016 MEETING

Item No : 005- Traffic Calming in Haberfield North-concept design of devices with letter.



Subject	ANNUAL NSW AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION CONFERENCE
File Ref	SC260
Prepared by	Carolyn Walker - Executive Assistant
Reasons	Request from Australian Local Government Women's Association (ALGWA)
Objective	To attend Australian Local Government Women's Association Conference

Overview of Report

Seeking attendance at Local Government Women's Association Conference on 10 March – 12 March 2016

Background

The 2016 Local Government Women's Association will be holding a Conference from 10 March – 12 March hosted by Gunnedah Shire Council.

Mayor Lucille McKenna has expressed interest in attending along with any other Councillors who would like to join her at this Conference.

Financial Implications

The costs of Councillors attendance at the Conference are provided for in the budget.

Other Staff Comments

N/A

Public Consultation

N/A

Conclusion

N/A

**ANNUAL NSW AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION
CONFERENCE**

ATTACHMENTS

Attachment 1 ALGWA 2016 Program

8 Pages

RECOMMENDATION

That Council approve the attendance of Mayor Lucille McKenna and any other Councillor who wishes to attend the Annual NSW Australian Local Government Women's Association Conference.

VANESSA CHAN
General Manager





THURSDAY 10 MARCH 2016 - DAY ONE

2.00PM - 4.00PM

Registration opens in the Smithurst Theatre, 158 Conadilly Street.

5.00PM - 6.30PM

Event: Mayoral Reception at CHATTERChinos, 362 Conadilly Street.

Welcome from Mayor Owen Hasler

Your Hosts: SANTOS

6.30PM - 8.00PM

Gunnedah's retail community welcomes you to a night of shopping in Gunnedah's Downtown Precinct.

8.00PM

DAY ONE OF CONFERENCE CONCLUDES

FRIDAY 11 MARCH 2016 - DAY TWO

6.30AM - 7.30AM

Yoga in the Park at Woolshed Reserve Picnic Area, Maitland Street.

8.00AM - 4.00PM

Registrations open at the Smithurst Theatre Foyer & Trade exhibitions open in Smithurst Theatre.

8.30AM

Opening of the Day 2, 2016 ALGWA NSW Conference in the Gunnedah Town Hall and Welcome to Country.

Master of Ceremonies **Kate Ramien**

8.45AM - 9.00AM

Welcome from **Sarah Mitchell MLC & Kevin Anderson MP**.

9.00AM - 9.15AM

Official welcome and address from **Clr Vicki Scott**, ALGWA NSW President.

Clr Vicki Scott was elected as President of ALGWA NSW at the 2015 Wollongong ALGWA NSW Conference. Clr Scott has been a Councillor of Gosford City Council since 2004 and a member of the ALGWA Executive for 7 years, serving as Vice President in 2013 and 2014.

9.15AM - 10.15AM

"Surviving Life - what are the attributes we need to live the best, most rewarding and fulfilling life possible?"

Keynote address from **Dr Gill Hicks**, survivor of the London Terrorist Bombings and founder of M.A.D (Making a Difference) for Peace.

10.15AM - 10.45AM

MORNING TEA IN THE SMITHURST THEATRE

10.45AM - 11.30AM

"Managing the unmanageable - ways working women can have their cake and eat it too!"

Address from **Jo Scard**, Founder & Managing Director at Fifty Acres, The Communications Agency.

Mum and co-author of 'The Working Mother's Survival Guide', along with Melissa Doyle, Jo provides a practical, down to earth and entertaining guide for working women who want to have babies but keep their career on track too!



DAY TWO CONTINUED

11.30AM - 12.15PM

"Tricks of the trade - building self-confidence and making your mark in business and life".

Address from **Glenise Anderson**, Director of Self Confident Women.

Glenise is an enthusiastic Entrepreneur, Coach, Trainer and Speaker. She is the Director of Self Confident Women, empowering women one at a time and the Director of SR Group, offering Solutions and Results to businesses looking to build teams that communicate.

12.15PM - 1.00PM

"Compelling change through our own actions".

Address from **Glenn Learmont**, Manager Human Resources, Gunnedah Shire Council.

Glenn has been engaged in senior management level as an embedded Human Resources generalist for 17 years. This has been predominately within the export industry with the last 6 years in local government. Responsibilities have covered lead positions for nationwide engagement processes for a US based multinational, various aspects of employee and industrial relations, recruitment, WHS and regional wide responsibilities concerning corporate citizenship. Glenn enjoys presenting on topics including leadership, developing self-brand and best practice.

1.00PM - 2.00PM

LUNCH IN THE SMITHURST THEATRE SPONSORED BY WALKER BEER SOLICITORS & CONVEYANCERS.

2.00PM - 2.55PM

Workshops

Session 1: "Communication strategies and modern politics: the good, the bad and the selfie".

Facilitated by **Melinda McDonald**, Manager | Marketing and Business Relationships | TAFE New England

Session 2: "What makes you tick and how that affects your leadership style – Extended Disc Personality Model".

Facilitated by **Glenise Anderson**, Director of Self Confident Women.

3.00PM - 3.20PM

The UTS Centre for Local Government and the NSW Australian Local Government Women's Association (ALGWA NSW) launch an exciting new program, "Empowering Women in Local Government".

Address from **Nicole Campbell**, UTS Centre for Local Government Program Manager.

Nicole has over 20 years' experience at a senior level in the NSW State Government working as a strategic policy analyst in environmental management, sustainable design, urban renewal and Aboriginal Affairs.

3.20PM - 4.20PM

Q&A Session facilitated by Master of Ceremonies **Kate Ramien**.

4.20PM - 4.30PM

Nominations for ALGWA NSW Executive Committee declared open.

- Secretary
- Country Vice President
- Treasurer
- Executive Members

4.30PM - 5.00PM

AFTERNOON TEA IN THE SMITHURST THEATRE.

7.00PM - 9.30PM

EVENT - 'An evening under the stars' networking function at Pensioners Hill Lookout.

Your Hosts: Local Government Super

SATURDAY 12 MARCH 2016 - DAY THREE

8.30 AM

Opening of Day 3 of the 2016 ALGWA NSW Conference in the Gunnedah Town Hall.
Master of Ceremonies **Fiona Ferguson**

8.35AM - 9.05AM

Address from the **Clr Coral Ross**, ALGWA National President.

9.05AM - 9.15AM

Brief presentation from major sponsor, **"United Services Union"**.

9.15AM - 10.00AM

"The secret to a happy life – health self-advocacy, happiness and wellbeing".

Address from **Dr Simone Ryan**, CEO & Founder of One Life, Live It!

Founder and head physician of 'One Life Live It', Dr Ryan and her team are industry leaders in educating employees about preventive medicine and provides tools for total wellbeing and best-performance.

10.00AM - 10.30AM

MORNING TEA IN THE SMITHURST THEATRE.

10.30AM - 11.15AM

"Diversity is the spice of life".

Address from **Clr Dai Le**, CEO & Founder of DAWN and Fairfield City Councillor.

Dai Le is the founder of DAWN, a social enterprise whose mission is to unlock and promote the talent from Australia's culturally diverse population, through the organisation's tailored emerging leadership programs which aim to provide mentorship, connections and encouragement for individuals aspiring to be tomorrow's leaders.

11.15AM - 11.30AM

2018 Conference Bids for Regional and Rural Councils.

11.30AM - 12.30PM

"Hot Spots Session"

Facilitated by **Clr Vicki Scott**, ALGWA NSW President.

12.30PM

LUNCH IN THE SMITHURST THEATRE SPONSORED BY "SANTOS".

1.15PM - 3.15PM

ALGWA Annual General Meeting – to be held in The Civic.

7.30PM - 12.00AM

EVENT - Gunnedah's Great Gatsby Gala Dinner.

Your Hosts: *United Services Union*

DAY THREE OF CONFERENCE CONCLUDES



GUNNEDAH SHIRE COUNCIL
ABN: 80 183 655 793
TAX INVOICE

REGISTRATION FORM

Introduction

WOW! This is going to be so much fun!

We really look forward to welcoming you to Gunnedah and having the opportunity to show you around our neck of the woods!

Registering for our conference couldn't be easier.

Simply print out and complete this form with all your details and return it to Gunnedah Shire Council using one of the methods listed on page 3 of this form.

Please submit your registration forms by 10 February 2016.

Want to save some dough?

Take advantage of our Early Bird Discount and register before 10 February 2016.

See you very soon!

Delegate Details

First Name

Surname

Organisation

Position

Postal Address

.....

Suburb/Town/City

State Postcode

Phone Mobile

Email

Additional Information

Please notify of any special requirements you have in the following areas:

Dietary Requirements

Access Requirements

Other Requirements

Please indicate your attendance at the following social functions by ticking the appropriate box:

CIVIC WELCOME - Thu 10 March:

☐

NETWORKING EVENING - Fri 11 March:

☐

CONFERENCE DINNER - Sat 12 March:

☐

Do you consent to details shown on this registration form (contact details only) being included in a delegate database to be distributed to conference sponsors?

Please tick:

YES ☐

NO ☐

Workshops

Please indicate your preferences for the workshops held on Friday 11 March:

1. Communication Strategies and Modern Politics: the good, the bad and the selfie.

☐

2. What makes you tick and how that affects your leadership style – Extended Personality Model.

☐

Travel Details

Arrival and Departure Information

Arrival Date

Departure Date

Method of Travel

Air ☐

Arrival Flight Number

Arrival Time

Car ☐

Train (Countrylink) ☐

Airport Shuttle Service

Please indicate if you wish to use the shuttle service on the following dates:

Thursday 10 March 2016

Departs Tamworth Regional Airport at 3.15pm to the Gunnedah accommodation. ☐

Sunday 13 March 2016

Departs Gunnedah Mackellar Motel at 8.15am for Tamworth Regional Airport. ☐

**Please note a minimum of 12 delegates are required for this service to operate.*

Delegates will be informed by Monday 29 February if the Shuttle Bus does not run.

Accommodation Details

Accommodation Name

.....

Check In

Check Out

Accompanying Person

Title

First Name

Surname.....

Dietary Requirements

Registration Fees

Early Bird Registration (up to 10 February 2016)

Includes: Welcome Reception, all conference sessions and meals, Networking Evening and Conference Gala Dinner.

ALGWA Member	Non Member	QTY	Total
\$870.00	\$970.00	<input type="checkbox"/>	\$.....

Standard Registration

Includes: Welcome Reception, all conference sessions and meals, Networking Evening and Conference Gala Dinner.

\$970.00	\$1070.00	<input type="checkbox"/>	\$.....
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Day Registration and Social Functions

Fri 11 March 2016. The day's conference session and meals.

\$570.00	\$570.00	<input type="checkbox"/>	\$.....
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Networking Evening

\$70.00	\$70.00	<input type="checkbox"/>	\$.....
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Conference Dinner

\$120.00	\$120.00	<input type="checkbox"/>	\$.....
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Partner's Program - Friday only

\$60.00	\$60.00	<input type="checkbox"/>	\$.....
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Guest/Partner Added Options

Networking Evening - Friday (included in Full Registration)

\$70.00	\$70.00	<input type="checkbox"/>	\$.....
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Conference Dinner - Saturday (included in Full Registration)

\$120.00	\$120.00	<input type="checkbox"/>	\$.....
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Note: All packages include an ALGWA Conference Satchel.

Total Amount Payable \$.....

CONTACT GUNNEDAH SHIRE COUNCIL
Laurieann Boag
PH: 02 6740 2100

Payment Options

Gunnedah Shire Council will issue an invoice to all registering delegates for payment. All payment options will be listed on the invoice provided.

This document will be a Tax Invoice for GST purposes when payment is made in full. Please keep a copy of the completed Registration Form for GST purposes. All prices are inclusive of GST and in Australian Dollars.

Return your completed registration form to us by **10 February 2016**:

Email: council@infogunnedah.com.au

Post: Gunnedah Shire Council
PO Box 63
GUNNEDAH NSW 2380

In Person: Gunnedah Shire Council Administration Building
63 Elgin Street
GUNNEDAH NSW 2380

Important Info: Attendance will be confirmed on receipt of full payment. Please note that the program and speakers list are subject to change without notice. Information collected on this form, will be used for conference purposes only and will not be provided to third parties without your consent.

