



Hawkesbury City Council

general purpose committee business paper

date of meeting: 24 August 2004

location: council chambers

time: 9.00 a.m.

GENERAL PURPOSE COMMITTEE

Meeting Date: 24 August 2004

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general
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committee

section 1

environment

ENVIRONMENT

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SECTION 1 - ENVIRONMENT

Item: 39 **ENV A - Section 96 Modification to Relocate Dam Associated with the Growing of Cut Flowers, Lot 7, DP7571, 89 Boundary Road, Glossodia - (15110, 15109)**

Development Information

Applicant: Mr B Bugeja
Applicants Rep: N/A
Owner: Mr B J Bugeja & Mrs J D Bugeja
Stat. Provisions: HLEP 1989, SREP 20
Area: 20.190 hectares
Zone: Rural 1(b) Under Hawkesbury Local Environmental Plan 1989
Mixed Agriculture
Advertising: Notified to adjoining owners and occupiers and those previously making submissions 15 July 2004 - 29 July 2004
Date Received: 10 June 2004

Key Issues: ♦ Pollution (air)
 ♦ Potential Bush Fire Risk

Action: Approval at modification

REPORT:

Introduction

The application seeks to modify Development Consent DA0054/02 by deleting Condition 47. The application is being reported to Council as the original application was approved by Council (Policy PEA00712). This report details the modification proposal, the statutory situation and an assessment of the application. Based on the assessment, the modification is recommended for approval.

The Proposal

The application seeks approval to delete Condition 47. Condition 47 states:

"No burning of demolition or construction materials being carried out on site".

The applicant has stated that the majority of tree material has been cut for use as posts etc. The remainder of the trees consist of tree stumps and small branches, which are proposed to be burnt on site.

Background

A deferred commencement consent was approved at Council's Ordinary Meeting of 12 June 2002 for an extension to an existing dam, clearing of trees and use of the property for growing cut flowers. The consent became operational on 22 July 2002.

A previous application to modify the consent was received seeking modification to the consent by amending Condition 23. The modification sought to relocate the approved dam location approximately 25 metres further downstream, which will ensure the dam wall will not leak. This application was approved.

Statutory Situation

Hawkesbury Local Environmental Plan 1989

The subject property is zoned Rural 1(b) under HELP 1989. The proposed zoning is Mixed Agriculture under amendment 108, which still allows the proposal to be carried out with Council's consent.

Community Consultation

The application was notified to adjoining owners and occupiers and those who previously made submissions for 14 (fourteen) days, in accordance with the Notification Chapter of the Development Control Plan. There was 1 (one) submission received which raised the following concerns.

- The current conditions of consent have not been complied with:
 - (a) Removal of cattle grid.
 - (b) Compensating planting has not been undertaken.
 - (c) Proposed planting along the southern boundary has not been undertaken.
 - (d) Mound of dirt has not been removed .
- Large amount of vegetation to be burnt
- Period of time stumps can smoulder
- Potential for embers to be carried by the wind to properties.
- Young horses could be frightened by the flames of the fire.
- Impact on people's/horses health due to excessive smoke.

These matters are addressed in the assessment below.

Planning Assessment

A full assessment of the application under Section 79C was considered within the report to the General Purpose Committee meeting of 28 May 2002. The proposed modification does not alter the assessment under Section 79C significantly and the additional relevant matters are as follows:-

Justification for Burning

The applicant has indicated that the burning will only be for the remainder of the tree residue involving stumps and small branches. These residues will be collected into small piles for burning. The applicant has also advised that, apart from the removal of materials that can be used for fence posts, other substantial lengths of trunks will be cut and used for firewood.

Council officers have inspected the site and observed the amount of residue material that is proposed to be burnt. In view of the actions being taken to reduce the total amount to be burnt, the burning of residue material in small piles is reasonable.

Management Practices

The applicant should prepare a suitable Management Plan for the burning of vegetation. The plan will help reduce any potential impact and will provide detailed information on a range of matters such as:

- Suitable weather conditions where burning is to be undertaken to ensure it does not impact on surrounding properties in terms of smoke and potential fire hazard.
- Type of vegetation, location and size of the piles of vegetation to be burnt to reduce any impact on the surrounding area.
- Procedures for burning tree stumps so they are burnt quickly and do not smoulder for extended periods of time.
- Supervision of the burning of the piles.
- Procedures for obtaining any other approvals from the Rural Fire Services and Council under the Protection of the Environment Act.
- Emergency procedures.

This Management Plan can be considered and approved by Council and the Rural Fire Services prior to the commencement of any burning on site.

Conditions of Consent *(Raised by respondent)*

The applicant and their fauna/flora consultant have advised Council that, due to the current lack of water, it is not desirable to plant the proposed landscaping as the potential for them surviving is low. The applicant has given an undertaking that once the conditions improve rain the plantings will be carried out as per the conditions of consent.

The remainder of the conditions have not been completed as the development is still being undertaken.

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Rural Fire Services

The applicant was referred to the Rural Fire Services for advice. The service provided the following comments:-

- "1. *"The Rural Fire Service recommends that Condition 40 be deleted to permit pile burning of the remainder of the tree residue on the property.*
2. *In the bushfire danger period the applicant is required to obtain a Fire Safety Permit from the local brigade prior to lighting the fire".*

Conclusion

The applicant has undertaken actions to reduce the total amount of material to be burnt by using some of the material for fence posts and fire wood. The remainder of the material to be burnt will consist of small branches, leaves and stumps. Other means of disposing of the material is considered to be impractical.

The submission of a suitable Management Plan, which is to be approved by Council and the Rural Fire Service, will reduce the potential for the burning of the vegetation to impact on the surrounding area.

RECOMMENDATION:

That Development Consent DA0054/02 be amended as follows:

1. Condition 47 be deleted and replaced with "All burning of the residue vegetation is to be undertaken in accordance with the approved Plan of Management".
2. Additional condition 40B to read "Submission of a Plan of Management for the burning of the vegetation. The plan is to address the following matters:
 - Suitable weather conditions for burning;
 - Type of vegetation to be burnt;
 - Location of the burning piles;
 - Procedures for burning to avoid excess smoke;
 - Supervision of the burning;
 - Procedures for obtaining the necessary permits;
 - Emergency procedures."
3. Additional condition 40C to read "For any burning undertaken in the bush fire danger period, a Fire Safety Permit is to be obtained from the local fire brigade prior to lighting the fire."

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ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Item: 40 **ENV A - 8 Unit Residential Development, Lot 1 DP1010228 and Lot 2 DP1010228, 31 and 31A Flinders Place, North Richmond NSW 2754 - (DA0403/04, 79347)**

Development Information

Applicant: Mr Michael Vanderburg
Applicants Rep: Ms Clare Billingham
Owner: Mr T C Armstrong & Curraburra Constructions Pty Limited
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
Area: 3685sqm
Zone: Residential 2(a)
Advertising: 10 May 2004 to 24 May 2004
20 Submissions received
Date Received: 28 April 2004

Key Issues:

- ◆ Character of the area
- ◆ Slope of property
- ◆ Flood liability
- ◆ Traffic and parking
- ◆ Bin storage
- ◆ Visual and Acoustic Privacy
- ◆ Public Interest
- ◆ Compliance with Hawkesbury DCP
- ◆ Compliance with SEPP No 65

Action: Refusal

REPORT:

Introduction

The applicant seeks approval for 8 (eight) residential units at Lots 1 and 2 DP 1010228, 31 and 31A Flinders Place, North Richmond.

This matter is being reported to Council due to the number of objections received in relation to the application and a request from Councillor Bassett. This report will detail the proposal, the current statutory situation and provide an assessment of the application in accordance with Section 79C (1) of the Environmental Planning and Assessment Act 1979.

Background

In August 2003 Council received a development application for 10 (ten) residential units over the subject site. The application was placed on public exhibition and 17 (seventeen) submissions

were received. Council staff wrote to the applicant in October 2003 identifying a number of concerns relating to the provisions of Sydney Regional Environmental Plan No.20 (No. 2 –1997), location of sewer, Acid Sulphate Soils, car parking, erosion and sediment control, energy efficiency, building height plane, private open space, vehicle manoeuvring, basement parking, visual and acoustic privacy, safety and security, and bin collection. The application was withdrawn 7 November 2003.

