



# Hawkesbury City Council

## ordinary meeting business paper

date of meeting: 29 April 2008

location: council chambers

time: 5:00 p.m.



# mission statement

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

## **How Council Operates**

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

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

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

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

### **Meeting Procedure**

The Mayor is Chairperson of the meeting.

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

### **Public Participation**

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

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

### **A Point of Interest**

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

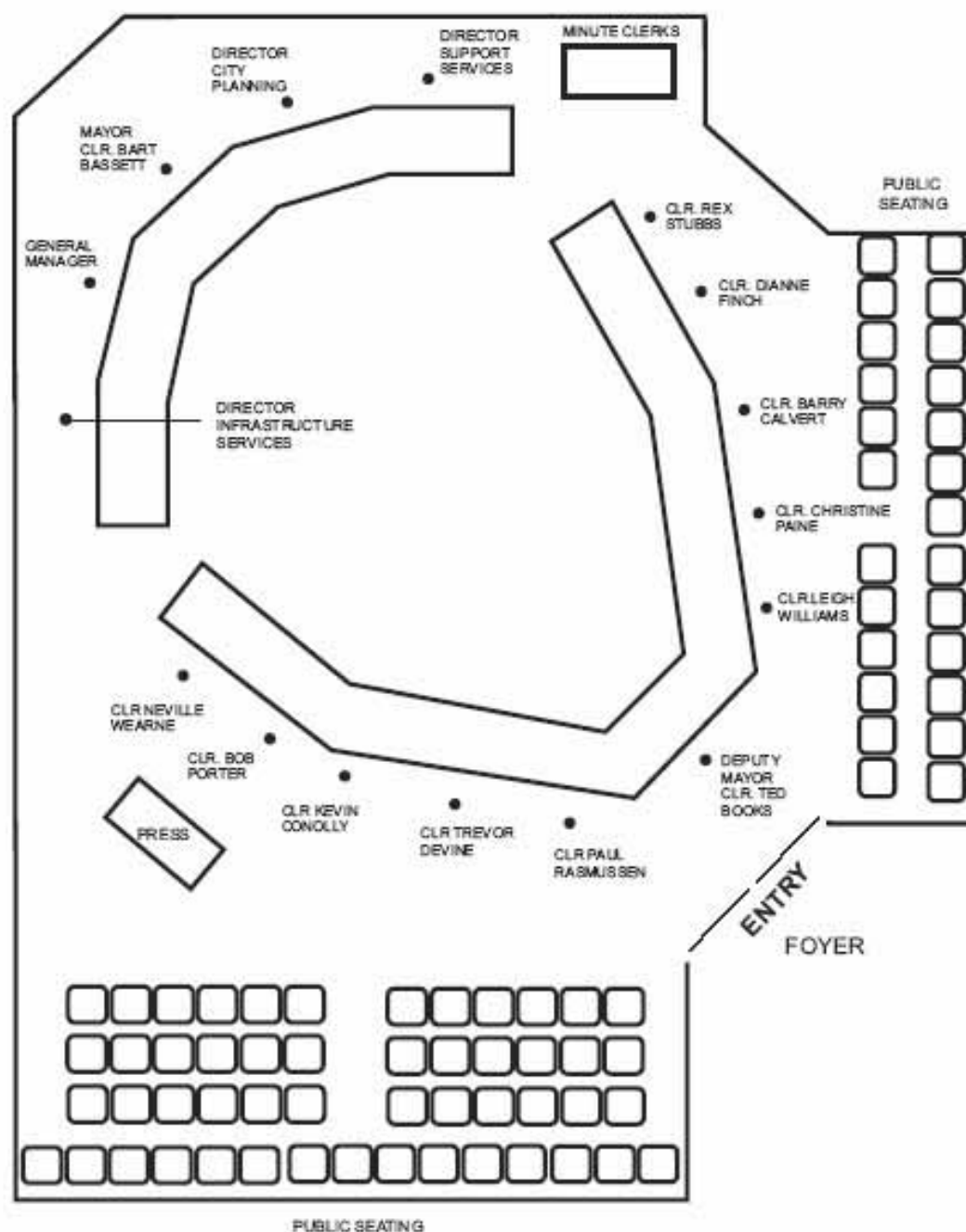
### **Website**

Business Papers can be viewed on Council's website from noon on the Friday before each meeting. The website address is [www.hawkesbury.nsw.gov.au](http://www.hawkesbury.nsw.gov.au).

### **Further Information**

A guide to Council Meetings is available on the Council's website. If you require further information about meetings of Council, please contact the Manager, Corporate Services and Governance on, telephone 02 4560 4426.

# council chambers



**ORDINARY MEETING**

**Table of Contents**

**Meeting Date: 29 April 2008**

**AGENDA**

- **WELCOME / EXPLANATIONS / PRAYER**
- **APOLOGIES**
- **DECLARATION OF INTERESTS**
- **SECTION 1 - Confirmation of Minutes**
- **AGENDA ITEMS SUBJECT TO PUBLIC ADDRESS**
- **SECTION 2 - Mayoral Minutes**
- **QUESTIONS WITH NOTICE**
- **SECTION 3 - Notices of Motion**
- **EXCEPTION REPORT - Adoption of Items Not Identified for Discussion and Decision**
- **SECTION 4 - Reports for Determination**

**General Manager**

**City Planning**

**Infrastructure Services**

**Support Services**

- **SECTION 5 - Reports of Committees**
- **QUESTIONS WITHOUT NOTICE**

**ORDINARY MEETING**

**Table of Contents**

**Meeting Date:** 29 April 2008

**ORDINARY MEETING****Table of Contents****Meeting Date:** 29 April 2008**TABLE OF CONTENTS**

<b>ITEM</b>	<b>SUBJECT</b>	<b>PAGE</b>
<b>SECTION 1 - Confirmation of Minutes</b>		<b>7</b>
<b>SECTION 3 - Notices of Motion</b>		<b>11</b>
NM1 - Grant Application - Public Facilities Program of the NSW Climate Change Fund - (80093, 79351)		11
NM2 - Workshop for Residents Considering Nominating for Council - 2008 Local Government Elections - (80104, 79351)		12
<b>SECTION 4 - Reports for Determination</b>		<b>15</b>
<b>GENERAL MANAGER</b>		<b>15</b>
Item: 76	GM - Review of Council's Strategic Plan - (79351)	15
Item: 77	GM - Sister City Program Policy - Student Exchange Donation, Kyotamba 2008 - (73610, 91811, 79351)	17
<b>CITY PLANNING</b>		<b>19</b>
Item: 78	CP - Approval Sought in Retrospect - Conversion of a Stable into a Shed - Lot 1 DP 773543, 236 Bells Road, Grose Vale - (DA0539/07, 13872, 13871, 96329, 95498)	19
Item: 79	CP - Urban Sustainability Grant Funding - Final Report - (95498)	30
Item: 80	CP - Hawkesbury City Council Outdoor Dining and Footpath Trading Policy - (95498)	32
Item: 81	CP - Refurbishment of the Band Room - March Street, Richmond - (74052, 95498)	34
Item: 82	CP - Hawkesbury City Eisteddfod Society - Options for Funding - (79342, 95498)	38
Item: 83	CP - Acceptance of Funding Variation for Transition to Work Program - Department of Ageing Disability and Home Care (DADHC) - (79342, 103069, 95498)	46
Item: 84	CP - Community Sponsorship Program - (2007 - 2008: Round 3) - (79342, 95498)	48
<b>INFRASTRUCTURE SERVICES</b>		<b>51</b>
Item: 85	IS - National Servicemen Memorial - Ham Common - (95495, 90480, 84578)	51
Item: 86	IS - Kable Street Carpark - (95495, 79346)	52

**ORDINARY MEETING****Table of Contents****Meeting Date:** 29 April 2008

<b>ITEM</b>	<b>SUBJECT</b>	<b>PAGE</b>
	<b>SUPPORT SERVICES</b>	<b>54</b>
Item: 87	SS - Monthly Investments Report - March 2008 - (96332, 95496)	54
Item: 88	SS - Local Government and Shires Association of NSW - Request for Financial Assistance With Legal Costs - Gosford City Council - (79633, 95496)	57
Item: 89	SS - Lease to Girl Guides Association (NSW) - Lot 50 in Deposited Plan 1073306, Holland's Paddock, Windsor - (107088, 92909, 8605)	59
	<b>CONFIDENTIAL REPORTS</b>	<b>61</b>
Item: 90	GM – Legal Matter – Hawkesbury Heritage Farm (Former Australiana Pioneer Village) - (95496, 79351)	61
Item: 91	IS - Tender 011/FY08 - Maintenance of Gravel Roads for St Albans and Nearby Districts - (95495, 79344)	62
Item: 92	IS - Tender 013/FY08 - Supply and Placement Asphaltic Concrete - (95495, 79344)	63
Item: 93	SS - NPWS Leasing of Bowman Cottage, 370 Windsor Street, Richmond - (107, 79337, 95496)	64
Item: 94	SS - Property Matter - Lease to Bojangles Beauty Basix - Shop 8 Glossodia Shopping Centre - (102477, 31304)	65
	<b>SECTION 5 - Reports of Committees</b>	<b>69</b>
	ROC - Local Traffic Committee - 16 April 2008 - (80245, 95495)	69



ordinary

section 1

confirmation of minutes

**ORDINARY MEETING**

Confirmation of Minutes

**ORDINARY MEETING**  
Confirmation of Minutes

**SECTION 1 - Confirmation of Minutes**

**ORDINARY MEETING**

Confirmation of Minutes

ordinary

section

3

notices of motion

**ORDINARY MEETING**

Notices of Motion

## ORDINARY MEETING

### Notices of Motion

#### SECTION 3 - Notices of Motion

##### **NM1 - Grant Application - Public Facilities Program of the NSW Climate Change Fund - (80093, 79351)**

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**Submitted by:** Councillor Calvert

#### **NOTICE OF MOTION:**

That Council apply for grant funding from the NSW Government through the Public Facilities Program of the NSW Climate Change Fund, to investigate:

1. And install solar energy panels to the Council Chambers, Deerubbin Centre and other similar buildings under the control of the Council in order to supplement the electricity demand for the buildings with the view to ultimately being able to sell electricity back to the suppliers.
2. Other innovative methods of saving electricity or water in the Hawkesbury area and request similar grants from the Climate Change Fund or any other identifiable state or federal grant programs.

#### **ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF NOTICE OF MOTION Oooo**

## **ORDINARY MEETING**

### **Notices of Motion**

#### **NM2 - Workshop for Residents Considering Nominating for Council - 2008 Local Government Elections - (80104, 79351)**

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**Submitted by:** Councillor Paine

#### **NOTICE OF MOTION:**

That Council conduct an information workshop/meeting for residents who are thinking of nominating for Council at the 13 September 2008 Local Government Elections.

#### **NOTE BY MANAGEMENT:**

As indicated previously, the NSW Electoral Commission is conducting a number of free Candidate Information Seminars prior to the Local Government Elections on 13 September 2008.

A number of these Seminars are being conducted across the metropolitan area and it has now been advised by the Commission that a Seminar is to be conducted at Penrith on Thursday, 29 May 2008 at 6.00pm.

It was proposed that the availability of the metropolitan seminars, including the Penrith Seminar, would be advertised by Council in its regular column to enable interested persons to attend as distinct from the Council conducting a seminar for intending candidates.

However, in view of this Notice of Motion, the question of Council conducting a seminar in addition to the seminars being conducted by the NSW Electoral Commission is a matter for the Council to consider and determine.

#### **ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF NOTICE OF MOTION Oooo**



ordinary

section 4

reports  
for determination

**ORDINARY MEETING**

**Meeting Date:** 29 April 2008

**SECTION 4 - Reports for Determination**

**GENERAL MANAGER**

**Item: 76**                      **GM - Review of Council's Strategic Plan - (79351)**

**Previous Item:**            280, Ordinary (11 December 2007)

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**REPORT:**

At its meeting held on 11 December 2007 Council considered a report relating to a proposal to review Council's Strategic Plan. At the time it was pointed out that the current Strategic Plan was only for a period to mid 2009 and that strategic planning processes for councils had been the subject of an Options Paper released by the Department of Local Government.

The report suggested a possible process and timetable for this review and emphasised that this was only a general guide and would be subject to ongoing review.

Subsequently, the Council resolved:

*"That Council commence the process to review its current Strategic Plan on the basis outlined in the report in this regard, having noted the proposals contained within Option 3 of the Options Paper entitled "Integrated Planning and Reporting for NSW Local Councils" issued by the Department of Local Government in November 2006."*

Following the engagement of a facilitator and undertaking initial preparatory work, a Councillor Workshop to commence the process of the review/development of Council's Community Strategic Plan was held in the Council Chambers on the weekend of 5 and 6 April 2008. Documentation resulting from that workshop, which will be the basis for further development/s/refinement in the process, is currently being finalised.

The next step will involve a workshop with staff to obtain input into the process and build upon the work undertaken at the Councillor Workshop. The Staff Workshop has now been scheduled for Tuesday 6 May 2008.

The initial proposed process (which was indicated to be subject to ongoing review) then suggested further review by Council and incorporation of public consultation.

The next steps in the process were discussed at the Councillor Workshop and it was considered that after the Staff Workshop, an appropriate consultation step could be achieved by the documentation developed up to that stage being reviewed by the focus groups that were formed in association with the recent community survey. As Council is aware, the community survey and subsequent focus groups were statistically representative of the Council's community and would provide very effective initial community review of the work undertaken to date on the Community Strategic Plan.

Following the review of the documentation by focus group participants in the Community Survey Workshop, they would be reviewed, together with comments from the focus groups, at a further "Consolidation Workshop" with Councillors.

In view of the time elements involved in that it may take some time to reorganise the focus groups and conduct a "Consolidation Workshop", it is suggested that after this the next step in the process should be a review of the documentation by the Council following the Local Government Elections on 13 September

## ORDINARY MEETING

Meeting Date: 29 April 2008

2008. The subsequent steps in the process, including further public consultation, would be generally undertaken in line with the process previously outlined in the report to Council on 11 December 2007.

### Conformance to Strategic Plan

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

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

### Funding

Not applicable as the report is only intended to update Council on the process and steps involved in reviewing/developing Council's Community Strategic Plan as previously agreed to by Council.

### RECOMMENDATION:

That:

1. The information in relation to the action taken to date in the review/development of Council's Community Strategic Plan be noted.
2. Further steps in the process, including review of documentation developed to date by the focus groups associated with the recent community survey, as outlined in the report in this regard be endorsed.

### ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

## ORDINARY MEETING

Meeting Date: 29 April 2008

**Item: 77**                      **GM - Sister City Program Policy - Student Exchange Donation, Kyotamba 2008 - (73610, 91811, 79351)**

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### REPORT:

Council at its meeting held on 10 July 2007, adopted its (International) Sister City Program Policy (Policy). Council will be aware that in adopting the Policy, it also delegated authority to the Hawkesbury Sister City Association (Association) to undertake appropriate exchange programs on Council's behalf with our two sister cities, under Section 377 of the Local Government Act, 1993.

A key activity of the Association is the annual student exchange program. This program provides the opportunity for up to 12 high school students to take part in exchange visits, where by six students may visit Temple City (California), USA and six students may visit Kyotamba (Kyoto), Japan staying with host sister city families. In reply, students from Temple City and Kyotamba also visit the Hawkesbury local government area as part of their annual student exchange programs. The Association undertakes an application and selection process and it is noted that parents and guardians primarily fund the student travel costs.

