



Hawkesbury City Council

ordinary  
meeting  
business  
paper

date of meeting: 12 May 2009

location: council chambers

time: 5:00 p.m.



mission  
statement

***“To create opportunities  
for a variety of work  
and lifestyle choices  
in a healthy, natural  
environment”***

## **How Council Operates**

Hawkesbury City Council supports and encourages the involvement and participation of local residents in issues that affect the City.

The 12 Councillors who represent Hawkesbury City Council are elected at Local Government elections held every four years. Voting at these elections is compulsory for residents who are aged 18 years and over and who reside permanently in the City.

Ordinary Meetings of Council are held on the second Tuesday of each month, except January, and the last Tuesday of each month, except December. The meetings start at 5:00pm with a break from 7:00pm to 7:30pm and are scheduled to conclude by 11:00pm. These meetings are open to the public.

When a Special Meeting of Council is held it will usually start at 7:00pm. These meetings are also open to the public.

### **Meeting Procedure**

The Mayor is Chairperson of the meeting.

The business paper contains the agenda and information on the issues to be dealt with at the meeting. Matters before the Council will be dealt with by an exception process. This involves Councillors advising the General Manager at least two hours before the meeting of those matters they wish to discuss. A list will then be prepared of all matters to be discussed and this will be publicly displayed in the Chambers. At the appropriate stage of the meeting, the Chairperson will move for all those matters not listed for discussion to be adopted. The meeting then will proceed to deal with each item listed for discussion and decision.

### **Public Participation**

Members of the public can request to speak about a matter raised in the business paper for the Council meeting. You must register to speak prior to 3:00pm on the day of the meeting by contacting Council. You will need to complete an application form and lodge it with the General Manager by this time, where possible. The application form is available on the Council's website, from reception, at the meeting, by contacting the Manager Corporate Services and Governance on 4560 4426 or by email at [fsut@hawkesbury.nsw.gov.au](mailto: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.

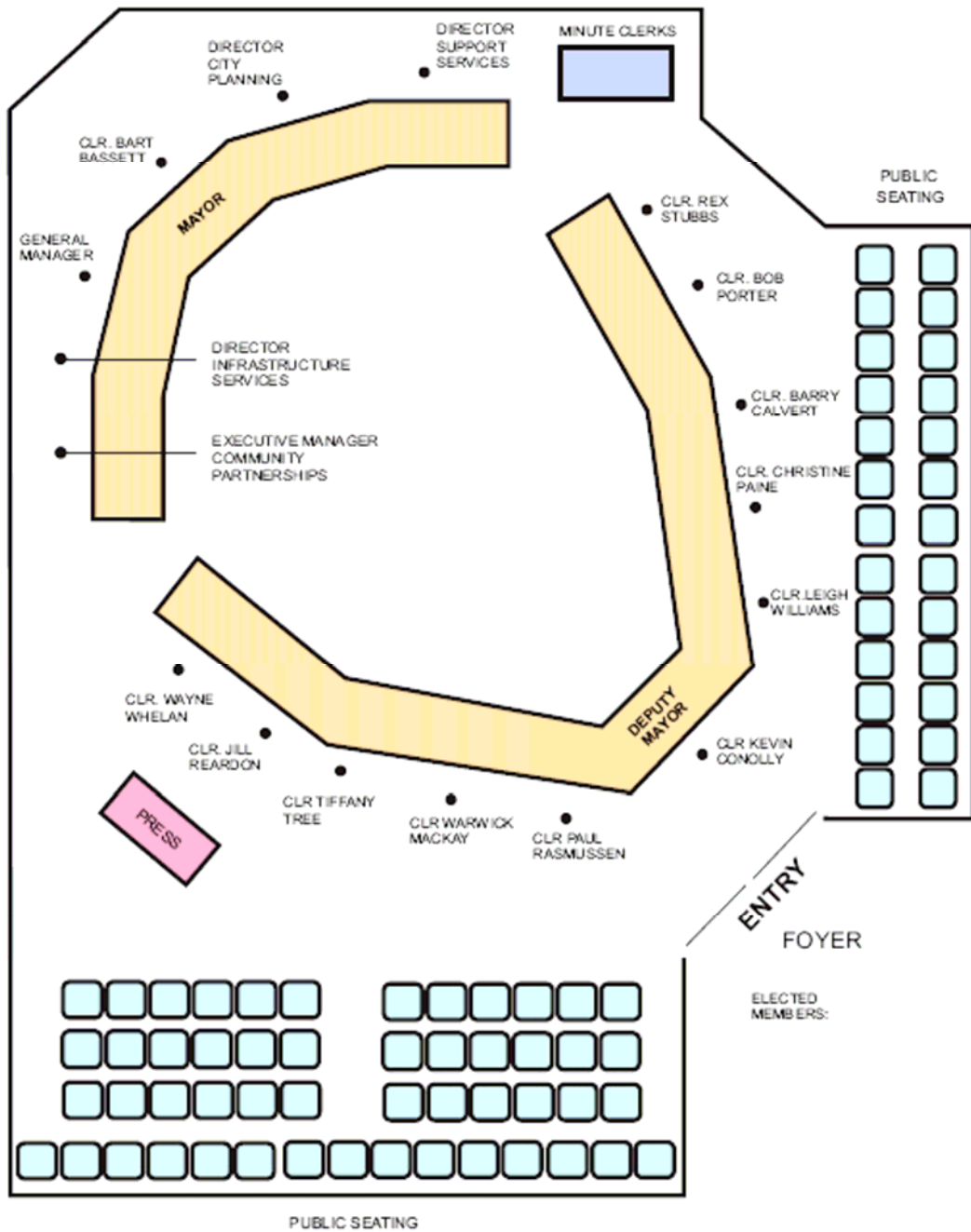
### **Website**

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](http://www.hawkesbury.nsw.gov.au).

### **Further Information**

A guide to Council Meetings is available on the Council's website. If you require further information about meetings of Council, please contact the Manager, Corporate Services and Governance on, telephone 02 4560 4426.

# hawkesbury city council council chambers



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**SECTION 1 - Confirmation of Minutes**

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section

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notices of motion

**ORDINARY MEETING**

Notices of Motion

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Notices of Motion

**SECTION 3 - Notices of Motion**

**NM - Altering the commencement time of Ordinary Meetings of Council - (111629)**

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**Submitted by:** Councillor Warwick Mackay

**NOTICE OF MOTION:**

That Council alters starting time for Ordinary Meetings to 6:00pm, with a 20 minute refreshment break to be taken at 7:30pm. All other conditions of Code of Meeting Practice to remain.

**NOTE BY MANAGEMENT:**

Council's Code of Meeting Practice (the Code) has been previously prepared and adopted by Council under the provisions of Sections 360, 361 and 362 of the Local Government Act 1993.

These provisions include a requirement for the draft Code to be publicly exhibited for a period of not less than 28 days and specifying a period of not less than 42 days during which submissions may be made before a Council can consider the actual adoption of the Code. Once adopted, the Code governs the manner in which a Council conducts its meeting.

Section 363 also deals with the amendment of an adopted Code and specifies that it can only be amended after following the same process that was required in the first instance when the Code was adopted. Accordingly, prior to any amendment being made to the Code as proposed by the Notice of Motion it would be necessary for a draft of the Code with the proposed amendment to be placed on public exhibition.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF NOTICE OF MOTION Oooo**

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Notices of Motion



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for determination

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SECTION 4 - Reports for Determination

CITY PLANNING

Item: 87 CP - Request for Refund of Section 94A Contributions - (95498)

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REPORT:

Introduction

Council has received a request for reimbursement of a Section 94A contribution levied on the Development Application (DA0658/08) for the demolition of existing classroom buildings and the construction of new classrooms, associated paving, drainage and landscape works at 1A Bourke Street, Richmond for St Monica's Catholic Primary School.

The Section 94A levy payment was the result of a development consent condition imposed on the development consent in accordance with the provisions of Council's Section 94A Development Contributions Plan 2006.

The purpose of this report is to advise Council of the requirements of the adopted Contributions Plan and of the obligations that the Plan imposes.

Background

Council received a development application (DA0658/08) for the demolition of existing classroom buildings and the construction of new classrooms, associated paving, drainage and landscape works at 1A Bourke Street, Richmond for St Monica's Catholic Primary School, on 3 September 2008. The value of these works was nominated at \$3,000,000.

The application was notified to adjoining owners from 29 September to 13 October 2008 with Council receiving one submission. The submission raised issues regarding parking for the school that has been assessed as being satisfactory.

