



Hawkesbury City Council

ordinary  
meeting  
business  
paper

date of meeting: 30 June 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 an Extraordinary 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.

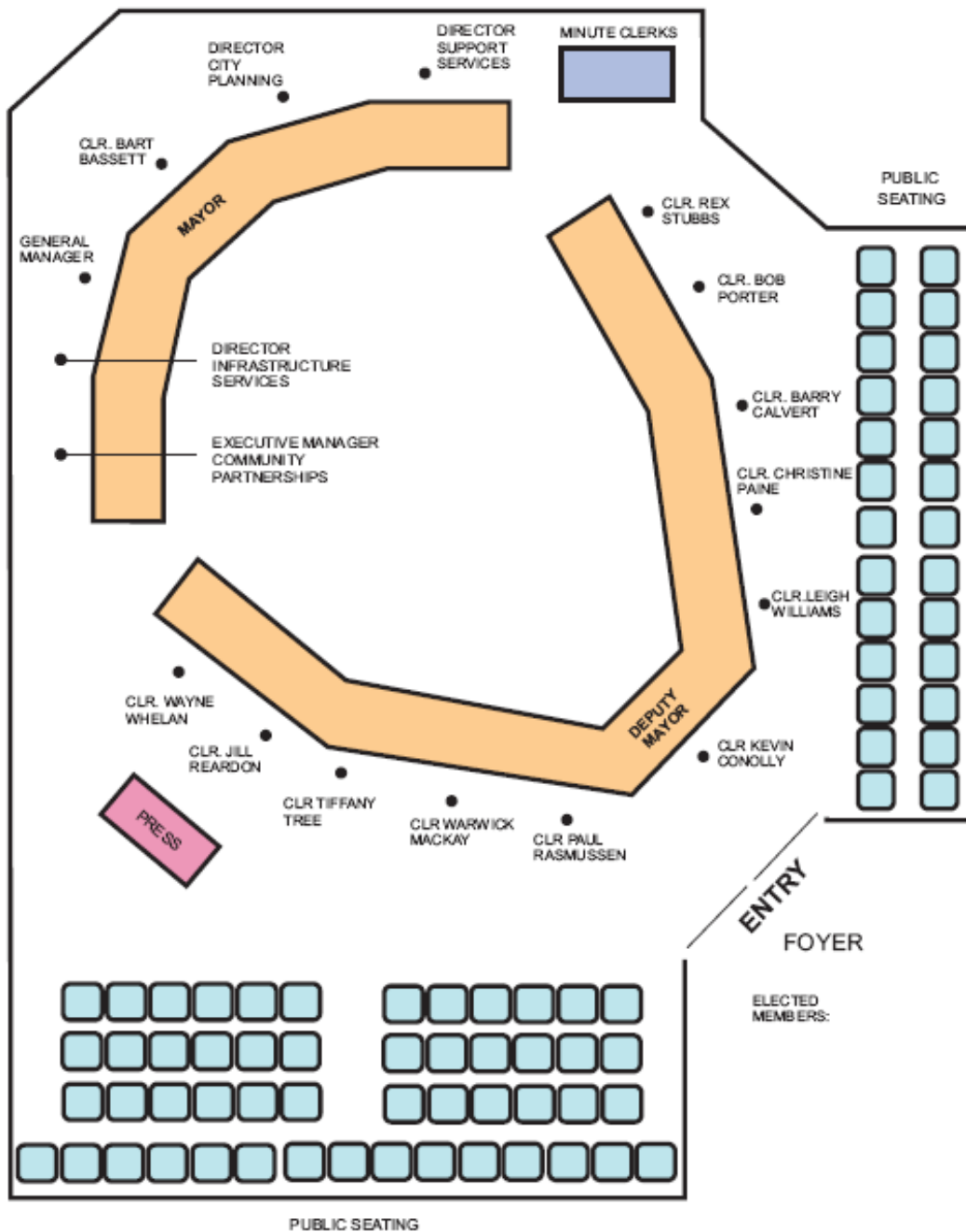
### **Website**

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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Questions With Notice

**QUESTIONS WITH NOTICE**

**Question With Notice - Expenses in Respect of the Australiana Pioneer Village - (79351, 80104)**

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**Submitted by:** Councillor C Paine

**QUESTION WITH NOTICE:**

Could Council be advised of details of all expenses in respect of the Australian Pioneer Village the five financial years from 2004/2005 to 2008/2009.

**NOTE BY MANAGEMENT:**

The following table details all the expenses incurred by Council in respect of the Australiana Pioneer Village (APV), 496 Wilberforce Road, Wilberforce, from 2004/2005 to 2008/2009:

**Actual Expenditure - APV**

<b>Expenditure Item</b>	<b>2004/05</b>	<b>2005/06</b>	<b>2006/07</b>	<b>2007/08</b>	<b>2008/09 (to 19/6/09)</b>
Electricity	\$3,437.95	\$3,076.49	\$3,872.10	\$3,195.46	\$2,989.26
Water <sup>1</sup>	\$2,078.50	\$2,691.80	\$1,922.14	\$5,154.67	\$12,696.00
Insurance	\$3,038.92	\$3,336.11	\$3,693.54	\$3,656.87	\$3,668.70
Maintenance and Repairs	\$7,752.84	\$103,453.51	\$12,763.99	\$3,712.28	\$5,263.63
Council Rates & Charges <sup>2</sup>	\$5,859.69	\$6,120.04	\$5,817.73	\$5,807.79	\$2,765.20
<b>Total Expenditure</b>	<b>\$22,167.90</b>	<b>\$118,677.95</b>	<b>\$28,069.50</b>	<b>\$21,527.07</b>	<b>\$27,382.79</b>

**Notes:**

1. With regard to the water expenses for 2008/2009, Council is applying to Sydney Water for a rebate of approx \$5,700 on the water charges levied due to a broken water pipe and investigations are continuing in an endeavour to ascertain reasons for the apparent increase in respect of water charges for the last two years.
2. In 2008/2009, Council paid a total amount of \$6,723.00 for rates and charges. This amount has been adjusted to reflect the current land use and therefore a credit of \$3,957.80 is available for future rates and charges payable on this property.

It is noted that some of the above annual maintenance and repairs expenditure amounts are higher than the same expenditure items outlined in the report considered by Council at its meeting of 12 May 2009 regarding the future of the APV. These variances are minor and are due to further analysis of the expenditure contained in other maintenance accounts attributable to the APV.

**ATTACHMENTS:**

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

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**ORDINARY MEETING**

Notices of Motion



**SECTION 3 - Notices of Motion**

**NM1 - Policy Development for Dealing with Liquor Licence Applications - (79351, 95498, 80104)**

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**Submitted by:** Councillor C Paine

**NOTICE OF MOTION:**

That:

1. Council, as a matter of urgency, develop a Policy for dealing with liquor licence applications received from the NSW Office of Liquor, Gaming and Racing. The Policy is to address, as a minimum, the following matters:
  - Contact position within Council for the co-ordination of comments for licence applications;
  - Assessment of licence applications is to include consultation with the local Police;
  - Assessment criteria for the review of Community Impact Statements that are submitted with the application; and
  - Set “deemed to comply” standards for applications, such as trading hour limits, noise provisions, transport provision, etc.
2. Until the above Policy is adopted by Council all licence applications that are accompanied by a Community Impact Statement (CIS) are to be reported to the next available Council meeting to be held after receipt of the application.

**BACKGROUND:**

Liquor licensing laws changed in 2008 that now require applicants to undertake some community consultation prior to submitting a licence application to the NSW Office of Liquor, Gaming and Racing (OLGR). The applications are also required to be submitted to the local Council and the Police for comment at the same time. In order to assist the local Police and staff in assessing these applications Council should develop a clear policy that states Council’s position on new and extensions of liquor licences. To assist in the statement of this position matters such as trading hour limits and referral processes should be clarified.

Licence applications can be for the following:

- Hotel – Hotel, bar or tavern (CIS required)
- Club – Registered club (CIS required)
- On-premises – Restaurant, entertainment venue, motel, function centre, etc (CIS required only where licence relates to a restaurant or public entertainment venue)
- Packaged liquor – Liquor store, etc. (CIS required)
- Producer/wholesaler – Brewer, distiller winemaker, wholesaler. – (CIS not required)
- Limited – Functions held by non-profit organisations, special events, etc. (CIS not required)

It is proposed that the applications accompanied by a CIS be reported immediately to Council to assist staff and the Police in commenting on the application. Whilst this only allows the raw application to be referred to Council, i.e., no assessment of the application, it will allow the Council’s position on the application to be stated so that the application is not unnecessarily delayed.

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Notices of Motion

**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: 110            **GM - Complaint Under Council's Code of Conduct against Councillor J Reardon - (79351, 111628, 113886, 75574)**

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**REPORT:**

On 24 March 2009, a complaint was received under the Council's Code of Conduct (the Code) against Councillor J Reardon in respect of comments allegedly made during a telephone conversation with the complainant on 16 February 2009.

In accordance with Clause 12.9(d) of the Code, the General Manager decided to refer the matter to an independent Conduct Reviewer and subsequently appointed Mr J Kleem of John Kleem Consulting, a member of Council's recently appointed panel of Independent Reviewers under the Code, for this purpose with the matter being referred to Mr Kleem on 8 April 2009.

Mr Kleem has now submitted his "Review Report", a copy of which is included as Attachment 1 to this report. This report is now submitted to Council for its consideration in accordance with Clause 14.9 of the Code.

In respect of reports from conduct review committees/sole conduct reviewers, the guidelines issued by the Department of Local Government provide "advice" on a number of aspects of a reports submission to Council and some of these issues, together with comments, are as follows:

- *"The conduct review committee/sole conduct reviewer should be mindful that there may be a need to protect the identity of the person making the complaint when preparing the report to Council".*

The "Review Report" from Mr Kleem indicates that due to the nature of the complaint it was necessary to reveal the identity of the complainant to Councillor Reardon. Subsequently, the complainant has also indicated that he had no objection to his identity being generally revealed.

- *"The report will generally be dealt with in open session of Council. Council can only close a meeting to the public if the matter is one that meets the requirements of Section 10A (2) of the Act. In most cases, a report from the conduct review committee/sole conduct reviewer will not meet those requirements".*

It is not considered that this particular matter meets any of the requirements of Section 10A (2) of the Act.

- *"The Primary role of the conduct review committee/reviewer is to establish the facts of the allegation. The conduct review committee/reviewer will make findings of fact and may make recommendations that Council takes action.*

*The Council is the appropriate body to determine whether or not a breach of the Code has occurred and has the discretion as to whether or not a sanction is applied. Councillors need to ensure that there is no re-hearing of the evidence when debating the report from the conduct review committee/reviewer. The debate should focus on*

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*the outcome of the reviewer's enquiries and the appropriateness of any sanctions to be applied where there is a finding or a breach of the code of conduct".*

The issues and facts surrounding the allegation have been addressed in the "Review Report" and Mr Kleem has made a finding that the allegation is "unsubstantiated" and "does not represent a breach of Council's Code of Conduct to be pursued".

Accordingly, the following recommendation is submitted for Council's consideration in connection with this matter.

**RECOMMENDATION:**

That the Review Report by the Sole Conduct Reviewer, Mr J Kleem of John Kleem Consulting, dated 31 May, 2009 in respect of a complaint under the Council's Code of Conduct regarding Councillor J Reardon be received and no further action be taken in view of the conclusions reached by the Sole Conduct Reviewer.

**ATTACHMENTS:**

**AT - 1** Review Report by Mr J Kleem of John Kleem Consulting.

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**AT - 1 Review Report by Mr J Kleem of John Kleem Consulting.**



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31<sup>st</sup> May 2009

Peter Jackson  
General Manager  
Hawkesbury City Council  
PO Box 146  
WINDSOR NSW 2756

Dear Peter,

**RE: CODE OF CONDUCT COMPLAINT – COUNCILLOR JILL REARDON**

I refer to the advice to me dated 8<sup>th</sup> April 2009 requiring that I act as a Sole Conduct Reviewer regarding a complaint lodged with the General Manager by Mr Len Derkacz concerning comments alleged to have been by Councillor Jill Reardon in a telephone discussion on 16<sup>th</sup> February 2009.

The complaint was referred to me in accordance with the provisions of Clause 12.9 (d) of Council's Code of Conduct and to facilitate my investigation, the following documents were provided:

- **Council's Code of Conduct**
- **Letter of Complaint, dated 20<sup>th</sup> March 2009 from Mr L Derkacz**
- **Letter of acknowledgement dated 31<sup>st</sup> March 2009 to Mr L Derkacz**

Advice was provided to Mr Derkacz on 8<sup>th</sup> April 2009 of your determination to refer the complaint from my consideration as a member of Council's 'Panel of Independent Reviewers'. In the process of investigation, it was indicated that the planning issue referenced by Mr Derkacz in his complaint related to a Development Application (DA0359/08) for an "animal establishment for breeding and showing of dogs" at 262 Grose Wold Road, Grose Wold.

I should indicate that in terms of the identity and alleged source of the person said to have generated the complaint by Mr Derkacz, I found it necessary to speak to both parties to establish the veracity of the complaint. To that extent, it was practical and necessary that the identity of each party be known to the other.

As part of my Review I gained a detailed awareness of the Development Application in question previously deferred for a conciliation process through Resolution No: 338 taken at the Ordinary Meeting of Council held on 21<sup>st</sup> October 2008.

**THE COMPLAINT**

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So that my findings can be placed in appropriate context, and in the absence of any actions by Mr Derkacz to protect his identity in the matter, it is important that the original complaint dated 20<sup>th</sup> March 2009 be presented as part of my report as a complete record in the matter so that all facts are available in a single reading of the events inclusive of investigation outcomes. The letter of complaint from Mr Derkacz was presented in the following terms:

**“On the afternoon of 16<sup>th</sup> February 2009 I received a phone call from Councillor Jill Reardon. Councillor Reardon said the following words (or words to the effect of): “How dare you, how dare you, drop leaflets in my letter box. Just for that I will be voting for the dogs.” The tone and the manner of her statement was offensive, intimidating and disrespectful, coming from an experienced Local Government Councillor. I had little chance to reply before Councillor Reardon hung up the phone.**

**I rang the Mayor and reported my distress at the phone call. I asked the Mayor to do something about the Councillor’s behaviour towards me. I have not got a response from the Mayor on this matter. Following legal advice I now understand that such complaints should be formally directed to the General Manager, to be dealt with under the Code of Conduct and/or the Local Government Act. This explains the delay of one month or so since I complained of Councillor Reardon’s phone call.**

**The reference in the phone call to letter box leaflets is related to a letter I commissioned Australia Post to deliver to residents of Grose World and Grose Vale expressing my democratic view on a planning matter and asking similar minded residents to contact their elected representatives and express concerns, were they so like minded.**

**At the time of sending out the leaflet and to this day, I have no knowledge of the residential address of Councillor Reardon.**

**Councillor Reardon knows me as an objector to a development application concerning a Dog Breeding (animal establishment) in Grose Wold Road, which adjoins my property. That application has come before Council previously and is yet to be determined.**

**Following the phone call, I now have grave concerns that Councillor Reardon can objectively deal with the application on its merits, when and if the matter returns to Council for determination. Indeed she has confirmed to me, how she intends to vote irrespective of the merits of the application.**

**I respectfully ask that you deal with the matter under the Code of Conduct or any relevant LGA legislation. I am happy to provide a statutory declaration or similar, to attest to the phone call that took place.**

Yours faithfully,

Len Derkacz

Ph: [REDACTED]”

**Note:**

**The telephone number offered by Mr Derkacz was not connected at the time of enquiry and I was informed through a visit to his property and an interview with a resident having familiarity with the facts that telephone access had been changed to [REDACTED].**

**REPORT OF INTERVIEWS**

I arranged to meet with Councillor Jill Reardon privately at Council offices and the following points were made to me by Councillor Reardon:



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- Councillor Reardon was involved in a Mediation Conference about the subject planning matter in December but outside that exposure to the complainant, the Councillor indicated that there had been no further contact with the complainant either by telephone or in person since that conference.
- Councillor Reardon was adamant that there had been no contact by herself to the complainant either on the afternoon of 16<sup>th</sup> February 2009 or at any time whatsoever in the intervening period since the Mediation Conference.
- Councillor Reardon indicated that the words attributed to her in the alleged telephone conversation could not have been made since no telephone conversation actually took place with Mr Derkacz.
- Councillor Reardon noted that there was no clarity as to the actual words said to have been used in the telephone call claimed by the complainant to have been made.
- Councillor Reardon made the observation that all of the statements said to have been made to the complainant were therefore irrelevant since she had not made the call as indicated by the complainant.
- Councillor Reardon said that the obligations attaching to her role as an elected member would not have resulted in her making any statement in any telephone call that was “offensive, intimidating and disrespectful”.
- Councillor Reardon pointed to her experience as a Councillor not only with Hawkesbury but with Baulkham Hills and the personal behaviours she saw as relating to that role.
- Councillor Reardon, apart from strongly establishing that she did not make the telephone call as claimed, indicated that it would certainly not be her practice to conclude any telephone call by hanging up prior to a call being completed.
- Councillor Reardon provided me with telephone records of all calls made on the 16<sup>th</sup> February 2009 reported by the complainant as having been the date of a call from Councillor Reardon. There was in fact a call made that day to mobile number [REDACTED], the number provided by Mr Derkacz in his letter of complaint dated 20<sup>th</sup> March 2009. The length of that call was charged at the minimum 30 seconds and in further clarification with Councillor Reardon was identified as being a response to a missed call. I am satisfied that no telephone discussion whatsoever took place on this day between Councillor Reardon and Mr Derkacz and that in retrieving the missed call, Councillor Reardon had no knowledge of the original caller.

Further to my discussion with Councillor Reardon, I visited the property of Mr Derkacz at Grose Wold and did observe the adjoining site that has been the subject of the Planning Application for kennels and a Conciliation Hearing attended by Councillor Reardon on 17<sup>th</sup> December 2008.

Mr Derkacz was not in attendance at the time of my visit but a female resident of the property on that day having knowledge of circumstances, was prepared to discuss aspects of the application and the objections to its approval. I was provided with the current mobile telephone number of Mr Derkacz.

I subsequently made contact with Mr Derkacz by telephone and indicated that I was not in a position to substantiate his claims based on my assessment of the facts and the outcome of my interview with Councillor Reardon. I did suggest to Mr Derkacz that it was most unlikely that I would be able to offer any support for the claims reported in the original complaint to Council dated 20<sup>th</sup> March 2009. Mr Derkacz did not appear to challenge my perspective on the matter and did not offer to provide a Statutory Declaration or similar as had been indicated in his letter of complaint.

I explained to Mr Derkacz that I was not in a position to accept his assertions given my pursuit of the matter with Councillor Reardon, the fact that there had been no contact by Councillor Reardon to Mr Derkacz since the Mediation Conference in December 2008, alleged behaviours that were entirely inconsistent with the acknowledged responsibilities of Councillor Reardon’s role as an elected member and reported demeanors strongly denied by Councillor Reardon.

### ASSESSMENT

I conclude that it was not Councillor Reardon who made any phone call to Mr Derkacz on the 16<sup>th</sup> February 2009 other than to respond to a missed call from which no interchange whatsoever occurred between

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Councillor Reardon and Mr Derkacz. It is my view that there have been no behaviours towards Mr Derkacz by Councillor Reardon that can be proven and that in fact, the alleged behaviors did not occur.

The fact that Councillor Reardon has knowledge of Mr Derkacz as an objector to the Development Application for kennels adjoining his property was already known through the earlier contact with Mr Derkacz through the Mediation Conference in December 2008 which did not, in my view, create any reason for telephone contact with the complainant by Councillor Reardon. I am accepting of the position that there has been no contact between Councillor Reardon and Mr Derkacz since the Mediation Conference.

The claim that Councillor Reardon is unable to deal with the planning matter on its merits when and if the matter returns to Council for decision is not supported. The claim that Councillor Reardon has given an indication of her voting intentions has no credibility since the telephone call was **not** made by Councillor Reardon as claimed.

Accordingly, I strongly contend that Councillor Reardon has not made a predetermined position on the matter not only because no telephone contact was initiated, but also because of the Councillor's ready awareness of outcomes in declaring any position.

**CONCLUSION**

It is my finding that the basis of the complaint lodged by Mr Len Derkacz against Councillor Jill Reardon is **unsubstantiated** and in terms of the facts presented for investigation, did not actually occur either wholly or in part of the claims offered in the complaint.

In terms of the Code of Conduct Complaint by Mr Len Derkacz against Councillor Jill Reardon, referred for my investigation as the Conduct Reviewer, I have investigated the complaint in accordance with the operating guidelines provided in Section 14 of the Code and have concluded that the nature of the complaint **does not represent a breach of Council's Code of Conduct to be pursued.**

In accordance with Clause 12.22 of Council's Code of Conduct these findings have been provided to the General Manager of the Hawkesbury City Council, the complainant and the person subject of the complaint.

Yours faithfully,

John Kleem  
**JOHN KLEEM CONSULTING**  
**SOLE REVIEWER**

cc: Councillor Jill Reardon - Hawkesbury City Council  
Mr L Derkacz - [REDACTED]

**oooO END OF REPORT Oooo**

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**Item: 111**            **GM - Audit Committee - (79351, 95496, 91369)**

**Previous Item:**        224, Special (19 September 2006)  
                              41, Special (15 April 2004)

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### REPORT:

This report proposes that Council re-establish an Audit Committee.

#### Recent history of the Audit Committee at Council

Prior to 2004, Council did not have an Audit Committee or an Internal Audit function.

At the Special Meeting held on 15 April 2004, Council resolved to establish an Audit Committee and agreed to the establishment of the position of Internal Auditor.

Subsequently, an Internal Auditor was appointed and the Audit Committee was established. The Audit Committee met on a number of occasions and developed an Internal Audit Plan based on a risk assessment of Council's Strategic Plan.

Some Internal Audit work was commenced and various reports were submitted to the Audit Committee, however, the Internal Auditor resigned in 2005.

As Council may recall, as part of savings achieved in staff costs during the 2005/2006 financial year, due to difficult budgetary considerations at the time, the position of Internal Auditor, upon becoming vacant, was made redundant. As a result of this resources were not readily available to service the Audit Committee and, as such, it subsequently ceased to operate.

At the time, it was proposed to consider the establishment of a Finance & Governance Committee, however, this was not pursued due to various issues including the lack of appropriate funding and staff resources to enable such a Committee to function and operate in an effective and thorough manner. Therefore, a Finance & Governance Committee has not been established and this report proposes that instead Council proceed with the re-establishment of an Audit Committee based on subsequent developments and Department of Local Government Circulars and Guidelines as detailed in the following sections of this report relating to Internal Audit functions.

#### Recent Events

In July 2005, the Department of Local Government issued Circular 05-33 titled "Internal Audit Discussion Paper".

The Circular states:

- The Department of Local Government supports a strengthening of the internal governance framework in NSW councils and that Internal Audit should be given more prominence in NSW local government.
- The Department had prepared a discussion paper to focus discussion on Internal Audit and to provide a framework for comments from interested councils.
- The Department is working on the development of Internal Audit Guidelines.

In October 2008, the Department of Local Government issued Circular 08-64 titled "Internal Audit Guidelines".

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The Circular states that:

- Internal Audit is widely used in corporate Australia as a key mechanism to assist in managing risk and improving efficiency and effectiveness.
- Effective Internal Audit and risk management processes should become part of the 'business as usual' operations of councils.
- The combination of an effective Audit Committee and Internal Audit function provides a formal means by which Councillors can obtain assurance that risk management and internal controls are working effectively.
- The Guidelines have been designed to assist councils develop and implement Internal Audit and risk management frameworks that will in turn build community confidence in their managerial performance.

Within the Guidelines, the Director General writes:

*"More than ever, councils are providing a wider range of services to the community. This is creating pressures and demands for a higher standard of ethical conduct and more efficient and effective management.*

*Challenges facing councils include managing ageing infrastructure, the impact of climate change and the increased use of third party service providers. This is in the context of additional standards and statutory regulations, significant funding pressures, and calls to manage change in the workforce, as well as implementing technological changes. At the same time, councils are expected to continue to provide core services and activities.*

*Internal Audit is an essential component of a good governance framework for all councils. At both a Management and Councillor level, councils must strive to ensure there is a culture directed towards realising opportunities and managing risks that challenge local government. Internal Audit can assist in this regard."*

The Guidelines give a comprehensive set of recommended guiding principles covering the following topics:

- Establishing an Audit Committee
- Establishing an Internal Audit function
- Enterprise risk management
- Internal Audit operations

A copy of the Internal Audit Guidelines from the Department of Local Government dated October 2008 have been separately distributed as Attachment 1 to this report.