The Association has advised that the Kyotamba part of the student exchange program will take part in June 2008 and that three students have been selected to visit Kyotamba, being:

- |    |                    |   |
|----|--------------------|---|
| 1. | Mr. Blake Milne    | Bede Polding College (of Windsor Downs) |
| 2. | Ms Bethany O'Brien | Bede Polding College (of Windsor Downs) |
| 3. | Mr. Ian Richardson | Colo High School (of Bilpin)            |

It has been the practice of Council throughout the operation of the Sister City Program to make a donation of \$500 to each student visiting a sister city to help with travel and daily costs while overseas. The donation has been included in approved budgets each year.

It is recommended that Council continue to support the student exchange program by making a donation to the nominated students to help with their travel and daily costs while visiting Kyotamba, as part of the sister city student exchange program.

It is noted that the Policy requires Council and the Association to sign a sponsorship agreement in accordance with the Sponsorship Policy. The Sponsorship Policy also requires all requests for Section 356 financial assistance to be reported to Council for determination.

### Conformance to Strategic Plan

This proposal is deemed to conform to the objectives as set out in Council's Strategic Plan, viz:

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

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

### Funding

All costs will be met from the approved 2007/2008 Budget.

**ORDINARY MEETING**

**Meeting Date:** 29 April 2008

**RECOMMENDATION:**

That under the provisions of Section 356 of the Local Government Act 1993 Council donate \$500 to each student participating in the 2008 student exchange program visit to Kyotamba in accordance with the Sister City Program Policy being:

- a) Mr Blake Milne
- b) Ms Bethany O'Brien
- c) Mr Ian Richardson

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

## ORDINARY MEETING

Meeting Date: 29 April 2008

### CITY PLANNING

**Item: 78**                      **CP - Approval Sought in Retrospect - Conversion of a Stable into a Shed - Lot 1 DP 773543, 236 Bells Road, Grose Vale - (DA0539/07, 13872, 13871, 96329, 95498)**

**Previous Item:**            284, Ordinary (11 December 2007)

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#### Development Information

**Applicant:**                Mr J Potts  
**Owner:**                   Mr J & Mrs A Potts  
**Stat. Provisions:**        Hawkesbury Local Environmental Plan 1989  
**Area:**                    1.385H  
**Zone:**                    Rural Living  
**Advertising:**            Not Required  
**Date Received:**        6 September 2007

**Key Issues:**             ♦ Illegal Alterations and Additions

**Recommendation:**    Approval

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#### REPORT:

##### Introduction

This application was reported to the Council meeting of 11 December 2007 where Council resolved the following:

*"That Council defer consideration of the application to enclose an existing stable at lot 1, DP773543, 236 Bells Road, Grose Vale pending the following*

- 1. Receipt of further data on noise readings.*
- 2. Receipt of further clarification on the proposed use the applicant is seeking.*
- 3. Receipt of possible reasons for refusal if Council were to refuse the application.*
- 4. A site inspection be conducted prior to the next Council meeting."*

This report provides comments on the above matters. A copy of the previous development assessment report to the Council meeting of 11 December 2007 is attached.

- 1. Receipt of further data on noise readings.*

Noise readings were taken by Council's Environmental Health Officers using a noise meter on 13 February 2008 from (4.00pm) to 14 February 2008 (8.00am) and on 22 January 2008 from (4.00pm) to 23 January 2008 (8.00am). These dates were chosen, as they were the first dates suitable to the respondent. The noise meter was set up on the respondent's property adjacent to the common property boundary of 236 Bells Rd, approximately 5.0m from the shed which is the subject of this application.

During these monitoring periods, the respondent was provided with a noise logging sheet to document any occurrence of noise heard during the monitoring period. The information provided by the respondents on the noise logging sheet and results from the noise monitor indicated that no offensive noise was logged during both monitoring periods.

## ORDINARY MEETING

Meeting Date: 29 April 2008

2. *Receipt of further clarification on the proposed use the applicant is seeking.*

The applicant has provided further correspondence in relation to the above.

*"the shed will be used for the storage of motor vehicles and tools. It will also be used to maintain the vehicles and machinery which is used on the property. The shed is used for the same purpose as many other sheds in the Hawkesbury".*

As this is the written statement of the applicant it will form part of the development application and any approval if granted.

3. *Receipt of possible reasons for refusal if Council were to refuse the application.*

The application seeks approval to use the existing stable as a shed. The shed complies with the requirements contained in the Rural Shed Chapter of Hawkesbury's DCP. The main concern relates to the potential use of the shed and impact it may have on the adjoining neighbours.

If Council were to refuse the application, the grounds used could be as follows:

- (a) The future uses of the shed will have an adverse impact on the amenity of the residents in the immediate locality
- (b) In the circumstances, approval of the development would not be in the public interests.

4. *A site inspection be conducted prior to the next Council meeting.*

Councillors Bassett, Devine, Finch, Porter and Williams inspected the site on 24 January 2008. Also in attendance were Matt Owens, Director of City Planning, and the applicant Mr & Mrs Potts.

Councillors Bassett, Finch and Porter and the Director of City Planning and the respondents Mellissa and Margaret Ryan inspected the respondent's property.

During the discussions with Mr & Mrs Potts, the main issue discussed related to the use of the shed and the noise generated by the activities. They indicated that they would like to carry out some panel beating on a car they are restoring. Mr Owens advised that panel beating is not permitted in the zone and Council cannot grant consent for that activity.

### Conclusion

Based on the results of the noise monitoring conducted by Council staff, there is no evidence of any current offensive noise being detected. The main issue seems to be the potential noise sources generated by the use of the shed and the impact on the immediate residence. Suitable conditions have been recommended to address this issue.

### RECOMMENDATION:

That the application for the enclosing of the stable at Lot 1, DP773543, 236 Bells Road, Grose Vale be approved subject to the following conditions:

#### General

- 1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.



## ORDINARY MEETING

Meeting Date: 29 April 2008

### Use of the shed.

2. The shed shall be used for the storage of motor vehicles and other machinery associated with the maintenance of the real property only. The shed shall not be used for the purposes of spray painting, panel beating or for any commercial or industrial purposes.
3. Any uses of the shed, and its surrounds, shall be conducted in such a manner that the noise levels measured at any residential boundary do not exceed 5dB(A) above the background noise levels.
4. All noise generating equipment operated from the shed shall be acoustically designed so as not to exceed 5dB(A) above the background noise level at any boundary.
5. Any external /internal lighting shall be directed in such a manner so as not to cause a nuisance to adjoining properties
6. Any noise making activities carried out in the shed shall be conducted in accordance with the Protection of the Environment Operations (Noise Control) Regulation 2000.

### **ATTACHMENTS:**

**AT - 1** Previous Report to Council - 11 December 2007

## ORDINARY MEETING

Meeting Date: 29 April 2008

### **AT - 1 Previous Report to Council - 11 December 2007**

ITEM: CP - Approval Sought in Retrospect - Conversion of a Stable into a Shed - Lot 1 DP 773543, 236 Bells Road, Grose Vale - (DA0539/07, 13872, 13871, 96329, 95498)

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#### **Development Information**

**Applicant:** Mr J Potts  
**Owner:** Mr J & Mrs A Potts  
**Stat. Provisions:** Hawkesbury Local Environmental Plan 1989  
**Area:** 1.385H  
**Zone:** Rural Living  
**Advertising:** Not Required  
**Date Received:** 6 September 2007

**Key Issues** ♦ Illegal Alterations and Additions

**Recommendation:** Approval

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#### **REPORT:**

##### **Introduction**

The Applicant is seeking the approval for the use of the existing stable that has been partly enclosed to form a shed.

The works have already been constructed and at the request of Councillor Devine, the application is being reported to Council.

##### **Description of Proposal**

The application involves the following:

- The enclosing of a lean to on a stable to form a shed and to remove internal walls to open up the internal floor space.
- The existing shed has a roof area of 10.4m x 12m with a height of 2.6m to the gutter. The enclosed area is approximately 6.4m x 12m.
- The applicant has advised that the shed will be used for the storage of motor vehicles which includes the maintenance of these motor vehicles & other machinery kept at this address.

##### **Background**

Initial concerns were received on 9/3/2004 regarding the use of the structure & the alleged illegal business operating from the building, nuisances associated with the use of the structure such as noise, paint fumes and the use of machinery.

##### **Statutory Framework - Unlawful Structures**

The Environmental Planning and Assessment Act 1979 does not make provisions for development consent to be granted retrospectively but under section 109A of the Act there is a distinction between the *unlawful erection of a structure* and the *unlawful use of land or a structure*. Section 109A reads:

*the use of a building, work or land which was unlawfully commenced is not rendered lawful by the occurrence of any subsequent event except:*

## ORDINARY MEETING

Meeting Date: 29 April 2008

(b) *the granting of development consent to that use.*

Therefore, the development application is required to be considered on its merits and should the use of the structures be deemed consistent with relevant planning controls then an application for a Building Certificate is required to be submitted to Council.

As previously mentioned, the Act does not provide for retrospective approval for unlawful structures but a person may obtain a Section 149 Building Certificate from Council. The certificate differs from a development consent or building approval for a structure, in that it confers certain forms of legal immunity on the structure (Section 149E of the Act) rather than granting consent for the structure. It is important to note that the Section 149 certificate does not make an unlawful structure lawful but simply makes it immune from certain types of legal action for a period of seven years.

### **Matters for consideration under Section 79 (c) of the Environmental Planning and Assessment Act 1979**

a) **the provisions of:**

i) **any environmental planning instrument ( ie LEPs, REPs & SEPPs)**

The subject property is zoned Rural Living under Hawkesbury Local Environmental Plan 1989.

The Planning Instruments which are considered to control development on the site are;  
Sydney regional Environmental Planning Policy 20.  
Hawkesbury City Council Local Environmental Plan 1989. (HLEP)

*Comment:* The proposal for a shed on the subject land is a permissible use under the provisions of the Hawkesbury LEP 1989. The proposal is not inconsistent with the relevant Planning Instruments.

ii) **any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority**

There are no relevant draft EPI's that affect the land or the proposal.

iii) **any development control plan applying to the land**

The proposed development is considered to be consistent with the provisions contained in the Hawkesbury Development Control Plan, Part D, Erection of Rural Sheds.

The siting and size of the existing shed is consistent with the provisions of the DCP.

iv) **any matters prescribed by the regulations**

There are no matters discernable that are prescribed by the Regulations that affect the development.

b) **the likely impacts the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality**

The development of a shed is not considered to be out of character with the surrounding landscape and the shed alone is unlikely to have any adverse environmental impact on the locality.

The use of the shed by the owner has generated objection from adjoining owners. The application states that the shed is to be used for the "storage of motor vehicles which includes the maintenance of these motor vehicles and other machinery kept at this address." The use of the shed for storage is not a prohibited use. However, the use of the shed for the purpose of a commercial activity, ie, car repair or spray painting, is not permitted in this zone. Appropriate conditions restricting the use of the shed are proposed should the application be approved.

## ORDINARY MEETING

Meeting Date: 29 April 2008

**c) the suitability of the site for the development**

The site is suitable for the development of a shed.

**d) any submissions made in accordance with the EPA Act or Regulations**

The proposed shed did not require notification in accordance with Chapter 3 of Hawkesbury City Councils DCP as the shed is greater than 10m from the adjoining property. The site was inspected and it was found that the shed is about 10.7m from the nearest property boundary.

Notwithstanding the above several submissions have been received from the adjoining property.

Their concerns raised are in general as follows:

1. Noise associated with power tools, vehicles air compressors etc.
2. Fumes from spray painting
3. The use of the property for business purposes (motor vehicle repair) which is related to noise & paint fumes.
4. Time of noise nuisances..

The respondent has confirmed that the use of the shed is for the storage of motor vehicles and will include the maintenance of vehicles & machinery kept on the property.

As mentioned previously in this report, the erection of such a shed is not a prohibited use, however, the use of the shed for car repairs in the manner currently undertaken by the applicant is not consistent with the zone objectives.

**e) the public interest**

The development of a shed is not considered to be contrary to the general public interest.

### Conclusion

The proposed development of a shed only demonstrates satisfactory compliance with the provisions of Hawkesbury Local Environmental Plan 1989 and Hawkesbury Development Control Plan and has no environmental impact.

The main concern from the respondent is not the shed but the use associated with the shed. Concerns such as noise from motor engines, use of power tools & hand tools, hammering, grinding, & paint fumes associated with spray painting.

The applicant has advised that the shed will be used for the storage & maintenance of vehicles kept on the site. While it is accepted practice that this type of activity is associated with rural sheds, the use of the shed for commercial or industrial purposes is not permitted. Due to the alleged offences associated with the use of the shed, appropriate conditions to control/restrict these activities are proposed.

### RECOMMENDATION:

That the application for the enclosing of the stable at Lot 1, DP773543, 236 Bells Road, Grose Vale be approved subject to the following conditions:-

#### General

1. The Development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.

## ORDINARY MEETING

Meeting Date: 29 April 2008

### Use of the Site

2. The shed shall be used for the storage of motor vehicles and other machinery associated with the maintenance of the property only. The shed shall not be used for purposes of spray painting or for commercial purposes.
3. The development shall be conducted in such a manner that the noise levels measured at any residential boundary do not exceed 5dB(A) above the background noise levels.
4. All noise generating equipment shall be acoustically designed so as not to exceed 5dB (A) above the background noise level at any boundary.
5. Any external /internal lighting shall be directed in such a manner so as not to cause a nuisance to adjoining properties.
6. Any noise generating activity in, or around, the shed is to be limited to the hours of 7.00 am and 6.00 pm.

### ATTACHMENTS:

- AT - 1 Locality plan
- AT - 2 Site Plan
- AT - 3 Elevations
- AT - 4 Aerial View

## ORDINARY MEETING

Meeting Date: 29 April 2008

### AT - 1 Locality plan



**Meeting Date:** 29 April 2008

**Bells Road**     73m  
No. 263 Bells Road Gross Vale

Water course

Water course

Water course

Water course

over flow runoff drainage

66,000 litre water tank

Existing concrete block retaining wall

existing laundry

proposed additions

46m

shed

10m

80m

Over Flow Runoff Drainage

**Proposed alteration to residence**

For **Amanda Potts**

NO WORK TO BE CONDUCTED OUTSIDE APPROVED HOURS OF OPERATION:

Amendment Date	Amendment Date
Amendment Date	Amendment Date
Sheet No.	Scale
01	1 : 500

**General Notes**

All ground lines are approximate.  
Use figured dimensions in preference to scale.

These plans are Copyright protected and remain the property of Cox Design Services and cannot

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**Meeting Date:** 29 April 2008

[illegible]



**ORDINARY MEETING**

**Meeting Date: 29 April 2008**

**AT - 4 Aerial View**



oooO END OF REPORT Oooo

oooO END OF REPORT Oooo

Item: 79 CP - Urban Sustainability Grant Funding - Final Report - (95498)

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**REPORT:**

Hawkesbury City Council was awarded an Urban Sustainability Seed Funding grant of \$20,000 from the NSW Environmental Trust in mid 2007. Council used these funds to engage the Institute for Sustainable Futures - University of Technology Sydney (ISF), to assist with the preliminary work for the preparation of a sustainability planning strategy.

The general aims of the project were to:

- assess the current situation with regard to sustainability planning – including the identification of any gaps in Council's approach to addressing sustainability.
- identify opportunities to integrate sustainability into Council's governance framework and planning processes.
- embed the community's vision into council's approach to sustainability.
- increase the understanding of and commitment to sustainability (as a holistic framework with environmental, social and economic dimensions) among Council staff and Councillors.
- developing a strategic approach to sustainability, to guide and inform Council planning processes over the longer term.