The application was granted development consent on 16 December 2008. Condition 9 of the development consent levied the Section 94A contribution as follows:

9. *Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979 and Hawkesbury City Council's Section 94A Development Contributions Plan 2006 (as amended from time to time), a contribution of \$30 000.00 shall be paid to Hawkesbury City Council.*

*The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of Hawkesbury City Council's Section 94A Development Contributions Plan 2006 (as amended from time to time). The contribution is to be paid prior to the issue of the construction certificate and copies of receipts(s) confirming that the contribution has been fully paid are to be provided to the Principal Certifying Authority.*

On 10 February 2009 the Section 94A Contribution of \$30,000 was paid by the applicant and the Construction Certificate for the building works was released.

On 11 February 2009 Council received a letter, dated 9 February 2009, from the Catholic Education, Diocese of Parramatta, requesting reimbursement of the contribution amount of \$30,000.

### Details of the Request

The letter of 9 February 2009 states the following reasons for a favourable consideration of reimbursement by Council:

1. *Our status as a not-for-profit education provider and a registered charity. We operate in strict accordance with our accountabilities to both the Commonwealth Government and the NSW Government for funding provided for educational purposes;*
2. *This is \$3,000,000 capital investment into the local community which we serve and will directly benefit the residents of Richmond and adjoining areas;*
3. *The redevelopment of St Monica's Catholic Primary is to cater for the existing enrolment level and is not placing any additional burden on local government resources. There will be no increase in vehicular or pedestrian traffic impacting on the local road infrastructure;*
4. *In other similar proposals for our system of 76 schools in the Diocese of Parramatta (which extends from the Hawkesbury on the Hills to Dundas and Granville in the east to the Blue Mountains in the west) no other Council has required a development contributions; and*
5. *We are advised there have been some recent legislation changes by the NSW Government on planning matters and although we have not explored the details we understand there may be some discretion on development contributions.*

In relation to point 5 above, whilst there have been some recent changes to planning legislation that relate to education facilities, those changes relate to certain types of structures and the spending of the Federal Government stimulus package grants. The changes do not introduce "some discretion on development contributions" in this case and the proposed development does not qualify for the application of the changes.

The matters raised in points 1 to 4 may be relevant when preparing a Development Contribution Plan and considering types of development that may be excluded from the Plan. In the current Hawkesbury Section 94A Development Contribution Plan there are no exemptions from payment of the levy. As such the levy was applied in the development consent. The implications of this are discussed in the following section.

### Administration and Operation of the Section 94A Contributions Plan

The Hawkesbury Section 94A Development Contributions Plan 2006 commenced on 10 May 2006. The Plan applies to all land in the Hawkesbury City Local Government Area with the exemption of Pitt Town (Section 94 Plan applies) and development and complying development applications received by Council prior to 10 May 2006.

The Contribution Plan applies a levy on most development at the rate of 1% of the development cost. The Minister for Planning restricted this rate to 0.5% on certain types of residential development. However, in relation to commercial and non-residential development, with the exemption of development for the purposes of the Building Code of Australia Class 10 structures, the levy of 1% of development costs applies.

The operation of Contribution Plans, either Section 94 or 94A Plans, are guided by strict practices in the Environmental Planning and Assessment Act 1979 and Regulations 2000. The requirements are different for each of these plans and it is not intended to cover all these requirements in this report. The requirements generally relate to what Council can include in a contributions plan, what development can be exempted from the plan, the nexus of the contribution to the development (NB: more flexible in S94A), rates levied, accounting and payments. In Council's current Plan there is no provision for the exemption of certain types of development, such as affordable housing, community or educational facilities, from the levy.

When a Contributions Plan is prepared the estimated income is stated and the Plan also includes a schedule of works where the monies collected are to be spent. The Practice Note issued by the

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Department of Infrastructure Planning and Natural Resources (Now the Department of Planning) in July 2005 made the following comments in relation to refunding contributions:

*The EP&A Act does not refer to refunds, and a number of decisions in the NSW Land and Environment Court (e.g. Frevcourt Pty Ltd & Anor v Wingecarribee Shire Council, [2005] NSWCA 107) indicate that there is no express power for a council to refund s94 contributions even if there is an excess of funds"*

In the case of DA0658/08, the S94A contribution is required to be, and was, levied under the provisions of the Section 94A Contributions Plan and Council cannot waive that requirement as the Plan is a Statutory Plan. The contribution amount was paid on 10 February 2009 and the monies have been placed in the S94A contribution account. As mentioned above, Council does not have any power to refund the contribution that has been levied under the provisions of the Contributions Plan. Any "refund" of the contributions would need to be reallocated from another source.

### Conformance to Strategic Plan

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

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

### Funding

As specified previously in this report, Council does not have the authority to waive or refund contributions levied in accordance with the adopted Development Contributions Plan.

Should Council have the desire to refund monies to Catholic Education then the refund would need to be via another avenue, such as the Community Sponsorship Program, as contributions collected under the provisions of the Development Contributions Plan must be spent on the works specified in the Plan.

Following the review of the Community Donations Program and the subsequent adoption of the Community Sponsorship Program, the provision of all financial assistance by Council under Section 356 of the *Local Government Act*, is transacted in accordance with the Community Sponsorship Program (CSP) policy and procedures (as recommended by ICAC guidelines for the granting provision of sponsorship by public sector agencies). Any proposed reimbursement would need to be assessed against these guidelines.

It is noted that the allocated funds in the CSP are currently spent for this year and Council would need to nominate the reallocation of funding from another source for this reimbursement of contributions.

### 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 a response be forwarded to the Catholic Education, Diocese of Parramatta, advising that their request for reimbursement of Section 94A Contributions cannot be supported.

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**ATTACHMENTS:**

There are no attachments to this report

**oooO END OF REPORT Oooo**

**Item: 88 CP - Land and Environment Court Appeals Process - (95498)**

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**REPORT:**

**Introduction**

On 14 December 2004 Council considered a procedure for notifying Councillors and resident respondents of Land and Environment Court (Court) Appeals. The resolution of the meeting was as follows:

- "1. *The procedure for responding to appeals as detailed in this report be accepted with the additional component of advising resident respondents prior to a report to Council following a review of evidence.*
2. *Council's Solicitors be advised of the adopted procedure."*

The procedure referred to in the report was shown in diagrammatic form and a copy of that procedure is attached to this report.

The purpose of this report is to:

- Provide an overview of Land and Environment Court Planning Appeals
- Update Council's procedure for responding to appeals to respond to changes in the Court requirements,
- Recommend a new procedure be accepted which includes regular updates on matters currently before the Land and Environment Court.

Matters in the Local Court (property leases, Penalty Notice appeals, etc), are not addressed in this procedure/report.

This does not mean that the existing procedure is flawed. It is proposed to amend the procedure to better reflect the current Court practices and enable a Court matter to be advised to Councillors and residents who made submissions on the matter whilst providing for more regular updates to Councillors on the progress of these Court matters.

**Overview of Land and Environment Court Classes**

The Land and Environment Court Act 1979 divides the jurisdiction of the Court into eight classes. A brief description of these classes follows:

Class 1:

Environmental Planning and Protection Appeals. These matters relate to development application (DA) refusals, mainly appeals against Council orders.

Class 2:

Local Government and Miscellaneous Appeals. This class deals with appeals against Council enforcement, compliance notices such as fire safety orders, the keeping of animals on the premises or disputes in relation to trees.

Class 3:

Valuation, Land Tenure and Compensation Matters. These are appeals against land valuation assessments and applications for compensation for the resumption of land.

Class 4:

Environmental Planning and Protection, and Civil Enforcement. These are heard by judges of the Court and involve law issues. Independent legal advice is advised on the legal strength of your case before

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proceeding. Costs are normally a factor in these appeals. If an outcome is unsuccessful, it may result in a party paying their own costs as well as their opponents. This class also involves enquiries about how somebody can challenge the decision of a Council to approve a neighbour's DA or if Council takes action against unauthorised activities e.g. a business operation that has not obtained Council consent, or is alleged to be operating outside of the terms of the Council consent. This may be followed by a complaint registered by a neighbour where the Council has the power to seek injunctions for this type of action; e.g. halt any alleged unauthorised works or operations.

### Class 5:

Criminal Enforcement is the criminal jurisdiction for the prosecution of pollution offences and various breaches of environmental and planning laws. These matters can be brought by agencies such as the EPA (Environment Protection Authority).

