



Hawkesbury City Council

ordinary meeting business paper

date of meeting: 02 February 2010

location: council chambers

time: 6:30 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 6:30pm and are scheduled to conclude by 11:00pm. These meetings are open to the public.

When an Extraordinary Meeting of Council is held it will usually start at 6:30pm. 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 fsut@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.

Planning Decision

Under Section 375A of the Local Government Act 1993, details of those Councillors supporting or opposing a 'planning decision' must be recorded in a register. For this purpose a division must be called when a motion in relation to the matter is put to the meeting. This will enable the names of those Councillors voting for or against the motion to be recorded in the minutes of the meeting and subsequently included in the required register.

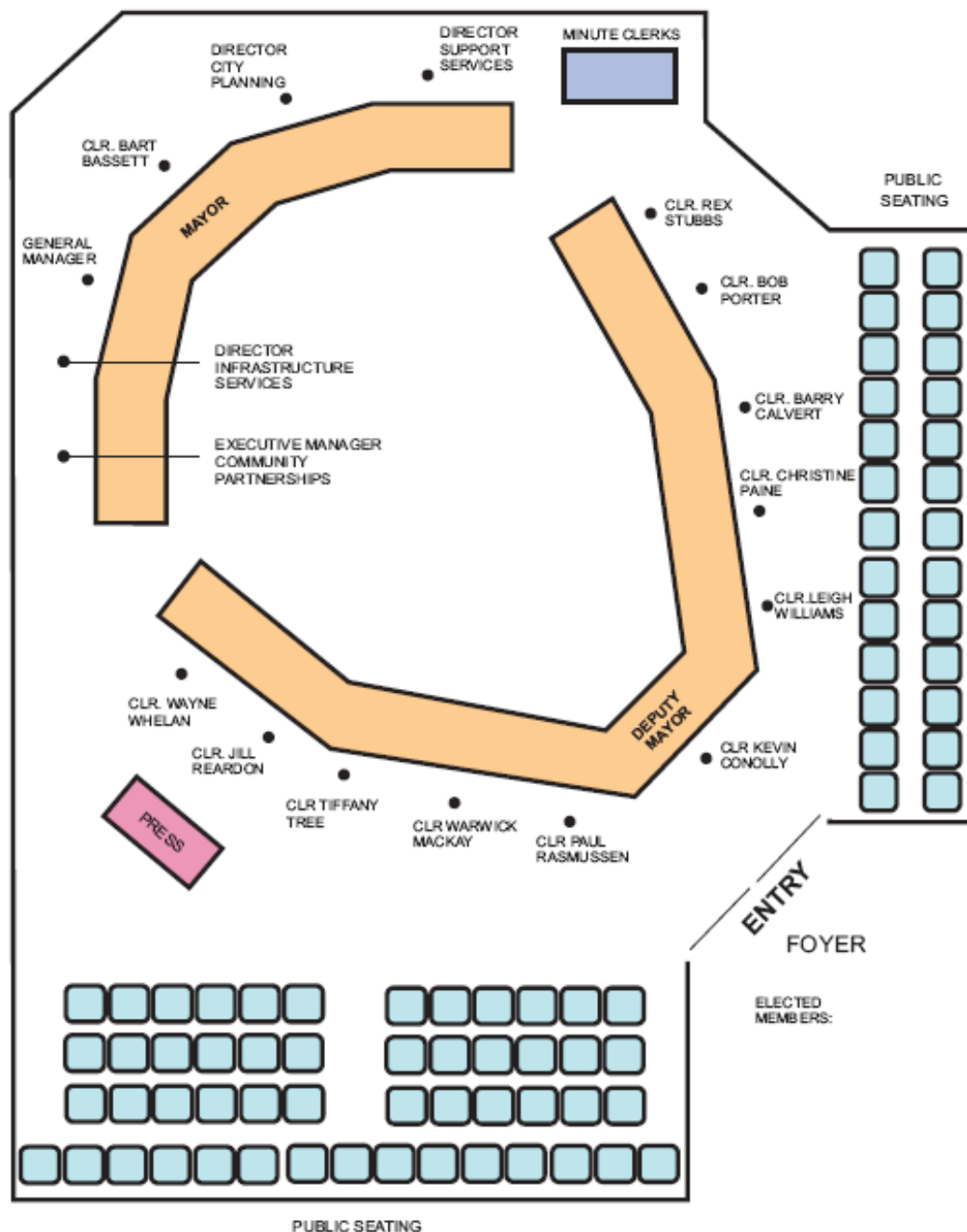
Website

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.

hawkesbury city council council chambers



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- **QUESTIONS WITH NOTICE**
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SECTION 1 - Confirmation of Minutes

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SECTION 3 - Notices of Motion

NM1 - Interpretive Signs Identifying Significant Historic Structures and Localities - (111627, 80106)

Submitted by: Councillor T Tree
Councillor P Rasmussen

NOTICE OF MOTION:

That a report be brought to Council regarding the installation of interpretive signs identifying significant historic structures and localities.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

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Notices of Motion

NM2 - Bligh Park North - Discussions with Proponents for Development and SES - (111629, 80104, 95495, 95498)

Submitted by: Councillor W Mackay
Councillor C Paine

NOTICE OF MOTION:

That representatives of the proponents for the potential development of the area referred to as Bligh Park North, together with representatives of the SES in relation to flood evacuation issues, be invited to a future Councillors Briefing Session in order to discuss issues surrounding this particular area.

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: 1 GM - Australian Local Government Women's Association Annual Conference 2010 - (79351)

REPORT:

The Australian Local Government Women's Association Annual Conference (NSW Branch) will be held 4 - 6 March 2010 in Moree, NSW.

This year's theme, "Women Making a Splash in Local Government", will feature presentations from senior and experienced women from Local, State and Federal Governments as well as leading business women. The theme is also linked with Moree Plains Shire Council's "splash" logo relating to the famous Artesian Waters and the National Year of Women in Local Government.

Cost of attendance at the Australian Local Government Women's Association Conference will be approximately \$1,205.00 plus travel expenses per delegate.

Budget for Delegate Expenses - Payments made

- | | |
|---|-------------|
| • Total budget for Financial year 2009/2010 | \$41,000.00 |
| • Expenditure to date | \$32,446.00 |
| • Budget balance as at 7/1/2010 | \$8,554.00 |

Conformance to the Hawkesbury Community Strategic Plan 2010 to 2030

The proposal is consistent with the *Shaping our future together* Directions statement;

“Have transparent, accountable and respected leadership and an engaged community.”

and is also consistent with the strategy in the Community Strategic Plan being:

“Having ongoing engagement and communication with our community, *governments and industries.*”

Funding

Funding for this proposal will be provided from the Delegates Expenses Budget.

RECOMMENDATION:

That the attendance of nominated Councillors, and staff members as considered appropriate by the General Manager, at the Australian Local Government Women's Association Annual Conference at a cost of approximately \$1,205.00 plus travel expenses per delegate be approved.

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ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Item: 2 GM - LGSA Tourism Conference 2010 - 10 to 12 March 2010 - (79351)

REPORT:

The LGSA Tourism Conference 2010 will be held 10 to 12 March 2010 in Cowra, NSW.

The 2010 conference program will discuss and examine the Business of Tourism: creating business opportunities, understanding what funding is available, what programs may be applicable, debating who should hold the responsibility for funding tourism with an underlying question - is tourism council business?

Topic streams will feature The Business of Events, The Business of Tourism Funding, The Business of Tourism Marketing and Integrated Planning and The Business of Developing Cultural Tourism.

Cost of attendance at the LGSA Tourism Conference 2010 will be approximately \$1,320.00 plus travel expenses per delegate.

Budget for Delegate Expenses - Payments made

- | | |
|---|-------------|
| • Total budget for Financial year 2009/2010 | \$41,000.00 |
| • Expenditure to date | \$32,446.00 |
| • Budget balance as at 7/1/2010 | \$8,554.00 |

Conformance to the Hawkesbury Community Strategic Plan 2010 to 2030

The proposal is consistent with the *Shaping our future together* Directions statement;

“Have transparent, accountable and respected leadership and an engaged community.”

and is also consistent with the strategy in the Community Strategic Plan being:

“Having ongoing engagement and communication with our community, *governments and industries.*”

Funding

Funding for this proposal will be provided from the Delegates Expenses Budget.

RECOMMENDATION:

That the attendance of nominated Councillors, and staff members as considered appropriate by the General Manager, at the LGSA Tourism Conference 2010 at a cost of approximately \$1,320.00 plus travel expenses per delegate be approved.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

CITY PLANNING

Item: 3 CP - Nepean Regional Taskforce on Homelessness - (79342)

REPORT:

The Nepean Regional Taskforce on Homelessness (the Taskforce) is an 'all of government' taskforce with the aim of ending homelessness in the Nepean area through the development of a 10 year action plan. The Taskforce is asking for Council (through the Mayor and General Manager) to formally endorse the Memorandum of Understanding (MOU) of the Taskforce and to assist in developing the 10 year plan by the end of 2010.

Background

The Taskforce was launched by the Federal Minister of Housing, the Hon. Tanya Plibersek on 30 September 2009 at Penrith Council and covers the Council areas of Blacktown, Blue Mountains, Hawkesbury and Penrith. The Taskforce has representation from all levels of government, the not for profit sector, and business sector representatives and will receive the executive support of Ernst & Young to develop its business plan. The task force builds on the work of the Nepean Campaign against Homelessness which has investigated international and best-practice models for responding to the needs of homeless people including the successful United States models of 'Housing First' and 'Common Ground' for supported accommodation. The first initiative in the Nepean is called 'Project 40' and is expected to provide an initial 10 houses through Wentworth Community Housing in each of the Nepean Council areas by 2010 for supportive housing for homeless people.

Around 35 local and regional agencies are participating in the Taskforce with a consortium of support agencies including: The Turning Point Youth Accommodation Service; Baptist Emergency Accommodation Services (BEAMS); San Miguel (Boystown); Wentworth Community Housing; and other homeless and accommodation/support providers in the Nepean area.

The Australian Government has guiding principles for the implementation of its National Strategic Plan for Homelessness which are outlined in its White Paper:

1. A national commitment, strong leadership and cooperation from all levels of government and from non-government and business sector are needed.
2. Preventing homelessness is important.
3. Social inclusion drives our efforts.
4. Clients need to be placed at the centre of service delivery and design.
5. The safety and wellbeing of all clients is essential.
6. The rights and responsibilities of individuals and families need to be protected.
7. Joined-up service delivery needs joined-up policy.
8. Transition points are a priority.
9. Evidence-based policy helps to shape our priorities for action.
10. Targets are set to reduce homelessness and hold ourselves accountable.

The Nepean Street Count of Rough Sleepers

One of the initial strategies to identify and benchmark local needs in each LGA will be the *2010 Nepean Street Count of Rough Sleepers* planned for early morning of Tuesday 16 February 2010. Council has been asked to assist the Taskforce by co-ordinating the local count of rough sleepers - which will be one method of obtaining data to track the efforts of the taskforce in ending homelessness through its 10 year plan. The co-ordination of the Street Count will require minimal funding from Council (within the existing budget) and some Council staff time to co-ordinate the volunteers. Training will be provided and people

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who have previously experienced homelessness will act as homeless advisers for the purposes of the count.

Initial support has been indicated from local government and non-government agencies including the Hawkesbury Housing Forum; Hawkesbury District Health Services; Centre-Link; and the Hawkesbury Community Kitchen.

The timing of the Street Count will tie-in with counts in the City of Sydney and Parramatta LGAs on the same night. The results will also inform the NSW Government's Regional Homelessness Action Plans which will be developed from March 2010.

Conformance to Hawkesbury Community Strategic Plan 2010 to 2030

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

Vision – Looking after People and Place

Directions:

“Have friendly neighbourhoods, connected communities, and supported households and families.”

Strategies:

“Identify community needs, establish benchmarks, plan to deliver and advocate for required services and facilities.”

Goals:

“Plan, provide and advocate for a range of community, cultural, recreational, health and education services and facilities to meet the needs of residents and visitors.”

Measures:

“Achieve benchmarks for the provision of desired and affordable services and facilities as set in community plans.”

Milestones (2009-2012):

“Community Plans reviewed and updated.”

Funding

Minimal funding requirements which can be met within the existing budget.

RECOMMENDATION:

That Council:

1. Formally endorse the MOU for the Nepean Taskforce on Homelessness.
2. Support the co-ordination of the Hawkesbury Street Count of Rough Sleepers on Tuesday 16 February 2010.

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ATTACHMENTS:

AT - 1 Memorandum of Understanding for the establishment of a Nepean Task Force on Homelessness

AT - 1 Memorandum of Understanding for the establishment of a Nepean Task Force on Homelessness

**Memorandum of Understanding
for the Strategic Partnership Agreement between
Councils and the undersigned signatories from the Nepean region
for the establishment of a
Nepean Task Force on Homelessness**

Parties to this Agreement

Commonwealth Government agencies: Centrelink, FAHCSIA

NSW State Government agencies: Housing NSW, Department of Community Services, Department of Corrections, Department of Health

Nepean Councils: Blue Mountains City Council, Penrith City Council, Hawkesbury Council, Blacktown City Council

Community sector: Wentworth Community Housing; Blue CHP Inc; the Nepean Campaign Against Homelessness comprising regional homelessness services; Western Sydney Community Forum comprising regional community services

Peak bodies: Homelessness NSW, Youth Accommodation Association NSW, Women's Refuge Resource Working Party

Business sector: The Penrith Chamber of Commerce, the Good Guys Penrith

Background

In December 2008 the Commonwealth Government published its White Paper on Homelessness: *The Road Home* which set out a strategic framework and specific targets towards ending homelessness in Australia. The White Paper provides an extra \$1.2 billion over the next four years (\$800 million for new support services and \$400 million for new specialist housing to help reduce homelessness). In addition over \$6 billion will be provided by the Commonwealth to build 20,000 new public and community housing dwellings and \$400 million for urgent repairs to public housing, thereby going some way towards addressing the shortfall in the supply of social and affordable housing which is inextricably linked to homelessness.

The NSW government is responsible for delivering this new housing and implementing the strategies outlined in the White Paper and their performance will be measured by the Commonwealth against specific targets. The White Paper provides a template for the development of a national response to ending homelessness and commits to strategies that are responsive to local economic and social conditions across regions. Regional action plans on homelessness are identified as being key to facilitating an integrated service response to homelessness through the collaboration of all homelessness sector stakeholders.

The White Paper identifies that a 'whole-of-government' approach is required in the planning and implementation of effective strategies to solve homelessness, and this Agreement acknowledges the essential role that local government plays in facilitating and supporting strong and connected communities.

One of the underpinning principles of the White Paper is that *Homelessness is everyone's responsibility*, and further, that to end homelessness, it will require sustained long-term effort from all levels of government, business, the community sector and the community.

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This Agreement aims to bring together all of the above stakeholders to take responsibility for solving homelessness in the Nepean region through the establishment of a Nepean Task Force on Homelessness whose primary purpose is to develop and implement a regional action plan.

The Nepean can learn from the example of other regions and Councils within Australia who have shown leadership and are at the forefront of developing and implementing progressive strategies to address and solve homelessness. We can build on principles that already exist to guide the development of best practice strategic responses to addressing homelessness in the Australian context, such as those developed by Roseanne Haggarty and AHURI (Australian Housing and Urban Research Institute).

One of the primary strengths of our region of Western Sydney is the strong community networks that exist. The participation of these networks is imperative to the development of a regional action plan on homelessness that can be vigorously implemented, rather than left 'on the shelf'. Leadership from the key NSW State Government stakeholders with responsibility for facilitating the White Paper's directions, ie Housing NSW and the Department of Community Services, and resourcing the task force will be crucial, as will be the support of the homelessness and community housing peak bodies.

Local businesses within the region have a long history of supporting community projects as well as those who are most excluded in our society, and such support can be built on through the business sector's commitment to the development of a regional action plan and their partnership in the implementation of its strategies.

Current activities or initiatives aiming that address homelessness and affordable housing issues in the region:

Government agencies

The Commonwealth and State governments (DoCS) have funded the Supported Accommodation Assistance Program (SAAP) in the Nepean resulting in a range of crisis and transitional housing programs delivered by over 30 local services. The *DoCS Metro West SAAP V Implementation Plan* outlines the current SAAP funded service system including funding levels.

Housing NSW has been the major provider of public housing programs in the region and established the *Housing & Human Services Accord* agreement as a basis for the development of partnerships to support target groups at risk of homelessness.

The *Joint Guarantee of Service (JGOS)* initiative brings together NSW Human Services and Housing government agencies as signatories to a state wide program. The JGOS Committee for the Nepean comprises representatives from these government departments and community organisations and aims to give people with mental health issues access to public housing.

Local Government

Councils in the outer Western Sydney Region have a history of involvement in addressing homelessness through a range of mechanisms including the promotion of affordable housing; support for homelessness services and networks; and the development of Council plans and policies. Their activities include:

- Blacktown City Council's *Affordable Housing and Homelessness Taskforce and Affordable Housing and Homelessness Strategic Plan 2009*
- Penrith City Council's *MOU Strategic Partnership Agreement with the Department of Housing*
- Blue Mountains City Council's *Affordable Housing Forum*
- Hawkesbury Council's *Affordable Housing Sub-Committee*

The regional network of Councils in Western Sydney, WSROC, has established an Affordable Housing Committee and is developing an Affordable Housing policy.

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Community Sector

Western Sydney Community Forum represents the community sector in Western Sydney and has facilitated projects and forums on the issues of Affordable Housing and Homelessness, as have interagency networks within Local Government Areas such as the Mountains Community Resource Network Inc.

The regional homelessness networks, Youth Accommodation Interagency Nepean (YAIN) and the Nepean Adult Homelessness network, together with Wentworth Community Housing, comprise the *Nepean Campaign Against Homelessness*, whose aim is to facilitate the end of homelessness in the Nepean region. The *Nepean Campaign Against Homelessness* was established during the last Federal election campaign.

Wentworth Community Housing Inc and Blue CHP Inc are the region's major community housing provider and affordable housing company respectively.

Business Sector

The Good Guys at Penrith are in the process of supporting the establishment of long-term housing for young people in the region who are experiencing homelessness.

Purpose of this Agreement

This Agreement formalises existing collaborative mechanisms between the key homelessness stakeholders in the region to establish a Nepean Task Force on Homelessness as a basis for solving homelessness through the development and implementation of a regional action plan.

This document outlines the principles and priorities that together form the basis of a strategic Partnership Agreement.

Statement of Intent

Through this Agreement all signatories will:

- work collaboratively to end homelessness and address affordable housing issues within the Local Government Areas of the Blue Mountains, Penrith, Hawkesbury, and Blacktown through the development of a regional action plan with clear targets and outcomes.
- work collaboratively to develop an effective and connected homelessness service system
- where outcomes are grounded within the context of the local community, all three levels of Government, business and local traders, service providers and homeless people.
- communicate openly and share data and information.(subject to statutory provisions applying to restricted access to confidential information).
- agree in principle to allocate resources participation in the Nepean Task Force on Homelessness . This includes a core membership of senior officers from:
 - the four Councils; the State and Commonwealth government agencies who are signatories to this agreement; the peak bodies who are signatories to this agreement; the Nepean Campaign Against Homelessness; Western Sydney Community Forum and the Penrith Chamber of Commerce and to meet not less than 2 times a year.
 - Project teams will be formed once projects are conceptualised and approved by the Task Force.
- commit to convening the first meeting of the Task Force by the end of 2009 and to facilitate the development of a regional action plan to end homelessness by the end of 2010.

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The Nepean Campaign Against Homelessness will provide secretariat support for the Taskforce to ensure it works effectively

Principles for planning to reduce and end homelessness:

This Agreement acknowledges the Australian Government's guiding principles for the implementation of its national strategic plan to end homelessness as outlined in its White Paper. These are:

1. A national commitment, strong leadership and cooperation from all levels of government and from non-government and business sectors is needed.
2. Preventing homelessness is important.
3. Social inclusion drives our efforts.
4. Clients need to be placed at the centre of service delivery and design.
5. The safety and wellbeing of all clients is essential.
6. The rights and responsibilities of individuals and families need to be protected.
7. Joined-up service delivery needs joined-up policy.
8. Transition points are a priority.
9. Evidence-based policy helps to shape our priorities for action.
10. Targets are set to reduce homelessness and hold ourselves accountable

In the development of a regional plan to end homelessness, the importance of the following principles to guide the development of best practice strategic responses is acknowledged:

- i. Redefine the problem: solve, don't manage homelessness.
- ii. Research and develop data: insist on and be guided by evidence of results
- iii. Recruit jurisdictional leadership: gain support, commitment and action from the top down and engage those with the ability to determine and implement policy
- iv. Replicate innovation: pursue unconventional thinking, learn from the leaders, deploy proven strategies
- v. Realign resources: shift focus and funds from ad hoc responses to long-term problem solving
- vi. Report results: rally support based on quantifiable success
- vii. Reinvest in the community: out the costs saved by this approach to work in other areas of need

(Haggerty, 2005, *Ending Homelessness in South Australia*)

In addition, the parties to this Agreement see it as imperative to listen to the views and advice of people experiencing homelessness during the development of the regional action plan and that participation and inclusion are ensured.

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Media & Communication

The parties to this Agreement agree to work cooperatively to:

- Develop a media strategy to reflect positive cooperation between the parties.
- Ensure positive news stories and positive outcomes are given high media profile.
- Work cooperatively in the exchange of information, which may include annual reports, organisational manuals, publications and media releases. Each party will include the other on mailing lists for relevant information, newsletters etc.

Status of this Document

This document is a statement of intent only and not intended to operate as a binding document on the parties or to create legal relationships between them.

Structure of the partnership

This Agreement involves two complementary structures: - a Task Force and Project Working Group(s).

The Task Force will comprise representatives of the key organisations, as follows:

Penrith, Blue Mountains, Blacktown and Hawkesbury City Councils:
General Managers or their nominees

FAHCSIA
Manager - Manager Housing and Homelessness Section
NSW/ACT State Office

Housing NSW
Director – Homelessness Unit

Department of Community Services
Director – Policy & Planning, SAAP Strategy, Ashfield Office

Department of Health
To be confirmed

Department of Corrections
To be confirmed

Western Sydney Community Forum
Chief Executive Officer

Blue CHP Affordable Housing
Executive Officer

Wentworth Community Housing
Executive Officer

Nepean Campaign Against Homelessness
Representative of homelessness networks

Peak body representative/s Executive Officer/s of Homelessness NSW, YAA, Women's Refuge
Resource Working Party

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Representative of Business Sector
Richard Eastmead

Secretariat support will be provided by the *Nepean Task Force Against Homelessness* funded homelessness worker/s. The Task Force will meet at least twice a year and its role will be:

- To provide direction on policy for strategic issues
- To identify priority projects for collaboration
- To support the development of a regional action plan for homelessness and address constraints to achieving that outcome
- To monitor progress on agreed outcomes

Project Working Groups will comprise appropriate officers of the signatory organisations to this Agreement and meet as required to facilitate the development of the regional action plan on homelessness. Additional Project Working Groups may be established, if required, to focus on specific projects or issues that may be identified. The role of the Project Working Group/s will be:

- To develop mechanisms to improve collaboration and cooperation between key homelessness sector stakeholders
- To coordinate consultation between the partners and, where appropriate, other stakeholders
- To develop and implement the desired outcomes and priorities identified by the Task Force in relation to the development of a regional action plan on homelessness.

This Agreement recognises the potential for both the Task Force and Project Working Groups to invite key stakeholders including other government departments and community agencies to participate in its activities.

Each Task Force member's organisation will nominate a primary liaison contact for the arrangement of Task Force meetings.

SIGNATORIES

The signatories below agree to implement the Agreement and adhere to its:

Signed for and on behalf of the Housing NSW

Director General

Date

Signed for and on behalf of the Department of Community Services

Director General

Date

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Signed for and on behalf of Penrith City Council

Mayor

Date

General Manager

Date

Signed for and on behalf of Blue Mountains City Council

Mayor

Date

General Manager

Date

Signed for and on behalf of Hawkesbury City Council

Mayor

Date

General Manager

Date

Signed for and on behalf of Blacktown City Council

Mayor

Date

General Manager

Date

Include names of other signatories

Remainder to be confirmed

oooO END OF REPORT Oooo

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Item: 4 **CP - Land Release Application to Department of Planning for 108 Grose Vale Road, North Richmond - (107430, 105365, 77679, 95498)**

Previous Item: 276, Ordinary (8 December 2009)

REPORT:

Introduction

At the meeting of 8 December 2009 Council considered a report on a submission to the Department of Planning on the Land Release application for the land at 108 Grose Vale Road, North Richmond. The resolution of that meeting was as follows:

"That Council:

1. *Consult with the North Richmond and Districts Community Action Association Inc. Group prior to the proposed submission being reported back to Council in February 2010.*
2. *Invite the North Richmond and Districts Community Action Association Inc. to provide a submission in response to the land release application for attachment to the Council's response to the Department of Planning."*

A meeting was held with representatives of the North Richmond and Districts Community Action Association Inc on Thursday 10 December 2009. The meeting was attended by Mr Dave Perry, Steven and Anne Hennessy and Council's Director City Planning.