The Proposal

The application proposes:

- a multi storey residential building consisting of 7 (seven), 3 (three) bedroom units and 1 (one), 2 (two) bedroom unit;
- basement carparking consisting of 16 (sixteen) resident spaces and 3 (three) visitor spaces; and
- associated landscaping, BBQ area, timber pergola, water feature and tubular steel fencing.

The proposed residences are to be constructed of face brick and cement rendered walls, corrugated sheet metal roof and aluminium window and door frames.

Due to the steeply sloping nature of the site, the proposed residences are arranged in a horizontal terrace style with the main common open space area located on the lower relatively flatter part of the site.

Description of the Site and Surrounds

The subject site is vacant and located on the south-eastern side of Flinders Place, North Richmond. It is irregular in shape with an area of 3685sqm (three thousand, six hundred and eight five square metres). The site varies in height from approximately 31m (thirty one metres) AHD towards Flinders Place and approximately 14m (fourteen metres) AHD at the rear. The part of the site on which the units are proposed has an average slope of approximately 20% (twenty percent), with some parts being as steep as 25% (twenty five percent).

The 1 in 100 flood event year for the area is approximately 17.6m (seventeen point six metres) AHD. The subject site is within "bush fire prone land" and as within land designated as Class 5 on the Acid Sulphate Soil maps provided by the Department of Infrastructure Planning and Natural Resources. The site falls within the 20 - 25 ANEF contour.

A geotechnical investigation submitted with the application records that there are several cut and fill platforms on the site and that it is likely that a landslip event will probably occur under adverse conditions, the consequences to the property would be "Major" and the site is assessed to have a "High" risk level.

Surrounding properties along Flinders Place, which face the river, are of similar slope and almost all have been built upon with 2 (two) - 3 (three) storey brick and tile dwellings. The existing development of these lots has produced a clear and definable rear building setback. A public

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reserve is located to the east of the site and other properties along the eastern side of Flinders Place. The Hawkesbury River and low-lying farmland is located beyond the public reserve.

Primary views to the site are obtained from the public reserve, the river and the North Richmond Bridge.

Statutory Position

Hawkesbury Local Environmental Plan 1989

Relevant clauses of HLEP 1989 are Clause 6 Adoption of 1980 Model Provisions, Clause 9 Carrying out of development, Clause 9A Zone objectives, Clause 16 Erection of residential flat buildings Class B or C, Clause 18 Provision of water, sewerage etc services, Clause 21 Danger of Bushfire, Clause 25 Development of flood liable land, Clause 37 Land affected by aircraft noise, Clause 37A Development on land identified on Acid Sulphate Soils Planning map.

The proposed development demonstrates satisfactory compliance with Clauses 16, 21, and 37A. Subject to further expert reports and designs, it is considered that the development could comply with Clauses 18 and 37.

Clause 6 - Adoption of Model Provisions

This clause requires Council to take into consideration the probable aesthetic appearance of the development when viewed from a waterway, public reserve or land zoned for open space.

Clause 9 Carrying out of development

The property is zoned Residential 2(a) under HLEP 1989. The applicant's Statement of Environmental Effects states that the proposed development consists of "residential flat building Class B" and "residential flat building Class C".

A "residential flat building Class B" is permissible within the Residential 2(a) zone and is defined as "a residential flat building containing more than 2 (two) dwellings in a group such as a are commonly known as group homes, villa homes, terrace buildings and the like"

A "residential flat building Class C" is prohibited within the Residential 2(a) zone and is defined as "a residential flat building containing more than 2 (two) dwellings in a form commonly described as "walk-up-flats, a characteristic of which is often a common stair access".

Notwithstanding the dual use nominated in the Statement of Environmental Effects, it is considered that the development falls solely within the definition of "residential flat building Class B" and is therefore permissible with consent. If Council seeks to approve the application, this matter should be clarified with the applicant.

Clause 9A Zone objectives

The relevant objectives of the 2(a) zone are:

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- (a) *to provide for housing and associated facilities in locations of high amenity and accessibility;*
- (b) *not relevant; and*
- (c) *to ensure that development does not create unreasonable demands, in the present or in the future, for the provision or extension of public amenities or services.*

It is considered that the subject site is within an area of high amenity and accessibility. The amenity of the residences along the eastern side of Flinders Place may be characterised by predominantly low-density housing with generous rear setback to the public reserve. These characteristics along with the public reserve, expanse of the Hawkesbury River and low-lying farmlands creates a context of openness and building separation. It is appropriate that new development be compatible with the characteristics that create this high amenity.

As will be discussed later in this report, the development has the potential, individually and/or cumulatively, to adversely affect the existing amenity of the area as well as generate unreasonable demands on the surrounding road network by way of traffic generation and congestion. It is therefore concluded that the proposed development is inconsistent with the objectives of the 2(a) zone.

Clause 25 Development of flood liable land

The relevant provisions of Clause 25 are:

- (2) *A building shall not be erected on any land lying at a level lower than 3 metres below the 1 - in - 100 year flood level for the area in which the land is situated*

The 1 in 100 flood level for the area is approximately 17.6m AHD; hence land above 14.6m may be built upon. The residential building component of the development is on land above 14.6m AHD, and generally above 15.5 - 16m AHD.

- (3) *Each habitable room in a building situated on any land to which this plan applies shall have a floor level no lower than the 1 - in - 100 year flood level for the area in which the land is located*

All habitable rooms have a floor level greater than 18.55m AHD.

- (5) *The Council shall, in the assessment of a development application, consider the flood liability of access to the land and, if the land is within a floodway, the effect of isolation of the land by flooding, notwithstanding whether other aspects of this clause have been satisfied.*

and,

- (6) *Minor structures such and outbuildings, sheds and garages may be erected on land below the 1 in 100 year flood level, with the consent of Council. The Council shall, in the assessment of a development application for such a structure, consider the likely frequency*

of flooding, the potential flood damage and measures to be taken for the evacuation of the property.

The lower portions of the site have the potential to be subject to regular nuisance flooding with an average recurrence interval of approximately 1 in 10. Similarly, the lower portions of the site, being approximately 50m (fifty metres) from the river, could be considered to be within the floodway of the Hawkesbury River. Minor structures such as a timber pergola, decorative boundary fencing, timber deck, water feature and BBQ area are proposed within these lower portions of the site, i.e on land below 14.5m AHD.

These, generally light weight structures could be readily damaged and washed away in times of flood creating environmental damage and additional cost to the future owners for repair and replacement. Given the flood affection of this land, it is considered undesirable that this part of the site contains the development's primary area for common open space.

The density of the development and the pedestrian only connection between the lower apartments and the higher carparking area raises concern regarding the ability of the residents to quickly and safely evacuate the site it times of larger, albeit infrequent, flood events.

(7) Any part of a building below the 1 - in - 100 year flood level is to be constructed of flood compatible materials

Part of the building is to be built on land below 17.6m AHD. That part of the building which below 17.6m can be constructed of flood compatible materials.

The proposed development generally satisfies the provisions of Clause 25, however, concern is raised in relation to the density of the development, ability to evacuate residents during large flood events and use of land subject to regular nuisance flooding for the provision of common open space.

Draft Hawkesbury Local Environmental Plan 1989 - Amendment 130

The subject site falls within the proposed Multi Unit Housing Zone under draft Amendment 130. Draft Amendment 130 has been placed on public exhibition and is currently with the Department of Infrastructure Planning and Natural Resources for gazettal.

The proposed development falls within the definition of "multi unit housing" and is permissible within the proposed Multi Unit Housing zone.

It is considered that the proposed development is inconsistent with the following objectives of draft Amendment 130:

- *to ensure that building form is in character with the surrounding built environment*
- *to ensure that development is sympathetic to natural amenity and ecological processes of the area*
- *to ensure that development does not create unreasonable demands, in the present or on the future, for provision or extension of public amenities or services.*

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Sydney Regional Environmental Plan No. 20 (No.2 -1997)

The subject site falls within the Middle Hawkesbury Nepean River Catchment area defined by SREP No. 20 (No. 2 - 1997). The site is also within an area of Regional Scenic significance (Unit 3.4.1 Yarramundi Weir to South Creek junction landscape unit).

The aim of SREP No. 20 (No. 2 - 1997) is to protect the environment of the Hawkesbury - Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. SREP No. 20 (No. 2 - 1997) contains general and specific matters for consideration, specific planning policies, recommended strategies and development controls which are to be considered in the assessment of a development application.

