



Hawkesbury City Council

ordinary meeting business paper

date of meeting: 28 August 2007

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.

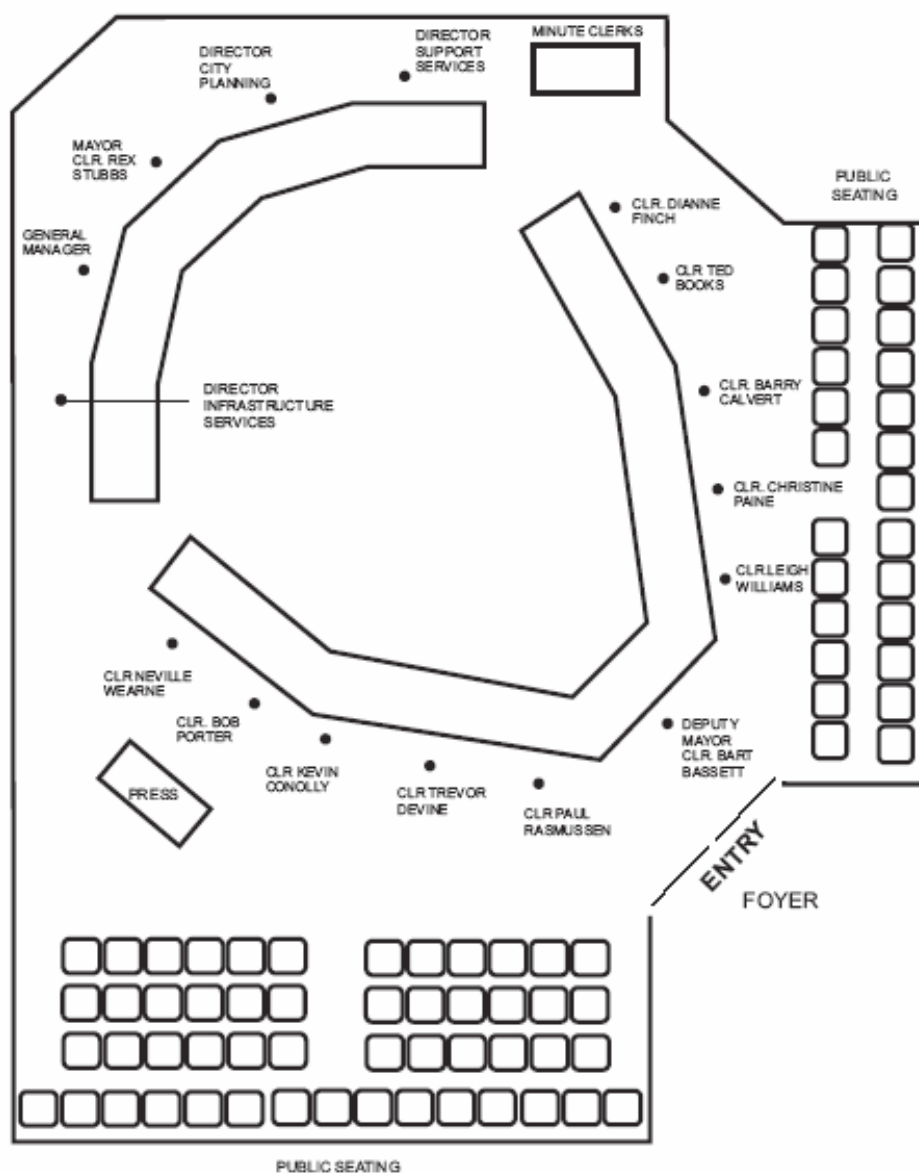
Website

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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- **EXCEPTION REPORT - Adoption of Items Not Identified for Discussion and Decision**
- **SECTION 4 - Reports for Determination**

**Acting General Manager
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- **QUESTIONS WITHOUT NOTICE**

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SECTION 3 - Notices of Motion

NM1 - Use of Windsor Bridge by B Double Trucks - (90477, 80741, 107)

Submitted by: Councillor B Porter

NOTICE OF MOTION:

That the Roads and Traffic Authority be requested to provide a structural report on Windsor Bridge and justification regarding use of the bridge by B Double trucks which cross into the oncoming traffic lane when negotiating the bridge.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

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SECTION 4 - Reports for Determination

ACTING GENERAL MANAGER

Item: 163 **AGM - Australian Public Sector Anti-Corruption Conference, 23-26 October 2007 in Sydney - (79351)**

REPORT:

The Australian Public Sector Anti-Corruption (APSAC) Conference 2007 will be held 23-26 October 2007 in Sydney. The APSAC Conference 2007 offers delegates the opportunity to learn from leading experts and practitioners on the assessment and identification of corruption risks and best practice in anti-corruption practices and systems. The Conference sessions will be held on 24 and 25 October, with the remaining two days devoted to workshops.

Topics in the program include:

- Building organisational integrity
- Guarding against corruption risks in contracting and off-shore operations
- Implementing post-investigative change
- Increasing procurement integrity
- Best practice for managing whistleblower complaints and investigations
- Strategies for managing conflicts of interest
- Government regulators - the environment and corruption risks
- The regulatory landscape and corruption risks of new markets
- Dealing with improper access, information sharing, release and use of information
- Government licensing process - corruption risks and remedies

Cost of attendance at the APSAC Conference 2007 will be approximately \$1,700.00 plus travel expenses per delegate, not including workshops.

Budget for Delegate Expenses - Payments made

• Total Budget for Financial Year 2007/2008	\$46,961.00
• Expenditure to date	\$ 2,836.00
• Budget balance as at 16/8/07	\$44,125.00

Conformance to Strategic Plan

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

"Investigating and planning the City's future in consultation with our community, and co-ordinating human and financial resources to achieve this future."

Funding

Funding for this proposal will be from the Delegate Expenses Budget.

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RECOMMENDATION:

That attendance by nominated Councillors, and staff members as considered appropriate by the Acting General Manager, at the Australian Public Sector Anti-Corruption (APSAC) Conference 2007 to be held 23-26 October 2007 in Sydney at a cost of approximately \$1,700.00 plus travel expenses per delegate be approved.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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CITY PLANNING

Item: 164 **CP - Support of Camden Council's request for a Motion at the LGA Annual Conference re Licensing of AWTs Service Agents - (95494, 96330, 79348)**

Previous Item: 216, Ordinary (12 September 2006)

REPORT:

The purpose of this report is to seek Council assistance in supporting Camden Council's Motion to the Local Government Association Annual Conference for the State wide licensing of On-site Sewage Management System service agents by the Department of Fair Trading, including but not limited to Aerated Wastewater Treatment Systems (AWTS) and Greywater Treatment Systems (GTS).

Background

In 2006 Council supported a similar Motion that was put forward at the Local Government Association Annual Conference by Camden Council (refer to copy provided). Camden Council has made a minor modification to the Motion to ensure that all on-site sewage management systems that require regular servicing are encompassed.

