



H a w k e s b u r y C i t y C o u n c i l

ordinary
meeting
business
paper
supplementary

date of meeting: 8 September 1998

location: Council Chambers

time: 7.30pm

ORDINARY MEETING

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1. Warragamba Dam - Flooding GC180/006

I am informed that the recent heavy rains would have resulted in a far more significant flood event if Warragamba Dam had been full and thus have allowed the runoff from the Warragamba River flow without any impediment into the Nepean-Hawkesbury system.

It is known that since the Dam has been constructed, its operations have resulted in a flooding peak slightly less than would have occurred before its construction.

The Dam was constructed as a major element of Metropolitan Sydney's water supply and not for flood mitigation purposes, which has been pointed out by Sydney Water and the Government on a number of occasions. There is, however to-day, a far better understanding of the flooding issue and the threat it provides to people and property within the Nepean-Hawkesbury system. I therefore recommend that the Council make representations to have an element of the capacity of Warragamba Dam used for flood mitigation purposes. This is not a new proposal, having been put forward in the past.

Given the level of knowledge and debate in the matter currently and the experience of the recent rains, provides a timely opportunity to have the matter put forward again. Obviously there is a trade off between leaving capacity in the Dam for flood mitigation and the need for Metropolitan Sydney to retain a safe quantity level of water given the periods of droughts that can and do occur.

I recommend that the Council make representations to the Government seeking a retention capacity for flood mitigation within Warragamba Dam and in doing so indicate the significance that the Dam's lower level made to the recent rainfall events.

2. Windsor Court House P1630/005 Pt05

The Windsor Court House is currently undergoing restoration works. As part of the current works, the Supervising Architect, Mr Graham Edds, proposes to have a lime wash coating applied that will significantly alter the external appearance of the building.

The plan and specifications for the Court House were prepared by Francis Greenway, Architect to the Governor. It is a simple design with the external fabric being hand made sandstock bricks, that provide a major part of the dignity of the building. The Court House ranks as Greenway's best preserved building.

The 1961 restoration works undertaken by the Government Architect on behalf of the NSW Department of Justice were described as "*superb*". The building had been mutilated many years before by cement render and this was all carefully removed and the bricks cleaned or turned so that their pristine surface was again exposed. The building to-day stands very much as it must have looked when it was first erected in the 1820s and is a very good example of fine Georgian architecture.

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The reason for the current works is that early in the 1990s whole bricks had crumbled away leaving rectangular holes in the wall and the walls began to bulge outwards in several places. In 1996 approximately 50 bricks were replaced with matching old bricks, scavenged from various places but the rate of deterioration accelerated.

It was then decided that a full analysis of the problem should be undertaken. A comprehensive conservation management report was undertaken.

As the building belongs to the Crown, it is not subject although under a permanent conservation order under the Heritage Act . Notwithstanding, the NSW Heritage Office was consulted and part of their advice in this matter was *“reinstating the former lime wash is a significant change to the appearance of the building and is likely to receive adverse public comment. As I understand it the previous paintwork/lime wash was removed in 1961 during conservation works by Public Works and it has retained the face brick appearance since that time.”*

It is understood that the sandstock bricks used on the building will continue to decay unless protected. I am advised that there are products available that could provide a protective coating that are clear and would allow the texture of the brick to remain.

I recommend that the Council make representations to the Attorney General indicating the significance of the building and the fact that the proposed lime washing is a significant change to the appearance of the building and not favoured by the Council. The Council however accepts that there is a need for some protective coating to be applied and seeks the investigation of a clear product that will allow the original brick texture to remain.

Councillor Robert Calvert
Mayor

oooO END OF MAYORAL MINUTES Oooo



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ITEM: 36 **Proposed dual occupancy/duplex containing 2 x 3 bedroom dwellings and two (2) lot subdivision - Lot 36 DP787272, No. 25 Flinders Place, North Richmond**

FILE NUMBER: DA163/98, SA77/98/EVD/ORI08LBX.V18

PREVIOUS ITEM: 11, GPC Section 1 - Environment (25.08.1998)

REPORT:

Following representations made at the General Purpose Committee of 25 August, 1998, the Committee requested additional information as to whether three storey buildings are required to be set back 1.5m from side boundaries.

