



# Hawkesbury City Council

## ordinary meeting business paper

date of meeting: 08 May 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](mailto: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.

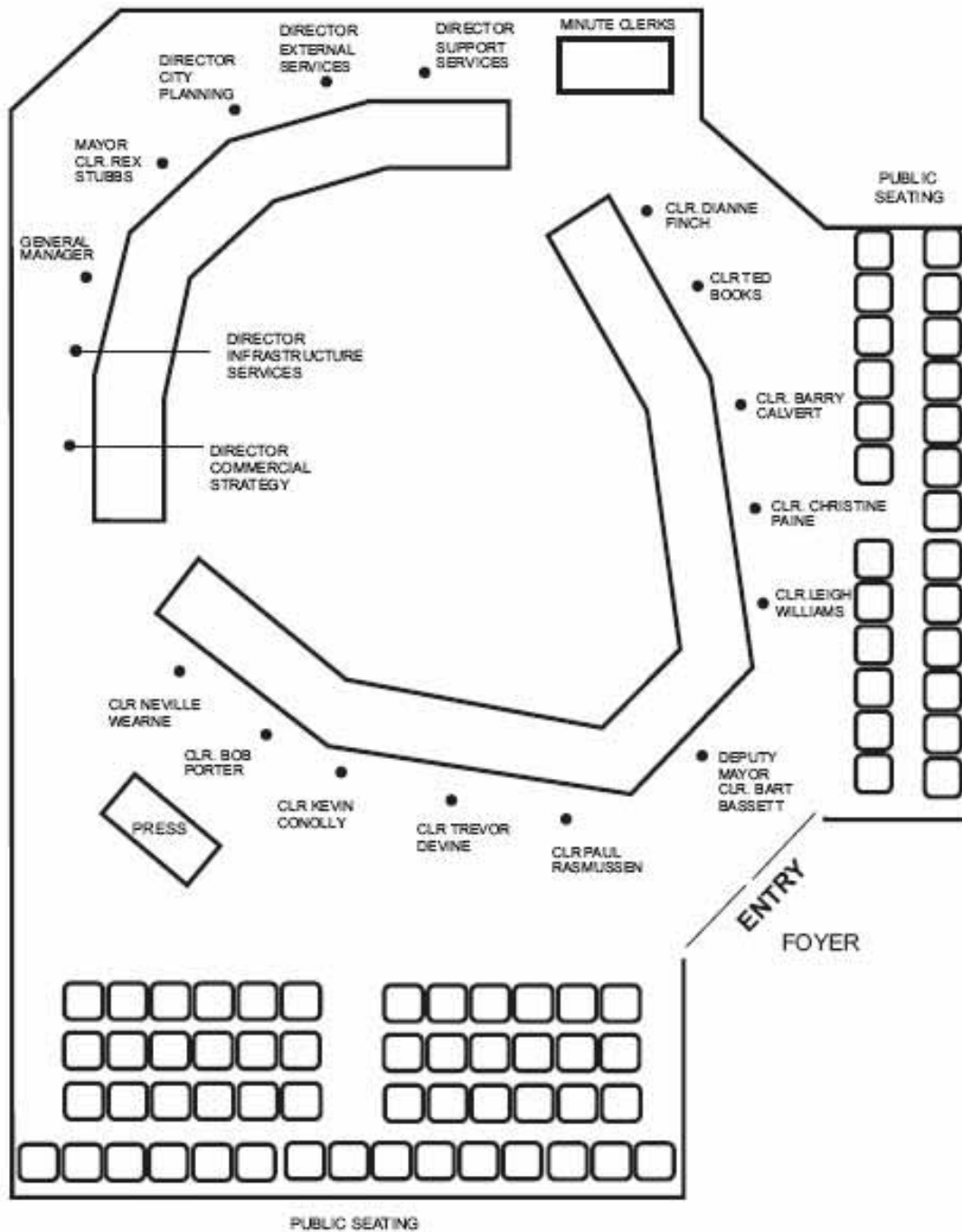
### **Website**

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](http://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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### Mayoral Minutes

#### SECTION 2 - Mayoral Minutes

##### MM - Visit to Cabonne Council - (79351)

**Previous Item:** QWN, Ordinary (2 November 2006)

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##### **REPORT:**

On Thursday 15 February, 2007, the Mayor, General Manager and Director Support Services visited Cabonne Council to meet with the Mayor, Councillor John Farr and General Manager, Mr Graeme Fleming.

A number of areas of common interest and possible benefit were discussed, and the two executives agreed there were potential benefits from a city-country alliance between the two Councils.

It was also agreed, subject to confirmation by the Councils, that a Memorandum of Understanding be developed to spell out the terms of the alliance.

The potential for this arrangement was advised to Council during its considerations of Strategic Alliances in the context of proposed State Government reforms to Local Government earlier this year.

The meeting was very cordial and both parties feel optimistic of a successful undertaking.

##### **Funding**

There will be no impact on funding.

##### **RECOMMENDATION:**

That Council agree in principle to a city-country alliance with Cabonne Council, and a Memorandum of Understanding to that effect be jointly developed for consideration by the councils.

##### **ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

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**SECTION 4 - Reports for Determination**

**GENERAL MANAGER**

**Item: 81                    GM - Cessation of Commercial Response Unit & Redundancy of Position,  
Director Commercial Strategy - (79351, 91811)**

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**REPORT:**

The purpose of this paper is to acknowledge the cessation of the Commercial Response Unit following the resignation of the Director of Commercial Strategy and to approve the redundancy of that position following Council's request for a revised Organisation Structure comprising three Directors only.

**Background**

The Commercial Response Unit was established in 2004 with the recruitment of one new staff position, the Director of Commercial Strategy funded through salary savings arising from staffing redistribution and natural attrition. Two existing employees were transferred into the Unit after agreeing to take on additional duties. Again, the employees transferred were not replaced, and consequently Council's salary vote did not increase.

During the course of the Commercial Response Unit's operation, the following matters were addressed.

- (1) Cessation of Main Street funding which had been occurring in breach of Section 55 of the Local Government Act.
- (2) Cessation of Tourism Services funding which had been occurring in breach of Section 55 of the Local Government Act and the development of a Tourism Services contract awarded following a tender process agreed by Council.
- (3) The development of strategic concepts including:
  - Transferable development rights
  - A strategic alliance with the University of Western Sydney and Department of Defence with a view to determining a master plan for a technology business park precinct.
  - The establishment of and servicing of Strategic Planning and ECommerce & Marketing Committees.
  - The facilitation of Broadband rollout within the Hawkesbury with the assistance of Telstra.
  - Development of Terms of Reference for an Asset Management program for existing Infrastructure
  - Development of a Signposting Strategy.
  - Development of MCommerce and e-enabling strategies.
  - Establishment of the Lithgow Tourism Co-operative
  - Conduct of a Mentoring program for High School students.
  - Development of Hawkesbury Loyalty Card Program.
  - The establishment of working parties comprising:
    - (a) RAAF Working Party
    - (b) Technology Park Working Group
    - (c) MCommerce Working Party
    - (d) Hawkesbury/Lithgow Tourism Alliance
    - (e) Bridge to Bridge Working Party
  - Establishment of Cross Functional Revenue Generation Teams within the Administration to identify new sources of revenue.

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The success of the Unit was qualified primarily because of reduced funding available to carry out its functions and the Unit's inability to gain support for key concepts such as Transferable Development Rights and Revenue Generation.

With the main driving force behind the Unit resigning and cost pressures forcing Council to reduce the Organisation complement, resulting in the position of Director Commercial Strategy becoming redundant, the Commercial Response Unit in reality no longer exists. Where possible, obligations previously falling to the Commercial Response Unit will be transferred to existing staff.