At the Council meeting of 8 December 2009 a number of issues were discussed and some of the matters raised in the report were requested to be reworded prior to the preparation of Council's submission. These matters were further discussed at the subsequent meeting with the Association representatives on 10 December 2009.

A draft submission has been prepared and is attached to this report. The submission is based on the report to Council on 8 December and has taken into account the Council and community comments.

Conformance to Strategic Plan

The Council has been requested to comment on the application, lodged with the Department of Planning, to list 108 Grose Vale Road, North Richmond on the MDP. Council adopted the Community Strategic Plan on 13 October 2009 and Council's comments in relation to this matter will be consistent with the following Direction Statements contained within the Strategy:

Looking after People and Place

- *Offer residents a choice of housing options that meets their needs whilst being sympathetic to the qualities of the Hawkesbury.*
- *Population growth is matched with the provision of infrastructure and is sympathetic to the rural, environmental, heritage values and character of the Hawkesbury.*
- *Have development on both sides of the river supported by appropriate physical and community infrastructure.*

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- *Have future residential and commercial development designed and planned to minimise impacts on local transport systems allowing easy access to main metropolitan gateways.*

Caring for our environment

- *Be a place where we value, protect and enhance the cultural and environmental character of Hawkesbury's towns, villages and rural landscapes.*
- *Take active steps to encourage lifestyle choices that minimise our ecological footprint.*

Funding

Not Applicable.

RECOMMENDATION:

That the submission attached to the report be forwarded to the Department of Planning as Council's submission to the Land Release application lodged with the Department of Planning.

ATTACHMENTS:

AT - 1 Copy of Report to Council Meeting dated 8 December 2009

AT - 2 Copy of Submission to Land Release Application

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AT - 1 Copy of Report to Council Meeting dated 8 December 2009

ITEM: 276 CP - Land Release Application to Department of Planning for 108 Grose Vale Road, North Richmond - (107430, 105365, 77679, 95498)

Previous Item: 236, Ordinary (10 November 2009)

REPORT:

Introduction

On 10 November 2009 Council received an information report on the lodgement of an application to the Department of Planning for land release listing on the Metropolitan Development Program (MDP) at Grose Vale Road, North Richmond. A copy of that report is attached for reference. The resolution of that meeting was as follows:

- "1. The information be received.
2. Following receipt of the letter of expectations from the Department of Planning in relation to this application, the matter be reported to the next available Council meeting.
3. Council reaffirm its resolution of 13 October 2009 as details in the report."

The letter of expectations from the Department, as mentioned in point 2 above, was received by Council on 9 November 2009. (Copy attached). The purpose of this report is to discuss the issues raised in the Department's letter and to suggest responses to those issues.

Purpose of the Land Release Application

As mentioned in the report to Council on 10 November 2009 the land release application is not a rezoning application and it is not a development application for the development of the site. The consent authority for this application is the Department of Planning as the application seeks the land to be listed on the State Government's Metropolitan Development Program (MDP).

The 5 November letter from the Department of Planning describes the role of the MDP, its status in the planning system and clearly outlines the purpose of the program and states that "*the Government uses the Metropolitan Development Program to help guide the infrastructure and service provision of Government agencies.*" The Government agencies do not consider the upgrades of infrastructure unless land or a locality is identified on the MDP.

Role of Council

The expectation of Council in relation to this application has been set out in the letter from the Department of Planning (attached). The Department, in relation to the land release application, is keen to receive advice from Council on the following issues:

1. The level of fit with existing or proposed residential strategies.
2. The extent to which the Sustainability Criteria set in the Metropolitan Strategy (copy attached to the Department's letter, and this report) are met in the application.
3. Council's views on the broad extent and type of infrastructure required to service the land.
4. The contribution the application would have to housing diversity within the LGA.
5. Impacts on the local environment and Heritage values (as per criterion 7).
6. Those requirements Council would consider appropriate to be met if the land was to be listed on the MDP and any subsequent rezoning process.

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The original advice received from the Department in early 2009 stated that, should an application be lodged, Council would be required to respond to the Department within 60 days. However, due to the time of year and the limited Council meeting schedule during this time, the Department has extended this period to late February 2010.

Council resolved on 13 October 2009 as follows:

"That as a matter of policy Council indicate that it will not consider nor support any further applications to rezone land for residential purposes in the area west of the Hawkesbury River until such time as the existing infrastructure issues, particularly as related to traffic, have been addressed to Council's satisfaction."

The above resolution does not preclude Council from considering and commenting on the subject application, as the application is not an application to rezone the site. Consideration of the application by Council is consistent with the above resolution as the fundamental purpose of the land release application is to list the site on the MDP so that "existing (and proposed) infrastructure issues" can be addressed prior to the land being considered for rezoning.

Consideration of Issues

The following comments are provided in relation to the questions raised by the Department of Planning. As the application has been made to the Department and Council has only been asked to comment on the application, the following comments are made to assist the Department when assessing the application.

The level of fit with existing or proposed residential strategies

On 8 September 1998 Council resolved to consider land at North Richmond, North Bligh Park, Vineyard, Pitt Town and Wilberforce as it was considered that they had capability for urban development in the short to medium term. The land at North Richmond, known then as "Kemsley Downs", included the land that is the subject of the land release application. The potential yield being considered for the land was for the immediate release of 200 allotments. The work for this release did not proceed due to the State Government Policy at the time relating to development west of the Hawkesbury River, the need for a more complete residential strategy to be prepared and for the land to be included in the Urban Development Program.

A draft residential strategy has been prepared (the subject of another item on this agenda) that is consistent with the current State policies. The draft Residential Strategy (yet to be publically exhibited) includes the subject land for further investigation for land release. In this regard the further investigation relates to heritage, services (water, sewer, shops, etc) and road infrastructure.

The extent to which the Sustainability Criteria set in the Metropolitan Strategy (copy attached to the Department's letter, and this report) are met in the application

The Sydney Metropolitan Strategy sets eight sustainability criteria for testing land release proposals. A copy of the sustainability criteria is attached to this report as part of the letter from the Department of Planning. The Metropolitan strategy states the main criteria and then outlines an explanation as to how an application is measured against those criteria. The relevant sustainability criteria and comments on the application in relation to the criteria are provided below.

1. **Infrastructure Provision** – Mechanisms in place to ensure utilities, transport, open space and communication are provided in a timely and efficient way.

Measurable explanation of criteria.

- The proposed land release application has been considered in relation to Council's existing and proposed residential strategies previously in this report. It is considered that the application is consistent with existing and likely future strategies of Council.

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- The application, in Section 2, considers a range of infrastructure and services for the site and proposed development. The application has indicated that there is some capacity for development within the existing infrastructure provision. Some areas, such as roads, will require immediate, staged upgrading and the applicant has already commenced discussions in this regard with the relevant authorities. The application also considers that the upgrading of the required infrastructure is economically viable for the development.
 - The application has indicated that there is opportunity for developer agreements to be negotiated with Council for particular issues such as traffic.
2. **Access** – *Accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provide.*

Measurable explanation of criteria.

- The subject site is located adjacent to the existing development at North Richmond. In this sense development at the site would be a logical extension to the existing centre.
- The existing area is serviced by limited public transport. The existing public transport economic viability is limited partly due to the size of the existing population of the centre and partly due to the dispersed, low density nature of development surrounding North Richmond. Additional development in or adjacent to the existing development will have the potential to improve the viability of the public transport system.
- Transport within the catchment is dominated by private vehicle use. The road access to and from the locality is focused at the existing river crossing at North Richmond making road access to the locality and development site a major issue. Additional development in the locality without the upgrading of the road access is not sustainable and in the absence of any upgrade work development would make a negative contribution to travel and vehicle use goals.

The application has rightly commented that the site is reasonably well located to some transport, particularly rail via Richmond. The application has also made mention of preliminary discussions with transport agencies which have identified potential for state infrastructure contributions that would assist the required upgrades of Bells Line of Road at the intersection of Grose Vale Road and upgrade to or additional river crossing.

It is considered that the application does not currently meet the access sustainability criteria. In order for the proposed land release application to meet the access sustainability criteria, the potential for state contributions and upgrade works would need to be realised. In this sense, the necessary upgrade works and/or additional river crossing would need to be determined by the service authorities, in this case the RTA. These works would then need to be fully costed, to enable appropriate cost distribution to development potential, and the staging of the works programmed to coincide with the appropriate stages of development and population increase (as it would be unrealistic and unsustainable to construct, upfront, infrastructure for development that may take ten or more years to fully be realised).

3. **Housing Diversity** – *Provide a range of housing choices to ensure a broad population can be housed.*

Measurable explanation of criteria.

The contribution that this proposed land release application would make to housing diversity in the Hawkesbury is addressed elsewhere in this report. It is considered that the proposal will meet this criteria.

4. **Employment Lands** – *Provide regional/local employment opportunities to support Sydney's role in the global economy.*

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Measurable explanation of criteria.

The proposed land release is for residential land uses. Despite this the application is considered to be consistent with this criteria as it does not result in the loss of employment land, there will be some temporary employment generation during the construction and housing development of the land and the increase in population in the locality will require the corresponding increase in services (retail, commercial, etc) in the locality.

5. **Avoidance of Risk** – Land use conflicts and risk to human health and life avoided.

Measurable explanation of criteria.

- The site is flood free even when considered from the perspective of the Probable Maximum Flood (PMF), although the site and locality will be isolated from the existing services and evacuation routes to the east. However, there is the ability to evacuate the locality to the west in the case of flood. Existing evacuation plans of the locality during bushfire events would need to be suitably upgraded if there was any additional development in the locality. However, the site currently has a low hazard bushfire rating due to the site's previous grazing land use.
- The site, as mentioned elsewhere in this report, would need to be master planned so that any development of environmentally or physically constrained land (riparian, steep, etc) is excluded from development.
- The site has a number of different land uses adjoining. To the north is the existing urban development of North Richmond, to the south and west is predominantly rural residential development and to the east, over the ridgeline occupied by Grose Vale Road, is grazing agriculture. The use of the site for agricultural purposes, particularly more intensive uses, would result in significant conflicts with the existing adjoining urban and rural residential land uses. The development of the surrounding land uses over recent years has resulted in a constrained potential for the site and it is considered that the most appropriate use of the land would be for a mix of residential densities.

6. **Natural Resources** – Natural resource limits not exceeded/environmental footprint minimised.

Measurable explanation of criteria.

- As mentioned elsewhere in this report, it is clear that the physical infrastructure for the supply of water to the site will require upgrading prior to any development taking place. Whilst the supply infrastructure can be upgraded there is concern regarding the bulk supply of water that relies on drawing from the river. The drawing of water for urban growth depletes the supply available within the river and has the potential to adversely impact on environmental flows and the river environment. The application states that water and sewerage infrastructure is available and that BASIX requirements are able to be achieved. Should the Department list the site on the MDP, it is considered that any development should be encouraged to achieve environmental and natural resource conservation at levels greater than those specified in BASIX.
- The application states that the site is classified as Category 3 Agricultural land, being of marginal agricultural value and that the existing agricultural use is of marginal value. This has been confirmed from the Department of Primary Industry in previous advice to the Heritage Branch of the Department of Planning. It is also considered that, due to the location of adjoining urban residential and rural residential development, any significant agricultural activity on the site would result in unacceptable land use conflicts in the future.
- The land is not considered to be productive resource land for extractive or other industries.
- Energy infrastructure required to service any development of the site would require upgrading that would need to be funded by the development that benefits from that infrastructure and it is considered that there is existing capacity to supply the site.

7. ***Environmental Protection*** – *Protect and enhance biodiversity, air quality, heritage, and waterway health.*

Measurable explanation of criteria.

- The application has included a variety of studies and investigations into the natural and cultural heritage of the site. The recommendations from the reports is to protect and enhance the riparian environment along Redbank Creek and to design and manage stormwater drainage across the site to ensure that any development of the site does not adversely impact on the downstream development areas or the natural environments of the receiving waters. This approach is supported and any listing of the site on the MDP should require this approach to all the future planning for the site.
- The site contains the remnants of the Keyline Dam system that has heritage importance. Previous advice has been received by Council from the Heritage Branch of the Department of Planning indicating that the future planning for the site is to be undertaken in consultation with that Branch. Recent discussions and correspondence received by Council from the Heritage Branch has indicated that discussions have commenced and will be ongoing in relation to the retention and/or interpretation of the heritage values of the site should any future development be supported. Council supports this approach and is willing to participate in any future consultations on this matter.

8. ***Quality and Equity in Services*** – *Quality health education, legal, recreational, cultural and community development and other government services are accessible.*

Measurable explanation of criteria.

The purpose of the application for land release is to obtain listing on the MDP to enable Government agencies to consider the planning of appropriate services for the site should development occur. Generally the quality and extent of these services is commensurate with the size and location of the population and the services generally expand as the population expands.

Council supports and encourages the progressive expansion of Government services as the population grows. However, due to the location of the subject site, any planning for the provision of health, education, legal, recreational, cultural and community services needs to consider the equity impacts that arise from the restricted access across the river and the potential for isolation of the site and locality from existing services in the time of flood or other emergency. In this regard Council considers that particularly health, education and other essential community services should be readily available to the existing and proposed population on the western and northern sides of the Hawkesbury River rather than reliance on these services in Richmond or Windsor alone. It is one of the basic responsibilities of the State Government to supply such facilities should it require Council to plan and progress towards the targets set in the North West Subregional Strategy.

Council's views on the broad extent and type of infrastructure required to service the land.

It is clear that the current infrastructure in North Richmond could not cater for the development of the subject land without upgrading. This is primarily due to the fact that the current zoning of the site does not allow for development and the existing infrastructure and services have not been designed to service land not earmarked for release. It is noted that the land release application contains a number of studies and investigations into the servicing of the site. However, should the site be considered for further development the following infrastructure would need to be suitably addressed:

Water Supply

The land is serviced by Sydney Water for water supply. It is understood that there is a current limitation on water supply to the property due to the height of the existing reservoir servicing the site. In order to service the site an additional high level reservoir would be required along with the additional ancillary delivery infrastructure. It is clear that physical infrastructure expansion of these facilities is possible and it is

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considered that any such expansion should be at the cost of the development that requires and benefits from those facilities.

There are concerns in relation to the source of the water supply to service any development of the site. In this regard the drawing of additional water from the Hawkesbury River at North Richmond may have adverse impacts on other existing River users and the river environment. It is considered that the overall supply of water needs to be carefully considered to ensure that there is a fair balance of water for the environment and existing users.

Reticulated Sewer

The land is serviced by Sydney Water for reticulated sewer. The application states that there is *“capacity in the existing network and treatment plant infrastructure that may, with minimal alteration accommodate the proposed land release.”* It is recommended that any required upgrade of the physical infrastructure required for additional development should be funded by the development that requires or benefits from that upgrade. However, the issue of additional water usage and discharge of effluent to the river and the potential adverse impact that this may have on the environment must be considered. Should any land be considered for future development the use of recycled water from the Sydney Water treatment plant should be required within the site.

Utility services

Power, telecommunications and gas services must be upgraded and the funding of these upgrades should be at the expense of the benefiting development.

Community services

Whilst the site is adjacent to the existing village of North Richmond, the site is outside the normal catchment of the existing retail and community infrastructure of the village. This is recognised in Council's draft residential strategy where it comments that for this site there is a *“longer term opportunity subject to provision of shops, transport infrastructure, community infrastructure and services outside catchment.”* Should any development be proposed on the subject land the additional services should be developed to cater for that increase in population.

Road Transport

There is an existing significant traffic problem during the peak periods along Bells Line of Road at the intersection of Grose Vale Road stretching east to almost Richmond in pm and westward to Colo High School in am. There are real concerns that any additional development of the locality will result in the road system breaking down. Whilst it is not expected that the existing problems should be resolved by any new development, it is expected that any new development must ensure that the existing problems are not made worse and preferably any new development should result in an improvement of the existing situation. Again it is considered that the necessary upgrade of the road system should be funded by new development with any shortfall, attributed to the existing problems, being contributed by the State Government as the problem relates to a State controlled road.

The contribution the application would have to housing diversity within the LGA.

The subject site is a significantly large site that has potential for the design of a variety of housing types, open space and retention of riparian vegetation. In this regard the site would need to be master planned to ensure that appropriate dwelling densities and open space provision is obtained. The master planning would also need to ensure retention of the existing rural and village character of the locality.

The draft residential strategy (see other item on this agenda) has found that the current provision of housing within the Hawkesbury is generally low density, detached dwellings. Whilst there is no proposal to discontinue this style of housing, the draft strategy has also found that with the predicted change to population over the next twenty years, there is a need to increase the diversity of housing provided within the Hawkesbury. In this regard there is a need to increase housing density, particularly around centres, to make provision for the changing population.

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The subject site, as mentioned above, has the potential to make a significant contribution to the provision of housing diversity in the Hawkesbury LGA subject to the site being appropriately planned. Should the Department approve the land release application it would be appropriate that the Department, Council, the community and the developer work closely to achieve the appropriate development outcome for the site.

Impacts on the local environment and Heritage values (as per criterion 7).

The site is a large site that has some sensitive riparian environments along the western property boundary along Redbank Creek. The site also has the remnants of the Key Line Dam system developed by PA Yeoman. It is noted that the land release application includes a number of studies that assess and make recommendations in relation to the environmental and heritage values of the site.

The local natural environmental values of the site will need to be appropriately identified for incorporation into, rather than removal for, any development of the site. In this regard the appropriate master planning of the site, as mentioned previously, will need to make appropriate provision for retention of the natural environmental features.

In relation to the heritage values of the site, comments have been made in previous sections of this report. It is noted that the previous advice from the Heritage Branch indicates that consultation and discussion is to take place with the developer, Council and the Heritage Branch to plan for the retention and/or interpretation of the heritage of the site should any development proceed. It is considered that these discussions should be comprehensive and include all relevant information and the community.

What requirements Council would consider appropriate to be met if the land was to be listed on the MDP and any subsequent rezoning process.

The requirements of Council have been discussed previously in this report. The following is a summary of the requirements that Council considers appropriate in this matter:

1. Road infrastructure upgrading, including the intersection of Bells Line of Road and Grose Vale Road, upgrade or duplication of the river crossing or by-pass of North Richmond to improve the existing traffic problems that any further development in the locality will only exacerbate.
2. Any upgrade of utilities required for further development to be planned for and provided progressively as any development proceeds. Infrastructure being provided following development is not acceptable.
3. Any upgrade or provision of services for development is to be funded by the development that benefits or requires that provision.
4. The heritage value and significance of the site is to be impartially assessed and retained or interpreted in consultation with the Heritage Branch, developer, Council and the community.
5. Assurance that the sustainability criteria set in the Sydney Metropolitan Strategy and Council's Residential Strategy (when adopted) are to be fully incorporated into all aspects of the future development.

Conformance to Community Strategic Plan

The Council has been requested to comment on the application, lodged with the Department of Planning, to list 108 Grose Vale Road, North Richmond on the MDP. Council adopted the Community Strategic Plan on 13 October 2009 and Council's comments in relation to this matter should be consistent with the following Direction Statements contained within the Strategy:

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Looking after People and Place

- Offer residents a choice of housing options that meets their needs whilst being sympathetic to the qualities of the Hawkesbury.
- Population growth is matched with the provision of infrastructure and is sympathetic to the rural, environmental, heritage values and character of the Hawkesbury.
- Have development on both sides of the river supported by appropriate physical and community infrastructure.
- Have future residential and commercial development designed and planned to minimise impacts on local transport systems allowing easy access to main metropolitan gateways.

Caring for our environment

- Be a place where we value, protect and enhance the cultural and environmental character of Hawkesbury's towns, villages and rural landscapes.
- Take active steps to encourage lifestyle choices that minimise our ecological footprint.

Funding

N/A

Planning Decision

As this matter is covered by the definition of a "planning decision" under Section 375A of the Local Government Act 1993, details of those Councillors supporting or opposing a decision on the matter must be recorded in a register. For this purpose a division must be called when a motion in relation to the matter is put to the meeting. This will enable the names of those Councillors voting for or against the motion to be recorded in the minutes of the meeting and subsequently included in the required register.

RECOMMENDATION:

That:

1. Council prepare a submission to the Department of Planning on the application for land release at 108 Grose Vale Road, North Richmond, in accordance with the comments made in this report and a copy of this report be attached to the submission.
2. The application documents lodged with Council be placed on Council's website with explanatory information for the information of the public.

ATTACHMENTS:

AT - 1 Copy of report to Council meeting dated 10 November, 2009

AT - 2 Copy of letter of expectation from Department of Planning and Extract of Metropolitan Strategy Sustainability Criteria.

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AT - 1 Report to Council dated 10 November re Land Release Application to Department of Planning for North Richmond

ITEM:236 CP - Land Release Application to Department of Planning for North Richmond -
(107430, 105365, 77679, 95498)

REPORT:

Introduction

The purpose of this report is to advise Council that a Land Release application has been lodged with the Department of Planning for approximately 180.3 hectares of land at North Richmond, known as Lot 27, DP 1042890, 108 Grose Vale Road, North Richmond.

Copies of the application were given to the Director City Planning at a meeting with the Department of Planning on Monday 2 November 2009. Also in attendance at that meeting were representatives from Builderv, Urbis (consultants for Builderv), Heritage Branch of the Department of Planning, Sydney Water and RTA. The meeting was convened by the Department of Planning to advise relevant infrastructure authorities and Council of the existence of the application and the proposed manner in which the application will be considered by the Department.

At the meeting it was stated that a letter will be sent to Council from the Department of Planning formally requesting comments from Council and outlining what detail is expected from Council in their response. At the time of writing this report the letter from the Department of Planning had not been received at Council.

Purpose of the Application

The application is **not** a rezoning application and it is **not** a development application for the development of the site. The consent authority for this application is the Department of Planning as the application seeks the land to be listed on the State Government's land release schedule.

The application requests the Department of Planning to grant land release approval for the site. If a site is granted land release status by the Department of Planning the land can then be listed on the NSW Government's Metropolitan Development Program (MDP). The MDP is essentially a State strategic list of properties that are deemed suitable for further investigation, particularly in relation to infrastructure planning, prior to that land proceeding to rezoning consideration by a local Council. An extract from the Department of Planning's website in relation to the MDP states the following:

"The MDP develops an indicative ten-year dwelling supply forecast, which is an important tool in tracking the likely future availability of land for housing purposes, thereby ensuring the demand of the housing market can be adequately met, and the affordability of housing maintained.

It is also a valuable resource for Government agencies which are responsible for the provision of infrastructure by keeping them informed of likely future land release areas that will require infrastructure services such as connection to sewerage, electricity and transport networks.

To assist with these functions, it is a typical requirement that proposed land releases in the metropolitan region are included on the MDP before they can proceed to formal rezoning."

Land can be included on the MDP either by identification for further investigation in a Council strategy or via a separate application directly to the Department of Planning where the land parcel is significant. Listing on the MDP is a pre-requisite for infrastructure providers, such as Sydney Water and RTA, as those providers do not plan infrastructure provision unless land is listed on the MDP. It should also be noted that listing on the MDP does not automatically permit all the land to be developed for residential development.

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The listing will give the opportunity for the land to be investigated by the infrastructure providers to plan how and when infrastructure may be provided to the land.

Role of Council

The exact role, or expectation, of Council in relation to this application will be set out in a letter from the Department of Planning which had not been received at Council at the time of writing this report. However, Council has received advice previously regarding this pending application.

Whilst Council is not the consent authority in this matter, the Department of Planning and the Director General, are keen to receive comments from Council in relation to this proposal. The comments are likely to expect an "In Principle" comment from Council in relation to the listing and investigation of infrastructure provision for the site and will not expect a detailed assessment of the application. Should the MDP listing be approved by the Department, and the subsequent infrastructure planning be suitably completed, the land can then, subject to an appropriate rezoning application being lodged, be considered in detail by Council, and the Department, as part of a rezoning application.

Council resolved on 13 October 2009 as follows:

"That as a matter of policy Council indicate that it will not consider nor support any further applications to rezone land for residential purposes in the area west of the Hawkesbury River until such time as the existing infrastructure issues, particularly as related to traffic, have been addressed to Council's satisfaction."

The above resolution does not preclude Council from considering and commenting on the subject application, as the application is not an application to rezone the site.

Whilst the above resolution is a broad Policy statement of Council, it is likely that a response along these lines to the Department of Planning in relation to this application may be suitable.

Funding

There are no funding implications in relation to this report.

RECOMMENDATION:

That:

1. The information be received,
2. Following receipt of the letter of expectations from the Department of Planning in relation to this application, the matter be reported to the next available Council meeting.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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AT - 2 Copy of letter of expectation from Department of Planning and
Extract of Metropolitan Strategy Sustainability Criteria

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

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Please Refer to the Separate
Attachments Document (Maps)**

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

AT - 2 Copy of Submission to Land Release Application

**Submission to Department of Planning on Metropolitan Development Plan
Land Release Application
108 Grose Vale Road, North Richmond**

The Department's letter of 9 November 2009 requested Council's comments on the Land Release application requesting listing on the MDP for land at North Richmond. The letter requested comments on a range of issues and the comments in this submission generally follow those requests.

