



H a w k e s b u r y C i t y C o u n c i l

ordinary
meeting
business
paper
supplementary

date of meeting: 10 August 1999

location: Council Chambers

time: 7.30pm

ORDINARY MEETING

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1. **Donation - Camp Quality Caper** (GF008/001)

A request for support has been received from Councillor Warwick Mackay for the 1999 Camp Quality Caper. This event is a car rally which will be run from Gilgandra to Gosford between 23 and 30 October this year to raise money for Camp Quality.

The Camp Quality organisation is a non-profit volunteer organisation that conducts week-long fun and adventure camps for children suffering the life threatening effects of cancer.

Specifically, the donation requested would be used to sponsor a team competing in the Camp Quality Caper. In past years, Council has supported this fundraising activity.

Recommendation

That a donation of \$1,000 (one thousand dollars) be extended to Camp Quality for 1999.

2. **Meeting with Minister for Environment** (GW010/015Pt02;GC180/008Pt01 GT060/001Pt02; GS047/003Pt11)

Last Thursday I had a meeting with the Minister for the Environment, Minister for Corrective Services, Minister for Emergency Services and the Minister Assisting in the Arts, Bob Debus. I had raised a number of issues in correspondence some time ago with the Minister and sought to discuss these in person with him. The subjects being:-

- Provision of backlog sewerage
- Section 72 waste levies
- Emergency Services funding
- Tourism - establishment of National Parks and Wildlife Service Information Centre

The Minister was quite positive and sympathetic to the Council's position on all matters and I am confident we can work towards achieving results in all areas.

The backlog sewerage issue was most important and one where the Minister was well aware of the issue and the need for a resolution. Proposals for funding the backlog sewerage were put before the Minister and he sought to have these presented to him in further written detail so that he can take the matter forward. This can progress further, after the Council's consideration of the report on backlog sewerage tonight, when the support of other backlog areas will be sought and these put to the Minister to assist him in progressing the funding question.

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The Minister was very aware of the Council's position and the payment of the Section 72 waste levies and considered that it had a very good case in seeking a reduction based on the area's geography and the fact that Council provides garbage and recycling services well beyond its urban areas to the benefit of the environment. Further details on this matter have been sent to the Minister and I am hopeful of some positive outcomes.

The Minister indicated approval had been given for an increase in funding for State Emergency Services' vehicles and has suggested that further contact be made with the Service regarding the specific issue at Hawkesbury and, in particular, the Hawkesbury organisation's role in rescue.

The National Parks and Wildlife Service currently has an office and limited Information Centre in Bowmans Cottage, Richmond. The premises were acquired by the Department of Urban Affairs and Planning some years ago, on behalf of the State Government, and they funded the majority of the restoration works. Later, the Council and the National Parks and Wildlife Service jointly finalised those works and subsequently the title of the land was forwarded to the Council and an agreement reached for the National Parks to occupy part of the building and land.

With the expansion of the National Parks system and the significant contribution this makes to tourism of the area, there has been seen for sometime that there would be a considerable benefit if the District Office could be combined with an Information Centre at a prominent location. There is one location on the northern side of Bells Line of Road between Kurrajong Heights and Bilpin where Wollemi National Park comes to the road and a site exists where an Information Centre and office/depot could be established providing a focal point and additional tourist attraction. Council has had sketch plans of such a proposal prepared sometime ago and sought funding in the past. The Minister thought that such a proposal was well worthy of consideration and offered to assist in progressing the proposal to further stages.

I have written to the Minister and thanked him for the time and opportunity to discuss the various matters with him and for his positive approach to assisting the Council in the issues raised.

3. **Drug Free Walk** (GR030/039Pt02)

The Hawkesbury Royal Rangers have organised a Drug Free Walk for this coming Saturday, 14 August 1999. The walk is to take place from the tennis courts at Richmond to McQuade Park at Windsor via the Ham Common and Windsor Street. There have been a number of meetings with organisations such as the Police and Roads and Traffic Authority providing support and it could be expected that the event could draw a considerable number of participants.