A response regarding this Motion has been provided by The Hon. Paul Lynch MP (refer to copy provided). The response does not sufficiently address the issue of accountability of these service agents. Similarly, the ability of Council to ban an agent found to provide inadequate maintenance does not exist.

It is difficult and resource intensive for a Council to set minimum criteria that service agents are required to meet to work in their Council area, however only licensing of these agents by the Department of Fair Trading will enable government and the community to hold these service agents responsible for their actions.

Current Situation

Camden Council has reviewed the response provided by The Hon. Paul Lynch MP addressing the previous Motion placed before the Local Government Association in 2006. The model referred to in this response currently used by the Hunter Septic Tank Action Group is used to set minimum criteria for service agents and sets benchmark requirement for these service agents; however it does not resolve the issue of the lack of accountability of these agents in the event of poor workmanship.

Council is not in a position to prohibit service agents from working in the Local Government Area (LGA) in the event of poor workmanship as current legislation does not provide Council the authority to hold these service agents in any way accountable for their work.

If Council were to prohibit a particular service agent from operating within the LGA, then Council would become responsible for the consequences of such action. Regulation of this issue remains the responsibility of State Government and can only be done through the licensing of these service agents by the Department of Fair Trading.

It is hoped that by raising this Motion at the Local Government Association Conference for the second time, attention can be brought to encourage the government to deal with this matter.

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Conclusion

The licensing of AWTS service agents is crucial in regulating the quality of service being provided to our community. By making the service agents accountable through the Department of Fair Trading for their workmanship, Local Councils and the community can be satisfied that the servicing of AWTS state wide is being done to a standard stipulated by the Department of Fair Trading. The licensing of service agents will also further assist in reducing the risks that AWTS have on the environment and public health.

This problem remains a State wide issue and Council will need to continue to push for the regulation of these service agents by State Government through a licensing system regulated by the Department of Fair Trading.

Conformance to Strategic Plan

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

"Implement plans and controls to manage and reduce waste and promote the environmental health of the City."

Funding

Nil impact on budget.

RECOMMENDATION:

That Council support the Motion put forward by Camden Council at the 2007 Local Government Association Annual Conference:

"That the Association call on the NSW State Government to introduce a system of licensing of all service agents of on-site sewage management systems (including but not limited to Aerated Wastewater Treatment Systems and Greywater Treatment Systems) by the Department of Fair Trading."

ATTACHMENTS:

- AT - 1 Copy of report to Camden Council dated 23 July 2007.
- AT – 2 Response from the Hon. Paul Lynch MP.
- AT – 3 Copy of original report to Council dated 12 September 2006.

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AT - 1 Copy of report to Camden Council dated 23 July 2007

**To View This Image,
Please Refer to the Separate
Attachments Document (Maps)**

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AT – 2 Response from the Hon. Paul Lynch MP

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AT – 3 Copy of original report to Council dated 12 September 2006

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oooO END OF REPORT Oooo

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Item: 165 **CP - Development Application for Colour Bond Fence and Retaining Wall - 20 William Cox Drive, Richmond NSW 2753 - (DA0197/07, 78735, 100500, 96329, 95498)**

Previous Item: RM, Ordinary (14 August 2007)
144, Ordinary (31 July 2007)

Development Information

Applicant: Mr P G and Mrs V Millington
Owner: Mr P G Millington
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
 Hawkesbury Development Control Plan
Area: 566 m2
Zone: Hawkesbury Local Environmental Plan 1989 - Housing
Advertising: 12 June 2007 to 26 June 2007
Date Received: 13 April 2007

Key Issues: ♦ Part of work commenced without approval
 ♦ One submission received

Recommendation: Approval

REPORT:

Introduction

Development consent is sought for a 1.8m colorbond fence and the use of a retaining wall. The retaining wall that is subject to this application is currently in existence.

On 29 May Council made the following resolution:

"That Development Applications seeking approval for buildings already under construction or completed without consent be the subject of a report to Council and not approved under delegated authority."

In accordance with the above resolution, in respect to retrospective approvals, the application is being reported to Council.

Description of Proposal

The proposed 1.8m high colourbond fence is to be located on the northern and eastern property boundary with a return back to the residence. This brings the fence in line with the front of the building.

The retaining wall is a minimum of 540mm high to a maximum height of 860mm along the North eastern and south eastern boundaries.

The property is such that there is a definite difference between the level of the block and Council's footpath. The land appears to have been previously retained by a retaining wall and the land would have been cut at the time of subdivision.

The property is a corner block and the dwelling is situated to face the corner rather than one or the other of the streets. The right hand corner of the residence is closest to Grand Flaneur Drive having a set back of

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7.5m. The left-hand corner having a setback of four metres, with this side being the largest side and the front entry of the residence facing William Cox Drive.

The dwelling is positioned to front the corner of the allotment with very little usable rear yard.

The applicant has proposed the fence in order to eliminate a security problem, create a useable space and provide for a front area that is aesthetically in keeping with the district.

The reasons given by the applicant for the application are:

- Majority of open space is located forward of the dwelling. The applicant is trying to make use of the side yard.
- The position of the dwelling does not provide a reasonable rear yard.
- The existing neighbours garage blocks the northerly aspect and overshadows the small rear yard.
- With an increasing family a secure yard is needed for the children.
- The existing telephone box on the corner provides a lot of noise and the front lawn is used as a short cut by pedestrians.
- The telephone box is a security problem to the property as without a clear boundary the booth occupants have access into the applicant's property.

Background

The applicant originally proposed a fence to the side boundary and in line with the front of the building. During assessment of the application it was brought to the Council's attention that landscaping was occurring.

The applicant was retaining the existing front yard. As the levels proposed were a maximum height of 860mm, a development consent was required.

The owner of the property was approached and advised that approval was required and that the work was to cease. The applicant claimed that they were not aware that approval was required. The owner considered that the work was landscaping, similar to what is in the street, and as such did not require consent.

Once informed, the application was subsequently amended and renotified. However, subsequent inspection revealed that the retaining wall was completed and the footpath made safe.

As the work had been done without Council approval the application is required to be reported to Council.

Statutory Framework - Unlawful Structures

The Environmental Planning and Assessment Act 1979 does not make provisions for development consent to be granted retrospectively but under section 109A of the Act there is a distinction between the *unlawful erection of a structure* and the *unlawful use of land or a structure*. Section 109A reads:

1. *the use of a building, work or land which was unlawfully commenced is not rendered lawful by the occurrence of any subsequent event except:*
 - (b) *the granting of development consent to that use.*

Therefore, the development application is required to be considered on its merits and should the use of the structures be deemed consistent with relevant planning controls then an application for a Building Certificate is required to be submitted to Council.

As previously mentioned, the Act does not provide for retrospective approval for unlawful structures but a person may obtain a Section 149 Building Certificate from Council. The certificate differs from a development consent or building approval for a structure, in that it confers certain forms of legal immunity on the structure (Section 149E of the Act) rather than granting consent for the structure. It is important to note that the Section 149 certificate does not make an unlawful structure lawful but simply makes it immune from certain types of legal action for a period of seven years.

