



Hawkesbury City Council

ordinary meeting business paper

date of meeting: 09 May 2006

location: council chambers

time: 5:00 p.m.



mission statement

***"To create opportunities
for a variety of work
and lifestyle choices
in a healthy, natural
environment"***

How Council Operates

Hawkesbury City Council supports and encourages the involvement and participation of local residents in issues that affect the City.

The 12 Councillors who represent Hawkesbury City Council are elected at Local Government elections held every four years. Voting at these elections is compulsory for residents who are aged 18 years and over and who reside permanently in the City.

Ordinary Meetings of Council are held on the second Tuesday of each month, except January, and the last Tuesday of each month, except December. The meetings start at 5:00pm with a break from 7:00pm to 7:30pm and are scheduled to conclude by 11:00pm. These meetings are open to the public.

When a Special Meeting of Council is held it will usually start at 7:00pm. These meetings are also open to the public.

Meeting Procedure

The Mayor is Chairperson of the meeting.

The business paper contains the agenda and information on the issues to be dealt with at the meeting. Matters before the Council will be dealt with by an exception process. This involves Councillors advising the General Manager at least two hours before the meeting of those matters they wish to discuss. A list will then be prepared of all matters to be discussed and this will be publicly displayed in the Chambers. At the appropriate stage of the meeting, the Chairperson will move for all those matters not listed for discussion to be adopted. The meeting then will proceed to deal with each item listed for discussion and decision.

Public Participation

Members of the public can request to speak about a matter raised in the business paper for the Council meeting. You must register to speak prior to 3:00pm on the day of the meeting by contacting Council. You will need to complete an application form and lodge it with the General Manager by this time, where possible. The application form is available on the Council's website, from reception, at the meeting, by contacting the Manager Corporate Services and Governance on 4560 4426 or by email at lmifsud@hawkesbury.nsw.gov.au.

The Mayor will invite interested persons to address the Council when the matter is being considered. Speakers have a maximum of five minutes to present their views. If there are a large number of responses in a matter, they may be asked to organise for three representatives to address the Council.

A Point of Interest

Voting on matters for consideration is operated electronically. Councillors have in front of them both a "Yes" and a "No" button with which they cast their vote. The results of the vote are displayed on the electronic voting board above the Minute Clerk. This was an innovation in Australian Local Government pioneered by Hawkesbury City Council.

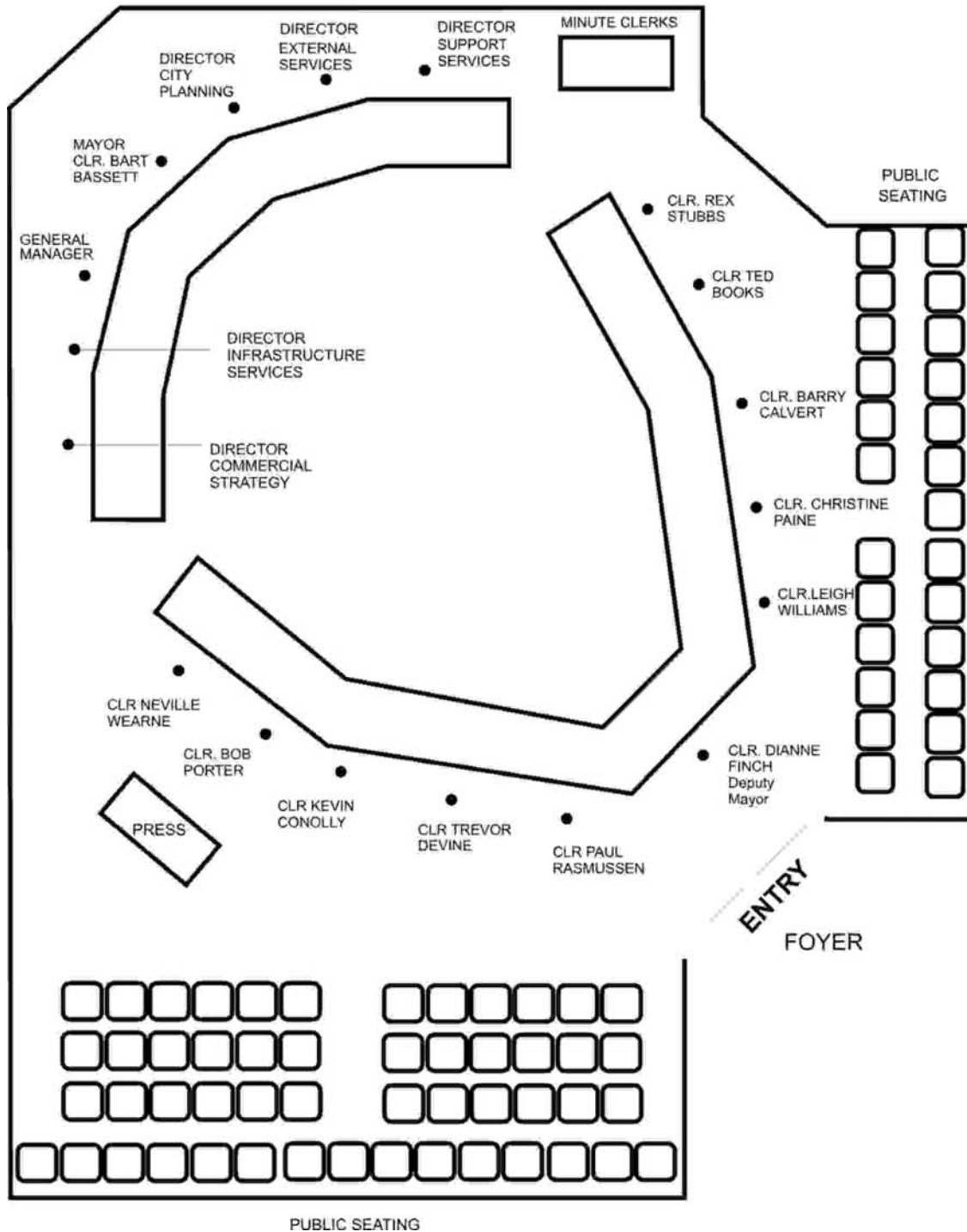
Website

Business Papers can be viewed on Council's website from noon on the Friday before each meeting. The website address is www.hawkesbury.nsw.gov.au.

Further Information

A guide to Council Meetings is available on the Council's website. If you require further information about meetings of Council, please contact the Manager, Corporate Services and Governance on, telephone 02 4560 4426.

council chambers



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- **AGENDA ITEMS SUBJECT TO PUBLIC ADDRESS**
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- **SECTION 3 - Notices of Motion**
- **EXCEPTION REPORT - Adoption of Items Not Identified for Discussion and Decision**
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SECTION 1 - Confirmation of Minutes

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SECTION 4 - Reports for Determination

GENERAL MANAGER

ITEM: 86 GM - Report of Conduct Committee - Councillor Wearne - (79351)

REPORT:

The Committee has had referred to it allegations that Councillor Wearne has breached four provisions of Council's Code of Conduct, namely:

"4.8 Respect

You must treat others with respect at all times. This means not using derogatory terms towards others, treating people with courtesy

5.1 You must avoid behaviour that could constitute misbehaviour. Specifically, you must avoid conduct that:

- Causes, comprises or involves verbal abuse.*

5.3 You must treat others with respect at all times.

5.6 You must not harass, discriminate against, or support others who harass and discriminate against colleagues or members of the public. This includes, but is not limited to harassment and discrimination, on the grounds of sex, pregnancy, age, race (including their colour, nationality, descent, ethnic or religious background), political affiliation, marital status, disability, homosexuality or transgender."

Background

The background to the allegations is a press conference held by certain Councillors, including Councillor Wearne, on 3 February 2006.

The 14 February edition of the Hawkesbury Independent Newspaper reported a comment of Councillor Wearne at the press conference in respect of the group Hawkesbury Council Watch as follows:

"Cr Neville Wearne said that the group could be described as *"unrepresentative swill"* ".

Subsequently Councillor Wearne issued a press release in which he explained his comment as following a reference by the Mayor to Hawkesbury Council Watch in the following manner:

"I impromptly followed the Mayor's statement and generalized by saying and I quote "a former infamous Labor Prime Minister once referred to minorities (in the Federal Senate) as unrepresented swill". This was simply an analogy without specific reference to any person or group."

Findings

The Committee found that Councillor Wearne's analogy was an implied reference to Hawkesbury Council Watch.

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On this basis, the Committee found that on either version of what was said by Councillor Wearne, the statement did not treat those in Hawkesbury Council Watch with respect and constituted a breach of Clauses 4.8 and 5.3.

The Committee was also of the view that Councillor Wearne's statement was a form of insulting or unkind speech directed at Hawkesbury Council Watch and constituted a form of verbal abuse in breach of Clause 5.1.

The Committee considered that the statement was not in breach of Clause 5.6.

Recommendations

The Committee noted that Councillor Wearne issued an apology to anyone who took offence from his comments and it was of the view that the breaches are of a minor nature and at the lower end of the scale of seriousness. This is particularly so because of Councillor Wearne's apology which, in the Committee's view, was appropriate for the circumstances.

The Committee refers the matter to Council with a recommendation that no further action be taken in relation to the breaches of the Code found to have been made by Councillor Wearne.

Conformance to Strategic Plan

Not applicable

Funding

Not applicable

RECOMMENDATION:

That the matter be reported to Council.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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ITEM: 87 GM - Report of Conduct Committee - Councillor Paine - (79351)

REPORT:

The report of Council's Conduct Committee's Meeting of 30 March 2006 is set out hereunder for Council's determination.

Committee's Role

Council adopted its Code of Conduct on 25 January 2005.

The Code is largely based on the Model Code of Conduct issued by the Department of Local Government.

The Code provides at clause 10 thereof for reporting breaches, complaint-handling procedures and sanctions.

In particular, the Code provides for the establishment of a Conduct Committee to be responsible for making inquiries into allegations of breaches of the Code of Conduct by Councillors.

Background

On 13 October 2005 Council's Conduct Committee published a report in relation to certain comments attributed to Councillor Paine in relation to an incident now generally referred to as the "Kurrajong Tree Removal".

The Conduct Committee reported to Council its finding of a prima facie breach of clause 5.1 of the Code of Conduct on the part of Councillor Paine.

1. Thereafter, on 29 November 2005 Council resolved that:
 - 1.1 Council adopt the findings of the Conduct Committee.
 - 1.2 The Councillor be requested to attend a counselling session as organised by the General Manager by the end of February 2006.
 - 1.3 The Councillor be required to submit a written apology to the Mayor and General Manager receiving it on behalf of the Councillors and/or staff adversely affected by the implications, prior to the next ordinary Council meeting.
- 2 The next ordinary meeting of Council took place on 13 December 2005.
- 3 No apology was forthcoming from Councillor Paine by 13 December 2005.
- 4 By letter dated 19 December 2005 Councillor Paine advised that she will not be apologising as requested.

Referral

On 11 January 2006 the General Manager referred the suspected breach of Council's Code of Conduct arising out of the above circumstances to the Conduct Committee.

The Convening of the Conduct Committee

A meeting of the Conduct Committee was convened on 18 January 2006.

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The Conduct Committee comprised:

- Councillor Bart Bassett, Mayor
- Graeme Faulkner, General Manager
- Stephen Griffiths, Council's solicitor

The Committee determined to inquire into the referred matter.

Notice to Councillor Paine

On 19 January 2006 the General Manager, on behalf of the Conduct Committee, wrote to Councillor Paine giving notice of the said inquiry:

- informing her of the allegation made against her,
- the material upon which it was based, and
- inviting her to be heard in response to the allegation.

A copy of that letter is annexed hereto and marked "A".

By a separate letter dated 19 January 2006 the General Manager wrote to Councillor Paine requesting confirmation as to whether or not she was prepared to attend counselling. A copy of that letter is annexed hereto and marked "B".

Responses from Councillor Paine

By letter dated 27 January 2006 Slater & Gordon Solicitors responded to the General Manager on behalf of Councillor Paine. A copy of that letter is annexed hereto and marked "C".

By the Slater & Gordon letter, the Councillor rejected any suggestion that her comments, the subject of the earlier Conduct Committee hearing were or could in any way be detrimental to the pursuit of the Charter of the Council or were improper or unethical.

The Councillor submitted that to the extent that the Conduct Committee had found otherwise, the Conduct Committee was in error.

In addition, by the Slater & Gordon letter, the Councillor said that the Mayor's participation on the Conduct Committee had raised an apprehension of bias, which had irremediably tainted its findings and conclusions.

On 28 February 2006 the General Manager wrote back to Slater & Gordon:

- seeking confirmation that the Councillor was not prepared to attend counselling;
- proposing an expansion of the terms of this inquiry to include the Councillor's failure to attend counselling; and
- seeking clarification of the allegation of bias.

A copy of that letter is annexed hereto and marked "D".

By letter dated 9 March 2006 Slater & Gordon responded to the effect that the Councillor's allegation of bias against the Mayor was not based solely on the fact that the Mayor was a political opponent but also on statements allegedly made by the Mayor from time to time.

In order to "protect" the identity of a witness, the Councillor declined to provide any further information concerning this allegation of bias. A copy of the Slater & Gordon letter is annexed hereto and marked "E".

The Findings of the Committee

The Committee now finds that:

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- 1 By resolution of 29 November 2005, Council resolved that:
 - 1.1 Council adopted findings of the Code of Conduct Committee that Councillor Paine had breached Council's Code of Conduct.
 - 1.2 Councillor Paine be requested to attend a counselling session as organised by the General Manager by the end of February 2006.
 - 1.3 Councillor Paine be required to submit a written apology to the Mayor and General Manager receiving it on behalf of the Councillors and/or staff adversely affected by the next ordinary Council meeting on 13 December 2005.
- 2 Councillor Paine:
 - 2.1 did not apologise prior to the next ordinary meeting of Council on 13 December 2005 and
 - 2.2 in fact, by a letter dated 19 December 2005, advised Council that she will not be apologising.
- 3 Councillor Paine has not attended a counselling session by the end of February 2006.
- 4 The requirements in Council's resolution of 29 November 2005 that Councillor Paine apologise and attend counselling were sanctions imposed pursuant to Council's Code of Conduct.
- 5 The failure on the part of Councillor Paine to apologise or attend counselling is a failure by the Councillor to comply with an applicable requirement of the Code of Conduct and is, as such, misbehaviour as defined in section 440F of the Local Government Act 1993.

Reasons

Councillor Paine's criticism of the earlier Conduct Committee hearing goes beyond the scope of this inquiry. The earlier Conduct Committee inquiry is now functus officio.

The findings 1 to 4 made by this Committee are in respect of facts not put in issue.

Finding 5 arises out of the application of the definition of "misbehaviour" in section 440F of the Local Government Act 1993 to findings 1 to 4.

By virtue of section 440G of the Local Government Act 1993 a Council may, by resolution at a meeting, formally censure a Councillor for misbehaviour.

It is a matter for Council to determine whether to censure or otherwise sanction the Councillor.

It is also a matter for Council to satisfy itself that the failure of Councillor Paine to apologise or attend counselling is misbehaviour (see section 440G(iii)).

Conformance to Strategic Plan

Not applicable.

Funding

Not applicable.