The level of fit with existing or proposed residential strategies

On 8 September 1998 Council resolved to consider land at North Richmond, North Bligh Park, Vineyard, Pitt Town and Wilberforce as it was considered that they had capability for urban development in the short to medium term. The land at North Richmond, known then as "Kemsley Downs", included part of the land that is the subject of the land release application. The potential yield being considered for part of this land was for the immediate release of 200 allotments. However, as part of the consideration of this immediate yield, there was a proposal for the entire site that would have resulted in a yield of approximately 1,150 allotments. Whilst this overall yield was not adopted by Council at that time, there was no formal objection to that proposal. The work for this release did not proceed due to the State Government Policy at the time relating to development west of the Hawkesbury River, the need for a more complete residential strategy to be prepared and for the land to be included in the Urban Development Program at that time.

A draft residential strategy has been prepared that is consistent with the current State policies. The draft Residential Strategy (yet to be adopted by Council for public exhibition) includes the subject land for further investigation for land release. In this regard the further investigation relates to heritage, services (water, sewer, shops, etc) and road infrastructure. The draft strategy was reported to Council on 8 December 2009 and was not adopted for public exhibition as the Council wishes to discuss and modify a number of recommendations contained in the draft Strategy. This will be undertaken in the early part of 2010.

The extent to which the Sustainability Criteria set in the Metropolitan Strategy are met in the application

The relevant sustainability criteria and comments on the application in relation to the criteria are provided below.

1. ***Infrastructure Provision – Mechanisms in place to ensure utilities, transport, open space and communication are provided in a timely and efficient way.***

Measurable explanation of criteria.

- The proposed land release application has been considered in relation to Council's existing and proposed residential strategies previously in this report. It is considered that the application is generally consistent with existing resolutions of Council. Comments on the likely future strategies of Council cannot be provided until Council has resolved to publically exhibit a draft Residential Strategy.
- The land release application, in Section 2, considers a range of infrastructure and services for the site and proposed development. The application has indicated that there is some capacity for development within the existing infrastructure provision. Some of this capacity will be taken up by the recent approval for seniors living development, containing 197 serviced self-care dwellings and 180 bed high care facility. This development has only recently been determined and has not yet commenced.

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Some areas, such as roads, will require immediate, staged upgrading and the applicant has already commenced discussions in this regard with the relevant authorities. The application also states that the upgrading of the required infrastructure is economically viable for the development.

- The application has indicated that there is opportunity for developer agreements to be negotiated with Council for particular issues such as traffic.

The statements contained in the land release application in relation to this criterion will need to be carefully considered and tested should the land release application be supported by the Department. If these statements are not able to be fulfilled, Council considers that the criterion will not be met.

2. **Access** – *Accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provide.*

Measurable explanation of criteria.

- The subject site is located adjacent to the existing development at North Richmond. In this sense development at the site would be a logical extension to the existing centre.
- The existing area is serviced by limited public transport. The economic viability of existing public transport is limited partly due to the size of the existing population of the centre and partly due to the dispersed, low density nature of development surrounding North Richmond. Additional development in or adjacent to the existing development will have the potential to improve the viability of the public transport system provided it is developed at the correct density. However, the matter of public transport must be integral to any development proposal, should the application be supported.
- Transport within the catchment is dominated by private vehicle use. The road access to and from the locality is focused at the existing river crossing at North Richmond making road access to the locality and development site a significant issue that needs to be addressed both immediately and in conjunction with any further development. Additional development in the locality, without the upgrading of the road access, is not sustainable and in the absence of any upgrade work development would make a negative contribution to travel and vehicle use goals.

The application has commented that the site is reasonably well located to some transport, particularly rail via Richmond. The application has also made mention of preliminary discussions with transport agencies which have identified potential for state infrastructure contributions that would assist the required upgrades of Bells Line of Road at the intersection of Grose Vale Road and upgrade to or an additional river crossing.

It is considered that the application does not currently meet the access sustainability criteria. There is an existing significant traffic problem in North Richmond during peak periods that must be resolved prior to consideration of any additional traffic generating development. In order for the proposed land release application to meet the access sustainability criteria, the potential for state contributions and upgrade works would need to be realised. In this sense, the necessary upgrade works and/or additional river crossing would need to be planned for and construction timings set by the service authorities, in this case the RTA. These works would then need to be fully costed, to enable appropriate cost distribution to development, and the staging of the works programmed to coincide with the appropriate stages of development and population increase and must not lag behind any development of the area.

3. **Housing Diversity** – *Provide a range of housing choices to ensure a broad population can be housed.*

Measurable explanation of criteria.

The contribution that this proposed land release application would make to housing diversity in the Hawkesbury is addressed elsewhere in this submission. It is considered that the proposal will meet this criteria.

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4. **Employment Lands** – Provide regional/local employment opportunities to support Sydney's role in the global economy.

Measurable explanation of criteria.

The proposed land release is for residential land uses. Despite this the application is considered to be consistent with this criteria as it does not result in the loss of employment land, there will be some temporary employment generation during the construction and housing development of the land and the increase in population in the locality will require the corresponding increase in services (retail, commercial, etc) in the locality. The land release application is not inconsistent with the Hawkesbury Employment Land Strategy 2008.

5. **Avoidance of Risk** – Land use conflicts and risk to human health and life avoided.

Measurable explanation of criteria.

- The site is flood free even when considered from the perspective of the Probable Maximum Flood (PMF). However, the site and locality will be isolated from the existing services and evacuation routes to the east. There is, however, the ability to evacuate the locality to the west in the case of flood. Existing evacuation plans of the locality during bushfire events would need to be suitably upgraded if there was any additional development in the locality. However, the site currently has a low hazard bushfire rating due to the site's previous grazing land use.
- The site, as mentioned elsewhere in this submission, would need to be master planned so that any development of environmentally or physically constrained land (riparian, steep, etc) is excluded from future residential development.
- The site has a number of different land uses adjoining. To the north is the existing urban development of North Richmond, to the south and west is predominantly rural residential development and to the east, over the ridgeline occupied by Grose Vale Road, is grazing agriculture. The use of the site for agricultural purposes, particularly more intensive uses, would result in significant conflicts with the existing adjoining urban and rural residential land uses. The development of the surrounding land uses over recent years has resulted in a constrained potential for the site and it is considered that the most appropriate use of the land would be for a mix of residential densities.

6. **Natural Resources** – Natural resource limits not exceeded/environmental footprint minimised.

Measurable explanation of criteria.

- As mentioned elsewhere in this submission, it is clear that the physical infrastructure for the supply of water to the site will require upgrading prior to any development taking place. Whilst the supply infrastructure can be upgraded there is concern regarding the bulk supply of water that relies on drawing from the river. The drawing of water for urban growth depletes the supply available within the river and has the potential to adversely impact on environmental flows, the natural river environment and other existing river users (e.g., agriculture). The application states that water and sewerage infrastructure is available and that BASIX requirements are able to be achieved. Should the Department list the site on the MDP, it is considered that any development be encouraged to achieve environmental and natural resource conservation at levels greater than those specified in BASIX.
- The application states that the site is classified as Category 3 Agricultural land, being of marginal agricultural value and that the existing agricultural use is of marginal value. This has been confirmed from the Department of Primary Industry in previous advice to the Heritage Branch of the Department of Planning. It is also considered that, due to the location of adjoining urban residential and rural residential development, any significant agricultural activity on the site may result in unacceptable land use conflicts in the future.

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- The land is not considered to be productive resource land for extractive or other industries.
- Energy infrastructure required to service any development of the site would require upgrading that would need to be funded by the development that benefits from that infrastructure. The existing capacity of these services to supply the development of the site will require the appropriate investigation and upgrade.

Should the concept measures proposed in the land release application be implemented then any proposed development of the site would meet this criterion.

7. ***Environmental Protection*** – *Protect and enhance biodiversity, air quality, heritage, and waterway health.*

Measurable explanation of criteria.

- The application has included a variety of studies and investigations into the natural and cultural heritage of the site. The recommendations from these reports is to protect and enhance the riparian environment along Redbank Creek and to design and manage stormwater drainage across the site to ensure that any development of the site does not adversely impact on the downstream development areas or the natural environments of the receiving waters. This approach is supported by Council and any listing of the site on the MDP must require this approach to all the future planning for the site.
- The site contains parts of the Keyline Dam system and the system has heritage importance. (The missing parts of the system have been previously removed for development of rural residential development on the southern side of the property and urban residential development to the north. Also the parts of the system contained on Lot 26 DP 1042890 does not form part of the applicant's landholding. However, MDP listing should consider Lot 26 as well as Lot 27 as the subject land surrounds these allotments and it would be good planning practice to consider both properties). Previous advice has been received by Council from the Heritage Branch of the Department of Planning indicating that the future planning for the site is to be undertaken in consultation with that Branch. Recent discussions have commenced between the Heritage Branch, the landowner and Council representatives and these will be ongoing in relation to the retention of parts of and/or interpretation of the heritage values of the site should any future development be supported. Council supports this approach and is willing to continue participate in these future consultations on this matter.

Should the concept measures proposed in the land release application be implemented then any proposed development of the site would meet this criterion.

8. ***Quality and Equity in Services*** – *Quality health education, legal, recreational, cultural and community development and other government services are accessible.*

Measurable explanation of criteria.

The purpose of the application for land release is to obtain listing on the MDP to enable Government agencies to consider the planning of appropriate services for the site should development occur. Generally the quality and extent of these services is commensurate with the size and location of the population and it is understood that the services generally expand as the population expands.

Council supports and encourages the progressive expansion of Government services as the population grows. However, due to the location of the subject site, any planning for the provision of health, education, legal, recreational, cultural and community services needs to consider the equity impacts that arise from the restricted access across the river and the potential for isolation of the site and locality from existing services in the time of flood or other emergency.

In this regard Council considers that particularly health, education and other essential community services should be readily available to the existing and proposed population on the western and northern sides of

the Hawkesbury River rather than reliance on these services in Richmond or Windsor alone. It is one of the basic responsibilities of the State Government to supply such facilities should it require Council to plan and progress towards the targets set in the North West Sub Regional Strategy.

Council's views on the broad extent and type of infrastructure required to service the land.

It is clear that the current infrastructure in North Richmond could not cater for the development of the subject land without upgrading. This is primarily due to the fact that the current zoning of the site does not allow for development and the existing infrastructure and services have not been designed to service land not earmarked for release. It is noted that the land release application contains a number of studies and investigations into the servicing of the site. However, should the site be considered for further development the following infrastructure must be suitably addressed:

Water Supply

The land is serviced by Sydney Water for water supply. It is understood that there is a current limitation on water supply to the property due to the height of the existing reservoir servicing the site. In order to service the site an additional high level reservoir would be required along with the additional ancillary delivery infrastructure. It is clear that physical infrastructure expansion of these facilities is possible and the funding of any such expansion should be at the cost of the development that requires, and benefits from, those facilities.

There are significant concerns in relation to the source of the water supply to service any development of the site. In this regard the drawing of additional water from the Hawkesbury River at North Richmond is likely to have adverse impacts on other existing River users and the river environment if the environmental flows of the river are reduced further. It is considered that the overall supply of water needs to be carefully considered to ensure that there is a fair balance of water for the environment and existing users without any reduction in existing environmental flows.

Reticulated Sewer

The land is serviced by Sydney Water for reticulated sewer. The application states that there is *"capacity in the existing network and treatment plant infrastructure that may, with minimal alteration accommodate the proposed land release."* However, it is unclear how much of this capacity in the existing network will be taken up by the recent approval of a Seniors Living proposal on part of the site. It is recommended that any upgrade of the physical infrastructure required for additional development should be funded by the development that requires, or benefits from, that upgrade.

However, the issue of additional water usage and discharge of effluent to the river and the potential adverse impact that this may have on the environment must be paramount in any consideration of development and any impacts appropriately mitigated. Should any land be considered for future development the use of recycled water from the Sydney Water treatment plant throughout the development should be required. The development of recycled mains to new development should also be designed and located to enable existing developed areas to also connect to that system.

Utility services

Power, telecommunications and gas services must be upgraded and the funding of these upgrades should be at the expense of the benefiting development.

Community services

Whilst the site is adjacent to the existing village of North Richmond, the site is outside the normal catchment of the existing retail and community infrastructure of the village. This is recognised in Council's draft residential strategy (yet to be publically exhibited) where it comments that for this site there is a *"longer term opportunity subject to provision of shops, transport infrastructure, community infrastructure and services outside catchment."* Should any development be proposed on the subject land the additional services should be integrated into any development to cater for that increase in population.

Road Transport

There is an existing significant traffic problem during the peak periods along Bells Line of Road at the intersection of Grose Vale Road stretching east to almost Richmond in the afternoon peak and westward to beyond Colo High School in the morning peak. During these times the Level of Service on these roads is low, particularly when consideration is given to the fact that the location is not an inner urban locality. There are real, justifiable concerns that any additional development of the locality will result in a significant drop in the already low Level of Service for the road system in this locality both during the existing and an extended peak time. The existing problem with the road system must be addressed prior to, or as an integral part of, any future development.

Whilst it is not expected that the existing problems should be resolved by any new development, it is expected that any new development must ensure that the existing problems are not made worse and preferably any new development should result in an improvement of the existing situation. Any necessary upgrade of the road system should be funded by new development with any shortfall, attributed to the existing problems, being contributed by the State Government as the problem relates to a State controlled road.

Again, it is considered that, as there is already an existing significant shortfall in the provision of road infrastructure crossing the river, it is one of the basic responsibilities of the State Government to ensure that there is planning and a works program for an appropriate road system crossing the Hawkesbury River if it is expected that Council is to plan to achieve the housing and employment targets that are expected by the State Government in the North West Sub Regional Strategy.

The contribution the application would have to housing diversity within the LGA,

The subject site is a significantly large site that has potential for the design of a variety of housing types, open space and retention of riparian vegetation. In this regard the site needs to be master planned to ensure that appropriate dwelling densities and open space provision is obtained whilst retaining the existing rural and village character of the locality.

The background research for draft residential strategy (yet to be publically exhibited) has found that the current provision of housing within the Hawkesbury is generally low density, detached dwellings. Whilst there is no proposal to discontinue this style of housing, the draft strategy has also found that with the predicted change to population over the next twenty years, there is a need to increase the diversity of housing provided within the Hawkesbury. In this regard there is a need to increase housing density, particularly around centres, to make provision for the changing population.

The subject site, as mentioned above, has the potential to make a significant contribution to the provision of housing diversity in the Hawkesbury LGA subject to the site being appropriately planned. Should the Department approve the land release application it would be appropriate that the Department, Council, the community and the developer work closely to achieve the appropriate development outcome for the site.

Impacts on the local environment and Heritage values (as per criterion 7),

The site is a large site that has some sensitive riparian environments along the western property boundary along Redbank Creek. The site, as mentioned previously in this submission, also has parts of the Key Line Dam system developed by P.A. Yeoman. It is noted that the land release application includes a number of studies that assess and make recommendations in relation to the environmental and heritage values of the site.

The local natural environmental values of the site will need to be appropriately identified for incorporation into, rather than removal for, any development of the site. In this regard the appropriate master planning of the site, as mentioned previously, will need to make realistic provisions for the retention of the natural environmental features.

In relation to the heritage values of the site, comments have been made in previous sections of this submission. It is noted that the previous advice from the Heritage Branch indicates that consultation and discussion is taking place with the developer, Council and the Heritage Branch to plan for the retention

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and/or interpretation of the heritage of the site should any development proceed. It is considered that these discussions should be comprehensive and include all relevant information.

What requirements Council would consider appropriate to be met if the land was to be listed on the MDP and any subsequent rezoning process.

The requirements of Council have been discussed previously in this report and the submission should be considered in its entirety in relation to Council's requirements. The following is a brief summary only of the requirements that Council considers appropriate in this matter:

1. Road infrastructure upgrading, including the intersection of Bells Line of Road and Grose Vale Road, upgrade or duplication of the river crossing or by-pass of North Richmond to improve the existing traffic problems that any further development in the locality will only exacerbate.
2. Any upgrade of utilities required for further development to be planned for and provided progressively as any development proceeds. Infrastructure being provided following development is not acceptable.
3. Any upgrade or provision of services for development is to be funded by the development that benefits or requires that provision.
4. The heritage values and significance of the site is to be impartially assessed and retained or interpreted in consultation with the Heritage Branch, developer, Council and the community.
5. Assurance that the sustainability criteria set in the Sydney Metropolitan Strategy and Council's Residential Strategy (when adopted) are to be fully incorporated into all aspects of any future development.

oooO END OF REPORT Oooo

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INFRASTRUCTURE SERVICES

Item: 5 IS - Proposed Closure of a section of Mount Irvine Road, Bilpin - (95495, 73986)

Previous Item: 43, General Purpose Committee (24 September 2002)
 2, General Purpose Committee (26 March 1991)
 10, General Purpose Committee (25 September 1990)

REPORT:

Mount (Mt) Irvine Road is located approximately 2 kilometres west of the township of Bilpin and runs in a north-westerly direction from Bells Line of Road for 6.5 kilometres to Council's boundary with Blue Mountains City Council at Bowens Creek Bridge. The road within the Blue Mountains City Council area is another 6.6 kilometres to the Mt Irvine area along Bowen Creek Road. Mt Irvine Road, within the Hawkesbury area provides access from Bells Line of Road to properties for one kilometre and then traverses the Wollemi National Park until it reaches the bridge at Bowens Creek.

The distance from Bilpin to Mt Irvine via Bells Line of Road is 43.5 kilometres compared to 16 kilometres via Mt Irvine Road/Bowen Creek Road. The distance to Mt Wilson via Bells Line of Road is 30.9 kilometres compared to 22.2 kilometres via Mt Irvine Road/Bowen Creek Road.

The road formation is generally narrow, varying from 3.5 to 6.0 metres in width and in places has rock walls on one side and a sheer drop on the other. Approximately half the length of the road requires some form of protection to prevent vehicles leaving the road and falling down very steep to vertical cliffs.

The section of road from Bowens Creek Bridge through to the Mt Wilson/Mt Irvine area (Bowen Creek Road) is maintained by Blue Mountains Council. The road formation in this area being much wider than that on the Hawkesbury side is easier to maintain with little need for safety barriers due to the surrounding terrain.

The condition of Mt Irvine Road was previously considered by Council, and due to deteriorating conditions, Council at its meeting on 9 October 1990 resolved:

"That action be taken to close Mt. Irvine Road from a point past the access to the last property from Bells Line of Road to, and including the Bowen Creek bridge, in accordance with the guidelines for the road closures as set out by the Traffic Authority of New South Wales."

Council at its meeting on 9 April 1991 resolved to provide locked gates at either end of Mt Irvine Road to allow access for vehicles in an emergency. The above resolution was based on representations received from both NPWS and RFS.

The Mt Irvine and Mt Wilson communities, through the Mt Irvine Progress Association, consider the road to be of great importance including its heritage value, tourism use, emergency lifeline and daily transport. The community has previously requested that the road be maintained to meet those needs and the surface quality be provided to a level that meets fire trail standards.

Whilst Mt Irvine Road has been available for emergency access, funds are not available to provide ongoing maintenance. The cost to bring the road to a level of service which provides a single lane unsealed pavement with passing bays, the provision of additional culverts, safety fencing and the replacement of the single lane bridge over Bowens Creek will be in the order of \$1,525,000. This estimate makes no provision for design, geo-technical and any environmental reports.

Previous discussions with the NPWS and Rural Fire Service (RFS) did not see Mt Irvine Road as a major point of access to the Wollemi National Park but more as a fire trail to be utilised for hazard reduction

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purposes. In keeping with the requirements of these organisations, the primary use of Mt Irvine Road is more aligned to a fire trail than a public road. Funding from the State Government to maintain Mt Irvine Road as a fire trail is not available as the road is currently classified as a public road. Generally fire trails are not contained within road reserves, but within either private property or National Parks. The opportunity to qualify for funding would be enhanced if the existing road formation was not contained within a road reserve.

In terms of Councils previous resolution in 1990 to physically close Mt Irvine Road, from a point past the access to the last property from Bells Line of Road to Bowens Creek, whilst this action was taken albeit ineffectually due to continual vandalism of the gates, it is proposed to formally close this section of Mt Irvine Road under Part 4 of the Roads Act 1993. The land contained within this section of road reserve can be made available to either the Crown, NPWS or vested in Council as operational land.

Transferring the land to the NPWS would be a favourable option as the existing road reserve is bounded by the Wollemi National Park. Preliminary discussions with both the Land and Property Management Authority and the NPWS to transfer the Mt Irvine Road Reserve have been undertaken, however a formal approach can only be undertaken once Council resolve to undertake the road closure under the Roads Act.

Conformance to Strategic Plan

The proposal is consistent with the *'Looking after people and place'* Directions statement;

'Have an effective system of flood mitigation, fire and natural disaster management and community safety which protects life, property and infrastructure'

and is also consistent with the strategy in the Community Strategic Plan being:

"Develop disaster response and community safety plans."

Funding

Funding is available in the current budget to undertake the road closure.

RECOMMENDATION:

That:

1. The section of Mt Irvine Road, Bilpin, from a point past the access to the last property from Bells Line of Road (Lot 7 DP 245105) to Bowens Creek be closed under Part 4 of the Road Act 1993.
2. Any relevant documentation be executed under the Seal of Council.
3. Blue Mountains City Council be advised of the proposed Road Closure.
4. A formal approach be made with the NSW National Parks and Wildlife Service (through Department of Environment, Climate Change and Water) to transfer the closed section of the Mt Irvine Road Reserve to the Authority for this land to be part of the Wollemi National Park as a fire trail.
5. In the event that the NSW NPWS does not concur with the transfer of land outlined in Item 2 of the Resolution, the land in question be vested in Council as operational land and application be made with the relevant Authority to create a fire trail along the existing Mt Irvine Road formation with a view to obtaining the necessary funding to bring the fire trail to a level of service acceptable to the Rural Fire Service.

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ATTACHMENTS:

AT - 1 Mt Irvine Road, Bilpin – Extent of Proposed Road Closure.

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AT - 1 Mt Irvine Road, Bilpin – Extent of Proposed Road Closure

**To View This Image,
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Attachments Document (Maps)**

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Item: 6 IS - Community Building Partnership Program - Mountain Lagoon Road - (95495, 79344)

REPORT:

Mountain Lagoon Road has been physically closed to general traffic for some three years due to severe erosion causing deep washouts in steep areas making access by normal vehicles almost impossible. The section of road is approximately 14 kilometres long and due to maintenance and rehabilitation requirements over the remainder of Council's more highly trafficked sealed and unsealed road network it was not possible to undertake the work on this road due to limited financial resources.

Following representations from the communities of Mountain Lagoon and Upper Colo to Mr Ray Williams MP, Member for Hawkesbury, Mr Williams indicated that should application be made under the Community Building Partnership Program to carry out essential repairs to Mountain Lagoon Road, the application would receive his support. Any funding received from this program would need to be matched by Council on a 50/50 basis.

An application for funding in an amount of \$80,000 was made under the program which, if successful would provide (with Council's contribution) an amount of \$160,000 to undertake necessary drainage improvements to Mountain Lagoon Road which would enable it to be opened to the general public.

Grant applications under the Community Building Partnership Program closed on 10 August 2009. Correspondence dated 14 January 2010 was received from the Premier of NSW, Ms Kristine Keneally, MP, advising that Council's application for the reconstruction of the 'fire trail portion' of Mountain Lagoon Road has been successful subject to the confirmation of any outstanding issues. It is understood that outstanding issues relate to:

- Council's ability to contribute \$80,000, being 50% of the total estimated cost of the project;
- Acceptance of all conditions relating to the funding agreement;
- Confirmation of project outcomes.

The project provides for the reconstruction of an 8km section of Mountain Lagoon Road, including necessary drainage improvements, to a functional gravel road, suitable for both community and emergency use.

Conformance to Strategic Plan

The proposal is consistent with the '*Linking the Hawkesbury*' Directions statement;

"Have a comprehensive system of well maintained local and regional roads to serve the needs of the community."

and is also consistent with the strategy in the Community Strategic Plan being:

"Develop a hierarchy of roads and long term asset management system."

Funding

The 2009/2010 Capital Works program does not include improvements to Mt Lagoon Road, however subject to Council's approval the required \$80,000 matching funding to the Community Building Partnership Program for work on this road could be funded from the Capital Component for the "reconstruction of failed kerb and gutter." The reconstruction of failed kerb and gutter has a high priority, however, it is considered that the most hazardous sections have been reconstructed and any minor deferment at this stage will be made up in the next program.