Matters for Consideration Under Section 79(c) of the Environmental Planning and Assessment Act 1979

a) The provisions of:

i) any environmental planning instrument (ie LEPs, REPs & SEPPs)

The proposal is not inconsistent with any relevant REPs or SEPPs.

Hawkesbury Local Environmental Plan 1989

Hawkesbury Local Environmental Plan (LEP) 1989 applies to the land.

The aims and objectives of this plan are:

- (a) to provide the mechanism for the management, orderly and economic development and conservation of land within the City of Hawkesbury,*
- (b) to provide appropriate land in area, location and quality for living, working and recreational activities and agricultural production,*
- (c) to protect attractive landscapes and preserve places of natural beauty, including wetlands and waterways,*
- (d) to conserve and enhance buildings, structures and sites of recognised significance which are part of the heritage of the City of Hawkesbury for future generations, and*
- (e) to provide opportunities for the provision of secure, appropriate and affordable housing in a variety of types and tenures for all income groups within the City.*

The development is consistent with the general aims and objectives of this plan.

The subject property is zoned **Housing** under Hawkesbury Local Environmental Plan 1989

The objectives of this zone are as follows:

- (a) To provide for low density housing and associated facilities in locations of high amenity and accessibility,*

Comment:

This objective does not relate to this proposal

- (b) to protect the character of traditional residential development and streetscapes,*

Comment:

It is considered that the proposal is compatible with the scenic quality of the area and will not have a detrimental impact upon the locality.

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- (c) *to ensure that new development retains and enhances the existing character,*

Comment:

It is considered that the proposal is compatible with the scenic quality of the area and will not have a detrimental impact upon the locality.

- (d) *to ensure that development is sympathetic to the natural amenity and ecological processes of the area,*

Comment:

It is considered that the proposal is compatible with the scenic quality of the area and will not have a detrimental impact upon the locality.

- (e) *to enable development for purposes other than residential only if it is compatible with the character of the living area and has a domestic scale and character,*

Comment:

It is considered that the proposal is compatible with the area and is domestic in scale and character.

- (f) *to control subdivision so that the provision for water supply and sewerage disposal on each resultant lot is satisfactory to the Council,*

Comment:

This objective does not relate to this proposal

- (g) *to ensure that development does not create unreasonable economic demands for the provision or extension of public amenities or services.*

Comment:

This objective does not relate to this proposal

Under Clause 9 b) of the LEP from the land Matrix set out the fence and the retaining wall are

"development that requires consent, but may be exempt or complying"

As the retaining wall is to be located along the boundary, it does not fit the exempt or complying development criteria and therefore is permitted only with Consent.

A fence along a side boundary is deemed exempt under Councils LEP and as it is behind the line of the building is permitted to be 2.4 metre above ground.

However, in this instance the fence proposed is 1.8m from the inside ground level and will be a maximum of 2.6 metre from the footpath due to the difference in the existing levels.

The applicant is proposing a variation of a further height of 260mm. This height would only extend for a distance of approximately four metre.

As both the material and colour of the fence and wall are different, this would breakup the overall appearance of the structure. Also there is a tree located on the footpath which would add to the aesthetics of the proposal. However, to further reduce the overall bulk of the fence and wall combination, it is also recommended that the proposed fence be set back, inside the subject property, a minimum of 0.5 metre from the retaining wall to enable landscaping of the setback area.

As the corner location of the property is prominent when entering the estate, in order to reduce to bulk it is recommended that the fence be reduced to 1500mm from the internal ground level.

As the pedestrians line of sight would not extend into the applicants yard, privacy would still be achieved.

The backfill that would be required to tidy up behind the retaining wall (less than 300mm depth) is deemed exempt under the Council's LEP 9B Exempt Table.

An engineers Certificate for the wall would not be required as the wall is not greater than one metre. However, as the work has been undertaken without approval or construction inspections, a statutory declaration that the work has been completed to the manufactures specifications is required.

- i) **any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority**

There are no relevant draft EPI's that affect the land or the proposal.

- iii) **any development control plan applying to the land**

Hawkesbury Development Control Plan 2002

Part A, Chapter 1 - Purpose and Aims

The proposed development is considered to be consistent with the general aims and objectives of Hawkesbury Development Control Plan 2002.

Part A, Chapter 2 – General Information

It is considered that sufficient information has been submitted with the application for Council to assess the application.

Part A, Chapter 3 - Notification

The application was notified to adjoining property owners and occupiers in accordance with the requirements of Hawkesbury Development Control Plan 2002. The notification period extended between 3 May 2007 to 17 May 2007 and notification for the revised plans between 12 April 2007 to 26 April 2007. In response to this notification two written submissions were received from the same respondent.

Residential Development

Fencing and retaining Walls

Part D, Chapter 1.19 of the DCP relates to (front) fences and retaining walls.

The Aim of this section of the DCP states:

To ensure that fences and boundary retaining walls should be compatible with the character of the location and integrated with the design of the buildings.

The retaining wall design is considered to be in character with the other walls in the area, and colorbond fencing is typical for the district.

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The rules of the DCP and a comparison of these rules with the proposed development is set out in the following table:

DCP Provisions	Proposed Fence	Comments
Front fences where not screening private open space walls are to be a maximum height of 1.2m if solid.	Proposed fence is located on side road boundary and is to screen private open space.	Complies. Proposal is screening private open space.
Solid front fences may be 1.8m high and articulated if: <ul style="list-style-type: none"> The site is 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 detaining to provide visual interest. 	<p>Not located on main road</p> <p>Site not located within an established heritage character</p> <p>The proposed fence length is approximately 8.2m along a boundary of 15.8m. The equates to approximately 52% of the boundary length.</p> <p>Total length of the proposed fence is approximately 8.2m.</p>	<p>Not applicable.</p> <p>Not applicable.</p> <p>Complies. Only 52% of boundary.</p> <p>Complies. Less than 10m.</p>
The integration of trees and natural vegetation with the fence line is desirable	No landscaping proposed.	Condition proposed to include landscaping between wall and fence.
The setback of the fence will be used for landscaping.		Condition proposed
Solid fences are to be 1 metre from the front boundary where not part of private open space.	Proposed fence is to be part of open space.	Complies
Retaining walls shall: <ul style="list-style-type: none"> Not be taller than 500mm; Not cut through roots of any tree top be retained. 	<p>Wall height varies from 0 - 0.86m.</p> <p>Wall does not disturb tree roots.</p>	Height of wall is considered a minor variation due to the existing landform.

As seen in the above table comparison, the proposed fence complies with four of the six requirements. The remaining two requirements are proposed to be conditioned to comply by requiring the fence to be set back 0.5m from the boundary and the setback area to be landscaped. This would make the fence comply with all the relevant rules of the DCP.

