



# Hawkesbury City Council

## ordinary meeting business paper

date of meeting: 09 September 2008

location: council chambers

time: 5:00 p.m.



# mission statement

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

## **How Council Operates**

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

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

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

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

### **Meeting Procedure**

The Mayor is Chairperson of the meeting.

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

### **Public Participation**

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

The Mayor will invite interested persons to address the Council when the matter is being considered. Speakers have a maximum of five minutes to present their views. If there are a large number of responses in a matter, they may be asked to organise for three representatives to address the Council.

### **A Point of Interest**

Voting on matters for consideration is operated electronically. Councillors have in front of them both a "Yes" and a "No" button with which they cast their vote. The results of the vote are displayed on the electronic voting board above the Minute Clerk. This was an innovation in Australian Local Government pioneered by Hawkesbury City Council.

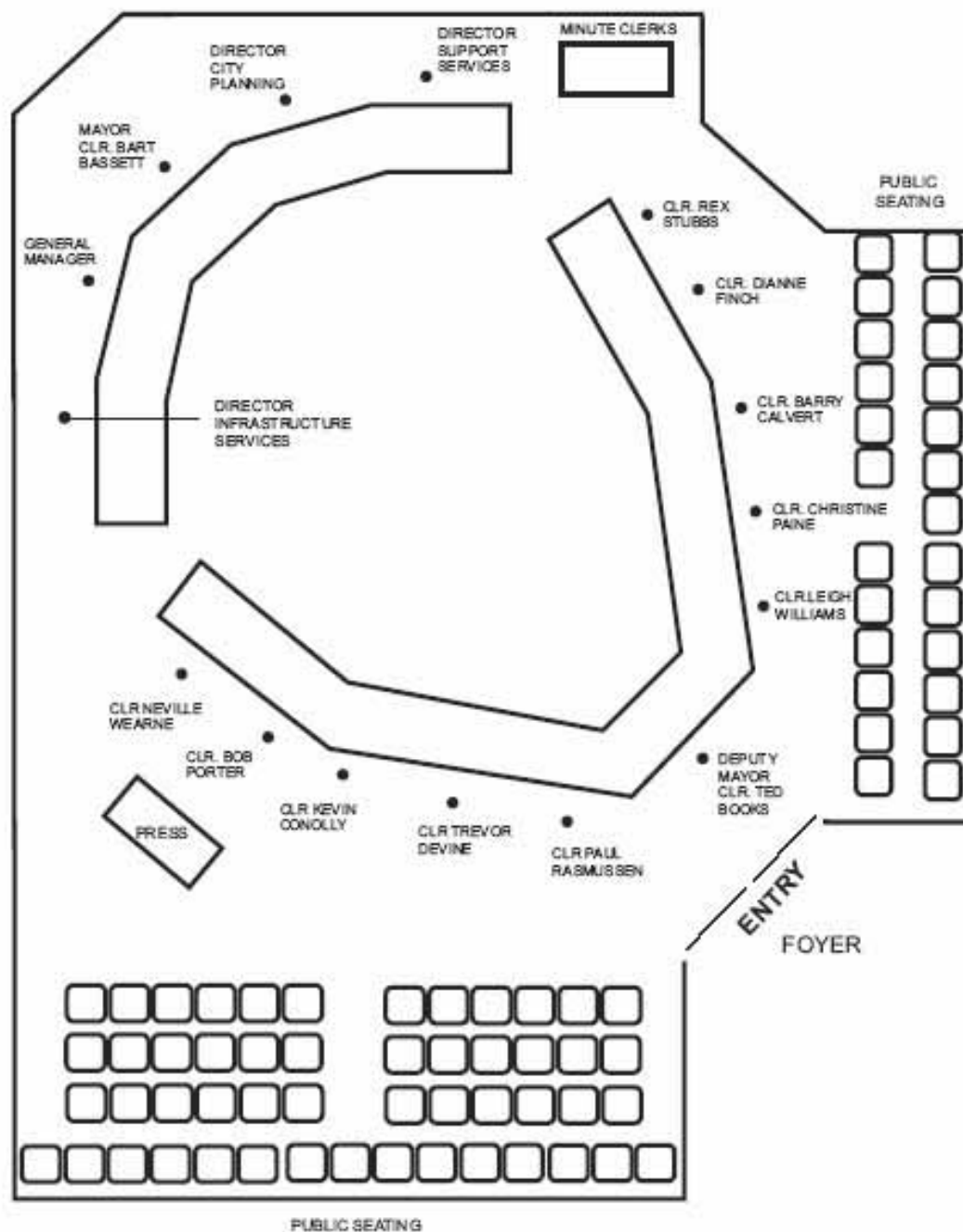
### **Website**

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.

# council chambers



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**SECTION 3 - Notices of Motion**

**NM1 - Hawkesbury LGA Careers Market - (79351, 80096)**

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**Submitted by:** Councillor Conolly

**NOTICE OF MOTION:**

That Council investigate the possibility of hosting, in partnership with UWS Hawkesbury and local business groups, a "careers market" focussing on employers and education providers located in the Hawkesbury LGA or within approximately 15km of the LGA boundaries.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF NOTICE OF MOTION Oooo**

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Notices of Motion



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for determination

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### SECTION 4 - Reports for Determination

#### GENERAL MANAGER

**Item: 184**            **GM - Tourism Program - June 2008 Quarter Report - (79351)**

**Previous Item:**        57, Ordinary (8 April 2008)  
                              89, Ordinary (29 May 2007)  
                              216, Ordinary (30 October 2007)

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#### **REPORT:**

Council at its meeting on 30 October 2007, considered a report on its commitment to the Tourism Program reflected in the Management Plan, and resolved:

*"That as part of its ongoing activities to promote tourism in the area:*

- 1. Council continue to operate the Visitor Information Centre at Clarendon for the 2008 year, whilst pursuing other possibilities and review the situation, if such a review has not been previously undertaken.*
- 2. Council liaise with the relevant tourism industry associations and representatives, including Hawkesbury Regional Tourism Association, beginning immediately with a view to exploring opportunities for working together on projects, promotion and marketing activities and operating the Visitor Information Centre.*
- 3. Council liaise with relevant adjoining Councils, including Baulkham Hills, Blue Mountains, Lithgow and Hornsby, with a view to establishing any regional approaches on key tourism projects like promotion and marketing, projects and strategic activities that are mutually beneficial.*
- 4. A quarterly report be submitted to Council regarding the progress of liaising with the relevant tourism industry associations and representatives."*

This report is the second of four quarterly reports (June 08) on Council's tourism program, which addresses parts 2 and 4 of Council's resolution. The period covers the months of April to June 2008. Relevant happenings in the tourism industry associations since the June period will also be provided (noting Council was further updated on the Hills Hawkesbury Tourism Taskforce (Taskforce) at its meeting on 27 May 2008 after the March 08 or first quarterly report on the tourism program).

The report also provides an update on part 3 of Council's resolution.

The following tourism industry associations and representatives have relevance to the Hawkesbury local government area.

#### **1. Tourism Industry associations and representatives**

##### **(a) Tourism Hawkesbury Incorporated**

Tourism Hawkesbury Incorporated (THI) is a tourism association mainly representing accommodation operators within and outside the area.

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The first quarter report indicated that:

- THI was participating in the proposed formation of a regional industry tourism group, instigated by the industry, with representatives being involved in the start up phase. The group is known as the Hills-Hawkesbury Taskforce (Taskforce);
- THI's future activities would likely be determined after the outcome of the Taskforce process; and
- THI would continue to liaise with Council on working together and that other parties should meet after the outcomes of the Taskforce process and THI's Annual General Meeting (postponed to 6 May 2008).

During the period, the following THI activities have occurred:

- Its Annual General Meeting was held on 25 June 2008 (having been postponed). Members were elected to a new THI Executive Committee and the meeting considered the proposal that the THI's business structure become the basis for the proposed regional tourism industry group (with a changed name, etc). Advice of the new Chairperson of THI in regard to the proposal is:

*"Following discussions with the then current board of Tourism Hawkesbury Inc. (THI) it was agreed that it was the best vehicle to use and reinvent into the new body as it did have assets and systems that would be valuable to the new organisation.*

*"On 26th May we nominated many of the current task force for the board of THI, which was overwhelming supported by the members. The current board of THI is as follows:*

Brian McHenry	Chairperson	Crowne Plaza Norwest	(Taskforce member)
George Giovas	Secretary	Nexus Holidays	(Taskforce member)
Jim McMillan	Treasurer	Glenhuntly B&B *	(Taskforce member)
Ian Knowd		Hawkesbury Harvest	(Taskforce member)
Simon McQuillan		Hawkesbury Houseboats	
Ryan Thompson		Good az Gold (Coaches) *	
Barry Topple		The Retreat at Wiseman	(Taskforce member)
Dave Monahan		DECC, NPWS Hawkesbury area *	

\* Business located in the Hawkesbury local government area.

- At its first meeting of the (new) Executive Committee of THI, the constitutional changes to allow for the creation of the proposed regional tourism industry group (ie. incorporated association) and a proposed name, "Hills, Hawkesbury And Riverlands Tourism" (HHART) were discussed.

An extra ordinary meeting of THI was held on 28 August 2008 to enable the constitutional changes to be ratified so that HHART (Inc) would take THI's place. This will be further reported in the third quarterly report (September 2008).

The Chairman of THI also indicated that a membership drive will commence once HHART is in place, which is expected to be mid-September; and that an executive officer position is being advertised in August/ September 2008. This will be further updated in the third quarterly report (September 08).

The Chairman also advises that once the THI/ HHART transition has taken place (say mid-September 2008), HHART will, "...start building a strong base of tourism operators and supporters in the region" and [he] will come back to Council to discuss ways in which both parties can work together, which might include membership of HHART and/or working on a case by case basis for collaboration.

Given the likely transition of THI to HHART, Council only now needs to meet with HHART representatives and this can take place in accordance with Council's resolution of 27 May 2008, which is considered below in part (c).

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### (b) Bilpin District Tourist Association

Bilpin District Tourist Association (BDTA) is a tourism association mainly representing accommodation operators within the area.

The first quarter reported indicated that BDTA would meet in April 2008 to consider its future activities (including whether there was sufficient resources to continue the group).

During the period, the following BDTA activities have occurred:

- Its Annual General Meeting was held on 26 June 2008. Members were elected to a new BDTA Executive Committee and the meeting considered the proposals that the local tourism industry association extend its area of operation (and hence membership base), to include operators from Kurrajong to Mt Tomah localities and a new name being "Hawkesbury Highlands Tourism" (HHT). Both proposals were supported. The Executive Committee for BDTA/ HHT is:

President Larna Ezzy  
Secretary David Herron  
Treasurer Wayne Inglis

The constitutional changes to enable BDTA to become HHT is being undertaken by BDTA's Executive.

Council Officers will arrange to meet with representatives of BDTA/ HHT now that it has made a decision about its future. The purpose of the meeting would be to ascertain BDTA/ HHT activities and how it might work with Council (including supporting the Visitor Information Centre) and perhaps other tourism industry groups in the area (including Blue Mountains Tourism Ltd and THI/ HHART).

### (c) Hills-Hawkesbury Tourism Taskforce

The Taskforce constituted individuals and groups in each of the three local government areas of Hawkesbury, Baulkham Hills and Hornsby interested in tourism in the region (based around Hawkesbury River) and interested in establishing a regional tourism approach within the industry for key activities like marketing.

The first quarter report indicated, amongst other things, that:

- The Taskforce, if formed is likely to be active in the Hawkesbury local government area;
- The Taskforce would meet with each council's management and other stakeholders to inform them about its proposals; and
- The Taskforce would present its proposal to a regional tourism industry association and or a regional tourism group back to the industry at a formal meeting.

During the period, the following THI activities have occurred:

- The Mayor, General Manager and Council Officers meet with representatives of the Taskforce on 15 April 2008, at a formal meeting to understand the Taskforces proposal. This was detailed in a report to Council at its meeting held on 27 May 2008. It was resolved:

"That Council liaise with the:

1. *The Taskforce and subsequent new regional tourism industry association with the intention of identifying ways in which Council and the association can work together on activities that are within the Hawkesbury local government area and invite the association to support the programs and activities of the Hawkesbury Visitor Information Centre.*

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2. *The Taskforce on the proposed regional tourism group, on the basis that Council is prepared to participate in a regional tourism group that undertakes regional marketing activities of a shared 'Hawkesbury' message, is representative of the local tourism industry and which has an operational structure to the satisfaction of Council.*
  3. *Baulkham Hills and Hornsby Councils in regard to their intentions with the proposed regional tourism group.*
  4. *The Taskforce, Baulkham Hills and Hornsby Councils on an operational structure of the proposed regional tourism group that would be mutually beneficial to each of the key parties."*
- The Taskforce has met to progress its proposal, in particular liaising with THI.
  - Taskforce members became members of THI.
  - THI's Annual General Meeting took place on Wednesday 25 June 2008, which paves the way for the development of a regional tourism industry association in line with the Taskforces proposal as detailed in (a) above.

Progress on the formation of a regional industry tourism association and the benefit of making use of the THI's business structure is noted. Council Officers will continue to liaise with the Chairperson of THI/ HHART to monitor progress with HHART's formation and to meet with him in the later part of the next quarter (September 2008) or early in the fourth (December 08). In particular Council's resolution of 27 May 2008 will be an item of discussion. This will be further updated in the third quarterly report (September 08).

### 2. Adjoining Councils

Council Officers are continuing to liaise with adjoining councils in regard to its resolution of 30 October 2007 and strategic alliances have been established with these councils to work together on a number of tourism related projects across the regions, depending on the area of market focus. Council Officers meet quarterly with officers of the other councils and the relationship will develop.

In regard to Council resolution of 27 May 2008, correspondence has been forwarded to Baulkham Hills and Hornsby Councils to ascertain these councils' views on the likely "Hawkesbury" regional tourism association advocated by the Taskforce and new groups (i.e. HHART) proposed relationship with the three councils.

Baulkham Hills Shire Council advised in an email, dated 26 August 2008:

*"... You may be aware that the "Hills, Hawkesbury And Riverlands Tourism (HHART)" group are in the process to ratify their constitution and officially change from Tourism Hawkesbury Inc. to the above name, from 28 August 2008. I envisage that they will be up and running mid September with memberships and with an executive officer appointed to start driving various initiatives.*

*As discussed previously, we see the formation of this association as a positive step to collaboratively market the region. This will be the prime vehicle for Council's future funding for this industry group on a project by project basis, key deliverables being the destination marketing activities, previously done at a local government level. Baulkham Hills Shire Council will also provide assistance to the association in-kind to ensure that they build a sustainable foundation, without intervening in the industry development process.*

*I also think it is important to keep the impetus with the strategic alliance between Hawkesbury, Hornsby and Baulkham Hills at a Council officer level...."*

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Hornsby Shire Council advised in a letter dated 20 June 2008:

*"...In response to your enquiries I can advise that a Mayoral interview was conducted on 23 April 2008. Ms Lori Modde and Mr Ian Knowd attend on behalf of the group [Taskforce]. They were advised ...that the matter [regional tourism group] would be referred to the [council's] Employment and Economic Development Taskforce (E&EDTF) for consideration .*

*The Taskforce met on 10 June and resolved to commend the group on the efforts to date to establish a newly incorporated group. It was further determined that Council did not see itself as having a specific role with the organisation at this time; either by way of membership or direct funding.*

*Given that council will not be progressing any actions in relation to membership of funding of the new group, it is not appropriate for us to make comment on the operational structure of the organisation.*

*Hornsby Shire Council does, however, welcome the opportunity to work with any group on projects that assist Council in achieving its overall goals in relation to economic development in the shire.*

*We certainly look forward to continuing our working relationship at an officer level across the three councils to optimise promotion of the Hawkesbury region...."*

Both these Council relationship with HHART will be different depending on the organisational approach to such matters. Each of the Council's will have an interest in HHART's regional focus/ activities and how they support the Council's regional strategies within their tourism programs (eg, projects and branding/ marketing). It is likely Baulkham Hills Shire Council will also have a local relationship with HHART, as the indicated "in-kind" assistance above, may extend to operational space or a home for HHART at the proposed visitor information centre at Rouse Hill (under that councils jurisdiction).

Contact with adjoining councils will be further updated in the third quarterly report (September 08).

### Comment

Council Officers will continue to liaise with and monitor the activities of the two industry associations in the area being THI/ HHART and BDTA/ Hawkesbury Highlands during the next quarter. Both groups are in the re-inventing phase broadening their market/ customer focus, which they believe will better position themselves for the future in terms of industry development, individual business growth and customer attraction.

In respect to part 1 of Council's resolution of 30 October 2007, the Visitor Information Centre (under Council's operation) reports that for the June 08 quarter, visitors to the Centre averaged 40 persons per day (7 day week) and accommodation bookings via the Centre are improving and trending upwards for the June 08 quarter with a total bookings value of \$13,156.00 (and commission to Centre of \$1,315.60). One booking in April with a total booking value of \$3,720.00 (commission to Centre of \$372.00) for the Highlands Garden Society, Bowral) was an excellent result. Events and activities in the local and greater region continue to be important for some forms of accommodation providers.