Relevant specific planning policies and recommended strategies are total catchment management, environmentally sensitive areas, water quality, water quantity, flora and fauna, riverine scenic quality, recreation and tourism, and metropolitan strategy. Relevant development controls relate to land uses in riverine scenic areas.

Key planning considerations of 20 SREP No. 20 (No. 2 - 1997) and the related Scenic Quality Study include:

- *the need to prevent large scale, high density or visually intrusive development on waterfront land or on slopes and ridgetops which are visible from the river or the surrounding visual catchment*
- *whether the development is adequately setback from the river*

It is considered that the proposal is inconsistent with the aims of the plan as well as the general and specific planning policies, recommended strategies and development controls outlined in Parts 1, 2 and 3 of SREP No. 20 (No. 2) due the development's height, scale, bulk, density, location and the amount of glazing facing the adjacent reserve and river.

State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development

SEPP No 65 has been developed in an effort to improve the design quality of residential flat building in New South Wales. The proposed development is subject to the provisions of this SEPP.

The Policy establishes 10 (ten) design quality principles that should be achieved by each development affected by the Policy. The Policy also requires Council to consider the provisions of the accompanying *Residential Flat Design Code*.

The design quality principles established under SEPP 65 relate to:

1. Context
2. Scale
3. Built Form
4. Density
5. Resources, energy and water efficiency
6. Landscape
7. Amenity
8. Safety and Security

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9. Social Dimensions
10. Aesthetics

These design quality design principles seek to achieve "good design". The SEPP states, inter alia, that "good design" results in development of great urban places; is inextricably linked to its site and locality, responds to the landscape and existing built form; provides sustainable living environments; and serves the public interest.

It is considered that the proposed development does not adequately achieve compliance with these design quality principles or the objectives of the companion *Residential Flat Design Code*.

The proposed development does not respond well to the desirable elements of the locality's current character; the scale, bulk and height of existing development; building proportion, type and alignment; density and availability infrastructure; and composition of buildings.

The existing character of the eastern side of Flinders Place can be typically defined by low scale and low density 1 (one) - 3 (three) storey single residences and dual occupancies surrounded by generous landscaped front and rear yards. The residences are typically of an uncomplicated rectangular or L-shaped design with limited protrusions such as elevated decks and pergolas. A particular characteristic of these properties is the location of the dwelling generally on an upper terrace, the absence of residences on the steep sloping land and the generous rear setback to the public reserve.

The proposal when viewed from almost all directions will appear as a large, bulky and dense multi storey residential development with a number of protruding side walls, elevated decks, pergolas and landscaping elements. The building is of a complex design covering a substantial portion of the site and extends down the steeply sloping land well beyond the existing dominant building setback from the public reserve.

It is considered that solar access to the Units is poor due to their generally southward facing orientation. Units 6, 7, and 8 are considered to have the worst solar access and the common open space area is in significant shadow from approx 2:00pm onwards on the 22 June.

The development relies significantly on elevated terraced landscaped areas to soften the appearance of the building. Elevated terraced landscaped areas are not characteristic of the localities landscaped qualities. Concern is also raised regarding the long-term survival of the proposed landscaping given its south facing orientation, expanses of surrounding masonry and potential lack of desire/skills of future occupants to maintain the landscaping.

SEPP No 65 requires that the applicant submit photomontages of the proposed development in the context of surrounding development. Photos of the site and surrounds have been provided however a photomontage required by the SEPP has not been provided.

Hawkesbury Development Control Plan

The relevant chapters of Hawkesbury DCP are:

Notification Chapter. The application was publicly exhibited for the period 10 - 24 May 2004. 20 (twenty) submissions were received. The nature of the submissions will be outlined later in this report.

Landscaping Chapter: The site to be mostly vegetated with grass. It is considered that the proposed landscaping is insufficient to overcome the concerns raised due to the development's bulk, height, scale and mass as well as potential visual and noise impacts.

Car Parking and Access Chapter:

This chapter requires 18 (eighteen) carparking spaces to be provided, consisting of 16 (sixteen) resident spaces and 2 (two) visitor spaces. A total 19 (nineteen) basement carparking spaces are proposed, generally under proposed Unit 1. The carparking area is to be accessed via a 4.8m wide (approx) ramp adjacent to the western boundary of the site. With the exception of Unit 4, resident parking space for all the Units are arranged in 7 (seven) pairs of stacked spaces.

It is considered that the occasional stacked parking arrangement can be acceptable where these spaces make up a minority of the total spaces and where there is sufficient on street parking in front of the site to cater for short term parking. In this case, 14 (fourteen) of the 16 (sixteen) resident spaces are stacked and there will be no on street parking available in front of the site.

Soil Erosion & Sediment Control Chapter: A detailed erosion and sediment control plan was not submitted with the application. Given the steep slope of the land, the amount of bulk excavation (up to 3m in depth) and resultant stockpiling and filling, as well as the flood affectation of the land it is considered that a detailed soil erosion and sedimentation plan should have been submitted with the application for consideration.

Energy Efficiency Chapter: The applicant has submitted NatHERS assessments demonstrating compliance with the minimum 3.5 (three point five) star rating, however, the applicant has not submitted an Energy Performance Statement.

With respect to the rules outlined in Section 6.4:

- there is poor provision of solar collectors that face 20 (twenty) degrees west of north and 30 (thirty) degrees east of north.
- shadow diagrams submitted are of insufficient detail to determine compliance.
- no details of clothes drying areas have been provided.

By way of general comment it can be stated that the dining/lounge areas of the Units generally face southward and kitchens in Units 6, 7 and 8 have no direct solar access. Solar access is particularly poor to Unit 6. The common open space area is in significant shadow from approx 2:00pm onwards on the 22 June.

Residential Chapter

Key aims of this chapter are to:

- Ensure all forms of residential development is designed to be compatible with the built environment in which they are located in terms of height, size, bulk, scale, setbacks, materials and open space.
- Ensure that the building form . . . is sympathetic with the existing surrounding neighbourhood
- Ensure that all types of housing meet community expectations about health, safety and amenity
- Ensure that proposed development does not detract from the amenity of adjacent residents or the quality of the environment

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The following table identifies where the proposed development does not comply with the Residential chapter.

Element	Required	Proposed	Complies
Building Height Plane	New buildings are to be constructed within the <u>Building Height Plane</u> for the relevant residential use. The <u>Building Height Plane</u> is to be adjusted for sloping sites to follow the natural ground level. Maximum height above natural ground level for multi unit housing is 1.8m at the boundary 7m at ceiling height 10m at ridgeline	The applicant has not provided relevant cross sections of the site showing building height plan.	No - see discussion below
Private Open Space	(a) Single dwelling houses and multi unit housing are to provide at least one area of <u>private open space</u> for each dwelling. (b) The total of <u>private open space</u> at ground level must be a minimum of 20% of the site area, regardless of permeability of the surface. This space must: 1. be capable of containing a rectangle 5 metres x 6 metres that has a slope less than 1:10; 2. not be comprised of any area with a dimension less than 4 metres; and 3. be exclusive of clothes drying areas, driveways, car parking and other utility areas. (a) Any above ground level balcony or rooftop area designed for <u>private open space</u> must have a minimum area of 10 square metres with a minimum dimension of 2 metres. This area is not included in the calculation for the provision of total <u>private open space</u>.	All units have been provided with at least one area of private open space by way of an above ground terrace and/or deck. No private open space is provided at ground level. No details of clothes drying areas have been provided.	No - see discussion below
Access and Parking	(a) Driveways next to any side or rear boundary must have a landscape strip of	The driveway within the vicinity of the visitor carparking	No

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Element	Required	Proposed	Complies
	at least 1 metre to separate them. ... (d) For development that contains more than 2 units driveways are to have a minimum driveway width of 6m from the layback/kerb line to 6m inside the property. ... Where more than 3 units are served by an access or the access is greater than 30m long, a turning area shall be provided at or near the end of the access. ... (m) All on site car spaces shall comply with the minimum dimensions set out in Part C Chapter 2 (Car Parking and Access). Where a space adjoins a wall, fence or other fixed structures, the width shall be increased as follows to allow adequate door opening: • On one side only to 3.2m • On both sides to 3.8m.	spaces is within 1m of the side boundary Driveway only 4.8m wide No designated turning area has been provided at or near the end of the access. Visitor carparking space V3 is only 3m wide.	No No No
Basement Parking	(a) Only the basement's parking entry should be seen as a separate level in a building. Large exposed foundations, voids and walls are not to be used. (b) No part of a basement should extend more than 1 metre above natural ground level so the height of the building is not excessive.	A significant portion of the carparking area side walls will be able to be seen from outside the site. This includes being able to see the full height of the wall. The basement's floor is up to 3m above natural ground level	No No
Visual Amenity	(a) Where there is potential for loss of privacy the proposal should incorporate some of the techniques illustrated in the	The development proposes 13 windows of varying heights	No - see discussion below.