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RECOMMENDATION:

That:

1. The conditional offer in the amount of \$80,000 under the Community Building Partnership Program for the reconstruction of the "fire trail" section of Mountain Lagoon Road be accepted upon receipt of a formal letter of offer.
2. Council's matching contribution in the amount of \$80,000 be funded from the current Works Program under the Kerb & Gutter Reconstruction component.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Item: 7 IS - Naming of a un-named Road at Pitt Town within proposed Subdivision of Lot 4 DP 711815, No. 10 Eldon Street, Pitt Town - (94595, 73916)

REPORT:

An application has been received from McKinlay Morgan & Associates Pty Ltd on behalf of their client Mrs D Miller for the naming of an existing un-named road in connection with a proposed subdivision of Lot 4 DP 711815, No. 10 Eldon Street Pitt Town. The names, Iris Street and Ronald Street, have been suggested for the road name with a preference being for Iris Street.

Details of the two names are listed below:

Iris Street

"After Iris Miller, nee Curl. Iris has had a long association with Pitt Town and has family links back to the early settlers of the Pitt Town area. Iris was a well respected resident. She was a Patron and foundation member of Pitt Town Bowling Club and a life member of Pitt Town District Sports Club."

And

Ronald Street

"After Ronald Miller, who lived at Pitt Town all his life, attended Pitt Town Public School, and was a well known resident. Ronald was part of a group that formed the Pitt Town District Sports Club. The group wanted a place that the people of Pitt Town could go to meet and encourage sport in the area. Ronald was a foundation member. The Miller family can be linked back through a few generations in the area."

Both these names do not currently exist within the Hawkesbury LGA and conform to the guidelines set by The Geographical Names Board of NSW and the requirements of the Roads Act 1993. In consulting Council's Local Studies Librarian to ascertain if the names were valid for the Pitt Town area, no objections were raised.

As part of the road naming process the Johnson Property Group was consulted in regards to the previous list of names that were adopted by Council for the Pitt Town Subdivision. It has been requested by the Johnson Property Group that the list of adopted names be only used for their subdivision.

Based on the information provided by the applicant it is proposed that the un-named public road in connection with a proposed subdivision of Lot 4 DP 711815, No. 10 Eldon Street Pitt Town be named Iris Street.

Conformance to Strategic Plan

The proposal is consistent with the *"Looking after people and place"* Directions statement;

"Be a place where we value the historical, social, cultural and environmental character of Hawkesbury's towns, villages and rural landscapes."

and is also consistent with the strategies in the Community Strategic Plan being:

"Work with the community to define the Hawkesbury character to identify what is important to preserve and promote."

And

"Develop and implement a plan to conserve and promote heritage."

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Funding

Funding is available in Council's current budget.

RECOMMENDATION:

That public comment be sought under the NSW Roads Act, 1993 for the naming of the existing un-named road in connection within a proposed subdivision of Lot 4 DP 711815, No. 10 Eldon Street Pitt Town as Iris Street.

ATTACHMENTS:

AT - 1 Locality Plan - Proposed Iris Street, Pitt Town

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AT - 1 Locality Plan – Proposed Iris Street, Pitt Town

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Item: 8 IS - Closed Circuit Television (CCTV) Cameras for Bowen Mountain Park - (95495, 79354)

REPORT:

The Bowen Mountain Park Committee (a committee with delegations under section 377 of the Local Government Act for the management, care and control of the small hall and park) have requested consideration be given to the possibility of installing CCTV cameras within Bowen Mountain Park. A new member of the Committee runs a security firm and upon becoming aware of some of the minor infractions at the park, made an offer to provide CCTV cameras at no cost to the Committee.

The Committee originally had discussions with Windsor Police Local Area command who indicated that they were happy for this to occur. Council staff saw no issues initially but felt community consultation would be required. The Committee erected signs in the park as well as placing advertisements within the local Bowen Mountain newsletter to gauge the reaction the community. An advertisement was also placed in the Council Notices (Weekly advertisement in the Hawkesbury Courier). One response was received by a member of The Bowen Mountain Association who felt that the cameras were not justified, citing that there is a low incidence of vandalism in the park, that due to lack of lighting within the park, the cameras would not be able to record useable images at night and that cameras would only record persons in the vicinity of the building who may be innocent passers by as there would be no way to establish the time of any incident within the facilities themselves. The media took up the story with an editorial in the Hawkesbury Gazette.

Following further investigation, guidelines titled "NSW Government Policy Statement for the establishment and Implementation of Closed Circuit Television (CCTV) in public places" were located.

The guidelines identify that CCTV can be effective in reducing or preventing crime if it is part of a broader crime prevention and community safety strategy. It is further stated that CCTV should not be implemented as the only means of addressing crime in public places. In its introduction, the guidelines state it is "not clear how effective it is in deterring or reducing crime", that "the benefits of CCTV surveillance fade after a period of time and displacement may occur, that is the crime may simply move to other areas away from CCTV surveillance, or there may be a shift to different sorts of crime which are less susceptible to CCTV surveillance". In regards to local councils it states that "it must be recognised that ownership brings with it accountability, responsibility for securing funding, responsibility to consult with and inform the community as interested parties, and responsibility for design, management, running costs, evaluation and audit activities". It acknowledges that CCTV may involve a "degree of cost to the community, eg in terms of allocation of resources or in implications for personal privacy".

The guidelines identify steps to be followed in planning and implementing a CCTV surveillance scheme. Some of the steps are very broad and cover topics including:

- Establish an area wide Community Safety Committee
- Conduct a Crime Assessment to identify more accurately what crime problems are occurring,
- Consult with the community, including local businesses and other specific groups, especially on matters relating to privacy
- Develop a Crime Prevention or Community Safety Plan which includes the operation of a CCTV scheme.

It is felt that these topics were not developed for a small pocket park but for a larger area which required a broader strategy for councils looking at placing cameras on streetscapes and within large populated areas. Should these processes be required, it is felt that it would be difficult and time consuming to complete on an individual basis for Bowen Mountain Park.

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The Parks Committee is keen to install the cameras as there have been a number of incidents in the park including an explosive device, graffiti, broken windows, fires, and break and enters.

As previously indicated, the proposed cameras would be installed at no cost to Council or to the Committee. A policy has been developed by the Committee in relation to the handling of any footage recorded and this would be housed securely onsite at the park. It is proposed to have a tapeover procedure so that only 24- 48 hrs of footage would be stored at any time.

In consideration of this matter, there are a number of factors which are of concern:

1. Child protection. While the Committee has stated in their draft policy that “two authorised persons” would need to be present at all times should an offence be carried out, and police and council staff be informed and asked to view security data, there is no information as to what process a person would need to go through to become authorised. This concern could be resolved with members having a “working with children check” if required.
2. Usefulness to Police. The cameras would be valuable to identifying people doing the wrong thing within the park however it must be noted that cameras often do not pick up clear images of the faces of people and thus would limit successful prosecution even should a vandal get caught. Should damage happen out of view of a camera the footage’s usefulness could be questioned if all that was shown were people coming in and leaving the surrounds providing no proof of any damage. If an exact time of the damage was not known then hours or in fact days of footage may need to be examined. The guidelines state that “it is essential that ...the CCTV surveillance should only be used to identify crimes occurring within the CCTV area”, thus limiting its usefulness.
3. Not a priority area. There are numerous public areas and facilities in the Hawkesbury that are unfortunately targeted by graffiti vandals. While it is appreciated that the Bowen Mountain Park Committee would like to take advantage of this generous offer of equipment, the Park is not deemed a high profile area for this type of crime nor a high priority area in which Council should support the use of cameras.
4. Perception of Council responsibility for future maintenance and replacement. While offers of labour or equipment for various projects are appreciated, it should be noted that the facility would be incorporated into a Council facility, and as such it would be assumed that Council would be responsible for future maintenance. After a period of time the public assumes that Council should upgrade and ultimately replace aging infrastructure and no matter how small, this places an uncosted financial burden on the organisation.
5. Cost to the organisation. Albeit an admirable project, in the list of priorities that Council may be asked to support in relation to community projects, this is considered to be a low priority. The time and effort required to establish the necessary protocols according to the NSW Government’s Policy regarding the establishment and Implementation of Closed Circuit Television in public places could not be justified for this one off project.

Conformance to Community Strategic Plan

The proposal is consistent with the *‘Shaping our future together’* Directions statement;

“Have constructive and productive partnerships with residents, community groups and institutions.”

and is also consistent with the strategies in the Community Strategic Plan being:

“Have ongoing engagement and communication with our community, governments and industries.”

and

“Implement and monitor Councils sustainability principles”.

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Funding

Whilst there is no impact on current funding, should Council agree to the proposal there would be future operation and maintenance funds required.

RECOMMENDATION:

That the Bowen Mountain Park Committee be commended for the initiative and enthusiasm for the CCTV camera project, however due to the ongoing commitment which would be required in terms of establishing protocols, and the future maintenance and replacement costs which may be required that Council not give approval to install CCTV within the surrounds of the Bowen Mountain Park.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 2 February 2010

Item: 9 **IS - Hawkesbury City Waste Management Facility - Sand Volumes - (95495, 82995)**

Previous Item: 249, Ordinary (10 November 2009)

REPORT:

Council, when considering a report on 10 November 2009 regarding a tender to remove sand from the waste management facility, resolved in part that *“further action in relation to calling tenders for this purpose be deferred for a report on volumes relating to the excavation of cell 5”*. This report has been prepared in response to that request.

When tenders were called for the construction of cell 5 in October 2007, it was identified within the tender documentation that approximately 122,700m³ of virgin excavated material was to be excavated and of that material there was approximately 47,000 m³ of predominantly sand material. The volume of virgin material to be excavated was estimated from a contour survey plan of the site relative to the final design of cell 5.

The calculation of the estimated volume of sand expected to be removed, was undertaken by surveyors McKinlay Morgan & Associates and in relation to that calculation by correspondence in March 2007 they provided the following advice.

“We have reviewed the study by Rust PPK in relation to the borehole information. We have modelled the layer of “predominantly sand” and “predominantly clay” material as shown on the section of inferred sub-surface conditions in the study.

The boreholes are sparse and modelling of the layers is an estimate only. (emphasis added)

We calculate the volume of “predominantly sand” material to be excavated to the sub-grade of the new cell as approximately 47,000m³ and the volume of “predominantly clay” material to be 5,000m³.

The remainder of the excavated material will be silty sand, sandy clay and silt.”

In discussions with McKinlay Morgan and Associates in relation to the accuracy of the estimated sand volumes in Cell 5 it was indicated that due to the sparsity of bore holes in that area and the variability of the material over the area, that the estimated volume could be in the vicinity of plus or minus 50%.

The Rust PPK report was carried out as part of the **“South Windsor Waste Depot Site Investigation and Landfill Studies”** in September 1995 and was aimed at *“developing a comprehensive knowledge of subsurface geology in area 2 (the area leased from UWS) and installing a bore network for longer term monitoring of groundwater and potential leachate migration at the facility. The investigation program comprised:*

- *Drilling geotechnical investigation boreholes within area 2 to assess the subsurface conditions, in particular the distribution of clay strata and to obtain soil samples for laboratory testing;*
- *Laboratory testing of ten representative litho logical samples;*
- *Drilling 15 groundwater monitoring piezometers to allow measurement and sampling of the groundwater regime and to establish a longer term monitoring network;*
- *Hydraulic testing of the groundwater monitoring boreholes to establish subsurface aquifer flow parameters;*
- *Laboratory analysis of 10 groundwater samples and 1 surface water sample to characterise the groundwater system; and*
- *Survey of all boreholes.*

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The area over which the 11 boreholes were carried out was approximately 2/3 of the area leased from UWS (16.5 ha.) and as indicated in the letter from McKinlay Morgan the boreholes were sparse. There was only one borehole located within the area to be excavated for cell 5 and another 4 adjacent to that area. As a result it would have been very difficult to estimate the quantity of sand to be excavated with any accuracy.

The summary of subsurface strata identified within the PPK report advises *“results of drilling demonstrate a complex assemblage of clays, clayey silts, clayey sands and sands offering moderate to very low groundwater transmission capacities.”*

In terms of the actual excavation of cell 5, the clay material was separated for use as the compacted base of cell 5, the sand was stockpiled in two separate areas and the remaining material stockpiled for use as daily cover of waste materials. All stockpiles on the site are identified separately and aerial photography including volume calculations are carried out each six months and identify changes in volume of each stockpile. The stockpiles relating to the excavation of cell 5 are # 47 and #202 being clay type material and #203 and #204 being the sand material. The table shows the changes in volume of these stockpiles as extracted from the six monthly certificates. It is noted that the actual excavation works commenced in late April 2008.

Stockpile No	Volume (m ³)		
	June 2008	December 2008	June 2009
47 clay	12832	-3758	-7438
202 clay	38095	36905	34304
203 sand	12737 (RL 36m)	14196 (RL 36m)	12985 (RL 36m)
204 sand	10765 (RL 31m)	10488 (RL 31m)	9685 (RL 31m)
Total sand	23,502	24,684	22,670

Whilst the overall stockpile heights have remained relatively consistent (as indicated by the figures in brackets), the width at the base of each stockpile has increased by 4-6 metres between June 2008 and June 2009 indicating that the sand is assuming its angle of natural repose due to settlement and weather processes.

In terms of the sand volumes, the only material removed from the site was 67.78 tonnes which was sold for \$2.00 per tonne to allow a screening test to be carried out to determine its suitability for a project. The only other sand removed from the stockpile was a few Drott buckets utilised on the access road to cell 5 to improve traction during a period of wet weather. The reduction in volume of sand between December 2008 and June 2009 is attributed to settlement of the material and erosion (spreading of the stockpile).

Testing of the sand was carried out by Douglas Partners (who incidentally assessed the volume of the stockpiles at an estimated 30,000 m³) as a pipe bedding material. The results of the testing indicate the material is generally a well graded fine to medium grained sand with relatively high percentages of clay fragments most of which were rejected by grading, however some of the clayey fraction had broken down to sand-sized fragments which, when washed gave a finer material than that specified for pipe sand bedding. The grading results did indicate that the sand would allow for ready compaction.

Conformance to Community Strategic Plan

The proposal is consistent with the *Shaping our future together* Directions statement;

“Be financially sustainable to meet the current and future needs of the community based on a diversified income base, affordable and viable services”

and is also consistent with the strategy in the Community Strategic Plan being:

“Maintain and review a sustainable long term financial framework.”

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Funding

Whilst there is no impact on current funding it should be noted that as part of the agreement for the lease of the land from UWS, 50% of the gross proceeds from the sale of material excavated from the site is to be paid to UWS.

RECOMMENDATION:

That fresh tenders be called for the removal of the surplus sand material stockpiled at the South Windsor Waste Management Facility

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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SUPPORT SERVICES

Item: 10 **SS - Hawkesbury Heritage Farm (formerly Australiana Pioneer Village) - (95496, 79351)**

Previous Item: 160, Ordinary (25 August 2009)
 98, Ordinary (12 May 2009)
 268, Ordinary (9 December 2008)
 90, Ordinary (29 April 2008)
 400, Ordinary (13 December 2005)
 16, General Purpose Committee (24 February 2004)

REPORT:

Council, at its meeting held on 12 May 2009, considered a Confidential Report concerning the future of the Hawkesbury Heritage Farm (formerly the Australiana Pioneer Village, and referred to hereafter as the APV) and a submission, by way of a second Business Plan, from the Friends of the Australiana Village Society Inc (hereafter referred to as "The Friends") to lease and operate the APV. The second, Business Plan effectively replaced that previously submitted and reported to the Council Meeting of 9 December 2008.

Subsequently, Council resolved at its Meeting of 12 May 2009:

"That:

1. *The contents of this report outlining the various options available to Council in relation to the future of the property known as 496 Wilberforce Road, Wilberforce be noted.*
2. *Council, on the basis of least risk and financial exposure, proceed with the sale of the property known as 496 Wilberforce Road Wilberforce in accordance with Council's appropriate policies for the sale of Council property at public auction and subject to:*
 - a. *The sale not including the artefacts and display items currently at the subject property; and*
 - b. *Appropriate legal arrangements being entered into for unrestricted access to, and the continued operation of the Sewage Treatment Plant until such time as the Wilberforce Sewerage Scheme is completed.*
3. *Appropriate action be taken to contact the owners of the artefacts and display items on loan, and subject to proof of ownership they be offered the opportunity to remove them. The remaining artefacts and display items be offered in the first instance to Council's Regional Museum and then if necessary to the purchasers of the property for prices determined by a qualified valuer.*
4. *Council thank The Friends of the Australiana Pioneer Village Society Inc. for its commitment and dedication to the Australiana Pioneer Village and be advised of the reasons for Council's decision.*
5. *Authority be given for the Seal of Council to be affixed to any documentation in regard to this matter."*

Action to implement Council's resolution commenced with a stocktake commissioned to identify and list all the display items and artefacts on the property. An Inventory List has been completed.

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Prior to the completion of the works, Council at its meeting of 25 August 2009, considered a report informing Council that The Friends, by a letter dated 10 August 2009, had submitted an updated third Business Plan (a copy of this third Business Plan is attached as Attachment 1) for Council's consideration in relation to their proposal to lease and operate the APV. The report stated that the new Business Plan would require further assessment by management, if it is to be considered by Council.

As a result, Council resolved:

"That:

- 1. Action in relation to that part of Council's resolution of 12 May 2009 concerning the actual sale of the property known as 496 Wilberforce Road, Wilberforce (Hawkesbury Heritage Farm, formerly the Australiana Pioneer Village) be deferred until Council has considered a report in relation to the revised Business Plan recently submitted by the Friends of the Australiana Village Society Inc. in respect of the site.*
- 2. The proposal from the Friends of the Australiana Pioneer Village Society Inc. be referred to Council's External Auditor for comment."*

In accordance with Council's resolution, Council's External Auditor, PricewaterhouseCoopers, was engaged on 7 September 2009 to provide comment. Work is continuing in relation to other matters required as a prerequisite to implementing Council's initial resolution, including the task of identifying the owners of the artefacts and display items, and surveying and creation of a formal easement enabling electricity to be maintained to the sewage treatment plant, through the APV, up until the plant's decommissioning.

Further to assist in the review process and reporting back to Council on the third Business Plan, The Friends were asked, on 26 October 2009, to clarify and/or provide supporting/additional information on a number of matters. A copy of Council's letter is attached as Attachment 2.

The External Auditor submitted comments by letter dated 19 November 2009, and a copy is attached as Attachment 3.

The Friends responded to Council's letter dated 26 October 2009 for additional information or clarification by letter dated 16 December 2009. A copy of that response is attached as Attachment 4.

This report has been written from the perspective of Council making a commercial decision on the Business Plan submitted by The Friends. Accordingly it is no reflection, nor makes any judgements about the worth of the Friends' objective or cause.

BACKGROUND

Council has been, for some time now, considering the future of the property known as the Hawkesbury Heritage Farm (formerly the APV).

The property details in regard to this matter are as follows:

Address:	496 Wilberforce Road, Wilberforce
Title Particulars:	Lot 22 in Deposited Plan 829589
Zoning:	6C Open Space (Private Recreation)
Classification:	Operational
Area:	10.96 Hectares
Structures:	27 various dwellings located on site

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Heritage Listing: Australiana Pioneer Village listed on the State Heritage Register (No. 1683) - Government Gazette No.42 - 20 February 2004.

Council considered a confidential report in relation to the APV at its meeting held on 9 December 2008. The report outlined the history of the site and provided Council with options regarding its future.

Council, at its meeting on 9 December 2008 resolved, as follows:

"That the matter deferred until the second Ordinary Meeting in February 2009 and that three representatives of the Friends of The Australiana Pioneer Village Society Inc. be invited to attend the Councillor Briefing Session on Tuesday, 10 February 2009 to present their proposal to Councillors".

As a result, on 10 February 2009, three representatives of The Friends presented their proposal to Council at a Councillors' Briefing Session. The Friends discussed a new Business Plan (a second version) which replaced the one previously submitted and reported to the Council Meeting of 9 December 2008.

As a result of the presentation, The Friends were asked to submit its second Business Plan for Council's consideration. As the second Business Plan needed to be formulated, it was accepted that a further report would await the submission and subsequent proper evaluation of the new information.

Following receipt of the second Business Plan on 25 February 2009, and subsequent review, Council Officers met with representatives of the Friends on 25 March 2009 to discuss and clarify issues arising from the second Business Plan.

This led to a confidential report to Council's Meeting of 12 May 2009 and the subsequent events as reported above.

This report, as did the previous report, discusses the options (including the third and latest Business Plan submitted by The Friends) available to Council in regard to the future of the APV, namely:

1. Lease of the property to The Friends of the Australiana Pioneer Village Society Inc;
2. Lease of the property to a third party;
3. Sale of the property;
4. Operation of the property by Council; and
5. Retain the property and leave 'as is'.

For convenience, this report is in a similar format to those previously submitted to confidential meetings of Council. It should be noted that The Friends has indicated that they would like this matter considered in "Open Council" and has agreed to make its latest Business Plan publicly available, and therefore in terms of transparency, the relevant information within the report is repeated, and information has been updated or added as appropriate. Commercially sensitive information about Council's land valuation has not been included in this report, but remains as reported to Councillors in previous confidential reports.

Heritage Listing and its impact

Before outlining the various options available, it is noted that this entire property was listed on the State Heritage Register on 20 February 2004. As owners of the site, Council is required to achieve minimum standards of maintenance and repair under the Heritage Act 1977, even though it is not required to undertake restoration works. The minimum standards relate to:

- Inspection;
- Weatherproofing;
- Fire protection;
- Security; and
- Essential maintenance.

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Given the unique nature of the heritage site, it is arguable that some of the requirements may not be applicable to the site. Council is achieving some but not all of the standards however, it is noted that this property has not been generally open to the public since the lease expired with a private operator at the end of 2001.

The Heritage Council of NSW advises that an important tool in caring for a heritage item can be a Conservation Management Plan (CMP). A CMP guides the future care and use of a heritage site. A CMP provides a clear direction in the improvement, maintenance and use of the site in accordance with its heritage status. In APV's context, a CMP may be useful as a framework for an agreed-upon management approach to a heritage item.

There are alternatives to a CMP including a conservation management strategy (CMS), a statement of heritage impact, an asset maintenance plan, a condition report, an archaeological assessment or some combination of these documents. A CMS is a briefer version of a CMP that will provide a broad overview of conservation approaches and management guidance. A CMS may be useful where there are no major changes or interventions planned in the short to medium term that have the potential to materially affect the item.

Given the non-operational nature of the APV, Council has not prepared a CMP or CMS for the site. Should Council resolve to retain the site "as is", apart from maintaining the site at the minimum standards required under the Heritage Act, it may wish to also prepare a CMS. However, the sale or any of the leasing options provide Council with opportunity to arrange for a CMP for the site to ensure it is maintained to the standards required of it through commercial use.

The information presented regarding the Heritage listing remains unchanged to that previously reported to Council.

1. Lease of the property to The Friends of the Australiana Pioneer Village Society Inc.

As previously mentioned, The Friends provided Council a third Business Plan by letter dated 10 August 2009. The third Business Plan is essentially the same as the second with some key differences being that The Friends:

- Are seeking a preferred 20 year peppercorn lease with 2 x 20 year options (in lieu of a 99 year term);
- Are requesting an annual maintenance allocation of \$40,000 per annum for the first 5 years of operation (in lieu of Council paying sewerage, electricity and water charges while the sewerage treatment works remain on site), which is in addition to an upfront contribution of \$100,000;
- Have updated its Profit and Loss Statement reflecting the maintenance contribution and other expenses;
- Have provided more detail in respect of some of its income and expenditure forecasts;
- Have stated that they will not approach Council for any additional funding (in lieu of approaching Council for top-up funding only after all possible alternative sources of funding are exhausted);
- Have an expectation that it will be financially independent from external funding within 5 years (in lieu of 6 years);

Consistent with previous reports, The Friends' latest proposal is discussed under the following headings:

- a) Governance;
- b) Financial Capacity of The Friends;
- c) Proposed Visitation and Market Analysis;
- d) Sustainability;
- e) Lease Term; and
- f) Maintenance, Repairs and Infrastructure within APV

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Governance

The Friends are an incorporated body under the Incorporations Act. The Friends use the Model Rules of Incorporation, as set down by that Act. A separate constitution has not been prepared as yet. Should the Council accept its proposal, it intends to move to a company structure, limited by guarantee, with a constitution as per the current constitution.

The Friends has elected office bearers and has a limited number of members. It is understood that The Friends has formal meetings, and a copy of its minutes of the 2008 Annual General Meeting (AGM) have been sighted. Minutes of the 2009 AGM have, even though requested by Council, not been provided.

The Friends propose a management structure which comprises a Business Manager and two main committees. The Business Manager will provide overall supervision for the management of the operations. The Business Manager will liaise with the two committees. The two committees are "The Friends of the APV" who will carry out the day-to-day management of the APV, and the "Business Advisory Board" who will monitor progress to predetermined targets. Initially The Friends will employ two paid casual staff for a schools program and site management positions, but it will obviously have many volunteers.

The management structure projects more of a business-like organisational model and The Friends will be reliant on the Business Manager and the Board to bring the necessary expertise to run a commercial tourist venture.

