



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"***

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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

ORDINARY MEETING

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.

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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



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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

Confidential



386 George Street
PO Box 146
Windsor NSW 2756
Phone: 02 4560 4444
Facsimile: 02 4560 4400
DX: B631 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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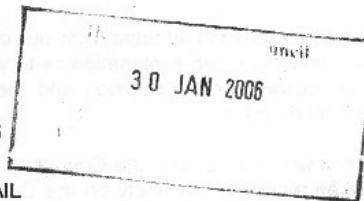
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AT - C Slater & Gordon Solicitors letter dated 27 January 2006 to Hawkesbury City Council



27 January 2006

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



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Sydney NSW 2000
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Direct Ph: 8267.0604
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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

ORDINARY MEETING

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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

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All communications to be addressed to the General Manager
P.O. Box 46, Windsor NSW 2755
Website: www.hawkesbury.nsw.gov.au
E mail: council@hawkesbury.nsw.gov.au
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

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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
General Manager
Hawkesbury City Council
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WINDSOR

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51 Druitt Street
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DX 1163 Sydney

Direct Ph: 8267 0604
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Email: jmoran@slatergordon.com.au

Our Ref: PJW/28756

Fax 4560.4400

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

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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.

ORDINARY MEETING

Meeting Date: 9 May 2006

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

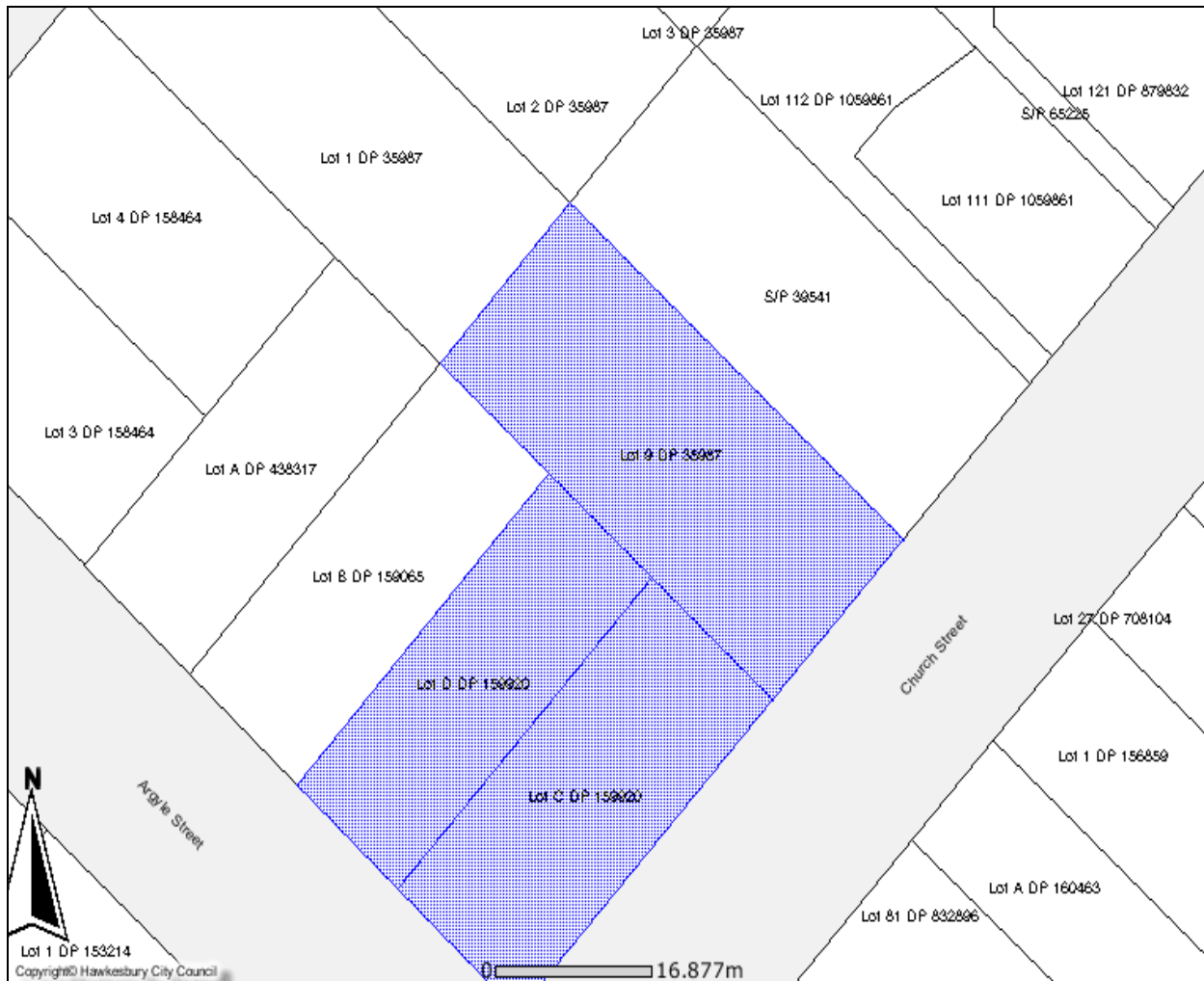
AT - 4 Subdivision Plan

ORDINARY MEETING

Meeting Date: 9 May 2006

AT - 1 Locality Plan

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



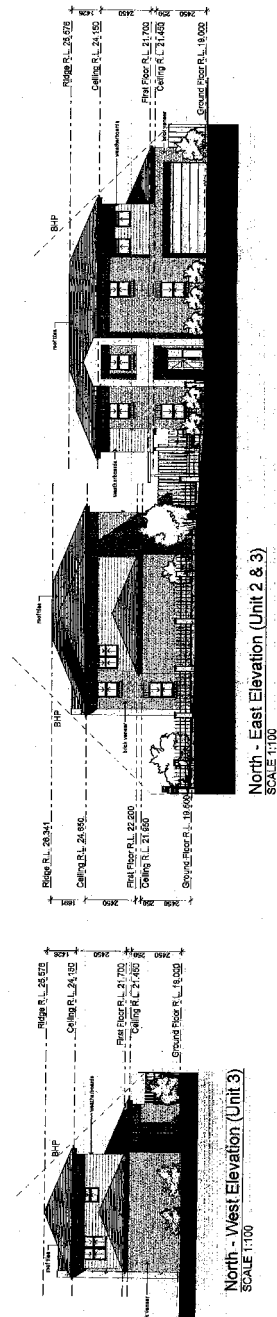
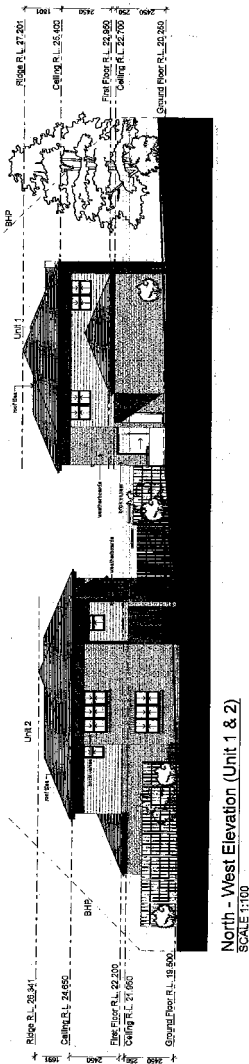
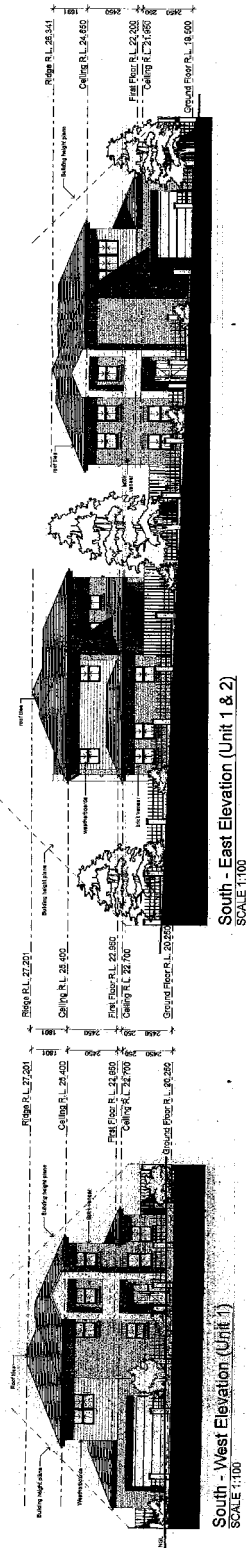
Meeting Date: 9 May 2006

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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	
Drawn By	Checked By	Drawn By	Checked By	Drawn By	Checked By	Drawn By	Checked By
13/04/06	13/04/06	13/04/06	13/04/06	13/04/06	13/04/06	13/04/06	13/04/06
Issue	Date	Issue	Date	Issue	Date	Issue	Date
A	13/04/06	2/4	13/04/06	2/4	13/04/06	2/4	13/04/06
Revision				Revision			

