

HAWKESBURY CITY COUNCIL ORDINARY MEETING



Where People Make the Difference!

SUPPLEMENTARY BUSINESS PAPER

DATE OF MEETING: 14 February 1995

LOCATION: Council Chambers

TIME: 7:30pm

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No Reports of other Committees Are Submitted

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Mayoral Minutes

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Mayoral Minutes

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✓ 1. STATE ELECTIONS GE001/005

A State Election is to be held on the 25th March, 1995. There is a number of issues that impact on Local Government generally and some on the Hawkesbury area specifically resulting from the policies of the party in power. In terms of broad Local Government issues they include :

- Road funding and Regional roads
- Waste management
- Rate pegging
- Pensioner rates rebates
- Amalgamation of Councils
- Environmental planning issues
- Regional Economic Development
- Law and order

*+ Source of funds
+ Time frame.*

On the local scene issues include :

- Public transport - the provision of bus services, improved timetabling for rail and increased parking at railway stations
- Windsor Road - upgrading of the Windsor Road to enable continuous and efficient flow of traffic
- Funding and operation of emergency services
- Improved reticulated water and sewerage schemes
- Plans for further development of the area
- Provision of a District Court House and improved Police Station and facilities
- Provision of flood free access and/or flood mitigation measures to minimise the impact of flooding on the district

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- Funding for the management of National Parks in the area including that for fire fighting
- Proposed expansion of National Parks in the City
- Plans for the Castlereagh Waste Depot
- Water quality in the Hawkesbury River

I would propose that the Council write and ask all those seeking election for the seats of Hawkesbury and Londonderry their own and/or their parties (as appropriate) specific policy in relation to these matters.

I would propose that their response be requested by the first week in March so that their comments can be placed in the next business paper and placed on display at appropriate locations.

✓ 2. CODE OF CONDUCT. GA030/002 PT02

The matter has arisen regarding conflict of duties in work by current and former staff members and the restriction on appointment of former members of the Council to work for the Council or former staff to run for civic office.

In relation to work by staff, the Act requires that the General Manager must not engage for remuneration in private employment or contract outside the service of the Council without the approval of the Council. The General Manager does not undertake any work for any remuneration outside the Council.

All other staff must not engage for remuneration in private employment or contract work outside the service of the Council that relates to the business of the Council or that might conflict with the member's Council duties unless he or she has notified the General Manager in writing. The General Manager advises me that there is no one in this position although a number of staff have discussed the matter of employment in other areas outside of Council working hours and where there is no conflict with the staff member's Council duties.

In relation to persons who hold civic office, the Act is explicit and indicates that they must not be appointed to any paid position on the staff of the Council within 6 (six) months after ceasing to hold the office. It is this point that needs further clarification in terms of being a staff member or undertaking work for the Council.

I would recommend that the Code of Conduct be amended to include that any person who has held civic office in relation to this Council must not be appointed to any paid position nor undertake any work on behalf of the Council within 6 (six) months after ceasing to hold the office.

Councillor R P Stubbs
Mayor

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Section 4 **Reports for Determination**

ITEM: 165

WASTE MANAGEMENT - SOUTH WINDSOR TIP

FILE NUMBER:

GW001/002 PT05/GMA

REPORT:

There have been representations regarding the fee structure used for the tip.

The matters raised require addressing with other issues including those reported to this meeting from the Environmental Protection Authority's Guidelines. There will be financial consequences of those guidelines and these will need to be addressed in any future pricing policy.

There are also matters such as the use of box trailers with capacities well beyond those that were expected when the box trailer charge was proposed and the requirement for payment to the Environmental Protection Authority on a weight basis when material is taken on a volume basis.

The matters will be investigated and a detailed report made to the Council.

RECOMMENDATION:

The information be received.

ATTACHMENTS:

There are no supporting documents for this report.

FN:OR214LAX.G18

**** END OF ITEM 165 ****

ITEM: 166

TWO LOT SUBDIVISION - LOT 2 DP835694 993 BELLS LINE OF
ROAD KURRAJONG HILLS - APPLICANT: G GRANT & D M M
ROGAN

FILE NUMBER: SA105/94/GMA

REPORT:

This item refers to Item 98 of the General Purpose Committee - Environment.

The following correspondence has been received from Mr G G Rogan :

"I wish to request that Item 98 be deferred until the next Council meeting in order to admit additional information to be provided."

RECOMMENDATION:

The matter be deferred.

ATTACHMENTS:

There are no supporting documents for this report.

FN:OR214LAX.G19

**** END OF ITEM 166 ****

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CLAREMONT LANE

FILE NUMBER: 0355/R/GMA

REPORT:

Claremont Lane that runs off Claremont Crescent provides access to a number of properties. Its status as a public road or private accessway has been questioned previously and was the subject of some detailed investigation by the Council and its solicitor, Mr Walmsley, between 1990 and 1992. The result of those investigations that no existing landowner in the area appeared to have title to the land, there were a number of plans in existence showing it as a public road, no-one had produced evidence to the contrary and accordingly the expenditure of further funds in pursuing its status was not warranted, with its status as a public road accepted.

The Council, in approving the Fitzgerald Memorial Hostel, required as a condition of approval that the laneway be constructed, including a footway. While the vehicular access to the Hostel is via the Rum Corp Lane off Richmond Road, pedestrian access for the aged inhabitants was proposed via Claremont Lane so they could walk to the town's facilities on relatively easy grades.