The new Business Plan proposes income from annual membership and an increase in the membership base. As was the case previously, this premise is reliant on the success of the venture, and on existing members generating enthusiasm and passion to maintain, or increase, its membership base in the short to long term. The new Business Plan does not offer any insight as to the ability of the organisation to maintain a membership base beyond its existing members, and particularly into the long term. Council has endeavoured to obtain membership figures but The Friends claim that privacy laws do not allow it to provide membership details (see Attachment 4). The minutes of the 2008 AGM shows membership income of \$560 which would equate to a minimum number of 28 members based on a membership fee of \$20. The Business Plan projects membership income to increase to \$5,000 (equating to a minimum number of 250 members). No doubt the inactivity of the group has impacted on its formal membership numbers as well as its finances.

The organisation's future activity will be dependent, to a large extent, on the outcome of the current proposal with Council.

Currently, given its limited financial trading, and it being an incorporated body, it is not required to submit annual returns and financial statements to the Office of Fair Trading. Should The Friends become incorporated under the Corporations Act, a more onerous governance regime will be required to be met, relating to amongst other things, lodgement of annual returns, audited financial statements, formal Board and Member general meetings and minutes, proper notices and agendas, formal election process etc. In essence professional advice may be needed as the law in this area is quite detailed, and the penalties that the Corporations Act imposes for non-compliance with the law are quite significant. There is a difference in the amount of time and expertise that is required to understand and comply with the laws that govern incorporated associations and those that govern companies. The duties and liability of board or committee of management members are potentially more onerous for a company under the *Corporations Act* than for an association under the *Incorporation Act*.

Under this option, Council would need to ensure that The Friends has an appropriate legal structure and governance measures in place to safeguard the significant public asset, as well as significant funding to be entrusted to the group. There would also be issues about the administrative expertise to deal with the requirements of a new company, which The Friends would need to address.

In addition to the expertise of the Advisory Board to assist in the business management of the venture, The Friends indicate that its legal and accounting services will be donated by its Accountant and a Solicitor who are close supporters of The Friends.

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Financial Capacity of The Friends

The Friends indicated that its financial capacity is currently extremely limited given its inactivity with annual turnover less than \$5,000. The Friends has indicated that it has deliberately allowed funds to run down over the last few years, and it does not believe it ethical to raise funds until it has a firm agreement regarding the future management of the APV. Financial and bank statements of The Friends were requested, however it stated that privacy laws do not allow it to provide Council with this information (see Attachment 4). It went on to state that sufficient information should be available in the AGM Minutes. The minutes for 2008 AGM disclose a turnover of \$817.50 and a profit of \$491.00. Income was from membership and donations.

The Friends advised that the financial projections contained within its third Business Plan are conservative and generally estimated having regard to the capacity of the site and resources available.

The original Business Plan showed an operating profit of \$34,600 for the first full trading year which was later revised down to \$27,368. The current Business Plan shows that for the first full trading year The Friends project a profit of \$22,368, which includes the proposed Council contribution of \$40,000. Table 1 shows the projected income and expenditure for the Friends' first full year of trading.

Table 1 – Profit and Loss statement for the first full trading year.

	Previous BP (2nd)	Current BP (3rd)
Revenue	\$	\$
• Schools Program	9,000	9,000
• Membership	5,000	5,000
• Open Days	24,000	24,000
• Ground Hire	24,000	24,000
• Food & Memorabilia	15,000	15,000
• Sponsorship	35,000	35,000
• Grants	7,500	7,500
• Council Maintenance Contribution		40,000
Total Revenue	119,500	159,500
Expenses		
• Wages	30,000	30,000
• Advertising & Promotions	25,000	25,000
• Ground & Building Maintenance	10,000	30,000
• Insurance	5,000	5,000
• Food & Food Handling facilities	15,000	20,000
• Training Costs	4,900	4,900
• Council Rubbish Charges	2,232	2,232
• Utilities and rates		20,000
Total Expenses	92,132	137,132
Total Profit	27,368	22,368

Notwithstanding the revised profit and loss account being submitted by The Friends, there were some expenditure exclusions within the Profit and Loss Statement such as potential development application, food licensing and inspection fees, lease preparations expenses, stamp duty, and various company fees. Council sought clarification of such matters and it would appear that development application and food shop expenses including repairs and inspections is included as part of the item "Food & Food Handling facilities" of \$20,000.

The Business Plan does provide a Profit and Loss for three years for its Schools Program and it forecasts for profits of \$3,892, \$5,898 and \$7,804 respectively.

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The Friends aim is to be financially independent from external funding within 5 years. Unfortunately no financial information is provided to support this objective. In this regard, it has only provided a profit and loss statement for the first full trading year. The Friends claim that its proposal is sufficiently detailed to show that it can operate the APV in a profitable manner. On being requested for additional financial projections, The Friends responded that “any further projections would involve spurious crystal ball gazing, given that the site has not been opened to the public for 10 years”. It further stated that The Friends do not believe that the “invention of future figures would be of any real use”. It is noted that a key premise is that it will achieve financial independence from external funding within 5 years, and it does provide financial projections for 3 years for its schools program, as mentioned previously.

In the absence of forward planning, the ability of The Friends to achieve these results is based on the accuracy of the various assumptions made in terms of proposed sponsorship, grants, visitations and usage figures, market analysis, cost estimates, Council support, infrastructure assessments, and volunteer support amongst others. It maintains that the first year profit and loss statement can accommodate a variation of up to 14% before a loss will result (ie \$22,368).

Currently, The Friends has no working capital, nor has it undertaken any financial modelling to demonstrate its financial capacity to sustain unexpected losses, or negative cashflow positions, during the year. Currently it would appear that The Friends has very limited financial reserves, or overdraft facilities of substance, to meet anticipated or unanticipated expenditure when it falls due. It has not allowed for any contingencies in the normal operations of the facility. As such, it leaves Council vulnerable to further unplanned injections of funds to support the operations of the APV.

The Friends, as an entity, has no financial history, financial track record, or business profile to enable a proper financial assessment of its capacity to operate a financially viable business. Critical to the profit and loss projections will be promises being kept, and The Friends ability to seek volunteer work, “in kind” support, grants, visitations, etc and maintaining a cap on real expenditure. It has stated that accounting and legal services will be donated to The Friends.

As part of the financial arrangements, The Friends are seeking a one-off upfront contribution of \$100,000 from Council, and an additional sum equal to the annual maintenance allocation in Council's budget, from which The Friends will pay all Council fees and charges, including utilities, and continue to maintain and upgrade the APV facilities. The Friends has factored in \$40,000 as Council's annual contribution.

There is an expectation from The Friends that Council will act as in any other landlord/lessee arrangement. This would need to be clarified with The Friends in any lease agreement, as Council has varying arrangements with its lessees depending on the subject property. Generally, Council would require its lessees to pay or reimburse Council for all outgoings on the property, which would include rates (land, water, sewerage), insurance, electricity, repairs and maintenance, and land tax. The lessee would be responsible for keeping the premises, fixtures and fittings in good repair. Council would normally be responsible for expenditure of a capital nature to its asset, such as structural repairs (other than those provided by the lessee to run its business) and for the replacement of its fixed equipment, when required. Accordingly, Council, as landlord, will need to make adequate provision for such expenditure, which would seem to be on top of its annual contribution to The Friends.

Given the lack of financial statements beyond the first year of operation, Council cannot make any objective assessment on the financial capabilities of the Friends delivering its proposal.

Overall, the financial capacity of The Friends is considered to be extremely vulnerable due to the assumptions that are made, and as the projected financial statements are limited and still have various expenditure items excluded in them.

Proposed Visitation and Market Analysis

The Friends' Business Plan appears to be based on numerous “best guess” assumptions and projections. Market analysis and projected visitations have been developed and undertaken by The Friends. The new Business Plan supports such projections on the basis that it is indicated that many primary schools have expressed an interest in including an excursion to the APV on the curriculum for year 1 and beyond. Additionally, The Friends has provided documentation of support from other groups interested in visiting

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and/or assisting with the running of the APV. Furthermore, The Friends has advised that many local businesses have verbally indicated that the opening of the APV would be beneficial to their business, and therefore to the Hawkesbury LGA as a whole.

The Friends has only allowed projections for the next three years for the schools program.

Sustainability

The Business Plan's financial projections are for the first full year of trading with expectations that the operations will be self-sufficient within 5 years of operation. For reasons mentioned above, there are no financial projections or information to support this aim. However, The Friends do indicate that without surety of a long-term lease from Council, its long-term financial sustainability cannot be gauged. The current Business Plan relies heavily on volunteer and "in kind" work of members, supporters and sponsors, as well as the \$100,000 up front contribution and a \$40,000 annual contribution requested to be provided by Council.

Lease Term

The Friends seeks a 20 year peppercorn lease from Council with a further 2 by 20 year options. It also indicates that it is prepared to accept a 10 year lease with continuation based on performance determined by independent assessment.

Maintenance, Repairs and Infrastructure within APV

The originally submitted Business Plan by The Friends indicated that it could run the APV with only a minimal financial contribution by Council and no long-term financial input from Council. Within the later submitted Business Plan, The Friends has requested that Council contribute \$100,000 to enable them to undertake Heritage Act requirements. The most recent plan has also included an annual contribution of \$40,000 for the next 5 years with some expenditure offsets which they will pay.

The Friends has obtained independent quotations for all other repair works considered necessary in accordance with the Heritage Act (refer to page 4 of the Business Plan), for the APV to be operational and open to the public. The Business Plan estimates that such work would be \$119,807 (plus GST). The works include the preparation of a CMP, repairs and maintenance to roads, repairs to buildings, repairs to the toilet block, plumbing, and repairs to the shearing shed, electricity, fire equipment and perimeter fencing.

In discussions with The Friends, Council officers questioned whether all the works mentioned were Heritage Act requirements (eg road), and The Friends argued that all the proposed works listed are consistent with the maintenance and reporting requirements under the Heritage Act.

It also states that plumbing, electricity, fire equipment and perimeter fencing are listed maintenance requirements under the Heritage Act, and remain the owner's responsibility i.e Council. This would potentially equate in considerable unbudgeted expenditure by Council. In regard to the maintenance of the roads, it regards this as an obvious direct heritage benefit, as access to the site is essential for both security and fire, and for the continued operational use of the site.

It is accepted that the APV is currently maintained at a minimum standard; ie below that which would be expected should the APV be operational. Accordingly, some of the existing buildings and structures may require structural improvement, and it is likely that other works will be required beyond that estimated by The Friends.

It is noted that if Council were to lease the APV to The Friends, the property and buildings, located on site, would remain in the ownership of the Council, and therefore, any works carried out at the APV, like other Council owned properties, would be carried out under the guidance and supervision of Council staff.

For example, it is considered that an electrical upgrade (estimated to cost \$15,000 to \$30,000) would be required, as the existing aging underground mains are unlikely to be suitable for operational use. The Friends has allowed \$10,000. Additionally, given the increased public presence, fire protection equipment would need to be installed in all buildings within the APV (estimated to cost \$4,200 initially, plus annual

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service costs). The Friends has allowed \$6,000. As mentioned, Council's estimate for the preparation of the CMP is in the vicinity of \$60,000, whereas The Friends has allowed \$10,000.

It should also be noted and as mentioned in the previous Council report, Council quotations for the replacement of the existing amenities blocks and perimeter fencing were:

Demolish and Replacement of Amenities Blocks: \$181,120 (plus GST)
(including drainage connection and water tanks)

Boundary Fence Removal and Replacement: \$146,870 (plus GST)

TOTAL \$327,990 (plus GST)

In this regard, The Friends' Business Plan has allowed \$4,761 for the amenities block, as it believes that the toilets are only in need of repair. Yet it also states that the existing toilet facilities are in "very poor condition and require extensive repair". In terms of the fencing, it has allowed for repairs only and the use of voluntary labour to undertake that work, requiring only \$8,500. There is a significant variance between the staff estimate of some works and that of The Friends.

The current Business Plan proposes that The Friends become responsible for the payment of the rates and utilities for the duration of the time that the sewage treatment plant, currently located within the APV, is in operation. For 2008/2009, these costs equated to approximately \$20,000 while the property has been non-operational. This amount would obviously increase dramatically should the APV be commercially run. Such costs would be met from the requested annual maintenance contribution of \$40,000.

Council's operational costs for the last two financial years, and for this financial year up to 31 December 2009, for the APV, are as follows:

Expenditure	2007/08 (Actual)	2008/09 (Actual)	2009/2010 (to 31/12/09)
Council Rates & Charges	\$5,808	\$6,723	\$853
Electricity	\$3,195	\$3,807	\$3,833
Water*	\$5,155	\$10,411	\$2,914
Insurance	\$3,657	\$3,669	\$2,712
Maintenance	\$2,625	\$5,225	\$2,753
Total:	\$20,440	\$29,835	\$13,065

*Note: Water charges for 2008/2009 and 2009/2010 have been adjusted for a rebate for \$2561 received in 2009/2010 applicable to 2008/2009 billing period.

The Friends has raised the issue of monies received by Council through the operation of the Council's Sewerage Treatment Plant (STP) located on the APV property. The STP services a private residence, a commercial premises, some Council owned properties such as the APV, Wilberforce Shopping Centre and Long Day Care Centre, the Rural Fire Service, and a Primary School. Sewerage rates received in 2009/2010 from these premises amounted to approximately \$17,500. This rates income is identified as part of the sewerage operations budget, and includes the treatment plant, pumping station, rising main and reticulation mains which services them. As the sewerage fund is a separate entity, income raised within that fund can only be expended in that fund, and cannot be used to finance works and services outside of the fund.

It should be noted that Council's operating costs have been incurred notwithstanding there has been no activity within the APV. It is important to note the costs would greatly increase should the property be operational, and open to the public on a regular basis. In particular, it is anticipated that additional costs would be incurred for such expenditure items as repairs and maintenance, water, electricity and sewerage.

It should also be noted, that as Council is the owner of the asset, and should the decision be made that it be maintained in Council ownership, asset renewal decisions may be significantly different to that proposed by The Friends. For example, should Council expect the facility to run for 20 years, it may well

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decide to upgrade, say the toilets, to ensure a 20 year life rather than ongoing repairs as envisaged by The Friends.

In summary, under this option, it is still considered that the Council could be expected to fund an initial minimum expenditure of somewhere between approximately \$350,000 and \$365,000, taking into account the replacement of the toilet facilities, fencing, and fire protection equipment, and depending on the cost of the electrical upgrade. This does not take into account the other works forming part of the \$100,000 works list identified by The Friends. These are estimated to be approximately \$80,000 (ie road, buildings, shearing shed, and plumbing) and a further cost in the preparation of the CMP, of somewhere between The Friends estimate of \$10,000 and Council's estimate of \$60,000. In effect this would mean that the works required by Staff estimates are somewhere between \$440,000 and \$505,000.

In addition there may be unknown contingencies required to ensure that the facility is fully operational. Also, Council's annual recurrent expenditure will be on average at least approximately \$42,500 (see section 5 of this report) with substantial increases in utilities expenditure due to the commercial use. It is also anticipated that given the age of the infrastructure, there will be annual capital expenditure required by Council in order to fulfil its landlord responsibilities.

The Friends also propose that Council will pay the up front contribution of \$100,000 directly into The Friends working account, and a similar approach for the annual contribution of \$40,000. This raises significant accountability and probity issues over the custodianship of public monies. Key principles governing the expenditure of public monies is that Council must ensure that public monies are utilised prudently, appropriately, authorised in accordance with Council's normal accounting procedures, and expended for the purposes authorised. The payment of upfront and annual contributions, in the manner proposed by The Friends, would be contrary to good governance principles.

EXTERNAL AUDITORS COMMENTS

As mentioned previously comments on The Friends' Business Plan was sought from Council's External Auditors and those comments were provided by letter dated 19 November (see Attachment 3).

The External Auditors' overall view of the Business Plan is that:

"...it does not provide sufficient comfort to Council that the Friends will be able to achieve a financially viable operation even with the contributions requested from Council. This places Council at risk of having to make further contributions to the Friends and/or having the Village close down because of financial pressures."

CITY PLANNING COMMENTS

Preliminary comments were obtained from Council's City Planning Department in relation to approvals required for this property, if it were to again open to the public. The preliminary advice suggests that any business plan should consider the broader building, planning, heritage, engineering and architectural costs of a project, including Council fees, other agency fees and related professional consultant's costs. (It should be noted that as the property is State Heritage listed, it is likely that some works on the property or any of the buildings will require the development consent of Council with the concurrence of the NSW Heritage Council.)

It is understood that with a complex site such as APV there would be numerous past development approvals to be reviewed which does not seem to have been undertaken as part of the Business Plan preparation. Substantial research would also be required to determine the permissibility of any proposals, the works needed to be compliant with the Building Code of Australia, and any specialist construction techniques for heritage sites. In addition, there may be a range of other consultants costs required depending on those findings, and the nature of the proposal/issues (e.g. planning, building, architectural, engineering, heritage, traffic, vegetation, contamination investigations, acoustics, and so on).

Council's City Planning Department strongly suggests that any proponent for the future use of the APV should meet with appropriate Council officers, prior to the commencement of any activity or works on the site.

2. Lease of the APV to a Third Party

In relation to this option, The Friends premise is that its operations, will, at some point in the future become financially sustainable. Based on this premise, there is the potential that other parties may be interested in operating the APV as a going concern.

It should be noted that in 2001, Council prepared a 'Specification for Purchase or Lease/Management' of the APV. While expressions of interest have not been sought since 2001 for parties to lease/manage the APV, it is likely that any party wishing to lease the property may seek a similar arrangement to that sought by The Friends.

Notwithstanding The Friends' proposal, in terms of openness and transparency, market forces would dictate the level of commercial interest in operating the APV. This approach may assist the Council in better evaluating The Friends' proposal against other competing submissions, than currently is the case.

The market may also solicit different proposals for the use of the APV, which may be evaluated against all other alternatives. An appropriate marketing strategy would need to be devised, and a marketing budget allocated to ensure adequate market exposure. Council would factor into the requirements for the successful lessee to prepare a CMP to Council's satisfaction.

There is no doubt that should a long term lease arrangement be structured with a successful proposal, a return in the form of rental income would be derived for Council.

The acceptance of this option does not detract from the reconsideration of the other options, should the market response be not strong.

It should be noted that this option remains unchanged from that previously reported, and recent events demonstrate its viability. As a result of the public attention given to APV, Laurie Rose AM of Brown Consulting (NSW) Pty Ltd has sought a similar opportunity to The Friends to place his client's proposal before Council for its consideration. A copy of this letter is attached as Attachment 5. This has not been pursued given Council's current resolutions on this matter, but demonstrates that there is other interest in the use of the land.

3. Sale of the Property

This option has not changed since previously reported. In relation to this issue, on 31 August 2007, the APV was reclassified as 'Operational Land' thereby enabling Council to consider the sale or leasing of the property to another party.

Should this option be supported, then in accordance with Council's policy, the property would be sold at public auction, and a reserve price for such a sale would be set in accordance with the current market valuation prepared by Council's Valuers, and the General Manager would have delegated authority to accept a bid at auction up to 5% (five percent) below the reserve price, in the event that the reserve price is not reached as a result of the bidding.

A valuation report provided by KD Wood Valuations (Aust) Pty Limited has been obtained, and the valuation amount has previously been provided to Councillors in a closed meeting. This valuation has not changed nor been updated.

It should be noted that there are considerable artefacts and items within the buildings of the APV, some of which are on loan. Action to implement Council's resolution of 12 May 2009 commenced with a stocktake undertaken listing all the display items and artefacts on the property. Should the facility be sold, attempts would be made to contact the owners of the artefacts and display items on loan, and subject to proof of ownership, they would be offered the opportunity to remove them. It would then be proposed that the remaining artefacts and display items would be offered in the first instance, to Council's Regional Museum, and then if necessary to the purchasers of the APV for a price determined by a qualified valuer.

In addition, the sale of the APV would need to be subject to an appropriate legal arrangement being entered into for unrestricted access to and the continued operation of the Sewage Treatment Plant, until such time as the Wilberforce Sewerage Scheme is completed.

An appropriate registered real estate agent would need to be engaged with sufficient exposure to widely market the land and maximise interest in the land.

Under this option, it would be appropriate for Council to advise any potential purchaser that the new owner would be required to comply with the heritage and planning requirements of the site, and the possible need to prepare a CMP.

4. Operation of the Property by Council

Apart from the options of The Friends, or a third party, leasing and operating the APV, there is the option of Council re-opening and running the APV as a tourist/educational facility under its own banner, as was the case in the 1980's. In order for this to occur, Council would need to, amongst other things:

- Develop a Business Plan;
- Review its organisational structure and determine the most appropriate mechanism to manage the function;
- Determine the service level of operation and the level of human and other resources needed to meet the new function and the desired service level;
- Recruit skilled and experienced staff to operate the APV;
- Develop a forward capital works program and annual maintenance schedule;
- Allocate financial resources ie a budget to allow the function to operate at the desired level; and
- Reprioritise, and reallocate funds, from existing and future projects, and functions and services to meet the introduction of the new and unplanned function.

Currently the Council structure and resourcing is not geared to operating the APV and significant structural and financial adjustments would need to be made for this to occur. As a guide, in the past when Council had management of the APV, it employed three full time staff at the APV site, and in addition employed a number of people on a casual basis for the range of activities occurring on the site. In 1995 terms i.e. when Council last managed the property, the operation of the facility ran at a loss of approx. \$143,000, not including rates, sewerage charges and garbage charges.

Under this option, it would be appropriate for Council to prepare a CMP, to ensure that the heritage requirements of the site are taken into account given the heightened level of public use. This has been estimated to cost in the vicinity of \$60,000.

If Council were to again run the facility, given changes in maintenance issues, OH&S requirements etc, it is suggested that the "cost" to Council would be much greater than the previous amount. As such, this course of action could not be recommended to Council as viable.

This option remains unchanged to that previously reported.

5. Retain the Property 'As Is'

The land is 10.96 hectares with river frontage. It is important to note that the APV has been generally closed to the public since 2001. Since the closure, Council has continued to undertake minimal routine maintenance when required (painting, mowing, vandalism repairs, etc), as well as paying the relevant rates, insurances and utilities. The annual average costs for Council to maintain the property to the current standard equates to approximately \$42,500 per year between 2004/2005 and 2008/2009. Maintaining the status quo will mean that such operating expenditure continue to be incurred, with the real expectations that the level of expenditure will increase, given the current age and condition of the buildings and equipment on site. It should be noted that the periodic painting of the buildings is on an approximate five year cycle, given the age and condition of the buildings. The most recent painting occurred in 2005/2006 at a cost of approx. \$100,000.

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The cost to Council of maintaining the APV in a dormant state over the last five and a half years is itemised below.

Expenditure	2004/05 (Actual)	2005/06 (Actual)	2006/07 (Actual)	2007/08 (Actual)	2008/09 (Actual)	2009/2010 (to 31/12/09)
Council Rates & Charges	\$5,860	\$6,120	\$5,818	\$5,808	\$6,723	\$853
Electricity	\$3,438	\$3,076	\$3,872	\$3,195	\$3,807	\$3,833
Water*	\$2,079	\$2,692	\$1,922	\$5,155	\$10,411	\$2,914
Insurance	\$3,039	\$3,336	\$3,694	\$3,657	\$3,669	\$2,712
Maintenance	\$4,634	\$103,454	\$9,212	\$2,625	\$5,225	\$2,753
Total	\$19,050	\$118,678	\$24,518	\$20,440	\$29,835	\$13,065

*Note: Water charges for 2008/2009 and 2009/2010 have been adjusted for a rebate for \$2561 received in 2009/2010 applicable to 2008/2009 billing period.

It should be noted that Council receives income for the use of the site for filming purposes. In 2008/2009 Council received income of \$3,163 and to 31 December 2009 it has received \$250.

This options remains unchanged to that previously reported.

Evaluation of Options

1. Lease of the Property to The Friends of the APV

In the main, the third Business Plan of The Friends, and its supporting information, re-affirms the concerns expressed in the previous report to Council.

The new Business Plan has been more realistic in the level of support required from Council. It has a heightened level of effort and enthusiasm, which continues to be appreciated. Given the new business venture, it is acknowledged that The Friends are currently unable to provide detailed financial particulars to support their proposal, and estimations have been based on assessment of its capacity to operate the APV. However, the costs associated with the proposed agreement between Council and The Friends, as outlined above, would be expensive. These factors do not provide confidence in the projections put forward by The Friends, which are only for one year, and its intentions that the operations will be self funding within 5 years.

Unfortunately, without financial surety from the Friends, and given it is a significant public asset, and that Council has been requested to contribute \$100,000 as well as \$40,000 per annum, Council is unable to provide the community with a guarantee that future funding, in addition to the lump sum contribution of \$100,000, would not need to be provided should The Friends be unable to fulfil the obligations of its lease, or meet any shortfall in income.

There is no doubt that the operations of the facility in the past have encountered significant problems. This, coupled with the uncertainty over the financial projections, and ability of The Friends to undertake this type of operation, in the short term, or over an extended lease term, is seriously questioned based on the information available and the fact that The Friends has no track record in operating and maintaining a venture of this magnitude, without ongoing financial assistance from Council. It is acknowledged that the management structure has improved to that previously proposed, but is reliant to some extent on the expertise of the proposed new Business Manager, Mr Sid Kelly, OAM.