### **Establishing an Audit Committee**

The Guidelines state that, *"the Audit Committee will achieve its independence by having a strong presence of independent members external to Council and its operations. In addition, it is highly desirable that all members chosen exhibit an independence of mind in their deliberations and do not act as a representative of a particular area of Council, or with conflicts of interest."*

The Guidelines give a range of examples as to the recommended structure and membership of the Audit Committee. Based upon the Guidelines, the following structure is proposed:

- 3 independent external members, with at least one with financial expertise, and/or one with financial, legal or business expertise.
- 2 Councillors.

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- The Chairperson is to be one of the independent external members.
- The Deputy Chairperson is to be one of the independent external members.
- 3 staff members with observer status only – the General Manager (or representative), the Director Support Services and the Chief Financial Officer.
- Councils' External Auditor to be invited to attend as an independent advisor who would not have any voting rights.

In addition, various members of staff may be invited by the Audit Committee to attend the meetings on an "as needs" basis. Such attendance would be on the basis of observer status only, and typically such members of staff would be invited to a particular Audit Committee meeting to answer questions or provide further detailed advice on a particular Audit Committee business paper item.

The Guidelines recommend that the Audit Committee meet at least four times per year. Where significant issues arise additional meetings can be scheduled.

The Guidelines recommend that an Audit Committee Charter be adopted by Council. A draft Audit Committee Charter is attached to this report as Attachment 2. This Charter is based upon Council's standard Committee Charter template and incorporates the sample Audit Committee Charter from the Guidelines.

### **Establishing an Internal Audit Function**

Based on the Guidelines, it is proposed that the Audit Committee adopt an Internal Audit Charter, which provides a comprehensive statement of the purpose, authority, responsibilities and reporting relationships of the Internal Audit function.

The Guidelines recommend that the Internal Audit function reports administratively to the General Manager and report functionally to the Audit Committee.

The Department of Local Government in its Internal Audit Guidelines suggest different approaches to resourcing the Internal Audit function including the following:

- Appointment of a full-time or part-time Internal Auditor.
- Outsourced or co-sourced function.
- Regional or Inter-Council sharing of Internal Audit Resources.

Council has investigated the Internal Audit function structure of several NSW councils. The larger metropolitan councils typically all have Internal Audit staff, and often supplement the Internal Audit program with specific projects being delivered by external providers. Smaller country councils have significant issues establishing an Internal Audit function due to budget constraints and location. Consequently, in some instances, alliances have been formed with neighbouring councils to share the costs of the Internal Audit function. Medium sized councils typically have tended to outsource the Internal Audit function to specialist contractors, whilst retaining the administrative duties of the Internal Audit function in house.

Whilst investigating the various options available for an Internal Audit delivery program, the overriding message received was to "get someone who knows what they are doing".

Council does not have the additional resources to employ a suitably qualified and experienced Internal Auditor and therefore, it is recommended that Council's Internal Audit delivery program be outsourced. Council should note that outsourcing the Internal Audit function does not abrogate the Council's responsibility to oversee and manage the Internal Audit function.

There are several potential options available to Council for outsourcing the Internal Audit delivery program.

These include:

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- Private sector large accounting firms.
- Boutique accounting firms that specialise in Internal Audit services.
- Individual Internal Audit contractors.
- NSW Government Trading Enterprise – IAB Services is a State Government agency that provides Internal Audit services to the public sector. Council contracted the IAB to conduct an Internal Audit review of the payroll function in 2007, and the experience was most satisfactory. The review was conducted by an experienced payroll auditor, who delivered a set of recommendations that were appropriate and actionable.

Access to external Internal Audit providers can be gained via the Department of Commerce, Office of NSW Procurement, Contract 7174: Audit and Audit Related Services.

It is not envisaged that Council would be targeting a large accounting firm to deliver the Internal Audit delivery program. The other options potentially represent better value for money, for example the IAB are restricted by their Charter in how much they can charge to the public sector via their hourly rates.

The advantages of using external providers include flexibility, maximising value for money, ensuring best practice is achieved, access to a wide range of expertise and trained professionals, and the ability to access Internal Audit services as and when required.

Administrative work typically involves a significant amount of an Internal Auditor's time. The administrative work involved with establishing the Audit Committee and with the ongoing Internal Audit function is proposed to be undertaken within Council's existing administrative resources.

Additionally, Management is expressly aware of the significant extra time across the organisation that will be required to allow the Internal Audit function to fully operate, and the resulting extra time pressures that will be placed on a large number of staff and management.

### **Enterprise Risk Management**

As stated in the Guidelines, the concept of risk has two elements, the likelihood of something happening and the consequences if it does happen.

Risk management is a logical and systematic process that can be used when making decisions and in managing performance. Good risk management is forward looking and helps to improve business decisions.

There is no such thing as a risk-free environment, but many risks can be avoided, modified or shared through good risk management. Similarly it is not desirable to attempt to create a risk-free environment and not all risks should be reduced. It may be appropriate in some circumstances to retain the risk, or even look at increasing the level of risk taken.

Risk management is an effective tool to identify, evaluate and manage both risks and opportunities at all levels of the organisation. Good risk management also takes advantage of opportunities while analysing and dealing with risks.

By utilising risk management principles, Council is able to maximise the likelihood of successfully achieving its goals through the proactive treatment of risks.

It is proposed that the Audit Committee could be involved with the examination of a comprehensive risk management plan across all functions of Council, in order to proactively identify and manage risk exposures.

## Internal Audit Operations

The Guidelines give a comprehensive narrative on the operation of the Internal Audit function covering the following topics:

- **Adding Value**

As stated in the Guidelines, adding value involves taking a proactive approach with a focus on risk, organisational concerns and effective controls at a reasonable cost. By focusing audit work on high risk areas, the organisation will benefit from assessments of their systems and gain independent assurance on whether those systems that are critical to program delivery are operating efficiently and effectively.

- **Roles and Responsibilities**

The relevant roles and responsibilities should be clearly communicated in the Internal Audit Charter. This includes complete and unrestricted access by the Internal Audit function to employees, property and records.

- **Independence and Objectivity**

Policies and procedures should be in place to assist the Internal Audit function to ensure against the risk of bias. The outsourcing of the Internal Audit delivery program will improve independence and objectivity.

- **Reporting Relationships**

Despite the recommendation to outsource the Internal Audit delivery program, this does not change the fact that Internal Audit remains an operational role. Council should not by-pass the General Manager by requiring an external audit firm to report to and or take directions from the Audit Committee or Council.

Examples of the reporting functionality to an Audit Committee includes the Committee:

- Approving the Internal Audit Charter
- Approving the short and long term Audit Plans.
- Approving the scope of external assessments of the internal audit.
- Providing a forum for discussion to identify areas worthy of examination by internal audit.

- **Internal Audit Plans**

Good practice Internal Audit plans are based on a risk assessment of Council's key strategic and operational areas to determine an appropriate timing and frequency of coverage of each of these areas. An annual Internal Audit plan is to be developed with input from the General Manager and approved by the Audit Committee.

- **Performing Internal Audits**

The Internal Audit function should perform Internal Audit reviews in accordance with the accepted Institute of Internal Auditors' Standards and Code of Ethics.

- **Communication of Audit Results**

The Internal Audit function should regularly communicate its findings and recommendations to the Audit Committee, General Manager and management of the areas audited. An Internal Audit report should communicate accurate, objective, clear, concise, constructive, complete and timely information.

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- **Follow-up on Audit Reports**

The General Manager and the Audit Committee should systematically review progress against Internal Audit recommendations and agreed action plans.

- **Access to Audit Reports**

Internal Audit reports are intended for internal use only, but should be shared with Council's External Auditor to assist them in the course of their work.

- **Annual Report from the Audit Committee to Council**

The General Manager should provide an annual report to the Audit Committee on the performance of the Internal Audit function. The Audit Committee should provide an annual report to Council on its oversight role of the Internal Audit function.

- **Performance Measurement**

The Internal Audit function should have performance measures that are based on its specific goals and objectives, and performance targets that are derived from the Internal Audit function's plans and strategies. The Internal Audit function should regularly report to the General Manager and the Audit Committee on its progress against the annual Internal Audit Plan.

- **Independent Quality Review of Internal Audit**

The Internal Audit function should be subject to a review of its performance using accepted standards for performance measurement and evaluation at least every five years. This is to provide assurance to the General Manager and Council that the Internal Audit function is effective and operating in accordance with the International Standards for the Professional Practice of Internal Auditing. The Institute of Internal Auditors provides a quality assessment framework for this purpose.

- **Internal Audit and Protected Disclosures**

Protected disclosures are an important means by which Council can signal commitment to ethical practice. They can also act as an early warning system for management, and to assist staff in making any disclosures of alleged corrupt conduct, maladministration or serious and substantial waste of public money under the *Protected Disclosures Act 1994*.

It is noted that Council at its meeting on 1 November 2005 adopted an Internal Reporting Policy that established a system for the reporting of disclosures of corrupt conduct, maladministration or serious and substantial waste of public money by Council or its staff.

In February 2009 the Department of Local Government issued Circular 09-03 titled "Internal Audit Committees".

The purpose of the Circular was to highlight essential components of an effective Internal Audit function and act as a reminder to councils of some of the key recommendations contained in the Department of Local Government's Internal Audit Guidelines issued in October 2008.

The Department of Local Government is monitoring the implementation of the Guidelines throughout the State and is actively promoting their adoption by councils.

The Circular reinforces the key principles of the Guidelines:

- The importance of the Audit Committee being composed of members external to Council and its operations.
- The Chairperson of the Audit Committee is a person who is independent of and external to Council.



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- Independent Audit Committee members should have relevant personal qualities, skills and experience.
- The role of the Internal Audit function should be defined in a comprehensive Internal Audit Charter.
- It is recommended the Internal Audit function should report directly to the Audit Committee and administratively to the General Manager.
- Internal Audit is an essential component of good governance for all councils.
- The combination of an effective Audit Committee and Internal Audit function provides a formal means by which Councillors and members of the public can obtain assurance that Council has in place a robust system of controls, processes and procedures to manage the risks to its operations.
- All councils are encouraged to properly implement the Department of Local Government Internal Audit Guidelines.

In support of the recent Circulars by the Department of Local Government, the Independent Commission Against Corruption (ICAC) believes that "corruption may flourish in organisations which neglect or undermine the Internal Audit function", and in such cases "the organisation will lose the benefit of independent review in ensuring the integrity of systems and procedures". The ICAC further states the need for the Internal Audit function to have the co-operation and support of management, with the Internal Audit function reporting directly to the General Manager (first reported in an ICAC Report *Trip and Traps – Travel in the NSW Public Sector*, February 1994).

In summary, the re-establishment of an Audit Committee is highly recommended to Council, as a formal mechanism by which Councillors can obtain assurance that risk management and internal controls are working effectively. This report recommends that the re-establishment of the Audit Committee be based on the Guidelines, as outlined in this report.

### Conformance to Strategic Plan

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

*"Establish processes and develop flexible plans that will enable the City to respond to change."*

### Funding

There are no funding effects of this report. Council has approved \$60k in the 2009/2010 Budget to establish the Audit Committee and begin delivering the Internal Audit Plan. It is envisaged that future Budgets from 2010/2011 onwards would include funding allocations, as approved by Council.

### RECOMMENDATION:

That:

1. The information in this report be received by Council.
2. Council, pursuant to Section 377 of the *Local Government Act 1993*, establish an Audit Committee with the following membership:
  - (a) Three independent external members, with at least one with financial expertise, and/or one with financial, legal or business expertise.
  - (b) Two Councillors.

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- (c) The Chairperson is to be one of the independent external members.
  - (d) The Deputy Chairperson is to be one of the independent external members.
  - (e) Three staff members with observer status only - the General Manager (or representative), the Director Support Services and the Chief Financial Officer.
  - (f) Councils' External Auditor be invited to attend as an independent advisor that would not have any voting rights.
3. Council nominate two Councillors to serve on the Audit Committee until September 2010 whereby the annual election of committees will take place.
  4. Council authorise the General Manager to commence recruitment of the independent external Audit Committee members, and report back to Council with a recommendation of the suitable candidates in due course, and of an initial Audit Committee meeting date to be held as soon as practicable.
  5. Council adopt the draft Charter attached as Attachment 2 to this report as the Audit Committee's Charter.

**ATTACHMENTS:**

- AT - 1** Internal Audit Guidelines, Department of Local Government, October 2008 - (*Distributed Under Separate Cover*)
- AT – 2** Draft Hawkesbury City Council Audit Committee Charter.

**Attachment 2 - Draft Hawkesbury City Council Audit Committee Charter**

**Hawkesbury City Council  
Audit Committee Charter  
(As adopted by Council resolution 30 June 2009)**

**1. Name**

The Audit Committee, as appointed under the provisions of Section 377 of the *Local Government Act 1993*, shall be known as the Hawkesbury City Council Audit Committee, and is hereinafter referred to as the 'Audit Committee'.

**2. Objective**

To provide independent assurance and assistance to Council on risk management, control, governance and external accountability responsibilities.

**3. Role and Authorities.**

- (a) Whereas the Audit Committee is appointed by the Hawkesbury City Council under the terms of the *Local Government Act 1993*, the Audit 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 Audit 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 obtain any information it needs from any employee, via the General Manager, or external party (subject to their legal obligations to protect information).
  - (ii) To discuss any matters with the external auditor or other external parties (subject to confidentiality considerations).
  - (iii) To request the General Manager to authorise the attendance of any employee or Councillor at Committee meetings.
  - (iv) To obtain legal or other professional advice considered necessary to meet its responsibilities;
- (c) The Council retains the responsibility for all budgetary considerations;
- (d) The General Manager (or representative) retains, and shall be entirely responsible for the appointment and dismissal of staff (either permanent or temporary) within the Audit Committee in accordance with the *Local Government Act 1993*;
- (e) The General Manager (or representative) retains all responsibility for the direction of any staff member, including any disciplinary action, be it for permanent, temporary or part time staff. The Audit Committee will, however, have the right to bring to the attention of the General Manager any issues which, in its opinion, require disciplinary action; and
- (f) Any authorities conferred upon the Audit Committee under this Charter may be varied by Council.

**4. Term**

The Audit Committee general members' term shall be for an initial term of three years until 2012 and then subsequently the term will be four years to coincide with Council's term of office. Councillors will be elected to the Audit Committee on an annual basis at the election of committees each September.

Audit 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 Audit Committee may be dissolved by Council at any time.

**5. Structure and Membership**

- (a) The structure and membership of the Audit Committee shall be as follows, and all the undermentioned appointments will have voting rights:
  - (i) Three independent external members (at least one of whom is to have accounting or related financial management experience, with an understanding of accounting and auditing standards in a public sector environment and/or one with financial, legal and business expertise), appointed by Council following the calling of applications as detailed in Clause 6(b) of this Charter; and
  - (ii) Two councillors of the Hawkesbury City Council.
- (b) Whereas the appointments detailed in Clause 5(a) will form the Audit Committee, three staff members comprising the General Manager (or representative), the Director Support Services and the Chief Financial Officer will also attend meetings of the Audit Committee;
- (c) Representatives of Council's External Auditor are to be invited to attend meetings of the Audit Committee as independent advisors without voting rights;
- (d) The Audit Committee shall, at its first meeting following appointment, and each twelve month period thereafter, elect one of its independent external members from those appointed under Clause 5 to be the Chairperson of the Audit Committee, and one of its independent external members appointed under the same Clause to be Deputy Chairperson, who shall act in the absence of the Chairperson;
- (e) The independent external members of the Audit Committee will be eligible for extension or re-appointment following a formal review of their performance;
- (f) No staff member or Councillor of Hawkesbury City Council shall be elected as Chairperson or Deputy Chairperson of the Audit Committee;
- (g) Each member of the Audit 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 Audit Committee may invite additional members from time to time, at its discretion, to provide specialist advice or assistance, but such invited members shall only serve on the Audit Committee for the period of time required, and will not, whilst serving in the position of co-opted member, have any voting rights; and
- (i) The Audit Committee may invite as observers, citizens or other representatives for the purpose of clarifying certain matters as decided by the Audit Committee. Such observers will not be permitted to vote.

**6. Appointment and Election of Members**

- (a) Two Councillors will be appointed to the Audit 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 Audit Committee;
- (c) The Council shall select and appoint the independent external representatives to the Audit Committee;
- (d) Casual vacancies in the Audit Committee membership will be filled in the same manner as original appointments;
- (e) Members of the Audit Committee shall cease to hold office:
  - (i) if the Audit Committee is dissolved by Council;
  - (ii) upon written resignation or death;
  - (iii) if absent without prior approval of the Audit 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); and
- (f) For the purposes of sub-Clause 6(e)(iv), the Code of Conduct is to be taken to apply to the independent external members as referred to in Clause 5(a) in the same way as the Code of Conduct applies to Councillors.

**7. Responsibilities**

- (a) The Audit Committee has no executive powers, except those expressly provided by the Council;
- (b) In carrying out its responsibilities, the Audit Committee must at all times recognise that primary responsibility for management of Council rests with the Council and the General manager as defined by the *Local Government Act 1993*;
- (c) The responsibilities of the Audit Committee may be revised or expanded by the Council from time to time; and
- (d) The Audit Committee's responsibilities are:

**7.1 Control Framework**

- Review whether management has adequate internal controls in place, including over external parties such as contractors and advisors;
- Review whether management has in place relevant policies and procedures, and these are periodically reviewed and updated;
- Progressively review whether appropriate processes are in place to assess whether policies and procedures are complied with;
- Review whether appropriate policies and procedures are in place for the management and exercise of delegations; and

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- Review whether management has taken steps to embed a culture which is committed to ethical and lawful behaviour.

### 7.2 External Accountability

- Satisfy itself the annual financial reports comply with applicable Australian Accounting Standards and are supported by appropriate management sign-off on the statements and the adequacy of internal controls;
- Review the external audit opinion, including whether appropriate action has been taken in response to audit recommendations and adjustments;
- To consider contentious financial reporting matters in conjunction with Council's management and external auditors;
- Review the processes in place designed to ensure financial information included in the annual report is consistent with the signed financial statements;
- Satisfy itself there are appropriate mechanisms in place to review and implement, where appropriate, relevant State Government reports and recommendations; and
- Satisfy itself there is a performance management framework linked to organisational objectives and outcomes.

### 7.3 Legislative Compliance

- Determine whether management has appropriately considered legal and compliance risks as part of risk assessment and management arrangements; and
- Review the effectiveness of the system for monitoring compliance with relevant laws, regulations and associated government policies.

### 7.4 Internal Audit

- Act as a forum for communication between the Council, General Manager, senior management, internal audit and external audit;
- Review the internal audit coverage and Internal Audit Plan, ensure the plan has considered the Risk Management Plan, and approve the Plan;
- Consider the adequacy of internal audit resources to carry out its responsibilities, including completion of the approved Internal Audit Plan;
- Review all audit reports and consider significant issues identified in audit reports and action taken on issues raised, including identification and dissemination of better practices;
- Monitor the implementation of internal audit recommendations by management;
- Periodically review the Internal Audit Charter to ensure appropriate organizational structures, authority, access and reporting arrangements are in place; and
- Periodically review the performance of Internal Audit.

### 7.5 External Audit

- Act as a forum for communication between the Council, General Manager, senior management, internal audit and external audit;

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- Provide input and feedback on the financial statement and performance audit coverage proposed by external audit, and provide feedback on the external audit services provided;
- Review all external plans and reports in respect of planned or completed external audits, and monitor the implementation of audit recommendations by management; and
- Consider significant issues raised in relevant external audit reports and better practice guides, and ensure appropriate action is taken.

### 7.6 Risk Management

- Review whether management has in place a current and comprehensive risk management framework, and associated procedures for effective identification and management of business and financial risks, including fraud;
- Review whether a sound and effective approach has been followed in developing strategic risk management plans for major projects or undertakings;
- Review the impact of the risk management framework on its control environment and insurance arrangements; and
- Review whether a sound and effective approach has been followed in establishing business continuity planning arrangements, including whether plans have been tested periodically.

### 7.7 Responsibilities of Members

Members of the Audit Committee are expected to:

- Understand the relevant legislative and regulatory requirements appropriate to Council;
- Contribute the time needed to study and understand the papers provided;
- Apply good analytical skills, objectivity and good judgment; and
- Express opinions frankly, ask questions that go to the fundamental core of issues, and pursue independent lines of enquiry.

## 8. Reporting

- (a) At the first meeting after 30 June each year, the General Manager will provide a performance report of:
  - The performance of Internal Audit for the previous financial year as measured against agreed key performance indicators; and
  - The approved Internal Audit Plan of work for the previous financial year showing the current status of each audit;
- (b) The Audit Committee may, at any time, consider any other matter it deems of sufficient importance to do so; and
- (c) An individual Audit Committee member may request a meeting with the Chairperson of the Audit Committee.

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### 9. Procedures and general administrative arrangements

#### 9.1 Meetings

- (a) Ordinary meetings of the Audit Committee shall be held no less than four (4) times per year, with one of these meetings to include review and endorsement of the annual audited financial reports and external audit opinion. Special meetings may be convened at the discretion of the Chairperson, or, in his/her absence, the Deputy Chairperson;
- (b) No meeting of the Audit Committee shall be held unless three (3) clear days notice thereof has been given to all members;
- (c) A forward meeting plan, including meeting dates and agenda items, will be agreed by the Audit Committee each year;
- (d) The forward meeting plan will cover all Audit Committee responsibilities as detailed in this Audit Committee Charter; and
- (e) Any recommendations of the Audit Committee shall, as far as adopted by the Council, be resolutions of the Council, provided that recommendations or reports of the Audit Committee shall not have effect unless adopted by the Council;

#### 9.2 Quorums

- (a) A quorum of the Audit Committee shall be constituted by three voting members, including at least one independent member, being present at meetings.

#### 9.3 Secretariat

- (a) The Director of Support Services is to provide secretariat support to the Audit Committee;
- (b) The Secretariat will ensure the agenda for each meeting and supporting papers are circulated, at least one week before the meeting;
- (c) The Secretariat will be responsible for any and all correspondence associated with the Audit Committee;
- (d) The Council will provide a Minute Clerk for the purpose of recording the Minutes of the Audit Committee meetings;
- (e) The draft Minutes are to be circulated to each member as soon as practicable after the meeting being held;
- (f) Minutes shall be approved by the Audit Committee at the next meeting; and
- (g) The Secretariat shall prepare an Annual Report of the Audit Committee's activities for submission to the Audit Committee, who will, in turn, present such report to Council.

#### 9.4 Conflicts of interest

- (a) Audit Committee members must declare any conflicts of interest at the start of each meeting or before discussion of a relevant agenda item or topic;
- (b) Details of any conflicts of interest are to be appropriately minuted;
- (c) Where Audit Committee members or invitees at Audit Committee meetings are deemed to have a real or perceived conflict of interest, they are to be excused from Audit Committee deliberations on the issue where the conflict of interest may exist;



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- (d) Where Audit Committee members or invitees at Audit Committee meetings are deemed to have a real or perceived conflict of interest, they are to refrain from voting on the issue where the conflict of interest may exist; and
- (e) The requirements applying to conflicts of interests for members as detailed in Clause 9.4(c) above shall apply equally to any other appointed or invited observers.

### **9.5 Code of Meeting Practice**

- (a) The rules governing meetings and the procedures of the Audit 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;

### **9.6 Induction**

- (a) New members will receive relevant information and briefings on their appointment to assist them to meet the Audit Committee responsibilities.

### **9.7 Assessment arrangements**

- (a) The Chairperson of the Audit Committee will initiate a review of the performance of the Audit Committee at least once every two years; and
- (b) The review will be conducted on a self-assessment basis (unless otherwise determined by the Chairperson), with appropriate input from management and any other relevant stakeholders, as determined by the Chairperson.

### **9.8 Review of Audit Committee Charter**

- (a) At least once every two years the Audit Committee will review this Audit Committee Charter.

**LAST CLAUSE**

**oooO END OF REPORT Oooo**

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**Item: 112            GM - Precedent Productions Pty Ltd - Hawkesbury Local Business Awards 2009 - (79351, 85857)**

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### REPORT:

The Local Hawkesbury Business Awards (Business Awards) is run by Precedent Productions Pty Ltd, who operates the Awards across the Sydney metropolitan area. The Business Awards have been in operation for a number of years in a number of local government areas including Parramatta and The Hills.

The current Business Awards will be launched on 29 June 2009, and print material was finalised on 17 June 2009 (for marketing material to be printed). The Business Awards will run over a period of 11 weeks and will end in September 2009. It is noted that Precedent Productions Pty Ltd only wrote to Council on 29 May 2009 and the next available Council meeting for the proposal to be considered was this meeting (ie. 30 June 2009).

Council has been invited to be one of the sponsors for the Business Awards in 2009. One of the four Focus Areas of Council's Strategic Plan is Business Development (see conformance to Strategic Plan below for more detail) and the Awards are one way in which Council could support and encourage the local business community.