### 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

A saving of approximately \$170,000.00 has been factored into the 2007/2008 budget.

### RECOMMENDATION:

That Council:

1. Resolve to make the position of Director, Commercial Strategy redundant.
2. Note the Commercial Response Unit has ceased to exist.

### ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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**Item: 82**                      **GM - Instruction of Council Solicitors by Elected Members of Council - (79351)**

**Previous Item:**            18 - NM2, Ordinary (13 February 2007)

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### REPORT:

Council at its Ordinary Meeting on 13 February 2007 resolved on a Notice of Motion by Councillor Trevor Devine the following:

*"..... that the General Manager advise the Council by way of a report to Council of a protocol that will ensure the will of the Council, and further concerns of the Councillors are satisfactorily conveyed to Council's solicitors in instances where development applications proceed to the Land and Environment Court after Council have resolved contrary to the recommendations of Management".*

The General Manager, at the time raised his concerns at the inferences contained in the Notice of Motion and indicated to Council that the matter would be put before Council's solicitors and the Department of Local Government for comment prior to the requested report being tabled before Council. Comment has now been received from Council's solicitors and both Council's resolution and the legal advice received have been considered by the Department of Local Government who have provided comment, by way of correspondence dated 20 April, 2007.

### Summary

The Department of Local Government comments comprise the following:

- (1) The Department is concerned at "the appearance" (my emphasis) that Council does not have proper procedure in place to ensure that the will of the Council is conveyed to the General Manager and in turn to Council's solicitors.
- (2) The Department is of the view the instruction of solicitors to act on Council's behalf in proceedings before the Court is an integral part of the efficient and effective operation of Council's organisation....therefore, this function is within the purview of the General Manager's role and not of an individual Councillor".
- (3) The Department advises that any attempt by a Councillor to unduly influence a staff member, including in matters related to Land and Environment Court proceedings, could amount to misbehaviour. Ultimately, a Councillor who commits misbehaviour can be suspended from the office if the circumstances warrant it".
- (4) The Department states In view of the points 1, 2 & 3 above "..... it appears that any proposal to resolve to delegate to a Councillor the function of instructing Council's solicitors in matters before the Court, or in the provision of general legal advice, would be inappropriate".

Management is of the view that current procedure is appropriate whereby convention in such circumstances has to date seen solicitors appointed to defend the resolution of Council with factual advice forthcoming from the Administration upon request and the appointment of external Planners/ Experts where necessary to advance Council's case. Generally the Administration has been careful to remain at arms length in case it is called by the applicant to support the applicant's position against the lawful resolution of the Body Corporate.

### 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."*

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### **Funding**

There are no funding implications.

### **RECOMMENDATION:**

That Council note the correspondence from the Department of Local Government dated 20 April 2007 and take no further action in this matter.

### **ATTACHMENTS:**

- AT - 1** Letter to Pike Pike & Fenwick dated 29 January 2007 from General Manager requesting advice.
- AT - 2** Legal Advice, Pike Pike & Fenwick dated 2 February 2007 to Hawkesbury City Council.
- AT - 3** Letter dated 20 February 2007 from General Manager to the Department of Local Government.
- AT - 4** Letter dated 20 April 2007 from the Department of Local Government .

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**AT - 1 Letter to Pike Pike & Fenwick dated 29 January 2007  
from General Manager requesting advice.**

Our Ref: GF070129L1297\_RF.doc

29 January 2007

Pike Pike & Fenwick  
Lawyers  
3<sup>rd</sup> Floor  
50 King Street  
SYDNEY NSW 2000

**Attention: Stephen Griffiths**

Dear Stephen,

**Re: Advice concerning capacity of Councillors/Council to direct and/or advise  
legal representatives in actions before the Court where Council's resolution  
does not reflect management's recommendation.**

I refer to recent discussions between Ms Colleen Schofield of your office and separately between yourself and the writer on 24 January 2007 concerning this issue.

The matter has arisen after representations from Councillor Trevor Devine in relation to a matter currently the subject of action in the Land and environment Court involving 50 Jordan Ave Glossodia in which Council's interests are represented by Pike Pike and Fenwick ("PPF").

Legal action concerning 50 Jordan avenue was initiated by the applicant upon Council's refusal of an application to construct a dog boarding kennel on the premises in circumstances where management had recommended approval based on its consideration of the relevant planning criteria.

Convention in such circumstances has to date seen solicitors appointed to defend the resolution of Council with factual advice forthcoming from the Administration upon request and the appointment of external Planners/ Experts where necessary to advance Council's case. Generally the Administration has been careful to remain at arms length in case it is called by the applicant to support the applicant's position against the lawful resolution of the Body Corporate.

In the circumstances outlined above, the integrity of the Administration has been called into question by Councillor Devine, who is of the belief that it is open to the Administration to adversely affect Council's chances of success in this matter by undermining the case through withholding relevant reports and generally impeding the process to the advantage of the Administrations original recommendation.

Councillor Devine has requested advice on possible mechanisms for Council/Councillors to provide advice or give direction to Council's solicitors directly in such circumstances and your opinion is sought accordingly. A number of issues arise as follows

- Is it possible for Councils' solicitors to take direction from the Council in such circumstances, and if so would this require formal meetings of Council to direct by way of resolution?
- Is Council able to delegate responsibility for the conduct of the matter to a Councillor and if so what impact would such delegation have on the role of the General Manager given the particular delegations to that position under the legislation, aside from those delegations from Council that exist to the General matter?
- If it is possible to delegate the conduct of the matter to a Councillor, what level of accountability is applied to the Councillor for such conduct and is this different in any way to the accountability that would normally reside with the General Manager?

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- In circumstances where a Councillor has received delegation for the conduct of such a matter, and prudence in that conduct requires direction of Staff, how does direction of staff reconcile with the delegations under the legislation to the General Manager relating to day to day operational direction of staff?

I would be grateful for your consideration of the above matters together with any general viewpoint you may have on the issue at hand at your earliest convenience.

Yours sincerely,

Graeme Faulkner  
**General Manager**

Direct Line : 4560 4410



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**AT - 2 Legal Advice, Pike Pike & Fenwick dated 2 February 2007  
to Hawkesbury City Council.**

2 May 2007

The General manager  
Hawkesbury City Council  
DX 8601  
WINDSOR, NSW

EMAIL [graeme.faulkner@hawkesbury.nsw.gov.au](mailto:graeme.faulkner@hawkesbury.nsw.gov.au)

Dear Sir

**ADVICE CONCERNING CAPACITY OF COUNCILLORS/COUNCIL TO DIRECT AND/OR ADVISE LEGAL  
REPRESENTATIVES IN ACTIONS BEFORE THE COURT WHERE COUNCIL'S RESOLUTION DOES NOT  
REFLECT MANAGEMENT'S RECOMMENDATION**

**Our ref SNG/AMH:cw:HWK0045**

**Your ref Graeme Faulkner – GF070129L1297\_RF.doc**

We refer to your request for advice of 29 January 2007.

**A BACKGROUND**

- 1 Planning is largely a matter of shades of grey, not a matter of black and white, and there is absolutely nothing unusual for a situation to arise, where Council does not accept the recommendations of its professional planning officers, but gives more weight perhaps to local concerns.

