



Hawkesbury City Council

ordinary meeting business paper

date of meeting: 13 February 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.

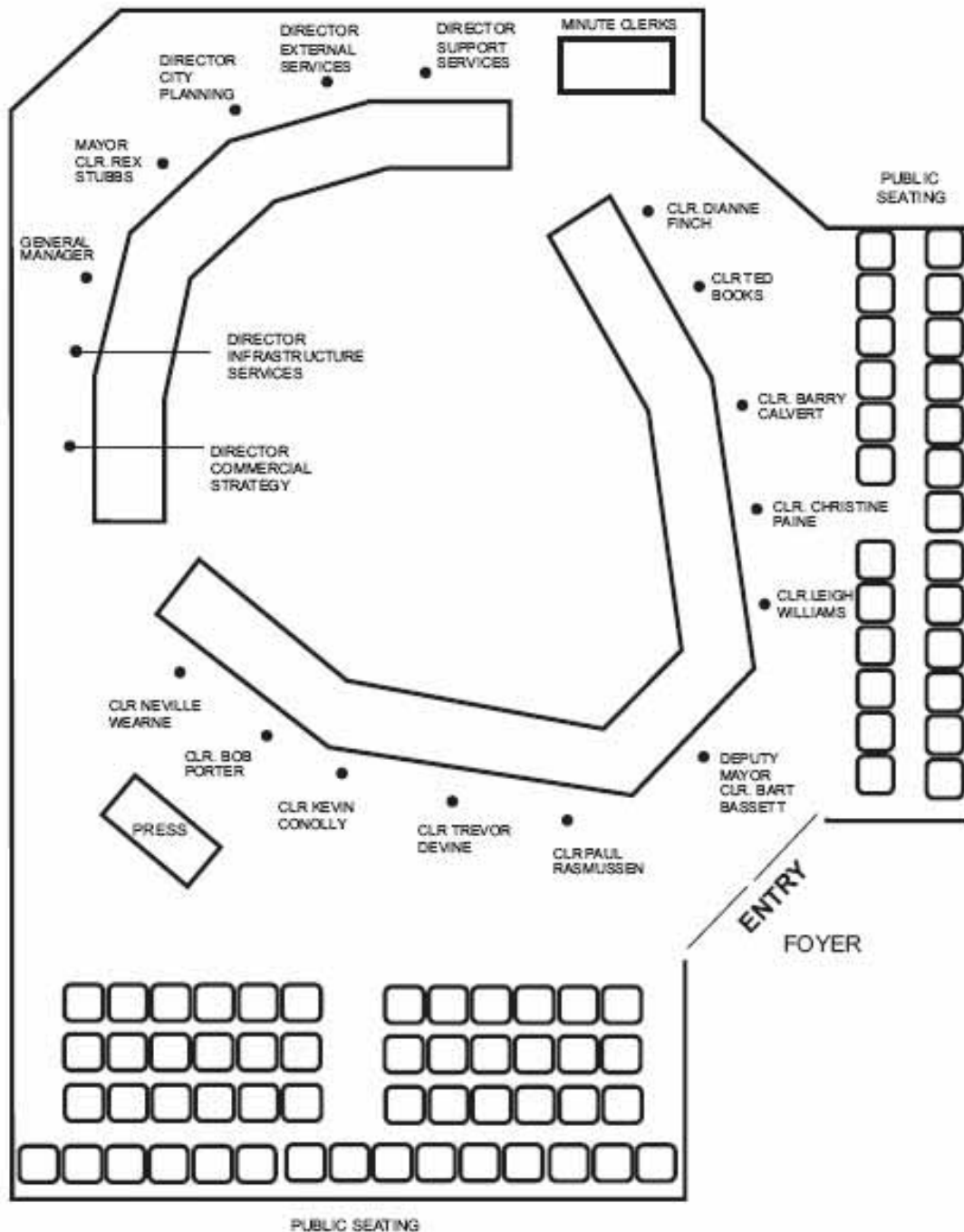
Website

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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SECTION 1 - Confirmation of Minutes

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QUESTIONS WITH NOTICE

Question With Notice - New e-Tendering System - (95496, 80106)

Submitted by: Councillor Paul Rasmussen

QUESTION WITH NOTICE:

I am referring to the new electronic tendering system developed by the Western Sydney Regional Organisation of Councils (WSROC) and jointly funded by participating Councils, namely, Bankstown, Blacktown, Blue Mountains, Baulkham Hills, Hawkesbury, Holroyd, Parramatta, Penrith and Fairfield.

1. How long has this e-tendering system been operational within Hawkesbury City Council?
2. How many contracts have been let using this system at Hawkesbury City Council?
3. How many local firms have tendered for Council contracts using this system and how many have been awarded to local firms?
4. What have been the savings, in dollar terms, if any, to Council over the period of which this procurement system has been operational?
5. What have been the estimated savings in man-hours resulting from the introduction of this system?
6. Have there been any other benefits accruing to Council as a result of staff introducing this system?
7. What, if any, projected savings are likely to accrue to Council over the long term as a result of introducing this system?
8. What is the take-up by local firms of this new system?
9. Has Council conducted a survey of local firms to gauge reach and understanding of the system and any perceived weaknesses or difficulties using the system? If so, are the results available for access.
10. What has been the cost to Council (dollars and man-hours) so far of introducing the system and what will be the on-going costs of the system?