To meet these general aims, ISF worked both independently and in collaboration with Council's City Planning Strategic Team to assess the current situation of Hawkesbury City Council, and to understand the sustainability challenges and opportunities that it faces. Given the limited funds available it was recognised that it would not be possible to prepare a full sustainability strategy for Council. As such, the project was redefined so that, rather than produce a full strategy, the report would provide a framework for the incorporation of sustainable principles into the preparation of Council strategies and general operations. It was also considered that this approach would be timely given that Council has recently commenced the preparation of the Community Strategic Plan.

ISF were requested that the final report have a targeted set of recommended strategies/principles that reflect the priority issues identified by the community survey results and the existing Council documents, be based on best practice, and provide practical suggestions for 'how to do this', including referencing existing models or examples from other Councils.

In summary the report contains:

- A series of **sustainability principles**. These are based on leading-edge thinking about sustainability, and can be used to guide the high-level strategic approach to sustainability at Hawkesbury City Council. These principles would also function as a 'check' on planning and decision-making by assisting in determining which option will most effectively implement the sustainability aims of the Council and the community.
- A number of **sustainability objectives** for Hawkesbury City Council to work towards.
- Suggested **strategic directions** for Hawkesbury City Council. With reference to the sustainability principles and to the particular challenges and opportunities facing Hawkesbury City Council, a series of suggested directions is provided, that demonstrate a variety of approaches that Council might take in working towards the sustainability objectives.

## ORDINARY MEETING

Meeting Date: 29 April 2008

- A range of **implementation examples**. These are specific actions that could be taken under each of the strategic directions. The implementation examples are suggestions only – there are numerous other actions that could be taken in support of a given strategic direction.

The principles, objectives and directions in the report are designed to assist in focusing the preparation, or review, of future Council strategic documents and the day to day operational functions of Council. The recommendations of the report can be used as a guide in the short term and ultimately as a basis for the preparation of a more detailed sustainability strategy.

### Conformance to Strategic Plan

Making a commitment to sustainability entails adopting a framework for planning and decision making would be considered as an integral part of Council's Strategic Plan. The report is deemed to conform with the objectives set out in Council's Strategic Plan i.e:

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

### Funding

Conditions of the grant funding stipulate that Council must send to the Trust the final Plan endorsed by the Council by 30 April 2008, or such other date as is approved in writing by the Trust. Failure to endorse the report may result in the Council being required to repay the already expended grant funds.

The preparation of a detailed Sustainability Strategy will require a significant amount of staff monetary resources. The extent of resources required will depend on the form and focus that Council may wish to pursue. Currently there is no specific budget allocation for the preparation of a Hawkesbury City Council Sustainability Strategy. It is considered that the subject report is adequate to assist, in the short term, with the incorporation of sustainability principles into documents currently being reviewed or prepared.

The cost to prepare a Sustainability Strategy could be in excess of \$100,000, depending on the detail required. There may be some scope for further grant funding from the Department of Conservation and Climate Change or the NSW Environmental Trust. However, to qualify for this Council would be required to demonstrate a commitment to the incorporation of sustainability principles, and their implementation, into all of Council's planning and operations. The endorsement of the current Sustainability Planning Report that the Urban Sustainability Seed Funding grant of \$20,000 funded would be the first step.

### RECOMMENDATION:

That the final Report "Sustainability Planning for Hawkesbury City Council" be endorsed by Council.

### ATTACHMENTS:

- AT - 1** Sustainability Planning for Hawkesbury City Council Final Report prepared by Institute for Sustainable Futures For Hawkesbury City Council. Funded by the NSW Environmental Trust Urban Sustainability Seed Grants - (*Distributed under separate cover*).

oooO END OF REPORT Oooo

## ORDINARY MEETING

Meeting Date: 29 April 2008

**Item: 80**                      **CP - Hawkesbury City Council Outdoor Dining and Footpath Trading Policy - (95498)**

**Previous Item:**            116, Ordinary (26 June 2007)

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### REPORT:

At the meeting of 24 April 2007, Council resolved as follows:

*"That Council:*

1. *Adopt the Outdoor Dining and Footpath Trading Policy attached to the report in connection with this matter.*
2. *Adopt a new fee of \$120.00 for a permit to occupy Council's footpath for outdoor dining and/or trading, a \$60.00 fee for the variation permit.*
3. *Council establish categories of outdoor dining locations for:*
  - a) *Thompson Square and Windsor Mall environs;*
  - b) *Elsewhere in Windsor, Richmond and North Richmond; and*
  - c) *Elsewhere in the City*

*and establish usage fees relative to their trading locations to be charged annually."*

At the Council meeting dated 26 June 2007, Council considered a report recommending the fees required in the above resolution and resolved to place on public exhibition for a period of 28 days, Council's intention to charge the following fees for the usage of Council's footpath areas for outdoor dining/or trading:

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

The fees were duly advertised in the local press as required by the resolution of Council during July/August 2007.

No responses have been received during or after the exhibition period in relation to the advertised fees.

The regulations for the Windsor Mall are currently being reviewed. The fees for the Windsor Mall usage will not be applied until such time as Council has adopted the Policy for Windsor Mall.

### Conformance to Strategic Plan

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

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

**ORDINARY MEETING**

**Meeting Date:** 29 April 2008

**Funding**

Process to be accounted for in current budget.

**RECOMMENDATION:**

That the:

1. Following fees be included in Council's adopted fees and charges:

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

2. Fees for Windsor Mall not be implemented until such time as Council has reviewed the Policy and "Regulations" for Windsor Mall.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

## ORDINARY MEETING

Meeting Date: 29 April 2008

**Item: 81 CP - Refurbishment of the Band Room - March Street, Richmond - (74052, 95498)**

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### REPORT:

This report has been prepared to seek Council's approval to vary the adopted 2007/2008 building works program to redirect additional funds for the refurbishment of the Richmond Band Room. The aim of the refurbishment is to improve this facility and increase its functionality so that it can be better utilised as a performing arts rehearsal space by music groups.

### Background

The Band Room in March Street (located behind the Richmond Branch Library) has, for a number of years, been 'leased' to the Hawkesbury District Concert Band for a nominal \$100.00 per annum rental charge.

The Band Room shares facilities with the adjoining building at 139 March St, Richmond which is also owned by Council and leased on a commercial basis for \$13,000.00 per annum.

In March 2007 Council adopted a Sponsorship Policy to establish a framework for the provision of Section 356 financial assistance to external organisations. The Sponsorship Policy was prepared in accordance with the guidelines issued by the Independent Commission Against Corruption. Following the adoption of the Policy, Council realigned its community and cultural grants programs into a Community Sponsorship Program to conform with the Sponsorship Policy.

### Current Exclusive Use Arrangement

The current arrangement in relation to the lease of the Band Room provides the Concert Band with the exclusive use of this facility. This arrangement confers a financial advantage onto the Concert Band in that the facility is leased to the Concert Band for a rate which is considerably less than the market rental which could be collected for this property. Under the ICAC guidelines (on which Council's Sponsorship Policy and Community Sponsorship Program have been based) this arrangement could be interpreted as financial assistance. This would create a requirement for the provision of this assistance to be transacted through Council's Community Sponsorship Program.

Management understands that it would certainly be Council's intent to maintain its long-term support of the Concert Band by providing for the continued usage of the Band Room by the Concert Band. In this context, it would also be Council's wish that any changes to the current arrangements should minimise any disruption to the Band's activities and privileges, or not create a substantial additional compliance burden for the Band which may arise from the requirements of the Community Sponsorship Policy.

To address this situation Council staff have identified an option which would see the Band Room treated as a community facility managed by the Concert Band in accordance with the Council's standard protocols which underpin similar arrangements across the City. Under these protocols, Council has delegated care and control of the majority of its community facilities to community committees to manage on behalf of Council for the benefit of the community. This model requires a community committee to make facilities available to the community for hire (on an equitable and non-discriminatory basis) and then to use the income collected from the hire of facilities to meet day-to-day operating expenses.

### Proposed Refurbishment of Richmond Band Room

Council staff met with the Hawkesbury City Concert Band Committee on 1 April 2008 to discuss this option. It was recognised that in order for the Band Room to be made available for hire as a performing arts rehearsal space for music groups, it would need to be refurbished. Funds amounting to \$19,200.00 were included in the 2007/2008 works program for this purpose.

## ORDINARY MEETING

Meeting Date: 29 April 2008

Prior to the meeting, Council's staff prepared and costed a preliminary sketch plan which provided for the provision of additional storage, the upgrading of the kitchenette, the provision of lockable cupboards, new work-stations and a meeting room upgrade together with the repainting, recarpeting and replacement of furniture (see Attachment 1). The cost of the refurbishment was estimated at \$35,000.00 - a cost which reflected the amount of work that would be required to bring the Band Room to a position where it could be made available for hire by other groups. A copy of the sketch plan was provided to the Committee prior to the meeting.

The Hawkesbury City Concert Band Committee were supportive of the proposal to refurbish the Band Room to make it available for hire as a performing arts rehearsal space. The Committee advised that in recent times it had in fact been making the facility available for use by other groups. The Committee did indicate that their support was conditional on the following:

- a. further discussion and consultation regarding the proposed refurbishment plan - Council staff indicated that this would be critical in achieving the best design outcome given the Committee's practical knowledge about the Band Room; and
- b. restricting the type of performing arts groups that would be able to hire the Band Room - the Committee felt strongly that the Band Room should only be used as a rehearsal space for music groups rather than drama or dance groups as the latter would require all equipment, music stands and chairs to be removed from the Band Room. The Committee were concerned about the damage that could occur to large musical instruments if they were required to be continually packed and unpacked. Restricting the hire of the Band Room to music groups would minimise disruption to the Concerts Band activities. The Concert Band also indicated that leaving their instruments and equipment unpacked would make them available to other music groups hiring the Band Room (subject to negotiation with the Concert Band).

### Future Management of the Band Room

Council staff also discussed options for the future management of the Band Room. A number of options were identified:

- a. 377 delegation for the day-to-day care and control of the Band Room being conferred onto the Concert Band Committee and the Committee then levying user groups a hire charge to collect income to offset the operating costs of the building.
- b. Council directly managing the building - Council's Community Facilities and Grants Co-ordinator undertaking a property management role (as currently is the case with a number of facilities where committees have relinquished their 377 delegation or where committees have contracted Council to provide property management services).
- c. a 'music performing arts' committee be established made up of Band Room user groups who would manage the Band Room and investigate opportunities for collaboration, sharing of resources, joint programs etc. Council's Cultural Services Staff would be in a position to provide initial advice and ongoing support (subject to workloads) to such a committee to advance both the agenda of the committee and deliver on the goals of Council's Cultural Plan.

### Funding the Refurbishment of the Band Room

As indicated previously, \$19,200.00 has been allocated in the 2007/2008 works program for the refurbishment of the Band Room. The actual cost of the refurbishment is estimated to be \$35,000.00 leaving a shortfall of \$15,800.00.

It is proposed that this shortfall be funded through the re-allocation of funds within the 2007/2008 works program as follows:

- \$3,981.00 remaining from the refurbishment of the area beneath the Windsor Function Area commonly referred to as the 'Dungeon'. \$11,600.00 was allocated to upgrade this facility to increase

## ORDINARY MEETING

Meeting Date: 29 April 2008

its functionality as a rehearsal space (the Dungeon is used by a number of groups including the Hawkesbury Pipe Band, and the Macquarie Towns Orchestra). Works undertaken included the construction of a store room and the recarpeting and repainting of this space. The works have been completed.

- \$12,000.00 to be reallocated from the \$25,000.00 allocated for the upgrade of the Seniors Centre kitchen. The \$25,000.00 is not required for this purpose as the kitchen upgrade has been funded by Peppercorn Services Inc as part of the establishment costs for the Centre Based Meals Program which now operates from the Centre (the balance of the \$25,000.00 will be the subject of a capital works variation to be reported in conjunction with the March Quarter financial reports).

Total funding for the proposed refurbishment would be derived as follows:

Current provision in the 07/08 works program for the refurbishment of the band Room	\$19,200.00
Funds remaining from the refurbishment of the "Dungeon"	\$ 3,981.00
Funds reallocated from the kitchen upgrade of the Seniors Centre	<u>\$12,000.00</u>
Total	<b><u>\$35,181.00</u></b>

### Conformance to Strategic Plan

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

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

### Funding

The report outlines a proposal for funds currently allocated in the adopted 2007/2008 works program to be reallocated for the proposed project. The proposed funding plan will deliver the project without the requirement for additional 'non-budgeted' funding.

### RECOMMENDATION:

That Council:

1. Approve the reallocation of funds from the 2007/2008 building works program as outlined in this report to facilitate the refurbishment of the Richmond Band Room.
2. Staff to consult further with the Hawkesbury City Concert Band Committee to finalise the design brief for the refurbishment of the Richmond Band Room.
3. Staff work with the Hawkesbury City Concert Band Committee to draft a hire policy for the Richmond Band Room and to identify an agreed model for the future management of the facility.

### ATTACHMENTS:

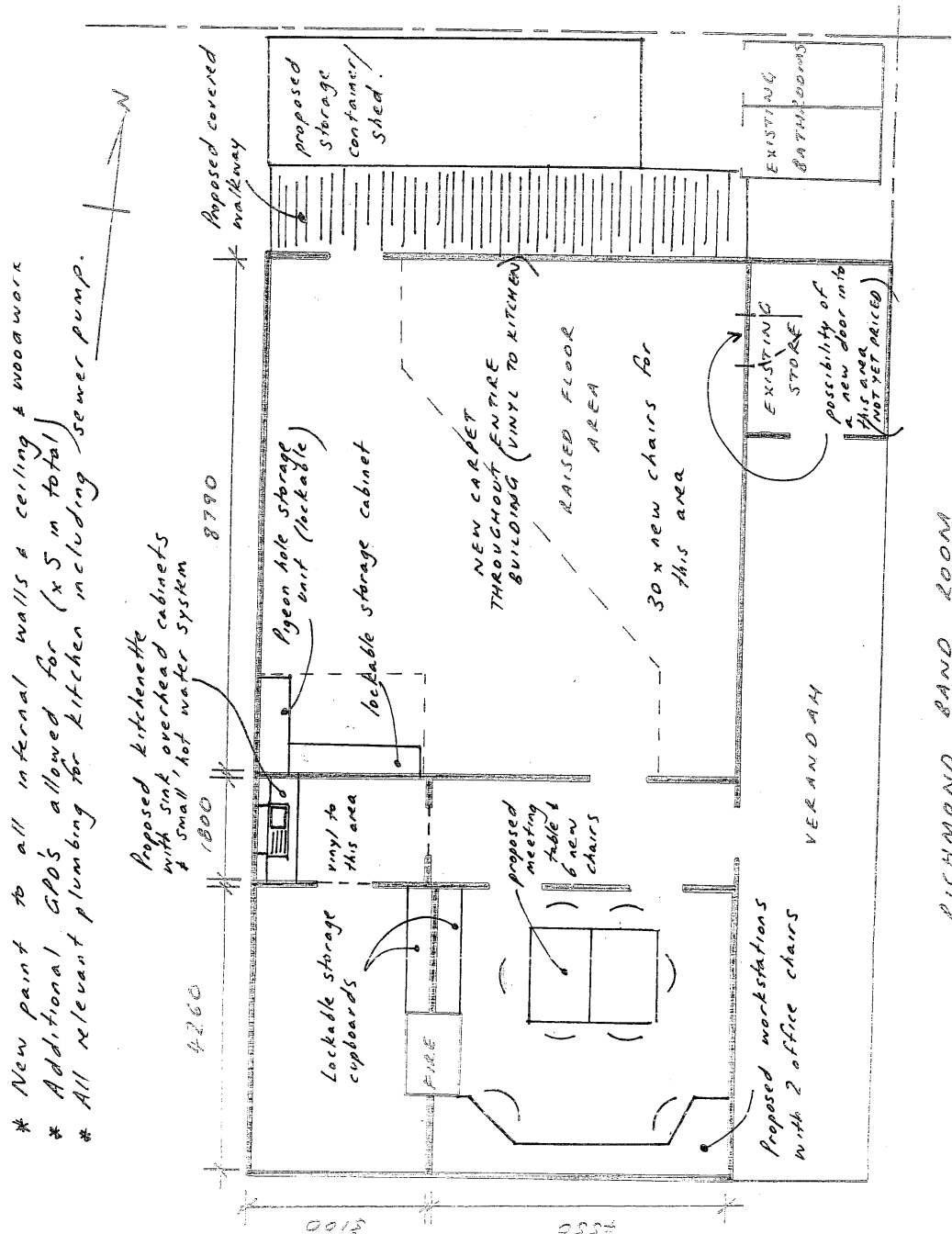
**AT - 1** Preliminary sketch plan for refurbishment of Richmond Band Room.



