



Hawkesbury City Council

ordinary meeting business paper

date of meeting: 13 December 2011

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 arouse@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.

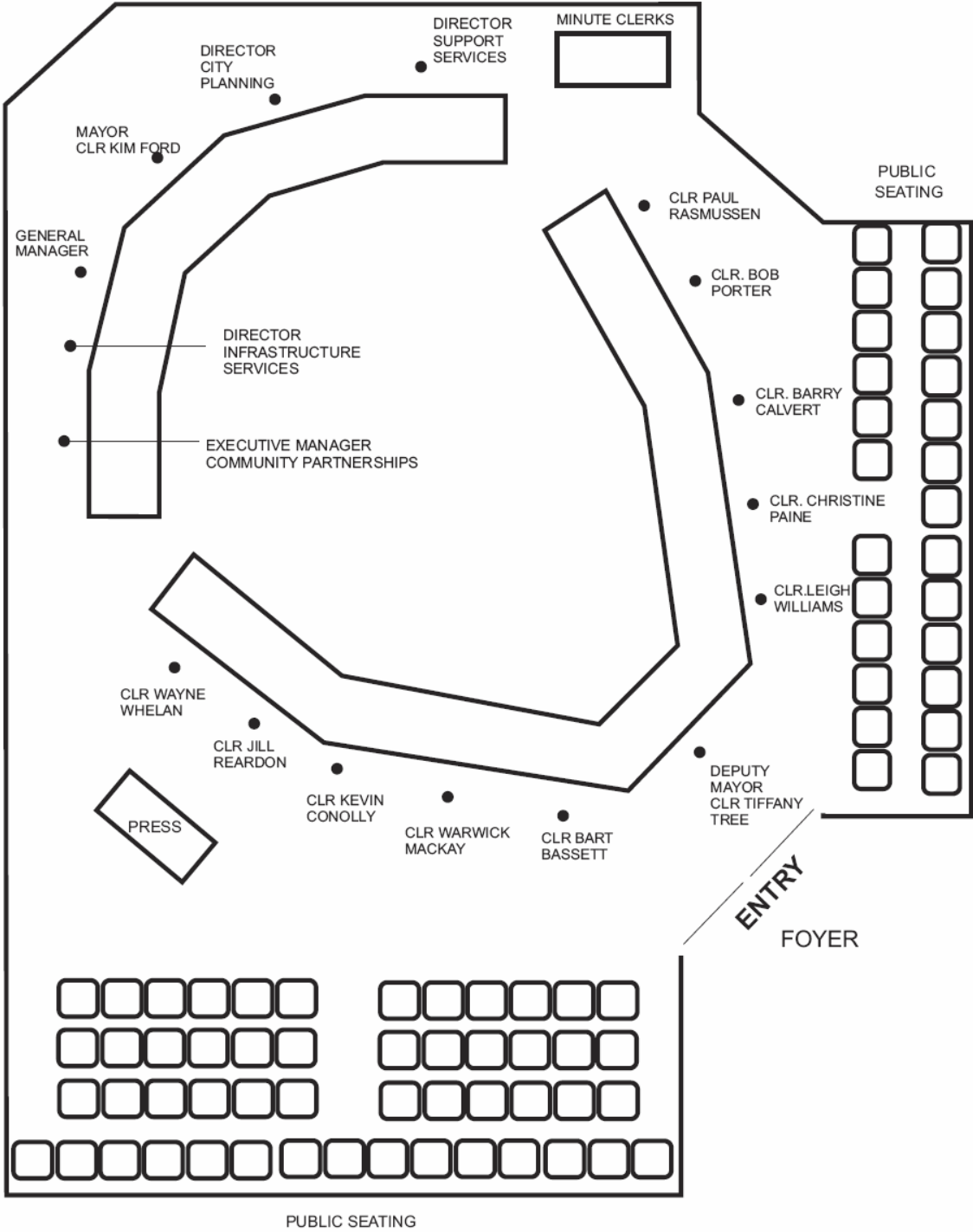
Website

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.

council chambers



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- **AGENDA ITEMS SUBJECT TO PUBLIC ADDRESS**
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confirmation of minutes

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SECTION 1 - Confirmation of Minutes

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notices of motion

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SECTION 3 - Notices of Motion

NM - Naming of Roads Within the Hawkesbury - (80104, 79351)

Submitted by: Councillor Paine

NOTICE OF MOTION:

That when naming any new roads in the Hawkesbury, especially west of the Hawkesbury River, that consideration be given to naming one after Mr Charles Albert Jeffery.

BACKGROUND:

Mr Charles Albert Jeffery, who was born on the 28.2.1870 and died in 1948, served on both Windsor and Colo Councils and was President of Colo Council for some years. His daughter, Mrs Myrtle Rutter, who is 96 and lives in the Richmond Nursing home, has asked that we consider this.

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: 278 GM - Renewal of Service Level Agreement - Rural Fire Service - (79351)

Previous Item: 137, Ordinary (28 August, 2007)
 236, Ordinary (13 November, 2007)
 43, Ordinary (11 March 2008)

REPORT:

Executive Summary

Council has previously “terminated” a Service Level Agreement (SLA) that existed between the Rural Fire Service (RFS) and Council due to concerns that existed in relation to a number of the provisions of the former SLA with a view to ultimately entering into a new SLA that addressed these concerns.

Whilst the SLA was “terminated” at the end of 2005 the former SLA has been extended by agreement between the RFS and Council on a number of occasions pending the resolution of the issues raised.

The issues initially raised by Council, together with subsequent issues that arose, have now been resolved and a final SLA has now been received and a number of further minor amendments have been agreed to and it is now in order for execution by Council.

It is now proposed to recommend the endorsement and execution of the SLA which will now finalise this matter.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council’s Community Engagement Policy.

Background

Council has, on a number of occasions in the past, given consideration to reports in relation to Council’s termination of the former SLA that existed with the RFS, effective from 31 December 2005, and subsequent discussions with the RFS in order to formulate a new Service Level Agreement. The former SLA was terminated due to concerns that existed in relation a number of the provisions of the former SLA.

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

Whilst attempting to resolve the issues of concern the previous agreement has been “temporarily” extended on a number of occasions to ensure that a SLA in fact remained in effect between the RFS and Council, meeting the requirements of the Rural Fires Act.

In an endeavour to overcome the particular difficulties relating to insurance and indemnity provisions in the SLA, it had been suggested that an appropriate clause be included within the Agreement whereby the

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parties acknowledge that the Agreement will require amendment when the issue is resolved and/or legislative provisions change.

Since this suggestion was made, agreement was reached between the RFS and the NSW Local Government Association as to the wording of the indemnity clauses and the insurance of portions of the RFS fleet have also now been addressed. Appropriate arrangements have also now been agreed with the RFS in relation to staff provided to the RFS under the SLA.

As a result of the above, a final version of the SLA, in a new format developed by the RFS has recently been received. The document has been reviewed and a number of minor issues raised and resolved with minor amendments agreed to by the RFS.

Accordingly, the new SLA with the RFS is considered to be in order for execution by Council. The new SLA does not place any additional requirements upon Council and resolves the issues that existed with the previous SLA.

It is proposed to recommend that Council now endorse the proposed new SLA with the RFS and authorise the execution of the document under the Seal of Council.

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 (or is a nominated) strategy in the Community Strategic Plan being:

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

Financial Implications

Any costs associated with the implementation of the proposed SLA with the RFS are already incorporated into relevant budget provisions. The document is, effectively, the formalisation of existing arrangements.

RECOMMENDATION:

That Council endorse the proposed new Service Level Agreement between the Rural Fire Service and Council as referred to in the report in this regard and that authority be given for the Service Level Agreement to be executed under the Seal of Council.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

CITY PLANNING

Item: 279 CP - Planning Proposal - 77- 87 Old Bells Line of Road, Kurrajong - (95498)

REPORT:

Executive Summary

Council has received a Planning Proposal from Falson & Associates Pty Ltd to rezone the land at 77- 87 Old Bells Line of Road, Kurrajong (the subject site) from Housing to Business General 3(a) under Hawkesbury Local Environmental Plan 1989 (HLEP 1989) to allow continued and increased usage of the land for commercial/retail purposes.

This report recommends that a Planning Proposal be submitted to the Department of Planning and Infrastructure (DP& I) for a gateway determination.

Consultation

The Minister for Planning and Infrastructure will advise Council of requirements for consultation with public authorities and the community as part of the Gateway Determination of the Planning Proposal under Section 56 of the Environmental Planning and Assessment Act, 1979.