Details about the Awards, as advised by Precedent Productions, are outlined in the Local Business Awards 2009's "Business Development Proposal – Partnership Program" which is included as Attachment 1 to this report. In terms of the Business Awards and local businesses being involved in the awards, the process includes:

- Nomination of a business by their customers,
- Business finalists are selected, based on nominations by their customers,
- Finalist kits are sent to business finalists (about 150 businesses),
- Judging takes place using mystery shoppers and assessing a report submitted by business finalists,
- Attendance at a presentation evening on 9 September 2009 to announce awards winners for the year (and associated media).

Precedent Productions advises Business Awards winners receive a trophy and the Business of the Year receives a gold trophy and a Software package from ONLINE OH&S to the value of \$3,000.

In terms of the Business Awards and Council as a sponsor, Precedent Productions invites Council to be a Major Sponsor (\$9,350 inc. GST) or a 'Support Sponsor' (\$4,950 including GST). Based on the Support Sponsor level, the sponsor benefits mainly relate to brand awareness in conjunction with the Business Awards marketing material eg. logo placement on print material, website, trophies, presentation night material, mentioning of sponsor in media, presentation of 2-3 awards and speaking role segment at presentation night and the like.

It is noted that due to the timing of Precedent Productions approach to Council some of the sponsor benefits cannot be realised, for example, logo on nomination forms. It has been indicated that the Council logo would be include on available marketing material if it decides to sponsor the Business Awards.

A further "Supporter" level of sponsorship is not available to Council. Precedent Productions advises this level is for non profit organisations, like Chambers of Commerce and Business Advisory Centers (State Government funded) who can not afford to be a Major Sponsor or Support Sponsor.

Other Business Awards sponsors include the Commonwealth Bank and the Australian Defence Force (Defence Reserve Support). The media partner is The Hawkesbury Courier (Part of Hawkesbury Newspapers).

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### Comment

It is considered that Council should consider supporting the Business Awards in 2010 rather than for 2009. While small business awards can be an effective way in which to support business development and growth in an area, Precedent Productions has approached Council late in the program cycle which is not conducive to Council's meeting cycle for consideration of the matter and also the end of the financial year. Consideration of the Business Awards 2010 would also give Council more time to evaluate the sponsor benefits to ensure sponsor benefits are all realised.

It should be noted that Council's Management has been advised that the Business Excellence Awards 2009 have been cancelled. These Awards are run by Hawkesbury Newspapers and Council has been a sponsor since 2004. Hawkesbury Newspapers has indicated that it wishes to liaise with Council about an alternative small business awards for the area, with the intention of seeking sponsorship from Council. The proposed new awards and sponsorship offer would be assessed at that time.

It should also be noted that the Business Awards "Support Sponsor" level equated to a sponsorship level for the Business Excellence Awards 2009 (now cancelled), in terms of cost. It is considered from the initial assessment of the Business Awards; sponsorship benefits to Council were greater with the Excellence Awards.

### Conformance to Strategic Plan

This proposal is deemed to conform to the objectives as set out in Council's Strategic Plan, i.e.

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

*Strategic direction: "Establish operational capacity to foster partnerships that support business innovation and investment."*

### Funding

Sponsorship costs could have been met from the approved 2008/2009 Budget, given that the Excellence Awards were cancelled. The budget only extended to one small business awards.

### RECOMMENDATION:

That Council advise Precedent Productions Pty Ltd that it is not in a position to sponsor the Hawkesbury Local Business Awards in 2009 due to the lateness of the approach and invite it to approach Council about the Hawkesbury Local Government Awards 2010 with a suitable lead time.

### ATTACHMENTS:

**AT - 1** Local Business Awards 2009's "Business Development Proposal - Partnership Program" -  
(Distributed Under Separate Cover)

oooO END OF REPORT Oooo

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**CITY PLANNING**

**Item: 113**      **CP - Development Application - Construction of a Shop, Associated Car Parking and Landscaping (Dan Murphy's Outlet) - 7-9 East Market Street, Richmond - (DA0873/08, 95498, 4562)**

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**Development Information**

**Applicant:**            Fabcot Pty Limited  
**Owner:**                Fabcot Pty Limited  
**Stat. Provisions:**    Hawkesbury Local Environmental Plan 1989  
                             Sydney Regional Environmental Plan No. 20  
**Area:**                  2757sqm  
**Zone:**                  3(a) Business General  
**Advertising:**        5 January 2009 to 21 January 2009  
**Date Received:**     28 November 2008

**Key Issues:**

- ◆ Suitability of the location of the driveway access to East Market Street.
- ◆ Adequacy of the geometry of the access driveway, and onsite manoeuvring for service vehicles.
- ◆ Pedestrian safety at East Market Street.
- ◆ Adequacy of arrangements for the collection and disposal of stormwater.
- ◆ Amenity impacts associated with acoustic wall and the operation of mechanical plant and equipment.
- ◆ Social impacts.

**Recommendation:**    Conditional Approval

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**REPORT:**

**Description of Proposal**

This application seeks approval to construct a stand alone shop to operate as a Dan Murphy's retail liquor outlet. In summary the development comprises:

- A single storey commercial building of 1000m<sup>2</sup>, with a mezzanine floor of 125m<sup>2</sup>, positioned in the north-eastern corner of the site on a zero setback to East Market Street and the northern site boundary.
- A four metre high acoustic wall along the northern site boundary, extending between the rear wall of the building and the western site boundary.
- A combined entry/exit driveway to East Market Street, set along the southern site boundary providing access to a 40 place car parking area occupying the western half of the site.
- Associated drainage and landscaping works.
- Six advertising signs located at various positions on the façade of the building.

**Description of the Land and its Surroundings**

The site is centrally positioned within the Richmond Town Centre, being located on the western side of East Market Street, between the intersections with Francis and Windsor Streets.

The site is of a regular shape, with a street frontage of 37.4m, a depth of 73m and a total area of 2761m<sup>2</sup>. Gradients are essentially level, noting that there is a low retaining wall at the north east corner of the site

where the land sits about 500mm above the level of the footpath along East Market Street. Vegetation is limited to a single tree positioned centrally at the street frontage which would be removed. There are no improvements over the site, which has been informally used as a public parking area until the land was enclosed with security fencing. The land is neither benefited, nor burdened, by any easements.

A two lane public accessway abuts the entire southern site boundary and connects East Market Street to a large Council car park which extends generally from the western boundary of the subject land through to West Market Street. Land to the south and west, beyond the car park, supports various commercial activities. Commercial activities also extend east of the site across East Market Street. The northern boundary of the site is common with residential development addressing Francis Street, and commercial development to East Market Street.

### History

There is no record of any prior development applications over this land.

### Issues Relevant to the Decision

- Suitability of the location of the driveway access to East Market Street.
- Adequacy of the geometry of the access driveway, and onsite manoeuvring for service vehicles.
- Pedestrian safety at East Market Street.
- Adequacy of arrangements for the collection and disposal of stormwater.
- Amenity impacts associated with acoustic wall and the operation of mechanical plant and equipment.
- Social impacts.

### Section 79C Matters for Consideration

In determining the application, Council is required to take into consideration the following matters as are relevant to the development that apply to the land to which the development application relates:

a. **The provisions (where applicable) of any:**

i. **Environmental Planning Instrument:**

**State Environmental Planning Policy 55- Remediation of land**

SEPP 55 provides a framework for the assessment, management and remediation of contaminated land. Clause 7 (1) prevents Council from consenting to a development unless it has considered whether the land is contaminated, and whether the land is suitable in its contaminated state (or will be suitable, after remediation) for land use for which consent is sought.

Table 1 within the Department of Planning's *Planning Guidelines for Contaminated Lands* identifies activities which may cause land contamination. The land the subject of this application has not been used for any activity listed in that Table. Further, this application is not seeking to use the site for a sensitive land use as identified in clause 7(4) of the SEPP.

Accordingly determination of this application can proceed without need for consideration of a preliminary contamination investigation report.

**State Environmental Planning Policy 64 - Advertising and Signage**

This Policy aims to ensure that signage is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations, and is of a high quality design and finish. It also aims to regulate signage (but not content) under Part 4 of the Act and to provide time-limited consents for the display of certain advertisement.

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The development includes six (6) illuminated signs located at various positions on the eastern (street), southern and western (rear) elevations. These signs are defined as *wall advertisements* being an advertisement that is painted on or fixed flat to the wall of a building.

Clauses 8 and 17 of the Policy provides that consent cannot be granted to signage unless it is consistent with the objectives of this Policy, and satisfies the assessment criteria specified in Schedule 1. The proposed signage has been assessed as satisfying these provisions.

Clause 22 of the Policy prescribes various controls regarding the quantity, size and design of *wall advertisements* to ensure they are properly integrated into the form and presentation of buildings. The signage outlined in this application fulfils this criteria, except in relation to quantity. Clause 22 permits only one wall advertisement on each elevation of a building, however this application proposes two such signs for the street, rear and southern elevations.

This matter is therefore resolved by a condition which limits the quantity of signs affixed to this building.

### **State Environmental Planning Policy (Infrastructure) 2007**

Section 104 of the Policy requires that applications for certain types of traffic generating development must be referred to the Roads and Traffic Authority (RTA) for consideration.

This proposal, by virtue of its size and distance from a classified road, triggered the referral provisions of the Policy. The RTA identified the following concerns in their response:

- A preference to position access onto the site adjacent to the northern property boundary given the location of the driveway access serving the adjacent Council car park.
- Ensuring adequate sight distances for pedestrians and vehicles at the entrance to the site, and throughout the car park.
- Ensuring all parking spaces, aisle widths, grades, sight distances and turning paths comply with relevant Australian Standards.
- Manoeuvring for a 12.5m long rigid vehicle to and from the loading dock is tight, and should be resolved to Council's satisfaction.

These comments overlap with concerns raised by Council's Subdivision and Development Engineer. Detailed analysis of these matters is provided later in this report.

### **Hawkesbury Local Environmental Plan 1989**

#### ***General Provisions of HLEP 1989***

#### Clause 2 - Aims, objectives etc.

The proposed development is consistent with the general aims and objectives as outlined in this clause.

#### Clause 5 - Definitions

The proposal is defined as 'shop' being "*a building or place used for the purpose of selling, exposing or offering for sale by retail, goods, merchandise or materials, but does not include a building or place elsewhere specifically defined in this clause, a building or place used for a purpose elsewhere specifically defined in this clause*".

#### Clauses 8 and 9 - Zones and Permissibility

The subject land is within Zone No. 3(a) Business General 'A'. A 'shop' is permissible with development consent within that zone.

Clause 9A - Zone Objectives

Clause 9A states that consent shall not be granted for a development unless, in the opinion of Council, the development is consistent with the objectives of the zone. These objectives are as follows:

- *To promote the development and expansion of business activities to meet the optimum employment and social needs of the City of Hawkesbury;*
- *To permit non-commercial development within the zone where such development is compatible with the commercial character of the locality;*
- *To ensure that there is adequate provision for car parking facilities within the zone;*
- *To minimise conflicts between pedestrian and vehicular movement systems within the zone; and*
- *To preserve the historic character of the City of Hawkesbury by protecting heritage items and by encouraging compatible development within and adjoining historic buildings and precincts.*

The proposal will meet these objectives subject to the implementation of conditions within the recommendation to this report, which modify the car park and limit the size of delivery vehicles attending the site in order to minimise the potential for conflict between pedestrian and vehicle movements. These matters are discussed elsewhere in this report.

***Specific Provisions of HLEP 1989***

Clause 18 - Provision of water, sewerage etc. services

Required utility services are available. Included in the recommendation to this report are conditions requiring connection to these services.

Clause 25 - Development on flood liable land

The site is above the 1-in-100 year flood level.

Clause 27 - Heritage items

The site is not listed as a heritage item in Schedule 1 of the LEP.

Clause 28 - Development in the vicinity of a heritage item

This clause provides that consent shall not be granted to development in the vicinity of a heritage item unless consideration has been given to the effect upon the significance and settings of those items.

A number of listed heritage items are located in close proximity to the site, including the Regent Theatre, the Commercial Hotel, the Royal Hotel and 'Toxana' (dwelling).

Council's Heritage Advisor has reviewed the proposal and has concluded that it would be unlikely to adversely impact upon any nearby heritage item.

Clause 37 - Land affected by aircraft noise

The RAAF 2014 ANEF map places the site within the 25 - 30 ANEF contour. Australian Standard AS2021 indicates that commercial development within this contour is acceptable

subject to "*an analysis of building noise reduction requirements by an acoustic consultant*" being made "*and any necessary noise control feature included in the design of the building.*"

The recommendation to this report therefore includes a condition requiring the preparation of an acoustic report identifying required noise attenuation measures to accompany any application for a Construction Certificate.

Clause 37 A - Development on land identified on Acid Sulfate Soils Planning Map

The site is categorised as Class 5 land on the Acid Sulfate Soils Planning Map. Site works associated with this proposal are minor, and will not lower the water table by more than 1m. Therefore an acid sulfate management plan is not required.

**State Regional Environmental Plan No 20 - Hawkesbury Nepean River (No 2 - 1997)**

The development will not significantly impact on the environment of the Hawkesbury-Nepean River either in a local or regional context given that it is not inconsistent with the general and specific aims, planning considerations, planning policies and recommended strategies of this Plan.

**ii. Draft Environmental Planning Instrument that is or has been placed on exhibition and details of which have been notified to Council:**

Not applicable.

**iii. Development Control Plan applying to the land:**

**Hawkesbury Development Control Plan 2002**

An assessment of the proposal against the relevant provisions of this Plan is provided below:

Part A - Chapters 1 - 3 : General Information

This Part of the DCP is satisfied as:

- The proposed development is consistent with the general aims and objectives of DCP 2002.
- Sufficient information has been submitted with the application.
- The application was publicly notified in accordance with the DCP. Three submissions, all raising objections or concerns about the proposal were received. The issues raised in the submissions are addressed later in this report.

Part C - Chapter 1: Landscaping

Indicative landscaping is described on the site plan and essentially comprises the provision of small garden beds where opportunities allow within the car parking and vehicle access areas. Additional landscaping will result through the deletion of two (2) parking spaces in proximity to the entry driveway, as discussed later in this report.

On balance the extent of landscaping proposed is suitable having regard to the setting, context and use of the site.

The recommendation to this report includes conditions requiring the submission of a formal landscape plan for approval with any Construction Certificate.

Part C - Chapter 2: Car Parking and Access

Arrangements for access and manoeuvring as proposed are not satisfactory and fail to meet the aims of the DCP to:



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- Encourage the efficient flow of traffic through carparks and to minimise the potential for pedestrian/vehicle and vehicle/vehicle conflict
- Ensure adequate traffic safety and management and to improve the amenity of car parking areas.

Opportunities to resolve these matters have been identified and these are discussed in detail later in this report.

The DCP also prescribes calculations to achieve an appropriate supply of on-site parking. The application proposes 40 spaces, exceeding the DCP requirement of 38 spaces. However this report recommends that two (2) parking spaces be deleted in order to improve traffic movements onto and over the site. This will not result in an undersupply of parking.

The dimensions of some of the parking spaces are also not satisfactory however this matter will be resolved via conditions included in the recommendation to this report.

### Part C - Chapter 3: Signs

The relevant DCP objectives for signs in commercial zones are as follows:

- The design and location of signs are to:
  - be integrated and in proportion with the architecture and structure of the host building;
  - be placed to ensure that architectural features of the building, views or vistas are not obscured;
  - consider existing signs to avoid visual or physical clutter; and
  - avoid obstruction of pedestrian access or line or sight of vehicular traffic.
- Signs shall be simple, concise and uncluttered in appearance. Emphasis should be on clarity of communication.

The signage package nominated with this application is consistent with these objectives.

### Part C - Chapter 4: Soil Erosion and Sediment Control

This application is accompanied by a Sediment and Erosion Control Plan which satisfies the objectives and controls of this Chapter of the DCP. Appropriate conditions addressing this matter are included in the recommendation to this report.

**iv. Planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F:**

Not applicable.

**v. Matters prescribed by the Regulations:**

None of the prescribed matters are relevant to this application.

**b. The likely impacts of that development, including environmental impacts on both the natural and built environments and the social and economic impacts in the locality:**

#### **Context & Setting**

The built form, scale, character and presentation of the development is appropriate for the setting and context of the site, which is positioned centrally within the Richmond town centre. The residential interface along a section of the northern site boundary, and the inclusion of residential housing at the first floor at No. 5 East Market Street, also adjacent to the northern site

boundary, does create a source of potential conflict in terms of amenity. This issue is addressed later in this report.

### **Access, Transport & Traffic**

#### Access

##### *Location of driveway entry*

The proponent was requested to justify the efficacy and safety of locating the entry accessway of this development immediately adjacent to the combined entry/exit for the adjoining Council car park.

Advice was received in response noting that the arrangement was acceptable for traffic safety given the good site distances available, low traffic volumes and low traffic speed. These contentions have been reviewed and are accepted.

To ensure pedestrian safety to the footpath along East Market Street, the proponent proposes to construct a concrete median island to separate the adjoining driveways serving the proposal and the adjacent Council car park.

Councils Subdivision and Development Engineer advises that this pedestrian refuge will not be successful given:

- The space to be occupied by this refuge is largely required for vehicles exiting the Council car park to manoeuvre out into East Market Street. As a consequence there would be insufficient space to provide barriers or bollards to provide protection to pedestrians relying on this refuge.
- Providing a raised refuge is not possible as insufficient space is available to include transitions for prams or less mobile pedestrians.

It is recommended that two (2) parking spaces immediately adjacent to the driveway entry (numbered 39 and 40) be deleted, and be provided as a raised hard stand area.

##### *Design of driveway entry*

The applicant has nominated that the largest service vehicle to attend the site, up to twice a day, will be a Heavy Rigid Vehicle (HRV), 12.5m in length. Additional deliveries would be made by smaller vehicles (vans and small trucks) between 10-12 times per day.

The width of the driveway entry, at the boundary to East Market Street does not comply with the relevant Australian Standard for a HRV. If a HRV is to attend the site then it would occupy the entire width of the entry driveway when both entering and leaving the site. Further, this driveway is also not sufficient to accommodate a Medium Rigid Vehicle. It is only acceptable for a Small Rigid Vehicle.

The applicant has been given the opportunity to demonstrate that the geometry of the driveway is acceptable for a HRV and their advice is contradictory. In part it contends that the driveway is adequate, however it also recommends that the following condition be included in any consent granted for the development:

*The current arrangements for deliveries to the site by a HRV are not considered satisfactory in regards to the safety and amenity of passenger vehicles to the development. Additional information is required in regard to the frequency and timing of deliveries by this size of vehicle in order to establish whether the arrangement as proposed is acceptable.*

It appears the intention of this condition would be to allow for deliveries by a HRV to be limited to times outside of core trading hours, in recognition of the non-compliance with design requirements of the relevant Australian Standard. Such an approach is not supported. Instead the following two options are appropriate, being:

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- Amend the siting and design of the development to ensure that access arrangements for a HRV are achieved; or
- Limit the size of the largest vehicle that can attend the site, being an SRV. This would necessarily result in an increase in the number of service vehicles attending the site however the traffic report provides sufficient evidence that the local road network has the capacity to absorb an increase in traffic.

The recommendation to this report includes a condition limiting access to a SRV.

### *Onsite manoeuvring for service vehicles*

Separate to the consideration as to whether the driveway entry is adequate to manage access by a HRV is the issue of whether the geometry of the internal circulation areas are also able to accommodate a vehicle of that size.

The applicant has provided various plans demonstrating that the movements of a HRV through the site is achievable. However the Subdivision and Development Engineer's assessment indicates that these arrangements are not satisfactory as a HRV is only able to (just) circumnavigate the site by taking up the full width of the 2 way car parking aisles.

The following further issues impact upon the efficiency and safety of the car park for the movement of a HRV through the site:

- The width of the parallel parking spaces (numbered 36-40) located adjacent to the main entry access needs to be increased to comply with the relevant Australian Standard.
- The awning along the southern elevation of the building is likely to interfere with the movement of a HRV exiting the site.

These circumstances further support limiting service vehicles attending the site to a maximum size of a SRV.

### Traffic

Accompanying the application is a traffic report which has:

- Established existing traffic levels on existing roads within the locality of the site.
- Established the levels of service at intersections within that road network.
- Estimated peak hour traffic generation associated with the proposal based upon the survey of an existing Dan Murphy's outlet.
- Reviewed traffic volumes and levels of service at intersections as a result of traffic predicted from the operation of this proposal.

This report concludes that the road network surrounding the site would be able to cater for the additional traffic resulting from this development given that surrounding intersections would continue to operate at satisfactory levels of service.

The report has been reviewed and its analysis and conclusions are accepted.

### **Water**

A modified drainage plan has been provided which does resolve some issues of concern identified with the original hydraulic plans. However, the revised scheme still relies upon connection to an existing pit located within the adjacent Council car park. As this car park is classified as 'community land' under the Local Government Act, Council is not able to grant an easement to formalise this arrangement.

To overcome this, and other remaining design concerns, this report includes conditions which require the submission of an amended drainage scheme, incorporating On Site Detention of stormwater and a discharge connecting directly to the kerb in East Market Street.

### **Waste**

Accompanying the application is a Waste Management Plan which makes provisions for the collection and disposal of wastes, both during the construction of the building and upon commencement trading. These details are satisfactory.

### **Noise & Vibration**

The application is accompanied by a Noise Impact Assessment report which considers likely impacts from the construction and operational phases of this proposal.

#### Construction Noise

The report has identified:

- Relevant noise limits to apply to construction noise having regard to guidelines issued by the Department of Environment and Climate Change.
- Construction noise control measures consistent with relevant Australian Standards

A condition addressing this matter is included in the recommendation of this report.

#### Operational Noise

##### *Mechanical plant and equipment*

Plans lodged with the application included a semi enclosed rooftop deck located at the East Market Street frontage of the site, and adjacent to No. 5 East Market Street. This deck would enclose some, but not all, of the mechanical plant and equipment necessary for the operation of the building. Additional rooftop mechanical plant was also foreshadowed in the application but was not described on the plans.

Two concerns were identified with this aspect of the proposal, being:

- The Noise Impact Report did not acknowledge that adjacent No. 5 East Market Street includes residential flats at the first floor, adjacent to the condenser deck.
- It is inappropriate to locate a service element of the building in such a visually prominent location.

To resolve these concerns the applicant has now repositioned the condenser deck to a location towards the centre of the main roof of the building, where it would be shielded from No. 5 East Market Street by the first floor of the building. A revised Noise Impact Assessment was also provided which confirms this amendment would not result in adverse noise impacts to any adjacent residential premises.

The revised location of the condenser deck also provides an appropriate solution with regard to minimising visual impact and maintaining an appropriate streetscape presentation.

##### *Car park and loading dock*

The loading dock and car park of this proposal is directly adjacent to residential housing adjoining the site to the north.

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Given that the trading hours of Dan Murphy's extend until 9:00pm (Thursday - Saturday) and that deliveries will commence from 8:00am, this application proposes the construction of an acoustic fence, four metre high, along the entire northern boundary of the site.

It is recognised that a fence of this height and length is not a common element within the Richmond town centre, and will be particularly prominent from No. 94 Francis Street, which includes a two storey townhouse set one metre from the common boundary with the subject site. However, on balance it is concluded that this fence is acceptable for the following reasons:

- The need for the acoustic fence arises from the historical decision to juxtapose commercial and residential zones within the town centre, and is compounded by the construction of a townhouse 1m from the common boundary with commercial land. Arguably any development of this site would result in either the placement of a commercial building on the northern site boundary or, alternately, the construction of an acoustic fence on that boundary to attenuate noise.
- While arguably this proposal could be reconfigured to locate the proposed building on the opposite side of the site to allow for the driveway access to be positioned along the northern site boundary, it is anticipated that noise from vehicles and delivery trucks would still require a significant barrier to protect the amenity of the adjacent residential sites. Repositioning the building would also isolate it within the streetscape, and result in the elevations of existing commercial buildings abutting the northern site boundary to remain visually exposed. These circumstances would not result in a satisfactory urban design outcome.

Accepting that the provision of this fence is reasonable, it is also necessary to consider whether the design and appearance of the fence is acceptable. In this regard it is noted:

- The design and presentation of the fence, as viewed from public areas to the south, west and east of the site, is acceptable.
- No details have been provided describing the presentation of the fence from the adjacent residential properties to the north. Given the nature of the proposed fence it is considered appropriate to require materials used in its construction to have a suitable level of durability so as not to require ongoing maintenance. This matter is addressed by a suitable condition in the recommendation to this report.
- To assist in improving its visual presentation, a horizontal glazed panel is provided along the top of the fence, as well as glazed vertical elements along the length of the fence. The glazing itself is acceptable in terms of its noise attenuation qualities, however the vertical panels will allow for view from the car park into the private open space areas of the adjacent residence, which is not acceptable. This matter is therefore also addressed by a suitable condition in the recommendation to this report.