### Class 6 & 7:

The Court hears appeals from convictions for environmental offences in the Local Court. These are not common appeals.

### Class 8:

Mining matters. These matters do not normally involve Council.

Depending on the appeal class, procedures may vary. Some outcomes can be mediated between the appellant and defendant without even going through a court. Council matters are generally confined to Classes 1 to 4 with cases in Classes 5 to 7 rare. The majority of development related appeals relate to Class 1 where the applicant appeals against a decision of Council on a development application.

### **Land and Environment Court as the Consent Authority**

It should be noted that in Class 1 matters when an appeal is lodged with the Land and Environment Court against the decision of Council, the Court assumes the place of the Consent Authority (Council) under the Environmental Planning and Assessment Act 1979. This means that the Council no longer has the authority to end the appeal process in Court by reviewing or reversing the development determination. In these cases the Council becomes a party to the appeal, being the respondent, and must provide a defence of its decision to the Court. This does not prevent the parties negotiating, via legal representatives. However, an outcome, even if both parties agree, must be ratified by the Court. It should also be noted that the Court is not bound to agree with the negotiated outcome and can impose a different resolution to the matter from that which was agreed by the parties involved.

### **Updating Council's Procedure to Reflect Land and Environment Court Requirements**

Since Council's procedure was adopted in 2004 there have been a number of changes to the Land and Environment Court appeal processes. Council's procedure is no longer reflective of the Court's requirements for defending an appeal.

### Appeal Timeframes

The existing Council procedure (attachment to this report) is a summary only and often the steps involved, particularly between the "Instructions to Solicitors" box and the "review of evidence" box are numerous (e.g., preparation of Statements of Facts and Contentions, submissions from both sides, Affidavit preparation and then revised submissions on that evidence) and may extend up to the week of the Hearing date. Similarly the "Court Hearing" step can result in additional matters arising and then Hearing dates being deferred for one or two days for consideration of documents by the legal advisors of both parties.

The existing procedure (attachment to this report) is not appropriate for all Classes of matters that are considered in the Court. The timeframes set by the Court do not always allow matters to be reported to a Council meeting for review. It is not unusual during a Court matter for telephone callovers and hearings to be set in a matter of days which do not allow the current Council procedure to be followed. Also, as was the case in a recent Court matter, the evidence submitted to Court by both sides can amount to thousands of pages of documents which cannot be adequately summarised and reported to Council within the time allowed by the Court.



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### Without Prejudice Conditions

The attached existing Council procedure contains a box "Instructions to proceed with defended hearing or agree to consent orders". This implies that the Council can dictate the direction of the Hearing. Whilst this is partially correct, overall once the matter proceeds to appeal the Court is the Authority to determine if the case can be determined by consent orders or if it wants to hear the case. The current/preferred Court practice is for the Council/respondent to prepare for all possible outcomes of the hearing. In Council's case, where an appeal against a refusal of a development application is being defended, Council's Solicitors and staff will also prepare possible consent orders for submission to the Court should the Court decide to approve the development. These orders contain generally standard and specific conditions appropriate to the development and are discussed with the applicant to refine areas of agreement and disagreement. Should the Court decide to approve the matter then the Court is advised of the areas of agreement and disagreement between the parties and the Court decides on the final consent orders. In this case the Court may use the agreed conditions or may formulate its own consent conditions. The preparation of these "without prejudice" conditions does not infer that the matter is resolved nor does it influence the Court's view of the matter.

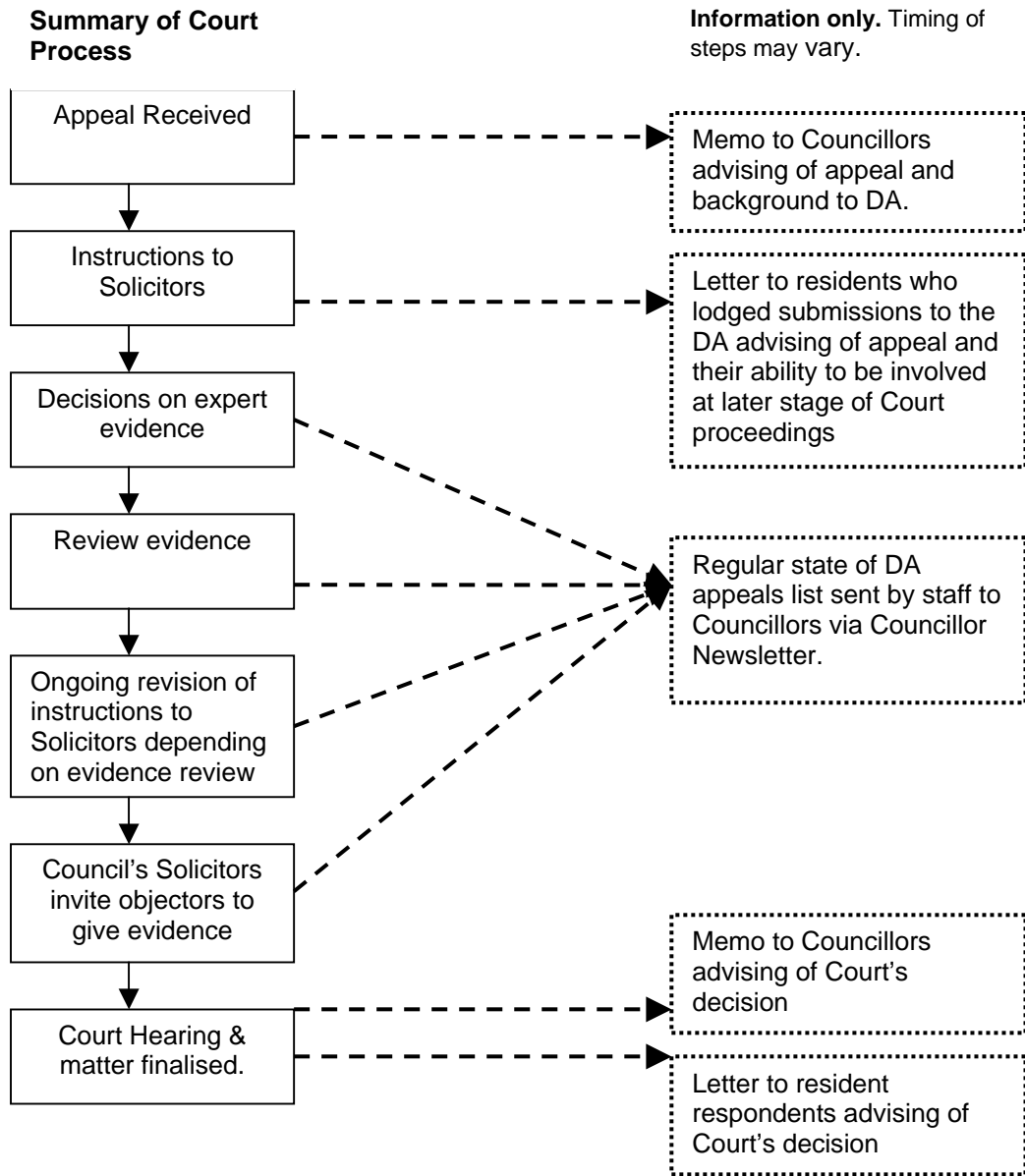
### Delegations Regarding Legal Proceedings

Another matter that has been mentioned, but not yet challenged, is the way the existing procedure is worded. It can be implied in certain Classes of appeal in Court, that if the procedure is not strictly followed, including timing, then the Council's case may be void. This refers primarily to the first "Appeal received" box and the memo to Councillors. It has been implied that if this is not undertaken prior to instructing Solicitors (next box on the left side of attached procedure diagram) then there is no delegation to proceed with the matter and the case is void. It does not seem from the wording of the procedure or from the Council report of December 2004 and the wording of the Delegations of Authority to certain senior staff that this was the intention. This review of the procedure is an appropriate opportunity to clarify this situation.

### **Proposed Procedure**

It is proposed to amend the procedure to reflect the changes to Court practice and manage appeals appropriately whilst keeping Councillors informed. The amended procedure is still proposed to be shown in diagrammatic form with additional text to assist in the understanding of the procedure as follows:

**Proposed Procedures for Appeals in the Land and Environment Court**



The left side of the diagram shows the Court appeal process, in summary only and should not be read as a definitive description. The dotted lines and boxes on the right show the steps to be taken to ensure that Councillors and residents who lodged submissions are informed at the appropriate times. (NOTE: Failure to undertake the tasks in this procedure does not void, or otherwise affect, the delegations of staff to defend or proceed with any appeal.)