# ORDINARY MEETING

Meeting Date: 29 April 2008

## AT - 1 Preliminary sketch plan for refurbishment of Richmond Band Room



oooO END OF REPORT Oooo

## ORDINARY MEETING

Meeting Date: 29 April 2008

**Item: 82**                      **CP - Hawkesbury City Eisteddfod Society - Options for Funding - (79342, 95498)**

**Previous Item:**            217, Ordinary (30 October 2007)  
                                 288, Ordinary (11 December 2007)  
                                 49, Ordinary (9 March 2008)

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### REPORT:

This report has been prepared in response to Council's request for further information regarding possible models for the future funding of the Hawkesbury Eisteddfod. The report canvasses issues surrounding the funding of the Eisteddfod and provides a mechanism for Council's consideration which would identify the Eisteddfod as a 'flagship' cultural event and provide for a renewable long-term sponsorship agreement to be negotiated for the staging of this event.

### Background

Council has been sponsoring the Hawkesbury Eisteddfod for (at least) the past two decades. This sponsorship has been provided through the Section 356 financial assistance programs - initially through the former Community and Cultural Grants Program and more recently through the Community Sponsorship Program.

The Community Sponsorship Program (CSP) replaced the previous Community and Cultural Grants Program and was established following Council's adoption of its Sponsorship Policy. The Sponsorship Policy was prepared in accordance with guidelines issued by the Independent Commission Against Corruption and adopted in May 2007.

Council's adoption of its Sponsorship Policy required Council staff to realign Council's Section 356 financial assistance programs to ensure that the provision of this assistance conformed with the Policy and ICAC guidelines. This process has had implications for funding arrangements for a number of organisations including the Hawkesbury City Eisteddfod Society (HCES).

Funding arrangements for the HCES have been reported to Council on a number of occasions, most recently in 11 March 2008 when considering a report into this matter Council resolved that:

- "1. Council acknowledges the importance of the Hawkesbury District Eisteddfod Society's activities within the Hawkesbury City Council Area.
2. A report be submitted to Council outlining if a structure similar to the structure of the Hawkesbury Sports Council could be established regarding cultural activities."

### Summary of Issues

Management understands that Council's purpose in requesting a further report is to identify a mechanism by which continued funding for the HCES can be provided by Council in a way that addresses concerns expressed by representatives of the HCES regarding the uncertainty and implications which are perceived to arise out of the requirement for their funding to be administered through the Community Sponsorship Program (CSP). These concerns appear to cover two aspects:

- a) the requirement for regular applications to be made by the HCES for funding under the CSP (which requires either an annual or three-yearly application); and
- b) the perception that continued funding under the CSP may give rise to adverse inferences or hostility from other organisation funded under this program, given that HCES sponsorship accounts for almost 40% of funds allocated under the CSP.

The practical intention of Council's resolution of 11 March 2008 is to assess whether there is another funding mechanism available, such as that employed for the Hawkesbury Sports Council, which could see the HCES funded from Council's general funds (or a source other than Section 356 financial assistance). This alternative mechanism would then negate the requirement for the HCES to lodge applications for 356 financial assistance.

It is also understood that Council's resolution requested the investigation of possible models by which Council could support the participation of children and young people in cultural activities in the same way that Council currently supports the participation of children and young people in sporting activities through funds allocated to the Hawkesbury Sports Council - the implication being that there may be an inequity in Council's approach to the funding of sports and the funding of culture. In particular, Council were interested in exploring provisions within the *Hawkesbury Cultural Plan 2006 - 2011* as they relate to support for the performing arts.

This report therefore addresses the following issues:

1. An overview of the Hawkesbury Cultural Plan 2006-2011 and the elements within the plan which deal with supporting the participation of children and young people.
2. Current arrangements by which Council provides financial assistance to external organisations.
3. An assessment of possible sponsorship models - based on current practice - to best deliver future funding for the Hawkesbury Eisteddfod.

#### **1. Hawkesbury Cultural Plan 2006-2011**

The *Hawkesbury Cultural Plan 2006 - 2011* was adopted by Council on 30 May 2006 to provide Council and the community with a template for supporting cultural development in the City of Hawkesbury. The Plan interprets 'culture' in its broadest sense as the sum of the connections between people and between people and place - connections which define local identity and sense of place and are themselves the result of the impact of the history, landscape, population patterns and the built environment. In this context 'art' and 'artefacts' are how these connections are represented and expressed.

Given this broad purview, the Cultural Plan does not make specific reference to the performing arts or to individual activities. It sets out broad actions which are intended to embed and integrate cultural services and cultural activities into everyday community life. The Cultural Plan recognises that Council's primary role is to support cultural activity in a way that encourages the involvement of all residents in the cultural life of the City.

The Cultural Plan was developed following a comprehensive consultation and stakeholder engagement process. Its directions and actions are focused on achieving the broad goal of community cultural development within a constrained resource environment. The Plan recognises that Council - through its Cultural Services Unit - 'does not have the resources required to adequately respond to the cultural development needs of the community'. The Plan therefore attempts to build capacity for cultural development through a two pronged approach - firstly to embed cultural services into the business of Council by recognising that community cultural development can be supported by a range of Council programs and facilities, and secondly, to establish partnerships with the community and corporate sectors to decentralise cultural activity.

The Cultural Plan does not position Council as the major provider of cultural activities within the Hawkesbury, but as a catalyst in developing and supporting a decentralised network of programs, projects, facilities and events across the City of Hawkesbury. In this context, the Cultural Precinct itself - the Regional Gallery, Library and Regional Museum - is positioned as a tool for facilitating community cultural outreach and community based cultural activities rather than existing as an end in itself. Its purpose is not to centralise cultural activity in one location but to provide a 'hub' for decentralised cultural activity.

Council staff have interpreted this mandate as requiring Council to support and build the community's capacity to initiate and sustain cultural activities and events. The strategies which flow from this approach are about Council providing the infrastructure and/or financial or in-kind assistance to community groups to

## ORDINARY MEETING

Meeting Date: 29 April 2008

support decentralised community cultural activity rather than Council being responsible for directly delivering these activities. This approach recognises the workforce and financial restrictions within Council's Cultural Services Unit (CSU) - staffing ratios within the CSU are below industry benchmarks. As a consequence there is limited capacity for reassigning staff hours away from the core operations associated with the running of the Library, Regional Gallery and (the soon to be opened) Regional Museum, and the cultural programs delivered through these venues. Indeed the CSU currently relies on a 100 strong volunteer workforce to maintain its existing service levels.

The Cultural Plan therefore includes actions which are aimed at facilitating the goals of community cultural outreach and community based cultural activity (which by implication are intended to support the performing arts). The key action within the Plan includes:

- reviewing the cultural grants program to focus on strategic goals of the Cultural Plan - this review has been completed and a re-configured Community Sponsorship Program has been instituted to align funding eligibility with the achievement of goals and strategies outlined in Council's strategic, cultural and social plans. The Community Sponsorship Program enables Council to provide funding for a broad range of cultural programs and activities;
- establish a network of community cultural centres by refurbishing council facilities to better accommodate cultural activities - as reported elsewhere in this Business Paper, Council has, or is in the process of, refurbishing the 'Dungeon' and the Richmond Band Room to provide improved rehearsal facilities for music groups;
- provide affordable access to community centres and cultural facilities - Council has made the Stan Stevens Studio available to community groups free of charge and continues to subsidise the use of the Windsor Function Centre. Council currently maintains 23 community centres and facilities which are extensively used by dance, craft and arts groups;
- developing schools based and targeted programs for children and young people. The Regional Gallery and Library currently provide a range of outreach and centre-based cultural programs for young people and children. Planning is underway for Museum excursion program based on NSW Department of Education and Training Curriculum within the context of a broader schools-based program.

The actions flowing from the Cultural Plan, taken collectively, support the participation of children and young people in cultural activities across the City. The partnership and decentralised approach adopted within the Cultural Plan, though perhaps not as visible as a 'centralised' entity such as the Hawkesbury Sports Council, nevertheless deliver the same outcomes for children and young people - the provision of a network of facilities and programs which can support their participation in sporting and cultural activities. Although financial comparisons are a crude indicator of relativities, Council's current budgetary allocation targeted to the provision of sporting and recreational facilities and programs (which themselves can be considered as expression of the cultural life of the City) amount to \$6.079M, while outlays for cultural facilities and activities amount to \$3.985M.

The Cultural Plan does not make specific reference to the Hawkesbury Eisteddfod, nor did it identify a requirement to create an entity like the 'Hawkesbury Cultural Council' to replicate the functions of the Hawkesbury Sports Council in supporting the participation of children and young people in cultural activities. The Plan accepts that this goal will be better achieved by realigning Council's internal operations and processes to support community cultural development in its broadest sense, and by recognising and supporting the diversity of existing community based cultural activity by improving the accessibility and affordability of these activities.

### **Current arrangements for the Provision of Funding to External Organisations**

Council currently provides financial assistance and contributions to external organisations through a number of mechanisms. Council's resolution of 11 March 2008 requested further information on arrangements (similar to that in place for the Hawkesbury Sports Council) which are defined by Section 377 of the *Local Government Act*. In the main, these 'Section 377' arrangements enable Council to

## ORDINARY MEETING

Meeting Date: 29 April 2008

provide financial contributions to an external organisation to assist those organisations to assume responsibility for a council asset delegated to them under Section 377 of the Act.

In examining the application of Section 377, it is important to clearly distinguish between a Council committee and a Section 377 delegation.

### Committees of Council

In practice, the establishment of a committee does not ordinarily result in the provision of financial assistance to an external organisation. Where Council has established Committees this has generally been in situations where Council has identified a need for an advisory mechanism. Council has subsequently resolved to establish a committee with a prescribed but broad-based membership - including one or more Councillors and community representatives who have the skills and capacity to represent the interests of the broader community. These committees meet regularly to consider staff reports and make recommendations which are subsequently reported to Council through the inclusion of the Minutes of meetings in Council's Business Papers. These committees act in an advisory capacity only and do not have authority to act on Council's behalf, or direct staff, or distribute funds, or make operational decisions. Where a committee has resolved to recommend specific actions they are required to be reported to Council as a separate item in the Council Business Paper. There are currently seven Committees in place - Hawkesbury Community Planning Committee, Hawkesbury Three Towns Sewerage Advisory Committee, Hawkesbury Bicycle and Access Mobility Committee, Waste Management Advisory Committee, the Floodplain Risk Management Committee, the Hawkesbury Civics and Citizenship Committee and the Heritage Advisory Committee.

### Section 377 Delegation

Council's usual practice with regard to the delegation of authorities and functions under Section 377 is to delegate responsibility for the day-to-day management of a Council asset, service or function to an external organisation. These external organisations operate as autonomous entities with the all statutory responsibilities which flow from this legal status - they can and do employ staff; operate other 'non-Council' businesses; enter into contracts; lobby state and federal governments; and may receive grants from other sources. These external organisations are not Committees of Council but act as delegated managing agents with defined authorities to transact business on Council's behalf. Council currently has 30+ such arrangements in place which are generally defined by the nature of their Council delegation which can be:

- a delegated asset, the most common type of delegation (34 current delegations) - for example the Hawkesbury Sports Council who have been delegated responsibility for all active playing fields in the City; the McMahon Park Management Association with delegated responsibility for McMahon Park, and a number of community agencies such as Bligh Park Community Services Inc., Greenhills Child Care Centre Inc who operate community buildings on Council's behalf. Under this arrangement Council provides a financial contribution to these organisations to meet the costs associated with the management and operation of these assets. This contribution can be a direct allocation from Council's general funds as for the Hawkesbury Sports Council, or alternatively Council agrees to forgo the income generated through the hire of a council asset, provided that the income is used to meet the day-to-day operating costs of the asset. These arrangements do not fall within the provisions of Section 356 financial assistance as the funding provided (or income forgone) is used to meet the ordinary cost of maintaining a Council asset and are not used for any other 'external' purpose - the funds are not a donation or 'external' sponsorship (as defined by the Sponsorship Guidelines issued by ICAC);
- a delegated service - Peppercorn Services Inc. (PSI) have been delegated responsibility for the management and operation of Council's externally funded services. Under this single arrangement, Council forwards the external grant income it receives for these services to PSI to enable PSI to provide these services. This arrangement also does not fall within the provisions of Section 356 financial assistance as the funds forwarded to PSI are used to operate a Council service which has been contracted out to PSI;

- a delegated function - Hawkesbury Sister City Association Inc (HSCA) have been delegated authority to "..... *develop and conduct exchange programs in association with established Sister City relationships*" (Council Resolution 10 July 2007). Under this single arrangement, Council provides financial assistance to the HSCA to enable it to conduct a Sister Cities exchange program. The nature of this program - whereby the HSCA provides up to \$500 as a contribution to the cost of an individual student participating in the program, and co-ordinates the program for the benefit of participating persons - falls within the definition of Section 356 financial assistance as a participating student can be deemed to derive an 'individual benefit' from the financial assistance provided both directly to them and indirectly through the funds used by the HSCA to co-ordinate the Program. As financial assistance is provided under Section 356, the details of this program are included in Council's Management Plan and, as required by Council's Sponsorship Policy, a Sponsorship Agreement has been executed between the HSCA and Council. The HSCA is not a Committee of Council and operates as an external organisation - a nominated Council staff member meets regularly with the management executive of the HSCA to discuss sponsorship arrangements and other matters, but they are not otherwise involved in the operations of the HSCA.

#### Section 356 Financial Assistance

The provision of financial assistance under Council's Community Sponsorship Policy is the other mechanism by which Council provides funds to external organisations. As Council has been previously advised the release of guidelines (in June 2006) by ICAC required Council to review its Community and Cultural Grants Program to ensure their compliance with the guidelines. On 13 March 2007 Council adopted a Sponsorship Policy prepared in accordance with ICAC guidelines. The Policy provides for the continued sponsorship of the Hawkesbury Eisteddfod subject to the HCES applying for sponsorship under the Community Sponsorship Program and meeting the accountability requirements set down for this Program.

Council's resolution of 11 March 2008 seeks some further clarification as to whether a funding arrangement for the HCES can be contrived which would exist outside of the provisions of Section 356 financial assistance programs, and by implication Council's Community Sponsorship Program. In particular, could the current arrangements applying to the Hawkesbury Sports Council (HSC) be replicated for the HCES. It should be understood that the funding of the HSC does not constitute Section 356 financial assistance - the funds provided by Council are used exclusively for the maintenance of Council's active playing fields. In effect Council does not fund the Sports Council for any other purpose than to meet the costs arising from their management of a Council 'business', that is they have been delegated the responsibility for a Council function.