Whilst the retaining wall does exceed the height controls by 0.36m, it is considered that this variation is acceptable in this case due to the nature of the existing landform and that the wall is consistent with the objectives of Section 1.19 of the DCP.

Photos (Photos 1 to 4) of the retaining walls in the district will be displayed on the board in the Council Chambers.

These retaining walls are containing the front yards, where the land has been cut to create the footpath. Stone and brick are predominate in the area. However, the property beside the applicants has its' land retained by a koppers log wall approximately 700mm high.

Photos 5 to 7 (Refer to the board in the Council Chambers) show the applicants property with the wall under construction. The close proximity of the telephone box, the location of the respondents driveway and the small section that is proposed to be fenced, in relation to the wide clear frontage of the dwelling.

iv) Any Matters Prescribed by the Regulations

There are no matters discernable that are prescribed by the Regulations that affect the development.

b) The Likely Impacts the Development, Including Environmental Impacts on Both the Natural and Built Environments, Social and Economic Impacts in the Locality

The development is not considered to be out of character with the surrounding landscape and it is unlikely that the development will have any adverse environmental impact on the locality.

Noise and Vibration

The development will contribute to the reduction of noise to the existing residence and the amenity of the property.

Safety, Security and Crime

The development will have significant benefit to applicants property as both the retaining wall and the fence define the boundary and prevent the constant trespass on the property that the applicant is experiencing due to the telephone box on the footpath.

c) The Suitability of the Site for the Development

The site is suitable for the development. It is noted that there is a subsurface drain constructed as part of the retaining wall, that discharges at the northern property boundary. A condition is proposed to require this discharge to be directed to an approved stormwater discharge point.

d) Any Submissions Made in Accordance with the EPA Act or Regulations

Two Submissions by the same respondent were received by Council during the exhibition period.

Respondent:

"Application is not consistent with Hawkesbury Development Control Plan"

Comment

The proposal is considered to be consistent with the objectives of the DCP. A comparison with the "rules" of the DCP also indicates that the proposal generally complies with the DCP or conditions to comply have been proposed.

Respondent:

"Plan provided by the applicant to Council does not reflect of the nature of the work to be carried out."

Comment

The amended Plans indicate the work to be done.

Respondent:

"Safety issues regarding egress from my property to the street."

Comment

Line of sight when reversing a vehicle from a driveway is across the footpath area and is not taken across a neighbouring property. The fence would not impact on the line of site for the egress from the adjoining property. However, the applicant has chosen to splay the corner adjacent to the respondent's driveway in order to address the respondents concerns.

Respondent:

"Loss of streetscape amenity."

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Comment;

The fence and retaining wall are not out of character with the area. This is evident in the photos that will be displayed in the Council Chambers. In order to improve the proposed situation a condition to setback the fence to permit some landscaping is also proposed.

Respondent;

"The Hawkesbury City Council DCP 1.9.f provides for walls to be not taller than 500mm"

Comment

Under Clause 9 b) of the LEP from the land Matrix set out for the fence and the retaining wall are "development that requires consent, but may be exempt or complying". The DCP provisions provide guidelines to ensure development is compatible to the area. As the retaining wall is to be located along the boundary, it does not fit the exempt or complying development criteria and therefore requires Consent. The proposed retaining wall and fence are considered to be consistent with similar development in the local area.

Respondent;

"The plans provided show no provision for fill at 20 William Cox Drive"

Comment

The plans provided indicate the work to be done. The block is being tidied up in a similar manner to adjoining and surrounding properties. The retaining wall will contain the existing cut of the property and in parts the area behind the wall back filled to provide a level lawn. The backfill that would be required to tidy up behind the retaining wall and forms part of this proposed development consent.

e) The Public Interest

The matter is not considered to be contrary to the general public interest.

RECOMMENDATION:

That:

- A. A penalty notice be issued under the Environmental Planning and Assessment Act for breaches of the Act, and
- B. Development Application No. DA0197/07 for a retaining wall and fence be approved subject to the following conditions:

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 development shall comply with the provisions of the Building Code of Australia at all times.
- 4. The development shall comply with the Environmental Planning and Assessment Act, 1979 at all times.

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5. Any part of the fence between the Grand Flaneur Drive property boundary and the alignment of the existing building is to be no higher than 1500 mm above the existing internal ground level or the top of the existing retaining wall, whichever is the lower, and is to be set back a minimum of 0.5m from the property boundary. This setback area is to be landscaped with appropriate native species.

Prior To Commencement of Works

6. Submit to Council a statutory declaration that the work has been completed to the manufactures specifications.
7. The fence shall be set out by a Registered Surveyor. The Survey Certificate of the fence showing the position of the fence 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.
8. 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.
9. 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.
10. The approved plans must be submitted to a Sydney Water Quick Check agent or customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For quick Check agent details, please refer to the web site www.sydneywater.com.au, see Building Developing and Plumbing then Quick Check or telephone 13 20 92.
11. The consent authority or a private accredited certifier must either:
 - Ensure that Quick Check agent/Sydney Water has appropriate stamped the plans before the issue of any Construction Certificate; or
 - 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

12. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
13. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7:00am - 6:00pm and on Saturdays between 8am – 4pm.
14. 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:
 - (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) Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.

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15. Mandatory inspections shall be carried out and Compliance Certificates issued only by Council or an accredited certifier for the following components or construction:

Note: Structural Engineer's Certificates, Drainage Diagrams and Wet Area Installation Certificates are NOT acceptable unless they are from an accredited person.

- (a) on completion of the works;

Use of the Development

16. Any external lighting shall be directed in such a manner so that no nuisance is caused to adjoining properties or to drivers on surrounding streets.
17. The proposed development is not to cause stormwater to be concentrated or discharged onto another property. In this regard, the subsurface drain currently ending at the northern property boundary is to be redirected to discharge to an existing approved stormwater drain.

Advisory Notes

*** The applicant is advised to consult with:

- (a) Sydney Water Corporation Limited
- (b) Integral Energy
- (c) Natural Gas Company
- (d) a local telecommunications carrier

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.

*** Should any aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.

*** 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:

AT - 1 Locality Plan

AT - 2 Site Plan

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AT - 1 Locality Plan

**To View This Image,
Please Refer to the Separate
Attachments Document (Maps)**

ORDINARY MEETING

Meeting Date: 28 August 2007

AT - 2 Site Plan

**To View This Image,
Please Refer to the Separate
Attachments Document (Maps)**

oooO END OF REPORT Oooo

INFRASTRUCTURE SERVICES

Item: 166 IS - Removal of Telstra Payphones within the Hawkesbury - (95495, 105667)

REPORT:

Correspondence has been received by Telstra Consumer Marketing & Channels advising of their consideration to remove single and multiple Telstra operated payphones within the Hawkesbury Local Government Area.

Telstra have identified two payphones which are currently being considered for removal; their locations being, East Market Street, Richmond near Brentwood Avenue, and Brabyn Street, Windsor near George Street.