**Conformance to Strategic Plan**

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

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

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**Funding**

The proposal is to clarify the procedure that is currently accepted by Council. The proposed changes have no funding implications apart from some additional staff time.

**RECOMMENDATION:**

That:

1. The procedure for responding to appeals as detailed in the "Proposed Procedure" section of the report be accepted.
2. Council's Solicitors be advised of the accepted procedure.

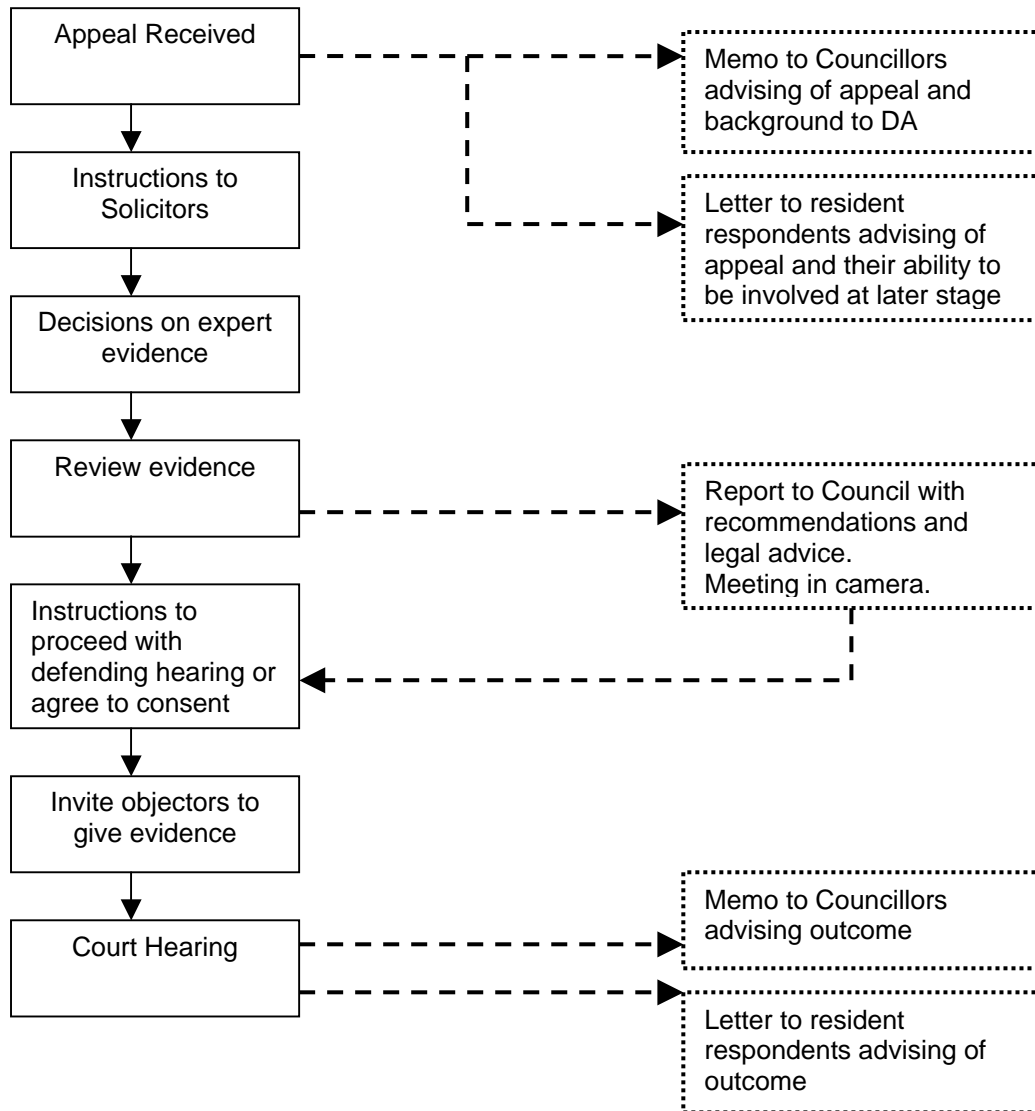
**ATTACHMENTS:**

**AT - 1** Existing Procedure for Appeals in the Land and Environment Report.

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**AT - 1 Existing Procedure for Appeals in the Land and Environment Report.**



*The left side of the diagram shows the Court appeal process (in summary), while the dotted lines and boxes show the accepted procedure for informing Councillors*

oooO END OF REPORT Oooo

**Item: 89 CP - Community Sponsorship Program 2008/2009 - Sponsorship of the Women's Cottage - (79342, 80358)**

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**REPORT:**

This report has been prepared to seek Council's approval for an out-of-policy request for financial assistance under the Community Sponsorship Program (CSP) for 2008/2009.

**Background**

On 13 March 2007 Council resolved to adopt a Sponsorship Policy, prepared in accordance with the guidelines issued by the Independent Commission Against Corruption. Implementation of criteria and administrative arrangements for a Community Sponsorship Program (based on the adopted Policy) commenced in 2007/2008.

The adopted budget for 2008/2009 included an allocation of \$59,000 for the Community Sponsorship Program (CSP). To date, \$54,878 has been approved for distribution by Council in accordance with the CSP policy and procedures. The balance of funds remaining in the CSP for 2008/2009 is \$4,122.

Council will be aware of previous reports concerning the provision of ongoing financial assistance to the Women's Cottage to meet the costs of their rental of Council owned commercial premises in Bosworth Street, Richmond. Council currently charges the Cottage a subsidised rental of \$12,000.

**Request for Financial Assistance**

Council has previously provided financial assistance to the Women's Cottage to meet the rental costs levied by Council. Following the review of the Community Donations Program and the subsequent adoption of the Community Sponsorship Program, the provision of all financial assistance by Council under Section 356 of the *Local Government Act*, is transacted in accordance with CSP policy and procedures (as recommended by ICAC guidelines for the granting provision of sponsorship by public sector agencies).

Council's CSP policies and procedures provide for the equitable and financially sustainable allocation of financial assistance through a transparent application and assessment process. To maximise the capacity of Council to provide support to a broad range of community groups and projects and/or to respond to emerging community needs, the CSP does not provide for the provision of ongoing financial assistance to community groups to meet shortfalls in state or federal funding.

At a recent Councillor Briefing Session, Council was advised of the difficulties experienced by the Women's Cottage as a result of their level of funding. It was indicated that the Cottage may be required to suspend or defer some of its programs due to funding constraints.

In response to this information, Council staff have met with a representative of the Hawkesbury Area Women's and Kids Services Collective Inc. who operate the Women's Cottage, to discuss proposals which could be funded under the CSP. The Hawkesbury Area Women's and Kids Services Collective (HAWAKS) have submitted an application under the CSP seeking funds of \$4,122 from Council as a contribution to the cost of refurbishing their outdoor child care area. The funding of the proposal will enable HAWAKS to improve the programs provided from the Women's Cottage and resolve OH&S issues relating to the provision of child care. The application has been assessed against the applicable criteria outlined in Council's Community Sponsorship Program. Both the application and the amount recommended for approval are consistent with the policy. Council approval is sought for this proposal as CSP funds are ordinarily approved following a publicly advertised application and assessment process which will not take place in this instance.

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**Conformance to Strategic Plan**

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

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

**Funding**

Funds are available within the Community Sponsorship Program for the proposed sponsorship agreement.

**RECOMMENDATION:**

That Council approve the:

1. Payment of \$4,122 in Section 356 Financial Assistance to the Hawkesbury Area Women's and Kids Services Collective Inc. as a contribution to the costs of refurbishing the outdoor child care area at the Women's Cottage.
2. Execution of Council's standard Sponsorship Agreement for this project.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

**INFRASTRUCTURE SERVICES**

**Item: 90**            **IS - Proposal to Establish Alcohol Free Zone - Mileham Street Netball Complex - (95494, 79354)**

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**REPORT:**

A request has been received by the Hawkesbury Sports Council Inc. to prohibit the consumption of alcohol within the Mileham Street Netball Complex, located at 162 Mileham Street, South Windsor.

There are two methods of prohibiting the consumption of alcohol in a public place, namely:

- declaring an alcohol-free zone; or
- prohibiting the consumption of alcohol in public places such as parks and reserves.

Section 644 of the Local Government Act provides that Council may declare a zone consisting of one or more public roads or parts of public roads within the area, to be an alcohol-free zone. The zone can only include roadways, footways and public carparks and does not include parks and reserves or other public areas. Public consultation is required prior to implementing a zone under this section of the act.

