



Hawkesbury City Council

ordinary meeting business paper supplementary

date of meeting: 13 May 1997

location: Council Chambers

time: 7.30pm

ORDINARY MEETING

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minutes of meetings



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Proposed World Heritage Listing GH020/015 Pt02

I have received correspondence from the Minister for the Environment Pam Allan MP regarding the proposal to nominate the Blue Mountains to the World Heritage list being a *“list of cultural and natural properties of outstanding universal value established under the World Heritage Convention.”*

The Minister indicates that the process of nomination also includes the establishment of a reference group to act as a link between Governments, the community and stake holders. This group will provide a forum for discussion of the progress of the Blue Mountains assessment and nomination process.

Members of the Reference Group will include representatives from aboriginal, environment, industry and other stake holder organisations, Local Government, the National Parks & Wildlife Service and Environment Australia. The National Parks & Wildlife Service will chair the Group.

I would recommend that Council nominate a representative to be on the Reference Group.

oooO END OF MAYORAL MINUTES Oooo



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notices of motion



Notices of Motion

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No Notices of Motion Were Submitted

oooO END OF NOTICES OF MOTION Oooo



Notices of Motion of Rescission

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No Notices of Motion of Rescission Were Submitted

oooO END OF NOTICES OF MOTION OF RESCISSION Oooo



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reports
for determination

ITEM: 239 Rural Fires Legislation**FILE NUMBER:** GL010/002 PT07/GMA/ORE13LAX.G38

REPORT:

The State Government has prepared and distributed the Rural Fires Bill and Regulations for community comment.

The objects of the Bill are to provide :

- (a) for the prevention, mitigation and suppression of bush and other fires in Local Government areas (or parts of areas) and other parts of the State constituted as Rural Fire Districts, and
- (b) for the co-ordination of bush fire fighting and bush fire prevention throughout the State.

The Bill provides for the constitution of all those parts of the State that are not within Fire Districts as Rural Fire Districts. The boundaries of the Rural Fire Districts are the same as those areas of the State constituted as Local Government areas. The Rural Fire Service is responsible for providing Rural Fire Services in the Rural Fire Districts and other parts of the State and for assisting other Emergency Services' organisations at emergencies under the control of those organisations and has functions assigned to it under the State Emergency and Rescue Management Act and other Acts.

The members of the Rural Fire Service are the Commissioner and other public servants appointed to the service of the Fire Control Officers appointed by the local authorities responsible for the Rural Fire Districts and employees of local authorities with duties related to rural fire fighting and the Volunteer Rural Fire Fighters. The Volunteer Rural Fire Fighters are the officers and the other members of the Rural Fire Brigades and groups of Rural Fire Brigades who function under the direction of the Fire Control Officers and other volunteers engaging in fire fighting and associated activities.

The Commissioner heads the Rural Fire Service and is Chairperson of the Bush Fire Co-Ordinating Committee and also the Rural Fire Service Advisory Council.

The Bill, if passed, will repeal and replace the Bush Fires Act of 1949.

Copy of the submission by the Local Government & Shires Associations has been distributed to all members.

Last week, the Hawkesbury Bush Fire Captains met and endorsed the Local Government & Shires Associations' submission with the exception of the comments regarding Clauses 115 and 116. These clauses form a section of Part 6 establishing the Rural Fire Service Advisory Council. In relation to Clause 115 that sets out the membership of eight, the Hawkesbury Bush Fire Captains want the Commissioner of the New South Wales Fire Brigades deleted from membership. This position is not supported for if there is to be total co-ordination and co-operation between the Services to enable more effective operations and minimise costs then it is important that there be a

formal communication position which is established here in the Advisory Council.

Section 116 provides for functions of the Advisory Council. The Hawkesbury Bush Fire Captains wish to add an additional function and that be "*the Advisory Council to approve all standard operating procedures and Commissioner's instructions prior to their implementation*". This position is also not supported as the Commissioner, who is held responsible for the day to day management of the Rural Fire Service must have the right to issue standard operating procedures and instructions without the necessity of not only referring them to the Advisory Council but requiring that organisation's approval.

The Associations indicate that there is a centralisation move in the proposed Bill extending beyond operational accountability. The Minister and the Commissioner have indicated that this is not the case, however, their position is not supported by the proposals where the Commissioner's powers extend beyond operational accountability to :

- * Day to day "*managing and controlling the activities of the Service*".
- * Determining "*the various duties that members of the Service are required to perform and allocate duties*".
- * Issue "*instructions to members of the Service*" not just in a fire situation but with respect to "*operations' management and control of the Service*".

If this is to be the case, then the position of the staff at the Local Government level involved could quite easily become untenable given the conflict that could occur between the Council's management and that of the Service.