Background

Kurrajong is located at the foothills of the Blue Mountains and includes a small neighbourhood centre on Old Bells Line of Road. The Kurrajong neighbourhood centre provides various commercial/retail facilities and services to meet the needs of local residents and visitors.

The perceived commercial/retail core of the neighbourhood centre is physically located on both sides of Old Bells Line of Road. However, whilst a strip of land, consisting of ten properties, on the northern side of Old Bells Line of Road is zoned Business General 3(a), directly opposite, on the southern side of Old Bells Line of Road, (the subject site) the land has been used for commercial/retail uses (under the specific use provisions of the LEP) for many years but is currently zoned Housing (see Attachment 1 to this report).

There is no other potential and appropriately zoned land within or adjacent to the existing commercial/retail core to allow future expansion of commercial/retail activities in the neighbourhood centre. If the subject land was developed for future residential or any other purpose permitted within the current Housing zone the current operation of the land, as part of the commercial core of Kurrajong, would be lost and the viability of the existing centre would be significantly affected. Therefore, rezoning of the subject land to Business General 3(a) to formally recognise it as business land and its use as part of the existing commercial/retail core is recommended. The proposed rezoning would also provide opportunity for revitalisation of the neighbourhood centre in order to improve local businesses and employment activities, attract more visitors and cater for varying and changing needs of local residents and visitors.

Planning Proposal

The Planning Proposal seeks to rezone the subject properties (77 – 87 Old Bells Line of Road) from Housing to Business General 3(a) under the provisions of HLEP 1989 (or the equivalent zone in the LEP 2011) to allow a range of small scale retail, business uses consistent with the current land uses on the land and surrounding development (see Attachment 2 to this report).

The proposal does not include a concept plan or any other information explaining the future development of the land but it suggests that even if there are no immediate plans for redevelopment of the land it should be rezoned to reflect its current usage.

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The subject land is currently zoned Housing under Hawkesbury Local Environmental Plan 1989 and the corresponding new zoning under the draft HLEP 2011 is R2 Low Density Residential. The total site area is approximately 6120m² and consists of the following six properties:

Property Description	Street Address	Area (M ²)
Lot 12 DP 1003591	77 Old Bells Line of Road	347
Lot 11 DP 1003591	79 Old Bells Line of Road	323
Lot 18 DP 581895	81 Old Bells Line of Road	1150
Lot 17 DP 581895	83 Old Bells Line of Road	1153
Lot 16 DP 581895	85 Old Bells Line of Road	1145
Lot 1 DP 715623	87 Old Bells Line of Road	2003
TOTAL	77 - 87 Old Bells Line of Road	6121

The subject land has a main frontage of approximately 150m to Old Bells Line of Road and is irregular in shape (see Attachment 3). It has a significant fall to the south, away from Old Bells Line of Road to the rear boundary.

The following table shows the past approvals or uses and current use of the subject land. The current uses are also shown on Attachment 4 to this report.

Property	Past Approvals or Uses	Current Use
77 Old Bells Line of Road	Professional practitioners' room approved in August 1992 Home activity involving the making and selling of arts and crafts approved in December 1992	Vacant
79 Old Bells Line of Road	Coffee shop and takeaway use commenced in early 1990s	Café and shop/gallery
81 Old Bells Line of Road	Dental surgery use commenced late 1980. Medical practitioner's rooms approved in April 1999	Bed and breakfast accommodation
83 Old Bells Line of Road	Gallery and refreshment room approved in January 2004	Gallery and refreshment room
85 Old Bells Line of Road	Restaurant approved in 1981	Restaurant
87 Old Bells Line of Road	Nil	Car park for a real state agency operating directly opposite this property

(Note: in order to allow a shop and/or refreshment room on 77 and 79 Old Bells Line of Road, HLEP 1989 was amended on October 2002 by way of Amendment No. 134 to permit such uses with Council consent.)

The surrounding area is predominantly zoned Housing and characterised by low density residential development. A number of other land uses including Kurrajong Memorial Park, Kurrajong Nursing Home, Kurrajong Public School and Church are located within a reasonable walking distance from the neighbourhood centre (see Attachment 5).

Applicant's Justification of the Proposal

The applicant has provided the following justification in support of the Planning Proposal.

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1. *The current Housing zoning and the corresponding new R2 Low Density Residential zoning under the draft HLEP 2011 do not reflect the current and long term commercial uses of the site. The Planning Proposal seeking rezoning of the land to Business General 3(a) under HLEP 1989 is consistent with the existing and long time use of the land for commercial/retail purposes.*
2. *Given the location of the subject land within the existing business/retail core the proposal will enable excellent land use and environmental outcomes for the site consistent with the land uses within the Kurrajong Neighbourhood Centre.*
3. *The proposal provides certainty for the property owners to continue and improve their current commercial/retail uses on the land.*
4. *The Planning proposal will address the existing zoning anomaly of the land.*

Assessment

Metropolitan Plan for Sydney 2036

The strategic plan prepared by the NSW Government entitled the *Metropolitan Plan for Sydney 2036* updates and replaces the Metropolitan Strategy. The aim of this strategic plan is to integrate land use and transport planning to provide a framework for the growth and development of the Sydney region to 2036.

According to the centres hierarchy identified in the *Metropolitan Plan for Sydney 2036* Kurrajong can be classified as a 'Neighbourhood Centre' which is the smallest recognised centre type in this hierarchy containing a small group of shops and services serving up to 1,000 dwellings within a walking catchment radius of approximately 150-200 metres.

A number of objectives and actions have been identified in the *Metropolitan Plan for Sydney 2036* and the following objective and action are relevant to the Planning proposal:

Objective B1 - To focus activity in accessible centres

Action B1.1 - Plan for centres to grow and change over time

"Development will occur within walking catchments of centres. In the case of commercial development (including retail premises), this should occur in the central part of the centre, in or adjacent to existing commercial areas. LEPs will be used to provide capacity for the desired growth."

According to the criteria specified for a neighbourhood centre in the Metropolitan Plan for Sydney 2036 Kurrajong Neighbourhood is located within a reasonable walking distance with easy access from the surrounding population catchment. The subject land which is located within the existing business/retail core of the existing centre has been used for business/retail activities for many years.

The Planning Proposal seeking rezoning of the land to Business General 3(a) to allow the continued and increased use of the land for business/retail purposes to cater for the varying and changing needs of the existing and future population within the neighbourhood centre is considered generally consistent with the above objective and action of the Metropolitan Plan for Sydney 2036.

Draft North West Subregional Strategy

The draft North West Subregional Strategy 2007 identifies Kurrajong as a 'Neighbourhood Centre'.

The strategy provides a direction for local councils in preparing Local Environmental Plans (LEP). A general direction is to provide sufficient zoned and serviced employment land to meet the employment capacity targets within their local government areas. The Strategy identifies 3,000 new jobs target for Hawkesbury Local Government Area by 2031, and Council is required to plan for sufficient land and infrastructure to achieve this target.

The Planning Proposal seeking rezoning of the land to Business General 3(a) will enable increased local business/retail activities and employment opportunities. The Planning Proposal is therefore consistent with the strategy.

Hawkesbury Employment Lands Strategy 2008

In December 2008 Council adopted the Hawkesbury Employment Lands Strategy. The purpose of the strategy is to provide a planning framework for employment precincts (industrial, commercial, retail) and locations for a range of employment types to support and enhance the economic competitiveness of the Hawkesbury region.

The Employment Lands Strategy states that 1,339m² of additional retail floor space would need to be provided within neighbourhood centres in the LGA. According to the draft North West Subregional Strategy Bligh Park, Glossodia, Hobartville, Kurmond, Kurrajong, Pitt Town and Wilberforce are neighbourhood centres. Whilst none of these are specifically identified in the Employment Lands Strategy as a potential centre to accommodate this additional retail floor space, the strategy highlights that additional floor space could be accommodated within these existing centres through minor expansion or a renewal of existing business/retail areas. Therefore, the Planning Proposal seeking rezoning of the subject land within the existing business/retail core of the Kurrajong Neighbourhood Centre to allow increased business/retail opportunities is consistent with the Strategy.

Section 117 Directions (Ministerial Directions)

Direction 1.1 Business and Industrial Zones

The objectives of this direction are to:

- (a) encourage employment growth in suitable locations,
- (b) protect employment land in business and industrial zones, and
- (c) support the viability of identified strategic centres.