Clause 57 of the Local Government (Approvals) Regulation 1993 provides that buildings of three storeys or more are to be set back a minimum of 1.5m from the boundary.

Council does have discretion under Clause 57 to approve a three storey building which is located closer to the boundary in certain circumstances, including where the building is the subject of a development application.

The subject building contains one, two and three storey portions of which the three storey portion represents less than one third of the total building length front to back. In view of this, and the steep slope of the land, the 1 metre boundary clearances as proposed by the applicant are considered to be satisfactory.

Draft condition No. 2 as proposed in the recommendation to the General Purpose Committee on 25 August, 1998 requires the building to be located a maximum 5 metres from Flinders Place. This is some 3 metres closer than proposed and was recommended to reduce the impact of shadowing on the adjoining properties. The applicant has since lodged a submission in relation to this pointing out the following:

- moving the building 3 metres towards the street would cause the building to be raised in height causing an increasing in overshadowing;
- less stormwater run-off from driveway onto adjoining properties if the building is not moved;
- retaining wall at the rear of the building for rear courtyard areas will need to be higher; and
- the overall height of the building when viewed from Flinders Place will be higher, or driveway gradients will be impractical.

In examining this matter more closely in response to the applicant's submission, moving the building 3 metres closer to Flinders Place will either require considerably more earthworks to keep the overall building height the same, or the finished roof line will actually be higher. If the building

is moved closer to Flinders Place without additional excessive cut and fill the visual affect on the visual impact will be increased for residents on the opposite side of Flinders Place and the shadow impact on the adjoining properties will be greater (due to the higher roof line). If the building is moved forward and retains the existing roof line, the driveway gradient will be excessive and extensive additional cut and fill will be required.

The applicant has proposed that the building be moved forward 1 metre instead of 3 metres, and this is considered to be an appropriate compromise. Accordingly it is recommended that proposed Condition 2 be changed to reflect this.

RECOMMENDATION:

That proposed Condition 2 be changed to the following:

- "2. *Proposed building to be located a maximum of 7 metres from Flinders Place, with no change to the overall building height. Kitchen widows be reduced in depth to highlight windows only or be glazed or frosted glass.*"

ATTACHMENTS:

There are no supporting documents for this report.

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ITEM: 37 **Acquisition of former South Windsor Waste Depot Site**

FILE NUMBER: P2018/0070/CSV/ORI08LBX.C16

PREVIOUS ITEM: 48, Ordinary (09.09.1997)

REPORT:

Council in September 1997, resolved to make an offer to the Department of Land and Water Conservation for the acquisition of the former South Windsor Waste Depot site.

Subsequently, an offer in the amount of \$120,000 (one hundred and twenty thousand dollars) was conveyed to the Department for the site which is described as Lot 194 DP823986, Corner Blacktown Road and The Driftway, which currently is Crown land reserved for public recreation. Council is the manager for the Reserve Trust and it is noted that the site has an area of 14.98 hectares and between 1974 and 1989 was used as Council's putrescible landfill depot.

The Department of Land and Water Conservation has agreed to the offer requested that the Council acquire the site by compulsory acquisition.

Given the numerous strategic advantages to Council in owning the former waste depot site, including its potential for re-use, green waste processing or storage purposes, and the on-going financial commitment to the restoration of the site, it is recommended that the matter now move to compulsory acquisition. As resolved previously, the cost of the purchase can be financed from the loans obtained for the purchase of The Driftway properties opposite the waste depot.

RECOMMENDATION:

That:

1. Lot 194 DP823986 Corner Blacktown Road and The Driftway, be acquired from the Department of Land and Water Conservation by compulsory acquisition process. Further, that compensation for the acquisition of the site be \$120,000 (one hundred and twenty thousand dollars) plus reasonable legal, survey and administrative costs of the Department, with funding to be provided from loans for the purchase of The Driftway properties.
2. All necessary documents be completed under Seal of Council.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 37 Oooo

ITEM: 38 **Tenders for Construction of Stormwater Drainage, Industry Road, Mulgrave**

FILE NUMBER: 0914/R Pt2; GT020/364 Pt1/ENG/ORI08LBX.E17

REPORT:

Tenders have been called for the construction of approximately 175m of stormwater drainage adjacent to the proposed extension of Industry Road at Mulgrave. These works will allow the existing system which presently terminates north of Rob Place, to be constructed through to Windsor Road, enabling the development of previously undrained industrial land fronting Windsor Road. Funding for these works will be provided through a Section 94 contribution on the development of the land, which was approved by Council earlier this year, however, the owners of the three properties affected by the drainage indicated at a recent meeting that they would fund the project up front.