The Coroner in his original report recommended that bush fire fighting should be taken away from Local Government. The Government rejected this proposal and indicated that day to day management in control of Brigades would remain with Local Government. If the Act proceeds to legislation as proposed, then a feasibility on cost and effectiveness should be undertaken to ascertain the best model and control for rural fire fighting in the State, rather than trying to mix management and control in a manner that will obviously result in conflict and thus management efficiency.

The other matters contained in the Local Government & Shires Associations' draft submission are supported.

RECOMMENDATION:

Council advise the Director of the Office of Emergency Service that the Council endorses the Local Government & Shires Associations' submission to the Rural Fires Bill of 1997 and the Rural Fires Regulation of 1997.

ATTACHMENTS:

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There are no supporting documents for this report.

oooO END OF ITEM 239 Oooo

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Item: **240**

ITEM: 240 **Appointment of Local Controller - Hawkesbury State Emergency Service**

FILE NUMBER: GC180/100 Pt02/GMA/ORE13LBX.G34

REPORT:

The New South Wales State Emergency Service has written indicating that appointments of Local and Unit Controllers are renewed every two years with the next date for renewal of Hawkesbury's Controller, Councillor Peter Minturn, being the 1st August, 1997. They do require, by the end of May an indication from the Council.

Councillor Minturn as Controller, continues to organise and manage the local service to a high performance standard and accordingly, his re-appointment for a further two years from the 1st August, 1997 is recommended.

RECOMMENDATION:

THAT Council advise the State Emergency Service that it recommends the re-appointment of Councillor Peter Minturn, as Hawkesbury State Emergency Service Controller.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 240 Oooo

ITEM: 241 **Richmond Lowlands - Sand and Gravel Extraction - Position of Hawkesbury Nepean Catchment Management Trust****FILE NUMBER:** GT170/004 PT03/EVD/ORE13LBX.V32

REPORT:

The report in the business paper of 13 May 1997 was discussed with the acting Chief Executive Officer and Mr Hughes on Monday, 5 May 1997.

The acting Chief Executive Officer has now forwarded further correspondence dated 7 May 1997 concerning the matter which does not materially alter the report in the business paper.

The subsequent letter does indicate that what was previously advised to be the resolution of the Trust was actually a recommendation to the Trust from its Standing Executive Committee. However the Trust has essentially resolved along the same basis as follows:

- “- *Recommend to the Department of Urban Affairs and Planning that it considers the potential for extractive industries on the Richmond Lowlands is a regional rather than a local issue and consequently the regional planning process, as opposed to local planning process, should be pursued at the appropriate time.*
- *Request the Department of Urban Affairs and Planning to amend the REP No. 9(2) - Extractive Industry at the first available opportunity.”*

The difference between what was advised to be the resolution and the actual resolution is not substantial with the Trust essentially recommending to the Department of Urban Affairs and Planning that the future of the Richmond Lowlands be taken out of Council's hands.

The subsequent advice apologises for the error in reporting the resolution of the Trust and also the lack of consultation.

The advice of 7 May 1997 reiterates that, at this stage, the Trust does not have a formal position on whether or not the Richmond Lowlands should be ultimately extracted.

In relation to their reasons for facilitating a regional planning process at this stage, it is explained in the correspondence as follows:

- “7. *The Trust, in taking this decision, is not attempting to advance or promote extraction, rather it is attempting to introduce a longer term systematic approach to the issue. This is a perspective often overlooked in the past and a reason why short term decisions and cumulative impacts have adversely impacted upon the catchment.*

The Trust is also concerned that unless a systematic approach is taken, pressure may build up to the extent that decisions are made quickly without the benefit of a comprehensive understanding of the issues that would become apparent with the completion of a Regional

Environmental Study. It would be most unfortunate if decisions were made in the absence of a comprehensive knowledge base.

8. *The Trust is also interested in ensuring that the regional planning process occurs at the appropriate time. By this we do not mean immediately but rather at a suitable period which recognises the lead time required for investigations and informed and objective decision making.*
9. *The Trust considers that Council should have a major role in a regional planning process, if such a process eventuates, and a key role in influencing the outcomes from such a process.*
10. *We note that the regional planning process has been used most successfully at the Penrith Lakes Scheme.”*

Perhaps the most disappointing aspect of the Trust's handling of the matter is their seeming acceptance of the inevitability of REP9. For example, their “longer term systematic approach to the issue” is limited to the agenda set by REP9, and they have not demonstrated any interest in assessing alternatives such as the well documented deposits offshore from Broken Bay and Palm Beach.

It is also queried whether the Penrith Lakes Scheme has been in the interests of the catchment and particularly water users elsewhere in the catchment but according to the Trust it is an example of a successful regional planning process.