In relation to parks and reserves and other public areas Council may, in accordance with Section 632 of the Act, prohibit the consumption of alcohol in these areas. A sign indicating that the activity is prohibited must be placed on the subject area, and an authorised Council officer can enforce the restriction. Public consultation is not required.

Given that the Park has a history of late night drinkers, continual smashing of glass over the courts, and regular vandalism to the toilets, it would be appropriate to prohibit the consumption of alcohol within this locality.

**Conformance to Strategic Plan**

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

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

**Funding**

Signage and notification costs to be provided from within the current budget.

**RECOMMENDATION:**

That

1. In accordance with the provisions of Section 632 of the Local Government Act, 1993, the consumption of alcohol be prohibited at the Mileham Street Netball Complex, South Windsor
2. Public notification (including erection of signage and an advertisement) be undertaken regarding the establishment of the Alcohol Free Zone.

**ORDINARY MEETING**

**Meeting Date:** 12 May 2009

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**



**ORDINARY MEETING**

**Meeting Date:** 12 May 2009

**Item: 91**                    **IS - Extractive Industries Reserve - (95494)**

**Previous Item:**            14, Ordinary (31 January 2006)

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**REPORT:**

Council at its meeting held on the 31 January 2006, in relation to a report outlining the status of extractive industry levies, resolved in part:

*"4. Nepean and all other quarries – residue funding in the amount of \$953,815.00 will be expended on the rehabilitation of failed road pavements in:*

- a) *Tennyson Road, East Kurrajong between Valley Way and East Kurrajong Road - \$210,000.00.*
- b) *East Kurrajong Road - sections along the full length - \$743,815.00"*

The funding distribution between Tennyson and East Kurrajong Roads was based on a road condition assessment carried out in 2006 where known construction rates were applied to measured quantities. This process predicted a reconstruction length of 1.5 km in East Kurrajong Road and 0.4 km in Tennyson Road.

Tenders were invited for the works on East Kurrajong Road and Tennyson Road with tenders closing on 18 July 2007. Road lengths for rehabilitation were defined within the Tender Documentation under Scope of Works as commencing at ch.383 (property No. 669) from Tennyson Road to ch.1883 (property No.551) for East Kurrajong Road, and commencing at the intersection of Valley Way and extending in a northerly direction towards East Kurrajong Road for Tennyson Road. In both instances it was stated that the length quoted will be dependent upon the tendered rate submitted.

The works are now in progress and the Contractor has successfully completed the East Kurrajong Road portion with the expected final cost being around \$440,000. The original estimate for the work on Tennyson Road was \$210,000 which would leave an amount of around \$300,000 from the originally identified funding \$953,815 which could be utilised in additional rehabilitation work on either East Kurrajong Road and/or Tennyson Road. It is suggested that the funds be utilised on Tennyson Road which would enable the total length between Valley Way and East Kurrajong Road to be rehabilitated rather than just one section.

**Extractive Industry Reserve**

Since the report to Council on 31 January 2006 there have been additional payments made from extractive industries and there are now funds within the Reserve, separate from those paid by Birdon Quarries (Tinder Creek) of around \$500,000. It is suggested that tenders be called for rehabilitation works on additional section/s of East Kurrajong Road, utilising those available funds.

It is proposed to call tenders for both projects.

**Conformance to Strategic Plan**

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

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

**Funding**

Funding provided from Extractive Industries contributions.

**ORDINARY MEETING**

**Meeting Date:** 12 May 2009

**RECOMMENDATION:**

**THAT**

1. The funds remaining from the original \$953,815 identified for rehabilitation works on East Kurrajong Road and Tennyson Road be utilised to enable the entire length of Tennyson Road between Valley Way and East Kurrajong Road to be rehabilitated.
2. Funds available within the Extractive Industry Reserve of up to \$500,000 be utilised to carry out further rehabilitation works on section/s of East Kurrajong Road.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**

**Meeting Date:** 12 May 2009

**SUPPORT SERVICES**

**Item: 92                    SS - Goods and Services Tax Compliance Certificate 2009 - (96332, 95496)**

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**REPORT:**

The Department of Local Government previously required councils to have an independent Goods and Services Tax (GST) review undertaken and a GST Audit Review Report prepared by an external auditor and lodged with the Department of Local Government.

Effective from the 2004/2005 financial year, the Department of Local Government changed the requirements, now requesting councils to provide a certificate of confirmation signed by the Mayor, one other Councillor, the General Manager and the Responsible Accounting Officer, in lieu of an independent review. For the following years after 30 June 2005, the certificates are to be for the period from 1 May to 30 April each year, to enable the Department to provide more accurate and current information to NSW Treasury.

The certificate of confirmation requires Council to certify that:

- Hawkesbury City Council has paid voluntary GST for the period from 1 May 2008 to 30 April 2009.
- Adequate management arrangements and internal controls were in place to enable the Council to adequately account for its GST liabilities and recoup all GST input tax credits eligible to be claimed.
- No GST non-compliance events by the Council were identified by or raised with the Australian Taxation Office.

Management confirms that all voluntary GST has been paid for the period from 1 May 2008 to 30 April 2009, that appropriate internal controls and systems are in place to account for Council's GST liabilities and that no GST non-compliance event has been identified or raised with the Australian Taxation Office.

A copy of the Goods and Services Tax Certificate for the period from 1 May 2008 to 30 April 2009 is attached to this report as Attachment 1.

**Conformance to Strategic Plan**

Not applicable.

**Funding**

Nil affect on budget.

**RECOMMENDATION:**

That the Goods and Services Tax Certificate for the period from 1 May 2008 to 30 April 2009 be endorsed in accordance with Department of Local Government Circular 05/26.

**ATTACHMENTS:**

**AT - 1** Goods and Services Tax Certificate.

**ORDINARY MEETING**

**Meeting Date: 12 May 2009**

**AT - 1 Goods and Services Tax Certificate**

**COUNCIL OF THE CITY OF HAWKESBURY**

**GOODS AND SERVICES TAX CERTIFICATE**

**Payment of Voluntary GST from 1 May 2008 to 30 April 2009**

To assist compliance with Section 114 of the Commonwealth Constitution, we certify that:

- Voluntary GST has been paid by Hawkesbury City Council for the period from 1 May 2008 to 30 April 2009.
- Adequate management arrangements and internal controls were in place to enable the Council to adequately account for its GST liabilities and recoup all GST input tax credits eligible to be claimed.
- No GST non-compliance events by the Council were identified by or raised with the Australian Taxation Office.

Signed in accordance with a resolution of Council made on the 12 of May 2009.

-----  
Bart BASSETT  
**MAYOR**

-----  
Kevin CONOLLY  
**DEPUTY MAYOR**

-----  
Peter JACKSON  
**GENERAL MANAGER**

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Rob STALLEY  
**RESPONSIBLE ACCOUNTING  
OFFICER**

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**

**Meeting Date:** 12 May 2009

**Item: 93**                    **SS - Revaluation of Properties within the Hawkesbury City Council Local Government Area - Land Values for Wilberforce and Freemans Reach and Comparisons to Penrith City Council and The Hills Shire Council - (95496, 79337)**

**Previous Item:**            54, Ordinary (10 March 2009)

---

**REPORT:**

Council at its meeting on 10 March 2009 considered a report regarding the effects of the latest Valuer General revaluation of properties within the Hawkesbury City Council Local Government Area.

At the meeting, Council resolved:

*"That:*

- 1. The information concerning the revaluation of properties within the Council Local Government Area be received.*
- 2. Council's practice of levying the business and residential ad valorem rate at the same level be continued.*
- 3. Council's practice of levying the farmland ad valorem rate at approximately 80% of the residential/business ad valorem rate be continued."*

Also, at the meeting, Council resolved on a foreshadowed motion:

*"That:*

- 1. Staff report back to Council regarding the average land value increase for residential and rural residential land as separate items in respect of Wilberforce and Freemans Reach.*
- 2. Staff report back to Council what Penrith and Baulkham Hills Councils are doing to support large acreage holdings."*

This report will outline the information as resolved in the abovementioned foreshadowed motion.

**Background Information**

Council's current rating structure provides for three different types of ordinary rates: residential, farmland and business. The rate type applicable to a particular property is determined on the basis of the property's rating categorisation. All properties are categorised in accordance with the provisions set out in the Local Government Act, 1993.