Cancellation Policy: Should you not be able to attend the conference, you are welcome to send an alternate delegate in your place. Cancellations will be accepted until 'end of play', Friday, 5 February 2016 without fee. Cancellations after this date will incur the full registration fee. All cancellations or change of delegate must be provided in writing to council@infogunnedah.com.au.

Please Note: ALGWA Members must be financial by 31 December 2015 for voting purposes.



LOCAL
GOVERNMENT
SUPER



Santos
We have the energy.



**AUSTRALIAN LOCAL GOVERNMENT
WOMEN'S ASSOCIATION
2016 NSW CONFERENCE**
— GUNNEDAH —

Subject	PHASE 1 CHANGES TO LOCAL GOVERNMENT LEGISLATION
File Ref	SC1065
Prepared by	Nellette Kettle - Director Corporate & Community Services
Reasons	To inform the Council on proposed changes to local government legislation
Objective	To determine content of Council's submission to the State Government in relation to the proposed changes

Overview of Report

As part of the Fit for the Future local government reform program, the State Government has released an explanatory paper on proposed phase 1 amendments to local government legislation. The first stage of consultation is an invitation to provide feedback on each of the proposals through an online survey on the Fit for the Future website. The feedback received will be used to inform the legislative drafting process. The intention is that legislation will be introduced into and passed by the NSW Parliament in 2016. Online submissions close on 15 March 2016.

Background

The Explanatory Paper (Attachment 1) on proposed phase 1 amendments to local government legislation was released in January 2016. The phase 1 reforms focus predominantly on changes to the governance and strategic business planning processes of councils. Later phases will focus on how councils raise revenue and how they exercise their regulatory functions.

The proposed changes incorporate the following areas:

1. Guiding principles for the Act and local government
2. Structural framework of local government
3. The governing body of councils
4. Elections
5. Council's workforce
6. Ethical standards
7. Council's strategic framework
8. Council performance

The proposed changes are contained in the attached table with officer comments where appropriate (Attachment 2).

Financial Implications

N/A

PHASE 1 CHANGES TO LOCAL GOVERNMENT LEGISLATION

Other Staff Comments

N/A

Public Consultation

This is State Government process and the Explanatory Paper is open for public comment until 15 March 2016.

Conclusion

The suite of proposed changes represent the most comprehensive changes to local government legislation in over 20 years. The full impact of the changes cannot be assessed until more detail is known but in some cases the changes are significant as outlined in the attachment.

ATTACHMENTS

Attachment 1	Towards New Local Government Legislation Explanatory Paper: proposed Phase 1 amendments	32 Pages
Attachment 2	Local Government Act Changes	13 Pages

RECOMMENDATION

That Council:

- 1/2 note the proposed changes to local government legislation; and
- 2/2 provide any feedback on the proposed changes to be incorporated into Council's online survey submission.

NELLETT KETTLE
Director Corporate & Community Services

Fit for the Future



Towards New Local Government Legislation Explanatory Paper: proposed Phase 1 amendments

Towards New Local Government Legislation
Explanatory Paper: proposed *Phase 1* amendments



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Towards New Local Government Legislation
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Foreword



The journey towards stronger, more sustainable local government began in late 2011. Councils from throughout NSW came together for Destination 2036 to discuss their long-term future. The gathering considered how communities, economies and technologies might change over the next 25

years and how the local government sector might change to meet these challenges. This led to the appointment of the *Independent Local Government Review Panel* (the Panel) and *Local Government Acts Taskforce* (the Taskforce).

While the fundamentals of the *Local Government Act 1993* remain sound, both the Panel and the Taskforce recommended change. The Government's response to the Taskforce and Panel reports was released in 2014 and supported many important recommendations that had been made for legislative reform – including the development of modern, principles-based local government legislation.

The proposed phase 1 reforms are the first step in the process of modernising the Local Government Act, to ensure that it meets the future needs of councils and communities. Phase 1 of the reform program focuses mainly on changes to the governance and strategic business planning processes of councils. Later phases will focus on how councils raise revenue and how they exercise their regulatory functions, as well as a program of restructuring and updating the local government legislation.

I would like to invite councils and communities to provide your input and co-operation on this critical phase of the Fit for the Future reforms and I look forward to working with you as we continue the process of reform.



The Hon. Paul Toole
Minister for Local Government

Towards New Local Government Legislation
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Overview

We are seeking your feedback

The Office of Local Government is seeking input on important proposals by the NSW Government for legislative reform. The views of councils and their communities, and other stakeholders, are now being sought on phase 1 of the development of new Local Government legislation.

Phase 1 is designed to:

- embed strategic business planning principles across the range of council functions and practices;
- promote independent and sustainable councils engaged with and accountable to their local communities that have the capacity to deliver on local and regional needs; and
- support a culture of continuous improvement in councils to ensure the effective and efficient delivery of the strategic goals agreed to with their local communities.

How to give your feedback

Each of the amendments that is being proposed for phase 1 is described briefly in this explanatory paper and a cross-reference to any relevant recommendation of the Panel and/or the Taskforce is given. Most of these proposals have been the subject of stakeholder consultation in developing the Government's response to the Panel and Taskforce reports, so the paper is as streamlined as possible. The aim of this consultation is to use feedback received about the phase 1 amendments to inform the legislative drafting process.

The first stage of consultation is therefore an invitation to provide your feedback on each of these proposals through an online survey on the Fit for the Future website at www.fitforthefuture.nsw.gov.au. There will also be a link through the NSW Government's Have Your Say website at www.haveyoursay.nsw.gov.au.

Following consultation, it is anticipated that amending legislation could be introduced into and passed by the NSW Parliament in 2016.



Towards New Local Government Legislation
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1. Guiding principles for the Act and local government

1.1 Purposes of the Local Government Act

Proposed Amendment

The purposes of the *Local Government Act 1993* should be:

- to establish a legal framework for the NSW system of local government, in accordance with section 51 of the *Constitution Act 1902* (NSW);
- to describe the nature and extent of the responsibilities and powers of local government; and
- to create a system of local government that is democratically elected, engages with and is accountable to the community, is sustainable, flexible, effective and maximises value for money.

Current provision:

Section 7

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

T: 3.1.1 Purposes of the Local Government Act

Background

The current purposes of the Act will be updated and streamlined by the proposal.

1.2 Role of local government

Proposed Amendment

The council charter in section 8 should be replaced by provisions that:

- describe the role of local government; and
- establish guiding principles for local government.

The role of local government should be to enable local communities to be healthy and prosperous by:

- providing strong and effective elected representation, leadership, planning and decision making;
- working cooperatively with other bodies, including other levels of government, to pursue better community outcomes;
- effective stewardship of lands and other assets to affordably meet current and future needs;
- endeavouring to provide the best possible value for money for residents and ratepayers;
- strategically planning for and securing effective and efficient services, including regulatory services, to meet the diverse needs of members of local communities; and
- following the guiding principles of local government.

Current provision:

Section 8

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

T: 3.1.2 Role and Guiding Principles of Local Government

Background:

The Taskforce's proposed role of local government was similar but has been modified in this proposal to:

- more closely reflect the vision for Local Government in NSW agreed to at Destination 2036, including a focus on achieving outcomes and working together within and outside local government;
- adopt clear and simple language and remove duplication;
- reflect the role of councils in enabling outcomes and shaping its local government area through external relationships; and
- focus on the context in which councils operate, rather than prescribe outcomes.

Towards New Local Government Legislation
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1.3 The guiding principles of local government

Proposed amendment:

The council charter in section 8 should be replaced by provisions that:

- describe the role of local government; and
- establish guiding principles for local government.

The new guiding principles to be observed in local government should enable councils to:

- actively engage local communities, including through integrated planning & reporting;
- be transparent and accountable;
- recognise diverse needs and interests;
- have regard to social justice principles;
- have regard to the long term and cumulative effects of its actions on future generations;
- foster ecologically sustainable development;
- effectively manage risk;
- have regard to long term sustainability;
- work with others to secure services that are appropriate to meet local needs;
- foster continuous improvement and innovation;
- act fairly, ethically and without bias in the public interest; and
- endeavour to involve and support its staff.

Current provisions:

Section 8

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

T: 3.1.2 Role and Guiding Principles of Local Government

Background:

The Taskforce's proposed role of local government was similar but has been modified in this proposal to:

- more closely reflect the vision for Local Government in NSW agreed to at Destination 2036, including a focus on achieving outcomes and working together within and outside local government;
- adopt clear and simple language and remove duplication;
- reflect the role of councils in enabling outcomes and shaping its local government area through external relationships; and
- focus on the context in which councils operate, rather than prescribe outcomes.

Towards New Local Government Legislation
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2. Structural framework of local government

2.1 The role of the governing body

Proposed Amendment

It is proposed to replace the current prescribed role of the governing body under section 223 which is focussed only on the board-like function of the body. The governing body is the elected representatives of the council (the councillors).

It is proposed to use the Panel's more expansive list as a basis for describing the functions of the governing body:

- to provide effective civic leadership to the community;
- to consult regularly with community organisations and other key stakeholders and keep them informed of council's activities and decisions;
- to direct and control the affairs of the council in consultation with the general manager and in accordance with the Act;
- to ensure as far as possible the financial sustainability of the council;
- to determine and adopt the community strategic plan, delivery program and other strategic plans and policies;
- to determine and adopt a rating and revenue policy and operational plans that ensure the optimum allocation of the council's resources to implement the community strategic plan and for the benefit of the area;
- to make decisions in accordance with those plans and policies;
- to make decisions necessary for the proper exercise of the council's regulatory functions;
- to keep under review the performance of the council and its delivery of services;
- to determine the process for appointment of the general manager and monitor his/her performance; and
- to ensure that the council acts honestly, efficiently and appropriately in carrying out its statutory responsibilities.

Current provision:

Section 223

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

P: 26 Political Leadership and Good Governance (Box 19)

T: 3.1.4 Roles and Responsibilities of Council Officials

T: 3.3.18(7)d Other Matters

Background:

The proposed amendments are intended to:

- provide greater clarity to the roles of councillors by describing their collective role as members of the governing body, as distinct from their individual role as elected representatives; and
- embed strategic principles and practices within the prescribed role of the governing body.

Towards New Local Government Legislation
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2.2 The number of councillors

Proposed Amendment:

Section 224 prescribes the numbers of councillors a council may have (between 5 and 15) and the manner in which that number is to be determined.

It is proposed to amend section 224 to require that councils must have an odd number of councillors and mayor.

Current provisions:

Section 224 and 224A

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

P: 26 Political Leadership and Good Governance (Box 22)

Background:

The proposed amendment would give effect to the Government's response to the Panel's recommendation that councils comprise an odd number of councillors. This change will reduce the risk of the mayoralty being determined by lot and decisions being made on the casting vote of the mayor.

2.3 Rural councils

Proposed Amendment

It is proposed to allow for small rural councils to apply to the Minister for Local Government for one-off approval to:

- reduce councillor numbers and abolish wards without the need for a constitutional referendum;
- omit the current restriction that prevents councils from making an application for a decrease in the number of councillors that would result in the number of councillors for each ward being fewer than 3; and
- reduce the number of council meetings to be held in a year to below the minimum of 10 currently required under section 365.

Current provisions:

Sections 224A and 365

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

P: 12 Rural Councils (Box 33)

Background:

The Panel recommended that consideration be given to supporting the streamlining of some small rural councils' governance arrangements to allow efficiencies and savings. These councils are in rural-remote areas with small populations. It is proposed to provide a one-off voluntary process to allow the Minister to approve small rural council proposals to abolish wards, change councillor numbers and allow numbers of meetings that are less than the thresholds set out in the Act where proposed by some small rural councils in their Fit for the Future submissions.

This proposal is intended to facilitate a flexible response to the needs and circumstances of different regions.



Towards New Local Government Legislation
Explanatory Paper: proposed *Phase 1* amendments

3. The governing body of councils

3.1 The role of the mayor

Proposed Amendment

It is proposed to describe the role of the mayor differently.