Given the political sensitivity of the major planning land use decisions at stake, it is difficult to conceive how either the Hawkesbury Nepean Catchment Management Trust (if they desire) or Council will have any significant impact on the outcome of a regional planning process. In this regard, the agenda has already been limited by REP9 and the exclusion of consideration of any alternative deposits.

RECOMMENDATION:

- a. That the Hawkesbury Nepean Catchment Management Trust be advised that Council does not support its recommendation to the Department of Urban Affairs and Planning.
- b. That the Hawkesbury Nepean Catchment Management Trust be advised that Council is aggrieved that the Trust can deliberate on and make recommendations concerning one of the most significant land use planning issues in the City of Hawkesbury without consultation with Council.
- c. That the Department of Urban Affairs and Planning be advised that Council does not support the recommendation of the Hawkesbury Nepean Catchment Management Trust in relation to the matter because there has not been adequate consideration of alternatives to the extraction of sand and gravel resources from the Richmond Lowlands.

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Item: **241**

ATTACHMENTS:

AT-1 Inferred Sources of Gravel and Medium Grained to Coarse Grained Sand

AT-2 Map.

oooO END OF ITEM 241 Oooo

ITEM: 242 **Draft Local Environmental Plan for Composting Facilities - 1344 Singleton Road, East Kurrajong.**

FILE NUMBER: LEP018/96Pt02/EVD/ORE13LBX.V35

REPORT:

At Council's meeting on 8 April 1997 it was resolved that the information concerning the site specific draft local environmental plan over Lot 191 DP 751656, 1344 Singleton Road, East Kurrajong, together with a prohibition on subdivision other than by boundary adjustment within a 1.5 kilometre radius, be received.

Subsequent to that resolution, Mr John Whitehouse, a Partner with the Solicitors, Minter Ellison, acting on instructions from the Gloucester Reach Environment Group Inc, and Mr J Hicks, submitted an opinion suggesting that there were a number of flaws in the procedure adopted by Council in preparing the draft local environmental plan.

One issue he raised was that the draft local environmental plan submitted to the Department of Urban Affairs and Planning was not based upon a formal Council decision properly made under Section 54 of the Environmental Planning and Assessment Act. He then concluded that, in his view, the draft local environmental plan is unlawful.

In order to remedy any technical breach of the Act, it is recommended that Council re-resolve to prepare a draft local environmental plan in accordance with the draft local environmental plan map and instrument attached.

RECOMMENDATION:

That Council resolve to prepare a draft local environmental plan to permit mushroom composting or mushroom growing, or both on Lot 191 DP 751656, 1344 Singleton Road, East Kurrajong, together with a prohibition on subdivision other than by boundary adjustment within a 1.5 kilometre (one point 5 kilometre) radius, as shown on the attached draft local environmental plan instrument and map.

ATTACHMENTS:

Draft local environmental plan instrument and map

oooO END OF ITEM 242 Oooo



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ITEM: 243

Proposed Warragamba Dam Auxiliary Spillway

FILE NUMBER:

GC180/006/EVD/ORE13LCX.V33

REPORT:

On 19 December 1996, the Minister for Land and Water Conservation, the Hon Kim Yeadon, M.P, was advised that Hawkesbury City Council does not support the proposed auxiliary spillway as a means of making Warragamba Dam safe because of the estimated \$800 million (maximum) in damages it will inflict on downstream communities. The Hon Minister was also advised that Council would prefer any option for making the dam safe which included some provision for the temporary detention of flood waters behind Warragamba Dam either by raising the wall and/or lowering the full storage level so as to reduce flood peaks in the Hawkesbury/Nepean Valley.

The Minister has now responded as follows in a letter dated 9 April 1997:

"I have advised Council on previous occasions that the Government prefers to address downstream flood risks separately, in a more comprehensive manner. As Council is aware, the Government recently announced the appointment of a high level flood management advisory committee to facilitate this approach. The committee will examine flood plain management planning options to address the downstream flood risks and is to report by August, 1997. Membership of the committee is currently being finalised.

I have noted that specific matters raised in Council's letter, concern the proposal to ensure the security of Warragamba Dam from severe flooding. These fall within the portfolio responsibilities of the Hon Craig Knowles M.P, Minister for Urban Affairs and Planning and Minister for Housing.

I have forwarded your correspondence to Mr Knowles for consideration and reply direct on these issues."

RECOMMENDATION:

That the information concerning the position of the Minister for Land and Water Conservation in relation to the proposed auxiliary spillway for Warragamba Dam be received.

ATTACHMENTS:

There are no supporting documents for this report.

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No Reports of Committees Were Submitted

oooO END OF REPORTS OF COMMITTEES Oooo



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end of paper