



Hawkesbury City Council

ordinary
meeting
business
paper

date of meeting: 14 September 2010

location: council chambers

time: 6:30 p.m.



mission
statement

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

How Council Operates

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

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

Ordinary Meetings of Council are held on the second Tuesday of each month, except January, and the last Tuesday of each month, except December. The meetings start at 6:30pm and are scheduled to conclude by 11:00pm. These meetings are open to the public.

When an Extraordinary Meeting of Council is held it will usually start at 6:30pm. These meetings are also open to the public.

Meeting Procedure

The Mayor is Chairperson of the meeting.

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

Public Participation

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

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

A Point of Interest

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

Planning Decision

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

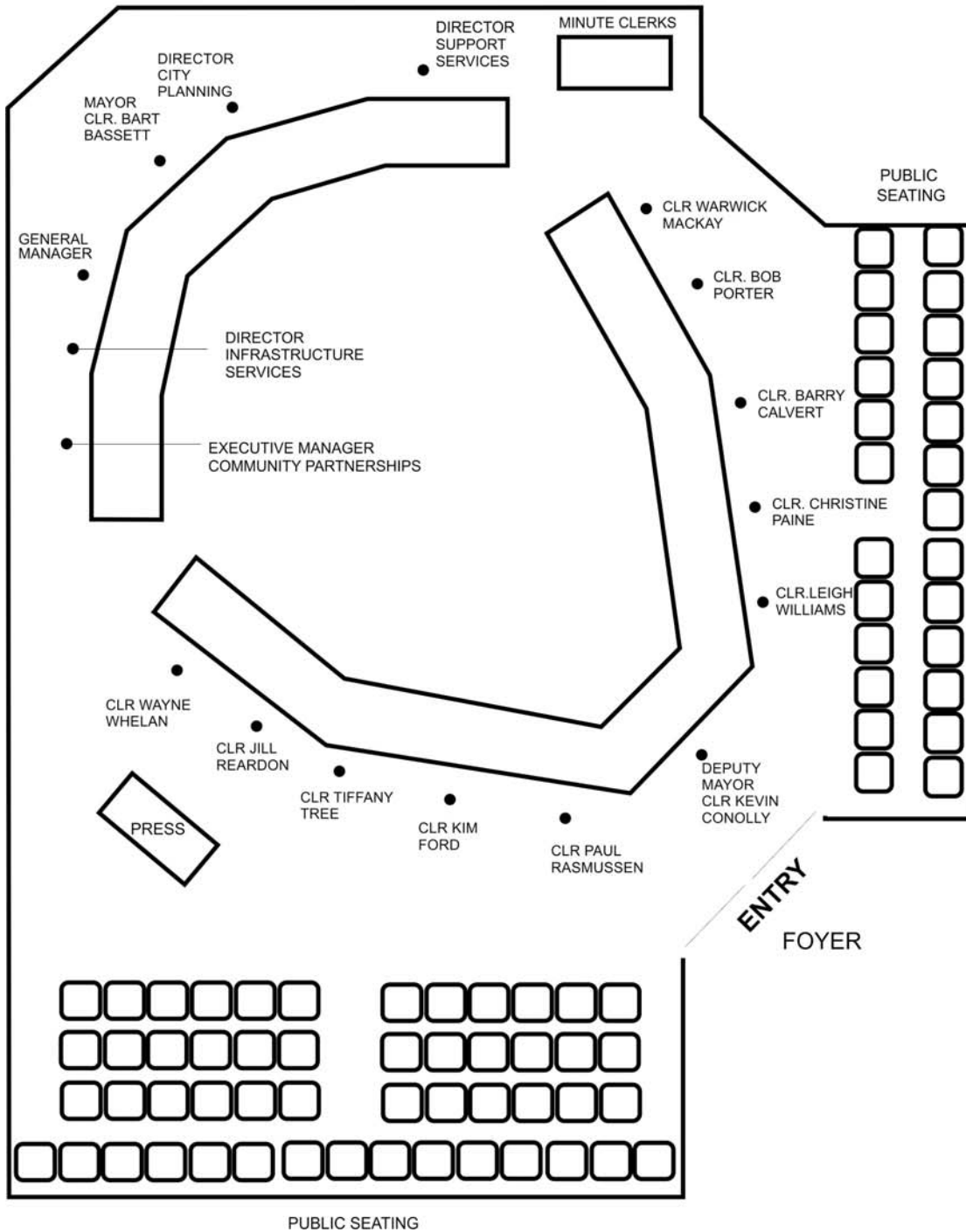
Website

Business Papers can be viewed on Council's website from noon on the Friday before each meeting. The website address is www.hawkesbury.nsw.gov.au.

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.

c o u n c i l c h a m b e r s



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SECTION 1 - Confirmation of Minutes

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Mayoral Minutes

SECTION 2 - Mayoral Minutes

MM - Replacement of Windsor Bridge - (79353)

REPORT:

At the meeting of Council held on 8 June 2010, I submitted a Mayoral Minute regarding significant delays that have occurred in connection with the replacement of the Windsor Bridge.

At the time I noted that the welcomed announcement of the replacement of the bridge had been made by the State Government in mid 2008; that since that time there had been significant public consultation in relation to the options available and that it appeared that issues regarding heritage matters have virtually stopped progress on the project after a period approaching two years.

Subsequently, Council resolved:

"That the Minister for Roads be advised of Council's great concern regarding the ongoing delay to the replacement of the Windsor Bridge and request that a decision be made immediately to proceed with the previously advised, Council preferred option."

Representations were made to the Minister in accordance with Council's resolution and Council's local State Members of Parliament were also requested to support Council's representations.

A response to Council's representations, via the Member for Riverstone, The Hon. J Aquilina MP, has now been received from the Minister for Roads, The Hon. D Borger MP. The response from the Minister dated 26 August 2010 is as follows:

Thank you for your letter on behalf of Mr Peter Jackson, General Manager, Hawkesbury City Council about the location and replacement of Windsor Bridge. I have taken careful note of the council's comments. I apologise for the delay in responding.

The replacement of Windsor Bridge is a complex issue given the heritage of the Windsor township. The Roads and Traffic Authority (RTA) has sought the necessary guidance from the Heritage Council before proceeding further.

I am advised that the current Windsor Bridge approach dissects Thompsons Square within Windsor, which has significant heritage value. Locating the new bridge at the site 40 metres downstream (Option 1) as per Hawkesbury City Council's recommendation will require relocation of the road in the Square and will have heritage impacts.

I am also advised that the RTA has worked extensively with the Department of Planning's Heritage Branch, to ensure that the potential archaeological items within the Square are preserved, should this option be pursued.

The RTA has advised me that it has made a presentation to the Heritage Council on possible options and their associated impacts. The RTA will be in a position to announce final options, once this position is clarified.

Again, thank you for writing to me with the council's views. If you require more information on this matter please contact my Policy Advisor, Mr Gavin Hill, on (02) 9228 3555.

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Mayoral Minutes

Whilst the Minister's position as outlined above, assistance and response in this matter is greatly appreciated it does not, unfortunately, appear to bring a decision, and subsequently the commencement of the construction of the replacement bridge, any closer to fruition as the RTA is unable to proceed until the matter is resolved with the Heritage Council.

Council has considered the various options proposed for the location of the replacement bridge, as well as the various arguments for and against such options, and has strongly supported the location of the proposed new bridge over the Hawkesbury River at Windsor on the eastern side of Thompsons Square (extension of Bridge Street), at the higher level, referred to as Option 1. The Council has also subsequently reiterated its support for this option on a number of occasions.

I do not consider it unreasonable to suggest that the local community is concerned about the delay that has occurred in the commencement of the replacement and is anxious to have a final decision made and appropriate works commence as soon as possible.

In view of the current position of the matter and the advice received from the Minister for Roads I would now recommend that Council make representations to the Minister for Planning outlining the Council's concerns with the delays experienced to date; reiterating the Council's support of Option 1 and requesting that he facilitate an early resolution of the matter by the Heritage Council to allow commencement of the replacement as soon as possible.

RECOMMENDATION:

That Council:

1. Note with thanks the advice that has been received from the Minister for Roads as a result of Council's representations regarding the ongoing delay to the replacement of the Windsor Bridge.
2. Make representations to the Minister for Planning outlining the Council's concerns regarding the delays experienced to date in respect of the replacement of the Windsor Bridge; reiterating the Council's support of Option 1 and requesting that he facilitate an early resolution of the matter by the Heritage Council to allow commencement of the replacement as soon as possible
3. Request the local State Members of Parliament to support Council's representations in this regard.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF MAYORAL MINUTE Oooo

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SECTION 3 - Notices of Motion

NM1 - Feasibility of Establishing an Enclosed Dog Park - (80093)

Submitted by: Councillor B Calvert

NOTICE OF MOTION:

That a report be brought back to Council on the feasibility of establishing an enclosed dog park on the western side of the Hawkesbury River, preferably in the vicinity of North Richmond and that some possible sites be presented for consideration.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

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Notices of Motion

NM2 - Rural Fire Service - Sale or Lease of Lot 474 DP 751665, 277 Singleton Road, Wilberforce - (90477)

Submitted by: Councillor B Porter

NOTICE OF MOTION:

That Hawkesbury City Council enter into negotiations with the Rural Fire Service for the sale or lease of the property at Lot 474, DP751665, 277 Singleton Road, Wilberforce.

The sale or lease of the property is conditional upon the Rural Fire Service agreeing to relocate the Wilberforce Brigade to this location.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

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SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 214 **GM - High Level Risk Assessment and Development of a Draft Strategic Internal Audit Plan - (104746, 91369, 95496, 79351)**

Previous Item: 7, Audit Committee (3 March 2010)
 1, Audit Committee (18 August 2010)

REPORT:

Executive Summary

A meeting of the Audit Committee was held on 18 August 2010. The Committee has considered and made a recommendation regarding a High Level Risk Assessment and a Draft Strategic Internal Audit Plan. The Committee's recommendation now requires Council's consideration to enable action to be taken.

It is recommended that the High Level Risk Assessment be received and noted and the Draft Strategic Internal Audit Plan be adopted.

Consultation

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

Background

In April 2010, IAB Services (IAB) was engaged to carry out a High Level Risk Assessment and the development of a three year Draft Strategic Internal Audit Plan for Council. IAB completed the High Level Risk Assessment and Draft Strategic Internal Audit Plan in August 2010.

The Audit Committee at its meeting on 18 August 2010 gave consideration to the High Level Risk Assessment and three year Draft Strategic Internal Audit Plan prepared by IAB. The minutes of the Audit Committee's meeting of 18 August 2010 are included as a separate agenda item to this meeting.

A copy of the report considered by the Audit Committee, together with copies of IAB's High Level Risk Assessment and Draft Strategic Internal Audit Plan, are attached as Attachment 1 to this report.

Following consideration of this matter, the Audit Committee made the following recommendation.

"That:

1. *The High Level Risk Assessment dated August 2010 and prepared by IAB Services for Hawkesbury City Council be received and noted.*
2. *The Draft Strategic Internal Audit Plan dated August 2010 and prepared by IAB Services for Hawkesbury City Council be adopted for a three year period commencing from 1 January 2011 to 31 December 2013."*

The above recommendation now requires Council's consideration to enable action to be taken in relation to the three year Strategic Internal Audit Plan.

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The three year Strategic Internal Audit Plan is based on the highest identified risk areas in Council and will provide a direction for which areas within Council will be audited over the next three years.

It is recommended that Council adopt the above Audit Committee's recommendation.

Conformance to Community Strategic Plan

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

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

Financial Implications

If the Strategic Internal Audit Plan is adopted the various audits contained in the Plan will be carried out by Council's Internal Auditor (yet to be appointed) and/or outsourced. Funding is available in the current Budget for the appointment of an Internal Auditor and the outsourcing of some audits.

RECOMMENDATION:

That:

1. The High Level Risk Assessment dated August 2010 and prepared by IAB Services for Hawkesbury City Council be received and noted.
2. The Draft Strategic Internal Audit Plan dated August 2010 and prepared by IAB Services for Hawkesbury City Council be adopted for a three year period commencing from 1 January 2011 to 31 December 2013.