Having regard to the information provided above, the funding of the HCES on the same basis as the HSC could only be achieved if Council were to delegate to the HCES responsibility for managing a Council asset, service or function. This delegation may then require Council to provide a funding contribution to the HCES to meet the costs associated with their management of a Council asset, the provision of a Council service, or the conduct of a Council function. These funds could not be used for the staging of the Hawkesbury Eisteddfod and the HCES would still be required to apply for sponsorship to stage this event. The reason that Council funds the HSC differently from the HCES is simply that they do not perform the same functions.

Council has also requested some clarification as to whether Council could resolve to take over the staging of the Hawkesbury Eisteddfod - making it a Council business - and then delegate this event back to the HCES to manage on behalf of Council. Disregarding the issue of whether it would be prudent for Council to create a precedent which may see other organisations requesting a similar arrangement to secure ongoing funding for an event or activity, the ostensible reason for Council taking this action would appear to be to remove the HCES from the provisions of Council's Sponsorship Program. This may place Council's financial assistance programs in conflict with the principles outlined in the ICAC Sponsorship guidelines as well as the provision of Section 356 financial assistance. In any event, given the model established between Council and the Hawkesbury Sister Cities Association, the conferring of a Section 377 delegation does not by itself do away with the requirement for a sponsorship agreement funded through the use of Section 356 financial assistance allocations to be executed.

## ORDINARY MEETING

Meeting Date: 29 April 2008

Advice from Council's Risk Management Branch also indicates that should Council resolve to assume responsibility for the staging of the Eisteddfod, then this decision is likely to expose Council to an increased WorkCover compliance burden and would probably require Council to develop and implement changed arrangements for the staging of the Eisteddfod which would impact on the autonomy and role of the HCES and the cost of the event. Risk Management also advises that taking on the Eisteddfod is likely to expose Council to an increased risk liability - as the 'owner' of the Eisteddfod, Council would inevitably be drawn into any legal action as a co-defendant.

In relation to current funding arrangements between Council and external organisations, the salient point to be made is that the presence or absence of a Council 377 delegation and the nature of that delegation determines the source of funding for the activities governed by that delegation. For the reasons outlined above, it is unlikely that an appropriate alternative funding arrangement for the HCES can be contrived outside of the requirements of Council's Community Sponsorship Policy.

### **Future Funding of the Hawkesbury Eisteddfod**

The existing funding arrangements outlined above, provide a template for considering alternate models for the future funding of the Eisteddfod and other cultural activities. These include:

**Model 1 - The 'Sports Council' model.** This would see Council establish a similar body - the Hawkesbury Cultural Council - to which Council would delegate responsibility for the day-to-day management and operation of Council's cultural assets. Replicating the Sports Council model would at a minimum, require Council to delegate to this body responsibility for the management of the Regional Gallery and Museum and the transfer of funds to underwrite their continued operations. The Cultural Council would operate as an independent entity and would draw its membership from a broad range of qualified professionals and community representatives which may or may not include representatives of the HCES. Council may also delegate to the Cultural Council responsibility for recommending the funding of cultural events such as the Eisteddfod - but these recommendations would still be required to be reported to Council for determination and would still necessitate the execution of a formal sponsorship agreement. If this were the case then representatives of the HCES and other applicants for sponsorship would have a conflict of interest and could not sit on the Cultural Council. The Sports Council model holds significant industrial implications for the Council staff affected, and would be inconsistent with the Hawkesbury Cultural Plan, and the terms of the Memorandum of Understanding and the Deeds of Agreement Council has entered into with various stakeholder groups to provide an operational framework for these facilities. It would be difficult to see how this model would achieve the intent of Council's resolution of 11 March 2008, and, given the success and growth of current CSU operations, there appears to be no persuasive reasons for Council to move towards this model.

**Model 2 - The Committee model.** This would see Council establish a Committee of Council which would operate in an advisory capacity - similar to existing committees. The role of the Committee would probably be similar to the role of the Cultural Precinct Advisory Committee (CPAC) which Council dissolved in September 2007 on the basis that CPAC had achieved its objectives and it was determined that the Hawkesbury Cultural Plan 2006-2011 provided a mechanism and template to guide Council's work in relation to community cultural development. If Council wished to re-establish a Committee, the prescribed role of 377 advisory committees (as outlined previously) would seem to preclude such a committee from dealing with day-to-day operational matters and/or decision making regarding the funding and staging of cultural events. The establishment of a Committee would also direct the CSU's limited staff resources away from their core business as defined by the Hawkesbury Cultural Plan 2006-2011. As above, it would be difficult to see how this model would achieve the intent of Council's resolution of 11 March 2008.

**Model 3 - The Section 377 delegation model.** This would see Council delegate to the HCES - or some other broader entity - responsibility for a Council asset, service or function. The extent of this delegation would be to a lesser degree than that proposed by the Sports Council Model although it would be difficult to identify a discrete Council asset, service or function which could be delegated to the HCES. The funding that accompanied such a delegation would be dependant on the nature of that delegation but in practice would probably not negate the need for Council to rely on Section 356 financial assistance to maintain funding for the Eisteddfod. As noted above, given the intent of ICAC guidelines and risk management issues it would probably not be prudent for Council to invoke the provision of Section 377 to resolve the continued funding of the Eisteddfod by absorbing and then re-delegating responsibility for the

## ORDINARY MEETING

Meeting Date: 29 April 2008

Eisteddfod to the HCES. In this respect, the actions and directions of the Hawkesbury Cultural Plan speak to broader issues, and creating additional workloads and compliance regimes to resolve the perceived problems with the funding of an individual event would deliver an inconsistent and inequitable cultural development outcome.

**Model 4 - The Community Sponsorship Program.** This would see Council continue to fund the HCES to stage the Eisteddfod through the Community Sponsorship Program (CSP). This option is re-presented to Council as it is management's contention that the perceived insecurity and stigma experienced by the HCES through the need for them to adhere to the requirements of the CSP is unwarranted. As with any ongoing budget allocations, funding under the CSP is determined by the Council - of - the - day. The fact that the HCES has been funded for the past twenty years indicates that the HCES is adept at retaining the support of Council. In this respect the 'visibility' associated with funding under Section 356 should also be an irrelevant consideration - whatever the source, the HCES will continue to receive a level of financial support from Council not provided to other external organisations. This only reflects the importance placed by Council of the Hawkesbury Eisteddfod and should not be considered as a measure of relative worth.

**Model 5 - Identification of the Hawkesbury Eisteddfod as a flagship cultural event.** This would see Council continue to fund the HCES as a special category under the Community Sponsorship Program. Council's resolution of 11 March 2008, acknowledges the importance of the HCES and its role in staging the Eisteddfod for the benefit of children and young people. It is proposed that the significance of the HCES be accorded the same recognition as the Hawkesbury Sister Cities Association (without the need for Council to manufacture a Section 377 delegation for a function which is not currently undertaken by Council). The particulars of this arrangement would be:

- a) the identification of the Hawkesbury Eisteddfod as a 'flagship' cultural event;
- b) the creation of a dedicated budget allocation for the Hawkesbury Eisteddfod (as is the case with the HSCA) together with the inclusion of specific information in Council's Management Plan (under the 'Financial Assistance Given by Council' section) about Council's sponsorship of the Hawkesbury City Eisteddfod;
- c) the quarantining of \$18,000 from the Section 356 financial assistance allocation to fund the budget line item established pursuant to part a (adjusted annually for CPI);
- d) the dedicated budget allocation to be automatically included in Council draft budget estimates for consideration by Council - this would remove the requirement for the HCES to submit an application under the CSP;
- e) following Council's determination of its annual budget estimates, Council to enter into a renewable five-year sponsorship agreement with the HCES. As provided for in Council's standard Sponsorship Agreement, HCES would be required to provide a short annual report to Council on the outcomes of the Eisteddfod which would be reported to Council;
- f) In year 5 of the 5 year agreement, the applicable Council report will advise Council of the requirement for Council to renew the agreement for a further five years and the 'performance' of the HCES in complying with the accountability provisions of Council's standard sponsorship agreement;
- g) HCES to maintain its current authority and responsibility for the staging of the Hawkesbury City Eisteddfod;
- h) Council's Cultural Services Staff to be available to provide advice and ongoing support (subject to workloads) to the HCES to advance both the agenda of the HCES and deliver on the goals of Council's Cultural Plan where they coincide.

### Conclusion

In view of Council's resolution of 11 March 2008, and taking into account the information provided in this report, it is recommended that Council consider implementing Option 5 (as outlined above). This option has been assessed as providing the most appropriate mechanism for formalising arrangements for Council's continued sponsorship of the Hawkesbury City Eisteddfod. Management is of the view that the



## ORDINARY MEETING

Meeting Date: 29 April 2008

proposed arrangement will achieve the intent of Council's resolution, should satisfy the concerns of the HCES, is in keeping with the directions set out in the Cultural Plan, conforms with Council's Sponsorship Policy, and can be best delivered within the resources currently available to Council.

### Conformance to Strategic Plan

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

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

### Funding

The funding implications arising from this report will be dependent on the sponsorship model adopted by Council - some models will generate additional staff workloads and additional costs. The sponsorship Model proposed of by Management carries no funding implications.

### RECOMMENDATION:

That future funding of the Hawkesbury City Eisteddfod Society be delivered in accordance with sponsorship Model 5 as outlined in this report.

### ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

## ORDINARY MEETING

Meeting Date: 29 April 2008

**Item: 83**                    **CP - Acceptance of Funding Variation for Transition to Work Program - Department of Ageing Disability and Home Care (DADHC) - (79342, 103069, 95498)**

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### REPORT:

This report has been prepared to seek Council's approval to execute a variation to an existing funding agreement with the Department of Ageing Disability & Home Care (DADHC) for additional funds for the Hawkesbury Transition to Work Program.

### Background

The Hawkesbury Transition to Work Program (HTTWP) is a two year pre-employment program for young school leavers with a disability who require additional training to be able to transition successfully from school to the workforce.

In February 2004 Hawkesbury City Council (through Peppercorn Services Inc) and in partnership with Karelle Life Enrichment Service, tendered to the Department of Ageing Disability & Home Care for the opportunity to provide a Transition to Work Program in the Hawkesbury. The tender application was successful, however the number of school leavers in 2005 assessed for transition to work in the Hawkesbury, was very low and it was not until the following year in January 2006 that the Hawkesbury TTW program began with 4 trainees. Council received advice that they would receive an amount of \$83,315 per annum to operate the program. In September 2006 another trainee joined the program and Council received a further amount of \$21,516 including 3 months back payment to provide the additional training, bringing the total funding amount to \$104,831.

At the conclusion of the two year training period in December 2007, two trainees had successfully transitioned to open employment with the latter trainee having one more year to complete. Two trainees applied for, and were successful in, receiving a six month extension to their traineeship to allow them additional time to gain the skills needed to assist in their transitional progress.

### Current Situation

In March 2008 Council received a Variation to Funding Agreement Document for signature for the remaining two trainees to extend their program. This is a non-recurrent funding grant for the period 1 January 2008 to 30 June 2008 and will take the total amount funded for the Hawkesbury Transition to Work Program for the period January 2006 to June 2008 \$122,045.

### Conformance to Strategic Plan

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

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

### Funding

Funding for the Hawkesbury Transition to Work Program is 100% derived from external grants - there is no requirement for a Council contribution.

**ORDINARY MEETING**

**Meeting Date:** 29 April 2008

**RECOMMENDATION:**

That authority be given to execute, under the Seal of Council, a variation for the funding agreement with the Department of Ageing Disability and Home Care, to accept an additional \$17,214 non-recurrent grant for the Hawkesbury Transition to Work Program.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

**ORDINARY MEETING****Meeting Date:** 29 April 2008**Item: 84 CP - Community Sponsorship Program - (2007 - 2008: Round 3) - (79342, 95498)****Previous Item:** 155, Ordinary (14 August 2007)  
289, Ordinary (11 December 2007)**REPORT:**

This report has been prepared to advise Council of further applications for financial assistance received from Community groups and individuals to be determined under the Community Sponsorship Program for 2007-2008.

**Background**

On 13 March 2007 Council resolved to adopt the Sponsorship Policy, prepared in accordance with the guidelines issued by the Independent Commission Against Corruption.

At the Ordinary Meeting 14 August 2007 Council approved the allocation of financial assistance to maintain its historical commitments to a number of community groups.

Council considered a further round of sponsorship on 14 August 2007 and resolved to approve expenditure of \$37,783.00 - leaving \$11,110.00 to fund applications received at a later date.

At the Ordinary Meeting 11 December 2007 Council approved the allocation of a further \$8,205.00 in community sponsorship.

**Round 3 - Community Sponsorship Program (2007-2008)**

In accordance with Council's resolution of 14 August 2007 a further round of applications has been assessed under the Community Sponsorship Program for 2007-2008. Table 1 summarises the applications received and the proposed level of financial assistance.

Applicant	Type (1)	Proposal	Amount recommended	Comments
1. Kurrajong Community Forum Inc	SG	Erect a shade structure	nil	held over to 2008/2009
2. Kurrajong Community Forum Inc	SG	Erect village notice board	1500.00	special condition
3. David Catterall	MA	Participate <i>Beijing 2008 Olympic Orchestra</i>	100.00	
4. OMNi (Older Men's Network Inc)	MA	Equipment hire for Blokes Day 2008	500.00	
5. Hawkesbury City Pipe Band	SG	Equipment for band use	2000.00	
<b>TOTAL</b>			<b>\$4100.00</b>	

1) ES = Three Year Event Sponsorship MA = Minor Assistance SG = Seeding Grant CF = Access to Community Facilities

**Table 1: Requests for financial assistance Round 3 of 2007-2008 Community Sponsorship Program**

The applications received were assessed against the applicable criteria outlined in Council's Community Sponsorship program. This criteria reflects the provisions of Council's adopted Sponsorship Policy and the amounts recommended for approval are consistent with the policy. A more complete summary of the assessment of applications against the Community Sponsorship Program is appended to this report - including the details of special conditions to be applied to the recommended financial assistance (Attachment 1).

Should Council approve the provision of the proposed financial assistance, Council's standard Sponsorship Agreement will need to be executed for Applications 2 and (Kurrajong Community Forum Inc)

## ORDINARY MEETING

Meeting Date: 29 April 2008

and 5 (Hawkesbury City Pipe Band). Sponsorship Agreements are not required for the other recommended applicants.

There are sufficient funds to cover the recommended amount.

### Conformance to Strategic Plan

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

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

### Funding

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

### RECOMMENDATION:

That Council:

1. Approve payments of Section 356 Financial Assistance to the organisations or individuals listed, and at the level recommended in Table 1 of this report.
2. Approve the execution of Council's standard Sponsorship Agreement for applications 2 and 5 as identified in Table 1 of this report.
3. Note the Special Condition recommended for Application 2 as identified in Table 1 of this report.