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Element	Required	Proposed	Complies
	DCP. (b) Where there is no alternative to a window, it should be screened.	and sizes and 4 terraces/decks adjacent to the northern boundary. Similarly 9 windows of varying heights and sizes and 4 terraces/decks are proposed adjacent to the western boundary.	
Acoustic Privacy	(a) Acoustic privacy is to be considered at the design stage.	The proposed includes elevated terraces and deck that are the occupant's sole private open spaces area. Unit 1 is located above the carparking area. 4 carparking spaces and a storage area is located above a bedroom and combined dining/lounge area of Unit 2.	No
	(b) Site layouts should ensure parking areas, streets and shared driveways have a line of sight separation of at least 3 metres from bedroom windows		No
	(c) A distance of at least 3 metres should separate openings of adjacent dwellings.		Yes
Safety and Security	(a) Each dwelling is to be provided with direct and convenient pedestrian access to a private or public road.	Due to the slope of the land residence will have to traverse up to 7 flights of steps with 5 changes in direction to gain access to Flinders Place.	No - see access is neither direct or convenient
	(b) Elements to be incorporated in site and building design and include: ▪ doorway/entry safety and surveillance to and from the footpath ▪ visibility to the street from the front	1 bedroom window and a laundry window faces onto Flinders Place.	No - Poor surveillance to street and driveway area

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Element	Required	Proposed	Complies
	of the development		forward of the building line.
Recycling, garbage and mail	(a) Collection areas must be integrated into the overall site and building design.	Mail collection and bin storage areas have been provided at the front of the site.	No - see discussion below.
Fencing and Retaining Walls	(e) Retaining walls shall: - not be taller than 500mm; - not cut through roots of any tree to be retained.	The proposed development will consist of a series of retaining significantly greater than 500mm in height	No

Building Height Plane - Assessment shows that compliance with BHP is not achieved at various points throughout the development eg north facing wall and roof of Unit 1 and terrace, north facing roof portion of Unit 4, western facing of driveway wall and carparks pergola. Many other parts of the development along the northern boundary are marginal in terms of compliance. Note, there appears to be a discrepancy between ground levels shown on the elevations and that shown on the survey and site plans. The discrepancy would suggest that the ground level at the boundary is lower than that shown on the elevations, therefore, producing greater non-compliance with the Building Height Plane provisions.

Private Open Space - All private open space for the units is provided by way of an above ground terrace and/or deck hence by way of Rule (d) the proposed development contains no private open space. If this rule is to be excluded then, by way of Rule (b) the private open space for area unit is as follows:

Unit 1 = 245m²

Unit 2 = 70m²

Unit 3 = 101m²

Unit 4 = Nil (Applicant claims 74m² however minimum dimensions of 5m X 6m [Rule (b)] not achieved)

Unit 5 = Nil (Applicant claims 61m² however minimum dimensions of 5m X 6m [Rule (b)] not achieved)

Unit 6 = Nil (Applicant claims 34.6m² however minimum dimensions of 5m X 6m and 4m in any direction [Rule (b)] not achieved)

Unit 7 = Nil (Applicant claims 33.7m² however minimum dimensions of 5m X 6m [Rule (b)] not achieved)

Unit 8 = Nil (Applicant claims 33.9m² however minimum dimensions of 5m X 6m [Rule (b)] not achieved)

Therefore, total private open space using Rule (b) without ground level limitation is 416m², i.e 11% of the total site area.

Visual Privacy - Due to the height, number and size of the windows/terraces and decks it is considered that the visual privacy afforded to the immediately adjoining properties is unsatisfactory and proposed landscaped screening is inadequate

Acoustic Privacy - The elevation and use of the terraces/decks has the potential to create significant acoustic nuisance to adjoining properties and within the development. The location of the carparking and

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storage areas below Unit 1 and above Unit 2 has the potential to create significant acoustic nuisance to the residents of these Units.

Recycling, Garbage and Mail Collection Areas - The site has a curved frontage of approx 12m. Approx 8m of this frontage would be for driveway crossing and associated setback/landscaping. The remaining frontage is inadequate for the bins to be collected.

Community Consultation

The application was publicly exhibited for the period 10 - 24 May 2004.

20 (twenty) responses were received. The responses outlined the following concerns:

- Low density area is not suited for unit development;
- Over development of the site;
- Inconsistent with existing dwellings which surround the site;
- Construction is below the established rear building line;
- Site is too steep;
- The development will set an undesirable precedent for other landowners of properties along Flinders Place and in a short time this would change the entire Hawkesbury Rover escarpment at North Richmond;
- Negative impact on scenic quality of the river;
- Proposal not in keeping with the desire to maintain and preserve the scenic nature of river and parkland;
- Existing road widths are too narrow for development of this density;
- Increase in the amount of on-street parking;
- Increased on street parking will impeded driver visibility and safety;
- Stacked garaging will result in 1 space used for storage and 1 space for a car, therefore excess vehicles will be parked on the street;
- Insufficient off street visitor parking;
- Traffic generation and increased congestion within Flinders Place, Riverview Street and Grose Vale Road;
- Traffic noise and headlight glare - in particular noise and glare of vehicles existing the site via the uphill driveway;
- Reduction in motorist and pedestrian safety due to garbage bin storage within roadway during collection (16 garbage bins will not within property frontage);
- Visual impact of 16 garbage bins put out for collection;
- Negative long term impact on the community;
- Development contrary to covenant on subdivision;
- Loss of property values;
- Lack of public transport to serve development of this density;
- Concerned that the park will be used as emergency access to the units and for access to the site during construction;
- Concerned about congestion caused as a result of construction activities;
- Ability of construction vehicles eg brick trucks and cement trucks to enter and exit the steep site; and
- Concern about disposal of stormwater and capacity of soil too absorb stormwater during prolonged wet weather periods.

Planning Assessment

In addition to the planning consideration identified above it is considered that the application is deficient in respect of the following matters for consideration.

Natural Hazards

Using the criteria outlined in the Floodplain Management Manual: the management of flood liable land, New South Wales Government January 2001 is site within a high hazard – flood fringe area. The manual states that in such areas the feasibility of evacuation procedures are an essential element of management plans and the developers should be required to satisfactorily demonstrate that permanent, fail safe, maintenance free measures are incorporated into the development to ensure the timely, orderly and safe evacuation of people from the area, that the displacement of these people will not significantly add to the overall cost and community disruption caused by a flood. The applicant has not provided such information. It is considered that this development and the potential precedent it would set for future development in the area would give rise to significant and serious evacuation concerns and cost to individual and the community.

The slope of the land upon which the units are proposed has an average slope of approximately 20% (twenty percent) with some slopes up to 25% (twenty five percent). A geotechnical investigation submitted with the application notes the likelihood of landslip and the site is assessed to have a "High" risk level. The slope, potential for landslip and earthworks required to overcome these constraints leads to the conclusion that the site is not suitable for the scale and extent of the development proposed.

Construction

Construction of the proposed development has the potential to significantly impact upon surrounding neighbours, public reserve and Hawkesbury River due to the limited access to the site, its slope, the volume of excavation and fill required, the machinery to undertake such works and the likely timeframe for construction.

Cumulative impacts

The proposed development is not compatible with the surrounding built environment or scenic quality of the area. Approval of this scale and density of the development would create an undesirable precedent for development of all of the properties along the eastern side of Flinders Place thus creating a significant adverse cumulative impact.

Suitability of the site for the development

The proposed development has the potential in itself and by way of precedent to lead to unmanageable transport demands. The site attributes such as size, shape, slope affects of flooding and potential landslip are not conducive to the development proposed.

It is, therefore, concluded that the site is unsuitable for the proposed development.

Public Submissions

The matters raised by the respondents have been identified in above report. The concerns of the respondents are, on the whole, considered to be reasonable and appropriate given the development proposed.