Each year, rates are assessed on the basis of the latest land value provided by the Valuer General, multiplied by the rate in the dollar set by Council for the year. The rate in the dollar for the year is determined in conjunction with the rate pegging limit set by the Minister, so that the total rate income received will not exceed the permissible income limit.

The Valuer General conducts a revaluation of a Local Government Area approximately every three years. The land values currently used for rating have a base date of July 2005, and have been used for rating purposes since the 2006/2007 rate levy. A revaluation of the Hawkesbury area took place in 2008, which has resulted in the total rateable land valuations increasing from \$7.12 billion to \$7.78 billion, an average

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increase of 9.39%. These latest valuations will be used for rating purposes for the first time in the 2009/2010 financial year.

Whenever a revaluation occurs, the rating distribution within the Council area changes. Although the total rating income generated for Council is restricted by the rate pegging limit, individual ratepayers will receive varying increases or decreases in their rates, dependent upon how their property has been affected by the revaluation.

In the report to the Council Meeting on 10 March 2009, Council was presented with various tables that illustrated how different suburbs and townships, as an average, varied in respect to the new valuations.

The report also addressed the current practice utilised by Council in setting the rate in the \$, which provides for the same minimum amount and same ad valorem amount (rate in the \$) being applied to business and residential rates with farmland rates generally being set at approximately 80% of this amount.

**Land Values - Wilberforce and Freemans Reach**

With regard to part 1 of the abovementioned adopted foreshadowed motion, the average residential land value increases for Wilberforce and Freemans Reach, split between residential and rural residential, are shown in Table 1 below. In respect to the split in land values between residential and rural residential, rural residential land means land that:

- a. is the site of a dwelling, and
- b. is not less than 2 hectares and not more than 40 hectares in area, and
- c. is either:
  - i. not zoned or otherwise designated for use under an environmental planning instrument, or
  - ii. zoned or otherwise designated for use under such an instrument for non-urban purposes, and
- d. does not have a significant and substantial commercial purpose or character.

**Table 1**

| Town           | Category Type     | Number of Properties | 2005 Values          | 2008 Values          | Increase      |
|----------------|-------------------|----------------------|----------------------|----------------------|---------------|
| Wilberforce    | Residential       | 733                  | \$188,344,600        | \$200,280,200        | 6.34%         |
|                | Rural residential | 206                  | \$122,199,100        | \$126,724,000        | 3.70%         |
|                | <b>Total</b>      | <b>939</b>           | <b>\$310,543,700</b> | <b>\$327,004,200</b> | <b>5.30%</b>  |
| Freemans Reach | Residential       | 508                  | \$112,889,900        | \$123,471,200        | 9.37%         |
|                | Rural residential | 123                  | \$66,837,470         | \$74,631,440         | 11.66%        |
|                | <b>Total</b>      | <b>631</b>           | <b>\$179,727,370</b> | <b>\$198,102,640</b> | <b>10.22%</b> |

The information in Table 1 can be summarised as follows:

- The average rural residential percentage increase for Wilberforce is lower than the average residential percentage increase.
- The average rural residential percentage increase for Freemans Reach is higher than the average residential percentage increase.

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If a council sub-categorises an ordinary residential rate to apply to “rural residential land” that rate must be applied to all land throughout the area that qualifies under that definition. There is no authority for the council to apply the sub-categorised rate to some parcels of rural residential land and not others.

The rural residential land sub-categorisation is not mandatory. It is only in cases where the council is intending to establish a “rural residential land” ordinary rate sub-category within its ordinary “residential” rating structure that it will need to assess whether a parcel of land will qualify in terms of the “rural residential land” definition.

**Penrith City Council and The Hills Shire Council**

With regard to part 2 of the abovementioned adopted foreshadowed motion, the following information is provided in regard to the rating structures of Penrith City Council (Table 2) and The Hills Shire Council (Table 3).

Penrith City Council has the following rating structure in place for 2008/2009:

**Table 2**

| <b>Penrith City Council</b>   | <b>Minimum Amount</b> | <b>Rate in the \$</b> |
|-------------------------------|-----------------------|-----------------------|
| Residential                   | \$669.75              | 0.41576               |
| Business                      | \$856.95              | 0.75033               |
| Business Penrith CBD          | \$856.95              | 0.8617                |
| Business St Marys Town Centre | \$856.95              | 1.2626                |
| Farmland                      | \$669.75              | 0.20788               |

The information contained in Table 2 for Penrith City Council can be summarised as follows:

- There is a minimum for each rating category.
- The residential and farmland category minimums are lower than that for the business categories.
- The rate in the dollar is different for each category.
- The rate in the dollar for the residential and farmland categories are lower than that for the business categories.
- There is no category for rural residential.

The Hills Shire Council has the following rating structure in place for 2008/2009:

**Table 3**

| <b>The Hills Shire Council</b> | <b>Base Amount</b> | <b>Rate in the \$</b> |
|--------------------------------|--------------------|-----------------------|
| Residential                    | \$325.02           | 0.146322              |
| Business                       | \$259.80           | 0.320087              |
| Farmland                       | \$325.02           | 0.109756              |

The information contained in Table 3 for The Hills Shire Council can be summarised as follows

- There is a base amount for each rating category.
- The base amount for the residential and farmland categories are higher than that for the business category.

**ORDINARY MEETING**

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- The rate in the dollar is different for each category.
- The rate in the dollar for the residential and farmland categories are lower than that for the business category.
- The farmland rate in the dollar is set at 75% of the residential rate in the dollar.
- There is no category for rural residential.

It is noted that whilst Penrith City Council and The Hills Shire Council do not have a rural residential category, both councils have introduced measures via their respective rating structures to support residential rates (and therefore, rural residential rates) and farmland rates, at the expense of business rates.

**Comparison of Planning Controls**

With regard to part 2 of the abovementioned adopted foreshadowed motion a general comparison of the planning controls in the Hawkesbury City, Penrith City and The Hills Shire Councils for rural housing has been undertaken. Hawkesbury and the Hills Councils are very similar in their approach to the planning controls, i.e., one LEP, minimum lot sizes with some variations, etc. Penrith City Council currently has multiple LEPs and DCP controls that make a direct comparison difficult. (Note: This may be simplified with the standard LEP work that the Council is currently undertaking.)

Table 4 below provides a quick general comparison of the planning controls for these three Councils. However, it should be noted that a direct comparison of planning controls between Councils should always be viewed with caution due to the various layers and exemptions contained in each of the Council's planning documents.

**Table 4**

|                                | Hawkesbury City Council  | Penrith City Council   | Hills Shire Council   |
|--------------------------------|--|--|---|
| Number of Rural Zones          | 4  | 3  | 4   |
| Additional Dwellings permitted | Attached Dual Occupancy  | Attached Dual Occupancy (all Zones)<br>Detached Dual Occupancy (Limited to certain areas and restrictions) | Attached Dual Occupancy                                     |
| Subdivision Lot Sizes          | Mixed Ag – 2.5, 10 or 40ha<br>Rural Living - 1, 2 or 4ha<br>Rural Housing – 1500m <sup>2</sup> + | 1(a) – 40ha<br>1(b) – 2ha<br>1(c) - Variable   | 1(a) – 40ha<br>1(b) – 10ha<br>1(c) – 2ha<br>1(d) - Variable |

Table 4 indicates that the number of rural zones and the uses permitted in the rural areas by all three Councils is generally similar. Hawkesbury and The Hills both permit attached dual occupancies in all the rural zones. Penrith also permits attached dual occupancies in all their rural zones and detached dual occupancies in certain zones and only in certain areas with restrictions. These restrictions are contained in the LEP and DCP and relate principally to economic provision of services, design of subdivision and dwelling, effluent disposal, agricultural protection/viability, visual impacts (ridge lines and from roads), compatibility of development with adjoining landuses and erosion and sedimentation.

A comparison of the subdivision permissibility and lot size controls indicate that whilst Penrith City and The Hills Shire have variable lot size provisions for one of the zones, Hawkesbury City Council seems to have



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greater flexibility across the zones for minimum lot sizes. This seems to be due to the lot averaging provisions contained in the LEP.

It is clear that each Council approaches the issue of development controls in rural areas differently. However, it is also clear that the planning principles used in the zone objectives for the rural zones for each of the Hawkesbury City, Penrith City and The Hills Shire Councils are very similar. In this regard the principles of agricultural protection, minimising of landuse conflicts, visual amenity and economic servicing and design are similar. The application of these principles varies in the zone objectives, zone locations and development controls for each of the Councils.