Every day Councils:

- a Refuse consent contrary to an officer recommendation to approve; and
  - b Grant consent subject of the recommendation to refuse
- 2 Where a refusal is taken to appeal, it is again standard practice for Council to find independent expert consultants who can support its grounds of refusal.
- 3 It is commonly accepted that in such cases, where Council's internal planning staff have formed a conclusion that the development should be approved, it is inappropriate for such internal officers to give expert evidence in support of refusal.
- 4 It is again commonly accepted throughout NSW – and indeed wider – that professional planning officers are sufficiently disinterested to be able to instruct Council's solicitors and provide them with adequate background information to enable external consultants to be properly briefed so as to find appropriate expert consultants who can support Council's grounds for refusal.
- 5 Because of the relatively recent practice of Court Appointed Experts, sometimes Councils will allow a matter initially to be the subject of a reference to such a

disinterested Court Appointed Expert, in the hope that such CAE may support some or all of Council's grounds for refusal. Only in cases where the CAE suggests that there are not adequate grounds for refusal will Councils then attempt to seek alternative expert evidence in support of its case.

- 6 A significant number of Council decisions to refuse contrary to officer recommendations tend to be based on substantial local opposition to a proposal where, in effect, the Councillors represent what they perceive to be the overwhelming opinions and concerns of their constituents. In such circumstances, it is not unusual to hold a meeting to obtain local resident witnesses, and often the relevant Councillors will participate in such meetings.
- 7 In NSW, it is unusual for a councillor personally to attend Court to give evidence in support of the grounds of refusal. This is largely because:
  - a Few councillors have expert qualifications
  - b Relatively rarely are councillors directly affected by a proposal in their capacity as local residents

In such circumstances, the Court would generally give little weight to evidence from a Councillor. The Court is generally making a decision *de novo* rather than wishing for evidence as to precisely how councillors came to take a certain decision in the past.

- 8 In our experience in acting for many Councils over many decades, it is sometimes the case that a particular councillor will wish to become more directly involved in the preparation and presentation of Council's case. This is relatively rare, and will often depend upon the particular code of administrative practice which is adopted by Council, and any specific resolutions or delegations that Council may chose from time to time to make.
- 9 In the context of this general background, we now turn to the specific questions that you raise. They largely relate to matters of administrative practice, and do not of themselves raise matters of law, i.e., in general terms, it would not be unlawful for Council to act in any of the ways that you posit, although, in many cases, most Councils might consider it contrary to good administrative practice.

## **B THE SPECIFIC QUESTIONS**

**Q1:** *"Is it possible that Council's solicitors to take direction from the Council in such circumstances and also would this require formal meetings with Council to direct by way of resolution?"*

**A1:** Absent a specific resolution of Council, individual Councillors have no specific powers to direct Council or Council officers, solicitors or consultants to take any action.

This being said, most Councils invariably have a formal scheme of delegation whereby:

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- a Council by formal resolution delegates various powers to the general manager
- b The general manager in turn delegates certain functions to specific nominated officers – see in general terms chapter 12 of the Local Government Act 1993

In legal principle, Council can delegate under s 377 of the Local Government Act 1993 matters to an individual councillor (usually the mayor) apart from certain specific exceptions set out in s 377(1)(a)–(u) which are not relevant to this matter.

Thus, while it would be highly unusual, and arguably difficult to implement, Council could in law either reserve the conduct of a particular appeal to Council or alternatively delegate the matter to an individual Councillor.

Indeed, to some minor extent, some Councils already have such a scheme of delegation in circumstances where Council's solicitors cannot find any expert witnesses to support the grounds of refusal and are recommending that Council no longer contest the appeal. In such circumstances, some Councils allow the mayor or the relevant chairman of the planning committee to take the decision that Council's solicitors be instructed to submit to consent orders, without the matter having to be reported back to a full meeting of Council.

This is a relatively limited delegation which does not as such go to the conduct and fighting of the appeal, but rather to the very limited circumstances where absolutely no evidence can be adduced in support of Council's refusal.

**Q2:** *"Is Council able to delegate responsibility for the conduct of a matter to a councillor, and if so, what impact would such delegation have on the role of the general manager given the particular delegations to that position under the legislation, apart from those delegations from Council that exist to the general matter?"*

**A2:** Yes

If Council were hypothetically minded to take such a highly unusual (although technically lawful) course of action, Council would also have to consider carefully its standard delegations and administrative practice, and perhaps also its councillor code of conduct, so as to ensure that in the case of the specific delegation made, there was no conflict between the specific delegation to an individual councillor in the particular appeal under consideration, and the general powers of delegation to the general manager.

We could anticipate that administratively, this could be complex and problematic, but again emphasise that it is not of itself *ultra vires* or unlawful.

No doubt, if such a proposal were to be presented to Council, both the general manager and Chief Planning Officer might wish to seek clarification from Council as to the extent to which they should be involved.

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For example, by way of a very simple issue, generally individual councillors do not have delegated powers to instruct Council's staff to take or not to take any action. If an individual councillor were to be given delegated powers and responsibility for the conduct of a particular appeal, to what extent would that individual councillor have power to direct Council's staff to undertake their usual administrative duties and how would such directions and instructions be given? E.g., directly or through the general manager or through the Chief Planning Officer etc. Such procedures would usually be contrary to standard codes of administrative practice within Councils.

**Q3:** *"If it is possible to delegate the conduct of the matter to a councillor, what level of accountability is applied to the councillor for such conduct and is this different in any way to the accountability that would normally reside with the general manager?"*

**A3:** In principle, the accountability which would be applied to the councillor would be no different to the legal accountability which a councillor generally has under the provisions of the Local Government Act 1993 and any code of conduct adopted by Council. Furthermore, the councillor would continue to be subject to the provisions of all other applicable legislation such as the Independent Commission Against Corruption Act etc.

Legally, such councillor with delegated powers would be the persona of "*the Council*". The councillor would not be an employee of Council, and would not be subject to such provisions of the code of conduct and other administrative arrangements that apply to Council employees such as the general manager. Such councillor could not, for example, be subject to the general direction and powers of control and discipline which, hypothetically the general manager may chose to exercise in respect of Council's staff. Indeed, technically since such Councillor with delegated powers constitutes "*the Council*", the general manager would be subject to the direction and instructions of that individual councillor and be obliged to implement the lawful instructions of such councillor in the same manner that the general manager would be obliged to implement the lawful resolutions of a formally constituted Council meeting.

Administratively, we suspect this may give rise to practical problems, but again emphasise that this is a matter of how Council chooses to administer and operate its functions and powers, and is not of itself unlawful.

Experience shows that a number of councillors who have been closely involved in the conduct of Council litigation have subsequently been the subject of Departmental inquiries, Ombudsman criticisms and sometimes Court action in their own right.

**Q4:** *"In circumstances where a councillor has received delegation for the conduct of such a matter, and proceedings in the conduct requires direction of staff, how does direction of staff reconcile with the delegations under the legislation to the general manager relating to day-to-day operational direction of staff?"*

**A4:** It does not, and is potentially an administrative nightmare. Technically, as stated above, the decision of the councillor is a decision of Council and the general

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manager and Council staff should seek to implement it as they would any other resolution of Council.

As an administrative matter, it would be highly unusual and contrary to most Councils adopted codes of practice for councillors to have the power to specifically direct individual Council staff to specifically take any specific action.

Could we say in conclusion that it is not unusual in matters of high political interest, for individual councillors to interpret the disinterested professional standards of conduct of a Council employed town planning officer as a recalcitrance to implement and adopt a Council resolution. Ultimately, this is a matter of trust and respect between the councillors generally represented by the mayor, and the Council employees, generally represented by the general manager. Such problems, if they were to occur, are more generally overcome by commonsense and a practical working relationship between a general manager and a mayor.

We regret in such circumstances that the law as such offers little remedy. It is a matter of practical administrative action supported by the Mayor.