Public Interest

Based on the above assessment of the application it is concluded that the proposed development is not in the public interest

Conclusion

The general theme of the aims, objectives and development standards of various planning control identified in this report to ensure that new development is compatible with the existing built environment, is of high amenity and meets community expectations.

The site is located within a well defined residential area characterised by generally low density simply designed residential development set on relatively large lots with a generous rear building setback to the public reserve. By contrast the application proposes a relatively high-density multi unit housing development of complex design with significantly reduced setback to the public reserve on steeply sloping land.

The proposed development has the very real potential to reduce the existing amenity of the area, is not a development which will provide a consistent high amenity for the likely occupants, and as evidenced by the respondent's submissions, it is not a development which meets community expectations.

It is recommended that the proposed development be refused.

RECOMMENDATION:

That the development application be refused for the following reasons:

1. The proposed development is likely to have an adverse impact on the amenity of residents in the immediate locality.
2. The design of the proposed development will not provide an acceptable level of amenity for future residents.
3. The proposed development is inconsistent with the established character of the locality.
4. The proposed development will have an unacceptable impact on the visual quality of the area.
5. The proposed development will have an unacceptable impact on the locality in terms of scale, bulk, mass, form and design.

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6. The proposed development is inconsistent with the aims and objectives of Hawkesbury Development Control Plan.
7. The proposed development does not comply with the requirements of the Hawkesbury Development Control Plan, in particular the residential, energy efficiency and carparking and access chapters.
8. The proposed development is inconsistent with objective (a), and (c) of the Residential 2(a), zone contained within Hawkesbury Local Environmental Plan 1989.
9. The proposed development is inconsistent with the objectives of draft LEP 1989 amendment130.
10. The proposed development is inconsistent with the planning considerations, policies and recommended strategies of Sydney Regional Environmental Plan No. 20 - Hawkesbury Nepean River.
11. The site is unsuitable for the proposed development.
12. In the circumstances, approval of the development would not be in the public interest.

ATTACHMENTS:

AT - 1 Locality Plan

AT - 2 Site Plan

AT - 3 Plans and Elevation

Larger copies of these attachments will be displayed in the Council Chambers at the meeting.

Item: 41 **ENV B - Intensive Agricultural, Pollution Control Principle and Waste Not Chapters for the Hawkesbury Development Control Plan - (79347)**

Previous Item: 7, Ordinary (11 February 2003)

REPORT:

Introduction

A number of draft chapters of the Hawkesbury Development Control Plan were exhibited in 2003.

The purpose of this report is to advise of the public exhibition of the chapters dealing with Intensive Agriculture and Pollution Control Principles. A number of submissions were received in regard to these chapters and these will be discussed below.

Proposed New Chapters to Hawkesbury Development Control Plan

The Intensive Agriculture Chapter deals with the following general issues:

- Site Layout /Site Selection
- Erosion and Sedimentation Control
- Waste Management
- Traffic and Access
- Visual Amenity
- Flora and Fauna
- Chemical Use/ Spray Drift
- Farm Management Plan

The following special land uses are also covered:

- Poultry Farms (New And Extensions To Existing)
- Orchards

The draft chapter on Pollution Control Principles addresses the following matters:

- Odour
- Noise
- Air
- Light
- Water
- Solar

These chapters overlap to some degree in that pollution control principles apply to the special land uses contained in the Intensive Agriculture chapter.

Public Exhibition

The chapters were placed on public exhibition from 16 July - 12 September 2003. Notices of the exhibition were also placed in the Hawkesbury Gazette.

A number of submissions were received by Council. Ten (10) of the submissions dealt with odour from poultry farms and were in the form of a pro-forma letter. Five (5) other submissions raised the following issues:

- Waste water disposal from a mushroom farm;
- Complaints regarding the operations of an existing market garden;
- Visual amenity associated with intensive agricultural pursuits;
- Concern with respect to including the concept of irrigation within the definitions of Market Gardens, Orchards and Cut Flowers in the definitions in the Intensive Agriculture chapter of the DCP; and
- Buffer distances for odour generating activities such as poultry farms.

Discussion of issues in submissions***Odour from poultry farms***

- (a) The pro-forma letters state that the Pollution Control Principles chapter contains the objective that "Any development shall operate so as not to produce an offensive odour at the boundary" but that there is a following table that permits some odour at the boundary. There are additional comments that this objective is not possible to achieve.

Comment: The objective of this section of the chapter is to limit "offensive odour" which is defined in the Protection of the Environment Operations Act 1997. This definition will be added to the introduction to the chapter in endeavour to clarify the matter. In any event the intent of the objective as not to restrict future activities to emit no odour, but recognizes that there may be some odour, as long as this odour is not offensive.

- (b) The DCP chapter be amended to require that all Poultry and Pig Facilities be located 1 kilometer from their nearest neighbour.

Comment: The imposition of a numerical standard in this instance is not supported because such an approach provides no opportunity for applicants to utilize up to date pollution minimization measures which may result in no detectable odours or acceptable odour levels on the boundary of their property.

The Pollution Control Principles chapter contains no specified buffer distances but does contain the following table:

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Population of Affected Area	Odour Performance Criteria (OdourUnits/m ³)
Urban area	2.0
500-200	3.0
125-500	4.0
30-125	5.0
10-30	6.0
Single Residence (≤ 2)	7.0

This table refers to Odour Units and is based on the premise that the higher the population adjoining an odour generator then the lower the tolerance for odour emission. The Odour Units are measured on the boundary of the property where the odours are generated. Recent court cases regarding odour issues have moved away from the concept of Odour Units. None the less the general principal of having a much higher standard for odour emission next to populated areas such as residential zones is still applicable.

The DCP will be amended to delete the abovementioned table and to replace it with a statement that requires a higher level of odour pollution control as the number of receptors increases. It should be remembered for all specified land uses such as Poultry Farms an odour impact assessment is required to be undertaken by a suitably qualified person and submitted with the development application.

Waste water disposal from a mushroom farm

The submission provides details in regard to alleged waste water pollution from an existing mushroom farm. The matters raised in the submission are operational matters and further correspondence was sent to the respondent in this regard.

The inclusion in the DCP of a section dealing with water pollution will assist Council in determining future development application so that the potential for water pollution is minimized.

Visual amenity associated with intensive agricultural pursuits

Concern was expressed that the provisions of the DCP, requiring that mounding and screening vegetation shall be provided on all property boundaries, were overly restrictive and counter-productive. The argument put forward was that fields of vegetables or orchards were pleasing to the eye and were traditionally part of the Hawkesbury landscape. It was argued the mounding and screening should be at the discretion of Council rather than being mandatory.

The concerns raised above have merit and the DCP will be amended accordingly.

Irrigation within the definitions of Market Gardens, Orchards and Cut Flowers

The definition of "Intensive Agriculture" in the DCP includes irrigation as a defining element.

The concerns raised in this regard are two fold. Firstly the inclusion of the term irrigation in the definitions is overly prescriptive and has the potential to discourage or disadvantage agricultural

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pursuits in the Hawkebury region. Secondly inclusion of the term irrigation in the definition may require existing agricultural producers to lodge development applications for various agricultural activities they are currently undertaking without development consent. Again such a requirement would restrict agricultural production in the Hawkesbury.

The above concerns are noted. Pursuant to Clause 9 of Hawkesbury LEP 1989, dams require development consent in all agricultural zones. Thus if there is a new agricultural activity that requires irrigation water then this issue in most cases will be covered by the need to lodge a DA for the dam supplying or recycling irrigation water. Accordingly it is recommended that the term irrigation be deleted from the definitions in the DCP and that the definitions of Market Garden, Orchards and Cut Flowers be amended to conform with the existing definitions in Clause 44 of Hawkesbury LEP 1989.

Adoption of the Intensive Agriculture and Pollution Control Principles Chapters

The exhibited draft Intensive Agriculture and Pollution Control Principle chapters have been amended in accordance with the abovementioned changes as well as correcting some minor typographical errors and is attached to this report.

It is recommended that the amended Intensive Agriculture and Pollution Control Principle chapters be adopted.

Adoption of Waste Not DCP

The Waste Not DCP was adopted by Council on 11 February 2003, however, due to the an oversight, it was not advertised as becoming effected. Therefore, Council now has to re-resolve for this to take place

RECOMMENDATION:

That the Intensive Agriculture, Pollution Control Principle and Waste Not chapters for the Hawkesbury Development Control Plan attached to this report be adopted and made effective in accordance with Clause 21(2) of the Environmental Planning & Assessment Regulation 2000.