### ATTACHMENTS:

**AT - 1** Assessment of Applications under Round 3 Community Sponsorship Program 2007-2008.

# ORDINARY MEETING

Meeting Date: 29 April 2008

## AT - 1 Assessment of Applications under Round 3 Community Sponsorship Program 2007 - 2008

Applicant	Sponsorship Type (1)	Description	Assessment Criteria								Amount requested	Amount recommended	Comments
			Local service	Not-for-profit	Not funded by State or Federal Agency	Co-contribution provided	Reflects agreed community priority	Meets sponsorship criteria	Financially sustainable	Documentation provided			
1. Kurrajong Community Forum Inc	SG	Shade structure for Memorial Park, Kurrajong	✓	✓	✓	✓	✓	✓	?	✓	5,000	nil	Expenditure exhausted - application held over to 2008/2009 financial year.
2. Kurrajong Community Forum Inc	SG	Village notice board	✓	✓	✓	✓	✓	✓	?	✓	1,500	\$1500	Special condition - funding to be provided subject to committee liaison with Council staff in relation to development consent and location of proposed notice board.
3. David Caterall	MA	Participate in Beijing 2008 Olympic Orchestra	✓	✓	✓	✓	✓	✓	✓	✓	Not specified	\$100	Fulfills criteria for minor assistance allocation
4. Older Men's Network Inc	MA	Equipment hire for "Blokes Day 2008"	✓	✓	✓	✗	✓	✓	✓	✓	500 to 600	\$500	Maximum allowable under Minor Assistance category
5. Hawkesbury City pipe Band Inc	SG	Purchase of musical instruments for use by band members	✓	✓	✓	✓	✓	✓	✓	✓	2000	\$2000	

(1) ES = Three Year Event Sponsorship MA = Minor Assistance SG = Seeding Grant CF = Access to Community Facilities

oooO END OF REPORT Oooo

## ORDINARY MEETING

Meeting Date: 29 April 2008

### INFRASTRUCTURE SERVICES

**Item: 85**                    **IS - National Servicemen Memorial - Ham Common - (95495, 90480, 84578)**

**Previous Item:**            61, Ordinary (8 March 2005)

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#### **REPORT:**

Council has previously considered a request from the National Servicemen's Association to erect a Memorial at Ham Common to recognise national Servicemen, and this Memorial has been constructed.

A request has now been received from the Association to erect a Memorial Wall approximately 15m long, 8 bricks high (approximately 700mm) to be utilised for the placement of plaques in remembrance of deceased national Servicemen from the Hawkesbury district. The project will be fully funded by the National Serviceman's Association. A pictorial representation of the project will be displayed at the meeting.

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

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

*"Objective: Implement infrastructure strategy to underpin the social, cultural and commercial development of the City."*

#### **Funding**

Nil impact on current budget.

#### **RECOMMENDATION:**

That the request to erect a Memorial Wall at the existing National Servicemen Memorial within Ham Common be supported.

#### **ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

## ORDINARY MEETING

Meeting Date: 29 April 2008

**Item: 86**                    **IS - Kable Street Carpark - (95495, 79346)**

**Previous Item:**            232, Ordinary (26 July 2005)

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### REPORT:

It had been previously reported to Council that there were encroachments on the carpark of approximately 3.5m from the adjacent property, Lot 21 DP603166, and also an encroachment from a metal carport and fencing from the adjacent lot to the south-east being Lot 2 DP535141.

With regard to the encroachment of the carport and fencing from Lot 2, the owner of the property has relocated the fence and adjusted the carport and it is now within Lot 2 and does not encroach on the carpark.

In relation to the encroachment from Lot 21, it should be noted that the area of concern is a steep embankment running down from the carpark to the adjoining property containing numerous trees and has been maintained by the property owner for many years. To make the land in question usable for carparking purposes would require the construction of a retaining wall on the boundary to bring the area up to a similar level as the existing carpark and the removal of a number of trees. To undertake this action, however, would not provide any additional carparking spaces within the carpark. Relocation of the fence to its correct alignment would cost in the vicinity of \$3,000, require the removal of some trees and provide an additional area to be maintained by Council. It is considered that there is no real purpose in taking possession of the land in question, until such time as redevelopment of the area may occur when the matter should be reviewed.

It is suggested that the encroachment of the adjoining property onto the carpark should be acknowledged and subject to the landowner having appropriate insurance to protect Council's interest should persons be injured on that area of land, that no action be taken to have the fence relocated at this stage.

### Conformance to Strategic Plan

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

*"Objective: Establish a framework to define and equitably manage the infrastructure demands of the City."*

### Funding

Nil impact on current funding.

### RECOMMENDATION:

That:

1. Subject to the property owner having appropriate insurances, occupation of the strip of land shown hatched on the attached plan be acknowledged and its use continue subject to three months notice being given by Council should the area be required in the future.
2. Formalisation of the matter be subject to Council's Solicitors requirements.

### ATTACHMENTS:

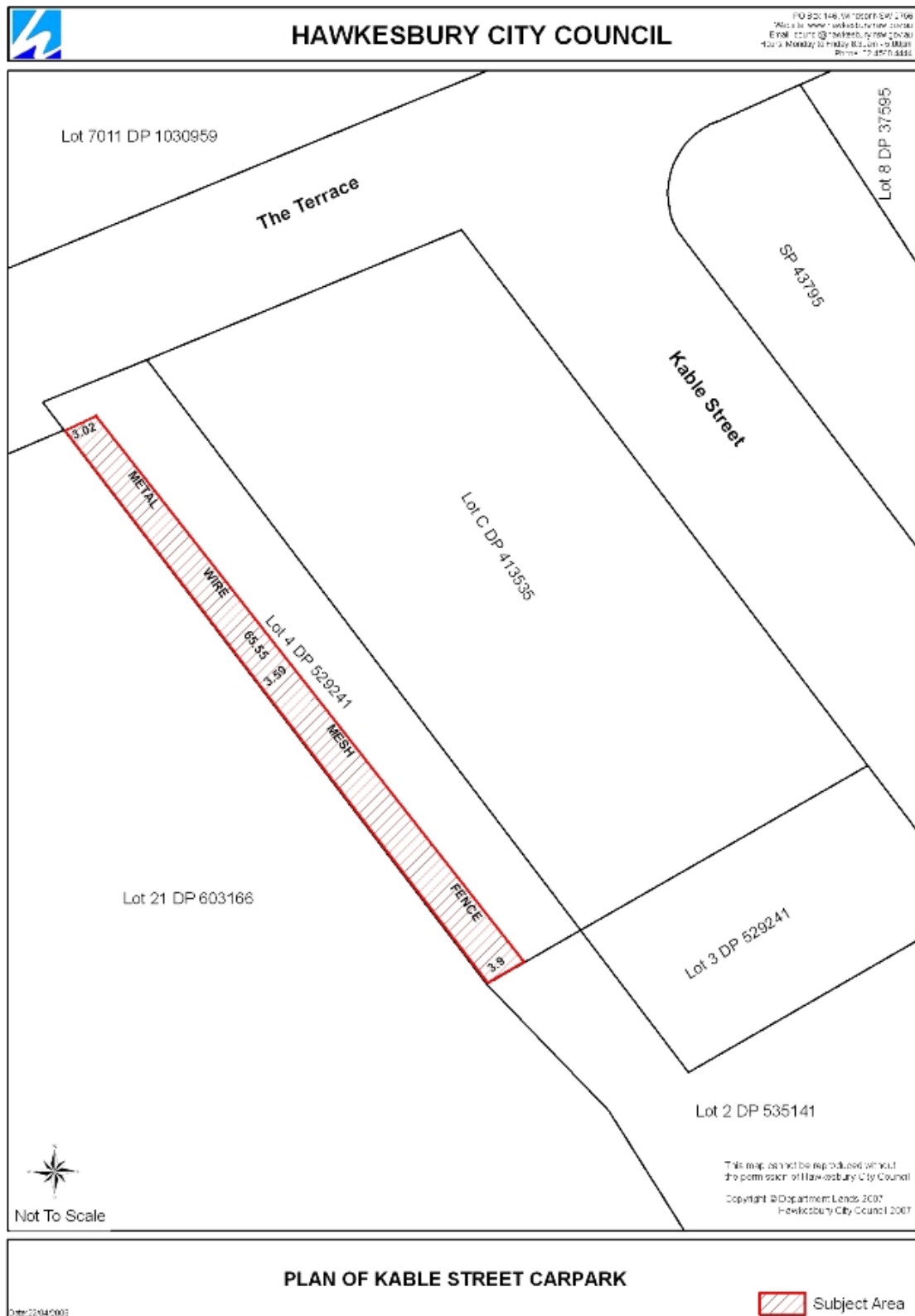
**AT - 1**    Plan of Kable Street Carpark



## ORDINARY MEETING

Meeting Date: 29 April 2008

### AT - 1 Plan of Kable Street Carpark



**ORDINARY MEETING****Meeting Date:** 29 April 2008**SUPPORT SERVICES****Item: 87                    SS - Monthly Investments Report - March 2008 - (96332, 95496)****REPORT:**

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

The following table lists the investment portfolio held by Council as at 31 March 2008 in a form compliant with legislative and policy requirements.

All investments have been made in accordance with Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulation 2005 and Council's Investment Policy.

**March 2008**

The following table indicates that Council held \$36.7 million in investments as at 31 March 2008. Details of the financial institutions with which the investment was made, date investments were taken out, the maturity date (where applicable), the rate of return achieved and the credit rating of the investments are provided below.

Investment Type	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Rating	Total \$
On Call						
CBA	31-Mar-08		7.20%	2,050,000.00	A1+	
General Account	31-Mar-08		6.85%	2,000,000.00	A1+	4,050,000.00
<b>Cash Fund</b>						
LGFS FOCF	31-Mar-08		7.55%	9,218,838.57	AA	9,218,838.57
<b>Term Investments</b>						
Bankwest	29-Feb-08	29-May-08	8.11%	5,000,000.00	A1+	
Bankwest	27-Mar-08	29-Apr-08	7.73%	1,000,000.00	A1+	
IMB Ltd	20-Mar-08	16-Jun-08	7.98%	2,000,000.00	A2	
IMB Ltd	26-Mar-08	25-Sep-08	8.16%	2,500,000.00	A2	
IMB Ltd	27-Mar-08	25-Sep-08	8.22%	2,000,000.00	A2	
Citibank	25-Mar-08	25-Sep-08	8.18%	5,000,000.00	A1+	
Bank of Queensland	17-Mar-08	16-Jun-08	8.02%	3,000,000.00	A2	
CBA – Range Accrual Note	28-Nov-07	19-Oct-08	0.00%	500,000.00	A1+	
CBA – CPI Linked Note	04-Apr-07	04-Apr-12	9.00%	500,000.00	A1+	

## ORDINARY MEETING

Meeting Date: 29 April 2008

Investment Type	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Rating	Total \$
CBA – Equity Linked Note	05-Dec-07	05-Jun-09	0.00%	2,000,000.00	A1+	23,500,000.00
<b>TOTAL INVESTMENT AS AT 31 MARCH 2008</b>						36,768,838.57

### Total Investment as at 31 March 2008

Bench Mark - March 2008 Cash Rate 7.25%

Actual - March 2008 7.29%

### Performance by Type

Category	Balance	Average Interest	Difference to Benchmark	Restriction Type	Amount
Cash at Call	4,050,000.00	7.02%	(0.23)%	External Restrictions -S94	6,248,854
Term Deposit	23,500,000.00	7.26%	0.01%	External Restrictions - Other	8,704,354
Cash Fund	9,218,838.57	7.55%	0.30%	Internal Restrictions	13,010,197
				Unrestricted	8,805,433
	36,768,838.57	7.29%	0.04%	<b>Total</b>	<b>36,768,838</b>

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

External Restrictions – Section 94 Contributions

External Restrictions – Other (reserve details below)

- Waste Management
- Sewerage
- Unexpended Grants
- Stormwater Management

Internal Restrictions (reserve details below)

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

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

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

## ORDINARY MEETING

Meeting Date: 29 April 2008

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

### Investment Commentary

The investment portfolio decreased by \$1.18m for the month. The decrease was due to additional expenditure over income for the March period. During March, various income was received totalling \$3.3m, including rate payments amounting to \$1.5m, while payments to suppliers and staff costs amounted to \$4.7m.

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

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

Recently the final report by Michael Cole was released reviewing NSW Local Government investments. The Cole report made a number of recommendations, all of which have been adopted by the NSW Government. In the near future, this will result in a new Ministerial Order and new guidelines for Council's Investment Policy.

### Conformance to Strategic Plan

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

*"Objective: Maximise return on Council's investment portfolio "*

### Funding

Funds are invested with the aim of achieving budgeted income in 2007/2008. Interest earnings for 2007/2008 are below budget YTD. However, the full year interest earnings for 2007/2008 are expected to achieve budget.

### RECOMMENDATION:

That the information be received and noted.

### ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

## ORDINARY MEETING

Meeting Date: 29 April 2008

**Item: 88                    SS - Local Government and Shires Association of NSW - Request for Financial Assistance With Legal Costs - Gosford City Council - (79633, 95496)**

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### REPORT:

Council is in receipt of the following letter dated 19 March 2008 from the Local Government and Shires Association of NSW (LGSA), which approves an application under its Legal Assistance Policy, for assistance by Gosford City Council:

### Background

*"The Executives of the Local Government Association and the Shires Association approved an application by Gosford City Council for assistance under the Legal Assistance Policy in the matter of Gosford City Council v Tauszik [2006] NSWCCA 193.*

### **Facts of the Matter**

*The Environmental Planning and Assessment Act 1979 (the EP&A Act) allows a council to make a planning instrument and Gosford has the Gosford Planning Scheme Ordinance in place as one of its four planning instruments.*

*Gosford also has a Tree Preservation Order (the TPO) made by way of Clause 44 of the Gosford Planning Scheme Ordinance.*

*Mr Tauszik was prosecuted by way of the EP&A Act in the Land and Environment Court by council for the removal of three large Norfolk Island pine trees from the front of his property. Mr Tauszik did not have the approval of council to remove the trees.*

*Senior counsel had advised council that a prosecution of Mr Tauszik in the Land and Environment Court for a breach of the Gosford Planning Ordinance Scheme was appropriate.*

*The Land and Environment Court convicted Mr Tauszik and fined him \$25,000 and ordered him to replant 2 trees and pay council's costs in the matter.*

*Mr Tauszik appealed to the Court of Criminal Appeal against the decision of the Land and Environment Court.*

*The Court found that consent for the removal of the trees had to be obtained by way of the TPO and not the EP&A Act and therefore the removal of the trees was not an offence under the Gosford Planning Scheme Ordinance.*

*A prosecution under the TPO had to commence within six months of the offence being committed and the Court found that council was now statute barred from bringing proceedings against Mr Tauszik.*

*Gosford City Council put forward that two important legal principles were being considered by the Court.*

- 1. That a breach of a TPO is a breach of the EP&A Act and not merely a breach of a council Order and that the issue of the different times allowed for the starting of proceedings against separate Subsections of the Act are no longer applicable, and*
- 2. That an error in the making of a TPO by a council does not result in the repeal of all earlier versions of that instrument.*

## ORDINARY MEETING

Meeting Date: 29 April 2008

*Council was also attempting to uphold the general principles that there are obligations on the public to comply with a TPO and to discourage the removal of trees to improve views.*

*Council has incurred costs of \$547,351 in defending this matter and your council's proportion of the costs is \$4,926.20, based on your share of the Association's total membership subscriptions.*

*If you have any questions in regards to this matter please do not hesitate to contact the Association's Legal officer, Frank Loveridge, direct on 02 9242 4125."*

It is noted that the legislation has changed and the period for commencing a prosecution for any offence is now two years.

The ruling in this matter is deemed to have an impact on all councils, and the LGSA have apportioned the amount of \$4,926.20 to Hawkesbury Council, based on our share of the Association's total membership subscriptions. The total cost incurred by Gosford City Council for this Court action is \$547,351.00.

It is a longstanding convention for councils to assist other councils with contributions to legal costs, in cases where the court action or decision has relevance to councils, and where the Association recommends such assistance. In this way, councils support each other, and the awareness of legal precedents and legal liabilities is circulated for the benefit of all councils.

### **Conformance to Strategic Plan**

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

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

### **Funding**

As provision has not been included within the 2007/2008 Budget for the contribution as requested, should Council make the payment as recommended it will be necessary for an adjustment to be made in the next quarterly review.

### **RECOMMENDATION:**

That:

1. Council contribute the amount of \$4,926.20 as outlined in the letter dated 19 March 2008 from the Local Government and Shires Association of NSW towards the legal costs incurred by Gosford City Council, in its pursuit of legal action related to an Appeal in the matter Gosford City Council v Tauszik NSWCCA 193.
2. An adjustment be made in the next quarterly review in respect of this contribution.