Yours faithfully

Stephen N Griffiths  
Partner

Accredited Specialist Local Government and Planning Law

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**AT - 3 Letter dated 20 February 2007 from General Manager  
to the Department of Local Government.**

Our Ref: GF070219L1318\_RF

20 February 2007

Mr Garry Payne  
The Director General  
Department of Local Government  
Levels 1 and 2  
5 O'Keefe Avenue  
NOWRA NSW 2541

Dear Mr Payne,

**RE: DIRECTION OF LEGAL ADVISERS BY COUNCILLORS WHERE COUNCIL HAVE RESOLVED  
CONTRARY TO MANAGEMENT RECOMMENDATIONS**

I advise that Council at its Ordinary Meeting on 13 February 2007 resolved on a Notice of Motion by Councillor Trevor Devine the following:

*"... That the General Manager advise the Council by way of a report to Council of a protocol that will ensure the will of the Council, and further concerns of the Councillors are satisfactorily conveyed to Council's solicitors in instances where development application matters proceed to the Land and Environment Court after Council have resolved contrary to the recommendation of management."*

The resolution quite wrongly infers that Management is either deliberately avoiding or is incapable of assisting Council's solicitors in circumstances where a lawful resolution of Council is contested in the Land and Environment Court.

A copy CD of the discussion at the Council Meeting is attached for your reference. Additionally, copies of legal advice received in relation to the Notice of Motion are also referred for your consideration.

Importantly, the legal advice from Council's solicitors, Pike Pike and Fenwick dated 6 February 2007 outlines possible protocols for Council to consider in pursuit of its resolution of 13 February 2007.

Given that the protocol suggested by Pike Pike and Fenwick would alter the existing convention adopted by Councils in these matters throughout NSW, would the Department of Local Government support the protocol put forward, and are there any mechanisms available to Council that the Department of Local Government is aware of that would serve the intent of Council's resolution?

I would be grateful for your consideration of this matter at your earliest convenience.

Yours faithfully,

Graeme Faulkner  
**General Manager**

Direct Line : 4560 4410

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**AT - 4 Letter dated 20 April 2007 from the Department of Local Government .**

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**oooO END OF REPORT Oooo**



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**Item: 83**                    **GM - Consultation pursuant to Section 337 of the Local Government Act 1993 - Non-renewal of executive contracts of employment (79351)**

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### REPORT:

#### Background

Section 355 of the Act is relevant in the following terms:

- "(1) The General Manager is generally responsible for the efficient and effective operation of the Council's organisation and for ensuring the implementation without undue delay of decisions of the Council;*
- (2) The General Manager has the following particular functions:*
- to appoint staff in accordance with the organisation's structure and resources approved by Council; and*
  - to direct and dismiss staff"*

Consequent upon the 1993 reforms to the Act, a clear line of distinction was drawn between the political functions of Council and Councillors as distinct from the operational functions and obligations of the General Manager.

At a Special Meeting on 17 April 2007, Council resolved that the General Manager develop an organisational structure comprising the General Manager and three senior executive positions consistent with the Council's continuing focus on strategy, operations and customer service.

In canvassing Council's right to revise the organisational structure pursuant to the Act, care needs to be exercised to ensure Council's decision to restructure frequently is not, and is not perceived to be, a device to alter the employment status of senior executives contrary to the requirements of the Local Government Act 1993.

To date all alterations to the organisational structure have been achieved without forced redundancies and management has succeeded in reducing overall staff costs using staff turnover rates and natural attrition. Fortunately, the timing of Council's resolution for a revised structure correlates to contract renewal processes for some senior executives and Council is advised of the General Manager's intention to not automatically renew senior executive contracts upon expiry of their terms (and where appropriate give notice of termination), but rather to review the necessity of the position and, if necessary, openly advertise for applicants in a competitive marketplace. Such a process will allow existing incumbents to compete for those positions and consequently Council will have input into the final selection process.

#### 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

There is a potential for savings of up to \$170,00.00 per annum in 2008/2009 and continuing.

**ORDINARY MEETING**

**Meeting Date:** 8 May 2007

**RECOMMENDATION:**

That Council note:

1. The General Manager's decision to not automatically renew senior executive employment contracts upon contract expiry; and where appropriate give notice of termination in accordance with contract conditions; and
2. This consultation process undertaken by the General Manager pursuant to Section 337 of the Local Government Act 1993.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

**ORDINARY MEETING****Meeting Date: 8 May 2007****SUPPORT SERVICES****Item: 84****SS - Monthly Investments Report - March 2007 - (95496, 96332)****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 March 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.

**March 2007**

The following table indicates that Council held \$32.9 million in investments as at 31 March 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
<b>On Call</b>					
CBA	31-Mar-07	6.20%	\$ 730,000.00	A1+	\$ 730,000.00
<b>Term Deposit</b>					
CBA	12-Mar-07	6.43%	\$ 1,000,000.00	A1+	\$ 1,000,000.00
<b>Managed Funds</b>					
ANZ Cash Plus Fund	31-Mar-07	6.67%	\$1,428,606.05	AA	
Merril Lynch Diversified Credit Fund	31-Mar-07	5.43%	\$2,004,767.58	A	
Macquarie Income Plus Fund No 1	31-Mar-07	6.53%	\$6,719,688.14	A	
Deutsche Cash-Plus Fund	31-Mar-07	7.55%	\$9,271,216.93	A	
Perpetual Credit Income	31-Mar-07	6.93%	\$6,537,615.24	A	
ING Enhanced Cash	31-Mar-07	6.68%	\$5,169,845.42	A	\$31,131,739.36
<b>TOTAL INVESTMENT AS AT 31 MARCH 2007</b>					<b>\$32,861,739.36</b>

**ORDINARY MEETING****Meeting Date: 8 May 2007****Managed Funds**

Bench Mark - March 2007	6.34%	Bench Mark - last 12 months	6.21%
Actual- March 2007	6.37%	Actual -last 12 months	6.43%

**Investment Commentary****Performance by Type**

Category	Balance	Average Interest	Difference to Benchmark
Cash at Call	\$ 730,000.00	6.20%	-0.14%
Term Deposit	\$ 1,000,000.00	6.43%	0.09%
Managed Funds	\$31,131,739.36	6.63%	0.29%
	\$ 32,861,739.36	6.42%	0.08%

Restriction Type	Amount
External Restrictions -S94	\$ 4,412,896
External Restrictions - Other	\$ 12,959,723
Internal Restrictions	\$ 9,729,968
Unrestricted	\$ 5,759,152
<b>Total</b>	<b>\$ 32,861,739</b>

The investment portfolio increased slightly by \$0.34m for the month. During March income received including rates payments amounted to \$3.9m, while payment to suppliers and staff costs amounted to \$5.2m.

Managed Fund performance was above the benchmark (UBS Australia) Bank Bill Index in March 2007 with an average return after fees of 6.37%, compared with the index of 6.34%. The managed funds portfolio has achieved a return after fees for the past 12 months of 6.43%, which outperformed the (UBS Australia) Bank Bill Index of 6.21% 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.

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 2006/2007.

Robert Stalley  
Responsible Accounting Officer

**RECOMMENDATION:**

That the information be received.

**ORDINARY MEETING**

**Meeting Date:** 8 May 2007

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**

**Meeting Date:** 8 May 2007

ordinary

section 5

reports  
of committees

**ORDINARY MEETING**  
Reports of Committees



**SECTION 5 - Reports of Committees**

**ROC - Local Traffic Committee - 18 April 2007 - (80245, 95495)**

Minutes of the Meeting of the Local Traffic Committee held in the Large Committee Room, Windsor, on Wednesday, 18 April 2007, commencing at 3:00pm.