The mayor should have all the prescribed responsibilities of a councillor in addition to the following additional responsibilities:

- to be the leader of the council and the community of the local government area, and advance community cohesion;
- to promote civic awareness and, in conjunction with the general manager, ensure adequate opportunities and mechanisms for engagement between the council and the local community;
- to be the principal member and spokesperson of the governing body and to preside at its meetings;
- to ensure that the business of meetings of the governing body is conducted efficiently, effectively and properly in accordance with provisions of the Act;
- to lead the councillors in the exercise of their responsibilities and in ensuring good governance;
- to ensure the timely development of the governing body's strategic plans and policies, and to promote their effective and consistent implementation, including by promoting partnerships between the council and key stakeholders;
- to exercise, in cases of necessity, the policy-making functions of the governing body between meetings of the council;
- to represent the governing body on regional organisations and in inter-government forums at regional, State and federal levels;
- to advise, manage and provide strategic direction to the general manager in accordance with the council's strategic plans and policies;
- to lead performance appraisals of the general manager;
- to carry out the civic and ceremonial functions of the mayoral office; and
- to exercise such other functions as the governing body determines.

Current provision:

Section 226

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

P: 26 Political Leadership and Good Governance (Box 21)

T: 3.1.4 Roles and Responsibilities of Council Officials

T: 3.3.18(7)d Other Matters

Background

Some aspects of the prescribed role of the mayor recommended by the Panel have not been included in this proposal as a result of previous stakeholder consultation.

Towards New Local Government Legislation
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3.2 The mayor's term of office

Proposed Amendment

The current length of term for a mayor is either:

- one year for mayors elected by councillors; or
- four years for mayors popularly elected by the electors.

This would be changed so that mayors elected by councillors are to hold office for a minimum of two years, as recommended by the Panel, with the option of electing a person to the office for the whole four year term.

Also in accordance with the Panel's recommendation, and the Government's response, it proposed that it be compulsory for councillors to vote in a mayoral election.

Section 230 will also be amended to clarify that the office of mayor becomes vacant upon the person holding the office ceasing to hold civic office or on the occurrence of a casual vacancy.

Current provision:

Section 230

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

P: 26 Political Leadership and Good Governance (Box 22)

T: 3.3.1(8) Elections

Background

The proposed amendments will

- enhance political leadership and stable governance of council to give effect to the Government's commitment to extend the term of mayors elected by councillors to a minimum of two years, as well as make voting in mayoral elections compulsory; and
- address an existing ambiguity in the Act that has allowed some Mayors to purport to exercise the role of mayor after they cease to hold office as a councillor after an election.

Although the Panel and Taskforce did not describe a four year mayoral term option – just proposing a *minimum* of two years – this extension is being explored as a way to further support stable local government.

Compulsory voting by councillors for a mayoral election (as recommended by the Panel) may also address community concern that too many mayors are chosen by pulling lots out of a hat. However, it is important that a positive statutory obligation to vote does not undermine the democratic process (such as by excluding a person who has a genuine reason for being absent) or be too easy to avoid for reasons that are not bona fide. To meet those policy ends, the Act could provide:

- councillors may cast a vote in a mayoral election by proxy;
- councillors may cast a vote by telephone, video-conference, or electronic means;
- if a councillor is absent from the meeting at the time of the vote so that the number of remaining councillors voting is even-numbered, and has not cast a vote by proxy or electronic means, then another councillor must be excluded from voting by way of a 'draw from a hat'; and
- a regulation-making power in relation to process of electing mayors by councillors.

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3.3 The role of councillors

Proposed Amendment

It is proposed to recast section 232 so that it focuses on individual responsibilities of councillors, rather than their responsibilities as members of the governing body of a council. The role and responsibilities of an individual councillor, (including the mayor), should be:

- to be an active and contributing member of the governing body;
- to make considered and well informed decisions;
- to represent the collective interests of residents, ratepayers and the wider community of the local government area;
- to facilitate communication between the community and the governing body;
- to be accountable to the community for the local government's performance; and
- to uphold and represent accurately the policies and decisions of the governing body.

Current provision:

Section 232

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

P: 26 Political Leadership and Good Governance (Box 19)

T: 3.1.4 Roles and Responsibilities of Council Officials

T: 3.3.18(7)d Other Matters

Background

Section 232 currently sets out a “dual role” for councillors as members of the governing body and as elected representatives and has been a source of confusion.

The proposed amendments are intended to provide greater clarity for councillors and communities by prescribing councillors individual roles as elected representatives separately from their collective roles as members of the governing body, as recommended by the Panel.

3.4 Councillors' term of office

Proposed Amendment

Section 234 prescribes the circumstances in which a civic office becomes vacant. Section 234 will be amended to clarify that a vacancy will occur in the civic office of a councillor where they are elected to another civic office in the council, (ie the office of a popularly elected Mayor) something that is currently not clear.

Current provisions:

Sections 233 and 234

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

None

3.5 Oath or affirmation of office

Proposed Amendment

It is proposed to require all councillors, including the Mayor to take an oath or affirmation of office in the prescribed form before commencing duties.

The oath or affirmation of office is to be taken within 1 month of election to office and councillors are not to undertake their duties until they do so. Where a councillor fails to take an oath or affirmation, his or her office will be declared vacant.

Current provision:

None

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

T: 3.3.18(2) Other Matters

Background

An oath or affirmation of office operates as a mechanism for inducting councillors into their role and reinforcing the serious nature of the role and the chief responsibilities and duties the role entails. Both Victoria and Queensland require their councillors to take an oath of office. It is proposed that the NSW law should operate in a similar way to Victoria and Queensland.

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3.6 Councillors' expenses and facilities

Proposed Amendment

Sections 252 to 254 relate to the payment of expenses and provision of facilities to councillors and the adoption of policies governing this. It is proposed to amend sections 252 and 253 to:

- replace the requirement under section 252 for councils to annually adopt an expenses and facilities policy with one simply requiring councils to adopt a policy within the first 12 months of their terms; and
- remove the requirement under section 253 for councils to provide the Office of Local Government annually with a copy of their adopted policies and an assessment of public submissions made in relation to their adoption.

Current provisions:

Sections 235 – 254A and Schedule 1

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T)**recommendation:**

T: 3.3.18(3) Other Matters

Background

The proposed amendments are designed to reduce the compliance burden on councils of being required to annually exhibit, consult and adopt their councillor expenses and facilities policies even where no change is made to them and to provide copies to the Office of Local Government. It is also noted that open access obligations apply now to councils under the *Government Information (Public Access) Act 2009*.

3.7 Mayor/councillor professional development

Proposed Amendment

New provisions are proposed to require the following:

- Councils are to develop an induction program for newly elected and returning councillors and a specialist supplementary program for the mayor to assist them in the performance of their functions. The induction program is to be available for delivery within 4 months of the election.
- Each year, councils are to develop an ongoing professional development program for the mayor and each councillor to assist them in the performance of their functions to be delivered over the coming year.
- In determining the content of the induction and ongoing professional development programs, the council is to have regard to the specific needs of each individual councillor (including the mayor) and of the governing body as a whole and the requirements of any guidelines issued by the Office of Local Government.
- The content of the induction and ongoing professional development program is to be determined in consultation with the mayor, the council as a whole and individually with each of the councillors.
- Councils are to include details of the content of the induction and ongoing professional development offered to the mayor and each councillor and whether or not they participated in the training or development offered in the council's annual report.

Current provisions:

None

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T)**recommendation:**

P: 26 Political Leadership and Good Governance (requirement for mandatory professional development)
P: 27 Political Leadership and Good Governance (linking remuneration with completion of professional development program).

Background

Some aspects of the Panel recommendation have not been included in this proposal as a result of previous stakeholder consultation. The proposed approach has the following benefits:

- it places a responsibility on all councils to offer an induction and ongoing professional development programs to their councillors;
- it allows councils the freedom to determine the content of those programs based on local and individual needs at the same time as allowing the Office of Local Government to have input into content through guidelines; and
- it places responsibility for participation on councillors and makes them accountable to the community that elected them for any failure to do so.

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3.8 Role and functions of administrators

Proposed Amendment

Several provisions of the Act provide that the administrator is to exercise the functions of the council without articulating what the nature of their role is within a council.

It is proposed to address this ambiguity and align the role of the administrator with the proposed prescribed role of the mayor and councillors by amending these sections to provide that:

- Where a sole administrator is appointed to a council, they are to exercise the role and responsibilities of the mayor and a councillor as prescribed under the Act.
- Where more than one administrator is appointed, all administrators are to exercise the role and responsibilities of councillors as prescribed under the Act and one, as specified by the relevant instrument of appointment, is to exercise the role and responsibilities of the mayor as prescribed under the Act in addition to those of a councillor.

Current provisions:

Sections 255-259, 438I, 438M and 438Y

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

None

Background

The proposed amendments are designed to address an existing ambiguity in the legislation that has been unhelpful in councils under administration. Providing greater clarity in relation to the roles of administrators aligns with the new descriptions that are being proposed for mayors and councillors.

3.9 Financial controllers

Proposed Amendment

A financial controller is responsible for implementing financial controls and related duties. Where a financial controller is appointed, a council may only make payments that are authorised or countersigned by the financial controller.

It is proposed to allow the Minister for Local Government to appoint a financial controller to a council that is performing poorly with respect to its financial responsibilities and/or is at high financial sustainability risk, in conjunction with issuing a performance improvement order.

A financial controller would only be appointed through the existing performance improvement order process after information is gathered or an investigation undertaken that shows the council is not performing, a notice of the proposed remedial action has been issued to a council and the Minister has considered the council's submissions with respect to the notice.

Current provision:

None

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

None

Background:

The Minister has an existing power to issue a performance improvement order against poorly performing councils to compel them to take steps to improve their performance. Before issuing a performance improvement order, the Minister must first give the council notice of his intention to do so and consider submissions by the council.

As part of the exercise of these powers, the Minister may appoint a temporary adviser to the council. If a temporary adviser is appointed, the council, councillors and members of the staff of the council are required to co-operate with the temporary adviser and to provide any information or assistance the temporary adviser reasonably requires to exercise his or her functions.

It is proposed to complement these powers with a new power for the Minister to appoint a financial controller to a council. These powers will be modelled on those that exist in Queensland.

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3.10 Meetings

Proposed Amendment

In relation to conduct of meetings, amendments consistent with the following are proposed :

- provide that the Regulation may prescribe a Model Code of Meeting Practice (a Model Meeting Code);
- provide that the Model Meeting Code may include mandated and non-mandatory “best practice” provisions;
- require councils to adopt a Code of Meeting Practice (an adopted meeting code) that at a minimum incorporates the mandated provisions of the Model Meeting Code;
- allow a council’s adopted meeting code to supplement the provisions contained in the Model Meeting Code;
- provide that a provision of a council’s adopted meeting code will be invalid to the extent of any inconsistency with the mandated provisions of Model Meeting Code;
- require council and committee meetings to be conducted in accordance with the council’s adopted meeting code;
- require councils to review and adopt a meeting code within 12 months of each ordinary election; and
- retain the existing requirements under sections 361 - 363 in relation to the adoption and amendment of a meeting code and public consultation in relation to this.

Aspects of the current meetings provisions in the Act and the Regulation will be updated and incorporated into a new Model Meeting Code.

Current provisions:

Sections 9-11, and 360-376
Clauses 231-273

**Independent Local Government Review Panel
(P)/Local Government Acts Taskforce (T)
recommendation:**

T: 3.3.2 Meetings

Background

The Model Meeting Code will comprise mandatory provisions and non-mandatory best practice provisions. Councils will be required to adopt meetings codes that incorporate the mandatory provisions but will not be obliged to adopt the non-mandatory best practice provisions in order to respond to local requirements. The mandatory provisions will largely incorporate the existing meetings provisions, which will be updated to:

- address existing procedural ambiguities; and
- modernise procedural requirements.

It is expected that the new Code will initially include the provisions relating to meeting processes now found in the Act and Regulation, but be reordered to reflect the order in which events usually occur in meetings.

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3.11 Delegation of functions

Proposed Amendment

It is proposed to include amendments to section 377, which were introduced into Parliament previously but lapsed prior to the 2015 election, to remove the restriction on the delegation of the acceptance of tenders.

It is also proposed to allow councils to delegate the provision of community financial assistance for the purpose of exercising its functions where:

- the financial assistance is part of a specific program;
- the program's details have been included in the council's draft operational plan for the year in which the financial assistance is proposed to be given;
- the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year; and
- the program applies uniformly to all persons within the council's area or to a significant proportion of all persons within the area.