Telstra acknowledges their responsibility, under the Universal Service Obligation (USO), to ensure that all people in Australia have reasonable access, on an equitable basis to payphones. However, these payphones have been identified for removal based on low use over a prolonged period, believed to be attributed to by the widespread availability of mobile telephone services.

A prominent notice will be placed on each of the single payphone sites, for at least 3 months, advising of the proposed removal of the payphone and inviting comment from the payphone users and members of the community. All comments will be evaluated prior to a final decision being made.

No objection would be made should the payphone located on Brabyn Street, Windsor be removed, as an alternative payphone is located within 100 metres at Windsor Railway Station, allowing residents reasonable access to this service. However, in relation to the second payphone located on East Market Street, Richmond, the nearest alternatives are located at Richmond Railway Station and Hobartville Shopping Centre, both a distance of greater than 550 metres from the current site.

On this basis, it would be recommended to not object to the removal of the payphone located on Brabyn Street, Windsor, however not support the removal of the payphone located on East Market Street, Richmond.

Conformance to Strategic Plan

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

"Objective: "A network of towns, villages and rural localities connected by well-maintained public and private infrastructure, which supports the social and economic development of the City."

Funding

Nil impact on current funding.

RECOMMENDATION:

That Telstra be advised that:

1. Council does not object to the removal of the payphone located on Brabyn Street, Windsor near George Street.

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2. The removal of the payphone located on East Market Street, Richmond near Brentwood Avenue not be supported due to the minimal access to payphones provided to residents within the surrounding area.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

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Item: 167 **IS - Lower MacDonald Rural Fire Brigade - Webbs Creek Substation - (73593, 79016, 95495)**

REPORT:

The District Manager, Hawkesbury Rural Fire District, has received a request from the Lower MacDonald Rural Fire Brigade to establish a substation at the intersection of St Albans and Chaseling Roads. The request is supported by the District Manager.

The reason that a substation at this location has been requested by the Lower MacDonald Brigade is due to the necessity for the Brigade to cross two ferries to respond to an incident on the Webbs Creek and St Albans Road portion of the Lower MacDonald Brigade Area.

The Lower MacDonald Brigade station is located at 102 Settlers Road, Lower MacDonald. The proposal is to construct a basic facility for the purpose of garaging the Lower MacDonald Brigade's Category 9 (small) unit which would allow members from the Webbs Creek side of the river to reduce their response time to incidents by up to 20-30 minutes. The Brigade has 6 active firefighters living within 1-4 minutes driving time of the proposed site for the substation.

The Brigade have agreed to fund the total cost of erecting and maintaining the substation with the exception of a disaster causing significant damage to the building which would need to be covered by insurance. It is proposed to construct a zincalume shed on a concrete slab with basic fittings (electrical, plumbing, etc) at an estimated cost of \$13,000. The shed would only be used for housing a tanker and having no additional facilities i.e meeting room, toilets etc. Public toilets have been recently constructed adjacent to the proposed shed location.

The natural ground level at this location varies between 2.3 AHD and 3.3 AHD. The proposed floor level is approximately 3m AHD and whilst it is acknowledged that the floor level is 3.8m below the 1:100 year level at this location, it is considered that due to the type of construction of this shed and the fact that it could be evacuated at short notice, would minimise the risk of major loss during flooding. The building will require development consent prior to construction.

Conformance to Strategic Plan

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

"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 the request of the Lower MacDonald Rural Fire Brigade to construct a substation on the road reserve at the intersection of St Albans and Chaseling Roads be supported in principle.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

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SUPPORT SERVICES

Item: 168 SS - Exemption from Rating - 187H Upper Colo Rd, Wheeny Creek - (95496)

REPORT:

An application has been received from Carroll & O'Dea Lawyers who act for the Trustees of the Marist Brothers requesting exemption from rating for the property known as 187H Upper Colo Rd, Wheeny Creek (Lot 46 DP 751632), Property Number 2007. A copy of the letter dated 3 August 2007 from Carroll & O'Dea Lawyers is provided as Attachment1.

The Trustees of the Marist Brothers owns and conducts Marist Youth Care whose main works involve the care of homeless children. The property is used for the purposes of providing camping visits under adult supervision to the children under the care of Marist Youth Care.

Application for rate exemption is made in accordance with Section 556 (h) of the Local Government Act, 1993 which provides as follows:

"S.556 - The following land is exempt from all rates, other than water supply special rates and sewerage special rates:

(h) land that belongs to a public benevolent institution or public charity and is used or occupied by the institution or charity for the purpose of the institution or charity."

It is recommended that exemption from rating be granted from 1 July 2007.

The rates for 2007/2008 total \$440.48 and will need to be abandoned once the rate exemption is approved.

Conformance to Strategic Plan

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

"Objective: Compliance with all relevant legislation"

Funding

Funding for this proposal will be from the Rates Budget.

RECOMMENDATION:

That:

1. The Trustees of the Marist Brothers be granted exemption from rating from 1 July 2007 for the property known as 187H Upper Colo Road, Wheeny Creek.
2. An amount of \$440.48 be written off in respect of rates for the period 1 July 2007 to 30 June 2008.

ATTACHMENTS:

AT - 1 Letter from Carroll & O'Dea Lawyers dated 3 August 2007.

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AT - 1 Letter from Carroll & O'Dea Lawyers dated 3 August 2007

**To View This Image,
Please Refer to the Separate
Attachments Document (Maps)**

oooO END OF REPORT Oooo

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Item: 169

SS - June 2007 Quarterly Review - 2006-2007 Management Plan - (96332, 95496)

REPORT:

Within two months of the end of each quarter, Council is required to review progress in achieving the objectives set out in its Management Plan.

Management Plan

Council adopted its Management Plan for 2006/2007 on 26 June 2006.

Section 407 of the Local Government Act 1993 requires the General Manager to report to Council the extent to which strategies set by the Council's current Management Plan have been achieved during that quarter.

The June 2007 Quarterly Review has been prepared and is attached for Council's information.

Financial Position

As part of the Management Plan review, Clause 203 of the Local Government (General) Regulation 2005 requires a revised estimate of the income and expenditure for the year.

The June 2007 Review has been completed and reports an estimated year-end surplus position of \$61,191 subject to final audit.

The more significant items of the June 2007 Quarterly Review include:

Operational Expenditure Variations

Legal Expenditure - Favourable \$65K

Legal expenditure incurred in 2006/2007 was less than estimated. It is to be noted, however that some legal actions are still in progress and determination will not be made till next financial year.

Contribution to outside bodies - Unfavourable \$109K

This unfavourable variance can in part be attributed to the contribution made to the Hawkesbury Leisure Centre. An additional \$50K, in addition to the existing allocation, was required to cover the Centre's operational loss. The remaining variance arises from an unbudgeted increase in S88 contributions for Waste Management due to material being stockpiled prior to recycling and disposal.