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RECOMMENDATION:

That:

- 1 The matter be reported to Council accordingly.
- 2 Council considers a resolution for censure on the grounds that Councillor Paine has failed to apologise or attend counselling as required of her by Council's resolution of 29 November 2005.

ATTACHMENTS:

- AT - A** Hawkesbury City Council letter dated 19 January 2006 to Councillor Paine re enquiry
- AT - B** Hawkesbury City Council letter dated 19 January 2006 to Councillor Paine re counselling
- AT - C** Slater & Gordon Solicitors letter dated 27 January 2006 to Hawkesbury City Council
- AT - D** Hawkesbury City Council letter dated 28 February 2006 to Slater & Gordon Solicitors
- AT - E** Slater & Gordon Solicitors letter dated 9 March 2006 to Hawkesbury City Council

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Meeting Date: 9 May 2006

AT - A Hawkesbury City Council letter dated 19 January 2006 to Councillor Paine re Enquiry

Hawkesbury City Council

Our Ref: GF060119L745 RMF

19 January 2006

Councillor Christine Paine
"Sunnybrae"
12 Fitzgerald Street
WINDSOR NSW 2756

FILE COPY

Confidential



366 George Street
(PO Box 146)
Windsor NSW 2756
Phone: 02 4560 4444
Facsimile: 02 4560 4400
DX: 8601 Windsor

Dear Councillor Paine,

I write on behalf of Council's Code of Conduct Committee herein.

- 1 By resolution of 29 November 2005, following an earlier report of Council's Code of Conduct Committee, Council resolved in relation to you as follows:

- "1 Council adopt the findings of the Conduct Committee.
- 2 The Councillor referred to in the report be requested to attend a counselling session as organised by the General Manager by the end of February 2006.
- 3 The Councillor referred to in the report be required to submit a written apology to the Mayor and General Manager receiving it on behalf of the Councillors and/or staff adversely affected by the implications, prior to the next ordinary Council meeting."

- 2 The next ordinary Council meeting took place on 13 December 2005.
- 3 No apology was forthcoming from you and by letter dated 19 December 2005 you advised me that you will not apologise as requested.

- 4 Paragraph 11.1 of Council's Code of Conduct provides:

"For the purpose of chapter 14, part 1, division 3 of the Act, failure by a Councillor to comply with an applicable requirement of this Code of Conduct constitutes misbehaviour (section 440I)."

- 5 Your failure to comply with the sanctions imposed by Council pursuant to section 10.15 of the Code is in itself a suspected breach of the Code of Conduct.
- 6 As such, I have reported the suspected breach to the Code of Conduct Committee as required of me pursuant to section 10.9 of the Code.
- 7 The Code of Conduct Committee has resolved to inquire into the alleged breach.

Where people make the difference.

GF060119L745_R
All communications to be addressed to the General Manager
P.O. Box 146, Windsor NSW 2756
Website: www.hawkesbury.nsw.gov.au
E-mail: council@hawkesbury.nsw.gov.au
Hours: Monday to Friday 8.30am - 5.00pm

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19 January, 2006



Confidential

Accordingly, you are hereby:

- given notice of the said inquiry;
- informed that the terms of the allegation made against you and the material upon which it is based are as set out above; and
- invited to be heard in response to the allegation against you.

You may call such evidence and/or make such submissions as you see fit.

In that regard, the Committee would be pleased to have your evidence and/or submissions within fourteen days of the date hereof.

If you require further time and/or other procedural steps in the furtherance of your case, please advise me of this in writing forthwith (and provide reasons for same).

Yours sincerely,



Graeme Faulkner
General Manager

Direct Line : 4560 4410

GF060119L745_R/R

ORDINARY MEETING

Meeting Date: 9 May 2006

AT - B Hawkesbury City Council letter dated 19 January 2006 to Councillor Paine re Counselling

Hawkesbury City Council

Our Ref: GF060119L746_RMF

19 January 2006

Councillor Christine Paine
"Sunnybrac"
12 Fitzgerald Street
WINDSOR NSW 2756

FILE COPY

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385 George Street
PO Box 146
Windsor NSW 2756
Phone: 02 4560 4444
Facsimile: 02 4560 4400
DX: 8501 Windsor

Dear Councillor Paine,

By resolution of 29 November 2005, following an earlier report of Council's Code of Conduct Committee, Council resolved in relation to you as follows:

- "1 Council adopt the findings of the Conduct Committee.
- 2 The Councillor referred to in the report be requested to attend a counselling session as organised by the General Manager by the end of February 2006.
- 3 The Councillor referred to in the report be required to submit a written apology to the Mayor and General Manager receiving it on behalf of the Councillors and/or staff adversely affected by the implications, prior to the next ordinary Council meeting."

In relation to 2 above, would you please advise if you are amenable to attending a Counselling session if one is so arranged pursuant to Council's resolution.

I would be grateful for your advice at your earliest convenience.

Yours sincerely,

Graeme Faulkner
General Manager

Direct Line : 4560 4410

GF060119L746_R

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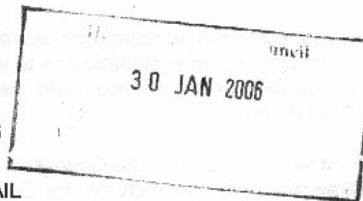
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AT - C Slater & Gordon Solicitors letter dated 27 January 2006 to Hawkesbury City Council



27 January 2006

BY EXPRESS MAIL
Mr Graeme Faulkner
General Manager
Hawkesbury City Council
PO Box 146
WINDSOR NSW 2756



11th Floor
51 Druitt Street
Sydney NSW 2000
Ph: (02) 8267 0600
Fax: (02) 8267 0650
www.slatergordon.com.au

Correspondence to:
Lawyer: Peter Wertheim
Legal Assistant: Julie Moran

GPO Box 1584
SYDNEY 2001

DX 1133 SYDNEY

Direct Ph: 8267.0604
Fax: (02) 8267 0650

Email: jmoran@slatergordon.com.au

Our Ref: PJW:287589

CONFIDENTIAL

Dear Sir

Re: Councillor Christine Paine

We act for Councillor Paine who has handed us your two letters to her dated 19 January 2006.

Our client denies that there has been any breach by her of clause 5.1 of the Model Code of Conduct. The conclusion reached by Council's Conduct Committee that there was such a breach is without foundation.

The findings and conclusions of the Conduct Committee are ostensibly based on verbal statements reported to have been made by our client at or immediately following a public meeting that took place on 19 February 2005 at the site of 3 stumps of trees that had been removed by Council at the Old Bells Line of Road in Kurrajong Village. Our client was reported in a local newspaper as having said:

I knew nothing about the removal and when I asked for a report or file from council, I discovered there was none. We have far worse footpaths in the city. Somebody wanted those trees down and had the power to have them removed.

Our client has already acknowledged having made a statement to the above effect immediately after the meeting.

The Conduct Committee has expressly avoided the conclusion that our client's comments "were specifically directed at any individual Council officers or Councillor Finch". Instead, the Conduct Committee has found that "this was an imputation which could reasonably have arisen in the mind (sic) of the community members in the particular circumstances of the case". Our client completely rejects this conclusion and denies that any imputation could reasonably arise from her statements reflecting adversely on individual councillors or individual officers of the Council. To the extent that the Conduct Committee is implying that the



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community members in question were all of the one "mind", this is also rejected by our client.

The only imputation that could reasonably arise from our client's statements was that the Council owed the community an explanation as to who made the decision to remove the trees, the reasons for the decision and the processes that were involved in the making of the decision.

To the extent that our client was calling upon the Council to explain its actions, her statements can be seen as reflecting adversely on the Council, as our client has acknowledged. Our client denies, however, that that of itself constituted, or could constitute, a breach of clause 5.1 of the Model Code of Conduct. Her call upon the Council to explain what had happened was fully justified in the circumstances. In this respect, our client relies on the conclusion reached in the report dated 16 August 2005 prepared by Lindsay Taylor, Lawyers, in their independent investigation into the removal of the trees:

The removal of the Trees did not comply with Council's TPO Guide nor with the Council's usual procedures for the removal of trees on Council land. (para 217).

Our client acknowledges that the removal of the trees, and the public reaction thereto, brought the Council into disrepute, and asserts that the Council was the author of its own misfortune. The basic cause was Council's failure to comply with its own TPO Guide and to follow its usual procedures for the removal of trees on Council land. By the time our client made her statements some four days later, the damage in terms of Council's credibility had already been done.

Our client completely rejects any suggestion that her call for the Council to explain its actions was, or could in any way be, detrimental to the pursuit of the Charter of the Council or improper or unethical.

The Conduct Committee has also erred in concluding that verbal statements made by our client carried the imputation "that the circumstances surrounding Council's decision to remove the trees were beyond the normal or appropriate allocation of Council's priorities in carrying out such works where tree roots interfered with footpaths". With respect, no such imputation can fairly or reasonably be drawn from our client's statements. Calling upon the Council to explain to the community why it decided to remove the trees is very different from making a positive statement speculating about what those reasons might be.

Others may have engaged in such speculation, but that is not something for which our client can be held responsible. Our client denies that her verbal statements reinforced or "fuelled" such speculation. On the contrary, our client's verbal statements were a call upon the Council to make full disclosure of the relevant facts. That is very different from lending support to unproven speculation, as found by the Conduct Committee.

Our client's concerns about the procedures adopted by the Conduct Committee in this instance have not been adequately addressed. The Conduct Committee has observed that it is not a court of law. It is nonetheless bound by the provisions of the Code of Conduct, and the law generally, to observe the rules of procedural fairness. In our submission this is an overriding requirement. In this regard, the participation of the Mayor in the proceedings of the Conduct Committee was, in

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our submission, highly inappropriate. It is no secret that the Mayor and our client are political opponents. It is therefore inappropriate for either of them to be put into a position of sitting in judgement upon the other.

The question inevitably arises as to whether the Mayor's participation has contributed in any way to what our client says is the misconstruction by the Conduct Committee of her verbal statements at the tree stump meeting, and of her written submissions in response to the preliminary findings of the Conduct Committee set out in our client's letter to the General Manager dated 7 November 2005. In our submission, the Mayor's participation at every stage of the proceedings raises a reasonable apprehension of bias, which irremediably taints the findings and conclusions of the Conduct Committee.

In all the circumstances, our client sees no reasonable basis for providing the apology demanded of her or for attending a counselling session.

Our client understands that the Council may attempt to pass a resolution formally censuring her pursuant to Section 440G of the Local Government Act for her alleged "misbehaviour". In our client's view, any such censure will be seen by the wider community as a crude attempt by the Council to find an alternative focus for blame for its own failures concerning the removal of the trees.

If the Council thereafter decides to proceed further with the matter and to request our client's suspension from civic office pursuant to Section 440H of the Act, and an order for suspension is subsequently made, we are instructed to put you on notice now that that order will be the subject of an appeal by our client to the Pecuniary Interest and Disciplinary Tribunal pursuant to Section 440M of the Act. That appeal will be prosecuted vigorously.

Yours faithfully
SLATER & GORDON



Peter Wertheim
Consultant

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Meeting Date: 9 May 2006

AT - D Hawkesbury City Council letter dated 28 February 2006 to Slater & Gordon Solicitors

Hawkesbury City Council

Your Ref: PJW:287569

Our Ref: GF060228L826_R

FAXED
28/2/06

28 February 2006

Slater & Gordon
Lawyers
DX 1163
SYDNEY, NSW

Dear Partners,

RE: COUNCILLOR CHRISTINE PAINE

I refer to your letter of 27 January last.

I take it from the terms of your letter that your client will neither apologise nor attend counselling as required by Council's resolution.

Strictly speaking, the opportunity to attend counselling was available to your client until the end of February 2006. As such, the referral to the Code of Conduct Committee in January last was limited to the failure to apologise. I would now propose to expand the terms of the inquiry to include your client's failure to attend counselling.

The alternative would appear to be that each failure be inquired into separately with the potential for two breaches of the Code to be found.

Unless I hear from you to the contrary within seven days then I would propose to refer both failures as evidence of the one potential breach to be dealt with by the one inquiry.

I would also be assisted by your clarification of a matter alleged in your letter.

In that regard, your letter alleges that the previous Conduct Committee failed to accord your client procedural fairness because it was "inappropriate" for the Mayor who is, you say, a political opponent of your client to sit on the Committee.

Later in your letter you say "the Mayor's participation at every stage of the proceedings raises a reasonable apprehension of bias". I will assume, unless you advise me to the contrary, that this allegation is made on the same basis as the earlier allegation, i.e. that it is based on the fact that the Mayor is to be regarded as a political opponent of your client.

I propose to provide your letter of 27 January last (and any further response you make to this letter) to the Conduct Committee.

GF060228L826_R

Where people make the difference.

All communications to be addressed to the General Manager
P.O. Box 46, Windsor NSW 2755
Website: www.hawkesbury.nsw.gov.au
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Hours: Monday to Friday 9.30am - 5.00pm

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28 February, 2006



If there are any other matters that your client wants put to the Conduct Committee on her behalf then I would invite you to include those in any response to this letter.

Yours sincerely,



Graeme Faulkner
General Manager

Direct Line: (02) 4560 4410

GF060228L626_R/R

ORDINARY MEETING

Meeting Date: 9 May 2006

AT - E Slater & Gordon Solicitors letter dated 9 March 2006 to Hawkesbury City Council

09/03 2006 19:15 FAX 61 3 9670 2542

SLATER & GORDON

001



9 March 2006

Mr Graeme Faulkner
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Our Ref: PJW/28756

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Dear Sir

Re: Councillor Christine Paine

We acknowledge receipt of your letter dated 28 February 2006.

We are instructed that our client's allegation of bias against the Mayor is not based solely on the fact that the Mayor and our client are political opponents. We are instructed that the allegation is based on statements made by the Mayor from time to time in the presence of witnesses, at least one of whom is prepared to come forward if the matter proceeds any further.

At this stage, in order to protect the identity of the witness, our client is not prepared to provide you with any further information concerning that aspect of the matter.

Yours faithfully
SLATER & GORDON

A handwritten signature in dark ink, appearing to read 'P. Wertheim'.

Peter Wertheim
Consultant

DataWorks Document Number: 2190023

oooO END OF REPORT Oooo

CITY PLANNING

ITEM: 88 CP - NSW Government Planning Reforms - Local Environmental Plan Panel Review - (95498)

REPORT:

Introduction

On 16 February 2006 Council was advised by the Department of Planning that the all Delegations with respect to Local Environmental Plan (LEP) making would be revoked. The removal of delegations became effective on 22 February 2006 and a new process of preparing LEP's commenced.

The purpose of this report is to advise Council of the changes and the implications for proposed amendments to Hawkesbury Local Environmental Plan 1989.

Written Authorisation to Exercise Delegation

Prior to the 22 February 2006 Council had been issued with certain Delegations to allow it to prepare draft LEP's. Provided that the "*Best Practice Guidelines for preparing draft LEP's*", issued by the former Department of Urban Affairs and Planning were followed, Council could issue section 65 Certificates to allow public exhibition as well as prepare Section 69 Reports to the Minister. All Councils in New South Wales now have to request a "Written Authorisation to Exercise Delegation" for individual LEP amendments. The requests are then assessed by the LEP Review Panel at the Department of Planning.