### **Social Impact in the Locality**

Evaluation of the likely social benefits and costs of this proposal is relevant having regard to issues raised in public submissions, and noting also the objection received from NSW Police (Windsor Local Area Command).

The public submissions noted the following concerns:

- *There are enough liquor outlets in Richmond which contribute to liquor related crime and anti social behaviour. No more outlets are needed.*

The NSW Police submission noted the following concerns:

- *The Richmond CBD is considered to be a hot-spot for alcohol related crime, anti-social and loutish behaviour. Not all of this behaviour is associated with patrons attending the*

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*surrounding 'On-Licence' premises. A proportion of these crimes and incidents relate to young persons purchasing alcohol or being provided with alcohol from bottle shops and other avenues.*

- *Within the immediate vicinity of the site there are 7 'On-Licence' or 'Off-Licence' premises comprising pubs, a club, night clubs and retail outlets.*
- *Established licensed premises are already sufficient to serve the community. Any further off-Licence premises would no doubt increase the legal of alcohol within the community. This would no doubt increase the risk of associated medical and social problems, as well as increases crime, anti-social behaviour and traffic incidents.*
- *An increase in supply risks the increase in secondary supply of alcohol to young people.*
- *Police are regularly confronted with young people under the influence of alcohol acquired from secondary locations. Intoxicated youths are responsible for criminal and anti-social behaviour in the Richmond CBD. This has been an ongoing problem and has had a significant effect upon the community. Increasing the availability of alcohol will increase the risk to the community.*

Separate to any approval which may be granted to this application, prior to the commencement of trading, the proponent must obtain a packaged liquor licence from the NSW Casino, Liquor and Gaming Control Authority. (the Authority)

An application for that licence must be accompanied by a Community Impact Statement (CIS). A CIS allows the Authority to be aware of the impact that granting an application will have on a local community by ensuring public consultation is undertaken. The Authority cannot grant a licence unless it is satisfied that the overall social impact will not be detrimental to the well-being of the local or broader community.

A CIS received by the Authority will be placed on public display before an application is determined. Persons or organisations that are notified of a proposal will also be notified of the application if the proposal goes ahead. They will be able to view the CIS and make submissions directly to the Authority.

The proponent has already commenced the preparation of their CIS, and has provided the following details regarding that process:

- 69 neighbouring properties within 100m of the site have been issued with a CIS Notice.
- Stakeholders and interest groups issued with a CIS notice are Council, NSW Police, Sydney West Area Health Service, Department of Community Services, Roads and Traffic Authority, NSW Department of Aboriginal Affairs, Merana Aboriginal Community Association for Hawkesbury, Zone Youth Space, Hawkesbury Youth Services, Hawkesbury District Senior Citizens Inc, Australian Foundation for the Disabled and The Women's Cottage.
- 3 responses were received, one from NSW Police and 2 from neighbouring properties. All submission objected to the proposal on grounds of increased anti-social behaviour.

In response to the objections received from neighbouring properties, the applicant advises:

- One of the respondents is located between two existing hotels which are licensed to operate until 3.00 am Mondays - Saturdays. Existing anti-social behaviour is likely to be related to either of these premises and would be unlikely to be exacerbated by this proposal.
- Negotiations with second respondent has resulted in an agreement to install additional lighting to address their concerns.

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In summary, the issues raised by the NSW Police in their submission to the CIA, are:

- The site is located in the heart of the Richmond CBD, is surrounded by a number of licenced premises and bottle shops, is in close proximity to a cinema, railway, large shopping centres and well used public park.
- It is difficult for Police to statistically forecast the impact this proposal would have on the community. However a realistic forecast would suggest that any increase in the availability of alcohol in the community, especially at discounted prices, would significantly increase the risk of alcohol related crime, anti-social behaviour and traffic incidents.
- The Richmond CBD is the crime 'hot spot' especially on a Friday and Saturday night.
- Increased traffic to this site, which is adjacent to the driveway to a major car park, and opposite The Richmond Club, will increase danger to pedestrians.
- Consistent with its obligations to reduce crime anti-social behaviour under the NSW Government's State Plan, Police must take every opportunity to reduce the impact of alcohol in the community.
- If the application is successful, Police would seek to have an appropriate closing time to reduce opportunities for continued sales to patrons seeking to 'restock', and to limit secondary service to minors.
- Police would also strongly encourage the applicant to become involved in the Hawkesbury Liquor Accord and support youth programs and initiatives.
- Police would like to negotiate initiatives around high-risk times, such as the end of school year, Christmas and New year.
- All staff should be trained to retrieve CCTV footage to allow Police to take immediate action should incidents arise.

The Police submission included the following conclusion:

*Police find it difficult to object to an application such as this, as existing Dan Murphy's stores are no doubt managed in accordance with the law. It is not the management of the store that is in question. The impact of the increased availability and sale of discounted alcohol in any society would have an adverse impact upon the community. There is constant media and political coverage of the adverse impact of alcohol in society. This is a fact we cannot escape from. Police and all major stakeholders have a significant responsibility to reduce the impact of alcohol abuse in the community.*

In response to the Police submission the applicant advises:

- Management of the store will be undertaken in accordance with the requirements of the Liquor Act 2007 and Liquor Regulation 2008.
- Woolworths Limited adheres to the Alcohol Beverages Advertising Code, which requires that advertising does not detract from the need for responsibility and moderation in alcohol consumption, and that advertising does not encourage under age drinking.
- Woolworths has a 'ID25' policy requiring staff to verify the age of customers who appear to be under the age of 25. This policy is incorporated into Responsible Service of Alcohol training for employees.
- Trading hours conclude at 8.00pm or 9.00pm which is before the peak time for late night entertainment and possible anti-social behaviour.

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- A security system incorporating CCTV would be installed, which would be monitored 24 hours a day. Digital recordings will be held for 30 days. The Licensee or duty manager, one of whom would always be on site whenever the premises are trading, will be available to retrieve footage for Police if required.
- Regular patrols of external areas would be conducted to ensure that alcohol is not being consumed on the premises.
- Adequate lighting would be provided to improve surveillance and discourage anti-social behaviour.
- The applicant will participate in the Hawkesbury Liquor Accord, a voluntary industry based agreement by licensees and other stakeholders, via which participants agree to act in ways which will improve safety in entertainment areas and reduce alcohol related anti-social behaviour.
- The location of the site is not inappropriate, as it is located behind the main street of the town centre.
- The proposal is not likely to create additional impacts on the operation or enforcement of the current alcohol-free zone as it is licenced only for the sale of alcohol, and not consumption.
- In terms of public drinking in Richmond Park, existing licenced premises are located directly opposite this park, whereas this proposal is more distant, and not visible, from that Park.
- An additional licenced premises cannot create additional demand for alcohol and so cannot be expected to result in more alcohol being sold or consumed irresponsibly. It will also not increase the availability of discounted alcohol as there is already sufficient outlets to create competition for business.
- A greater problem is patrons attending and leaving other premises licensed to allow alcohol consumption.
- The applicant is open to negotiation with Police regarding high risk times.

In reaching a position on this matter it is considered that unacceptable social outcomes can only be directly attributable to this proposal where there is a likelihood this activity would be inappropriately operated and managed. There is no basis to conclude that the proponent would not operate these premises other than in accordance with relevant obligations and requirements.

This report therefore includes conditions which will ensure that the obligations and undertaking offered by the proponent to limit the potential for adverse social impacts are implemented.

### **Economic Impact in the Locality**

Economic benefits will accrue from the construction of the building and on-going employment opportunities once the activity is operational.

### **Construction**

The recommendation to the report includes conditions to manage construction works to ensure that disruption to the locality is minimised.

### **c. Suitability of the site for the development:**

The site will be suitable for this proposal subject to the implementation of the conditions outlined in the recommendation to this report.



**d. Any submissions made in accordance with the Act or the Regulations:**

**Public Consultation**

The application was publicly notified to adjoining owners from 5 January 2009 until 21 January 2009. Two submissions, both raising objections were received. These issues raised in these submissions (excluding social impact matters, which have already been addressed) are identified and considered below:

Siting and design

- The building should be setback from East Market Street to match the adjacent commercial building to the north to avoid providing a blank wall which will attract vandals/graffiti, and create a dark alcove at night.
- Any excavation to construct the building should be conditioned to ensure adjacent sites are not affected by water runoff.

*Response*

Positioning the building on the boundary to East Market Street is a typical and appropriate built form outcome for a commercial area. However it is acknowledged this will create an 'alcove' on No. 5 East Market Street, as the building on that site is setback from the street. Adequate lighting and passive surveillance from the first floor residential units at 5 East Market Street should provide a sufficient deterrent to discourage vandalism, graffiti etc.

Only minimal excavation of consequence is required to construct the proposed building. Adequate measures can be provided to control the collection and disposal of stormwater to prevent adverse impacts upon adjacent sites.

Noise

- The condenser deck is located only a few metres from the upper level residential windows and lower level entry to the business at adjacent No. 5 East Market Street. This will create unacceptable noise impacts during the night and day, as well as heat emissions.

*Response*

The condenser deck has been relocated to avoid adverse impacts upon adjacent No. 5 East Market Street. An acoustic report confirms that screening of the deck as proposed will limit noise intrusion to required levels.

Safety and security

- Security lights and cameras will not be sufficient and will encourage anti-social or criminal behaviour to occur in locations which are out of sight. This will increase potential for trespassing on adjacent properties.
- Any lighting should be sympathetic to adjacent residences.

*Response*

Arrangements for safety and security are considered adequate. Conditions of consent will require security lighting to avoid intrusion onto adjacent residential properties.

Traffic and pedestrians

- The locations of the entry/exit adjacent to the Council car park access will exacerbate an already hazardous traffic condition.

- A footpath along the boundary of this site is needed to provide a safe area for pedestrians to access the adjacent public car park from East Market Street.

*Response*

These matters have been the subject of detailed assessment as outlined earlier in this report.

**Department of Defence**

The Department did not indicate either its support or objection to the proposal, but provided the following comments:

- The need to comply with Australian Standard 2021-2000 to address impacts from aircraft noise.
- Any structure, landscape element or construction equipment with a height greater than 15m will require approval by the Department of Defence.
- External lighting is not to be directed upward to avoid confusion/interference for pilots attending Richmond RAAF base.
- External materials of construction are to comprise materials of low reflectivity to ensure glare similarly does not interfere with pilots attending Richmond RAAF base.

*Response*

These matters can be managed through conditions as outlined in the recommendation to this report.

**e. The Public Interest:**

There are no additional matters to be considered.

**Conclusion:**

This application seeks approval to construct a stand alone shop to operate as a Dan Murphy's retail liquor outlet, on a vacant allotment located at Nos 7-9 East Market Street, Richmond.

Assessment of the application has identified various concerns regarding:

- Arrangements for access and onsite manoeuvring by service vehicles.
- The adequacy of dimensions of certain parking spaces on the site.
- Pedestrian safety at the frontage to East Market Street.
- Adequacy of arrangements for the collection and disposal of stormwater.
- Impacts upon the amenity of adjacent residential development from noise associated with the location of mechanical plant and equipment, and the construction of a substantial boundary wall to achieve required noise attenuation.
- Likely social impacts from the introduction of an additional liquor retail outlet.

On balance this proposal is satisfactory, subject to the implementation of conditions outlined in the recommendation to this report.

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### 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 development application DA0873/08 at Lot 1 DP 998889 and Lot A DP 161234, 7-9 East Market Street RICHMOND NSW 2753 for the construction of a shop, associated car parking and landscaping, and the occupation of the building for a Dan Murphy's retail outlet, be approved subject to the following conditions:

#### *General Conditions*

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. The development shall be modified in the following manner:
  - (a) To satisfy the requirements of SEPP 64, only one wall advertisement shall be displayed on each elevation of the building.
  - (b) Car parking spaces numbered 39 and 40 shall be deleted. The area for space 39 shall instead be landscaped. Plantings used in this location shall be of a type that will not interfere with sight distances for pedestrians and motorists. The area for space 40 shall be treated with an appropriate hardstand finish which prevents its use as a parking space, and allows the area to be used as a pedestrian refuge.
  - (c) The dimensions of car parking spaces numbered 36, 37 and 38 shall be altered to comply with Australian Standard 2890.4
  - (d) The vertical glazing elements within the acoustic fence along the northern site boundary shall be deleted and replaced with a solid material used elsewhere in this structure.

Full details demonstrating compliance with this condition shall be included on any plans approved with a Construction Certificate.

3. All external mechanical plant, machinery or like equipment shall be located within the rooftop condenser deck.
4. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
5. The approved use shall not commence until all conditions of this Development Consent have been complied with.
6. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
7. The development shall comply with the provisions of the Building Code of Australia.
8. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within 7 (seven) days of issuing the certificate. A registration fee applies.

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9. All vegetative debris (including felled trees) resulting from the approved clearing of the site for construction, is to be chipped or mulched. Tree trunks are to be recovered for posts, firewood or other appropriate use. No vegetative material is to be disposed of by burning.
10. In order to satisfy the operational requirements of the Department of Defence, any external lighting shall be directed towards the ground. To maintain amenity for neighbouring properties, any external lighting shall not be directed towards those properties.

### ***Prior to Issue of Construction Certificate***

11. 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 \$ 23 000.00 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 confirming that the contribution has been fully paid are to be provided to the certifying authority.

12. An acoustic report, prepared by a suitably qualified person, shall be submitted to the Principal Certifying Authority detailing any measures to be implemented to comply with Australian Standard 2021.
13. A landscape plan for the entire site, prepared by a suitably qualified person, shall be submitted to the Principal Certifying Authority for approval.
14. The materials used in conjunction with the acoustic wall situated along the northern boundary of the site are to be of a high aesthetic standard, provide a suitable level of privacy for adjoining properties and are to have a suitable level of durability so as not to require ongoing maintenance. Details demonstrating compliance with this requirement are to be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate.
15. An Environmental Management and Rehabilitation Plan for the development site shall be prepared by an appropriately qualified person. The Plan shall address (without being limited to) the clearing of vegetation, lopping and removal of trees, earthworks, erosion control, site rehabilitation and landscaping. All site works shall be carried out in accordance with the Plan. Implementation of the Plan shall be supervised by an appropriately qualified person.
16. Construction of the access, car park, drainage are not to commence until three (3) copies of the plans and specifications of the proposed works are submitted to and approved by the Director City Planning or an Accredited Certifier.
17. Payment of a Construction certificate checking fee and a Compliance Certificate inspection fee when submitting Civil Engineering Plans for approval in accordance with Council's fees and charges.
18. Under the provisions of the Roads Act 1993, all works within the road reserve are to be approved by Council. Fees required if an accredited certifier is used for internal works will be provided on request.
19. A Traffic Guidance Scheme prepared in accordance with AS1742-3 2002 by an appropriately qualified person shall be submitted to Council. Where the works affect Roads and Traffic Authority controlled roads, the traffic guidance scheme is to be approved by the Roads and Traffic Authority before submission to Council.
20. A revised drainage plan for the development is to be submitted to Council or the Principal Certifying Authority for approval. The design shall incorporate on site stormwater detention to maintain all

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stormwater discharges from the 1:1 year storm up to the 1:100 year storm at pre-development levels. Connection to, or any modification, to Council's stormwater system in the adjacent car park is not permitted.

21. A Construction Management Program shall be submitted and approved by Council prior to the issue of any Construction Certificate. Any use of Council property shall require appropriate approvals. The program shall detail (but not necessarily be limited to):
- (a) The proposed method of access to and egress from the site for construction vehicle, including the proposed method of traffic control, access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimizing traffic congestion and noise in the area;
  - (b) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site;
  - (c) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period. Note that Council's car park is not to be used for access to the development, storage of equipment or materials etc. The operation of Council's car park is not to be compromised in any way by the proposed development;
  - (d) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site;
  - (e) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practicing Structural Engineer and shall not involve any permanent or temporary encroachment onto Council's property;
  - (f) The proposed method of maintain safe pedestrian access in East Market Street across the frontage of the site at all times during the construction;
  - (g) Proposed protection for Council's land and adjoining properties. Details are to include site fencing and the provision of hoardings over footpaths where appropriate;
  - (h) The location and operation of any on site crane; and
  - (i) Where a Works Zone is proposed to be installed adjacent to the site frontage in East Market Street, a separate application is to be submitted to Council for consideration.
22. The reflectivity index (expressed as a percentum of the reflected light falling upon any surface) of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20%. Written confirmation of the reflectivity index of materials is to be submitted with the Construction Certificate.
- (Note: The reflectivity index of glazing elements can be obtained from glazing manufacturers. Glass with mirrored or reflective foil finishes is unlikely to achieve compliance with this requirement.
23. The roof shall utilise non reflective materials so as to limit interference with aircraft operations. Details being submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.
24. If required, the owner must dedicate to the applicable energy supplier, free of cost, an area of land within the development site, but not in any landscaped area, to enable an electricity substation to be installed. The size and location of the substation is to be submitted for approval of Council and Energy Australia, prior to a Construction Certificate being issued.

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25. The applicant shall bear the cost of all restoration works to Council's property damaged during the course of this development. The applicant shall advise Council, in writing, of any existing damage to Council property before commencement of the development. A dilapidation survey of Council's assets, including photographs and written record, must be prepared by a suitably qualified person and submitted to Council prior to the issuing of any Construction Certificate.

Note: This documentation will be used to resolve any dispute over damage to infrastructure. It is in the applicant's interest for it to be as full and detailed as possible.

### ***Prior to Commencement of Works***

26. All traffic management devices shall be installed and maintained in accordance with the approved traffic management plan.
27. A waste management plan shall be submitted to and approved by Council. The plan shall address any builder's waste and waste generated during the day to day operation of the development. Particular attention shall be paid to type and quantity of waste, recycling, reuse, storage and disposal.
28. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction. The enclosed warning sign shall be affixed to the sediment fence/erosion control device.
29. The building shall be set out by a Registered Surveyor. The Survey Certificate of the building showing the position of the external walls under construction and in compliance with the approved plans shall be lodged with the principal certifying authority. Any easements must be shown on the Survey Certificate.
30. A copy of receipt of payment of Long Service Levy shall be provided to the Principal Certifying Authority prior to any works commencing on site. Payments can be made at Long Service Corporation offices or most Councils.
31. The applicant shall advise Council of the name, address and contact number of the principal certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1979.
32. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.
33. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
34. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
- (a) Unauthorised access to the site is prohibited.
  - (b) The owner of the site.
  - (c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
  - (d) The name and contact number of the Principal Certifying Authority.
35. A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Principal Certifying Authority prior to any works commencing on site.

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36. Off street parking associated with the proposed development, including driveway widths, aisle widths, grades parking bay dimensions, sight distance requirements and turning paths are to be in accordance with AS 2890.1-2004 and Council's Development Control Plan and AS2890.2 - 2002 for loading areas as appropriate.
37. Provision of adequate on site loading and unloading facilities to cater for the proposed use of the land.
38. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, including a public road or place, the person causing the excavation to be made:
  - (a) must preserve and protect the building from damage; and
  - (b) if necessary, must underpin and support the building in an approved manner; and
  - (c) must, at least 7 (seven) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The person acting in accordance with this Consent is liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land

39. The approved plans must be submitted to a Sydney Water Quick Check agent or customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For quick Check agent details, please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au), see Building Developing and Plumbing then Quick Check or telephone 13 20 92.

The consent authority or a private accredited certifier must either:

- Ensure that Quick Check agent/Sydney Water has appropriately stamped the plans before the issue of any Construction Certificate; or
  - If there is a combine Development/Construction Certificate application or Complying Development, include the above condition as one to be met prior to works commencing on site.
40. Prior to commencement of building works, the applicant must obtain approval in accordance with the requirements of the Roads Act for the erection of 'hoarding/scaffolding' should any work be carried out on Council property or required to be erected to comply with the Occupational Health and Safety Act and associated Regulation.
  41. Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$10 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Hawkesbury City Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

(Note: Applications for hoarding permits, vehicular crossings etc will require evidence of insurance upon lodgement of the application.)

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### *During Construction*

42. The development shall be completed in accordance with the approved colours and finishes and shall not be altered.
43. Dust control measures, eg vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
44. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
45. All trucks entering or leaving the site shall have their trays suitably covered to prevent spillage from the truck onto the road.
46. Off-street car parking spaces, together with access driveways and turning areas, shall be constructed, paved, line marked, signposted and maintained, as shown on the approved plan.
47. Disabled parking shall be provided in accordance with AS2890.1-1993.
48. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
49. All natural and subsurface water-flow shall not be re-directed or concentrated to adjoining properties. Water flows shall follow the original flow direction without increased velocity.
50. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am – 6pm and on Saturdays between 8am – 4pm.
51. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
  - a. Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
  - b. Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
  - c. Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
52. Compliance with construction noise control measures outlined in the report prepared by Marshall Day Acoustics dated 18 May 2009.
53. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
54. Removal of the existing redundant layback crossing and replacement with concrete kerb and gutter and the restoration of the footway area.
55. On-site detention shall be provided to maintain all stormwater discharges from the 1:1 year storm up to the 1:100 year storm at pre-development levels.
56. Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the components of construction detailed in Hawkesbury Development Control Plan Appendix B Civil Works Specification, Part II, Table 1.1.



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57. A heavy duty layback and footway vehicular crossing shall be constructed to the development. The crossing shall be constructed in accordance with Hawkesbury Development Control Plan Appendix E, Civil Works Specification.
58. All works associated with the proposed redevelopment are to be at no cost to Council or the RTA.
59. Provision shall be made for access to the buildings with adequate aids provided for those with disabilities (i.e. mobility, hearing, site impaired) in accordance with the Discrimination Against People with Disabilities Act (DDA), Building Code of Australia and Council's Access Policy.
60. Mandatory inspections shall be carried out and Compliance Certificates issued only by Council or an accredited certifier for the following components or construction:

**Note: Structural Engineer's Certificates, Drainage Diagrams and Wet Area Installation Certificates are NOT acceptable unless they are from an accredited person.**

- (a) commencement of work (including erosion controls, site works and site set out);
- (b) piers;
- (c) internal sewer or stormwater lines prior to covering;
- (d) external sewer or stormwater lines, prior to backfilling; and
- (e) prior to occupation of the building.

### **Prior to Issue of the Occupation Certificate**

61. Compliance with all conditions of this development consent.
62. Registration of a plan of survey consolidating the site into a single allotment. Documentary evidence to be submitted prior to occupation of the building.
63. A Certificate from a telecommunications carrier confirming that provision has been made for services to the development shall be submitted to the Principal Certifying Authority.
64. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

65. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
66. Provide evidence to the Principal Certifying Authority demonstrating completion of works necessary to comply with Australian Standard 2021.
67. All works shown on the approved landscape plan shall be completed to the satisfaction of the Principal Certifying Authority.
68. A Plan of Management for the on-site stormwater detention facilities shall be submitted to and approved by Council. The Plan of Management shall set out all design and operational parameters

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for the detention facilities including design levels, hydrology and hydraulics, inspection and maintenance requirements and time intervals for such inspection and maintenance.

69. The owner shall enter a positive covenant with Council which provides the following:
- (a) The registered proprietors will at all times maintain, repair and keep the on-site stormwater detention facilities in a good and safe condition and state of repair, in accordance with the approved design to the reasonable satisfaction, at all times, of Council, having due regard to the Plan of Management for the operation and maintenance of the on-site stormwater detention facilities, and
  - (b) The liability under the Covenant will jointly and severally bind the registered proprietors of the proposed dwellings, and
  - (c) Council only will be entitled to release or modify the Covenant.

All costs associated with the Covenant, including any legal costs payable by Council, are to be paid by the owner or applicant.

70. Submission of a report by the applicant's Design Engineer to Council for approval stating the conformance or otherwise of the On Site Detention of Stormwater system in relation to the approved design.
71. Works-As-Executed drawings for the On Site Detention of Stormwater System which indicate the following shall be submitted to and approved by Council:
- (a) Invert levels of tanks, pits and pipes
  - (b) Surface levels of pits and surrounding ground levels
  - (c) Levels of surrounding kerb
  - (d) Floor levels of buildings
  - (e) Top of kerb levels at the front of the lot; and
  - (f) Extent of inundation
72. The applicant shall repair or reconstruct all damages caused by construction activity relating to the development to Council's satisfaction prior to release of the Occupation Certificate.

***Use of the Development***

73. To ensure compliance with Australian Standard 2890.2, the largest delivery vehicle to attend the site shall be a Small Rigid Vehicle (SRV). Delivery times shall be restricted to between 8.00am and 5.00pm.
74. In accordance with undertakings given in the submission from Scape, dated 27 May 2009, the operator shall:
- (a) Undertake regular patrols of external areas to ensure alcohol is not consumed on the premises.
  - (b) Participate in the Hawkesbury Liquor Accord.
  - (c) Maintain on-going consultation with NSW Police (Hawkesbury Local Area Command) with regard to high risk times such as the end of the school year, Christmas and New Year.
  - (d) A CCTV security system shall be installed and all staff shall be trained to retrieve footage. All footage is to be retained for 30 days, and is to be made available to Police or Council upon request.
75. Trading shall not commence until such time the appropriate license has been issued by the NSW Office of the Casino, Liquor and Gaming Control Authority.
76. Management of the store shall be undertaken in accordance with the requirements of the Liquor Act 2007 and Liquor Regulation 2008.