The Planning Proposal seeks to rezone the subject site from Housing to Business General 3(a) under HLEP 1989. This will enable the improved and economical use of the land for business and retail purposes, increased local employment opportunities and strengthen the viability of the neighbourhood centre which can be easily accessed by the surrounding residential development. Also there is no other potential land available in the centre that is appropriately zoned for expansion of the centre in future. It is therefore considered that the Planning Proposal is consistent with this direction.

Direction 3.1 Residential Zones

The objectives of this Direction are:

- a) to encourage a variety and choice of housing types to provide for existing and future housing needs,
- b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and
- c) to minimise the impact of residential development on the environment and resource lands.

The Planning Proposal seeking rezoning of the land from Housing to Business General 3(a) is inconsistent with the above direction. However, the S117 Direction does permit inconsistency if justified in accordance with the provisions of that Direction. Given the location of the land within the retail/commercial core of the centre, its use for business/retail purposes and operation as part of the retail/commercial core of Kurrajong for many years, the proposed Business 3(a) zone is considered appropriate. The current Housing zoning of the land prohibits most commercial/business uses as well as the choice of housing types. It is therefore considered that the planning proposal's inconsistency with this direction is minor and acceptable.

Direction 3.4 Integrated Land Use and Transport

The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

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- (a) improving access to housing, jobs and services by walking, cycling and public transport,
- (b) increasing the choice of available transport and reducing dependence on cars,
- (c) reducing travel demand including the number of trips generated by development and the distances traveled, especially by car,
- (d) supporting the efficient and viable operation of public transport services, and
- (e) providing for the efficient movement of freight.

The Department of Planning's guidelines 'Integrated Landuse and Transport' seeks to improve the integration of land use and transport planning. The Planning Proposal will enable improved local services, business/retail activities and employment opportunities within a reasonable walking distance from the surrounding residential development thereby minimising likely travel demand and distance for shopping and employment activities. It is therefore considered that the proposed planning proposal is consistent with this Direction.

Direction 4.4 Planning for Bushfire Protection

The objectives of this direction are:

- (a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and
- (b) to encourage sound management of bush fire prone areas.

The subject area is identified as bush fire prone land. Accordingly, Council is required to consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in accordance with section 57 of the Act, and take into account any comments so made.

Direction 6.1 Approval and Referral Requirements

The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.

This planning proposal is consistent with this direction as it does not require the concurrence, consultation or referral of development applications to a Minister or public authority, and does not identify development as designated development.

Direction 6.3 Site Specific Provisions

The objective of this direction is to discourage unnecessary restrictive site specific planning controls, such as those that currently apply to the land under the provisions of Schedule 3 of the Hawkesbury LEP 1989. The proposal is consistent with this direction as it does not specify any restrictive provisions for future development on the land other than those already specified in HLEP 1989 for the Business General 3(a) Zone.

Direction 7.1 Implementation of the Metropolitan Plan for Sydney 2036

The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036.

'*Metropolitan Plan for Sydney 2036*', which is one of the issues taken into consideration in the early part of the assessment of the Planning Proposal, establishes that the planning proposal is consistent with the NSW Government's *Metropolitan Plan for Sydney 2036* published in December 2010 ("the Metropolitan Plan").

Hawkesbury Local Environmental Plan 1989

The subject land is currently zoned Housing under HLEP 1989. This zone permits a number of land uses including bed and breakfast accommodations, boarding houses, dwelling houses, professional and commercial chambers and tourist facilities but commercial premises, refreshment rooms and shops are not permitted in this zone. Notwithstanding this zone the subject site has been continuously used for business/retail purposes over many years under a variety of approvals as listed earlier in this report. The Planning Proposal seeks rezoning of the land to Business General 3(a) thus permitting, with Council's consent, commercial premises, refreshment rooms and shops (see Attachment 6).

The main part of the commercial/retail core of the neighbourhood centre located directly opposite the site is zoned Business General 3(a). Given the existing and continued operation of the subject land as part of the retail core for many years and its location within the heart of the neighbourhood centre, the Business General 3(a) zone is considered to be a more appropriate zoning for the site not only to formally recognise and strengthen the current business/retail core but also to create increased opportunity for Kurrajong to be promoted as a potential 'Small Village Centre' in the centres hierarchy in future.

Traffic and Access

Currently the site is accessed via Old Bells Line of Road. The Planning Proposal does not include a traffic study or a concept plan showing how the land will be developed in future. Whilst not expected to be significant, the impact of increase of traffic on the road network in and around the locality is not likely to be significant and can be assessed at development application stage and controlled accordingly. This may include the preparation of an access control plan for the site to require a rear access lane off Timms Hill Road to service the rear of the properties and also assist in the management of stormwater from the site.

Vegetation

The site contains some remnant trees but there is not enough continuous vegetation to classify it as a community. However any future development proposal would require preparation of a report addressing the significance, habitat, structural integrity and amenity of the trees on site.

Services

The site is serviced by water, electricity and telecommunication. The applicant indicates that sewage disposal will be via commercial pump-out service as currently exists for all commercial properties within the centre and augmentation of supply of electricity might be required depending on future land use activities on the land. Given the site has reasonable access to the required services it is not likely to place a significant demand on the existing services. A public bus service is also available between Kurrajong Neighbourhood Centre and Richmond Station.

Site Contamination

Clause 6 of State Environmental Planning Policy No 55 - Remediation of Land requires consideration of contamination issues when assessing Planning proposals. According to Council's records the site has been used for various business/retail and residential purposes for over thirty (30) years and there are no records of previous approvals or use of the land for activities that may cause contamination and referred to in Table 1 - 'Some Activities that may Cause Contamination' of the Managing Land Contamination: Planning Guidelines. There are no records of any previous investigations, remediation plans/actions or land use restrictions on the subject land relating to possible contamination.

Given there was no adequate information or evidence on the use of the subject site prior to the 1980s there may be a potential that the site may be contaminated. However, at present this has not been investigated by the proponent or by Council.

It is considered that a detailed contamination assessment can be undertaken at development application stage in order for Council to be assured that the land is suitable for any proposed future use.

Conclusion

The assessment of the Planning Proposal to rezone the land to Business General 3(a) under the HLEP 1989 with regard to the matters considered in this report reveals that the Planning Proposal has merit and it is worthy of support.

It is therefore recommended that a Planning Proposal be prepared in the correct format and submitted to the Department of Planning and Infrastructure (DP&I) for a gateway determination.

Conformance to Community Strategic Plan

The proposal is consistent with the Supporting Business and Local Jobs Direction statement;

- Plan for a range of industries that build on the strengths of the Hawkesbury to stimulate investment and employment in the region.
- Offer an increased choice and number of local jobs and training opportunities to meet the needs of Hawkesbury residents and to reduce their travel times.

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

- Implement Employment Lands Strategy.

The Planning Proposal will enable increased business, retail opportunities on the land and boost the Hawkesbury LGA's economic activities and employment opportunities, and therefore it will be an appropriate tool in the implementation of the Directions and Strategies contained in the Community Strategic Plan and the recommendations of the Employment Lands Strategy.

Financial Implications

The applicant has paid the planning application fees required by Council's Revenue Pricing Policy for the preparation of a local environmental plan.

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. A Planning Proposal to rezone the subject land at Nos. 77 - 87 Old Bells Line of Road, Kurrajong from Housing to Business General 3(a) under Hawkesbury Local Environmental Plan 1989 be prepared in the correct format and in accordance with this report and forwarded to the Minister for Planning and Infrastructure seeking a Gateway Determination.
2. Upon receipt of notification of the Gateway Determination to proceed, Council consult the public authorities and the public on the Planning Proposal in accordance with the requirements of the Gateway Determination and the Environmental Planning and Assessment Act, 1979.