NOTE BY MANAGEMENT:

The following comments are provided in respect of the above questions:

1. Council commenced utilising the e-tendering system in the 2nd quarter of 2006.
2. To date, three tenders have been undertaken utilising the e-tendering system.
3. Over the three tenders concerned there have been a total of 21 submissions, two of which have been from local organisations with one tender being awarded to a local organisation.
4. The system has not been in use for a sufficient period for an estimate of "savings" to be made. In this regard, it should be noted that most "normal" parts of the tendering process still need to be undertaken (i.e. Preparing documents, advertising, opening tenders, assessment, reporting, etc.)

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with the significant advantage of the process being that it widens Council's exposure in the process and therefore also widens the potential market available to the Council.

In addition, at this point in time Council has not insisted on all tenders being submitted in an electronic format (as well as being available in hardcopy) with the view being taken that Council should gradually progress toward a full electronic process. When this point in time is reached, which is an ultimate goal, there may be some cost as well as man hour savings achievable.

5. See response to question 4.
6. See response to question 4.
7. As suggested in 4 above a significant advantage of the system is the widening of the marketplace available to Council with the potential of more competitive prices for goods and services being achieved. However, as the use of the system is still, effectively, in its infancy in this organisation it is not possible to quantify potential future savings.
8. As indicated in 3 above of the 21 submissions received (not necessarily all electronically) during the tendering process utilising the e-tendering process, 2 (9.5%) have been submitted by local organisations. However, it is suggested that the process has not been in place for a sufficient period of time, or number of tenders offered, to enable a meaningful assessment of local "take-up" of the system to undertaken.
9. A survey has not been undertaken.
10. The WSROC e-tendering process was a project of the WSROC Supply Managers Group. Once problems associated with the requirements of the NSW Local Government Tendering Regulations were overcome the Group proceeded to develop the process. The process is undertaken utilising the NSW Department of Commerce's E-tendering website incorporating a customised WSROC "front end".

The financial cost of Council's participation in the project was an initial \$8,000 associated with its establishment with ongoing costs (site charges, etc.) being approximately \$2,000 per annum. An assessment of "man-hours" involved in establishing the process for this Council (given that it was a WSROC group project) has not been undertaken and as Council's then Supply Co-ordinator has left the organisation this would not be possible.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

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SECTION 3 - Notices of Motion

Item: 17 **NM1 - Requested Financial Assistance for the Hawkesbury-Nepean River - (95496, 80105)**

Submitted by: Councillor Leigh Williams

NOTICE OF MOTION:

That Hawkesbury City Council calls on the Federal Government to provide significant financial assistance for the Hawkesbury-Nepean (H-N) river along with its assistance for the Murray-Darling system.

SUPPORTING INFORMATION:

The Hawkesbury-Nepean River system provides Sydney, Australia's largest city, with its water supply. More than 95% of the rivers natural flows are dammed and piped to Sydney, yet any river which loses more than 50% of its natural flows is generally regarded to be environmentally unsustainable.

A small percentage of its flows are returned as sewage treatment plant discharges, adding to the rivers nutrient load. Consequently, the river is in an extremely stressed state.

Its water can be a hazard to both humans and animals. Its water cannot be consumed without considerable treatment. Aquatic weeds, feeding on the high nutrient levels, are an increasing problem. Tourism, agriculture and the prawning industry are all suffering.

To make matters worse, in a scandalous act, Sydney Water Authority takes in the order of \$100 million profit per year from its operations, money which should be returned to Hawkesbury-Nepean river to remedy some of the rivers problems.

We are left with a river of third-world standard, a river which was once a proud and beautiful stream.

Urgent additional funding is needed to provide for much increased flows in the river and to treat what water is returned to the river to much higher standards.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

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Notices of Motion

Item: 18 **NM2 - Protocol Ensuring Councillors Concerns are Satisfactorily Conveyed - (95496, 90476)**

Submitted by: Councillor Trevor Devine

NOTICE OF MOTION:

That the General Manager advise the Council by way of a report to Council of a Protocol that will ensure that 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.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

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Notices of Motion

Item: 19 **NM3 - Moderate Rate Increase for 2007/2008 - (95496, 80104)**

Submitted by: Councillor Christine Paine

NOTICE OF MOTION:

That Council consider an appropriate moderate rate increase for the 2007/2008 period. Council undertake the required community consultation process as part of its preparation and advertisement of its management plan program for 2007/2008.

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

GENERAL MANAGER

Item: 20 **GM - 47th Annual Floodplain Management Authorities of NSW Conference 2007 - (79351)**

REPORT:

The 47th Annual Floodplain Management Authorities of NSW Conference 2007 will be held in Gunnedah, NSW 27 February to 1 March 2007.

Conference Theme

Floods are often reported as dramatic natural occurrences with devastating consequences. The 47th Annual Floodplain Management Authorities of NSW Conference will look at the flood from a different perspective.

Entitled: Floods, Life Blood or Life Buoy, this theme will endeavour to explore the positive implications of flooding on the natural environment and how they can be managed to benefit flood affected areas.

Costs of attendance at the 47th Annual Floodplain Management of NSW Conference 2007, to be held in Gunnedah, NSW, 27 February to 1 March 2007 will be approximately \$1,280.00 plus travel expenses per delegate.