**ATTENDANCE**

**Present:** Councillor B Bassett (Chairman)  
Mr J Suprain, Roads and Traffic Authority  
Mr J Christie, Officers of Messrs A Shearan (Londonderry) and J Aquilina (Riverstone), Members of Parliament  
Mr R Williams, MP (Hawkesbury)  
Senior Constable S Sherry, NSW Police Service  
Inspector S Oswald, NSW Police Service

**Apologies:** Mr R Elson, Department of Transport

**In Attendance:** Mr C Amit, Manager, Design & Mapping Services  
Mrs J Hogge, Road Safety Programme Coordinator  
Mr T Shepherd, Administrative Officer, Infrastructure Services

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The Chairman congratulated Mr R Williams on his recent election as the Member for Hawkesbury and welcomed his attendance at this meeting.

**SECTION 1 - Minutes**

**Item 1.1       Minutes of Previous Meeting**

The Minutes of the meeting held on 21 March 2007 were confirmed.

**Item 1.2       Business Arising**

Nil Business Arising.

**SECTION 2 - Reports for Determination**

**Item 2.1      LTC - 18 April 2007 - Item 2.1 - Mt Wilson to Bilpin Bush Run - Mt Irvine Rd & Bells Line of Rd, Bilpin (Hawkesbury) - (80245, 73582, 74282)**

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Mr J Christie was not in attendance during the discussion of this item and joined the meeting following its recommendation.

**REPORT:**

**Introduction:**

An application has been received from Bilpin Rural Fire Brigade seeking approval to conduct the Mt Wilson to Bilpin Bush Run on Saturday, 25 August 2007. The route of the Bush Run involves roads in the Blue Mountains and Hawkesbury Council areas. The event is an **annual** 35 km Bush Run which starts in Mt Wilson (Blue Mountains Council) and proceeds mainly via fire trails and private property to a 1 km long section of Mt Irvine Road, 2.0 km long section of Bells Line of Road and terminates at Bilpin Community Hall. Mt Irvine Road is a very low traffic (ADT < 100) gravel road.

Refer to the attached Plan No: TR006/07 - Appendix 1.

The event organiser has advised the following:

- i. The last section of the run is along the northern verge of Bells Line of Road which is a State Road. Vehicular traffic and participants are separated by a verge of approximately 10 metres wide along this section of Bells Line of Road at all points.
- ii. The shoulder of Bells Line of Road (on the section between Mt Irvine Road and Bilpin Community Hall) will not be used at all and any runners found running on the shoulder of Bells Line of Road or outside the designated course will be disqualified.
- iii. There will be approximately 250 runners participating in the run, which will be held between 7.00am and 3.00pm.
- iv. Off street parking will be provided at Bilpin community Hall for approximately 500 cars.

**Discussion:**

It would be appropriate to classify this event as a "Class 2" special event under the "Traffic Management for Special Events" guidelines issued by the Roads & Traffic Authority (RTA) as this event may impact on minor traffic and transport systems and there may be low scale disruption to the non-event community.

The event organiser has submitted a Transport Management Plan (TMP) and Traffic Control Plan (TCP) - refer to Appendix 2 (Dataworks Doc. No. 2419083 and 2460437). An application to conduct this event has also been lodged with the RTA and the NSW Police Service.

Mr J Suprain advised that the event should be classified as Class 3, not Class 2, under "Guide to Traffic and Transport Management for Special Events" (Version 3.4), as the event is not impacting on the Main Road network to any great degree.

**RECOMMENDATION:**

That:

1. The Mt Wilson to Bilpin Bush Run event planned for 25 August 2007 be classified as a "Class 3" special event under the "Traffic Management for Special Events" guidelines issued by the RTA.
2. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.

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3. It is strongly recommended that the event organiser becomes familiar with the contents of the RTA publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package which explains the responsibilities of the event organiser in detail.
4. No objection be held to this event subject to compliance with the following conditions:

**Prior to the event:**

- 4a. the event organiser obtaining approval to conduct this event, from the NSW Police Service; **a copy of the Police Service approval be submitted to Council;**
- 4b. the event organiser **submitting to Council a copy of its Public Liability Policy** in an amount not less than \$10,000,000 **noting Council and the Roads and Traffic Authority as interested parties on the Policy;**
- 4c. the event organiser advertising the event in the local press stating the entire route of the event and the traffic impact due to the event two weeks prior to the event; **a copy of the proposed advertisement be submitted to Council** (indicating the advertising medium);
- 4d. the event organiser notifying the details of the event to NSW Ambulance Services, NSW Fire Brigade / Rural Fire Service and SES at least two weeks prior to the event;
- 4e. the event organiser directly notifying all the residences and businesses affected by the event at least two weeks prior to the event;
- 4f. the event organiser obtaining approval from the National Parks and Wildlife Service (Department of Environment and Conservation) for the use of the Blue Mountains National Park;
- 4g. the event organiser obtaining approval from Blue Mountains City Council for the use of their roads;
- 4h. the event organiser carrying out an overall risk assessment for the whole event to identify and assess the potential risks to spectators, participants and road users during the event and designing and implementing a risk elimination or reduction plan in accordance with the Occupational Health and Safety Act 2000; (information for event organisers about managing risk is available on the Department of Tourism, Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>);
- 4i. the event organiser submitting the completed "Special Event - Traffic Final Approval" form to Council;

**During the event:**

- 4j. access being maintained for businesses, residents and their visitors;
- 4k. all traffic controllers / marshals operating within the public road network holding appropriate certification required by the RTA;
- 4l. the runners are aware of and are following all the general road user rules whilst running on public roads
- 4m. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices be placed during the event along the route under the direction of a traffic controller holding appropriate certification required by the RTA;

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- 4n. the competitors and participants be advised of the traffic control arrangements in place prior to the commencement of the event; and,
- 4o. all roads and marshalling points are to be kept clean and tidy, with all directional signs to be removed immediately on completion of the activity.

**APPENDICES:**

**AT - 1** Mt Wilson to Bilpin Bush Run: Plan No. TR006/07

**AT - 2** Special Event Application - Mt Wilson to Bilpin Bush Run (Dataworks Doc.No. 2419083 and 2460437) - *see attached*

**AT - 1** Mt Wilson to Bilpin Bush Run - Plan No.TR006/07

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

## ORDINARY MEETING

### Reports of Committees

#### Item 2.2 LTC - 18 April 2007 - Item 2.2 - Mountain Bike Endurance Event - St Albans (Hawkesbury) - (80245, 85193, 74282)

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#### REPORT:

An application has been received from Maximum Adventure Pty Ltd seeking permission to conduct a Mountain Bike Endurance Event for the St Albans Rural Fire Brigade on Sunday 6 May 2007 (from 6.30am to 5.00pm), in and around the St Albans and Macdonald Valley areas. The event organiser advises that the endurance ride is over a 100 km long route and is predominantly on tracks within the Parr State Recreational Area, Yengo National Park, private properties and on the following public roads:

- Upper Macdonald Road – Unsealed Road.
- Wollombi Road – Sealed and Unsealed Road.
- Settlers Road – Sealed and Unsealed Road.
- Bulga Street – Sealed and Unsealed Road.
- Wrights Creek Road - Unsealed Road.
- St Albans Road - Sealed and Unsealed Road.
- Wharf Street – Sealed Road.
- Macdonald River – Two river crossing points.

Refer to the attached Plan No: TR007/07 - Appendix 1 - For the Event Route details.

The race is also traversing along Great Northern Road, which is under the care and control of the National Parks and Wildlife Service.

The event organiser has informed the following:

- This event is an endurance ride;
- The event route is identical to the 2005 and 2006 event;
- The race route will cross the Macdonald River at the two points shown on the attached Plan No. TR007/07;
- Approximately 1000 competitors are expected for this event;
- The start and finish of the race will be in the town of St Albans, on Wharf Street;
- The start of the event will be staggered to reduce the amount of traffic on the roads and trails at any one time. As the event progresses, the competitors will spread out further; and,
- It is proposed to close the section of Wharf Street between Wollombi Road and Bulga Street (100m long sealed section).

