



Hawkesbury City Council

ordinary  
meeting  
business  
paper

date of meeting: 29 September 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.

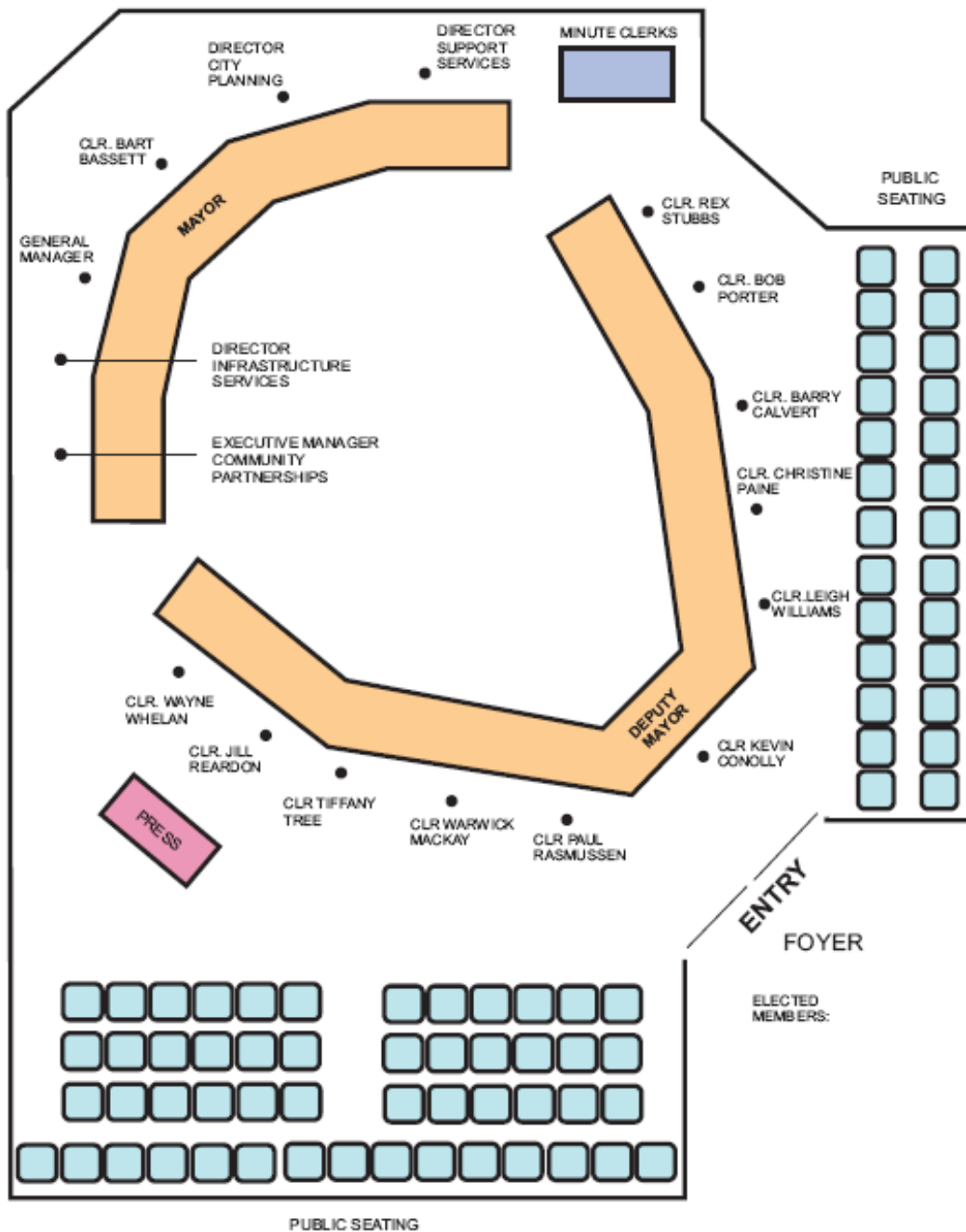
### **Website**

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.

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**SECTION 3 - Notices of Motion**

**RM - Development Application - Seniors Housing Development - Lot 27 DP 1042890, 108 Grose Vale Road, North Richmond - (DA0852/08, 106510, 112157, 77679, 95495)**

**Previous Item:** 192, Ordinary (15 September 2009)

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**Submitted by:** Councillor B Porter  
Councillor P Rasmussen  
Councillor L Williams

**RESCISSION MOTION:**

That Council's resolution to approve Item 192 - Development Application - Seniors Housing Development - Lot 27 DP 1042890, 108 Grose Vale Road, North Richmond at the meeting of 15 September 2009 be rescinded.

**BACKGROUND:**

Council's resolution in respect of this matter from the meeting of 15 September 2009 was as follows:

*"That:*

- 1. Development Application No. DA0852/08 for a Seniors Housing Development on Lot 27 DP 1042890, 108 Grose Vale Road North Richmond be granted consent subject to conditions shown in Attachment 1 of the report.*
- 2. Subsequent development applications for seniors dwellings (serviced self care dwellings) and ancillary works be determined using delegated authority if they are in accordance with the terms of this approval."*

**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.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF RESCISSION OF MOTION Oooo**

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**CITY PLANNING**

**Item: 198**      **CP - Development Application - Multi Unit Development - Lot 1 DP 544593, 55 East Market Street and Lot 2 DP 223745 57 East Market Street, Richmond - (DA0132/09, 85405, 95498)**

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**Development Information**

**Applicant:** Morabito Holdings Pty Limited  
**Owner:** Morabito Holdings Pty Limited  
**Zone:** Multi Unit Housing  
**Exhibition:** 28/05/2009 - 11/06/2009  
**Date Received:** 17 March 2009

**Key Issues:**      ♦ Melrose Cottage retention  
                         ♦ Basement Car Park

**Recommendation:** Approval

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**REPORT:**

**Description of Proposal**

The application proposes the construction of a multi-unit housing development comprising of ten x two storey town houses and basement carparking at 55-57 East Market Street Richmond.

In summary the original development proposed:

- Demolition of the existing two storey building situated on 55 East Market Street,
- Demolition of dwelling located on 57 East Market Street (Melrose Cottage),
- Removal of ten trees,
- Construction of basement car park with access from Grose Street,
- Construction of two clusters of five dwellings, and
- Associated drainage and landscaping works.

The application was amended on 6 August 2009 to include the relocation and conservation of Melrose Cottage into a communal gym facility to be provided at the rear of the block for use by the residents of the complex.

**Description of the land and its surroundings**

The site is approximately 400m from the commercial centre of Richmond and is surrounded by a mix of residential developments ranging from single dwelling lots to multi unit developments.

The site is a corner lot of a regular shape, with a street frontage of 48.53m along Grose Street and 49.48 along East Market Street, a depth of 78.91m and a total area of 2377.7m<sup>2</sup>. The subject site is essentially level, with a slight fall towards the corner of East Market and Grose Street.

There are two dwellings located on the subject site, one dwelling per lot, each fronting East Market Street. Vegetation is primarily located on the 57 East Market Street portion of the site surrounding the existing dwelling.

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### History of the application

- 11 May 2009 Additional information letter sent to the applicant requesting further details with regard to bin collection areas, BASIX certificate, landscaping plan and archaeological assessment. Applicant also advised that the Council has received advice from the Deerubbin Local Aboriginal Land Council that the land may have possible Aboriginal Heritage and Cultural Significance.
- 18 May 2009 Email received from the applicant stating that they were in the process of organising a response to the additional information letter dated 11 May 2009.
- 28 May 2009 Application notified.
- 3 June 2009 Letter received from the Deerrubbin Local Aboriginal Land Council advising the applicant that further archaeological investigation of the site is required.
- 26 June 2009 Additional information regarding letter dated 11 May 2009 received.
- 29 June 2009 Amended Landscape Plan received.
- 14 July 2009 Applicant provided a response to issues raised in submissions.
- 22 July 2009 Letter sent to applicant regarding some outstanding issues still to be addressed including future intentions for Melrose Cottage.
- 4 August 2009 Meeting held with the applicant regarding potential future use of Melrose Cottage.  
Applicant offered to retain Melrose Cottage and relocate it to the rear of the site to be used as the communal gym.
- 6 August 2009 Letter received by council in response to the meeting of the 4 August 2009 confirming the above commitments.
- 25 August 2009 Discussion with the applicant regarding outstanding information (BASIX, driveway ramp details, and landscaping details). Applicant also asked to provide details of how they propose to retain Melrose Cottage.
- 1 September 2009 Discussion with the applicant advising that some outstanding matters could be addressed prior to the issue of a Construction Certificate but that a recent BASIX certificate is still necessary.
- 1 September 2009 Plans received with amendments to driveway transitions, relocation of Melrose cottage and proposed soil depths.
- 16 September 2009 Valid BASIX certificate received.

### Issues Relevant to the Decision

- Melrose Cottage
- Basement Car park

### Council Policies, Procedures and Codes to Which the Matter Relates

- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Sydney Regional Environmental Planning Policy 20. (No.2 - 1997) - Hawkesbury Nepean River (SREP No. 20)
- Hawkesbury Local Environmental Plan (HLEP)1989
- Hawkesbury Development Control Plan (HDCP)

- Development Control Plan – Contaminated Land

## Environmental Planning and Assessment Act 1979 (EPA Act)

### 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 of any:**

i. **Environmental Planning Instrument:**

**Hawkesbury Local Environmental Plan (HLEP) 1989**

**Clause 2 - Aims, objectives etc,**

The proposed development is considered to be consistent with the general aims and objectives as outlined in Clause 2 of the HLEP 1989.

**Clause 9 - Carrying out development**

The subject land is zoned Multi Unit Housing. The proposed development is best defined as “multi unit housing” under Clause 5 of HLEP 1989 and is permissible with development consent in the Multi Unit Housing zone.

**Clause 9A - Zone Objectives**

The objectives of the Multi Unit Housing zone are:

- (a) *to consolidate population and housing densities,*
- (b) *to provide a wide range of housing choices in close proximity to commercial centres and railway stations,*
- (c) *to ensure that building form is in character with the surrounding built environment,*
- (d) *to ensure that development is sympathetic to the natural amenity and ecological processes of the area,*
- (e) *to ensure that development does not create unreasonable economic demands for the provision or extension of public amenities or services,*
- (f) *to enable development for purposes other than residential only if it is compatible with the character of the living area and has a domestic scale and character.*

**Comment:** It is considered that the proposal is consistent with the objectives of the zone as:

- the proposal is consistent with the housing density of the multi unit housing zone;
- the proposal will provide additional housing in close proximity to a commercial area and public transport (approx 400m to Richmond Market Place and Richmond Railway Station);
- the design of the new buildings is all two (2) storeys and is consistent with the low scale residential character of the locality.
- there are various multi unit developments within the locality, i.e. 9-15 Grose Street and 51, East Market Street as the area is undergoing transition; and,
- the proposed development will not create unreasonable demands on the provision/extension of public amenities as services are provided to cater for the current zoning intent.

**Clause 18 - Provision of water, sewerage etc. services**

The subject site is serviced by a reticulated electricity, water, sewerage and telecommunications services. Written evidence that satisfactory arrangements for the provision/extension of these services is a recommended condition of consent.

**Clause 25 - Development on flood liable land**

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

**Clause 27 - Heritage items**

The site does not contain any heritage items as listed in Schedule 1 of the HLEP 1989. There is further discussion of this aspect under the public consultation section of this report.

**Clause 28 – Development within the vicinity of heritage items**

The subject site does not adjoin any items of heritage significance. However the land is within 100m of 80, 82, 88 and 90 Lennox Street which have been identified as heritage items under Schedule 1 of HLEP 1989.

Council's heritage advisor has reviewed the proposal and indicated in a response dated 15 July 2009 that the proposed development "*is unlikely to cause an adverse impact on nearby heritage listed places*"

It is therefore considered that the proposal is consistent with this Clause as it will unlikely have an impact on the heritage significance or setting of any nearby heritage items.

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

The subject site is within Class 5 as shown on the Acid Sulfate Soils Planning Map and is not within 500m any other identified Class. It is considered unlikely that the extent of the proposed works would lower the water table below 1m AHD on any adjacent Class 1, 2, 3 or 4 land and therefore it is considered that no further investigation is required.

**Sydney Regional Environmental Planning Policy 20. (No.2 - 1997) - Hawkesbury -Nepean River (SREP No. 20).**

The aim of the policy is to protect the environment of the Hawkesbury-Nepean River system by ensuring the impacts of future land use are considered in the regional context. General and specific matters for consideration, specific planning policies and recommended strategies and development controls, which are to be considered in the assessment of development applications, are included in the policy.

**Comment:** The development will not significantly impact on the environment of the Hawkesbury-Nepean River either in a local or regional context as it is within an established residential/urban environment. There are no specific planning considerations, planning policies and development controls within SREP 20 that relate to residential development within the established urban area.

In addition the site is not within a scenic corridor as mapped by the SREP.

**State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

Clause 164A of the Environmental Planning and Assessment Regulations 2000 provides the circumstances under which a BASIX certificate is required and the information that must be contained within the certificate.

**Comment:** A current BASIX Certificate has been issued in accordance of the Environmental Planning and Assessment Regulations for the proposed development and supports the application.

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

None applicable

**iii. Development Control Plan applying to the land:****Hawkesbury Development Control Plan (HDCP) 2002**

The proposed development is generally consistent with the requirements of HDCP. An assessment of the proposal against the relevant provisions of this Plan follows:

**Part A Chapter 2 - General Information**

It is considered the subject application provides adequate information for the assessment of the proposal and therefore complies with this Chapter.

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**Part A Chapter 3 - Notification**

The application was notified to adjacent property owners in accordance with HDCP. Fourteen (14) submissions were received in response to the application and have been discussed in the public consultation section of this report.

**Part C Chapter 1 - Landscaping**

A concept landscaping plan has been submitted with the application. This plan is considered to be satisfactory for the proposed development

**Part C Chapter 2 – Carparking and Access**

The proposal is consistent with the requirements of this chapter at the required rate of two (2) covered spaces for each dwelling and two (2) visitors car parking. The basement parking level also accommodates storage areas and internal access to each dwelling.

**Part C Chapter 4 - Erosion and Sediment**

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 of this report.

**Part C Chapter 6 – Energy Efficiency**

The proposal is consistent with this chapter as:

- A BASIX certificate has been issued for the proposed development demonstrating that the proposed design can achieve the minimum energy performance targets, and;
- Sunlight is to be available to at least 50% of required private open space for at least 2 hours between 9.00am and 3.00pm on June 21.

**Part D Chapter 1 - Residential Chapter**

The following table provides an assessment of the proposed development against the requirements for residential development:

Element	Rules	Provides	Complies
Height	(a) New buildings are to be constructed within the Building Height Plane for the relevant residential use. (Refer to Table 1). The Building Height Plane is to be adjusted for sloping sites to follow the natural ground level.		Yes
	(b) Building to the side and back boundary within the Building Height Plane is permitted where: <ul style="list-style-type: none"> <li>o It can be shown that the building to the boundary doesn't reduce the privacy of neighboring dwellings and their private open space and does not reduce their existing solar access; and</li> <li>o The continuous length of the boundary walls is not more than 10m or is a maximum of 50% of the boundary length; whichever is the shorter.</li> </ul>		N/A
	(c) Exemptions to the Building Height Plane may be granted in the following circumstances: <ul style="list-style-type: none"> <li>• Single dwellings proposed on flood prone land;</li> <li>• Single dwellings proposed on lots with a frontage of less than 14m at the building line; and</li> <li>• Chimneys, satellite dishes and aerials</li> </ul>		N/A



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Element	Rules	Provides	Complies
	Applicants seeking an exemption to the Building Height Plane must demonstrate clearly why the compliance is unreasonable.		
Setbacks	(a) For sites fronting main or arterial roads, buildings are to be set 10 metres back from the front boundary unless there are exceptional physical circumstances. The 10m setback commences after any road widening which may affect the subject land.		N/A
	(b) For sites fronting a local road buildings are to be set 7.5m back from the front boundary. In areas where there is prior development the established pattern is to be regarded as the standard setback.	7.5m to 6m setback provided on Grose Street. Considered to be consistent with the existing street setback.	Yes
	(c) For battleaxe blocks the general setback from the rear boundary of the property in front is to be 6 metres.		N/A
	(d) For the minor frontage on corner blocks, the minimum building setback is to be 2 metres.	Minimum Street setback along East Market 4m. Development exceeds required minimum.	Yes
Landscaped Areas	<p>(a) All forms of residential development are to contain pervious soft landscaped areas to a total of 30% of the total site area. This may be calculated by adding together soft landscaped areas of private and common open space.</p> <p>Development proposals, where required, are to indicate the proportion of the total site area that is:</p> <ul style="list-style-type: none"> <li>o total "soft" landscaped area;</li> <li>o total ground level private open space; and</li> <li>o total common open space</li> </ul>	<p>Development exceeds 30% requirement.</p> <p>715.17m<sup>2</sup> Minimum required landscaping based on total site area of 2383.9 m<sup>2</sup>. Development provides 1202.8 m<sup>2</sup> of soft landscaping.</p>	Yes
Private Open Space	(a) Single dwelling houses and multi unit housing are to provide at least one area of private open space for each dwelling.	Provided.	Yes
	(b) The total of private open space at ground level must be a minimum of 20% of the site area, regardless of permeability of the surface. This space must:	Sufficient Private Open Space (POS) has been provided for each dwelling	Yes
	<ul style="list-style-type: none"> <li>• be capable of containing a rectangle 5 metres x 6 metres that has a slope less than 1:10;</li> <li>• not be comprised of any area with a dimension less than 4 metres; and</li> <li>• be exclusive of clothes drying areas, driveways, car parking and other utility areas.</li> </ul>		Yes
	(c) Private open space shall not be located in the front boundary setback.		Yes
(d) Any above ground level balcony or rooftop area designed for private open space must have minimum area of 10 square meters with a minimum dimension of 2 metres. This area is not included in the calculation for the provision of total private open space.		N/A	

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Element	Rules	Provides	Complies
Common Use Open Space	(a) For development proposals that contain 5 or more units common use open space is encouraged. Concessions may be given where it is demonstrated that sufficient useable private open space has been provided.	The development provides suitable useable POS for each dwelling in accordance of HDCP 2002. An additional 138.83m <sup>2</sup> has been dedicated to common use open space in front of the proposed communal gym.	Yes
	(b) The communal open space should generally have access only from within the site.	Suitable fencing has been proposed surrounding the development. Access to this space has been provided via the proposed internal footpath. There is no alternative access to communal open space.	Yes
	(c) Common open space for multi-unit housing developments should be accessible from all dwellings within the development. Surveillance of this space should be possible from at least 2 dwellings.	Internal pathway to provide access to common open space. Suitable surveillance of common open space from Units 1 and 6	Yes
	(d) Any proposed communal recreational facilities must be designed and located to avoid nuisance or danger to neighbours, residents and visitors.	Communal recreational facilities provided for the development include a landscaped garden area and a gym. The applicant has indicated that the use of the gym will be limited to the hours of 6:00am to 7:00pm 7 days a week to control any potential noise impacts on any neighboring properties.	Yes
Access and Parking	(a) Driveways next to any side or rear boundary must have a landscape strip of at least 1 metre to separate them.	Provided	Yes
	(b) Shared driveways, access lanes and car parks must be setback a minimum of 1.5 metres from windows to main habitable rooms of dwellings. This standard does not apply if the floor level of the dwelling is at least 1 metre above the driveway.		Yes
	(c) All driveways must have a minimum width of 3 metres and must be sealed to prevent surface erosion.		Yes
	(d) For development that contains more than 2 units driveways are to have a minimum driveway width of 6m from the layback/kerb line to 6m inside the property.		Yes
	(e) Garages and carports must not visually dominate the street façade, should occupy less than 50% of the building facade and must be compatible with the building design.	Basement car park proposed.	Yes
	(f) Uncovered car parking spaces and turning areas can be located within the front setback to the required building line provided that this area is dominated by landscaping and/or addresses established streetscape patterns.	Basement car park proposed.	Yes

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Element	Rules	Provides	Complies
	<p>(g) Where parking spaces are located at 90° to the driveway alignment the minimum driveway width adjacent to the space is to be 6.7m, increased as necessary to allow adequate maneuvering on site.</p> <p>(h) On site maneuvering areas shall be provided to allow entry and exit to the site in a forward direction (except for a single dwelling).</p> <p>(i) On site maneuvering areas shall be provided to allow entry and exit to and from all car spaces including garages, carports, uncovered spaces and visitor spaces by a single turning movement.</p> <p>(j) Attached dual occupancies will be assessed on merits in relation to onsite maneuvering.</p> <p>(k) Where more than 3 units are served by an access or the access is greater than 30m long, a turning area shall be provided at or near the end of the access.</p> <p>(l) On site maneuvering shall be based on the Austroads Standard 5.0m design vehicle. Templates for this standard are provided in the appendices. When using the templates a minimum of 150mm shall be provided between any fixed object and the extremities of the sweep paths.</p> <p>(m) All on site car spaces shall comply with the minimum dimensions set out in Part C Chapter 2 (Car Parking and Access). Where a space adjoins a wall, fence or other fixed structures, the width shall be increased as follows to allow adequate door opening:</p> <ul style="list-style-type: none"> <li>• on one side only to 3.2m</li> <li>• on both sides to 3.8m</li> </ul> <p>(n) Refer to the following chapters for additional requirements:</p> <ul style="list-style-type: none"> <li>• Part C Chapter 2 - Carparking and Access</li> <li>• Part C Chapter 6 - Energy Efficiency</li> <li>• Part D Chapter 3 - Subdivision</li> </ul>	<p>N/A</p> <p>Suitable space within the basement car park has been provided to allow for vehicles to enter and exist the site in a forward direction</p> <p>N/A</p> <p>A condition has been recommended in the consent requiring the existing lots to be consolidated into one single allotment.</p>	<p>N/A</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
Basement Parking	<p>(a) Only the basement's parking entry should be seen as a separate level in a building. Large exposed foundations, voids and walls are not to be used.</p> <p>(b) No part of a basement should extend more than 1 metre above natural ground level so the height of the building is not excessive.</p> <p>(c) Consideration may be given to a sump and pump where storm water volumes are low based on merits of the site.</p>		<p>Yes</p> <p>Yes</p> <p>Yes</p>
Visual Amenity	<p>(a) Where there is potential for loss of privacy the proposal should incorporate some of the techniques illustrated in the DCP.</p> <p>(b) Where there is no alternative to a window, it should be screened.</p>	<p>Visual amenity adequate.</p> <p>Visual amenity adequate.</p>	<p>Yes</p> <p>Yes</p>