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77. No internal or external alterations shall be carried out without prior approval of Council.
78. All fire safety equipment and fixtures shall be regularly serviced and maintained. The owner or their agent shall certify annually that each of the fire safety measures specified in this statement has:
- (a) been assessed by a properly qualified person, and
- found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the certificate is issued.
79. Operating hours shall be limited to:
- 9.00 am until 8.00 pm Monday, Tuesday and Wednesday  
9.00 pm until 9.00 pm Thursday, Friday and Saturday  
10.00 am until 6.00 pm Sunday
80. No advertising signs or structures shall be displayed on the footpaths, pedestrianways, roadways or on any land other than the approved development site.
81. The subject development, including landscaping, is to be maintained in a clean and tidy manner.
82. The owner/manager of the site is to ensure that removal of graffiti from the building is undertaken within 48 hours of its application.
83. Any external lighting shall be directed in such a manner so that no nuisance is caused to adjoining properties or to drivers on surrounding streets.
84. All work and the storage of goods or materials shall be confined within the building or approved areas at all times.
85. All vehicles being loaded or unloaded shall stand entirely within the property.
86. All vehicles shall be driven in a forward direction at all times when entering and leaving the premises.
87. All waste materials shall be regularly removed from the property.
88. The development shall be conducted in such a manner that the LA(eq) noise levels, measured at any point in accordance with the NSW EPA's Industrial Noise Policy (2000), do not exceed 5dB(A) LA(eq) above background noise levels with respect to noise amenity of residential dwellings.
89. Sight distance to pedestrians and other vehicles are not to be obscured by landscaping, signage, cars or anything else at the entrance and throughout the car park.
90. All fire safety equipment and fixtures shall be regularly serviced and maintained. The owner or their agent shall certify annually that each of the fire safety measures specified in this statement has:
- a. been assessed by a properly qualified person, and
- b. found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the certificate is issued.

**Advisory Notes**

- \*\*\* The land is within the Hawkesbury City Council Sewerage Catchment. A separate application shall be submitted to Council for any alterations or connections to the sewer mains. The applicant shall consult with Council regarding acceptable discharge limits to the sewerage system.

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- \*\*\* The applicant shall make themselves aware of the Discrimination Against People with Disabilities Act (DDA) and assess their responsibilities and liabilities with regards to the provision of access for all people.
  - \*\*\* Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.
  - \*\*\* Should any aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.
  - \*\*\* The applicant is advised to consult with:
    - (a) Sydney Water Corporation Limited
    - (b) Integral Energy
    - (c) Natural Gas Company
    - (d) a local telecommunications carrier
- regarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public roads.
- \*\*\* The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed subdivision. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.
  - \*\*\* The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.
  - \*\*\* The temporary use of cranes during construction, higher than 15m above NGL, will require assessment from the Department of Defence.

**ATTACHMENTS:**

- AT - 1** Locality Plan
- AT - 2** Aerial Photograph
- AT - 3** Site Plan
- AT - 4** Elevation Plan

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**AT - 1 Locality Plan**

**Lot 1 DP 998889, Lot A DP 161234, No. 7 - 9 East Market Street, Richmond**

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

**ORDINARY MEETING**

**Meeting Date: 30 June 2009**

**AT - 2 Aerial Photograph**

**Lot 1 DP 998889, Lot A DP 161234, No. 7 - 9 East Market Street, Richmond**

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Attachments Document (Maps)**

**ORDINARY MEETING**

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**AT - 3 Site Plan**

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

**ORDINARY MEETING**

**Meeting Date: 30 June 2009**

**AT - 4 Elevation Plan**

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

**oooO END OF REPORT Oooo**



**Item: 114 CP - Patrolling Private Car Parks Within Hawkesbury City - (96330)**

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**REPORT:**

**Background**

Council has been approached by a number of private businesses in Windsor, including Hawkesbury Hospital, Windsor Riverview Shopping Centre and Country Target, as to the availability of Council Parking Officers to carry out parking patrols and enforcement of signage on privately owned lands.

The reason these private property owners have requested the service to be provided is that, on a daily basis, their customer car parking spaces are being occupied all day by persons (not necessarily their employees) wanting to park within very close proximity to their place of employment.

The interested property owners have indicated that they will provide adequate car parking spaces for their own staff in a location beyond the customer car parking spaces within the boundaries of the property, and in some cases these will be restricted by lockable bollards.

Recent enquiries with the Riverview Centre have revealed that they are no longer wishing to pursue their previous requests to have their premises patrolled.

**Available Parking Spaces for the Public**

An audit of car parking spaces available in the central business area of Windsor, (Bridge Street to Tebbutt Street and The Terrace and Ross Street) over an area of approximately 1,300 metres x 800 metres, has identified that there are 784 "on street" spaces available for parking. Of these there are 273 time restricted spaces and 511 non restricted spaces. These figures do not include the time restricted Council owned car parks in Windsor.

Additional on street parking is also available in Moses Street adjacent to McQuade Park. These spaces are currently time restricted. During the trial period the parking situation in Windsor will be monitored and the current time restrictions can be reviewed by the Local Traffic Committee should the need arise.

**Council's Authority to Patrol Private Car Parking Areas**

Council is the "Regulatory Authority" responsible for the enforcement of parking restrictions within the local Hawkesbury area upon public streets and Council lands.

In accordance with Section 650 of the *Local Government Act 1993*, Council may enter into an agreement with a land owner in order to undertake parking patrols and enforcement on private premises.

A draft legal agreement has been drafted by Pike Lawyers, which can be used to formalise agreements with the interested parties. The agreement will specify the responsibilities of the landowner and the Council. In this regard the Council will manage and operate the land as a free parking area; specify barriers, signs and notices required and arrange for their installation. All costs associated with Council's involvement would be at the landowner's expense. Any fines and infringement notices issued will be processed through the NSW Infringement Processing Bureau in the same manner as all other notices and fines. The agreement will also deal with insurance cover for Council staff entering the private property.

It is suggested that any of the agreements be for a twelve month period, with an initial three month period, in which either party can choose to cancel the agreement, if they find that the arrangements are unsatisfactory for them.

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### Staff Availability

Council employs two permanent parking officers and one casual parking officer as required.

The two permanent parking officers are responsible for the monitoring and enforcement of parking restrictions upon public streets and Council land within the Windsor, South Windsor, Richmond, and North Richmond areas on a daily basis. The casual parking officer is utilised to cover periods of annual leave, rostered days, along with special operations eg: school zones.

It is believed that the service can be provided without having to increase staff numbers to perform the duties as it would simply be the case of spreading their current duties out over a larger area.

### Fees to Provide the Service

The proposed fee structure below has been suggested to the Hospital and Country Target representatives, who, in principle, believe that these figures would be acceptable to their executive management teams. These fees are based on the understanding (service agreement) that the car park would only be patrolled once per week. If Council chooses to patrol it more often, then this is at its own discretion.

The fee would be calculated at a weekly rate per parking space. Any monies from any fines imposed for breaching time restrictions would also be payable to Council. This would be included in any agreement between Council and the interested party.

### Schedule of proposed fees:

Parking Spaces	Per Parking Space / Week
Up to 50	@ \$1.00
51 – 100	@ 0.85
101 - 200	@ 0.75
201 & above	@ 0.65

### Conclusion

Uncontrolled parking within private carparks has resulted in these areas being used for all day parking by employees within the CBD which has restricted the availability of these spaces for shoppers and visitors to Windsor. The owners of some of these carparks have approached Council to assist in controlling the use of these carparks so that the customers and shoppers in the CBD have better access to parking.

There are a number of Local Government Areas, both within Sydney and in regional areas that provide this service for the community. Contact with these Councils indicates that, whilst there are initial implementation issues that need to be managed, there are medium to long term benefits to the commercial centres and shoppers by making car park spaces more available.

### Conformance to Strategic Plan

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

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

### Funding

The inclusion of fees and charges associated with an agreement to provide the services of council parking officers, along with the associated expected revenue from the issuing of penalty notices would fund such additional activities.

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**RECOMMENDATION:**

That:

1. Council offer the service to Country Target Windsor and Hawkesbury District Hospital initially, by exercising its authority in accordance with section 650 of the *Local Government Act 1993*, to undertake parking regulation within private car parks, by way of an agreement between the interested parties and Council.
2. Fees and charges in accordance with the schedule incorporated in the body of this report be approved and included in the agreement between Council and the interested parties utilising this service.
3. The agreements with Country Target Windsor and Hawkesbury District Hospital be signed and executed under the Seal of Council.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**

**Meeting Date: 30 June 2009**

**Item: 115 CP - Funding Agreement 2009/2010 - Department of Ageing Disability and Home Care (DADHC) - (96328)**

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**REPORT:**

This report has been prepared to seek Council's approval to execute a funding agreement with the Department of Ageing Disability and Home Care (DADHC) for the period 2009/2010. The programs covered under this funding agreement include the following:

- Hawkesbury City Council Multi Service Outlet \$114,353
- Peppercorn Home Maintenance Service \$147,490
- Hawkesbury City Council Aged and Disability Officer \$32,198

**Conformance to Strategic Plan**

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

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

**Funding**

No impact on funding.

**RECOMMENDATION:**

That authority be given to execute, under the Seal of Council, a funding agreement with the Department of Ageing Disability and Home Care to accept recurrent grants for 2009/2010 totalling \$294,041.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

**INFRASTRUCTURE SERVICES**

**Item: 116 IS - Richmond Lawn Cemetery Upgrade Project - (95494, 79354)**

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**REPORT:**

Richmond Cemetery has been managed by Council since the late 1960's and has over 2200 plots with either single or double interments. There are separate areas provided for each of the Uniting Church, Roman Catholic, Church of England, Independent and Bahia religious denominations. There is also a non-denominational area, and a military section on the Dight Street frontage.

Current ash interments include three (3) columbarium walls all of which are not at full capacity, but are size restricted and do not accommodate the current size of ash receptacles. The cemetery also has a rose garden near the maintenance building to the west of the site which is nearly full and has a waiting list for approximately 50 interments. There is thus a need for additional rose gardens.

The current burial sections are at near capacity and new sections are required to be opened, however there are some issues with the alignment of plots resulting in poor placement, loss of area, plot numbering and difficulty in ongoing maintenance.

**Project**

The aims of the cemetery upgrade project are to provide a master plan and management direction including addressing a fee structure which will ensure the long term viability of the cemetery and provide additional facilities for visitors.

The project also aims to provide:

- A computerised database of current interments,
- Designed rose gardens and contemplation areas,
- New columbarium walls that comply with current receptacle sizes,
- New interment areas that are laid out symmetrically with defined grassed paths and easy access for the movement of coffins and maintenance,
- Additional off street parking, and drive through access, and
- Computer based plot allocation and numbering for easy plot re-location.

The Draft Master Plan provides a proposed layout of the cemetery inclusive of the additional access, parking, rose gardens, columbarium and contemplation areas within the centre of the cemetery. It is envisaged that the additional construction works would be carried out over a period of five years with the various components being constructed as required.

The proposed master plan will provide an additional 7,000 plots with a potential of 14,000 interments and up to 2000 ash placements within the rose gardens. A further 800 ash internments are available if construction of the columbarium is approved. The proposed master plan for the cemetery will extend its serviceability for a minimum of 70 years based on the current rate of 100 burials annually, at a single burial per plot.

**Expenditure**

Funding for the ongoing maintenance and improvements of the Richmond Cemetery is sourced through general revenue with an annual budget of \$98,984 for 2008/2009, covering general lawn maintenance and grave digging activities.

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Additional funding would be required to undertake the capitals works program outlined in the draft Master Plan. Preliminary estimates for the works is \$90,000pa over a five year period totalling \$450,000.

**Income**

A cost comparison was carried out between Council's current interment fees, and those of Penrith City Council and Castlebrook Cemetery, Rouse Hill. Based on a single adult burial with a headstone, the review shows that Council's current fee structure is significantly less than other cemetery providers, as shown in Table 1.

	<b>HCC</b>	<b>Penrith City</b>	<b>Castlebrook</b>
<b>Single Adult with Headstone</b>	\$1,836.80	\$3,210.00	\$4,070.00
<b>Cost difference</b>		\$1,373.20	\$2,233.20

Table 1. Cost comparison of single adult burial with headstone

Increasing the current fees and charges to match Penrith City Council would provide the additional revenue to allow for the future development of the cemetery.

There is currently an average of 80 - 100 site purchases at Richmond Cemetery each year, which can include second interments, pre-purchased graves etc, with revenue of between \$110,000 - \$120,000.

An increase in the fees and charges comparable with Penrith Council would potentially increase revenue a further \$137,300. Over a five year period the additional revenue would equate to \$686,500 allowing sufficient funds to undertake the capital works identified within the management plan. It is recommended that an internal reserve be established to cover the costs of these works.

The full pricing structure of the comparison cemetery providers, based on 2008/2009 fees, shows significant variations within the fee structures, ranging from registration fees, interments and ashes interment as seen in Table 2.

<b>Description of service provided</b>	<b>HCC</b>	<b>Penrith City</b>	<b>Castlebrook</b>
<i>Registration Fees</i>			
Adult	\$ 71.80	\$ 200.00	
Child <1.1m	\$ 35.30		
<i>Burial Plot</i>			
Adult	\$ 718.00	\$ 1,050.00	\$ 2,750.00
Child <1.1m	\$ 353.00	\$ 1,050.00	\$ 2,750.00
<i>First Interment</i>			
Adult	\$ 694.00	\$ 1,125.00	\$ 1,320.00
Child	\$ 463.00	\$ 1,125.00	\$ 1,320.00
<i>Second Interment</i>			
Adult	\$ 638.00	\$ 1,015.00	\$ 1,320.00
Child	\$ 463.00	\$ 1,015.00	\$ 1,320.00
<i>Ashes</i>			
Niche in Garden	\$ 331.00	\$ 484.00	
Columbarium	\$ 331.00	\$ 525.00	
Plot	\$ 331.00	\$ 200.00	
Placement of ashes		\$ 275.00	
<i>Headstone/Monument</i>			
Registration fees		\$ 140.00	
Headstone	\$ 214.00	\$ 695.00	

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Description of service provided	HCC	Penrith City	Castlebrook
Monumental Repairs		\$1,050.00 \$ 55.00	
Perpetual Maintenance	\$ 139.00		

Table 2. Current fees & charges per organisation

The fees for 2009/2010, which have now been adopted, were increased with an aim over the next few years to bring them into line with Penrith Council's fees and charges.

Due to the shortage of the niches within the rose garden, an additional rose garden has been recently constructed. As such fees and charges were not set in the 2009/2010 Management Plan. The garden is more modern and it is aimed to allow double depth plots compared to singles as in the old rose garden. It is recommended that the following fees for the new rose garden be advertised to be included within the fees and charges for 2009/2010:

Niche in old rose garden/columbarium (includes stainless steel plaque)	\$400.00
Niche in new rose garden	\$400.00
First interment in new rose garden	\$200.00
Second Interment in new rose garden	\$150.00
Bronze Plaque fixed to a sandstone base	\$300.00
Laser cut steel plaque fixed to a sandstone base	\$200.00

#### **Conformance to Strategic Plan**

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

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

#### **Funding**

Funding for the works outlined within the master plan will be provided through additional revenue from increased fees and charges. The works will be undertaken as funds become available.

#### **RECOMMENDATION:**

That:

1. The Draft Master Plan of the Richmond Lawn Cemetery be adopted.
2. The proposed fees for the new rose garden be placed on public exhibition.

#### **ATTACHMENTS:**

**AT - 1** Richmond Lawn Cemetery Draft Master Plan - *(To Be On Display at the Meeting)*

**oooO END OF REPORT Oooo**

**Item: 117 IS - Endorsement for Actions in the Draft Cumberland Plain Recovery Plan - (95494, 79354)****REPORT:**

The Department of Environment and Climate Change (DECC) has prepared a Draft Recovery Plan for threatened biodiversity of the Cumberland Plain. The Draft Plan includes objectives and actions for the recovery of threatened species, endangered populations and threatened ecological communities listed under the NSW Threatened Species Conservation Act 1999 (TSC Act) and the Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act). The Plan has been prepared to meet the requirement of both the TSC Act and the EPBC Act.

Under S.59 of the TSC Act, a recovery plan must state what actions must be carried out to ensure the recovery of that species and identify the persons or public authorities that are responsible for the implementation of actions identified in the plan. Further a measure must not be included in a recovery plan for implementation by a public authority unless the Chief Executive Officer responsible for the public authority approves of the inclusion of that measure.

As such, DECC is now undertaking formal consultation with relevant authorities in relation to the measures which have identified as Council's area of responsibility under the recovery plan, with a view to seeking Council's agreement by 30 June 2009. Some of these actions may potentially impact upon Council's resources and therefore require discussion and concurrence. A summary as provided by DECC is shown as Attachment 1, and significant comments in relation to a number of actions are provided below.

**Action 4.1 - Support and promote the adoption of best practice standards for bushland management and restoration on public and private lands within the Cumberland Plain.**

Refers to best practice and may in the future require Council to develop a plan of management or a vegetation management plan. This could have implications relating to funding and staffing resources. Council staff, in time, will however endeavour to undertake this action in relation to protection of Cumberland Plain Woodland on Council owned and managed reserves through individual and generic Plans of Management. This will likely be undertaken with assistance from DECC and other appropriate entities and organisations.

In relation to private land there are no implications for Council other than to monitor and consult with DECC if any issues need to be addressed to manage Cumberland vegetation on private lands. It would be expected that DECC would give timely notification to Council upon changes to this legislation.

**Action 11.2 – Work with Aboriginal communities, landowners, community groups, and students to deliver best practice management in the priority conservation lands, and to identify other opportunities for involvement in the recovery program.**

Council undertakes regular consultation and supports community groups that work within the Hawkesbury. Undertaking additional activities to deliver best practice management with other community groups could also have implications relating to available funding and allocation of staff resources.

**Action 12.2 – Develop interpretive programs for key local reserves that contain examples of the threatened biodiversity addressed in the recovery plan.**

The development of interpretive programs for key local reserves could have implications relating to available funding and staff resources.

Discussions with DECC have highlighted that the development of interpretive programs would only result following consultation with Council. Currently some aspects of this action are covered within the bushcare program, community consultation programs, education opportunities, and through current written material.



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Generally, education of private landholders of the Cumberland Plain Woodland is encouraged and the development of interpretive programs, with assistance from DECC, would be supported.

All other actions identified by DECC are considered to have a minimal impact on existing arrangements and are therefore suitable for endorsement.

A further opportunity to provide feedback will be available on the draft recovery plan once it is placed on public exhibition in the near future.

### **Conformance to Strategic Plan**

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

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

### **Funding**

As outlined within the report, there is a potential for future cost given the actions identified by DECC as the responsibility of Local Government. In the event that assistance is unable to be provided by DECC, this funding may need to be identified within a future budget allocation.

### **RECOMMENDATION:**

That

1. The proposed actions in the Cumberland Plain Recovery Plan, as identified by the Department of Environment and Climate Change, be endorsed in principle, and be subject to the allocation of available funding.
2. Council express its concern to the Department of Environment and Climate Change in relation to the possible funding implications which may result from the endorsement of these actions.

### **ATTACHMENTS:**

- AT - 1** Actions in Draft Cumberland Plain Recovery Plan for implementation by Local Government as provided by Department of Environment and Climate Change.
- AT - 2** Proposed Best Practice Management Standards for Bushland Management as provided by the Department of Environment and Climate Change.

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**AT - 1 Actions in Draft Cumberland Plain Recovery Plan for implementation by Local Government  
as provided by Department of Environment and Climate Change**

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**ORDINARY MEETING**

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**AT - 2 Proposed Best Practice Management Standards for Bushland Management as provided by the Department of Environment and Climate Change**

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Attachments Document (Maps)**

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**

**Meeting Date: 30 June 2009**

**Item: 118 IS - Windsor Foreshore Parks Draft Plan of Management - (95494, 79354)**

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**REPORT:**

Within the 2008/2009 Budget, funding was made available to develop a Plan of Management and Master Plan for the continuing management of the Windsor Foreshore Parks, Windsor, inclusive of Deerubbin Park, Howe Park, Holland's Paddock, Thompson Square, Macquarie Park, Windsor Wharf Reserve and Governor Phillip Reserve. This Plan will supersede an existing Plan of Management and draft Plan of Management for these sites.

As part of the community consultation process, a community meeting/workshop was held on 17 November 2008. Residents were notified by way of advertisements in the local paper and correspondence to other key stakeholders. Attendance at the meeting was high with over 15 residents, Councillors and representatives of the local indigenous community present.

The Draft Plan of Management Master Plan for Windsor Foreshore Parks, Windsor is now complete. It is proposed to place the plan on public exhibition for the mandatory 28 day period, with a further two week period for the completion of written submissions.

Following the community consultation period, results from the feedback will be reviewed and a report will be submitted to Council for final consideration.

A number of formatting errors have been identified within the draft documentation and prior to exhibiting the document all the necessary amendments will be made.

**Conformance to Strategic Plan**

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

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

**Funding**

Future improvements to the reserves are proposed to be funded from the Park Improvement Program, Section 94 funds and Grants, depending upon availability.

**RECOMMENDATION:**

That the Windsor Foreshore Parks, Windsor, Draft Plan of Management be placed on public exhibition for the mandatory 28 day consultation period, with a further two week period for the completion of written submissions.

**ATTACHMENTS:**

**AT - 1** Windsor Foreshore Parks, Windsor Draft Plan of Management and Master Plan - *(Distributed Under Separate Cover)*

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**

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**SUPPORT SERVICES****Item: 119 SS - Monthly Investments Report - May 2009 - (96332, 95496)****Previous Item:** 17, Ordinary (3 February 2009)**REPORT:**

According to Clause 212 of the Local Government (General) Regulation 2005 the Responsible Accounting Officer must provide the Council with a written report setting out details of all money that the Council has invested under Section 625 of the Local Government Act 1993. The report must include a certificate as to whether or not investments have been made in accordance with the Act, the Regulation and the Council's Investment Policy.

**May 2009**

The following table indicates that Council held \$37.2 million in investments as at 31 May 2009. Details of the financial institutions with which the investments were made, date investments were taken out, the maturity date (where applicable), the rate of return achieved, the credit rating of the investments and the percentage of the total portfolio are provided below.

Investment Type	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Rating	Total \$
<b>On Call</b>							
CBA	31-May-09		2.95%	2,220,000	5.96%	A1+	2,220,000
<b>Term Investments</b>							
AMP Banking	22-Apr-09	19-Aug-09	4.25%	1,000,000	2.69%	A-1	
ANZ	24-Mar-09	24-Jun-09	4.00%	1,000,000	2.69%	A1+	
ANZ	25-May-09	22-Sep-09	4.25%	3,000,000	8.06%	A1+	
ANZ	29-May-09	25-Nov-09	4.25%	1,000,000	2.69%	A1+	
ANZ	25-Mar-09	24-Jun-09	4.00%	2,000,000	5.37%	A1+	
Bank of Queensland	20-Jan-09	20-Jul-09	5.05%	1,000,000	2.69%	A-2	
Bank of Cyprus	04-May-09	02-Nov-09	4.50%	1,000,000	2.69%	Moody's P-1	
Bankwest	25-Mar-09	23-Jul-09	4.25%	1,000,000	2.69%	A1+	
Bendigo and Adelaide Bank	14-May-09	09-Oct-09	4.00%	1,000,000	2.69%	A-2	
CBA – Equity Linked Note	05-Dec-07	05-Jun-09	0.00%	2,000,000	5.37%	A1+	
Citibank	20-Jan-09	20-Jul-09	5.08%	1,000,000	2.69%	A-1	
Credit Union Australia	01-May-09	30-Jul-09	4.35%	1,000,000	2.69%	unrated	
IMB	01-May-09	30-Jul-09	4.05%	1,000,000	2.69%	A-2	
Members Equity	04-May-09	03-Aug-09	4.30%	1,000,000	2.69%	A-2	

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Investment Type	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Rating	Total \$
NAB	29-May-09	16-Dec-09	4.28%	3,500,000	9.40%	A1+	
NAB	25-May-09	23-Oct-09	4.30%	2,000,000	5.37%	A1+	
St George	25-Mar-09	23-Jun-09	4.30%	1,000,000	2.69%	A1+	
Westpac	26-Feb-09	24-Jun-09	4.20%	2,000,000	5.37%	A1+	
Westpac	20-Feb-09	18-Jun-09	4.20%	3,000,000	8.06%	A1+	
Westpac	02-Mar-09	24-Jun-09	4.20%	2,500,000	6.70%	A1+	
Westpac	24-Mar-09	20-Jul-09	4.20%	3,000,000	8.06%	A1+	35,000,000
<b>TOTAL INVESTMENT AS AT 31 MAY 2009</b>							<b>37,220,000</b>

	Bench Mark	Actual
Bench Mark - UBSA 90 Day Bank Bill Index	3.13%	4.02%
Bench Mark - 11am Cash Rate	3.00%	2.95%

**Performance by Type**

Category	Balance	Average Interest	Difference to Benchmark	Restriction Type	Amount
Cash at Call	2,220,000	2.95%	-0.05%	External Restrictions -S94	7,124,094
Term Deposit	35,000,000	4.02%	0.89%	External Restrictions - Other	10,220,641
				Internal Restrictions	12,991,988
				Unrestricted	6,883,277
	<b>37,220,000</b>	3.96%	0.83%	<b>Total</b>	<b>37,220,000</b>

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

External Restrictions – Section 94 Contributions

External Restrictions – Other (reserve details below)

- Waste Management
- Sewerage
- Unexpended Grants
- Stormwater Management

Internal Restrictions (reserve details below)

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

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

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

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

### Investment Commentary

The investment portfolio decreased by \$0.47million for the month. During May, various income was received totalling \$5.98 million, including rate payments amounting to \$2.7 million, while payments to suppliers and staff costs amounted to \$5.84 million.