Budget for Delegates Expenses - payments made

- | | |
|---|-------------|
| • Total Budget for Financial Year 2006/2007 | \$55,593.00 |
| • Expenditure to date | \$13,885.00 |
| • Budget balance as at 5/2/07 | \$41,708.00 |

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 Delegates Expenses Budget.

RECOMMENDATION:

That attendance by Councillors, and staff members as considered appropriate by the General Manager, at the 47th Annual Floodplain Management of NSW Conference 2007, to be held in Gunnedah, NSW, 27 February to 1 March 2007 at a cost of \$1,280.00 plus travel expenses per delegate be considered.

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ATTACHMENTS:

There are no supporting documents for this report.

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CITY PLANNING

Item: 21 **CP - Conversion of Hawkesbury Local Environmental Plan 1989 to the NSW Government's Standard LEP Template - Section 54 Notice - (95498)**

REPORT:

Purpose

The purpose of this report is to recommend that Council resolve to prepare a draft Local Environmental Plan (LEP) for the entire Local Government Area of Hawkesbury that is based on the NSW Government's standard template LEP.

Background

Council considered a report to proceed with preparing a "standard template LEP" at its meeting of the 28 November 2006. At that meeting Council resolved as follows:

"That:

- 1. As a matter of urgency, this matter be further workshopped in a one off session.*
- 2. Council investigate a Land Use/Housing Strategy.*
- 3. Council staff to provide details of zoning anomalies within the current Hawkesbury Local Environmental Plan 1989.*
- 4. Staff provide details of how the "Montgomery Report" can be included in the proposed LEP Template.*
- 5. Council seek clarification from the Department of Planning regarding the possibility of an extension of time for the LEP conversion.*
- 6. Prior to the workshop being held, Councillors and senior staff undertake a tour of suitable locations for increased development.*

A letter was forwarded to the Department of Planning on 30 November 2006 advising of Council's resolution and enquiring about the time frame to prepare the "standard template LEP".

The Department of Planning has replied to Council and in its letter of 22 December states that:

"The Department has established timeframes of 2, 3 and 5 years for councils to prepare their Principal Local Environmental Plans (LEPs) using the Standard Instrument. This is to ensure that all Principal LEPs are not received by the Department in the final years of the timeframe for transition to the Standard Instrument.

In 2007 the Department will be working with Hawkesbury City Council on key policy issues through the North West Subregional Strategy and a framework for protection of Metropolitan Rural Lands. I appreciate that Council wishes to investigate the potential for future growth in the local government area, however it would be pre-emptive to undertake this work prior to Government policy direction being established for the North West Subregion and Metropolitan Rural Lands. The original process agreed to by Council and the Department was to convert the existing Hawkesbury LEP 1989 into the Standard Instrument without significant policy changes. This process will not preclude Council from making amendments to its Principal LEP

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in the future on the basis of further strategic investigations. I request that Council continues to focus on the agreed conversion to the Standard Instrument. Once the North West Subregional Strategy has been completed and a policy direction on Metropolitan Rural Lands established it would then be appropriate for Council to proceed with further strategic planning and policy work. Following this any changes could be pursued by Council through amendment of its Principal LEP.

Notwithstanding this, the Department appreciates the need to be flexible with timeframes for completion of Principal LEPs in recognition of the need to clarify issues and provide guidelines to assist in implementing the Standard Instrument. I would be happy to consider a minor review of the work program for the conversion of the existing LEP to the Standard Instrument at our next meeting and adjust the timeframes agreed in the Memorandum of Understanding to recognise these delays".

Discussion

It is clear from the Department's letter that it is the State Governments intention to prepare a North West Subregional Strategy and a strategy for Metropolitan Rural Lands. These strategies would provide guidance for Councils with respect to development of both urban and non-urban land.

Any future land use/housing strategy would need to take account of the findings of the State Government strategies. Similarly the request by Montgomery Planning Solutions Pty. Ltd. to rezone 412 hectares of land at the foot of the Blue Mountains escarpment to increase development density from a 40 hectare minimum allotment size to four hectares would need to be considered in the context of these future studies.

The Montgomery Report is a preliminary investigation and does not purport to be a complete Local Environmental Study. In a rezoning of the scale envisaged by the Montgomery report it would be necessary to undertake a full Local Environmental Study. Such a study would not only need to examine the definition of what constitutes the escarpment in this locality, but would also need to examine the suitability of land in the locality for increased subdivision potential. Other issues apart from visual issues would need to be addressed and these include the following:

- Significant vegetation and habitat corridors;
- Bushfire;
- On-site waste disposal;
- Traffic implications; and
- Servicing.

For the matter to proceed further it will be necessary for Council to receive a formal rezoning application accompanied by the appropriate fees. Given the Department's advice, it is unlikely that the matter will proceed until a North West Subregional Strategy and a strategy for Metropolitan Rural Lands is in place or well under way. In the longer term, if the rezoning proposal proceeds then it will be necessary to undertake a Local Environmental Study. It is normal in these circumstances for Council to supervise the study and for interested landowners to fund the study. It is, therefore, recommended that Montgomery Planning Services Pty. Ltd. be advised of the above.