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Element	Rules	Provides	Complies
Acoustic Privacy	(a) Acoustic privacy is to be considered at the design stage.		Yes
	(b) Site layouts should ensure parking areas, streets and shared driveways have a line of sight separation of at least 3 metres from bedroom windows.		Yes
	(c) A distance of at least 3 metres should separate openings of adjacent dwellings.		Yes
External Noise and Vibration	(a) A noise and vibration assessment must be undertaken by a suitably qualified noise consultant for any proposed residential development other than a single dwelling house located within 100 metres of the railway line or within Australian Noise Exposure Forecast (ANEF) 25 or greater.	Noise and vibration assessment not required. Site located further than 100m from the railway line not within an identified ANEF Noise Contour.	N/A
	(b) Proposals must comply with the current Environment Protection Authority criteria and the current relevant Australian Standards for noise and vibration and quality assurance and incorporate appropriate mitigation measures.	No significant negative impact foreseen based on the above.	N/A
Safety and Security	(a) Each dwelling is to be provided with direct and convenient pedestrian access to a private or public road.	Satisfactory.	Yes
	(b) Barriers to prevent movement between internal roof spaces of adjoining dwellings are required.		Yes
	(c) Elements to be incorporated in site and building design and include:		Yes
	<ul style="list-style-type: none"> <li>• doorway/entry safety and surveillance to and from the footpath</li> <li>• illumination of public spaces including all pedestrian paths, shared areas, parking areas and building entries to the relevant Australian Standard.</li> <li>• Visibility to the street from the front of the development</li> <li>• Restricted access to the rear of the site.</li> </ul>	Lighting details were not provided but can be conditioned.	To be conditioned
Cables	(a) The design, location and construction of utility services must satisfactorily meet the requirements of both the relevant servicing authority and Council.	Details were not provided but can be conditioned	To be conditioned
Recycling, garbage and mail	(a) Collection areas must be integrated into the overall site and building design.	The application was modified to integrate the storage area into the design and enable level access for residents.	Yes
Fencing and Retaining Walls	(a) Front fences where not screening private open space walls are to be a maximum height of 1.2m if solid.	1m high front solid fences proposed on front boundaries.	Yes
	(b) Solid front fences may be 1.8m high and articulated if: <ul style="list-style-type: none"> <li>• the main private open space is in the front of the building façade;</li> <li>• the site is located on a main or arterial road;</li> <li>• the site is not located within an established heritage character;</li> </ul>		N/A

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Element	Rules	Provides	Complies
	<ul style="list-style-type: none"> <li>the length is limited to 75% of the frontage where private open space fronts the street and some surveillance is maintained from the front dwelling; and</li> <li>fences do not exceed 10m in length without some articulation or detailing to provide visual interest.</li> </ul>		
	(c) The integration of trees and natural ground vegetation with the fence line is desirable.		Yes
	(d) The setback of the fence will be used for landscaping.		Yes
	(e) Solid fences are to be 1 metre from the front boundary.		Yes
	(f) Retaining walls shall: <ul style="list-style-type: none"> <li>not be taller than 500mm;</li> <li>not cut through roots of any tree to be retained.</li> </ul>		N/A

**Development Control Plan – Contaminated Land**

The land has been used for residential purposes. Council records do not indicate that the land has been used for any other purpose. It is considered unlikely that the land will be contaminated that would require further investigation.

**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:**

The development will be required to comply with the Building Code of Australia

**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:**

Consideration has been given to the relevant matters identified under s79C (1) (b) of the EP&A Act as shown below:

It is considered unlikely that the proposed development will have any adverse environmental or social impacts on the locality. The site is within an established residential area.

There are no known hazardous landuses/activities nearby.

The development will not impact upon critical habitats and threatened species, populations, ecological communities and habitats.

The proposal is compatible with the residential character of the locality. Adjoining landuses are single dwelling houses. The proposal is compatible with the existing residential use of the locality. A two storey multi unit development is located south of the property on East Market Street fronting Brentwood Avenue.

It is considered that the proposed development will not have an adverse impact on adjoining properties in terms of overshadowing, loss of visual or acoustic privacy, or loss of views and vistas.

**Access, Transport and Traffic**

The proposal has been reviewed by Councils subdivision engineer and it is considered that the traffic generated by the proposal will have no significant impact on traffic movements within the locality. The access to the basement car park from Grose Street is acceptable given that:

- It is anticipated that traffic volumes along Grose Street are less than the traffic volumes along East Market Street which would reduce the potential for on street queuing on a more frequently used road; and,
- Grose Street connects to Lennox Street which will provide for an additional route to and from the development.

**Utilities**

The proposed development will not place unreasonable demands on the provision of services. The provision of services to the development will be confirmed through the conditions of consent.

**Soils**

Erosion and sedimentation controls will be utilised during construction.

**Waste**

The site is to be kept tidy and maintained to the satisfaction of Council during the construction period.

**Natural Hazards**

The subject land is above the 1-in-100 year flood level and is in an area of insignificant bushfire risk.

**Safety, Security and Crime**

The design of the development achieves satisfactory performance for safety, security and crime prevention. Arrangements for safety and security are considered adequate. Conditions of consent will require driveways, pedestrian pathways and communal open space areas to be suitably illuminated and installed in a manner which would avoid intrusion onto adjacent residential properties.

The application proposes 1m high masonry wall to fence the units from both East Market and Grose Street. A 1m wide landscape strip has been provided in front of the wall to provide for the planting of vegetation to discourage vandalism, graffiti, etc.

**Construction**

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

**Cumulative Impact**

The proposed development is compatible with adjoining land uses, the objectives of the zone and requirements of Hawkesbury DCP therefore no negative cumulative impact is foreseen.

**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:**

**Deerubbin Local Aboriginal Land Council**

On the 31 March 2009 a submission was received from the Deerubbin Local Aboriginal Land Council advising council that an Aboriginal Cultural Heritage assessment should be undertaken on the subject site prior to the issue of any consent to evaluate the likely impact the development may have on the aboriginal cultural heritage of the land.

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**Comment:** The applicant arranged the Deerubbin Local Aboriginal Land Council to conduct an Aboriginal Cultural Heritage Assessment. The following advice was provided:-

*“although our representatives findings were, that no Aboriginal cultural materials (in the form of stone artefacts, for example) had been located during this walkover of the study area, nevertheless Deerubbin Local Aboriginal Land Council, recommends, that, the area be further investigated, particularly in light of the fact that previous archaeological work and subsequent (archaeological) investigations (present site of Richmond Market Place 1996) of land within close proximity to the study area led to several Aboriginal sites being found and salvaged.”*

**Conclusion:** The applicant has commissioned *Streat Archaeological services* to carry out an Aboriginal archaeological assessment of the site prior to the commencement of works being undertaken. Suitable conditions have been included in the recommendations of this report ensuring that an Aboriginal archaeological assessment is completed by appropriately qualified consultant prior to any works commencing. The consultant will also be required to record and oversee all works associated with the excavation.

### Public Consultation

The application was publicly notified to adjoining owners from 28 May 2009 until 11 June 2009. Thirteen (13) submissions, all raising objections were received. The issues raised in these submissions are identified and considered below:

#### Privacy and Security

- The existing 1.5m boundary fences will allow for the new occupants to look into adjoining properties.
- Two storey buildings will overlook adjoining properties from bedrooms and balconies.

**Comment:** The existing fence will be required to be replaced as part of the development. A suitable condition has been included as part of the conditions recommended in this report requiring a fence height of 1.8m

Windows at the first floor of the units are associated with bedrooms or bathrooms. It is understood that the number of units and the number of windows along the north eastern and south western elevations, results in a strong perception of overlooking. However, given the frequency and nature of use of these rooms it is considered that there will be no unreasonable impacts on the adjoining properties in terms of loss of privacy. The windows are all located a distance of 6.34m from the northern side boundary and 5.98m on the western boundary which is consistent with distances for a two storey dwelling.

#### Landscaping

- Proposed liquid amber trees have the potential to develop extensive root systems and may interfere with adjoining buildings.

**Comment:** The applicant has provided an amended landscape plan proposing a more appropriate tree species by replacing the liquid amber trees with native frangipani trees.

#### Traffic

- Increased number of vehicles
- Visitors to the dwellings will be forced onto the street
- Two visitors spaces are not enough
- Pedestrian safety due to the additional number of vehicles
- Traffic noise would increase

**Comment:** The proposal is considered acceptable having regard to the following;

- Carparking for both the residents and visitors has been provided in accordance of Hawkesbury DCP,

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- The entrance to the basement car park is on the Grose Street frontage in order to reduce potential traffic conflicts on the busier East Market Street,
- The driveway entrance is located approximately 45m from the Grose Street and East Market Street intersection which will allow for suitable space for vehicles to enter the Grose Street without having a significant impact on the traffic flows of East Market Street.

### Demolition of Melrose Cottage

- Heritage significance of existing cottage
- Melrose cottage previously listed as local heritage item in Hawkesbury Local Environmental Plan 1989
- Existing iron roofing tiles are extremely rare in Australian building history

**Comment:** The existing cottage is not listed as a Heritage Item under Schedule 1 of Hawkesbury Local Environmental Plan 1989. It is acknowledged that the subject building had previously been listed. However, research into the history of this listing revealed that the cottage was incorrectly listed in June 2000 under Amendment 97 of HLEP 1989. This matter was rectified in 2002 under Amendment 135 which removed this item from Schedule 1 of HLEP 1989.

Even though the building is not listed as a heritage item the application was referred to Council's Heritage Advisor for comment to consider its potential for listing.

An assessment of the proposal revealed that the building appeared to be constructed in the early 20<sup>th</sup> Century and that the iron tile roof would likely date back to the late 1850s. It was suggested that if the development was approved in its current form it would be essential that the roofing tiles be salvaged given that there are no other examples of these tiles known to exist in the district and that there are very few examples of this material being used in construction from this period in NSW.

Following discussions with the applicant in respect to the above it was suggested that the applicant look towards retaining the iron roof tiles. A meeting with the applicant, on 4 August 2009 resulted in a commitment from the applicant and owner to relocate the existing cottage onsite and use it as the proposed communal gym.

Council's Heritage Advisor has been consulted about the amended proposal and considers that the retention and relocation of the cottage to be an acceptable and far more desirable outcome than the demolition of this cottage as previously proposed. Details of what portion of the building would be retained, how it will be retained and how it will be positioned onsite will be required to be formalised as part of the conditions recommended in this report.

### Heritage significance of existing vegetation

- Existing cottage is surrounded by culturally significant vegetation that adds to the properties heritage significance

**Comment:** While it is acknowledged that the existing garden is well established and relates to the context of the existing cottage, HLEP 1989 does not list the subject site or any vegetation on the subject site as historically significant.

It is noted that the concept landscape plan provided with the application incorporates the existing vegetation located along the Grose Street and East Market Street frontages, including the large maple tree located in front of the existing cottage.

### Context

- Ten units are too many for the subject site
- Units are inconsistent with the feel of the area
- The erection of two storey buildings would depreciate the value of single storey buildings within the locality.



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**Comment:** It is considered that the proposal is consistent with the context and setting of the locality as discussed in the report above. There is no evidence that the construction of two storey dwellings will “depreciate the value of single storey buildings” as it is not an unreasonable assumption that a dwelling can be two stories in height. Furthermore the proposal is consistent with the relevant planning controls affecting the site with regard to:

- HLEP 1989, as the proposal seeks to consolidate housing densities within the multi unit housing zone; and,
- Hawkesbury DCP, as the proposed buildings fit within the 10m maximum building height for residential development by providing a maximum building height of 7.23m above the existing ground level.

### Archaeological potential

- Based on history of site there may be early European or Aboriginal relics/artefacts located onsite.

**Comment:** The Aboriginal and European heritage aspects have been addressed earlier in this report.

### Noise

- Gym and communal recreation areas operating into the evening
- Noise emitting from gym and communal areas
- Air conditioning units

**Comment:** The applicant has indicated that the proposed gym will only be used by the residents of the development and will be limited to the hours of 6:00am to 7:00pm, 7 days a week. It is considered that these times are acceptable and are unlikely to have an adverse impact on the surrounding properties in terms of noise amenity.

If there was a breach of the operating hours that resulted in offensive noise emitted it would be controlled under the Protection of the Operations Act and via the conditions of development consent.

### Excavation and demolition works

- Existing buildings to be demolished contain asbestos.
- Excavation may cause damage to neighbouring properties/buildings
- Drainage during works

**Comment:** Adequate measures can be provided during the construction phase to prevent any negative impacts arising from the associated works. Suitable conditions addressing these matters have been included in the recommendation of this report.

### Overshadowing

- The proposal will overshadow adjoining residencies

**Comment:** It is considered that the development will not negatively impact on any adjoining properties with respect to overshadowing. The shadow diagrams provided with the application show that the shadow cast from the proposed buildings on adjoining properties is minimal and consistent with the provisions of HDCP 2002.

### **Conclusion**

The matters raised in the submissions have been considered by Council, the applicant and owner. The modifications to the application respond positively to the key concerns raised.

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### e. The Public Interest:

The proposed development is considered to be in the public interest based on the following:

- The proposal is consistent with the objectives and requirements of HLEP 1989, SREP No. 20 and SEPP 2004(BASIX);
- The proposal complies with the objectives and requirements of the HDCP 2002;
- The proposed development is not expected to adversely impact on the amenity of the locality or the surrounding environment; and,
- The modified application seeks to retain Melrose Cottage and provide for its adaptive re-use.

### Conclusion:

The assessment has identified various concerns regarding:

- The future of Melrose Cottage,
- The increased in number of dwellings on the subject site
- Impacts on the locality in terms of traffic access and visitor parking

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

### Developer Contributions

Under Councils S. 94A Contribution Plan the contribution payable is calculated at the rate of 1% the total cost of the development. Based on the applicants estimated cost of \$1 800 000 the following developer contributions apply to this development - \$18 000.00. Accordingly, a condition of consent is recommended.

### 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 DA0132/09 at Lot 1 DP 544593, 55 East Market Street and Lot 2 DP 223745,57 East Market Street, Richmond NSW 2753 for Multi Unit Development - ten x two storey town houses 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. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
3. The approved use shall not commence until all conditions of this Development Consent have been complied with.
4. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
5. The development shall comply with the provisions of the Building Code of Australia at all times.
6. The basement shall comply with the requirements of Section J of the Building Code of Australia.

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7. 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.
8. 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.

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

9. Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979 and Hawkesbury City Council's Section 94A Development Contributions Plan 2006 (as amended from time to time), a contribution of \$ 18 000.00 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.

10. A landscape plan for the entire site, prepared by a suitably qualified person, shall be submitted to the Principal Certifying Authority for approval.

The landscape plan shall detail the soil depths required for the necessary landscaping to be planted on top of the proposed basement.

11. Construction of the road, access, car park, drainage, filling and retaining walls 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 of City Planning or an Accredited Certifier.
12. 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.

13. Payment of a Construction Certificate checking fee and a Compliance Certificate inspection fee in accordance of Councils fees and charges when submitting Civil Engineering Plans for approval. Fees required if an Accredited Certifier is used will be provided on request.
14. A Traffic Guidance Scheme prepared in accordance with AS 1742-3 (2002) by an appropriately qualified person shall be submitted to Council.
15. Retaining walls are to be designed by a suitably qualified and experienced Structural Engineer.
16. Details of any fill material removed or imported to the site shall be submitted to Council. Details to include quantities, borrow sites or disposal sites.
17. Amended plans detailing the portion of the existing cottage to be retained and details of the new location shall be submitted and approved by Hawkesbury City Council prior to any works on the cottage.
18. A report from a practicing structural engineer shall be submitted to Council to confirm that Melrose Cottage can be retained, supported and not undermined by the proposed relocation. Details of where the cottage will be temporary positioned during the excavation of the site shall be submitted and approved by Council.

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Note:

A separate development application may be required to be submitted and approved if the building was to be positioned on a different property from which this consent is granted.

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

19. Prior to its repositioning, colour photographs of all elevations of the existing cottage located on 55 East Market Street shall be submitted to Council. The photographs shall be labelled and cross referenced to a base plan drawn to scale.
20. An Aboriginal archaeological assessment shall be completed by appropriately qualified consultant prior to any works commencing. Details are to be provided to Council prior to commencement of works.
21. 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.
22. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.
23. 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.
24. A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 shall be supplied to the principal certifying authority prior to commencement of works.
25. 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.
26. 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.
27. 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.
28. 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.
29. 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

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- 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.
30. 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.
31. All traffic management devices shall be installed and maintained in accordance with the approved traffic guidance scheme.
32. 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.
33. 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.

### ***During Construction***

34. The site shall be secured to prevent the depositing of any unauthorised material.
35. An appropriately qualified European Archaeological consultant and an Aboriginal archaeological consultant shall monitor any physical works associated with the relocation, demolition or excavation of any structures on the subject site and the movement of the existing cottage. Should any relic or artefact be found during the construction works, all work on the site is to cease and the Principal Certifying Authority and Council are to be notified of the find. Work on the site is not to recommence until approval from Council is obtained.
36. 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.
37. 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.
38. During the demolition and construction period, the person responsible for the site is to retain records of waste disposal (waste receipts or docketts, recycling processor receipts etc.) in a Waste Data File.

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The Waste Data File must be provided to Council officers on request to demonstrate that the approved Waste Management Plan is being implemented.

39. At all times during demolition, a competent person shall directly supervise work. It is the responsibility of the person to ensure that:
- a) Adjoining owners are given 24 (twenty four) hours notice, in writing, prior to commencing demolition.
  - b) Utility services within the structure not required to be maintained during the demolition work shall be properly disconnected and sealed before any demolition commences.
  - c) The site shall be secured at all times against the unauthorised entry of persons or vehicles.
  - d) Safe access and egress from adjoining buildings is to be maintained at all times for the duration of the demolition work.
  - e) Precautions are taken to ensure that the stability of all parts of the structure and the safety of persons on and outside the site are maintained, particularly in the event of sudden and severe weather changes.
  - f) The structure and all components shall be maintained in a stable and safe condition at all stages of the demolition work.
  - g) Demolition activity shall not cause damage to or adversely affect the structural integrity of adjoining buildings
  - h) Removal of dangerous or hazardous materials shall be carried out in accordance with the provisions of all applicable State legislation and with any relevant recommendations published by the National Occupational Health and Safety Commission (Worksafe Australia).
  - i) All work shall be carried out in accordance with AS2601 and the Work Plan submitted with the development application.
  - j) Unless otherwise permitted by Council, the structure is to be demolished in reverse order of construction, being progressive and having regard to the type of construction, to enable the maximum separation and recycling of demolished materials to take place.
  - k) No material is to be burnt on site.
40. Mandatory inspections shall be carried out and Compliance Certificates issued only by Council or an accredited certifier for the following components of 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 ;
- b) piers;
- c) steel reinforcement prior to pouring concrete;
- d) external sewer or stormwater lines, prior to backfilling;
- e) framework, after the installation of all plumbing, drainage and electrical fixtures, and after the external cladding and roof covering has been fixed prior to fixing of internal linings and insulation;
- f) wet area flashing, after the installation of bath and shower fixtures

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g) prior to occupation of the building

41. 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.

42. The development shall be treated for termites in accordance with the Building Code of Australia and AS 3660 as amended by a suitably qualified person with particular attention to timber floors, slab penetrations, joints between slabs, additions to existing buildings.

Details of the type and method of treatment are to be provided to the Principal Certifying Authority and a copy of durable material to be located in the meter box and at the entrance to any crawl space if chemicals are sprayed or pressurised into the soils.

43. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
44. All trucks entering or leaving the site shall have their trays suitably covered to prevent spillage from the truck onto the road.
45. 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.
46. Vehicle entrances and exits shall be clearly signposted including house number and shall be visible from both the street and site at all times.
47. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted
48. 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.
49. All work shall be completed in accordance with the BASIX Certificate and supporting ABSA Certificates in accordance with the requirements of the NSW Department of Planning. Evidence must be submitted to the certifying authority prior to the issue of the occupation certificate.
50. The development shall be completed in accordance with the approved colours and finishes and shall not be altered.
51. New boundary fences shall be provided at the developer's expense prior to the issue of an occupation certificate. Fencing behind the building line shall be a height of 1.8m.
52. Removal of the existing redundant layback crossing and replacement with concrete kerb and gutter and the restoration of the footway area.