Patrons for the event are the Federal Member for Macquarie, Kerry Bartlett; the Member for Hawkesbury, Kevin Rozzoli; the Member for Londonderry, Jim Anderson; the Police Area Commander, Bob White, and myself.

The organisers have sought the provision of some Council equipment, a small amount of works and garbage bins for McQuade Park.

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I am informed that the in-kind support would cost in the order of \$2,000 and, accordingly, I recommend that Council make a donation of that amount for the works services to be provided this Saturday.

4. **Mushroom Substrate Production of Mulgrave** (DA0218/90 Pt02)

Council at its March meeting resolved that I undertake discussions with Mr Tolson aimed at reaching a Deed of Agreement in relation to the Mulgrave operations. Those discussions have taken place and a Draft Deed of Agreement has now been forwarded for consideration.

The Deed provides as follows:

- “A. Elf carries on the business of mushroom substrate production as its property being Lot 4 in Deposited Plan 610341 and Part Lot 12 in Deposited Plan 736138 and known as 84-112 Mulgrave Road, Mulgrave (“The Mulgrave Plant”).*
- B Council has alleged that Elf has not complied with the conditions of its Development Consent No. DA218/90 in respect of The Mulgrave Plant.*
- C. Elf has made Development Application to Council for consent to establish mushroom substrate plant at Packers Road, Blaxlands Ridge (The Blaxlands Ridge Site) which it intends to operate in lieu of The Mulgrave Plant.*
- D. Without admissions as to the accuracy of Council’s allegations, Elf has agreed with Council that it will cease production of mushroom substrate at The Mulgrave Plant within a certain time and upon certain conditions.*

NOW THIS DEED WITNESSES THAT it is hereby mutually agreed by and between the parties as follows:-

- 1. Elf will permanently cease producing mushroom substrate at The Mulgrave Plant within eighteen (18) months from the date upon which:*
 - (a) Elf has obtained all consent approvals, licences and authorisations to conduct a mushroom substrate facility at The Blaxlands Ridge Site on conditions reasonably acceptable to Elf; or*
 - (b) The time for the filing by any person or corporation of any appeal against the judgment of any Court entitled to deal with proceedings relating to Elf's proposal to establish a mushroom substrate production facility at Blaxlands Ridge has expired;*
whichever is the later.
- 2. Within three (3) calendar months from the date of this Agreement Council shall take all necessary action to procure the gazettal of Hawkesbury LEP (Amendment No.48)*
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3. *Provided that Elf continues to operate its Mulgrave Plant in the same manner as it is operated at the date of this Agreement, Council will refrain from issuing against Elf or its officers, any Order under any legislation empowering it to do so or from commencing proceedings in any court of competent jurisdiction which order or proceedings seek to curtail or prevent Elf from continuing to operate its mushroom substrate facility at The Mulgrave Plant until the expiration of the eighteen (18) month period referred to in Clause 1 hereof..."*

The options for the Council are to:

- agree to the Deed as proposed
- propose variations to the Deed and further consult with Mr Tolson
- require completion of the Mulgrave development that involves the construction of the number of tunnels originally proposed
- take no further action

I propose that Councillors indicate what items they may wish to amend within the proposed Deed and then discuss the matter with Mr Tolson at the next General Purpose Committee meeting.

5. **Priorities for Fire Expenditure** (GS10/034 Pt03)

Councillors have recently received correspondence that is critical of priorities in the fire control expenditure area. Specifically, mention is made of the need to employ a consultant to undertake review of environmental factors to undertake fire hazard reduction works in acquiesce of the present radio communication system and funds to outfit a communications vehicle.

Over recent years the fire control function is one of the few areas of the Council's operations that has not been subjected to financial operational limitations at or less than the rate pegging limit. At the same time there has been a reduction in some areas of funds provided to the Council with the most recent of these impacts, members will recall, in the child care area. In 1995/1996 the total fire control expenditure was around \$830,000. In 1998/1999 this had increased to around \$1.2 million and in 1999/2000 projected at \$1.6 million. During the period rate increases adopted by the Council have been 1995/1996 2.2%, 1996/1997 2.7%, 1997/1998 3.1%, 1998/1999 1.7% and 1999/2000 2.4%. Over that period there has been an increase of two staff for which the Council does not receive any subsidy and a very substantial upgrading in the Wilberforce building from where fire control operates.