The preparation of standard template LEP will enable Council to correct zoning anomalies and the like. Zoning anomalies are typically minor matters and relate to issues such as:

- Heritage item mis-description & location;
- RTA road widening updates;
- Private land being zoned for National Park purposes;
- Incorrect positioning of main roads (encroachment into private property);
- Mapping of some wetlands; and
- Minor discrepancies with zoning boundaries not conforming to individual property boundaries.

Zoning anomalies do not involve large scale rezoning of land.

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The Department of Planning have indicated that there is some flexibility with respect to the time frame of preparing the "standard template LEP" and that this issue can be resolved at officer level without jeopardising the funding arrangements agreed to in the Memorandum of Understanding.

In relation to workshopping the matter there is no impediment for Council to proceed with a workshop on the "standard template LEP" in the near future. It is noted that a workshop was held on 17 October 2006, prior to the matter being reported to Council.

Conclusion

Given the Department of Planning's advice to Council it would seem both prudent and necessary to continue to prepare the conversion of Hawkesbury Local Environmental Plan 1989 to the Standard LEP template. As indicated in the letter to Council the LEP template does not preclude Council from making future amendments to its LEP based on strategic investigations. These however would take place following the completion of the North West Subregional Strategy.

It is clear that Council is working within the framework of the Metropolitan Strategy and this is the setting for future decision making. Council has previously resolved at its meeting of 26 September 2006 to continue to participate in sub regional planning work and the preparation of sub regional plans.

Additional matters for consideration in draft LEP

Council has received submissions from the owners of 11 Blacktown Road, Freemans Reach and 993 Bells Line of Road, Kurrajong Hills requesting that these properties be listed as heritage items. Council's Heritage Advisor has provided initial advice supporting the listing of these properties. It is therefore recommended that listing these properties as heritage items be considered in the draft standard template LEP as well as any other requests from property owners wanting to have their properties heritage listed.

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 no budget implication as funding for the conversion has been provided by the Department of Planning if the work is completed in the agreed timeframe.

RECOMMENDATION:

That:

1. Council:
 - a. Prepare a (draft) comprehensive Local Environmental Plan for Hawkesbury consistent with the NSW Government's standard LEP template, pursuant to section 54(1) of the Environmental Planning and Assessment Act, 1979.
 - b. Give notice of the above resolution to the Director General of the Department of Planning, pursuant to section 54(4) of the Environmental Planning and Assessment Act, 1979.
2. A submission be made to the *Local Environmental Plan Review Panel* in the form and manner set out in the Department of Planning circular PS 06-005 titled *Local Environmental Plan Review Panel*.

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3. The Director General be requested to provide written advice in relation to his issuing 'written Authorisation to Exercise Delegation', to allow Council to exercise delegation under Sections 65 and 69 of the Environmental Planning and Assessment Act, 1979, when progressing this draft LEP.
4. In preparing the (draft) comprehensive Local Environmental Plan for Hawkesbury consistent with the NSW Government's standard LEP template, consultation be undertaken with the various authorities and neighbouring Councils as required by section 62 of the Environmental Planning and Assessment Act, 1979.
5. Montgomery Planning Services Pty. Ltd be provided with a copy of this report as well as Council's resolution.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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EXTERNAL SERVICES

Item: 22 **ES - Advice of Successful Tender - Department of Ageing Disability and Home Care (DADHC) - (78340, 79342)**

REPORT:

This report has been prepared to seek Council's approval to execute a funding agreement with the Department of Ageing Disability and Home Care (DADHC) for a centre-based meals and activity program for geographically isolated older people.

Background

In 2004, as part of the Home and Community Care (HACC) planning process, a need to establish a specialist centre-based meals program for older people living in outlying areas of the Hawkesbury LGA was identified as a district priority.

In January 2005, Hawkesbury City Council (through Peppercorn Services Inc) was invited to participate in a selective tender for the provision of this program.

The tender was designed to establish an integrated meals and social activity program at the Seniors Centre in Richmond. The tender specifically targeted people living in isolated communities within the Hawkesbury and accordingly included a transport component.

Current Situation

In January 2007, Council received written advice that its tender bid was successful and that an amount of \$87,805 per annum would be provided to operate a centre-based meals and activity program.

When established, this program will provide affordable and nutritious meals in a social setting for older people who may not otherwise be able to meet and establish new friendships due to geographic isolation. The program will operate two days per week and provide a minimum of 30 freshly prepared meals per day. Work on refurbishment of the kitchen at the Seniors Centre will begin shortly (to be funded by Peppercorn Services Inc.).

Council is the nominated funding auspice for the Program, with grant funds to be managed by Peppercorn Services Inc. who will be the delegated managing agent for the program. The program will be added to the portfolio of funded programs for which, under the current project management arrangement entered into between Hawkesbury City Council and Peppercorn Services Inc., Council's Community and Cultural Services Branch is contracted to provide project management services. The project management levy charged by Council for these services will be increased to accommodate the addition of this new program.

Conformance to Strategic Plan

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

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

Funding

Funding for the program will be 100% derived from external grants - there is no requirement for a Council contribution. A project management levy will be charged to recover Council's costs in providing project management services for the service.