Operational improvements have also taken place at the Centre with EFTPOS, new furniture and display cabinets being purchased to assist with customer service. Council Officers who work at the Centre have also attended training to support the role of the Centre.

At a broader level, the Premier appointed John O'Neill AO to undertake a "Review into Tourism NSW" (supported by the Minister for Tourism, Hon Matt Brown, MP). The final report was completed in April 2008 and was presented to the State Government. It is known as the O'Neill Report. This report lead to the State Government announcing that a new NSW Tourism Strategy would be developed and that an additional \$40 million would be spent over three years to grow tourism within the State. Tourism NSW is therefore also going through a state of re-inventing itself in response to dissatisfaction with its performance on a number of levels in recent years.

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Interestingly, in preparing the new tourism strategy:

- Consultation included:
  - Industry - Australian Tourism Export Council, Tourism and Transport Forum, NSW Regional Tourism Network, Tourism Industry Council NSW, Sydney Chamber of Commerce,
  - State agencies - Department of Environment and Conservation, Department of Planning, Department of Education and the Ministry of Transport, and
  - Tourism NSW's Board
- Consultation did not include local government;
- The draft strategy will be produced in a three month timeframe;
- The draft strategy was presented to the industry (13 August 2008); and
- The final strategy will be presented to NSW Cabinet in September 2008.

It is of concern that the State Government will endorse a new NSW Tourism Strategy but has not consulted local government as a key and undervalued member of the tourism industry and local manager. A number of councils provide substantial funds towards supporting the tourism performance in NSW in terms of visitor information centres, strategic tourism projects and marketing activities. Importantly, such council services also have a greater contact with the customers - the visitors, travellers, and industry business operators. The O'Neill report makes comments and recommendations about the role of local government in supporting the new NSW Tourism Strategy, like councils contributing to Brand Sydney and the role and funding of Tourism NSW defined regions and associated Regional Tourism Organisations.

Council Officers will await the release of the final NSW Tourism Strategy and Council will be further updated in the third quarterly report (September 08).

It is considered that Council should formally consider the new NSW Tourism Strategy in terms of how it relates to the local scene, links to the NSW State Plan the Metropolitan Strategy/ North West Sector sub-regional strategy and whether it directs local government in anyway, despite there being no consultation with councils. It is noted that the North West sub-regional strategy makes recommendations about Tourism NSW working with local government (*Environment, Heritage and Resources; Parks, Public Places and Culture*).

### Conformance to Strategic Plan

The proposal conforms to the objectives set out in Council's Strategic Plan i.e.:

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

### Funding

Accounted for in current budget.

### RECOMMENDATION:

That the Tourism Program - June 2008 Quarter report be received.



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**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

## ORDINARY MEETING

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Item: 185      **GM - Policy Review - Scholarships - University of Western Sydney Hawkesbury (79351, 935)**

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### REPORT:

Management is currently in the process of reviewing all policies in the Policy Register and suggesting changes to Council in respect of those that may be out of date, superseded or require rewording due to new circumstances, guidelines or regulations.

This report covers the review of the current policy for "Scholarship - University of Western Sydney Hawkesbury" in the Policy Register and recommends that it be updated to make it clearer and to reflect Council's resolution of 27 September 2005, which provided for the policy's update, but which has not been reflected in a policy document for Council's endorsement. The resolution, in part, was:

1. *The Hawkesbury Undergraduate Scholarship Program be renewed with the University of Western Sydney (UWS); to operate for a period of five years (being 2006 to 2011); and that its purpose and criteria be amended to support the development of courses offered at the Hawkesbury Campus and the academic performance of eligible students.*

Therefore this policy review is effectively an administrative process.

The current policy in the Policy Register is as follows:

Title:    **Scholarships - University of Western Sydney Hawkesbury**

Policy:      *Council currently provides scholarships for three local students attending the University of Western Sydney by providing a HECS subsidy to a maximum of \$7000 (seven thousand dollars). The basis of the scholarships are as follows:*

- \* *The scholarship is open to applicants:*
  - *who are sitting for the HSC examination within the Hawkesbury City area*
  - *who are attending Colo, Hawkesbury, Richmond, Windsor and Bede Polding high schools and who have applied to enrol in a full-time under-graduate course at the University of Western Sydney, Hawkesbury*
  - *are residents of Hawkesbury City*
- \* *The scholarship will be awarded to the applicant who achieves the highest UAI and is made an offer for a Hawkesbury course in the UAC main round offers.*
- \* *The scholarship holder will continue to receive the scholarship annually for the minimum time allowed to complete the course in which the student is enrolled, subject to the student remaining in good academic standing.*

Council has amended the policy's selection criteria on a least two occasions (Council resolutions of 28 March 2000 and 27 September 2005) building on the original three criterion shown as the bullet points in the current policy above. Other criterion have been amended and added to account for more eligible schools and to clarify student eligibility. Council last reviewed the policy's selection criteria as its meeting on 27 September 2005 and added one and deleted one criterion being:

Added:      the recipient to maintain a credit average to retain the scholarship.

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Deleted: Student from a disadvantaged background (eg. physical disability, single, parent family, low economic groups of other basis of disadvantage).

The policy's selection criteria is as follows:

- (a) Student who attended a local high school in the Hawkesbury local government area or who attended a selective high school outside the area;
- (b) Student who resides in the Hawkesbury local government area for at least one year prior to commencement of study at UWS;
- (c) Student who is less than 20 years of age;
- (d) Student who is an Australian citizen or permanent resident;
- (e) Awarded to student with highest UAI;
- (f) Student who attends a full-time course at the Hawkesbury Campus of UWS;
- (g) Awarded to student over a three years undergraduate course (with fourth year if applicable, subject to approval by Council);
- (h) Student to maintain a credit average to retain the scholarship.

The recommended updated policy is as follows:

**Title: University of Western Sydney - Hawkesbury Undergraduate Scholarship**

**Policy:** Council make provision for an undergraduate scholarship program at the Hawkesbury Campus of the University of Western Sydney to provide for the education of young Hawkesbury residents and to assist with educational costs associated with tertiary studies.

The scholarship be provided for each year of an undergraduate course (with fourth year if applicable, subject to approval by Council) and that the students be sought based on the following criteria, which supplies for the first year and continuing years recipients.

### Selection Criteria for Scholarship

- (a) Student who attended a local high school in the Hawkesbury local government area or who attended a selective high school outside the area [first year recipient];
- (b) Student who resides in the Hawkesbury local government area for at least one year prior to commencement of study at UWS [first year recipient];
- (c) Student who is less than 20 years of age [first year recipient];
- (d) Student who is an Australian citizen or permanent resident [first year and continuing recipients];
- (e) Student with highest UAI [first year recipient];
- (f) Student who attends a full-time course at the Hawkesbury Campus of UWS [first year and continuing recipients].

[Student to maintain a credit average to retain the scholarship [first year and continuing recipients].]

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### Comment

It is considered that a reference to the scholarship cost is not required to be shown in the policy as it is negotiated with UWS in considering any scholarship agreement and in the annual budget process. The current cost of the a scholarship is \$15,000 per student, over a three year course.

### Conformance to Strategic Plan

This proposal is deemed to conform to the strategic directions of Council's Strategic Plan, being:

*"Build community connections by supporting information linkages, life-long learning and access to local meeting spaces."*

*"Implement business strategy for the City to generate employment opportunities consistent with the Hawkesbury mission. Facilitate availability of skilled workforce" [Business Development 2005-2006]"*

### Funding

Funding for this program is reviewed annually as part of the budget process.

### RECOMMENDATION:

That the:

1. Current policy entitled "Scholarship - University Western Sydney Hawkesbury" be archived.
2. Updated policy "University of Western Sydney - Hawkesbury Undergraduate Scholarship" as detailed in the report be adopted.

### ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

## ORDINARY MEETING

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**Item: 186**                      **GM - Council's Code of Conduct - Appointment of Conduct Reviewers - (79351, 79385)**

**Previous Item:**            Ordinary Meeting (8 July, 2008)

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### REPORT:

At the meeting of Council held on 8 July 2008, a report in relation to advice from the Department of Local Government (DLG) concerning the introduction of a revised Model Code of Conduct (Code) for Local Councils in NSW was considered.

Part of that report considered the requirements under the Code for the Council to appoint "Conduct Reviewers". Conduct Reviewers would make enquiries into and report on complaints made about Councillors and/or the General Manager where the complaint is referred, under the terms of the Code, to either an individual Conduct Reviewer or the Conduct Review Committee (comprised of three or more Conduct Reviewers) by the General Manager, in the case of complaints against Councillors, or the Mayor, in the case of complaints against the General Manager.

It was previously suggested that Council may wish to adopt a "regional" or "joint" approach to these appointments as suggested at the time by the DLG.

Subsequently Council resolved to adopt the "Revised Model Code of Conduct for Local Councils in NSW", with an addition in relation to Council's recently adopted Gifts and Benefits Policy, and also resolved that:

*"Council approach Penrith, Blacktown and Baulkham Hills Councils regarding the possible establishment of a "joint panel" of Reviewers for use in association with the new Model Code of Conduct as suggested in this report and Council's procedures provide that in choosing reviewers from a joint panel Council would only choose reviewers whose appointment was made by, the other Councils, and not its own appointments".*

Approaches have been made to the councils referred to in the above resolution and the following is a summary of responses received:

- Blacktown City Council

Have adopted the Model Code with a view to developing a customised Code in the next 12 months; will investigate a process for selecting Conduct Reviewers during this process, (including a possible regional panel in consultation with Western Sydney Regional Organisations of Councils Ltd (WSROC) Councils); will also look at the possibility of reviewers only being residents of the LGA.

Provides tacit support for establishment of a joint panel and prepared to participate in any meetings or discussions on the matter.

- Baulkham Hills Shire Council

Supports the establishment of a joint panel by Blacktown, Hawkesbury, Hornsby and Parramatta Councils; proceeding the call for Expressions of Interest for Conduct Reviewers and prepared to discuss the matter further with Council.

- Penrith City Council

Advises Council is happy to consider the proposal but initially proposes to await the outcome of a WSROC proposal to establish a regional panel of Conduct Reviewers.

## ORDINARY MEETING

Meeting Date: 9 September 2008

As can be seen, all three Councils have shown support for a regional approach and have also referred to a WSROC proposal in this regard which came to light after this matter was last considered by this Council.

The question of WSROC adopting a "Regional Approach to Conduct Review Committees" was considered at the meeting of the WSROC Board held on Thursday 28 August, 2008, when it was resolved:-

*"That WSROC write to member Councils and gauge their interest in a regional approach to conduct review committees as outlined in the report and if six or more Councils are willing to participate, proceed to advertise for panel members".*

In view of the above, it is suggested that Council should continue to pursue a regional approach in this regard either with neighbouring Councils or with WSROC. However, as this approach may take some time to finalise, it is considered that an interim arrangement should be put in place in the event that it is necessary to utilise a Conduct Reviewer, or form a Conduct Review Committee, in the intervening period.

Accordingly, it is suggested that pending the finalisation of joint arrangements, the General Manager, or Mayor in respect of a complaint concerning the General Manager, should be given delegated authority to appoint Conduct Reviewers under the Council's Code of Conduct on a "one-off" basis if the need should arise.

### Conformance to Strategic Plan

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

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

### Funding

Funding implications will depend upon the number of complaints received under the Code of Conduct and whilst specific provision has not been included in the 2008/2009 budget for this purpose, it is proposed that any expenses, initially would be met from the relevant legal expenses budget.

### RECOMMENDATION:

That:

1. The information concerning the current status of forming a "joint panel" of Conduct Reviewers under the Council's Code of Conduct be noted.
2. Council continue to pursue the approach of establishing a "joint panel" of Conduct Reviewers with neighbouring Councils and/or WSROC for further consideration by Council of final arrangements in this regard.
3. In association with Council's resolution of 8 July 2008, the General Manager be authorised to call for Expressions of Interest for Conduct Reviewers at an appropriate time in the light of progress towards a "joint approach".
4. Pending the finalisation of arrangements in this regard, the General Manager, or Mayor in respect of a complaint against the General Manager, be given delegated authority to appoint Conduct Reviewers under Council's Code of Conduct on a "one-off" basis if the need should arise as a result of a complaint being received under the Council's Code of Conduct that is determined as requiring referral to a Conduct Reviewer or the Conduct Review Committee.

**ORDINARY MEETING**

**Meeting Date:** 9 September 2008

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

## ORDINARY MEETING

Meeting Date: 9 September 2008

### CITY PLANNING

**Item: 187**      **CP - Development Application - Rural Shed - Lot 3 DP813866, 72 Fisher Road, Maraylya - (DA0365/08, 109945, 110212, 95498)**

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#### Development Information

**Applicant:** Mr A Mezzomo  
**Owner:** Mr A Mezzomo & Mrs R Mezzomo  
**Stat. Provisions:** Hawkesbury Local Environmental Plan 1989  
**Area:** 2.000 H  
**Zone:** Rural Living  
Rural Living under Hawkesbury Local Environmental Plan 1989  
**Advertising:** 2/6/08 to 16/6/08  
**Date Received:** 15/5/08

**Key Issues:**

- ◆ Use of shed
- ◆ Colour
- ◆ Bulk
- ◆ Size

**Recommendation:** Approval

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#### REPORT:

##### Introduction

The applicant is seeking approval to construct a rural shed for the purpose of garaging a private vehicle and storage of equipment, such as mowers and tractor, etc, for use on the property.

The application has been called to Council by Councillor Finch.

##### Background

A separate application for a dwelling has been lodged with Council and has been approved.

The matter of tree removal in July 2008 is being investigated by Council's Regulatory Services.

##### The Proposal

The applicant is seeking approval to construct a rural shed. The application involves a barn style shed 16m X 12.6m (201.6 sqm), with a ridge height of 5.41m.

The shed is proposed to be located 77m from the road, behind the location of the proposed dwelling and 3m from the side boundary.

The applicant is seeking a variation of the shed provisions in the DCP to the height, from 5m to 5.4m, and the floor area of the shed, from 170m sq to 201.6m sq. This matter is discussed later in the report.

##### Statutory Situation

The subject property is zoned Rural Living under Hawkesbury Local Environmental Plan 1989. A rural shed is a permitted use in this zone.



## ORDINARY MEETING

Meeting Date: 9 September 2008

The Legislation relevant to the proposed development on the site is;

- Environmental Planning & Assessment Act 1979.
- Hawkesbury City Council Local Environmental Plan 1989. (HLEP)
- Hawkesbury City Council Development Control Plan. (DCP)

### Community Consultation

The application was notified during the period from 2 June 2008 to 16 June 2008. During that time 3 submissions were received at Council objecting to the shed. The main issues raised are:

- *The colour- not environmentally friendly.*

*Comment:* The shed is to match the residence and is proposed to be "Woodland Grey" (dark grey) roof and "Surfmist" (cream) walls, matching the proposed dwelling. The proposal to match or blend the colour of the rural shed with the existing buildings (or in this case the proposed buildings) on the site is a requirement of Council's DCP.

- *The bulk- bigger then needed.*

*Comment:* The shed is proposed to be over the permitted 170m sq by 31.6 sqm. The owner has submitted justification for the size with the application. This justification states that the shed size is needed for his equipment and storage of farm materials. This matter is discussed further in the report.

- *The size- it is higher then the permitted 5m.*

*Comment:* It is proposed to vary the DCP requirement of 5m height by 0.4m. The applicant has stated that this is needed in order to structurally fit the roller door required to allow the applicant to store his truck. This matter is discussed further in the report.

- *The use- The possibility that the shed may become a truck depot due to the owner's business- Accacia Transport.*

*Comment:* The applicant has indicated that the shed is for private use only. The truck is owned and driven by the owner and this is similar to other residents in the area who own a truck. The shed has been proposed for domestic/agricultural use pertaining to the property. The use of the shed can also be limited through a condition of consent. A suitable condition will be imposed to restrict the use to non-commercial.

- *The noise and dust from the truck traffic.*

*Comment:* The approval is not for a truck depot. The application proposes only one owner driver truck.