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53. Concrete path paving 1.2m wide shall be constructed along the road frontage to the development. The remaining footway area shall be formed in earth and planted with grass.
54. 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.
55. Arrangements are to be made for the provision of common drainage and the disposal of storm water from the site.
56. Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with the approved plan and Hawkesbury Development Control Plan chapter on Soil Erosion and Sedimentation.
57. A heavy duty layback and footway vehicular crossing 6.5m wide shall be constructed to the proposed driveway. The crossing shall be constructed in accordance with Hawkesbury Development Control Plan Appendix E, Civil Works Specification.
58. All services or suitable conduits shall be placed prior to concrete pouring.
59. All driveways, pedestrian pathways and communal open space areas shall be suitably illuminated in accordance of the relevant Australian Standard.
60. All internal and external lighting shall be installed in a manner that would avoid intrusion onto adjacent residential properties.

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

61. The following certificates are to be provided, stating the name of person or company carrying out the installation, type of material and the relevant Australian Standard to which installed:
  - a) The type and method of termite treatment (complying with AS 3660) provided to walls and floors, pipe penetrations, jointing of new work to existing and slab perimeters. A copy of the termite treatment and materials used shall also be securely fixed inside the meter box for future reference.
  - b) An automatic smoke detection system installed in residential development by a licensed electrician. Smoke alarms must comply with AS 3786 and be connected to the consumer mains power where supplied to the building.
  - c) A statement or other suitable evidence shall be submitted to the Principal Certifying Authority, certifying that all commitments made on the BASIX certificate have been implemented and installed as approved.
62. A report from an appropriately qualified Structural Engineer shall be provided to the Principal Certifying Authority demonstrating that the relocated cottage is structurally adequate for its intended use.
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. Compliance with all conditions of this development consent.
65. Registration of a plan of survey consolidating the site into a single allotment. Documentary evidence to be submitted prior to release of any occupation certificate.
66. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
67. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.



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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 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 Design Engineer stating the conformance or otherwise of the system in relation to the approved design.
71. Works-As-Executed drawings for the One Site Detention 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. Dedication of a 4m x 4m splay corner at the intersection of Grose and East Market Streets (At no cost to Council) shall be provided.

***Use of the Development***

73. No internal or external alterations shall be carried out without prior approval of Council.
74. 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.
75. The subject development, including landscaping, is to be maintained in a clean and tidy manner.
76. The gym shall only be used by the residents of the development and be limited to the hours of 6:00am to 7:00pm, Monday to Sunday.

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**Advisory Notes**

- \*\*\* 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 carrierregarding 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.
- \*\*\* Separate Council approval would be required if Strata subdivision of the proposal is intended.

**ATTACHMENTS:**

- AT - 1** Locality Plan
- AT - 2** Aerial Photography
- AT - 3** Site Plan
- AT - 4** Elevation/Section Plans
- AT - 5** Site Inspection Photos

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**AT - 1 Locality Plan**

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

**ORDINARY MEETING**

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**AT - 2 Aerial Photography**

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

**ORDINARY MEETING**

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**AT - 3 Site Plan**

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

**ORDINARY MEETING**

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**AT - 4 Elevation/Section Plans**

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

**ORDINARY MEETING**

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Attachments Document (Maps)**

**ORDINARY MEETING**

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**AT - 5 Site Inspection Photos**

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



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**oooO END OF REPORT Oooo**

**Item: 199 CP - Representations - Governor Lachlan Macquarie Statue - (114013, 95498)**

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**REPORT:**

This report has been prepared following a resolution of the Hawkesbury Macquarie 2010 Committee to request that Council give consideration to writing to NSW Parliament House to make representations regarding the possible relocation of the Governor Lachlan Macquarie Statue from the forecourt of NSW Parliament House to the City of Hawkesbury.

On Thursday, 27 August 2009, a member of Council's Hawkesbury Macquarie 2010 Committee contacted Council Staff in relation to a press article appearing in the Sydney Morning Herald. A summary of the article appears below:

*An upgrade of security in NSW Parliament House will soon produce at least one prominent casualty: a statue of Governor Macquarie is to be removed from the forecourt and mothballed until a suitable new home is found. "Next year (2010) will see the commemoration of the 200th anniversary of governor Lachlan Macquarie's 12-year tenure as the fifth governor of the colony of NSW," an email to parliamentary staff advises. "As part of the celebrations the Parliament is working with the Premier's Department and the City of Sydney to relocate the Governor Macquarie statue to a more appropriate location."*

This matter was subsequently reported to the Hawkesbury Macquarie 2010 Committee at its September 2009 Meeting. In considering this matter the Committee resolved to request that Council make representations to NSW Parliament House to enquire about the statue with a view to offering to provide the statue with a new home in the City of Hawkesbury (given the historical relationship between Governor Macquarie and the Hawkesbury). The Committee also requested that copies of any representations made by Council be forwarded to local State Members and the chair of the NSW Government Macquarie 2010 Bicentenary Commemoration Committee.

The Committee was advised that there were a number of issues that would need to be considered prior to Council writing formally to the NSW Parliament to enquire about the possible relocation of the statue. These relate to the costs associated with the proposal, security of the statue, and identifying an appropriate location for the relocated statue.

The Committee was also advised that it was probable that the intention of the NSW Parliament would be to relocate the statue elsewhere in the City of Sydney.

**Conformance to Strategic Plan**

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

*"An informed community working together through strong local and regional connections."*

**Funding**

If Council's representations are successful, there will be funding implications arising from this report. There is no provision in Council's Adopted 2009/2010 Budget to cover the costs of the relocation, insurance and installation of the statue.

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**RECOMMENDATION:**

That:

1. Council receive the request from the Hawkesbury Macquarie 2010 Committee.
2. Council write to the Manager of Building Services, NSW Parliament House to clarify the Parliament's intentions regarding the relocation of the statue and register its interest in providing a new home for the statue in the City of Hawkesbury subject to confirmation of the likely costs should such a request be viewed positively.
3. Copies of this correspondence be forwarded to local State Members and the Chair of the NSW Government Macquarie 2010 Bicentenary Commemoration Committee.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

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**Item: 200**            **CP - Non-renewal of Brighter Futures Funding Agreement - Update - (33821, 79778, 96328, 95498)**

**Previous Item:**        157 Ordinary (Supplementary) 11 August 2009

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**REPORT:**

This report has been prepared to advise Council of the outcome of discussions between Wesley Mission (Wesley) and Council regarding the decision of Wesley not to renew its funding agreement with Council for the Brighter Futures (BF) Project. The report proposes that Council support the transfer of the BF funding contract to Hawkesbury Community Services Inc. (HCS) and to provide assistance to HCS to enable it to assume this contract. The report also requests that Council consider the broader implications of the non-renewal of the BF partnership agreement to determine if further representations should be made to the Minister for Community Services regarding this issue.

**Background**

As previously reported to Council, Council was verbally advised on August 6 2009, that Wesley would not be renewing its partnership agreement with Council for the BF Project. This verbal advice has since been confirmed in writing. The matter was reported to Council in view of the possible implications of this decision on the 22 families currently receiving BF services, and on the staff employed by the BF Project.

In considering this matter, Council resolved:

*"That Council:*

1. *Write to the Superintendent of Wesley Mission, the Rev. Keith Garner, to express its strong concern at the decision of Wesley Mission not to renew its funding agreement with Council for the provision of Brighter Futures (BF) services, and the manner in which this decision was taken and conveyed to Council.*
2. *Request a meeting with Rev. Keith Garner as a matter of urgency and to strongly advocate that until such time as meaningful discussions and consultation can take place in relation to this issue, that Wesley Mission defer any action with regard to the termination of the Hawkesbury BF service. Council also advise Rev. Keith Garner that both Wesley Mission and Council have a shared responsibility to minimise the potential impact on clients and staff of any decision regarding the future of the Hawkesbury BF service.*
3. *Write to The Minister for Community Services to express its strong concern at the decision of Wesley Mission not to renew its funding agreement with Council for the provision of Brighter Futures services, and the likely impact of this decision and request that the Department of Community Services intervene in this matter to request that Wesley Mission defer any actions to terminate the Hawkesbury BF Program, so that meaningful discussions can take place between the Department, Wesley Mission and Council in relation to this issue.*
4. *Make representations to local State Members of Parliament in relation to this issue."*

Council's resolution has been implemented. In relation to parts 1 and 2 of the resolution, Council has written to the Rev. Keith Garner. Rev. Garner's response indicated that while Wesley would meet with Council to provide details in relation to Wesley's decision, it would nevertheless proceed with the termination of the partnership agreement. Council subsequently requested that Wesley provide advice in writing as to its reasons for terminating its partnership agreement and what replacement arrangements were to be put into place to maintain the BF service in the Hawkesbury. Wesley indicated it was not in a

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position to provide written advice prior to a face-to-face meeting with Council representatives. This meeting took place on 3 September 2009 and was attended by the Mayor, General Manager and Executive Manager Community Partnerships.

In relation to parts 3 and 4 of the resolution, Council has written to the Minister and is awaiting a response from the Minister's office. Copies of Council's correspondence were forwarded to local State Members of Parliament. Council also wrote to Departmental staff seeking clarification of the Department's position in relation to this matter. The advice received from the Department was to the effect that the issue was one to be resolved between Council and Wesley, but that the Department would monitor the situation.

### Summary of Issues Raised and Outcomes of Meeting held between Hawkesbury City Council and Wesley Mission.

1. Wesley stated that it held no concerns regarding the effectiveness of the services delivered 'on the ground' by the staff of the BF project and commended Council on the quality of its service delivery.
2. The grounds cited by Wesley as contributing to its decision to terminate its partnership were based on Communication and Financial Accountability.
  - 2.1 Communication
    - 2.1.1 Wesley raised a specific concern relating to the action of Council staff in writing directly to the local office of the Department of Community Services in relation to casework services being delivered jointly by DoCS and the BF Project to a BF family. The letter outlined concerns regarding the well-being of children in the family and requested that DoCS maintain its statutory involvement with the family in accordance with the agreed case plan for the family. Wesley's concern was not with the clinical validity of the issues raised in this correspondence, but rather that Wesley should have been consulted prior to this action being undertaken. In response Council staff indicated that staff from Peppercorn Services had raised their concerns with Wesley staff on several documented occasions and formally through the appropriate case management processes, but that the concerns of Peppercorn staff had remain unresolved.
    - 2.1.2 Wesley also expressed concern that they were not promptly advised of staff changes at the BF project, nor consulted regarding the appointment of temporary staff. This was not a requirement of the agreement between Council and Wesley.
  - 2.2 Financial Accountability
    - 2.2.1 Wesley raised the specific concern that two line items in the 2007/2008 funding acquittal lodged by the BF Project were incorrect. These related to the incorrect attribution of a capital expenditure item (furniture and partitioning) as an operational expenditure item and the inclusion of projected rather than actual capital expenditure within the acquittal (for a 10 seater bus). Wesley were also concerned that DoCS approval had not been given for the proposed expenditures as they involved the reallocation of unspent grant funds.
    - 2.2.2 In response to this matter (and according to Council's records) Council staff advised that these issues were raised by Wesley in February 2009 and a response was provided to Wesley the following day. Council staff advised that the furniture and partitioning capital items were included in the acquittal as they were considered to be office establishment costs critical to ensuring that staff were able to deliver contracted services – as such they were included in the 'Office Supplies and Equipment' category in the acquittal and were not treated as 'unexpended funds'. Council staff did concede that until such time as approval had been obtained for the proposed purchase of the bus, that the funds identified in the acquittal should considered as unexpended funds. A submission in this regard was forwarded to Wesley in April 2009. No further correspondence had been received by Council in relation to Council's February response until this matter was raised at the 3 September meeting.

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- 2.2.3 In relation to the perceived breach of the DoCS directive regarding the use of unexpended funds, Council invited Wesley to refer their concerns to DoCS so that DoCS could review this matter and take such action as it deemed appropriate. Wesley declined to do so advising that the matter was the responsibility of Wesley. Immediately following the meeting Council did refer this issue to the Department.
3. Council understands Wesley's position (as reiterated at the 3 September meeting) is that it is not required to provide reasons for its decision to terminate its partnership agreement. Further, that as the families and staff of the Hawkesbury BF program are not Wesley's clients or employees, that Wesley has no role in consulting with them in relation to the decision to end its partnership agreement with Council, nor was it required to provide reasons to Council in writing for termination of the agreement as requested by Council.
  4. Wesley believes that the information contained in the Council Report of 11 August 2009 was factually incorrect. In response to this concern, Wesley were invited to outline in writing its corrections so that these could be reported to Council. No such advice has been received from Wesley to date.
  5. Wesley has entered into discussion with Hawkesbury Community Services Inc. (HCS) to take over the BF contract. Advice from HCS indicated that these discussions commenced in the week beginning 24 August. At the time that Council was first advised of Wesley's intention to terminate the partnership agreement, (on August 6 2009) the 'transitional arrangements' identified by Wesley involved the 'transfer of BF families to Wesley Mission' – there was no suggestion or indication of Wesley subcontracting the Hawkesbury BF program to an alternate local service partner. Council sought clarification as to when local agencies may have been approached to take on the BF contract and Wesley representatives declined to answer this question.
  6. Council sought clarification as to the wording of written correspondence dated 24 June 2009, sent to the Manager Family Services, Peppercorn Services Inc. from Wesley. Council has taken the wording of this correspondence to strongly suggest that it was Wesley's intention to renew its partnership agreement. Wesley representatives advised that Council's interpretation was incorrect and that the written correspondence could only be taken as indicative of an intention by Wesley to review its partnership agreement. Based on the wording of the advice it is considered that this contention could be questioned.
  7. Both Council and Wesley agreed to support the transfer of the BF Project staff to Hawkesbury Community Services Inc (HCS) subject to existing employment contracts of the BF Project being transferred to HCS (subject to DoCS approval). Council agreed that it would make the South Windsor Family Centre available to HCS to enable the Hawkesbury BF project to continue to operate unchanged.

Council has written to Wesley on a number of occasions requesting that Wesley outline in writing its concerns so that they can be considered by Council and a response provided. Council is yet to receive any such written communication from Wesley who have indicated that they are not required to do this under the terms of the agreement.

### Legal Advice

As noted in point 6 above, prior to August 6, Council had been advised both verbally and in writing to the effect that it was Wesley's intention to renew its funding agreement with Council beyond 30 June 2009 for a further three years subject to the negotiation of new contract requirements. On the basis of this implied advice, Peppercorn Services Inc. entered into employment contracts with staff, renewed brokerage agreements with local service partners, prepared written and electronic information on the BF Program, and continued to receive referrals from the Department of Community Services and other community agencies for vulnerable families to be accepted into the BF Program.

Prior to August 6, there was no suggestion or indication from Wesley of an intention to terminate its partnership agreement. Wesley's subsequent advice to the contrary was therefore unexpected and considered by Council to be inconsistent with its previous statements. Council has sought legal advice in

relation to this inconsistency. The advice received indicated that the circumstances leading up to Wesley's decision to terminate its contract with Council were governed by the provisions of the *Trade Practices Act* and *Fair Trading Act*. Council has received advice in relation to possible actions which could be considered under the provisions of this legislation but this course of action is not being suggested.

### **Wesley Mission – Hawkesbury City Council Partnership**

As part of tendering process for the provision of child protection early intervention services within the Nepean Region, Council was approached by four agencies to negotiate the service partnership required by these agencies to conform to the tender process. These agencies, including Wesley, were selected in Round 1 of the tender process to develop partnership proposals with services located in each of the three local government areas within the Nepean Region. These partnership proposals were to be assessed by the Department of Community Services (the funder) as part of Round 2 of the tender process.

Council developed a set of principles which it distributed to the four agencies with the advice that Council's participation was conditional on the agency incorporating these principles in any subsequent partnership agreement. On behalf of a local consortium, Council finalised partnership agreements with two eligible agencies and declined partnership proposals put forward by two other agencies. Wesley was one of the agencies with which Council had negotiated a partnership agreement.

Wesley were subsequently awarded the tender for the provision of BF Early Intervention Services in the Nepean Region. In 2006 a three-year funding contract was executed with Wesley. The contract included a 10 page Annexure Memorandum of Understanding (MOU) which reflected the agreed partnership principles referred to above.

In entering a partnership agreement with Wesley, Council staff were aware of the likely challenges to be faced in providing early intervention child protection services to vulnerable families. Such service provision is inevitably a complex and sensitive undertaking. Differences of opinion in relation to what may constitute the best interests of children and vulnerable families are commonplace. The Department has prepared extensive guidelines to manage these risks and to provide a framework for inter-agency collaboration. The MoU signed off by Wesley and Council was intended to provide a clear framework for negotiating these complexities with regard to the partnership between Council and Wesley. At its core was the acceptance of the principle that operational decision making in relation to the provision of clinical casework services to vulnerable families would rest with Council. The MoU required all parties to participate equally in decision making where changes were to be made to casework practices. The MoU also provided a clear dispute resolution process for resolving disagreements.

Council staff acknowledge that from time-to-time there were disagreements regarding operational decisions made by Hawkesbury BF management and staff, but that in the context of service provision to vulnerable families, this could not be considered unduly unusual, Council accepts that as a result Wesley may have held concerns in relation to the management of the BF Program. The primary source of disagreement related to the extent which Wesley believed it held responsibility for clinical decision making in relation to the child protection early intervention casework being performed by staff employed by Peppercorn Services Inc. (PSI). Council's position was that (as provided for in the MoU) these decisions rested with PSI on the basis that PSI was legally responsible for the occupational health and safety of staff and clients. Council staff did advise Wesley that if they indemnified PSI for any actions or consequences arising out of the implementation of Wesley's recommendations or directions regarding clinical casework, then PSI would consider investing Wesley with clinical decision making. No indemnity was provided by Wesley.

This core disagreement was the subject of a number of meetings where documented resolutions were negotiated. As far as Council/PSI is aware, all issues of disagreement or conflict between Wesley and Council/PSI were resolved. Council/PSI has received no correspondence from Wesley to suggest otherwise. Council/PSI has participated in all partnership meetings with Wesley and its other partners and has enacted any agreements or decisions arising from these meetings. PSI has provided the service required under the funding contract and have met all contracted outputs. In the course of the past three years, Council and Peppercorn staff have assertively and consistently advocated the need for BF services in the Hawkesbury to be delivered and managed in accordance with the respective obligations, authorities

and responsibilities defined by the partnership agreement. It must now be accepted that Wesley is now unwilling or unable to continue its partnership with Council.

### **The BF Funding Framework**

The decision of Wesley to terminate its partnership agreement with Council – without consultation with BF staff, BF families and the Hawkesbury community - has only recently been made possible due to changes to the DoCS Service Agreement under which all DoCS funded services operate. Wesley is correct in asserting that there is no funding or legal requirement for them to consult with Council or with staff and clients regarding its decision to terminate its contract - notwithstanding the fact that this decision held substantial implications for the staff and clients affected by the decision.

Prior to 30 June 2009, the standard DoCS Service Agreement contained a clause which required a funded service provider to advise the Regional Director (of the relevant DoCS region) of any proposed relocation of a Project and, amongst other things, to provide reasons for the proposed change, to outline the anticipated variations to services, and strategies to be used to inform clients of these changes. In the new Service Agreements entered into between the Department and funded services Agencies (post June 30 2009) this requirement had been deleted. In effect a service provider is no longer required to provide reasons for a decision to change or relocate a service or consult with any affected party in relation to proposed changes.

Where funded services have directly entered into a service agreement with DoCS there are checks and balances regulating the operations of these services. A contracted funded agency is required to observe the rights of its clients (as stipulated the NSW Ombudsman's Consumer Rights Charter), and the rights of its employees as defined by award provisions which call for consultation with Unions and staff about proposed service changes which will have a 'significant impact' on the employment conditions of staff. Directly funded community agencies can also be held to account by their communities - avenues for administrative and/or Ministerial review are generally available.

However, where an agency (such as Council) is subcontracted by a lead agency (such as Wesley) to deliver a service, the direct nexus between clients and employees and the agency directly funded by DoCS is broken. As noted above Wesley have repeatedly asserted that under the terms of the sub-contractual funding contract with Council, they are not required to provide reasons for a decision to change a service, and that as the families and staff who may be affected by this decision are not Wesley's clients or employees, then Wesley has no requirement to consult with them about such a decision. The protections afforded to the staff and clients of sub-contracted agencies (such as Council) are effectively eroded and governed by a lesser standard.

This must be viewed as a concerning development particularly under the current NSW BF funding framework where 14 lead agencies manage all BF contracts across NSW (70% of these contracts are managed by 5 lead agencies). The changes to the DoCS Service Agreement has given lead agencies considerable powers but without the checks and balances which normally apply in situations where public funds are provided to non-government community agencies to deliver critical human services to vulnerable groups.

Under the revised DoCS funding arrangement - post June 30, 2009 - the provision of critical human services to the most vulnerable in the community appears to be viewed in purely legal and contractual terms. This is particularly true of the sub-contracting arrangement which apply to the BF funding framework. As noted above, the Department has indicated that it is not responsible for the actions of the lead agencies which it funds, irrespective of the impact of these actions on local communities, employees and vulnerable families.

As it currently stands, there is nothing to prevent a lead agency (including Wesley) from moving to terminate any funding contract it may have with a local service provider. This action can be taken without prior consultation with affected staff, clients or the local community. This also holds true for the new funding contract Wesley has entered into with Hawkesbury Community Services Inc. It is therefore recommended that Council make representations to the Department in relation to this broad issue, and request that the Department review its funding arrangements with lead agencies to reinstate the requirement for a lead agency to consult with its service partners, and the employees and clients of its



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partners, prior to any decision to change or relocate a service. It is also recommended that the Department identify a process which would provide for a decision of a lead agency to terminate a partnership agreement to be subject to administrative and/or Ministerial review prior to the implementation of such a decision.