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RECOMMENDATION:

That Authority be given to execute, under the Seal of Council, a funding agreement with the Department of Ageing Disability and Home Care to accept a recurrent grant of \$87,805 to establish a centre based meals and activity program to operate from the Hawkesbury Seniors Centre.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Item: 23 **ES - Draft Self-Enforcing Infringement Notice Scheme (SEINS) Policy - (96330, 95494)**

REPORT:

The Self-Enforcing Infringement Notice Scheme (SEINS) provides for the issuing of Penalty Infringement Notices for particular offences.

Briefly, the Scheme allows certain law enforcement in New South Wales not to be automatically referred for determination by a Court unless the individual so desires. It is an automated administrative process of enforcement and associated penalty collection.

The Infringement Processing Bureau, New South Wales Police Service administers SEINS. The Infringement Processing Bureau (IPB) has commercialised its services and undertakes, on behalf of government authorities, the processing of Infringement Notices on a commercial basis.

The Scheme is continually audited by the IPB and in certain circumstances by the Ombudsman's Office and the Independent Commission Against Corruption.

The Regulatory Services Unit is responsible for those compliance matters, which are dealt with through the issuing of a Penalty Infringement Notice. Infringement Notices are never issued unless an offence has been committed and in all cases, contemporaneous notes are taken, in certain circumstances photographic evidence and or samples are also taken.

This draft Policy has been developed to clarify and make consistent the procedures undertaken by Council Officers when issuing and reviewing penalty Infringement Notices. The Policy also identifies the rights of individuals in receipt of a Penalty Infringement Notice and the involvement of Council staff and Councillors in ensuring an open and egalitarian approach is undertaken in all dealings.

Conformance to Strategic Plan

This proposal does not directly relate to any of the objectives set out in Council's Strategic Plan and is associated with Council's regulatory functions.

Funding

There are no funding impacts associated with this draft Policy.

RECOMMENDATION:

That Council place the draft Self-Enforcing Infringement Notice Scheme (SEINS) Policy on public exhibition for a period of 28 days.

ATTACHMENTS:

AT 1 - Draft Self Enforcing Infringement Notice Scheme (SEINS) Policy - (*distributed under separate cover*).

oooO END OF REPORT Oooo

Item: 24 ES - Draft Outdoor Dining and Footpath Trading Policy - (95494, 96330)

REPORT:

The purpose of this Policy is to:

1. Encourage outdoor dining in the Hawkesbury.
2. Facilitate the appropriate use of footpaths for the purpose of outdoor dining areas and other footpath trading activities.
3. Facilitate improvement to the street vitality, amenity and economic viability of Hawkesbury's business zones.
4. Provide opportunities for shop owners and residents to benefit from pedestrian circulation.
5. Set a high standard for public safety.

This Policy will ensure that footpaths for outdoor dining areas and trading activities are used appropriately, and that they contribute positively to Hawkesbury's streetscape character.

Conformance to Strategic Plan

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

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

Funding

There is a proposed fee of \$120.00 for the administration of this Policy, and an additional annual fee of \$85.00 / m² for the usage of Council's footpath. Hence an additional income source will be received from the usage of Council's footpath for outdoor dining and/or trading activities however the extent of this increased income will be dependent upon the uptake of this activity in Hawkesbury's business zones.

RECOMMENDATION:

That Council:

1. Place the draft Outdoor Dining and Footpath Trading Policy on public exhibition for a period of 28 days.
2. Place on public exhibition for a period of 28 days the proposal to introduce a new fee of \$120.00 for a permit to occupy Council's footpath for outdoor dining and/or trading and an annual footpath usage fee of \$85.00 / m².

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ATTACHMENTS:

- AT - 1** Draft Outdoor Dining and Outdoor Footpath Policy - (*distributed under separate cover*).
- AT - 2** Application/renewal form for footpath trading - (*distributed under separate cover*).
- AT - 3** Application/renewal form for outdoor dining - (*distributed under separate cover*).

oooO END OF REPORT Oooo

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Item: 25 **ES - Proposed Section 377 Delegation for Care, Control and Management of Externally Funded Family and Community Services to Peppercorn Services Inc - (78340, 80303, 81901, 95494)**

REPORT:

This report has been prepared to seek Council's approval to transfer responsibility for the day-to-day management of Council's externally funded family and community services to the Board of Peppercorn Services Inc.

Background

Council directly manages a number of state funded family and community services. These include the Forgotten Valley Mobile Resource Unit (FVMRU); and The Hawkesbury Family Co-op.

The FVMRU and HFC currently operate at no direct cost to Council. The principle of 'full cost recovery' has been applied to their operations which, in practice, has meant that the income generated by these services - a combination of funding grants and customer contributions - covers their operating costs.

Remuneration for staff employed at the FVMRU and HFC is based on the Social and Community Services Employees (State) Award (SACS). The SACS Award is generally recognised as the industry standard within the community sector and accordingly the funds provided by the Department of Community Services (DoCS) to operate these service are based on the estimated employment costs of engaging staff under the SACS Award. For these reasons staff employed at FVMRU and HFC are remunerated under the SACS Award rather than the Local Government Award.

Current Situation

Council is encountering increasing difficulty in recruiting qualified and skilled staff to work within these services. A number of recently advertised senior positions have attracted no applicants.

The difficulty in recruiting staff can be attributed to the recent trend of government departments to contract the provision of funded services by means of a centralised tendering processes. This process has favoured the larger charitable agencies such as the Benevolent Society, Wesley Mission, and Mission Australia. Council is competing with these agencies to attract staff for its externally funded services - particularly at the current time where DoCS is rolling out funding across NSW for its Early Intervention Program which has increased the demand for qualified and experienced community and family workers.