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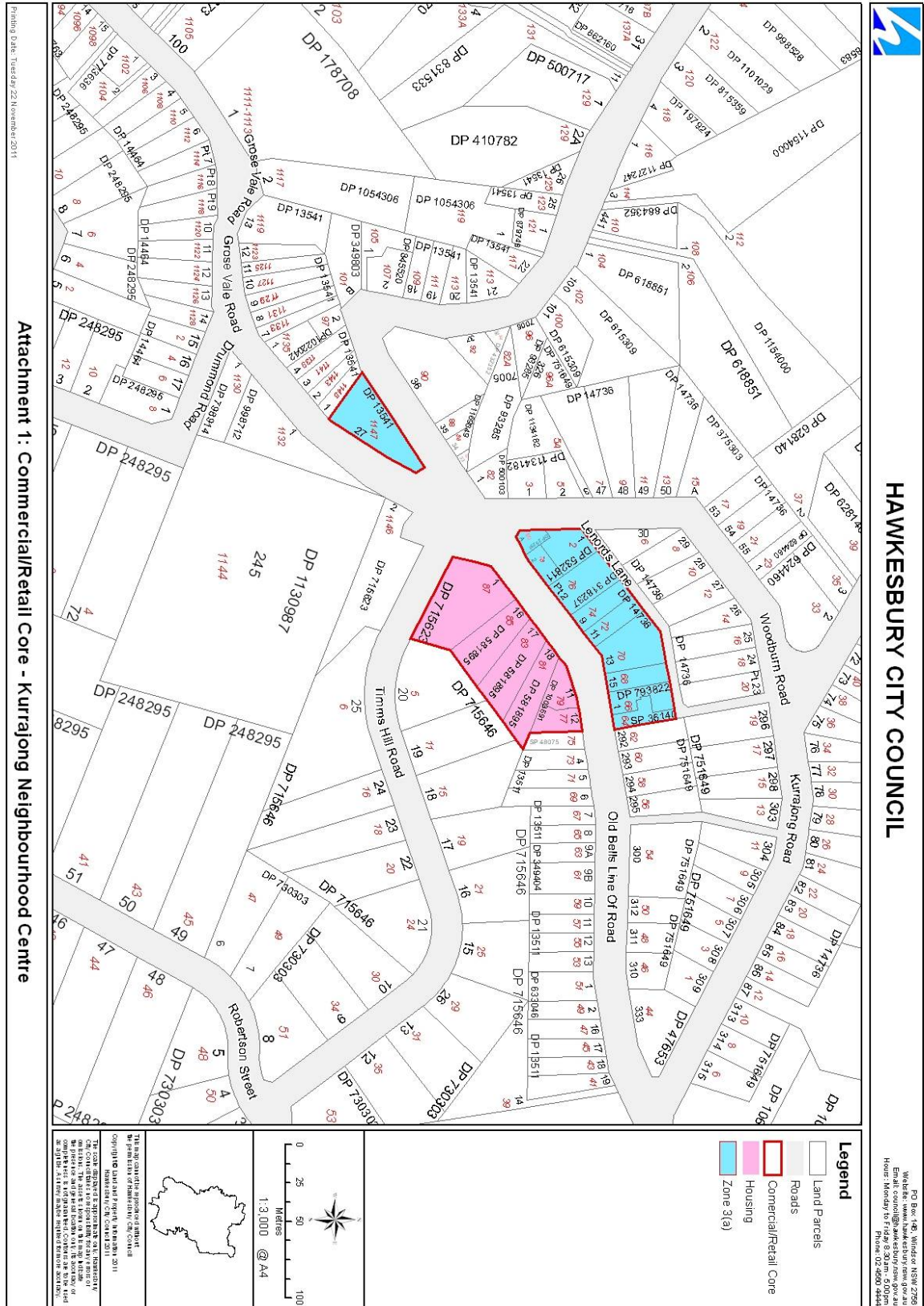
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ATTACHMENTS:

- AT - 1 Commercial/Retail Core - Kurrajong Neighbourhood Centre
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- AT - 3 Subject Site
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- AT - 6 Proposed Zoning Map

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AT - 1 Commercial/Retail Core - Kurrajong Neighbourhood Centre



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AT - 4 Current uses



No. 77 Old Bells Line of Road - Vacant



Café at No. 79 Old Bells Line of Road



Bed & Breakfast at No. 81 Old Bells Line of Road -



Café and Gallery at No. 83 Old Bells Line of Road -



Kurrajong Restaurant at No. 85 Old Bells Line of Road



Car Park at No. 87 Old Bells Line of Road

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AT - 5 Aerial View – Surrounding Development



ORDINARY MEETING

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Item: 280 **CP - Public Exhibition of Proposed Amendments to Hawkesbury Development Control Plan 2002 - (95498)**

REPORT:

Executive Summary

This report discusses the public exhibition of proposed amendments to Hawkesbury Development Control Plan 2002 (HDCP 2002).

The proposed amendments were publically exhibited and no submissions were received from the public or government agencies.

It is recommended that Council adopt the proposed amendments subject to the minor alterations outlined in this report.

Consultation

The proposed amendments were publically exhibited for the period from 5 August to 5 September 2011. Exhibition notices were placed in the Hawkesbury Courier on 4 August and 18 August 2011. Letters were sent to land owners in the vicinity of the Windsor District Baptist Church site as well as Penrith City Council, the Roads and Traffic Authority and the NSW Rural Fire Service.

No submissions were received as a result of the public exhibition of the proposed amendments.

Background

On 26 July 2011 Council considered a report dealing with proposed amendments to Hawkesbury Development Control Plan 2002 that will be required to be in place when the draft Hawkesbury Local Environmental Plan 2011 (LEP 2011) is gazetted.

The proposed amendments were to Parts A and B of the HDCP 2002 and the inclusion of new chapters dealing with the preservation of trees or vegetation and the Windsor District Baptist Church Site.

Council resolved as follows:

"That the proposed amendments to Hawkesbury Development Control Plan 2002 attached to the report be publically exhibited for a minimum of 28 days and the matter be reported back to Council following that exhibition."

As stated above the proposed amendments were exhibited and no submissions were received. Notwithstanding this, the following minor amendments are proposed to the draft plan.

Proposed Amendments Throughout

- General typographic corrections and formatting amendments.
- Amendment to various Council Branch and government agencies names
- Replace "South Windsor Baptist" with "Windsor District Baptist" and replace "739" with "739 – 741"

Part A Introduction Chapter 1 General Information

- Section 1.3 – Delete text and insert “This DCP applies to all land within the Hawkesbury Local Government Area (LGA) to which LEP 2011 applies”

Part A Introduction Chapter 2 Types of development and the development application process

- Section 2.1.2 – Delete all of (f), and replace with new (f) and (g). These amendments required due to legislative changes.
- Section 2.2.4 – Delete first paragraph as not all development applications will require a site inspection and assessment of submissions is dealt with in Section 2.2.9.

Part A Introduction Chapter 3 Notification of Development Applications

- Section 3.2.1 – insert row dealing with “intensive livestock agriculture” after “forestry” row.
- Section 3.5 – replace “Schedule of Fees and Charges” with “Revenue Pricing Policy”.

Chapter 9 Preservation of Trees and Vegetation

- Section 9.3.2 – insert various amendments providing additional descriptions or clarifying circumstances where exemption applies

It is considered that these changes are of a minor nature and do not warrant re-exhibition of the proposed amendments. It is therefore recommended that Council approve the proposed amendment to HDCP 2002 as attached to this report and that these amendments become effective (i.e. included in HDCP 2002) upon the gazettal of LEP 2011.

Note these amendments are required as a result of the provisions of LEP 2011. LEP 2011 is with the Department of Planning and Infrastructure (DP&I) for finalisation and gazettal. It is possible that DP&I will make amendments to LEP 2011 which will require the proposed DCP amendments to be altered. It is forecast that any such alterations would be minor administrative matters such as changes in the names of land uses, map name changes, and government agencies name changes. It is recommended that where required any such alterations be incorporated into the proposed DCP amendments prior to them being made effective.

Conformance to Community Strategic Plan

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

- A balanced set of decisions that integrate jobs, housing, infrastructure, heritage, and environment that incorporates sustainability principles.

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

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

Financial Implications

The finalisation of the amendments to HDCP 2002 can be undertaken within current budget provisions.

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

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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. The proposed amendments to the Hawkesbury Development Control Plan 2002 as attached to this report be approved and be made effective (i.e. included into Hawkesbury Development Control Plan 2002) upon the gazettal of Draft Hawkesbury Local Environmental Plan 2011.
2. Where relevant, any amendments made to Draft Hawkesbury Local Environmental Plan 2011 prior to its gazettal be incorporated into the proposed amendments to Hawkesbury Development Control Plan 2002.