### Planning Assessment

The Hawkesbury Development Control Plan applies to the proposal. An assessment of the proposal against the relevant chapter of this Plan follows:

**ORDINARY MEETING**

**Meeting Date:** 9 September 2008

**Rural Shed**

<b>Design Principles</b>	<b>The Proposal</b>	<b>Compliance</b>
<b>Siting</b>		
Sheds shall be located no closer to the road than the existing dwelling house on the property.	The shed is proposed to be located 77m from the road.	Yes
Cut and fill shall be limited to 2m of cut and 900mm of fill	Plans indicate a max of 800mm of fill.	Yes
Sheds are not to be erected on land which has a slope in excess of 10%	Slope not in excess of 10 degrees	Yes
The erection of rural sheds should involve minimal disturbance to native vegetation.	Area is clear	Yes
<b>Size</b>		
The maximum of sheds in the Rural Living zones shall not exceed 170sqm. The cumulative total of all buildings shall not exceed 170sqm on any one property in these zones.	Proposed shed is 16m X 12.6m = 201.6m <sup>2</sup> The applicant has indicated that he requires 195.16 m <sup>2</sup> internally in order to fit all his equipment	<b>No. See comments below.</b>
In zones Mixed Agricultural, 7(d), Environmental Protection Agricultural (EPA), & 7(e) the applicant will need to justify the size of any shed exceeding 170m <sup>2</sup> in terms of the use of the shed and the land, as well as measures taken to minimise the impact on neighbours and the general area.	N/A	N/A
<b>Height</b>		
The total height of a rural sheds erected in Rural Living zones shall be no more than 5 metres or no higher than the height of the ridgeline of the dwelling house on the same property, whichever is less.	Height to the ridge 5.4m Over by 0.4m But barn style shed.	<b>No. See comments below</b>
In other zones, the total height of rural shed exceeding 5 metres shall be justified in terms of the use of the shed and the visual impact of the development.	n/a	n/a
The total height of "barn style" sheds may exceed 5m based on individual merit.	Barn style design	Yes

**ORDINARY MEETING****Meeting Date:** 9 September 2008

<b>Design Principles</b>	<b>The Proposal</b>	<b>Compliance</b>
<b>Form</b>		
Rural sheds with standard roof form will be limited to rectangular shapes.	Barn style design	Yes
Sheds of other roof forms, for example barn style, will be encouraged.	N/A	N/A
<b>Colour</b>		
The colour of a rural shed will match or blend in with those of existing buildings.	Proposed residence to be cream- shed to match the residence and is proposed to be "Woodland Grey" (dark grey) roof and "Surfmist" (cream) walls.	Yes
On vacant land the colour for rural sheds shall be taken from the natural environment.	Currently vacant but the residence is proposed and the application has been approved	Yes
<b>Type of Building Materials</b>		
Building materials used in the construction of rural sheds are to be new, pre-painted and non-reflective	New material to be used.	Yes
The use of corrugated iron will be considered subject to size, height, design and location of the rural shed.	N/A	N/A
Any part of a building below the 1-in-100 year flood level is to be constructed of flood compatible material.	N/A	N/A
<b>Landscaping</b>		
Plantings are to be a mix of trees, shrubs and ground cover.	Existing trees to be retained	Yes
Trees shall include species that at maturity have a height above the ridgeline of the shed.	Height would be over the height of the proposed shed. Mature height of any landscaping can be conditioned.	Yes
Shrub mass shall provide adequate screening.	3m area between the boundary and the shed. This area can be planted with appropriate species, and can be conditioned	Yes
Plants endemic to the area are to be chosen.	Existing established trees	Yes

**Size Variation**

The applicant has provided the following as justification for the proposed size variation:

**ORDINARY MEETING****Meeting Date:** 9 September 2008**Justification for the size variation:**

<b>Equipment</b>	<b>Floor Area</b>	<b>Sqm</b>
<i>Pantec Truck</i>	<i>4m X 8m X 3.4m high</i>	<i>32m<sup>2</sup></i>
<i>Tractor</i>	<i>3.6m X 7m X 3m high</i>	<i>25.2m<sup>2</sup></i>
<i>Slasher</i>	<i>3.6m X 3.6m</i>	<i>15m<sup>2</sup> (sic)</i>
<i>Lucerne for the horses</i>	<i>3.6m X 3.6m</i>	<i>12.9m<sup>2</sup></i>
<i>Post hole digger</i>	<i>2m X 2m</i>	<i>4m<sup>2</sup></i>
<i>Ride on Mower</i>	<i>2m X 3m</i>	<i>6m<sup>2</sup> (size of a ride on = 2.16m<sup>2</sup>.)</i>
<i>Various items such as hand mower, tools, work bench &amp; garden tools</i>	<i>Various sizes with the need to gain access to these items</i>	<i>48m<sup>2</sup> (note: double garage = 36m<sup>2</sup>)</i>
<i>Storage of timber fencing wire, irrigation pipes &amp; other farm materials</i>	<i>Various sizes with the need to gain access to these items</i>	<i>52m<sup>2</sup> (note: double garage = 36m<sup>2</sup>)</i>

The applicant is seeking a variation to the floor area control of the DCP of 31.6 sqm, ie, from 170 sqm to 201.6 sqm.

*Comment:*

Councils DCP aims to;

- To control the size of rural sheds so as to minimise their visual dominance in the landscape.
- To reduce the number of unnecessary sheds.

The objective of the DCP is to ensure that the size of the rural shed is to be associated with the use of the land and the size of the property.

The applicant has submitted details (see table above) that set out the why the shed size and variation is required. The submitted details do not seem unreasonable for the site and it is considered that the proposed variation of 31.6 sqm is acceptable in this case.

**Height Variation**

The applicant is seeking a variation to the height standard of 5m as the roof pitch has been matched to the proposed residence. The proposed height is 5.4m. This is 0.4m above the DCP limit of 5m.

*Comment:*

Councils DCP aims to:

Control the height of rural sheds so as to minimise their dominance and bulk in the landscape.

The objective being that rural sheds are not to dominate the landscape due to the bulk of the building or intrude into the skyline.

It is considered that the proposed height variation of 0.4 metres is a minor variation as the shed profile is a barn style, the bulk of the structure is broken up and is in keeping with the other sheds in the locality. The approval can be conditioned to provide screen planting between the shed and the boundary as this planting will decrease the bulk effect of the structure against the skyline.

## ORDINARY MEETING

Meeting Date: 9 September 2008

### Conclusion

The applicant is seeking approval for a rural shed that is not uncommon for the area. There are other sheds in the area that match the style, size and colour of the proposed shed.

The applicant is seeking formal variation of the DCP requirement in relation to the size and height of the proposed shed. The extent of the size variation is for an additional 31.6m sq and the height variation is 0.4 metres. The applicant has provided justification for the variation in both height and size.

The bulk and the use of the structure are the main issues raised in the comments by the respondents. The shed can be conditioned to prohibit its use for commercial or industrial use.

It is considered that the structure as proposed is in keeping with a number of other sheds in the district and its use will be associated with the use of the land and the size of the property.

### RECOMMENDATION:

That the application for a Rural Shed at Lot 3 DP 813866, 72 Fisher Road, Maraylya, be approved subject to the following conditions:

#### *General*

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 development shall comply with the Environmental Planning and Assessment Act, 1979 at all times.

#### *Prior to Commencement of Works*

7. The wind classification for the site has been assessed as Minimum W21N. This classification should be referred to your glazing supplier, frame manufacturer and building contractor to enable the appropriate frame, glazing, bracing and tie downs to be designed. A copy of the designs and glazing certificate are to be provided to the Principal Certifying Authority.
8. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction. The enclosed warning sign shall be affixed to the sediment fence/erosion control device.
9. 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.
10. 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.

## ORDINARY MEETING

Meeting Date: 9 September 2008

11. 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.
12. 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.

### ***During Construction***

13. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
14. 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.
15. 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.
16. Mandatory inspections shall be carried out and Compliance Certificates issued only by Council or an accredited certifier for the following components or construction:

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

- (a) piers;
  - (b) steel reinforcement prior to pouring concrete;
  - (c) external sewer or stormwater lines, prior to backfilling;
  - (d) swimming pool fencing, prior to the pool being filled with water;
  - (e) on completion of the works;
17. All roofwater shall be drained to the water storage vessels.
18. The overflow from the water storage vessel shall be drained to a stormwater pit. The stormwater pit shall be located so as not to interfere with any other property

## ORDINARY MEETING

Meeting Date: 9 September 2008

19. The area between the southern boundary and the proposed shed, for the minimum length of the shed, is to be planted with screening trees that will have a mature height equal or greater than that of the ridge height of the shed.

### ***Use of the Development***

20. No internal or external alterations shall be carried out without prior approval of Council.
21. The shed shall not be occupied for human habitation/residential, industrial or commercial purposes.

### ***Advisory***

- \*\*\* 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.

### **ATTACHMENTS:**

- AT - 1** Locality Plan
- AT - 2** Site Plan
- AT - 3** Elevations

**ORDINARY MEETING**

**Meeting Date:** 9 September 2008

**AT - 1    Locality Plan**

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



**ORDINARY MEETING**

**Meeting Date:** 9 September 2008

**AT - 2 Site Plan**

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

**ORDINARY MEETING**

**Meeting Date:** 9 September 2008

**AT - 3 Elevations**

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Attachments Document (Maps)**

**oooO END OF REPORT Oooo**

## ORDINARY MEETING

Meeting Date: 9 September 2008

**Item: 188 CP - Community Sponsorship Program (Out of Policy Application) - Baulkham Hills Shire Council - (95494)**

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**REPORT:**

This report has been prepared to advise Council of correspondence received from both the Wisemans Ferry & Districts Community Health & Resource Centre Inc. and Baulkham Hills Shire Council requesting a contribution towards expenditure outlaid in the refurbishment of a building used as a doctor's premises at Wisemans Ferry. The matter is being reported to Council as the nature of the request falls outside of Council's Community Sponsorship Program.

**Background:**

The 'doctor's surgery' is a building located on Old Northern Road at Wisemans Ferry. The building and the land on which it sits is owned by the Wisemans Ferry & Districts Community Health & Resource Centre Inc. (WFDCHRC).

The building is currently used to house a part-time GP practice. The doctor who has used the building is retiring. The WFDCHRC has determined that in order to attract the services of a replacement doctor the building would need to be refurbished.

The township of Wiseman's Ferry sits at the intersection of four local government areas - Baulkham Hills, Gosford, Hornsby and Hawkesbury and serves the surrounding population of residents within these areas. Residents of the Hawkesbury would therefore use the medical services provided from the doctor's surgery.

In a letter dated 31 July 2008, Council received a request from Wisemans Ferry & Districts Community Health & Resource Centre Inc (Attachment A) in relation to the refurbishment of the doctor's surgery. The letter advised that the refurbishment would cost about \$8,600.00 and requested each of the four Councils whose residents would use the medical services provided from the building contribute \$2,000 towards the project. Council has previously provided a donation of \$1,000 to the WFDCHRC for some building works at the doctor's surgery (in 2002).

In processing this request, Council staff contacted each of the respective Councils. Council staff were advised that Baulkham Hills Shire Council (BHSC) had resolved to support the WFDCHRC request by providing the total amount of \$8,600. BHSC further resolved to contact each of the other three Councils to requests a \$2,000 contribution from them. On 22 August 2008, correspondence was received from BHSC to this effect (Attachment B).

**Current situation:**

The nature of request from BHSC falls within Hawkesbury City Council's Community Sponsorship Program whose administration is governed by Council's Sponsorship Policy. The Community Sponsorship Program does not allow for Council to provide Sec 356 financial assistance to another Council. Consequently, the request from BHSC would be assessed as ineligible.

However, if the request for a contribution had come directly from the Wisemans Ferry & Districts Community Health & Resource Centre Inc. using the relevant application form, the application would have been assessed as eligible and a recommendation would have been drafted for Council's consideration to this effect.

As the reimbursement requested by BHSC is to meet the costs of the refurbishment of the doctor's surgery (a non-Council community asset) it is proposed that the request be assessed on this basis. Accordingly, it is recommended that Council approve the payment of \$2,000 to Baulkham Hills Shire Council as a contribution to the costs of refurbishing the doctor's surgery at Wisemans Ferry.

## ORDINARY MEETING

Meeting Date: 9 September 2008

There are sufficient funds to cover the total recommended amount. Council has previously resolved to fund \$38,640 in Round 1 of the 2008/2009 Community Sponsorship Program leaving a balance of \$20,360. Funding this \$2,000 request would still allow for a further round of Community Sponsorship applications to be considered by Council later this calendar year.

In view of the nature of the application, the standard requirement for an applicant to have lodged an application using Council's community sponsorship form, and for Council to execute a sponsorship agreement with Baulkham Hills Shire Council should also be waived.

### 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

Funding allocations recommended in this report are available within current budget provisions.

### RECOMMENDATION:

That:

1. Council approve the payment of \$2,000 under the Community Sponsorship Program to Baulkham Hills Shire Council (on behalf of the Wisemans Ferry & Districts Community Health & Resource Centre Inc.) as a contribution to the costs of refurbishing the doctor's surgery at Wisemans Ferry.
2. The requirement for a Sponsorship Agreement to be executed with Baulkham Hills Shire Council be waived.

### ATTACHMENTS:

- AT - 1** Correspondence from Wisemans Ferry & Districts Community Health & Resource Centre Inc.  
**AT - 2** Correspondence from Baulkham Hills Shire Council.

**ORDINARY MEETING**

**Meeting Date:** 9 September 2008

**AT - 1 Correspondence from Wisemans Ferry & Districts  
Community Health & Resource Centre Inc**

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

**ORDINARY MEETING**

**Meeting Date:** 9 September 2008

**AT - 2 Correspondence from Baulkham Hills Shire Council**

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Attachments Document (Maps)**

**oooO END OF REPORT Oooo**

## ORDINARY MEETING

Meeting Date: 9 September 2008

### SUPPORT SERVICES

**Item: 189                    SS - General Purpose Financial Report and Special Purpose Financial Report for 2007/2008 - (96332, 95496)**

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#### **REPORT:**

Section 413 (1) of the Local Government Act 1993 requires that *"a council must prepare financial reports for each year, and must refer them for audit as soon as practicable."* The unaudited annual financial reports for 2007/2008 have been completed and are ready for audit. This report recommends that Council refer the draft financial reports for audit by completing the attached statements.

Clause 215 (1) of the Local Government (General) Regulation 2005 determines the format of Council's declaration. It requires that the statement must:

- (a) Be made by resolution of Council; and
- (b) Be signed by:
  - (i) the Mayor, and
  - (ii) at least one other member of the Council, and
  - (iii) the Responsible Accounting Officer, and
  - (iv) the General Manager (if not the Responsible Accounting Officer)

Clause 215 (2) of the Regulation also requires that Council's statement must indicate:

- (a) Whether or not Council's annual financial reports have been drawn up in accordance with:
  - The Local Government Act 1993 (as amended) and the Regulations made there under
  - The Australian Accounting Standards and professional pronouncements
  - The Local Government Code of Accounting Practice and Financial Reporting; and
- (b) Whether or not those reports present fairly the Council's financial position and operating result for the year; and
- (c) Whether or not those reports are in accordance with the Council's accounting and other records; and
- (d) Whether or not the signatories know of anything that would make those reports false or misleading in any way.

Council's financial reports have been prepared in accordance with the requirements detailed in Clause 215 (2) (a) to (c) of the Local Government (General) Regulation 2005 as outlined above. Council's Chief Financial Officer, as the Responsible Accounting Officer considers that these statements fairly present Council's financial position.

This report recommends that Council refer the draft financial reports for audit by completing the attached statements attached to this report as Attachment 1. Council's Auditor, Pricewaterhouse Coopers, will provide a presentation of Council's position following the audit.

## ORDINARY MEETING

Meeting Date: 9 September 2008

### Conformance to Strategic Plan

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

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

### Funding

Not applicable.

### RECOMMENDATION:

That:

1. Council note the following Statement in respect of Section 413(2)(c) of the Local Government Act 1993 as to its Annual Financial Reports:
  - (a) Council's annual financial reports for 2007/2008 have been drawn up in accordance with:
    - The Local Government Act 1993 (as amended) and the Regulations made there under, and
    - The Australian Accounting Standards and professional pronouncements, and
    - The Local Government Code of Accounting Practice and Financial Reporting.
  - (b) The reports present fairly the Council's financial position and operating result for the year.
  - (c) The reports are in accordance with the Council's accounting and other records.
  - (d) The signatories do not know of anything that would make these reports false or misleading in any way.
2. Council sign the "Statements by Councillors and Management". The Statements are to be signed by the Mayor, Deputy Mayor, General Manager and the Responsible Accounting Officer.
3. Council seek a presentation from its External Auditor, PricewaterhouseCoopers, at a Council meeting following the completion of the audit.

### ATTACHMENTS:

- AT - 1** Statements by the Council on the General Purpose Financial Report and Special Purpose Financial Report for the year ended 30 June 2008.



**AT - 1 Statement by the Council on the General Purpose Financial Report and Special Purpose Financial Report for the year ended 30 June 2008.**

**HAWKESBURY CITY COUNCIL**

**General Purpose Financial Report  
FOR THE YEAR ENDED 30 June 2008**

**STATEMENT BY COUNCILLORS AND MANAGEMENT  
MADE PURSUANT TO SECTION 413 (2) (c)  
OF THE LOCAL GOVERNMENT ACT 1993 (as amended)**

The attached Annual Financial Statements have been drawn up in accordance with:

- The Local Government Act 1993 (as amended) and the Regulations made there under
- The Australian Accounting Standards and professional pronouncements
- The Local Government Code of Accounting Practice and Financial Reporting

To the best of our knowledge and belief, these reports

- Present fairly the Council's financial position and operating result for the year, and
- Accords with Council's accounting and other records.

We are not aware of any matter that would render the reports false or misleading in any way.