Council may also wish to give consideration to referring this matter to WSROC in view of the implications for local communities, and in particular the delivery of critical human services to vulnerable residents, should the current DoCS funding arrangements be maintained.

### Transitional Arrangements

Council and Peppercorn staff are currently working with staff of Hawkesbury Community Services (HCS) to facilitate the transfer of staff positions and operational systems and procedures for the Hawkesbury BF program to HCS to maintain the quality and continuity of current services. The majority of staff will transition to the new service. A number of staff have opted for redundancy (a decision taken in consultation with their Union). It is projected that transitional arrangements will be achieved within the next 4 weeks. Wesley has requested finalised financial statements and asset register for the BF Program and these are currently being prepared in conjunction with Peppercorn's auditors.

It is considered that, without Council's strong advocacy on behalf of BF families and staff, then there would be a possibility that the current Hawkesbury BF Program may have been relocated out of the City. It is therefore pleasing that the outcome achieved will see the Hawkesbury BF Program largely unchanged. More importantly this outcome will minimise any disruption to the services delivered to BF families.

### Conformance to Strategic Plan

The proposal is deemed to conform with the strategic directions 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

There are no direct funding implications arising from this report for Council in that the funds provided by Wesley are remitted to Peppercorn Services Inc and do not appear in Council's financial estimates.

### RECOMMENDATION:

That:

1. The information be received.
2. Council write to Hawkesbury Community Services Inc. to express its appreciation of their decision to take over the Hawkesbury Brighter Futures Program to enable the Program to be managed and operated within the City of Hawkesbury.
3. Council support the transfer of the Hawkesbury Brighter Futures contract to Hawkesbury Community Services Inc by providing HCS with access to the Stewart Street Early Intervention Centre and South Windsor Family Centre on the same terms and provisions as previously applied to the use of these facilities by Peppercorn Services Inc. to deliver the BF Program.
4. Council write to the Board of Peppercorn Services Inc. to express its appreciation of the work of PSI in establishing and operating the Hawkesbury BF service and to pass on Wesley Mission's acknowledgement as to the quality of the BF services delivered by PSI. Council to ask the Board to extend it's thanks to the staff of the Hawkesbury BF Program.

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5. Council write to the Minister for Community Services to request that the Minister give serious consideration to reviewing funding arrangements, particularly under the BF program, to reinstate a requirement for lead agencies to consult with its subcontracted service partners, and the employees and clients of these partners, prior to any decision to change or relocate a BF service. The Minister also be requested to establish a process by which a decision of a lead agency to terminate a partnership agreement can be subject to administrative and/or Ministerial review prior to the implementation of such a decision.
6. The matters raised in Part 5 of the recommendation be referred to WSROC for its support.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

**Item: 201 CP - Conversion of Hawkesbury Local Environmental Plan 1989 to NSW Government Standard Local Environmental Plan- Progress Report - (95498)**

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**REPORT:**

**Introduction**

The purpose of this report is to update Council on the progress of the conversion of Hawkesbury Local Environmental Plan 1989 (HELP 1989) to the NSW State Government Standard Instrument. This matter was last reported to Council on 11 December 2007 and since then further amendments have been made to the draft plan as a result of discussion and directions from the Department of Planning (DoP) and other government authorities.

The latest version of the draft plan [known as Draft Hawkesbury Local Environmental Plan 2009 (DHLEP 2009)] has been submitted to DoP and it is expected that DoP will shortly provide Council with permission to exhibit the draft plan.

This report outlines the major changes to DHLEP 2009 since it was last reported to Council.

**Addition of Waterway zones and E4 Environmental Living zone**

In previous reports to Council it was advised that the Hawkesbury River would be unzoned as per its current unzoned status. Following subsequent direction from DoP, the Hawkesbury River upstream of the Windsor Bridge is proposed to be zoned W1 Natural Waterway and downstream of the Windsor Bridge is proposed to be zoned W2 Recreational Waterway. This is not expected to have a significant effect on the uses permitted as the approval process will remain essentially the same. The advantage to the River being zoned is that it will give some certainty as to what uses are permitted in the River.

In April 2009 DoP released a LEP Practice Note providing guidance on the use of Environment Protection zones. As a result land which is currently zoned Environmental Protection- Mixed Agriculture (Scenic) and the 7(d) Environmental Protection (Scenic) that was proposed to be zoned RU2 Rural Landscape is now proposed to be zoned E4 Environmental Living. The Environmental Protection- Mixed Agriculture (Scenic) zone is generally located along the Hawkesbury River downstream of its confluence with the Colo River, at Mountain Lagoon, within the Colo River, Webbs Creek and MacDonald River valleys, and part of the Blue Mountains Eastern Escarpment land extending from the Grose River in the south to "The Islands" in the north. As this process is a conversion, whilst the zone names change there is little or no change to the uses permitted in those zones.

An updated simplified zoned conversion table is attached to this report.

**Amendments to Exempt and Complying Development**

As a result of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* and further direction from DoP the exempt of complying schedule have been amended. The major changes have been the deletion from the schedules of the exempt and complying developments that are also mentioned in the SEPP and the inclusion of complying development conditions of consent.

**Deletion of HLEP 1989 and insertion of new Flood Clause**

DoP have directed that Clause 25 Development of Flood Liable Land in HLEP 1989 not be carried over to the draft plan. Instead a model flood planning clause is to be included in the plan. The model clause is attached to this report. It is proposed that the development controls currently in Clause 25 will be transferred into the Hawkesbury Development Control Plan 2002 or as a policy of Council pending the completion of the *Floodplain Risk Management Study and Plan for the Hawkesbury River within the Hawkesbury Local Government Area*.

### Challenge to "Lot Averaging" Subdivision Provisions

DoP have requested that the transfer of the current "lot averaging" subdivision provision contained within Clauses 11 and 41AA of HLEP 1989 be reconsidered because they have advised that that "lot averaging" provisions are only to apply to lands that are within the Environment Protection zones.

The current "lot averaging" subdivision provisions apply to certain Mixed Agriculture and Rural Living zoned land throughout the City and parts of the Rural Housing zone at Pitt Town. In the conversion these lands are proposed to be zoned RU1 Primary Production zone, RU4 Rural Small Holdings zone and Large Lot Residential.

Council staff have responded to DoP by stating that the Environment Protection zones are not suitable for these lands. Further argument, regarding the benefit of retaining the current "lot averaging" subdivisions has also been provided to the Department. Essentially, it is argued that the retention of the "lot averaging" provisions in the localities nominated provide for flexible controls that do not increase the lot yield of a property, but allow for the design of the subdivision to retain areas of environmental importance. DoP are currently considering this response.

### Clauses not permitted to be carried over into DHLEP 2009

DoP have directed that the clauses listed below cannot be carried over to DHLEP 2009 because these clauses introduce a prohibition or permissible land use outside of the Land Use Table, are matters which are dealt with in other legislation (e.g. another Act, SEPP), are outdated, can be dealt with as a matter for consideration under Section 79(c) of the *Environmental Planning and Assessment Act 1979*, or are of a minor nature. Accordingly, no objection is raised to DoP's direction.

- Clause 22 Development fronting a main or arterial road
- Clause 24 Development in certain environmental and other zones
- Clause 33B Certain development in the vicinity of the Richmond Railway Station
- Clause 35 Bush rock removal
- Clause 38 Community use of school facilities and sites
- Clause 39 Carrying out of development specified in Schedule 4
- Clause 40A Certain development at Windsor and Bosworth Streets, Richmond
- Clause 40AA Vehicular access - Windsor Street, Richmond
- Clause 40B Use of tyres for landfill prohibited
- Clause 41A Certain development at Comleroy Road, Kurrajong - subclause (6)
- Clause 41AA Certain development in the Grose Wold area - sub clause (5)
- Clause 41B Development of land at Nos 34-36 Macquarie Street, Windsor
- Clause 43 Rural tourist facilities and educational establishments
- Clause 43A Poultry farms and piggeries in Rural Living zone
- Clause 45 Prohibited signs
- Clause 46 Erection of dwellings in industrial zones
- Clause 51 Service shops in industrial zones
- Clause 52 Development for the purpose of certain commercial premises or shops on land within the Zone No 3(b)
- Clause 53 Recreation areas on land classified as community land

### Temporary Use of Land Clause

DoP have advised a temporary use of land clause is to be included in the draft instrument. The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land. The clause allows for the granting of consent for any development on land in any zone for a temporary purpose for a maximum period of [*Council to insert number*] (whether or not consecutive days) in any period of 12 months.

## ORDINARY MEETING

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Development consent must not be granted unless the consent authority is satisfied that:

- (a) the temporary use will not prejudice the subsequent carrying out of development on the land, and
- (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
- (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
- (d) at the end of the temporary use period the site will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.

The temporary use of a dwelling as a sales office for a new release area or housing estate may exceed the nominated number of days in any period of 12 months.

A period of 14 days has been nominated by Council staff for this clause.

### **Deletion of wetland zone at McGraths Hill**

The proposed zoning of the "wetland" north of the McGraths Hill Sewerage Treatment Plant (STP) has been reconsidered. This "wetland" is made up of a series of effluent treatment ponds and a natural wetland. The natural wetland is zoned 7(a) Environmental Protection (Wetlands) under HLEP 1989 and is identified as wetland number 143 under *Sydney Regional Environmental Plan No. 20 (No.2 - 1997)*. This "wetland" was previously proposed to be zoned E2 Environmental Conservation in accordance with the proposed zone for other wetlands.

The land form of this area has been modified many years ago in order to utilise the natural wetland and surrounding low lying areas as a polishing basin for treated effluent from the McGraths Hill STP prior to discharge into South Creek. The polishing basin performs an important role by removing nutrients from the discharged treated effluent. It is considered that it is not appropriate that this land be zoned E2 as it would preclude works for sewerage system purposes. Accordingly the land is now proposed to be zoned the adjoining zone of RU4 Rural Small Holdings.

It is considered that appropriate protection of this wetland will still be afforded by the relevant provisions of *Sydney Regional Environmental Plan No. 20 (No.2 - 1997)* and *Threatened Species Conservation Act 1995* and therefore it is considered that this zone change will not adversely affect the wetland. It should also be noted that the land is not under any threat from development due to the location of the STP and the fact that the site is flood prone.

### **Conclusion**

As stated at the beginning of the report it is anticipated that the DoP will soon issue Council with permission to exhibit the plan. It is hoped that this permission will be provided to enable exhibition to commence prior to Christmas. In a previous report to Council it had been suggested that the exhibition period would be approximately 2 months. It is considered that this timeframe is still appropriate however if the exhibition period extends over the Christmas/January holidays the exhibition period could be extended.

### **Conformance to Strategic Plan**

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

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

### **Funding**

There is no budget implication as funding for the conversion has been provided by the Department of Planning

**ORDINARY MEETING**

**Meeting Date:** 29 September 2009

**Planning Decision**

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

**RECOMMENDATION:**

That:

1. Council endorse the proposed changes to the LEP as detailed in this report to enable public exhibition of the draft LEP.
2. Council advise the Department of Planning that it strongly supports the retention of the “lot averaging” provisions in the LEP as this provides for flexibility in retaining areas of environmental significance whilst not increasing or decreasing the development yield of the affected lands.
3. Upon receipt of permission from the Department of Planning to exhibit the Draft Hawkesbury Local Environmental Plan 2009, the Plan be exhibited for a period of not less than 60 days and that if this period includes the Christmas/January holidays the exhibition period be appropriately extended.

**ATTACHMENTS:**

- AT - 1** Zone Conversion Table
- AT - 2** Proposed Flood Clause

**ORDINARY MEETING**

**Meeting Date: 29 September 2009**

**AT - 1 Zone Conversion Table**

**Hawkesbury Local Environmental Plan 1989 General Zone Conversion Table**

The table below shows how zones within the current HLEP 1989 have been converted into the Standard Instrument zones.

<b>Symbol</b>	<b>HLEP 1989 Zone</b>	<b>Symbol</b>	<b>Standard Instrument Zone</b>
MA	Mixed Agriculture	RU1	Primary Production
MA	Mixed Agriculture at Nepean Park	R5	Large Lot Residential
RL	Rural Living excluding Windsor Downs	RU4	Rural Small Holdings
RL	Rural Living at Windsor Downs	R5	Large Lot Residential
RV	Rural Village	RU5	Village
CL	Consolidated Land Holdings	RU4	Rural Small Holdings (with large minimum lot size)
H	Housing	R2	Low Density Residential
MU	Multi-Unit Housing	R3	Medium Density Residential
MU	Multi-Unit Housing (with cross hatching)	R1	General Residential
RH	Rural Housing at Pitt Town	R5	Large Lot Residential
3A	Business General	B1	Neighbourhood Centre
		B2	Local Centre (Richmond 3(a) and Windsor 3(a))
3B	Business Special	B6	Enterprise Corridor
4A	Industry General	IN1	General Industrial
4B	Industry Light	IN2	Light Industrial
5A	Special Uses "A"	SPI	Special Activities (Designated Use) &
		SP2	Infrastructure (Designated Use)
5B	Special Uses (Railways)	SP2	Infrastructure (Railways)
6A	Open space (Existing Recreation)	RE1	Public Recreation
6B	Open space (Proposed Recreation)	RE1	Public Recreation
6C	Open space (Private Recreation)	RE2	Private Recreation
7A	Environmental Protection (Wetlands)	E2	Environmental Conservation
7D	Environmental Protection (Scenic)	E4	Environmental Living
7D	Environmental Protection (Scenic) at Bowen Mountain	RU5	Village

**ORDINARY MEETING**

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<b>Symbol</b>	<b>HLEP 1989 Zone</b>	<b>Symbol</b>	<b>Standard Instrument Zone</b>
7D	Environmental Protection (Scenic) at The Islands	R5	Large Lot Residential
EP-MA	Environmental Protection - Mixed Agriculture (Scenic)	E4	Environmental Living
EP-AP	Environmental Protection - Agricultural Protection (Scenic)	RU2	Rural Landscape
7E	Environmental Protection (Consolidated Land Holdings)	E3	Environmental Management
8(a)	Nature Reserve	E1	National Parks and Nature Reserves
9B	Proposed Road (adjoining "Classified Road")	SP2	Infrastructure (Classified Road)
9B	Proposed Road (not adjoining "Classified Road")		Adjoining zone adopted
	Hawkesbury River upstream of Windsor Bridge	W1	Natural Waterway
	Hawkesbury River downstream of Windsor Bridge	W2	Recreational Waterway



**AT - 2 Proposed Flood Clause**

**Flood Planning**

- (1) The objectives of this clause are:
  - (a) to maintain the existing flood regime and flow conveyance capacity; and
  - (b) to enable safe occupation and evacuation of land in a flood event; and
  - (c) to avoid significant adverse impacts upon flood behaviour; and
  - (d) to avoid significant adverse effects on the environment that would cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of the river bank/watercourse; and
  - (e) to limit uses to those compatible with flow conveyance function and flood hazard.
- (2) This clause applies to land subject to the discharge of a 1:100 ARI (average recurrent interval) flood event.
- (3) Consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:
  - (a) will not adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties; and
  - (b) will not significantly alter flow distributions and velocities to the detriment of other properties or the environment; and
  - (c) will enable safe occupation and evacuation of the land; and
  - (d) will not significantly detrimentally affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of the river bank/watercourse; and
  - (e) will not be likely to result in unsustainable social and economic costs to the flood affected community or general community as a consequence of flooding; and
  - (f) if located in a floodway,
    - (i) is compatible with the flow conveyance function of the floodway; and
    - (ii) is compatible with the flood hazard within the floodway.
- (4) In this clause, **floodway** has the same meaning as it has in the Floodplain Development Manual 2005.

oooO END OF REPORT Oooo

**Item: 202 CP - Asset Management Policy - (95498)**

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**REPORT:**

The purpose of this report is to present an Asset Management Policy for adoption by Council.

In 2007, draft Asset Management Plans for Council's key infrastructure assets were prepared. The plan preparation process also involved review of Council's current and desired asset management practices and an improvement plan. The improvement plan identified a need for an Asset Management Policy and supporting Strategy and a whole of council asset management system to guide and direct Council's responsibilities for the management of its assets to deliver the service needs of the Hawkesbury community now and into the future.

Since this time, the following events have occurred:

- Council has developed a draft Hawkesbury Community Strategic Plan 2010-2030 in consultation with community, Councillors and staff. The Plan provides essential direction for future Council activities and decision making. This Plan has been publicly exhibited and a report is being prepared taking into consideration all the submissions received and should be submitted to the next meeting.
- In May 2009, the Department of Local Government (DLG) introduced Planning for a Sustainable Future: Integrated Planning and Reporting Framework. This legislative framework introduced an exposure draft Local Government Amendment (Planning and Reporting) Bill 2009 and the Local Government (General) Amendment (Planning and Reporting) Regulation 2009.

The Bill was tabled in the NSW Parliament in early July 2009 and is expected to be passed in the September 2009 Parliament Session.

The new planning and reporting framework replaces the former Management Plan and Social Plan with an integrated framework, consisting of a hierarchy of documents which includes a long-term Community Strategic Plan, and a Resourcing Strategy and a Delivery Program for each elected council term. An Operational Plan is then developed for each year to outline the specific details of Council's activities and the annual budget. Reports on the progress of its activities to the community are made through the Annual Report.

Councils will be required to address all essential elements of the legislation in the preparation of their plans and also prepare a compliance report with the Local Government Act.

The aim of the legislation is to assist councils to put in place a strategic planning framework which is responsive to its community and is sustainable into the long term future.

Specifically the legislative change requires NSW councils to have in place:

- A community strategic plan that covers a period of at least 10 years.
- A resourcing strategy that includes provision for long-term financial planning, workforce management planning and asset management planning.
- A 4-year delivery program.
- An annual operational plan that includes a statement of revenue policy and detailed annual budget.

This Asset Management Policy aims to provide direction for Council's Asset Management Planning framework.

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Specifically the purpose of the Asset Management Policy is:

- To guide and direct Council's responsibilities for the efficient and effective management of community assets under its control.
- To outline a framework for developing and implementing a sustainable asset management strategy and plans which meet priority objectives stated in the Hawkesbury Community Strategic Plan.
- To define key principles that will underpin asset management for the council.
- To guide asset management processes which meet the legislative requirements in the *Local Government Amendment (Planning and Reporting) Bill 2009* and the *Local Government (General) Amendment (Planning and Reporting) Regulation 2009*.
- To broadly define Council's approach to asset management and establish a framework to assist community members to form reasonable expectations about Council's capacity to meet current and future levels of service.

Council is aiming to continue to provide "sustainable" and "affordable" services and maintain a life style that the Hawkesbury community values and enjoys. This can only be achieved through a concerted effort across the "whole of council" and improved financial and engineering management of the assets. Getting Asset Management "right" is one of the most important challenges Council is facing in the medium to longer term.

Endorsement of this Asset Management Policy demonstrates Council's commitment to sustainable Asset Management Principles and Objectives.

### **Conformance to Strategic Plan**

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

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

### **Funding**

The adoption of a Policy for Asset Management will not impact on funding in the current budget. However, future budgets may be affected in relation to Asset Management.

### **RECOMMENDATION:**

That the Draft Asset Management Policy, attached as Attachment 1 to the report, be adopted by Council.

### **ATTACHMENTS:**

**AT - 1** Draft Asset Management Policy (*Distributed Under Separate Cover*)

oooO END OF REPORT Oooo

**ORDINARY MEETING****Meeting Date:** 29 September 2009**INFRASTRUCTURE SERVICES****Item: 203 IS - Roads to Recovery Program - (95495, 79344)****REPORT:**

Council has received correspondence from the Minister for Infrastructure and Transport, the Hon. Anthony Albanese, MP, advising that the Roads to Recovery Program has been extended for a further five years and Council will receive a total amount of \$4,046,263 over this period.

It is recommended that these funds be utilised to rehabilitate failed road pavements based on priorities derived from the Pavement Management System. The selection of roads is generally based on Low Pavement Condition Index (PCI) Values, roughness greater than 130, high traffic volumes and servicing large areas.