#### Discussion:

It would be appropriate to classify this event as a "Class 2" special event under the "Traffic Management for Special Events" guidelines issued by the Roads & Traffic Authority (RTA) as this event may impact on local traffic and transport systems and there may be a low scale disruption to the non-event community.

The event organiser has submitted the following items in relation to this event: Appendix 2 (Dataworks Doc. No: 2449136):

- i) Details of the Special Event - Traffic template;
- ii) Submission to NSW Police Service;
- iii) Transport Management Plan (TMP) and Traffic Control Plan (TCP);
- iv) Public Liability Insurance Policy to the value of \$20,000,000;
- v) Copies of correspondence forwarded to the SES and NSW Ambulance Service.

**RECOMMENDATION:**

That:

1. The Mountain Bike Endurance Event planned for 6 May 2007, be classified as a “**Class 2**” special event under the “Traffic and Transport Management for Special Events” guidelines issued by the RTA.
2. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
3. It is strongly recommended that the event organiser becomes familiar with the contents of the RTA publication “Guide to Traffic and Transport Management for Special Events” (Version 3.4) and the Hawkesbury City Council special event information package which explains the responsibilities of the event organiser in detail.
4. No objection be held to this event subject to compliance with the following conditions:

**Prior to the event:**

- 4a. the event organiser obtaining approval to conduct this event, from the NSW Police Service; **a copy of the Police Service approval be submitted to Council;**
- 4b. the event organiser obtaining approval from the RTA as a road closure is proposed; **a copy of the RTA approval be submitted to Council;**
- 4c. the event organiser obtaining the relevant approval to conduct this event from the Waterways Authority; **A copy of this approval be submitted to Council;**
- 4d. the event organiser obtaining the relevant approval from the Department of Natural Resources to cross the Macdonald River; **A copy of this approval be submitted to Council;**
- 4e. the event organiser advertising the event in the local press stating the entire route of the event and the traffic impact / delays due to the event two weeks prior to the event; **a copy of the proposed advertisement be submitted to Council** (indicating the advertising medium);
- 4f. the event organiser notifying the details of the event to the NSW Fire Brigade / Rural Fire Service at least two weeks prior to the event;
- 4g. the event organiser directly notifying relevant bus companies, tourist bus operators and taxi companies operating in the area and all the residences and businesses affected by the proposed road closures for the event at least two weeks prior to the event;
- 4h. the event organiser obtaining approval from the National Parks and Wildlife Service (Department of Environment and Conservation) for the use of Parr State Recreational Area, Yengo National Park and Great Northern Road. If the use of a Council Park/Reserve is required, written approval is required from Councils' Land Management section;
- 4i. the event organiser obtaining approval from the NSW Department of Lands for the use of any Crown Road or Crown Land;
- 4j. the event organiser carrying out an overall risk assessment for the whole event to identify and assess the potential risks to spectators, participants and road users during the event and designing and implementing a risk elimination or reduction plan in accordance with the Occupational Health and Safety Act 2000; (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>);

- 4k. the event organiser submitting the completed "Special Event - Traffic Final Approval" form to Council;
- 4l. that the applicant advise participants of ferry usage/timings, particularly starting times of the Bridge to Bridge event.

**During the event:**

- 4m. access being maintained for businesses, residents and their visitors;
- 4n. a clear passageway of at least 4 metres width being maintained at all times for emergency vehicles;
- 4o. all traffic controllers / marshals operating within the public road network holding appropriate certification required by the RTA;
- 4p. the riders/cyclist are aware of and are following all the general road user rules whilst riding/cycling on public roads;
- 4q. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices be placed during the event along the route under the direction of a traffic controller holding appropriate certification required by the RTA;
- 4r. the competitors and participants be advised of the traffic control arrangements in place prior to the commencement of the event; and,
- 4s. all roads and marshalling points are to be kept clean and tidy, with all directional signs to be removed immediately on completion of the activity
- 4t. the Event organiser is to ensure that dust along the unsealed sections of road utilised by the event participants and those travelling to the event are mitigated by providing a Water Cart for the duration of the event. Method of watering and frequency is to be addressed and outlined in the TMP.

**APPENDICES:**

**AT - 1** Mountain Bike Endurance, St Albans - Plan No. TR007/07

**AT - 2** Special Event Application - Mountain Bike Endurance Event, St Albans (Dataworks Document No. 2449136) - *see attached.*



**AT - 1** Mountain Bike Endurance, St Albans - Plan No. TR007/07

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

**Item 2.3      LTC - 18 April 2007 - Item 2.3 - Bridge to Bridge Power Boat Race Brooklyn to Windsor (Hawkesbury, Londonderry & Riverstone) - (80245, 73829)**

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**REPORT:**

**Introduction**

An application has been received from the Upper Hawkesbury Power Boat Club, dated 1 March 2007, seeking approval to conduct the Bridge to Bridge Power Boat Race from Brooklyn to Windsor on 6 May 2007 between the hours of 9.00am and 5.00pm. This event is an annual boat racing event along the Hawkesbury River between Brooklyn Bridge and Windsor Bridge.

The Upper Hawkesbury Power Boat Club has informed the following in respect of this event:

- i) This boat race is from Brooklyn to Windsor via the Hawkesbury River.
- ii) The Club is expecting approximately 120 participants/boats to compete in the event.
- iii) There will be 20 groups consisting of 6 participants/boats each.
- iv) This annual event has been held for the past seventy years and the club is expecting approximately 1000 spectators (400 vehicles) on the day of the event, at Governor Phillip Reserve.
- v) The vehicles of the spectators have not disrupted the traffic movements on the surrounding road network in the past and the same is expected this year.
- vi) The vehicles of the spectators will be parked in the car park next to Governor Phillip Reserve. There are more than adequate parking spaces available for off-street parking.

The event organiser has submitted the following items in relation to this event: Appendix 1 (Dataworks Doc. No: 2443561):

- i) Details of the Special Event - Traffic template;
- ii) Submission to NSW Police Service.

**Discussion**

Even though this event will be held along the Hawkesbury River and within the Governor Phillip Reserve, this event and the spectators travelling to the event may impact heavily on the state road network on Windsor Road, Macquarie Street, Wilberforce Road and Bridge Street and in particular the local roads such as George Street and Court Street as well as the Ferry services. It would be appropriate to classify this event as a **“Class 1”** special event under the “Traffic and Transport Management for Special Events” guidelines issued by the Roads & Traffic Authority given that perceived impact.

The event organiser has advised that this event will have minimal impact on the operations of the Ferry services. There will be a Course boat on the approach to each ferry crossing point, that will be communicating via radio with a marshal on the ferry. While a ferry is in motion, all boats will be prohibited from crossing this point until such time as the ferry is at the river bank. While the ferry is at the river bank unloading and loading vehicles, the boats will be allowed to pass.

Lower Portland Ferry Service is under the care and control of Hawkesbury City Council. Wisemans Ferry, Webbs Creek Ferry and Sackville Ferry Services is the under the care and control of the RTA and hence, the RTA approval be sought directly by the event organiser for any alterations to the operation of ferry services maintained by them.

It is noted that the event organiser has lodged an application seeking approval to conduct the event with the NSW Police Service. A Transport Management Plan (TMP) and an associated Traffic Control Plan (TCP) should be submitted to Council and the RTA for acknowledgement as this is a **Class 1** event.

Council has granted exclusive use of Governor Philip Reserve to the applicant by way of council resolution dated 8 August 2006.