The proposal does hold significant risks to Council in terms of initial capital works, ongoing financial commitments, generating required operating income and grant funding, and surrogate guarantor arrangements, should the operations run into financial difficulty. The Friends do not have the financial resources to secure working capital or meet unforeseen contingencies, without either the financial support of its members, or personal guarantees of Office Bearers to secure a line of credit. The proposal to form a company limited by guarantee, normally ensures that Directors are not personally liable for debts incurred should the company go into liquidation. However, in securing lines of credit with no operating history,

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Director's personal guarantees may be required from financial institutions, particularly in the current economic climate.

Council's External Auditor has also no comfort with The Friends' proposal, and alerts Council to the risks for Council in pursuing this option. In addition the Business Plan does not address the numerous planning issues that arise having regard to the nature of the site and its intended use.

In summary, under this option, Council's financial exposure is extremely difficult to assess but considered to be expensive and volatile. It seems clear that the stated \$100,000 Council contribution put forward by The Friends, does not match Council's expectations of the level of works required. Taking into account the building, road and plumbing works identified by The Friends, as well as the replacement of the toilet facilities, fencing, fire protection equipment, the electrical upgrade, and the preparation of the CMP, the cost estimates are somewhere between \$440,000 and \$505,000.

In addition, Council's annual recurrent expenditure will be on average at least approximately \$42,500. Further, it is also anticipated that given the age of the infrastructure, there will be annual capital expenditure required by Council in order to fulfil its landlord responsibilities, should the APV operate on a commercial basis. The issue of the minimum standards required under the Heritage Act will need to be fully explored. While it is arguable whether a CMP is currently required in its dormant state, it will become a necessity should the APV become operational. As mentioned, the cost of preparing a CMP for the site varies between \$10,000, as stated by The Friends, to \$60,000 as estimated by Staff. Other than a minor maintenance and outgoings budget allocation, cost of the CMP, the significant capital, and recurrent expenditure are unbudgeted.

It is noted that should Council decide to lease the facilities as a going concern, and expend monies to do so, this will heighten community expectations that the facility will be maintained for a significant period. Such expectations will undoubtedly create significant pressures on Council to keep the facilities open, should the financial predictions not eventuate and the operations run at a loss. The pressures will obviously be for Council to subsidise its operations, thereby creating significant budgetary pressures in the future.

The probity considerations for the various options are dealt with later in this report and they do not support a lease to a third party without testing the market.

Accordingly, a lease agreement between Council and The Friends is considered to be a high risk and not supported as a preferred option.

The capital contribution of \$100,000 towards works to meet Heritage Act requirements, and all other significant works at the property, raise issues that require to be further investigated and addressed. In order to meet Council's responsibilities regarding the stewardship of its assets, it will need to ensure that appropriate accountability mechanisms are in place to account for any up front contribution, and annual contributions, and to ensure that all works done on the APV are undertaken in a trade like manner. In this regard, it is important that all projects are overseen by a qualified / licensed operator and Council has approved such work. Council contractors in the main are required to be the qualified / licensed contractors, providing Council with relevant Occupational Health & Safety information and Safe Work Method Statements.

2. Lease of the Property to a Third Party

In terms of good governance practices, should Council wish to retain the site and consider the leasing of the site to a third party, it would be appropriate to test the market for viable proposals. The extreme concern with the Business Plan put forward by The Friends, is the capacity of that organisation to run a viable going concern at the APV, without Council subsidies, in the short-term to long-term. This option provides an opportunity to attract interested parties possibly with greater financial and human capacity, thereby minimising the financial and other risks to Council.

However, the exact financial implications of this option will be dependent on the proposals received from the public. It is envisaged that any leasing proposal will require some funding from Council, both as capital and recurrent expenditure, given its obligations as lessor. The level of initial capital expenditure may well

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be similar to that as assessed under The Friends' proposal that would require considerable financial support from Council, and this support is currently unbudgeted. The Council would seek to require the lessee to prepare a suitable CMP, which would reduce the amount between \$10,000 to \$60,000.

This option means there will be greater administrative and management responsibilities placed on Council staff. The probity considerations for the various options are dealt with later in this report, and having regard to those considerations, this option through a marketing testing process, would be favoured over a lease direct to The Friends. A further report to Council would be required should this option be considered, as agreement to the terms and conditions and specifications would be required prior to testing the market.

As in the previous lease option, all other significant works at the property raise issues that require further investigation. In order to meet Council's responsibilities regarding the stewardship of its assets, it will need to ensure that appropriate accountability mechanisms are in place, to ensure that all works done on the APV are undertaken in a trade like manner. In this regard, it is important that all projects are overseen by a qualified / licensed operator, and Council has approved such work. Council contractors in the main are required to be the qualified / licensed contractors, providing Council with relevant Occupational Health & Safety information and Safe Work Method Statements.

3. Sale of the Property

The invitation to purchase or lease/management in 2001 attracted an interest in the purchase of the facility, and importantly, at the time, there was an intention of some of the applicants to restore and further develop the existing theme and potential of the APV. Council at the time considered it opportune to dispose of the property, after regard to similar options which confronted it at that time. Based on the options available to Council now, and taking into consideration the potential financial impact on the Council and the community, it is suggested that the sale of the APV would be the most appropriate option for Council. The sale of the APV would enable Council to obtain a lump sum income, as reported in previous confidential reports, from the sale proceeds and as well as securing annual cost savings of approximately on average \$42,500, due to the elimination of the property as a Council asset.

As part of the sale it would be expected that the new owner would prepare a CMP as part of its business operations.

This option provides Council with the least risk scenario and does not impact on Council's human and financial resource capabilities relative to the other options.

Council's current policies and procedures deal with the probity considerations in implementing this option.

This option remains unchanged to that previously reported to Council.

4. Operation of the Property by Council

The option of Council operating the APV provides similar high risks to the option associated with leasing the facility to The Friends or another party. Past involvement has shown that the operations of such a facility requires significant subsidies from Council, and even a breakeven point (excluding capital expenditure) will be extremely difficult to achieve in the medium to long term. From an income perspective, the unknown is visitation numbers, and in the first instance, whether there is a viable market for such an educational tourist facility, and if so, at what scale would such a facility viably operate. The inherent size of the APV may, in any case, make it commercially unviable for the limited market that may be attracted to such a facility.

It is also apparent, as was the case in 2001, that significant funds would need to be invested to return the APV to its original condition, and to be upgraded to meet current visitor needs, i.e. a more vibrant and interactive facility to cater for a diverse visitor market. In addition, significant funds will need to be provided to fund the day-to-day operations of the APV. Currently both capital and operational costs, of the magnitude required, are not budgeted. The question is one of whether Council wishes to invest significant funds in a facility such as the APV. This option would require Council to reassess, reallocate and/or reduce/postpone other planned works, services and future priorities.

Apart from a financial perspective, the administrative risks are high in such a venture where local government does not have the human capacity to operate such specific commercial operations. In addition, the necessary "expertise" is not currently available and would need to be acquired as part of the process and cost. In light of the high risks and costs associated with this option, it is not recommended.

5. Retain the Property 'As Is'

The land is classified as operational land, and Council will have idle an asset of significant value. The value remains unchanged to that previously reported to Council in confidential session. There are also costs associated with maintaining the dormant facility, and with the aging of the infrastructure, with such costs expected to increase over time. It is expected that annual recurrent costs of approximately \$42,500 would be expected, with cycles of significant higher annual costs due to major maintenance eg painting, which is estimated to be \$150,000 in the next cycle of 5 to 7 years.

In taking into account the market value of the land, and the fixed and recurrent costs of maintaining the APV in a dormant state, this option does not provide Council with the most effective and efficient use of this significant Council and community resource. Accordingly, this option is not supported.

Probity Considerations Impacting Decision Making

As with the expenditure of any public money, three over-arching principles are good practice that should guide public sector decision-making. These principles are value-for-money, transparency and probity.

Other than Options 4 and 5, the decision Council is making is whether to sell or lease the property. In implementing either the lease or sell option, further measures will be required to ensure that the process is open and transparent. Best practice principles dictate that Council should not deal with just one party with regard to the sale or lease of the property (unless specific extenuating circumstances exist such as those recently detailed in respect of a proposal to extend the Hawkesbury Living Nursing Home by the Richmond Club), but rather provide an opportunity for all interested parties to submit proposals. This is to ensure that Council is not seen to be bias, or showing preferential treatment, to any one party. The process needs to ensure that there is a level playing field and, subject to whether Council decides to lease or sell the land, all interested parties have an opportunity to bid for the purchase of the land, or submit a proposal for the leasing of the land.

In terms of dealing with the probity considerations for the sale of land, these are mentioned elsewhere in this report. Council's adopted policies and procedures adequately address these considerations.

The leasing option is somewhat more complex and will require a further report to Council. In dealing with the probity issues, the leasing process would involve the formulation of appropriate terms and conditions, the preparation and approval of a specifications document, a public call for expressions of interest, and a report back to Council. Even in respect of The Friends proposal, probity and accountability measures would need to be formulated to ensure that the upfront contribution of \$100,000, and the annual contributions, are properly expended and accounted for.

Conclusion

Council has a significant public asset in the APV, classified as operational land, with a market value as previously reported to Council. The future of the APV has been a contentious issue for many years. Supporters of the continuance of the APV have formed into a not-for-profit association called The Friends of the Australiana Pioneer Village Society Inc. ("The Friends"). The Friends, being a single purpose community based organisation, having a commitment and a passion to operate the APV through Council and community support, with the vision to work towards self-sufficiency. This is a commendable objective.

The current Business Plan is based on subjective assumptions and limits its overall financial budget to the first full year of trading of a desired 20-year lease term. It proposes an improved management structure, and is more realistic as to the level of Council's upfront contribution, and annual contributions for the next five years. It still suffers, like many other community-based groups, of having no material assets, cash reserves or reputable lines of credit to support its significant business proposal. The Friends' proposal will

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require significant capital funding by Council to bring the facilities up to a suitable level for public opening. The significant discrepancies between The Friends' estimates, and those of Council, indicate the extreme risk in the option to lease to The Friends. The estimates range from \$100,000 (based on the Council contribution proposed by The Friends) to \$505,000 being the higher end estimates by Council.

The current Plan proposes that Council make an annual contribution of \$40,000, which the Friends will pay for rates, and other utilities. The current Plan states that this annual contribution is only proposed for the next five years. However, The Friends do not have the financial capacity to sustain losses on commencement of its operations, and it may fall upon Council to inject further funds to ensure The Friends continued feasibility.

The External Auditor has also expressed concern about the financial viability of the operation and Council's risk exposure, and there are in addition numerous planning issues to be addressed which have not been factored into the Business Plan.

Similar high risks to that of The Friends' option are associated with the related option of leasing the property to a third party. The level of risk to Council will be dependent upon the quality of the proposals received from any other interested parties. The previous experience at seeking expressions of interest from interested parties did solicit encouraging results, notwithstanding that Council at the time viewed the sale of the property as the most viable option. Council will be required, as with The Friends option, to invest significant capital funds to bring the facilities to a standard safe and appropriate for public visitations. Of the two leasing options this would be preferred as Council would allow market forces to dictate the level of commercial interest in operating the APV. This has been reinforced by the approach by another interested party to have a similar opportunity to that afforded by the Friends.

The Council does not have the human or financial capacity to operate the facility itself. This option would place an adverse financial strain on Council. Conversely the retention of the site as is, means that a Council asset is left dormant and subject to annual ongoing holding costs in terms of rates, utilities, maintenance and repairs. It is noted that the APV has laid dormant for a number of years and cost has been expended in maintaining the property at a minimal level. Of all options, this one provides Council with the least effective and efficient use of this significant Council and community resource, and is contrary to sound sustainability principles. Accordingly, maintaining the status quo is not supported.

Having regard to the options available and the associated risks with each, the sale of the APV remains the most prudent financially sustainable option available to Council. The option removes the financial risks associated with the other options and does not require the significant adjustments to Council's budget to cater for the leasing options.

All other options require ongoing funding by Council. Some options involve both significant unbudgeted capital expenditure and recurrent expenditure. The option of leasing the facility to The Friends, and even a third party, provides significant risk to Council.

Accordingly, in view of the above, the sale of the APV is still recommended. This has been strengthened by the comments by Council's External Auditor. As part of the sale process, prospective purchases would be advised of the heritage and planning requirements, and the possibility that the new owner would be required to prepare a CMP.

Conformance to Strategic Plan

The proposal is consistent with the *Shaping our future together* Directions statement;

"Be financially sustainable to meet the current and future needs of the community based on a diversified income base, affordable and viable services"

and is also consistent with the strategy in the Community Strategic Plan being:

"Maintain and review a sustainable long term financial framework."

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Funding

Council has allowed for minimal maintenance and operating expenditure in relation to the APV in the 2009/2010 Budget. Other options and capital expenditures are unbudgeted and would require a Budget review and reallocation depending on the option selected. In terms of The Friends' proposal, there is no funding for the requirements of the requested up front payment of \$100,000, nor the annual contribution of \$40,000. Council's estimates of an initial capital expenditure of approximately \$440,000 to \$505,000, and future capital and recurrent expenditures under the various options, have not been budgeted for.

RECOMMENDATION:

That:

1. The contents of this report regarding the revised Business Plan from The Friends of the Australiana Pioneer Village Society Inc. and outlining the various options available to Council in relation to the future of the property known as 496 Wilberforce Road, Wilberforce be noted.
2. Council reaffirm its resolution from the Council Meeting of 12 May 2009 that:
 - a. Council, on the basis of least risk and financial exposure, proceed with the sale of the property known as 496 Wilberforce Road, Wilberforce, in accordance with Council's appropriate policies for the sale of Council property at public auction and subject to:
 - i. The sale not including the artefacts and display items currently at the subject property; and
 - ii. Appropriate legal arrangements being entered into for unrestricted access to, and the continued operation of the Sewage Treatment Plant until such time as the Wilberforce Sewerage Scheme is completed.
 - b. Appropriate action be taken to contact the owners of the artefacts and display items on loan, and subject to proof of ownership they be offered the opportunity to remove them. The remaining artefacts and display items be offered in the first instance to Council's Regional Museum and then if necessary to the purchasers of the property for prices determined by a qualified valuer.
 - c. Authority be given for the Seal of Council to be affixed to any documentation in regard to this matter.
3. The Friends of the Australiana Pioneer Village Society Inc. be advised of Council's decision.

ATTACHMENTS:

- AT - 1** The Friends of The Australiana Pioneer Village Society Inc – Revised Business Plan Calendar Year 2009 - *(Distributed Under Separate Cover)*
- AT - 2** Letter dated 26 October 2009 to The Friends of the Australiana Pioneer Village Society Inc. requesting clarification and additional information - *(Distributed Under Separate Cover)*
- AT - 3** Letter dated 19 November 2009 from PricewaterhouseCoopers - *(Distributed Under Separate Cover)*
- AT - 4** Letter dated 16 December 2009 from The Friends of The Australiana Pioneer Village Society Inc providing additional information *(Distributed Under Separate Cover)*

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AT - 5 Letter dated 4 November 2009 from Mr Laurie Rose, AM, Brown Consulting (NSW) Pty Ltd
(Distributed Under Separate Cover)

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 2 February 2010

Item: 11 SS - Code of Meeting Practice - Questions Without Notice - (79337)

Previous Item: 210, Ordinary (29 September 2009)
 123, Ordinary (30 June 2009)
 NM, Ordinary (12 May 2009)
 201, Ordinary (28 June 2005)
 62, Ordinary (9 November 2004)

REPORT:

Council, at its meeting of 29 September 2009, in relation to its review of the Code of Meeting Practice, resolved in part:

"That:

1. *In Council's view the amendments, other than that relating to the proposal to discontinue "Questions Without Notice", made since exhibition of Council's Draft Code of Meeting Practice are not substantial and accordingly, but for that one exception, they may be adopted without further exhibition.*
2. *The sections of the existing Code of Meeting Practice relating to "Questions Without Notice" be retained in the Revised Code on an interim basis.*
3. *The Revised Draft Code of Meeting Practice, as exhibited and amended by this resolution be adopted by Council.*
4. *The Revised Code of Meeting Practice as amended take effect from 10 November 2009.*
5. *In Council's view, the practice of "Questions Without Notice" does not constitute transacting business in the terms of Section 241 of the Local Government (General) Regulation 2005, as no resolutions of Council are made by means of that practice, unless through the moving of a motion of urgency as provided for in Section 241 (3).*
6. *Council obtain legal advice as to whether the asking of questions seeking information and answering of those questions by councillors or staff constitutes transaction of business in the terms of Section 241 of the Local Government (General) Regulation 2005.*
7. *In the event that legal advice supports the view that "Questions Without Notice" are not inconsistent with Section 241 of the Local Government (General) Regulation 2005, Council write to the Minister for Local Government conveying that advice and stating its view that "Questions Without Notice" are an important dimension of councillors' role on behalf of the community and the Department's Practice Note No. 16 should be amended to permit the continuation of such questions with appropriate procedural conditions."*

In relation to point 6 above, legal advice was sought from Marsdens Law Group, and a copy of the legal advice, received by letter dated 16 December 2009, is attached as Attachment 1 to this report.

The legal advice supports the views expressed by the then Department of Local Government in its updated Practice Note 16 – Meetings Practice, issued in August 2009. The legal advice, in relation to having Questions on Notice as an agenda item, concludes by stating:

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“Whilst it may have been the practice of some councils in the past to have an agenda item for ‘Questions Without Notice’ we agree with the view expressed by the Division of Local Government, Department of Premier and Cabinet in Practice Note 16 that having such an agenda item is inconsistent with the provisions of the Regulations and is likely to constitute a breach of the LG Act in respect of which any person may bring proceedings in the Land and Environment Court to remedy or restrain (see section 674 of the LG Act).”

As previously reported, under Section 360(2) of the Local Government Act, 1993 (the Act), Council may establish a Code of Meeting Practice. The Code must incorporate meeting procedures set out in the Act, and Local Government (General) Regulation 2005, and can incorporate local provisions. However, in adopting local provisions, the Code must be consistent with the relevant legislative provisions.

Accordingly, the Code of Meeting Practice meets the above requirements, except in respect of the issue of “Questions Without Notice”. The advice in the Practice Note, in relation to this issue, is that:

- Councillors may ask questions during the meeting on matters on the business paper, as outlined in the Code;
- Councillors can ask questions of the General Manager using the “questions on notice” provisions of the Code, including appropriate notice;
- A matter, not on the business paper, may be dealt with where the matter is ruled by the Chairperson to be of great urgency, but only after a motion is passed to allow this particular business to be dealt with.

In addition, and as previously mentioned for operational matters, Councillors may utilise existing protocols, and contact the General Manager or relevant Director for a response. Council is investigating upgrading the electronic Customer Request Management System which may also be utilised by Councillors to lodge enquiries, questions and the like.

In light of the legal advice and the advice contained within the Practice Note, it is suggested that the Code of Meeting Practice be amended to delete reference to “Questions Without Notice”, by making the following changes:

- In Clause 2.3.4 - delete sub clause 4 – Tabling of Documents during question time.
- In Clause 2.3.6 - “Order of Business” - delete Item 12 “Councillors’ Questions without Notice”, and renumber remainder.

Such amendments are not required to be publicly exhibited as they are amendments required to bring the Code in line with legislative requirements.

It is pointed out that these changes are only being recommended to ensure that Council's Code meets legislative requirements and the Practice Note issued by the Division of Local Government.

Conformance to Strategic Plan

The proposal is consistent with the *Shaping our future together* Directions statement;

“Have transparent, accountable and respected leadership and an engaged community.”

and is also consistent with the strategy in the Community Strategic Plan being:

“Having ongoing engagement and communication with our community, *governments and industries.*”

Funding

Not applicable.

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RECOMMENDATION:

That Council's Code of Meeting Practice be amended to delete references to "Questions Without Notice", by deleting Sub-Clause 4 of Clause 2.3.4, and Item 12. "Councillors' Questions Without Notice" in Clause 2.3.6.

ATTACHMENTS:

AT - 1 Legal advice received from Marsdens Law Group dated 16 December 2009.

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AT - 1 Legal advice received from Marsdens Law Group dated 16 December 2009

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oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 2 February 2010

Item: 12 **SS - Classification of Land - Lot 1061 DP1131838 - 138 Johnston Street Pitt Town
- Sewage Pumping Station - (95496, 87959)**

Previous Item: 280, Ordinary (8 December 2009)
 11, Ordinary (3 February 2009)
 243, Ordinary (25 November 2008)
 146, Ordinary (8 July 2008)
 170, Ordinary (25 August 2009)

REPORT:

Council, at its meeting of 8 December 2009, resolved as follows:

"That Council:

1. *Pursuant to Section 34(1) of the Local Government Act 1993, give public notice of a proposed resolution to classify Lot 1061 DP 1131838 as "Operational Land", being land associated with the sewage pumping station for Pitt Town;*
2. *A further report be submitted to Council at the conclusion of the 28 day public exhibition period."*

In accordance with the requirements of the Local Government Act (LGA), Council gave public notice of the proposed resolution to classify the land as operational and invited public submissions. Submissions closed on Friday, 15 January 2010, with no submissions being received.

As background, Council adopted a sewerage strategy in October 2008, to provide reticulated sewerage services to the rezoned land at Pitt Town. The strategy had been developed by the Johnson Property Group Pty Ltd, the major developer within the rezoned area. The strategy required the construction of a new pumping station at Pitt Town (off Bootles Lane) (P.S.T) and a new rising main to transfer flows to McGraths Hill Wastewater Treatment Plant (MHWWTP). This new infrastructure has now been provided, and it was agreed that the sewage infrastructure, on satisfactory completion, would become the property of Council, who will then be responsible for its ongoing operation and maintenance.

The Johnson Property Group Pty Ltd has now transferred the ownership of the land, on which the sewage pumping station is located, to Council. The Certificate of Title for the new Deposited Plan and Lot Number, being Lot 1061 in Deposited Plan 1131838 listing Council as the owner, was issued by the Department of Lands on 16 December 2009.

In relation to this matter, the LGA requires that before a council acquires land, or within 3 months after it acquires land, it must resolve that the land be classified as community land or operational land. If no such resolution is made, the land will be classified by default as community land. Public notice is required prior to classification as operational land.

Given that the purpose of the subject property is for sewerage operations, and that the statutory classification process has been followed, it is reasonable that Council now resolves to classify the land as Operational land, as defined in the Local Government Act 1993.

Conformance to Strategic Plan

The proposal is consistent with the *Looking after people and place* Directions statement;

"Have development on both sides of the river supported by appropriate physical and community infrastructure"

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and is also consistent with the strategy in the Community Strategic Plan being:

“Identify community needs, establish benchmarks, plan to deliver and advocate for required services and facilities.”

Funding

The finalisation of the classification process under the LGA will not have any effect on the budget.

RECOMMENDATION:

That Council:

1. Pursuant to Section 34 of the Local Government Act 1993, hereby classify the property known as Lot 1061 DP 1131838, 138 Johnston Street, Pitt Town as Operational Land.
2. Delegate authority to the General Manager to execute any necessary documentation.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING**Meeting Date:** 2 February 2010**Item: 13 SS - Monthly Investments Report - November 2009 - (96332, 95496)****Previous Item:** 17, Ordinary (3 February 2009)**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 Regulation and the Council's Investment Policy.

November 2009

The following table indicates that Council held \$39.1 million in investments as at 30 November 2009. Details of the financial institutions with which the investments were made, date investments were taken out, the maturity date (where applicable), the rate of return achieved, the credit rating of the institutions and the investments and the percentage of the total portfolio, are provided below.