The road sections selected are as follows:

<b>Road Name</b>	<b>Location and Description of Works</b>	<b>Amount</b>
Comleroy Road, Kurrajong	Rehabilitate failed sections between Bells Line of Road and North of Oswald Park Road <i>* In conjunction with RTA Repair Program</i>	\$298,500
Grose Vale Road, North Richmond	Rehabilitate Failed Sections: <ul style="list-style-type: none"> <li>- Between Pecks Road and Grose River Road <i>* In conjunction with RTA Repair Program</i></li> <li>- Between Pecks and Bells Line of Road</li> <li>- Between Bowen Mountain and Westbury Road</li> </ul>	\$55,000 \$110,000 \$85,000
Sackville Road, Wilberforce	Rehabilitate failed sections including widening generally between Grono Farm Road and Wymarks Lane <i>*In conjunction with RTA repair Program</i>	\$420,000
Terrace Road, North Richmond	Rehabilitate failed section between Beaumont Avenue and 1200m North.	\$495,000
Upper Colo Road, Colo	Replace Timber Bridge over the Wheeny Creek, with a reinforced concrete structure.	\$810,000
Blacktown Road, Freemans Reach	Rehabilitate failed pavement generally between Vollers and Gorricks Lane	\$202,500
Snailham Crescent, South Windsor	Rehabilitate failed pavement	\$170,000
Slopes Road, North Richmond	Rehabilitate failed pavement generally between Maddens Road and Crooked Lane	\$245,263
Kable Street, Windsor	Rehabilitate failed sections between George Street and The Terrace including drainage	\$98,800
King Road, Wilberforce	Rehabilitate between Old Sackville Road and Pitt Town Ferry Road	\$92,500

**ORDINARY MEETING**

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<b>Road Name</b>	<b>Location and Description of Works</b>	<b>Amount</b>
St Albans Road	Rehabilitate failed pavement generally between Webbs Creek Road and Webbs Creek Mountain Road	\$165,500
Midson Road, Oakville	Rehabilitate failed sections between Dormitory Hill Road and Cusack Road	\$135,000
Scheyville Road, Oakville	Rehabilitate failed sections between Old Stock Route Road and Old Pitt Town Road	\$265,000
Mileham Street, South Windsor	Rehabilitate failed section between James and Drummond Street	\$144,000
Hermitage Road, Kurrajong Hills	Rehabilitate failed section between Mill Road and Mountain View Close	\$180,200
Kurmond Road, Glossodia	Rehabilitate failed sections between Wire Lane and Spinks Road	\$74,000
<b>Approximate Limit of Funding</b>		<b>\$4,046,263</b>
<b>Additional Projects Subject to available funding</b>		
Bells Lane, Kurmond	Rehabilitate failed pavement at southern end	\$95,000
Cornwallis Road, Richmond Lowlands	Rehabilitate failed sections	\$118,000
Freemans Reach Road, Windsor	Rehabilitate failed sections between Wilberforce Road – 750m West	\$341,250
Spinks Road, Glossodia	Western End from Kurmond Road CH550 to CH1150	\$204,250
James Meehan Street, Windsor	Rehabilitate failed section	\$85,000
Harris Street, Windsor	Rehabilitate failed section	\$125,000
Racecourse Road, Clarendon	Rehabilitate failed section – Railway to 426m South	\$195,000

**Conformance to Strategic Plan**

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

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

**Funding**

Funding to be provided from the Roads to Recovery Program.

**ORDINARY MEETING**

**Meeting Date: 29 September 2009**

**RECOMMENDATION:**

That the Roads to Recovery funding be utilised on the following list of scheduled works:

<b>Road Name</b>	<b>Location and Description of Works</b>	<b>Amount</b>
Comleroy Road, Kurrajong	Rehabilitate failed sections between Bells Line of Road and North of Oswald Park Road <i>* In conjunction with RTA Repair Program</i>	\$298,500
Grose Vale Road, North Richmond	Rehabilitate Failed Sections: <ul style="list-style-type: none"> <li>- Between Pecks Road and Grose River Road <i>* In conjunction with RTA Repair Program</i></li> <li>- Between Pecks and Bells Line of Road</li> <li>- Between Bowen Mountain and Westbury Road</li> </ul>	\$55,000 \$110,000 \$85,000
Sackville Road, Wilberforce	Rehabilitate failed sections including widening generally between Grono Farm Road and Wymarks Lane <i>*In conjunction with RTA repair Program</i>	\$420,000
Terrace Road, North Richmond	Rehabilitate failed section between Beaumont Avenue and 1200m North.	\$495,000
Upper Colo Road, Colo	Replace Timber Bridge over the Wheeny Creek, with a reinforced concrete structure.	\$810,000
Blacktown Road, Freemans Reach	Rehabilitate failed pavement generally between Vollers and Gorricks Lane	\$202,500
Snailham Crescent, South Windsor	Rehabilitate failed pavement	\$170,000
Slopes Road, North Richmond	Rehabilitate failed pavement generally between Maddens Road and Crooked Lane	\$245,263
Kable Street, Windsor	Rehabilitate failed sections between George Street and The Terrace including drainage	\$98,800
King Road, Wilberforce	Rehabilitate between Old Sackville Road and Pitt Town Ferry Road	\$92,500
St Albans Road	Rehabilitate failed pavement generally between Webbs Creek Road and Webbs Creek Mountain Road	\$165,500
Midson Road, Oakville	Rehabilitate failed sections between Dormitory Hill Road and Cusack Road	\$135,000
Scheyville Road, Oakville	Rehabilitate failed sections between Old Stock Route Road and Old Pitt Town Road	\$265,000
Mileham Street, South Windsor	Rehabilitate failed section between James and Drummond Street	\$144,000
Hermitage Road, Kurrajong Hills	Rehabilitate failed section between Mill Road and Mountain View Close	\$180,200
Kurmond Road, Glossodia	Rehabilitate failed sections between Wire Lane and Spinks Road	\$74,000

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<b>Approximate Limit of Funding</b>		<b>\$4,046,263</b>
<b>Additional Projects Subject to available funding</b>		
Bells Lane, Kurmond	Rehabilitate failed pavement at southern end	\$95,000
Cornwallis Road, Richmond Lowlands	Rehabilitate failed sections	\$118,000
Freemans Reach Road, Windsor	Rehabilitate failed sections between Wilberforce Road – 750m West	\$341,250
Spinks Road, Glossodia	Western End from Kurmond Road CH550 to CH1150	\$204,250
James Meehan Street, Windsor	Rehabilitate failed section	\$85,000
Harris Street, Windsor	Rehabilitate failed section	\$125,000
Racecourse Road, Clarendon	Rehabilitate failed section – Railway to 426m South	\$195,000

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

**Item: 204 IS - Removal of Playgrounds located at Price Lane, Agnes Banks and Panorama Crescent, Freeman's Reach - (95494, 79354)**

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**REPORT:**

As part of Council's commitment to provide safe and enjoyable play spaces, a specialised contractor is engaged to undertake quarterly inspections of Council's playgrounds. It has been identified through these inspections that the playgrounds located in Price Lane, Agnes Banks and Panorama Crescent, Freemans Reach do not comply with current Australian Standards for user safety and pose a risk to both users and Council.

On the 24 August 2009, correspondence was forwarded to the residents of both Agnes Banks and Freemans Reach detailing the intention to remove the respective playgrounds, with subsequent replacement to be determined with the level of community response. Residents were encouraged to provide submissions by 4 September 2009.

At the close of the consultation period the following submissions were received.

**Price Lane, Agnes Banks**

Only 1 submission was received for this playground, outlining the playground is not used due to the poor location and would be more beneficial if it was sited in a more visible location.

Given the level of response from the community it is recommended to remove the playground and consider its replacement as part a future Capital Work Program in line with the priorities of other playground areas across the City. As part of the normal consultation process, Council staff will liaise with the community regarding any future replacement.

**Panorama Crescent, Freeman's Reach**

Over 44 submissions were received in relation to this play space, objecting to the removal of the playground. As the community have shown that there is reasonable usage and they have expressed an interest in retaining a playground in that location, consideration will be given for its replacement in next financial year's budget, in line with the priorities of other playground areas across the City. As part of the normal consultation process, Council staff will liaise with the community regarding any future replacement.

Whilst there has been strong community support, in particular the playground located at Freemans Reach, both playgrounds have been identified as non conforming with Australian Standards and require removal. It is anticipated that the replacement of Freemans Reach playground will be undertaken as soon as funding becomes available.

**Conformance to Strategic Plan**

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

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

**Funding**

Future improvements to the playground at Freemans Reach are proposed to be funded from the Park Improvement Program and Section 94 funds.



**ORDINARY MEETING**

**Meeting Date:** 29 September 2009

**RECOMMENDATION:**

That the playground located at:

1. Price Lane, Agnes Banks be removed.
2. Panorama Crescent, Freemans Reach be removed, with a replacement being provided as soon as funding becomes available.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

**Item: 205 IS - St Albans Park, St Albans Master Plan - (95495, 79354)**

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**REPORT:**

A Master Plan for the continuing management of St Albans Park, St Albans has been prepared.

As part of the community consultation process, a community meeting/workshop was held on 9 May 2009. Notice was given by letterbox drop to the community and advice to other key stakeholders. Attendance to the meeting was high with 18 residents present, including representation from the MacDonald Valley Association.

The Master Plan for St Albans Park, St Albans was placed on public exhibition for the mandatory 28 day period, with a further two week period for the completion of written submissions.

Following the public exhibition period, 2 written submissions and 1 verbal submission were received.

The submissions received and comments (in italics) are as follows:

- Discouraging of the parallel parking in front of the pub due to safety issues.  
*This is a current parking arrangement and is considered suitable.*
- Having a grassy slope to the river for better access.  
*This would require the removal of a current re-vegetation site and is **not** recommended.*
- No built structures to the river as they will not withstand flooding and will be a waste of money.  
*Pathways are to be constructed at the top of bank.*
- No angle parking as this will create too much activity with vehicles on the road.  
*It has been identified the road widths are not suitable and would require significant loss to the park, this concept will not proceed.*
- Increase removal of Jacaranda trees to better manage seed bank: prune two best specimens to gain enhanced shape and retain these for "heritage value".  
*It was identified in the public consultation process that the removal of the Jacarandas is to be restricted to the river side of the park and the remainder to remain.*
- Remove camphor laurels on the road side line of trees.  
*This can be considered as part of Council ongoing maintenance program.*
- Rationalise signage.  
*Signage will be updated as part of the development of the reserve.*

It is considered that the majority of these issues have been resolved within the Master Plan, and the remaining will be considered as part of Council's General Park Maintenance Program.

**Conformance to Strategic Plan**

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

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

**Funding**

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

**ORDINARY MEETING**

**Meeting Date:** 29 September 2009

**RECOMMENDATION:**

That the St Albans Park, St Albans Master Plan be adopted.

**ATTACHMENTS:**

**AT - 1** Master Plan for St Albans Park, St Albans

**ORDINARY MEETING**

**Meeting Date: 29 September 2009**

**AT - 1 Master Plan for St Albans Park, St Albans**

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

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**

**Meeting Date:** 29 September 2009

**Item: 206**            **IS - Richmond Park - Plan of Management - (95495, 79354)**

**Previous Item:**        131, Ordinary (14 July 2009)

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**REPORT:**

A Plan of Management and Master Plan for the continuing management of Richmond Park, Richmond has been prepared. This Plan of Management will ensure the management of the reserve is in line with Council's commitment to the Conservation Management Plan and its obligation under the NSW Heritage Act 1977.

As part of the community consultation process, a community meeting/workshop was held on 15 April 2009. Notice was given by way of advertisements and advice to other key stakeholders. Attendance to the meeting was low with only three residents and representatives of Council present.

The Draft Plan of Management for Richmond Park, Richmond is now complete and forms part of the comprehensive documentation for the Park. The Draft Plan of Management was placed on public exhibition for the mandatory 28 day period, with a further two week period for the completion of written submissions by 11 September 2009.

Following the community consultation period, Council received no submissions to the Plan of Management and it is therefore recommended that the Plan of Management be adopted.

**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 Reserve are proposed to be funded from the Park Improvement Program, Section 94 funds and Grants depending upon availability of funding.

**RECOMMENDATION:**

The Richmond Park Plan of Management be adopted.

**ATTACHMENTS:**

**AT - 1**    Richmond Park Draft Plan of Management - (*Distributed under separate cover*)

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**

**Meeting Date:** 29 September 2009

**Item: 207**            **IS - Windsor Foreshore Parks Plan of Management - (95495, 79354)**

**Previous Item:**        118, Ordinary (30 June 2009)

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**REPORT:**

A Plan of Management (POM) and Master Plans 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, has been prepared. This Plan will supersede all existing Plans 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 and Master Plans for Windsor Foreshore Parks, Windsor is now complete and has been placed on public exhibition for the mandatory 28 day period, with a further two week period for the completion of written submissions. In addition, copies of the draft plans were sent to the Department of Planning, Metropolitan Greenspace Program and the Department of Lands as sections of the plans cover Crown Lands.

Following the public exhibition period, Council has received one submission relating to the Plan of Management and Master Plan.

The submission has identified the following items for consideration:

1. *A rotunda be erected in Thompson Square opposite the Macquarie Arms Hotel to replace the original from the late 1800's.*

Following a review of images and further investigation a rotunda existed circa 1890 but had disappeared by the early 1900's, surviving no more than 20 years. Currently the Anchor monument is located within this area and would require relocation prior to any erection of a rotunda.

As identified within Item 12 of the POM, the re-design of Thompson Square has allowed for the development of a paved observation area towards the river, which could function as a stage and given the slope of the site would allow the area to be used as an amphitheatre. Should the POM be adopted as is, then the installation of a rotunda would not be considered necessary.

2. *Pathway to be extended between the boating clubhouse and the boat ramp.*

It is agreed that the extension of the pathway is appropriate and will be addressed in the Master Plan.

3. *The provision of bus parking at Holland's Paddock for tourist.*

It is recognised the provision of bus parking is limited within the Windsor business area. This has been considered as part of the Master Plan options for Thompson Square and the Windsor Wharf area.

Given that the majority of tourist activities occur within the Thompson Square, Windsor Mall and Wharf areas, it is considered that the proposed bus parking located within the vicinity of Thompson Square and the Windsor Wharf would be adequate by providing access to these main areas.

In addition to the submission above, correspondence has been received from an adjoining land owner to Holland's Paddock seeking the purchase of part of Lot 50 in DP1073306, Hollands Paddock. The area of approximately 65sqm proposed to be rezoned and reclassified, is shown on the attached plan. The parcel

## ORDINARY MEETING

Meeting Date: 29 September 2009

of land is landlocked by the adjoining landowners, and due to its location is deemed to be of limited use to the community. The site is currently in a very poor state being overgrown with weeds, and given the limited access available staff are unable to provide proper maintenance of the site.

The parcel is currently zoned 6(a) Open Space and classified as community land, and under the Local Government Act is unable to be sold. Given that this parcel of land has no potential for expansion or contribution to the overall amenity of Holland's Paddock it is recommended that the parcel be re-classified to Operational, with a view to enabling the portion to be sold to the adjacent land owner.

It should be noted that Council is currently processing a rezoning application (Amendment No. 154) for the adjoining properties in New Street to Business General 3(a) (or B2 Local Centre in the Standard Instrument). It would be prudent for Council to resolve to rezone the subject part of Lot 50 to Business General 3(a) to ensure consistency with the adjoining existing and proposed zoning.

It should be noted that there is significant investment in a number of projects currently underway as part of the Capital Works Program including the development of the regional play space in Macquarie Park, and the re-design and development of the Windsor Wharf with Council seeking additional funding through NSW Maritime.

Each of these projects comply with the draft Plans of Management and Master Plans and will provide key focal points for future development of the foreshore parks and opportunities to seek State and Federal funding.

### 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

It is proposed to fund future improvements to the Reserve from the Park Improvement Program, Section 94 funds and Grants depending upon availability of funding.

### RECOMMENDATION:

That:

1. Part Lot 50, DP 1073306, Hollands Paddock, as shown on the map attached to this report, be reclassified from Community Land to Operational Land and a Planning Proposal be prepared to rezone the land to General Business 3(a).
2. The Plan of Management and Master Plans for 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 be adopted.

### ATTACHMENTS:

- AT - 1** Proposed Area to be Rezoned and Reclassified.
- AT - 2** Windsor Foreshore Parks, Windsor, Draft Plan of Management (*Distributed under separate cover*)

**ORDINARY MEETING**

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**AT - 1 Proposed Area to be Rezoned and Reclassified**

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

**oooO END OF REPORT Oooo**



## ORDINARY MEETING

Meeting Date: 29 September 2009

### SUPPORT SERVICES

**Item: 208**            **SS - Gifts and Benefits Policy - (95496)**

**Previous Item:**        Item 67, Ordinary (8 April 2008)

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#### **REPORT:**

Council at its meeting of 8 April 2008 adopted a Gifts and Benefits Policy to supplement Council's Code of Conduct in relation to gifts and benefits, and to provide guidelines for Councillors and staff when dealing with situations where they may be offered a gift or benefit in the course of performing their public duties. A copy of that Policy is attached and is also contained in the Councillors Handbook issued to all Councillors after the Local Government Elections in 2008.

In framing the existing Policy, the following publications were utilised:

- *Local Government Reform - Promoting Better Practice Review* issued by the Department of Local Government (DLG) which recommends that Council adopt a gifts and benefits policy and procedure; and
- *Managing Gifts and Benefits in the Public Sector Toolkit (Toolkit)* issued by the Independent Commission Against Corruption (ICAC) to assist public sector agencies manage the risks associated with gifts and benefits.

The Policy aims to provide a transparent and accountable framework for managing the offer or receipt of a gift or benefit in a way that will prevent the perception or possibility of corrupt conduct by Councillors and staff. Council's adopted Code of Conduct refers to Council's Gifts and Benefits Policy for additional guidance.

Compliance with the Policy ensures that Councillors and Council staff can conduct their public duties with confidence that their actions will not give rise to an unwarranted perception that an offer or acceptance of a gift or benefit has influenced the Council Officer in the performance of their duties.

The Policy identifies three levels of gifts based on value and the appropriate action to be taken at each level. Council's Policy has attracted 20 declarations during 2008/2009 from both Councillors and Staff.

A review of the Policy has been undertaken in accordance with the Policy requirements of it being reviewed within 12 months of an Ordinary Local Government Election. No issues have been identified in the review which would warrant changes being made to the existing Policy. It is noted that since the last review no new guidance material has been issued from the peak local government bodies such as the DLG and the ICAC on dealing with gifts and benefits, other than the Model Code of Conduct issued by the DLG, which was previously dealt with by Council.

Accordingly it is considered that Council's existing Policy is still current and no changes are recommended to that Policy.

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

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

*"Objective: An informed community working together through strong local and regional connections".*

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**Funding**

There are no funding implications arising from this report.

**RECOMMENDATION:**

That Council re-affirm the existing Gifts and Benefits Policy attached to this report as Attachment 1.

**ATTACHMENTS:**

**AT - 1** Hawkesbury City Council Gifts and Benefits Policy - (*Distributed under separate cover*).

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**

**Meeting Date: 29 September 2009**

**Item: 209            SS - Policy for Payment of Expenses and Provision of Facilities to Councillors - Review - (95496)**

**Previous Item:**        193, Ordinary (9 September 2008)

---

**REPORT:**

At the meeting of Council held on 9 September 2008, Council adopted, following review, its revised policy on the "Payment of Expenses and Provision of Facilities to Councillors".

Section 252 of the Local Government Act 1993 requires a council, within five months after the end of each financial year, to adopt a policy in this regard.

Section 253 of the Act also details requirements to be complied with prior to such a policy being adopted or amended in the following terms:

- "(1) A council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.*
- (2) Before adopting or amending the policy, the council must consider any submissions made within the time allowed for submission and make any appropriate changes to the draft policy or amendment.*
- (3) Despite subsection (1) and (2), a council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the council is of the opinion that the proposed amendment is not substantial.*
- (4) Within 28 days after adopting a policy or making an amendment to a policy for which public notice is required to be given under this section, a council is to forward to the Director-General:
  - (a) a copy of the policy or amendment together with details of all submissions received in accordance with subsection (1), and*
  - (b) a statement setting out, for each submission, the council's response to the submission and the reasons for the council's response, and*
  - (c) a copy of the notice given under subsection (1).**
- (5) A council must comply with this section when proposing to adopt a policy each year in accordance with section 252(1) even if the council proposes to adopt a policy that is the same as its existing policy."*

A review of the current policy has been undertaken. There have been no further guidelines or the like issued by the Department of Local Government (DLG) since the last review. The previous review had taken into account the Department's Guidelines issued in 2008 and as a result, a number of changes were identified and made to Council's Policy. No changes to the existing Policy have been identified in this review other than a minor housekeeping change as outlined below.

Part 3, Section 4 (a) (ii) of the Policy provides for a fully maintained and fuelled motor vehicle for the Mayor. The vehicle is to be to the standard of a Ford Fairlane or Holden Statesman. It is noted that the Ford Fairlane is obsolete and its equivalent is now the Ford Falcon G Series. Accordingly it is proposed that the policy be updated to reflect the new model.

A copy of the existing Policy updated to reflect this housekeeping change is attached to this report, as Attachment 1.

**ORDINARY MEETING**

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Given that the proposed change is only to update the vehicle model and does not confer any additional benefit to the Mayor it is considered that the proposed amendment is not substantial, and therefore does not require public notice of the proposed change. Advice from the Department of Local Government verifies that where a Policy is unchanged or amendments are "not substantial", then there is no need to give public notice.

The updated policy as attached is recommended for adoption.

**Conformance to Strategic Plan**

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

*"Directive: Establish processes that build community capacity to identify and respond to diversity and difference."*

**Funding**

No effect on the budget as provision has already been made to meet the expenses provided for within the policy.

**RECOMMENDATION:**

That:

1. The amended Policy for Payment of Expenses and Provision of Facilities to Councillors attached as Attachment 1 to the report be adopted.
2. Council is of the opinion that the proposed change is not substantial and that public notice of the proposed change is not required.
3. As required by Section 253(4) of the Local Government Act 1993, a copy of the adopted amended Policy be forwarded to the Director-General of the Department of Local Government, with the advice that Council is of the opinion that the amendment to the Policy regarding the model of the Mayoral vehicle is not substantial, and therefore public notice was not required.

**ATTACHMENTS:**

- AT - 1** Revised Policy for Payment of Expenses and Provision of Facilities to Councillors - (*Distributed Under Separate Cover*).

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**

**Meeting Date: 29 September 2009**

**Item: 210            SS - Review of Code of Meeting Practice - (79337)**

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

---

**REPORT:**

At its meeting of 30 June 2009, Council resolved:

*"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."*

In accordance with Council's resolution the Draft Code of Meeting Practice was placed on public display for at least a 42 day period and any person had the opportunity to make a submission to Council until 5:00pm on Friday, 28 August 2009. At the close of the submission period no submissions were received by Council.