Local Environmental Plan Review Panel

The Department of Planning has established a senior level panel to review draft Local Environmental Plans (LEP's) as part of its reform of the NSW planning system. All draft LEP's are now subject to review by the panel at the Section 54(4) notification stage and may be further reviewed by the panel prior to the issue of a Section 65 Certificate or when a draft LEP is submitted to the Department under Section 68 of the Act.

The Department has advised that the objectives of establishing the Review Panel are to:

- *Move to a more thorough upfront assessment of LEP proposals as soon as the Department is notified of a Council's decision to prepare a draft LEP.*
- *Strengthen the strategic policy consideration of LEP proposals.*
- *Provide a consistent framework across Council's and the Department to evaluate the context and justification for an LEP and the outcomes it is intended to produce.*
- *Reduce the number of LEP's in the system.*

The Department has identified six categories of LEP's and established a set of pro-forma evaluation criteria to guide the panel and Councils in preparing LEP's. Council has also been provided with a detailed Circular outlining the operational aspects of the Review Panel. The Circular states that Councils are to avoid where possible resolving to prepare spot rezonings and other amendments to existing plans. A compelling reason must be provided demonstrating the need to prepare such as plan and spot rezonings should be comprehensively justified. Despite the Department suggesting some spot rezonings might be considered, the following list was provided as examples of spot rezonings which would be unlikely to be supported:

- *The rezoning of existing industrial land for medium-high density residential development where analysis indicates a shortage of industrial land or a need to supply additional industrial land within the next 25 years in the LGA; where there would be an impact on the viability of existing*

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businesses in the industrial area; where there is the potential for cumulative loss of industrial land; and where there is potential for land use conflict from new residential development.

- *The rezoning of a site for residential uses ahead of other lands that are identified in a strategic urban settlement strategy.*
- *The rezoning of rural land to industrial purposes inconsistent with a section 117 Direction.*
- *A proposed plan that is inconsistent with the Metropolitan Strategy or a draft regional or sub-regional strategy*
- *A land rezoning or change in development controls in isolation and in the absence of a context and where such as rezoning would be more appropriately included in the preparation of a comprehensive LEP.*
- *The reclassification of sites from Community to Operational Land to reflect existing uses and/or potential uses, which is essentially a housekeeping exercise that can be undertaken as part of the preparation of a comprehensive LEP.*
- *The introduction of new heritage conservation areas in close proximity to major public transport nodes without compelling justification.*
- *The introduction of additional uses to specific zones or to specific sites with no broader economic/employment imperative.*
- *The introduction of alternate clauses for variation of development standards (SEPP1).*

The new process came into effect on 22 February 2006 and applies to new LEP proposals and any current draft LEPs. Therefore, there are currently several amendments underway which will be affected by the changes and these are outlined below.

Hawkesbury Local Environmental Plan - Amendment 48

This Amendment relates to land at 112 Mulgrave Road, Mulgrave and seeks to rezone land from Rural (c) to Industrial 4(a). The rezoning commenced in 1994 and has been held up more recently due to the alignment of the Regional Flood Evacuation Route. Council had intended to use its delegation in respect of issuing the Section 65 Certificate, however when the delegations were revoked this was no longer possible. The draft LEP was subsequently sent to the Department of Planning for a "Written Authorisation to Exercise Delegation" and a response was received on 20 April 2006. The letter advised that an "Authorisation" would not be issued in this instance. Clarification has been requested from the Department as it was unclear if a Section 65 Certificate would be issued or not. To date a response has not been received.

Hawkesbury Local Environmental Plan - Amendment 152

Council at its Ordinary Meeting on 31 January 2006 resolved to prepare a Local Environmental Plan to reclassify 52 parcels of land from "Community land" to "Operational land". These land parcels are located within carparks owned by Council.

The Section 54(4) Notification was forwarded to the Department of Planning on 9 March 2006, requesting a "Written Authorisation to Exercise Delegation".

A response was received on 24 March 2006 from the Director General of the Department of Planning following consideration of the proposed draft LEP at the Review Panel. The letter advises that an "Authorisation" will not be issued in this instance and therefore Council will not be able to exercise any functions under the delegation for this LEP. Council can decide to proceed with the draft LEP, however the letter from the Director General is clear that he is unlikely to certify the plan for public exhibition.

The above mentioned Departmental Circular advises that amendments of this nature would be unlikely to be supported if outside a comprehensive LEP and it was therefore considered by the LEP Review Panel

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that draft Amendment 152 is essentially a house keeping exercise for the reclassification of land. In this regard the reclassification should be included in a comprehensive LEP.

As Council is aware, the Department of Planning has requested that a comprehensive LEP be completed within two years. This time frame commences from the gazettal of the NSW Standard LEP Template, which occurred on 31 March 2006.

It is therefore recommended that the proposed reclassification LEP, that draft Amendment 152 be incorporated into the comprehensive LEP currently under preparation.

Other Amendments to Hawkesbury Local Environmental Plan 1989

Amendment 108 has been consolidated by the Department of Planning and incorporates the following:

- *Amendment 108 - Rural amendments*
- *Amendment 130 - Residential amendments*
- *Amendment 139 - Exempt and Complying Development*
- *Amendment 148 - Rezoning of 6 Ham Street South Windsor to Housing*

This amendment is currently with the Department for finalisation and gazettal.

Amendment 145 relates to Pitt Town and this LEP is also with the Department of Planning for finalisation and gazettal. It is unlikely that the new requirements will affect these amendments.

Conclusions

Given the advice in relation to draft Amendments 48 and 152, it appears clear that the Department of Planning is unwilling to process any draft LEP's that do not comply with the evaluation criteria. Further, the evaluation criteria appears to cover most situations and therefore it could be concluded that Council is unlikely to achieve any new amendments to Hawkesbury LEP 1989.

The delay in processing LEP amendments such as Amendment 108 and Amendment 130 have largely been due to processes within the Department of Planning; therefore, if the Review Panel reduces processing times, this is a positive outcome. This means however that proposed amendments that fall within the criteria listed above and are unlikely to receive support from the Department of Planning will need to be contained within the comprehensive LEP.

Therefore it recommended that the Draft Local Environmental Plan 152 to Hawkesbury Local Environmental Plan 1989 be abandoned in its current format and incorporated into the conversion of HLEP 1989 into the Standard LEP template.

Conformance to Strategic Plan

The proposal is deemed to conform with the objectives set out in Council's Strategic Plan i.e:

"Objective: Investigating and planning the City's future in consultation with our community, and coordinating human and financial resources to achieve this future."

Funding

There are no funding implications.

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RECOMMENDATION:

That:

1. Draft Local Environmental Plan 152 to Hawkesbury Local Environmental Plan 1989 be incorporated into the conversion of HLEP 1989 into the Standard LEP template to be prepared within the next two years.
2. Draft Local Environmental Plan 152 to Hawkesbury Local Environmental Plan 1989 be abandoned.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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ITEM: 89 **CP - Multi-Unit Housing, Subdivision - 3x Multi-Unit Dwellings and 3 Lot Re-subdivision - Lot C DP159920, Lot D DP159920, No. 6 & 8 Argyle Street - Lot 9 DP35987, No. 45 Church Street, South Windsor - DA0799/05 - (95498, 107)**

Development Information

Applicant: C T Architects
Applicant's Rep: N/A
Owners: Ms Fitzgerald, Mr & Mrs J Tee, Ainatac Holdings
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
Hawkesbury Development Control Plan
Area: 1353 m²
Zoning: Residential 2(a)
Residential 2 (a) under Hawkesbury Local Environmental Plan 1989
Multi Unit Housing
The proposed zone under draft local environmental plan 1/01 - Amendment 130 is Multi Unit Housing. Draft Amendment 130 is attached.
Brief Description: Multi-unit Housing and Subdivision
Advertising: 12/9/2005 to 26/9/2005 (initial plans)
Site sign 30/11/05 to 13/12/05 (initial plans)
20/2/06 to 9/3/06 (amended plans)
Date Received: 6/09/2005
Key Issues: ♦ Onsite manoeuvring
Recommendation: Approval subject to conditions

REPORT:

Introduction

The application is seeking approval for subdivision and multi-unit housing development.

The application is being reported to Council at the request of Councillor Rasmussen.

This report provides an assessment of the key issues. A complete assessment is contained on the file.

The Proposal

The proposal involves:

- the resubdivision of proposed lots 89 & 90, 8 Argyle Street and 45 Church Street, South Windsor with site areas of 693.96m² (Lot 89), and 1226.65m² (Lot 90), to create two (2) allotments.
- Lot 89 is to be developed for two storey units, detached dual occupancy. Unit 1 will gain access off Argyle Street, while Unit 2 will gain access from Church Street
- Lot 90, which currently contains three (3) existing units, will be further developed to include a two storey additional unit. This unit will gain access from the existing driveway.

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Background

The initial proposal involved the resubdivision of 6 & 8 Argyle Street and the erection of three (3) units of the resulting vacant lot. This proposal relied on the adjoining development (No. 45 Church Street) for access to one of the units. This proposal resulted in a number of non-compliances with the Hawkesbury Development Control Plan (DCP).

A number of amendments were submitted, however each generating different non-compliances with the DCP. Only one (1) of these amendments were notified.

The current proposal, the subject of this application, is the initial development which proposed two (2) lot subdivision (including No. 45 Church Street) and the erection of a two storey dual occupancy on 8 Argyle Street and an additional unit, to the existing multi-unit development at 45 Church Street.

Statutory Situation

Hawkesbury Local Environmental Plan 1989 (HLEP 1989)

The site is zoned Residential 2(a) under Hawkesbury Local Environmental Plan 1989.

The site is also affected by Draft Amendment 130, which proposes to rezone the land to 'multi unit housing'. The proposed development will be considered as multi-unit housing under the amendment. As such the proposed development would be permissible. The proposal is also considered to be consistent with the objectives of the "multi-unit housing" zone.

Hawkesbury Development Control Plan - Residential Chapter

The following table provides an assessment of the proposed development against the requirements for residential development:

Element	Rules	Provides	Complies
Height	(a) New buildings are to be constructed within the Building Height Plane for the relevant residential use. (Refer to Table 1). The Building Height Plane is to be adjusted for sloping sites to follow the natural ground level.	All elevations	Yes
	(b) Building to the side and back boundary within the Building Height Plane is permitted where: - o It can be shown that the building to the boundary doesn't reduce the privacy of neighboring dwellings and their private open space and does not reduce their existing solar access; and - o The continuous length of the boundary walls is not more than 10m or is a maximum of 50% of the boundary length; whichever is the shorter.		N/A
			N/A
	(c) Exemptions to the Building Height Plane may be granted in the following circumstances: • Single dwellings proposed on flood prone land; • Single dwellings proposed on lots		N/A

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Element	Rules	Provides	Complies
	with a frontage of less than 14m at the building line; and Chimneys, satellite dishes and aerals Applicants seeking an exemption to the Building Height Plane must demonstrate clearly why the compliance is unreasonable.		
Setbacks	(a) For sites fronting main or arterial roads, buildings are to be set 10 metres back from the front boundary unless there are exceptional physical circumstances. The 10m setback commences after any road widening which may affect the subject land. (b) For sites fronting a local road buildings are to be set 7.5m back from the front boundary. In areas where there is prior development the established pattern is to be regarded as the standard setback. (c) For battleaxe blocks the general setback from the rear boundary of the property in front is to be 6 metres. (d) For the minor frontage on corner blocks, the minimum building setback is to be 2 metres.	Unit 1- 7.5m Unit 2 - 4.2m - this unit fronts the secondary street frontage, which requires a minimum setback of 2m.	N/A Yes N/A Yes
Development Fronting Rear Lanes	(a) The front of the dwellings are to face the rear lane. (b) The laneway is to be constructed to a width of 4.5m wide sealed pavement from a sealed road to and over the frontage of the site. Kerb and guttering is also to be provided along one side of the rear lane. (c) Buildings are to front the rear lane and setback a minimum of 5.5m from the boundary to the rear lane. (d) Access to the site is to be widened to allow for satisfactory maneuvering for vehicles entering or leaving the site. (e) Front fences are to be a maximum height of 1.2m to maximise site distances for vehicles leaving the site. (f) Visitor parking shall be provided at a rate of one per single dwelling and two per each five units or part thereof. Parking spaces shall be located clear of the access to the garage/carports. (g) A 1.2m wide legal pedestrian and service access is to be provided to the front street.		N/A N/A N/A N/A N/A N/A N/A
Landscaped Areas	(a) All forms of residential development are to contain pervious soft landscaped areas to a total of 30% of the total site area. This may be calculated by adding together soft landscaped areas of private and common open space. Development proposals, where required, are to indicate the proportion of the total site area that is:	Minimum 208m² required for Units 1 & 2. Provided Minimum 64m² required for Unit 3. Provided	Yes

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Element	Rules	Provides	Complies
	- o total "soft" landscaped area; - o total ground level private open space; and - o total common open space		
Private Open Space	(a) Single dwelling houses and multi unit housing are to provide at least one area of private open space for each dwelling. (b) The total of private open space at ground level must be a minimum of 20% of the site area, regardless of permeability of the surface. This space must: • be capable of containing a rectangle 5 metres x 6 metres that has a slope less than 1:10; • not be comprised of any area with a dimension less than 4 metres; and • be exclusive of clothes drying areas, driveways, car parking and other utility areas. (c) Private open space shall not be located in the front boundary setback. (d) Any above ground level balcony or rooftop area designed for private open space must have minimum area of 10 square meters with a minimum dimension of 2 metres. This area is not included in the calculation for the provision of total private open space.	Provided. 139m² required for Units 1 & 2. 139m² has been provided. 43m² required for Unit 3. 60m² provided	Yes Yes Yes Yes Yes N/A
Common Use Open Space	(a) For development proposals that contain 5 or more unit's common use open space is encouraged. Concessions may be given where it is demonstrated that sufficient useable private open space has been provided. (b) The communal open space should generally have access only from within the site. (c) Common open space for multi-unit housing developments should be accessible from all dwellings within the development. Surveillance of this space should be possible from at least 2 dwellings. (d) Any proposed communal recreational facilities must be designed and located to avoid nuisance or danger to neighbours, residents and visitors.		N/A N/A N/A N/A
Access and Parking	(a) Driveways next to any side or rear boundary must have a landscape strip of at least 1 metre to separate them. (b) Shared driveways, access lanes and car parks must be setback a minimum of 1.5 metres from windows to main habitable rooms of dwellings. This standard does not apply if the floor level of the dwelling is at least 1 metres above the driveway. (c) All driveways must have a minimum width of 3		Yes Yes Yes