Amendments may be required facilitate the proposal to allow councils to delegate a regulatory function to another council or a joint organisation of councils, to support future collaboration and resource sharing.

Current provisions:

Sections 377-381

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T)

recommendation:

T: 3.3.8 Delegations

T: 3.3.10 Procurement

Background

The amendments are designed to:

- Reduce red tape
- Remove impediments to collaboration, and
- Support the use of Integrated Planning and Reporting to guide council decisions on financial assistance.

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4. Elections

4.1 Extension of the option of universal postal voting to all councils

Proposed Amendment

It is proposed to amend section 310B to provide that the option of universal postal voting is available to *all* councils after the next ordinary election.

Current provisions:

Sections 310B
Clauses 313 and 321

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T)

recommendation:

T: 3.3.1(1) Elections

Background

The Taskforce's election-related recommendations have largely been implemented through the *Local Government Amendment (Elections) Act 2014* which was legislated to give effect to the recommendations of the Joint Standing Committee on Electoral Matters' inquiry into the 2012 Local Government elections.

The one outstanding action arising from the Government response to the Committee's recommendations is the extension of the option of universal postal voting to all councils. Currently this is only available to the City of Sydney. In its response to the Committee's recommendation to give councils the option of universal postal voting, the Government indicated that this option would be made available to all councils following the 2016 elections. For councils that do not choose universal postal voting, the existing postal and pre-poll voting qualifications will remain.

Towards New Local Government Legislation
Explanatory Paper: proposed *Phase 1* amendments



5. Council's workforce

5.1 Determination of the organisation structure

Proposed Amendment

It is proposed to amend the Act to provide that:

- the organisation structure is to be determined on the advice of the general manager;
- the adopted structure must accord with the priorities set out in the council's community strategic plan and delivery program;
- the adopted structure may only specify the roles and relationships of the general manager, designated senior staff and other staff reporting directly to the general manager; and
- the general manager is to be responsible for determining the balance of the organisation structure but must do so in consultation with the governing body.

Current provisions:

Sections 332-333

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

P: 29

T: 3.3.3 (1)

Background

The current provisions are unclear about the respective roles of general managers and councils in determining the organisation structure. This has been the source of conflict within councils.

The proposed approach has the benefit of:

- addressing this ambiguity making it clear what the respective responsibilities of the council and the general manager are;
- making it clear that the organisation structure has to be determined on the advice of the general manager (ie councils cannot unilaterally restructure without the input of the general manager); and
- clearly aligning the determination of the organisation structure with the delivery of a council's Integrated Planning and Reporting objectives.

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5.2 The role of general managers

Proposed Amendment

It is proposed to describe the role and responsibilities of the general manager in the Act consistent with the following:

- to conduct the day-to-day management of the council in accordance with the governing body's strategic plans and policies;
- to advise the mayor and the governing body on the development and implementation of policies and programs, including the appropriate form and scope of community consultation;
- to prepare, in consultation with the mayor and governing body, the community strategic plan and the council's resourcing strategy, delivery program and operational plan, annual report and community engagement strategy;
- to certify that Integrated Planning and Reporting requirements have been met in full, and that council's annual financial statements have been prepared correctly;
- to ensure that the mayor and councillors receive timely information, advice and administrative and professional support necessary for the effective discharge of their responsibilities;
- to implement lawful decisions of the governing body in a timely manner;
- to exercise such of the functions of the governing body as are delegated by the governing body to the general manager;
- to appoint staff in accordance with an organisation structure and resources approved by the governing body
- to direct and dismiss staff;
- to implement the council's workforce management strategy; and
- to undertake such other functions as may be conferred or imposed on the general manager by or under the Act or any other Act.

Current provision:

Section 335

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

P: 28: Political Leadership and Good Governance (Boxes 23 and 24)

T: 3.1.4 Roles and Responsibilities of Council Officials

T: 3.3.3 Appointment and Management of Staff

T: 3.3.18(7)d Other Matters

Background

The current provisions are unclear about the respective roles of general managers and councils in determining the organisation structure. This has been the source of conflict within councils.

The proposed approach has the benefit of:

- addressing this ambiguity making it clear what the respective responsibilities of the council and the general manager are;
- making it clear that the organisation structure has to be determined on the advice of the general manager (ie councils cannot unilaterally restructure without the input of the general manager); and
- clearly aligning the determination of the organisation structure with the delivery of a council's Integrated Planning and Reporting objectives.

Towards New Local Government Legislation
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5.3 The requirement to report annually to the council on senior staff contractual conditions

Proposed Amendment

It is proposed to omit the requirement under section 339 for general managers to report annually to the council on the contractual conditions of senior staff.

Current provision:

Section 339

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T)

recommendation:

None

Background

Senior staff are now all employed under the approved standard contract for senior staff rendering this requirement redundant.

Towards New Local Government Legislation
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6. Ethical standards

6.1 Consolidation of the prescription of ethical standards

Proposed Amendment

Provisions in the Act and the Regulation relating to the disclosure of pecuniary interests and the management of pecuniary conflicts of interests will be replicated in the Model Code of Conduct.

Current provisions:

Sections 441 – 459
Clauses 180 - 192

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

T: 3.3.6 Code of Conduct
T: 3.3.7 Pecuniary Interest

Background

The proposed amendments are designed to consolidate the imposition, administration and regulation of the ethical obligations of council officials into a single instrument, the *Model Code of Conduct for Local Councils in NSW* (the Model Code).

Currently council officials need to be familiar with their obligations under both the Model Code and the pecuniary interest provisions of the Act. The separate regulation of the obligation of council officials to disclose and appropriately manage pecuniary conflicts of interests is a historical anomaly that arose from the fact that these provisions predated the prescription of a Model Code of Conduct and the provision for a disciplinary regime with respect to councillor misconduct. Replication will allow the consolidation of ethical standards into a single instrument.

The current misconduct investigative provisions in the Act will apply to pecuniary interest matters and replace the pecuniary interest investigative procedures (see [6.2] below). The prescribed *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* (the Model Code Procedures) will continue to require the referral of pecuniary interest breaches to the Office of Local Government and these will be dealt with under the misconduct provisions of the Act.

Towards New Local Government Legislation
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6.2 Investigation of pecuniary interest breaches

Proposed Amendment

It is proposed to omit the provisions relating specifically to the investigation of complaints alleging breaches of the pecuniary interest provisions. These will instead be dealt with under the existing misconduct provisions.

General managers (and mayors in the case of allegations concerning general managers) will continue to be obliged to refer pecuniary interest breaches to the Office of Local Government under the prescribed Model Code Procedures. These will continue to be investigated by the Office and referred to the NSW Civil and Administrative Tribunal (NCAT) under the misconduct provisions where appropriate. As is currently the case with respect to misconduct matters, it will also be open to the Chief Executive to take disciplinary action with respect to less serious pecuniary interest breaches instead of referring them to the Tribunal.

The Tribunal's powers to take disciplinary action against council staff, committee members and advisors with respect to pecuniary interest breaches are to be retained. The provisions that apply to proceedings before the NCAT generally and the NCAT's consideration of misconduct matters will also be retained.

Current provisions:

Sections 440F – 440P
Sections 460 – 486A

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

T: 3.0.0 Approach and Principles for the Development of the New Act
T: 3.2.1 Integrated Planning and Reporting

Background

The proposed amendments are required to give effect to the amendments that will see the prescription of all ethical standards under the Model Code of Conduct for Local Councils. All breaches (including in relation to the obligation to disclose and appropriately manage pecuniary conflicts of interests) will be dealt with under the existing misconduct provisions of the Act.

Towards New Local Government Legislation
Explanatory Paper: proposed *Phase 1* amendments



7. Councils' strategic framework

7.1 Integrated planning and reporting principles

Proposed Amendment

New provisions will be included to establish overarching Integrated Planning and Reporting principles and require councils to undertake strategic business planning in accordance with those principles.

The proposed Integrated Planning and Reporting principles will provide that councils (together with their communities, other councils and stakeholders) are proposed to include:

- lead and inspire residents, businesses and others to engage with their council;
- identify and prioritise key community needs and aspirations;
- develop strategic goals to meet these needs and aspirations;
- identify activities and prioritise actions to work towards these strategic goals;
- plan holistically to deliver on strategic goals within their resources;
- foster community participation to better inform local and state decision making;
- manage council's current and future financial sustainability;
- appropriately adapt to changing circumstances, evidence and priorities;
- proactively manage risks to the community and its council;
- be transparent and accountable for decisions and omissions;
- maintain an integrated approach to planning, delivery, monitoring and reporting;
- collaborate to maximise achievement of key community outcomes; and
- honestly review and evaluate progress on a regular basis.

Current provisions:

Sections 402 – 406 (Note there are mandatory guidelines)

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T)

recommendation:

T: 3.0.0 Approach and Principles for the Development of the New Act

T: 3.2.1 Integrated Planning and Reporting

Background

The proposed amendments will ensure that the purpose and principles of Integrated Planning and Reporting as a strategic business planning tool are clearly reflected in the Act. These provisions will:

- set out the overarching principles of Integrated Planning and Reporting;
- require strategic business planning to be undertaken by councils in accordance with the prescribed Integrated Planning and Reporting principles and provisions;
- guide how Integrated Planning and Reporting documents are to be adopted/endorsed and reviewed; and
- require integrated planning to be directed to achieving better outcomes through continuous improvement.

Towards New Local Government Legislation
Explanatory Paper: proposed *Phase 1* amendments



7.2 Streamlining the existing integrated planning and reporting provisions

Proposed Amendment

The current Integrated Planning and Reporting provisions are contained in sections 402 to 406. These provisions will be amended so that they are confined to setting out the purpose of each document and when they must be delivered. Detailed process requirements for how this must be done will be moved to the Regulation.

Current provisions:

Sections 402 – 406

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

T: 3.0.0 Approach and Principles for the Development of the New Act
T: 3.2.1 Integrated Planning and Reporting

Background

These amendments are designed to give effect to the Taskforce's recommendations that the existing Integrated and Planning and Reporting provisions be simplified with prescriptive detail contained in the Regulation.

7.3 Council's integrated planning and reporting to reflect regional priorities

Proposed Amendment

Amendments are proposed to ensure that regional priorities are reflected in individual councils' strategic business planning. In particular, amendments are proposed to:

- require council's community strategic plans to identify key regional priorities and strategies for the council, developed with adjoining councils and agencies; and
- require delivery programs to address key regional strategies including council actions and any proposed joint programs agreed regionally.

Current provisions:

Sections 402 and 404

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

T: 3.0.0 Approach and Principles for the Development of the New Act
T: 3.2.1 Integrated Planning and Reporting

7.4 Expanded scope of delivery programs

Proposed Amendment

Section 404 will be amended to clarify that delivery programs are to capture all council activities.

Current provisions:

Section 404 and 406

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

T: 3.0.0 Approach and Principles for the Development of the New Act
T: 3.2.1 Integrated Planning and Reporting

Background

This amendment is designed to embed in the Act a requirement that is currently reflected in the mandatory Integrated Planning and Reporting Guidelines.

Towards New Local Government Legislation
Explanatory Paper: proposed *Phase 1* amendments



7.5 Fiscal sustainability

Proposed Amendment

The *Local Government (General) Regulation 2005*, which provides for an annual statement of revenue policy in each operational plan, will be amended to require councils to:

- establish revenue policies with a view to ensuring fiscal sustainability; and
- provide a clear rationale for how rating systems are structured and what they are designed to achieve.

The Regulation will also set out in more detail what is required of councils' resourcing strategy to clarify the purpose and objectives of workforce, asset and long term financial planning. This will draw on the essential elements in the current Integrated Planning and Reporting guidelines to help councils produce more robust and useful strategies in these key areas.

Current provision:

Clause 201

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T)

recommendation:

P: 2 Fiscal Responsibility (Box 9)

P: 5 Strengthening Revenues

Background

The amendments will give effect to the Panel's recommendations to embed the principle of fiscal sustainability through Integrated Planning and Reporting.