Signed in accordance with a resolution of Council made on 9 September 2008

-----  
***Councillor Bart Bassett, Mayor***

-----  
***Councillor Ted Books, Deputy Mayor***

-----  
***Peter Jackson, General Manager***

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***Rob Stalley, Responsible Accounting Officer***

## HAWKESBURY CITY COUNCIL

### Special Purpose Financial Reports FOR THE YEAR ENDED 30 June 2008

#### STATEMENT BY COUNCILLORS AND MANAGEMENT MADE PURSUANT TO SECTION 413 (2) (c) OF THE LOCAL GOVERNMENT ACT 1993 (as amended)

The attached Special Purpose Financial Statements have been drawn up in accordance with:

- NSW Government Policy Statement *"Application of National Competition Policy to Local Government"*
- Department of Local Government Guidelines *"Pricing & Costing for Council Businesses: A Guide to Competitive Neutrality"*
- The Local Government Code of Accounting Practice and Financial Reporting
- The Department of Water and Energy Best Practice Management of Water Supply and Sewerage Guidelines.

To the best of our knowledge and belief, these reports

- Present fairly the financial position and operating result for each of Council's declared Business Units for the year, and
- Accord with Council's accounting and other records.

We are not aware of any matter that would render the reports false or misleading in any way.

Signed in accordance with a resolution of Council made on 9 September 2008

.....  
***Councillor Bart Bassett, Mayor***

.....  
***Councillor Ted Books, Deputy Mayor***

.....  
***Peter Jackson, General Manager***

.....  
***Rob Stalley, Responsible Accounting Officer***

oooO END OF REPORT Oooo

## ORDINARY MEETING

Meeting Date: 9 September 2008

**Item: 190**                    **SS - Review of the Windsor Mall Regulations Policy - (79531)**

**Previous Item:**            Ordinary Meeting (29 July, 2008) Ordinary (29 April, 2008)

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### REPORT:

Council at its meeting on 29 July 2008 considered a report on the review of the (current) Windsor Mall Regulations Policy and preparation of a revised policy to be known as the Windsor Mall Policy and resolved:

*"That this matter be referred back to the Windsor Mall Working Party."*

A copy of the report considered by Council on 29 July 2008 is attached as Attachment 1 to this report.

To recap, the review of the Windsor Mall Regulations Policy had been instigated by Council's consideration of its Revenue Pricing Policy at its meeting on 29 April 2008, and desire to ensure the Policy for the Mall space aligned with the objectives of Council as resolved at its meeting on 13 March 2007.

In regard to Council's resolution above, the Windsor Mall Working Group met again on Monday 25 August 2008 to provide further input into revised Policy. The meeting was attended by:

- Councillor Devine
- Helen Clark                    President Windsor Mall Craft Markets
- Christine Mardon            Representative of the Windsor Mall Craft Markets
- Dudley Mercer              President of Windsor Business Group and executive member of Hawkesbury City Chamber of Commerce
- Council staff.

Apologies were received from:

- Rob Ewin                      Former e-commerce/ Markets Advisory Committee member
- Troy Myers                  Delegate of the Windsor Business Group.

Rob Ewin was unable to attend the second workshop due to work commitments. However, he was happy to provide comments via e-communication and over the phone. He commented along the lines,

*"...it provides for a wide range of activities, which I think is important for a community facility. Requirements / practices are well stated & appear fair & reasonable. I cannot think of anyone or thing that it unfairly discriminates against or any common circumstances / situations that it does not cater for or excludes. As a resident & occasional visitor to & user of ( via Rotary ) Windsor Mall, the Policy appears very fair, reasonable and clearly outlines requirements & responsibilities of key stakeholders."*

Troy Myers was unable to attend the second workshop at the last minute. He was happy to provide comments via e-communication and over the phone. He commented that the Policy reflected what was discussed and agreed upon at the first workshop.

The key issue for further discussion at the Working Group meeting was the sale of certain foods in Windsor Mall, being takeaway food and drinks (like sausage sizzles and mobile coffee carts) and the potential and real impact this might have on food and beverage businesses adjacent to Windsor Mall. The majority of Workshop participants felt it would be reasonable to restrict takeaway food in Windsor Mall, so the normal trade in adjacent food and beverage business would remain unchanged. No concession for charity groups was supported by the majority in regard to takeaway food.

## ORDINARY MEETING

Meeting Date: 9 September 2008

The majority of Workshop participants considered it was reasonable to continue to allow fresh produce, packaged cakes and the like as they tended not to be consumed immediately and therefore would not interfere with normal trade of existing businesses adjacent to Windsor Mall.

Following the second workshop, the draft Windsor Mall Policy was updated to indicate permitted and non-permitted food sales. The draft Windsor Mall Policy, as shown in Attachment 2 of this report, shows the proposed food vending changes. Word deletions are shown in strike-through, while word insertions are shown in bold and underlined.

### Comment

The draft Windsor Mall Policy, as shown in Attachment 2, is recommended for approval. Workshop members agree with the purpose and objectives of the policy which will provide the framework for Council decisions regarding applications to use the Mall. It is a comprehensive policy that will also provide for improved management of the Mall. In regard to the food vending changes, it is proposed that Council Officers will monitor the impact of the changes.

Also, Council at its meeting on 29 April 2008 when considering its Council's Revenue Pricing Policy resolved, as follows, in regard to the fees and charges for Outdoor Dining and Footpath Trading, that the:

- "1. *Following fees be included in Council's adopted fees and charges for 2008/2009:*

<b><i>Business Precinct</i></b>	<b><i>Annual Footpath Usage Fee Per m2</i></b>
<i>Thompson Square and Windsor Mall environs (excluding the use/licensing of areas where specific facilities have been provided by Council)</i>	<i>\$85.00</i>
<i>Elsewhere in Windsor, Richmond and North Richmond</i>	<i>\$70.00</i>
<i>Elsewhere in the City</i>	<i>\$50.00</i>

2. *Fees not be implemented until such time as Council has reviewed the Policy and "Regulations" for Windsor Mall. Such review is to be completed by 31 July 2008.*"

Should the Policy be approved, it would satisfy part 2 of the above resolution and therefore the fees for Outdoor Dining and Footpath Trading applications as specified above and included in Council's Fees and Charges for 2008/2009, will come into effect from the date of Council's Windsor Mall Policy resolution.

Also, should the Policy be approved an application form, user guidelines and internal procedures will be developed to assist in the approval process under this 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

Process to be accounted for in current Budget.

## ORDINARY MEETING

Meeting Date: 9 September 2008

### RECOMMENDATION:

That:

1. The current policy entitled "Windsor Mall Regulations" be archived.
2. The updated policy "Windsor Mall Policy" as shown in Attachment 2 to this report be adopted.
3. An appropriate communication/ awareness strategy be developed and undertaken as part of the implementation of Windsor Mall Policy.
4. The relevant fees and charges included in Council's Revenue Pricing Policy and referred to in Council's resolution of 29 April 2008 relating to Outdoor Dining and Footpath Trading be endorsed and implemented.

### ATTACHMENTS:

- AT - 1** Council report of 29 July 2008 entitled "SS - Review of the Windsor Mall Regulations Policy - (79531)"
- AT - 2** Draft Windsor Mall Policy document (as at 26 August 2008)

## ORDINARY MEETING

Meeting Date: 9 September 2008

### **AT - 1 Council report of 29 July 2008 entitled " SS - Review of the Windsor Mall Regulations Policy - (79531)"**

#### **ITEM: Ordinary Meeting Agenda - 9 September 2008**

**Previous Item:** 80, Ordinary (29 April 2008)

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#### **REPORT:**

At the meeting of 29 April 2008, in dealing with the fees and charges for outdoor dining, Council resolved as follows:

- "1. *Following fees be included in Council's adopted fees and charges for 2008/2009:*

<i><b>Business Precinct</b></i>	<i><b>Annual Footpath Usage Fee Per m2</b></i>
<i>Thompson Square and Windsor Mall environs (excluding the use/licensing of areas where specific facilities have been provided by Council)</i>	<i>\$85.00</i>
<i>Elsewhere in Windsor, Richmond and North Richmond</i>	<i>\$70.00</i>
<i>Elsewhere in the City</i>	<i>\$50.00</i>

3. *Fees not be implemented until such time as Council has reviewed the Policy and "Regulations" for Windsor Mall. Such review is to be completed by 31 July 2008."*

At that meeting it was noted that the Windsor Mall Regulations were currently being reviewed. That review has now been completed and a revised policy for the use of the Windsor Mall is submitted to Council for approval.

By way of further background, at its meeting of 13 March 2007 Council resolved in part as follows:

*"Council form a working party comprising Councillor Devine, Mr Ewin, Ms Mann and representatives of Hawkesbury City Chamber of Commerce, Windsor Business Group and Windsor Craft Markets to conduct a review of the Windsor Mall Regulations ... to ensure alignment with the objectives of Council."*

Following a review by Council officers, the current Windsor Mall Regulations were revised in draft form and a meeting of the Council nominated working party was called for Friday 20 June 2008. At that meeting the attendees were:

- Councillor Devine;
- Helen Clark (President Windsor Mall Craft Markets);
- Christine Mardon (representative of the Windsor Mall Craft Markets);
- Troy Myers, (delegate of the Windsor Business Group);
- Council staff.

An apology was received from Dwight Hodgets (Acting President Hawkesbury Chamber of Commerce). Mr Ewin was not contacted as he has left the area.

The draft Windsor Mall Policy takes into account the provisions of the existing Windsor Mall Regulations providing an improved format consistent with other Council policies, clearly identifying a variety of activities

that may be permitted within the Mall and introduces an application approval process for such activities. The working party considered the draft Windsor Mall Policy and provided feedback. The comments by the workshop participants have been considered as well as those comments submitted separately by Dwight Hodgets.

Importantly the workshop was in agreement with the purpose and objectives of the Policy which would provide the framework for Council decisions regarding applications to use the Mall.

Some key issues that have arisen as part of the review process include:

- **A structured approval process**

The Windsor Mall Policy has been structured to require Council approval for activities within the Mall. Approvals may be for "one off" events or for regular activities requiring annual renewal. The Policy articulates those activities that are permitted subject to approval and appropriate conditions of use. Uses governed by other policies have not been incorporated in the Policy, e.g. dogs and the use of alcohol. Every activity requires approval from Council as this enables Council to keep track of what is happening within the Mall. Council is then also able to guarantee the time and space that the applicant has booked. In addition bookings also provide legal and insurance safeguards for Council and importantly for the applicant.

Should the Policy be approved an application form, user guidelines and internal procedures will be developed to assist in the approval process under this Policy.

- **Exclusive use of the Mall**

Over time the Windsor Mall Craft Markets have received "exclusive use" of the Mall on Sundays for market purposes. Notwithstanding this, the Markets Co-ordinator has approved from time to time other activities to run concurrently in the Mall on Sunday, eg busking or similar smaller activities.

The revised draft Policy in effect removes the exclusive use provisions for the Markets and provides Council with the discretion, following a consultation process, to approve concurrent activities in the Mall including on Sundays. In practical terms and based on past events, the Markets Co-ordinator would seek annually approval for use of the Mall on Sundays. Given the size of the market operations and the space constraints within the Mall, this limits the type and size of other activities that may run concurrently with the Markets. However from time to time there may be opportunities to run some activities simultaneously and a consultation process will operate to achieve a suitable arrangement.

- **Alignment of the Windsor Mall Policy and Council's Outdoor Dining and Footpath Policy**

Council has adopted an Outdoor Dining And Footpath Policy to facilitate the appropriate use of footpaths for the purpose of outdoor dining areas and other footpath trading activities in the Hawkesbury Local Government Area. That Policy does not apply to outdoor dining areas or footpath trading activities that are carried out in Windsor Mall. These activities within the Mall are regulated by a specific development consent for outdoor dining areas and footpath trading activities. Council will consider the provisions of the Development Consent conditions and the Outdoor Dining and Footpath Policy in determining such applications.

- **Communication/Awareness Strategy**

Should the revised Policy be adopted, it is proposed to develop a Communication Strategy to compliment its implementation. It should be noted that in terms of Council's Community Engagement Policy, this revision is a Level 3 requiring the community to be informed. The desirable element of Level 3 engagement process is targeted consultation, which has occurred.

- **Provision of Food**

There was some discussion concerning the merits or otherwise of prohibiting the sale or provision of food as an approved activity, particularly whether there would be any impact on existing or future food businesses within the Mall. In order to achieve the objectives of the Policy it is proposed to allow with approval a range of activities to serve and make the Windsor Town Centre more vibrant. It is recognised that in doing so, there may be some potential conflict between users of Windsor Mall and adjacent property owners and traders. The Policy objectives are to minimise that potential and this will be achieved by the filter of an approval process and the conditioning of approvals. Such a mechanism is appropriate and enables activities to be examined on a case by case basis. Whereas a blank prohibition of food preparation and sale would eliminate for example the traditional sausage sizzling BBQ's, cake stalls, and other lunch time promotions organised by schools, non-profit clubs, charities and other non-profit organisations. Adherence to applicable food safety standards will be required for such activities.

The revised draft Windsor Mall Policy is attached and recommended for approval. Should the Policy be approved, the fees for outdoor dining applications as specified in Council's resolution of 29 April 2008, and included in Council's Fees and Charges for 2008/2009, will be implemented.

**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**

Process to be accounted for in current budget.

**RECOMMENDATION:**

That Council:

1. Adopt the Draft Windsor Mall Policy as attached to the Report in this regard.
2. Develop and undertake an appropriate communication/awareness strategy as part of the implementation of the revised policy.
3. Implement the relevant fees and charges included in Council's Revenue Pricing Policy and referred to in Council's resolution of 29 April 2008.

**ATTACHMENTS:**

**AT - 1** Draft Windsor Mall Policy



**AT - 2 Draft Windsor Mall Policy document (as at 26 August 2008)**

Hawkesbury City Council

**Council Policy**

Title:

**Windsor Mall Policy**

Adopted on:

Last Revision:

Next Revision:

Associated document:

Internal Procedure

Other Policy:

Outdoor Dining and Footpath Trading Policy

Responsible Directorate:

Support Services (Corporate Services & Governance)

Directorate Awareness:

All other departments

**Policy: Windsor Mall Policy**

**1.0 Definitions**

In this Policy, the following definitions apply:

**Council** means the Hawkesbury City Council.

**Activity** means an activity organised by an individual, business entity, community group or community entity.

**Display** means an exhibition, that involves the visual presentation of information.

**Takeaway food means food, snacks, meals or light refreshments (and drinks) prepared and sold in a state ready for immediate consumption.**

**Fund raising** means the soliciting or collection of public money by any association or charity for the purpose of that association or charity.

**Nominated officer** means an officer appointed by the General Manager for the purpose of the policy;

**Permission** means the written approval of an application by Council in the form of a permit or licence;

**Policy** means Hawkesbury City Council Windsor Mall Policy

**Promotion** means a publicly conducted activity by one or more persons to advertise a commercial product, business or activity.

**2.0 Introduction**

**2.1 Policy Statement**

This Policy is a statement of Council's intent for the use of Windsor Mall for both community and business activities. It outlines the types of activities and the associated rules and criteria

under which the public may use Windsor Mall for the purpose of contributing to a pleasant, safe and enjoyable environment.

Windsor Mall forms part of the Windsor Town Centre and both community and economic development activities are suitable uses in the Mall. Such activities will provide diversity in the use of the space and interaction between people.

## **2.2 Policy Purpose**

Windsor Mall is a pedestrian space in George Street, the main street of Windsor. Main streets are generally within central business districts and are locations for trade and public interaction and as such are part of the public domain. Pedestrian spaces are people places created to improve the utilisation and enjoyment of town centres

The purpose of the Policy is to make Windsor Mall available for a range of activities to promote:

- (a) the use of the Mall;
- (b) Windsor as a town centre,
- (c) the Hawkesbury community; and
- (d) the Hawkesbury as a destination for residents and visitors,

which will serve to activate and make the Windsor Town Centre more vibrant.

## **2.3 Policy Objectives**

The objectives of the Policy are:

- (a) to outline what Windsor Mall may be used for and under what circumstances;
- (b) to provide for the fair, safe and suitable conduct of persons undertaking an activity within Windsor Mall;
- (c) to minimise potential and actual conflict between users of Windsor Mall and adjacent property owners and traders;
- (d) to minimise any impacts on the visual and physical amenity of Windsor Mall;
- (e) to outline how a person seeking to and undertaking an activity in Windsor Mall will communicate with Council, other users of the Mall and adjacent property owners and traders; and
- (f) to outline how Council will communicate with persons seeking to and undertaking an activity in Windsor Mall, other users of the Mall and adjacent property owners and traders.

## **2.4 When does the Policy apply?**

The Policy applies to an activity in Windsor Mall, including activities on a profit (commercial) and not-for-profit basis.

## **2.5 Permission for activity in Windsor Mall**

A person seeking to undertake an activity in Windsor Mall requires permission in the form of a permit. This is to ensure that:

- (a) all permissions and approvals required under any legislation are obtained in a timely manner; and
- (b) Council is not exposed to any risk.

In certain circumstances Council's consent as owner of Windsor Mall may also be required when seeking approval under any other legislation that applies to land in Windsor Mall, in relation to an activity application.