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Element	Rules	Provides	Complies
	metres and must be sealed to prevent surface erosion.		Yes
	(d) For development that contains more than 2 units driveways are to have a minimum driveway width of 6m from the layback/kerb line to 6m inside the property.		Yes
	(e) Garages and carports must not visually dominate the street façade, should occupy less than 50% of the building facade and must be compatible with the building design.	N/A	Yes
	(f) Uncovered car parking spaces and turning areas can be located within the front setback to the required building line provided that this area is dominated by landscaping and/or addresses established streetscape patterns.		Yes
	(g) Where parking spaces are located at 90° to the driveway alignment the minimum driveway width adjacent to the space is to be 6.7m, increased as necessary to allow adequate maneuvering on site.		See discussion below
	(h) On site maneuvering areas shall be provided to allow entry and exit to the site in a forward direction (except for a single dwelling).		See discussion below
	(i) On site maneuvering areas shall be provided to allow entry and exit to and from all car spaces including garages, carports, uncovered spaces and visitor spaces by a single turning movement (except for a single dwelling).	N/A	Yes
	(j) Attached dual occupancies will be assessed on merits in relation to onsite maneuvering.		Yes
	(k) Where more than 3 units are served by an access or the access is greater than 30m long, a turning area shall be provided at or near the end of the access.		Yes
	(l) On site maneuvering shall be based on the Austroads Standard 5.0m design vehicle. Templates for this standard are provided in the appendices. When using the templates a minimum of 150mm shall be provided between any fixed object and the extremities of the sweep paths.		Yes
	(m) All on site car spaces shall comply with the minimum dimensions set out in Part C Chapter 2 (Car Parking and Access). Where a space adjoins a wall, fence or other fixed structures, the width shall be increased as follows to allow adequate door opening: - on one side only to 3.2m - on both sides to 3.8m		Yes Yes Yes
	(n) Refer to the following chapters for additional requirements: - Part C Chapter 2 - Carparking and Access - Part C Chapter 6 - Energy Efficiency - Part D Chapter 3 - Subdivision		

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Element	Rules	Provides	Complies
Basement Parking	(a) Only the basement's parking entry should be seen as a separate level in a building. Large exposed foundations, voids and walls are not to be used.		N/A
	(b) No part of a basement should extend more than 1 metre above natural ground level so the height of the building is not excessive.		N/A
	(c) Consideration may be given to a sump and pump where storm water volumes are low based on merits of the site.		N/A
Visual Amenity	(a) Where there is potential for loss of privacy the proposal should incorporate some of the techniques illustrated in the DCP.	Visual amenity adequate.	Yes
	(b) Where there is no alternative to a window, it should be screened.	Visual amenity adequate.	Yes
Acoustic Privacy	(a) Acoustic privacy is to be considered at the design stage.		Yes
	(b) Site layouts should ensure parking areas, streets and shared driveways have a line of sight separation of at least 3 metres from bedroom windows.		Yes
	(c) A distance of at least 3 metres should separate openings of adjacent dwellings.		Yes
External Noise and Vibration	(a) A noise and vibration assessment must be undertaken by a suitably qualified noise consultant for any proposed residential development other than a single dwelling house located within 100 metres of the railway line or within Australian Noise Exposure Forecast (ANEF) 25 or greater.	ANEF Contour of 20 to 25. Noise mitigation measure can be easily achieved. Acoustic report to be provided for CC	Yes
	(b) Proposals must comply with the current Environment Protection Authority criteria and the current relevant Australian Standards for noise and vibration and quality assurance and incorporate appropriate mitigation measures.		Yes
Safety and Security	(a) Each dwelling is to be provided with direct and convenient pedestrian access to a private or public road.	Satisfactory.	Yes
	(b) Barriers to prevent movement between internal roof spaces of adjoining dwellings are required.	N/A	Yes
	(c) Elements to be incorporated in site and building design and include: - doorway/entry safety and surveillance to and from the footpath - illumination of public spaces including all pedestrian paths, shared areas, parking areas and building entries to the relevant Australian Standard. - Visibility to the street from the front of the development	Satisfactory	Yes

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Element	Rules	Provides	Complies
	Restricted access to the rear of the site.		
Utility and Site Services	(a) Where reticulated water is not available, a minimum storage of 100 000 litres must be provided. A minimum of 10 000 litres must be available at all times for fire fighting.		N/A
Cables	(a) The design, location and construction of utility services must satisfactorily meet the requirements of both the relevant servicing authority and Council.		Yes
Recycling, garbage and mail	(a) Collection areas must be integrated into the overall site and building design.	Satisfactory.	Yes
Fencing and Retaining Walls	(a) Front fences where not screening private open space walls are to be a maximum height of 1.2m if solid. (b) Solid front fences may be 1.8m high and articulated if: - the main private open space is in the front of the building façade; - the site is located on a main or arterial road; - the site is not located within an established heritage character; - the length is limited to 75% of the frontage where private open space fronts the street and some surveillance is maintained from the front dwelling; and - fences do not exceed 10m in length without some articulation or detailing to provide visual interest. (c) The integration of trees and natural ground vegetation with the fence line is desirable. (d) The setback of the fence will be used for landscaping. (e) Solid fences are to be 1 metre from the front boundary. (f) Retaining walls shall: - not be taller than 500mm; - not cut through roots of any tree to be retained.	900mm	Yes N/A Yes N/A N/A N/A
Energy Efficiency Chapter	(a) NatHERS Assessment and/or Energy Performance Statement.		Yes

Variation

This Chapter requires manoeuvring areas to enable vehicles to enter and leave the site in a forward direction and to enter and exit car spaces in a single turning movement. The application proposes that for

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the dual occupancy, vehicles exit from Units 1 & 2 by reversing onto Argyle & Church Streets. This situation is considered acceptable in this instance given that:

1. Each unit faces a different street.
2. Units 1 & 2 present as single detached dwelling houses.
3. This requirement is not imposed for single dwelling houses and attached dual occupancies.
4. The proposal will result in less sealed areas within the front setbacks, giving a more attractive street presentation.
5. No traffic safety issues, given the locations of the driveways, which area assessed on their merit and for these reasons the variation is supported.

Community Consultation

The application was first exhibited from 12/09/2005 to 26/09/2005 in accordance with Hawkesbury Development Control Plan. Following amendments the proposal was re-exhibited from 20/02/2006 to 09/03/2006

Following both notifications, one submission was received each time from the same respondent. The matters raised in both submissions, are addressed below:

1. The proposed dwelling fronting Church St has a proposed setback of approx 4.5m. Other existing dwellings fronting Church St have a 7.5m setback. We consider this building to be too close to the footpath area and not in keeping with the existing streetscape.

Comment

The provisions contained in the Residential Chapter of the Hawkesbury Development Control Plan allows for sites fronting local roads a setback of 7.5m or, in areas where there is an established pattern, this pattern is to be considered as the setback. The requirement for minor frontages on corner allotments is 2m setback.

The front unit (Unit 1) facing Argyle Street has a 7.5m setback and Unit 2 facing Church Street has a setback of between 4.2m to 6m for the garage.

The setback provides a suitable transition from the front unit in Argyle Street to the development at No. 45 Church Street.

The proposed setback distances will achieve the aims of the Development Control Plan, and provide and maintain an attractive streetscape.

2. Lack of open space within the development for the future owners/occupiers.

Comment

The development complies with the open space requirements outlined in the Residential Chapter of the Development Control Plan for both private and landscape areas.

Adequate areas are provided for each unit in the complex.

3. Overlooking into adjoining properties from the second storey windows.

Comment

The development is two storey and all windows from the first floor are associated with the bedrooms. The bedrooms are not considered a main living area, and are unlikely to be a significant source of overlooking into adjoining properties.

Adequate setback distances are provided from these windows to the property boundaries.

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The development complies with the requirements of Hawkesbury Development Control Plan.

4. The subdivision does not provide for a 4m (8 sq m) splay corner at the Argyle/Church St boundary intersection.

Comment

This matter was considered by the Council's Engineers who have considered a splay is not required for any practical purpose.

Splay corners are generally required to provide a uniform corridor around a corner lot for the purposes of supplying adequate area for services, footpaths and sight distances.

The boundary of 8 Argyle Street is a distance of 5.5m from Church Street and a distance of 3.5m from Argyle Street. The wide verge to Church Street provides ample area in respect to the above. In addition kerb and guttering exists and a power pole is located on the corner.

For these reasons a splay corner is not considered necessary.

5. Traffic and Parking problems in the local streets due to the proposed development.

Comment

The proposed three (3) units will generate additional traffic in the areas. The existing road system will cope with the additional traffic generated by the development.

The site is within the proposed nominated multi unit zone under amendment 130.

Each unit provides two (2) covered spaces as per the requirements of the Development Control Plan.

6. Inconsistent with the general aims for residential development within Hawkesbury Development Control Plan.

Comment

The site is located in a proposed multi unit area, which is currently being developed for a range of multi unit housing developments.

The proposed development may be out of character with the surrounding developments, which predominantly consist of single dwellings on allotments. However with the future development of multi unit development in the surrounding area the character of the area will alter and the proposed development will be consistent.

The development is consistent with the development that adjoins at 45 Church Street.

The proposal complies generally with the requirements of the Development Control Plan as outlined in the report.

Planning Assessment

Context And Setting

Adjoining land uses predominantly consist of single dwelling houses and units. The proposal is compatible with the existing use and character of the locality.

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The dwellings are two storey. A two-storey villa development is located on the adjoining property. The design of the dwellings are compatible with surrounding development.

It is considered that the proposed development will not unreasonably impact on adjoining properties in terms of overshadowing, loss of visual or acoustic privacy, or loss of views and vistas.

Conclusion

The proposed development is consistent with the relevant objectives of the Hawkesbury Development Control Plan, and seeks only one minor variation from the rules of the Residential Chapter, which is considered acceptable.

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

The proposed development is consistent with the current and proposed planning control and zoning for the locality.

Conformance to Strategic Plan

The proposal is deemed to conform with the objectives set out in Council's Strategic Plan i.e:

"A prosperous community sustained by a diverse local economy that encourages innovation and enterprise to attract people to live, work and invest in the City."

"Sustainable and liveable communities that respect, preserve and manage the heritage, cultural and natural assets of the City."

Funding

No impact on budget.

RECOMMENDATION:

That the application for re-subdivision and construction of three (3) units be approved subject to the conditions in the attached consent:

General

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
3. The approved use shall not commence until all conditions of this Development Consent have been complied with.
4. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
5. The development shall comply with the provisions of the Building Code of Australia at all times.
6. The development shall comply with the Environmental Planning and Assessment Act, 1979 at all times.

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7. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within 7 (seven) days of issuing the certificate. A registration fee applies.
8. Hawkesbury City Council is the sewer authority for this development, inspection for compliance certification for internal and external sewer drainage shall be requested and approved prior to covering any pipe. An inspection fee applies.
9. The development shall also incorporate the amendments made in red to the approved plans, specifications or documentation submitted.
10. All vegetative debris (including felled trees) resulting from the approved clearing of the site for construction is to be chipped or mulched. Tree trunks are to be recovered for posts, firewood or other appropriate use. No vegetative material is to be disposed of by burning.

Prior to Issue of Construction Certificate

11. A monetary contribution is to be paid to Council, pursuant to Section 94 of the Environmental Planning and Assessment Act 1979, towards the provision of the following public facilities in the locality:
 - (a) Open Space and Recreation (\$ 3117.00)
 - (b) Community Facilities (\$ 3801.00)
 - (c) Roads and/or Intersections
 - (d) Public Car Parking
 - (e) Trunk Drainage
 - (f) Upgrading of local roads (3 cents per tonne per km of local roads travelled by trucks delivering soil to or removing soil from the site)

Contributions are to be paid prior to issue of the Construction Certificate. The amount has been determined in accordance with Hawkesbury Section 94 Contribution Plan. A copy of the Contributions Plan may be inspected at Council's Offices, George Street, Windsor.

The amount of contribution payable under this condition has been calculated on the basis of costs as at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be INDEXED at the time of actual payment in accordance with movement in the Consumer Price Index as published by the Australian Bureau of Statistics. The attached fee schedule is valid for 3 (three) months.

12. An Environmental Management and Rehabilitation Plan for the development site shall be prepared by an appropriately qualified person. The Plan shall address (without being limited to) the clearing of vegetation, lopping and removal of trees, earthworks, erosion control, site rehabilitation and landscaping. All site works shall be carried out in accordance with the Plan. Implementation of the Plan shall be supervised by an appropriately qualified person.
13. Construction of the road, access, car park, drainage, filling and retaining walls are not to commence until three (3) copies of the plans and specifications of the proposed works are submitted to and approved by the Director of City Planning or an Accredited Certifier.
14. Payment of a Construction Certificate checking fee of \$560.00 and a Compliance Certificate inspection fee of \$1050 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2006. Fees required if an Accredited Certifier is used will be provided on request.
15. A Traffic Guidance Scheme prepared in accordance with AS 1742-3 (1996) by an appropriately qualified person shall be submitted to Council. Where the works affect Roads and Traffic Authority

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controlled roads, the Traffic Management Plan is to be approved by the Roads and Traffic Authority before submission to Council.

16. Submission to Council of a noise and vibration assessment report, prepared by a suitably qualified acoustic consultant, demonstrating that the proposed development will meet the requirements of Australian Standard AS2021 (Acoustics - Aircraft noise intrusion - building siting and construction).
17. Payment of a contribution of \$11 763.90 towards sewer headworks. This sum will remain fixed until 30 June 2006 after which it will be recalculated at the rate applicable at the time of payment.

Prior to Commencement of Works

18. All traffic management devices shall be installed and maintained in accordance with the approved traffic guidance scheme.
19. A waste management plan shall be submitted to and approved by Council. The plan shall address any builder's waste and waste generated during the day-to-day operation of the development. Particular attention shall be paid to type and quantity of waste, recycling, reuse, storage and disposal.
20. Any structure/building constructed MUST comply with Section 8 "Building adjacent to or over Council's Sewer mains" of Hawkesbury City Council Standard Specification Construction and Testing of Sewerage Works Revised December 2003.
21. The footings shall be designed and constructed in such a manner that their zone of influence shall fall a minimum of 900mm below the zone of influence of the trench taken from a point 600mm from the centre line at invert level of the adjacent sewer main. The angle of repose shall be assumed to be 1:1 (45 degrees) in undisturbed clay or similar material and 1:2 (30 degrees) from horizontal in sand or filled ground whether compacted or not. All supporting piers adjacent to the sewer main shall contain appropriate starter bars cast in them for subsequent tying into the strip footing or perimeter beam. Design of the proposed footings system shall be certified by a structural engineer and approved by Council. The applicant shall accurately locate the position of the main prior to work commencing, and shall request an inspection of the location and depth of any pier within the zone of influence by Council prior to the Principal Certifier authorising concrete pour to the piers.
22. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction. The enclosed warning sign shall be affixed to the sediment fence/erosion control device.
23. The building shall be set out by a Registered Surveyor. The Survey Certificate of the building showing the position of the external walls under construction and in compliance with the approved plans shall be lodged with the principal certifying authority. Any easements must be shown on the Survey Certificate.
24. A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 shall be supplied to the principal certifying authority prior to commencement of works.
25. A copy of receipt of payment of Long Service Levy shall be provided to the Principal Certifying Authority prior to any works commencing on site. Payments can be made at Long Service Corporation offices or most Councils.
26. The applicant shall advise Council of the name, address and contact number of the principal certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1979.
27. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.

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28. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
29. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
 - (a) Unauthorised access to the site is prohibited.
 - (b) The owner of the site.
 - (c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
 - (d) The name and contact number of the Principal Certifying Authority.
30. A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Principal Certifying Authority prior to any works commencing on site.
31. 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 water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For quick Check agent details, please refer to the web site www.sydneywater.com.au, see Building Developing and Plumbing then Quick Check or telephone 13 20 92.

The consent authority or a private accredited certifier must either:

- (a) Ensure that Quick Check agent/Sydney Water has appropriately stamped the plans before the issue of any Construction Certificate; or
- (b) If there is a combine Development/Construction Certificate application or Complying Development, include the above condition as one to be met prior to works commencing on site.