7.6 Expanded scope of councils' community engagement strategies

Proposed Amendment

It is proposed to broaden the existing requirement that a council must adopt a community engagement strategy to inform the development of its community strategic plan. If amended, the Act would require the adoption of a community engagement strategy to inform *all* council activities (other than routine business-as-usual operations), not only those directly associated with development of the council's Integrated Planning and Reporting framework.

This would be done by making the adoption of a community engagement strategy a general legislative obligation.

A council's community engagement strategy would need to meet minimum prescribed requirements. It is anticipated, for example, that guidelines would prescribe minimum public consultation requirements for specific activities including the development of the components of a council's Integrated Planning and Reporting framework, and include a requirement to periodically evaluate the efficacy of consultation methodologies.

It is proposed to accommodate the existing provisions relating to community polls within the proposed standalone community engagement provisions.

Current provisions:

Sections 14, 18 – 20, 402

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T)

recommendation:

T: 3.0.0 Approach and Principles for the

Development of the New Act

T: 3.2.2 Community Engagement

T: 3.3.18(7)b Other Matters

Background

The requirement for a single overarching community engagement strategy provides a framework for councils to engage with their communities in a strategic, ongoing, flexible and locally appropriate way. It also provides a single, consistent point of reference in the Act for other provisions requiring councils to undertake consultation for specified activities.

Towards New Local Government Legislation
Explanatory Paper: proposed *Phase 1* amendments



8. Council performance

8.1 Annual reports

Proposed Amendment

It is proposed to require the information reported in councils' annual reports to be endorsed as factually accurate by an internal audit committee. As noted below (at [8.4]), councils will be required to establish internal audit committees with a majority of independent members and an independent Chair.

Current provisions:

Sections 428-428A

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

P: 22 Improvement, Productivity and

Accountability (Box 17)

T: 3.2.3 Performance of Local Government

Background

The proposed amendment is designed to provide an assurance mechanism and to give communities confidence in the integrity of the information their councils report about their council's performance through its annual report.

8.2 State of the environment reports

Proposed Amendment

It is proposed to remove the requirement under section 428A for a council to include a State of the environment report in its annual report every 4 years. Councils would instead be required to report on environmental issues relevant to the objectives established by the community strategic plan in the same way they are currently required to report on the achievement of other objectives set in their community strategic plans (that is, through their annual reports and the 4-yearly end of term report).

Current provision:

Section 428A

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

T: 3.2.1 Integrated Planning and Reporting

Background

This amendment is designed to:

- reduce the compliance burden on councils arising from the preparation of a separate state of the environment report every 4 years; and
- help councils achieve their environmental objectives by consolidating the reporting of those objectives into their Integrated Planning and Reporting frameworks.

Towards New Local Government Legislation
Explanatory Paper: proposed *Phase 1* amendments



8.3 Performance measurement

Proposed Amendment

It is proposed to allow for the introduction of a performance management and reporting framework that should:

- provide a statutory basis to establish new indicators and benchmarks for reporting purposes;
- expressly require councils to collect and report against these indicators in accordance with guidelines;
- establish annual performance statements as part of council annual reports, which will be subject to oversight and attestation requirements;
- align performance reporting to the Integrated Planning and Reporting cycle; and
- provide the capacity to establish a state-wide community satisfaction survey.

Current provision:

Section 429

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T)

recommendation:

P: 2 Fiscal Responsibility

P: 18 Improvement, Productivity and Accountability

T: 3.2.3 Performance of Local Government

Background

The proposed framework is a modified version of the one recently adopted by Victoria. Further work will be undertaken with the local government sector to develop the performance management framework in the coming months.

Towards New Local Government Legislation
Explanatory Paper: proposed *Phase 1* amendments



8.4 Internal audit

Proposed Amendment

It is proposed to introduce a mandatory requirement for councils to have an internal audit function. To this end, it is proposed that new provisions will require all councils to have an internal audit function:

- with broad terms of reference covering compliance, risk, fraud control, financial management, good governance, performance in implementing their community strategic plan and delivery program, service reviews, collection of required indicator data, continuous improvement and long term sustainability; and
- that focuses on councils adding value to, and continuous improvement in, the performance of their functions.

All councils will be required to comply with guidelines issued by the Chief Executive of the Office of Local Government with respect to the implementation of their internal audit functions. All councils will appoint an audit, risk and improvement committee that meets the following requirements:

- audit committees must have a majority of independent members and an independent chair;
- general managers may not be members of audit committees (but may attend meetings unless excluded by the committee); and
- the Chair of the audit committee must report at least biannually to a council meeting on the organisation's performance in financial management, good governance and continuous improvement.

Councils will be permitted to have joint arrangements for internal audit and share audit committees.

Current provisions:

Discretionary guidelines issued under section 23A

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

P: 22 Improvement, Productivity and Accountability (Box 17)

Background

Mandating internal audit will:

- entrench within each council an internal assurance mechanism that offers an alternative to prescription and external oversight as a means of addressing risk, ensuring compliance and promoting best practice;
- drive and inform a culture of continuous improvement;
- facilitate reporting; and
- promote increased accountability.

Towards New Local Government Legislation
Explanatory Paper: proposed *Phase 1* amendments



8.5 Sector-wide performance audits by the Auditor-General

Proposed Amendment

To identify trends and opportunities for improvement across the sector as a whole, it is proposed to compliment the mandated requirement for internal audit by empowering the Auditor-General to conduct issue-based performance audits in key areas of local government activity.

Current provision:

None

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

P: 22 Improvement, Productivity and Accountability (Box 17)

Background

As noted by the Panel, such audits have been conducted by the Victorian Auditor-General for many years. Topics are selected in consultation with the sector, and recent audits have covered important issues such as rating practices, sustainability of small councils, business planning, fees and charges, and use of development contributions. They usually involve a small sample of representative councils. The audits do not question the merits of councils' policy objectives. Rather, the purpose of the audit is to assess whether councils are achieving their objectives and operating economically, efficiently and effectively.

Towards New Local Government Legislation
Explanatory Paper: proposed *Phase 1* amendments



8.6 Financial management

Proposed Amendment

It is proposed to adopt a more ‘principles-based’ approach to the management of council funds by moving detailed requirements to the Regulation and the *Local Government Code of Accounting Practice and Financial Reporting*, which is prescribed under the Act.

New provisions in the Act will set out objectives and principles that are to inform councils’ financial management practices and that align them with the objectives set through councils’ Integrated Planning and Reporting frameworks. These provisions will ensure that the financial targets for councils are to be those reflected in their long term financial plans, delivery programs and operational plans.

They will also establish the following principles of sound financial management:

- responsible and sustainable spending, aligning general revenue and expenses as per the councils’ planning documents.
- responsible and sustainable infrastructure investment for the benefit of its community.
- effective financial and asset management, including sound policies and processes for:
 - performance management and reporting, and
 - asset maintenance and enhancement, and
 - funding decisions, and
 - risk management practices.
- achieving intergenerational equity, including ensuring that:
 - policy decisions are made having regard to their financial effects on future generations, and
 - the current generation funds the cost of its services.

Current provisions:

Sections 408 – 411

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

T: 3.3.9 Financial Governance

Background

The proposed amendments are designed to start to give effect to the Taskforce’s recommendations for a more “principles-based” approach to the regulation of councils’ financial governance in the Act, with prescriptive detail moved to the Regulation and other subordinate instruments wherever practical.

The proposed principles of sound financial management are modelled on those contained in the *Fiscal Responsibility Act 2012*.

Towards New Local Government Legislation
Explanatory Paper: proposed *Phase 1* amendments



8.7 Financial reporting

Proposed Amendment

Consistent with the proposal that councils' financial obligations be recast to establish a "principles-based" approach in the Act detailed reporting requirements should be specified instead in the Regulation and the *Local Government Code of Accounting Practice and Financial Reporting*.

Current provisions:

Sections 412-421

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T)

recommendation:

T: 3.3.9 Financial Governance

Background

The proposed amendments are designed to give effect to the Taskforce's recommendations for a more "principles-based" approach to the regulation of councils' financial governance in the Act, with prescriptive detail moved to the Regulation and other subordinate instruments.

8.8 External audit

Proposed Amendment

It is proposed to place Local Government audits under the aegis of the NSW Auditor-General.

There will also need to be transitional arrangements in the Bill to ensure that existing auditor appointments can be brought to an orderly conclusion, with minimal disruption to councils, current auditors and the Audit Office of New South Wales.

Current provisions:

Sections 422-427

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T)

recommendation:

P: 3 Fiscal Responsibility

Background

As noted in the Government response to the Panel and Taskforce, giving the Auditor-General oversight of council financial audit will improve quality, consistency and timeliness and financial management.

The Office of Local Government is currently working with the Audit Office on the development and implementation of the proposed amendments, including transitional arrangements.

TOWARDS NEW LOCAL GOVERNMENT LEGISLATION – PHASE 1 AMENDMENTS

PROPOSED CHANGE	AFFECTED SECTION OF THE LOCAL GOVERNMENT ACT	OFFICER COMMENTARY
Guiding Principles for the Act and Local Government		
<p>1.1 Purposes of Local Government Act</p> <p>The purposes of the <i>Local Government Act 1993</i> should be:</p> <ul style="list-style-type: none"> to establish a legal framework for the NSW system of local government, in accordance with section 51 of the <i>Constitution Act 1902</i> (NSW); to describe the nature and extent of the responsibilities and powers of local government; and to create a system of local government that is democratically elected, engages with and is accountable to the community, is sustainable, flexible, effective and maximises value for money. 	Section 7	This change is supported.
<p>1.2 Role of local government</p> <p>The council charter in section 8 should be replaced by provisions that:</p> <ul style="list-style-type: none"> describe the role of local government; and establish guiding principles for local government. <p>The role of local government should be to enable local communities to be healthy and prosperous by:</p> <ul style="list-style-type: none"> providing strong and effective elected representation, leadership, planning and decision making; working cooperatively with other bodies, including other levels of government, to pursue better community outcomes; effective stewardship of lands and other assets to affordably meet current and future needs; endeavouring to provide the best possible value for money for residents and ratepayers; strategically planning for and securing effective and efficient services, including regulatory services, to meet the diverse needs of members of local communities; and following the guiding principles of local government. 	Section 8	This change is supported.
<p>1.3 The guiding principles of local government</p> <p>The council charter in section 8 should be replaced by provisions that:</p> <ul style="list-style-type: none"> describe the role of local government; and establish guiding principles for local government. 	Section 8	This change is supported.

<p>The new guiding principles to be observed in local government should enable councils to:</p> <ul style="list-style-type: none"> • actively engage local communities, including through integrated planning & reporting; • be transparent and accountable; • recognise diverse needs and interests; • have regard to social justice principles; • have regard to the long term and cumulative effects of its actions on future generations; • foster ecologically sustainable development; • effectively manage risk; • have regard to long term sustainability; • work with others to secure services that are appropriate to meet local needs; • foster continuous improvement and innovation; • act fairly, ethically and without bias in the public interest; and • endeavour to involve and support its staff. 		
STRUCTURAL FRAMEWORK FOR LOCAL GOVERNMENT		
<p>2.1 Role of the Governing Body</p> <p>It is proposed to replace the current prescribed role of the governing body under section 223 which is focussed only on the board-like function of the body. The governing body is the elected representatives of the council (the councillors).</p> <p>It is proposed to use the ILGRPs more expansive list as a basis for describing the functions of the governing body:</p> <ul style="list-style-type: none"> • to provide effective civic leadership to the community; • to consult regularly with community organisations and other key stakeholders and keep them informed of council's activities and decisions; • to direct and control the affairs of the council in consultation with the general manager and in accordance with the Act; • to ensure as far as possible the financial sustainability of the council; • to determine and adopt the community strategic plan, delivery program and other strategic plans and policies; • to determine and adopt a rating and revenue policy and operational plans that ensure the optimum allocation of the council's resources to implement the community strategic plan and for the benefit of the area; • to make decisions in accordance with those plans and policies; • to make decisions necessary for the proper exercise of the council's regulatory functions; • to keep under review the performance of the council and its delivery of services; • to determine the process for appointment of the general manager and monitor his/her performance; and • to ensure that the council acts honestly, efficiently and appropriately in carrying out its statutory 	<p>Section 223</p>	<p>This change is supported.</p>

responsibilities.		
<p>2.2 The number of councillors</p> <p>Section 224 prescribes the numbers of councillors a council may have (between 5 and 15) and the manner in which that number is to be determined.</p> <p>It is proposed to amend section 224 to require that councils must have an odd number of councillors and mayor.</p>	Section 224	This change is supported, noting that it may reduce the reliance on casting votes and the mayoralty being determined by lot.
<p>2.3 Rural councils</p> <p>It is proposed to allow for small rural councils to apply to the Minister for Local Government for one-off approval to:</p> <ul style="list-style-type: none"> • reduce councillor numbers and abolish wards without the need for a constitutional referendum; • omit the current restriction that prevents councils from making an application for a decrease in the number of councillors that would result in the number of councillors for each ward being fewer than 3; and • reduce the number of council meetings to be held in a year to below the minimum of 10 currently required under section 365. • 	Section 224A and 365	
THE GOVERNING BODY OF COUNCILS		
<p>3.1 The role of the mayor</p> <p>It is proposed to describe the role of the mayor differently.</p> <p>The mayor should have all the prescribed responsibilities of a councillor in addition to the following additional responsibilities:</p> <ul style="list-style-type: none"> • to be the leader of the council and the community of the local government area, and advance community cohesion; • to promote civic awareness and, in conjunction with the general manager, ensure adequate opportunities and mechanisms for engagement between the council and the local community; • to be the principal member and spokesperson of the governing body and to preside at its meetings; • to ensure that the business of meetings of the governing body is conducted efficiently, effectively and properly in accordance with provisions of the Act; • to lead the councillors in the exercise of their responsibilities and in ensuring good governance; • to ensure the timely development of the governing body's strategic plans and policies, and to promote their effective and consistent implementation, including by promoting partnerships between 	Section 226	This change is supported.