Operating Revenue Variations

Rental income - Favourable Variance \$110K

Rental income exceeded estimates for 2006/2007. This favourable variance can be attributed to full tenancy throughout the year and higher turnover based rental income.

Building and Development Control Income - Unfavourable \$37K

Despite unfavourable adjustments in previous quarters, income from building and development activities was under budget for the 2006/2007 financial year. Council has limited control on this income stream, which is influenced by the general downturn in the building and development industry.

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Animal Control Income - Favourable \$63K

Animal Control has exceeded budgeted income estimates. This can be attributed to an increase in dog impounding income.

Interest Income - Favourable \$479K

Interest income has exceeded estimates by \$479K. This favourable variance results from a combination of conservative estimate, variations in interest rates and unspent capital works funds. It is to be noted that part of this variance has been allocated to restricted assets, sewerage and waste and to internally restricted reserves.

Capital Variations

Council has spent \$8 million of a \$17.28 million capital budget with expenditure on road construction, footpath and cycle path replacement, parks, fleet and the museum. Based on the amounts of outstanding capital works, it is estimated that \$9 million worth of capital works will be carried forward; this represents 52% of the estimated capital expenditure.

This figure includes a number of major projects that are still in progress, including \$2million in respect of the museum and \$0.9million in respect of Extractive Industries roadworks and \$0.9million for the resealing of St Albans Road. Late in the financial year Council has also received \$0.7 million to seal Racecourse Rd, and \$0.3 million for Oakville Roundabout. These funds were not budgeted for in 2006/2007 but as funds were received in 2006/2007, they are included in the amount to be carried forward to 2007/2008.

Provision for Contingencies - Favourable

It is proposed that the surplus of \$61,191 resulting from this Quarterly Review be transferred to the Contingency Reserve.

Conformance to Strategic Plan

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

"Objective: Preparation of quarterly reviews of management targets and financial information "

Funding

Funding and budget impacts have been specified within this report and attached review documents.

RECOMMENDATION:

That the:

1. Information contained in the report on the 2006-2007 Management Plan – June 2007 Quarter Review be received.
2. Quarterly Review of the 2006-2007 Management Plan and Financial Statement for the period ending 30 June 2007 be adopted.

ATTACHMENTS:

AT - 1 2006-2007 Management Plan Review – June 2007 Quarter - *(distributed under separate cover)*

oooO END OF REPORT Oooo

ORDINARY MEETING**Meeting Date:** 28 August 2007**Item: 170****SS - Monthly Investments Report - July 2007 - (96332, 95496)****REPORT:**

According to Clause 212 of the Local Government (General) Regulation 2005 the Responsible Accounting Officer must provide the Council with a written report setting out details of all money that the Council has invested under Section 625 of the Local Government Act 1993. The report must include a certificate as to whether or not investments have been made in accordance with the Act, the Regulations and the Council's Investment Policy.

The following table lists the investment portfolio held by Council at 31 July 2007 in a form compliant with legislative and policy requirements.

All investments have been made in accordance with Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulation 2005 and Council's Investment Policy.

July 2007

The following table indicates that Council held \$32.3 million in investments as at 31 July 2007. Details of the financial institutions or fund managers with which the investment was made, date investments were taken out, the period to maturity, the rate of return achieved and the credit rating of the investments are provided below.

Investment Type	Lodgement Date	Interest Rate %	Principal	Rating	Total
On Call					
CBA	31-Jul-07	6.20%	\$1,290,000.00	A1+	\$1,290,000.00
Term Investments					
CBA – Range Accrual Note	19-Jul-07	7.55%	\$500,000.00	A1+	
CBA – CPI Linked Note	4-Apr-07	9.00%	\$500,000.00	A1+	\$1,000,000.00
Managed Funds					
ANZ Cash Plus Fund	30-Jun-07	5.39%	\$950,315.26	AA	
Merril Lynch Diversified credit fund	30-Jun-07	3.07%	\$3,045,043.65	A	
Macquarie Income Plus Fund No 1	30-Jun-07	5.54%	\$6,854,426.65	A	
Aberdeen Cash-Plus Fund	30-Jun-07	3.83%	\$7,414,262.98	A	
Perpetual Credit	30-Jun-07	-11.50%	\$6,561,843.58	A	
ING Enhanced Cash	30-Jun-07	4.99%	\$5,271,588.09	A	\$30,097,480.21
TOTAL INVESTMENT AS AT 31 JULY 2007					\$32,387,480.21

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Managed Funds

Bench Mark – July 2007	6.36%	Bench Mark - last 12 months	6.47%
Actual - July 2007	1.63%	Actual - last 12 months	6.22%

Performance by Type

Category	Balance	Average Interest	Difference to Benchmark
Cash at Call	\$1,290,000.00	6.20%	-0.16%
Term Deposit	\$1,000,000.00	7.32%	0.96%
Managed Funds	\$30,097,480.21	1.63%	-4.73%
	\$32,387,480.21	5.05%	-1.31%

Restriction Type	Amount
External Restrictions -S94	\$4,805,849
External Restrictions - Other	\$7,610,849
Internal Restrictions	\$10,887,889
Unrestricted	\$9,082,893
Total	\$32,387,480

The various sources of the restricted funds referred to in the above table are as follows:

External Restrictions – Section 94 Contributions

External Restrictions – Other (reserve details below)

Asset Replacement – Sewer
Waste Management Reserve
Heritage
Parks & Gardens
Sewerage Operating Reserve
Sewerage Treatment Reserve
Unexpended Grants Reserve
Stormwater Management

Internal Restrictions (reserve details below)

Drainage
Employees Leave Entitlements
Election
Extractive Industries
FVMRU
HLC Risk Management
Information Technology
Kerb & Gutter
Works
Plant Replacement
Fleet Management
Property Development (currently negative balance)
Risk Management
Roadworks
Sullage
Unspent Contributions
Workers Compensation

With regard to the above details those funds subject to external restrictions **cannot** be utilised for any purpose other than that specified.

In respect of funds subject to internal restrictions whilst it would “technically” be possible for these funds to be utilised for other purposes such a course of action, unless on a temporary internal loan basis, would not be recommended nor would it be “good business practice” as these funds have been allocated for specific purposes (information technology, plant replacement, fleet management, risk management, etc.) or to

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meet future known expenses that should be provided for on an ongoing basis (employee leave entitlements, election, workers compensation, etc.)

Funds referred to as “unrestricted” are, effectively, Council’s daily operational funding for purposes such as the payment of salaries and wages, various works proposed or in progress as adopted in Council’s budget, daily operational expenses, etc. These “unrestricted” funds could only be utilised for other purposes by the reduction of a corresponding amount from a service or provision already included within Council’s adopted budget. The level of these funds also vary depending upon the business cycle in areas such as the payment of creditors, receipt of rate payments, capital works and/or purchases, etc.