These large agencies have been designated as Public Benevolent Institutions (PBI) by the Australian tax Office. As PBIs, these agencies are able to offer prospective employees generous salary packaging options to offset the relatively lower remuneration levels offered under the SACS Award - an incentive which Council is unable to replicate.

Proposal

To address this structural weakness, it is proposed that Council adopt the 'outsourcing' managing agent model which has been successfully applied to the operation of Council's portfolio of externally funded disability and aged services - which include the Hawkesbury Community Transport Service, the Hawkesbury Transition to Work Program, the management of Peppercorn Place and the recently funded Centre Based Meals Program. Under this arrangement Council remains the funding auspice for these services (and facilities), but their day-to-day management has been delegated to Peppercorn Services Inc.

PS Inc. is, in effect, Council's delegated managing agent for the planning, co-ordination and provision of community transport services and services for older people and people with disabilities within the City of Hawkesbury. Since its inception, PS Inc. has demonstrated its capacity to attract funds to establish new

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services, and to operate effective and efficient community services on behalf of Council. Since 2000, the operating income of PS Inc. has tripled and it is now responsible for assets valued at \$1.2M. PS Inc. is the largest non-government provider of non-residential disability and aged services within the City of Hawkesbury.

PS Inc. has recently applied for and has been granted PBI status. This application was initiated to ensure that PS Inc. was in a position to compete within the community services employment market. PS Inc. is now able to offer salary packaging options to ensure that it can recruit and retain staff.

In view of PS Inc's status as a PBI, it is recommended that Council consider delegating responsibility for the day-to-day management of the Forgotten Valley Mobile Resource Unit and The Hawkesbury Family Co-op to Peppercorn Services Inc.

This will enable current and future staff of these services to take advantage of salary packaging provisions and will ensure that FVMRU and HFC can remain competitive within the community services employment market. This is particularly critical at this time, as funds have recently been received to expand the portfolio of family services which will require the recruitment of additional skilled and qualified staff.

Impact

As previously advised, the Board of PS Inc. has recently resolved to consider the addition of Council's portfolio of community and family services to its delegated managing agent responsibilities (should Council resolve to go down this path).

The amalgamation of Council's portfolio of family and community services, with the existing disability and aged services portfolio of PS Inc. will provide opportunities for service improvements through economies of scale, streamlining of supervisory responsibilities, the sharing of administrative resources and a reduction in corporate overheads. (These strategies have in the past been successfully employed by PS Inc. to maintain the financial viability of the previously under-performing Hawkesbury Community Transport Service).

Under the proposal, no staff positions would be lost, current remuneration levels would be maintained, staff would continue with their current superannuation provider, and existing employee entitlements and project reserves would be transferred to PS Inc (these are closed reserves and are not available to Council for purposes other than the operation of these services). The transfer of delegation will also effectively increase the after-tax income of staff.

The constitution of PS Inc. provides for the expansion of the Board of PS Inc. to include representatives from the child and family services sector. The current project management arrangements between PS Inc. and the Community and Cultural Services Branch of Council would be expanded to maintain continuity of service provision, and to ensure continued compliance with all licensing and funding requirements.

Note

Council would be aware that the proposal to delegate responsibility for the management of Forgotten Valley Mobile Resource Unit and The Hawkesbury Family Co-op was previously included in the expenditure reduction report presented to Council at its Ordinary Meeting held on 24 October 2006. The proposal presented to Council at this time included the proposed delegation of management responsibility of the Hawkesbury Family Day Care Scheme and the Richmond Occasional Child Care Service (as well as FVMRU and HFC). Family Day Care and Occasional Care have not been included in this current report, as employees within these services are employed under the Local Government Award and the operations of these services are subsidised by Council.

The proposal for the delegation of management responsibility for FVMRU and HFC has been re-reported to Council on the basis that it will have no impact on Council's budget and therefore can be separated from the recommendations presented to Council on 24 October 2006. The impetus for requesting Council to reconsider the delegation of management responsibility for the FVMRU and HFC relates to the critical need to enable Council - through its outsourced management arrangements with PS Inc. - to compete

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within the community services employment market, and to provide staff employed under the SACS award with additional remuneration benefits (at no cost to Council or to PS Inc.).

Conformance to Strategic Plan

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

"Work in partnership with community and Government to implement Community Plans to meet the social, health, safety, leisure and cultural needs of the city."

Funding

There are no additional funding implications arising from this request.

RECOMMENDATION:

That under the provisions of Section 377 of the Local Government Act 1993, responsibility for the day to day management of the Forgotten Valley Mobile Resource Unit, and The Hawkesbury Family Co-op, be delegated to Peppercorn Services Inc.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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INFRASTRUCTURE SERVICES

Item: 26 **IS - Wilberforce Park Landscape Plan - (79354, 95495)**

Previous Item: 44, Ordinary (12 October 2004)

REPORT:

Recognising the historical importance of Wilberforce Park, Council adopted a Conservation Management Plan for the park on 12 October 2004. The Conservation Policy contained within the Plan stated the need for a number of actions to be undertaken to meet the objectives of conserving the integrity of Wilberforce Park as a key component of the Macquarie planned town of Wilberforce, whilst meeting current needs of the community.