ATTACHMENTS:

AT - 1 Chapter 8, Pollution Control Principles and Chapter 9, Intensive Agriculture from the Hawkesbury Development Control Plan.
Provided under separate cover.

oooO END OF REPORT Oooo

Item: 42 **ENV B - Proposed Plastic Bag Reduction Campaign - Pilot Program - (79348)**

REPORT:

Background

The reduction in the use of plastic shopping bags and their eventual phasing out is promoted by Hawkesbury City Council, as part of an overall strategy to reduce waste, increase recycling of resources, and promote sustainable practices in the our Local Government area. Past actions, such as promotional programs and displays were aimed at progressing achievement of these goals through focusing on raising community awareness of the issue.

The profile of plastic bag usage was raised as a consequence of political discussion at Federal, State, and Local Government levels in February and March this year. An intense level of public lobbying by interest groups accompanied the political discussion. Hawkesbury City Council responded to this situation by increasing the level and diversity of its educational activities; bringing “Scrappy” to life, increasing the level of environmental education in schools, giving environmental talks to community groups, introducing a calico bag giveaway at the Hawkesbury Show, substitution of calico bags for plastic bags at the Library, and an increased level of promotional articles in local papers.

The Environmental/Stormwater Levy funded these additional activities on the basis of reducing gross pollutant load in the stormwater system. There was no change in the awareness raising focus, just an increased spread of awareness. The crossover rate from awareness to behavioural change was estimated at 2.8% for Council Staff, and this indicates that the performance efficiency of the current educational focus is nearing its optimal level (4-6%).

Current Situation

The private sector has built on awareness raising with the provision of polypropylene bags (resulting in a significant reduction in LDPE plastic bag usage) together with punitive incentives (60 to 80% reduction when combined). These figures were based on the performance of selected large retail outlets. The overall reduction in plastic bag usage is 7% (Planet Ark). This indicates that there is a very large gap in potential and actual performance particularly in relation to smaller retail outlets.

Hawkesbury City Council can address this gap by expanding its bag reduction strategies beyond awareness raising. That is, activities that encourage behavioural change now, need to be added to our current program. These activities should be specifically targeted at shoppers of medium and small retail outlets to be most effective.

Project Description

It is proposed to purchase 5,000 (five thousand) polypropylene bags, suitably printed on both sides, and distribute these in the community through selected schools as a pilot project. The distribution cost will be recovered by each of the selected schools through the sale of the bags. Schools will be selected on the basis of agreement to channel funds raised into undertaking actions in their School Environmental Management Plans. In addition, schools will be asked to provide feedback on where bag purchasers intend to use the bags. This will be used to visually assess (bags seen to be used at retail outlets) success of the project upon its completion.

The pilot will be used as a scoping project with the intention of applying the process more widely to community groups undertaking environmental actions in the Hawkesbury local government area and to our local Chambers of Commerce and their members retail outlets.

The pilot will be offered to primary schools in Bligh Park as this suburb had 27% of its population aged 11 (eleven) or under in 2001 (census data) which should maximise access to this community. The suburb also has a small grocery outlet which will be ideal for project evaluation. Some rural schools (Glossodia, Cattai, Oakville) will be made an offer as a balance to the urban schools and because such areas will not have large retail outlets.

Implications for Hawkesbury City Council

The pilot is expected to cost \$6,000 (six thousand dollars) to purchase the polypropylene bags. This expense will not be recovered in direct money terms. The cost of the project would be paid from the Environmental/Stormwater Levy. It is considered that the benefit of receiving the bags is a return of the Levy to the community, as well as the benefit of recovery of the distribution costs accrues to community groups and is spent again on the community. The allocated Levy funds will effectively be spent twice on environmental actions in the Hawkesbury City area.

The income will be an incentive to the selected schools to continue with their environmental management plans. This supports and enhances the value of Hawkesbury City Council's waste, recycling, and stormwater education initiatives in schools.

The degree of success of the project will not be known until some time after its completion. A further report will be provided to Council once the findings are available.

RECOMMENDATION:

That:

1. The information be received.
2. The proposed pilot program and future distribution program for the reusable shopping bags, be adopted by Council.
3. A further report be provide to Council upon completion of the pilot program, giving details of the results, once these are available.

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ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

Item: 43 ENV B - Staffing Levels, Building and Development Division - (79339)

REPORT:

Council will recall that in its budget for the 2004/2005 financial year, it adopted the position of additional Town Planner allocated to the Building and Development Division. Since the adoption of the budget, 2 (two) of Council's full time planning staff have resigned, leaving a total of 3 (three) vacancies. Attempts to date to fill these 3 (three) positions have been unsuccessful. Although it is recognised there is a national wide shortage of qualified and experience town planners, it is felt that Council is uncompetitive in the marketplace with the salaries being offered for these positions and the fact there are no vehicles available for private lease attached to these positions. A review of the Fleet Allocations Policy is currently being undertaken.

In view of this shortage of staff the following steps have been taken:

1. Casual town planning staff have been employed;
2. Council's full time planning staff have been allocated to the process of development applications and section 149 certificates only. This means that the strategic planning workload has been reduced to a minimum and this includes all Local Environmental Plans, Draft Development Control Plans and the preparation of other strategic policies.
3. All Council's full time planning staff have been allocated to 1 (one) day per week of counter duty and their availability for public consultation has been reduced.
4. Negotiations have taken place with 2 (two) consultant planners to engage them for a fixed period of 6 (six) months, at a cost of \$90.00 (ninety dollars) per hour to process development applications and to carry out the strategic planning work.
5. Consultants have been engaged to prepare the Development Control Plan for Pitt Town.

The net result of this will be that the consultancy vote allocated to the Building and Development Division will be expended within 6 (six) months and will necessitate the transfer of funds from the salary vote for this area to supplement the consultancy vote. The sum of \$40,000 (forty thousand dollars) is therefore required to be transferred to supplement the current \$70,000 (seventy thousand dollars) allocation to the consultancy vote.

It must be realised however, after 6 (six) months of this the whole consultancy vote will be consumed and additional funds available from the salary vote will be limited. If no additional staff can be employed in this time frame, then the whole strategic planning program will cease and work will concentrate only on section 149 certificates and development applications. It should also be realised the current workloads and concentrations of development applications and zoning certificates cannot be sustained in the medium term and is likely to adversely affect both staff morale and productivity.

To date, processing times have been reduced and a number of outstanding development applications and the age of outstanding development applications is now less than 40 (forty) days. However, the number of applications received is increasing although at this stage the complexity is not.

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The process will be further monitored and reported to Council in the Quarterly Reviews and updates on success or otherwise of employing appropriately qualified and experienced town planners will be made at regular intervals into the future.

RECOMMENDATION:

That the sum of \$40,000 (forty thousand dollars) be transferred from the salary vote for the Building and Development Branch to the consultancy vote to meet the costs of employing consultants to carry out the processing of development applications and the strategic planning program.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

general
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committee

section 2

infrastructure

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SECTION 2 - INFRASTRUCTURE

**Item: 37 INF B - Local Government Association of NSW Conference - Notice -
NSW Rural Fire Service (73835, 107)**

REPORT:

Council will be aware of the issue of the Rural Fire Service (RFS) requesting additional funds for financing their activities after Council has agreed to the budget submitted by the Service. The RFS requires their budget to be considered by Council in the September prior to the financial year for which that budget applies. Council considers its own budget allocations for a financial year within the 4 (four) months preceding that year and as such is already locked into a financial arrangement with the RFS prior to considering its own budget. It is considered reasonable that all budget submissions being considered by Council should be submitted at approximately the same time period.

RECOMMENDATION:

That Council submit the following motion to the 2004 Annual Conference of the Local Government Association of NSW:

That the State Government be requested to review and clarify financial arrangements for annual contributions to the NSW Rural Fire Service, and that Rural Fire Services be required to submit their budget proposals to Council within the time period that Councils would normally consider budget appropriations.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

INFRASTRUCTURE

Meeting Date: 24 August 2004

Item: 38 **INF B - McMahon Park Management Association - Amendment to Constitution - (73564, 79354)**

REPORT:

The McMahon Park Management Association (MPMA) has requested that Council approve an amendment to their constitution. This minor change will allow them a bit more flexibility in organising their annual general meeting.