During Construction

32. The development shall be completed in accordance with the approved colours and finishes and shall not be altered.
33. The driveway shall be finished with a decorative paving pattern in earth tones.
34. The site shall be secured to prevent the depositing of any unauthorised material.
35. Dust control measures, eg vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
36. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
37. New boundary fences shall be provided. Fencing behind the building line shall be a height of 1.8m.
38. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
39. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am – 6pm and on Saturdays between 8am – 4pm.
40. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:

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- (a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - (b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
 - (c) Builder's waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
41. At all times during demolition, a competent person shall directly supervise work. It is the responsibility of the person to ensure that:
- (a) Adjoining owners are given 24 (twenty four) hours notice, in writing, prior to commencing demolition.
 - (b) Utility services within the structure not required to be maintained during the demolition work shall be properly disconnected and sealed before any demolition commences.
 - (c) The site shall be secured at all times against the unauthorised entry of persons or vehicles.
 - (d) Safe access and egress from adjoining buildings is to be maintained at all times for the duration of the demolition work.
 - (e) Precautions are taken to ensure that the stability of all parts of the structure and the safety of persons on and outside the site are maintained, particularly in the event of sudden and severe weather changes.
 - (f) The structure and all components shall be maintained in a stable and safe condition at all stages of the demolition work.
 - (g) Demolition activity shall not cause damage to or adversely affect the structural integrity of adjoining buildings
 - (h) Removal of dangerous or hazardous materials shall be carried out in accordance with the provisions of all applicable State legislation and with any relevant recommendations published by the National Occupational Health and Safety Commission (Worksafe Australia).
 - (i) All work shall be carried out in accordance with AS2601 and the Work Plan submitted with the development application.
 - (j) Unless otherwise permitted by Council, the structure is to be demolished in reverse order of construction, being progressive and having regard to the type of construction, to enable the maximum separation and recycling of demolished materials to take place.
 - (k) No material is to be burnt on site.
42. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, including a public road or place, the person causing the excavation to be made:
- (a) must preserve and protect the building from damage; and
 - (b) if necessary, must underpin and support the building in an approved manner; and
 - (c) must, at least 7 (seven) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

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

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43. Roof water (including overflow from water storage vessels) shall be drained to street gutters (formed or otherwise) or to stormwater drainage easements.
44. Any sewer or stormwater main or manhole affected by the development, shall be repaired or altered in level as so directed at the applicant's expense.
45. The floor of the internal WC shall be graded and drained to an approved floor waste.
46. All natural and subsurface water-flow shall not be re-directed or concentrated to adjoining properties. Water flows shall follow the original flow direction without increased velocity.
47. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
48. Removal of the existing redundant layback crossing and replacement with concrete kerb and gutter and the restoration of the footway area.
49. On-site detention shall be provided to maintain all stormwater discharges from the 1:1 year storm up to the 1:100 year storm at pre-development levels.
50. Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with the approved plan and Hawkesbury Development Control Plan chapter on Soil Erosion and Sedimentation.
51. Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the components of construction detailed in Hawkesbury Development Control Plan Appendix B Civil Works Specification, Part II, Table 1.1.
52. A light duty layback and footway vehicular crossing 3m wide shall be constructed to the Units 1 & 2. The crossing shall be constructed in accordance with Hawkesbury Development Control Plan Appendix E, Civil Works Specification.
53. All services or suitable conduits shall be placed prior to concrete pouring.
54. A 4metre wide access link shall be constructed from the existing access at No.45 Church St to Unit 3.
55. The street tree to be removed shall be replaced with a crepe myrtle 10" pot size, to be planted in accordance with Councils standard specifications for the planting of street trees.

Prior to Issue of Occupation Certificate

56. Compliance with all conditions of this development consent.
57. A Certificate from a telecommunications carrier confirming that provision has been made for services to the development shall be submitted to the Principal Certifying Authority.
58. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
59. Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

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

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60. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
61. The following certificates are to be provided, stating the name of person or company carrying out the installation, type of material and the relevant Australian Standard to which installed:
- (a) The type and method of termite treatment (complying with AS 3660) provided to walls and floors, pipe penetrations, jointing of new work to existing and slab perimeters. A copy of the termite treatment and materials used shall also be securely fixed inside the meter box for future reference.
 - (b) Glazing materials installed in the building in accordance with AS1288 and AS2047 - Glass in Buildings - Selection and Installation, e.g. windows, doors, footlights and showers.
 - (c) The type of timber installed indicating both species and durability as required by AS 1684.
 - (d) An automatic smoke detection system installed in residential development by a licensed electrician. Smoke alarms must comply with AS 3786 and be connected to the consumer mains power where supplied to the building.
62. Evidence that the hot water system has a minimum energy rating of 3.5 stars shall be submitted to the principal certifying authority.
63. A Plan of Management for the on-site stormwater detention facilities shall be submitted to and approved by Council. The Plan of Management shall set out all design and operational parameters for the detention facilities including design levels, hydrology and hydraulics, inspection and maintenance requirements and time intervals for such inspection and maintenance.
64. The owner shall enter a positive covenant with Council which provides the following:
- (a) The registered proprietors will at all times maintain, repair and keep the on-site stormwater detention facilities in a good and safe condition and state of repair, in accordance with the approved design to the reasonable satisfaction, at all times, of Council, having due regard to the Plan of Management for the operation and maintenance of the on-site stormwater detention facilities;
 - (b) the liability under the Covenant will jointly and severally bind the registered proprietors of the proposed dwellings; and
 - (c) Council only will be entitled to release or modify the Covenant.
- All costs associated with the Covenant, including any legal costs payable by Council, are to be paid by the owner or applicant.
65. Submission of a report by the Design Engineer stating the conformance or otherwise of the system in relation to the approved design.
66. Works-As-Executed drawings for the One Site Detention Stormwater System which indicate the following shall be submitted to and approved by Council:
- (a) Invert levels of tanks, pits and pipes;
 - (b) surface levels of pits and surrounding ground levels;
 - (c) levels of surrounding kerb;
 - (d) floor levels of buildings;
 - (e) top of kerb levels at the front of the lot; and
 - (f) extent of inundation.
67. Retaining walls shall be constructed prior to the issue of an occupation certificate.

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Prior To Issue Of The Subdivision Certificate

68. The development shall be completed in accordance with all conditions of Development Consent No 799/05.
69. A Surveyor's Certificate stating that all pipelines are contained within the proposed/existing easements shall be submitted.
70. A Certificate from a telecommunications carrier confirming that provision has been made for services to the development shall be submitted to the Principal Certifying Authority.
71. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
72. Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.
73. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
74. A plan of subdivision prepared to the requirements of the Land Titles Office, shall be submitted to Council, with four copies.
75. Payment of a Linen Release Fee of \$625.00 . This amount is valid until 30 June 2006.

The Use of the Site

76. No internal or external alterations shall be carried out without prior approval of Council.
77. The subject development, including landscaping, is to be maintained in a clean and tidy manner.

Advisory

- The land is within the Hawkesbury City Council Sewerage Catchment. A separate application shall be submitted to Council for any alterations or connections to the sewer mains. The applicant shall consult with Council regarding acceptable discharge limits to the sewerage system.
- Inspections for Compliance Certificate shall be requested from Hawkesbury City Council for internal and external sewer drainage prior to covering any pipe. An inspection fee applies.
- Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.
- The applicant is advised to consult with:
 - (a) Sydney Water Corporation Limited;
 - (b) Integral Energy;
 - (c) Natural Gas Company; and
 - (d) A local telecommunications carrier.

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regarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public roads.

- The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed subdivision. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.
- The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.

ATTACHMENTS:

There are no supporting documents for this report.

AT - 1 Locality Plan

AT - 2 Site Plan

AT - 3 Elevation Plan

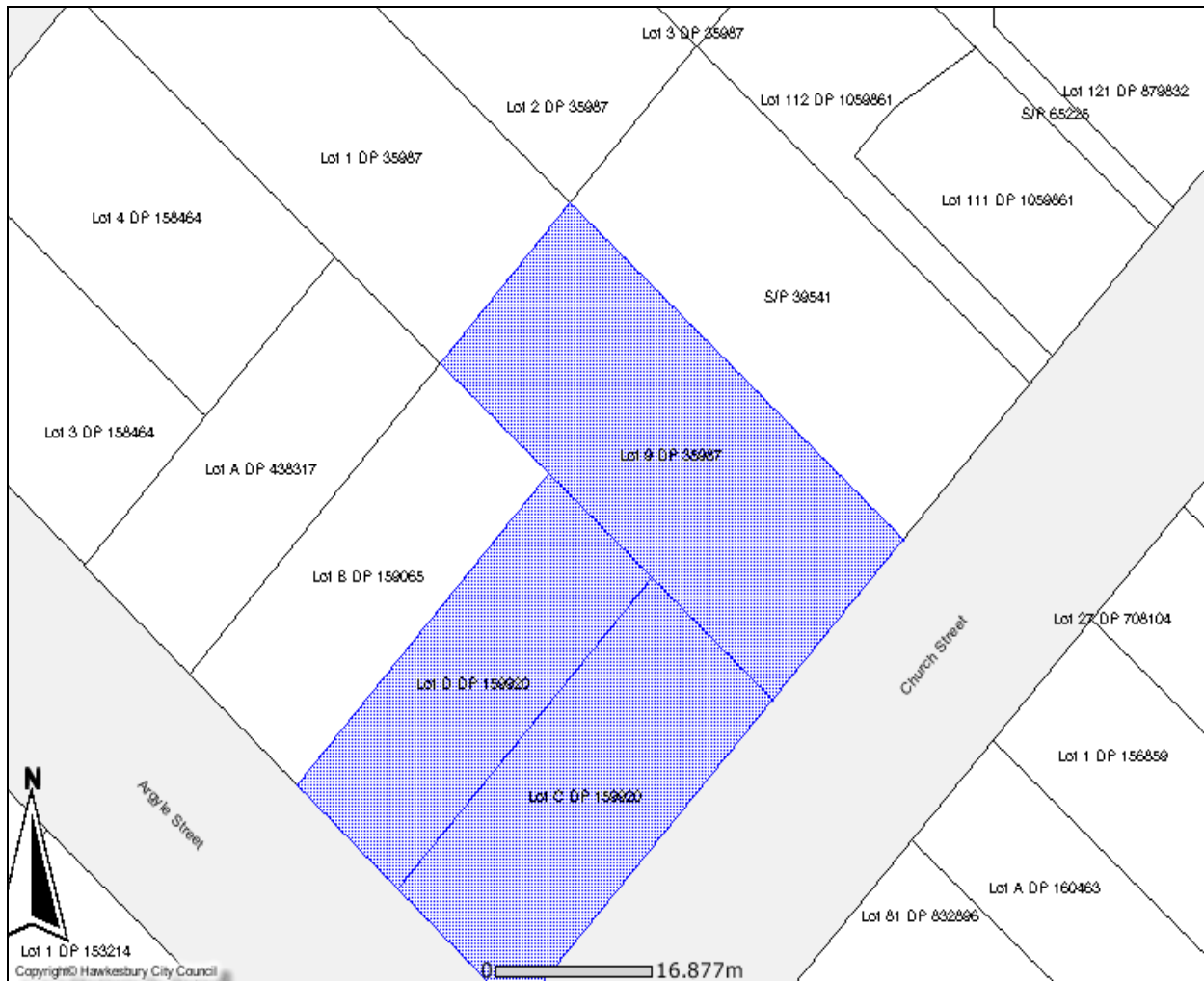
AT - 4 Subdivision Plan

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AT - 1 Locality Plan

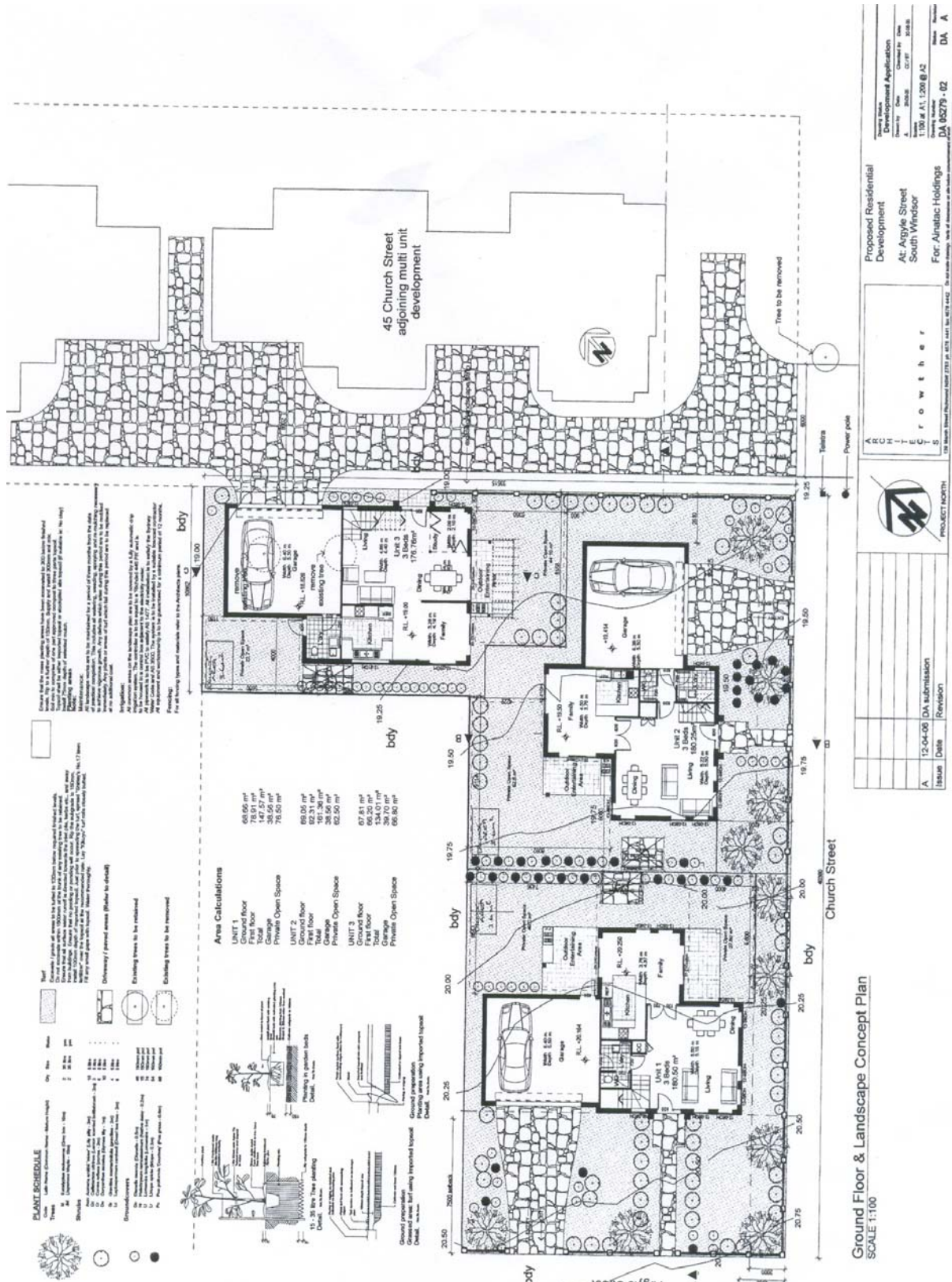
**Lot C DP 159920, No. 8 Argyle Street, Windsor
Lot D DP 159920, No. 6 Argyle Street, Windsor**