The investment portfolio is diversified across various investment types. This includes term deposits and on-call accounts.

The investment portfolio is regularly reviewed in order to maximise investment performance and minimise risk. Council's investment portfolio has been reviewed and rebalanced in favour of investments not subject to share market volatility. Comparisons are made between existing investments with available products that are not part of Council's portfolio. Independent advice is sought on new investment opportunities and Council's investment portfolio is independently reviewed each calendar quarter.

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

*"That:*

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

Action was taken to comply with the above resolutions, by not optionally guaranteeing amounts invested with the tier one major Australian trading banks (ANZ, CBA, NAB and Westpac), over and above the amounts that are covered by the free Government Guarantee Scheme. Further, at its meeting on 28 April 2009, Council considered a report on a revised Investment Policy and resolved to adopt a revised Investment Policy. Council’s revised Investment Policy fully complies with the Department of Local Government’s Draft Investment Policy Guidelines that have recently been distributed for consultation.

## ORDINARY MEETING

Meeting Date: 30 June 2009

As at 31 May 2009, Council has invested \$10 million with 2<sup>nd</sup> tier financial institutions, noting that two of these institutions are subsidiaries of major Australian trading banks. The investment of \$1 million with ten 2<sup>nd</sup> tier banks is entirely covered by the free Government Guarantee Scheme, and is in accordance with the revised Ministerial Investment Order, Council's Investment Policy, and Council's resolution at its meeting on 3 February 2009.

Effective from 8 April 2009, the Reserve Bank cut official interest rates by one quarter of one percent to a cash rate of 3.00%, taking interest rates to their lowest levels since 1960. The Reserve Bank has reduced official interest rates six times since September 2008, with the interest rate reducing overall by 4.25% in this time. This follows 12 consecutive official interest rate rises between May 2002 and March 2008. Despite the Reserve Bank possibly taking a more cautious approach to monetary policy in the coming months, the forecast is for further interest rate reductions later in 2009.

The Governor of the Reserve Bank of Australia released the following statement on monetary policy on 2 June 2009:

*“At its meeting today, the Board decided to leave the cash rate unchanged at 3.0 per cent. Evidence has continued to emerge that the global economy is stabilising, after a sharp contraction during the December and March quarters. The considerable economic policy stimulus in train in most countries is helping to contain the downturn, and should support an eventual recovery. The turnaround is clearest in China and some other emerging countries. Recovery in the major countries is likely to take longer to begin and be slower when it does occur.*

*Prospects are being helped by better conditions in global financial markets. Confidence, while improving, nonetheless remains fragile and balance sheets are under pressure from the effects of economic weakness on asset quality. Credit remains tight. Continued progress in restoring balance sheets is essential for a durable recovery.*

*The Australian economy has been contracting. Capacity utilisation has fallen back to about average levels, and will decline further over the rest of the year. With demand for labour weakening, growth in labour costs is beginning to fall. These conditions are likely to see inflation continue to abate over the next two years.*

*A pick-up in housing credit demand suggests stronger dwelling activity is likely later in the year. Business borrowing, on the other hand, is declining, as companies postpone investment plans and seek to reduce leverage, in an environment of tighter lending standards.*

*Monetary policy has been eased significantly. Market and mortgage rates are at very low levels by historical standards. Business loan rates are below average. Much of the effect of this is yet to be observed. Fiscal measures are also providing considerable support for demand.*

*Nonetheless, the prospect of inflation declining over the medium term suggests that scope remains for some further easing of monetary policy, if needed. In assessing how it might use that scope, the Board will continue to monitor how economic and financial conditions unfold, and how they impinge on prospects for a sustainable recovery in economic activity.”*

### Investment Certification

I, Rob Stalley (Responsible Accounting Officer), hereby certify that the investments listed in this report have been made in accordance with Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulation 2005 and Council's Investment Policy.

### Conformance to Strategic Plan

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



**ORDINARY MEETING**

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

**Funding**

Funds have been invested with the aim of achieving budgeted income in 2008/2009.

**RECOMMENDATION:**

That the information be received and noted.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

**ORDINARY MEETING****Meeting Date: 30 June 2009****Item: 120            SS - Payout of Council's Loan Portfolio - (96332, 95496)****REPORT:**

This report deals with the proposed early payout of Council's entire loan portfolio.

Council currently has a total of three loans with the Commonwealth Bank of Australia.

Details of the loans are listed below:

Loan 3593 (164)	Start date:	15 January 2003
	End date:	15 July 2015
	Original principal:	\$21,712.99
	Current principal outstanding:	\$13,696.11
	Break cost	\$333.00
	Council section:	Sewerage Reserve
Loan 3594 (165)	Start date:	25 January 2003
	End date:	25 July 2017
	Original principal:	\$31,811.48
	Current principal outstanding:	\$22,023.87
	Break cost	\$390.00
	Council section:	Sewerage Reserve
Loan 3592 (252)	Start date:	25 January 2003
	End date:	25 July 2013
	Original principal:	\$27,282.70
	Current principal outstanding:	\$14,087.57
	Break cost	\$330.00
	Council section:	General Funds

The above three loans were rolled-over from loans that originated from 1970, 1972 and 1973 respectively. The details of the original loans are as follows:

Loan 164	Start date:	15 July 1970
	End date:	15 July 2015
	Original Lender:	AMP Society
	Original Amount Borrowed:	\$35,000
	Purpose:	Construction of sewerage works and works incidental thereto.
Loan 165	Start date:	25 July 1972
	End date:	25 July 2017
	Original Lender:	AMP Society
	Original Amount Borrowed:	\$50,000
	Purpose:	Construction of sewerage works and works incidental thereto.
Loan 252	Start date:	25 July 1973
	End date:	25 July 2013
	Original Lender:	AMP Society
	Original Amount Borrowed:	\$50,000
	Purpose:	Water supply works and works connected therewith at Kurrajong.

## ORDINARY MEETING

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By paying out the loans early, there would be an overall minor favourable variance for the 2009/2010 Budget, as detailed in the funding section below. It is proposed that these variances will be adjusted in the first quarter Budget Review for 2009/2010. From 2010/2011 onwards, there would be further minor savings in the ongoing annual budgets.

The current principal amounts outstanding are held in Council's balance sheet as a liability. An early payout of the loans means there is no effect on Council's trading statement from the payout of the current principal amounts. There is, however, a resulting reduction in investment funds to payout the current principal amounts, and a resulting reduction in interest earnings. The loss of interest earnings is more than offset by the interest payable, even after taking into account the loan break costs.

The loans are minor amounts in the scale of Council's overall financial operations. It is seen as an opportune time to tidy up Council's balance sheet, due to the reasonable amounts of the loan break costs.

Should Council adopt the recommendation below, Council would then be completely free of all loan indebtedness when these loans are paid out.

### Conformance to Strategic Plan

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

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

### Funding

The funding effects for 2009/2010 of paying out Council's loans are:

- A reduction in investment funds of \$50k
- A favourable variance in General Funds of interest payable of \$0.9k
- An unfavourable variance in General Funds of estimated interest earnings of \$0.4k
- An unfavourable variance in General Funds for the break cost of \$0.3k
- A favourable variance in the Sewerage Reserve of interest payable of \$2.1k
- An unfavourable variance in the Sewerage Reserve of estimated interest earnings of \$1.0k
- An unfavourable variance in the Sewerage Reserve for the break costs of \$0.7k

### RECOMMENDATION:

That the following Council loans be immediately paid out:-

1. Loan 3593 (164) - Commonwealth Bank of Australia
2. Loan 3594 (165) - Commonwealth Bank of Australia
3. Loan 3592 (252) - Commonwealth Bank of Australia

### ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

**ORDINARY MEETING**

**Meeting Date:** 30 June 2009

**Item: 121            SS - Outstanding Receivables - Bad Debts Write-Off - (96332, 95496)**

**Previous Item:**        128, Ordinary (24 June 2008)

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**REPORT:**

This report deals with debts raised by Council which are unable to be recovered, and is only concerned with sundry debtors, that is, debts that are not a charge against a property.

Council provides credit to individuals and businesses in the enforcement of laws and regulations or for the provision of services. As with all suppliers of credit, some debtors fail to meet their obligations to pay, despite the best efforts of officers to recover outstanding payments.

The debts owed to Council have been subject to recovery action and all avenues have been exhausted in recovering these debts with no success. There comes a point where it is uneconomical to pursue further recovery action.

Council has appropriate debt recovery and collection procedures to ensure adequate controls are in place to minimise bad debts.

The list of bad debts over \$500.00 for 2008/2009, which cannot be dealt with as an operational matter under delegated authority, are as follows:

<b>NAME</b>	<b>AMOUNT</b>	<b>DETAILS</b>
Mrs M Stewart	\$783.00	Dog impounding and legal fees
Mr N Farley	\$735.00	Dog impounding and legal fees
Paul K Bell & Co	\$619.97	Certificates
<b>TOTAL</b>	<b>\$2,137.97</b>	

**Conformance to Strategic Plan**

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

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

**Funding**

There are no funding effects of this report, as these amounts have previously been included in Council's provision for doubtful debts.

**RECOMMENDATION:**

That the following debts be written off:

- 1. Mrs M Stewart            \$783.00
- 2. Mr N Farley                \$735.00
- 3. Paul K Bell & Co         \$619.97

**ORDINARY MEETING**

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**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**

**Meeting Date: 30 June 2009**

**Item: 122            SS - 2009/2010 Remuneration for Councillors and Mayor - (95496, 96332)**

**REPORT:**

The Local Government Remuneration Tribunal, pursuant to Section 241 of the Local Government Act 1993, has recently determined the categories for Councils, County Councils and Mayoral Offices and the maximum and minimum amount of fees to be paid during the period 1 July 2009 to 30 June 2010.

In handing down its determination, the Tribunal noted that during the financial year it had undertaken a review of the categories of Councillor and Mayoral offices and the minimum and maximum fees applicable to each category. The Tribunal's review had regard to issues raised in submissions made by the Local Government and Shires Associations and individual councils including that made by the Hawkesbury City Council.

The Tribunal announced that after having regard to the submissions, it found that there is no strong case to significantly alter the current categories or to move councils between categories. While the groupings remained the same, the Tribunal applied descriptive titles to the previously numbered categories. Accordingly Category 3, the category in which Hawkesbury City Council falls, has been renamed to Regional Rural.

In respect of the fees, the Tribunal considered that an increase of 2.5% in the fees for Councillors and Mayors was appropriate.

The Tribunal has determined that the annual fees to be paid for the period 1 July 2009 to 30 June 2010 for a Regional Rural Council are as follows:

	<b>Councillor Annual Fee</b>		<b>Mayor Additional Fee</b>	
	<i>Minimum</i>	<i>Maximum</i>	<i>Minimum</i>	<i>Maximum</i>
<b>Regional Rural</b>	\$7,040.00	\$15,500.00	\$14,980.00	\$33,840.00

In the past it has been the practice for Council to pay the maximum fee and the following table depicts the annual and monthly payments that will be paid to Councillors, the Mayor and the Deputy Mayor, if the practice is maintained. The Deputy Mayor fee has been maintained at 15% of the Mayoral fee.

	<b>Councillors Fees</b>		<b>Mayor / Deputy Mayor *</b>		<b>Maximum Total</b>	
	<b>Maximum - Annual</b>	<b>Maximum - Monthly</b>	<b>Maximum - Annual</b>	<b>Maximum - Monthly</b>	<b>Annual</b>	<b>Monthly</b>
<b>Councillors</b>	\$15,500.00	\$1,291.67			\$15,500.00	\$1,291.67
<b>Mayor</b>	\$15,500.00	\$1,291.67	\$33,840.00 less \$5076.00	\$2,397.00	\$44,264.00	\$3,688.67
<b>Deputy Mayor</b>	\$15,500.00	\$1,291.67	\$5076.00	\$423.00	\$20,576.00	\$1,714.67

\* It should be noted that pursuant to Section 249 (2), the fee paid to the Mayor and Deputy Mayor, is paid in addition to the fee paid to the Mayor and Deputy Mayor as a Councillor.

The current fees for Councillors and the Mayor are \$15,120.00 and \$33,010.00 respectively, with an additional fee of \$4,951.50 being paid to the Deputy Mayor, and deducted from the Mayor's fees.

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Based upon Council's previous practice of paying the maximum fee, as determined by the Remuneration Tribunal, the following recommendation is submitted for Council's consideration.

**Conformance to Strategic Plan**

Not applicable in this case.

**Funding**

Councillor's fees are provided for in the 2009/2010 Budget.

**RECOMMENDATION:**

That:

1. The fee for Councillors for 2009/2010 be set at \$15,500.00.
2. The additional fee for the Mayor be set at \$33,840.00, and the Deputy Mayor's additional fee be set at \$5,076.00, to be deducted from the Mayor's fee.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

## ORDINARY MEETING

Meeting Date: 30 June 2009

### Item: 123      **SS - Review of Code of Meeting Practice - (79337)**

**Previous Item:**      NM, Ordinary (12 May 2009)  
                             201, Ordinary (28 June 2005)  
                             62, Ordinary (9 November 2004)

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#### **REPORT:**

The Council's Code of Meeting Practice was adopted by Council at its meeting on 9 November 2004, on the basis of the revised provisions coming into effect from January 2005. Further amendments were made and the current Code was adopted on 28 June 2005.

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

Council and Committee meetings must operate in accordance with the adopted Code of Meeting Practice.

The primary objective of meeting procedures in the Code is for the conduct of orderly, efficient and well run Council meetings. Orderly meeting processes contribute to good, open and transparent public decision-making, and increase Council's accountability to the community.

Review of the Code of Meeting Practice involves placing the draft Meeting Code on public exhibition. Council must consider all submissions from the public exhibition before adopting the amended Code.

Council at its meeting of 12 May 2009 considered a Notice of Motion regarding the commencement time of Ordinary Meetings and resolved as follows:

*"That the proposal of Councillor Mackay for Council to alter the starting time for Ordinary Meetings to 6:00pm, with a 20 minute refreshment break to be taken at 7:30pm be referred to a Councillor Briefing Session for consideration at which other possible changes to the Code of Meeting Practice can also be considered."*

A review of the Code of Meeting Practice was undertaken by staff which identified changes required as a result of statutory requirements, changes to Council's structure, grammatical improvements, general cross referencing, and improvements in keeping with the primary objectives of the Code and good governance practices. A Councillor Briefing Session was held on 2 June 2009 where Councillor Mackay's proposal and other suggestions were outlined.

This report sets out the proposed changes recommended to the Code of Meeting Practice to go on exhibition for public comment.

#### **Consequential Amendments - Statutory, naming and other similar amendments**

Since 2005 there have been changes to the LGA, Local Government Regulations, other legislation, and government directives and guidelines impacting on the Code of Meeting Practice. These changes are mandatory and Council is required to comply with the new requirements, irrespective of whether or not they are contained within the Code, e.g. non-pecuniary conflict of interest disclosures and recording of planning decisions. It is proposed to update the Code to ensure consistency with these requirements, as well as deal with housekeeping matters essentially formalising current practice. Examples include:

- Updating references and content to reflect changes to the LGA, Regulations, etc;
- Inserting new provisions relating to the recording of planning decisions;
- Inserting new provisions relating to the expulsion of persons from meetings;



## ORDINARY MEETING

Meeting Date: 30 June 2009

- Updating content in reference to pecuniary interest and non-pecuniary interest to ensure consistency with recent changes to Council's Model Code of Conduct;
- Inserting new provisions relating to recording of motions and amendments and movers and seconders.
- Deleting the requirement for leave of absence to be in writing as this is inconsistent with LGA;
- Updating references to Council Directorates and Order of Business consistent with current practice;
- Inserting a provision dealing with mobile phones during a meeting consistent with current practice.

In addition, it is proposed to include a new clause which will allow the Code to be automatically updated by the inclusion in Clause 6.4 of the following:

*"Changes to the Local Government Act and Regulations automatically change the Code. Automatic amendment of the Code by the Act and/or Regulation does not require public notification under Sections 361 to 363 of the Local Government Act 1993."*

### Meeting times and other deadlines

It is proposed to amend Clause 2.3.1 of the Code in relation to when meetings are held by changing the commencement time of Ordinary Meetings from 5:00pm to 6:30pm, and consequential changes for consistency to the commencement time of Extraordinary Meetings. As part of the proposal, the current practice of breaking for dinner at 7:00pm has been deleted, and the Chairperson will have the discretion to call for a short break during the meeting if required. The proposed changes are shown in italics:

#### **"2.3.1 When Are Meetings Held**

Hawkesbury City Council shall hold Ordinary Meetings on the second Tuesday of every month except January and on the last Tuesday of every month except December at the Council Chambers, George Street, Windsor, except that where a meeting would normally be held on a Tuesday directly following a public holiday (based on this scheduling) a meeting shall not be held on that day. Ordinary Meetings shall commence *at 6:30 pm* and finish at 11:00 pm, unless otherwise resolved by Council *and the Chairperson may adjourn the meeting for a short break where a meeting has been in session for sometime.*

The Mayor may call an Extraordinary Meeting within the provisions of Section 366 of the Act, and such meetings where possible are to be held *at 6.30pm* at the Council Chambers."

In addition it is proposed to set consistent times for speaker notification, requests for the tabling of documents or Councillor notification for the calling out of agenda items. Currently speakers are required to notify Council by 3:00pm on the day of the meeting of their wish to speak. Administratively this is appropriate and it is proposed to change other areas to be consistent with this requirement as follows:

It is proposed to amend Clause 3.3.1 (2) by the words in italics:

- "2) Councillors shall advise the General Manager of those items for discussion, *by 3.00pm on the day of the meeting.*"

It is proposed to amend Clause 2.3.4 (2) by the words in italics:

- "2) In the event that a Councillor wishes to table a document not covered by 1) above, that document must be given to the General Manager *by 3.00pm on the day of the meeting;*"

### Questions With Notice

Currently it is accepted practice for Councillors not to speak to Questions with Notice. It is proposed to formalise these arrangements and apply a similar provision for members of the public as follows:

## ORDINARY MEETING

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It is proposed to amend Clause 3.3.7 by the words in italics:

**“3.3.7 Questions with notice**

Councillors may submit questions to the General Manager 7 days prior to the meeting at which they request the question to be answered.

*These questions are not subject to discussion, debate or public address.”*

It is proposed to amend Clause 3.3.8 by the words in italics:

**“3.3.8 Hawkesbury City Council actively encourages participation of residents in the decision making process and is happy to hear from people regarding matters raised in the Business Paper, *subject to the provisions of Clause 3.3.7 in respect of Questions with Notice.*”**

### **Good Governance Provision**

In terms of good governance in making decisions, Councillors and staff are required to take into account all relevant considerations, and not to take into account irrelevant considerations. Where a final decision is to be made by the elected Council as a whole, reports to Council drafted by a staff member, contain relevant law and policies; accurate, adequate and timely information to enable Councillors to consider all relevant issues; possible decisions which could be reached and an assessment of their consequences, and a recommendation as to which decision ought to be adopted, with accompanying reasons.

It is proposed to apply this good governance practice where Councillors exercise their rights to submit notices of motion, which involve amongst other things the commitment of expenditure, and for them to consider calling for a staff report in the first instance to allow for a full informed decision making process.

In this regard it is proposed to insert a new paragraph in Clause 2.2.3 dealing with Notice of Motions as follows:

- “5) *Councillors may put forward Notices of Motion for discussion at Council on issues. However in respect of the matters listed below it is preferable for Councillors to put the Notice of Motion in a form which calls for a report to the Council having regard to impact, materiality and urgency of each particular case:*
- *commit the Council to expenditure*
  - *change an existing policy;*
  - *create new policy; and*
  - *create a precedent.”*

### **Clarifying Pecuniary Interest Requirements**

The consequential amendments to the Code of Meeting Practice, as a result of changes to the LGA and the Model Code of Conduct, incorporate changes in relation to dealing with pecuniary and non-pecuniary conflicts of interests.

In addition to these mandatory changes, it is proposed to clarify the provisions regarding Councillors leaving the Council Chambers by amending the wording of Clause 3.3.5 as shown in italics below:

**“3.3.5 Presence of Councillors**

*A Councillor shall not be deemed to be present at any meeting of the Council, unless they are within the Council Chamber. For the purposes of this requirement, the Council Chambers foyer is not regarded as being in the Council Chamber.*

## ORDINARY MEETING

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*However, for the sake of clarity, a Councillor declaring an interest in a matter and leaving the chamber shall not remain in either the public gallery or any part of the foyer within view of the meeting."*

### Efficient and Effective Meeting Practices

In balancing Council's primary objectives of the Code ie open government and public participation processes, with an effective and efficient administration, it is proposed to insert provisions within the Code to allow the Chairperson formal discretion to achieve this balance. The following provisions are proposed to the existing requirements:

A rewording of Clause 3.3.8 5), as shown in italics, to allow the Chairperson discretion to hear from a speaker more than once in certain circumstances:

- "5) At meetings where applications for more than 20 addresses to Council have been received, a person should speak only on one item unless granted permission by the Chairperson who will have regard to the circumstances of each case taking into account such factors as the nature of the interest in the matter eg applicant, neighbour, and the number of speakers on the item or collectively on the agenda."

The insertion of a new wording and paragraph in Clause 4.3.2 as shown in italics below:

#### **"4.3.2 Relevance in Debate**

- 1) Councillors, in the course of debate, *should* not introduce material that is irrelevant to the item under discussion. If a Councillor is called to order for a second time in a single speech for introducing irrelevant material, he or she shall immediately cease speaking and resume his or her seat.
- 2) *Members of the public who address Council also have an obligation to ensure relevance to the item under discussion. The Chairperson has the discretion, including action similar to (1) above, to deal with members of the public who introduce irrelevant material."*

The insertion of new subsections (8) and (9) to Clause 3.3.8 as consequential amendments of other changes as follows:

- "8) *The Chairperson may deal with issues concerning the relevance in debate in accordance with 4.3.2."*
- "9) *Councillors may ask questions of members of the public who address Council in order to clarify their understanding of the speaker's view or to seek specific additional information. Similar to 3.2.7, Councillors should have the same regard for members of the public and put all such questions to speakers directly, succinctly and without argument."*

A copy of the revised draft Code of Meeting Practice containing the above amendments is provided under separate cover and the material amendments are highlighted in bold and italic font.

In the event that a Council decides to amend its Code of Meeting Practice, it is required under the provisions of Section 361 of the Local Government Act, to place the document on public exhibition for a period not less than 28 days, with submissions being received up to 42 days after the date on which the document is placed on public exhibition.

Accordingly, in view of the comments contained within this report, the revised draft Code is recommended for public exhibition and comment.

**ORDINARY MEETING**

**Meeting Date:** 30 June 2009

**RECOMMENDATION:**

That:

1. The revised draft Code of Meeting Practice (Attachment 1 to this report) be placed on public exhibition, and open for submissions and comments in accordance with the Local Government Act 1993; and
2. A further report be provided to Council at the conclusion of the public comment period.

**ATTACHMENTS:**

**AT - 1** Draft Code of Meeting Practice - *(Distributed Under Separate Cover)*.

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**

**Meeting Date:** 30 June 2009

**CONFIDENTIAL REPORTS**

**Item: 124**            **IS - WSROC Tender for the Bulk Purchase of Electricity - State Contract, Energy Australia - (95454, 79340) CONFIDENTIAL**

**Previous Item:**        Item 96 & 100, Ordinary (12 May 2009)

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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: 30 June 2009

Item: 125      IS - Tender No.01509 - Hire of Plant - (95454, 79344) **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:** 30 June 2009

**Item: 126**            **SS - Property Matter - Proposed lease to Kentucky Fried Chicken Pty Limited for 35 Macquarie Street, Windsor - (95496, 74060) CONFIDENTIAL**

**Previous Item:**        267, 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 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:** 30 June 2009



ordinary

section 5

reports  
of committees

**ORDINARY MEETING**  
Reports of Committees

**SECTION 5 - Reports of Committees**

**ROC - Hawkesbury Macquarie 2010 Committee Minutes - 14 May 2009 - (114013)**

The meeting commenced at 9:00am in Council Chambers, Hawkesbury City Council.