In order to facilitate the implementation of the recommended actions within the Conservation Policy for Wilberforce Park, a Landscape Architect was engaged to provide a design for the Park to guide future development. This Landscape Plan is consistent with the Conservation Management Plan 2004.

Throughout the development of the Conservation Management Plan and the Landscape Plan, community input and comment has been sought. Meetings have been held so that community members could provide input prior to the development of the plans and each of the plans were placed on Public Exhibition for comment.

The Draft Landscape Plan for Wilberforce Park was advertised for public comment in November 2006. Five respondents have provided comment. Comments have been inserted into a table (see Attachment 1), along with notations relevant to that item from the Conservation Management Plan and community meetings.

Every effort has been made to represent comments into the attached table. General statements that were not in relation to the landscape design have not been included.

In consideration of the comments received, it is proposed that the Landscape Plan be amended to reflect the following:

- install a normal timber post fence, rather than arriss rail, to reflect historic references of the fence style;
- remove 2 proposed trees south of the War Memorial;
- replace the pavers in the corners of the War Memorial to 300x300 exposed aggregate in different colours.
- consider using Wollemi Pine in the design, subject to suitability.

Conformance to Strategic Plan

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

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

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Funding

Future improvements will be funded by the Park Improvement Program, Section 94 funds and grant funding.

RECOMMENDATION:

That the Wilberforce Park Landscape Plan be amended as outlined in the report and be adopted by Council.

ATTACHMENTS:

AT - 1 Table of Comments - Wilberforce Park

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AT - 1 Table of Comments - Wilberforce Park

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oooO END OF REPORT Oooo

ORDINARY MEETING**Meeting Date: 13 February 2007****SUPPORT SERVICES****Item: 27 SS - Payment to Hawkesbury Sports Council Inc - (107, 96332, 95496, 73611)****REPORT:**

Set out below are the summarised financials as at 31 December 2006, of Hawkesbury Sports Council Inc (HSCI).

Organisation	Income	Expenses	Surplus (Deficit)
HSCI - Operating	\$347,169	\$274,419	\$72,750
HSCI - Capital	\$111,121	\$180,911	(\$69,790)
HSCI - Total	\$458,290	\$455,330	\$2,960

HSCI has reported an operating surplus for the six months ending 31 December 2006 of \$72,750. HSCI continues to maintain, manage and improve Council's sporting facilities including mowing, cleaning, repairs and security as well as collecting fees from users of the facilities.

HSCI continues to make progress on the capital improvements program. Major capital items for the six months ending 31 December 2006 include the Deerubbin lights, the Turnbull tennis upgrade and the Colbee baseball extension.

Council's total funding allocation for 2006/2007 to HSCI was \$778,750, which included \$215,000 for capital expenses.

Future Projects

Funds have been allocated for the following projects, which are due to commence prior to the end of the financial year.

Project	Anticipated Expenditure	HSC Contribution	HCC Contribution
<i>Woodbury Reserve Amenities Extension</i>	\$130,000	\$99,330	\$30,467 (Section 94)
<i>Berger Road Floodlighting</i>	\$98,000	\$71,000	\$27,000 (Section 94)
<i>Icely Park Goal Mouth Fencing</i>	\$14,000	\$14,000	
<i>Bensons Lane Irrigation Works</i>	\$35,000	\$35,000	
<i>Peel Park Shade Shelter Shed</i>	\$15,000	\$15,000	
<i>Woodlands irrigation</i>	\$35,000	\$35,000	
<i>Colbee floodlighting</i>	\$56,000	\$56,000	
<i>Colbee irrigation</i>	\$50,000	\$50,000	
<i>Earthworks</i>	\$55,000	\$55,000	
<i>Bensons AFL building</i>	\$200,000	\$200,000	

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Conformance to Strategic Plan

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

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

Funding

No effect on current funding.

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Item: 28 **SS - Application to Minister to Formalise United Independent Pools - (95496, 79509)**

REPORT:

Council presently manages its insurance and risk management program through Westpool. Westpool is a Local Government Mutual set up in 1989 and consists of seven councils who collectively manage their risks. Westpool have established a complete insurance portfolio using a variety of risk transfer methods including self insurance and bulk purchasing. This has ensured that the members have retained greater control over fluctuating insurance costs while any savings remain with the members instead of the insurance companies.

Westpool has always had a close relationship with another similarly structured Pool called Metro Pool. Both Pools regard themselves as independent as unlike the larger version, Statewide, Westpool control and manage their own affairs and market test all of their service providers on a regular basis. In the case of Statewide it was set up by a broker, Jardine Lloyd Thompson Pty Limited, who has a controlling interest on the Board.

In 2003 Westpool and Metro Pool decided to work more closely together through a joint administration and this has led to a number of mutual partnerships which have brought benefits to both Pools. In an effort to formalise this strategic alliance both Pools decided to create an umbrella organisation called United Independent Pools (UIP).

UIP's charter was to investigate and implement insurance/risk products which would benefit all fourteen members and singularly manage our joint service providers. UIP will also be responsible for managing strategic issues like marketing and training.