2.5.1 Activities not permitted

A person who undertakes an activity not approved or permitted by this Policy may be prosecuted under relevant legislation.

**2.6 Obtaining permission for an activity in Windsor Mall**

Council will use this Policy to assess any application and its operation in Windsor Mall. It will also be used to monitor activities not in accordance with the Policy.

2.6.1 Application

Before seeking permission to undertake any activity, the applicant is required to:

- (a) consider this Policy and establish which sections apply to the proposal;
- (b) obtain the relevant Application Form;
- (c) consider discussing the proposal with Council Officers to address any matters of interest and concern; and
- (d) ensure the activity proposal complies with the Policy.

When seeking permission to undertake an activity, the applicant is required to:

- (a) complete and lodge the relevant Application Form at least one (1) month prior to the commencement date of the activity, to enable the application to be assessed and processed in a timely manner;
- (b) provide all necessary information, including certificates (eg. insurances) and the like. This may include a risk assessment for the activity;
- (c) pay any relevant application fee as approved from time to time; and
- (d) comply with the Policy.

2.6.2 Lead times

An application must be lodged in sufficient time to enable Council to properly consider, consult and determine the application having regard to the circumstances of the case.

As a guide, any application requiring a street closure shall be lodged at least six (6) months prior to the first date on which the activity is to be undertaken, so that any traffic assessment and determination processes may be completed.

2.6.3 Major activities

Any activity that is considered to be a major event, because of its size, scale, attendance and the like may require consultation with adjoining property owners.

An application for a major event shall be lodged at least three (3) months prior to the first date on which the activity is to be undertaken.

2.6.4 Conditions and Terms

The Nominated Officer may attach such conditions to a permit considered appropriate to the circumstances of the application.

2.6.5 Carrying of Permit and Availability

A person to whom a permit has been issued must carry or display the permit while undertaking any activity in Windsor Mall. The permit shall also be presented on request for inspection by an authorised Officer of Council and a member of the NSW Police.

2.6.6 Transfer and Termination of Permit

A permit is not transferable.

Should the Nominated Officer consider it within the public interest to do so, a permit may be terminated, withdrawn or modified at any time in order to comply with the purpose and objectives of the Policy.

Circumstances may arise, which require a permit for all or part of an activity to be held in abeyance, including road works any other special uses (including one-off events) in Windsor Mall.

**2.7 Legislation that applies to Windsor Mall**

The Policy is prepared under the Local Government Act, 1993. Other legislation also applies to land in Windsor Mall.

A person seeking to undertake an activity in Windsor Mall must comply with the Policy and any applicable Acts or other laws that apply to the circumstances of the activity proposal. In some circumstances, permission from other consent authorities may be required.

**2.8 Amendment of the Policy**

Council may amend, vary or add to the provisions of the Policy from time to time.

Council may consider a request to vary the Policy by an applicant. Such variation will be sought via an application, which includes a statement and supporting information that supports the variation proposed.

**3.0 Windsor Mall**

**3.1 Where is Windsor Mall?**

Windsor Mall is located in George Street, Windsor, between Baker Street and Fitzgerald Street. It is paved section of George Street which provides for pedestrian priority. It is a (local) public road, with restricted vehicle access. A map is attached as Attachment 1.

Beneath the surface of Windsor Mall lies the former alignment of that part of George Street.

**3.2 Who is responsible for Windsor Mall?**

Council owns Windsor Mall and is responsible for its management. In managing Windsor Mall Council recognises that it is a key town centre space that should be available for use for both community and business activities.

**3.3 What spaces in Windsor Mall are available for activities?**

The general area of Windsor Mall is available for activities provided for in the Policy. In conjunction with this, specific structures in Windsor Mall are also available for activities, including:

- (a) Stall/ kiosk (1)
- (b) Rotunda (1)
- (c) Wagons (2)
- (d) General Area.

3.3.1 Infrastructure in Windsor Mall

Windsor Mall contains furniture, gardens and the walking surface. Elements include trees, planter boxes, paddle wheel, clock, seats, paving and sandstone. These elements shall not be damaged by an activity in Windsor Mall.

**ORDINARY MEETING****Meeting Date:** 9 September 2008**4.0 Windsor Mall Activities****4.1 Activities permitted**

The activities permitted in Windsor Mall are shown in Table (1).

A permit is required for an activity and authorises a person to undertake the activity (permit holder). A permit may be issued for more than one activity. In some circumstances a permit may constitute a licence or lease.

**4.2 Nominated Officer for Permit**

The Nominated Officer may issue a permit after considering an application for an activity in Windsor Mall, subject to the criteria in Section 4.3.

The Nominated Officer may advise of any other approval that is required in conjunction with an application for an activity in Windsor Mall.

<b>Table (1): Windsor Mall Activities</b>				
<b>Type of Activity</b>	<b>Permitted</b>	<b>Permit required</b>	<b>Where in Mall</b>	<b>Fees</b>
Signage	✓	✓	General area	✓
Busking	✓	✓	General area	✓
Displays & Promotions	✓	✓	General area, Rotunda	✓ - for profit ✗ - not for profit
Entertainment & Events	✓	✓	General area, Rotunda	✓
Fundraising	✓	✓	Area defined - stall	✗
Retail	✓	✓	Area defined - wagons	✓
Markets	✓	✓	General area	✓
Outdoor Dining & footpath trading	✓	✓	Area defined	✓
Public Research	✓	✓	General area, Rotunda	✓ - for profit ✗ - not for profit
Raffles or Lotteries	✓	✓	General area, Rotunda	✓ - for profit ✗ - not for profit

**4.3 Criteria for EACH Activity****4.3.1 Signage**

- (a) Signage meeting the definition of the type of advertisements which is Exempt Development under Hawkesbury Local Environmental Plan, 1979 (ie. sandwich boards A frame: Council property and public spaces) and banners for the promotion of events of a non-commercial nature only;
- (b) If in conjunction with another activity, in the vicinity of the operation of the activity;
- (c) If to be fixed to adjacent properties and displayed across the Mall only with adjacent property owners consent and at the discretion of Council;
- (d) Sponsorship recognition shall not exceed 20% of the size of a banner; and
- (e) Any other matter considered appropriate.

## ORDINARY MEETING

Meeting Date: 9 September 2008

### 4.3.2 Busking

- (a) Any collection container for donations is to remain stationary on the pavement;
- (b) Busking shall not interfere with any other approved use or permitted activity in the Mall;
- (c) Buskers shall not obstruct or impede pedestrians using the Mall or visiting adjacent properties (eg business premises) and established pedestrian travel paths;
- (d) Buskers shall not obstruct or impede access to activities on adjacent properties (eg business premises);
- (e) Busking shall be for a maximum period of 4 hours on any one day;
- (f) Buskers shall not perform in a particular area for more than 30 minutes ie. rotate and move around;
- (g) Busking permits issued on any one day may be limited;
- (h) Buskers shall have a suitable appearance and dress standard;
- (i) Buskers under the age of 18 years must be accompanied by an adult at all times;
- (j) Buskers may be required to audition for a permit and will not be approved where busking is or may be intended to be conducted for purely political or religious purposes or is or may be objectionable in nature; and
- (k) Any other matter considered appropriate, including consultation requirements.

### 4.3.3 Displays and Promotions

- (a) Displays may be undertaken in the general area of the Mall and the rotunda;
- (b) Displays may include vehicles and boats that are stationary and installed prior to standard trading hours on any day;
- (c) Promotions may only be undertaken within three (3) metres immediately adjacent to the rotunda;
- (d) Displays and promotions shall not interfere with any other approved use or permitted activity in the Mall;
- (e) Displays and promotions shall not obstruct or impede pedestrians using the Mall or visiting adjacent properties (eg business premise) and established pedestrian travel paths;
- (f) Displays and promotions shall not obstruct or impede access to activities on adjacent properties (eg business premises);
- (g) Display material that is likely to detract from the appearance of the Mall may be limited or be required to be amended; and
- (h) Any other matter considered appropriate, including consultation requirements.

### 4.3.4 Entertainment and Events

- (a) Entertainment and events may be undertaken in the general area of the Mall and the rotunda;
- (b) Entertainment may be undertaken within three (3) metres immediately adjacent to the rotunda;
- (c) Entertainment and events shall not interfere with any other approved use or permitted activity in the Mall;
- (d) Entertainment and events shall not obstruct or impede pedestrians using the Mall or visiting adjacent properties (eg. business premises) and established pedestrian travel paths;
- (e) Entertainment and events shall not obstruct or impede access to activities on adjacent properties (eg business premises);
- (f) Entertainment and events material that is likely to detract from the appearance of the Mall may be required to be limited or be required to be amended;
- (g) Entertainment and events shall not be, or intended to be, conducted for purely political or religious purposes or is or be objectionable in nature; and
- (h) Any other matter considered appropriate, including consultation requirements.

## ORDINARY MEETING

Meeting Date: 9 September 2008

### 4.3.5 Fundraising

- (a) Fundraising may only be undertaken by an association or charity for the purpose of that association or charity;
- (b) Fundraising shall be based in or within five (5) metres immediately adjacent to the stall;
- (c) Display or sale of goods associated with the fundraising may be approved; and
- (d) Any other matter considered appropriate, including consultation requirements.

### 4.3.6 Retail

- (a) Wagons may be used only via agreement with an operator;
- (b) Retailing shall not interfere with any other approved use or permitted activity in the Mall;
- (c) Retailing shall be undertaken within or within a three (3) metres immediately adjacent to the wagons;
- (d) Retailing shall not obstruct or impede pedestrians using the Mall or visiting adjacent properties (eg. business premise) and established pedestrian travel paths;
- (e) Retailing shall not obstruct or impede access to activities on adjacent properties (eg business premises);
- (f) Retailing material that is likely to detract from the appearance of the Mall may be limited or be required to be amended; and
- (g) Any other matter considered appropriate.

### 4.3.7 Markets

- (a) Markets may only be undertaken via agreement with an operator for the staging of the markets;
- (b) One market operator per day;
- (c) Markets only be undertaken on Saturdays or Sundays;
- (d) If an activity application is received that would require the sharing of Mall space on a nominated market day, Council will liaise with the market operator in regard to sharing the space and impact on market operations in determining the application;
- (e) Markets shall not interfere with any other approved activity or use in the Mall;
- (f) Markets shall not obstruct or impede pedestrians using the Mall or visiting adjacent properties (eg. business premise) and established pedestrian travel paths;
- (g) Markets shall not obstruct or impede access to activities on adjacent properties (eg business premises);
- (h) Market material that is likely to detract from the appearance of the Mall may be required to be amended or removed; and
- (i) Any other matter considered appropriate.

### 4.3.8 Outdoor Dining and Footpath Trading

- (a) Development consent granted to Development Application No DA 0214/07 allows Council to regulate designated areas within the Mall for the purpose of alfresco/outdoor dining and commercial displays.
- (b) The provisions of Council's Outdoor Dining and Footpath Trading Policy will be applied under this Policy.

#### Notes:

# Development consent to DA 0214/07 allows for areas within the Windsor Mall to be used for outdoor dining and footpath trading in conjunction with a business undertaken on land adjacent to the Windsor Mall. The Council's Outdoor Dining and Footpath Trading Policy is applicable elsewhere but will be referred to in dealing with applications for the Windsor Mall. Space in Windsor Mall used for outdoor dining and footpath trading is licensed at a commercial rate and may entitle the licensee to exclusive use of the approved space.

## ORDINARY MEETING

Meeting Date: 9 September 2008

### 4.3.9 Public Research

- (a) A permit maybe required for public research (including surveys, questionnaires, public opinion and polls) and the Nominated Officer may issue a permit subject to conditions.

### 4.3.10 Raffles and Lotteries

- (a) A permit maybe required for raffles and lotteries otherwise permitted by law and the Nominated Officer may issue a permit subject to conditions.

## 4.4 Criteria for ALL Activities

### 4.4.1 Activities undertaken without permission or contrary to permit

A person who undertakes an activity not approved or permitted or contrary by this Policy or contrary to a Permit may be prosecuted under relevant legislation.

In the case of an activity being undertaken contrary to a permit, repeated breaches will result in the termination of the permit by the Nominated Officer. Generally, a 3-strikes rule shall apply.

### 4.4.2 Fees

An application fee and/or an activity fee may be charged for any activity in Windsor Mall in accordance with the adopted Fees and Charges in Council's Management Plan. A security deposit or bond to cover the possibility of damage to Council property or assets may apply.

#### Notes:

- # The application fee must be lodged with the application.
- # An activity fee, including rental fees, will be paid after a permit is issued and in accordance with any conditions of a permit.

### 4.4.3 Insurance

- (a) Any damage or injury caused to a member of the public arising from an activity for which a permit has been issued will be the responsibility of the permit holder.
- (b) A permit holder will be required to have a minimum \$10 million public liability insurance policy for the activity undertaken in Windsor Mall. Evidence of the insurance policy cover must be provided with the application or at time to be determined.

#### Notes:

- # The insurance policy shall include a statement that clearly states Council is indemnified in respect to the activity.

### 4.4.4 Operation of Permit

A permit may include conditions that address the general operation of an activity, including hours of operation, dates, times and duration. A permit will be limited to not more than 12 months. An application to renew a permit may be lodged up to three months before the permit expiry date.



4.4.5 Clean and Tidy

A permit holder is responsible for maintaining the operating area free of waste and shall leave it in a clean and tidy condition. Cleaning costs will be met by the permit holder.

4.4.6 Damage to Infrastructure

A permit holder is responsible for any damage to infrastructure in Windsor Mall from undertaking the activity and this extends to any person involved in the activity at any time. Such damage does not extend to fair wear and tear. Damage costs will be met by the permit holder.

**4.4.7 Food**

**(a) Permitted**

**Food that is fresh produce, processed produce, packaged cakes/ biscuits/ bakery items, nuts and preserves is permitted in conjunction with an activity.**

**(b) Not permitted and exception**

**Food that is Takeaway food is not permitted in conjunction with an activity, unless the activity is undertaken by a food business operator operating from premises adjacent to Windsor Mall or the business operator is part of an activity.**

Food ~~sold prepared~~ in conjunction with an activity shall comply with the Food Act, 2003, Food Regulations 2004, other food safety standards and any other related legislation or policies.

Food ~~preparation and display~~ed shall only be undertaken on with a non-permeable barrier to protect the surface of Windsor Mall.

4.4.8 Amplification of Sound (Public Address Systems)

Amplification of sound is allowed in conjunction with any activity, but it must not be to a point that it is considered to be "offensive noise" as defined under the Protection of the Environment Act, 1998. Details of the proposed amplification of sound shall be supplied with an application.

The use of microphones and amplification with any activity may be limited if it is deemed to be loud.

4.4.9 Maintaining good relations

(a) With other activities and uses

Windsor Mall is a place in which a variety of activities may take place at any given time. It is also a central business district in which trade takes place on a daily basis. The permit holder is responsible for maintaining good relations with other activities undertaken in Windsor Mall and with traders on adjacent properties. Likewise, traders on adjacent properties shall maintain good relations with activities in Windsor Mall.

(b) With visitors and patrons

Pedestrians and visitors in Windsor Mall shall not be harassed by advertising, religious, political or commercial messages in any way.

**5.0 Vehicle Access to Windsor Mall**

There is no unauthorised vehicular access to Windsor Mall, except where provided below:

**5.1 Emergency and Service Vehicle Access**

The following vehicles are allowed in Windsor Mall at any time, while involved in day-to-day operations:

- (a) Emergency Services Vehicles;
- (b) Public Utility Service Vehicles; and
- (c) Council Vehicles undertaking authorised work.

**5.2 Activities in Windsor Mall Vehicles Access**

Services and delivery vehicles to activities in Windsor Mall may access the area and stand to load/ unload for a maximum time of 45 minutes:

- (a) On Thursday from 9pm to Friday 9am;
- (b) On other days, between 6pm and 9.30am; or
- (c) Access outside times in shown in (a) and (b) above, in accordance with an approved activity.

**5.3 Adjacent Properties to Windsor Mall Vehicles Access**

Services and delivery vehicles to adjacent properties to Windsor Mall may access the area and stand to load/ unload for a maximum time of 45 minutes, where no other road or laneway access is available:

- (a) On Thursday from 9pm to Friday 10am; and
- (b) On other days, between 6pm and 9.30am.

**6.0 Miscellaneous Use of Windsor Mall**

**6.1 Skate boards**

The use of bicycles, skate boards, roller blades, roller skates and the like are prohibited in Windsor Mall.

**7.0 Attachments**

Attachment 1 - Map of Windsor Mall

**ORDINARY MEETING**

**Meeting Date:** 9 September 2008

**Attachment 1 - Map of Windsor Mall**

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

**oooO END OF REPORT Oooo**

## ORDINARY MEETING

Meeting Date: 9 September 2008

**Item: 191                    SS - Exemption from Rating - 4 Ham Street, South Windsor - (81592, 95496)**

---

### REPORT:

An application has been received from the Australian Foundation for Disability requesting exemption from rating for the property known as 4 Ham Street, South Windsor (Lot 12 Sec 4 Vol 13384 Fol 29), Property Number 4339. Copies of the letters dated 15 July 2008 and 22 August 2008 from the Australian Foundation for Disability are provided as Attachments 1 and 2.