Investment Type	Institution Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Investment Rating	Total \$
On Call								
CBA	AA	30-Nov-09		4.00%	4,640,000	11.90%	A1+	4,640,000
Term Investments								
ANZ	AA	22-Sep-09	24-Mar-10	4.75%	2,000,000	5.12%	A1+	
ANZ	AA	25-Nov-09	24-Nov-10	6.00%	1,000,000	2.55%	A1+	
ANZ	AA	24-Jun-09	21-Dec-09	4.50%	3,000,000	7.66%	A1+	
ANZ	AA	02-Sep-09	02-Sep-10	5.25%	2,000,000	5.12%	A1+	
Bank of Cyprus	A	02-Nov-09	27-Oct-10	5.70%	1,000,000	2.55%	Moody's P-1	
Bank of Queensland	BBB+	20-Jul-09	19-May-10	4.50%	1,000,000	2.55%	A-2	
Bankwest	AA	19-Aug-09	19-Aug-10	5.00%	1,000,000	2.55%	A1+	
Bendigo and Adelaide Bank	BBB+	09-Oct-09	13-Oct-10	5.30%	1,000,000	2.55%	A-2	
Citibank	A+	20-Jul-09	21-Apr-10	4.60%	1,000,000	2.55%	A-1	
Credit Union Australia	BBB	30-Jul-09	24-Mar-10	4.62%	1,000,000	2.55%	unrated	
Elders Rural Bank	BBB	15-Jun-09	15-Jun-10	4.64%	1,000,000	2.55%	A-2	
IMB	BBB	30-Jul-09	27-Jan-10	4.45%	1,000,000	2.55%	A-2	
Investec Bank	BBB	02-Sept-09	02-Sep-10	5.74%	1,000,000	2.55%	Moody's P-2	
Macquarie Bank	A	18-Jun-09	15-Jun-10	4.50%	1,000,000	2.55%	A-1	
Members Equity	BBB	03-Aug-09	03-Mar-10	4.65%	1,000,000	2.55%	A-2	

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Investment Type	Institution Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Investment Rating	Total \$
NAB	AA	29-May-09	16-Dec-09	4.28%	3,500,000	8.96%	A1+	
NAB	AA	05-Jun-09	16-Dec-09	4.40%	2,000,000	5.12%	A1+	
NAB	AA	02-Sep-09	04-Aug-10	5.20%	1,000,000	2.55%	A1+	
NAB	AA	25-Nov-09	26-May-10	5.50%	1,000,000	2.55%	A1+	
Newcastle Permanent	BBB+	18-Jun-09	15-Jun-10	4.55%	1,000,000	2.55%	A-2	
Suncorp	A	12-Jun-09	14-Jun-10	4.60%	1,000,000	2.55%	A-1	
Westpac	AA	20-Jul-09	20-Jan-10	4.40%	3,000,000	7.66%	A1+	
Westpac	AA	24-Jun-09	24-Feb-10	4.41%	3,000,000	7.66%	A1+	34,500,000
TOTAL INVESTMENT AS AT 30 NOVEMBER 2009								39,140,000

	Bench Mark	Actual
Bench Mark - UBSA 90 Day Bank Bill Index	4.06%	4.73%
Bench Mark - 11am Cash Rate	3.50%	4.00%

Performance by Type

Category	Balance	Average Interest	Difference to Benchmark	Restriction Type	Amount
Cash at Call	4,640,000	4.00%	0.50%	External Restrictions -S94	6,682,924
Term Deposit	34,500,000	4.73%	0.67%	External Restrictions - Other	10,517,672
				Internal Restrictions	15,602,496
				Unrestricted	6,336,908
	39,140,000	4.65%	0.59%	Total	39,140,000

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

External Restrictions – Section 94 Contributions

External Restrictions – Other (reserve details below)

Waste Management
Sewerage
Unexpended Grants
Stormwater Management

Internal Restrictions (reserve details below)

Employees Leave Entitlements
Election
Information Technology
Plant Replacement
Infrastructure
Property Development (currently negative balance)
Risk Management
Heritage

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Sullage Tip Remediation

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

In respect of funds subject to internal restrictions, whilst it would “technically” be possible for these funds to be utilised for other purposes such a course of action, unless of a temporary internal loan basis, would not be recommended nor would it be “good business practice,” as these funds have been allocated for specific purposes (information technology, plant replacement, risk management, etc.) or to meet future known expenses that should be provided for on an ongoing basis (employee leave entitlements, election, etc.)

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

Investment Commentary

The investment portfolio increased by \$0.85 million for the month. During November, various income was received totalling \$6.70 million, including rate payments amounting to \$3.34 million, while payments to suppliers and staff costs amounted to \$4.39 million.

The investment portfolio currently involves a number of term deposits and on-call accounts.

The investment portfolio is regularly reviewed in order to maximise investment performance and minimise risk. Council's investment portfolio has been reviewed and rebalanced in favour of investments not subject to share market volatility. 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 and Council's investment portfolio is independently reviewed each calendar quarter.

Council, at its meeting on 3 February 2009, considered a report on the Federal Government's Guarantee Scheme on deposits and wholesale funding of eligible authorised deposit-taking institutions and resolved as follows:-

"That:

- 1. In respect of Council funds invested with acknowledged tier one major Australian trading banks (ANZ, CBA, NAB and Westpac), that Council accept the coverage available, without cost, from the Federal Government's "Guarantee Scheme", and not optionally guarantee additional funds.*
- 2. Council's investments in other banking institutions, not referred to in 1 above, and authorised under the current Ministerial Investment Order and Council's Investment Policy, be limited to an amount equivalent to the level of funds that receive coverage under the Federal Government's "Guarantee Scheme" without additional cost to Council.*
- 3. All investments be made in accordance with Council's investment policy.*
- 4. Council receive a further report updating Council's Investment Policy following the release of new investment guidelines by the Department of Local Government."*

Action was taken to comply with the above resolutions, by not optionally guaranteeing amounts invested with the tier one major Australian trading banks (ANZ, CBA, NAB and Westpac), over and above the amounts that are covered by the free Government Guarantee Scheme. Further, at its meeting on 28 April 2009, Council considered a report on a revised Investment Policy and resolved to adopt a revised

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Investment Policy. Council's revised Investment Policy fully complies with the Department of Local Government Investment Guidelines that were distributed on 25 May 2009.

As at 30 November 2009, Council has invested \$13 million with 2nd tier financial institutions, noting that one of these institutions is a subsidiary of a major Australian trading bank. The investment of \$1 million with thirteen 2nd tier banks is entirely covered by the free Government Guarantee Scheme, and is in accordance with the revised Ministerial Investment Order, Council's Investment Policy, and Council's resolution at its meeting on 3 February 2009.

Effective from 2 December 2009, the Reserve Bank raised official interest rates by one quarter of one percent to a cash rate of 3.75%.

The Governor of the Reserve Bank of Australia released the following statement on monetary policy on 1 December 2009:

"At its meeting today, the Board decided to raise the cash rate by 25 basis points to 3.75 per cent, effective 2 December 2009.

The global economy has resumed growth. With economic policies remaining expansionary, growth is likely to continue next year, though it will probably be modest in the major countries, due to the continuing legacy of the financial crisis. In China and Asia generally, where financial sectors are not impaired, recovery has been much quicker to date and prospects appear to be for good growth in 2010. Financial markets have improved considerably during 2009, notwithstanding periodic setbacks, and capital flows into Asia and other emerging market regions have been picking up.

In Australia, the downturn was relatively mild, and measures of confidence and business conditions suggest that the economy is in a gradual recovery. The effects of the early stages of the fiscal stimulus on consumer demand are fading, but public infrastructure spending is starting to provide more impetus to demand. Prospects for ongoing expansion of private demand, including business investment, have been strengthening. There have been some early signs of an improvement in labour market conditions. The rate of unemployment is now likely to peak at a considerably lower level than earlier expected.

Inflation has declined from its peak last year, helped by the fall in commodity prices at the end of 2008 and a noticeable slowing in private-sector labour costs during 2009. In underlying terms, inflation should continue to moderate in the near term, though it will probably not fall as far as thought likely six months ago. Headline CPI inflation on a year-ended basis has been unusually low because of temporary factors, and will probably rise somewhat over the coming year. Both CPI and underlying inflation are expected to be consistent with the target in 2010. The rise in the exchange rate during this year will have some impact in containing prices for traded goods and services in the period ahead, and will dampen growth in the trade-exposed sector of the economy.

Credit for housing is expanding at a solid pace, and dwelling prices have risen significantly this year. Business credit has fallen, as companies have reduced leverage in an environment of tighter lending standards, and as some lenders have scaled back their balance sheets. The decline in credit has been concentrated among large firms, which generally have had good access to equity capital and, more recently, to debt markets. Share markets have recovered significant ground, which, together with higher dwelling prices, has meant a noticeable recovery in household wealth.

The Board's assessment of the outlook remains much as in the November Statement on Monetary Policy. Growth in 2010 is likely to be close to trend and inflation close to target. With the risk of serious economic contraction in Australia having passed, the Board has moved at recent meetings to lessen gradually the degree of monetary stimulus that was put in place when the outlook appeared to be much weaker. These material adjustments to the stance of monetary policy will, in the Board's view, work to increase the sustainability of

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growth in economic activity and keep inflation consistent with the target over the years ahead.”

Investment Certification

I, Emma Galea (Responsible Accounting Officer), hereby certify that the investments listed in this report 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.

Conformance to Strategic Plan

The proposal is consistent with the *Shaping our future together* Directions statement;

“Be financially sustainable to meet the current and future needs of the community based on a diversified income base, affordable and viable services”

and is also consistent with the strategy in the Community Strategic Plan being:

“Maintain and review a sustainable long term financial framework.”

Funding

Funds have been invested with the aim of achieving budgeted income in 2009/2010.

RECOMMENDATION:

That the information be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING**Meeting Date:** 2 February 2010**Item: 14** **SS - Monthly Investments Report - December 2009 - (96332, 95496)****Previous Item:** 17, Ordinary (3 February 2009)**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 Regulation and the Council's Investment Policy.

December 2009

The following table indicates that Council held \$39.4 million in investments as at 31 December 2009. Details of the financial institutions with which the investments were made, date investments were taken out, the maturity date (where applicable), the rate of return achieved, the credit rating of the institutions and the investments and the percentage of the total portfolio, are provided below.

Investment Type	Institution Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Investment Rating	Total \$
On Call								
CBA	AA	31-Dec-09		4.25%	5,420,000	13.76%	A1+	5,420,000
Term Investments								
ANZ	AA	22-Sep-09	24-Mar-10	4.75%	2,000,000	5.07%	A1+	
ANZ	AA	25-Nov-09	24-Nov-10	6.00%	1,000,000	2.54%	A1+	
ANZ	AA	02-Sep-09	02-Sep-10	5.25%	2,000,000	5.07%	A1+	
Bank of Cyprus	A	02-Nov-09	27-Oct-10	5.70%	1,000,000	2.54%	Moody's P-1	
Bank of Queensland	BBB+	20-Jul-09	19-May-10	4.50%	1,000,000	2.54%	A-2	
Bankwest	AA	19-Aug-09	19-Aug-10	5.00%	1,000,000	2.54%	A1+	
Bendigo and Adelaide Bank	BBB+	09-Oct-09	13-Oct-10	5.30%	1,000,000	2.54%	A-2	
Citibank	A+	20-Jul-09	21-Apr-10	4.60%	1,000,000	2.54%	A-1	
Credit Union Australia	BBB	30-Jul-09	24-Mar-10	4.62%	1,000,000	2.54%	unrated	
Elders Rural Bank	BBB	15-Jun-09	15-Jun-10	4.64%	1,000,000	2.54%	A-2	
IMB	BBB	30-Jul-09	27-Jan-10	4.45%	1,000,000	2.54%	A-2	
Investec Bank	BBB	02-Sept-09	02-Sep-10	5.74%	1,000,000	2.54%	Moody's P-2	
Macquarie Bank	A	18-Jun-09	15-Jun-10	4.50%	1,000,000	2.54%	A-1	
Members Equity	BBB	03-Aug-09	03-Mar-10	4.65%	1,000,000	2.54%	A-2	
NAB	AA	08-Dec-09	08-Dec-10	6.80%	3,000,000	7.61%	A1+	

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Investment Type	Institution Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Investment Rating	Total \$
NAB	AA	03-Dec-09	03-Dec-10	6.80%	2,000,000	5.07%	A1+	
NAB	AA	02-Sep-09	04-Aug-10	5.20%	1,000,000	2.54%	A1+	
NAB	AA	25-Nov-09	26-May-10	5.50%	1,000,000	2.54%	A1+	
Newcastle Permanent	BBB+	18-Jun-09	15-Jun-10	4.55%	1,000,000	2.54%	A-2	
Suncorp	A	12-Jun-09	14-Jun-10	4.60%	1,000,000	2.54%	A-1	
Westpac	AA	20-Jul-09	20-Jan-10	4.40%	3,000,000	7.62%	A1+	
Westpac	AA	24-Jun-09	24-Feb-10	4.41%	3,000,000	7.62%	A1+	
Westpac	AA	21-Dec-09	21-Dec-10	7.00%	3,000,000	7.62%	A1+	34,000,000
TOTAL INVESTMENT AS AT 31 DECEMBER 2009								39,420,000

	Bench Mark	Actual
Bench Mark - UBSA 90 Day Bank Bill Index	4.14%	5.32%
Bench Mark - 11am Cash Rate	3.75%	4.25%

Performance by Type

Category	Balance	Average Interest	Difference to Benchmark	Restriction Type	Amount
Cash at Call	5,420,000	4.25%	0.50%	External Restrictions -S94	6,582,490
Term Deposit	34,000,000	5.32%	1.18%	External Restrictions - Other	11,199,733
				Internal Restrictions	15,357,854
				Unrestricted	6,279,923
	39,420,000	5.18%	1.04%	Total	39,420,000

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

External Restrictions – Section 94 Contributions

External Restrictions – Other (reserve details below)

Waste Management
Sewerage
Unexpended Grants
Stormwater Management

Internal Restrictions (reserve details below)

Employees Leave Entitlements
Election
Information Technology
Plant Replacement
Infrastructure
Property Development (currently negative balance)
Risk Management

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Heritage
Sullage
Tip Remediation

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

In respect of funds subject to internal restrictions, whilst it would “technically” be possible for these funds to be utilised for other purposes such a course of action, unless of a temporary internal loan basis, would not be recommended nor would it be “good business practice,” as these funds have been allocated for specific purposes (information technology, plant replacement, risk management, etc.) or to meet future known expenses that should be provided for on an ongoing basis (employee leave entitlements, election, etc.)

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

Investment Commentary

The investment portfolio increased by \$0.28 million for the month. During December, various income was received totalling \$4.75 million, including rate payments amounting to \$2.4 million, while payments to suppliers and staff costs amounted to \$5.73 million.

The investment portfolio currently involves a number of term deposits and on-call accounts.

The investment portfolio is regularly reviewed in order to maximise investment performance and minimise risk. Council's investment portfolio has been reviewed and rebalanced in favour of investments not subject to share market volatility. 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 and Council's investment portfolio is independently reviewed each calendar quarter.

Council, at its meeting on 3 February 2009, considered a report on the Federal Government's Guarantee Scheme on deposits and wholesale funding of eligible authorised deposit-taking institutions and resolved as follows:-

"That:

- 1. In respect of Council funds invested with acknowledged tier one major Australian trading banks (ANZ, CBA, NAB and Westpac), that Council accept the coverage available, without cost, from the Federal Government's "Guarantee Scheme", and not optionally guarantee additional funds.*
- 2. Council's investments in other banking institutions, not referred to in 1 above, and authorised under the current Ministerial Investment Order and Council's Investment Policy, be limited to an amount equivalent to the level of funds that receive coverage under the Federal Government's "Guarantee Scheme" without additional cost to Council.*
- 3. All investments be made in accordance with Council's investment policy.*
- 4. Council receive a further report updating Council's Investment Policy following the release of new investment guidelines by the Department of Local Government."*

Action was taken to comply with the above resolutions, by not optionally guaranteeing amounts invested with the tier one major Australian trading banks (ANZ, CBA, NAB and Westpac), over and above the amounts that are covered by the free Government Guarantee Scheme. Further, at its meeting on 28 April

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2009, Council considered a report on a revised Investment Policy and resolved to adopt a revised Investment Policy. Council's revised Investment Policy fully complies with the Department of Local Government Investment Guidelines that were distributed on 25 May 2009.

As at 31 December 2009, Council has invested \$13 million with 2nd tier financial institutions, noting that one of these institutions is a subsidiary of a major Australian trading bank. The investment of \$1 million with thirteen 2nd tier banks is entirely covered by the free Government Guarantee Scheme, and is in accordance with the revised Ministerial Investment Order, Council's Investment Policy, and Council's resolution at its meeting on 3 February 2009.

Effective from 2 December 2009, the Reserve Bank raised official interest rates by one quarter of one percent to a cash rate of 3.75%.

The Governor of the Reserve Bank of Australia has not released a statement on monetary policy for December 2009 and the cash rate remains at 3.75%. It is understood that the next meeting of the Reserve Bank will be in early February.

Investment Certification

I, Emma Galea (Responsible Accounting Officer), hereby certify that the investments listed in this report 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.

Conformance to Strategic Plan

The proposal is consistent with the *Shaping our future together* Directions statement;

"Be financially sustainable to meet the current and future needs of the community based on a diversified income base, affordable and viable services"

and is also consistent with the strategy in the Community Strategic Plan being:

"Maintain and review a sustainable long term financial framework."

Funding

Funds have been invested with the aim of achieving budgeted income in 2009/2010.

RECOMMENDATION:

That the information be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 2 February 2010

CONFIDENTIAL REPORTS

GENERAL MANAGER

Item: 15 GM - Co-Generation Plant - (79351, 95495) **CONFIDENTIAL**

Previous Item: 184, Ordinary (8 September 2009)
 32, Ordinary (26 February 2008)

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)(g) of the Act as it relates to legal advice concerning matters relating to the Co-Generation Plant and the information is regarded as advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

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

ORDINARY MEETING

Meeting Date: 2 February 2010

INFRASTRUCTURE SERVICES

Item: 16 IS - Tender No. 00610 - Concrete Works - Restoration of Footpaths, Kerb and Guttering and Construction of New Dish Drains within the City of Hawkesbury- (95495, 79344) **CONFIDENTIAL**

Reason for Confidentiality

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

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

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

ORDINARY MEETING

Meeting Date: 2 February 2010

Item: 17 **IS - Tender No. 00910 - Landscape Construction at Richmond Park - (95495, 79354) CONFIDENTIAL**

Reason for Confidentiality

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

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

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

ORDINARY MEETING

Meeting Date: 2 February 2010

SUPPORT SERVICES

Item: 18 **SS - Property Matter - Lease to Jeanette Stewart James and Veronica Ferne Thompson, Trading as Glossodia Pharmacy - Shop 9 Glossodia Shopping Centre, Glossodia - (112106, 95739) CONFIDENTIAL**

Reason for Confidentiality

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

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

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

ORDINARY MEETING

Meeting Date: 2 February 2010

Item: 19 **SS - Property Matter - Lease to Harold Robert Munro and Ena Joy Munro trading as "Munro's Colonial Meats" for Shop 2 Wilberforce Shopping Centre - (112106, 32505, 34779) CONFIDENTIAL**

Reason for Confidentiality

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

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

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

ORDINARY MEETING

Meeting Date: 2 February 2010

Item: 20 **SS - Property Matter - Lease to David John Spencer Trading as "Stonehill Rural Services" for Shop 1 Wilberforce Shopping Centre - (112106, 34779, 86218)**
CONFIDENTIAL

Reason for Confidentiality

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

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

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

ORDINARY MEETING

Meeting Date: 2 February 2010

Item: 21 **SS - Property Matter - Extinguishment of lease to Diana McAuliffe and lease to Mina Girgis and Fady Girgis - Shop 6 Wilberforce Shopping Centre - (76925, 112106, 76925) CONFIDENTIAL**

Reason for Confidentiality

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

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

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

ORDINARY MEETING

Meeting Date: 2 February 2010

ordinary

section 5

reports
of committees

ORDINARY MEETING
Reports of Committees

SECTION 5 - Reports of Committees

ROC - Floodplain Risk Management Advisory Committee Minutes - 7 December 2009 - (86589)

The meeting commenced at 4.35pm.

Present:	Councillor Kevin Conolly - Chair Councillor Paul Rasmussen Councillor Jill Reardon Mr John Miller Mr Alexander (Phil) Windebank Mr David Scott Mr Bill McMahon Mr Geoffrey Bessell Mr Kevin Jones Mr Harry Panagopoulos (DECCW)
Apologies:	Mr David Avery Mr Les Sheather Mr Ian Johnston Councillor Warwick Mackay Mr Ray Williams MP - Member for Hawkesbury Councillor Bob Porter - Deputy Chair
Non Attendance:	Mr Peter Cinque Snr Inspector Robert Bowman
In Attendance:	Mr Matthew Owens Mr Philip Pleffer Mr Chris Amit Ms Robyn Kozjak Ms Chris Bourne (representative for Ms Louise Markus MP)

REPORT:

RESOLVED on the motion of Mr John Miller and seconded by Councillor Reardon that the apologies be accepted.

CONFIRMATION OF MINUTES

RESOLVED on the motion of Mr John Miller and seconded by Councillor Reardon that the Minutes of the Floodplain Risk Management Committee held on the 19 October, be confirmed.

The Chair addressed Mr Owens and made enquiries re the progress of the Flood Risk Management Study and Plan tender brief.

Mr Owens advised he envisaged the tender documentation would be completed approximately mid January, 2010 (due to limited staff resources and other pressing priorities).

ORDINARY MEETING
Reports of Committees

Mr Panagopoulos subsequently conveyed to the Committee the Department's dissatisfaction that the work had not been completed prior to Christmas (2009) and cautioned the grant funding may be at risk in the event a definite timeline cannot be provided to DECCW.

Mr Owens consequently reported he would prioritise this matter and would endeavour to progress the tender prior to Christmas.

Mr Jones left the meeting.

ORDINARY MEETING
Reports of Committees

Attendance Register of Floodplain Risk Management Advisory Committee - 2009

Member	09/02/09	20/04/09	03/08/09	19/10/09	07/12/09
Councillor Kevin Conolly - (Chair)	✓	✓	✓	✓	✓
Councillor Bob Porter - (Deputy Chair)	✓	✓	A	✓	A
Councillor Warwick Mackay	-	-	-	A	A
Councillor Paul Rasmussen	A	✓	✓	A	✓
Councillor Jill Reardon	A	✓	✓	✓	✓
Mr Peter Cinque OAM - (SES Sydney Western Division)	✓	Greg Murphy in lieu	✓	Greg Murphy in lieu	X
Mr David Avery - (Dept. of Environment and Climate Change)	✓	A	✓	✓	H. Panagopoulos in lieu
Mr David Scott - (Dept of Defence)	✓	✓	✓	✓	✓
Snr Inspector Robert Bowman (Department of Primary Industries)	X	✓	Andrew Docking in lieu	X	X
Mr Les Sheather - (Community Member)	✓	✓	✓	✓	A
Mr Kevin Jones - (SES Headquarters)	✓	✓	✓	A	✓
Mr Geoffrey Bessell - (Community Member)	✓	A	A	✓	✓
Mr John Miller - (Community Member)	✓	✓	✓	✓	✓
Mr Bill McMahon - (Community Member)	✓	✓	A	A	✓
Mr Alexander (Phil) Windebank	✓	✓	✓	✓	✓
Mr Ian Johnston	✓	✓	✓	A	A

Key: A = Formal Apology ✓ = Present X = Absent - no apology

SECTION 3 - Reports for Determination

Item: 1 Encroachment of Sand at Bens Point

DISCUSSION:

Mr Windebank initiated discussion on this item (in the absence of Mr Johnston) and expressed concern re the encroachment of sand at Bens Point.

A map indicating the area of concern was displayed on screen for the Committee's assistance.

The Committee agreed the matter needs to be addressed and discussion arose as to the appropriate authority to which the matter should be referred. It was subsequently determined advice be sought from Mr David Miller of the Estuaries Group, Coastal Management Branch of the Department of Environment Climate Change and Water.

MOTION:

RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Reardon.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. The information be received and noted.
2. Council staff to make enquiries with the Estuaries Group, Coastal Management Branch of the Department of Environment Climate Change and Water regarding the encroachment of sand at Bens Point.

SECTION 5 - General Business

- Mr Owens referred to Item 2 of the previous meeting agenda wherein members were invited to consider suggestions for the further development of Council's website in relation to community awareness of flood issues. It was advised to date, no responses had been received and the Committee was reminded the invitation remains open.
- Mr Miller reported he had proposed to raise a question with Mr Jones (SES) regarding evacuation assembly points. In the absence of a representative from the SES (Mr Jones had left the meeting), the Chair suggested the issue be noted for discussion at the next meeting.
- Mr Panagopoulos referred to the upgrade of Thorley Street and Mr Amit reported it was envisaged the final draft design would be completed in January 2010 with a view to open tenders in March. Mr Amit further reported the construction stage of the project is expected to commence in August 2010.
- Mr Miller referred to an item in the Council Ordinary Business Paper for Tuesday 8 December reporting on the 50th Anniversary Floodplain Management Authorities Conference on 23--26

ORDINARY MEETING
Reports of Committees

February 2010. Mr Miller enquired if the Chair would be attending the conference and the Chair advised he would express his interest in attending the conference when nominations are called at the meeting on Tuesday night.

The future meeting dates (2010) of the FRMAC were provided to the Committee as follows:

- 8 February
- April 19
- June 21
- August 16
- October 18
- December 6

The meeting closed at 5.25pm.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ROC - Hawkesbury Civic and Citizenship Committee - 9 December 2009 - (96972, 79356, 79351)

The meeting commenced at 5.35pm in Council Chambers.

Present: Councillor Bart Bassett
Councillor Rex Stubbs
Councillor Warwick Mackay
Sonia Porter Corporate Communication Manager
David Bertenshaw representing Hawkesbury Sports Council
Barry Adams representing Richmond Club
Todd Miladinovic (community representative)
Jean Peare (community representative)
Dianne Finch (community representative)
Councillor Barry Calvert
Alan Aldrich (Hawkesbury Historical Society Rep for Cultural Award only)

Apologies: None

In Attendance: Suzie Vlaming - Public Relations Coordinator

REPORT:

Declaration of Interests

Councillor Barry Calvert declared an interest for the nomination of the award for Community Organisation of the Year (Committee nomination) as he is recorded as Executive Officer of the nominated organisation, Hawkesbury Skills.