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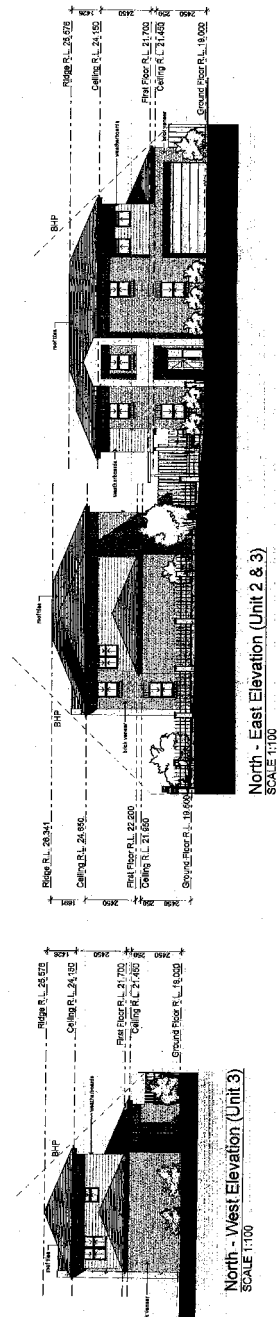
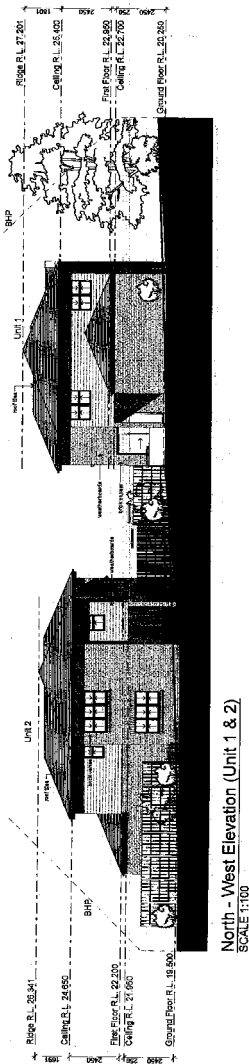
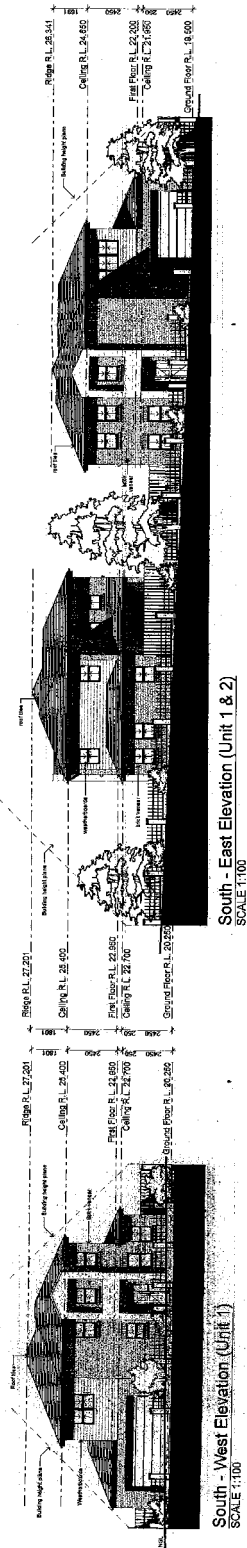
AT - 2 Site Plan



ORDINARY MEETING

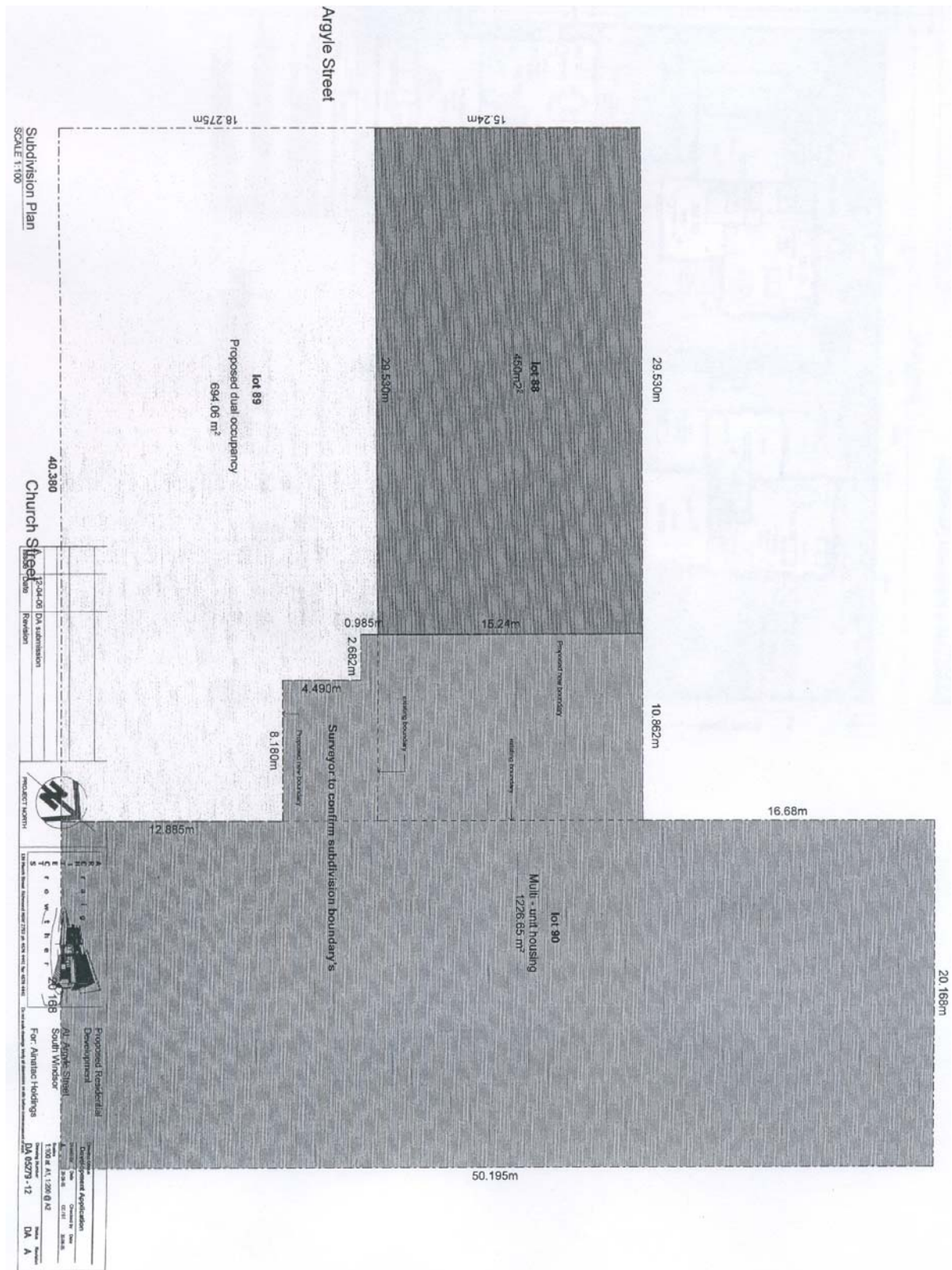
Meeting Date: 9 May 2006

AT - 3 Elevation Plan



Proposed Residential Development		At-Angle Street South Windsor		For: Anatic Holdings		DA 13279-05	
Project Name	At-Angle Street South Windsor	Project No.	DA 13279-05	Project Date	13/04/06	Project Status	DA A
Project Location	At-Angle Street South Windsor	Project Owner	Anatic Holdings	Project Manager	DA 13279-05	Project Engineer	DA 13279-05
Project Description	Proposed Residential Development	Project Drawn By	DA 13279-05	Project Checked By	DA 13279-05	Project Approved By	DA 13279-05
Project Date	13/04/06	Project Revision	DA 13279-05	Project Status	DA A	Project Notes	DA 13279-05

AT - 4 Subdivision Plan



oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 9 May 2006

ITEM: 90 **CP - Management Plan - Revenue Pricing Policy 2005/2006 - Drainage Fees - (95498)**

REPORT:

Introduction

At the Ordinary Meeting of 31 January, 2006 Council considered a report relating to Council's Section 94 Contribution Plan Review - November 2005.

At this meeting Council resolved the following:

'That:

- 1. The Section 94 Contributions Plan Review November 2005 as attached to this report be adopted by Council upon gazettal of Hawkesbury Local Environmental Plan 1989 - Amendment 145 and subject to the inclusion of proposed additional maps, relevant contributions identified in Section 7A being updated in accordance with movement in the CPI, and the forecast transfer of the Section 11 Drainage contributions to Council's Revenue Pricing Policy.*
- 2. Amendment to the Management Plan - Revenue Pricing Policy in relation to the Section 64 matters for drainage be placed on public exhibition and further reported to Council.'*

This report deals with the inclusion of drainage contributions into Council's Revenue Pricing Policy.

Public Exhibition

Subsequent to Council's meeting of 31 January 2006, the drainage contributions (as outlined in the Section 94 Plan) were adjusted in accordance with movement in the CPI, and the draft fees were exhibited for the period of 22 March 2006, until 21 April 2006.

In summary the exhibited fees were:

Item	Amount (\$) per m2 of site area
Drainage Catchment 1	\$9.67
Drainage Catchment 2	\$5.27
Drainage Catchment 3	\$3.58
Drainage Catchment 4	\$12.09
Drainage Catchment 5	\$4.50
Drainage Catchment 6	\$1.86

No submissions were received as a result of the public exhibition.

The fees, as they are proposed to be included in the Management Plan - Revenue Pricing Policy 2005/2006, are attached to this report.

Conformance to Strategic Plan

The proposal is deemed to conform with the objectives set out in Council's Strategic Plan i.e:

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"Objective: Establish processes and develop flexible plans that will enable the City to respond to change."

Funding

Funding provisions are to be made within the Revenue Pricing Policy.

RECOMMENDATION:

That the drainage fees as attached to this report, be adopted by Council and inserted at the end of the Infrastructure Services/Emergency Services, Construction & Maintenance section of the Management Plan - Revenue Pricing Policy 2005/2006.

ATTACHMENTS:

AT - 1 Drainage Fees

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1. Drainage Catchment 1	A	d	\$9.67 per m2 of site area.	Exempt	0.00	\$9.67 per m2 of site area.
2. Drainage Catchment 2	A	d	\$5.27 per m2 of site area.	Exempt	0.00	\$5.27 per m2 of site area.
3. Drainage Catchment 3	A	d	\$3.58 per m2 of site area.	Exempt	0.00	\$3.58 per m2 of site area.
4. Drainage Catchment 4	A	d	\$12.09 per m2 of site area.	Exempt	0.00	\$12.09 per m2 of site area.
5. Drainage Catchment 5	A	d	\$4.50 per m2 of site area.	Exempt	0.00	\$4.50 per m2 of site area.
6. Drainage Catchment 6	A	d	\$1.86 per m2 of site area.	Exempt	0.00	\$1.86 per m2 of site area.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 9 May 2006

ITEM: 91 **CP - Draft Hawkesbury Development Control Plan - Part B, Chapter 3, Complying Development - (95498)**

Previous Item: 47, Ordinary (14 March 2006)

REPORT:

Introduction

Council at its meeting of 14 March 2006, resolved to amend Part B Chapter 3 - Exempt & Complying Development of the Hawkesbury Development Control Plan to include conditions on Complying Development Certificates relating to contributions to be paid under Section 94A of the Environmental Planning and Assessment Act 1979.

Public Exhibition

The proposed amendments to Part B Chapter 3 of the DCP were exhibited for the period 29 March - 28 April 2006. No submissions were received as a result of the public exhibition.

Two draft Part B Chapter 3 Complying Development chapters were placed on exhibition. These were:

- Draft A Draft Hawkesbury Development Control Plan - Part B Chapter 3 Complying Development (exclusive of Amendment 139 changes); and
- Draft B Draft Hawkesbury Development Control Plan - Part B Chapter 3 Complying Development (inclusive of Amendment 139 changes)

Note whilst the changes to the Complying Development chapter as a result of Amendment 139 have been adopted by Council they will only be effective upon gazettal of Amendment 139. Amendment 139 and the associated changes to the Complying Development Certificate were reported to Council on 12 April 2005. Amendment 139 is presently with the Department of Planning for finalisation and gazettal.

It is recommended that in the event that Amendment 139 is not gazetted prior to Council deciding to adopt and make effective the Section 94A changes to the Complying Development chapter then Draft A be made effective as an interim measure pending the gazettal of Amendment 139 whereby Draft B be then made effective.

Conformance to Strategic Plan

The proposal is deemed to conform with the objectives set out in Council's Strategic Plan i.e:

"Objective: Establish processes and develop flexible plans that will enable the City to respond to change"

"Investigate and document the impact of population growth to identify future requirements for land, employment, human services and infrastructure."

Funding

Income derived from the Section 94A Plan will allow for the provision of public amenities and infrastructure.

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RECOMMENDATION:

That in the event that the Amendment 139 is not gazetted prior to Council deciding to adopt and make effective the Section 94A changes to the Complying Development chapter then Draft A be made effective as an interim measure pending the gazettal of Amendment 139 whereby Draft B be then made effective.

ATTACHMENTS:

- AT - 1** Draft A - Draft Hawkesbury Development Control Plan - Part B Chapter 3 Complying Development (exclusive of Amendment 139 changes). *Distributed under separate cover.*
- AT - 2** Draft B - Draft Hawkesbury Development Control Plan - Part B Chapter 3 Complying Development (inclusive of Amendment 139 changes). *Distributed under separate cover.*

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 9 May 2006

COMMERCIAL STRATEGY

ITEM: 92 **CS - Hawkesbury Lithgow Tourism Alliance - Inclusion of Mt Tomah - (95497, 91811)**

Previous Item: 167, Ordinary (9 November 2004)

REPORT:

Council, at its Ordinary Meeting of 9 November 2004 resolved:

"That Council delegates authority to the E-Commerce / Markets Advisory Committee to appoint 2 (two) Councillor representatives from the E-Commerce / Markets Advisory Committee to the Hawkesbury-Lithgow Tourism Cooperative Working Party."

Council will recall that this resolution initially arose from a report to Council by the E-Commerce Markets Advisory Committee (EMAC) from its meeting of 25 August 2004, which proposed establishing a Tourism Cooperative with Lithgow City Council to focus on the development of tourism products based on the Bells Line of Road. Subsequently Council, at its Ordinary Meeting of 14 September 2004 endorsed the EMAC recommendation, resolving that:

"The General Manager and / or nominated staff meet with Lithgow City Council to progress discussions as appropriate."

Council will also recall that at its Ordinary Meetings of 28 June 2005 and 13 December 2005 it resolved in part to:

"...developing a gateway along the Bells Line of Road that incorporates the use of flagpoles, in conjunction with Lithgow City Council...", and;

A "Memorandum of Understanding be negotiated by the working parties for the development of and ongoing participation in, a Regional Tourism Cooperative, which includes reciprocal marketing of respective local government areas and tourism offerings...", and;

"...support is given for the installation of interpretive signage in Ham Common as part of The Botanist Way project, which is to be undertaken by Tourism Hawkesbury Inc..."