Investment Commentary

The investment portfolio decreased by \$0.96m for the month. During July, income received including rates payments amounted to \$4.1m, while payments to suppliers and staff costs amounted to \$5.1m.

Managed Fund performance was below the benchmark (UBS Australia) Bank Bill Index in July 2007 with an average return after fees of 1.63%, compared with the index of 6.36%. The managed funds portfolio has achieved a return after fees for the past 12 months of 6.22%, which under performed the (UBS Australia) Bank Bill Index of 6.47% for the corresponding 12-month period.

The investment portfolio is diversified across a number of investment types. This includes a number of managed funds, term deposits and on-call accounts. Hawkesbury City Council has no direct investments in Collateralised Debt Obligations (CDO’s). Council’s investment in the Perpetual Credit Managed Fund has a small exposure of 2 - 3% of the fund to CDO holdings that are invested in the US sub prime mortgage market. Council’s other Managed Funds have been affected by recent volatility of the Australian share market.

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.

Conformance to Strategic Plan

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

"Objective: Maximise return on Council's investment portfolio."

Funding

Funds are invested with the aim of achieving budgeted income in 2007/2008.

RECOMMENDATION:

That the information be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Item: 171 **SS - Pecuniary Interest Returns - (79337, 95496)**

REPORT:

Section 450A of the Local Government Act, 1993 relates to the register of Pecuniary Interest Returns and the tabling of these Returns, which have been lodged by Councillors and Designated Persons. Section 450A of the Act is as follows:

"450A Register and tabling of returns

1. *The General Manager must keep a register of returns required to be lodged with the General Manager under section 449.*
2. *Returns required to be lodged with the General Manager under section 449 must be tabled at a meeting of the Council, being:*
 - (a) *in the case of a return lodged in accordance with section 449 (1)—the first meeting held after the last day for lodgement under that subsection, or*
 - (b) *in the case of a return lodged in accordance with section 449 (3)—the first meeting held after the last day for lodgement under that subsection, or*
 - (c) *in the case of a return otherwise lodged with the general manager—the first meeting after lodgement."*

With regard to Section 450A(1), a register of all Returns lodged by Councillors and Designated Persons in accordance with Section 449 of the Act is currently kept by Council as required by this part of the Act.

With regard to Section 450A(2), all Returns lodged by Councillors and Designated Persons under Section 449 of the Act must be tabled at a Council Meeting as outlined in Sections 450A(2)(a), (b) and (c) above.

With regard to Section 450A(2)(a), the following Section 449(1) Return has been lodged:

Position	Return Date	Date Lodged
Chief Information Officer	14/05/2007	22/06/2007

The Return has been lodged prior to the due date for the receipt of the Return, being three (3) months after the return date.

The above details are now tabled in accordance with Section 450A(2)(a) of the Act and the Return is available for inspection if requested.

Conformance to Strategic Plan

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

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

Funding

Not applicable.

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RECOMMENDATION:

That the information be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Item: 172 **SS - Policy for Payment of Expenses and Provision of Facilities to Councillors - Review - (95496)**

Previous Item: 7, Ordinary (30 January 2007)

REPORT:

Council's current policy in relation to the payment of expenses and provision of facilities to Councillors was last reviewed in November 2006 and adopted in its current form by Council at its meeting of 30 January 2007.

Section 252 of the Local Government Act 1993 now requires a council, within five months after the end of each financial year, to adopt a policy in this regard.

Section 253 of the Act also details requirements to be complied with prior to such a policy being adopted or amended in the following terms:

- "(1) A council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.*
- (2) Before adopting or amending the policy, the council must consider any submissions made within the time allowed for submission and make any appropriate changes to the draft policy or amendment.*
- (3) Despite subsection (1) and (2), a council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the council is of the opinion that the proposed amendment is not substantial.*
- (4) Within 28 days after adopting a policy or making an amendment to a policy for which public notice is required to be given under this section, a council is to forward to the Director-General:*
 - (a) a copy of the policy or amendment together with details of all submissions received in accordance with subsection (1), and*
 - (b) a statement setting out, for each submission, the council's response to the submission and the reasons for the council's response, and*
 - (c) a copy of the notice given under subsection (1).*
- (5) A council must comply with this section when proposing to adopt a policy each year in accordance with section 252(1) even if the council proposes to adopt a policy that is the same as its existing policy."*

As can be seen from the above, as a Council is required to "adopt" its policy each year it must advertise its proposal to do this on an annual basis, whereas, if a council wishes to make insubstantial amendments during the year it would not be required to advertise such a proposal.

The Department of Local Government has previously issued guidelines in May 2007 for the preparation of this policy.

Council's current policy adopted on 30 January 2007 has once again been reviewed in accordance with the latest guidelines issued by the Department of Local Government in this matter.

Following the review it is only proposed to make minor amendments to Council's current policy. The proposed minor amendments are as follows:

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Part 1 - Section 5 - Reporting Requirements

Additional point as follows:

- Additional information as required by the Local Government (General) Regulation 2005.

Part 3 - Section 7 - Insurance

Additional insurance provisions for Councillors to cover:

- Public Liability (for matters arising out of Councillors' performance of their civic duties and for exercise of their council functions)
- Professional indemnity (for matters arising out of Councillors' performance of their civic duties and for exercise of their council functions)
- Travel for approved interstate and overseas travel on Council business.

A copy of the existing policy has been attached to this report and it will now need to be placed on public exhibition for 28 days prior to its adoption by Council. This exhibition will need to be concluded and the policy adopted prior to 30 November 2007.

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 that build community capacity to identify and respond to diversity and difference."

Funding

No effect on the budget as provision has already been made to meet the expenses provided for within the policy.

RECOMMENDATION:

That the minor amendments as outlined in the report to the Policy for Payment of Expenses and Provision of Facilities to Councillors be made and the updated Policy be placed on public exhibition for a period of 28 days.

ATTACHMENTS:

- AT - 1** Copy of the Existing Policy for Payment of Expenses and Provision of Facilities to Councillors - *(Distributed Under Separate Cover)*.

oooO END OF REPORT Oooo

Item: 173 SS - Rural Fire Service - Service Level Agreement - (95496, 79016)

REPORT:

Council has, on a number of occasions in the past, given consideration to reports in relation to Council's termination of the current Service Level Agreement with the Rural Fire Service, effective from 31 December 2005, and subsequent discussions with the RFS in order to formulate a new Service Level Agreement.

It will be recalled that it has previously been indicated that whilst discussions had been proceeding with the RFS regarding the new Service Level Agreement, difficulties had been encountered in relation to indemnity clauses within the Agreement, and clauses relating to insurance coverages contained within the proposed Service Level Agreement which were effectively regulated by current legislative provisions concerning the ownership and responsibility for various items of plant and equipment utilised by the RFS.

In an endeavour to overcome this particular difficulty in resolving the terms of the Service Level Agreement, it had been suggested that an appropriate clause be included within the Agreement whereby the parties acknowledge that the agreement will require amendment when the issue is resolved and/or legislative provisions change.