ATTACHMENTS:

AT - 1 Item 1 - Report to Audit Committee Meeting of 18 August 2010.

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Attachment 1 - Item 1 - Report to Audit Committee Meeting of 18 August 2010

ITEM: 1 Business Paper - Ordinary Meeting Agenda - 14 September 2010

Previous Item: 7, Audit Committee (3 March 2010)

REPORT:

The Audit Committee, at its meeting on 3 March 2010, considered a report regarding a proposal from IAB Services (IAB) for a High Level Risk Assessment and the development of a Strategic Internal Audit Plan.

At that meeting, the Committee resolved as follows:

"That the proposal dated 19 January 2010 from IAB Services for a Risk Assessment and the development of a Draft Strategic Audit Plan be accepted."

In accordance with the above resolution IAB was engaged to carry out a High Level Risk Assessment and the development of a Draft Strategic Internal Audit Plan.

IAB has indicated that the key steps involved in its review process comprised of the following:

- Examining relevant available documentation including Council's Strategic Community Plan 2010-2030, Management Plans and Annual Reports and other relevant information.
- Interviewing key senior staff members for insight into Council's operations, control environment, issues, challenges, risk exposures and most importantly where internal audit effort could be focused for maximum value.
- The information collected from documentation examined and interviews conducted was analysed and used to produce a High Level Risk Register and a Draft Strategic Internal Audit Plan for the three year period from 1 July 2010 to 30 June 2013.

The Risk Assessment and Internal Audit Plan has now been finalised and a copy of IAB's High Level Risk Assessment and Draft Strategic Internal Audit Plan for Hawkesbury City Council dated August 2010 is attached as Attachment 1.

It is recommended that the High Level Risk Assessment from IAB be received and noted and that the three year Draft Strategic Internal Audit Plan from IAB be adopted by the Audit Committee.

Mr George Gulyas - Senior Consultant from IAB Services will be in attendance at the Audit Committee to answer any questions in regard to this matter.

RECOMMENDATION:

That:

1. The High Level Risk Assessment dated August 2010 and prepared by IAB Services for Hawkesbury City Council be received and noted.
2. The Draft Strategic Internal Audit Plan dated August 2010 and prepared by IAB Services for the three year period from 1 July 2010 to 30 June 2013 for Hawkesbury City Council be adopted.

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ATTACHMENTS:

- AT - 1** High Level Risk Assessment and Draft Strategic Internal Audit Plan for Hawkesbury City Council
- IAB Services dated August 2010.

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AT - 1 High Level Risk Assessment and Draft Strategic Internal Audit Plan for Hawkesbury City Council - IAB Services dated August 2010.

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CITY PLANNING

Item: 215 CP - Hawkesbury Mobility Plan Implementation - (96328, 98212)

Previous Item: 88, Ordinary (11 May 2010)
275, Ordinary (8 December 2009)
106, Ordinary (30 May 2006)
ROC, Ordinary (8 June 2010)

REPORT:

Executive Summary

This report has been prepared to advise Council of the recommendations of the Hawkesbury Bicycle and Access Mobility Committee (HBAMC) in response to Council's resolution of 11 May 2010 requesting that the Committee review its objectives and membership to facilitate the establishment of the Hawkesbury Mobility Plan Implementation Committee.

A revised committee constitution (modelled on Council's pro-forma 'Constitution for Committees of Council' as adopted by Council in April 2004), is appended to this report. It is proposed that the revised constitution be ratified by Council so that the proposed Hawkesbury Mobility Plan Implementation Committee can begin the work of implementing the Hawkesbury Mobility Plan adopted by Council on 11 May 2010.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy. As required by Council's resolution of 11 May 2010, the request for the Hawkesbury Bicycle and Access Mobility Committee to review its objectives and membership was placed on the agenda of the 20 May 2010 and 19 August 2010 meetings of the Committee and the advice of the Committee is outlined in this report.

Background

Council adopted the Hawkesbury Mobility Plan on 11 May 2010. In adopting the Plan, Council resolved (in Part);

"That:

4. *Council request that the Hawkesbury Bicycle and Access Mobility Committee review its objectives and membership having regard to the matters raised in this report and that a further report be provided for Council's consideration in relation to the revised objectives and membership of the proposed Hawkesbury Mobility Plan Implementation Committee.*
5. *Council write to the RTA to request that the RTA nominate a representative to sit on the Hawkesbury Mobility Plan Implementation Committee."*

At its May 2010 Meeting, the Hawkesbury Bicycle and Access Mobility Committee considered Council's request. The existing constitution of the Hawkesbury Bicycle and Access Mobility Committee was reviewed and amended to give effect to the intent of Council's resolution. The Committee endorsed the draft constitution for the proposed Hawkesbury Mobility Plan Implementation Committee and resolved to forward the draft constitution for Council's consideration and ratification.

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The minutes of the HBAMC meeting held on 20 May 2010 were subsequently reported to the 8 June 2010 Ordinary Meeting of Council. In considering the minutes Council resolved;

"That the:

1. *Minutes of the Hawkesbury Bicycle and Access Mobility Committee meeting held on 20 May 2010 as recorded on pages 138 to 140 of the Ordinary Business Paper be received.*
2. *Item in relation to the draft Constitution for the proposed Hawkesbury Mobility Plan Implementation Committee be referred back to the Committee for further consideration."*

The draft constitution was further considered by the HBAMC at its 15 August 2010 meeting. Further amendments to the draft constitution were made. A copy of the (draft) constitution for the proposed Hawkesbury Mobility Plan Implementation Committee is appended to this report.

As per Part 5 of Council's resolution, a letter has been forwarded to the Road Network Manager, Roads and Traffic Authority seeking a nominee to sit on the proposed Hawkesbury Mobility Plan Implementation Committee. Council is awaiting a response.

Conformance to Community Strategic Plan

The proposal is consistent with the Linking the Hawkesbury Directions statement;

- Be linked by accessible, viable public transport, cycleways and pathways to the major growth and commercial centres within and beyond the Hawkesbury.

and is also consistent with (or is a nominated) strategy in the Community Strategic Plan being:

- Implement bike and pedestrian mobility plan.

The proposed implementation timeframe for this matter, as specified in the CSP Milestones is 2009-2012.

Financial Implications

There are no financial implications arising from this report.

RECOMMENDATION:

That Council ratify the draft constitution for the proposed Hawkesbury Mobility Plan Implementation Committee.

ATTACHMENTS:

AT - 1 Hawkesbury City Council Hawkesbury Mobility Plan Implementation Committee - Constitution.

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**Hawkesbury City Council
Hawkesbury Mobility Plan Implementation Committee (HMPIC)**

Constitution

1. Name

The Advisory Committee, as appointed under the provisions of section 377 of the Local Government Act 1993, shall be known as the Hawkesbury Mobility Plan Implementation Committee, and is hereinafter referred to as the 'Advisory Committee'.

2. Objectives

- (a) to advise and assist Hawkesbury City Council staff in the implementation of the Hawkesbury Mobility Plan.
- (b) to advise and assist Hawkesbury City Council staff to identify annual projects for cycleways and pedestrian access improvements which are consistent with the priorities within the Hawkesbury Mobility Plan for consideration by Council
- (c) to provide advice and guidance to Hawkesbury City Council staff on strategies to raise community awareness about mobility access issues impacting on residents of the City of Hawkesbury and, where required, to recommend actions for Council's consideration in relation to these matters.

3. Role and Authorities

- (a) Whereas the Advisory Committee is appointed by the Hawkesbury City Council under the terms of the Local Government Act 1993, the Advisory Committee is to abide at all times with the terms of reference of this clause, and with the authorities delegated under this clause whilst remaining in force (unless otherwise cancelled or varied by resolution of Council).
- (b) The Advisory Committee shall have the following authorities delegated to it in accordance with the provisions of section 377 of the Local Government Act 1993:
 - (i) to advise Council of opportunities and strategies for securing resources for the implementation of the Hawkesbury Mobility Plan:
 - (ii) to bring to Council's attention, by way of recommendation, any item requiring a policy decision outside the authority granted to the Advisory Committee under section 377;
- (c) The Council retains the responsibility for all budgetary considerations;
- (d) The General Manager (or his/her delegate) retains, and shall be entirely responsible for the appointment and dismissal of staff (either permanent or temporary) with respect to the objectives and functions of the Hawkesbury Mobility Plan Implementation Committee in accordance with the Local Government Act 1993;
- (e) The General Manager (or his/her delegate) retains all responsibility for the direction of any staff member, including any disciplinary action, be it for permanent, temporary or part time staff. The Advisory Committee will, however, have the right to bring to the attention of the Director of the Department within Council responsible for the Hawkesbury Mobility Plan Implementation Committee, any issues which, in its opinion, require disciplinary action; and
- (f) Any authorities conferred upon the Advisory Committee under this Constitution may be varied by Council.

4. Term

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

5. Structure and Membership

- (a) The structure and membership of the Advisory Committee shall be as follows, and all the undermentioned appointments will have voting rights:
 - (i) 2 Councillors of the Hawkesbury City Council;
 - (ii) Council staff appointed by the General Manager of Hawkesbury City Council including relevant Managers as will be required to progress the objectives and functions of the Committee;
 - (iii) 8 community appointments, with expertise and/or knowledge of mobility access issues as they apply to cyclists, motorised mobility scooter users, pedestrians, and people with disabilities, appointed by Council following the calling of applications as detailed in clause 6(b) of this Constitution; and,
 - (iv) A representative of the Roads & Traffic Authority.
- (b) Whereas the appointments detailed in clause 5(a) will form the Advisory Committee, the Executive Manager Community Partnerships and the Community Safety Co-ordinator will be required to attend meetings of the Advisory Committee;
- (c) The Director of the Department charged with the responsibility for the Hawkesbury Mobility Plan Implementation Committee within the Hawkesbury City Council may attend meetings.
- (d) The Advisory Committee shall, at its first meeting following appointment, and each twelve (12) month period thereafter, elect the Councillor delegate appointed under clause 5 (a) (i) to be the Chairperson of the Advisory Committee, and one of its members appointed under Clause 5 to be Deputy Chairperson, who shall act in the absence of the Chairperson;
- (e) The position of Deputy-Chairperson shall not be held by the same person for any longer than three (3) consecutive years.
- (f) No staff member of Hawkesbury City Council shall be elected as Chairperson or Deputy Chairperson of the Advisory Committee;
- (g) Each member of the Advisory Committee entitled to vote shall only have one vote except that of the casting vote of the Chairperson in the case of equality of votes;
- (h) The Advisory Committee may co-opt additional members from time to time, at its discretion, to provide specialist advice or assistance, but such co-opted members shall only serve on the Advisory Committee for the period of time required, and will not, whilst serving in the position of co-opted member, have any voting rights; and
- (i) The Advisory Committee may invite as observers citizens or other representatives for the purpose of clarifying certain matters as decided by the Advisory Committee. Such observers will not be permitted to vote.

6. Appointment and Election of Members

- (a) 2 Councillors will be appointed to the Advisory Committee in accordance with practices and procedures of the Council;

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

7. Procedures and General

- (a) Ordinary meetings of the Advisory Committee shall be held not less than four times per year. Special meetings may be convened at the discretion of the Chairperson, or, in his/her absence, the Deputy Chairperson;
- (b) The Executive Manager Community Partnerships shall be the Executive Officer to the Advisory Committee, and will be responsible for preparation of specialist reports, and any and all correspondence associated with the Advisory Committee;
- (c) The Council will provide a Minute Clerk for the purpose of recording the Minutes of the Advisory Committee meetings and for the distribution of Minutes followings meetings of the Advisory Committee;
- (d) No meeting of the Advisory Committee shall be held unless three (3) clear days notice thereof has been given to all members;
- (e) The Minute Clerk shall forward a copy of the Minutes of each Advisory Committee meeting to all Advisory Committee members, as well as to Council, for submission to the appropriate Standing Committee, as soon as possible following such Advisory Committee meeting;
- (f) At any meeting of the Advisory Committee, the Chairperson, or the person acting in the position of Chairperson, shall, in addition to his or her ordinary vote, have a casting vote where such a situation occurs where there is an equality of votes;
- (g) The rules governing meetings and the procedures of the Advisory Committee shall, so far as they apply, be those covered by the Hawkesbury City Council's Code of Meeting Practice, as may be altered from time to time by resolution of the Council;
- (h) A quorum of the Advisory Committee shall be constituted by 50% + 1 of total members being present at meetings;

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

LAST CLAUSE

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 14 September 2010

Item: 216 CP - Draft Notice of Approval - Protection of the Environment Operations (Clean Air) Regulation 2002 - (96330, 95498)

Previous Item: 296, Ordinary (12 December 2006)
196, Ordinary (31 August 2010)

REPORT:

Executive Summary

At the Council meeting of 31 August 2010 Council considered a report on the Draft Notice of Approval for "Blanket" or "exempt" approvals for the pile burning of dead and dry vegetation grown on a property. A copy of that report is attached. The resolution of that meeting was as follows:

"That consideration of this item be deferred to the Ordinary Council Meeting on 14 September 2010."