The Commercial Response Unit (CRU) has continued to progress this alliance with the last meeting of the tourism partnership being held on 23 March 2006. Working party members were updated about joint activities along with other related tourism projects that respective Council Officers are involved with and which align with the objectives of the alliance. (For example, the Botanist's Way project, gateway flagpoles, and grant funding for the expansion of the Grand Circular Drive project.)

It was highlighted that Mt Tomah Botanic Garden (Mt Tomah), was also in the process of installing flagpoles and was keen to be part of a broader flag themes to promote the area. It was felt that it would be appropriate to extend an invitation to Mt Tomah to join the tourism alliance, as there was commonality of purpose with both Hawkesbury and Lithgow Councils.

Proposal

It is proposed that Mt Tomah be invited to join the Hawkesbury-Lithgow Tourism Alliance.

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Conformance to Strategic Plan

The proposal is deemed to conform with the objectives set out in Council's Strategic Plan i.e:

"Provide leadership to Strategic Tasks - Complementary Tourism Program/s initiated with target LGAs", and

"Establish networks with key influencers - Leadership provision and cross-industry relationships developed via board & committee representation (eg, BAS)"

Funding

All costs will be met from approved budgets.

RECOMMENDATION:

That:an invitation be extended to Mt Tomah Botanic Garden to participate in the Hawkesbury-Lithgow Tourism Alliance to jointly develop tourism opportunities and to promote areas of mutual interest.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 9 May 2006

EXTERNAL SERVICES

ITEM: 93 ES - Execution of Funding Agreement - Transition to Work Program - Department of Ageing Disability and Home Care - (95494, 75816, 78340)

REPORT:

This report has been prepared to seek Council's authority to execute a funding agreement with the Department of Ageing, Disability & Home Care under the Seal of Council to accept funds for a Transition to Work Program for people with disabilities which has recently been established by the Board of Peppercorn Services Inc.

Background

Peppercorn Services Inc. is an incorporated body which was established by Hawkesbury City Council in June 2001 to manage the operations of the Hawkesbury Community Transport Service. The Deputy Mayor, Councillor Dianne Finch, and Councillor Trevor Devine were appointed as Councillor delegates to the Board of PS Inc. – the Deputy Mayor currently chairs the Board.

Since 2001, Council has progressively delegated responsibility for the day-to day management of Peppercorn Place Disability and Aged Service Centre, the McGrath's Hill Community Garage, and the Hawkesbury Senior Citizens Centre to the Board. In practice, Peppercorn Services Inc has assumed the role of Council's delegated agent for the planning, coordination and provision of services for older people and people with disabilities within the City of Hawkesbury.

Since 2001, PS Inc. has been successful in attracting new funding for services and has substantially expanded its portfolio of funded services. Hawkesbury City Council remains the auspicing body for these funded services with Peppercorn Services inc., its delegated managing agent. Under these arrangements Peppercorn Services Inc. undertake all the duties and functions required of the managing agent.

In 2004, the Board endorsed a Strategic Plan with the mission to *'operate quality disability, aged and community transport services and community facilities to assist people to participate in community life.'* A key objective within the Plan requires Peppercorn Services Inc *'to establish new services and facilities within the City of Hawkesbury to enable residents, regardless of their personal circumstances, to enjoy their entitlements and responsibilities.'*

To realise this objective, in August 2004, the Board responded to a request from the Department of Ageing Disability and Home Care (DADH) for the purchase of services to provide a Transition to Work Program for young people with a disability. A tender was subsequently lodged under the Department's Disability Services Program.

Peppercorn Services Inc was subsequently approved as a provider of Transition to Work Programs (TTWP). TTW Programs generally provide a two-year training and work experience program to prepare young school leavers aged 18 to 20 who have a disability and need extra tuition and support to enable them to enter the workforce. Places within TTW Program are ordinarily filled at the commencement of each calendar year by school leavers who have signed up with DADHC to enter a TTW program and have been approved to do so.

The Hawkesbury Transition to Work Program (HTTWP) did not receive any school leavers at the end of 2004 due to the service not being ready to begin in January 2005.

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Current Situation

In January 2006 the HTTWP began in the Community Nursery Building at McGraths Hill with three school leavers. On 12 April 2006 Council has received advice from DADHC that \$48,393 will be provided to Peppercorn Services Inc for the clients currently enrolled in the HTTWP. This funding has been provided for the period 16 January 2006 to June 30 2006. This funding will be renewed in the new financial year and it is anticipated that the level of funding will increase in the calendar year 2007 following the enrolment of further school leavers in the HTTWP.

The Board has also recently lodged an expression of interest to operate a Community Participation Program for people with disabilities. It is likely then when fully operational the TTW and Community Participation Program will attract in excess of \$600,000 in funding and will provide services for up to 35 people with disabilities. To accommodate this planned expansion of services the Board is currently investigating options to erect a demountable building at the Community Nursery site at an estimated cost of \$150,000 - the Board has retained funds for this purpose. A Development Application has been lodged with Council for the proposed building.

To accept the offer of funding for the HTTWP, Council is required (as the funding auspice) to execute a funding agreement with DADHC. The execution of the funding agreement has no funding implications for Council as the funds are directly transferred to Peppercorn Services Inc. - Peppercorn Services Inc. are responsible for the operation of the program and for meeting all the costs associated with the Program.

Conformance to Strategic Plan

The proposal is deemed to conform with the objectives set out in Council's Strategic Plan i.e:

"Work in partnership with the community and government to implement community plans to meet the social, health, safety, leisure and cultural needs of the City."

Funding

There are no funding implications arising from this report. The Hawkesbury Transition to Work Program will be operated by Peppercorn Services Inc. within the grant funds provided for the Program.

RECOMMENDATION:

That Council execute, under the Seal of Council, a funding agreement with the Department of Ageing, Disability and Home Care to accept funding under the DADHC Disability Services Transition to Work Program, for an amount of \$48,393 per annum (first year funding round).

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 9 May 2006

INFRASTRUCTURE SERVICES

ITEM: 94 **IS - McGraths Hill Wetlands and Effluent Reuse Scheme (MHW&ERS) - Access by the Cumberland Bird Observers Club Inc - (79357, 91165)**

Previous Item: 70, Ordinary (14 December 2004)

REPORT:

The McGraths Hill Wetlands is located south of Windsor Road, McGraths Hill. These wetlands were constructed in the year 2000 as part of the overall McGraths Hill Wetlands and Effluent Reuse Scheme (MHW&ERS). The wetlands were originally intended to be used for educational purposes and have been used by birdwatchers for many years.

Whilst the wetlands have provided a venue for birdwatchers to observe the extensive bird life, it is also an operational work site used for the treatment and reuse of treated effluent. Due to the wetlands being considered an operational work site, issues relating to Occupational Health and Safety have restricted birdwatchers and other members of the public from entering the site.

This matter was first reported to Council at its General Purpose Committee Meeting held on 28 September 2004, and deferred until its Ordinary Meeting of 14 December 2004, where it was resolved:

"That:

- 1. Appropriate members of the Cumberland Bird Observers Club Inc, Birding NSW and other bona fide bird watching clubs be inducted onto the wetlands site of the McGrath's Hill Treatment Plant and trained to induct other members. All members entering the site must acknowledge induction and a record of any site visits forwarded to Council.*
- 2. A review of the induction process and records be undertaken by management at 6 (six) months and reported to Council."*

In accordance with the resolution, Council's Water Management Branch initiated discussions with the Cumberland Bird Observers Club Inc. and negotiations were held to establish a mutual agreement where access to the wetlands could be allowed. Protocols were prepared in the form of Safe Work Method Statements, Training and Induction of select personnel from the Club to maintain the safety of birdwatchers whilst on the site.

Whilst this was in progress, instruction was sought and received from the General Manager that access to the MHW&ERS site was to be restricted until all protocols had been determined and adopted. Further, access was to be restricted until legal advice had been received.

Legal advice had taken a number of months and whilst awaiting this, investigation of alternatives such as a bird hide in an area outside the wetlands, but still on Operational land, was undertaken.

Whilst moving towards preparing protocols and safety documentation for allowing birdwatchers access to the site, legal advice that the birdwatchers, in fact any member of the public should not be allowed to enter the site due to public liability under the Occupational Health and Safety Act 2000 was received. Despite all efforts to allow access to members of the public onto the wetlands, it must be recommended that, on the basis of legal advice, access to unauthorised persons to the MHW&ERS Site should be denied.

Conformance to Strategic Plan

The proposal is deemed to conform with the objectives set out in Council's Strategic Plan i.e:

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"Objective: Implement processes to identify and respond to the infrastructure requirements (information, access and mobility) of groups with special needs."

Funding

No impact on current budget.

RECOMMENDATION:

That, on the basis of legal advice, access by the public to the McGraths Hill Wetlands and Effluent Reuse Scheme Site be denied.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING**Meeting Date:** 9 May 2006**SUPPORT SERVICES****ITEM: 95 SS - Monthly Investments Report - March 2006 - (96332)****REPORT:**

The Local Government (Financial Management) Regulation requires that each month, details of all money that has been invested under section 625 of the Local Government Act, 1993 be reported to a meeting of Council.

The following tables outline the investment portfolio held by Council as at the end of March 2006. All investments have been made in accordance with the Act, Regulations and Council's Investment Policy.

March 2006

Investment Type	Balance B/fwd		Deposits	Withdrawals	Accrued Interest Reinvested	Balance End of Month	
Managed Funds	\$19,009,682.07 *				\$90,054.29	\$19,099,736.36 **	
On Call Funds	\$4,850,000.00		\$2,550,000.00	-\$3,450,000.00		\$3,950,000.00	
Term Investments	\$930,000.00					\$930,000.00	
TOTAL	\$24,789,682.07		\$2,550,000.00	-\$3,450,000.00	\$90,054.29	\$23,979,736.36	

* Actual

** Anticipated closing balance. This may vary slightly depending upon final interest return advice.

Investment Commentary

The investment portfolio decreased by \$0.81 million during March 2006. Higher income received from rate payments due at the end of February was offset by payments made exceeding the previous month's outgoings by approximately \$2 million. This increase in outgoings is largely attributed to higher than usual wages and salaries payments resulting from a number of terminations, and higher payments to suppliers.

Managed Fund performance exceeded the benchmark (UBS Australia) Bank Bill Index in March 2006 with an average return after fees of 5.95 %, compared with the index of 5.73%. The managed funds portfolio has achieved a return after fees for the past 12 months of 6.16%, which outperformed the (UBS Australia) Bank Bill Index of 5.8% for the corresponding 12 month period.

Official cash interest rates have remained unchanged at 5.50%.

The investment portfolio is diversified across a number of investment types. This includes a number of managed funds, term deposits and on-call accounts.

The investment portfolio is regularly reviewed in order to maximise investment performance and minimise risk. Comparisons are made between existing investments with available products that are not part of Council's portfolio. Independent advice is sought on new investment opportunities.

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Conformance to Strategic Plan

The proposal is deemed to conform with the objectives set out in Council's Strategic Plan i.e:

"Maximise return on Council's investment portfolio"

Funding

Funds invested with the aim of achieving budgeted income in 2005/2006.

Lisa Desmond
Responsible Accounting Officer

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING**Meeting Date: 9 May 2006****ITEM: 96 SS - Payment to Hawkesbury Sports Council Inc - (73611)****REPORT:**

Set out below are the summarised financials as at 31 March 2006, of Hawkesbury Sports Council Inc (HSCI) that Council resolved to allocate funds for 2005/2006.

Organisations (Unaudited Result)	Income	Expenses	Surplus (Deficit)
Hawkesbury Sports Council In Operating	\$665,257.32	\$387,533.03	\$277,724.29 *
Hawkesbury Sports Council Inc Capital	\$215,000.00	\$29,444.06	\$185,555.94 **
TOTAL SURPLUS / (DEFICIT)	\$880,257.32	\$416,977.09	\$463,280.23

HSCI has reported a surplus for the period ending 31 March 2006 of \$463,280.23 (Four hundred and sixty three thousand two hundred and eighty dollars 23 cent). HSCI continues to maintain, manage and improve Council's sporting facilities including mowing, cleaning, repairs and security as well as collecting fees from users of the facilities.

Council's funding allocation for 2005/2006 to HSCI was \$765,000.00 (seven hundred and sixty five thousand dollars) which included \$215,000.00 (two hundred and fifteen thousand dollars) for Capital expenses.

* Operating surplus includes the prepayment of \$137,000.00 from HCC required to fund running costs for the remaining 3 months of the year resulting in an adjusted operating surplus, as at 31 March, of \$140,000.00.

HSCI's report to HCC is as follows:

"The Hawkesbury Sports Council Committee have elected to take up the option in the current mowing contract and renew the contract for the 2 year period allowable.

Current Capital Works projects include:-

1. Contributions towards the amenities extension at McQuade Park (labour is being supplied by Hawkesbury Valley Rugby Union).
2. Materials for the new Colbee Baseball Canteen (labour is being supplied by Oakville Baseball Club).
3. Mileham Street Netball Fencing – The full length of Mileham Street will be fenced before the end of May.
4. An ambulance entrance for Mileham Street Netball has been established with access for the ambulance straight onto the courts from Mileham Street. Funding for this project is by Hawkesbury Sports Council.
5. The floodlighting of Deerubbin Park will be completed by the end of May with funding for this project by Hawkesbury Sports Council.

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6. D.A.'s are currently lodged with HCC for the following projects:-

- Construction of a cricket storeroom at McQuade Park (to be located near the existing cricket nets). This project is being funded by Hawkesbury Sports Council.
- The extensions to Woodbury Park amenities building. This project is being funded with Section 94 monies (\$30,467) and additional funding being supplied by Hawkesbury Sports Council. Labour will be provided by Glossodia Soccer Club and Glossodia Cricket Club.
- The floodlighting of Berger Road soccer fields. This project is being funded with - Section 94 monies (\$27,000) and additional funding will be provided by Hawkesbury Sports Council.

** The comments below provide an explanation for the current surplus in Capital works:-

1. Capital Works funds had to be put aside as Sports Council had Section 94 monies waiting to be released for 3 projects. All 3 of the projects require substantial additional funding from Hawkesbury Sports Council.
2. All of the works listed are to be commenced in the immediate future with several other works also currently under D.A. notification periods.
3. Section 94 funds have also been allocated for the Car Park and Irrigation at Woodlands Oval. The schedule of works for this project is currently being discussed and a final decision on the scope of the works should be reached following the next meeting of Hawkesbury Sports Council on 12th May, 2006. Again this project will require extensive funding from Hawkesbury Sports Council. It is anticipated that the works will require in the vicinity of \$100,000 of Sports Council funds.
4. Funds are also required to be put aside for the considerable irrigation problems that are currently being experienced at:-
 - (a) Berger Road
 - (b) Turnbull Oval
 - (c) Bensons Lane

Early advice has indicated that the irrigation problems at Berger Road and Turnbull Oval in particular, could be extensive and require large amounts of funds to repair."