### **ATTACHMENTS:**

There are no supporting documents for this report.

oooO END OF REPORT Oooo

## ORDINARY MEETING

Meeting Date: 29 April 2008

**Item: 89**                      **SS - Lease to Girl Guides Association (NSW) - Lot 50 in Deposited Plan 1073306, Holland's Paddock, Windsor - (107088, 92909, 8605)**

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### REPORT:

The Holland's Paddock Plan of Management, adopted in October 2004, included a proposal for a new Girl Guides Hall to replace the existing hall, which would be demolished to enable the construction of the Windsor Riverside Shopping Centre.

Construction of the replacement Girl Guides Hall has now been completed and, in this regard, discussions have been held with the Girl Guides Association (NSW) regarding the proposed lease terms and conditions, having regard for the Plan of Management and the Community Classification of the land.

Council's Manager Parks and Recreation has confirmed that the Plan of Management pertaining to Holland's Paddock includes a reference to the Girl Guide Hall and authorises the lease of the new hall and its immediate surrounds, for the express purpose of use by the Girl Guides Association of NSW (Windsor Branch). It is understood that other community groups regularly use the hall and that this will remain a part of future management. Accordingly, any agreement entered into, by Council, is in accordance with the Plan of Management for Holland's Paddock.

In this regard, the following lease terms are proposed and have been agreed to by the Girl Guides Association (NSW):

<b>Lessee:</b>	Girl Guides Association (NSW)
<b>Premises:</b>	Part Lot 50 in Deposited Plan 1073306 (Holland's Paddock)
<b>Permitted Use:</b>	Activities related to and incidental to girl guides and the achievement of the objectives of the Girl Guides Association of Australia, including fundraising in support of the Girl Guides Association, community based activities and ancillary uses.
<b>Term of Lease:</b>	Five (5) Years
<b>Commencement Date:</b>	1 <sup>st</sup> May 2008
<b>Expiration Date:</b>	30 <sup>th</sup> April 2013
<b>Rental (per annum):</b>	A 'peppercorn' rental of \$1 per annum
<b>Outgoings:</b>	100% payable by the Girl Guides Association (NSW)
<b>Lease Preparation Fees:</b>	Lessee's Responsibility
<b>Insurance:</b>	\$20 Million Public Liability Insurance, Building and Contents Insurance and Workers Compensation Insurance. All insurance policies should note Council's interest in the property, as the Lessee.
<b>Maintenance:</b>	Structural and/or major repairs to be undertaken by the Lessor. Wear and tear and minor repairs to be undertaken by the Lessee.
<b>Other Conditions:</b>	Any conditions considered necessary by Council's Solicitors and agreed to by the Girl Guides Association (NSW).

## ORDINARY MEETING

Meeting Date: 29 April 2008

### Conformance to Strategic Plan

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

*"Objective: Processing Miscellaneous Property Matters; and Work in conjunction with Community and User Groups to Design and Operationalise Community Facilities".*

### Funding

This proposal allows Council to provide a facility to a community group without impacting on the 2007/2008 budget.

This proposal is considered reasonable and could be agreed to by Council.

### RECOMMENDATION:

That:

1. Council agree to enter into a new lease with the Girl Guides Association (NSW) for the Girl Guides Hall located in Holland's Paddock in accordance with the proposal outlined in the report.
2. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.
3. Details of Council's resolution be conveyed to the proposed lessees together with the advice that Council is not and will not be bound by the terms of its resolution until such time as appropriate legal documentation to put such resolution into effect has been agreed to and executed by all parties.

### ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo



## ORDINARY MEETING

Meeting Date: 29 April 2008

### CONFIDENTIAL REPORTS

**Item: 90**                      **GM – Legal Matter – Hawkesbury Heritage Farm (Former Australiana Pioneer Village) - (95496, 79351)**

**Previous Item:**            400, Ordinary (13 December 2005)  
                                 16, General Purpose Committee (24 February 2004)

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#### **Reason for Confidentiality**

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

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

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

## ORDINARY MEETING

Meeting Date: 29 April 2008

**Item: 91**                    **IS - Tender 011/FY08 - Maintenance of Gravel Roads for St Albans and Nearby Districts - (95495, 79344)**

**Previous Item:**        39, Ordinary (26 February 2008)

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### **Reason for Confidentiality**

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

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

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

**ORDINARY MEETING**

**Meeting Date:** 29 April 2008

**Item: 92**                      **IS - Tender 013/FY08 - Supply and Placement Asphaltic Concrete - (95495, 79344)**

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**Reason for Confidentiality**

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

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

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

## ORDINARY MEETING

Meeting Date: 29 April 2008

Item: 93                    **SS - NPWS Leasing of Bowman Cottage, 370 Windsor Street, Richmond - (107, 79337, 95496)**

Previous Item:            107, Ordinary (12 April 2005)

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### Reason for Confidentiality

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

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

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

**ORDINARY MEETING**

**Meeting Date:** 29 April 2008

**Item: 94**                    **SS - Property Matter - Lease to Bojangles Beauty Basix - Shop 8 Glossodia Shopping Centre - (102477, 31304)**

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**Reason for Confidentiality**

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

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

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

**ORDINARY MEETING**

**Meeting Date:** 29 April 2008

ordinary

section 5

reports  
of committees

**ORDINARY MEETING**

Reports of Committees



## ORDINARY MEETING

### Reports of Committees

#### SECTION 5 - Reports of Committees

##### ROC - Local Traffic Committee - 16 April 2008 - (80245, 95495)

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<b>Present:</b>	Councillor B Bassett (Chairman) Mr J Suprain, Roads and Traffic Authority Snr Constable B McClifty, NSW Police Service Mr J Christie, Officer of Messrs A Shearan, MP and J Aquilina, MP
<b>Apologies:</b>	Mr R Williams, MP (Hawkesbury) Mr R Elson, Department of Transport
<b>In Attendance:</b>	Mr C Amit, Manager, Design & Mapping Services Mr T Shepherd, Administrative Officer, Infrastructure Services

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Minutes of the Meeting of the Local Traffic Committee held in the Large Committee Room, Windsor, on 16 April 2008, commencing at 3.00pm.

#### SECTION 1 - Minutes

##### Item 1.1 Minutes of Previous Meeting

The Minutes of the meeting held on 19 March 2008 were confirmed.

##### Item 1.2 Business Arising

LTC - 21 March 2008 - Item 4.3 - Kurrajong/Old Kurrajong Roads/Yarramundi Land, Richmond - (80241)

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#### REPORT:

The Chairman enquired as to progress regarding the outcome of the recent site meeting between Council and the Roads and Traffic Authority in undertaking investigation of traffic delays at Kurrajong/Old Kurrajong Roads/Yarramundi Lane, Richmond.

Mr J Suprain advised that the matter was being addressed internally within the Roads and Traffic Authority to introduce 'no left/right turn' restrictions at appropriate times.

#### RECOMMENDATION:

That the information be received.

#### APPENDICES:

There are no supporting documents for this report.

## SECTION 2 - Reports for Determination

**Item 2.1 LTC - 16 April 2008 - Item 2.1 - McGrath Road, McGraths Hills - Traffic Calming - (Riverstone) - (80245, 7821, 104710)**

**REPORT:**

Representation has been received from a resident of McGrath Road, McGraths Hill, (Dataworks Document No's. 2573709 and 2611181) relating to speeding vehicles along McGrath Road.

McGrath Road is a local distributor road which extends from Windsor Road to Old Hawkesbury Road for a distance of 0.675 kilometres. McGrath Road runs generally in a east/west direction. The main flow of traffic is directed from Windsor Road and Pitt Town Road.

This section of McGrath Road intersects 3 local roads and 1 state road. The current regulatory speed limit is 50 kph. There are predominantly residential properties on the northern side of McGrath Road with large rural properties on the southern side.

The wider appearance and the straight alignment of McGrath Road tends to promote both excessive vehicular speeds and overtaking of vehicles (refer to Table 1 for Road Section Data). There are no traffic calming devices along this section of road, although McGrath Road is controlled at each end with a T-Junction; Windsor Road (Stop) and Old Hawkesbury Road (Giveway).

The RTA Accident Database indicates 1 injury accident and 1 non-injury accident during the period from January 2001 to December 2006. The injury accident was at the intersection of Balmain Road and the non-injury accident at the intersection of Old Hawkesbury Road. In addition to the 2 accidents in McGrath Road, there have been 3 accidents in Windsor Road at the intersection of McGrath Road.

**Table 1: McGrath Road Section Data**

Road Section	Road Width and K&G	Block Length	Speed Limit	ADT (year)	85% speed
Windsor Road to Andrew Thompson Drive	8.80 metres K&G on northern side only. Gravel shoulder on southern side	143 metres	50kph	3530 (2007)	56 kph
Andrew Thompson Drive to Balmain Road	9.50 metres K&G on northern side only. Gravel shoulder on southern side	412 metre	50kph	1547 (2007)	66 kph
Balmain Road to Old Hawkesbury Road	9.50 metres K&G on northern side only. Gravel shoulder on southern side	120 metres	50kph	Not recorded	Not recorded



The 85th percentile speed recorded with the 2 traffic counters are 56kph and 66kph respectively, which is higher than the current regulatory speed of 50kph. Whilst both figures are higher than the speed limit, the figure of 66kph (between Andrew Thompson Drive and Balmain Road) is considered to be higher than the acceptable limit.

As part of a Local Area Traffic Management Plan, it would be appropriate to mark barrier lines and edge lines with RRPMS to establish 3.1 metre wide travelling lanes on both sides of McGrath Road, between Windsor Road and Old Hawkesbury Road. This will create the perception of narrow travelling lanes for motorists, which will discourage speeding and prohibit overtaking. It is considered that the line marking treatment is a better option initially than the installation of devices such as horizontal and vertical defectors as it is cost effective for this length of road. It is also appropriate to install regulatory speed signs at regular intervals and associated road markings which will reinforce the speed limit to motorists.

#### RECOMMENDATION:

That:

1. the following measures be undertaken in McGrath Road, McGraths Hill:
  - a. Barrier lines and Edge Lines be marked between Windsor Road and Old Hawkesbury Road to establish 3.1 metre wide travelling lanes on both sides and associated RRPMS;
  - b. The RTA be requested to install repeater regulatory 50kph speed limit signs and pavement markings on both sides of the road, in the vicinity of house numbers 27/29 (back to back) and 55/57 (single sided for west bound traffic);
2. a speed survey be undertaken three months after installation of the above measures.

**APPENDICES:**

There are no supporting documents for this report.

**Item 2.2      LTC - 16 April 2008 - Item 2.2 - St Albans Endurance Ride 2008 (Hawkesbury) - (80245, 99601)****REPORT:****Introduction**

An application has been received from Rosemont Endurance Riders, dated 18 March 2008, seeking approval to conduct the St Albans Endurance Ride around the St Albans village on Sunday, 25 May 2008. This event is a time trial 100 Kilometre Endurance Horse Ride.

The route of the ride is predominantly on the tracks within the Parr State Recreational Area, Yengo National Park, private farmlands and on the following public roads:

- Upper Macdonald Road – Unsealed Road
- Wollombi Road – Sealed and Unsealed Road
- Settlers Road – Sealed and Unsealed Road
- Bulga Street – Sealed section
- Wrights Creek Road - Unsealed Road
- St Albans Road - Sealed and Unsealed
- Wharf Street – Sealed Road
- Crossing of the Macdonald River at 2 locations.

The event is also traversing along Great Northern Road, which is under the care and control of the National Parks and Wildlife Service.

Refer to Appendix 1(Dataworks Doc. No. 2743639) for the Event Route details.

The event organiser has provided the following information:

- Start and end point for the event will be within the St Albans village.
- The event will NOT utilise St Albans Bridge, which is under the care and control of the Roads and Traffic Authority.
- There will be approximately 80 to 90 horse riders participating.
- There will be approximately 60 to 70 spectators.
- Parking of vehicles will be predominantly on private land.

**Discussion**

It would be appropriate to classify this event as a “Class 2” special event under the “Traffic Management for Special Events” guidelines issued by the Roads & Traffic Authority as this event may impact minor traffic and transport systems and there is a low scale disruption to the non-event community.

The event organiser has submitted the following items in relation to this event: Appendix 1 (Dataworks Doc. No. 2743639):

- i) Details of the Special Event - Traffic template;
- ii) Public Liability Insurance Policy to the value of \$20,000,000.

## ORDINARY MEETING

### Reports of Committees

It will be necessary for the event organiser to lodge an application seeking approval to conduct the event with the NSW Police Service.

#### RECOMMENDATION:

That:

1. The St Albans Endurance Ride event planned for 25 May 2008, be classified as a "Class 2" special event under the "Traffic and Transport Management for Special Events" guidelines issued by the RTA.
2. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
3. It is strongly recommended that the event organiser becomes familiar with the contents of the RTA publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package which explains the responsibilities of the event organiser in detail.
4. No objection be held to this event subject to compliance with the following conditions:

#### Prior to the event:

- 4a. the event organiser obtaining approval to conduct this event, from the NSW Police Service; **a copy of the Police Service approval be submitted to Council;**
- 4b. the event organiser **submitting a Transport Management Plan (TMP) for the entire route incorporating a Traffic Control Plan (TCP) to Council and the RTA** for acknowledgement. The TCP should be prepared by a person holding appropriate certification required by the RTA to satisfy the requirements of the relevant Work Cover legislation;
- 4c. the event organiser obtaining the relevant approval to conduct this event from the Waterways Authority; **A copy of this approval be submitted to Council;**
- 4d. the event organiser obtaining the relevant approval from the Department of Natural Resources to cross the Macdonald River; **A copy of this approval be submitted to Council;**
- 4e. the event organiser advertising the event in the local press stating the entire route/extent of the event and the traffic impact / delays due to the event two weeks prior to the event; **a copy of the proposed advertisement be submitted to Council** (indicating the advertising medium);
- 4f. the event organiser notifying the details of the event to the NSW Ambulance Services, NSW Fire Brigade / Rural Fire Service and SES at least two weeks prior to the event; **a copy of the correspondence be submitted to Council;**
- 4g. the event organiser directly notifying relevant bus companies, tourist bus operators and taxi companies operating in the area and all the residences and businesses affected by the event at least two weeks prior to the event; The applicant undertaking a letter drop to all affected residents and businesses in the proximity to the event, with that letter advising full details of the event; **a copy of the correspondence be submitted to Council;**
- 4h. the event organiser obtaining approval from the National Parks and Wildlife Service (Department of Environment and Conservation) for the use of the Parr State Recreational Area, Yengo National Park and the Great Northern Road. If the use of a Council Park/Reserve is required, written approval is required from Councils' Parks and Recreation section;

## ORDINARY MEETING

### Reports of Committees

- 4i. the event organiser obtaining approval from the NSW Department of Lands for the use of any Crown road or Crown Land;
- 4j. the event organiser obtaining any necessary approvals from adjoining Councils;
- 4k. the event organiser assessing the risk and addressing the suitability of the entire route as part of the risk assessment considering the possible risks for all participants; This assessment should be carried out by visual inspection of the route / site by the event organiser prior to preparing the TMP and prior to the event;
- 4l. the event organiser carrying out an overall risk assessment for the whole event to identify and assess the potential risks to spectators, participants and road users during the event and designing and implementing a risk elimination or reduction plan in accordance with the Occupational Health and Safety Act 2000; (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>);
- 4m. the event organiser submitting the completed "Special Event - Traffic Final Approval" form to Council;

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

- 4n. access being maintained for businesses, residents and their visitors;
- 4o. a clear passageway of at least 4 metres in width being maintained at all times for emergency vehicles;
- 4p. all traffic controllers / marshals operating within the public road network holding appropriate certification required by the RTA;
- 4q. the riders are made aware of and are following all the general road user rules whilst riding on public roads;
- 4r. in accordance with the submitted TMP and associated TCP, appropriate advisory signs, and traffic control devices be placed during the event along the route under the direction of a traffic controller holding appropriate certification required by the RTA;
- 4s. the competitors and participants be advised of the traffic control and other arrangements in place, prior to the commencement of the event;
- 4t. all roads and marshalling points are to be kept clean and tidy, with all directional signs to be removed immediately on completion of the activity; and
- 4u. the Event organiser is to ensure that dust along the unsealed sections of road utilised by the event participants and those travelling to the event are mitigated by providing a Water Cart for the duration of the event. Method of watering and frequency is to be addressed and outlined in the TMP.