The issues that were discussed and required clarification related to condition 9 of the Notice which states *"Burning shall only be conducted between the hours of 8am and 5pm on any day."* and clarification as to the provisions in Council's Tree Preservation Order in relation to approvals required for the removal of a dead tree.

The purpose of this report is to clarify the above issues and gain approval to place the draft Notice on public exhibition.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy. The intention of the report is to gain approval to place the draft Notice of Approval on public exhibition.

Background

At its meeting on 31 August 2010, Council deferred the report on the draft Notice of Approval issued under the provisions of the Protection of the Environment Operations (Clean Air) Regulation 2002. It should be noted that the subject Notice of Approval contains the conditions of approval for pile burning that does not require the consent of Council. The subject Notice of Approval relates to the activity that is exempt from formal approval.

Concern was raised about condition 9 of the Notice that states *"Burning shall only be conducted between the hours of 8am and 5pm on any day."* The condition is imposed for a number of reasons, but mainly due to the increased air pollution impacts at night and the fact that the Notice relates to the exempt activity.

The "Clean Air Regulation Notice of Approval to Pile Burn" is commonly known as "a blanket approval to pile burn". The purpose of this approval is to reduce the amount of administrative paperwork and procedures for the community when they have cleaned up debris from trees and vegetation on their land, and want to dispose of it by burning, but only if the land area exceeds 4,000 square metres.

The person wishing to dispose of this material by burning only needs to follow the requirements of the document, and they can then burn the materials without further reference to Council. The document is easily accessed by going to Council's web site, or obtaining a hard copy by visiting Council, or asking for it to be mailed out to them.

When the "blanket approval" is complied with, the resident is exempted from completing a pile burning application, which needs assessment and approval by Council staff. The "blanket approval" is in place to streamline the process, and to allow residents complying with its requirements to proceed without having to complete a pile burning application.

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If the resident wants to burn outside any of the conditions of the blanket approval (i.e. to modify hours, pile sizes etc.), a pile burn application needs to be submitted in these instances. Generally, applications for pile burning are normally assessed within seven (7) days of the assessing officer receiving them.

It is preferred that the burns be undertaken during the day as at night the temperature inversion and absence of sunlight to degrade the chemicals emitted during the burn, lead to increased air pollution. However, as mentioned above, should a person wish to vary these conditions a simple application to Council will enable the safety aspects of the particular application to be assessed and approvals for those applications is generally less than seven days.

The other matter that was raised by Council at the meeting of 31 August 2010 related to the requirements of the Tree Preservation Order for the removal of a dead tree. A copy of the Tree Preservation Order (TPO) is attached to this report for information. Section 3 of the TPO deals with exemptions to the requirement for approval and is quite extensive in these exemptions. However, rather than repeat the entire section, the most relevant section of Section 3. Exemptions are as follows:

“Development consent is not required in relation to:

- 1) *Any tree that is not a heritage item and if documented evidence can be produced that is satisfactory to Council to prove that:*
 - a) *The owner of the tree has agreed; and*
 - b) *The tree was dying or dead or had become dangerous. In this case such evidence is to be provided to Council prior to its ring-barking, cutting down, topping, removal, injuring or wilful destruction or where a tree poses imminent danger, immediately after; or”*

As can be seen from the above extract from the TPO, development consent is not required for the removal of a dead or dying tree. At the Council meeting of 31 August 2010, reference was made to an incident where a person was fined for the removal of a dead tree without consent. In that instance the property is heritage listed in Council’s LEP and, as seen from the above extract, development consent is still required where the tree is located on a property that is heritage listed in the Hawkesbury LEP 1989.

The current Notice of Approval that is used by Council for these exempt, or “blanket” approvals for pile burning expires on 30 September 2010. In this regard it is proposed to place the amended Notice, as attached to the Council report of 31 August 2010, on public exhibition prior to adoption.

Conformance to Community Strategic Plan

The proposal is consistent with the Caring for Our Environment Directions statement;

- Take active steps to encourage lifestyle choices that minimise the ecological footprint;

and is also consistent with (or is a nominated) strategy in the Community Strategic Plan being:

- Encourage and educate the community to care for their environment

The Notice of Approval is a “blanket” approval for the burning of cleared vegetation in certain circumstances. In these cases the activity must comply with the requirements and, if so, does not require formal approval. This approach to exempt approvals assists the community in their activities and also provides guidance and education to persons undertaking these activities.

Financial Implications

Funding for this initiative can be met from within the Regulatory Services approved budget.

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Conclusion

Council's existing Notice of Approval provides residents on properties greater than 4,000 square metres (one acre) or greater and/or is designated as an Extreme Risk, the ability to pile burn dead and dry vegetation outside of the Bush Fire Season under a 'blanket' approval, i.e. if the activity complies with the conditions in that Notice of Approval, no formal application is required.

It is proposed that the Draft Notice of Approval will remain in force for a period of five years. Hence, outside of the Bush Fire Season residents on properties greater than 4,000 square metres, and residents on properties less than 4,000 square metres which are designated as an Extreme Bush Fire Risk will be able to pile burn, dead and dry vegetation in accordance with the draft Notice of Approval, i.e. individual consent from Council will not be required. These residents will only need to seek consent from Council when they wish to burn dead and dry vegetation outside of the restrictions of the draft Notice of Approval. It should be noted that it is still necessary for residents to seek the necessary approvals from the Rural Fire Service during the declared Bush Fire Season.

RECOMMENDATION:

That:

1. In accordance with Clause 6G(3)(d) of the Protection of Environment Operations (Clean Air) Regulation 2002, Council place on public exhibition its draft Notice of Approval (Attachment 3 to the Council report dated 31 August 2010) for a period of 14 days.
2. Following the public exhibition of the draft Notice of Approval, if any public submissions are received, a further report be prepared for Council's consideration. Should there be no submissions received following the expiration of the public exhibition period, the draft Notice of Approval as outlined in the report be adopted.

ATTACHMENTS:

- AT - 1 Report (and attachments) to Council Meeting of 31 August 2010
- AT - 2 Copy of Council's Tree Preservation Order

AT - 1 Report to Council Meeting of 31 August 2010

REPORT:

Executive Summary

Hawkesbury City Council has granted in the past general approval under Clause 6G(2)(a) of the Protection of the Environment Operations (Clean Air) Regulation 2002 (Regulation) for the pile burning of dead and dry vegetation grown on a property, in the open, where the land is 4,000 square metres (one acre) or greater and/or is designated as an Extreme Risk under the Hawkesbury Bush Fire Risk Management Plan. The current Notice of Approval was enacted by Council for a period five (5) years, with the approval due to expire on 30 September 2010 (*please refer to Attachment 1, Council's existing Notice of Approval*). Without the adoption of draft Notice of Approval, residents will be unable to conduct pile burning in the Hawkesbury Local Government Area.

Consultation

The issues raised in this report concern matters which constitute a trigger for Community Engagement under Council's Community Engagement Policy. The community engagement process proposed in this report meets the criteria for the minimum level of community engagement required under Council's policy.

In accordance with clause 6G(3)(e) of the Protection of Environment Operations (Clean Air) Regulation 2002 the opinions of the DECCW were obtained in regard to the extension of Council's existing Notice of Approval (Attachment 2).

DECCW's key concerns related to the impact on air quality and native vegetation. To address DECCW's concerns regarding air quality it is proposed to include several DECCW suggested conditions in Council's draft Notice of Approval and continue to incorporate the condition which requires possible alternative means e.g. re-use, recycling, composting, to dispose of dead and dry vegetation are utilised in preference to pile burning. In regard to the removal of dead trees and the potential impact this might have on habitat for threatened species, Council's Tree Preservation Order requires that prior to the removal of a dying or dead tree written notification be provided to Council. The written notice should be given at least 14 days prior to the removal of the tree (except in emergency situations). This information has been again included in the draft Notice of Approval.

A copy of an initial draft Notice of Approval was provided to DECCW. All of DECCW's suggestions in the initial draft Notice of Approval have been incorporated into the final draft Notice of Approval.

Background

The Regulation allows local councils to assess local conditions and to select the appropriate control of burning for the area. The Regulation lists the level of control for Hawkesbury City Council as follows:

1. All burning of vegetation in the open or in an incinerator is prohibited except with approval. Councils have powers to grant approvals for burning dead and dry vegetation on the premises on which the vegetation grew.
2. The burning of domestic waste on residential premises where domestic waste management services are not available.

The Protection of the Environment Operations (Clean Air) Regulation 2002 outlines, for local councils and fire management authorities, burning requirements. The Regulation:

- Requires anyone who burns anything in the open or in an incinerator to do so in a manner that prevents or minimises air pollution.

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- Imposes a statewide ban on the burning of tyres, coated wire, paint/solvent containers and residues, and treated timber.
- Controls the burning of domestic waste and vegetation.
- Gives powers to councils to control the extent of vegetation burning in their Local Government area where they have elected to have this control.
- Permits agricultural, cooking and recreational fires.
- Allows other burning if approved by the Department of Conservation, Climate Change and Water (DECCW).
- Bans home-unit incinerators.

The Regulation does not affect bushfire hazard reduction work allowed under the Rural Fires Act, the destruction of prohibited plants or drugs, or the burning of diseased animal carcasses.

Currently, Hawkesbury City Council grants general approval for the pile burning of dead and dry vegetation grown on any property, in the open, where the land is 4,000 square metres (one acre) or greater and/or is designated as an Extreme Risk under the Hawkesbury Bush Fire Risk Management Plan. Areas designated Extreme Risk include properties from Yarramundi, Bowen Mountain, Tabaraga Ridge - Kurrajong Heights, "The Islands Estate", Blaxland Ridge, Grose Vale and Kurrajong Village.

The reasons given for requesting an extension of Council's Notice of Approval include the following:

- The current Notice of Approval will lapse on 30 September 2010.
- Allow residents on properties 4,000 square metres (one acre) or greater and/or designated as Extreme Risk, with the ability to burn dead and dry vegetation, therefore protecting themselves against wildfires.
- Collection and disposal of vegetation in Council's waste service is not practical - waste service bins are too small; stockpiling/composting is dangerous.

Conformance to Community Strategic Plan

The proposal is consistent with the Caring for Our Environment Directions statement;

- Take active steps to encourage lifestyle choices that minimise the ecological footprint;
- and is also consistent with (or is a nominated) strategy in the Community Strategic Plan being:
- Encourage and educate the community to care for their environment.

Financial Implications

Funding for this initiative can be met from within the Regulatory Services approved budget.

Conclusion

Council's existing Notice of Approval provides residents on properties greater than 4,000 square metres (one acre) or greater and/or is designated as an Extreme Risk, the ability to pile burn dead and dry vegetation outside of the Bush Fire Season a 'blanket' approval.

It is also proposed that the Draft Notice of Approval will remain in force for a period of five years. Hence, outside of the Bush Fire Season residents on properties greater than one acre, and residents on properties less than one acre which are designated as an Extreme Bush Fire Risk will be able to pile burn, dead and

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dry vegetation in accordance with the draft Notice of Approval, i.e. individual consent from Council will not be required. These residents will only need to seek consent from Council when they wish to burn dead and dry vegetation outside of the restrictions of the draft Notice of Approval. It should be noted that it is still necessary for residents to seek the necessary approvals from the Rural Fire Service during the declared Bush Fire Season.