ATTACHMENTS:

- AT - 1** Draft Part A of HDCP 2002, Draft Part B of HDCP 2002, Draft Part C Chapter 9 Preservation of Trees and Vegetation, Draft Part E Chapter 7 Windsor District Baptist Church Site - (*Distributed Under Separate Cover*)

oooO END OF REPORT Oooo

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Item: 281 **CP - Policy for Regional Flood Mitigation in the Hawkesbury-Nepean Valley - (95498)**

Previous Item: ROC, Ordinary (30 August 2011)

REPORT:

Executive Summary

At the Floodplain Risk Management Advisory Committee of 15 August 2011 the Committee made the following recommendation to Council:

"That Hawkesbury City Council establish a policy for flood mitigation of the Hawkesbury - Nepean River Valley, by requesting the Premier of New South Wales, the Hon. Barry O'Farrell MP, to seek bipartisan support from the Commonwealth Government, with his NSW Government, for joint funding under the Natural Disaster Resilience Programme (NDRP) to have a review carried out of the previous Environmental Impact Statements (EIS) prepared for Sydney Water by ERM Mitchell McCotter:

- *July 1995 "Proposed Warragamba Flood Mitigation Dam Environmental Impact Statement (3 Volumes) and;*
- *November 1996 Proposed Warragamba Dam and Auxiliary Spillway Environmental Impact Statement (4 Volumes)*

to assess the most economically viable large - scale flood mitigation works and measures, to reduce the height of major floods in the Hawkesbury - Nepean Valley and reduce the need for an enormous evacuation of our residents and damage to their property."

The Committee minutes were received at the Council meeting of 30 August 2011. The purpose of this report is to recommend to Council Policy wording that will address the Committee's recommendation and be flexible enough to deal with other matters that such a Policy may be required to address.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy. This matter was recommended by Council's Floodplain Risk Management Advisory Committee.

Background

The Floodplain Risk Management Advisory Committee is currently working on the preparation of the Floodplain Risk Management Study and Plan (FRMS&P) for the Hawkesbury. The scope of the FRMS&P, primarily due to the size of the project and the need to focus on local flood risk management, is limited to the consideration of mitigation measures of a local nature only. However, the Floodplain Risk Management Advisory Committee (the Committee) feel that there is still a need for Council to pursue, separately to the FRMS&P work, the issues of regional flood mitigation measures to assist in the package of managing flood risk in the Hawkesbury. As a result the Committee at the meeting of 15 August 2011 made the following recommendation to Council:

"That Hawkesbury City Council establish a policy for flood mitigation of the Hawkesbury - Nepean River Valley, by requesting the Premier of New South Wales, the Hon. Barry O'Farrell MP, to seek bipartisan support from the Commonwealth Government, with his NSW Government, for joint funding under the Natural Disaster Resilience Programme (NDRP) to

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have a review carried out of the previous Environmental Impact Statements (EIS) prepared for Sydney Water by ERM Mitchell McCotter:

- *July 1995 "Proposed Warragamba Flood Mitigation Dam Environmental Impact Statement (3 Volumes) and;*
- *November 1996 Proposed Warragamba Dam and Auxiliary Spillway Environmental Impact Statement (4 Volumes)*

to assess the most economically viable large - scale flood mitigation works and measures, to reduce the height of major floods in the Hawkesbury - Nepean Valley and reduce the need for an enormous evacuation of our residents and damage to their property."

The minutes from the Committee meeting were received by Council on 30 August 2011 where two community members of the Committee addressed Council on this matter. It is clear that this issue has merit and that there is support for this matter to be pursued. However, the wording of the above recommendation to Council actually addresses two separate matters that should be separated into a Policy of Council and an action to be pursued under that Policy.

The benefit of separating these matters is that the Policy can guide the Council on broader issues of flood mitigation into the future and the review of the EIS can be considered as one of a number of potential actions under that Policy

A Policy is defined as the following:

A Policy is a rule, position statement or stance of the organisation, which has been formally adopted by Council. It is intended to provide direction and guidance to both the organisation and community in respect of the Council's position on a particular matter.

In relation to the above definition, the Committee recommendation for a Policy, as stated in the above recommendation, could be considered too narrowly focused if it focuses only of the review of the EIS documents. Such a Policy will likely be required to provide guidance on broader issues in relation to flood mitigation beyond the review of the EIS. In this regard the following wording is suggested for the Policy:

Hawkesbury City Council supports and encourages the need for regional flood mitigation measures in the Hawkesbury-Nepean Valley to be investigated and implemented by the Commonwealth and NSW State Governments and other relevant Authorities to ensure that the flood risks experienced by existing and future residents in the valley are reduced. These regional measures are too great a burden for one Council to carry and there is a need for a committed regional approach, by all relevant Authorities, to immediately address these existing risks.

In relation to the remaining portion of the Committee recommendation it is recommended that the matter of reviewing the EIS volumes be pursued, regardless of the funding mechanism, as outlined in the recommendation to this report.

Conformance to Community 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 nominated strategy in the Community Strategic Plan being:

- Develop disaster response and community safety plans.

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Financial Implications

Apart from the use of staff time in the lobbying of this issue there are no financial implications applicable to this report.

RECOMMENDATION:

That:

1. Council adopt a Policy on regional flood mitigation with the following wording:

"Hawkesbury City Council supports and encourages the need for regional flood mitigation measures in the Hawkesbury-Nepean Valley to be investigated and implemented by the Commonwealth and NSW State Governments and other relevant Authorities to ensure that the flood risks experienced by existing and future residents in the valley are reduced. These regional measures are too great a burden for one Council to carry and there is a need for a committed regional approach, by all relevant Authorities, to address these existing risks".

2. The Premier of New South Wales be requested to instigate an immediate review of the following previous Environmental Impact Statements (EIS) prepared for Sydney Water by ERM Mitchell McCotter:

- July 1995 *"Proposed Warragamba Flood Mitigation Dam Environmental Impact Statement (3 Volumes) and;*
- November 1996 *Proposed Warragamba Dam and Auxiliary Spillway Environmental Impact Statement (4 Volumes)*

to assess the most economically viable, large - scale flood mitigation works and measures to reduce the height of major floods in the Hawkesbury - Nepean Valley and reduce the need for an enormous evacuation of downstream residents and damage to their property and community infrastructure costing millions of dollars resulting from major flood events.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

Item: 282 CP - Human Services Advisory Committee and Constitution - (95498)

REPORT:**Executive Summary**

The purpose of this report is to advise Council of a recommendation for a new Constitution for a Human Services Advisory Committee of Council which will replace the current Community Planning Advisory Committee (CPAC) Constitution. The constitution of the Human Services Advisory Committee is attached to this report and sets out the new Objectives and Structure for the Committee.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy.

Background

At the CPAC meeting of the 16 June 2011, the Committee received a report and presentation (*Human Services Planning in the Hawkesbury*). The purpose of this report was to address the integrated human services planning capacity of Council's CPAC Committee to plan for the future human service needs of the Hawkesbury area. A 'community outcomes' framework was proposed - such as the 'Results Based Accountability' model used by the community sector and NSW Human Services. The CPAC resolved that:

1. *The Community Planning Advisory Committee adopt the principle of moving towards establishing an integrated human services planning committee as outlined in this report.*
2. *Council staff prepare a draft revised constitution for the committee's consideration to achieve the proposed reconfiguration of the committee's human services planning role.*
3. *The committee indicate its preferences for participating in a planning for community outcomes one-day training course.*

At the 17 November 2011 meeting of the CPAC the Committee endorsed the draft constitution for a new Human Services Advisory Committee and indicated its preference to proceed with a one-day training course on a community outcomes model - the Results Based Accountability (RBA) training.

Conformance to Community Strategic Plan

The proposal is consistent with the Looking After People and Place Directions statement:

- Have Friendly neighbourhoods, connected communities, and supported households and families

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

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

Financial Implications

There are no additional financial implications arising directly from this report. The proposed one-day community outcomes training (such as RBA) can be provided from the existing community services branch budget.

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RECOMMENDATION:

That:

1. Council endorse the Constitution of the Human Services Advisory Committee attached to the report.
2. Current Community Planning Advisory Committee members constitute the Human Services Advisory Committee.

ATTACHMENTS:

AT - 1 Human Services Advisory Committee Constitution.

AT - 1 Human Services Advisory Committee Constitution.

**Hawkesbury City Council
Human Services Advisory Committee**

Constitution

1. Name

The Advisory Committee, as appointed under the provisions of section 377 of the *Local Government Act 1993*, shall be known as the Human Services Advisory Committee, and is hereinafter referred to as the 'Advisory Committee'.