<p>the council and key stakeholders;</p> <ul style="list-style-type: none"> • to exercise, in cases of necessity, the policymaking functions of the governing body between meetings of the council; • to represent the governing body on regional organisations and in inter-government forums at regional, state and federal levels; • to advise, manage and provide strategic direction to the general manager in accordance with the council's strategic plans and policies; • to lead performance appraisals of the general manager; • to carry out the civic and ceremonial functions of the mayoral office; and • to exercise such other functions as the governing body determines. 		
<p>3.2 The mayor's term of office</p> <p>The current length of term for a mayor is either:</p> <ul style="list-style-type: none"> • one year for mayors elected by councillors; or • four years for mayors popularly elected by the electors. <p>This would be changed so that mayors elected by councillors are to hold office for a minimum of two years, as recommended by the ILGRP, with the option of electing a person to the office for the whole four year term.</p> <p>Also in accordance with the Panel's recommendation, and the Government's response, it proposed that it be compulsory for councillors to vote in a mayoral election.</p> <p>Section 230 will also be amended to clarify that the office of mayor becomes vacant upon the person holding the office ceasing to hold civic office or on the occurrence of a casual vacancy.</p>	Section 230	<p>This change is supported from as administrative perspective. A longer term for mayors has the potential to better support cohesive and integrated longer term planning.</p>
<p>3.3 The role of councillors</p> <p>It is proposed to recast section 232 so that it focuses on individual responsibilities of councillors, rather than their responsibilities as members of the governing body of a council. The role and responsibilities of an individual councillor, (including the mayor), should be:</p> <ul style="list-style-type: none"> • to be an active and contributing member of the governing body; • to make considered and well informed decisions; • to represent the collective interests of residents, ratepayers and the wider community of the local government area; • to facilitate communication between the community and the governing body; • to be accountable to the community for the local government's performance; and • to uphold and represent accurately the policies and decisions of the governing body. 	Section 232	<p>This change is supported.</p>

<p>3.4 Councillor's term of office</p> <p>Section 234 prescribes the circumstances in which a civic office becomes vacant.</p> <p>Section 234 will be amended to clarify that a vacancy will occur in the civic office of a councillor where they are elected to another civic office in the council, (i.e. the office of a popularly elected Mayor) something that is currently not clear.</p>	<p>Section 233 and 234</p>	<p>This change is supported.</p>
<p>3.5 Oath or affirmation of office</p> <p>It is proposed to require all councillors, including the Mayor to take an oath or affirmation of office in the prescribed form before commencing duties.</p> <p>The oath or affirmation of office is to be taken within 1 month of election to office and councillors are not to undertake their duties until they do so. Where a councillor fails to take an oath or affirmation, his or her office will be declared vacant.</p>	<p>No current provision</p>	<p>This change is supported.</p>
<p>3.6 Councillors' expenses and facilities</p> <p>Sections 252 to 254 relate to the payment of expenses and provision of facilities to councillors and the adoption of policies governing this.</p> <p>It is proposed to amend sections 252 and 253 to:</p> <ul style="list-style-type: none"> • replace the requirement under section 252 for councils to annually adopt an expenses and facilities policy with one simply requiring councils to adopt a policy within the first 12 months of their terms; and • remove the requirement under section 253 for councils to provide the Office of Local Government annually with a copy of their adopted policies and an assessment of public submissions made in relation to their adoption. 	<p>Sections 235 – 254A and Schedule 1</p>	<p>Officers support the removal of the requirement for a compulsory annual review, and support a move to enabling review only as required or at the commencement of each new term as a minimum.</p>
<p>3.7 Mayor/councillor professional development</p> <p>New provisions are proposed to require the following:</p> <ul style="list-style-type: none"> • Councils are to develop an induction program for newly elected and returning councillors and a specialist supplementary program for the mayor to assist them in the performance of their functions. The induction program is to be available for delivery within 4 months of the election. • Each year, councils are to develop an ongoing professional development program for the mayor and each councillor to assist them in the performance of their functions to be delivered over the coming year. • In determining the content of the induction and ongoing professional development programs, the council is to have regard to the specific needs of each individual councillor (including the mayor) and of the governing body as a whole and the requirements of any guidelines issued by the Office of 	<p>No current provision</p>	<p>Councillors have an important and challenging role to play in representing their constituents. Councillors should have, or be willing to obtain, the necessary professional and interpersonal competencies to enable them to fulfil their role with confidence and skill. Ongoing professional development is supported for both new and experienced Councillors.</p> <p>It is considered that these provisions should extend further to</p>

<p>Local Government.</p> <ul style="list-style-type: none"> • The content of the induction and ongoing professional development program is to be determined in consultation with the mayor, the council as a whole and individually with each of the councillors. • Councils are to include details of the content of the induction and ongoing professional development offered to the mayor and each councillor and whether or not they participated in the training or development offered in the council's annual report. 		<p>require Councillors to attend and participate in professional development activities as a condition of their continued eligibility to hold public office.</p>
<p>3.8 Role and function of administrators</p> <p>Several provisions of the Act provide that the administrator is to exercise the functions of the council without articulating what the nature of their role is within a council. It is proposed to address this ambiguity and align the role of the administrator with the proposed prescribed role of the mayor and</p> <ul style="list-style-type: none"> • Where a sole administrator is appointed to a council, they are to exercise the role and responsibilities of the mayor and a councillor as prescribed under the Act. • Where more than one administrator is appointed, all administrators are to exercise the role and responsibilities of councillors as prescribed under the Act and one, as specified by the relevant instrument of appointment, is to exercise the role and responsibilities of the mayor as prescribed under the Act in addition to those of a councillor. 	<p>Sections 255 to 259, 438I, 438M and 438Y</p>	<p>This change is supported.</p>
<p>3.9 Financial controllers</p> <p>A financial controller is responsible for implementing financial controls and related duties. Where a financial controller is appointed, a council may only make payments that are authorised or countersigned by the financial controller.</p> <p>It is proposed to allow the Minister for Local Government to appoint a financial controller to a council that is performing poorly with respect to its financial responsibilities and/or is at high financial sustainability risk, in conjunction with issuing a performance improvement order.</p> <p>A financial controller would only be appointed through the existing performance improvement order process after information is gathered or an investigation undertaken that shows the council is not performing, a notice of the proposed remedial action has been issued to a council and the Minister has considered the council's submissions with respect to the notice.</p>	<p>No current provision</p>	<p>This change is supported.</p>
<p>3.10 Meetings</p> <p>In relation to conduct of meetings, amendments consistent with the following are proposed :</p> <ul style="list-style-type: none"> • provide that the Regulation may prescribe a Model Code of Meeting Practice (a Model Meeting Code); • provide that the Model Meeting Code may include mandated and non-mandatory "best practice" provisions; 	<p>Sections 9-11, and 360-376</p> <p>Clauses 231-273 (Reg)</p>	<p>This change is supported. It is a sensible proposal that the OLG prescribe a Model Meeting Code for consistency in practice across the local government sector. It is also appropriate that each Council</p>

<ul style="list-style-type: none"> • require councils to adopt a Code of Meeting Practice (an adopted meeting code) that at a minimum incorporates the mandated provisions of the Model Meeting Code; • allow a council's adopted meeting code to supplement the provisions contained in the Model Meeting Code; • provide that a provision of a council's adopted meeting code will be invalid to the extent of any inconsistency with the mandated provisions of Model Meeting Code; • require council and committee meetings to be conducted in accordance with the council's adopted meeting code; • require councils to review and adopt a meeting code within 12 months of each ordinary election; and • retain the existing requirements under sections 361 - 363 in relation to the adoption and amendment of a meeting code and public consultation in relation to this. <p>Aspects of the current meetings provisions in the Act and the Regulation will be updated and incorporated into a new Model Meeting Code.</p>		<p>review its Meeting Code at the commencement of each Council term.</p>
<p>3.11 Delegation of functions</p> <p>It is proposed to include amendments to section 377, which were introduced into Parliament previously but lapsed prior to the 2015 election, to remove the restriction on the delegation of the acceptance of tenders.</p> <p>It is also proposed to allow councils to delegate the provision of community financial assistance for the purpose of exercising its functions where:</p> <ul style="list-style-type: none"> • the financial assistance is part of a specific program; • the program's details have been included in the council's draft operational plan for the year in which the financial assistance is proposed to be given; • the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year; and • the program applies uniformly to all persons within the council's area or to a significant proportion of all persons within the area. <p>Amendments may be required facilitate the proposal to allow councils to delegate a regulatory function to another council or a joint organisation of councils, to support future collaboration and resource sharing.</p>	<p>Sections 377 – 381</p>	<p>This change is supported.</p> <p>Procurement of goods and services is often not a strategic matter and it is appropriate that the Council be able to delegate these functions to a Committee or the General Manager.</p> <p>For administrative efficiency it is also appropriate that the Council be able to delegate the provision of community financial assistance in the circumstances as proposed.</p>
<h2>ELECTIONS</h2>		
<p>4.1 Extension of the option of universal postal voting to all councils</p> <p>It is proposed to amend section 310B to provide that the option of universal postal voting is available to all councils after the next ordinary election.</p>	<p>Sections 310B, Clauses 313 and 321</p>	<p>This is a significant change. It is noted that this approach is consistent with processes for Commonwealth and State elections.</p>

COUNCIL'S WORKFORCE

<p>5.1 Determination of the organisations' structure</p> <p>It is proposed to amend the Act to provide that:</p> <ul style="list-style-type: none"> the organisation structure is to be determined on the advice of the general manager; the adopted structure must accord with the priorities set out in the council's community strategic plan and delivery program; the adopted structure may only specify the roles and relationships of the general manager, designated senior staff and other staff reporting directly to the general manager; and the general manager is to be responsible for determining the balance of the organisation structure but must do so in consultation with the governing body. 	<p>Sections 332 – 333</p>	<p>This is a significant change and is supported. It better clarifies the respective roles of the Council and the General Manager.</p>
<p>5.2 The role of the general managers</p> <p>It is proposed to describe the role and responsibilities of the general manager in the Act consistent with the following:</p> <ul style="list-style-type: none"> to conduct the day-to-day management of the council in accordance with the governing body's strategic plans and policies; to advise the mayor and the governing body on the development and implementation of policies and programs, including the appropriate form and scope of community consultation; to prepare, in consultation with the mayor and governing body, the community strategic plan and the council's resourcing strategy, delivery program and operational plan, annual report and community engagement strategy; to certify that Integrated Planning and Reporting requirements have been met in full, and that council's annual financial statements have been prepared correctly; to ensure that the mayor and councillors receive timely information, advice and administrative and professional support necessary for the effective discharge of their responsibilities; to implement lawful decisions of the governing body in a timely manner; to exercise such of the functions of the governing body as are delegated by the governing body to the general manager; to appoint staff in accordance with an organisation structure and resources approved by the governing body to direct and dismiss staff; to implement the council's workforce management strategy; and to undertake such other functions as may be conferred or imposed on the general manager by or under the Act or any other Act. 	<p>Section 335</p>	<p>This change is supported.</p>
<p>5.3 The requirement to report annually to the council on senior staff contractual conditions</p> <p>It is proposed to omit the requirement under section 339 for general managers to report annually to the council on the contractual conditions of senior staff.</p>	<p>Section 339</p>	<p>This change is supported.</p>