Since this suggestion was made, agreement was reached between the RFS and the Local Government Association as to the wording of these clauses. The appropriately amended Service Level Agreement has now been referred to the RFS for finalisation, including the amended clauses in respect of insurances.

However, pending finalisation of the Agreement, the RFS has again recently written to Council suggesting an extension of the termination date of the current Service Level Agreement until 30 September 2007, in anticipation of the Agreement being finalised 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:

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

Funding

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

RECOMMENDATION:

That:

1. Council agree to the termination date of the current Service Level Agreement between the NSW Rural Fire Service and Council being extended until 30 September 2007; and
2. 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: 28 August 2007

CONFIDENTIAL REPORTS

Item: 174 **SS - Fishfood Holdings Pty Limited - Proposed Assignment of Lease from Australian Cuisine Pty Limited and Proposed New Lease of 246 Windsor Road, Vineyard - (105560, 95006, 27230, 95496) 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

section 5

reports
of committees

ORDINARY MEETING
Reports of Committees

ORDINARY MEETING
Reports of Committees

SECTION 5 - Reports of Committees

ROC - Community Planning Advisory Committee Minutes - 19 July 2007 - (96737)

The meeting commenced at 9.30am.

Present:	Councillor (Dr) Rex Stubbs OAM Councillor Barry Calvert Mr Nick Sabel Mr Roger Packham Ms Vickie Shackley Ms Sharon Payne Mr Chris McAlpine	Chair Deputy Chair Exec Officer Wentworth Community Housing Community Representative Community Representative Co-ordinator Women's Cottage Community Representative
Apologies:	Ms Ozen Karanik Mr Michael Laing Ms Karen Carter	NSW Dept. of Community Services HHC Staff Representative Merana Aboriginal Association
In Attendance:	Mr Matt Owens Ms Robyn Kozjak	Director City Planning Minutes Secretary

REPORT:

RESOLVED on the motion of Mr Roger Packham and seconded by Ms Vickie Shackley that the apologies be accepted.

CONFIRMATION OF MINUTES

RESOLVED on the motion of Mr Roger Packham and seconded by Mr Nick Sabel that the Minutes of the Community Planning Advisory Committee held on the 26 April 2007, be confirmed.

Item: 1 Hawkesbury Futures Demographic Study – Update on Stage 2

RECOMMENDATION TO COMMITTEE:

That:

1. The information be received – that the Study will be delayed until (at least) October 2007 awaiting Sub-Regional Plans from the NSW Department of Planning.
2. Council engage Census Applications Pty Ltd to provide an update of the Study as a result of 2006 Census of Population & Housing by October 2007 – for an additional cost of \$400.00.

MOTION:

RESOLVED on the motion of Mr Roger Packham, seconded by Mr Nick Sabel.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. The information be received – that the Study will be delayed until (at least) October 2007 awaiting Sub-Regional Plans from the NSW Department of Planning.
2. Council engage Census Applications Pty Ltd to provide an update of the Study as a result of 2006 Census of Population & Housing by October 2007 – for an additional cost of \$400.00.

Item: 2 Hawkesbury Community Engagement Strategy: Community Survey 2007 - Update

DISCUSSION:

- Community Engagement Strategy encompasses three stage process ie:
 1. Random telephone survey
 2. Focus group/deliberative poll/visioning process
 3. Validation
- Results of surveys to be reported to Council for recommendation.

RECOMMENDATION TO COMMITTEE:

That the information be received.

MOTION:

RESOLVED on the motion of Mr Roger Packham, seconded by Mr Nick Sabel.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the information be received.

Item: 3 Resignation from Committee

DISCUSSION:

- Enquiries were raised relating to the procedure for replacement of Committee members. Mr Owens advised he would inform the Committee via email of the protocol to be complied with, subsequent to examination of the Constitution.

RECOMMENDATION TO COMMITTEE:

1. That the information be received.
2. A letter of gratitude be forwarded to Ms Saville thanking her for her contribution to the Committee and wishing her well in her future endeavours.

ORDINARY MEETING
Reports of Committees

MOTION:

RESOLVED on the motion of Councillor Barry Calvert, seconded by Mr Chris McAlpine.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. That the information be received.
2. A letter of gratitude be forwarded to Ms Saville thanking her for her contribution to the Committee and wishing her well in her future endeavours.

Committee members introduced themselves to new Committee member, Mr Chris McAlpine, Community Representative.

Item: 4 Presentation by Mr Sabel – Affordable Housing and the Hawkesbury LGA

- Mr Sabel presented documentation to the Committee relating to affordable housing and the Hawkesbury LGA. The document included statistical information compiled by Yates, Wulff and Reynolds. It was noted the study established a 25% shortage of affordable housing exists in the Hawkesbury area.

Item: 5 Presentation – WSROC - Draft Affordable Housing Status Report: For Local Government in Western Sydney, June 2007

- On behalf of Mr Laing, Cllr Calvert presented to the Committee Draft Affordable Housing Status Report: For Local Government in Western Sydney, June 2007 by WSROC.
 - It was noted the draft report has been forwarded to other Councils as a draft for comment.
 - Discussion arose and comments invited pertaining to possible strategies/options Council could address re housing affordability.
 - It was noted Council had previously resolved to undertake a land use strategy of which housing is a subset. Accordingly, the issue of housing affordability would be addressed in the land use strategy.
 - It was noted the population growth in the Hawkesbury LGA would be constrained due to flooding issues.
 - Housing stock and land availability is being investigated.

MOTION:

RESOLVED on the motion of Councillor Barry Calvert, seconded by Mr Roger Packham

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. Council staff be asked to report on options to be investigated in the area of housing affordability.
2. This matter be workshopped.

Item: 6 Presentation by Mr Packham – Tullimbar Village –Sustainable Housing Model

- Mr Packham tabled documentation from the Miltonbrook Group of Companies pertaining to Tullimbar Village, a new development on the South Coast of NSW. Mr Packham advised the principle of the development is based on a sound, modern approach to town design, however, also encompasses the more traditional characteristics of a compact village atmosphere. Mr Packham suggested this information would be a valuable contribution to the proposed workshop re housing affordability.

GENERAL DISCUSSION:

- Mr Packham referred to the town of Totnes, UK's first town exploring ways to prepare for a carbon constrained, energy lean world and enquired as to what Council is doing about being carbon neutral. Mr Packham tabled documentation entitled "Transition Town Totnes" and requested the documentation be placed on the CPAC Agenda for further discussion at the next meeting.
- Concern was raised relating to the omission of Items 4, 5 and 6 from the Community Planning Committee Business Paper. It was advised these items would be minuted for confirmation at the next CPAC meeting, 25 October 2007.

Future Committee Meeting Dates

Community Planning Advisory Committee

Thursday, 25 October 2007 at 9:30am

The meeting terminated at 11.05am.

oooO END OF REPORT Oooo



ordinary
meeting

end of
business
paper

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