2. Objectives

- (a) to provide advice and assist Council in the development and drafting of a Human Services Planning Strategy. The proposed Strategy is to be consistent with the directions, strategies, and goals within the *Hawkesbury Community Strategic Plan 2010 - 2030*;
- (b) to provide advice to Council on consultative strategies for inviting submissions and comments in relation to the Human Services Planning Strategy;
- (c) to review the directions, strategies, and goals within the *Hawkesbury Community Strategic Plan 2010 - 2030* to undertake a gap analysis of human service needs of residents of the Hawkesbury;
- (d) to assist in the identification of community indicators to measure progress in the improvement of well-being of residents of the Hawkesbury which reflects the human service priorities identified within the *Hawkesbury Community Strategic Plan 2010 - 2030*;
- (e) to assist council staff to co-ordinate an integrated human service planning framework to facilitate the development of a plan of action for the provision of priority human services to residents of the Hawkesbury;
- (f) to provide a mechanism through which Council can be informed of human service issues where Council may be in a position to seek a resolution or advice regarding these issues through representation, lobbying and/or advocating to government agencies and/or elected representatives.

3. Role and Authorities

- (a) Whereas the Advisory Committee is appointed by the Hawkesbury City Council under the terms of the *Local Government Act 1993*, the Advisory Committee is to abide at all times with the terms of reference of this clause, and with the authorities delegated under this clause whilst remaining in force (unless otherwise cancelled or varied by resolution of Council).
- (b) The Advisory Committee shall have the following authorities delegated to it in accordance with the provisions of section 377 of the *Local Government Act 1993*:
 - (i) to recommend to Council policies drawn up by professional staff for:
 - the design, implementation, monitoring and review of community plans and
 - community planning processes to address the social, economic, and environmental needs of residents;
 - the design, implementation, monitoring and review of strategies for improving access to services and facilities by disadvantaged groups consistent with Council's responsibilities with regard to equity and access as set down in state and federal legislation;
 - (ii) to bring to Council's attention, by way of recommendation, any item requiring a policy decision outside the authority granted to the Advisory Committee under section 377;
- (c) The Council retains the responsibility for all budgetary considerations;

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- (d) The General Manager (or his/her delegate) retains, and shall be entirely responsible for the appointment and dismissal of staff (either permanent or temporary) with respect to the community planning functions of Council in accordance with the *Local Government Act 1993*;
- (e) The General Manager (or his/her delegate) retains all responsibility for the direction of any staff member, including any disciplinary action, be it for permanent, temporary or part time staff. The Advisory Committee will, however, have the right to bring to the attention of the Director of the Department within Council responsible for the human service planning any issues which, in its opinion, require disciplinary action; and
- (f) Any authorities conferred upon the Advisory Committee under this Constitution may be varied by Council.

4. Term

The Advisory Committee members' term shall be for four (4) years to coincide with Council's term of office. Advisory Committee members shall cease to hold office at the expiration of three months after the Ordinary election of the Council, but be eligible for re-appointment, subject to the condition that the Advisory Committee may be dissolved by Council at any time.

5. Structure and Membership

- (a) The structure and membership of the Advisory Committee shall be as follows, and all the undermentioned appointments will have voting rights:
 - (i) 2 (two) Councillors of the Hawkesbury City Council; and
 - (ii) 1 (one) Council staff member appointed by the General Manager of Hawkesbury City Council
 - (iii) 5 (five) community appointments, with expertise in human service planning appointed by Council following the calling of applications as detailed in clause 6(b) of this Constitution
- (b) The Director of the Department charged with the responsibility for human services planning within the Hawkesbury City Council shall attend meetings and may delegate the Senior Strategic Planner - Community, as his/her delegate when deemed necessary
- (c) The Advisory Committee shall, at its first meeting following appointment, and each twelve (12) month period thereafter, elect one of its members from those appointed under clause 5 to be the Chairperson of the Advisory Committee, and one of its members appointed under the same clause to be Deputy Chairperson, who shall act in the absence of the Chairperson;
- (d) The position of Chairperson shall not be held by the same person for any longer than three (3) consecutive years;
- (e) The position of Deputy-Chairperson shall not be held by the same person for any longer than three (3) consecutive years;
- (f) No staff member of Hawkesbury City Council shall be elected as Chairperson or Deputy Chairperson of the Advisory Committee;
- (g) Each member of the Advisory Committee entitled to vote shall only have one vote except that of the casting vote of the Chairperson in the case of equality of votes;
- (h) The Advisory Committee may co-opt additional members from time to time, at its discretion, to provide specialist advice or assistance, but such co-opted members shall only serve on the Advisory Committee for the period of time required, and will not, whilst serving in the position of co-opted member, have any voting rights; and

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- (i) The Advisory Committee may invite as observers citizens or other representatives for the purpose of clarifying certain matters as decided by the Advisory Committee. Such observers will not be permitted to vote.

6. Appointment and Election of Members

- (a) 2 Councillors will be appointed to the Advisory Committee in accordance with practices and procedures of the Council;
- (b) The Council shall, in the month of October following the quadrennial election place advertisements in appropriate newspapers inviting nominations from members of the community for membership to the Advisory Committee;
- (c) The Council shall select and appoint the community representatives to the Advisory Committee;
- (d) The Advisory Committee shall have the power to fill casual vacancies at its discretion;
- (e) Members of the Advisory Committee shall cease to hold office:
 - (i) if the Advisory Committee is dissolved by Council;
 - (ii) upon written resignation or death;
 - (iii) if absent without prior approval of the Advisory Committee for three consecutive meetings; or
 - (iv) if the Council by resolution determines that the member has breached Hawkesbury City Council's Code of Conduct (as it is in force from time to time).
- (f) For the purposes of sub-clause 6(e)(iv), the Code of Conduct is to be taken to apply to community and representative members as referred to in clause 5(a) in the same way as the Code of Conduct applies to Councillors.

7. Procedures and General

- (a) Ordinary meetings of the Advisory Committee shall be held no less than four (4) times per year. Special meetings may be convened at the discretion of the Chairperson, or, in his/her absence, the Deputy Chairperson;
- (b) The Senior Strategic Planner - Community, City Planning Division shall be the Executive Officer to the Advisory Committee, and will be responsible for preparation of specialist reports, and any and all correspondence associated with the Advisory Committee;
- (c) The Council will provide a Minute Clerk for the purpose of recording the Minutes of the Advisory Committee meetings and for the distribution of Minutes following meetings of the Advisory Committee;
- (d) No meeting of the Advisory Committee shall be held unless three (3) clear days notice thereof has been given to all members;
- (e) The Minute Clerk shall forward a copy of the Minutes of each Advisory Committee meeting to all Advisory Committee members, as well as to Council, for submission to the appropriate Standing Committee, as soon as possible following such Advisory Committee meeting;
- (f) At any meeting of the Advisory Committee, the Chairperson, or the person acting in the position of Chairperson, shall, in addition to his or her ordinary vote, have a casting vote where such a situation occurs where there is an equality of votes;
- (g) The rules governing meetings and the procedures of the Advisory Committee shall, so far as they apply, be those covered by the Hawkesbury City Council's Code of Meeting Practice, as may be altered from time to time by resolution of the Council;

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- (h) A quorum of the Advisory Committee shall be constituted by 4 members being present at meetings;
- (i) Any members having a pecuniary interest in any matters being discussed by the Advisory Committee shall declare such interest at the meeting of the Advisory Committee and refrain from voting or discussion thereon.
- (j) The requirements applying to pecuniary interests for members as detailed in clause 7(i) above shall apply equally to any other appointed or invited observers or co-opted members, and also to the Executive Officer/Secretary;
- (k) Any recommendations of the Advisory Committee shall, as far as adopted by the Council, be resolutions of the Council, provided that recommendations or reports of the Advisory Committee shall not have effect unless adopted by the Council;
- (l) It shall be competent for the Advisory Committee to appoint a sub-committee or specific work groups comprised of members or non-members to exercise and carry out specific investigations for the Advisory Committee, and then to report back to the Advisory Committee. These appointed sub-committees or work groups may be dissolved by the Advisory Committee at any time;
- (m) Any appointed sub-committees or work groups have no power to make any decisions whatsoever on behalf of the Advisory Committee, and any recommendations of any sub-committee or work group will only have effect once adopted by the Advisory Committee, or by the Council, as the case may be;
- (n) The Senior Strategic Planner - Community, City Planning Division shall prepare an Annual Report on the Advisory Committee's activities for submission to the Advisory Committee, who will, in turn, present such report to the Council.

oooO END OF REPORT Oooo

Item: 283**CP - Results of the 2011 Community Survey - (95498, 79342)**

REPORT:**Executive Summary**

The purpose of this report is to advise Council of the results of the 2011 Community Survey conducted by Micromex Research in August 2011. The Survey measures the levels of satisfaction and importance across 50 services and facilities by a representative sample of Hawkesbury residents through a random phone survey.