Six tenders were received for the project which required a lump sum price for the construction of the works comprising the project. These works include excavation, pipelaying, backfilling, channel construction and restoration.

The tenderers listed in ascending order of price are as follows:

Tenderer	Tendered Amount
Athassel Excavations	\$207,505.00
C & J Chrisos Constructions Pty. Ltd.	\$234,264.00
D & M Hughes Civil Engineering Pty. Ltd.	\$234,435.00
Firedam Civil Engineering Pty. Ltd.	\$245,546.00
Josa Pty. Ltd.	\$251,062.00
G & J Homes Pty. Ltd.	\$270,000.00

Assessment of Tenders

The tenders were assessed on the basis of price, experience in similar projects, capability of the tenderer to complete the works in a satisfactory manner and OH&S systems and policies implemented by the tenderer's company. With regard to the latter, only three out of the six tenderers completed the necessary documentation required by Council's Occupational Health, Safety and Rehabilitation Policy. The tenderers who did not submit the necessary documentation with their tender were deemed to have non-conforming tenders, and were therefore excluded from any further assessment. These tenderers are:

D & M Hughes Civil Engineering Pty. Ltd.
Firedam Civil Engineering Pty. Ltd.
Josa Pty. Ltd.

Of the remaining tenders, the lowest two prices were assessed in further detail. The following information summarises each of these tenders.

Athassel Excavations Pty. Ltd.

This Company submitted the lowest tender for the works, with their price being considerably lower than the next highest tender. The Company has previously performed similar works in a satisfactory manner for a number of well known construction contractors. The Company has a established a safety manual and handbook and appears to have implemented appropriate workplace safety systems. The Company appears to have a satisfactory Occupational Health and Safety record.

C & J Chrisos Constructions Pty. Ltd.

This Company submitted the second lowest tender for the works. The Company has extensive experience in earthworks, roadworks and drainage dating back to 1985. Previous works completed have been for both similar sized and larger scale projects. Referees contacted indicate that the Company has carried out previous works in a satisfactory manner. The Company has six separate manuals relating to Occupational Health and Safety and appears to have a satisfactory record in this area.

The difference in price between the two lowest tenders of \$26,759, is largely attributable to a relatively low rate for excavation submitted by Athassel Excavations Pty. Ltd. The Company has been contacted regarding this anomaly and they have advised that they would be prepared to carry out the work for the rate tendered. The other aspects of the two tenders are reasonably similar.

It is anticipated that both companies are capable of performing the work in a safe and proper manner, and therefore the contract should be awarded to the lowest of the two tenders.

RECOMMENDATION:

1. The tender submitted by Athassel Excavations Pty Ltd in the amount of \$207,505.00 (two hundred and seven thousand, five hundred and five) for the construction of Industry Road Drainage be accepted, subject to the agreement of the three affected property owners.
2. The Common Seal of Council be affixed to the necessary documentation.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 38 Oooo

ITEM: 39 Green Waste Collection Trials**FILE NUMBER:** GG021/202/EVD/ORI08LBX.V19**REPORT:**

The trials for collection of green waste at the Hawkesbury Waste Management Facility and satellite drop off centres at Glossodia, Kurrajong, Pitt Town and Wilberforce are about to come to an end, with the last collection from a satellite site being at Pitt Town on 20 September, 1998, and the completion of the trial in general, by 30 September 1998.

The trials have operated since November 1997 with the assistance of a grant from the Environment Protection Authority.

A full report of the outcomes of the trial will be given to Council by the end of November this year, but a few interesting results have already emerged from the current information. These include the conclusion that the satellite drop off facilities are proving to be too expensive to maintain in relation to their patronage; the amount of green waste that was dropped off at the waste management facility at South Windsor, far exceeded what was expected.

Now that the trial is about to end, and with it, the financial support from the grant, Council must consider the future of green waste disposal for the city.

The major costs involved in the trials have been the processing costs, which include the hire of a tub grinder, lifting crane, staff, the cost of windrowing the processed material for pasteurisation and the provision of thirty cubic metre skips for collection of the material at the satellite sites.