**RECOMMENDATION:**

**Traffic Management**

That:

1. The Bridge to Bridge Power Boat Race from Brooklyn to Windsor event planned for 6 May 2007 be classified as a "Class 1" special event under the "Traffic and Transport Management for Special Events" guidelines issued by the RTA.
2. The event organiser obtains approval from the RTA as this is a **"Class 1"** event.
3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
4. It is strongly recommended that the event organiser becomes familiar with the contents of the RTA publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package, which explains the responsibilities of the event organiser in detail.
5. No objection be held to this event subject to compliance with the following conditions:

**Prior to the event:**

- 5a. the event organiser obtaining approval to conduct this event, from the NSW Police Service, **a copy of the Police Service approval be submitted to Council;**
- 5b. the event organiser **submitting a Transport Management Plan (TMP) for the entire route incorporating a Traffic Control Plan (TCP) to Council and the RTA** for acknowledgement. The TCP should be prepared by a person holding appropriate certification required by the RTA to satisfy the requirements of the relevant Work Cover legislation;
- 5c. the event organiser **submitting to Council a copy of its Public Liability Policy in an amount not less than \$20,000,000 with Council and the Roads & Traffic Authority's interest noted on the Policy;** this Policy is to provide cover in relation to all aspects of traffic management both on-road and off-road as well as event activities within the Reserve;
- 5d. the event organiser obtaining the relevant approval to conduct this event from the Waterways Authority; **a copy of this approval be submitted to Council;**
- 5e. the event organiser advertising the event in the local press stating the entire route of the event and the traffic impact / delays due to the event two weeks prior to the event; **a copy of the proposed advertisement be submitted to Council** (indicating the advertising medium);
- 5f. the event organiser notifying the details of the event to NSW Ambulance Services, NSW Fire Brigade / Rural Fire Service and SES at least two weeks prior to the event;
- 5g. the event organiser directly notifying relevant bus companies, tourist bus operators and the taxi companies operating in the area and all the residence and business affected by the event at least two weeks prior to the event;

- 5h. the event organiser advising all adjoining Councils such as Gosford, Baulkham Hills, Hornsby of this event and in particular any alterations to the operation of ferries, and obtaining any necessary approvals from these Councils;
- 5i. the event organiser assessing the risk and addressing the suitability of the entire route as part of the risk assessment considering the possible risks for all participants; This assessment should be carried out by visual inspection of the route / site by the event organiser prior to preparing the TMP and prior to the event;
- 5j. the event organiser carrying out an overall risk assessment for the whole event to identify and assess the potential risks to spectators, participants and road users during the event and designing and implementing a risk elimination or reduction plan in accordance with the Occupational Health and Safety Act 2000; (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>);
- 5k. the applicant contacting the Hawkesbury City Council's Construction and Maintenance Section two weeks prior to the event with regard to changes in the operation of Lower Portland Ferry service maintained by Hawkesbury City Council;
- 5l. the event organiser submitting the completed "Special Event - Traffic Final Approval form to Council;
- 5m. that the applicant advise Maximum Adventure Pty Ltd of possible ferry conflict and to assist Maximum Adventure as much as possible.

**During the event:**

- 5n. access being maintained for businesses, residents and their visitors;
  - 5o. a clear passageway of at least 4 metres width being maintained at all times for emergency vehicles; and,
  - 5p. all traffic controllers / marshals operating within the public road network holding appropriate certification required by the RTA;
  - 5q. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices be placed during the event along the route under the direction of a traffic controller holding appropriate certification required by the RTA;
  - 5r. the competitors and participants be advised of the traffic control arrangements in place prior to the commencement of the event; and,
  - 5s. all roads and marshalling points are to be kept clean and tidy, with all directional signs to be removed immediately on completion of the activity;
6. That the applicant seek RTA approval for reduced crossing/operation of the Wisemans Ferry, Webbs Creek Ferry and Sackville Ferry Services; there is no objection to the reduced crossing/operation of Lower Portland Ferry Service; reduced crossing/operation of ferry services is subject to the applicant complying with the following conditions, as well as any conditions imposed by the RTA:
- 6a. Advertising of the proposed event being undertaken at the expense of the Upper Hawkesbury Power Boat Club, in both Sydney and Local newspapers, two weeks prior to the event, in relation to :
    - traffic impact and delays,

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- exclusive use of Governor Phillip Reserve,
- timings of suspension of ferry services,

such notice is to be incorporated in the news sections of those newspapers and to be approximately 1/8 (one-eighth) page size;

- 6b. signs be erected at the expense of Upper Hawkesbury Power Boat Club in locations indicated in the approved Transport Management Plan and Traffic Control Plan and at a size indicated in the same, on all roads leading to the ferries, as well as on each ferry, for at least two weeks prior to the event;
- 6c. safety precautions are to be established in the TMP and are to be placed at all ferry locations, such procedures are to be implemented to the satisfaction of the Waterways Authority and Hawkesbury City Council; and,
- 6d. the Transport Management Centre, Roads & Traffic Authority be authorised to alter ferry suspension times if necessary.

**APPENDICES:**

**AT - 1** Special Event Application - Bridge to Bridge Power Boat Race Brooklyn to Windsor - (Dataworks Doc. No. 2443561) - *see attached*.

**Item 2.4** **LTC - 18 April 2007 - Item 2.4 - St Albans Endurance Ride (Hawkesbury) - (80245, 99601)**

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**REPORT:**

**Introduction**

An application has been received from Rosemont Endurance Riders, dated 20 March 2007, seeking approval to conduct the St Albans Endurance Ride around the St Albans village on Sunday, 27 May 2007. This event is a time trial 80 Kilometre Endurance Horse Ride.

The route of the ride is predominantly on the tracks within the Parr State Recreational Area, Yengo National Park, private farmlands and on the following public roads

- Upper Macdonald Road – Unsealed Road
- Wollombi Road – Sealed and Unsealed Road
- Settlers Road – Sealed and Unsealed Road
- Bulga Street – Sealed section
- Wrights Creek Road - Unsealed Road
- St Albans Road - Sealed and Unsealed
- Wharf Street – Sealed Road
- Crossing of the Macdonald River at 2 locations.

The event is also traversing along Great Northern Road, which is under the care and control of the National Parks and Wildlife Service.

Refer to - Appendix 1(Dataworks Doc. No. 2458256): - For the Event Route details

The event organiser has advised the following:

- This event has been held over the last 20 years with the exception of 2006.
- Start and end point for the event will be within the St Albans village.
- The event will NOT utilise St Albans Bridge, which is under the care and control of the Roads and Traffic Authority.
- There will be approximately 80 to 90 horse riders participating.
- There will be approximately 60 to 70 spectators
- Parking of vehicles will be predominantly on private land.

**Discussion**

It would be appropriate to classify this event as a “Class 2” special event under the “Traffic Management for Special Events” guidelines issued by the Roads & Traffic Authority as this event may impact minor traffic and transport systems and there is a low scale disruption to the non-event community.

The event organiser has submitted the following items in relation to this event: Appendix 1 (Dataworks Doc. No. 2458256):

- i) Details of the Special Event - Traffic template;
- ii) Transport Management Plan (TMP) and Traffic Control Plan (TCP);
- iii) Public Liability Insurance Policy to the value of \$20,000,000;
- iv) Copy of advertisement about the event but it does not indicate the route for the event;
- v) Approval from National Parks and Wildlife Service (Department of Environment and Conservation) for the use of the Parr State Recreational Area, Yengo National Park and Great Northern Road.

It will be necessary for the event organiser to lodge an application seeking approval to conduct the event with the NSW Police Service.