The results indicate a generally positive performance by Council with 38 of the 50 listed services and facilities rated from 'moderate' to 'high' in satisfaction by the community. Key drivers of overall satisfaction were identified using a (new) Council Satisfaction Model. Five of these areas were then explored further by Micromex through four community focus groups.

It is recommended that the Survey results be received by Council and the results report be placed on Council's website.

Consultation

The issues raised in this report concern matters which do not require Community Consultation under Council's Community Engagement Policy.

Background

This is the third Community Survey - following the 2007 and 2009 community surveys. Micromex Research was again selected to conduct the Survey with a statistically valid representative sample of 400 Hawkesbury residents. The Survey questions were developed by Micromex and a Community Survey Reference Group of Council staff. The questions were also the subject of a Councillor Briefing prior to undertaking the Survey.

2011 Community Survey Results

A representative sample (400) of Hawkesbury residents were contacted randomly by Micromex through a 15-20 minute phone survey. Residents were asked to rank 50 services and facilities by importance and satisfaction. The results were then analysed through a Performance Gap Analysis (PGA) and the results presented were consistent with the five themes of the Hawkesbury Community Strategic Plan.

Overall satisfaction with Council's performance was statistically similar to previous years with 85% of residents indicated that they are "somewhat" to "very" satisfied with Council's overall performance.

Around half (48%) of respondents had contacted Council in the 12 months leading up to the Survey. The predominant method of contact was via telephone (77%), with overall satisfaction with this method of contact identified as 'moderately high'. The other main method of contact was 'In person' and while slightly lower the overall satisfaction across all areas ('Speed of service'; 'Knowledge of staff'; 'Degree of helpfulness'; and 'Overall outcome') were again in the 'moderately high' level of satisfaction.

The 50 services and facilities identified in the Survey were assessed using a Performance Gap Analysis (PGA). The PGA establishes the gap between importance and satisfaction. In this regard, the higher the PGA the greater the gap between Council's provision of that service and the expectation of the community for that service or facility.

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Of the 50 services/facilities, the areas with the highest PGA were:

1. Road Maintenance
2. Improving services and infrastructure (generally)
3. Healthy and sustainable Hawkesbury River and waterways
4. Road safety
5. Lobbying State and Federal Government for funding and improved service levels
6. Engaging the community
7. Public Toilets
8. Providing transparent, accountable and respected leadership
9. Crime prevention

The survey results were also compared with a Local Government Area (LGA) Benchmark. Four areas were above the LGA Benchmark. These were: Libraries, Child care services, Recycling services, and Seniors' centre and programs. Twelve areas were slightly below the LGA Benchmark. The areas below the LGA benchmark were: Overall satisfaction with Council, Youth services and facilities, Valuing and protecting Hawkesbury's heritage areas, Road maintenance, Footpaths and cycle-ways, Garbage services, Play-grounds, Public toilets, Services and facilities for people with a disability, Tourism facilities and industry, Level of communication Council has with the community, and Sporting and recreational facilities.

Results were then examined by a Quadrant Analysis (QA) - in which each service or facility was plotted in terms of importance by satisfaction, resulting in its placement in one of four quadrants. These four quadrants are: 'Higher Importance, lower satisfaction'; 'Higher importance, higher satisfaction'; 'Lower importance, lower satisfaction'; and 'Lower importance, higher satisfaction'. The nine areas requiring the greatest improvements (Higher Importance, lower satisfaction) are listed above, i.e., the areas with the largest performance gap.

A Council Satisfaction Model (Shapley Regression) was conducted by Micromex. This Model then identifies which services and facilities are the actual drivers of overall satisfaction with Council. Five areas were identified by Micromex as critical drivers of community satisfaction which Council should explore further.

The five critical areas identified through the Council Satisfaction Model were:

- Providing transparent and accountable leadership
- Lobbying State Government
- Supporting community organisations and volunteers
- Increasing road safety
- Road maintenance

Community Focus Groups

Focus groups were then conducted by Micromex to further explore these areas for a greater understanding of the issues. Three of the focus groups were sourced from the representative survey sample, with the fourth group being a youth-specific focus group.

Through the focus groups Micromex recommended that Council consider (where feasible) addressing the following:

1. Improve its image regarding "Providing transparent, accountable and respected leadership. "Lobbying State & Federal Government for funding and improved service levels" and "Supporting and valuing both community organisations and volunteers" were also identified as areas that would improve resident satisfaction with Council.
2. Explore methods of increasing road safety.
3. Implement a communication program to improve the communities understanding of Council's processes and priorities for repairing potholes.

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4. Reassess Council's current consultation and engagement strategies. Look to identify methods and mediums that could better inform/involve the community in Council decision making and long term planning.
5. Clarify expectations/issues regarding the condition and maintenance of the local road network.
6. Improve infrastructure in the area generally and also specifically regarding recycling services and bus services.
7. Further explore community attitudes towards rate increases.
8. Develop strategies to maximise the level of positive information arising from local newspapers and word of mouth.

The focus groups also identified priority areas where Council could make inroads into improving community attitudes, including:

- A reduction in the outward display of party politics within Council.
- Communicating key community objectives in regards to the lobbying of State and Federal Governments, therefore engaging local residents more actively in the process.
- More openly supporting community organisations and volunteers.
- Communicating more effectively Council's approach to road maintenance, and in particular the repair of potholes.
- Communicating and engaging with residents across a variety of platforms, with the website a central portal of information.

Conclusions

The 2011 Community Survey indicates that Council has maintained good levels of overall community satisfaction when compared to the 2007 and 2009 Community Survey results. 85% of residents were "somewhat" to "very" satisfied with Council's overall performance. 38 of the 50 listed services and facilities were rated from 'moderate' to 'high' in satisfaction by the community.

Some improvements could be made in areas that fall below the LGA Benchmark.

Critical drivers of community satisfaction have been identified and explored further through community focus groups. Implementation of key strategies and improved communication in these areas by Council could result in improved community attitudes towards council. The analysis of these results can assist Council in the allocation of appropriate resources to the actual service attributes that will improve overall community satisfaction.

Conformance to the Community Strategic Plan

The proposal is consistent with the "*Shaping Our Future Together*" Direction statement:

- Have transparent, accountable and respected leadership and an engaged community

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

- Engage the community to help determine affordable levels of service.

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Financial Implications

There are no direct financial implications arising out of this report.

RECOMMENDATION:

That the:

1. Information be received.
2. Results of the 2011 Community Survey be displayed on Council's website.

ATTACHMENTS:

AT - 1 2011 Hawkesbury Community Survey Report - *(Distributed Under Separate Cover)*

oooO END OF REPORT Oooo

ORDINARY MEETING**Meeting Date: 13 December 2011****SUPPORT SERVICES****Item: 284 SS - Monthly Investments Report - November 2011 - (96332, 95496)****REPORT:****Executive Summary**

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.

This report indicates that Council held \$42.55 million in investments at 30 November 2011.

It is recommended that this report be received and noted.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy.

Background

The following table indicates that Council held \$42.55 million in investments as at 30 November 2011. 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 both in the short term and the long term, and the percentage of the total portfolio, are provided below:

Investment Type	Institution Short Term Rating	Institution Long Term Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Total \$
On Call								
ANZ	A1+	AA	01-Sep-11		6.00%	4,000,000	9.40%	
ANZ	A1+	AA	05-Sep-11		6.00%	3,300,000	7.75%	
ANZ	A1+	AA	14-Sep-11		6.00%	500,000	1.16%	
CBA	A1+	AA	30-Nov-11		5.25%	1,050,000	2.47%	8,850,000
Term Investments								
ANZ	A1+	AA	18-May-11	16-May-12	6.35%	500,000	1.18%	
ANZ	A1+	AA	23-Feb-11	22-Feb-12	6.24%	1,200,000	2.82%	
ANZ	A1+	AA	10-Mar-11	20-Dec-11	6.35%	2,000,000	4.70%	
ANZ	A1+	AA	14-Mar-11	11-Jan-12	6.35%	2,000,000	4.70%	
ANZ	A1+	AA	23-Mar-11	21-Mar-12	6.24%	500,000	1.18%	
Bank of Queensland	A-2	BBB+	14-Oct-11	25-Jan-12	6.00%	500,000	1.18%	