RECOMMENDATION:

That:

3. In accordance with Clause 6G(3)(d) of the Protection of Environment Operations (Clean Air) Regulation 2002, Council place on public exhibition its draft Notice of Approval (Attachment 3) for a period of 14 days.
4. Following the public exhibition of the draft Notice of Approval, if any public submissions are received, a further report be prepared for Council's consideration. Should there be no submissions received following the expiration of the public exhibition period, the draft Notice of Approval as outlined in the report be adopted.

ATTACHMENTS:

AT - 1 Current Notice of Approval

AT - 2 Correspondence from DECCW Re: extension of Council's existing Notice of Approval

AT - 3 Draft Notice of Approval

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AT - 1 Current Notice of Approval

**Clean Air Regulation 2002
Notice of Approval
Rural Areas and Villages**

Hawkesbury City Council hereby grants general approval for the pile burning of dead and dry vegetation grown on that property, in the open, on land which is 4,000 square metres (one acre) or greater and/or is designated as an Extreme Risk under the Hawkesbury Bush Fire Risk Management Plan.

Properties from Yarramundi, Bowen Mountain, Tabaraga Ridge - Kurrajong Heights, "The Islands Estate", Blaxlands Ridge, Grose Vale and Kurrajong village are designated as Extreme Risk. ***In all circumstances Council should be contacted to confirm the individual property is designated Extreme Risk.***

This approval remains in force from 30 September 2006 to the 30 September 2010.

It is prohibited to burn

1. Without the approval of the NSW Fire Brigade throughout the year in the following areas: McGraths Hill, Windsor Downs, Bligh Park, South Windsor, Windsor, Vineyard, Clarendon, Richmond, and North Richmond.
2. Without the approval of the Rural Fire Service between 1 October to 31 March or until the commencement of the Bush Fire Season if declared earlier.

This approval does not include:-

1. The burning of other matter other than dead and dry vegetation grown on the property.
2. The burning of vegetation resulting from land clearance. Development consent is required to be obtained from Council.
3. The burning of vegetation which has been cleared for commercial development or building construction as development consent must be obtained from Council.
4. The removal of dead or dying trees as written notification needs to be provided to Council under its Tree Preservation Order.
5. Ecological/bush regeneration burns which are carried out to destroy infestations of noxious weeds or the clearance of land for native species regeneration. Individuals and organisations that wish to carry out these burns should apply to the Department of Environment and Conservation (DEC), PO Box 668 Parramatta NSW 2124.

The approval is granted subject to the provisions of the Protection of the Environment Operation (Clean Air) Regulation 2002 and to the following conditions:

1. Pile burning of dry and dead vegetation should NOT be seen as the best method for disposing of dry and dead vegetation. Alternative means of disposal such as re-use; recycling; composting; disposal through Council's waste service, kerbside collection service or waste management facility; should be thoroughly investigated and are the preferred disposal methods.
2. Only dry and dead vegetation originating on a property that is included in this approval shall be burnt on that property. Burning is to be conducted in accordance with the NSW Rural Fire Service "Standards for Pile Burning" February 2006;
<http://www.hawkesbury.nsw.gov.au/environment/19544.html>

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3. Burning must at all times be carried out by such practical means as are necessary to prevent or minimise air pollution. The potential for smoke impacting on any person due to wind direction and weather conditions must be taken into account.
4. In the event of a Total Fire Ban being declared, this approval is suspended. Any existing fire is to be extinguished and cannot be re-commenced until the Total Fire Ban is lifted.
5. In the event of a No Burn Day being declared by the EPA, this approval is suspended for the duration of the declaration. When a "No Burn" notice is issued, it applies to the lighting of new fires in the declared areas. Existing fires should be allowed to continue as extinguishing the fire will result in more smoke. "No Burn Notices" are notified in the Public Notices section of the Sydney Morning Herald not later than on the day on which the order is to take effect. Recorded information about "No Burn Notices" is usually available from 4pm the day before the notice comes into effect and can be accessed by calling ph: 1300 130 520 or is available on the Department of Environment and Climate Change NSW (DECC) website at www.environment.nsw.gov.au/air/airqual.htm
6. Adjoining neighbours and people likely to be affected by smoke are to be notified at least 48 hours before the fire is lit. This will allow for smoke-sensitive people such as asthmatics, to plan to be away from the area when the burn is conducted.
7. Written or oral notice is to be given to the Hawkesbury Rural Fire Service at least 24 hours prior to the burn. (The Rural Fire Service will require additional time during the Bush Fire Season). Such notice must specify the location, purpose, period and time of the fire proposed to be lit. Contact details include:

RFS Pile burning notification line Ph: (02) 4575 1143, FAX 4575 1475, email hawkesbury@rfs.nsw.gov.au
8. A responsible supervising adult over the age of eighteen shall be on site at all times with enough water to extinguish the fire, if required, for that time the fire is active.
9. Burning shall only be conducted between the hours of 8am and 5pm on any day.
10. Any residue waste from the burning must be disposed of in an environmentally satisfactory manner and in accordance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 1996". On completion of the burn, the burnt area must be maintained in a condition that minimises or prevents the emission of dust from the area and prevents sediment or ash from fires being washed from the area into waters.

Failure to comply with this approval may result in an On The Spot fine of \$500.00 for an individual or \$1,000.00 for a corporation. In the event of prosecution, the maximum penalty is \$5,500.00 for an individual and \$11,000.00 for a corporation.

If you do not comply with the conditions specified above you are not permitted to burn without separate approval being issued by Council.

For further information please contact:

Hawkesbury City Council
Regulatory Services
PO Box 146
Windsor NSW 2756

Ph: (02) 4560 4444
Fax: (02) 4560 4400
Email: council@hawkesbury.nsw.gov.au

ORDINARY MEETING

Meeting Date: 14 September 2010

AT - 2 - Correspondence from DECCW Re: Extension of Council's existing Notice of Approval

Our reference: DOC10/33903
Contact: Marcus Leslie, 9995 6849

Mr G Baldry
Manager Regulatory Services
Hawkesbury City Council
PO Box 146
WINDSOR NSW 2756

Dear Mr Baldry

Open burning policy in the Hawkesbury local government area

Thank you for your letter of 26 June 2010 seeking the opinion of the Department of Environment, Climate Change and Water (DECCW) on Council's proposal to extend its Clean Air Regulation 2002 Notice of Approval Rural Areas and Villages to include premises greater than 4000 square meters and/or premises designated as an Extreme Risk under the Hawkesbury Bush Fire Risk Management Plan, as required under the *Protection of the Environment Operations (Clean Air) Regulation 2002*. DECCW previously commented (18 July 2006) on an earlier version of this Notice of Approval and many of our comments are still relevant.

I wish to reassure Council that DECCW is fully supportive of Council meeting its obligations in relation to fire risk as a first priority. DECCW's further input as follows is to ensure that all other legislative responsibilities of government are fully addressed with the Council changes proposed.

DECCW has reviewed the Notice of Approval and our key concerns relate to the impacts on air quality, native vegetation, in particular threatened species and their habitat, and a possible increase in the incidence of fire in extreme bushfire risk areas. These are discussed in more detail below. DECCW also considers that the Notice of Approval is ambiguous in terms of what is or is not permitted and has made some suggested changes to address this, as well as some of our concerns (see attached Notice).

DECCW's current position on open burning for local government areas listed on Part 1 of Schedule 8 of the POEO (Clean Air) Regulation 2002 is to prohibit all open burning with the exception of burns undertaken for ecological purposes or special effects. This approach aims to better protect air quality and amenity by minimising burning. DECCW believes that there are alternative options available for the reuse or disposal of vegetative waste and encourages Council to promote these.

Impacts on Air Quality

An extension of the current open burning approval in the Hawkesbury local government area (LGA) is likely to lead to further increases in local and regional air pollution. Clause 6G(3) of the POEO (Clean Air) Regulation 2002 requires Council take into consideration the impact on local and regional air quality and amenity; the feasibility of re-use, recycling or other alternative means of disposal; and the opinions of those members of the public likely to be most affected by the proposed approval, before granting such an approval.

As stated in our earlier correspondence, DECCW encourages Council to give serious consideration to minimising any such impacts by:

- ensuring residents in the LGA have access to, and are aware of, green waste services, such as kerbside collections, or alternatives, such as composting or chipping services;

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- minimising and coordinating any necessary burns so that local residents are not subject to ongoing smoke impacts and poor air quality brought about by an increased frequency of open burns;
- consulting with those stakeholders likely to be affected by the proposal.

Impacts on native vegetation, threatened species and their habitat

Remnant native vegetation in the Hawkesbury LGA includes endangered ecological communities (EECs), threatened species and/or their habitat. As discussed in our previous correspondence, even dead trees (standing or logs) may be habitat for threatened species. DECCW is concerned that this Notice of Approval may lead to the unauthorised removal or inappropriate burning of such vegetation and recommends that Council make it quite clear in the Notice of Approval that any works likely to impact on threatened species, populations or endangered ecological communities or their habitat must be adequately assessed and approved. Removing live or dead vegetation from an endangered ecological community or from the habitat of threatened species, may constitute an offence under the National Parks & Wildlife Act unless it is subject to a consent from Council, a licence from DECCW or some other valid form of approval. Landholders should be encouraged to check the DECCW website <http://threatenedspecies.environment.nsw.gov.au/index.aspx> or talk to Council to obtain more information about threatened species in their area. Where a consent from Council or other form of approval is not required for such works, then landholders will need to apply for a s. 91 licence from DECCW. A licence application form can be obtained from the DECCWW website at: http://www.nationalparks.nsw.gov.au/PDFs/Application_Form_s91_jan07.pdf.

Bushfire Management

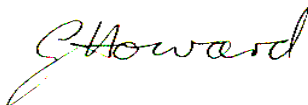
As detailed in our previous correspondence, DECCW has concerns that the Clean Air Regulation 2002 Notice of Approval Rural Areas and Villages may be misinterpreted by residents and be used to remove vegetation to reduce bushfire risk in extreme risk areas. The prescriptions under the POEO (Clean Air) Regulation 2002 do not cover bush fire hazard reduction works. A clear distinction between the purpose of pile burns and hazard reduction burns should be made with reference to the relevant assessment and approval processes required for hazard reduction works under the Bush Fire Environmental Assessment Code and The Rural Fires Act 1997. DECCW is concerned that misinterpretation of this Notice of Approval may result in an increased risk of bushfires in areas that have already been identified as extreme risk areas.

Compliance

A random inspection program following changes to control of burning approvals would be beneficial to ensure compliance with the new Notice of Approval.

I trust you find this information helpful and I also wish to promptly set up a meeting between DECCW and Council to discuss the above, to ensure efficiency and clarity for all. Could you please contact Marcus Leslie on 9995 6849 or Deb Stevenson A/ Manager Metropolitan Projects and Support on 9995 6842 to arrange this meeting.

Yours sincerely



GISELLE HOWARD
Director Metropolitan
Environment Protection and Regulation
13 August 2010

Enclosure

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AT - 3 - Draft Notice of Approval

**Clean Air Regulation 2002
Notice of Approval
Rural Areas and Villages**

Hawkesbury City Council hereby grants general approval for the pile burning of dead and dry vegetation grown on that property, in the open, on land which is 4,000 square metres (one acre) or greater and/or is designated as an Extreme Risk under the Hawkesbury Bush Fire Risk Management Plan.

Properties from Yarramundi, Bowen Mountain, Tabaraga Ridge - Kurrajong Heights, "The Islands Estate", Blaxlands Ridge, Grose Vale and Kurrajong village are designated as Extreme Risk (or as amended from time to time by the Bush Fire Management Plan). ***In all circumstances Council should be contacted to confirm the individual property is designated Extreme Risk and to check whether any other approvals are required.***

This approval remains in force from 1 October 2010 to the 30 September 2015. **It is limited by the following prohibitions and conditions:**

It is prohibited to burn

1. For the purposes of bush fire hazard reduction. Bush fire hazard reduction burns are not covered under this Notice. Such burns need to be assessed and approved under the Rural Fires Act 1997 and residents should apply to the relevant local authority.
2. Without the approval of the NSW Fire Brigade throughout the year in the following areas: McGraths Hill, Windsor Downs, Bligh Park, South Windsor, Windsor, Vineyard, Clarendon, Richmond, and North Richmond.
3. Without the approval of the Rural Fire Service between 1 October to 31 March or until the commencement of the Bush Fire Season if declared earlier.
4. Ecological/bush regeneration burns to be carried out in vegetation which is listed as an Endangered Ecological Community (EEC) or which is habitat for threatened species will require a licence from the Department of Environment, Climate Change and Water (DECCW). See the DECCW website for further information about threatened species and EECS (<http://www.environment.nsw.gov.au/threatenedspecies/>) and for a licence application form (<http://www.environment.nsw.gov.au/wildlifelicences/ScientificResearchLicences.htm>).