ETHICAL STANDARDS		
<p>6.1 Consolidation of the prescription of ethical standards</p> <p>Provisions in the Act and the Regulation relating to the disclosure of pecuniary interests and the management of pecuniary conflicts of interests will be replicated in the Model Code of Conduct.</p>	<p>Sections 441 – 559</p> <p>Clauses 180 – 192 (Reg)</p>	
<p>6.2 Investigation of pecuniary interest breaches</p> <p>It is proposed to omit the provisions relating specifically to the investigation of complaints alleging breaches of the pecuniary interest provisions. These will instead be dealt with under the existing misconduct provisions.</p> <p>General managers (and mayors in the case of allegations concerning general managers) will continue to be obliged to refer pecuniary interest breaches to the Office of Local Government under the prescribed Model Code Procedures. These will continue to be investigated by the Office and referred to the NSW Civil and Administrative Tribunal (NCAT) under the misconduct provisions where appropriate. As is currently the case with respect to misconduct matters, it will also be open to the Chief Executive to take disciplinary action with respect to less serious pecuniary interest breaches instead of referring them to the Tribunal.</p> <p>The Tribunal's powers to take disciplinary action against council staff, committee members and advisors with respect to pecuniary interest breaches are to be retained. The provisions that apply to proceedings before the NCAT generally and the NCAT's consideration of misconduct matters will also be retained.</p>	<p>Sections 440F – 440P</p> <p>Sections 460 – 486A</p>	<p>This change is supported.</p>
COUNCIL'S STRATEGIC FRAMEWORK		
<p>7.1 Integrated planning and reporting principles</p> <p>New provisions will be included to establish overarching Integrated Planning and Reporting principles and require councils to undertake strategic business planning in accordance with those principles.</p> <p>The proposed Integrated Planning and Reporting principles will provide that councils (together with their communities, other councils and stakeholders) are proposed to include:</p> <ul style="list-style-type: none"> • lead and inspire residents, businesses and others to engage with their council; • identify and prioritise key community needs and aspirations; • develop strategic goals to meet these needs and aspirations; • identify activities and prioritise actions to work towards these strategic goals; 	<p>Sections 402 – 406 (noting there are mandatory guidelines)</p>	<p>Supported in principle.</p>

<ul style="list-style-type: none"> • plan holistically to deliver on strategic goals within their resources; • foster community participation to better inform local and state decision making; • manage council's current and future financial sustainability; • appropriately adapt to changing circumstances, evidence and priorities; • proactively manage risks to the community and its council; • be transparent and accountable for decisions and omissions; • maintain an integrated approach to planning, delivery, monitoring and reporting; • collaborate to maximise achievement of key community outcomes; and • honestly review and evaluate progress on a regular basis. 		
<p>7.2 Streamlining the existing integrating planning and reporting provisions</p> <p>The current Integrated Planning and Reporting provisions are contained in sections 402 to 406. These provisions will be amended so that they are confined to setting out the purpose of each document and when they must be delivered. Detailed process requirements for how this must be done will be moved to the Regulation.</p>	Sections 402 - 406	This change is supported.
<p>7.3 Council's integrated planning and reporting to reflect regional priorities</p> <p>Amendments are proposed to ensure that regional priorities are reflected in individual councils' strategic business planning. In particular, amendments are proposed to:</p> <ul style="list-style-type: none"> • require council's community strategic plans to identify key regional priorities and strategies for the council, developed with adjoining councils and agencies; and • require delivery programs to address key regional strategies including council actions and any proposed joint programs agreed regionally. 	Sections 402 and 404	This is a significant change and could at times be detrimental to individual communities (e.g. Westconnex as an example).
<p>7.4 Expanded scope of delivery programs</p> <p>Section 404 will be amended to clarify that delivery programs are to capture all council activities.</p>	Sections 404 and 406	
<p>7.5 Fiscal sustainability</p> <p>The Local Government (General) Regulation 2005, which provides for an annual statement of revenue policy in each operational plan, will be amended to require councils to:</p> <ul style="list-style-type: none"> • establish revenue policies with a view to ensuring fiscal sustainability; and • provide a clear rationale for how rating systems are structured and what they are designed to achieve. <p>The Regulation will also set out in more detail what is required of councils' resourcing strategy to clarify the purpose and objectives of workforce, asset and long term financial planning. This will draw on the essential elements in the current Integrated Planning and Reporting guidelines to help councils produce more robust and useful strategies in these key areas.</p>	Clause 201 (Reg)	There are many factors which determine the financial sustainability of a council. Some of these include cost shifting from other levels of government and regulatory constraints such as rate pegging which are outside of a council's control.

<p>7.6 Expanded scope of councils' community engagement strategies</p> <p>It is proposed to broaden the existing requirement that a council must adopt a community engagement strategy to inform the development of its community strategic plan. If amended, the Act would require the adoption of a community engagement strategy to inform all council activities (other than routine business-as-usual operations), not only those directly associated with development of the council's Integrated Planning and Reporting framework.</p> <p>This would be done by making the adoption of a community engagement strategy a general legislative obligation.</p> <p>A council's community engagement strategy would need to meet minimum prescribed requirements. It is anticipated, for example, that guidelines would prescribe minimum public consultation requirements for specific activities including the development of the components of a council's Integrated Planning and Reporting framework, and include a requirement to periodically evaluate the efficacy of consultation methodologies.</p> <p>It is proposed to accommodate the existing provisions relating to community polls within the proposed standalone community engagement provisions.</p>	<p>Sections 14, 18 – 20, 402</p>	<p>This is a significant change. Notwithstanding, it is a matter of good practice and is supported.</p>
<p>COUNCIL PERFORMANCE</p>		
<p>8.1 Annual reports</p> <p>It is proposed to require the information reported in councils' annual reports to be endorsed as factually accurate by an internal audit committee. As noted below (at [8.4]), councils will be required to establish internal audit committees with a majority of independent members and an independent Chair.</p>	<p>Sections 428 – 428A</p>	<p>This change is not supported. Officers support accountability and transparency, however it is not understood how an Internal Audit Committee could endorse a report as factually accurate. This would require audit of the information and this is not the role of the Internal Audit Committee.</p>
<p>8.2 State of the environment reports</p> <p>It is proposed to remove the requirement under section 428A for a council to include a State of the Environment Report in its annual report every 4 years. Councils would instead be required to report on environmental issues relevant to the objectives established by the community strategic plan in the same way they are currently required to report on the achievement of other objectives set in their community strategic plans (that is, through their annual reports and the 4-yearly end of term report).</p>	<p>Section 428A</p>	<p>This change is supported.</p>
<p>8.3 Performance measurement</p> <p>It is proposed to allow for the introduction of a performance management and reporting framework that</p>	<p>Section 429</p>	<p>This is a significant change and whilst a common set of performance indicators is</p>

<p>should:</p> <ul style="list-style-type: none"> • provide a statutory basis to establish new indicators and benchmarks for reporting purposes; • expressly require councils to collect and report against these indicators in accordance with guidelines; • establish annual performance statements as part of council annual reports, which will be subject to oversight and attestation requirements; • align performance reporting to the Integrated Planning and Reporting cycle; and • provide the capacity to establish a state-wide community satisfaction survey. 		<p>supported in principle, the suitability and practicality of these are unknown at the current time.</p>
<p>8.4 Internal Audit</p> <p>It is proposed to introduce a mandatory requirement for councils to have an internal audit function.</p> <p>To this end, it is proposed that new provisions will require all councils to have an internal audit function:</p> <ul style="list-style-type: none"> • with broad terms of reference covering compliance, risk, fraud control, financial management, good governance, performance in implementing their community strategic plan and delivery program, service reviews, collection of required indicator data, continuous improvement and long term sustainability; and • that focuses on councils adding value to, and continuous improvement in, the performance of their functions. <p>All councils will be required to comply with guidelines issued by the Chief Executive of the Office of Local Government with respect to the implementation of their internal audit functions. All councils will appoint an audit, risk and improvement committee that meets the following requirements:</p> <ul style="list-style-type: none"> • audit committees must have a majority of independent members and an independent chair; • general managers may not be members of audit committees (but may attend meetings unless excluded by the committee); and • the Chair of the audit committee must report at least biannually to a council meeting on the organisation's performance in financial management, good governance and continuous improvement. <p>Councils will be permitted to have joint arrangements for internal audit and share audit committees.</p>	<p>Discretionary guidelines issued under section 23A</p>	<p>These changes are significant and are supported.</p>
<p>8.5 Sector-wide performance audits by the Auditor-General</p> <p>To identify trends and opportunities for improvement across the sector as a whole, it is proposed to compliment the mandated requirement for internal audit by empowering the Auditor-General to conduct issue-based performance audits in key areas of local government activity.</p>	<p>No current provision</p>	<p>This is a significant change and is supported in principle, mindful of the need to ensure that local government is not subjected to ever increasing compliance burdens.</p>
<p>8.6 Financial management</p>	<p>Sections 408 – 411</p>	<p>This is a significant change and is supported in principle.</p>

<p>It is proposed to adopt a more ‘principles-based’ approach to the management of council funds by moving detailed requirements to the Regulation and the Local Government Code of Accounting Practice and Financial Reporting, which is prescribed under the Act.</p> <p>New provisions in the Act will set out objectives and principles that are to inform councils’ financial management practices and that align them with the objectives set through councils’ Integrated Planning and Reporting frameworks. These provisions will ensure that the financial targets for councils are to be those reflected in their long term financial plans, delivery programs and operational plans.</p> <p>They will also establish the following principles of sound financial management:</p> <ul style="list-style-type: none"> • responsible and sustainable spending, aligning general revenue and expenses as per the councils’ planning documents. • responsible and sustainable infrastructure investment for the benefit of its community. • effective financial and asset management, including sound policies and processes for: <ul style="list-style-type: none"> ○ performance management and reporting, and ○ asset maintenance and enhancement, and ○ funding decisions, and ○ risk management practices. • achieving intergenerational equity, including ensuring that: <ul style="list-style-type: none"> ○ policy decisions are made having regard to their financial effects on future generations, and ○ the current generation funds the cost of its services. 		
<p>8.7 Financial reporting</p> <p>Consistent with the proposal that councils’ financial obligations be recast to establish a “principles-based” approach in the Act, detailed reporting requirements should be specified instead in the Regulation and the Local Government Code of Accounting Practice and Financial Reporting.</p>	<p>Sections 412 – 421</p>	<p>This change is supported.</p>
<p>8.8 External audit</p> <p>It is proposed to place Local Government audits under the aegis of the NSW Auditor-General. There will also need to be transitional arrangements in the Bill to ensure that existing auditor appointments can be brought to an orderly conclusion, with minimal disruption to councils, current auditors and the Audit Office of New South Wales.</p>	<p>Sections 422 - 427</p>	<p>This is a significant change which removes autonomy from councils. It would only be beneficial if the service could be delivered at a lower cost than it is currently.</p>

Subject	NSW GOVERNMENT CONTAINER DEPOSIT SCHEME DISCUSSION PAPER
File Ref	SC317
Prepared by	Kelly Loveridge - Manager Operations
Reasons	To advise Council on the Container Deposit Scheme (CDS) Discussion Paper released by the NSW Government for public consultation and the subsequent SSROC draft submission prepared in response to the Discussion paper, as well as the LGNSW advocacy position.
Objective	To inform Council on the CDS Discussion paper and seek a resolution from Council to generally support both the SSROC and LGNSW draft submissions to the NSW EPA.

Overview of Report

This report provides a brief overview of the Container Deposit Scheme (CDS) Discussion Paper released for public consultation by the NSW Minister for Environment.