Since the Council Meeting on 30 June 2009, the Department of Local Government (DLG) issued Circular No 09/32 dated 31 August 2009 notifying councils that it has updated its Practice Note 16 – Meetings Practice. The update has taken into account issues arising from its Promoting Better Practice visits to councils and issues raised by councillors during the Councillor Information Seminars conducted by the DLG in late 2008 following the local government elections.

A review of the updated Practice Note has taken place against Council's draft Code of Meeting Practice. As previously advised, under Section 360(2) of the Local Government Act, 1993 (the Act), Council may establish a Code of Meeting Practice. The Code must incorporate meeting procedures set out in the Act, and Local Government (General) Regulation 2005, and can incorporate local provisions. However, in adopting local provisions, the Code must be consistent with the relevant legislative provisions. Council's Draft Code of Meeting Practice generally meets those requirements except in one area and that concerns "Questions Without Notice".

The Practice Note and advice from the DLG's Legal Branch indicates that having an agenda item "Questions Without Notice" is inconsistent with the provisions of the Regulation (Clause 241) that require notice to be given of matters to be discussed at council meetings. In this regard the Practice Note states:

*"Having an agenda item, "questions without notice" is inconsistent with the provisions of the Regulation that require notice to be given of matters to be discussed at Council Meetings (Clause 241).*

*Allowing questions without notice would avoid the notice provisions of Clause 241 of the Regulation. That clause enables all councillors and the public to be aware, by reading the agenda, of matters that will be raised at each meeting. It also enables councillors to give careful thought to any pecuniary interest or conflict of interest they might have in a matter, rather than having to hastily confront an issue during the meeting.*

*However, questions can be proposed by giving notice to the general manager in the usual way...and can be asked during the meeting in relation to business already before council... If*

## ORDINARY MEETING

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*the matter is genuinely urgent, and the matter is not on the agenda, it could be dealt with under Clause 241(3) of the Regulation.”*

For clarity, the advice of the DLG's Practice Note is that:

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

Additionally, for operational matters Councillors may utilise existing protocols and contacting the General Manager or relevant Director for a response. Council is currently investigating an electronic Customer Request Management System which may also be utilised by Councillors to lodge enquiries, questions and the like.

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

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

On another issue, it is noted that the owner/applicant to a matter before Council does not have an automatic right to speak at a Council Meeting. In terms of fairness it would be appropriate to ensure that one of the three speaker spots allowed for the proponent, applicant, supporters and other interested parties be reserved for the owner/applicant or his/her representative if they wish to address the Meeting. This would be achieved by inclusion of the following sentence after Clause 3.3.8, point 1:

*“Notwithstanding the above, the applicant/owner or nominated representative is entitled to speak if an application is made in accordance with this Code and will be granted permission as one of the three positions allocated for proponents and supporters.”*

No further changes have been identified since the exhibition of the draft Code. However for convenience, a summary of the proposed changes recommended to the Code of Meeting Practice which went on public exhibition are as follows.

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

These include updating references and content to reflect changes to the LGA, Regulations; inserting new provisions relating to the recording of planning decisions; inserting new provisions relating to the expulsion of persons from meetings; and updating content in reference to pecuniary interest and non-pecuniary interest to ensure consistency with recent changes to Council's Model Code of Conduct.

### 2. **Automatic updating of Code due to statutory changes (Clause 6.4)**

### 3. **Meeting times and other deadlines**

A change to the commencement time of Ordinary Meetings from 5:00pm to 6:30pm, and consequential changes for consistency to the commencement time of Extraordinary Meetings and notification of speaker times and the like.

### 4. **Councillors not to speak on Questions With Notice**

## ORDINARY MEETING

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5. **Good Governance Provision – Notice of Motions**
6. **Clarifying Pecuniary Interest Requirements**
7. **Provisions ensuring efficient and effective meeting practices**

It should be noted that the NSW Parliament has enacted legislation to establish a new regime for public access to Government (including local government) held information that will replace the Freedom of Information (FOI) Act, 1989 and Section 12 of the Local Government Act, 1993. It is anticipated that the Government Information (Public Access) Act (GIPA) will commence in early 2010. Accordingly, reference in the Code to Section 12 and FOI will need to be updated to reflect GIPA when it commences, and these changes will be done automatically by virtue of Section 6.4 of the Code. Councillors will be notified of any amendments in this matter.

The Code, with the amendments outlined in the report above together with the amendments from the exhibited Code, are shown in bold and italic font in the Revised Draft Code of Meeting Practice attached as Attachment 1 to this report.

Council has already placed on public exhibition the draft Code of Meeting Practice. The further changes ensure consistency with the LG Regulation which do not require re-advertising. A minor change to speaker's entitlements is not considered substantial so does not require re-advertising of the draft Code. Please note that in terms of a council's statutory obligations if a council is of the opinion that the amendments are not substantial, it may adopt the amended draft code without public exhibition as its code of meeting practice.

In terms of implementing the changes to the Code of Meeting Practice, some logistical issues arise, particularly in terms of introducing the new meeting times and the public participation process. In this regard Council is required to give public notice of its new meeting times and also change various forms, information brochures, Council's website, catering arrangements and signage affected by the changes to the Code. In terms of public notification of new times, given the media deadlines and advanced notification of meeting times and dates in the media, such notification may not have effect until, the scheduled Ordinary Meetings of November 2009, after which there will be one further scheduled meeting for 2009. Council publishes its meeting schedule for the next calendar year in December 2009.

In order to ensure appropriate time for a public communication process to occur, including ensuring that sufficient public notification of changed meeting times is given, changes to relevant public documentation and Council's website, and to readily coincide with the new calendar year meeting schedule, it is considered that the amended Code of Meeting Practice should take effect from 1 January 2010.

Accordingly it is considered that the public exhibited draft Code of Meeting Practice with the changes recommended in this report be adopted by Council.

### **RECOMMENDATION:**

That:

1. In Council's opinion the amendments made since exhibition of Council's Draft Code of Meeting Practice are not substantial and accordingly they may be adopted without further public exhibition.
2. The Revised Draft Code of Meeting Practice (Attachment 1 to this report) as exhibited and amended by this report be adopted by Council.
3. The Revised Code of Meeting Practice as amended take effect from 1 January 2010 to enable appropriate changes to be made to relevant documents in this regard and for sufficient public notice to be given in respect of the new commencement time of Council Meetings.

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**Meeting Date:** 29 September 2009

**ATTACHMENTS:**

**AT - 1** Revised Draft Code of Meeting Practice - (*Distributed under separate cover*).

**oooO END OF REPORT Oooo**



**ORDINARY MEETING**

**Meeting Date:** 29 September 2009

**Item: 211**            **SS - Financial Assistance - St Monica's Catholic Primary School - (95496, 95498, 12932)**

**Previous Item:**        87, Ordinary (12 May 2009)  
                              142, Ordinary (28 July 2009)

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**REPORT:**

**Background**

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

The Section 94A levy payment of \$30,000 paid by the applicant (i.e. the Catholic Education, Diocese of Parramatta) was the result of a development consent condition imposed on the development consent in accordance with the provisions of Council's Section 94A Development Contributions Plan 2006.

Council, at its meeting on 28 July 2009, gave consideration to a report regarding the request for reimbursement in this matter and resolved, as follows:

*"That:*

1. *Council propose to provide financial assistance under Section 356 of the Local Government Act 1993 to St Monica's Catholic Primary School, Richmond in the amount of \$30,000, being the equivalent amount of the Section 94A Contribution associated with the development application (DA0658/08) for works at St Monica's Catholic Primary School, Richmond.*
2. *Council's proposal as outlined in part 1 of this resolution be placed on public exhibition for at least 28 days and a further report be considered by Council following the expiration of the public exhibition period.*
3. *A review of the Section 94A plan is to be undertaken following advice from the Department of Planning or the release of their guidelines for review of Developer Contribution plans. Provision is to be made in the plan to exclude from the payment of the contribution levy, development for the purpose of renovations or upgrades of facilities in any primary or secondary school that do not result in the increase of student numbers or significant additional traffic generation. The reviewed contributions plan is to be reported to Council prior to placement on public exhibition.*
4. *Council write to the Catholic Education, Diocese of Parramatta advising it of Council's decision."*

**Details**

In accordance with parts 1 and 2 of Council's resolution and the Local Government Act 1993, the proposal to provide financial assistance to St Monica's Catholic Primary School, Richmond in the amount of \$30,000, was placed on public exhibition on 20 August 2009 and the exhibition period closed on 18 September 2009. No submissions were received.

In accordance with Council's previous resolution, financial assistance in the order of \$30,000 to St Monica's Catholic Primary School, Richmond may now be made. However it is noted that as provision for

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this donation was not included in Council's 2009/2010 Budget an appropriate adjustment in this regard will need to be made as part of the September, 2009 Quarterly Review.

With regard to part 3 of the above resolution, Council is currently awaiting advice or guidelines from the Department of Planning, however, work on changes to the Section 94A Plan are underway.

**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 consolation with our community, and co-ordinating human and financial resources to achieve this future."*

**Funding**

As provision for this financial assistance was not included in Council's 2009/2010 Budget an appropriate adjustment in this regard will need to be made as part of the September, 2009 Quarterly Review.

**RECOMMENDATION:**

That:

1. Pursuant to Section 356 of the Local Government Act 1993, Council approve the financial assistance of \$30,000 to St Monica's Catholic Primary School, Richmond.
2. An appropriate adjustment in respect of this donation be made as part of the September, 2009 Quarterly Review.
3. The Catholic Education, Diocese of Parramatta be advised of Council's decision.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**

**Meeting Date: 29 September 2009**

**Item: 212 SS - Monthly Investments Report - August 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.

**August 2009**

The following table indicates that Council held \$39.1 million in investments as at 31 August 2009. Details of the financial institutions with which the investments were made, date investments were taken out, the maturity date (where applicable), the rate of return achieved, the credit rating of the institutions and the investments and the percentage of the total portfolio, are provided below.

Investment Type	Institution Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Investment Rating	Total \$
<b>On Call</b>								
CBA	AA	31-Aug-09		3.50%	6,630,000	16.94%	A1+	6,630,000
<b>Term Investments</b>								
ANZ	AA	25-May-09	22-Sep-09	4.25%	3,000,000	7.67%	A1+	
ANZ	AA	29-May-09	25-Nov-09	4.25%	1,000,000	2.56%	A1+	
ANZ	AA	24-Jun-09	31-Dec-09	4.50%	3,000,000	7.67%	A1+	
Bank of Cyprus	A	04-May-09	02-Nov-09	4.50%	1,000,000	2.56%	Moody's P-1	
Bank of Queensland	BBB+	20-Jul-09	19-May-10	4.50%	1,000,000	2.56%	A-2	
Bankwest	AA	19-Aug-09	19-Aug-10	5.00%	1,000,000	2.56%	A1+	
Bendigo and Adelaide Bank	BBB+	14-May-09	09-Oct-09	4.00%	1,000,000	2.56%	A-2	
Citibank	A+	20-Jul-09	21-Apr-10	4.60%	1,000,000	2.56%	A-1	
Credit Union Australia	BBB	30-Jul-09	24-Mar-10	4.62%	1,000,000	2.56%	unrated	
Elders Rural Bank	BBB	15-Jun-09	15-Jun-10	4.64%	1,000,000	2.56%	A-2	
IMB	BBB	30-Jul-09	27-Jan-10	4.45%	1,000,000	2.56%	A-2	
Macquarie Bank	A	18-Jun-09	15-Jun-10	4.50%	1,000,000	2.56%	A-1	
Members Equity	BBB	03-Aug-09	03-Mar-10	4.65%	1,000,000	2.56%	A-2	
NAB	AA	29-May-09	16-Dec-09	4.28%	3,500,000	8.94%	A1+	
NAB	AA	25-May-09	23-Oct-09	4.30%	2,000,000	5.11%	A1+	

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Investment Type	Institution Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Investment Rating	Total \$
NAB	AA	05-Jun-09	16-Dec-09	4.40%	2,000,000	5.11%	A1+	
Newcastle Permanent	BBB+	18-Jun-09	15-Jun-10	4.55%	1,000,000	2.56%	A-2	
Suncorp	A	12-Jun-09	14-Jun-10	4.60%	1,000,000	2.56%	A-1	
Westpac	AA	20-Jul-09	20-Jan-10	4.40%	3,000,000	7.67%	A1+	
Westpac	AA	24-Jun-09	24-Feb-10	4.41%	3,000,000	7.67%	A1+	32,500,000
<b>TOTAL INVESTMENT AS AT 31 AUGUST 2009</b>								<b>39,130,000</b>

	Bench Mark	Actual
Bench Mark - UBSA 90 Day Bank Bill Index	3.37%	4.43%
Bench Mark - 11am Cash Rate	3.00%	3.50%

**Performance by Type**

Category	Balance	Average Interest	Difference to Benchmark	Restriction Type	Amount
Cash at Call	6,630,000	3.50%	0.50%	External Restrictions -S94	6,917,613
Term Deposit	32,500,000	4.43%	1.06%	External Restrictions - Other	10,652,391
				Internal Restrictions	17,003,296
				Unrestricted	4,556,700
	39,130,000	4.27%	0.90%	<b>Total</b>	<b>39,130,000</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

## ORDINARY MEETING

Meeting Date: 29 September 2009

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

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

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

### Investment Commentary

The investment portfolio increased by \$2.36 million for the month. During August, various income was received totalling \$7.99 million, including rate payments amounting to \$5.3 million, while payments to suppliers and staff costs amounted to \$4.75 million.

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

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

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

*"That:*

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

Action was taken to comply with the above resolutions, by not optionally guaranteeing amounts invested with the tier one major Australian trading banks (ANZ, CBA, NAB and Westpac), over and above the amounts that are covered by the free Government Guarantee Scheme. Further, at its meeting on 28 April 2009, Council considered a report on a revised Investment Policy and resolved to adopt a revised Investment Policy. Council’s revised Investment Policy fully complies with the Department of Local Government Investment Guidelines that were distributed on 25 May 2009.

## ORDINARY MEETING

Meeting Date: 29 September 2009

As at 31 August 2009, Council has invested \$12 million with 2<sup>nd</sup> tier financial institutions, noting that one of these institutions is a subsidiary of a major Australian trading bank. The investment of \$1 million with twelve 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.

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

*"At its meeting today, the Board decided to leave the cash rate unchanged at 3.0 per cent.*

*With considerable economic policy stimulus in train around the world, the global economy is resuming growth. Growth in China has been very strong, which is having a significant impact on other economies in the region and on commodity markets. The major economies appear to be approaching a turning point. Most observers still expect only modest growth in the world economy in 2010, due to the continuing legacy of the financial crisis, though forecasts have been revised up recently.*

*Sentiment in global financial markets has continued to improve. But the effects of economic weakness on the balance sheets of financial institutions will still be coming through for a while. This constitutes one of the main remaining risks to the global expansion. For the recovery to be durable, continued progress in restoring balance sheets is essential.*

*Economic conditions in Australia have been stronger than expected, with consumer spending, exports and business investment notable for their resilience. Measures of confidence have recovered. Some spending has probably been brought forward by the various policy initiatives; in those areas demand may soften in the near term. Some types of capital spending are also likely to be held back for a while by financing constraints. But overall, it now appears that investment may not be as weak over the year ahead as earlier expected. Higher dwelling activity and public demand will also start to provide more support to spending soon and, hence, growth is likely to firm going into 2010.*

*Unemployment has not, to this point, risen as far as had been expected. Weaker demand for labour, evident in a decline in hours worked, nonetheless has seen a moderation in labour costs. Helped by this and the earlier fall in energy and commodity prices, inflation has been declining, though measures of underlying inflation remained higher than the target on the latest reading. Underlying inflation should continue to moderate in the near term, but the likelihood of inflation being persistently below the target now looks low.*

*Credit growth overall remains quite modest. Housing credit has been solid and dwelling prices have risen over recent months. Business borrowing, on the other hand, has been declining, as companies have sought to reduce leverage in an environment of tighter lending standards. Large firms have had good access to equity capital and access to debt markets appears to be improving, helped by the better-than-expected economic conditions and increased willingness on the part of investors to accept risk.*

*The Board's judgement is that the present accommodative setting of monetary policy remains appropriate for the time being. The Board will continue to adjust monetary policy so as to foster sustainable growth in economic activity and inflation consistent with the target."*

**ORDINARY MEETING**

**Meeting Date:** 29 September 2009

**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:

*"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 2009/2010.

**RECOMMENDATION:**

That the information be received and noted.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**

**Meeting Date: 29 September 2009**

**CONFIDENTIAL REPORTS**

**Item: 213            GM - Legal Matter - Hawkesbury City Council ats Birdon Contracting Pty Ltd -  
(27001, 107, 79351) CONFIDENTIAL**

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**Reason for Confidentiality**

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

*Specifically, the matter is to be dealt with pursuant to Section 10A(2)(g) of the Act as it relates to legal advice concerning development application related matters and the information is regarded as advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

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



ordinary

section 5

reports  
of committees

**ORDINARY MEETING**  
Reports of Committees

**ORDINARY MEETING**  
Reports of Committees

**SECTION 5 - Reports of Committees**

**ROC - Hawkesbury Bicycle and Access Mobility Committee Minutes - 20 August, 2009 - (98212, 95498)**

The meeting commenced at 4.00pm in the Meeting Room, Peppercorn Place.

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<b>Present:</b>	Councillor Leigh Williams Councillor Christine Paine Alan Aldrich Doug Bathersby	Chair - Councillor Representative Councillor Representative Community Representative Community Representative
<b>Apologies:</b>	Virginia Kruse Chris Cameron Peter McKenzie	Community Representative Community Representative Community Representative
<b>In Attendance:</b>	Denise Oakes Joseph Litwin	Hawkesbury City Council Hawkesbury City Council

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**REPORT:**

Councillor Williams welcomed all members.

**CONFIRMATION OF MINUTES:**

**1. Matters arising from Previous Minutes**

There were no matters arising from the previous minutes.

**2. Confirmation of Minutes**

**RESOLVED** on the motion of Doug Bathersby and seconded Alan Aldrich that the Minutes of the Hawkesbury Bicycle and Access Mobility Committee held on 18th June 2009 be confirmed.

**SECTION 2 - REPORTS FOR DETERMINATION**

**Item 10: Update on Windsor Mobility Map**

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**DISCUSSION:**

- Mr Aldrich provided an update on the progress of the Mobility Mapping project. To date approximately 80 - 85% of businesses have been audited for accessibility.
- During the process several locations were identified that were in need of cleaning up and vegetation trimming. Requests for action to clean and improve these areas were forwarded to the Construction and Maintenance department to action. Councillor Paine advised that this remedial action was undertaken very promptly and wished to pass on thanks to Mr Richard Vaby and his staff for their prompt attention.

**RECOMMENDATION TO COMMITTEE:**

1. That the information be received.

**MOTION:**

**RESOLVED** on the motion of Councillor Williams and seconded by Councillor Paine.

**Refer to COMMITTEE RECOMMENDATION**

**COMMITTEE RECOMMENDATION.**

That:

1. The information be received.
2. Thanks be passed on to the Manager Construction and Maintenance and his team or for their prompt response and action in relation to the request for the cleaning up and vegetation trimming of footpaths.

**Item 11: Hawkesbury Mobility Plan Update**

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**DISCUSSION:**

- Ms Oakes and Mr Litwin summarised the main outcomes/points of interest from the Hawkesbury Mobility Plan Steering Committee meeting on 17 August, at which draft Network Maps for pedestrian and cycling infrastructure/facilities was presented.
- 3 pedestrian network maps for Windsor, Richmond and North Richmond town centres had been presented to the Steering Committee. The network maps are based on a 400metre walking catchment radius from railway stations and business precincts. The Steering Committees submitted feedback on the need to identify and include further pedestrian facilities to the south of the town centre to improve access for pedestrians travelling to both the shopping precinct and Windsor railway station. These changes were agreed to by GTA.
- A bicycle network map covering the LGA had presented to the Steering Committee. Due to time constraints some preliminary feedback was provided to GTA at the Steering Committee meeting. Members were however invited to forward comments through Ms. Oakes to GTA. Mr Bathersby indicated that he had detailed feedback for submission to GTA. Mr Bathersby advised that he had some concerns regarding the proposed routes and that the proposed network did not appear to include an extension of the cycleway from Kurmond to Kurrajong. Mr. Litwin advised that the extension of the Kurmond cycleway was included in the Draft Plan but that this was not shown on the draft maps as the boundary of the map did not extend beyond Kurmond. He advised that this would be rectified.
- Ms Oakes advised the Committee that all submissions and feedback would be forwarded to the consultants as per standard procedure. All community submissions received by Council will also be forwarded and responded to by the consultants and Council as per standard procedure.
- Mr Litwin advised that the scope of the study area was clearly outlined in the EoI and the Proposal for development of the Mobility Plan. The main priorities outlined in the EoI was to identify gaps and link missing sections of pedestrian and cycleway routes, and to link areas of highest concentrations of our populations to main town centres, schools and services.

**ORDINARY MEETING**  
Reports of Committees

- Mr Bathersby requested information on whether Council had submitted an application to the RTA for funding for the next financial year for cycleway construction. Ms Oakes to seek this information from Infrastructure Services and bring this information to the next meeting.

**RECOMMENDATION TO COMMITTEE:**

That the information be received.