This approval does not include:-

1. The burning of other matter other than dead and dry vegetation grown on the property.
2. The burning of vegetation resulting from land clearance. Development consent is required for the clearing of native vegetation which can be obtained from Council.
3. The burning of vegetation which has been cleared for commercial development or building construction as development consent must be obtained from Council.
4. The removal of dead or dying trees as written notification needs to be provided to Council under its Tree Preservation Order.

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5. The removal or burning of any native vegetation that comprises an EEC or habitat for threatened species which requires assessment and approval under the Rural Fires Act.

The approval is granted subject to the provisions of the Protection of the Environment Operation (Clean Air) Regulation 2002 and to the following conditions:

1. Pile burning of dry and dead vegetation should NOT be seen as the best method for disposing of dry and dead vegetation. Alternative means of disposal such as re-use; recycling; composting; disposal through Council's waste service, kerbside collection service or waste management facility; should be thoroughly investigated and are the preferred disposal methods.
2. Only dry and dead vegetation originating on a property that is included in this approval shall be burnt on that property. Burning is to be conducted in accordance with the NSW Rural Fire Service "Standards for Pile Burning" February 2006;
http://www.hawkesbury.nsw.gov.au/_data/assets/pdf_file/0003/1785/StandardsForPileBurning.pdf
3. Burning must at all times be carried out by such practical means as are necessary to prevent or minimise air pollution. The potential for smoke impacting on any person due to wind direction and weather conditions must be taken into account.
4. In the event of a Total Fire Ban being declared, this approval is suspended. Any existing fire is to be extinguished and cannot be re-commenced until the Total Fire Ban is lifted.
5. In the event of a No Burn Day being declared by the EPA, this approval is suspended for the duration of the declaration. When a "No Burn" notice is issued, it applies to the lighting of new fires in the declared areas. Existing fires should be allowed to continue as extinguishing the fire will result in more smoke. "No Burn Notices" are notified in the Public Notices section of the Sydney Morning Herald not later than on the day on which the order is to take effect. Recorded information about "No Burn Notices" is usually available from 4pm the day before the notice comes into effect and can be accessed by calling ph: 131 555 or is available on the Department of Environment, Climate Change and Water (DECCW) website at
<http://www.environment.nsw.gov.au/air/aboutnb.htm>
6. Adjoining neighbours and people likely to be affected by smoke are to be notified at least 48 hours before the fire is lit. This will allow for smoke-sensitive people such as asthmatics, to plan to be away from the area when the burn is conducted.
7. Written or oral notice is to be given to the Hawkesbury Rural Fire Service at least 24 hours prior to the burn. (The Rural Fire Service will require additional time during the Bush Fire Season). Such notice must specify the location, purpose, period and time of the fire proposed to be lit. Contact details include: **RFS Pile burning notification line Ph: (02) 4575 1143, FAX 4575 1475, email hawkesbury@rfs.nsw.gov.au**
8. A responsible supervising adult over the age of eighteen shall be on site at all times with enough water to extinguish the fire, if required, for that time the fire is active.
9. Burning shall only be conducted between the hours of 8am and 5pm on any day.
10. Any residue waste from the burning must be disposed of in an environmentally satisfactory manner and in accordance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 1996". On completion of the burn, the burnt area must be maintained in a condition that minimises or prevents the emission of dust from the area and prevents sediment or ash from fires being washed from the area into waters.

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Failure to comply with this approval may result in an On The Spot fine of \$500.00 for an individual or \$1,000.00 for a corporation. In the event of prosecution, the maximum penalty is \$5,500.00 for an individual and \$11,000.00 for a corporation.

If you do not comply with the conditions specified above you are not permitted to burn without separate approval being issued by Council and/or the local Rural Fire Service authority.

For further information please contact:

Hawkesbury City Council
Regulatory Services
PO Box 146
Windsor NSW 2756

Ph: (02) 4560 4444
Fax: (02) 4560 4400
Email: council@hawkesbury.nsw.gov.au

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AT - 2 Copy of Council's Tree Preservation Order

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ORDINARY MEETING

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oooO END OF REPORT Oooo

Item: 217 CP - Office of the Hawkesbury-Nepean - Conduct of Pilot Study of the Hawkesbury River - (114014, 95498)

REPORT:

Executive Summary

Council received, on 12 August 2010, a request from the Office of the Hawkesbury-Nepean (OHN) inviting Council to provide a representative to work with the members of the Pilot Study group who are facilitating a study of the Hawkesbury River in relation to structures and works, either on the River or within its Riparian zones. The intent of the study is to determine the detrimental effects of those works and structures on river health with a view to developing guidelines to assist applicants when proposing works such as walls, jetties, pontoons, etc.

Stakeholders of the Pilot study include OHN, NSW Office of Water, NSW Maritime and Crown Lands.

Council has received a briefing on the Pilot Study and functions of the Office from a representative from the OHN at the Briefing Session on 6 September 2010.

Consultation

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

Background

Hawkesbury City Council has been proactive in highlighting the issues and problems facing the health of the Hawkesbury River as evidenced by Council's multiple representations to varying Authorities, holding of the River Summit in 2008 and consistent monitoring and addressing unauthorised and illegal activities on properties adjoining the river and creek systems in the Hawkesbury. Despite this the number of illegal activities and works in and adjacent to the River seem to have escalated over the past few years. The compliance work by Council has resulted in many property owners remediating their land, and in many cases the banks of the rivers and creeks as well, without the need for legal action.

Many of Council's previous representations regarding the management of the River called for the setting up of a "single river authority". Whilst a "single river authority" has not eventuated, the Office of the Hawkesbury Nepean (OHN) has been set up to assist in the co-ordination of relevant Authorities and assist in the improvement and management of the River. Since the set up of the OHN, Council has expressed a desire to work with the OHN to improve the co-ordination of the assessment process for applications to undertake works along and adjacent to the River.

Most works and activities, including remediation works, require the approval of other State Authorities other than Council. The Pilot Study will review the authorised and unauthorised works and remediation actions with a view to producing a co-ordinated approach to assist applicants when dealing with the various Authorities. The Study also aims to encourage the other Authorities to become more actively involved with these management issues as their jurisdiction allows.

The Pilot Study should lead to assistance for the community in having a co-ordinated team that they can approach for advice, rather than having to seek out each of these authorities that can assist them with their enquiries. Currently, when requested by applicants, Council can assist with some of these matters, however, it has been identified (and hence the Pilot Study set up) that there is a need for a co-ordinating Authority that has the power to require the various Authorities to participate in the process. In this regard the OHN operates under it's own Act that sets out its power and authorities.

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The OHN is also intending to engage a consultant Geomorphologist to provide advice as to any detrimental effects on the health of the River caused by legal and illegal structures and other works. They are also reviewing the feasibility of developing guidelines that could be provided to new applicants for sea walls, jetties, pontoons, boat sheds, and launching ramps. The guidelines would be targeted at minimising the impact on the River's health. The OHN is also obtaining advice as to the cumulative effect of multiple sea walls on the River's health and well being.

Council has been invited to participate in the development of the guidelines to address the current situation with regard to illegal structures and works along the River. The Pilot Study will focus on the River between Wisemans Ferry and Windsor, but more specifically Pitt Town, Wilberforce and Ebenezer. It is anticipated that the representative would be required to assist in Pilot Study matters for a maximum of two hours per week for three months.

OHN considers that the Council representative could assist in the Pilot Study by providing "hands on" details of issues arising from the detection of illegal structures and works, and the complexity of remedying these matters.

Conformance to Community Strategic Plan

The proposal is consistent with the Caring for Our Environment Directions statement;

- To look after our cultural and environmental assets for future generations so that they too can enjoy and benefit from a clean river and natural eco-systems, rural and cultural landscape.

and is also consistent with (or is a nominated) strategy in the Community Strategic Plan being:

- Work in partnership with relevant stakeholders to protect designated waters.
- Facilitate ecologically sustainable development through the retention and long term management of natural assets.

The proposed implementation timeframe for this matter, as specified in the CSP Milestones is 2009 - 2011.

Financial Implications

There are no financial implications associated with this report.

RECOMMENDATION:

That the information regarding Council's participation in a Pilot Study on the Hawkesbury River by the Office of the Hawkesbury-Nepean as detailed in the report be noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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INFRASTRUCTURE SERVICES

Item: 218 **IS - Provision of a Skate Park within the Glossodia Area - (95495)**

Previous Item: NM1, 23 February 2010 (Ordinary)
 63, 30 March 2010 (Ordinary)

REPORT:

Site Inspection

Council in consideration of this report at its Ordinary meeting held on 10 August 2010 resolved *"that a site inspection be carried out at the portable Skate Park facility in Woodbury Reserve and the Glossodia Shopping Centre"*.

A site inspection was carried out on Tuesday, 7 September 2010 at 4.30 pm with Councillors Bassett, Conolly, Ford, Paine, Reardon and Williams in attendance. The General Manager and Directors of Infrastructure and Support Services also attended.

Speakers from a group of adults and children also in attendance addressed the gathering offering both support and opposition to the proposal to locate a permanent skate facility at the location.

Executive Summary

Following Council resolutions to investigate a proposal to provide a skate facility within the Woodbury Reserve at Glossodia, extensive community consultation was undertaken. The portable skate ramp was placed at the location and has had adverse effect on both the locality and families utilising the adjacent play space. Grant funding is being sought to undertake a recreational strategy and it is proposed that further consideration of proposed skate facilities be considered as part of that strategy.

Consultation

Over 1100 surveys were sent to property owners and occupiers within the Glossodia area, with additional access to an online response being available on Council's website. Details of responses received are discussed later in this report.

Background

A number of residents requested that consideration be given for the installation of a permanent skate park facility within the Glossodia area. Council at its meeting held on 23 February 2010 resolved:

"That a report be submitted to Council regarding the possibility of a skate park being provided in the Glossodia area with such report also detailing the costs that would be involved and potentially suitable locations for the facility."

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Following consideration of a report in relation to the matter, Council at its meeting held on the 30 March 2010 resolved:

"That:

- 1. Consultation be undertaken with the residents and users in relation to the provision of a Skate Park, and suggestions for a preferred location of such facility.*
- 2. The portable half pipe currently at the Council Depot, be relocated to Woodbury Reserve as a short term measure allowing the community and users to determine the success of the site.*
- 3. A detailed cost analysis be undertaken of the Precast Concrete Modules based on a design suggested by the users."*

The portable half pipe has been relocated to Woodbury Reserve, positioned within the adjacent carpark, to determine the suitability of the location for a future permanent skate park facility. Following the placement of the portable half pipe at the Reserve there has been an increase in the level of graffiti, vandalism and dumped rubbish at the site and the adjacent play space which is detracting from the overall usability of the site. This has also led to a decline in the use of this popular play space for families with small children.

In relation to Point 3 of the Resolution, staff met with a representative of the local skate board fraternity who has supplied a preferred skate park design. The preliminary plans of the preferred design have been sent to a number of skate park manufacturers to undertake an indicative costing. A response has not been received to date. An estimate has been compiled based on the provision of a 16m x 16m concrete slab (\$38,000), 12 precast units (\$35,000), installation (\$5,000) and clearing and earthworks (\$15,000), bringing the total estimated cost to \$93,000.

The consultation process included over 1100 letters being sent to the property owners and residents of the Glossodia area to enable them to comment on the proposal to locate a skate park within the Woodbury Reserve. 49 responses (4%) were received and of those 49, 27 supported the proposal, 17 indicated conditional support, and 5 objected to the proposal.