**RECOMMENDATION:**

That:

1. The St Albans Endurance Ride event planned for 27 May 2007, be classified as a “**Class 2**” special event under the “Traffic and Transport Management for Special Events” guidelines issued by the RTA.
2. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
3. It is strongly recommended that the event organiser becomes familiar with the contents of the RTA publication “Guide to Traffic and Transport Management for Special Events” (Version 3.4) and the Hawkesbury City Council special event information package which explains the responsibilities of the event organiser in detail.
4. No objection be held to this event subject to compliance with the following conditions:

**Prior to the event:**

- 4a. the event organiser obtaining approval to conduct this event, from the NSW Police Service; **a copy of the Police Service approval be submitted to Council;**
- 4b. the event organiser obtaining the relevant approval to conduct this event from the Waterways Authority; **A copy of this approval be submitted to Council;**
- 4c. the event organiser obtaining the relevant approval from the Department of Natural Resources to cross the Macdonald River; **A copy of this approval be submitted to Council;**

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- 4d. the event organiser advertising the event in the local press stating the entire route of the event and the traffic impact / delays due to the event two weeks prior to the event; **a copy of the proposed advertisement be submitted to Council** (indicating the advertising medium);
- 4e. the event organiser notifying the details of the event to NSW Ambulance Services, NSW Fire Brigade / Rural Fire Service and SES at least two weeks prior to the event;
- 4f. the event organiser directly notifying relevant bus companies, tourist bus operators and taxi companies operating in the area and all the residences and businesses affected by the event at least two weeks prior to the event;
- 4g. If the use of a Council Park/Reserve is required, written approval is required from Councils' Land Management section;
- 4h. the event organiser obtaining approval from the NSW Department of Lands for the use of any Crown Roads (Crown Land);
- 4i. the event organiser obtaining any necessary approvals from adjoining Councils.
- 4j. the event organiser carrying out an overall risk assessment for the whole event to identify and assess the potential risks to spectators, participants and road users during the event and designing and implementing a risk elimination or reduction plan in accordance with the Occupational Health and Safety Act 2000; (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>);
- 4k. the event organiser submitting the completed "Special Event - Traffic Final Approval" form to Council;

#### **During the event:**

- 4l. access being maintained for businesses, residents and their visitors;
- 4m. a clear passageway of at least 4 metres width being maintained at all times for emergency vehicles;
- 4n. all traffic controllers / marshals operating within the public road network holding appropriate certification required by the RTA;
- 4o. the riders are aware of and are following all the general road user rules whilst riding on public roads;
- 4p. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices be placed during the event along the route under the direction of a traffic controller holding appropriate certification required by the RTA;
- 4q. the competitors and participants be advised of the traffic control arrangements in place prior to the commencement of the event; and,
- 4r. all roads and marshalling points are to be kept clean and tidy, with all directional signs to be removed immediately on completion of the activity
- 4s. the Event organiser is to ensure that dust along the unsealed sections of road utilised by the event participants and those travelling to the event are mitigated by providing a Water Cart for the duration of the event. Method of watering and frequency is to be addressed and outlined in the TMP.

**APPENDICES:**

**AT - 1** Special Event Application - St Albans Endurance Ride - (Dataworks Doc. No. 2458256) - see attached

**SECTION 3 - Reports for Information**

**Item 3.1** LTC - 18 April 2007 - Item 3.1 - Response by RTA to Safety Audit Bells Line of Road, Bilpin - (Hawkesbury) - (80245, 73625, 79346)

**Previous Item:** Item 2.1, LTC (16 August 2006)

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**REPORT:**

In reference to Item 2.1 of the Local Traffic Committee held on 16 August 2006, the following was requested of the Roads and Traffic Authority:

*"the RTA be requested to undertake a Safety Audit of Bells Line of Road from North Richmond to the western the RTA be requested to undertake a Safety Audit of Bells Line of Road from North Richmond to the western boundary of the Hawkesbury Local Government Area, those representations to include documents tabled by Senior Constable Crawford (Dataworks Doc.No.2325102) and Mrs J Hogge (Dataworks Doc.No.2325095), with an emphasis on:*

- *Dead and Overhanging Trees*
- *Line of Sight,*
- *Road Shoulders, and*
- *Speed Limits."*

Correspondence has been received from the Roads and Traffic Authority (Dataworks Doc. No. 2443353) advising:

*"Thankyou for your letter dated 05 October 2006 with a request for undertaking a safety audit of Bells Line of Road. Please be informed that a safety audit was conducted in 2002 for Bells Line of Road, from Hawkesbury River, North Richmond to Chiefly Road, Bell. Following the safety audit the RTA has progressively implemented a range of safety improvements on Bells Line of Road until 2006. Few of these improvement works are mentioned below for your information.*

- *A number of chain wire fence were replaced by W-beam guardrails (\$100k)*
- *Installed a new 200m long guardrail at Mt. Wilson (\$32k)*
- *Extended 186 long median tric block barriers at Mt. Wilson (\$220k)*
- *Installed motorcycle guidance signs along the windy sections (\$35k)*
- *Improved the delineation of bends along different sections of the route (\$15k)*
- *Upgraded the joint of guardrail and bridge railing along the route (\$40k)*
- *Removed dead trees along the route (\$200k)*

*These safety improvement measures have a total value of \$642,000 in addition to the regular asset management budget spent on Bells Line of Road by the RTA for maintaining the road conditions.*

*The RTA has also inspected a number of sites along the route in response to public queries and addressed safety improvement works including installation and extension of guardrails and improvement of road conditions.*



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*The RTA regularly reviews speed limits on the NSW road network. Key objectives of these are to maximise safety for all road users while ensuring the movement of goods and people. An assessment of the current speed zoning hierarchy on Bells Line of Road will be undertaken as part of the speed limit review process.*

*The RTA will consider the NRMA route performance report of Bells Line of Road in the future programming of improvement measures if warranted.*

*If you have any further queries on this matter please feel free to contact Manjur Rahman on (02) 8814 2964."*

**RECOMMENDATION:**

That the Chairman obtain detail from the Bilpin community group which raised original concerns.

**APPENDICES:**

There are no supporting documents for this report.

**SECTION 4 - General Business**

**Item 4.1      LTC - 18 April 2007 - Item 4.1 QWN - Speed Review on Windsor Road, McGraths Hill - (80245, 74282)**

**Previous Item:**      Item 3.2, Local Traffic Committee (21/03/07)

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Mr R Williams

**REPORT:**

Enquired as to the background to the Roads and Traffic Authority response regarding retention of 80KPH speed restriction on Windsor Road, between South Creek Bridge and the eastern end of Windsor High School/McGrath Road intersection, as detailed in Item 3.2, Local Traffic Committee Minutes, 21 March 2007.

The Chairman gave an oral report regarding the matter.

**RECOMMENDATION:**

That the information be received.

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**Item 4.2**      **LTC - 18 April 2007 - Item 4.2 - Installation of School Speed Alert Systems - (80245, 74282)**

**Previous Item:**      Item 3.1, Local Traffic Committee (21/03/07)

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Mr R Williams

**REPORT:**

Enquired as to progress regarding installation of flashing lights at schools, particularly Vineyard Public School.

Mr J Suprain advised current status of this project.

**RECOMMENDATION:**

That the information be received.

**Item 4.3**      **LTC - 18 April 2007 - Item 4.3 QWN - Bede Polding College, Rifle Range Road, South Windsor - Traffic Control - (80245, 32368)**

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Mr J Suprain

**REPORT:**

Tabled correspondence from Bede Polding College, Rifle Range Road, South Windsor, advising of pedestrian/vehicle conflict at the pedestrian crossing adjacent to the College and seeking installation of traffic signals/flashing lights.

**RECOMMENDATION:**

That the matter be investigated.

**SECTION 5 - Next Meeting**

The next Local Traffic Committee meeting will be held on Wednesday, 16 May 2007 at 3:00pm in the Large Committee Rooms.

The meeting terminated at 4:00pm.

**oooO END OF REPORT Oooo**



ordinary  
meeting

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