The existing constitution states:

9. ANNUAL GENERAL MEETING

- a) The Annual General Meeting shall be held during the month of July in each year, when the Annual Report and audited financial statements shall be presented.

The proposed amendment is:

9. ANNUAL GENERAL MEETING

- a) The Annual General Meeting shall be held within 45 days from the end of the financial year, when the Annual Report and audited financial statements shall be presented.

RECOMMENDATION:

That the proposed amendment to the McMahon Park Management Association Constitution *Part 9 a) Annual General Meeting* be endorsed.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

INFRASTRUCTURE

Meeting Date: 24 August 2004

Item: 39 **INF B - 38 Stewarts Lane, Wilberforce - Unauthorised clearing - (79354, 87011, 107)**

Previous Item: 72, Ordinary (4 November 2003)
 25, Ordinary (8 June 2004)

REPORT:

The plan of management for the rehabilitation of the land cleared at 38 Stewarts Lane, Wilberforce was not completed to the satisfaction of the Parks Manager, therefore, Council resolved at its Ordinary Meeting of 8 June 2004:

"That:

1. *An extension be granted for the completion of the plan of management for a further 2 (two) month period.*
2. *The bond be retained for a further 6 (six) month period after the completion and acceptance of the plan of management".*

A meeting was held with the owner and the consultant to identify the changes that were required for the plan of management to be acceptable. These changes were made within the required 2 (two) month extension to the satisfaction of the Manager of Parks and Recreation.

RECOMMENDATION:

That:

1. The plan of management be accepted.
2. The bond be released on the 9 February 2005 subject to the satisfactory implementation of the plan of management.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

INFRASTRUCTURE

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Item: 40 **INF B - World Heritage Interpretive and Visitor Centre at Bilpin - (92022, 107)**

REPORT:

Correspondence has been received from the NSW National Parks and Wildlife Service (NPWS) advising that the detailed design plans for the World Heritage Interpretive and Visitor Centre at Bilpin are being finalised and that the service would appreciate an opportunity to present them to Council. An invitation has been extended to the Service to make a presentation to Council at this meeting.

Part of the design proposes siting coach parking and overflow parking on a triangular area of the former truck stop, which is part of the road reserve owned by Council and beyond the area required by the Roads and Traffic Authority. It would be appropriate to either grant consent for the use of the area for the proposed parking or alternatively close the area of road and transfer it to the service.

There has also been discussions with the Mayor and staff regarding the provision of design and documentation services for the construction of the car parking for the centre and design and construction of the turning lanes from Bells Line of Road into the site and the extent of Council's contribution needs to be formalised.

It is felt that Council should continue to assist the development of the centre, as it will form an important element in the presentation of the Greater Blue Mountains World Heritage Area to residents as well as bringing local and international tourists to the area. To this end it would be appropriate to provide assistance with the design and documentation of the car parking area utilising staff resources.

With regard to the design and construction of the turning lanes from Bells Line of Road into the centre, the works would need to be of a standard acceptable to the RTA and would include deceleration/acceleration lanes and a passing lane. The cost involved would be significant and it is felt that it would have too great an impact on current funds for construction works. It would be more appropriate for these works to be undertaken by the RTA.

The Service has also requested approval to erect signs at each end of the proposed site to inform the public of the project and its location and to fence off the site to deter dumping. These requests are considered to be reasonable.

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RECOMMENDATION:

That:

1. The area of road reserve required for coach and overflow parking in relation to the World Heritage Interpretive and Visitor Centre at Bilpin, and not required by the Roads and Traffic Authority be closed and transferred to the National Parks and Wildlife Service.
2. Assistance be given in the design and documentation of the car parking area for the centre.
3. Approval be given to NPWS to erect signage approximately two metres square at the east and west entrances to the site to inform the public of the project and its location, and rural type fencing to deter dumping on the site.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

general
purpose
committee

section 3

organisation
and resources

ORGANISATION AND RESOURCES

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SECTION 3 - ORGANISATION AND RESOURCES

Item: 44

ORG A - Monthly Financial Report - July 2004 - (79349)

REPORT:

Summarised below, are particulars of both the income received and the expenditure incurred by Council for July 2004. This information has been reconciled between the cashbook and the bank statement balance as at the end of July 2004. All expenditure is fully supported by vouchers and invoices which have been duly certified.

July 2004

Cash Book (General Ledger) Reconciliation - July 2004

Opening Balance as at 1 July 2004	-1,137,363.16
Add Receipts for the Month	13,139,600.17
Less Payments for the Month	-11,891,944.88
Closing Balance as at end of July 2004	110,292.13

Bank Statement Balance - July 2004

Statement Balance as at end of July 2004	\$255,326.58
Less Unpresented Cheques	-\$236,170.40
Add Outstanding Deposits	\$111,308.41
	\$130,464.59
Adjustment: Statement entries not yet posted to GL	-\$20,172.46
Equals balance as per Cash Book	\$110,292.13

Commentary

The above reconciliations reflect the cashflow for July 2004. Receipts include rate payments, fees and charges, grant payments and matured investments. Expenditure for the month typically consists of payments to contractors, employee salaries, purchase of stores and materials and lease/loan repayments.

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The bank account balance may vary significantly from the cashbook balance. The difference is made up of unpresented cheques, outstanding deposits and bank statement entries that have not yet been recorded in the general ledger.

Cash management procedures are in place that ensure adequate funds are available to meet daily expenditure obligations. Active cash management minimises the risk of Council's bank account going into an overdraft situation.

Any surplus funds are invested so as to maximise interest earnings.

Investments - July 2004

The Local Government (Financial Management) Regulation requires that each month, details of all money that has been invested under section 625 of the Local Government Act, 1993 be reported to a meeting of Council.

The following table outlines the investment portfolio held by Council as at the end of July 2004. All investments have been made in accordance with the Act, Regulations and Council's Investment Policy.

July 2004

Investment Type	Balance Brought Forward	Deposits	Withdrawals	Accrued Interest	Balance End of Month
Managed Funds	\$14,867,695.13		-\$3,338,952.49	\$64,937.83	\$11,593,680.47
On Call Funds	\$4,300,000.00	\$2,850,000.00	-\$6,500,000.00		\$650,000.00
Term Investments	\$820,000.00				\$820,000.00
Rolling Investments	\$8,907,124.01			\$21,107.68	\$8,928,231.69
TOTAL	\$28,894,819.14	\$2,850,000.00	-\$9,838,952.49	\$86,045.51	\$21,991,912.16

Investment Commentary

The investment portfolio decreased by \$6.9 million during July. This reflects July being a high expenditure month but low in income. The 2004/2005 rate notices were not issued until the last week of July and the next quarterly FAG grant is not received until August. Expenditure for July included payments for the construction of the co-generation plant and the pouring of concrete for the new Library building totalling \$2.2 million. Contribution to Westpool of \$0.6 million. Contribution to Hawkesbury Sports Council of \$0.43 million. Transfer of funds back to Fitzgerald Memorial Hostel totalling \$1.6 million and employee costs for the month of \$1.5 million.

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The investment portfolio is diversified across a number of investment types. This includes a number of managed funds, term deposits, rolling rate investments, floating rate notes and on-call accounts.

The investment portfolio is regularly reviewed in order to maximise investment performance and minimise risk. 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.

Managed Fund performance exceeded the benchmark index in July 2004. Official cash interest rates have remained unchanged since the last increase of 0.25% in early December 2003 to 5.25%.

Geoff Banting
Responsible Accounting Officer

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Item: 45

ORG A - June Quarterley Review - 2003/04 Management Plan - (79350)

REPORT:

The June Quarterly Review of the Management Plan 2003/04 financial year is reported to Council in accordance with the requirements of the Local Government Act 1993 as amended. The review for the 12 (twelve) month period ending 30 June 2004 has been completed prior to completion of the financial reports and audit. The pre-audited financial reports are expected to be presented to Council at the Ordinary Meeting in October with the audited financial reports presented to Council in November.

The June Quarterly Report discloses a deficit result of \$40,385 (forty thousand, three hundred and eighty five dollars) when comparing actual income and expenditure to Council's adopted budget for 2003/04 financial year to date.