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Bankwest	A1+	AA	08-Sep-11	07-Mar-12	6.00%	2,000,000	4.70%	
Bankwest	A1+	AA	05-Oct-11	07-Mar-12	5.80%	500,000	1.18%	
Credit Union Australia	A-2	BBB+	14-Oct-11	25-Jan-12	6.00%	1,000,000	2.35%	
NAB	A1+	AA	29-Nov-11	11-May-12	5.89%	2,000,000	4.70%	
NAB	A1+	AA	02-Dec-10	07-Dec-11	6.44%	1,000,000	2.35%	
NAB	A1+	AA	03-Dec-10	07-Dec-11	6.45%	2,000,000	4.70%	
NAB	A1+	AA	08-Dec-10	07-Dec-11	6.44%	500,000	1.18%	
NAB	A1+	AA	09-Feb-11	09-Feb-12	6.27%	1,000,000	2.35%	
NAB	A1+	AA	15-Jun-11	25-Jan-12	6.16%	2,000,000	4.70%	
NAB	A1+	AA	27-Jul-11	25-Jul-12	6.29%	1,000,000	2.35%	
NAB	A1+	AA	06-Jul-11	05-Jul-12	6.25%	2,000,000	4.70%	
NAB	A1+	AA	24-Aug-11	22-Feb-12	5.85%	1,000,000	2.35%	
NAB	A1+	AA	16-Nov-11	16-May-12	5.72%	1,000,000	2.35%	
Westpac	A1+	AA	26-Oct-11	26-Apr-12	5.80%	1,000,000	2.35%	
Westpac	A1+	AA	16-Nov-11	26-Apr-12	5.72%	1,000,000	2.35%	
Westpac	A1+	AA	22-Jun-11	25-Jan-12	6.18%	2,000,000	4.70%	
Westpac	A1+	AA	10-Aug-11	8-Aug-12	6.00%	2,000,000	4.70%	
Westpac	A1+	AA	17-Aug-11	15-Aug-12	6.00%	1,000,000	2.35%	
Westpac	A1+	AA	23-Nov-11	09-May-12	5.75%	3,000,000	7.05%	33,700,000
TOTAL INVESTMENT AS AT 30 NOVEMBER 2011								42,550,000

Bench Marking

Bench Mark	Bench Mark %	Actual %
UBS 90 Day Bank Bill Rate	4.63%	6.10%
Reserve Bank Cash Reference Rate	4.50%	5.91%

Performance by Type

Category	Balance \$	Average Interest	Difference to Benchmark
Cash at Call	8,850,000	5.91%	1.41%
Term Deposit	33,700,000	6.10%	1.47%
Total	42,550,000	6.06%	1.43%

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Restricted/Unrestricted Funds

Restriction Type	Amount \$
External Restrictions -S94	7,076,978
External Restrictions - Other	10,606,893
Internal Restrictions	14,984,824
Unrestricted	9,881,305
Total	42,550,000

Funds subject to external restrictions cannot be utilised for any purpose other than that specified in line with legislative requirements. Externally restricted funds include funds relating to S94 Contributions, Domestic Waste Management, Stormwater Management and Grants.

Internal restrictions refer to funds allocated through a Council Resolution, for specific purposes or to meet future known expenses. Whilst it would “technically” be possible for these funds to be utilised for other purposes, such a course of action, unless done on a temporary internal loan basis, would not be recommended nor would it be “good business practice”. Internally restricted funds include funds relating to Tip Remediation, Plant Replacement, Risk Management and Election.

Unrestricted funds may be used for general purposes in line with Council's adopted budget.

Investment Commentary

The investment portfolio increased by \$0.95 million for the month of November, 2011. During November, various income was received totalling \$6.49 million, including rate payments amounting to \$3.43 million, while payments to suppliers and staff costs amounted to \$5.38 million.

The investment portfolio currently involves a number of term deposits and on-call accounts. Council's current investment portfolio is not subject to share market volatility.

As at 30 November 2011, Council has invested \$4.0 million with 2nd tier financial institutions, with the remaining funds being invested with 1st tier institutions. The investment of up to \$1 million with 2nd tier Authorised Deposit Taking Institutions (ADIs) is entirely covered by the free Government Guarantee Scheme, and is in accordance with Council's Investment Policy. Also, Council's adopted Investment Policy allows Council to invest above \$1 million with 2nd tier Authorised Deposit Taking Institutions that are wholly owned subsidiaries of major Australian trading banks, subject to conditions stipulated in the Policy.

The investment portfolio is regularly reviewed in order to maximise investment performance and minimise risk. Independent advice is sought on new investment opportunities and Council's investment portfolio is independently reviewed by Council's investment advisor each calendar quarter.

Council's investment portfolio complies with Council's Investment Policy, adopted on 28 June 2011.

As a result of the meeting of the RBA on 6 December 2011, official interest rates were reduced by a further 25 basis points. This will have an effect on the interest rates received for Council's investments leading to a reduction in interest income. It will be necessary to monitor Council's investments very closely to ensure investment income meets budget expectations.

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 Community Strategic Plan

The proposal is consistent with the Shaping Our Future Together Directions statement;

ORDINARY MEETING

Meeting Date: 13 December 2011

- 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 (or is a nominated) strategy in the Community Strategic Plan being:

- Maintain and review a sustainable long term financial framework.

Financial Implications

Funds have been invested with the aim of achieving budgeted income in 2011/2012.

RECOMMENDATION:

The report regarding the monthly investments for November 2011 be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 13 December 2011

CONFIDENTIAL REPORTS

Item: 285

GM - Tender No. 01911 - Supply of OHS Specialised Services - (79351, 79509)

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: 13 December 2011

Item: 286 **SS - Property Matter - Lease to Hawkesbury District Tennis Association Inc - Richmond Tennis Centre - Part of Lot 2 in Deposited Plan 1062683 (part of Ham Common) - (95496, 74070)**

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: 13 December 2011

Item: 287 **SS - Property Matter - Lease to Ahuja Enterprises Pty Ltd (Operating as Pizza Hut) - 69 Macquarie Street, Windsor - (95496, 74060)**

Previous Item: 60, Ordinary (29 March 2011)

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: 13 December 2011

Item: 288 **SS - Property Matter - Lease to Upper Hawkesbury Power Boat Club - Club House
- Governor Phillip Park - (95496, 73829)**

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: 13 December 2011

Item: 289 SS - Property Matter - State Property Authority (for NSW Department of Community Services) - Suite 3, Deerubbin Centre, 300 George Street, Windsor - (95496, 117653)

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: 13 December 2011

Item: 290 GM - Staff Matter - (79351) 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)(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: 13 December 2011

Item: 291

GM - Staff Matter 2 - (79351) 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)(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
Questions for Next Meeting

QUESTIONS FOR NEXT MEETING

Councillor Questions From Previous Meetings and Responses - (105109)

REPORT:

Questions - 29 November 2011

#	Councillor	Question	Response
1	Whelan	Enquired if Council could advise when it is anticipated that the potholes will be filled on Kings Road and Sackville Road.	The Director Infrastructure Services advised that the matter had been attended to.
2	Conolly	Advised that Council provides an annual allocation of funds to Hawkesbury Radio and enquired if there was a process of equital in how those funds are used and is Council confident that those funds are being used for the purposes of which they are given.	The General Manager advised that Council currently funds the cost of a membership fee to Hawkesbury Radio. The membership fee paid in 2010 was \$27.50. There is no process of acquittal for this membership fee.
3	Bassett	Advised Councillors that there was an App for their iphones that saves Councillors having to wait for a Council Meeting or to ring up to report such matters as bad road conditions, potholes, graffiti, etc. It allows staff to react more quickly and have the issues dealt with sooner.	Advice to Council. No response required.
4	Calvert	Enquired about Redbank Creek, North Richmond and whose responsibility it is to keep it clean and running as the residents own to the mid point of the creek. The residents are just after clarification.	<p>The Director City Planning advised that if adjoining landowners own to the mid point of the Creek they can remove noxious weeds from the Creek within their property without approval. However, the natural flow of water within the system should not be impeded or redirected.</p> <p>If any native vegetation removal, excavation or construction is proposed then a development application is required and that application would be Integrated Development under the Water Management Act 2000.</p> <p>If landowners have specific queries regarding the extent of their landholding or other legal responsibilities, they should obtain their own legal advice.</p>

ORDINARY MEETING
Questions for Next Meeting

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo



ordinary
meeting

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