Comments from those supporting the proposal were similar in content and ranged from:

- Young kids don't have much to do and this would be great;
- Great for the kids to ride their scooters;
- Provide the kids more amenities; and
- Happy to have as it as long as it is safe.

Comments from those objecting (again summarised) were:

- Concerned regarding the behaviour of youth and lack of Police presence.
- Concerned regarding existing poor behavior by users of the area. No provision of toilet facilities or rubbish bins.
- Not favourable to a skate park at Woodbury Reserve however feels a better location would be behind the shops. Has always felt unsafe in Woodbury Reserve and feels the installation of a skate park there would attract younger males thus making the area unsafe.
- Property backs onto Woodbury Reserve. We have been living here for nearly 22 years. On a regular occurrence the "forty acres" is used as a dirt bike track, apart from the noise factor, we are concerned about the position of the proposed skate park as it is obscured from the public, access

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could be day and night, the noise during day and night during the week and weekends, and criminal element. On principal the plan is a good one, but the positioning of the skate park is questionable.

Comments from those with conditional support were:

- Support providing that more police presence is available or provided.
- Would prefer the skate park to be a distance away from the swings area.
- Thanks to everyone taking an interest. Suggested location for skate park has a lot of trees. The debris that can fall onto the concrete, will cause a lot of accidents and broken bones
- I appreciate the opportunity to participate in this consultation. I have no objection to new skate parks but what I am surprised with is the choice of location.
- I would support a skate park for Glossodia but I don't know what the proposal is. The youth need something to do but I would like the skate park to be away from the shopping centre and the school. I think the skate park should be visible from the main road (Spinks Road). Suggests a better location
- I think the skate park is a great idea. My only hesitation is the possibility of defacement due to graffiti by some of the local teenagers. Would it be possible to decorate some areas of the structure with artistic graffiti, that the local kids could help design and paint the structure? I believe if the kids are involved and they have some pride of ownership the likelihood of random tagging will be less likely to happen.
- Supports the idea of a skate park but is concerned that a skate park at this location may attract a "ratbag" element to this area as the Woodbury Reserve has been targeted in the past. Has suggested CCTV cameras at the clubhouse to prevent vandalism.
- If the kids want a skate park I would only agree if their parents and the kids take responsibility and keep the area clean and not allow graffiti. All other skate parks are an eyesore and become a hangout, which is off putting for other park users. You only need to visit the portable ramp and see the rubbish left everywhere.
- Gives options for exercise for youth. Concerns about proposed locality of skate park - needs to be in full view of the public. Concerns about graffiti.
- I have a child who loves going to the skate park at North Richmond. Having one in Glossodia means that I don't have to go to North Richmond and I can walk to Glossodia. Concerns relate to not enough security at the site and kids will vandalise with painting and smashing bottles so that the younger ones can get hurt.

As identified in a previous report to Council the actual placement of the skate park is of considerable importance to allow for effective operation, enjoyment and usage of the facility, and to reduce the anti-social activity that will occur in an isolated skate park. Such behaviour is currently occurring at the location of the portable unit. The comments received from respondents either rejecting, or offering conditional support have, in the majority identified the placement of the skate park as the most important aspect of the proposal. These respondents suggest that the proposed location of the skate park be within close proximity to the shops and community centre that will allow for the passive surveillance required to reduce anti-social activity. Whilst this location would provide for passive surveillance, from past experience it would potentially inevitably lead to increased graffiti and vandalism on adjacent buildings.

In addition, the placement of a new skate park should consider the level of usage that it will attract to a site. As identified previously over 1100 letters were sent to the property owners and residents of Glossodia and provided a consultation period of over a month to gauge the level of need and acceptance to the proposal. The level of response from all forms of reply was only 4%, which is very low considering the 48% response rate regularly received to proposed play space (play ground) activities. With such a low response rate supporting a proposed skate park at this location, it is questionable whether the proposal can be justified,

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particularly where other localities have also requested skate park facilities and these areas have a larger potential population base. As shown within the table, Bligh Park is a typical example, although previous attempts to locate a suitable site for a skate park facility within the Bligh Park/South Windsor areas have been unsuccessful due to the graffiti, vandalism, unsociable behaviour previously identified.

Suburb	5 – 14 years age class	15 – 24 years age class
Glossodia (2426 total pop)	415	372
Bligh Park (6551 total pop)	1284	1013

Source: ABS 2006

Grant funding is currently being sought to undertake a Regional Open Space Recreational Strategy which will identify the needs of the community for the provision of recreational facilities, including skate parks, play spaces, sporting facilities and other passive recreational needs. The strategy aims to identify any missing links in the provision of recreation facilities and provide for a strategy for the programmed implementation of any such facilities identified.

It is proposed that the installation of a Skate Park facility in Woodbury Reserve not proceed at this time and the location of skate parks generally be considered in conjunction with the Recreational Strategy.

Conformance to Community Strategic Plan

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

- Have friendly neighbourhoods, connected communities, and supported households and families.

and is also consistent with (or is a nominated) strategy in the Community Strategic Plan being:

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

Financial Implications

No financial implications applicable to this report.

RECOMMENDATION:

That the installation of a Skate Park facility in Woodbury Reserve not proceed at this time and the location of skate parks generally be considered in conjunction with the Recreational Strategy.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ordinary

section 5

reports
of committees

ORDINARY MEETING
Reports of Committees

SECTION 5 - Reports of Committees

ROC - Hawkesbury Civic and Citizenship Committee - 30 June 2010 - (96972, 79356, 79351)

The meeting commenced at 5.35pm in Council Chambers.

Present: Councillor Bart Bassett
Sonia Porter Corporate Communication Manager
David Bertenshaw representing Hawkesbury Sports Council
Barry Adams representing Richmond Club
Jean Peare (community representative)

Apologies: Dianne Finch (community representative)
Councillor Barry Calvert
Councillor Warwick Mackay

In Attendance: Suzie Vlaming - Public Relations Coordinator

REPORT:

Declaration of Interests – David Bertenshaw declared an interest determining awards for all members of the Hawkesbury City Soccer Club as he is also a member.

The Committee accepted his declaration of interest and Mr Bertenshaw refrained from discussion and voting regarding all awards relating to club members.

RESOLVED on the motion of David Bertenshaw and seconded by Barry Adams that the apologies be accepted.

Section 1: Confirmation of Minutes

Minutes of last meeting

RESOLVED on the motion of Councillor Bart Bassett and seconded by Jean Peare that the minutes of Hawkesbury Civic and Citizenship Committee Meeting held on the Wednesday, 9 December 2009, be accepted.

Section 2: Reports for Determination

Item: 1 Selection of Sports Award Recipients

Motion:

RESOLVED on the motion of Barry Adams and seconded by Jean Peare.

Refer to RESOLUTION

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Reports of Committees

Resolution:

RESOLVED on the motion of Barry Adams and seconded by Jean Peare.
That:

- The award recipient nominations be accepted and for nominees to receive awards as decided below:

Nominee Name	Nominee Suburb/State	Award Nominated For	Years of Service
Nick Nikiforoff	Heckenberg	10 Yr Cert	15
Elaine Nikiforoff *	Heckenberg	10 Year Cert	15
Sue Zettl *	Oakville	10 Year Cert	12
Ross Hill *	Oakville	10 Yr Cert	10
Anne Gosden	Richmond	10 Year Certificate	10
Michael-Jon Filios	Grose Wold	10 Year Certificate	11
Kristy Coutis	Nth Richmond	20 Year Certificate	22
Lance Proctor	Toongabbie	20 Yr Cert	26
Jeff Cripps	Baulkham Hills	20 Yr Cert	24
Werner Zettl	Oakville	20 Yr Cert	20
Linda Laing	Windsor	Medal	40
Bob Stansfield	Fairfield East	30 Yr Cert	30
Matthew Garrow	Richmond	Sports Medal	15
Kelston George	Bligh Park	Sports Medal	16
Jim Vasiliou	Bowen Mountain	Sports Medal	11

- That Council staff enquire about the two nominees below, to further determine if they had represented beyond the local club (Hawkesbury) level and if so they be awarded a sports medal.

Anne Gosden	Richmond	10 Year Certificate	10
Wendy Pike	Glenhaven	20 Year Certificate	27

Note by management

Nominee Anne Gosden: Upon interviewing the Chairman of the Windsor Ladies Bowls, Eddie Dries, he confirmed that Anne Gosden has gone beyond the local level (Hawkesbury) of competition in her sport. He said that she was one of the skips that won a pennant recently for Nepean District (one of many over the 17 years as a Club member) and that she has played against other zones which then lead to State level in which she has also competed over the last consecutive ten years. He also said she is in the top three 'probably top two' women in the Ladies Bowling Club.

It was subsequently determined that Anne Gosden be awarded the Sports Medal.

Nominee Wendy Pike: Upon contact with her nominees, they wrote: 'Wendy has represented her sport at club level for 30 years. Our next level is State level and that basically means you are on a State Team or National level if you are on a National Team. Unfortunately she has not reached that level of Representative honours'.

It was subsequently determined that Wendy Pike be awarded the 20 year certificate for which she was nominated.

Item: 2 Criteria review of Citizen of the Season and Young Citizen of the Season Awards

Motion:

RESOLVED on the motion of David Bertenshaw and seconded by Barry Adams

Refer to RESOLUTION

Resolution:

RESOLVED on the motion of David Bertenshaw and seconded by Barry Adams

That:

1. The age requirement for the Citizen of the Season/Year award be over 25 as at 26 January of the following year to be in line with the age requirement of the Young Citizen of the Season/Year award.
2. The length of time between which the same awards can be presented to a previous recipient would be five years
3. Nominees for the Citizen of the Season and Young Citizen of the Season Awards who are not local residents, but who have made a significant contribution to the local community over an extended period of time or demonstrated extensive commitment, and the local community directly benefits from this, will still be eligible nominees for the award.
4. Council staff contact previous nominators who had ineligible nominees, due to being not local residents, to inform them of this change in criteria and inform them that their nominations will now be considered.

SECTION 3 - Reports for Information

ITEM: 1 Sports Medal Awards Ceremony Location and Time

Motion:

RESOLVED on the motion of Barry Adams and seconded by Jean Peare.

Refer to RESOLUTION

Resolution:

RESOLVED on the motion of Barry Adams and seconded by Jean Peare.

That the ceremony be held at Windsor Function Centre 5.30pm to 7.30pm.

Item: 2 Committee Membership

Motion:

RESOLVED on the motion of David Bertenshaw and seconded by Barry Adams.

Refer to RESOLUTION

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Resolution:

RESOLVED on the motion of David Bertenshaw and seconded by Barry Adams.

That:

1. The Committee record its appreciation of the late Councillor (Dr) Rex Stubbs's OAM service on the Civics and Citizenship Committee and acknowledge that the input of Councillor Stubbs was an enormous asset to the Committee.
2. The Committee note that the Councillor representative position on the Committee will remain vacant until considered at an Extraordinary meeting of Council to be held 21 September 2010.
3. A request be made to Council to amend the structure and membership of the Hawkesbury Civic and Citizenship Advisory Committee to specifically include a representative of the Richmond Club and the Hawkesbury Sports Council and the constitution be amended to reflect this.

Next Meeting

TBA

The meeting closed at 6.01pm.

oooO END OF REPORT Oooo

ORDINARY MEETING
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ROC - Community Planning Advisory Committee Minutes - 5 August 2010 - (96737)

The meeting commenced at 9.40am in Council Chambers.

Present:	Councillor Barry Calvert Ms Vickie Shackley Mr Chris McAlpine Ms Behiye Yusuf	Chair Community Representative Community Representative Metrowest Nepean Network Office DoCS
Apologies:	Mr Matt Thorp Mr Nick Sabel Ms Meagan Ang	Nth Richmond Community Centre Wentworth Community Housing Hawkesbury City Council
In Attendance:	Mr Matthew Owens Mr Michael Laing Ms Robyn Kozjak (Minute Secretary)	Hawkesbury City Council Hawkesbury City Council Hawkesbury City Council

REPORT:

RESOLVED on the motion of Mr Chris McAlpine and seconded by Ms Vickie Shackley that the apologies be accepted.