**Conformance to Strategic Plan**

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

*"Objective: To provide accurate updating and maintenance for the computer based Rating and Property Information System"*

**Funding**

There are no funding effects from this report.

**RECOMMENDATION:**

That the information be received.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**

**Meeting Date: 12 May 2009**

**CONFIDENTIAL REPORTS**

**Item: 94            GM - Review of Council's Organisational Structure - Section 333, Local  
Government Act 1993 - (79351) CONFIDENTIAL**

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**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)(a) of the Act as it relates to personnel matters concerning particular individuals (other than councillors).*

*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: 12 May 2009

Item: 95 CP - Tender no. 009/FY09 - Provision of a Co-Mingled Kerbside Recycling Collection and Processing Service - (95498, 96330) **CONFIDENTIAL**

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**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:** 12 May 2009

**Item: 96**            **IS - WSROC Tender for the Bulk Purchase of Electricity - State Contract, Energy Australia - (95454, 79340) CONFIDENTIAL**

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**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:** 12 May 2009

**Item: 97**            **IS - Tender No.01309 - Tender for the Purchase of Scrap Metal and Used Automotive Batteries from the Hawkesbury City Waste Management Facility - (95494, 79357) CONFIDENTIAL**

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**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:** 12 May 2009

**Item: 98**                    **SS - Hawkesbury Heritage Farm (Former Australiana Pioneer Village) - (95496, 79351) CONFIDENTIAL**

**Previous Item:**        90, Ordinary (29 April 2008)  
                              400, Ordinary (13 December 2005)  
                              16, General Purpose Committee (24 February 2004)  
                              268, Ordinary (9 December 2008)

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**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 potential lease or sale of property by the Council and commercial information concerning a potential lessee, and the information would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business professional privilege and it is commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the council 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: 12 May 2009**

**Item: 99            SS - Property Matter - Lease to Barry Davis & Mahalachmi Davis for unformed road known as Rickaby Street, South Windsor - (95496, 5498, 82517)  
CONFIDENTIAL**

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**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:** 12 May 2009



ordinary

section 5

reports  
of committees

**ORDINARY MEETING**  
Reports of Committees

**SECTION 5 - Reports of Committees**

**ROC - Heritage Advisory Committee Minutes - 26 March 2009 - (80242)**

The meeting commenced at 5:30pm.

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|                       |                         |                             |
|-----------------------|-------------------------|-----------------------------|
| <b>Present:</b>       | Councillor Jill Reardon | Hawkesbury City Council     |
|                       | Mr Graham Edds          | Chair                       |
|                       | Professor Ian Jack      | Deputy Chair                |
|                       | Mr Donald Ellsmore      | Hawkesbury Heritage Advisor |
|                       | Ms Jan Barkley Jack     | Community Member            |
|                       | Ms Deborah Hallam       | Community Member            |
|                       | Mr Jonathan Auld        | Community Member            |
|                       | Ms Michelle Nichols     | Community Member            |
|                       | Ms Danielle Wheeler     | Community Member            |
|                       | Mr Matthew Owens        | Hawkesbury City Council     |
| <b>Apologies:</b>     | Nil                     |                             |
| <b>In Attendance:</b> | Ms Robyn Kozjak         | Minute Secretary            |

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**REPORT:**

**CONFIRMATION OF MINUTES**

**RESOLVED** on the motion of Ms Nichols and seconded by Professor Jack that the Minutes of the Heritage Advisory Committee held on the 21 August 2008, be confirmed.

**SECTION 3 - Reports for Determination**

**Item: 1 Election of Chairperson and Deputy Chairperson**

---

Mr Owens conducted the election of Chairperson and Deputy Chairperson.

Nominations were called for the election of Chairperson. Mr Graham Edds was subsequently elected as Chairperson.

Nominations were called for the election of Deputy Chairperson. Professor Ian Jack was subsequently elected in as Deputy Chairperson.

Mr Edds assumed the Chair.

**RECOMMENDATION TO COMMITTEE:**

That an election for the position of Chairperson and Deputy Chairperson of the Heritage Advisory Committee be carried out.

**MOTION:**

RESOLVED on the motion of Ms Nichols, seconded by Ms Barkley Jack.

*Refer to COMMITTEE RECOMMENDATION*

**COMMITTEE RECOMMENDATION:**

That:

1. Mr Edds assume the position of Chairperson for the Heritage Advisory Committee.
2. Professor Jack assume the position of Deputy Chairperson for the Heritage Advisory Committee.

**Item: 2 Expression of Interest from Weddin Shire Council Heritage Committee to visit the Hawkesbury area**

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**RECOMMENDATION TO COMMITTEE:**

That this Committee consider hosting a morning/afternoon tea to meet and greet members of Weddin Shire Council's Heritage Committee in conjunction with participating in a tour of the Hawkesbury area, on a date to be set by mutual agreement between the parties.

**MOTION:**

RESOLVED on the motion of Ms Barkley Jack, seconded by Councillor Reardon.

*Refer to COMMITTEE RECOMMENDATION*

**COMMITTEE RECOMMENDATION:**

That:

1. This Committee consider hosting a morning/afternoon tea to meet and greet members of Weddin Shire Council's Heritage Committee in conjunction with participating in a tour of the Hawkesbury area, on a date to be set by mutual agreement between the parties.
2. Council staff make representation to Weddin Shire Council to seek further clarification as to its objectives of the proposed visit and to ascertain specific areas of interest.

**SECTION 4 - Reports for Information**

**Item: 3 NSW Heritage Grant - Slab Barn Study**

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**DISCUSSION:**

- Mr Edds declared an interest in this matter as he had previously tendered for the Study. Mr Edds consequently stood down from the Chair for this item.
- As further declarations of interest were noted from various members of the Committee, Mr Owens advised it would be more appropriate for him to Chair this item.

**ORDINARY MEETING**  
Reports of Committees

- Mr Owens advised some Expressions of Interest to undertake the Study had been received and to date no appointment had been made.
- It was advised the Barn Study would assist in the identification of potential listings and properties which are significant.

**RECOMMENDATION TO COMMITTEE:**

That the information be received.

**MOTION:**

RESOLVED on the motion of Ms Nichols, seconded by Councillor Reardon.

*Refer to COMMITTEE RECOMMENDATION*

**COMMITTEE RECOMMENDATION:**

That the information be received.

**Item: 4 Launch of Thematic Listings Program 2009-2010**

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**DISCUSSION:**

- Councillor Reardon tabled correspondence from Ms A Robinson of Wilberforce Friends of the Cemetery outlining various concerns raised by the group and attesting to the historical significance of the Wilberforce Cemetery. Ms Barkley Jack acknowledged the significance of the cemetery and it was agreed this would be an appropriate listing to add to the Program's "Convict" and "Macquarie" categories.
- Ms Barkley Jack indicated she held a significant amount of information from the National Trust relating to Macquarie and advised Mr Jack and herself would be willing to co-ordinate a list of significant properties which would provide a basis for the Committee to further develop.
- A proposal was put forth for the Committee to meet (informally) for the purpose of pursuing this item further. An informal gathering on Thursday 14 May at "Glenroy", 465 George Street, Windsor at 5.00pm was proposed.
- Query was raised if it was the Committee's intention to include the Aboriginal theme as part of the Sub-Committee agenda and it was determined the Committee would focus on the aforementioned European themes in the first instance.

**RECOMMENDATION TO COMMITTEE:**

That the information be received.

**MOTION:**

RESOLVED on the motion of Ms Barkley Jack, seconded by Councillor Reardon.

*Refer to COMMITTEE RECOMMENDATION*

**COMMITTEE RECOMMENDATION:**

That this Committee hold a Special Meeting as a Sub-Committee for the purposes of investigating suitable listings as contributions towards the Thematic Listings Program 2009-2010.

*The Chair officially welcomed the Committee's new members and formal introductions ensued.*

**SECTION 5 - General Business**

**Formation of the Hawkesbury Macquarie 2010 Committee**

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- Mr Owens acknowledged the formation of the Hawkesbury Macquarie 2010 Committee. Ms Wheeler subsequently remarked on issues the 2010 Committee were experiencing in regard to settling upon a central vision for the Committee and invited this Committee's input.
- Ms Nicholls commented on the expertise new members have brought to the Committee and suggested the Committee run a series of heritage seminars for Heritage Week in September 2010.

**MOTION:**

RESOLVED on the motion of Ms Nichols, seconded by Ms Barkley Jack.