**MOTION:**

**RESOLVED** on the motion of Alan Aldrich seconded by Clr. Williams

**Refer to COMMITTEE RECOMMENDATION**

**COMMITTEE RECOMMENDATION.**

That

1. The information be received.
2. Information be provided to the next Committee meeting in relation to approved and proposed cycleway construction program for 2009/2010 and 2010/2011.

**SECTION 3 - GENERAL BUSINESS**

- Mr Aldrich asked whether the new Windsor Bridge option would have adequate disabled access. As the bridge is being funded and constructed by the RTA, all standards for disability access on the footbridge component will be met.

**NEXT MEETING** – to be held at 4.00 pm on Thursday 15<sup>th</sup> October 2009, at the Meeting Room Peppercorn Place, 320 George St. WINDSOR.

The meeting closed at 4.55 pm.

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**  
Reports of Committees

**ROC - Heritage Advisory Committee Minutes - 10 September 2009 - (80242, 95498)**

The meeting commenced at 5.05pm in Council Chambers.

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

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**REPORT:**

The Chair noted the absence of Ms Virginia Kruse and raised concern she was yet to attend a meeting of the HAC. It was also noted an apology had not been received from Ms Kruse and it was suggested as a courtesy a reminder be forwarded to Ms Kruse advising of meeting protocol.

**RESOLVED** on the motion of Councillor Reardon and seconded by Ms Michelle Nichols that the apologies be accepted.

**CONFIRMATION OF MINUTES**

**RESOLVED** on the motion of Councillor Reardon and seconded by Mr Jonathan Auld that the Minutes of the Heritage Advisory Committee held on the 18 June, 2009, be confirmed.

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

**SECTION 4 - Reports for Information**

**Item: 1      Yeomans Keyline Dam System - Peels Dairy**

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**DISCUSSION:**

- The consensus of the Committee was that the keyline dam system was an item of significance and additional investigation of the site is required. The Committee also expressed their desire to be consulted (by the Department of Planning) in any consideration of development applications or rezoning processes on the subject property.

*Ms Danielle Wheeler arrived at the meeting at 5.27pm.*

**RECOMMENDATION TO COMMITTEE:**

That:

1. The information be received.
2. This Committee's position on the future of Yobarnie / Peels Dairy be conveyed to the North Richmond and District Community Action Association.

**MOTION:**

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

***Refer to COMMITTEE RECOMMENDATION***

**COMMITTEE RECOMMENDATION:**

That the Heritage Advisory Committee respond to the North Richmond and Districts Community Action Association Inc. as follows:

1. The Heritage Advisory Committee express its support for further investigation of the social, cultural, scientific and economic significance of the Keyline Dam system and that the developer be asked to undertake further investigations of the Yeoman's site.
2. The Keyline Dam system be included in future consideration for heritage listing by Hawkesbury City Council if the future studies confirm that the site is eligible to be listed at either the State or Local level.
3. A further report be provided to the Heritage Committee if future development proposals are lodged with Hawkesbury City Council or the Department of Planning to enable the Committee to further consider the significance of the Keyline Dam system.



**Item: 2 Council Resolutions relating to Heritage Items and the LEP**

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**DISCUSSION:**

- Mr Owens made reference to an investigation undertaken by staff (as requested by the Committee) of Council resolutions from 1995 to date, for the purposes of identifying heritage items removed from Council's LEP.

Thanks was subsequently extended to staff for documenting the findings of the investigation.

**RECOMMENDATION TO COMMITTEE:**

That the information be received.

**MOTION:**

RESOLVED on the motion of Professor Ian Jack, seconded by Councillor Reardon.

*Refer to COMMITTEE RECOMMENDATION*

**COMMITTEE RECOMMENDATION:**

That the information be received.

**CHANGE TO ORDER OF BUSINESS**

The Chair referred to the succeeding item on the agenda - Item 3 - NSW Heritage Grant - Slab Barn Study which comprised a presentation to the Committee by himself and Ms Carol Edds. The Chair subsequently declared an interest in the item and the Deputy Chair assumed the Chair.

It was suggested it may be appropriate the presentation be put back to the end of the agenda and the Committee's consent was sought. The Committee concurred and Mr Edds resumed the Chair.

**SECTION 5 - General Business**

**Item: 4 Windsor Inventory Sheets**

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- The Chair advised the Committee had met (informally) to examine the Windsor inventory sheets and it was noted the number of listings had increased substantially from the original LEP.
- Discussion arose relating to the interwar style (1920's, 1930's) properties in The Terrace and the Committee recommended these properties be gathered together as a group listing, rather than be identified as individual listings.
- The Committee sought additional information and assistance in identifying potential listings and advised it would be useful to have a register of items currently listed. Mr Owens agreed and suggested further assistance could be provided by extracting information from Council's spatial mapping system which included all heritage listed properties in the LEP.
- It was resolved the Committee would reconvene (informally) with the additional information on Monday 19 October @ 4.00pm in the Library.

**ORDINARY MEETING**  
Reports of Committees

- Mr Owens made reference to the informal meetings organised by the Committee and recommended one person be assigned as a point of contact for enquiries regarding those meetings. Ms Nichols volunteered for this role.

**Item: 5 Seminar Series**

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- Ms Nicholls tabled a report from the Macquarie 2010 Celebrations Project Team from their meeting of 25 June, 2009. The report outlined several events discussed at the meeting and concern was raised time constraints would prevent the project team participating in all events. Discussion arose and consequently the Committee resolved upon participating in the events *Seminar, Cemeteries / Churches - Bus Tour and School Participation*.
- The Committee further discussed options to enlist speakers for those events and resolved to approach the 2010 Committee to offer their assistance if required, in relation to providing speakers.

*Ms Carol Edds proposed a representative from the Committee be invited to attend, as an observer, the next meeting of the Hawkesbury Macquarie 2010 Committee on Thursday 17 September.*

**MOTION:**

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

***Refer to COMMITTEE RECOMMENDATION***

**COMMITTEE RECOMMENDATION:**

That the Project Team:

1. Proceed with the development and implementation of the items *Seminar, Cemeteries / Churches - Bus Tour and School Participation*.
2. Approach relevant external speakers (if required) to engage their interest in participating at the events.
3. Make enquiries as to appropriate localities / venue hire for those events.

**Item: 6 Receipt of Grant of Funds**

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Mr Owens advised of funding under the Local Government Heritage Management Program from the Department on a dollar for dollar basis as follows:

- Up to \$7,000 to engage a Heritage Advisor to assist Council with its heritage management responsibilities; and
- Up to \$8,500 to establish a local heritage fund and provide incentive funding for small heritage projects for places listed on the heritage schedule of the LEP.
- Ms Nicholls raised concern library staff were often contacted by customers wishing to get in touch with Council's Heritage Advisor, Mr Donald Ellsmore and clarification was sought as to whom these

enquiries should be referred to. It was advised enquiries relating to heritage advisory should be referred to either Mr Richard Nej or Ms Shari Hussein.

**Item: 7      Community Strategic Plan**

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Mr Owens provided an update to the Committee on the status of the draft Community Strategic Plan. It was reported approximately 96 individual submissions and 58 submissions were received from the public forums. Mr Owens advised it was envisaged the CSP would be reported to Council on 29 September 2009.

**Item: 8      Correspondence from Cabonne Council re Bi-Centenary of Crossing of Blue Mountains**

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Mr Owens tabled correspondence from Cabonne Council seeking the Committee's advice on any proposals by the Blue Mountains Council and the community to celebrate the bi-centenary of Blaxland, Wentworth and Lawson's crossing of the Blue Mountains.

Mr Owens reported, to date, this Council had not been informed of any proposals from other Councils relating to the forthcoming anniversary of the Blue Mountains crossing. Discussion subsequently arose and the Committee expressed an interest to be kept informed of any proposals other Councils may be considering to celebrate the bi-centenary of the crossing of the Blue Mountains. Mr Owens advised he would respond to Cabonne Council to thank them for bringing this event to the attention of the Committee and to inform them of the Committee's recommendation. Mr Owens further reported he would request future correspondence in this regard be marked to the attention of Ms Fiona Mann (General Manager's Unit -Strategic Activities) in accordance with the city-country alliance with Cabonne Council.

*Mr Graham Edds declared an interest in the succeeding matter as he was the recipient of the brief to undertake the Rural Barns Study.*

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

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*Professor Jack assumed the Chair.*

A photographic and verbal presentation was conducted by Mr Graham Edds and Ms Carol Edds. Mr Edds advised 140 barns had been identified in the Hawkesbury area - approximately 80 of which had been investigated to date (areas covered include Wilberforce, Pitt Town, Windsor, Scheyville, Ebenezer and Richmond).

Points for consideration:

- Funding - "emergency" funding no longer available. Barns listed on the State Heritage register eligible for funding in next round 2011-2013.
- Education - (maintenance / stabilisation of structures) - often only minor maintenance required to negate need for large-scale repair down the track (eg bracing to reinforce structure, removal of vines etc). Owners to be educated to proactively search for termite activity and obtain appropriate advice from pest experts.

**ORDINARY MEETING**  
Reports of Committees

- Insurance - failure to insure barns / lack of knowledge that repairs may be undertaken for storm damage through insurance cover.
- OHS issues - high rooves, sheets lifting off etc.

Ms Edds advised a full report of the findings would be provided at the conclusion of the study.

Professor Jack thanked the Edds for delivering their presentation.

**RECOMMENDATION TO COMMITTEE:**

That:

1. Graham Edds and Carol Edds provide the Committee with a short verbal and photographic presentation of the initial study findings to date.
2. The information be received.
3. A further report to the Committee will be provided at the conclusion of the study.

**MOTION:**

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

*Refer to COMMITTEE RECOMMENDATION*

**COMMITTEE RECOMMENDATION:**

That:

1. Graham Edds and Carol Edds provide the Committee with a short verbal and photographic presentation of the initial study findings to date.
2. The information be received.
3. A further report to the Committee will be provided at the conclusion of the study.

TABLED CORRESPONDENCE

Report of Project Team Meeting from 25 June 2009

Macquarie 2020 Celebrations

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

Correspondence from Cabonne Council dated 24 August 2009  
re Bi-Centenary of Crossing of Blue Mountains

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

oooO END OF REPORT Oooo

**ORDINARY MEETING**  
Reports of Committees

**ROC - Local Traffic Committee - 16 September 2009 - (80245)**

Minutes of the Meeting of the Local Traffic Committee held in the Large Committee Room, Windsor, on Wednesday, 16 September 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)  
Mr R Williams, MP, (Hawkesbury)  
Senior Constable B Phillips, NSW Police Service

**Apologies:** Nil

**In Attendance:** Mr C Amit, Manager, Design & Mapping Services  
Denise Oakes, Community Safety Co-ordinator  
Bianca 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 19 August 2009 were confirmed on the motion of Mr J Christie, seconded by Mr R Williams, MP.

**Item 1.2 Business Arising**

Nil Business Arising.

**SECTION 2 - Reports for Determination**

**Item 2.1 LTC - 16 September 2009 - Item 2.1 - Collectors Plant Fair at Bilpin - 2010 (Hawkesbury) - (80245, 80761, 74000, 95450)**

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**REPORT:**

**Introduction**

An application has been received from Trahar Enterprise Pty Ltd seeking approval to hold the Collectors' Plant Fair within the grounds of 27 Powells Road, Bilpin, on 17 and 18 April 2010, between the hours of 8.00am and 4.00pm. The event venue is located at the intersection of Powells Road and Bells Line of Road, Bilpin. This event has been held annually since 2005, and had Development Approval in accordance with DA0975/04.

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

- Off street parking will be provided within the Trahar's property at 27 Powells Road, Bilpin for more than 700 cars and marshals will be in place to direct drivers to the different sections of the parking area.
- The majority of visitors will travel west along Bells Line of Road and turn left into Powells Road and proceed to No. 27. All visitors will be directed to the off street parking area. Upon leaving, the majority of visitors will turn right out of Powells Road into Bells Line of Road.
- Based on the attendance figures for the 2009 event, approximately 3500 visitors in total are expected over the 2 days for the 2010 event.
- Access for the venue via the gate at 3025 Bells Line of Road will only be used in the event of any emergency and an "Emergency Only" sign will be placed at this gate.
- The speed limit along Bells Line of Road in the vicinity of Powells Road has been reduced from 100 kph to 80 kph by the Roads and Traffic Authority (RTA). Advice received from the Transport Management Section is that a TCP will not be required for the event due to the speed limit being reduced from 100 kph to 80 kph on a permanent basis. On previous occasions an application was made to the RTA to implement a temporary speed zone of 80 kph which required a TCP.

#### **Discussion**

It would be appropriate to classify this event as a "Class 2" special event under the "Traffic and Transport Management for Special Events" guidelines issued by the Roads & Traffic Authority as the event may impact on traffic and transport systems on Bells Line of Road, which is a State Road, and there may be low scale disruption to the non-event community. There will be considerable traffic turning movements during the event at the intersection of Bells Line of Road and Powells Road. This section of Bells Line of Road carries a volume of traffic in the order of 4000 vehicles per day and the current speed limit is 80 kph.

The event organiser has submitted the following items in relation to the event: Appendix 1 (Dataworks Document No: 3154739):

- i) Details of the Special Event - Traffic template;
- ii) RTA - Special Event Transport Management Plan Template;
- iii) Transport Management Plan (TMP);
- iv) Copies of correspondence forwarded to the NSW Police Service, NSW Ambulance Service, NSW Rural Fire Service and SES.

#### **COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Mr R Williams, MP, seconded by Mr J Christie.

That:

1. The event "Collectors' Plant Fair at Bilpin - 2010", planned for 17 and 18 April 2010, be classified as a "**Class 2**" 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 that explains the responsibilities of the event organiser in detail.



**ORDINARY MEETING**  
Reports of Committees

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

**Prior to the event:**

- 4a. the event organiser is to obtain approval to conduct the event, from the NSW Police Service; **a copy of the Police Service approval to be submitted to Council;**
- 4b. the event organiser is to **submit to Council a copy of its Public Liability Policy** in an amount not less than \$10,000,000 **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;**
- 4c. the event organiser is to advertise the event in the local press stating the entire 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);
- 4d. 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;**
- 4e. the event organiser is to submit the completed " Special Event - Traffic - Final Approval Application Form" to Council;

**During the event:**

- 4f. maintain the event access, only via the existing driveway on Powells Road;
- 4g. access is to be maintained for businesses, residents and their visitors;
- 4h. a clear passageway of at least 4 metres in width is to be maintained at all times for emergency vehicles;
- 4i. all traffic controllers / marshals operating within the public road network are to hold appropriate certification as required by the RTA;
- 4j. in accordance with the submitted TMP, appropriate advisory signs and traffic control devices are to be placed for the event, under the direction of a traffic controller holding appropriate certification as required by the RTA;
- 4k. the participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event; and,
- 4l. 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.

**APPENDICES:**

- AT - 1** AT - 1 Special Event Application - (Dataworks Document No. 3154739) - *see attached.*

**ORDINARY MEETING**

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**Item 2.2 LTC - 16 September 2009 - Item 2.2 - B-Double Route Application by Fuel Trans Pty Ltd - Argyle Street, Fairey Road, Ham Street and Blackman Crescent, South Windsor (Riverstone) - (80245, 80741, 115097, 99939)**

**REPORT:**

**Introduction:**

An application has been received from Fuel Trans Pty Ltd seeking approval to operate 25 metre long B-Doubles to access Worth Recycling Pty Ltd located at No. 12 Blackman Crescent, South Windsor (Dataworks Document No. 3102840).

The applicant has advised that the specific route includes, George Street (RTA) from Blacktown Road (RTA), travelling north into Macquarie Street (RTA), turning right into Argyle Street, right into Fairey Road, right into Ham Street and right into Blackman Crescent. The destination point is No. 12 Blackman Crescent which is situated on the corner of Blackman Crescent and Fairey Road. It is proposed to enter the destination point from Blackman Crescent and exit onto Fairey Road, travelling back along the route and turning right from Argyle Street into Macquarie Street (RTA).

**Discussion:**

Assessment of B-Double routes is undertaken in accordance with the "Route Assessment Guidelines for Restricted Access Vehicles (May 2002)" issued by the Roads and Traffic Authority. Under the Guidelines, minimum standards are provided for lane and shoulder widths for B-Double routes. These widths are assessed in correlation with the given AADT for the relevant road. This assessment is based only on Council roads and not RTA roads

- For an AADT of 100-500, 7.0 metre formation on straight alignment, with assessment to be based on traffic, gradient, lane width, sight distances and other relevant factors.
- For an AADT of 500 to 2000, the minimum lane width required is 3.0 metres with 1.0 metre shoulders. Total minimum road formation required = 8.0 metres.
- For an AADT of 2000 to 6000, the minimum lane width required is 3.0 metres with 1.2 metre shoulders. Total minimum road formation required = 8.4 metres.

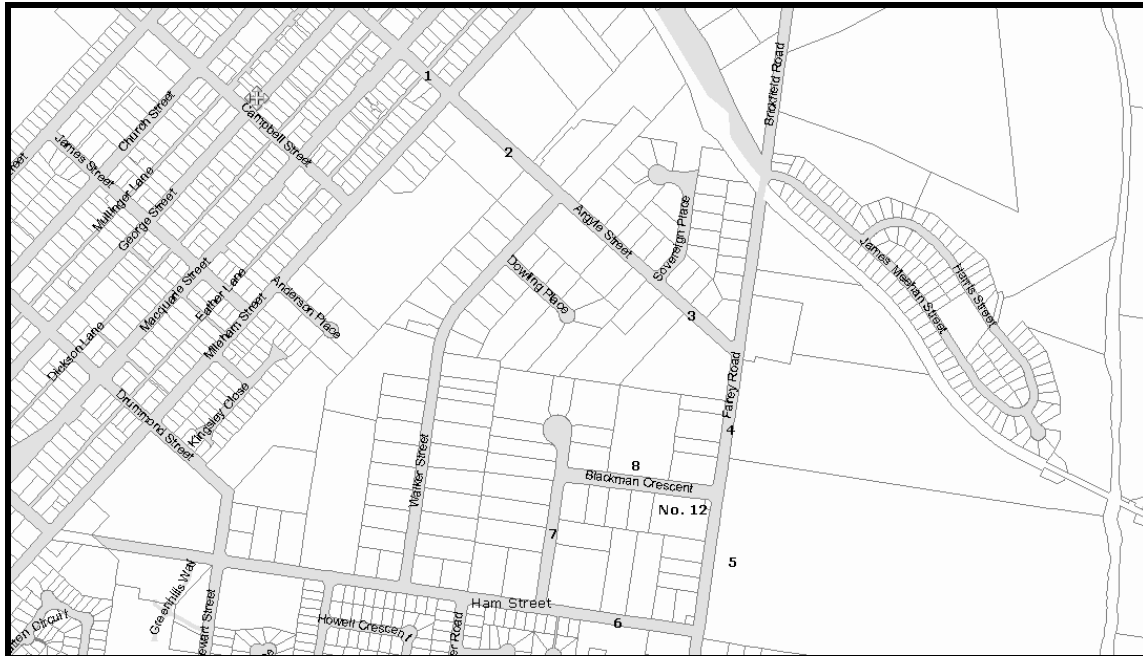
**Table 1: Proposed 25 metre long B-Double Route Data – HCC Roads (Refer to Plan Below)**

Location No.	Chainage (klm)	Total Road Width (Seal + K&G) (m)	K&G / Shoulder	AADT (year)
<b>Argyle Street, commencing from Macquarie Street to Fairey Road</b>				
1	0.060	12.60	Both Sides	4490(1996)
2	0.250	12.00	Both Sides	N/A
3	0.750	11.70	Both Sides	1177(1995)
<b>Fairey Road, commencing from Argyle Street to Ham Street</b>				
4	0.150	9.50	One Side (Western Side) Gravel shoulder – eastern side	2438(1997) Nth of Argyle
5	0.400	9.40	One Side (Western Side) Gravel shoulder – eastern side	N/A
<b>Ham Street, commencing from Fairey Road to Blackman Crescent</b>				
6	0.150	12.00**  9.00	Northern side and part of the Southern side. Gravel shoulder – partly on Southern side	3070(1996) West of Berger

**ORDINARY MEETING**  
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Blackman Crescent, commencing from Ham Street to Fairey Road				
7	0.125	13.00	Both Sides	N/A
8	0.400	13.00	Both Sides	N/A

\*\* Road width where both sides of the road have K&G.



The speed limit for Argyle Street, Ham Street and Blackman Crescent is 50 kph. The speed limit for Fairey Road is 60 kph.

The available total road widths along the proposed route do satisfy the minimum requirements set out in the RTA Guidelines.

Currently Semi-trailer vehicles operate along this route, as specific approval for this class of vehicle is not required. The applicant states that the proposal to operate B-Doubles is to reduce the effective vehicle trips.

A Field trial was undertaken on 19 August 2009. The RTA regional freight route co-ordinator Mr Peter Shoemark was present on site with council representatives during the field trial. It was observed that the 25m long B-Double failed to negotiate the following manoeuvres;

- Right turn from Argyle Street into Fairey Road (left the sealed area and onto the gravel shoulder),
- Right turn from Fairey Road into Ham Street (crossed onto the opposite of the road over the centre line),
- Right turn from Ham Street into Blackman Crescent (crossed onto the opposite side of the road over the notional centre line),
- Right turn from Blackman Crescent into No. 12 Blackman Crescent (required the full width of the 13.0m road),
- Left turn out of No.12 Blackman Crescent into Fairey Road (crossed onto the opposite side of the road and onto the gravel shoulder)

The left run from Fairey Road into Argyle Street was not observed as the vehicle proceeded without waiting for the inspection party. This manoeuvre was not re-tested as the other manoeuvres had failed. The right turn from Macquarie Street (RTA) into Argyle Street and the right turn from Argyle Street into Macquarie Street (RTA) were negotiated successfully.