CONFIRMATION OF MINUTES

RESOLVED on the motion of Mr Chris McAlpine and seconded by Ms Vickie Shackley that the Minutes of the Community Planning Committee held on the 20 May 2010, be confirmed.

Attendance Register of Community Planning Advisory Committee

Member	20.05.10	05.08.10
Councillor Barry Calvert - Chair	✓	✓
Ms Vickie Shackley	✓	✓
Mr Nick Sabel	✓	A
Mr Chris McAlpine	✓	✓
Ms Behiye Yusuf	✓	✓
Mr Matt Thorp	X	A

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

SECTION 4 - Information to be Reported back to Committee from Previous Meeting

Item 1: Youth Report and Youth Summit Outcomes, by Ms Meagan Ang

DISCUSSION:

- The Chair enquired if feedback on the Youth Participation Officer position had been brought to the meeting (as previously determined). In the absence of Ms Ang, Mr Laing advised the position had since been advertised and was available for viewing on Council's website.
- Mr McAlpine expressed disappointment that the Committee did not have an opportunity to provide feedback on the position description, reporting the Committee had previously sought reassurance the role statement to be advertised would be written to draw suitable candidates to undertake a capacity building, rather than administrative, role.
- Mr McAlpine subsequently asked for the Committee to be informed on how the role statement had been determined and sought assistance in how the Committee could facilitate supporting the officer in the outcomes to be achieved.

Item 2 Community Survey 2009 - Recommendations, by Mr Michael Laing

Reference was made to Point 4 of the resolution of 20 May, 2010 wherein it was resolved that the "CPAC receive an analysis on the interest in the Resident's Panel and an outline of how it would work."

It was advised the analysis would be reported at the next CPAC meeting on 18 November 2010.

Item 3: The Nepean Regional Taskforce on Homelessness: MOU, Street Count, and other initiatives

Mr Laing provided the Committee with a verbal update of Project 40 - a campaign managed by the Nepean Campaign Against Homelessness to provide permanent housing for people who are homeless or are most vulnerable to homelessness.

DISCUSSION:

- Mr Laing advised funding had been released last week, i.e., \$750,000 from the State Government and \$1.2M from the Federal Government, to support the co-ordination of the project which covered four local government areas of the taskforce.
- It was agreed Project 40 become a standard item on future CPAC agendas for the purpose of receiving progress reports of the ongoing activities of the Nepean Regional Task Force's 10 year plan to end homelessness.

SECTION 5 - General Business

- **Presentations by Mr Nick Sabel and Mr Laing: Housing & Homelessness in the Hawkesbury**

- It was reported Mr Sabel had presented information on *Affordable Housing in the Hawkesbury* at a Councillor Briefing Session on 1 June, 2010. Mr Laing (in the absence of Mr Sabel) advised much of the information presented at the Briefing would be covered in his *Social Housing in the Hawkesbury* presentation, scheduled to be presented at the end of the meeting.

- **Membership of CPAC**

- The Chair enquired if staff had investigated the feasibility of appointing additional members to the Committee and Mr Owens confirmed the Constitution does allow for the appointment of casual members.
- Mr Owens referred to the Extraordinary Meeting of Council to be held on 21 September wherein the elections of Mayor, Deputy Mayor and Councillors to various Committees would be determined. Mr Owens reported the position of Deputy Chair would be resolved at that meeting. It was suggested the Committee's desire to appoint casual members to CPAC be included in the Annual Report of Committee, for determination by Council, at that meeting.
- The Chair enquired if Mr Laing was in a position to provide names of suitable representatives and Mr Laing suggested he approach Hawkesbury's youth interagency and the residents panel. Ms Yusuf suggested young people or representatives from more remote areas of the Hawkesbury be approached and advised she would assist by providing names and contact numbers in this regard. Ms Yusuf further suggested Merana be approached to gauge interest from aboriginal elders.
- The Chair invited the Committee to email Mr Laing with contact details of suitable representatives by the end of August, with a view to enlisting new casual members prior to the CPAC meeting in November.

- **Information on Council's Energy Savings Action Plan (Speaker - Di Tierney)**

Ms Tierney introduced herself to the Committee and thanked members for providing her with the opportunity to deliver her presentation

- Ms Tierney's presentation included a link to a website displaying the *Sustainable Living Guide* (www.sustainablelivingguide.com.au), a web based content and software product designed to encourage and facilitate people looking to reduce their impact on the environment. Ms Tierney advised the online portal system would be an excellent way for this organisation to engage with and support communities on ways to help address climate change, manage communal resources and live more sustainably.

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- Ms Tierney reported the customised online guide would require funding of \$5,000 per annum. Discussion subsequently arose and it was suggested the product be trialled and monitored for a period of three years.

MOTION:

RESOLVED on the motion of Mr Chris McAlpine, seconded by Ms Behiye Yusuf

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That this Committee recommends that the online sustainability tool, “*Sustainable Living Guide*”, be acquired and trialled for a three year period, to be reviewed annually.

The Chair thanked Ms Tierney for her informative presentation.

- **Food Security in the Hawkesbury, information provided by Mr Chris McAlpine**
-

DISCUSSION:

- Mr McAlpine tabled a document concerning Food Security, advising he believed the Committee should take the opportunity to encourage more sustainable living in the Hawkesbury due to the (generally) larger housing blocks providing more potential to grown one’s own food. The document included nine recommendations / options for consideration by the Committee.
- Mr Owens noted one of the recommendations included involvement in community gardens, and advised Council had recently adopted a Community Gardens Policy. Mr Owens suggested it would be prudent for staff to compile a list of relevant matters Council is currently involved in relating to food security, with a view to establishing how the tabled recommendations for consideration might integrate with existing policies.

MOTION:

RESOLVED on the motion of Mr McAlpine, seconded by Ms Vickie Shackley.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. The item be placed on the Agenda for the next CPAC meeting on 18 November 2010.
2. Staff bring back to the Committee short recommendations about how the tabled recommendations / options integrate with what actions Council is already undertaking in relation to food security, and how this Committee might move forward on this matter.

Ms Tierney and Mr Owens left the meeting.

ORDINARY MEETING
Reports of Committees

- **Presentation by Mr Michael Laing: *Social Housing in the Hawkesbury***
-

Mr Laing delivered his presentation on Social Housing to the Committee.

DISCUSSION:

- The Committee asked for Mr Laing's presentation to be emailed to them.
- Mr Laing advised he would liaise with Mr Sabel for an update re affordable housing in the Hawkesbury, for reporting at next meeting.
- It was noted a new Wentworth Community Housing Office was opened in Windsor last week.

The Chair thanked Mr Laing and Mr McAlpine respectively.

The meeting closed @ 11.28am.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ROC - Heritage Advisory Committee Minutes - 12 August 2010 - (80242)

The meeting commenced at 5.09pm.

Present:	Mr Graham Edds Professor Ian Jack Councillor Jill Reardon Mr Jonathan Auld Ms Michelle Nichols Ms Danielle Wheeler Mr Donald Ellsmore Ms Deborah Hallam	Chair Deputy Chair Hawkesbury City Council Community Member Community Member Community Member Heritage Advisor Community Member
Apologies:	Ms Jan Barkley Jack	Community Member
In Attendance:	Mr Matthew Owens Ms Shari Hussein Ms Robyn Kozjak (Minute taker)	Hawkesbury City Council Hawkesbury City Council Hawkesbury City Council

REPORT:

The Chair acknowledged and welcomed Ms Felicity Blaxland from Blue Mountains Council, sitting in on the meeting as Observer.

CONFIRMATION OF MINUTES

RESOLVED on the motion of Mr Jonathan Auld and seconded by Professor Ian Jack that the Minutes of the Heritage Advisory Committee held on the 6 May 2010, be confirmed.

BUSINESS ARISING FROM PREVIOUS MINUTES:

Ms Wheeler referred to Page 5 of the Business Paper wherein the item 'Slab Barns Study' made reference to the "Hawkesbury Heritage Farm". It was advised this should read "Australiana Pioneer Village".

The Chair referred to the list of attendees at the previous meeting and suggested Ms Carol Edds' title should read "Consultant" (in lieu of "Community Member").

The Chair enquired as to the status of the Slab Barns Study. Ms Hussein advised the Study was forwarded to the Department of Planning on 5 July for endorsement and would be reported to Council once a response had been received from the Department.

Attendance Register of Heritage Advisory Committee

Member	11/02/10	06/05/10	12/08/10
Councillor Jill Reardon- (HCC)	✓	A	✓
Mr Graham Edds	✓	✓	✓
Ms Deborah Hallam	A	X	✓
Professor Ian Jack	✓	✓	✓
Ms Jan Barkley Jack	✓	A	A
Mr Jonathan Auld	✓	✓	✓
Ms Michelle Nichols	✓	✓	✓
Ms Danielle Wheeler	✓	✓	✓
Mr Donald Eilsmore	✓	✓	✓

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

SECTION 3 - Reports for Determination

Item 1: Review of Heritage Advisory Committee Constitution

DISCUSSION:

- Mr Owens addressed the Committee acknowledging the Committee's current Constitution was dated and the objectives narrow and limiting. Mr Owens suggested it would be appropriate for the Constitution to align more with the directions and strategies adopted in the Hawkesbury Community Strategic Plan, which provides for a broader scope of goals Council could be accomplishing in terms of heritage.

Ms Nichols arrived at the meeting

- Ms Hussein made reference to the various samples in her report, taken from (other) Councils' Constitutions and Terms of Reference and advised she welcomed the Committee's input and comment in relation to the preparation of a new draft Constitution.
- Mr Owens referred to the Special Meeting on 21 September, 2010 wherein all Council Committees are required to submit an Annual Report to Council to review compliance to their respective adopted Constitutions. Mr Owens suggested the Committee take the opportunity to report at the Special Meeting that this Committee is reviewing its Constitution and would be reported to Council at a later date.
- It was determined Ms Hussein would act as scribe for the purpose of documenting members' comments, such comments to be transcribed and forwarded to members via email for endorsement and / or further amendment. In this regard Ms Hussein advised she would review the Heritage Department's Constitution, the Burra Charter and the LEP to assist with wording the revised draft Constitution.
- Discussion arose regarding the format of the Committee generally, wherein members expressed their desire to be provided with more direction and guidance, and advised they sought a more structured, long term program to work towards. Ms Nichols suggested the Committee investigate the possibility of setting goals and objectives in advance, perhaps for a few years, suggesting pre-set goals would give the members direction and purpose.
- Mr Owens concurred with Ms Nichols' comment and suggested an item be included in the next HAC business paper in relation to setting an Operational Plan for the Heritage Advisory Committee for the next 24 months, inviting members, in the meantime, to consider topics for inclusion in the Plan.

RECOMMENDATION TO COMMITTEE:

That:

1. The report reviewing the Constitution of the Heritage Advisory Committee be noted.
2. Possible amendments to the Constitution (if required) be discussed by the Committee.
3. Should amendments be agreed upon an amended Constitution be prepared and reported to council for adoption.

MOTION:

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

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION

That:

1. The report reviewing the Constitution of the Heritage Advisory Committee be noted.
2. Possible amendments to the Constitution (if required) be discussed by the Committee.
3. Should amendments be agreed upon an amended Constitution be prepared and reported to council for adoption.

SECTION 4 - Reports for Information

Item 2: Ebenezer Church Wins Sustainable Cities Award

RECOMMENDATION TO COMMITTEE:

That the information to be received.

MOTION:

RESOLVED on the motion of Mr Donald Ellsmore, seconded by Councillor Reardon.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the information to be received.

Item 3: Listing of Macquarie Towns

Previous Item: 1, HAC 25 November 2009
1, HAC, 11 February 2010

DISCUSSION:

The Chair thanked Professor Jack for speaking on the Committee's behalf at the Council Meeting on 27 July 2010, in relation to the report on the nomination of Conceptual Town Plans of the Hawkesbury for State Heritage Listing.

ORDINARY MEETING
Reports of Committees

- The Chair made reference to the resolution of Council -

“that Council defer consideration of this matter until confirmation is received from the Department of Planning, Heritage Branch, that the Listing would only be a historical record of the Governor Macquarie Town Plans and would not be a hindrance to the progressive revitalisation and everyday operations of the Hawkesbury towns.”

and asked Mr Owens if it would be appropriate for some members of the Committee to attend the meeting with the Department.