<b>Present:</b>	Councillor Rex Stubbs OAM	Chair, Councillor Representative
	Anthony Miller	Community Representative
	Carol Edds	Community Representative
	Colin Mitchell	Community Representative
	Cathy Bell	Community Representative
	Gai Timmerman	Community Representative
	John Miller	Community Representative
	Max Jarman	Community Representative
	Jean Stephens	Community Representative
	Jan Barkley Jack	Community Representative
	Joyce Edwards	Community Representative
	Esther Perry	Hawkesbury City Council
	Keri Whiteley	Hawkesbury City Council
<b>Apologies:</b>	Dudley Mercer	Community Representative
	Melissa Stubbings	Community Representative
	Fiona Mann	Hawkesbury City Council
	Joseph Litwin	Hawkesbury City Council
<b>In Attendance:</b>	Kaylene Kelland	Hawkesbury City Council

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**REPORT:**

**RESOLVED** on the motion of Colin Mitchell and seconded by John Miller that the apologies be accepted.

**RESIGNATIONS:**

Councillor Rex Stubbs received a resignation letter from Danielle Wheeler - Community Representative and advised that he would respond to her letter.

Council has also received a resignation from Pat Salgado - Community Representative.

**Section 1 - Confirmation of Minutes**

- 1.1 Carol Edds noted an error in relation to the recorded attendance at the meeting of 9 April, 2009 – Carol Edds was in attendance at the meeting.

**RESOLVED** on the motion of John Miller, seconded by Colin Mitchell that the Minutes of the Hawkesbury Macquarie 2010 Committee held on 9 April, 2009 be confirmed with this amendment.

**1.2 Matters arising from Previous Minutes**

Kaylene Kelland provided a verbal report of actions undertaken by Joseph Litwin in relation to previous minutes. These include:

**ORDINARY MEETING**  
Reports of Committees

- Correspondence forwarded to the Department of Premier & Cabinet – Tina Johnson, Senior Project Officer. The NSW Committee is presently defining goals and objectives for the 'Vision for Macquarie 2010 Bicentenary Celebrations. Their work includes – considering Local Government options and finalising key messages and promotions, developing criteria for the NSW Committee endorsement of events, preparing a calendar of events and working strategies to create a widespread awareness of Macquarie 2010.
- In relation to NSW School Curriculum- Dr Paul Brook from DEET has been appointed to the Committee and DEET is developing curriculum content around Macquarie 2010.
- Ms Johnson indicated she would attend a future Hawkesbury Meeting, but has requested some time for the State Committee to work through the issues firstly.
- Ms Johnson also commended the Hawkesbury on its initiatives in establishing the Hawkesbury Macquarie 2010 Committee and noted that it is the only committee of its kind presently.

**SECTION 2 - REPORTS FOR DETERMINATION**

**Item 11 –Proposed (State) Macquarie 2010 Lecture Series**

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**MOTION:**

**RESOLVED** on the motion of Councillor Rex Stubbs and seconded by Colin Mitchell.

**Refer to COMMITTEE RECOMMENDATION**

**COMMITTEE RECOMMENDATION**

That:

The Committee write to the NSW Government Macquarie 2010 Bicentenary Celebration Committee in support of the proposal for the NSW Committee to stage a Macquarie 2010 Lecture Series.

**Item 12 – Macquarie 2010 Hawkesbury Show Display**

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**DISCUSSION:**

- Members of the Committee complimented on the Show Display

**MOTION:**

**RESOLVED** on the motion of Councillor Rex Stubbs and seconded by Colin Mitchell.

**Refer to COMMITTEE RECOMMENDATION**

**COMMITTEE RECOMMENDATION.**

That:

1. The information be received.
2. The Committee extend its appreciation to Mr Dudley Mercer and Mr John Miller for their volunteering efforts.

**Item 13 – Establishment of (NSW) Macquarie 2010 Bicentenary Celebration Committee**

**MOTION:**

**RESOLVED** on the motion of John Miller and seconded by Carol Edds.

**Refer to COMMITTEE RECOMMENDATION**

**COMMITTEE RECOMMENDATION**

That the information be received.

**SECTION 3 – REPORTS OF WORKING PARTY MEETINGS**

**ROWP – Hawkesbury Macquarie 2010 Programming Working Party**

**MOTION:**

**RESOLVED** on the motion of John Miller and seconded by Colin Mitchell

That the minutes be received.

**ROWP – Hawkesbury Macquarie 2010 Branding + Marketing Working Party**

1. No written report available. This working party awaiting advice from the State Committee in relation to the LOGO.

**ROWP – Hawkesbury Macquarie 2010 Event Support Working Party**

1. Due to the Hawkesbury Show commitments the Event Support Working Party had deferred its meeting.

**ROWP – Hawkesbury Macquarie 2010 Sponsorship and Grants Working Party**

1. The Sponsorship and Grants Working Party had not met and is awaiting the confirmation of the proposal Macquarie 2010 Program.
2. Due the resignation of Ms Danielle Wheeler, it was proposed that Joyce Edwards join the working party, and that Mr Brian Lindsay of UWS be invited to join the Hawkesbury Macquarie 2010 Committee.

**SECTION 4 - GENERAL BUSINESS**

- Joyce Edwards asked if as part of the program, that the Regional Gallery focus on the inclusion of local artists. Ms Whiteley advised that presently there is an exhibition of local works in the Gallery and that staff will be investigating strategies to include local art works during the celebrations. This could include loans from the State Library and private collections.
- Gai Timmerman advised the Committee that Pitt Town was busy organising events that could be included in the program of events.
- Jean Stephens updated the Committee of actions being undertaken by Penrith Council with regard to a 'community fair' in Smith Park.

**ORDINARY MEETING**  
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- Councillor Rex Stubbs to talk to Eda Watson re aboriginal art and culture content for inclusion in the program of celebrations.
- Joyce Edwards enquired if consideration had been given for Macquarie memorabilia to be available to purchase. eg teaspoons.
- Jan Barkley Jack, raised the question of what portrait of Macquarie had been endorsed by the State Committee. Hawkesbury should seek exemption as we are the only town that has a portrait of Macquarie.
- Gai Timmerman discussed the work that Ms Johnson undertook as place of the celebrations in 1910. Would it be possible to use this information, and /or sell the publication.

**NEXT MEETING** – to be held at 9.00 am on Thursday 11 June 2009, in the Council Chambers  
Hawkesbury City Council , 366 George St. WINDSOR.

*The meeting closed at 10.40 am.*

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**  
Reports of Committees

**ROC - Local Traffic Committee Minutes - 20 May 2009 - (80245)**

Minutes of the Meeting of the Local Traffic Committee held in the Large Committee Room, Windsor, on Wednesday, 20 May 2009, commencing at 3:00pm.

**ATTENDANCE**

- Present:** Councillor B Bassett (Chairman)  
Mr J Suprain, Roads and Traffic Authority  
Mr R Williams, MP (Hawkesbury)  
Mr J Christie, Officer of Messrs A Shearan, MP (Londonderry) and J Aquilina, MP (Riverstone)  
A/Sgt T Costello, NSW Police Service
- Apologies:** Sgt A Palmowski, NSW Police Service  
Snr Constable M Simmons, NSW Police Service
- In Attendance:** Mr C Amit, Manager, Design & Mapping Services  
Ms D Oakes, Community Safety Officer  
Ms B James, Administrative Officer, Infrastructure Services
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**SECTION 1 - Minutes**

**Item 1.1 Minutes of Previous Meeting**

The Minutes of the previous meeting held on Wednesday 15 April 2009 were confirmed.

**Item 1.2 Business Arising**

Nil Business Arising

**SECTION 2 - Reports for Determination**

**Item 2.1 LTC - 20 May 2009 - Item 2.1 - The Hawkesbury 120 Ski Race Classic 2009- (Hawkesbury, Londonderry & Riverstone) - (80245, 92138)**

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**REPORT:**

**Introduction:**

An application has been received from Ski Racing NSW Inc. seeking approval to conduct the Hawkesbury 120 Ski Race Classic on Saturday, 29 and Sunday, 30 August 2009.

The Hawkesbury 120 Ski Race Classic was initially undertaken in 2006.

**Event Details:**

- 28 August 2009: 12.00noon - 5:00pm  
Vessel safety scrutineering at Governor Phillip Reserve, Windsor.

## ORDINARY MEETING

### Reports of Committees

- 29 August 2009: 9.00am - 5:00pm  
Ski Race from Governor Philip Reserve, Windsor to Sackville Ski Gardens, Sackville and return.
- 30 August 2009: 9.00am - 5:00pm.  
Ski Race from Governor Philip Reserve, Windsor to NSW Ski Grounds Caravan Park (Known as NSW Ski Gardens) at Wisemans Ferry and return.

In addition to traffic management issues, exclusive use of Governor Phillip reserve has been requested by the applicant and this latter aspect requires Council approval. In the interests of effective administration, this matter will be dealt with as a joint report to Council via the Local Traffic Committee.

#### **Traffic Management Issues;**

The event organiser has provided the following information regarding the event:

i) Affected Streets are:

George Street, Windsor: between Bridge Street and Palmer Street from  
12.00noon to 5.00pm on 28 August 2009,  
7:00am on 29 August 2009, and  
6:00am on 30 August 2009,

Arndell Street, Windsor: the full length from  
7:00am on 29 August 2009, and  
6:00am on 30 August 2009,

Palmer Street, Windsor: the full length from  
7:00am on 29 August 2009, and  
6:00am on 30 August 2009,

North Street/Court Street, Windsor: the full length from  
7:00am on 29 August 2009, and  
6:00am on 30 August 2009,

- ii) The effect on traffic is not expected to be significant.
- iii) It is expected that the event will impact only marginally on traffic using Windsor Road, Bridge Street, Macquarie Street and Wilberforce Road compared to the normal traffic during weekends.
- iv) As no road closures will be in place, there will be little effect on traditional afternoon peak hour southeast bound traffic on Windsor Road.
- v) Approximately 2000 spectators are expected across the 2 days (29-30 August 2009).
- vi) Parking will be at Governor Phillip Reserve with additional parking available off street utilising vacant land adjacent to Governor Phillip Reserve. Parking is available for approximately 4000 vehicles.
- vii) The number of entries (competitors and boat trailers) expected is approximately 150 to 200 for the event. Up to 4 participants per boat made up of the Driver, Observer and possibly 2 skiers.
- viii) A letter drop will be undertaken to all residents and businesses within proximity of the event location.

The event organiser is seeking Council / RTA approval for the following Ferry Services on 30 August 2009:

Lower Portland Ferry (HCC)	9.00am – 5.00pm - Total suspension. Requested as there is poor sight distance leading to the ferry due to the bends in the river. The total suspension will enable a free flow of competitors across the ferry crossing.
Sackville Ferry (RTA)	9.00am – 5.00pm - Reduced Operation of the ferry, whereby a full load of vehicles are to be aboard prior to the ferry undertaking a crossing. The reduced operation will enable free flow of competitors across the ferry crossing.



## ORDINARY MEETING

### Reports of Committees

Safety vessels with crews will be placed on the relevant side of the Ferry with suitable equipment to indicate to competitors that the Ferry may be operating. The course vessels will have radio communications with a marshal on both Ferries and the respective ferry masters. Use of both ferries by Emergency Vehicle Traffic will not be affected. The event organiser acknowledges that either Council or the RTA on the day may have the need to alter the suspension or reduced services at their discretion.

Webbs Creek Ferry and Wiseman Ferry are located downstream to the NSW Ski Gardens, and subsequently these ferry operations are not affected.

The event organiser has submitted the following items in relation to the event: Appendix 1 (Dataworks Document No: 3024117):

- i) Details of the Special Event - Traffic template,
- ii) Submission to the NSW Police Service,
- iii) Transport Management Plan (TMP) for the 2008 event.
- iv) Copy of intended advertisements of the event and in particular Ferry operating times.
- v) Copies of correspondence to be forwarded to the Residents, Businesses, NSW Ambulance Service, NSW Rural Fire Service, SES, Windsor Fire Brigade and Richmond Fire Brigade.
- vi) Public Liability Insurance to the value of \$20,000,000 which will expire on 31 May 2009.

#### Discussion

##### Traffic Issues

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

The Lower Portland Ferry Service is under the care and control of Hawkesbury City Council. The Sackville Ferry Services is the under the care and control of the RTA and hence, RTA approval is to be sought directly by the event organiser for the reduced ferry operations.

##### Governor Phillip Reserve

The Ski Racing NSW Inc. has requested exclusive use of Governor Phillip Reserve on 29 & 30 August 2009 to conduct the Hawkesbury 120 Ski Race Classic. The applicant has not advised of an alternate date in the event of inclement weather.

The event organiser will need to comply with the Governor Phillip Noise Policy.

#### RECOMMENDATION:

##### A. Traffic Issues

That:

1. The Hawkesbury 120 Ski Race Classic 2009 event planned for 28, 29 and 30 August 2009 be classified as a "**Class 1**" special event under the "Traffic and Transport Management for Special Events" guidelines issued by the RTA.
2. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.

## ORDINARY MEETING

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3. It is strongly recommended that the event organiser becomes familiar with the contents of the RTA publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package which explains the responsibilities of the event organiser in detail.

4. No objection be held to this event subject to compliance with the following conditions:

#### **Prior to the event:**

- 4a. the event organiser is to obtain approval to conduct this event, from the NSW Police Service; **a copy of the Police Service approval to be submitted to Council;**
- 4b. the event organiser is to obtain approval from the RTA as this is a "Class 1" event; **a copy of the RTA approval to be submitted to Council;**
- 4c. the event organiser **is to submit a Transport Management Plan (TMP) for the entire route incorporating a Traffic Control Plan (TCP) to Council and the RTA** for acknowledgement. The TCP should be prepared by a person holding appropriate certification as required by the RTA to satisfy the requirements of the relevant Work Cover legislation;
- 4d. the event organiser is to **submit to Council a copy of its Public Liability Policy** in an amount not less than \$20,000,000 **noting Council and the Roads and Traffic Authority as interested parties on the Policy** and that Policy is to cover **both on-road and off-road activities;**
- 4e. the event organiser is to obtain the relevant approval to conduct the event from NSW Maritime; **A copy of this approval to be submitted to Council;**
- 4f. the event organiser is to advertise the event in the local press stating the entire route/extent of the event and the traffic impact/delays expected due to the event, two weeks prior to the event (indicating the advertising medium); **a copy of the proposed advertisement has been submitted to Council;**
- 4g. the event organiser is to notify the details of the event to the NSW Ambulance Service, NSW Fire Brigade / Rural Fire Service and SES at least two weeks prior to the event; **a copy of the correspondence has been submitted to Council;**
- 4h. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area and all the residences and businesses which may be affected by the event for at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; **a copy of the correspondence has been submitted to Council;**
- 4i. the event organiser is to advise all adjoining Councils such as Gosford, The Hills and Hornsby of the event and in particular the reduced crossing/operation and closure of the ferries and obtain any necessary approvals from these Councils;
- 4j. the event organiser is to assess the risk and address the suitability of the entire route as part of the risk assessment considering the possible risks for all participants; This assessment should be carried out by visual inspection of the route / site by the event organiser prior to preparing the TMP and prior to the event;
- 4k. the event organiser is to carry out an overall risk assessment for the whole event to identify and assess the potential risks to spectators, participants and road users during the event and design and implement a risk elimination or reduction plan in accordance with the Occupational Health and Safety Act 2000; (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>);

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- 4l. the event organiser is to submit the completed "Special Event - Traffic Final Approval" form to Council;

**During the event:**

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

**Ferry Services**

5. The applicant is to seek RTA approval for the reduced operation of the Sackville Ferry Service. No objection is held to the suspension of the Lower Portland Ferry Service. Suspension/reduced operation of the ferry services is subject to the applicant complying with the following conditions, as well as any conditions imposed by the RTA:
- 5a) the applicant is to contact Hawkesbury City Council's Construction and Maintenance Section and the Ferry operator, three weeks prior to the event with regard to the suspension of the Lower Portland Ferry service maintained by Hawkesbury City Council
- 5b) Advertising of the proposed event is to be undertaken at the expense of the event organiser in both Sydney and Local newspapers, two weeks prior to the event, in relation to:
- traffic impact and delays,
  - exclusive use of Governor Phillip Reserve,
  - timings of suspension/reduce operation of ferry services,
- such notice is to be incorporated in the news sections of those newspapers and to be approximately 1/8 (one-eighth) page size;
- 5c) signs are to be erected at the expense of the event organiser in locations indicated in the approved Transport Management Plan and Traffic Control Plan and at a size indicated in the same, on all roads leading to the ferries, as well as on each ferry, for at least two weeks prior to the event;
- 5d) safety precautions are to be outlined in the TMP and to be in place at all ferry locations, such to include a boat and crew upstream and/or downstream from each ferry as applicable with suitable equipment to indicate to competitors that a ferry may be operating and with communication between that boat and the ferry vessel, such procedures are to be implemented to the satisfaction of NSW Maritime, RTA and Hawkesbury City Council; and,
- 5e) the Transport Management Centre, Roads & Traffic Authority and Council be authorised to alter ferry suspension/reduced operation times if necessary.

**B. Governor Phillip Reserve**

1. That approval be granted to Ski Racing NSW Inc for exclusive use of Governor Phillip Reserve on Saturday, 29 and Sunday, 30 August 2009, subject to compliance with the following conditions:
  - 1a) The applicant is to pay per day, the exclusive use contribution rate, plus the toilet cleaning charge, applicable at the time of the event;
  - 1b) The reserve is to be left clean and tidy with the applicant being responsible for the disposal of all waste from the reserve;
  - 1c) The applicant is to obtain the appropriate licences from NSW Maritime regarding conduct of the event;
  - 1d) If required, the applicant is to obtain an appropriate licence/s from the Licensing Branch of the NSW Police Service for the sale of alcoholic beverages at the proposed event;
  - 1e) The applicant is to obtain all the necessary permits/approvals in relation to amusement devices/rides including that of Integral Energy regarding the supply of power to devices/rides and their proximity to power supply lines;
  - 1f) Any building, vehicle or stall that is preparing food for public consumption is to comply with Council's "Information for Food Stall Holders" brochure; this information and any related food/public health information can be obtained by contacting Council's Environmental Health Officers, on direct line 4560 4571;
  - 1g) The applicant is to lodge a damage bond for an amount applicable at the time of the event;
  - 1h) A letter box drop is to be undertaken to all affected residents in proximity to the event, by the applicant, with that letter advising full details of the event;
  - 1i) A copy of the event organisers Public Liability Policy for \$10,000,000 and indemnifying Hawkesbury City Council is to be submitted 1 (one) week prior to the event;
  - 1j) The event manager/applicant must undertake a Risk Assessment of the event to be conducted including pre-event preparations. This assessment must identify potential hazards and the procedures that need to be implemented to eliminate or control those hazards. The event manager/applicant is responsible for ensuring that procedures are followed and that they comply with the requirements of the Occupational Health and Safety Regulations 2001.
2. That the applicant be allowed use of the Reserve on Friday, 28 August 2009 to facilitate set-up and vessel safety scrutineering;
3. Noise levels are to comply with the Governor Phillip Reserve Noise Policy;
4. As the applicant has not advised of an alternate date in the event of inclement weather, the Manager of Parks & Recreation be granted delegated authority to negotiate exclusive use on an alternate date, if required by the applicant.

**APPENDICES:**

- AT - 1** Special Event Application - (Dataworks Document No. 3024117) - *see attached*

**ORDINARY MEETING**  
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**Item 2.2      LTC - 20 May 2009 - Item 2.2 - Bridge to Bridge Water Ski Classic, November 2009 -  
(Hawkesbury, Londonderry & Riverstone) - (80245, 74204)**

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**REPORT:**

**Introduction**

An application has been received from NSW Water Ski Federation Ltd, seeking approval to conduct the Bridge to Bridge Water Ski Classic on Saturday, 21 and Sunday, 22 November 2009.

The Bridge to Bridge Water Ski Classic is an annual water ski racing event along the Hawkesbury River extending from Dangar Island, Brooklyn to Governor Phillip Reserve, Windsor.

Event Schedule:

Saturday, 21 November 2009: 7.00am – 5.00pm  
Starting at Sackville Ski Gardens and finishing at Governor Phillip Reserve, Windsor

Sunday, 22 November 2009: 6.00am - 8.00pm  
Starting at Danger Island Brooklyn and finishing at Governor Phillip Reserve, Windsor

In addition to traffic management issues, exclusive use of Governor Phillip reserve is required by the applicant and this latter aspect requires Council approval. In the interests of effective administration, this matter will be dealt with as a joint report to Council via the Local Traffic Committee.

**Traffic Management Issues**

The event organiser has provided the following information regarding the event:

- a) Affected streets are:
  - George Street, Windsor – between Bridge Street and Palmer Street from around 6.00am
  - Arndell Street – Full length from around 6.00am
  - Palmer Street – Full length from around 6.00am
  - North Street – Full length from around 6.00am
  - Court Street – Full length from around 6.00am
- b) The effect on traffic is not expected to be significant and road closures have not been requested, as they are not deemed necessary.
- c) It is expected that the event will impact only marginally on traffic using Windsor Road, Bridge Street, Macquarie Street and Wilberforce Road compared to the normal traffic during weekends.
- d) As no road closures will be in place, there will be little effect on traditional afternoon peak hour southeast bound traffic on Windsor Road.
- e) This annual event has been held for over forty years,
- f) Approximately 2000 spectators are expected for the event at the finish venue in Windsor
- g) Parking will be at Governor Phillip Reserve with additional parking at Tebbutts Observatory for any additional overflow.
- h) Parking is available for approximately 4000 vehicles.
- i) Emergency vehicles will be allowed access at all times.

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j) Approximately 750 participants are anticipated.

The event organiser is seeking Council / RTA approval for the suspension of the following Ferry Services on 22 November 2009:

Wisemans Ferry (RTA)	11.15am – 11.45am
Webbs Creek Ferry (RTA)	11.15am – 11.45am
Lower Portland Ferry (HCC)	8.30am – 1.30pm
Sackville Ferry (RTA)	8.30am – 1.30pm

Suspension of Wisemans Ferry and Webbs Creek Ferry is required only for the Super Class Series competitors. Reduced Operation of these two ferries will apply at all other times, whereby a full load of vehicles are to be aboard prior to the ferry undertaking a crossing. The suspension and reduced operation of these two ferries is required to cater for the respective type of competitors and will enable free flow of competitors across the ferry crossings.

Total suspension of Lower Portland Ferry and Sackville Ferry is required due to poor sight distance leading to these two ferries and the bends in the river. The total suspension of these two ferries will enable a free flow of competitors across the ferry crossings.

Emergency vehicles will be allowed access onto the ferries. Safety vessels with crew will be placed downstream from each ferry with suitable equipment to indicate to competitors that a ferry may be operating and with communication between the boat and the ferry vessel.

Ferry operations are not affected on 21 November 2009 as Wiseman Ferry, Webbs Creek Ferry, Sackville Ferry and Lower Portland Ferry are all located downstream of the Sackville Ski Gardens.

The event organiser has submitted the following items in relation to this event: Appendix 1 (Dataworks Document No. 3058378):

- i) Details of the Special Event - Traffic template,
- ii) Submission to the NSW Police Service,,
- ii) Transport Management Plan (TMP) and Traffic Control Plan (TCP),
- iii) Copy of intended advertisements of the event and in particular Ferry operating times – however the ferry operating times do not match the times outlined in the (TMP).

## **Discussion**

### **Traffic Issues**

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

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

### **Governor Phillip Reserve**

The NSW Water Ski Federation Ltd has requested exclusive use of Governor Phillip Reserve on 21 & 22 November 2009 to conduct the annual Bridge to Bridge Water Ski Classic. The applicant has not advised of an alternate date in the event of inclement weather.

The event organiser will need to comply with the Governor Phillip Noise Policy.