*Refer to COMMITTEE RECOMMENDATION*

**COMMITTEE RECOMMENDATION:**

That this Committee run a series of heritage seminars during Heritage Week in 2010.

**Time and frequency of Heritage Advisory Committee meetings**

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- Discussion arose regarding the feasibility of an earlier starting time for future meetings and it was subsequently resolved the Committee would convene at 5.00pm in lieu of 5.30pm. The frequency of the meetings was also discussed and it was advised the Constitution states the Committee is to meet four times per annum and it was agreed if additional meetings were required, the Committee may meet as a Sub-Committee.

*Mr Owens distributed copies of the Code of Conduct to members of the Committee.*

**Heritage Study**

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- Enquiry was raised as to the progress of the next stage of the Heritage Study. Mr Owens advised due to a shortage of staff and budgetary constraints, the last stage of the heritage review is to be held in abeyance until further notice.

## **Thematic History**

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- Concern was raised re the delay in releasing the Thematic History and suggestions were put forth for the launching of the book. Proposals included upcoming events such as Library Week (May), History Week (September) or Foundation Day (December). Mr Owens suggested the launch of the book could be expedited if a less formal approach be employed and recommended the book be 'semi launched' by way of press release publicising the imminent release of the book. It was suggested the book could be made available free from Council's website or purchased from the Library.

Mr Owens advised he would investigate this matter.

- It was further suggested the book could be officially launched at an appropriate event at a later stage if the Committee so desired.

### **MOTION:**

RESOLVED on the motion of Mr Auld, seconded by Professor Jack.

### ***Refer to COMMITTEE RECOMMENDATION***

### **COMMITTEE RECOMMENDATION:**

That:

1. The Thematic History be 'semi launched' via a press release advising of the imminent release of the book.
2. An official launch of the Thematic History be organised at a date to be set in the future at the Committee's discretion.

## **Adverse building works on heritage properties**

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- Concern was raised regarding adverse building works recently undertaken on an historic property in Little Church Street, Windsor. It was advised the building works are the subject of an investigation from Council's Regulatory Department. It was further reported a similar situation had occurred at Clarendon where a known landmark had recently undertaken significant alterations to its facade. Mr Owens invited the Committee to report similar concerns directly to his office or alternatively table such issues at future meetings.

The meeting closed at 7:50pm.

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**  
Reports of Committees

**ROC - Floodplain Risk Management Advisory Committee Minutes - 20 April 2009 - (86589)**

The meeting commenced at 4:35pm in Council Chambers.

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**Present:** Councillor Kevin Conolly  
Councillor Bob Porter  
Councillor Jill Reardon  
Councillor Paul Rasmussen  
Mr Greg Murphy  
Mr John Miller  
Mr Bill McMahan  
Mr Alexander Windebank  
Mr Ian Johnston  
Mr David Scott  
Mr Les Sheather  
Snr Inspector Robert Bowman  
Mr Kevin Jones

**Apologies:** Mr David Avery  
Mr Geoffrey Bessell  
Mr Allan Shearan MP - Member for Londonderry  
Mr Ray Williams MP - Member for Hawkesbury  
Mr Chris Amit

**Non Attendance:** Ms Chris Bourne (representative for Ms Louise Markus MP)

**In Attendance:** Mr Matthew Owens  
Mr Philip Pleffer  
Ms Robyn Kozjak

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**REPORT:**

**RESOLVED** on the motion of Councillor Porter and seconded by Mr Ian Johnston that the apologies be accepted.

**CONFIRMATION OF MINUTES**

**RESOLVED** on the motion of Councillor Porter and seconded by Mr Ian Johnston that the Minutes of the Floodplain Risk Management Advisory Committee held on the 9 February 2009, be confirmed.



**ORDINARY MEETING**  
Reports of Committees

**Attendance Register of Floodplain Risk Management Advisory Committee - 2009**

| Member   | 09/02/09 | 20/04/09               |
|--|----------|------------------------|
| Councillor Kevin Conolly - (Chair)                         | ✓        | ✓                      |
| Councillor Bob Porter - (Deputy Chair)                     | ✓        | ✓                      |
| Councillor Paul Rasmussen                                  | A        | ✓                      |
| Councillor Jill Reardon                                    | A        | ✓                      |
| Mr Peter Cinque OAM - (SES Sydney Western Division)        | ✓        | Greg Murphy<br>in lieu |
| Mr David Avery - (Dept. of Environment and Climate Change) | ✓        | A                      |
| Mr David Scott - (Dept of Defence)                         | ✓        | ✓                      |
| Snr Inspector Robert Bowman - (NSW Agriculture)            | X        | ✓                      |
| Mr Les Sheather - (Community Member)                       | ✓        | ✓                      |
| Mr Kevin Jones - (SES Headquarters)                        | ✓        | ✓                      |
| Mr Geoffrey Bessel - (Community Member)                    | ✓        | A                      |
| Mr John Miller - (Community Member)                        | ✓        | ✓                      |
| Mr Bill McMahon - (Community Member)                       | ✓        | ✓                      |
| Mr Alexander (Phil) Windebank                              | ✓        | ✓                      |
| Mr Ian Johnston  | ✓        | ✓                      |
| Mr Allan Shearan MP (or representative)                    | A        | A                      |
| Mr John Aquilina MP (or representative)                    | A        | X                      |
| Ms Louise Markus MP (or representative)                    | ✓        | X                      |
| Mr Ray Williams MP (or representative)                     | ✓        | A                      |

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

**SECTION 4 - Reports for Information**

**Item: 1 Briefing on Hawkesbury City Council's Code of Conduct**

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**DISCUSSION:**

- The Manager of Corporate Services and Governance (Mr Sut) conducted a presentation on Council's Code of Conduct.
- Mr Sut addressed various scenarios put forth by members of the Committee regarding circumstances in which pecuniary/non pecuniary interests should be declared.

**MOTION:**

RESOLVED on the motion of Councillor Porter, seconded by Mr Ian Johnson.

*Refer to COMMITTEE RECOMMENDATION*

**COMMITTEE RECOMMENDATION:**

That the presentation be received.

*Councillor Rasmussen arrived at the meeting at 4.50pm.*

**Item: 2 Presentation of Hawkesbury Digital Terrain Model**

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Mr Pleffer presented a demonstration of the Hawkesbury DTM to the Committee.

**DISCUSSION:**

- Query was raised as to the availability of the DTM in map form. It was advised the model was continually undergoing refinement, however, would not be available as a map due to an error factor (of approximately 2½ to 1m accuracy). It was further advised the model was available for public viewing at the customer service counter.
- Mr Murphy queried the accuracy of the aerial laser survey and it was advised that information would be investigated.

**MOTION:**

RESOLVED on the motion of Councillor Porter, seconded by Mr Ian Johnston.

*Refer to COMMITTEE RECOMMENDATION*

**COMMITTEE RECOMMENDATION:**

That the presentation be received.

**SECTION 5 - General Business**

- The Chair made reference to a Notice of Motion (Mayoral Minute) by Council concerning the Riverstone West Precinct and the significant fill that would be involved with the proposed development of that area. It was advised Council had resolved to make a submission in respect of the exhibition of the draft plans for the Precinct, requesting as part of the planning process, that appropriate action be taken to ensure the Hawkesbury is not impacted in relation to potential upstream and downstream flooding. Notwithstanding the closure of the submission period, it was suggested should members wish to lodge their concerns in this regard, submissions should be forwarded to the Department of Planning.
- Enquiry was made as to the progress of the Floodplain Risk Management Study. It was advised comments are yet to be received from DECC and it was envisaged the matter would be brought to the next Committee meeting. Discussion arose regarding the viability of convening a special meeting once comments have been received from DECC. The Chair advised he would confer with Mr Owens to further discuss this proposal.
- Councillor Porter enquired if a response had been received from Mr Dooley of DECC regarding an invitation to undergo a tour of the river and further asked if Mr Owens would follow this up and inform him of the outcome.
- Mr Sheather asked which organisation held the authority to manage roads in an emergency situation in the event of a serious accident occurring whilst in the process of a flood evacuation. Debate subsequently arose regarding this issue. Mr Murphy and Mr Jones from the SES advised the SES had the power to open and close roads and could instruct the police and/or RTA to close a road in a flood situation, if necessary. Councillor Porter advised he had been informed (by the police) that only the police and the RTA held such authority. Mr Murphy advised he would clarify this issue with a written response from the SES and would report back to the Committee.

*The meeting closed at 6.00pm.*

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**  
Reports of Committees



ordinary  
meeting

end of  
business  
paper

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