As indicated in tonight's business paper, if the Council provides the additional \$85,000 in funds this year, then the PMR radio system can be operational within the next couple of weeks and thus provide a major improvement to the communications system.

I am sure as with every member of the Council, we are all appreciative of the volunteer fire fighters and the contribution they make to the community. The position is that finances from governments are limited and there is a need in all areas to prioritise requirements within the budget limits

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available. I intend to write to the brigades and advise that Council is very supportive and recognises the contribution they make and that in terms of priorities there is a need each year to establish plans that fit within the limited finances available to the Council through governments and rate pegging limits.

oooO END OF MAYORAL MINUTES Oooo



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section

reports
for determination

ITEM: 23 Tender for Construction of Cell 3 at Hawkesbury City Waste Management Facility**FILE NUMBER:** GT020/373 PT01/EVD/ORH10LBX.V27**REPORT:**

Tenders for the construction of Cell 3 at Hawkesbury City Waste Management Facility at South Windsor closed on 6 July 1999.

Tender submissions were received from the following companies:-

- J K Williams Contracting P/L
- Lowe Earthmoving P/L
- M J & M D Skinner Earthmoving P/L
- Belmadar Civil Eng. & Building
- Walker Civil Eng. P/L
- Thiess Environmental Services P/L
- D & M Hughes Civil Engineering P/L
- Brett Kelly Earthmoving P/L
- T J & R F Fordham P/L
- Civil National P/L
- J A Bradshaw P/L

Tender prices quoted ranged from the lowest being \$494,130.00 to the highest at \$1,668,900.00 for the same construction work.

After careful consideration of all the tender documents submitted, close examination of the capabilities and backgrounds of the short listed companies, including reference checks and interviews, M J & M D Skinner Earthmoving satisfied the requirements of the tender specification in total. They have adequate staff and machinery to complete the cell construction within the required time constraints, subject to weather conditions being favourable.

M J & M D Skinner Earthmoving has had previous experience in cell construction at other waste facilities, and has completed a number of other projects of greater complexity and expense than the subject cell excavation, and is the lowest priced tender submitted at \$494,130.00.

Occupational Health and Safety requirements, and Insurance Covers have been met and are current and meet Council's requirements.

RECOMMENDATION:

That:

1. The tender for construction of Cell 3 at Hawkesbury City Waste Management Facility for the amount of \$494,130-00 (four hundred and ninety four thousand, one hundred and thirty dollars) submitted by M J & M D Skinner Earthmoving Pty Ltd be accepted.

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2. Contracts be signed under the seal of Council with M J & M D Skinner Earthmoving Pty Ltd for construction of Cell 3 at Hawkesbury Waste Management Facility at South Windsor.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 23 Oooo



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reports
for information

ITEM: 24 Hanna Park - Proposed Playing Fields**FILE NUMBER:** PK227/GMA/ORH10LCX.G31**REPORT:**

Councillors have received correspondence from Solicitors Shaddick Baker and Paul regarding this matter and, in particular, the proposal to indicate on zoning certificates the possibility of playing fields being developed on adjoining land.

The main text of that letter is as follows:

“... Contracts for sale of almost half of the lots in the subdivision have been exchanged.

Our clients were staggered to learn that Council is considering a proposal to establish a number of soccer fields on Hanna Park which will involve regular use and include the installation of floodlights for the night time training sessions.

It is incomprehensible that Council would support such a proposal, which would obviously have seriously detrimental effect on the amenity of this new neighbourhood.

At the time our clients purchased their property, although they were aware that Hanna Park had been set aside for recreational purposes, they understood, having regard to the nature and position of that Park, that any such recreation would be of a casual or informal nature and certainly not constitute the intensive use which is now proposed. At no stage during the consent process or nor since have our clients ever been informed otherwise.