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The application to operate 25 metre long B-Doubles cannot be supported along the following route of Argyle Street, Fairey Road, Ham Street and Blackman Crescent, South Windsor which includes the following manoeuvres:

- Right turn from Argyle Street into Fairey Road,
- Right turn from Fairey Road into Ham Street,
- Right turn from Ham Street into Blackman Crescent,
- Left turn out of No.12 Blackman Crescent into Fairey Road, and
- Left turn from Fairey Road into Argyle Street, South Windsor.

The route from Macquarie Street, Drummond Street to Ham Street is already gazetted as an approved route for B-Doubles up to 23 metres long.

The stipulated route has been assessed as NOT Complying with the "Route Assessment Guidelines for Restricted Access Vehicles (May 2002)" issued by the Roads and Traffic Authority

**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Mr R Williams, MP, seconded by Mr J Christie.

That

The application to operate 25 metre long B-Doubles cannot be supported along the following route of Argyle Street, Fairey Road, Ham Street and Blackman Crescent, South Windsor which includes the following manoeuvres;

- Right turn from Argyle Street into Fairey Road
- Right turn from Fairey Road into Ham Street,
- Right turn from Ham Street into Blackman Crescent.
- Left turn out of No.12 Blackman Crescent into Fairey Road, and
- Left turn from Fairey Road into Argyle Street, South Windsor

**APPENDICES:**

**AT - 1** B-Double Route Assessment

**AT - 2** B-Double Route Application (Dataworks Document Number 3102840) – *see attached.*

**AT - 1 B-Double Route Assessment**

**B-DOUBLE ROUTE ASSESSMENT**

Route:

Origin

Address:

The route includes:

- i. From George Street (RTA) from Blacktown Road (RTA), travelling north into Macquarie Street (RTA), turning right into Argyle Street, right into Fairey Road, right into Ham Street, right into Blackman Crescent, South Windsor.

Destination

Address:

- 12 Blackman Crescent, South Windsor

The route includes:

- ii. Exit No. 12 Blackman Crescent onto Fairey Road, travelling back along the route and turning right from Argyle Street into Macquarie Street (RTA).

A completed application form showing route details is attached.

This is to certify that the assessment criteria checklist has been ticked and comments provided as appropriate.

My assessment of the inspected route against the Guidelines is that the route is;

~~suitable overall~~

**not suitable overall**

**Route Assessment undertaken by:**

Name: Mr C Amit (HCC) & Mr P Shoemark (RTA)

Date: 19 August 2009

**ORDINARY MEETING**

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CLAUSE NO	ASSESSMENT CRITERIA	Y	N	COMMENTS
		E	O	
S				
A3.1	Assessor is personally familiar with B-Double operations and regulations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
A3.2	<b>ENVIRONMENT AND COMMUNITY AMENITY</b>			N/A
A3.2.1	<b>Noise</b> Considered views of local community in noise sensitive areas.			Not a noise sensitive area. No additional noise due to B-Doubles replacing Semi-trailers.
A3.2.2	<b>Community Amenity</b> Considered local community concerns			N/A Industrial area. Currently trucks use this route.
A3.3	<b>DIMENSIONAL CAPACITY</b>			
A3.3.1	<b>Lane and Shoulder Widths</b> Lane and shoulder widths meet desirable standards.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
A3.3.2	<b>Vehicle Swept Path Requirements</b> Geometry of corners, roundabouts, intersections, and other traffic management devices adequately accommodates B-Double swept path.		<input checked="" type="checkbox"/>	
A3.3.3	<b>Railway Level Crossings and Adjacent Intersections</b> Signal warning time allows clearance of B-Doubles, or, if passive control, sight distances adequate for B-Doubles.			N/A
	B-Double can clear the crossing/intersection before having to stop at adjacent intersection.			N/A



### **SECTION 3 - Reports for Information**

Nil Reports for Information.

### **SECTION 4 - General Business**

**Item 4.1      LTC – 16 September 2009 - QWN 4.1 – Colo High School Bus Interchange – Request for Council’s Enforcement due to Traffic Congestion within the Colo High School Grounds**

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Mr J Christie

**REPORT:**

Mr John Christie tabled correspondence on behalf of the Member for Londonderry, Mr Alan Shearan MP (*DataWorks No. 3201765*) in relation to the traffic congestion being experienced on the roadway into Colo High School and around the parking, drop down/pick up area and bus stop and the possibility for Council to provide Regulatory Services.

Mr C Amit advised the committee that this has been an ongoing matter with an initial meeting at Colo High School on 15 December 2006 organised by the Department of Education and Training (DET). Representatives from DET, The School Principal, RTA, Westbus, Ministry of Transport (MOT) and Council were present at this initial meeting. Several meetings have been convened since that time with these meetings being held at either Colo High School or the DET offices at Kingswood. Some of the options explored at these meetings included the possible relocation of the bus interchange to locations such as;

- North Richmond Public School,
- Bells Line of Road in the vicinity of Charles Street,
- Bells Line of Road near the stockpile site adjacent to Colo High School,
- Richmond Station,
- Purchase land from the property to the north of the access road with a view to improve the overall layout of the parking and bus interchange area.

MOT in consultation with Westbus has reviewed the options of re-directing buses away from Colo High School.

The meeting held on 7 September 2009, as referred to in the correspondence from Member for Londonderry, MR Alan Shearan MP, was undertaken without a Council representative present.

The contents of the correspondence tabled at the meeting were discussed by the Committee with the following points noted;

1. The traffic congestion within the Colo High School grounds is not a matter for consideration by the Local Traffic Committee as this is occurring within land owned by the DET,
2. The roadway leading into the School from Bells Line of Road is within School property and NOT a Public Road,
3. The operation of the buses within the School grounds is a matter between the DET and MOT/Westbus,
4. The DET will need to formally approach Council to request the provision of Regulatory Services (patrolling and enforcement of the School grounds)



**ORDINARY MEETING**  
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5. The DET should consider engaging a Traffic consultant to review the existing parking arrangements/signage within the School grounds with a view to formulating a new plan/layout as required, which will suit the needs of the DET and MOT/Westbus.

**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Councillor B Bassett, seconded by Mr R Williams, MP.

That correspondence be forwarded to the Member for Londonderry, MR Alan Shearan MP advising the following;

1. The traffic congestion within the Colo High School grounds is not a matter for consideration by the Local Traffic Committee as this is occurring within land owned by the Department of Education and Training (DET),
2. The roadway leading into the School from Bells Line of Road is within School property and NOT a Public Road,
3. The operation of the buses within the School grounds is a matter between the DET and the Ministry of Transport (MOT)/Westbus,
4. The DET will need to formally approach Council to request the provision of Regulatory Services (patrolling and enforcement of the School grounds)
5. The DET should consider engaging a Traffic consultant to review the existing parking arrangements/signage within the School grounds with a view to formulating a new plan/layout as required, which will suit the needs of the DET and MOT/Westbus

**APPENDICES:**

There are no supporting documents for this report.

**Item 4.2      LTC – 16 September 2009 - QWN 4.2 - Local Government Road Safety Program for 2009-2010 - Grant funding of \$4,000**

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Ms D Oakes

**REPORT:**

The road safety program has currently commenced work on a project targeting speeding on local roads. Grant funding of \$4,000 was applied for and received for the project under the RTA Local Government Road Safety Program for 2009-2010. This project is in collaboration with Police from the local Highway Patrol team.

Speed contributed to 20% of all crashes in the Hawkesbury LGA in 2007. This was 4% higher than NSW, and 8% higher than the Sydney region. Therefore speed is the major priority to be targeted in 2009-2010.

The project aims to identify up to 5 local roads with the highest number of road crashes. The aim is to implement road safety counter measures to reduce the number and severity of accidents through increased education, awareness raising campaigns and speeding enforcement.

**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Mr J Christie, seconded by Mr R Williams, MP.

That the information be received

**APPENDICES:**

There are no supporting documents for this report.

**Item 4.3      LTC – 16 September 2009 - QWN 4.3 - Learner Driver Workshop – 24 September 2009**

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Ms D Oakes

**REPORT:**

Tabled documentation (*DataWorks Doc. 3202492 & 3202493*) regarding a Learner Driver Workshop being conducted by Hawkesbury City Council's Community Safety Officer on the evening of 24 September 2009 between 6 and 8pm.

**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Mr J Christie, seconded by Mr R Williams, MP.

That the information be received.

**APPENDICES:**

There are no supporting documents for this report.

**SUPPLEMENTARY REPORTS**

**Item 2.3      LTC - 16 September 2009 - Late Item 2.3 - Sydney Blues Festival - Windsor 2009 - (Riverstone) - (80245, 114164)**

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**REPORT:**

**Introduction:**

An application has been received from the promoters of the Sydney Blues Festival seeking approval to conduct the Sydney Blues Festival – Windsor 2009 in and around the Windsor Town Centre from 12.00 noon Friday 23 October 2009 to 9.00pm, Sunday 25 October 2009.

## ORDINARY MEETING

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

- i) The Sydney Blues Festival is a Blues music festival,
- ii) The Festival is an opportunity to increase the level of visitation and gain increased exposure for the historic Windsor district, and to develop business and commercial opportunity,
- iii) Local businesses should enjoy enhanced trading opportunities on the weekend of the Festival and such businesses will be encouraged to support the Festival,
- iv) Windsor is considered an ideal location to conduct such a festival due to its accessibility, history, dining and accommodation facilities, unique village-like atmosphere and relaxed ambiance,
- v) The variety of event venues include hotels, clubs, restaurants, cafes and outdoor venues,
- vi) All venues are intended to be within walking distance of each other and include; The Jolly Frog, Macquarie Arms Hotel, Fitzroy Hotel, The Vault, Cookies, Hawkesbury Hotel, Trentino's on George, Windsor Bowling Club and Windsor Function Centre,
- vii) It is anticipated that 42 bands will be performing,
- viii) The Festival is intended to be a safe, friendly festival, transcending the barriers of age, gender and culture.
- ix) It is expected that up to 2,500 patrons per day will attend the Festival,
- x) The number of patrons attending the Festival on the intended weekend will be manageable and therefore limit any undue pressure on the precinct's resources and facilities,
- xi) Existing parking and Buses will not be affected by the Festival,
- xii) Patrons will be encouraged to travel to Windsor by train to minimise traffic pressures,
- xiii) Shuttle buses will run from Windsor Station to Kable Street and return to the Station. Mini Buses will transport patrons between venues and from parking area to venues,
- xiv) The Festival website will contain specific details of the event including a festival program, train timetables, available parking areas, and other related information,
- xv) Pedestrians have adequate facilities to traverse through and around the festival locations.
- xvi) A temporary pedestrian crossover point is proposed during peak times (Saturday and Sunday) outside the Windsor Function centre on George Street.

#### Discussion

It would be appropriate to classify this event as a "Class 2" special event under the "Traffic and Transport Management for Special Events" guidelines issued by the Roads & Traffic Authority (RTA) as the event may impact on traffic and transport systems, and there may be low scale disruption to the non-event community.

The event organiser has submitted the following items in relation to the event: Appendix 1 (Dataworks Document Nos. 3081187, 3167958, 3194751, 3199640):

**ORDINARY MEETING**  
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- i) Details of Special Event – Traffic Template – as amended,
- ii) Details of the Special Event Transport Management Plan Template – RTA,
- iii) Traffic Management Plan; which needs to be amended due to conflicting information relating to event dates and arrangements.

**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Mr J Christie, seconded by Mr R Williams, MP.

That:

1. The Sydney Blues Festival - Windsor 2009, event in and around the Windsor Town Centre planned from 12.00 noon Friday 23 October 2009 to 9.00pm, Sunday 25 October 2009 be classified as a “**Class 2**” 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 that explains the responsibilities of the event organiser in detail.
4. No objection be held to this event subject to compliance with the following conditions:

**Prior to the event:**

- 4a. the event organiser is to obtain approval to conduct the event, from the NSW Police Service; **a copy of the Police Service approval to be submitted to Council;**
- 4b. the event organiser **is to submit a Transport Management Plan (TMP) for the entire event incorporating a Traffic Control Plan (TCP) to Council** 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;
- 4c. the event organiser is to **submit to Council a copy of its Public Liability Policy** in an amount not less than \$10,000,000 **noting Council as an interested party on the Policy** and that Policy is to cover **both on-road and off-road activities;**
- 4d. the event organiser is to advertise the event in the local press stating the entire 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);
- 4e. 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;**
- 4f. 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;**

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- 4g. 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>);
- 4h. the event organiser is to submit the completed "Special Event - Traffic - Final Approval Application Form" to Council;

**During the event:**

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

**APPENDICES:**

- AT - 1** Special Event Application - (Dataworks Document No. 3081187, 3167958, 3194751, 3199640) - *see attached.*

**SECTION 5 - Next Meeting**

The next Local Traffic Committee meeting will be held on Wednesday 21 October 2009 at 3.00pm in the Large Committee Rooms.

The meeting terminated at 3.45pm.

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**  
Reports of Committees

**ROC - Hawkesbury Macquarie 2010 Committee Minutes - 17 September 2009 - (114013)**

The meeting commenced at 9.15am in the Council Chambers, Hawkesbury City Council.

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<b>Present:</b>	Colin Mitchell Brian Lindsay Carol Edds Dudley Mercer Jean Stephens Gai Timmerman Aleks Pinter Judy Newland Keri Whiteley Max Jarman John Miller	Deputy Chair Community Representative Community Representative Community Representative Community Representative Community Representative Community Representative Community Representative Community Representative Hawkesbury City Council Community Representative Community Representative
<b>Apologies:</b>	Councillor Rex Stubbs Sonia Porter Esther Perry Anthony Miller Frank Holland Donald Cobcroft	Chair, Councillor Representative Hawkesbury City Council Hawkesbury City Council Community Representative Community Representative Community Representative
<b>In Attendance:</b>	Joseph Litwin Fiona Mann Tina Johnson Anne Choi	Hawkesbury City Council Hawkesbury City Council NSW Department of Premier and Cabinet NSW Department of Premier and Cabinet

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**REPORT:**

Mr Litwin requested that normal business of the Committee be suspended to enable the Committee to appoint a Deputy Chairperson, to chair the meeting in the absence of Councillor Stubbs and referred the Committees attention to Item 22 of the Business Paper.

**Item 22 – Appointment of Deputy Chairperson - Hawkesbury Macquarie 2010 Committee**

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**DISCUSSION:**

- Mr Litwin advised Committee of the procedures within the Constitution for the appointment of a Deputy Chairperson and called for nominations for this position.

Mr Brian Lindsay was nominated by Carol Edds and Seconded by John Miller. Mr Lindsay declined the nomination.

Mr Colin Mitchell was nominated by John Miller and seconded by Mr Max Jarman. Mr Mitchell accepted the nomination.

There being no further nominations Mr Mitchell was duly elected to the position of Deputy Chair and congratulated Mr Mitchell then assumed the role of Chair for the remainder of the meeting and normal business was resumed.

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

**Section 1 - Confirmation of Minutes**

**1. Confirmation of Minutes**

**RESOLVED** on the motion of John Miller and seconded by Max Jarman that the Minutes of the Hawkesbury Macquarie 2010 Committee held on 13 August 2009 be confirmed

**2. Matters arising from Previous Minutes**

Mr Miller sought clarification on the status of the 'Spreading the Word' Partnership Project within the Council Program of events and activities.

**SECTION 2 - REPORTS FOR DETERMINATION**

**Item 21 – Briefing on NSW Government Macquarie 2010 Bicentenary Commemorative Committee**

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**DISCUSSION:**

- Mr Mitchell welcomed Ms Johnson and Ms Choi and invited them to address the Committee. Ms Johnson and Ms Choi briefed the Committee on their position within the Community Initiatives Branch of the NSW Department of Premier and Cabinet and on the work of the State Committee. Committee members asked a number of questions and there was a general discussion on the work of the state committee, the status of the Hawkesbury Macquarie 2010 Committee and the relationship between the two.
- Ms Johnson invited the Hawkesbury Macquarie 2010 Committee to write to the state committee to obtain a letter of endorsement from the state committee should this be required to progress the work of the Committee.

**RECOMMENDATION TO COMMITTEE:**

That:

1. The information be received
2. The Committee extend its appreciation to Ms Johnson for briefing the Committee on the work of the NSW Government Macquarie 2010 Bicentenary Commemorative Committee.

**MOTION:**

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

**Refer to COMMITTEE RECOMMENDATION**

**COMMITTEE RECOMMENDATION**

That:

1. The information be received
2. The Committee extend its appreciation to Ms Johnson and Ms Choi for briefing the Committee on the work of the NSW Government Macquarie 2010 Bicentenary Commemorative Committee.

**ORDINARY MEETING**  
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3. That the Committee formally write to the NSW Government Macquarie 2010 Bicentenary Commemorative Committee to seek endorsement for proposed activities on the Hawkesbury Macquarie 2010 program of Events under the processes established by the NSW Government Macquarie 2010 Bicentenary Commemorative Committee.

**Item 23 – Plaques for Macquarie Towns Project**

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**DISCUSSION:**

- Mr Litwin advised the Committee of the process by which Council sponsored activities were ordinarily progressed by way of the Committee endorsing a Project Charter and establishing a Project Team for an approved Council project. Mr Litwin noted that Mr Miller had completed some preliminary discussion and work in relation to this Council Project.
- Mr Miller briefed the committee on the work he had undertaken.
- There was considerable discussion on the best way to proceed with the proposed project. Mr Litwin indicated that it was Council's intention to maximise the opportunity for community involvement in Macquarie 2010 Projects and that the Committee should not necessarily place limitations or be too prescriptive regarding how the Project should be progressed.
- A number of committee members indicated that for technical reasons it was probably inappropriate to seek to involve local schools in the project and that it may be more appropriate to establish a schools liaison committee or person to liaise with local schools with a view to assisting them to develop Macquarie 2010 theme projects and curriculum activities. Mr Litwin drew the Committees attention to the resource implications of such an approach and reaffirmed that the role of the Committee was to facilitate and support the ideas and activities proposed by community groups rather than undertaking activities itself.
- Further discussion occurred with a number of proposals and options presented by different committee members for the Committees consideration. There were views expressed that the proposed Town Plaques Project should not be treated as a project but referred to appropriate persons with expertise to determine the wording, location and design of any plaques. It was agreed that the Committee required some advice and recommendations in relation to this project and it was resolved that a working party should be established to collect information and report back to the Committee.

**RECOMMENDATION TO COMMITTEE:**

That:

1. The Committee receive the Project Charter for the Macquarie Towns Plaques Project.
2. The Committee consider nominations from committee members to participate on the Project Team.

**MOTION:**

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

**Refer to COMMITTEE RECOMMENDATION**



**COMMITTEE RECOMMENDATION.**

That:

1. A Working Party be established to investigate options for how the Plaques for Macquarie Towns Project could best be progressed with recommendations to be reported to the Committee.
2. That Sonia Porter/Esther Perry, Judy Newland, John Miller and Carol Edds be appointed to the Working Party.

**MOTION:**

**RESOLVED** on the motion of Brian Lindsay and seconded by Dudley Mercer

**Refer to COMMITTEE RECOMMENDATION**

That:

1. A Working Party be established to examine strategies for involving schools in Macquarie 2010 events.
2. That Brian Lindsay, Dudley Mercer and Max Jarman be appointed to the Working Party.

**Item 24 –Representations regarding relocation of Gov. Lachlan Macquarie Statue**

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**DISCUSSION:**

- As this matter was discussed by the Committee in conjunction with Ms Johnson's and Ms Choi's briefing, the Committee determined that no further discussion was required.

**RECOMMENDATION TO COMMITTEE:**

That:

1. The information be received
2. Informal enquiries be made with the Premiers department and reported back to the Committee.

**MOTION:**

**RESOLVED** on the motion of Gai Timmerman and seconded by John Miller

**Refer to COMMITTEE RECOMMENDATION**

**COMMITTEE RECOMMENDATION.**

That Council be asked to forward representations to NSW Parliament House to express it's possible interest in the relocation of the Governor Macquarie statue previously located in the forecourt of Parliament House to the City of Hawkesbury.

**SECTION 3 – Reports of Working Party Meetings**

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

Ms Whitley provided a verbal update to the Committee.

**ORDINARY MEETING**  
Reports of Committees

**ROWP – Hawkesbury Macquarie 2010 Branding and Marketing Working Party .**

Colin Mitchell provided a verbal update to the Committee.

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

Mr Litwin provided a verbal update to the Committee.

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

Carol Edds provided a verbal update to the Committee.

**GENERAL BUSINESS**

- Mr Litwin advised the Committee of the resignations of Jan Barkley-Jack and Virginia Kruse. Mr Litwin advised that he had received a nomination from Mr John Christie.

**MOTION:**

**RESOLVED** on the motion of John Miller and seconded by Max Jarman.

**Refer to COMMITTEE RECOMMENDATION**

That:

1. Mr John Christie be appointed to the Committee.
- John Miller sought clarification on the status of the proposed ecumenical service to be staged in conjunction with the Proclamation Day event to be held in December 2010.

***NEXT MEETING*** – to be held at 9.00 am on Thursday 8 October 2009 in the Council Chambers Hawkesbury City Council, 366 George St. WINDSOR.

Meeting Closed at 11.40 am.

**oooO END OF REPORT Oooo**



ordinary  
meeting

end of  
business  
paper

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