The committee accepted his declaration of interest and Cllr Calvert refrained from discussion and voting regarding the award of Community Organisation of the Year (Committee nomination),

Section 1: Confirmation of Minutes

Minutes of last meeting

RESOLVED on the motion of Cllr Rex Stubbs and seconded by Barry Adams that the minutes of Hawkesbury Civic and Citizenship Committee Meeting held on the Wednesday, 14 October 2009, be accepted.

Section 2: Reports for Determination

Item: 1 Selection of Australia Day Award Recipients

By agreement of the Committee consideration of the Cultural Heritage Award was moved forward in the agenda.

ORDINARY MEETING
Reports of Committees

Motion: Cultural Heritage Award

RESOLVED on the motion of Alan Aldrich and seconded by Cllr Rex Stubbs.

Refer to RESOLUTION

Resolution:

RESOLVED on the motion of Alan Aldrich and seconded by Cllr Rex Stubbs.

That Emeritus Professor Max Hatherly be nominated and awarded the 2010 Cultural Heritage Award.

Motion: Citizen of the Year

Following a voting procedure, RESOLVED on the motion of Cllr Rex Stubbs and seconded by Cllr Bart Bassett.

That Ruby Wilbow be awarded the 2010 Citizen of the Year.

Refer to RESOLUTION

Resolution:

RESOLVED on the motion of Cllr Rex Stubbs and seconded by Cllr Bassett.

That Ruby Wilbow be awarded the 2010 Citizen of the Year.

The resolution was carried unanimously by the Committee.

Motion: Young Citizen of the Year

Resolution:

RESOLVED on the motion of Cllr Dianne Finch and seconded by Mrs Peare

That Louise Swane and Elizabeth Hitches each be awarded Joint Young Citizen of the Year Award.

Motion: Sport Person of the Year

RESOLVED on the motion of Cllr Warwick Mackay and seconded by Mrs Peare.

Refer to RESOLUTION

Resolution:

RESOLVED on the motion of Cllr Warwick Mackay and seconded by Mrs Peare.

That Jack Houston awarded the 2010 Sport Person of the Year.

Motion: Community Arts Award

RESOLVED on the motion of Dianne Finch and seconded by David Bertenshaw.

Refer to RESOLUTION

Resolution:

RESOLVED on the motion of Dianne Finch and seconded by David Bertenshaw.

That Donald Cobcroft be nominated and awarded the 2010 Community Arts Award.

Motion: Commemorative Plaque

RESOLVED on the motion of Councillor Stubbs and seconded by Clr Barry Calvert.

Refer to RESOLUTION

Resolution:

RESOLVED on the motion of Councillor Stubbs and seconded by Clr Barry Calvert.

That Governor Lachlan Macquarie (1762-1824) be awarded the 2010 Commemorative Plaque Award.

Motion: Community Organisation of the Year

RESOLVED on the motion of Clr Stubbs and seconded by Warwick Mackay.

Refer to RESOLUTION

Resolution:

RESOLVED on the motion of Clr Stubbs and seconded by Warwick Mackay.

That Hawkesbury Skills be awarded the 2010 Community Organisation of the Year.

Motion: Special Achievement Award

RESOLVED on the motion of Dianne Finch and seconded by Clr Rex Stubbs.

Refer to RESOLUTION

Resolution:

RESOLVED on the motion of Dianne Finch and seconded by Clr Rex Stubbs.

That the Erik Hausoul Sarcoma Foundation be awarded the 2010 Special Achievement Award.

Item: 2 2010 NSW Local Citizens of the Year Awards

Motion : That the nominators for Australian of the Year Awards for citizens of the Hawkesbury be contacted and advised of our Citizen of the Season program

RESOLVED on the motion of Clr Rex Stubbs and seconded by Dianne Finch.

Refer to RESOLUTION

Resolution:

RESOLVED on the motion of Clr Rex Stubbs and seconded by Dianne Finch.

That:

The Councils nominators for Australian of the Year Awards for citizens of the Hawkesbury be contacted and advised of the Citizen of the Season program and encouraged to nominate these worthy citizens for Awards during 2010.

Section 3 - Reports for Information

Item: 1 Council acceptance of Citizen of the Season Process

Motion:

RESOLVED on the motion of Barry Adams and seconded by Clr Barry Calvert.

Refer to RESOLUTION

Resolution:

RESOLVED on the motion of Barry Adams and seconded by Clr Barry Calvert.

That the information be received.

General Business:

Council's amended Code of Conduct was distributed to all committee members who had not already received the document.

Next Meeting

TBA

The meeting closed at 6.10pm.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ROC - Hawkesbury Macquarie 2010 Committee - 10 December 2009 - (114013, 95498)

The meeting commenced at 9.05am in the Council Chambers, Hawkesbury City Council.

Present:	Colin Mitchell Brian Lindsay Carol Edds Gai Timmerman Judy Newland Keri Whiteley Anthony Miller John Miller Frank Holland John Christie Dudley Mercer Max Jarman Esther Perry Jean Stephens	Deputy Chair Community Representative Community Representative Community Representative Community Representative Hawkesbury City Council Community Representative Community Representative Community Representative Community Representative Community Representative Community Representative Hawkesbury City Council Community Representative
Apologies:	Clr. Rex Stubbs Clr. Bart Bassett Clr. Jill Reardon Donald Cobcroft Fiona Mann	Chair, Councillor Representative Hawkesbury City Council Hawkesbury City Council Community Representative Hawkesbury City Council
In Attendance:	Joseph Litwin	Hawkesbury City Council

REPORT:

RESOLVED on the motion of Tony Miller and seconded by Dudley Mercer that the apologies be accepted.

Section 1 - Confirmation of Minutes.

1. Confirmation of Minutes

RESOLVED on the motion of Frank Holland and seconded by Gai Timmerman that the Minutes of the Hawkesbury Macquarie 2010 Committee held on 12 November 2009 be confirmed.

2. Matters arising from Previous Minutes

There were no matters arising

SECTION 2 - REPORTS FOR DETERMINATION

Item 29 – Determination of Macquarie 2010 Seeding Grants.

DISCUSSION:

- Mr. Litwin drew the Committees attention to the report in the Business Paper advising of Council's approval of 14 Seeding Grants under the Macquarie 2010 Seed Funding Program. Carol Edds provided clarification of information relating to the application from the National Trust of Australia (NSW).

RECOMMENDATION TO COMMITTEE:

1. The information be received

MOTION:

RESOLVED on the motion of Judy Newland and seconded by Carol Edds.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION.

1. The information be received
2. The Committee extend its appreciation to Council for their financial support and encouragement of Macquarie 2010 activities within the Hawkesbury.

SECTION 3 – Reports of Working Party Meetings

ROWP - Hawkesbury Macquarie 2010 Programming Working Party

- Ms. Whiteley provided update of schedule of events and distributed copies of current program. Confirmed that copy of program was to be distributed to ratepayers with Council rate notice. There was some discussion regarding proposal to invite journalist from Hawkesbury Way and Hawkesbury Gazette to sit as observer at meetings. It was determined that this issue should be referred to the Branding and Marketing Working Party.

RESOLVED on the motion of Max Jarman and seconded by John Miller that the proposal to invite journalists to sit as observers at Committee meetings be endorsed and referred to the Branding and Marketing Working Party for implementation as appropriate.

RESOLVED on the motion of John Miller and seconded by Judy Newland that the report of the Programming Working Party be received.

ROWP – Hawkesbury Macquarie 2010 Branding and Marketing Working Party.

- Colin Mitchell provided a report to the Committee on the work of the Branding and Marketing Working Party. Mr. Mitchell advised that he had held further discussions with Damian Tomlinson of the Hawkesbury Gazette regarding the content and format of a proposed weekly article in the Hawkesbury Gazette on the life and times of Lachlan and Elizabeth Macquarie. Mr. Mitchell tabled a proposed program for the articles prepared by Jan Barkley Jack. It was agreed that the preparation of content for the articles be co-ordinated by the Hawkesbury Historical Society.

RESOLVED on the motion of Gai Timmerman and seconded by Judy Newland that the report of the Branding and Marketing Working Party be accepted and that the program prepared by Jan Barkley Jack be adopted as a guide for the preparation of weekly articles on the life and times of Lachlan and Elizabeth Macquarie to be co-ordinated by the Hawkesbury Historical Society for printing in the Hawkesbury Gazette.

ROWP – Hawkesbury Macquarie 2010 Event Support Working Party.

- Ms. Perry advised the Committee that a tentative date of 30 January 2010 had been set for the event support workshop to assist groups seeking to stage Macquarie 2010 events to negotiate the event management requirements associated with these events. Ms. Perry gave a brief outline of the content and format of the workshop and responded to question from members of the Committee.

ORDINARY MEETING
Reports of Committees

RESOLVED on the motion of Judy Newland and seconded by John Christie that the report of the Event Support Working Party be received.

ROWP – Hawkesbury Macquarie 2010 Sponsorship and Grants Working Party.

- Carol Edds provided an update to the Committee of the status of discussions with the Richmond Club regarding their offer of \$25,000 in corporate sponsorship. There was considerable discussion regarding the Richmond Club's expectations for the provision of sponsorship. It was agreed that clarification of these matters would be useful and that the Sponsorship and Grants Working party should meet with the Richmond Club. There was also discussion regarding the difficulties encountered in obtaining the required approvals for the erection of proposed Macquarie 2010 banners. It was reaffirmed that the Committee had authorised John Miller and John Christie to make representations on its behalf to relevant authorities and local state members in relation to this matter.

RESOLVED on the motion of John Miller and seconded by John Christie that the report of the Sponsorship and Grants Working Party be received.

ROWP – Schools Involvement Working Party.

- Brian Lindsay provided an update on the schools competition. Letters have been distributed to 40 schools with some responses already received. Discussions were continuing regarding the display of entries within the Deerubbin Centre. Mr. Litwin confirmed that Council had liaised with the Governor's Office regarding the proposal for the Governor to present prizes/awards to the winning entries in conjunction with Proclamation Day events.

RESOLVED on the motion of John Miller and seconded by Dudley Mercer that the report of the Schools Involvement Working Party be received.

ROWP – Plaques Working Party.

- Ms. Perry provided an update on the status of the Plaques Project and responded to questions on proposed timing and location of plaques.

RESOLVED on the motion of Kerrie Whitley and seconded by Max Jarman that the report of the Plaques Working Party be received.

Section 4 - GENERAL BUSINESS.

- John Miller provided information on a proposal to undertake conservation works for Andrew Thompsons memorial at St Mathews Churchyard. Carol Edds advised that conservation and restoration of a heritage structure would require assessment of the Heritage Office and would be governed by accepted conservation practices
- Jean Stephens tabled documents relating to proposed sports event to be held at Castlereagh which is to be attended by 9 schools.
- Mr. Miller informed the Committee of a proposed documentary and book on the first road over the Blue Mountains.

NEXT MEETING – to be held at 9.00 am on Thursday 11 February 2010, in the Council Chambers Hawkesbury City Council , 366 George St. WINDSOR.

Meeting Closed at 11.00 am

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ROC - Local Traffic Committee - 13 January 2009 - (80245)

Minutes of the Meeting of the Local Traffic Committee held in the Large Committee Room, Windsor, on Wednesday, 13 January 2010, 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, MP, (Londonderry) and
Mr J Aquilina, MP, (Riverstone)
Mr R Williams, MP, (Hawkesbury)
Snr Constable B Phillips, NSW Police Service

Apologies: Denise Oakes, Community Safety Co-ordinator

In Attendance: Mr C Amit, Manager, Design & Mapping Services
Bianca James, Administrative Officer, Infrastructure Services

SECTION 1 - Minutes

Item 1.1 Minutes of Previous Meeting

RESOLVED on the motion of Mr J Christie and seconded by Mr R Williams, MP that the Minutes of the Local Traffic Committee meeting held on 18 November 2009 at 3.00pm, be confirmed.

Item 1.2 Business Arising

Nil business arising

SECTION 2 - Reports for Determination

Item 2.1 LTC - 13 January 2010 - Item 2.1 - Bridge to Bridge Power Boat Race Brooklyn to Windsor - 2010 (Hawkesbury, Londonderry & Riverstone) - (80245, 73829)

REPORT:

Introduction

An application has been received from the Upper Hawkesbury Power Boat Club, seeking approval to conduct the Bridge to Bridge Power Boat Race from Brooklyn to Windsor on Sunday, 2 May 2010, between the hours of 8.00am and 5.00pm. The event is an annual boat racing event along the Hawkesbury River between Brooklyn Bridge and Windsor Bridge.

The Upper Hawkesbury Power Boat Club has provided the following information regarding the event:

- i) The boat race is from Brooklyn to Windsor via the Hawkesbury River.
- ii) There is a Test and Tune day on Saturday, 1 May 2010 - Dry Boat Inspections.
- iii) The Club is expecting approximately 120 participants/boats to compete in the event.
- iv) There will be 20 groups consisting of 6 participants/boats each.
- v) This annual event has been held for over seventy years and the club is expecting approximately 3000 spectators (1000 vehicles) on the day of the event, at Governor Phillip Reserve.
- vi) 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
- vii) 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 the event: Appendix 1 (*Document Nos. 3247924*):

- i) Special Event – Traffic – Initial Approval Application Form - HCC; Details of Special Event – Traffic;
- ii) Special Event Transport Management Plan Template – RTA;
- iii) Copy of the submission to the NSW Police Service;

Discussion

Even though the 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 the 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 the 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, which 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. The Wisemans Ferry, Webbs Creek Ferry and Sackville Ferry Services are the under the care and control of the RTA and hence, RTA approval is to 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.

The Upper Hawkesbury Power Boat Club has made application under separate cover to Councils' Parks and Recreation section for exclusive use of Governor Philip Reserve.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr R Williams, MP, seconded by Snr Constable B Phillips.

That

1. The Bridge to Bridge Power Boat Race from Brooklyn to Windsor event planned for Sunday, 2 May 2010 be classified as a "**Class 1**" 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 is to obtain approval to conduct the event, from the NSW Police Service; **a copy of the Police Service approval to be submitted to Council;**
- 4b. the event organiser is to obtain approval from the RTA as this is a "**Class 1**" event; **a copy of the RTA approval to be submitted to Council;**
- 4c. the event organiser **is to submit 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 as required by the RTA to satisfy the requirements of the relevant Work Cover legislation;
- 4d. the event organiser is to **submit to Council a copy of its Public Liability Policy** in an amount not less than \$20,000,000 **noting Council and the Roads and Traffic Authority as interested parties on the Policy** and that Policy is to cover **both on-road and off-road activities;**
- 4e. the event organiser is to obtain the relevant approval to conduct the event from NSW Maritime; **A copy of this approval to be submitted to Council;**
- 4f. the event organiser is to advertise the event in the local press stating the entire route/extent of the event and the traffic impact/delays expected due to the event, two weeks prior to the event; **a copy of the proposed advertisement to be submitted to Council** (indicating the advertising medium);
- 4g. the event organiser is to notify the details of the event to the NSW Ambulance Service, NSW Fire Brigade / Rural Fire Service and SES at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;**
- 4h. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area and all the residences and businesses which may be affected by the event for at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; **a copy of the correspondence to be submitted to Council;**
- 4i. the event organiser is to advise all adjoining Councils such as Gosford, The Hills and Hornsby of the event and in particular the reduced crossing/operation of the ferries and obtain any

necessary approvals from these Councils;

- 4j. the event organiser is to assess the risk and address 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;
- 4k. the event organiser is to carry 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 design and implement 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>);
- 4l. the event organiser is to submit the completed "Special Event - Traffic - Final Approval Application Form" to Council;

During the event:

- 4m. access is to be maintained for businesses, residents and their visitors;
- 4n. a clear passageway of at least 4 metres in width is to be maintained at all times for emergency vehicles;
- 4o. all traffic controllers / marshals operating within the public road network are to hold appropriate certification as required by the RTA;
- 4p. in accordance with the submitted TMP and associated TCP, appropriate advisory signs, and traffic control devices are to be placed along the route during the event, under the direction of a traffic controller holding appropriate certification as required by the RTA;
- 4q. the competitors and participants are to 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 upon completion of the activity.

Ferry Services

- 5. The applicant is to seek RTA approval for the reduced crossing/operation of the Wisemans Ferry, Webbs Creek Ferry and Sackville Ferry Services. There is no objection to the reduced crossing/operation of the Lower Portland Ferry Service. Reduced crossing/operation of the ferry services is subject to the applicant complying with the following conditions, as well as any conditions imposed by the RTA:
 - 5a) the applicant is to contact Hawkesbury City Council's Construction and Maintenance Section and the Ferry operator, three weeks prior to the event with regard to the changes in operation of the Lower Portland Ferry service maintained by Hawkesbury City Council
 - 5b) Advertising of the proposed event is to be undertaken at the expense of the event organiser in both Sydney and Local newspapers, two weeks prior to the event, in relation to:
 - traffic impact and delays,
 - exclusive use of Governor Phillip Reserve,
 - timings of reduced crossing/operation 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;

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- 5c) signs are to be erected at the expense of the event organiser 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;
- 5d) safety precautions are to be outlined in the TMP and to be in place at all ferry locations, such to include a boat and crew upstream and/or downstream from each ferry as applicable with suitable equipment to indicate to competitors that a ferry may be operating and with communication between that boat and the ferry vessel, such procedures are to be implemented to the satisfaction of the NSW Maritime, RTA and Hawkesbury City Council; and,
- 5e) the Transport Management Centre, Roads & Traffic Authority and Council be authorised to alter ferry reduced crossing/operation operation times if necessary.

APPENDICES:

AT - 1 Special Event Application - Bridge to Bridge Power Boat Race Brooklyn to Windsor - (Dataworks Document Nos. 3247924) - *see attached*.

Item 2.2 **LTC - 13 January 2010 - Item 2.2 - Bandon Road, Vineyard - Proposed No Parking Zone adjacent to Windsor Country Village (Riverstone) - (80245, 33424, 109463)**

REPORT:

Representation has been received from the management of the Windsor Country Village (*Dataworks Document No.3229476*), located at 7 Bandon Road, Vineyard, requesting the installation of a No Parking zone along the north western side of Bandon Road, adjacent to their access driveway.

The reasoning behind this request is that when vehicles are parked near the access driveway, drivers exiting the Village are experiencing difficulties in seeing oncoming vehicles travelling along Bandon Road. At times these exiting vehicles have to encroach onto the travelling lane to get a clear view of the oncoming traffic.

It has also been stated that traffic has increased along Bandon Road since the upgrade of Windsor Road and the provision of traffic signals at the intersection of Windsor Road and Bandon Road. A high proportion of these vehicles appear to be coming from the Riverstone area.

Discussion:

Bandon Road is a Regional Boundary Road between Hawkesbury City Council and Blacktown City Council. The speed limit is 60kph with the average daily traffic of 3324 vehicles recorded in 1996.

During a site visit with the manager of the Village, it was noted that the visibility of a vehicle exiting the Village can be compromised by parked vehicles adjacent to the access driveway. There are several large mature street trees along the nature strip area north east of the access driveway to the Village, the lateral positioning of these trees force vehicles parked along the road shoulder to be positioned fairly close to the edge of seal. If the street trees were removed, parked vehicles could be positioned closer to the nature strip area with an improvement to the sight distance. The provision of a No Parking zone would be more favourably received by the Village than the removal of the large street trees.

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The majority of vehicles parking along the road side, as advised by the management of the Village, were from visitors to the Village. Whilst they have requested the visitors to park further along the road or within the premises, they cannot enforce this. The Village has 104 Villas with approximately 110 occupants. The Village is frequented by visitors of the occupants, community services and health care workers. The provision of a No Parking zone will not compromise the overall available parking along Bandon Road.

It was also noted that the access driveway to the Village is in close proximity to the access driveway of the Diversity Plant Propagation Company located at 9 Bandon Road. During discussions with the management of the Plant Company, it was requested by them that the proposed No Parking zone be extended across their driveway to improve visibility of vehicles exiting their premises.

It is proposed to provide a 45.0 metre No Parking zone on the north western side of Bandon Road, commencing approximately 18.0 metres north east of the drive access to the Windsor Country Village (7 Bandon Road) and extending to a point 6.0 metres south west of the drive access to the Diversity Plant Propagation Company (9 Bandon Road), Vineyard.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr J Christie, seconded by Mr J Suprain.

That a 45.0 metre No Parking zone be provided on the north western side of Bandon Road, commencing approximately 18.0 metres north east of the drive access to the Windsor Country Village (7 Bandon Road) and extending to a point 6.0 metres south west of the drive access to the Diversity Plant Propagation Company (9 Bandon Road), Vineyard.

APPENDICES:

There are no supporting documents for this report.

Item 2.3 LTC - 13 January 2010 - Item 2.3 - Pedestrian Crossing Request - Collith Avenue at Rifle Range Road, Bligh Park - (Riverstone) - (80245, 32368, 80096)

Previous Item: 2.2, Local Traffic Committee (21 July 2000)

REPORT:

Introduction

Representation has been received from Councillor Conolly on behalf of Bede Polding College (Dataworks Document No. 3147465) requesting the installation of a pedestrian crossing in Collith Avenue at its intersection with Rifle Range Road, Bligh Park.

The concerns expressed by the College are that;

- students who have to walk to and from school along Rifle Range Road do not have a pedestrian crossing to use to cross roads in close proximity to the school,
- although students who are walking down Rifle Range Road can use the crossing at the front of the school, they have to cross Sirius Road which does not have a pedestrian crossing,
- there are students who travel to and from school with their siblings who attend Chisholm Catholic Primary School.

General Conditions

Bede Polding College is located on Rifle Range Road between Collith Avenue and Mileham Street, Bligh Park. There is a marked pedestrian crossing in Rifle Range Road, in the vicinity of the Main Entry/Exit gate. A further pedestrian crossing exists in Rifle Range Road, south east of its intersection with Collith Avenue. Both pedestrian crossings in Rifle Range Road are approximately 180 metres apart.

Both roads are local urban roads, with Rifle Range Road being a collector road and Collith Avenue being a major distributor road.

The horizontal alignment of both Collith Avenue and Rifle Range Road in this vicinity consist of straight sections of road. Vertical alignment is not a consideration as the terrain is generally flat. The width of carriageway, on average, between kerbs for both Rifle Range Road and Collith Avenue is approximately 12.0 metres.

Traffic volumes for both roads are as follows:

Collith Avenue between Rifle Range Road and Harpur Crescent: ADT (1996) = 1210, and Rifle Range Road between Collith Avenue and Colonial Drive: ADT (2003) = 4901.

The current regulatory speed limit in this vicinity for both roads is 50 kph and further reinforced with a 40kph school zone.

Reference to the RTA Road Traffic Accident Database indicates 1 injury accident (not pedestrian related) at this intersection in the last 5 years.

Discussion

Traffic and pedestrian counts were recorded during the periods from 8.00am to 9.00am and from 2.30pm to 3.30pm on 24 September 2009 and are listed in Table 1.

Table 1: Pedestrian/Vehicle Count in Collith Avenue @ Rifle Range Road

Time	Number of pedestrians (P)	Number of vehicles (V)	P x V
8.00 am to 9.00 am	63	488	30,744
2.30 pm to 3.30 pm	88	291	25,608

Minimum peak hour traffic and pedestrian requirements for the installation of a pedestrian crossing in accordance with AS1742.10 – 1990 under clause 6.2.2. are shown in Table 2.

Table 2: Requirements of Australian Standard 1742.10 - 1990

Time	Minimum number of Pedestrians (P)	Minimum number of Vehicles (V)	P x V
Peak hour	60	600	90,000

It is evident from the PxV counts undertaken, that the minimum warrant of PxV=90,000 has not been satisfied. The highest value from the 24 September 2009 count was during the morning period with a PxV= 30,744. This is significantly lower than the minimum PxV=90,000 as stipulated in AS1742.10 – 1990.

During the Traffic and Pedestrian counts, it was observed that the pedestrians did not encounter any problems crossing Collith Avenue. Gaps in the traffic were quite frequent resulting in pedestrians being able to cross the road with minimum delay.

The provision of a pedestrian refuge in Collith Avenue is not considered viable and would not conform to Australian Standard 1742.10-1990; "Pedestrian refuges are used where there is a need to provide a place

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of safety for a concentration of pedestrians in circumstances where it is difficult to cross the full width of a roadway in one stage...”, and “Pedestrian Refuges are generally constructed on wide or heavily trafficked roads where it is desirable to provide designated staging areas for pedestrians”.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr J Christie, seconded by Mr J Suprain.

That a Pedestrian Crossing NOT be installed in Collith Avenue, Bligh Park, at its intersection with Rifle Range Road as the location does not meet the minimum requirements for the installation of such a facility.

APPENDICES:

There are no supporting documents for this report.

SECTION 3 - Reports for Information

Nil reports for Information.

SECTION 4 - General Business

Nil General Business.

SECTION 5 - Next Meeting

The next Local Traffic Committee meeting will be held on Wednesday 10 February 2010 at 3.30pm in the Large Committee Room.

Please note that the committee has approved the meeting date in February to be changed from the 17th February to the 10th February.

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ordinary
meeting

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