Accordingly, without the provision of the grant, Council will need to consider how the collection and processing costs can be met.

As the market for the processed material as yet, does not meet the cost of processing the material, it is suggested that a small fee be required, to dispose of the green waste at the waste facility, similar to the way other waste management facilities operate. It is anticipated that in the future, as markets develop for the supply of the processed material, that the costs can be reduced or eliminated.

As an incentive for people to continue to take their green waste to the South Windsor facility, it is suggested that the charge at the gate be 50% less than that charged for mixed waste. The following examples are shown using this calculation:

Size of load of green waste	Cost to dispose
Small vehicle up to 0.2 cubic metres (Car boot load)	\$1.50
Small vehicle from 0.2 to 0.8 cubic metres (Station waggon, small trailer)	\$3.50

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Size of load of green waste	Cost to dispose
Small vehicles from 0.8 to 1.6 cubic metres (medium size trailer or ute)	\$7.00
Small vehicles from 1.6 to 2.6 cubic metres (large trailers or small trucks)	\$12.50

As part of the current trials, horticulture and agriculture businesses have been involved in using the pasteurised material for weed suppression and moisture retention. The consultant working with Council on the trial believes that better crop yields will also be experienced by the businesses. It will take at least twelve months for results of these trials to be finalised, after which it is hoped that a market can be developed with these industries, to provide an income that will meet the costs of processing the materials supplied.

The Western Sydney Waste Board's "Regional Waste Plan" also has as a component of the plan, a proposal to set up drop off centres throughout the areas under its authority, which will collect various types of materials suitable for recycling, including green waste. The proposal is to have nine drop off centres throughout the region, with the first to be operational by July 1999.

Accordingly, it is suggested that as an interim measure between now and when either the markets are established that will cover the costs of producing the pasteurised materials, or alternative sites are established by the Western Sydney Waste Board, that a fee be charged to dispose of green waste, at half the fee payable to dispose of mixed waste.

RECOMMENDATION:

That:

1. The collection of green waste at satellite sites be discontinued at the end of the trial period.
2. Green waste disposed of at Hawkesbury's Waste Management Facility, South Windsor attracts a fee of fifty percent (50%) less than that being charged for the disposal of mixed waste.
3. The practice of collection and pasteurisation of green waste continue, whilst market for the processed material are pursued, so that the cost of processing can be self funding, and the fee for disposal for green waste be removed.
4. The revised fees be advertised in accordance with the provision of the Local Government Act 1993 and if no submissions are received to the exhibition, the fees be adopted, otherwise, the matter is to be brought back to Council.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 39 Oooo



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ITEM: 40 **Development and Building Fees and Charges**

FILE NUMBER: GS080/003/EVD/ORI08LCX.V15

PREVIOUS ITEM: 258, Ordinary (29.06.1998)

REPORT:

Introduction

On 29 June, 1998 Council resolved to exhibit the proposed new development and building fees in response to the changes to Part 4 of the Environmental Planning Assessment Act 1979. It was also resolved that these fees be adopted for the 1998/99 financial year should no submissions be received.

Exhibition

The new schedule of fees were exhibited for public comment from 8 July, 1998 to 5 August, 1998. At the conclusion of this period no submissions were received. In accordance with Council's previous resolution the fees are now considered adopted and will be charged where appropriate.

Ministerial Order

The Minister for Urban Affairs and Planning has issued an Order which prevents Council from charging new fees for building works or charging a fee for development applications and a separate fee for a Construction Certificate for building works which prior to 1 July, 1998 did not require development consent.

The order in effect preserves the fees which existed prior to 1 July, 1998 for building matters.

Under this Order councils cannot charge a fee for an Occupation Certificate. They may charge a fee for the issue of compliance certificates (inspections).

This Order will be reviewed when accredited certifiers enter the market.

What can the new fees be charged for?

The new fees will be charged for all development which does not involve building works, including subdivisions. Council may also charge the new fee for the issue of compliance certificates for all works as the Ministerial Order did not include compliance certificates. It is proposed to begin charging the new fees from 9 September, 1998. The adopted fees lists is attached.

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RECOMMENDATION:

That the information be received.