The Australian Foundation for Disability is a public charity and the property is used for a Day Program for People with Disability.

Application for rate exemption is made in accordance with Section 556 (h) of the Local Government Act, 1993 which provides as follows:

*"556 The following land is exempt from all rates, other than water supply special rates and sewerage special rates:*

*(h) land that belongs to a public benevolent institution or public charity and is used or occupied by the institution or charity for the purpose of the institution or charity."*

It is recommended that exemption from rating be granted from 1 July 2008, being the beginning of the current rating year.

The rates for 2008/2009 from 1 July 2008 to 30 June 2009 total \$746.04 and will need to be abandoned once the rate exemption is approved.

### 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

Funding for this proposal will be from the Rates Budget.

### RECOMMENDATION:

That:

1. In accordance with Section 556(h) of the Local Government Act, 1993 the Australian Foundation for Disability be granted exemption from rating from 1 July 2008 for the property known as 4 Ham Street, South Windsor.
2. An amount of \$746.04 be written off in respect of rates for the period 1 July 2008 to 30 June 2009.

### ATTACHMENTS:

**AT - 1**            Letter from Australian Foundation for Disability dated 15 July 2008  
**AT - 2**            Letter from Australian Foundation for Disability dated 22 August 2008

**ORDINARY MEETING**

**Meeting Date:** 9 September 2008

**AT - 1      Letter from Australian Foundation for Disability dated 15 July 2008**

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Attachments Document (Maps)**

**ORDINARY MEETING**

**Meeting Date:** 9 September 2008

**AT - 2      Letter from Australian Foundation for Disability dated 22 August 2008**

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Attachments Document (Maps)**

**oooO END OF REPORT Oooo**

## ORDINARY MEETING

Meeting Date: 9 September 2008

**Item: 192                    SS - Exemption from Rating - 5670 Putty Road, Colo Heights - (34786, 95496)**

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### REPORT:

An application has been received from the Seventh Day Adventist Reform Movement requesting exemption from rating for the property known as 5670 Putty Road, Colo Heights (Lot 2 DP 777778, Lot 14 DP 46574, Lot 5 DP 753798 & Lot 6 DP 753798), Property Number 28070. A copy of the letter dated 7 August 2008 from the Seventh Day Adventist Reform Movement is provided as Attachment 1.

The property is owned by Reform Movement Pty Ltd which is an incorporated holding company of the Seventh Day Adventist Reform Movement incorporated solely for the purpose of legally holding properties and assets.

The Seventh Day Adventist Reform Movement is a public charity and the property is used for the sole purpose of furthering religious, educational and charitable activities.

Application for rate exemption is made in accordance with Section 556 (h) of the Local Government Act, 1993 which provides as follows:

*"556 The following land is exempt from all rates, other than water supply special rates and sewerage special rates:*

*(h) land that belongs to a public benevolent institution or public charity and is used or occupied by the institution or charity for the purpose of the institution or charity."*

It is recommended that exemption from rating be granted from 1 July 2008, being the beginning of the current rating year.

The rates for 2008/2009 from 1 July 2008 to 30 June 2009 total \$1,262.77 and will need to be abandoned once the rate exemption is approved.

### 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

Funding for this proposal will be from the Rates Budget.

### RECOMMENDATION:

That:

1. In accordance with Section 556(h) of the Local Government Act, 1993 the Reform Movement Pty Ltd be granted exemption from rating from 1 July 2008 for the property known as 5670 Putty Road Colo Heights.
2. An amount of \$1,262.77 be written off in respect of rates for the period 1 July 2008 to 30 June 2009.

**ORDINARY MEETING**

**Meeting Date:** 9 September 2008

**ATTACHMENTS:**

**AT - 1** Letter from Seventh Day Adventist Reform Movement dated 7 August 2008



**ORDINARY MEETING**

**Meeting Date: 9 September 2008**

**AT - 1 Letter from Seventh Day Adventist Reform Movement dated 7 August 2008**

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

**oooO END OF REPORT Oooo**

## ORDINARY MEETING

Meeting Date: 9 September 2008

**Item: 193**                    **SS - Policy for Payment of Expenses and Provision of Facilities to Councillors - Review - (95496)**

**Previous Item:**            159, Ordinary (29 July 2008)

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### REPORT:

At the meeting of Council held on 29 July 2008 a report was considered regarding a review of the Council's current policy for the "Payment of Expenses and Provision of Facilities to Councillors".

In that report it was noted that the Department of Local Government (DLG) previously issued guidelines for the preparation of the Policy. Then earlier this year the DLG forwarded Circular No 08-03 detailing the findings of its review of policies for the payment of expenses and provision of facilities to Councillors. The DLG recommended a number of areas for improvement and as a result a number of changes were identified to Council's Policy.

The Council at it's meeting on 29 July 2008 resolved as follows:

*"That the amendments as outlined in the report to the Policy for Payment of Expenses and Provision of Facilities to Councillors be made and the updated Policy be placed on public exhibition for a period of 28 days."*

A copy of the report considered by Council on 29 July 2008 is attached as Attachment 1 to this report.

The revised Policy was placed on public exhibition, with the exhibition period closing on Friday, 5 September 2008. At the time of writing this report no submissions had been received in respect of the exhibited Policy. Should any submissions be received by the close of the exhibition period, Councillors will be notified.

In accordance with the provisions of the Local Government Act 1993 the Council is required to review the Policy annually, and to submit a copy of the Policy to the Department of Local Government by 30 November each year.

In view of the fact that no submissions have been received to date in regard to the Policy during the exhibition period, it would now be appropriate for the Council to adopt the revised Policy as exhibited subject to the following minor typographical correction:

- In Part 2, Section 1 (m) alter the words "three (3) calendar months" with the words "1 month"

The updated Policy is attached as Attachment 2 to this report, with the above alteration highlighted.

### Conformance to Strategic Plan

The proposal is deemed to conform with the Community/Lifestyle objective 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.

## ORDINARY MEETING

Meeting Date: 9 September 2008

### RECOMMENDATION:

That:

1. The updated Policy for "Payment of Expenses and Provision of Facilities to Councillors" attached as Attachment 2 to the report be adopted.
2. 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, together with a copy of the public notice placing the draft Policy on public exhibition, and advice that during the required exhibition period the Council received no submissions in respect of the draft Policy.

### ATTACHMENTS:

- AT - 1** Report to Council Meeting of 29 July 2008
- AT - 2** Updated Policy for the " Payment of Expenses and Provision of Facilities to Councillors" -  
(*Distributed under separate cover*)

## ORDINARY MEETING

Meeting Date: 9 September 2008

### AT - 1 Report to Council Meeting of 29 July 2008

#### **ITEM: Ordinary Meeting Agenda - 9 September 2008**

**Previous Item:** 229, Ordinary (30 October 2007)

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#### **REPORT:**

At the meeting of Council held on 30 October 2007, 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."*

Council is undertaking considerable planning in preparation for the forthcoming elections and the introduction of the new Council. As part of this work a review of the existing expenses and facilities policy for Councillors has been undertaken to ensure it is up to date.

It is noted that the Department of Local Government (DLG) previously issued guidelines for the preparation of this policy. Then earlier in the year the DLG forwarded Circular No 08-03 detailing the findings of its review of policies for the payment of expenses and provision of facilities to Councillors. The DLG has recommended a number of areas for improvement and as a result a number of changes have been identified to Council's policy.

In brief the proposed changes to the existing policy include:

- Part 1 - Section 7 - Approval Arrangements
  - Additional information clarifying the requirements.

## ORDINARY MEETING

Meeting Date: 9 September 2008

- Part 2 - Section 1
  - Specific mention of training and development for councillors having regard to the findings of the DLG audit of policies.
  - Additional information clarifying approvals processes.
- Part 2 - Section 2
  - New provision facilitating an arrangement whereby Councillor fees can be paid into superannuation on a pre tax basis in accordance with advice received from the Local Government Superannuation Scheme and the Australian Taxation Office.
- Part 3 - Sections 2 and 3
  - Updating provision of equipment to current standards.
  - Clarifying expenses limits processes.
  - Emphasising facilities not to be used for election purposes.
- Part 3 - Section 12 and 13.
  - Introducing Carer and other related expenses - in accordance with the DLG audit findings.
  - Introducing Legal Assistance - in accordance with the DLG audit findings.

A copy of the existing policy updated to reflect these proposed changes is attached to this report. Proposed changes to this policy have been shown highlighted. If agreed, it will now need to be placed on public exhibition for 28 days prior to its adoption by Council. This exhibition will need to be concluded and the policy adopted prior to 30 November 2008.

### Conformance to Strategic Plan

The proposal is deemed to conform with the Community/Lifestyle objective 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 the amendments as outlined in the report to the Policy for Payment of Expenses and Provision of Facilities to Councillors be made and the updated Policy be placed on public exhibition for a period of 28 days.

### ATTACHMENTS:

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

oooO END OF REPORT Oooo

oooO END OF REPORT Oooo

## ORDINARY MEETING

Meeting Date: 9 September 2008

### CONFIDENTIAL REPORTS

### SUPPORT SERVICES

Item: 194      SS - Property Matter - Lease to Sligar Holdings Pty Ltd - Shop 3 McGraths Hill Shopping Centre - (96505, 9587, 95496) **CONFIDENTIAL**

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#### **Reason for Confidentiality**

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

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

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

ordinary

section 5

reports  
of committees

**ORDINARY MEETING**  
Reports of Committees



**SECTION 5 - Reports of Committees**

**ROC - Floodplain Risk Management Advisory Committee Minutes - 4 August 2008 - (86589)**

The meeting commenced at 4.02pm.

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<b>Present:</b>	Councillor Trevor Devine (Chair) Councillor Ted Books Councillor Kevin Conolly Councillor Bob Porter Councillor Neville Wearne Mr David Avery Mr Geoffrey Bessell Mr John Miller Mr David Scott Mr Bill McMahon Mr Kevin Jones Mr Greg Murphy
<b>Apologies:</b>	Councillor Bart Bassett Mr Peter Cinque Mr Les Sheather Mr John Aquilina MP
<b>In Attendance:</b>	Ms Louise Markus MP Ms Chris Bourne Mr Ray Williams MP Mr Matt Owens Mr Philip Pleffer Mr Chris Amit Ms Robyn Kozjak - Minute Secretary

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**REPORT:**

**CONFIRMATION OF MINUTES**

**RESOLVED** on the motion of Councillor Books and seconded by Councillor Porter that the Minutes of the Floodplain Risk Management Advisory Committee held on the 2 June 2008, be confirmed.

It was noted Councillor Conolly's name was inadvertently omitted from the list of attendees, notwithstanding the time of his arrival at the meeting was duly noted.

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

**SECTION 3 - Reports for Determination**

**Item: 1 Support of Floodplain Management Authorities for Commonwealth and State Government Funding of Flood Mitigation**

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**DISCUSSION:**

- Reference was made to the opening of applications for funding in 2008-2009 under the Natural Disaster Mitigation Program and enquiry was made if this funding could be used for clearing channels in the river. Mr Owens advised the program is quite broad and Council is currently in the process of identifying priorities and determining projects for which the funding could be used.
- Ms Louise Markus MP addressed the Committee and expressed her support in this matter. Ms Markus strongly encouraged Council to submit an application for funding (applications close on 29 August 2008).

*The attendance of Ms Louise Markus MP and Mr Ray Williams MP was formerly acknowledged by the Chair.*

**MOTION:**

RESOLVED on the motion of Mr John Miller, seconded by Councillor Conolly.

***Refer to COMMITTEE RECOMMENDATION***

**COMMITTEE RECOMMENDATION:**

That:

1. In order to achieve an integrated approach to flood management and mitigation, based on risk management principles, Hawkesbury City Council support the Floodplain Management Authorities endeavors in securing ongoing and additional funding from the Commonwealth and State governments for the Natural Disaster Mitigation Program incorporating the Commonwealth Flood Mitigation Program.
2. Hawkesbury City Council write to relevant State and Federal members requesting ongoing and additional funding from the Commonwealth and State governments for the Natural Disaster Mitigation Program (incorporating the Commonwealth Flood Mitigation Program) for the purposes of promoting integrated floodplain management and flood mitigation based on risk management principles.

**SECTION 4 - Reports for Information**

**Item: 2 Annual Report of Floodplain Risk Management Committee**

---

**DISCUSSION:**

- Enquiry was raised re the progress of the Thorley Street project. Mr Amit advised he had met with the RTA to discuss design options and envisaged a draft design option would be available end of August/early September. Mr Amit further advised construction should be completed by June 2009, subject to final design outcome being agreed upon.
- Reference was made to an invitation previously extended to Mr Dooley to undergo a tour of the river. It was requested this invitation be revisited and Mr David Miller of the Estuary Management Unit of DECC also be included in the invitation.
- Enquiry was raised as to the status of the clearing of trees by Waterways for navigation purposes. It was advised Waterways undertook the work as required, however, it was further advised Waterways has specified the clearing of trees does not fall within their responsibility. It was suggested this Committee should encourage other authorities to assist in the removal of trees for navigation purposes.

**MOTION:**

RESOLVED on the motion of Councillor Books, seconded by Councillor Wearne.

*Refer to COMMITTEE RECOMMENDATION*

**COMMITTEE RECOMMENDATION:**

The information be received.

**Item: 3 Presentation of Hawkesbury Digital Terrain Model**

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**DISCUSSION:**

- Mr Pleffer and Mr Amit gave a live demonstration of the Digital Terrain Model and advised the program would be beneficial in identifying specific properties and would be particularly useful when assessing whether or not a property is flood effected.

**MOTION:**

RESOLVED on the motion of Councillor Wearne, seconded by Matthew Owens.

*Refer to COMMITTEE RECOMMENDATION*

**COMMITTEE RECOMMENDATION:**

That the presentation be received.

**SECTION 5 - General Business**

- Concern was raised the community may not realise the potential scale or depth of flooding in the area and it was agreed the profile of flood awareness should be raised. Discussion subsequently arose re SES evacuation procedures in the case of a flood emergency.
- Mr Avery was asked if Penrith and Blacktown Councils have prepared Flood Risk Management Plans. Mr Avery advised Blacktown Council has completed a Flood Risk Management Study and Penrith Council is currently looking at options to mitigate flooding, however, that Council not completed a study as yet.
- It was noted the NSW Local Government election is nearing and enquiry was raised as to the status of the FRMAC in this regard. It was advised a Special Meeting of Council would be held in September/October to nominate various Committees of Council and once this had occurred staff would advertise for representatives to join the Committees.
- The Chair expressed his thanks to all attendees of the meeting.

The meeting closed at 5.08pm.

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**  
Reports of Committees

**ROC - Local Traffic Committee - 20 August 2008 - (80245)**

Minutes of the Meeting of the Local Traffic Committee held in the Large Committee Room, Windsor, on Tuesday, 9 September 2008, commencing at 3.00pm.

**ATTENDANCE**

**Present:** Councillor B Bassett (Chairman)  
Mr J Suprain, Roads and Traffic Authority  
Mr J Christie, Officer of Messrs A Shearan, MP and J Aquilina, MP  
Acting Sgt M Zemaitis, NSW Police Service

**Apologies:** Mr R Williams, MP (Hawkesbury)  
Sgt N Jurd, NSW Police Service  
Mr R Elson, Department of Transport

**In Attendance:** Mr C Amit, Manager, Design & Mapping Services

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**SECTION 1 - Minutes**

**Item 1.1 Minutes of Previous Meeting**

The Minutes of the meeting held on 16 July 2008 were confirmed.

**Item 1.2 Business Arising**

Nil Business Arising.