Furthermore, our clients relied on records of the Hawkesbury Sports Council indicating that active recreation in the Park would not be proceeded.

In every application which comes before Council Councillors are concerned to protect the rights of neighbours whose amenity would be affected by the granting of the application.

In this particular case, Council clearly owes a duty to the persons who will soon occupy the homes to be built on our clients' subdivision, which Council approved, not to allow a development which obviously constitutes a nuisance in terms of lighting, noise and traffic.

We submit that Hanna Park in its present state, reflects great credit on Council and Mr Hanna. It is a jewel in the crown of Hawkesbury City and showcases, like few other areas easily accessible to residents and visitors to the area alike, the Hawkesbury River and its environs.

We are instructed that our clients will pursue all available legal avenues to restrain the approval of this potential nuisance.

In the event that this proposal proceeds, and as a result, our clients are unable to effect sales of the remainder of the lots in the subdivision or are compelled to reduce the prices of such lots, and in the event that existing purchasers rescind their contracts, our clients will institute proceedings against Council for damages. Such damages are likely to be substantial.

We understand that Council intends placing an endorsement on certificates issued under the provisions of Section 149(5) Environmental Planning & Assessment Act warning prospective purchasers of lots in our clients' subdivision of this proposal.

This indicates to us and to our clients that Council is aware that the proposal is detrimental to the owners of the lots which Council allowed to be created and that despite this awareness Council is prepared to proceed with a course of action adversely affecting the amenity of those lots.

We are therefore instructed to request that Council immediately remove the uncertainty for our clients, their existing purchasers and their proposed purchasers by forthwith rejecting this proposal."

RECOMMENDATION:

That the information be received

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 24 Oooo

ITEM: 25 Information Requests**FILE NUMBER:** GL010/005 PT04/GMA/ORH10LCX.G30

REPORT:

As the time for the Local Government Elections approach there is in an increased request for information in various areas of the Council operations. A great deal of information about the Council's operations is provided publicly through various reports and annual statements and is the subject of publication and comparison with other Councils in the Local Government Department's yearly publication comparing Councils' performance. In terms of performance, the Council stands up particularly well amongst others in the region and within the State.

The heightened political activity is normal in the lead up to elections, including debate about issues that are controversial and/or the subject of various persons' election focus.

The only time when the issue becomes a problem is when there is a risk of unfair damage caused to people's reputations. In fact the Commissioner of the Independent Commission Against Corruption has advised of his concern about allegations of corruption and conduct where even though these may be unfounded they can cause permanent damage.

A recent request for information is from Mr David Hooker of the Hawkesbury Progress Association requesting legal costs for the previous financial year and Councillors' expenses.

Most information from the last financial year's accounts will not be available until audited later this year. Some of the information is available and has been provided to Councillors with the quarterly reviews.

The approach intended to be taken is that information that is held will be made available in context and that further detail can be provided with use of a reasonable amount of staff time that will also be made available. In cases where a considerable amount of time is required then that issue would be advised to the Council for it to determine the allocation of resources for provision of the information.

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 25 Oooo

ITEM: 26 Windsor Road/Groves Avenue Intersection**FILE NUMBER:** 2342/R, 745/R/ENG/ORH10LCX.E29**REPORT:**

Council at its meeting of 13 April 1999 in relation to a report on the provision of traffic lights at the intersection of Groves Avenue and Windsor Road, resolved that the Roads & Traffic Authority be requested to provide the additional funding required to undertake the intersection improvements at Groves Avenue and Windsor Road, and if unsuccessful in this approach the matter be further reported to Council within three months.

Whilst there has been no formal response to the request, discussions have progressed with the Authority's Network Development Manager and whilst he has indicated that there is no commitment to funding the project in the Authority's current programs he would pursue the matter on the basis of Council's offer of part funding the facility with a view to getting the project included in a current program.

Negotiations will continue with the Authority with a view to providing the intersection improvements within the earliest possible time frame.

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 26 Oooo



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end of paper