ATTACHMENTS:

AT-1 Adopted fees

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Type of Fee		Fee
1. Building Construction Certificate		
(a) Dwelling (Class 1) - Less than 200m ² in area - Greater than 200m ² in area		\$145 \$145 (plus \$1.00 per m ² above 200m ²)
(b) Residential Flat Building (Class 2)		\$200 plus \$100 per unit
(c) Commercial (Class 3, 5, 6, and 9)		\$200 for every 500m ² of floor area or part thereof
(d) Industrial (Class 7 and 8)		\$200 for every 500m ² of floor area or part thereof
(e) Additions		\$145
(f) Pools		\$90
(g) Other (Class 10)		\$90
2. Building Compliance Certificates (includes all inspections)		
(a) Residential (Class 1)		\$320
(b) Residential Flat Building (Class 2)		\$290 per unit
(c) Commercial (Classes 3, 5, 6 and 9)		\$290 for every 500m ² of floor area or part thereof
(d) Industrial (Classes 7 and 8)		\$290 for every 500m ² of floor area or part thereof
(e) Additions		\$210
(f) Pools		\$130
(g) Other (Class 10)		\$130
(h) Re-inspection (Note: This fee is charged should a re-inspection of a particular job be required)		\$50
3. Occupation Certificate		
(a) Dwelling (Class 1)		\$110
(b) Residential Flat Building (Class 2)		\$110
(c) Commercial (Classes 3, 5, 6 and 9)		\$110

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Type of Fee	Fee
(d) Industrial (Class 7 and 8)	\$110
(e) For certificates issued to authorise a change of building use	\$110
4. Subdivision Certificate (Linen Release)	\$100 plus \$50 per lot (minimum \$200)
5. Registration of Privately Issued Certificates	
Includes Construction, Compliance and Occupation Certificates	
Per Certificate	\$15

Town Planning Fees

(Fees governed by EPA Act Regulations)

Type of Fee	Fee
1. Development Applications	
(a) Not exceeding \$250,000	\$170 plus \$3 each \$1,000
(b) Exceeding \$250,000 but not exceeding \$500,000	\$1,000 plus \$1.70 each \$1,000 above \$250,000
(c) Exceeding \$500,000 but not exceeding \$1M	\$1,425 plus \$1 each \$1,000 above \$500,000
(d) Exceeding, \$1,000,000 but not exceeding \$10M	\$1,975 plus \$0.80 each \$1,000 above \$1,000,000
(e) Exceeding \$10,000,000 but not exceeding \$93,600,000	\$9,475 plus \$0.55 each \$1,000 above \$10,000,000
(f) Dwelling-houses not exceeding \$100,000 (*Note: Fees set by Statute)	\$110
2. Dwelling - houses exceeding \$100,000	\$175
3. Rural workers dwelling exceeding \$100,000	\$175
4. Amendment of Consent (Section 96(1) EPA Act)	
(a) If the fee for the original development application was less than \$100	50% of original fee

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Type of Fee		Fee
(b)	Any other case	In all other cases, 50% of the fee for original application or \$350, whichever is lesser
5. Subdivision		
(a)	New Road	\$500 plus \$50 per additional lot
(b)	No new road	\$250 plus \$40 per additional lot
(c)	Strata	\$250 plus \$50 per additional lot
6.	Integrated Development	\$250 in addition to Development Application Fee
7. Notices and Advertising of Development Applications		
(a)	Requiring adjoining owners letters only	\$70
(b)	Requiring adjoining owners letters plus advertising	\$200
8. Designated Development		
(a)	Notice and advertising of designated development	\$1,665
(b)	Section 96(2) notice of designated development	\$500
9. Local Environmental Plan		
(a)	Minor	\$2,000
(b)	Major (LEP involved) (Part refunded if LEP does not proceed to DUAP)	\$2,700
10.	Section 94 Contribution for: community facilities, recreational buildings, park improvements, intersection improvements, car parking, drainage and bushfire	Per current Section 94 Plan adopted by Council and indexed from time to time.
11.	Certificate for Subdivision not requiring Council approval	\$150 plus \$15 per lot
Where a combined application is received for development approval and a Construction Certificate for a dwelling, pool, minor addition, or ancillary structure in a residential zone or rural zone the development application fee will be waived. The maximum development application fee for a dwelling is \$175.00.		

oooO END OF ITEM 40 Oooo



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