The report also provides information on the Southern Sydney Regional Organisation of Councils (SSROC) draft submission to the NSW Government regarding the CDS Discussion paper, and the Local Government NSW (LGNSW) advocacy position.

Background

The NSW Government has committed to delivering a Container Deposit Scheme (CDS) by July 2017. A Container Deposit Advisory Committee was formed in June 2015, with expertise spanning environmental matters, recycling, innovation and litter management. The aim of the committee was to build informed advice on scheme design and implementation, in order to develop and release the CDS Discussion paper.

The CDS Paper describes two alternative models proposed by the committee.

Option 1: Refund CDS

This is an amalgamation of three very similar models proposed separately by Advisory Committee members. The option proposes a model based on a financial incentive of 10 cents, similar to the existing SA and NT schemes. In this model the consumer pays an additional 10 cents on the price of a drink and receives it back if and when the empty container is returned to a designated collection site.

Potential methods for the return of empty containers include:

NSW Government Container Deposit Scheme Discussion Paper

- Reverse vending machines
- Local collection depots
- Continuing to put containers in household kerbside recycling
- Giving container to local schools, groups or charities, who would take them to a collection point to claim the refund.

Option 2: Alternative Industry Proposal – Thirst for Good

This was developed by the major beverage companies, based on a \$15M annual investment by the beverage industry in a number of programs aimed at reducing litter across NSW. There are five programs within this proposal:

- Community cash for containers
- Litter collectors
- Litter bins
- Reverse vending machines
- Community education

SSROC response to the Discussion Paper

SSROC supports the introduction of a CDS that:

1. Is based on extended producer responsibility and shifts the physical and financial responsibility for recovery of containers from local government (as surrogate for all ratepayers) to the consumer of the product and the industry.
2. Is broadly consistent with those in SA and NT as well as the proposed scheme emerging in QLD and therefore puts a financial incentive of 10c per container.
3. Learns from the problems and efficiencies of both SA and NT to provide a more efficient and effective scheme that is still able to operate across state and territory borders.
4. Does not put additional mandatory workload or conditions onto Local Government
5. Learns from the problems of the national television and computer and recycling scheme
6. Is a combination of 'return to depot' (where a depot might be anything from a large automated system run by industry, to a not for profit and/or a small family run business) and 'return to retail' where the return to retail is through the use of reverse vending machines (RVM), which act as an 'extension' of a depot.
7. That assists with developing resource recovery markets within Australia
8. That is simple for all stakeholders to use and operate, minimises the number of organisations that add handling or administration fees to the cost of the system, and that is flexible enough take on board additional material types in the future.

SSROC further supports the recommendations of

1. The draft LGNSW submission; and
2. The report commissioned by LGNSW "*Understanding the potential impacts of CDS on Local Government Kerbside Collections*" prepared by Impact Environmental.

NSW Government Container Deposit Scheme Discussion Paper

SSROC does not support the alternative model - “Thirst for Good” primarily because it is not a container deposit scheme, nor brings any new tested and successful approaches to addressing the litter problem.

LGNSW Advocacy Position

LGNSW is advocating for a scheme that includes the following:

- Containers presented through kerbside systems and depots being eligible for redemption
- A monetary incentive for return of containers, e.g. 10 cents (as opposed to a donation or entry into a prize draw)
- Adequate access to the scheme across NSW, including via a variety of redemption mechanisms
- The scope of containers eligible for redemption being as broad in container size and material as possible and compatible with existing schemes in South Australia and the Northern Territory.

The basis of LGNSW's position on CDS is:

- Current kerbside recycling is considered extremely costly, with CDS representing a significant cost saving for councils and their communities.
- CDS has demonstrated return rates for beverage containers in the order of 85%.
- CDS address away-from-home consumption, thereby reducing litter and associated clean-up costs.
- A CDS shifts the responsibility (both financial and physical) onto the producer and the consumer, rather than spreading that cost across all ratepayers.
- CDS also imparts social benefits to community groups such as the Scouts, who can raise valuable income from the collection and redemption of containers.

Financial Implications

There is potential for council to financially benefit from the implementation of a CDS scheme, as noted in the Discussion paper, though this is subject to (1) the scheme providing a financial incentive, and (2) council's being entitled to redeem the deposits (incentive) on the applicable containers remaining in the kerbside recycling system. The SSROC paper recommends that this requirement be legislated to secure councils' entitlement.

The above financial benefit is also subject to individual council's provision of waste services. Ashfield Council's waste collection services are contracted out, with arrangements such that the collected recyclables materials change ownership from council to the materials recovery facility operator once delivered there. It would be the materials recovery facility operator that would be able to redeem and keep the value of the deposit, and whether this was then passed back to council would depend on the negotiation of contract terms. The SSROC paper recommends that the NSW Government set aside a budget for the provision of legal and contractual advice to councils for the transitional period through implementation of the CDS.

There is also an overall opportunity to reduce the costs of the contracted kerbside recycling service, with SSROC referencing previous research by LG NSW that estimates

NSW Government Container Deposit Scheme Discussion Paper

19 – 23% by volume of all recyclables presented kerbside would be eligible for redemption, with a significant portion of that being diverted by householders; thereby reducing the volume of kerbside recycling to be collected and then processed by the contracted service providers.

Other Staff Comments

This report has been prepared with the assistance of Council's Team Leader Sustainability, Janene Harris who is a member of the SSROC CDS working group that are preparing the submission to the NSW Government.

Public Consultation

The Discussion Paper released by the NSW Government is currently open to public consultation, with written submissions to be received by Friday 26 February 2016.

Conclusion

The proposed Refund CDS is generally supported, for the reasons outlined in the report.

ATTACHMENTS

Attachment 1 SSROC draft CDS paper - - **CONFIDENTIAL** 4 Pages
ATTACHMENT - *It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (c) of the Local Government Act, 1993, on the grounds that the matter relates to information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.*

RECOMMENDATION

1/3 That the information be received

2/3 That Council in principle support the SSROC draft submission to the NSW EPA

3/3 That Council in principle support the LGNSW submission to the NSW EPA

CATHY EDWARDS-DAVIS
Director Works & Infrastructure

Subject	WASTE COLLECTION SERVICES TENDER
File Ref	15/43900
Prepared by	Erin White - Senior Sustainability Officer
Reasons	To inform Council of the outcome of the tender process for Waste Collection Services and to request Council to approve the Tender Evaluation Panel's recommendations.
Objective	To secure a contract that represents value for money for the collection of garbage, recycling, garden organics and general household clean up material from the kerbside collection service.

Overview of Report

This report provides a summary of the outcomes of the tender process for the collection of garbage, recycling, garden organics and general household clean up material from Council's kerbside collection service. The Confidential Attachment details the tender process and the resulting recommendations to Council.

Background

Council's current Waste Collection Services Contract expires on 6 December 2016 after being in place for 7 years. All extensions have been exhausted and Council was required to tender for the waste collection services, to ensure a smooth continuation of service.

Preparations have been made over the last 12 -18 months, in order to allow sufficient time to collect necessary information, develop tender specifications, have the required tender notification period, and allow the successful Tenderer enough lead time to start the new Waste Collection Services Contract, which would include the purchase of new vehicles and any service changes.

Pre Evaluation Actions

Preparations for the release of the Request for Tender included the development of the following:

- Risk Management Plan, this plan was related to risk associated primarily with the procurement process and issues relating to the contract management of the existing agreement throughout the tender process.
- Probity Plan , prepared in consultation with Local Government Procurement.
- Tender Evaluation Plan, prepared in consultation with MRA Consulting Group.

A Tender Evaluation Plan (TEP), consistent with the Regulation and the Conditions of Tendering of the RFT, was prepared prior to close of tenders. The TEP included the

Waste Collection Services Tender

evaluation methodology. The TEP was reviewed and confirmed acceptable by the Panel and Probity Officer prior to the close of tenders on 15th December 2015.

MRA Consulting Group (MRA) were engaged, under a separate quotation process, to assist Council in the preparation of the Tender documentation. Their advice informed the specifications and developed the Conditions of Tendering and Conditions of Contract.

In addition to MRA, Council engaged an independent probity advisor from Local Government Procurement (LGP) who assisted in the development of a Probity Plan and oversaw the Tender process from the formation of the Tender Evaluation Panel. The role of the Probity Officer was to ensure the integrity of the tender process in accordance with the Probity Plan.

The Tender Evaluation Panel (The Panel) was appointed prior to the closing of tenders, including an Independent Probity Adviser. The appointed Panel consisted of the following members:

Phil Sarin – Director Planning and Environment
Kelly Loveridge – Manager Operations
Janene Harris- Team Leader Sustainability
Fawaz Arja- Waste Supervisor
Erin White- Senior Sustainability Officer
Ron Wainberg – MRA (Industry Expert)

The Service Specifications included some minor changes to the service delivery, including alternate fortnightly collection of garden organics and recycling, the option of a wheel in wheel back price for multi unit dwellings, pricing for the future introduction of a 660 litre (bulk) bin for selected multi unit dwellings and a roll out and purchase of new red lidded and yellow lidded bins to all service entitled premises.

The Waste Collection Services Tender was advertised on the 3rd and 4th November 2015 in the Sydney Morning Herald and the Inner West Courier. The Tender was available on the web- based portal Tenders Online.

On the 18th November 2015, Council held a Tender briefing for those that had downloaded the Tender document. A number of potential Tenderers were present, this briefing was minuted and the Council appointed Probity Officer was present.

Before the closing of the tender three (3) addenda were issued clarifying a number of questions that the Tenderers raised.

Tenders closed on 15th December 2015. Tenders were received via the Tenders Online Portal and were opened in accordance with the Council's Tender Opening Procedure.

Four Tenders were received by the Tender closing time from:

URM Environmental Services Pty Ltd
Transpacific Cleanaway Pty Ltd
JJ Richards and Sons Pty Ltd
Bingo Waste Services Pty Ltd

Waste Collection Services Tender

The Panel accepted the TEP and signed the Conflicts of Interest Declarations having been made aware of the identities of the Tenderers.

The Panel then proceeded to assess and evaluate the tenders against the evaluation criteria stated in the RFT and in accordance with the TEP.

The Panel convened to assess the received tenders on the 21st and 22nd January 2016. This process followed the TEP. A Probity Officer was present on both days of the evaluation.

The Tender assessment was undertaken in accordance with the TEP and involved a conformity/compliance check and the scoring of non price criteria. Once this was complete the Panel gained access to the Pricing Schedules.

Financial Implications

Detailed in Confidential Attachment.

Other Staff Comments

Director of Corporate and Community Services

The Director of Corporate and Community Services wrote to the Office of Local Government (OLG) last month to inform them of this Tender process. The letter requested confirmation from the OLG that the waste collection contract procurement process is exempt from the recently issued Guidelines as it was commenced prior to the 'merger proposal period' notification received in early January 2016. In addition, it was pointed out that:

- Council had approached the market in good faith in October 2015.
- The current contract expires in December 2016 and all available contract extensions have been taken up.
- The lead time for commencement of a new contract is around 6-8 months to enable the operator to procure, fit out and commission a new fleet and attend to other administrative matters.
- Waste collection is an essential core service and not finalizing the procurement process in a timely manner will put the delivery of this service at substantial risk.

In response to the correspondence sent by Council, the OLG have reviewed our correspondence and did not offer any concerns.

Public Consultation

No significant changes to service delivery. No consultation was undertaken.

Conclusion

Detailed in Confidential attachment.

Waste Collection Services Tender

ATTACHMENTS

Attachment 1 Waste Collection Services - Confidential Report - - 17 Pages

CONFIDENTIAL ATTACHMENT - It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (c) (d) of the Local Government Act, 1993, on the grounds that the matter relates to information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business; AND commercial information of a confidential nature that would, if disclosed:
(i) prejudice the commercial position of the person who supplied it, or
(ii) confer a commercial advantage on a competitor of the council, or
(iii) reveal a trade secret.

RECOMMENDATION

- 1/3 That the report be received and noted.**
- 2/3 That Council adopt the recommendation contained in the Confidential Tender Evaluation Summary Report.**
- 3/3 That authority is granted to the General Manager to execute the contract.**

PHIL SARIN
Director Planning and Environment