The first major project of UIP was to establish an insurance pool to cover properties and assets for the fourteen members. This was established in July 2005 and has been running successfully for 18 months. The collective buying power of the UIP members has also facilitated the establishment of self-insured Fidelity Guarantee insurance, a funded property valuation program and a variety of cost effective insurance products.

Members are proud of the fact that Westpool, Metro Pool and now UIP are regarded as the best examples of Local Government strategic alliances and today their product range and financial strength is stronger than ever.

Application to the Minister

In 2006 while formalising the legal structure of UIP members became aware that under section 358 of the Local Government Act consent was required by the Minister to form a corporation or other entity. Because both Westpool and Metro Pool were established well before this provision applied, no such consent was required. However, in the case of UIP, it was considered the members should obtain consent. An application was prepared and a delegation of both Boards met with the Minister for Local Government in December 2006.

The delegation was well received and the Minister was impressed with both Westpool and Metro Pool's past achievements. He is a strong supporter of strategic alliances and expected consent would be granted, however it needed to be processed by the legal branch of the Department of Local Government. The Executive Officer has continued to provide all details to the legal branch; however they now seek formal resolutions from each Council supporting an application to the Minister.

Although each member passed resolutions to form the property pool in 2005, no formal resolution has been moved to make application to the Minister for United Independent Pools. This was because both

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Pools considered their delegates on the Board had delegated authority to make such an application to the Minister.

Nevertheless, before the Department of Local Government will finalise the application, they require a formal resolution sanctioning the application to the Minister.

A copy of the submission to the Minister and additional paperwork relating to the application is attached for information, as it provides further detail on the Pools and the services they provide.

Westpool has requested that each member Council move the following resolution to enable this application to proceed.

Conformance to Strategic Plan

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

"Objective: Establish mechanisms to ensure strategic directions are reflected in operational plans"

Funding

Not applicable in this instance.

RECOMMENDATION:

That Council support an application to the Minister for Local Government under section 358 of the Local Government Act to consent to the formation of United Independent Pools and endorse the existing strategic alliances, Westpool and Metro Pool.

ATTACHMENTS:

- AT - 1** Ltr 15/12/06 from UIP to DLG Manager Legal Services - *(Distributed Under Separate Cover)*
- AT - 2** Ltr 22/11/06 from Westpool to the Minister for Local Government - *(Distributed Under Separate Cover)*
- AT - 3** October 2006 - Submission - Strategic Alliance Issues - *(Distributed Under Separate Cover)*
- AT - 4** Strategic Alliance Success Story - *(Distributed Under Separate Cover)*

oooO END OF REPORT Oooo

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CONFIDENTIAL REPORTS

Item: 29 SS - Property Matter - 6 Ham Street, South Windsor - (79337)

Previous Item: 132, Ordinary (27 June 2006)

Reason for Confidentiality

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

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(d) of the Act as it relates to 6 Ham Street, South Windsor and the information is regarded as being commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, confer a commercial advantage on a competitor of the Council, or reveal a trade secret and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

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

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section 5

reports
of committees

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Reports of Committees

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Reports of Committees

SECTION 5 - Reports of Committees

ROC - Hawkesbury Bicycle and Access Mobility Committee - 20 November 2006 - (98212, 95494)

The meeting commenced at 4:35pm in the Meeting Room, Peppercorn Place.

Present: Councillor Dianne Finch (Chair)
Councillor Leigh Williams
Alan Aldrich
Robert Bosshard

Apologies: Jenni Bousfield

In Attendance: Joseph Litwin (Executive Officer)

REPORT:

RESOLVED on the motion of Alan Aldrich and seconded by Robert Bosshard

That the apologies be accepted.

Section 1 - Confirmation of Minutes :

1. Matters arising from Previous Minutes

There were no matters arising.

2. Confirmation of Minutes

RESOLVED on the motion of Alan Aldrich and seconded by Robert Bosshard that the Minutes of the Hawkesbury Bicycle and Access Mobility Committee held on 16th October 2006 be confirmed.

SECTION 2 - REPORTS FOR DETERMINATION

Item 1 – Status Report – November 2006: Notification of Operational Issues.

RESOLVED on the motion of Alan Aldrich and seconded by Robert Bosshard.

That:

1. The information be received.

Item 2 – Hawkesbury Access Mobility Plan - Hawkesbury Mobility Survey.

RESOLVED on the motion of Alan Aldrich and seconded by Robert Bosshard.

That

1. The information be received.

Item 3 – Hawkesbury Access Mobility Plan - Literature Review.

RESOLVED on the motion of Robert Bosshard and seconded by Leigh Williams

That:

1. The information be received.
2. The *Literature Review: Hawkesbury Access Mobility Plan* be adopted.
3. A further report outlining the indicative costs and options for engaging a consultant to assist Council staff in the preparation of a draft mobility plan to be reported to the Committee. The report to include an initial scoping study to identify constraints and options for the preparation of a draft mobility plan.

Item 4 – Responses to Questions Without Notice (16.10.2006)

RESOLVED on the motion of Robert Bosshard and seconded by Alan Aldrich.

That:

1. The information be received.

SECTION 3 - GENERAL BUSINESS.

There were no general business matters tabled.

NEXT MEETING – to be held at 4:30pm on Monday, 19 February 2007 at The Meeting Room Peppercorn Place, 320 George St. WINDSOR.

Meeting Closed at 5:00pm

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