#### **APPENDICES:**

- AT - 1** Special Event Application - St Albans Endurance Ride - (Dataworks Doc. No. 2743639) - see *attached*.

**Item 2.3 LTC - 16 April 2008 - Item 2.3 - Bridge to Bridge Water Ski Classic, November 2008 - (Hawkesbury, Londonderry & Riverstone) - (80245, 74204)**

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**REPORT:****Introduction**

An application has been received from NSW Water Ski Federation Ltd, seeking approval to conduct the Bridge to Bridge Water Ski Classic on Saturday, 15 and Sunday, 16 November 2008.

Documents submitted with the application are contained in the attached Appendix 1 (Dataworks Document No. 2730036).

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

**Event Schedule:**

Saturday, 15 November 2008: 7.00am - 5pm

Starting at Sackville Ski Gardens and finishing at Governor Phillip Reserve, Windsor

Sunday, 16 November 2008: 6.00am - 8.00pm

Starting at Danger Island Brooklyn and finishing at Governor Phillip Reserve, Windsor

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

**Traffic Management Issues**

The NSW Water Ski Federation Ltd has provided the following information in respect of this event:

a) Affected streets are:

George Street, Windsor – between Bridge Street and Palmer Street from around 6.00am  
Arndell Street – Full length from around 6.00am  
Palmer Street – Full length from around 6.00am  
North Street – Full length from around 6.00am  
Court Street – Full length from around 6.00am

- b) The effect on traffic is not expected to be significant and road closures have not been requested, as they are not deemed necessary.
- c) It is expected that the event will impact only marginally on traffic using Windsor Road, Bridge Street, Macquarie Street and Wilberforce Road compared to the normal traffic during weekends.
- d) As no road closures will be in place, there will be little effect on traditional afternoon peak hour southeast bound traffic on Windsor Road.
- e) This annual event has been held for over forty years and the Association is expecting approximately 2000 spectators for the event at the finish venue in Windsor.
- f) Parking will be at Governor Phillip Reserve with additional parking at Tebbutts Observatory for any additional overflow.

## ORDINARY MEETING

### Reports of Committees

- g) Parking is available for approximately 4000 vehicles.
- h) Emergency vehicles will be allowed access at all times.
- i) Approximately 750 participants.

The NSW Water Ski Federation Ltd is seeking Council / RTA approval for the suspension of the following Ferry Services on 16 November 2008:

Wisemans Ferry	11.15am – 11.45am
Webbs Creek Ferry	11.15am – 11.45am
Lower Portland Ferry	8.30am – 1.30pm
Sackville Ferry	8.30am – 1.30pm

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

Ferry operations are not effected on 15 November 2008 as Wiseman Ferry, Webbs Creek Ferry, Sackville Ferry and Lower Portland Ferry are all located downstream of the Sackville Ski Gardens, .

The event organiser has submitted the following items in relation to this event: Appendix 1 (Dataworks Document No: 2730036):

- i) Details of the Special Event - Traffic template, and
- ii) Transport Management Plan (TMP) without the associated TCP for the Ferries.
- iii) Copy of the Newspaper Advertisement advising of the Event
- iv) Copy of the notification letter.

### Discussion

#### Traffic Issues

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

It will be necessary for the event organiser to lodge an application seeking approval to conduct the event with the NSW Police Service.

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

#### Governor Phillip Reserve

The NSW Water Ski Federation Ltd has requested exclusive use of Governor Phillip Reserve on 15 & 16 November 2008 to conduct the annual Bridge to Bridge Water Ski Classic. The applicant has not advised of an alternate date in the event of inclement weather.

This event has been held for over 40 years and attracts interstate entrants and it is within delegation of Council to grant exemption to Waterways noise restrictions,



This application complies with Council policies applicable to this event, namely:

1. The main event is limited to noise level of 100dB(A), with a tolerance of  $\pm 3$ dB(A).
2. The proposed Nipper Class, Wakeboarding and any personal Watercraft are limited to 95dB(A).

**RECOMMENDATION:**

**A. Traffic Issues**

That:

1. The Bridge to Bridge Water Ski Classic event planned for 15 and 16 November 2008, be classified as a "**Class 1**" special event under the "Traffic and Transport Management for Special Events" guidelines issued by the RTA.
2. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
3. It is strongly recommended that the event organiser becomes familiar with the contents of the RTA publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package which explains the responsibilities of the event organiser in detail.
4. No objection be held to this event subject to compliance with the following conditions:

**Prior to the event:**

- 4a. the event organiser obtaining approval to conduct this event, from the NSW Police Service; **a copy of the Police Service approval be submitted to Council;**
- 4b. The event organiser obtains approval from the RTA as this is a "**Class 1**" event; **a copy of the RTA approval be submitted to Council;**
- 4c. the event organiser **submitting a Traffic Control Plan (TCP) relating to the Ferry Operations to Council and the RTA** for acknowledgement. The TCP should be prepared by a person holding appropriate certification required by the RTA to satisfy the requirements of the relevant Work Cover legislation;
- 4d. the event organiser **submitting to Council a copy of its Public Liability Policy** in an amount not less than \$20,000,000 **noting Council and the Roads and Traffic Authority as interested parties on the Policy** and that Policy to cover **both on-road and off-road activity;**
- 4e. the event organiser obtaining the relevant approval to conduct this event from the Waterways Authority; **A copy of this approval be submitted to Council;**
- 4f. the event organiser advertising the event in the local press stating the entire route/extent of the event and the traffic impact/delays due to the event two weeks prior to the event; **a copy of the proposed advertisement has been submitted to Council;**
- 4g. the event organiser notifying the details of the event to the NSW Ambulance Services, NSW Fire Brigade / Rural Fire Service and SES at least two weeks prior to the event; **a copy of the correspondence be submitted to Council;**

## ORDINARY MEETING

### Reports of Committees

- 4h. the event organiser directly notifying relevant bus companies, tourist bus operators and taxi companies operating in the area and all the residences and businesses affected by the event at least two weeks prior to the event; The applicant undertaking a letter drop to all affected residents and businesses in the proximity to the event, with that letter advising full details of the event; **a copy of the correspondence has been submitted to Council;**
- 4i. the event organiser advising all adjoining Councils such as Gosford, Baulkham Hills and Hornsby of this event and in particular the ferry closures and obtaining any necessary approvals from these Councils;
- 4j. the event organiser carrying out an overall risk assessment for the whole event to identify and assess the potential risks to spectators, participants and road users during the event and designing and implementing a risk elimination or reduction plan in accordance with the Occupational Health and Safety Act 2000; (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>);
- 4k. the event organiser submitting the completed "Special Event - Traffic Final Approval" form to Council;

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

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

#### **Ferry Services**

- 5. That the applicant seek RTA approval for the suspension/reduced operation of Wisemans Ferry, Webbs Creek Ferry and Sackville Ferry Services. No objection is held to the suspension/reduced operation of the Lower Portland Ferry Service. Suspension/reduced operation of the ferry services is subject to the applicant complying with the following conditions, as well as any conditions imposed by the RTA:
  - 5a) the applicant contacting Hawkesbury City Council's Construction and Maintenance Section and the Ferry operator, three weeks prior to the event with regard to the suspension of Lower Portland Ferry service maintained by Hawkesbury City Council;
  - 5b) Advertising of the proposed event being undertaken at the expense of the event organiser in both Sydney and Local newspapers, two weeks prior to the event, in relation to:
    - traffic impact and delays,
    - exclusive use of Governor Phillip Reserve,
    - timings of suspension of ferry services,

## ORDINARY MEETING

### Reports of Committees

such notice is to be incorporated in the news sections of those newspapers and to be approximately 1/8 (one-eighth) page size;

- 5c) signs be erected at the expense of the event organiser in locations indicated in the approved Transport Management Plan and Traffic Control Plan and at a size indicated in the same, on all roads leading to the ferries, as well as on each ferry, for at least two weeks prior to the event;
- 5d) safety precautions as previously established in the TMP are to be placed at all ferry locations, such to include a boat and crew downstream from each ferry with suitable equipment to indicate to competitors that a ferry may be operating and with communication between that boat and ferry vessel, such procedures are to be implemented to the satisfaction of the Waterways Authority, RTA and Hawkesbury City Council; and,
- 5e) the Transport Management Centre, Roads & Traffic Authority and Council be authorised to alter ferry suspension/operation times if necessary.

#### **B. Governor Phillip Reserve**

1. That approval be granted to the NSW Water Ski Federation Ltd for exclusive use of Governor Phillip Reserve on Saturday and Sunday 15-16 November 2008, subject to compliance with the following conditions:
  - 1a) The applicant paying per day the exclusive use contribution rate, plus the toilet cleaning charge, applicable at the time of the event;
  - 1b) The reserve being left clean and tidy with the applicant being responsible for the disposal of all waste from the reserve;
  - 1c) The applicant obtaining appropriate licences from the Waterways Authority regarding conduct of this event;
  - 1d) If required, the applicant to obtain appropriate licence from the Licensing Branch of the NSW Police Service for the sale of alcoholic beverages at the proposed event;
  - 1e) The applicant obtaining all necessary permits/approvals in relation to amusement devices/rides including Integral Energy regarding the supply of power to devices/rides and their proximity to power supply lines;
  - 1f) Any building, vehicle or stall that is preparing food for public consumption is to comply with Council's "Information for Food Stall Holders" brochure; this information and any related food/public health information can be obtained by contacting Council's Environmental Health Officers, on direct line 4560 4571;
  - 1g) The applicant lodge a damage bond applicable at time of event.
2. That the applicant be allowed use of the Reserve on Friday, 14 November, 2008 to facilitate set-up;
3. In relation to noise levels, that the noise level of 100dB(A) with a tolerance of 3dB(A) be supported;
4. The proposed Nipper Class, Wakeboarding and any personal Watercraft be limited to 95dB(A);
5. As the applicant has not advised of an alternate date in the event of inclement weather, the Manager of Parks & Recreation be granted delegated authority to negotiate exclusive use on an alternate date, if required by the applicant.

#### **APPENDICES:**

**AT - 1** Special Event Application - (Dataworks Document No. 2730036) - *see attached*.

**SECTION 3 - Reports for Information**

**Item 3.1**      **LTC - 16 April 2007 - Item 3.1 - Response by RTA to Flood Evacuation Route - Traffic Conditions - (Riverstone) - (80245, 80761)**

**Previous Item:**      4.5, Local Traffic Committee (19 September 2007)

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**REPORT:**

In reference to Item 4.5 of the Local Traffic Committee held on 19 September 2007, the following was requested of the Roads and Traffic Authority:

*"That the Roads and Traffic Authority be requested to investigate installation of median barrier devices along the Flood Evacuation Route to confine vehicles to travelling lanes"*

Correspondence has been received from the Roads and Traffic Authority (Dataworks Doc. No. 2727332) advising in part:

*"As you may be aware, to maximise evacuation procedures during flood times, the WFER operates as a one-way southbound thoroughfare for exit from Windsor. The installation of a central median has been previously considered; however, due to access concerns during an evacuation event it was considered an unnecessary impediment to the function of the road.*

*To maintain road safety and remove the need for a central island, the authority has set a posted speed limit of 70km/h along the WFER, with reductions to 60km/h at both approaches.*

*The clear delineation, unimpeded sight distance, wide shoulders and No Stopping regulatory signposting are considered appropriate treatments to maintain road user safety for the posted speed limits."*

The Chairman advised that in raising this matter at the Local Traffic Committee meeting held on 19 September 2007, that it was not his intention to seek installation of a fixed barrier rather lane dividers.

Mr J Suprain advised that the Authority's advice would remain the same irrespective of the style of divider.

**RECOMMENDATION:**

That the information be received.

**APPENDICES:**

There are no supporting documents for this report.

**SECTION 4 - General Business**

**Item 4.1      LTC - 16 April 2008 - Item 4.1 - Boundary Road/Old Pitt Town Road, Oakville - Public Meetings - (80245)**

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**REPORT:**

The Chairman gave an oral report concerning the recent public meeting held regarding traffic conditions at the intersection of Boundary/Old Pitt Town Roads, Oakville and advised that a further public meeting was to be held on 29 April 2008, which Council representatives would not be attending due to prior Ordinary Meeting commitments on that date, but that representatives of Baulkham Hills Shire Council would be attending.

The Chairman advised that Black Spot funding was being pursued and canvassed the possibility of speed counts being conducted over the full length of Boundary Road.

**RECOMMENDATION:**

That:

1. information regarding the public meeting be received; and,
2. that traffic counts be conducted over the full length of Boundary Road.

**APPENDICES:**

There are no supporting documents for this report.

**Item 4.2      LTC - 16 April 2008 - Item 4.2 - Guide to Delegation to Councils for the Regulation of Traffic including Operation of Local Traffic Committees - Traffic Generating Development Role of Elected Representatives on Local Traffic Committee - (80245)**

**Previous Item:**      4.3, Local Traffic Committee (20 June 2007)

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**REPORT:**

Mr J Suprain presented an oral report advising that under the "Guide to Delegation to Councils Regulation of Traffic including Operation of Local Traffic Committees", Development Applications involving traffic generation/management are not to be considered by the Local Traffic Committee, rather to be considered at a technical forum/meeting between Council/RTA/NSW Police Service representatives, either following a Local Traffic Committee meeting or at an alternate time.

**ORDINARY MEETING**  
Reports of Committees

The rationale for this procedure being that elected representatives on the Local Traffic Committee, both State and Local Government, are not to consider/comment upon a Development Application as Council is the consent body.

Lengthy discussion ensued traversing:

1. the Guide itself;
2. allegations of perceived conflict of interest which may be levelled against an elected representative;
3. administrative procedures to ensure that technical forum comment is in fact included in Conditions of Development Consent for consideration by Council, particularly provision for Design & Mapping Services to check Conditions of Development Consent prior to issue of Development Consent to an applicant;
4. alteration of technical comment incorporated as a condition of Development Consent are to be referred to the technical forum by City Planning;
5. any issues raised by an elected representative at a Local Traffic Committee meeting in relation to traffic matters are not to be considered at that meeting, but referred to City Planning for referral to the technical forum, with all liaison to be conducted by City Planning.

**RECOMMENDATION:**

That:

1. this matter be referred to Council's Senior Management for consideration/direction as to the administrative approach to be adopted regarding this matter, and advice to the Local Traffic Committee; and
2. pending receipt of advice regarding point 1 above, traffic generating Development Applications not be referred to the Local Traffic Committee for consideration, but be referred to a technical forum comprising Council Officers/NSW Police Service/Roads and Traffic Authority.

**APPENDICES:**

There are no supporting documents for this report.

**SECTION 5 - Next Meeting**

The next Local Traffic Committee meeting will be held on 21 May 2008 at 3.00pm in the Large Committee Room.

The meeting terminated at 3.55pm.

**oooO END OF REPORT Oooo**



ordinary  
meeting

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