**RECOMMENDATION:**

**A. Traffic Issues**

That:

1. The Bridge to Bridge Water Ski Classic 2009 event planned for 21 and 22 November 2009, be classified as a "**Class 1**" special event under the "Traffic and Transport Management for Special Events" guidelines issued by the RTA.
2. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
3. It is strongly recommended that the event organiser becomes familiar with the contents of the RTA publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package which explains the responsibilities of the event organiser in detail.
4. No objection be held to this event subject to compliance with the following conditions:

**Prior to the event:**

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

**ORDINARY MEETING**  
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obtain any necessary approvals from these Councils;

- 4i. the event organiser is to submit the completed "Special Event - Traffic Final Approval" form to Council;

**During the event:**

- 4j. access is to be maintained for businesses, residents and their visitors;
- 4k. a clear passageway of at least 4 metres in width is to be maintained at all times for emergency vehicles;
- 4l. all traffic controllers / marshals operating within the public road network are to hold appropriate certification as required by the RTA;
- 4m. in accordance with the submitted TMP and associated TCP, appropriate advisory signs, and traffic control devices are to be placed along the route, during the event, under the direction of a traffic controller holding appropriate certification as required by the RTA;
- 4n. the competitors and participants are to be advised of the traffic control and other arrangements in place, prior to the commencement of the event; and,
- 4o. all roads and marshalling points are to be kept clean and tidy, with all directional signs to be removed immediately upon completion of the activity,

**Ferry Services**

5. The applicant is to seek RTA approval for the suspension/reduced operation of the Wisemans Ferry, Webbs Creek Ferry and Sackville Ferry Services. No objection is held to the suspension of the Lower Portland Ferry Service. Suspension/reduced operation of the ferry services is subject to the applicant complying with the following conditions, as well as any conditions imposed by the RTA:
- 5a) the applicant is to contact Hawkesbury City Council's Construction and Maintenance Section and the Ferry operator, three weeks prior to the event with regard to the suspension of the Lower Portland Ferry service maintained by Hawkesbury City Council
- 5b) Advertising of the proposed event is to be undertaken at the expense of the event organiser in both Sydney and Local newspapers, two weeks prior to the event, in relation to :
- traffic impact and delays,
  - exclusive use of Governor Phillip Reserve,
  - timings of suspension/reduced operation of ferry services,
- such notice is to be incorporated in the news sections of those newspapers and to be approximately 1/8 (one-eighth) page size;
- 5c) signs are to be erected at the expense of the event organiser in locations indicated in the approved Transport Management Plan and Traffic Control Plan and at a size indicated in the same, on all roads leading to the ferries, as well as on each ferry, for at least two weeks prior to the event;
- 5d) safety precautions outlined in the TMP are to be in place at all ferry locations, such to include a boat and crew upstream and/or downstream from each ferry as applicable with suitable equipment to indicate to competitors that a ferry may be operating and with communication between that boat and the ferry vessel, such procedures are to be implemented to the satisfaction of NSW Maritime, RTA and Hawkesbury City Council; and,
- 5e) the Transport Management Centre, Roads & Traffic Authority and Council be authorised to alter ferry suspension/reduced operation times if necessary.



**B. Governor Phillip Reserve**

1. That approval be granted to NSW Water Ski Federation Ltd for exclusive use of Governor Phillip Reserve on Saturday, 21 and Sunday, 22 November 2009, subject to compliance with the following conditions:
  - 1a) The applicant is to pay per day, the exclusive use contribution rate, plus the toilet cleaning charge, applicable at the time of the event;
  - 1b) The reserve is to be left clean and tidy with the applicant being responsible for the disposal of all waste from the reserve;
  - 1c) The applicant is to obtain the appropriate licences from NSW Maritime regarding conduct of the event;
  - 1d) If required, the applicant is to obtain an appropriate licence/s from the Licensing Branch of the NSW Police Service for the sale of alcoholic beverages at the proposed event;
  - 1e) The applicant is to obtain all the necessary permits/approvals in relation to amusement devices/rides including that of Integral Energy regarding the supply of power to devices/rides and their proximity to power supply lines;
  - 1f) Any building, vehicle or stall that is preparing food for public consumption is to comply with Council's "Information for Food Stall Holders" brochure; this information and any related food/public health information can be obtained by contacting Council's Environmental Health Officers, on direct line 4560 4571;
  - 1g) The applicant is to lodge a damage bond for an amount applicable at the time of the event;
  - 1h) A letter box drop is to be undertaken to all affected residents in proximity to the event, by the applicant, with that letter advising full details of the event;
  - 1i) A copy of the event organisers Public Liability Policy for \$10,000,000 and indemnifying Hawkesbury City Council is to be submitted 1 (one) week prior to the event;
  - 1j) The event manager/applicant must undertake a Risk Assessment of the event to be conducted including pre-event preparations. This assessment must identify potential hazards and the procedures that need to be implemented to eliminate or control those hazards. The event manager/applicant is responsible for ensuring that procedures are followed and that they comply with the requirements of the Occupational Health and Safety Regulations 2001.
2. That the applicant be allowed use of the Reserve on Friday, 20 November 2009, to facilitate set-up;
3. Noise levels are to comply with the Governor Phillip Reserve Noise Policy;
4. As the applicant has not advised of an alternate date in the event of inclement weather, the Manager of Parks & Recreation be granted delegated authority to negotiate exclusive use on an alternate date, if required by the applicant.

**APPENDICES:**

**AT - 1** Special Event Application - (Dataworks Document No. 3058378) - *see attached*.

**Item 2.3      LTC - 20 May 2009- Item 2.3 - Spinks Road, Glossodia - Proposed Alterations to Linemarking (Hawkesbury) - (80245, 113868)**

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**REPORT:**

Representation has been received from Direct Traffic Solutions (DTS) - (Dataworks Document No. 3083157) on behalf of the Priority Sewerage Program Alliance (PSP) requesting alterations to the existing centre line marking in Spinks Road, Glossodia, adjacent to the PSP site compound.

The PSP are currently undertaking the Glossodia, Freemans Reach and Wilberforce Sewerage Scheme for Sydney Water. The PSP site compound is located at No. 1 Spinks Road (Lot 2 DP 656944), Glossodia.

The RTA have approved a reduction in the speed limit from 80kph to 60kph in the vicinity of the PSP site compound resulting in a 60kph speed limit zone along Spinks Road extending from Mitchell Drive into Creek Ridge Road to Jordan Avenue. The reduction in the speed limit was required to satisfy OHS requirements relating to the safe entry and exit of work vehicles as well as to protect passing motorists. The change in speed limit will be in force for the duration of this project which is anticipated to be approximately 2 years.

As part of the speed limit change DTS has requested that the road centre line marking be Barrier Line (BB) adjacent to the frontage of the PSP site compound along Spinks Road. This will result in changing the existing Separation Line (S1) to Barrier Line (BB) for a distance of approximately 400 metres. Whilst the change in speed limit is temporary, it is considered appropriate that the change to the line marking be made permanent given the close proximity of this location to the existing bend leading into Creek Ridge Road and the crest to the West of this location.

All costs associated with these works are to be met by PSP.

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

**RECOMMENDATION:**

That

1. The existing Separation Line (S1) be changed to Barrier Line (BB) with the appropriate RRPM's for an approximate distance of 400 metres in Spinks Road adjacent to the Priority Sewerage Program Alliance (PSP) site compound located at No. 1 Spinks Road (Lot 2 DP 656944), Glossodia.
2. All costs associated with these works are to be met by the PSP.

**APPENDICES:**

There are no supporting documents for this report.

**SECTION 3 - Reports for Information**

**Item 3.1      LTC - 20 May 2009 - Item 3.1 - Response by RTA to Upgrade of Pitt Town Road and Pitt town Bypass - Funding Source - (Hawkesbury) - (80245, 73625)**

**Previous Item:**      Item 4.3, LTC (15 October 2009)

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**REPORT:**

At the Local Traffic Meeting on 15 October 2009, Councillor Basset requested the RTA to investigate if funding is available similar to that sourced from the sand mining companies within the Maroota area, currently utilised to upgrade Old Northern Road and Wisemans Ferry Road.

Mr Williams advised that the funding was sourced by Baulkham Hills Shire Council from the sand mining companies for the RTA to upgrade these roads.

Following recommendation by the Local Traffic Committee, Council, at its meeting held on 19 November 2009 resolved the following:

*"That the matter be referred to the RTA"*

Correspondence has been received from the Roads and Traffic Authority (Dataworks Doc. No. 3055392) advising the following:

*"I refer to your letter dated 1 December 2008 with regard to the above-mentioned subject, which was referred to the Roads and Traffic Authority (RTA) for investigation and comment. I apologise for the lateness of this reply.*

*In your letter you request the RTA to investigate if funding is available from a similar arrangement such as is sourced from sand mining carried out in the Maroota area for roadworks purposes. RTA has carried out investigations into this matter and the following advice is provided.*

*The funds resulting from the sand mining activity at Maroota are resulting from a section 94 plan administered by The Hills Shire Council (formerly Baulkham Hills Shire Council). The funds are collected and spent by The Shills Shire Council and in this case are restricted to*

## ORDINARY MEETING

### Reports of Committees

*being spent on the Old Northern Road and Wisemans Ferry Road within the Local Government Area (LGA) that they are collected in. While it may now be possible for collected funds to be spent outside of the LGA that they are collected, this would only apply to new quarries or mines and would need a nexus demonstrated and require consent of that particular Council.*

*We are of the belief that the funds for the next 5 years contributions have been fully allocated under The Hills Shire's section 94 plan for the extractive industry at Maroota and we are not aware of any similar schemes within the Hawkesbury City Council LGA"*

#### RECOMMENDATION:

That the information be received.

#### APPENDICES:

There are no supporting documents for this report.

#### Item 3.2      **LTC - 20 May 2009 - Item 3.2 - Response by Member for Riverstone to the School Zone Alert System - (Riverstone) - (80245, 109742)**

**Previous Item:**      Item 1.2.1, LTC (18 February 2009)  
                              Item 3.1, LTC (14 January 2009)

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#### REPORT:

At the Local Traffic Meeting on 18 February 2009, the Chairman requested an update in relation to the installation of School Zone Flashing Lights within the vicinity of Windsor Public School.

Mr Christie advised that there is no further information to report to the Committee at this stage, however the Member for Riverstone is in the process of following up with the Minister.

Subsequently the Member for Riverstone has forwarded correspondence containing a response from the Office for the Minister for Roads relating to the School Zone Alert System. The information provided by the Office for the Minister for Roads is listed below (Dataworks Document No. 3050701)

*"Thank you for your letter to the Minister for Roads on behalf of Mr Mike Watson, Principal, Windsor Public School and Mr Peter Jackson, General Manager, Hawkesbury City Council about the installation of a School Alert System at Windsor Public School. The Minister asked me to respond on his behalf.*

*Flashing light technology and electronic alert systems are being installed in 400 School Zones, comprising the rollout of 100 systems a year over four years. School Zones are being selected for the new technology rollout based on safety criteria including traffic and pedestrian volumes, crash history and crash risk.*

*Mr Watson's and Council's interest in having flashing lights installed at Windsor Public School has been noted and will be considered in the four-year program."*

**RECOMMENDATION:**

That the information be received.

**APPENDICES:**

There are no supporting documents for this report.

**Item 3.3      LTC - 20 May 2009 - Item 3.3 - RTA Advice on Proposed Speed Limit changes along Springwood Road, Yarramundi - (Londonderry) - (80245, 80761, 73625)**

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**REPORT:**

Advice has been received from the Roads and Traffic Authority indicating that a review of the existing speed limits along the Springwood Road, Yarramundi, has been undertaken. The information provided by the RTA in part is listed below (Dataworks Document No. 3081535)

*"Speed limit reduction from 100km/h to 80km/h on a 2.3 kilometer length of Springwood Road between 570 meters north east of Rivatts Drive to 430 meters north east of the entrance to the YMCA Camp grounds. This provides a continuous length of 80km/h for 4.4 kilometers.*

*The change is scheduled to commence on Tuesday, 2 June 2009."*

Springwood Road extends from Castlereagh Road to the Local Government Boundary with Blue Mountains Council for a distance of 8.90 kilometres. The change in speed limit from 100 km/h to 80 km/h is in the vicinity of chainage 2.60 to 4.90 kilometres from Castlereagh Road.

The speed limits along Springwood Road as of 2 June 2009 will be;

- 60 km/h from Springwood Road to chainage 1.60 kilometres,
- 80 km/h from chainage 1.60 to 6.00 kilometres
- 100 km/h from chainage 6.00 to 8.90 kilometres (LGA boundary).

**RECOMMENDATION:**

That the information be received.

**APPENDICES:**

There are no supporting documents for this report.

**SECTION 4 - General Business**

**Item 4.1: ROC - Local Traffic Committee Minutes - 20 May 2009 - (80245)**

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A/ Sgt Trent Costello

**REPORT:**

Advised that a complaint had been received by Windsor Police from a Mr Ron Natrass (Dataworks No. 3096895), regarding cars overtaking turning traffic on Grose Vale Road, North Richmond in the vicinity of the Public School to the top of the hill past Pecks Road.

Mr C Amit advised the committee that the same correspondence was forwarded to Council by Mr Natrass.

Mr C. Amit advised that a road audit was conducted in 2006 by Consultants Parsons Brickerhoff, for the full length of Grose Vale Road. The Audit only recommended road edge lines be installed in Grose Vale Road from the School to the top of the hill. The existing centre line was considered to be satisfactory.

Mr C Amit advised the committee that a response was forwarded to Mr Natrass in May 2009 (Dataworks No. 3087248), as well as the matter being referred to the Police to monitor speed and the RTA, to review the speed limit.

**RECOMMENDATION:**

That the information be received.

**APPENDICES:**

There are no supporting documents for this report.

**SUPPLEMENTARY REPORTS**

**Item 3.4 LTC - 20 May 2009 - Item 3.4 - RTA Advice on Proposed Speed Limit changes in Gadds Lane, Meadows Road, Tierney Road and Silks Road, Kurmond - (Londonderry & Hawkesbury) - (80245, 80761, 73625)**

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**REPORT:**

Advice has been received from the Roads and Traffic Authority indicating that a review of the existing speed limits along Gadds Lane, Meadows Road, Tierney Road and Silks Road, Kurmond, has been undertaken. The information provided by the RTA in part is listed below (Dataworks Document No. 3094846)

*"the RTA will be reducing the maximum speed limit from 60km/h to 50km/h along Gadds Lane, Kurmond from 11 June 2009, following a speed limit review.*

**ORDINARY MEETING**  
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*In reviewing Gadds Lane, the RTA proactively assessed Meadows Road, Tierney roads and Silks Road, Kurmond, to ensure consistency, and will be installing 50km/h signage.”*

The speed limits will apply for the full length of each road as listed below. These roads are cul-de-sac (No Through) roads and are accessed from Kurmond Road;

- Gadds Lane = 1004 metres,
- Meadows Road = 1087 metres,
- Tierney Road = 715 metres,
- Silks Road = 431 metres.

**RECOMMENDATION:**

That the information be received.

**APPENDICES:**

There are no supporting documents for this report.

**SECTION 5 - Next Meeting**

The next Local Traffic Committee meeting will be held on Wednesday 17 June 2009 at 3:00pm in the Large Committee Room.

The meeting terminated at 3:30pm

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**  
Reports of Committees

**ROC - Local Traffic Committee Minutes - 17 June 2009 - (80245)**

Minutes of the Meeting of the Local Traffic Committee held in the Large Committee Room, Windsor, on Wednesday, 17 June 2009, commencing at 3:00pm.

**ATTENDANCE**

**Present:** Councillor B Bassett (Chairman)  
Mr J Suprain, Roads and Traffic Authority  
Mr J Christie, Officers of Messrs A Shearan, MP ,(Londonderry) and J Aquilina, MP,  
(Riverstone)  
A/Sgt T Costello, NSW Police Service

**Apologies:** Mr R Williams, MP, (Hawkesbury)

**In Attendance:** Mr C Amit, Manager, Design & Mapping Services  
Ms D Oakes, Community Safety Officer  
Ms B James, Administrative Officer, Infrastructure Services

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**SECTION 1 - Minutes**

**Item 1.1 Minutes of Previous Meeting**

The minutes of the meeting held on 20 May 2009 were confirmed.

**Item 1.2 Business Arising**

Nil Business Arising

**SECTION 2 - Reports for Determination**

Nil Reports for Determination



**SECTION 3 - Reports for Information**

**Item 3.1      LTC - 17 June 2009 - Item 3.1 - Temporary Traffic changes due to the Glossodia, Freemans Reach and Wilberforce Sewerage Scheme - (Hawkesbury, Londonderry) - (80245, 112591)**

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**REPORT:**

Correspondence has been received from the Priority Sewerage Program Alliance (PSP) - (Dataworks Doc. No. 3094457) advising the following in relation to temporary traffic changes in Glossodia, Freemans Reach and Wilberforce:

*"The Glossodia, Freemans Reach and Wilberforce Sewerage Scheme has commenced construction and this will necessitate temporary traffic changes in the area over the next two years,*

*These changes will include lane closures and temporary speed limit reductions. We will endeavour to work closely with emergency services and the local community to minimise disruptions.*

*If the Traffic Committee requires any further information please call Nicole Ryan on 4560 3415."*

**RECOMMENDATION:**

That the information be received.

**APPENDICES:**

There are no supporting documents for this report.

**Item 3.2      LTC - 17 June 2009 - Item 3.2 - News Release by Minister for Roads regarding Dragon's Teeth in NSW School Zones - (Hawkesbury, Londonderry, Riverstone) - (80245)**

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**REPORT:**

The NSW Minister for Roads, Mr Michael Daley, MP, issued a News Release on Sunday 24 May 2009, relating to a new initiative to improve the visibility of School Zones. The new initiative involves the painting of triangular markings or 'dragon's teeth' on each side of the lanes at the start of each school zone for a distance of 35 metres.

Details of the News Release from the Minister for Roads is listed below;

[www.rta.nsw.gov.au/newsevents/downloads/minister\\_releases/24052009\\_schoolzones.pdf](http://www.rta.nsw.gov.au/newsevents/downloads/minister_releases/24052009_schoolzones.pdf) ;

**ORDINARY MEETING**  
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*"Minister for Roads Michael Daley today announced the NSW Government would be installing new "dragon's teeth" at the entrance to every school zone in NSW to make them more visible to motorists.*

*Mr Daley said that \$14 million initiative was an innovative addition to the Rees Government's ongoing plans to improve road safety around schools.*

*"Dragons teeth are a clever, cost-effective way of keeping our kids safe", he said.*

*"What's more, this new line-marking will be installed at the entry to every single one of NSW's 10,000 school zones.*

*This is good news for schools, good news for families and good news for drivers who might have previously been caught inadvertently speeding in a school zone," Mr Daley said.*

*Mr Daley said the program would involve painting triangular markings or 'dragon's teeth' on each side of the lanes for 35 metres at the start of each school zone.*

*"These new triangular line-markings are used internationally and are a proven way of making sure motorists know when they are driving through a 40Kmh school zone," he said.*

*"For as long as I've been a local member, drivers have come up to me and said that they don't always know when they're in a school zone.*

*This initiative will make it fairer for motorists who want to do the right thing around our schools.*

*Combined with the existing signs, flashing lights and speed limit markings on the road, drivers will have absolutely no doubt when they are travelling past a NSW school," Mr Daley said.*

*Road safety advocate Ron Delezio said the new program was a major victory for the 3,200 schools in NSW.*

*"These dragon's teeth are a great way to help our kids stay safe and its good to see the Road Minister taking the safety of our children so seriously." he said.*

*"Children aren't always capable of judging how fast a car is travelling, so it is important we do everything we can to make sure motorists slow down around schools.*

*We also know that some motorists' accidentally speed through a school zone and these visible road makers will help remind them to slow down," Mr Delezio said.*

*Mr Daley said the initiative was in addition to the State Government's comprehensive school zone road safety program which includes funds for foot crossings, traffic lights, pedestrian refuges and the \$46.5 million flashing lights program.*

*"Its our aim to get these dragon's teeth out on our streets as quickly as possible, which is why we'll be enlisting the help of several different crews around the state to get started on the massive rollout.*

*Starting from this week, we hope to have a set of dragon's teeth in every NSW school zone by the end of 2011," Mr Daley said."*

Advice received from the Minister for Roads office is that all ongoing maintenance is to be undertaken by the RTA similar to the School Zone signs/pavement markings and Flashing Lights.

**RECOMMENDATION:**

That the information be received.

**APPENDICES:**

There are no supporting documents for this report.

**Item 3.3**      **LTC - 17 June 2009 - Item 3.3 - New Delegation Document to Councils Traffic Regulation released by the RTA- (Hawkesbury, Londonderry, Riverstone) - (80245, 80761, 73932)**

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**REPORT:**

The Roads and Traffic Authority (RTA) has released the new Delegation document to Councils covering the regulation of traffic. The new Delegations document, dated 23 February 2009, replaces the previous document dated 26 October 2001.

The new Delegation document is available from the RTA website at;  
[www.rta.nsw.gov.au/trafficinformation/downloads/trafficdelegation2009.pdf](http://www.rta.nsw.gov.au/trafficinformation/downloads/trafficdelegation2009.pdf) .

The major changes include;

- A broadening of the roads covered by the Delegation to include all Regional Roads. This means that a Council, through the Local Traffic Committee process, can now authorise signs on classified Regional roads. State Roads remain the responsibility of the RTA.
- A change to the reference source for determining which signs can be authorised by a Council under the Delegation. The Delegation now refers to the Traffic Signs database located on the RTA website, rather than the previous "*Regulatory Signs*" document.  
[www.rta.nsw.gov.au/trafficinformation/downloads/signsmarkingsref\\_i.pdf](http://www.rta.nsw.gov.au/trafficinformation/downloads/signsmarkingsref_i.pdf) .
- A new limitation that restricts Councils from authorising new Permissive Parking, 'No Stopping' or 'No Parking' signs on any public road or road related area (or any part thereof) within 1 Kilometre of certain nominated train stations, with current unrestricted parking, without the approval of the RTA. This means that a Council needs to refer any changes to the RTA first and get the RTA's approval prior to referring the matter through the Local Traffic Committee process.

The only Train Station within the Hawkesbury LGA listed in the "*Schedule of Nominated Train Stations*" document is Windsor Station.

The "*Schedule of Nominated Train Stations – Issue 1.2, May 2009*" document is available from the RTA website at; [www.rta.nsw.gov.au/trafficinformation/downloads/nominatedtrainstationslistv12.pdf](http://www.rta.nsw.gov.au/trafficinformation/downloads/nominatedtrainstationslistv12.pdf) .

**RECOMMENDATION:**

That the information be received.

**APPENDICES:**

- AT - 1** Roads and Traffic Authority – Delegation to Councils Regulation of Traffic - *see attached*
- AT - 2** Roads and Traffic Authority – Schedule of Nominated Train Stations – Issue 1.2, May 2009 - *see attached*

**SECTION 4 - General Business**

- Item 4.1**      **LTC - 17 June 2009 - Item 4.1 QWN – Traffic Island - Groves Avenue, McGraths Hill – (80245)**

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A/Sgt T Costello

**REPORT:**

Advised that vehicles travelling along Groves Avenue, McGraths Hill are undertaking illegal manoeuvres in the vicinity of the traffic island adjacent to Industry Road.

Mr J Suprain advised that the Roads and Traffic Authority will review the current arrangements with the possibility of extending the island.

**RECOMMENDATION:**

This matter be referred to the Roads and Traffic Authority

**APPENDICES:**

There are no supporting documents for this report.

- Item 4.2**      **LTC - 17 June 2009 - Item 4.2 QWN - Park Road and Railway Road North, Mulgrave - Speed Limit Signs Missing – (80245)**

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A/Sgt T Costello

**REPORT:**

Advised that the 50kph speed zone signs recently re-erected have been stolen and requested that the Roads and Traffic Authority reinstate them and ensure that further measures be taken to ensure that the signs are not removed in the future.

Advised Locations:

**ORDINARY MEETING**  
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1. Railway Road North – between Groves Avenue and Park Road McGraths Hill
2. Park Road – between Windsor Road and Railway Road North McGraths Hill

Mr J Suprain advised that this matter will be referred to the appropriate section of the RTA to re-instate the signs and also ensure that measures are undertaken to minimise the illegal removal of these signs.

**RECOMMENDATION:**

That the information be received

**APPENDICES:**

There are no supporting documents for this report.

**Item 4.3      LTC - 17 June 2009 - Item 4.3 QWN - Access to No.719 George Street, South Windsor  
– (80245)**

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A/Sgt T Costello

**REPORT:**

Correspondence was tabled (*Dataworks Doc No. 3122213*) advising that the owner of No. 719 George Street, South Windsor had requested Windsor Police to provide him with an exemption to cross the barrier line in George Street to enable access to his property when travelling south along George Street. The Police do not provide motorists with exemptions.

The committee discussed the Australian Road Rules which allows for this manoeuvre to be undertaken.

**RECOMMENDATION:**

That the information be received.

**APPENDICES:**

There are no supporting documents for this report.

**SECTION 5 - Next Meeting**

The next Local Traffic Committee meeting will be held on Wednesday 15 July 2009 at 3:00pm in the Large Committee Rooms.

**ORDINARY MEETING**  
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The meeting terminated at 3:40pm.

**oooO END OF REPORT Oooo**



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