- Mr Owens responded notwithstanding the resolution did not specifically determine that a meeting was to occur, he did believe a face to face meeting would be more appropriate and agreed it would be beneficial if one or two members accompanied him to the Department, in the event a meeting is scheduled.

RECOMMENDATION TO COMMITTEE:

That the information be received.

MOTION:

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

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the:

1. Information be received.
2. Committee thank the officer responsible for the quality of the report to Council of 27 July 2010 regarding the nomination of conceptual town plans of the Hawkesbury for State Heritage Listing.

SECTION 5 - General Business

- On behalf of Ms Keri Whiteley, Ms Nichols advised of successful grant funding of \$7,700 received for commemorating eminent Australians. It was advised the funding would be utilised for the erection of interpretive signage around Macquarie’s statue. Ms Nichols tabled a document setting out themes to be covered for the interpretive signage and invited the Committee’s input regarding text review, suggestions for suitable quotes and image design. It was reported Ms Whiteley had asked for the comments to be forwarded to her by COB Tuesday 17 August 2010.
- The Chair reported, in reading the guidelines for the Interpretative Signage Policy, (of which he applauded), he did however, raise concern the Policy is deficient in that it did not provide options for people with visual, auditory or other impairments and suggested this should be included as standard practice.
- Ms Nichols made reference to History Week and advised Dr James Broadbent would be delivering a lecture on *Macquarie’s Buildings and his Vision for Progress*, on Thursday 9 September from 4.00pm - 6.00pm at St Matthews Church. It was advised further details of the event would be circulated and listed in the Calendar of Events on Council’s website.

ORDINARY MEETING

Reports of Committees

- Ms Wheeler referred to what appeared to be roadworks occurring within Wilberforce Cemetery and enquired if anyone was aware of these works. Mr Owens confirmed there was a road reserve adjacent to the cemetery and suggested the roadbase had possibly been laid on the site to store machinery relating to the sewerage works currently being undertaken in Wilberforce. However, this will be confirmed.
- The Chair made reference to the Committee's resolve at the last meeting to investigate ways forward to address their concern re the disrepair of cemeteries in the local area and the lack of educative material available to the public relating to gravesite restoration. The Chair subsequently tabled a document containing guidelines for cemetery conservation to assist progression of this item. The guidelines are downloadable from the National Trust website: www.nationaltrust.com.au.

The meeting closed @ 7.07pm.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ROC - Audit Committee Minutes - 18 August 2010 - (91369, 95496)

The meeting commenced at 3.03pm

Present:	Mike Barry David Gregory Harry Khouri Nisha Maheshwari Councillor Bob Porter Councillor Pau Rasmussen	External Member External Member External Member External Member Hawkesbury City Council Hawkesbury City Council
Apology:	Dennis Banicevic - Council's External Auditor	PricewaterhouseCoopers
In Attendance:	Peter Jackson - General Manager Laurie Mifsud - Director Support Services Emma Galea - Acting Chief Financial Officer Amy Dutch - Minute Secretary George Gulyas - Senior Consultant	Hawkesbury City Council Hawkesbury City Council Hawkesbury City Council Hawkesbury City Council IAB Services

3.05pm - Ms Nisha Maheshwari arrived.

REPORT:

RESOLVED on the motion of Councillor Paul Rasmussen and seconded by Mr David Gregory that the apology be accepted.

Attendance Register of Audit Committee

Member	3.03.2010	2.06.2010	18.08.2010	
Councillor Bob Porter	A	✓	✓	
Councillor Paul Rasmussen	A	✓	✓	
Councillor Leigh Williams (Alternate)	✓	-	-	
Mr Mike Barry	✓	✓	✓	
Mr David Gregory (Chair)	✓	✓	✓	
Mr Harry Khouri	✓	✓	✓	
Ms Nisha Maheshwari	✓	✓	✓	

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

CONFIRMATION OF MINUTES

RESOLVED on the motion of Councillor Paul Rasmussen and seconded by Mr David Gregory that the Minutes of the Audit Committee held on the 2 June 2010, be confirmed.

ORDINARY MEETING
Reports of Committees

It was noted by Mr Gregory, in relation to Point 6 under General Business that Mr Banicevic had offered to present to the Committee an outline of the changes to the requirements to the 2010 Financial Statements as per the Code of Accounting Practice at a future meeting.

SECTION 3 - Reports for Determination

Item: 1 Business Paper - Ordinary Meeting Agenda - 14 September 2010

Previous Item: 7, Audit Committee (3 March 2010)

Mr George Gulyas - Senior Consultant from IAB Services, spoke on the High Level Risk Assessment and Draft Strategic Internal Audit Plan.

DISCUSSION:

- Mr Barry enquired if any significant areas of risk were identified.

Mr Gulyas indicated that the High Level Risk Assessment is not that in depth and is a starting point for Council's Risk Management Branch to utilise to identify where the risks fit within the risk register.

- Mr Barry enquired how the interview process was set.

Mr Gulyas indicated that interviews were held with the General Manager, Directors and Senior Managers and from that a list was agreed on to go forward with. Specific Division of Local Government and ICAC risks were identified as areas for investigation.

Mr Jackson indicated that the Waste Management Facility would probably be the main area that is irregular when comparing Hawkesbury to other councils as most other councils do not run their own Waste Management Facility.

- Mr Gregory enquired why some items are included in the Draft Strategic Internal Audit Plan and others are not.

Mr Gulyas indicated that the Plan is a dynamic document that is to be used by the Internal Auditor and be reviewed, and updated if necessary annually. Due to available resources, items were included based on significance. It is recommended that in the three years, Council look at certain areas and other matters remain on the risk register for attention in due course.

- Councillor Rasmussen referred to Item 101 on page 31 of the Business Paper and enquired why "*Malicious attack on, or sabotage of, Council IT Facility or data (internal) - expensive remediation action and service delays*" has not been included in the Strategic Internal Audit Plan.

Mr Gulyas indicated that the Plan was developed based on available resources and the risk of this sort of attack is considered low due to the firewall and back-up processes that are currently in place. He advised that a review of passwords and system administrator controls would identify areas of risk and also commented that off site back-ups and back-up checks are important for consideration.

Mr Mifsud advised that Item 99 on page 30 of the Business Paper may cover the concerns Councillor Rasmussen has regarding internal security.

- Ms Maheshwari referred to Item 9 on page 19 of the Business Paper not being included in the Strategic Internal Audit Plan and enquired if the Audit Committee could take on the "*Council financial planning, management and reporting process*" as an additional task.

ORDINARY MEETING

Reports of Committees

Mr Jackson indicated that the tasks included in the Strategic Internal Audit Plan have been identified as important to the organisation and that if additional resources of Council are required to complete actions that come from audits, the issue will be addressed at that time.

Mr Gulyas indicated that if the Audit Committee is satisfied with the mitigation strategy that is currently in place, it is a sufficient reason to hold off on the "*Council financial planning, management and reporting process*" item.

- Mr Jackson suggested that the Audit Committee members may wish to have the Audit Plan implemented based on calendar year rather than financial year. This will allow time for the Internal Auditor to be appointed and settle into the organisation and also assist with the Plan linking in with the budget planning schedule.
- Councillor Porter advised that he felt the Plan was very ambitious and placed responsibilities back on the Managers. He commented that there are a large number of areas to cover in the time allocated and enquired if Councillors would have an opportunity to have input towards the list of priorities.

Mr Jackson indicated that the Plan will involve a large amount of work for all staff involved. He advised that the Plan will be reported to Council however the Audit Committee will be providing the recommendations. He also advised that the Plan is able to be altered if the need arises and indicated that the Internal Auditor is likely to pick up other areas that require attention and will require alterations to be made to the Plan.

- Mr Khouri enquired how many staff will be reporting to the Internal Auditor.

Mr Jackson advised that there will not be any staff reporting directly to the Internal Auditor. He advised that staff will work with the Internal Auditor to ensure that requirements are met.

- Councillor Rasmussen referred the "*IT operating systems and data access security*" point on page 35 of the Business Paper and enquired how this related to the High Risk Assessment.

Mr Mifsud advised that Item 99 on page 30 of the Business Paper would cover the concerns Councillor Rasmussen has regarding the matter.

- Mr Barry referred to Item 64 on page 26 of the Business Paper and enquired if Software Licences would be identified as part of the Asset Management Risk.

Mr Gulyas indicated that software licences could also be considered as part of the procurement review process and that the licences should be reviewed every few years.

Mr Jackson indicated that software licences have been reviewed recently.

- Mr Gregory enquired if there were any difficulties obtaining the required information from staff.

Mr Gulyas indicated that staff were happy to co-operate throughout the process.

- Mr Gregory enquired why there were more 'Yes' responses in the High Level Risk Assessment for items to be included in the Strategic Internal Audit Plan than there were items in the Plan.

Mr Gulyas advised that many items had been consolidated from the High Level Risk Assessment to the Internal Audit Plan.

- Mr Gregory enquired if plant should be specifically identified as part of the procurement and supply item.

Mr Gulyas referred to the auditable areas on page 35 of the Business Paper and advised that supply and procurement would require two different approaches.

ORDINARY MEETING
Reports of Committees

Mr Jackson advised that the first auditable area identified on page 35 of the Business Paper refers to tendering.

Mr Gregory enquired if the words "Including major project reporting" could be included.

Mr Jackson advised that major projects are required to be reported to Council as part of the Quarterly Review process.

- Mr Barry enquired if any software is developed in house and Mr Jackson advised that there was not.
- Mr Gregory enquired if a contractor should be employed to start work prior to the commencement of the Internal Auditor.

Mr Jackson advised that this would not be necessary.

Mr Mifsud advised that if a contractor was deemed to be required there would be approximately \$25,000 available during 2010/2011 as well as any salary savings from the Internal Auditor's salary package and potential carryovers.

RECOMMENDATION TO COMMITTEE:

That:

1. The High Level Risk Assessment dated August 2010 and prepared by IAB Services for Hawkesbury City Council be received and noted.
2. The Draft Strategic Internal Audit Plan dated August 2010 and prepared by IAB Services for the three year period from 1 July 2010 to 30 June 2013 for Hawkesbury City Council be adopted.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Paul Rasmussen, seconded by Mr David Gregory.

That:

1. The High Level Risk Assessment dated August 2010 and prepared by IAB Services for Hawkesbury City Council be received and noted.
2. The Draft Strategic Internal Audit Plan dated August 2010 and prepared by IAB Services for Hawkesbury City Council be adopted for a three year period commencing from 1 January 2011 to 31 December 2013.

SECTION 4 - General Business

1. AC - Update on Internal Auditor Position

Mr Mifsud advised that applications for the Internal Auditor's position close on 27 August 2010. The position has been advertised through the Sydney Morning Herald, the Courier, Local Government Job Directory and various websites. He advised that the salary package advertised was in the vicinity of \$90,000 plus superannuation and that another Council has a similar role advertised for \$75,000 to \$86,000 per annum plus superannuation.

Councillor Rasmussen enquired if there may be any internal candidates.

ORDINARY MEETING
Reports of Committees

Mr Mifsud advised that no applications from internal candidates have been received to date. He also added some of the people enquiring about the recently advertised Chief Financial Officer position have also enquired about the Internal Auditor role.

Mr Mifsud advised that once the applications close, it will be clearer as to whether there is a suitable candidate available or if the position will need to be readvertised.

Mr Jackson advised that once the applications close a schedule will be identified for interviews. One Audit Committee External Member will be invited to sit on the interview panel.

2. AC - Reporting Structure for Internal Auditor

Ms Maheshwari enquired about the reporting structure that will be used for the Internal Auditor and enquired if it is inline with that of other councils.

Mr Jackson advised that all staff within Council report directly to the General Manager. The Internal Auditor will also have a working relationship with the Audit Committee. Mr Jackson advised that the proposed reporting structure for the Internal Auditor position is in line with the current Division of Local Government recommendations.

The meeting terminated at 4.00pm.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees



ordinary
meeting

end of
business
paper

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