**SECTION 2 - Reports for Determination**

**Item 2.1**      **LTC - 20 August 2008 - Item 2.1 - Application for Final Approval: Hawkesbury Triathlon Club Races, July 2008 - June 2009 - (Londonderry & Riverstone) - (80245, 89093)**

**Previous Item:**      Item 2.1, Local Traffic Committee (20 February 2008)

---

**REPORT:**

**Introduction:**

An application by the Hawkesbury Triathlon Club was reported to the Local Traffic Committee on 20 February 2008, to conduct Triathlon and Duathlon races generally on the last Sunday of each month from July 2008 to June 2009, utilising Deerubbun Park as a base area. The recommendation of the Local Traffic Committee, as part of the Initial Approval, was adopted by Council on 11 March 2008 and is listed below:

*That:*

**A. Road/River Matters**

1. *The Hawkesbury Triathlon and Duathlon Races event, utilising Deerubbun Park, Cornwallis, as a base area planned for;*

**2008**

*Sunday July 27, 2008 Duathlon 8.30 - 10.00am*  
*Sunday August 24, 2008 Duathlon 8.30 - 10.00am*  
*Sunday September 28, 2008 Triathlon 7.30 - 9.30am*  
*Sunday October 26, 2008 Triathlon 7.30 - 9.30am*  
*Sunday November 30, 2008 Triathlon 7.30am - 9.30am*  
*Sunday December 21, 2008 Triathlon 7.30am - 9.30am*

**2009**

*Sunday January 25, 2009 Triathlon 7.30 - 9.30am*  
*Sunday February 22, 2009 Triathlon 7.30 - 9.30am*  
*Sunday March 22, 2009 Triathlon 7.30 - 9.30am*  
*Sunday April 26, 2009 Duathlon 8.30 - 10.00am*  
*Sunday May 31, 2009 Duathlon 8.30 - 10.00am*  
*Sunday June 28, 2009 Duathlon 8.30 - 10.00am*

*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 which explains the responsibilities of the event organiser in detail.*
4. *No objection be held to this event subject to compliance with the following conditions:*

**Prior to the event:**

- 4a. *the event organiser obtaining approval to conduct this event, from the NSW Police Service; **a copy of the Police Service approval be submitted to Council;***
- 4b. *the event organiser **submitting a Transport Management Plan (TMP) for the entire route incorporating a Traffic Control Plan (TCP) to Council and the RTA** for acknowledgement. The TCP should be prepared by a person holding appropriate certification required by the RTA to satisfy the requirements of the relevant Work Cover legislation;*
- 4c. *as the event will transverse Rickaby's Creek Bridge along Richmond Road, the event organiser to **submit to Council a copy of its Public Liability Policy** in an amount not less than \$20,000,000 **noting Council and the Roads and Traffic Authority as interested parties on the Policy** and that the Policy to cover **both on-road and off-road activity;***
- 4d. *the event organiser obtaining the relevant approval to conduct this event from the Waterways Authority; **A copy of this approval be submitted to Council;***
- 4e. *the event organiser advertising the event in the local press stating the entire route of the event and the traffic impact due to the event two weeks prior to the event; **a copy of the proposed advertisement be submitted to Council** (indicating the advertising medium);*
- 4f. *the event organiser notifying the details of the event to the NSW Ambulance Services, NSW Fire Brigade / Rural Fire Service and SES at least two weeks prior to the event; **a copy of the correspondence be submitted to Council***
- 4g. *the event organiser directly notifying relevant bus companies, tourist bus operators and taxi companies operating in the area and all the residences and businesses affected by the event at least two weeks prior to the event; The applicant undertaking a letter drop to all affected residents and businesses in the proximity to the event, with that letter advising full details of the event; **a copy of the correspondence be submitted to Council***
- 4h. *the event organiser assessing the risk and addressing the suitability of the entire route as part of the risk assessment considering the possible risks for all. This assessment should be carried out by visual inspection of the route / site by the event organiser prior to preparing the TMP and prior to the event;*
- 4i. *the event organiser carrying 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 designing and implementing 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>);*
- 4j. *the event organiser submitting the completed "Special Event - Traffic Final Approval" form to Council;*

**During the event:**

- 4k. *access being maintained for businesses, residents and their visitors;*
- 4l. *all traffic controllers / marshals operating within the public road network holding appropriate certification required by the RTA;*
- 4m. *the runners/cyclist are aware of and are following all the general road user rules whilst running/cycling on public roads;*
- 4n. *in accordance with the submitted TMP and associated TCP, appropriate advisory signs, and traffic control devices be placed during the event along the route under the direction of a traffic controller holding appropriate certification required by the RTA;*



**ORDINARY MEETING**  
**Reports of Committees**

- 4o. *the competitors and participants be advised of the traffic control arrangements in place, prior to the commencement of the event; and,*
- 4p. *all roads and marshalling points are to be kept clean and tidy, with all directional signs to be removed immediately on completion of the activity*

**B. Reserve Matters**

*No objection is held to use of Deerubbun Park subject to compliance with the following conditions:*

- 1. *the applicant obtaining approval from Hawkesbury Sports Council to use of Deerubbun Park;*
- 2. *The park is to be left clean and tidy with the organisation responsible for collection and disposal of all rubbish; the applicant is required to pay to Council a refundable bond of \$150.00 less any cost incurred by Council, administrative or otherwise, to clean/restore the area;*
- 3. *Any building, vehicle or stall that is used for preparation of food for public consumption is to comply with Council's "Information for Food Stall Holders" brochure; this information and any related food/public health information can be obtained by contacting Council's Environmental Health Officer on 4560 4553;*
- 4. *Noise is to be kept to a reasonable level, with all amplified sound less than 5d(B)a above ambient level;*
- 5. *the event manager/applicant must undertake also a Risk Assessment of the event to be conducted including pre-event preparations; this assessment must identify potential hazards and the procedures that need to be implemented to eliminate or control those hazards; the event manager/applicant is responsible for ensuring that procedures are followed and that they comply with the requirements of the Occupational Health and Safety Regulations 2001;*
- 6. *Garbage bins can be provided for the event at a cost to be provided at application. 3 weeks notice is required prior to the event to enable appropriate arrangements to be made;*
- 7. *If your organisation requires keys, a deposit of \$25 is requested at time of key collection. This deposit will be refunded on return of key*

**Discussion:**

The event organiser has submitted information in order to obtain **Final Approval**. Refer to Appendix 2 (Dataworks Document Nos. 2816583 & 2847932).

**A. Road/River Matters**

- Condition 4a: Compliant.
- Condition 4b: Compliant.
- Condition 4c: Compliant.
- Condition 4d: Compliant.
- Condition 4e: Compliant.
- Condition 4f: Compliant.
- Condition 4g: Not yet Complying, Copy of Resident/Business letter only submitted.
- Condition 4h: Compliant.
- Condition 4i: Compliant.
- Condition 4j: Compliant.

**B. Reserve Matters**

- Condition 1: Compliant.  
Condition 2: Bond Paid.  
Condition 3: Not yet Complying.  
Condition 4: Not yet Complying.  
Condition 5: Compliant.  
Condition 6: To be utilised as required.  
Condition 7: To be utilised as required.

Due to the event organiser obtaining the relevant approvals from various authorities and submission of the required information, the events listed for July and August 2008 inclusive, fall outside of the approval process. Namely the dates as listed below:

Sunday July 27, 2008 Duathlon 8.30 - 10.00am

Sunday August 31, 2008 Duathlon 8.30 - 10.00am (originally planned for 24 August 2008)

**RECOMMENDATION:**

That no objection be held to Hawkesbury Triathlon Club conducting Triathlon and Duathlon races generally on the last Sunday of each month from September 2008 to June 2009, utilising Deerubbun Park as a base area on the dates listed below:

**2008**

- Sunday September 28, 2008 Triathlon 7.30 - 9.30am  
Sunday October 26, 2008 Triathlon 7.30 - 9.30am  
Sunday November 30, 2008 Triathlon 7.30am - 9.30am  
Sunday December 21, 2008 Triathlon 7.30am - 9.30am

**2009**

- Sunday January 25, 2009 Triathlon 7.30 - 9.30am  
Sunday February 22, 2009 Triathlon 7.30 - 9.30am  
Sunday March 22, 2009 Triathlon 7.30 - 9.30am  
Sunday April 26, 2009 Duathlon 8.30 - 10.00am  
Sunday May 31, 2009 Duathlon 8.30 - 10.00am  
Sunday June 28, 2009 Duathlon 8.30 - 10.00am

Final Approval be granted subject to compliance with the following conditions:

**A. Road/River Matters**

**Prior to the event:**

- a) The event organiser directly notifying relevant bus companies, tourist bus operators and taxi companies operating in the area of the event at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council**

**During the event**

- b) Access is to be maintained for businesses, residents and their visitors;
- c) All traffic controllers / marshals operating within the public road network are to hold appropriate certification as required by the RTA ;
- d) The runners/cyclist are to be made aware of, and are to follow, all the general road user rules whilst running/cycling on public roads;

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- e) In accordance with the submitted TMP and associated TCP, appropriate advisory signs, and traffic control devices are to be placed along the route, during the event, under the direction of a traffic controller holding appropriate certification as required by the RTA;
- f) The competitors and participants are to be advised of the traffic control arrangements in place prior to the commencement of the event;
- g) 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.

**B. Reserve Matters**

- h) The park is to be left clean and tidy with the event organiser being responsible for the collection and disposal of all rubbish; the organiser will be refunded the bond of \$150.00 less any costs incurred by Council, administrative or otherwise, to clean/restore the area;
- i) Any building, vehicle or stall that is used for the preparation of food for public consumption is to comply with Council's "Information for Food Stall Holders" brochure; this information and any related food/public health information can be obtained by contacting Council's Environmental Health Officer on 4560 4444;
- j) Noise is to be kept to a reasonable level, with all amplified sound less than 5d(B)a above ambient level;
- k) Garbage bins can be provided for the event at a cost to be provided at application. 3 weeks notice is required prior to the event to enable appropriate arrangements to be made;
- l) If the event organiser requires keys, a deposit of \$25 is requested at the time of key collection. This deposit will be refunded upon the return of the key.

**APPENDICES:**

**AT - 1** Hawkesbury Triathlon Club Races Overview Plan No. TR001/08

**AT - 2** Final Approval Special Event Application - Hawkesbury Triathlon Club Races (Dataworks Document No. 2816583 & 2847932) - *see attached*.

**AT - 1** Hawkesbury Triathlon Club Races Overview Plan No. TR001/08

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

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**Item 2.2      LTC - 20 August 2008- Item 2.2 - Speed Review, West Portland Road , Sackville - (Hawkesbury) - (80245)**

**Previous Item:**      Item 4.1, Local Traffic Committee ( 21 May 2008)

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**REPORT:**

**Introduction**

At the Local Traffic Committee Meeting held on 21 May 2008, Councillor Bassett advised of representations received seeking review of the speed limit on West Portland Road, Sackville.

The recommendation of the Committee as adopted by Council on 27 May 2008 was:

*"That upon completion of speed counts on Boundary Road, Oakville, speed counts be undertaken on West Portland Road, Ebenezer, and following assessment against previous speed counts, a further report be submitted to the Committee with a view to referral to the Roads & Traffic Authority."*

**Background**

This matter was previously investigated in 2004, and following recommendation by the Local Traffic Committee, Council at its meeting held on 8 June 2004 resolved that the Roads & Traffic Authority be requested to consider reducing the regulatory speed limit on West Portland Road and Greens Road. By correspondence dated 24 September 2004, (Dataworks Doc No. 1827751), the Authority advised the result of its investigation:

Table 1: Summary of Council request and RTA Response.

Road	Chainage	Council Recommendation 2004	RTA Determination 2004
West Portland Road	From Sackville Road to Ch 2300	80 KPH to 70 KPH	80 KPH
	Ch 2300 - Ch 6100	80 KPH to 60 KPH	80 KPH
	Ch 6100 - Ch 12500	100 KPH to 70 KPH	80 KPH
	Ch 12500 to Wheel Barrow Ridge Road	80 KPH to 70 KPH	80 KPH
Greens Road	From Wheel Barrow Ridge Road to Ch 500 (end of seal)	80 KPH to 70 KPH	80 KPH

The reasons given for the Authority's determination in 2004 were that the road was generally in a good condition, there was limited abutting development set well back from the road, and property access points were well spaced.

The only section of West Portland Road the RTA agreed to reduce the speed limit (100 kph to 80 kph) was from Ch 6100 to Ch 12500.

**Discussion**

West Portland Road is a collector road. The horizontal alignment consists of a series of circular curves and straight sections. The vertical alignment consists of a series of vertical curves. Many horizontal curves are combined with vertical curves where the available sight distance is inadequate for the current regulatory speed limit. There are steep embankments on the side of some sections of the road with limited clear zones. There are rural residential land lots on both sides of the road. The sealed carriageway width varies

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between 5.5 and 6.8 metres. The current regulatory speed limit on West Portland Road is 80 kph from Sackville Road (Ch 00) to Wheelbarrow Ridge Road (Ch 13250).

West Portland Road is connected to Greens Road at the intersection with Wheelbarrow Ridge Road. The sealed section of Greens Road is 500 metres long and the current regulatory speed limit on this section is 80 kph.

In accordance with the recommendation of the Local Traffic Committee as adopted by Council on 27 May 2008, traffic counts in West Portland Road were undertaken during July 2008 at approximately the same locations as the counts in 2004. The table below outlines the information for both traffic counts.

Table 2: Traffic Counts, West Portland Road; 2004 and 2008

Location along West Portland Road	Chainage from Sackville Road (m)	April 2004		July 2008	
		85 % Speed (kph)	ADT	85 % Speed (kph)	ADT
No. 351(1km South of Irwins Bridge)	3500	89	717	88	643
No. 593 (Nth of Laws Farm Rd)	5900	84	371	85	278
South of Packer Road (100m)	7750	93	306	89	262
North of Packer Road (200m)	8050	83	461	76	388

The RTA Road Traffic Accident Database indicates four injury accidents and four non-injury accidents along West Portland Road from 2002 to 2006. One non-injury accident along the 500 metre sealed section of Greens Road from 2002 to 2006.

The 85% speeds travelled along West Portland Road, as listed in Table 2, are in keeping with the speed limit of 80 kph. The Council recommendation in 2004 was for the majority of the road to be 70 kph with the exception of Ch 2300 to Ch 6100 being reduced to 60 kph. The section of West Portland Road (Ch 2300 to Ch 6100 ) recommended to be reduced to 60kph is situated between a point approximately 1200m north of Bull Ridge Road and 500 metres north of Laws Farm Road, which includes a residential section south of Irwins Bridge, and has sharp curves with advisory speeds of 15 kph and 25 kph, whilst also being generally narrow through the cutting.

The basis for the reduction to the speed limit in 2004 was taking into consideration the safe negotiable speed on the horizontal curves, restricted sight distance on the vertical curves, combination of horizontal and vertical curves, steep road side embankments with limited clear zones and the road pavement width. In particular the high density of houses on the section of West Portland Road from Ch 2300 to Ch 6100 was of concern and considered as justification for a reduction from 80 kph to 60 kph. Given the link between West Portland Road and Greens Road, it was also considered appropriate to reduce the regulatory speed limit on the sealed section of Greens Road from Wheelbarrow Ridge Road for a length 500 metres from 80 kph to 70 kph.

It would be appropriate to request the RTA to re-assess the speed limit for the full length of West Portland Road including the sealed section of Greens Road for a length of 500 metres from Wheelbarrow Ridge Road.

**RECOMMENDATION:**

That:

1. The RTA be requested to consider reducing the regulatory speed limit on West Portland Road:
  - a. from Sackville Road (Ch 00) to Ch 2300 from 80 kph to 70 kph,
  - b. from Ch 2300 to Ch 6100 from 80 kph to 60 kph,
  - c. from Ch 6100 to Wheelbarrow Ridge Road (Ch 13250) from 80 kph to 70 kph.
2. The RTA be requested to consider reducing the regulatory speed limit on the 500 metre long sealed section of Greens Road starting from Wheelbarrow Ridge Road from 80 kph to 70 kph.

**APPENDICES:**

- AT - 1** Location of Traffic Counter at No. 351 West Portland Road (1km South of Irwins Bridge).
- AT - 2** Location of Traffic Counter at No. 593 West Portland Road (Nth of Laws Farm Rd).
- AT - 3** Location of Traffic Counters West Portland Road; South of Packer Road (100m) and North of Packer Road (200m).

**APPENDIX 1 - Location of Traffic Counter at No. 351 West Portland Road (1km South of Irwins Bridge)**

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



**APPENDIX 2 - Location of Traffic Counter at No. 593 West Portland Road (Nth of Laws Farm Rd)**

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

**APPENDIX 3** - Location of Traffic Counters, West Portland Road; South of Packer Road (100m) and North of Packer Road (200m)

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

**Item 2.3      LTC - 20 August 2008 - Item 2.3 - Richmond Marketplace Santa's Arrival - Various Roads, Richmond CBD - (Londonderry) - (80245, 77088)**

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**REPORT:**

**Introduction**

An application has been received from the Richmond Marketplace Centre Management seeking approval to conduct Santa's Arrival at the Richmond Marketplace on Sunday, 9 November 2008 from 12.15pm to 12.30pm.

**Event Description**

Santa will be seated in a sleigh that will be led by live reindeer. A handler will walk beside the sleigh. The sleigh will take the proposed route as shown on the attached Plan No: TR005/08. The event will start at the Woolworths Petrol Plus on Lennox Street and finish at the March Street entrance to the Richmond Marketplace. The proposed route consists of the following roads within the Richmond CBD.

**State Roads**

Lennox Street (between Paget Street and East Market Street), East Market Street (between Windsor Street and Lennox Street) and March Street (between East Market Street and West Market Street).

**Local Roads**

West Market Street (between March Street and Windsor Street), Windsor Street (between West Market Street and East Market Street) and March Street (between East Market Street and Paget Street).

The event organiser has provided the following information in relation to the event:

- It is anticipated that it will take approximately 15 minutes for the sleigh to travel along the proposed route.
- No changes to the existing traffic conditions are required.
- The event was conducted in a similar manner last year. It proved to be both an attraction for the Marketplace, as well as for the Richmond Main Street retailers, with customers lining up along the roads to see Santa and his reindeer.