Last week, one of the landowners in the Lane, Mrs Mansfield, advised the Mayor that she intended to place a chain and padlock on the gate at the entrance to the Lane. The Mayor wrote to Mrs Mansfield referring to their discussions acknowledging her disputed position and requesting that no action be taken to impede access down the laneway until discussions could take place and a position determined. He also provided some of the detail that the Council relied upon to indicate the lane was a public road. The chain remains in place and yesterday further action was taken in reconstructing a fence along the Fitzgerald Hostel boundary preventing persons from accessing the lane. This leaves the residents of Fitzgerald who wish to walk to the town being required to use the Rum Corps Lane and Richmond Road, which is some considerable, additional distance and degree of difficulty.

There are in existence a number of plans that have been registered with the Lands Title Office that indicate the lane as a public road and these include:

- Primary applications for adjoining lands
- The map of the town of Windsor that indicates the road and has it within the Police Offences Act boundary
- A subdivision of the land signed by the then Town Clerk of Windsor Municipal Council on the 12th June, 1953
- The subdivision that created lots 2,3 and 4 in DP 231588 (Lots owned by Mr & Mrs Spice; Mr J Curtis and Mr H Rawson) on the 31st October, 1966
- Subdivision of the land of Claremont, signed on the 17th March, 1992

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- Subdivision of the land that created the lot on which the Fitzgerald Hostel now stands, signed on the 3rd April, 1990.

What is not available at this time is a plan that indicates the original dedication of the land as a public road. This does not necessarily mean that that status does not apply. There is also purportedly in existence letters from the Council some years ago stating that it would not maintain the lane as it was not a public road.

Investigation has been undertaken of the rates issued on all the properties that have frontage to the lane and there is no evidence that any present or former landowner is paying rates on the area.

There appear to be three possibilities as to the status and ownership of the land and those being:

1. It is a public road
2. It belongs to Alfred Cox who conveyed the land adjoining the north eastern side on the 15th July 1850 and the land on the south western side on the 30th December 1851. There have been no dealings by Cox in relation to the land from the 7th February 1849 to date (a check is being made on any recent dealings)
3. It belongs to another person including one of the existing landowners but this being unlikely

It is in the interests of the landowners in the area to have the area as a public road. It is therefore recommended that the following should take place:

1. Council pass a resolution whereby it resolves to take such steps as are necessary to resume the land should it be found to be owned by any person
2. Copy of this report being provided to all the landowners and them being invited to claim title to the land should they consider they have such a claim
3. Advise the landowners and specifically Mrs Mansfield who has indicated she placed the chain and padlock, that the Council requires it to be removed within a period of 48 hours pending formalisation of such steps as are necessary to formalise the title of the lane in favour of the Council. That should the padlock and chain not be removed then this will be undertaken by the Council.

RECOMMENDATION:

1. Council resolve to take such steps as are necessary to resume the land known as Claremont Lane should it be found to be owned by any person.
2. Forward a copy of this report to all landowners and invite them to provide any comments, including any claim they consider they may have to the title of the land known as Claremont Lane should they consider they have such a claim.

3. Advise the landowners and specifically Mrs Mansfield, who has indicated she placed the chain and padlock, that the Council requires it to be removed within a period of 48 hours pending formalisation of such steps as are necessary to formalise the title of the land in favour of the Council. That should the padlock and chain not be removed then this will be undertaken by the Council.

ATTACHMENTS:

There are no supporting documents for this report.

FN:OR214LAX.G20

**** END OF ITEM 167 ****

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Section 5 Reports for Information

ITEM: 168 ✓

PROPOSED REGIONAL ART GALLERY - HAWKESBURY CITY
AREA

FILE NUMBER: GR030/002 PT2/CSV

REPORT:

At its meeting on 29th November, Council considered a report regarding options as to the establishment of a Regional Art Gallery for the Hawkesbury City area. At that time it was resolved a Working Party comprising Councillors, staff and representation from 'Friends of the Hawkesbury Art Collection' be established to report on preferred options.

The Working Party consisting of the Mayor Councillor Stubbs, Councillor Wendy Sledge, Mrs Yvonne West and Greg Hansell (Friends of the Hawkesbury Art Collection) and Council staff, met on Thursday 9th February, 1995, to consider the various options.

In terms of the requirements, it was felt desirable to have a facility with sufficient size (probably minimum floor area of say 260m²) to allow sufficient hanging space for Council's Art work as well as providing suitable storage facilities and sufficient area to stage regional displays/exhibitions and Workshops/Seminars. It was also considered desirable that the facility should have the flexibility of permitting the staging other activities such as symphonies and acoustic concert performances etc.

In terms of the various options previously reported to the Council, the Committee felt that both the St Monica's building and Toxana were unsuitable for the following reasons:-

1. **St. Monica's** - The structure and design of the building was restrictive in terms of accommodating a Regional Art Gallery but it was felt the building had high merit for other cultural purposes including a Recital/Music Centre. The Committee felt that this concept should be further examined.
2. **Toxana** - The building, due to physical limitations was unsuitable as well as restricted access and parking. It was further considered that the building is extremely limited in terms of future expansion. The Committee was also mindful that the building is currently tenanted and produces a significant income stream to the Council.

The Committee discussed the possibility of establishing a Gallery within the area vested in Council at Clarendon known as Ham Common. This site was considered to have significant merit and it was agreed should be further examined noting that the aspect of adequate servicing (water, sewer) needs to be investigated.

Of the other options reported to Council, it was felt that there was also some merit in the possibility of a joint venture proposal with the University of Western Sydney - Hawkesbury. The Committee noting that the University is also expanding its cultural activities.

The next meeting of the Committee will be held on Thursday 23rd February at which time it is proposed to invite a representative of the Ministry for Arts to discuss specific details in relation to architectural qualities required for a Regional Art Gallery and funding opportunities.

RECOMMENDATION:

The information be received.

ATTACHMENTS:

There are no supporting documents for this report.

FN:OR214LCX.C17

**** END OF ITEM 168 ****

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Meeting Filename: OR140295.BIL

END OF BUSINESS PAPER