(Information supplied by Anne Neal from HSCI)

Conformance to Strategic Plan

The proposal is deemed to conform with the objectives set out in Council's Strategic Plan i.e.:

"Provide efficient allocation of financial and physical assets for the Hawkesbury Sports Council."

Funding

No effect on current funding.

RECOMMENDATION:

That the information be received.

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ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 9 May 2006

ITEM: 97 **SS - Rural Fire Service - Service Level Agreement - (95496, 79016)**

Previous Item: 385, Ordinary Meeting (13 December 2005)

REPORT:

At the meeting of Council held on 13 December 2005, consideration was given to a further report in relation to Council's earlier resolution to give 6 months notice to terminate the current Service Level Agreement with the Rural Fire Service, effective from 31 December 2005, and to commence discussions with the RFS in order to formulate a new Service Level Agreement.

In that report it was indicated that discussions did proceed with the Rural Fire Service on this issue, however, difficulties had arisen in relation to an indemnity clause relating to insurance coverages contained within the Service Level Agreement proposed by the Rural Fire Service. A copy of the report to the meeting of Council of 13 December 2005 is attached for Council's information.

Subsequently Council resolved as follows:

"That the termination date of the current Service Level Agreement between the NSW Rural Fire Service and Council be extended from 31 December 2005 to 31 March 2006 and the NSW Rural Fire Service be advised accordingly."

Discussions have been proceeding with the RFS regarding the Service Level Agreement, however, unfortunately the issue relating to the indemnity clause has not, as yet, been finally resolved even with the involvement of the Local Government and Shires Association. In addition, it is understood that the Associations have raised concerns concerning other issues with the Service Level Agreement entered into by councils, as well as the current requirements of the Act for councils to own and be responsible for vehicles effectively under the total control of the Rural Fire Service.

Whilst discussions have been continuing with regard to other aspects of the Service Level Agreement, these particular issues are more complex and present difficulties in relation to all such agreements between the RFS and the councils, rather than being related to this Council only.

In view of these difficulties the RFS has again recently written to Council suggesting an extension of the termination date of the current Service Level Agreement until 30 June 2006, and it is hoped that the outstanding issues can be resolved by this date.

Conformance to Strategic Plan

The proposal is deemed to conform with the objectives set out in Council's Strategic Plan i.e:

"An informed community working together through strong local and regional connections."

Funding

Relevant positions regarding contributions for the Rural Fire Service are already included within Council's budget.

RECOMMENDATION:

That Council agree to the termination date of the current Service Level Agreement between the NSW Rural Fire Service and Council being extended until 30 June 2006, and the NSW Rural Fire Service be advised accordingly.

ORDINARY MEETING

Meeting Date: 9 May 2006

ATTACHMENTS:

AT - 1 Item 385, Ordinary Meeting of 13 December 2005

ORDINARY MEETING

Meeting Date: 9 May 2006

AT - 1 Item 385, Ordinary Meeting of 13 December 2005

ITEM: Ordinary Meeting Agenda - 9 May 2006

Previous Item: 134, Special (9 May 2005)

REPORT:

At the meeting of Council held on 9 May 2005 consideration was given to a report in relation to the Draft 2005/06 Management Plan, incorporating the draft estimates, and it was subsequently resolved in part as follows:

"Council give the required 6 months notice to terminate the current Service Level Agreement with the Rural Fire Service effective from 31 December 2005, and commence discussions with the Rural Fire Service with a view to formulating a new Service Level Agreement to be effective from 1 January 2006"

This matter has been subsequently discussed with the Rural Fire Service with a view to formulating a new Service Level Agreement by 1 January 2006, however, the Rural Fire Service have recently indicated that they consider that an agreement in this regard was unlikely to be achieved prior to 31 December 2005, and have requested Council to rescind the notice to terminate the agreement.

A further difficulty that has arisen in relation to this matter relates to an indemnity clause contained within the Service Level Agreement proposed by the Rural Fire Service, with the matter having been brought to Council's attention via the Local Government Associations' Weekly Circular 47/05. The item within the circular advises as follows in relation to the matter:

"It has been brought to the Associations' attention that the Draft District Rural Fire Service 'Service Level Agreements' contain a clause indemnifying the Fire Service and its Commissioner. This clause would appear to also be contained in Service Level Agreement previously signed by councils.

Advice has been received that it may not be in the best interest of a council to sign these agreements while this clause remains in the agreement.

Councils will need to be aware that Statewide Mutual has stated that the Statewide Liability Protection wording excludes claims arising out of a breach of contract and councils are therefore advised not to enter into any new Service Level Agreement with the Rural Fire Service until this issue is resolved.

The Associations are currently seeking further advice on the matter and will carry out a comprehensive review of the Service Level Agreements.

The current agreement allows the parties to extend the agreement, prior to its expiration, for a further period and councils are encouraged to avail themselves of this option where it is necessary. This of itself will not resolve the issue but will maintain the status until such time as negotiations can be finalised."

Whilst the above item refers to the Statewide Mutual Insurance scheme, it has been ascertained that the same situation exists in respect of Westpool. It is also understood that discussions are presently being held between the Rural Fire Service and relevant bodies to resolve this situation.

In view of the situation regarding the indemnity clause as referred to by the Association and the request from the Rural Fire Service, it is suggested that it would be appropriate for Council to agree to extending the termination date for the current Service Level Agreement from 31 December 2005 to 31 March 2006.

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It is then hoped that the issue regarding the indemnity clause within the Service Level Agreement will be resolved and Council could then enter into an appropriate agreement by this date. Representatives of the Rural Fire Service have indicated that an extension of the termination date from the Service Level Agreement would be appropriate from their view point.

Conformance to Strategic Plan

The proposal is deemed to conform with the objectives set out in Council's Strategic Plan i.e:

"An informed community working together through strong local and regional connections."

Funding

Relevant positions regarding contributions for the Rural Fire Service are already included within Council's budget.

RECOMMENDATION:

That the termination date of the current Service Level Agreement between the NSW Rural Fire Service and Council be extended from 31 December 2005 to 31 March 2006 and the NSW Rural Fire Service be advised accordingly.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 9 May 2006

CONFIDENTIAL REPORTS

**ITEM: 98 SS - Property Matter - Lease Agreement - Hawkesbury District Tennis Association
 - (74070, 79337) CONFIDENTIAL**

Reason for Confidentiality

*This report is **CONFIDENTIAL** in accordance with the provisions of Part 1 of Chapter 4 of the Local Government Act, 1993, and the matters dealt with in this report are to be considered while the meeting is closed to the press and the public.*

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(c) of the Act as it relates to details concerning the leasing of a Council property and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

In accordance with the provisions of Section 11(2) & (3) of the Local Government Act, 1993, the reports, correspondence and other relevant documentation relating to this matter are to be withheld from the press and public.

ORDINARY MEETING

Meeting Date: 9 May 2006

ITEM: 99 **SS - Property Matter - Lease Agreement - Shop 2, Glossodia Shopping Centre (Froemel) - (95496, 79337, 74432, 38869) CONFIDENTIAL**

Previous Item: 20, Ordinary (31 January 2006)

Reason for Confidentiality

*This report is **CONFIDENTIAL** in accordance with the provisions of Part 1 of Chapter 4 of the Local Government Act, 1993, and the matters dealt with in this report are to be considered while the meeting is closed to the press and the public.*

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(c) of the Act as it relates to details concerning the leasing of a Council property and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

In accordance with the provisions of Section 11(2) & (3) of the Local Government Act, 1993, the reports, correspondence and other relevant documentation relating to this matter are to be withheld from the press and public.

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Meeting Date: 9 May 2006

ITEM: 100 **IS - Blaxlands Ridge Maturation Ponds - Tender for Stage 2 - (79357)**
CONFIDENTIAL

Reason for Confidentiality

*This report is **CONFIDENTIAL** in accordance with the provisions of Part 1 of Chapter 4 of the Local Government Act, 1993, and the matters dealt with in this report are to be considered while the meeting is closed to the press and the public.*

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(c) of the Act as it relates to details concerning tenders for the supply of goods and/or services to Council and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

In accordance with the provisions of Section 11(2) & (3) of the Local Government Act, 1993, the reports, correspondence and other relevant documentation relating to this matter are to be withheld from the press and public.

ordinary

section 5

reports
of committees

ORDINARY MEETING
Reports of Committees

SECTION 5 - Reports of Committees

ROC - Hawkesbury Bicycle and Access Mobility Committee - 20 March 2006 - (95494, 79342)

The meeting commenced at 6.05pm in the Large Committee Room, Hawkesbury City Council

Present: Councillor Leigh Williams (Chairperson)
Jenni Bousfield
Alan Aldrich
Mark Newton
Peter Rukin
Robert Bosshard
Jane McCormick
Andrew Docking
Chris Cameron
Doug Bathersby
Nick Burling

Apologies: Councillor Dianne Finch
Matthew Peace
Brett Barnes

In Attendance: Joseph Litwin (Executive Officer)

REPORT:

RESOLVED on the motion of Jenni Bousfield and seconded by Alan Aldrich that the apologies be accepted.

Election of Chairperson

RESOLVED on the motion of Doug Bathersby and seconded by Peter Rukin that Councillor Leigh Williams be appointed Chairperson of the Hawkesbury Bicycle and Access Mobility Committee.

Councillor Williams accepted the nomination and was appointed as Chairperson.

Confirmation of Membership

The Executive Officer (EO) advised the committee that ten nominations had been received from community members to sit on the Committee and that Council had duly appointed these nominees to the Committee. The constitution also provided for a staff appointed delegate, and representatives from the Hawkesbury Area Local Command and the Roads and Traffic Authority.

Objectives of Committee

Executive Officer drew the Committees attention to the objectives of the Committee as set down in its constitution. The objectives were discussed and clarified.

The Committee requested that provision should also be made in the business of the committee for the Committee to consider operational matters that may be brought to the committees attention by individual committee members. The Executive Officer advised the committee of existing processes available to

ORDINARY MEETING
Reports of Committees

committee members to raise such issues - including the lodgement of electronic customer service requests, contacting relevant staff directly, or making representations to Councillors

While the advice of the Executive Officer was considered, the Committee determined that a process enabling committee members to raise operational issues was deemed to be an important adjunct to the strategic role of the Committee. Consequently there was agreement that a process would be implemented whereby committee members could table written requests for Council to investigate physical access black-spots. The Committee resolved that the EO should develop a pro-forma to facilitate this.

SECTION 2 - REPORTS FOR DETERMINATION

Item 1 – Planning for Access and Mobility

The EO drew the Committees attention to a written report provided in the Business Papers outlining a proposed planning process for the drafting of the Hawkesbury Access Mobility Plan. Clarification was sought by committee members in relation to aspects of this written report.

RESOLVED on the motion of Chris Cameron and seconded by Jenni Bousfield that the EO prepare Terms or Reference for a planning process to achieve the drafting of the Hawkesbury Access Mobility Plan to be considered by the Committee at its next meeting.

SECTION 3 - GENERAL BUSINESS

RESOLVED on the motion of Doug Bathersby and seconded by Peter Rukin that a recommendation be put to Hawkesbury City Council to consider establishing a budget allocation of \$50,000 to be used to address physical access black spots within the City of Hawkesbury.

Next Meeting

To be held at 4.30 pm on Monday the 1st May, 2006 at The Meeting Room, Peppercorn Place, 320 George Street, Windsor.

The Meeting terminated at 7.25pm.

oooO END OF REPORT Oooo

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Reports of Committees

ROC - Cultural Precinct Advisory Committee Meeting - 18 April 2006 - (97382, 95494)

The meeting commenced at 5.00pm in the Tebbutt Room at the Deerubbin Centre.

Present: Councillor Dianne Finch, Hawkesbury City Council (Chairperson)
Margarete Formanek, Education Sector Representative
Michael Georgeson, Tourism Hawkesbury Inc.
Glenda Ewin, Community representative
Professor Ian Jack, Hawkesbury Historical Society
Judy Newland, Hawkesbury Historical Society
Johneen Hibbert, Community Representative
Michael Ginnings, FOHACaRAG
Robyn Bruce, Hawkesbury City Chamber of Commerce
Ingrid Hoffmann, Gallery and Museum Director
Michelle Nichols, Acting Library Manager

Apologies: Simon French, Community representative
Caroline Kelly, Community representative
Graham Edds, FOHACaRAG

In Attendance: Executive Manager Community Partnerships (Executive Officer)

REPORT:

RESOLVED on the motion of Michael Ginnings and seconded by Judy Newland that the apologies be accepted.

Section 1 - Confirmation of Minutes

1. Matters arising from Previous Minutes

Executive Manager Community Partnership (EMCP) advised that the resolution of the Committee *'to explore interest and availability or possibility of a member of the Everingham Group or Merana Aboriginal Association becoming a member of the committee'* passed at the 21 February 2006 meeting may be in conflict with the Committees constitution which identifies Darug Custodian Aboriginal Corporation as the indigenous representative. The EMCP advised that should the Committee resolve to do so, a report could be prepared for Council to amend the constitution to allow for alternate representation. After some discussion it was determined that the position of indigenous representative would remain vacant with Leanne Tobin 'on call' for consultation on indigenous matters.

2. Confirmation of Minutes

RESOLVED on the motion of Michael Ginnings and seconded by Margarete Formanek that the Minutes of the Cultural precinct Advisory Committee held on 21 February 2006 be confirmed.

Section 2 - Reports for Determination

Item 1 - Committees of Council - Formation and Committee Procedures

RESOLVED on the Motion of Michael Ginnings and seconded by Margarete Formanek that:

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Reports of Committees

1. The information be received.
2. The Committee to note that the business of the Committee will be conducted in accordance with the practice guidelines detailed in this Report.

Item 2 - Activity Report - Gallery Director

RESOLVED on the Motion of Johnneen Hibbert and seconded by Judy Newland that the information be received.

Item 3 - Activity Report - Acting Library Manager

RESOLVED on the Motion of Michael Ginnings and seconded by Judy Newland that:

1. The information be received.
2. A request be forwarded to Public Relations to consider including a piece on the use of the community rooms within the Cultural Precinct in the regular Mayoral Column.
3. A report be prepared in relation to the hours of opening of the Deerubbin Centre car park.

Item 4 - Hawkesbury Cultural Precinct Advisory Committee Business Plan 2006-2007

RESOLVED on the Motion of Johnneen Hibbert and seconded by Ian Jack that:

1. The information be received.
2. The Committee to delegate responsibility for the further refinement of the Cultural Precinct Advisory Committee Business Plan to the Business Plan sub-committee.

3. General Business

- The EMCP advised the Committee that Council had resolved to decline the offer to acquire the John and Hazelle Laffin Battlefield Museum and War Collection for public display.
- The EMCP advised the Committee that Council was currently negotiating with the Management Committee of the Richmond Neighbourhood Centre to resume responsibility for the care and control of Hall 3 within the Centre. It is proposed to develop this venue as an annexe or extension to the Stan Stevens Studio.
- It was noted by FOHACaRAG representative Michael Ginnings that an alternative to Council envelopes could be used for Gallery mail-outs. Discussion on printing costs and logo stickers ensued.

4. Next meeting

The Meeting closed at 6.00pm and Councillor Finch advised that the next meeting of the Cultural Precinct Advisory Committee would be held on Tuesday, 20 June at 5:00 pm in the Tebbutt Room.

oooO END OF REPORT Oooo



ordinary
meeting

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