**Discussion**

It would be appropriate to classify the event as a "Class 2" special event under the "Traffic Management for Special Events" guidelines issued by the Roads & Traffic Authority as it may impact on minor traffic and transport systems along the specified route and there may be a low scale disruption to the non-event community. Even though the event will traverse along classified roads, the event classification is based on the level of impact on traffic. This is a low speed, moving event and no road closures are involved.

The RSPCA has advised that reindeers are not classified as domestic animals. Therefore, a reindeer is not permitted to travel on public roads, unlike other road user vehicles, without approval.

The event organiser has submitted the following items in relation to this event: Appendix 2 (Dataworks Document No: 2854678):

- i) Details of the Special Event - Traffic template;
- ii) RTA - Special Event Transport Management Plan Template;

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- iii) Copy of correspondence forwarded to the NSW Police Service.
- iv) Public Liability Insurance to the value of \$300,000,000, however Council and RTA interests are NOT noted

**RECOMMENDATION:**

That:

- 1. The Richmond Marketplace Santa's Arrival event planned for 9 November 2008 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 this event, from the NSW Police Service; **a copy of the Police Service approval to be submitted to Council;**
- 4b. the event organiser **is to submit a Transport Management Plan (TMP) for the entire route incorporating a Traffic Control Plan (TCP) to Council and the RTA** for acknowledgement. The TCP should be prepared by a person holding appropriate certification as required by the RTA to satisfy the requirements of the relevant Work Cover legislation;
- 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 and the Roads and Traffic Authority as interested parties on the Policy** and that Policy is to cover the **on-road activity;**
- 4d. the event organiser is to obtain the relevant approval from the RSPCA for the Reindeer to travel on the public road and pull the sleigh; **A copy of this approval to be submitted to Council;**
- 4e. the event organiser is to advertise the event in the local press stating the entire route/extent of the event and the traffic impact/delays expected due to the event, two weeks prior to the event; **a copy of the proposed advertisement to be submitted to Council** (indicating the advertising medium);
- 4f. the event organiser is to notify the details of the event to the NSW Ambulance Service, NSW Fire Brigade / Rural Fire Service and SES at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council**
- 4g. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area and all the residences and businesses which may be affected by the event at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; **a copy of the correspondence to be submitted to Council**

- 4h. the event organiser is to assess the risk and address the suitability of the entire route as part of the risk assessment considering the possible risks for all participants. This assessment should be carried out by visual inspection of the route / site by the event organiser prior to preparing the TMP and prior to the event;
- 4i. 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>);
- 4j. the event organiser is to submit the completed "Special Event - Traffic Final Approval" form to Council;

**During the event:**

- 4k. access is to be maintained for businesses, residents and their visitors;
- 4l. all traffic controllers / marshals operating within the public road network are to hold appropriate certification as required by the RTA;
- 4m. the reindeer handler is to be made aware of and is to follow all the general road user rules whilst travelling on public roads;
- 4n. in accordance with the submitted TMP and associated TCP, appropriate advisory signs, and traffic control devices are to be placed along the route, during the event, under the direction of a traffic controller holding appropriate certification as required by the RTA;
- 4o. the participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event; and,
- 4p. all roads and marshalling points are to be kept clean and tidy, with all directional signs to be removed immediately on completion of the activity

**APPENDICES:**

**AT - 1** Drawing No. Plan No: TR005/08 - Richmond Marketplace - Santa's Arrival

**AT - 2** Special Event Application - (Dataworks Document No. 2854678) - see attached

**APPENDIX 1 - Drawing No. Plan No: TR005/08 - Richmond Marketplace - Santa's Arrival**

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

**Item 2.4      LTC - 20 August 2008 - Item 2.4 - The Windsor UHPBC Spectacular 2008-  
(Hawkesbury, Londonderry & Riverstone) - (80245, 73829)**

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**REPORT:**

**Introduction:**

An application has been received from the Upper Hawkesbury Power Boat Club (UHPBC) seeking approval to conduct the Windsor UHPBC Spectacular 2008 on Saturday, 20 and Sunday, 21 September 2008.

The event is a circuit boat race on the Hawkesbury River, adjacent to Governor Phillip Reserve with various categories of boats. The circuit is generally along the straight section of the River between the Windsor Bridge and South Creek.

**Event Details:**

**Start and Finish Times:**

- 20 September 2008: 9.00 am - 5:00pm
- 21 September 2008: 9.00am - 5:00pm

**Set Up and Pack Down Times:**

- 20 September 2008: 7.00 am - 7:00pm
- 21 September 2008: 7.00am - 7:00pm

Council resolved to grant the exclusive use of Governor Phillip Reserve for this event on 11 March 2008.

**Traffic Management Issues;**

The Applicant provided the following information in respect of this event:

i) Affected Streets are:

George Street, Windsor: between Bridge Street and Palmer Street from around 7:00am on 20 September 2008, and 7:00am on 21 September 2008,

Arndell Street, Windsor: the full length from around 7:00am on 20 September 2008, and 7:00am on 21 September 2008,

Palmer Street, Windsor: the full length from around 7:00am on 20 September 2008, and 7:00am on 21 September 2008,

North Street/Court Street, Windsor: the full length around 7:00am on 20 September 2008, and 7:00am on 21 September 2008,

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- ii) The effect on traffic is not expected to be significant.
- iii) It is expected that the event will impact only marginally on traffic using Windsor Road, Bridge Street, Macquarie Street and Wilberforce Road compared to the normal traffic during weekends.
- iv) As no road closures will be in place, there will be little effect on traditional afternoon peak hour southeast bound traffic on Windsor Road.
- v) Expecting approximately 8000 to 10,000 spectators across the 2 days.
- vi) Parking will be at Governor Phillip Reserve with additional parking available off street utilising vacant land adjacent to Governor Phillip Reserve. Parking is available for approximately 4000 vehicles.
- vii) There will be 6 boats per group competing, per race, in various categories, with up to 20 groups competing. There were 120 competitors involved last year.

The event organiser has submitted the following items in relation to this event: Appendix 1 (Dataworks Document No: 2853957, 2860280 & 2861110):

- i) Details of the Special Event - Traffic template,
- ii) RTA - Special Event Transport Management Plan Template,
- iii) Transport Management Plan (TMP) which refers to the 2007 event,
- iv) Copies of correspondence forwarded to the NSW Ambulance Service, NSW Police Service, SES, Windsor Fire Brigade and Richmond Fire Brigade,
- v) Public Liability Insurance to the value of \$10,000,000 which expired on 31 July 2008.
- vi) Course Map/Plan

#### **Discussion**

##### **Traffic Issues**

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

#### **RECOMMENDATION:**

That:

1. The Windsor UHPBC Spectacular 2008 event planned for Saturday, 20 and Sunday, 21 September 2008, be classified as a **“Class 1”** special event under the “Traffic and Transport Management for Special Events” guidelines issued by the RTA.
2. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
3. It is strongly recommended that the event organiser becomes familiar with the contents of the RTA publication “Guide to Traffic and Transport Management for Special Events” (Version 3.4) and the Hawkesbury City Council special event information package 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 this event, from the NSW Police Service; **a copy of the Police Service approval to be submitted to Council;**



- 4b. The event organiser is to obtain approval from the RTA as this is a **"Class 1"** event; **a copy of the RTA approval to be submitted to Council;**
- 4c. the event organiser **is to submit a Transport Management Plan (TMP) for the entire route incorporating a Traffic Control Plan (TCP) to Council and the RTA** for acknowledgement. The TCP should be prepared by a person holding appropriate certification as required by the RTA to satisfy the requirements of the relevant Work Cover legislation;
- 4d. the event organiser is to **submit to Council a copy of its Public Liability Policy** in an amount not less than \$10,000,000 **noting Council and the Roads and Traffic Authority as interested parties on the Policy** and that Policy to cover **both on-road and off-road activities;**
- 4e. the event organiser is to obtain the relevant approval to conduct this event from NSW Maritime; **A copy of this approval to be submitted to Council;**
- 4f. the event organiser is to advertise the event in the local press stating the entire route/extent of the event and the traffic impact/delays expected due to the event two weeks prior to the event; **a copy of the proposed advertisement to be submitted to Council** (indicating the advertising medium);
- 4g. the event organiser is to 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 at least two weeks prior to the event; The applicant is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; **a copy of the correspondence to be submitted to Council**
- 4h. the event organiser is to assess the risk and address the suitability of the entire route as part of the risk assessment considering the possible risks for all participants; This assessment should be carried out by visual inspection of the route / site by the event organiser prior to preparing the TMP and prior to the event;
- 4i. 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>);
- 4j. the event organiser is to submit the completed "Special Event - Traffic Final Approval" form to Council;

**During the event:**

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

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- 4p. 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.s 2853957, 2860280 & 2861110) - see *attached*.

**Item 2.5** **LTC - 20 August 2008 - Item 2.5 - Kurrajong Scarecrow Festival 2008 (Londonderry) - (80245, 101906, 83338)**

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**REPORT:**

**Introduction**

An application has been received from the Kurrajong Scarecrow Festival Incorporated seeking approval to conduct the Kurrajong Scarecrow Festival on Sunday, 26 October 2008. This is a full day festival held in Kurrajong and the applicant is seeking a road closure of a section of Old Bells Line of Road within the Kurrajong township.

Event Details:

Date: Sunday, 26 October 2008  
Event: Kurrajong Scarecrow Festival - Road Closure:  
Old Bells Line of Road, 150m long road section between the Grose Vale Road intersection and the driveway to the Kurrajong Antique Centre.  
Time: 6.00am - 6.00pm

Expected number of Spectators: 1000

Expected number of Participants: 1200

The applicant has advised that the safety of the festival will be improved with the removal of through traffic to this section of Old Bells Line of Road. Further, the area will provide a level area for stallholders and the public to walk through, as the local park (Memorial Park) is unsuitable for this purpose due to its varying levels and sloping banks. The event organiser has obtained approval for the use of Memorial Park.

The remainder of the town centre is also expected to be involved in this annual event with bunting and individual shop promotions during the day. Given that locals and tourists use Old Bells Line of Road to enter and leave the Kurrajong township on the western side of the township, a detour is proposed by the applicant to direct traffic to alternative entry points as shown on the attached Plan No: TR006/08.

The diversion route for traffic is:

East - West: Bells Line of Road to the western leg of Old Bells Line of Road, Via the eastern leg of Old Bells Line of Road;  
Turn Right at Kurrajong Road, and then  
Left or Right at Old Bells Line of Road (western leg)

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West - East: Bells Line of Road to the eastern leg of Old Bells Line of Road, Via the western leg of Old Bells Line of Road;  
Turn Left at Kurrajong Road, and then proceed to  
Old Bells Line of Road (eastern leg).  
Alternatively Woodburn Road can be utilised.

Where traffic is coming into the township via the eastern leg of Old Bells Line of Road and wish to turn right at the intersection of Old Bells Line of Road and Grose Vale Road to exit the town, drivers can make a 'u' turn at the Kurrajong Public School bus bay to return back down the road to utilise the detours set up.

The regulatory speed limit on Old Bells Line of Road in the vicinity of this event is 50kph with the approaching eastern leg of Old Bells line of Road and Grose Vale Road having a speed limit of 40kph.

**Discussion**

It would be appropriate to classify this event as a "Class 2" special event under the "Traffic Management for Special Events" guidelines issued by the Roads & Traffic Authority as this event will disrupt minor traffic and transport systems due to the proposed road closure and there will be a low scale disruption to the non-event community.

The Transport Management Plan (TMP) and the associated Traffic Control Plan (TCP) is to be submitted to the RTA for authorisation due to the proposed road closure.

The event organiser has submitted the following items in relation to this event: Appendix 2 (Dataworks Document Nos: 2857905 & 2859290): -.

- i) Details of the Special Event - Traffic template;
- ii) Submission to NSW Police Service,
- iii) Transport Management Plan (TMP) and expired Traffic Control Plan (TCP) - The applicant has advised that the parade as indicated in the TMP will not be occurring.

**RECOMMENDATION:**

That:

1. The Kurrajong Scarecrow Festival 2008 event planned for 26 October 2008 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 this event, from the NSW Police Service; **a copy of the Police Service approval to be submitted to Council;**
- 4b. the event organiser is to obtain approval from the RTA as a road closure is proposed; **a copy of the RTA approval to be submitted to Council;**

## ORDINARY MEETING

### Reports of Committees

- 4c. the event organiser **is to submit a Traffic Control Plan (TCP) to Council and the RTA** for acknowledgement. The TCP should be prepared by a person holding appropriate certification as required by the RTA to satisfy the requirements of the relevant Work Cover legislation;
- 4d. the event organiser is to **submit to Council a copy of its Public Liability Policy** in an amount not less than \$10,000,000 **noting Council and the Roads and Traffic Authority as interested parties on the Policy** and that Policy to cover **both on-road and off-road activities**;
- 4e. the event organiser is to advertise the event in the local press stating the road closure, detour route and the traffic impact / delays expected due to the event two weeks prior to the event; **a copy of the proposed advertisement to be submitted to Council** (indicating the advertising medium);
- 4f. the event organiser is to notify the details of the event to the NSW Ambulance Service, NSW Fire Brigade / Rural Fire Service and SES at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council**
- 4g. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area and all the residences and businesses which may be affected by the proposed road closures for the event at least two weeks prior to the event; The applicant is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; **a copy of the correspondence to be submitted to Council**
- 4h. the event organiser is to 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>);
- 4i. the event organiser is to submit the completed "Special Event - Traffic Final Approval" form to Council;

#### **During the event:**

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

**APPENDICES:**

**AT - 1** Drawing No TR006/08 - Scarecrow Festival / Road Closure, Old Bells Line of Road, Kurrajong.

**AT - 2** Special Event Application - (Dataworks Document Nos. 2857905 & 2859290) - *see attached*.

**APPENDIX 1 - Drawing No TR006/08 - Scarecrow Festival / Road Closure, Old Bells Line of Road,  
Kurrajong**

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

**SECTION 3 - Reports for Information**

Nil Reports for Information.

**SECTION 4 - General Business**

**Item 4.1      LTC - 20 August 2008 - QWN 4.1 - Park Road and Railway Road North, Mulgrave - Speed Limit Signs - (80245)**

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Acting Sergeant M Zemaitis

**REPORT:**

Requested that speed limits signs and pavement marking be provided along Park Road and Railway Road North (between Groves Avenue and Park Road). There is no indication that these roads are 50kph after exiting Windsor Road and the Hawkesbury Valley Way.

**RECOMMENDATION:**

That the matter be referred to the Roads and Traffic Authority.

**APPENDICES:**

There are no supporting documents for this report.

**Item 4.2      LTC - 20 August 2008 - QWN 4.2 - Drift Road, Richmond - Speed Limit Signs - (80245)**

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Acting Sergeant M Zemaitis

**REPORT:**

Requested that 50kph signs and pavement markings be provided in Drift Road, at its entrance off Castlereagh Road. Further that the size of the existing 50kph signs (mid block) be upgraded.

**RECOMMENDATION:**

That the matter be referred to the Roads and Traffic Authority.

**APPENDICES:**

There are no supporting documents for this report.

**Item 4.3      LTC - 20 August 2008 - QWN 4.3 - Springwood Road, Agnes Banks - Speed Limit Signs - (80245)**

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Acting Sergeant M Zemaitis

**REPORT:**

Requested that additional speed signs and pavement marking be provided in Springwood Road, just east of the Yarramundi Bridge.

**RECOMMENDATION:**

That the matter be referred to the Roads and Traffic Authority.

**APPENDICES:**

There are no supporting documents for this report.

**Item 4.4      LTC - 20 August 2008 - QWN 4.4 - Intersection of George Street and Richmond Road (Hawkesbury Valley Way), Windsor - Traffic Lights - (80245)**

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Mr B Bassett

**REPORT:**

Requested an update on the provision of the right hand turn arrow (green phase) from George Street into Richmond Road west bound.

Mr J Suprain advised that the Roads and Traffic Authority are currently reviewing the matter.

**RECOMMENDATION:**

That the information be received.



**APPENDICES:**

There are no supporting documents for this report.

**Item 4.5      LTC - 20 August 2008 - QWN 4.5 - Putty Road, Mellong/Tinda Creek Locality - Wildlife Warning Signs - (80245)**

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Mr B Bassett

**REPORT:**

Advised that correspondence had been received from Mr D Pullicin requesting 'wombat' warning signs to be placed in this vicinity.

Mr J Suprain advised that the Roads and Traffic Authority are aware of this situation and are currently working with National Parks and Wildlife Services (NPWS) to formulate the correct type of warning signs.

The NPWS will advise the Roads and Traffic Authority which animals to represent on the warning signs as a result of studies undertaken of the type of animals within this area. The RTA have followed this process to avoid any future litigation. The RTA will provide further advice at the outcome of this investigation.

**RECOMMENDATION:**

That the information be received.

**APPENDICES:**

There are no supporting documents for this report.

**SECTION 5 - Next Meeting**

The next Local Traffic Committee meeting will be held on Wednesday, 15 October 2008 at 3.00pm in the Large Committee Room.

The Chairman wished to thank all present and past members of the Local Traffic Committee for their contribution during this term of Council.

The meeting terminated at 3.25pm.

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**  
Reports of Committees



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meeting

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