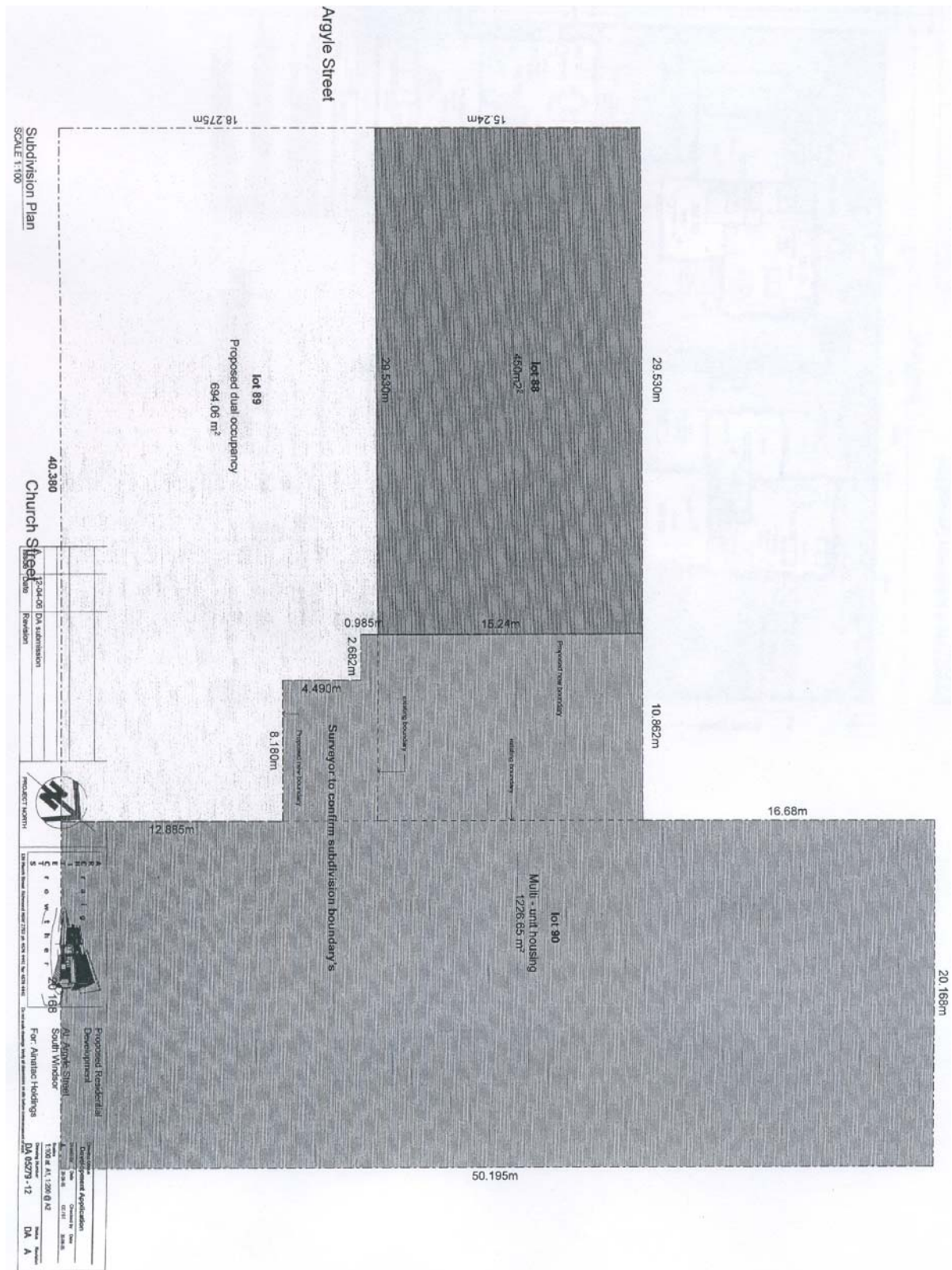
ARCHITECT: NORTH

13/04/06

ORDINARY MEETING

Meeting Date: 9 May 2006

AT - 4 Subdivision Plan



0000 END OF REPORT 0000

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:

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

ORDINARY MEETING

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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

ORDINARY MEETING**Meeting Date: 9 May 2006****AT - 1 Drainage Fees**

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

end of
business
paper

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