The main variations from the adopted budget were as follows:

Favourable Adjustments

Increased development income	\$129,300 F
Net adjustments - animal registration fees	\$ 24,633 F
Increased parking patrol income	\$ 22,569 F
Increased rebates/deposit income	\$ 23,834 F
Increased sundry income	\$ 65,796 F
Increased overhead income	\$ 59,426 F
Increased investment income attributable to Working Funds	\$ 25,000 F
Reduced bad/doubtful debt expense	\$ 23,457 F
Reduced general office expenses	\$ 33,641 F
Reduced bank charges	\$ 30,260 F
Reduced license/subscription expenses	\$ 15,005 F
Reduced inspection expenses	\$ 21,536 F
Reduced members fees/allowances	\$ 15,091 F
Reduced rates/property revaluation expense	\$ 19,873 F
Reduced expenses in car park maintenance	\$ 20,014 F
Reduced maintenance ancillary services	\$ 82,589 F
Reduced street sweeping expenses	\$ 70,922 F
Reduced street lighting expenses + subsidy	\$113,150 F
Reduced computer related expenses	\$100,870 F
Sub total Favourable variance	\$896,966 F

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Unfavourable Adjustments

Net adjustments - property income/maintenance	\$100,000 UF
Reduced income - licences & fees	\$ 14,576 UF
Reduced income - inspection fees	\$ 14,363 UF
Increased salary related costs	\$184,449 UF
Increased legal costs	\$ 86,079 UF
Increased vehicle related costs	\$ 19,261 UF
Increased telephone/postage costs	\$ 19,003 UF
Increased advertising costs	\$ 67,847 UF
Increased contractor charges	\$ 15,516 UF
Increased road works maintenance costs	\$167,000 UF
Increased KGD maintenance costs	\$ 73,982 UF
Richmond Park Conservation Plan	\$ 19,751 UF
Hawkesbury Leisure Centre - net liability payout/loss	\$155,524 UF
Sub total Unfavourable variance	\$937,351 UF

Net position as at 30 June 2004 **\$ 40,385 UF**

These variations are discussed in more detail in the 2003/04 Management Plan and Financial Statement June Quarterly Review.

RECOMMENDATION:

That Council, exercising its delegation as a Committee of the Whole, resolve that the quarterly review of 2003/04 Management Plan and Financial Statement for the period ending 30 June 2004 be adopted.

ATTACHMENTS:

AT - 1 - June Quarterly Review - 2003/04 Management Plan (distributed under separate cover).

oooO END OF REPORT Oooo

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Item: 46 **ORG B - Hawkesbury Cultural Committee Funding for Cultural Grants - (80228)**

REPORT:

The Cultural Committee met on 13 July to consider applications submitted under the Community Cultural Grants program, which provides for approximately \$25,000 (twenty five thousand dollars) per annum to be distributed over 3 (three) funding rounds.

The minutes for this meeting will be reported to the Ordinary Meeting.

The committee's recommendations are as follows:

Applicant	Project/Event	Requested	Recommended
Arkadian Bilpin Performers	Murder Mystery	\$1,000	\$1,000
Hawkesbury Earthcare Centre	Sustainability Fair	\$1,000	\$1,000
Hawkesbury Skills	Mural	\$2,720	Not recommended
Hawkesbury Jazz Club	Hawkesbury Jazz Festival	\$5,000	\$5,000
National Parks and Wildlife	Hawkesbury Waratah Festival	\$1,000	\$1,000
Projects For Reconciliation	Community Support Fund	\$1,000	\$1,000
Hawkesbury District Orchid Society	Spring Orchid Show	\$476	\$476
TOTAL		\$12,196.00	\$9,476.00

RECOMMENDATION:

That Council exercising its delegation as a Committee of the Whole resolve to allocate the Cultural Grants funding as follows:

Applicant	Project/Event	Recommended
Arkadian Bilpin Performers	Murder Mystery	\$1,000
Hawkesbury Earthcare Centre	Sustainability Fair	\$1,000
Hawkesbury Jazz Club	Hawkesbury Jazz Festival	\$5,000
National Parks and Wildlife	Hawkesbury Waratah Festival	\$1,000
Projects For Reconciliation	Community Support Fund	\$1,000
Hawkesbury District Orchid Society	Spring Orchid Show	\$476

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ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Item: 47 **ORG B - Future Operation of the Hawkesbury Cultural Precinct - (79342)**

Previous Item: 42, Ordinary (10 August 2004)

REPORT:

At the Ordinary Meeting held on 10 August 2004, Council resolved to adopt in principle the revised Memorandum of Understanding for the Cultural Precinct. Council's approval to execute the document was subject to a further report being prepared for the General Purpose Committee meeting to be held on 24 August 2004.

As previously reported to Council, Council staff have met with representatives of cultural organisations who have an interest in the operation of the Cultural Precinct. The purpose of these meetings have been to review the draft MoU and to negotiate changes to the document. A further meeting was held on Thursday, 12 August 2004 attended by representatives of the core signatories to the agreement – the Hawkesbury Historical Society Inc.(HHS), the Friends of the Hawkesbury Art Collection and Regional Art Gallery Inc. (FOHACaRAG) and Council. For the MoU to proceed to implementation it will be necessary to secure the agreement of these parties.

This is not to discount the need to secure the agreement of the other parties listed on the MoU, or lessen the importance of their agreement. It merely recognises that in order for the planning of the Cultural Precinct to reasonably proceed, the affirmation of Council - as the provider and funder of the cultural venues within the Precinct; and HHS and FOHACaRAG - as owners of the collections to be relocated to the Precinct, are required as an initial precondition to the execution of the MoU.

Council has received advice from the Hawkesbury Historical Society Inc. that the final draft of MoU has been considered by their executive. HHS have indicated that they will sign off on the MoU. Council is awaiting similar confirmation from FOHACaRAG. On this basis, it is recommended that Council proceed to execute the MoU in conjunction with the Hawkesbury Historical Society Inc. and the Friends of the Hawkesbury Art Collection and Regional Art Gallery Inc. as initial signatories.

The adopted MoU can then be forwarded to the cultural organisations referred to in the MoU for their consideration. These organisations currently include:

- Macquarie Towns Art Society Inc.;
- Hawkesbury Creative Arts Centre Inc.;
- Hawkesbury Camera Club Inc.; and
- Hawkesbury Community Arts Workshop.

On the basis of discussions to date, it is expected that these organisations will sign up to the MoU. It is anticipated that other cultural organisations may also wish to join the MoU partnership. In this way the MoU is intended to provide an agreed framework for negotiating working

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arrangements for the shared use of facilities within the Cultural Precinct and the development of a program for shared cultural expression and participation within the City of Hawkesbury.

Provision has also been made for the Hawkesbury Chamber of Commerce and Hawkesbury Tourism Inc. to become signatories to the MoU to ensure that the operation of the Cultural Precinct can complement the commercial objectives of the City of Hawkesbury.

RECOMMENDATION:

That Council exercising its delegation as a Committee of the Whole resolve that Council:

1. Ratify the *Memorandum of Understanding for the Hawkesbury Cultural Precinct*;
2. Extend an invitation to the Hawkesbury Historical Society Inc. (HHS), and the Friends of the Hawkesbury Art Collection and Regional Art Gallery Inc.(FOHACaRAG) to become signatories to the *Memorandum of Understanding for the Hawkesbury Cultural Precinct*.
3. Following the execution of the MoU by Council, HHS and FOHACaRAG, to forward the MoU to other organisations inviting them to become signatories to the MoU.

ATTACHMENTS:

AT - 1 *Memorandum of Understanding – Hawkesbury Cultural Precinct*

MEMORANDUM of UNDERSTANDING HAWKESBURY CULTURAL PRECINCT

A partnership agreement to provide a framework for the management and operation of the Hawkesbury Cultural Precinct.

PART 1. - Preliminary**1. Definitions**

- 1.1 *'Hawkesbury Cultural Precinct'* Refers to Council owned buildings including (but not limited to) the Hawkesbury Regional Museum located at Howes House in Thompson Sq. Windsor, and the new Museum extension to be located on Baker St, Windsor; the new Gallery/Library Building located on the Old Hospital Site, George St. Windsor and the Richmond Branch Library located in West Market St. Richmond. For the purpose of this Memorandum of Understanding, these buildings, though not physically located on the one site, are to be considered as a Cultural Precinct.
- 1.2 *'Hawkesbury Regional Museum'* Refers to non-profit public facilities located at Howes House in Thompson Square Windsor, and the new Museum extension to be located on Baker Street, Windsor. These facilities will provide visitors with ready access to information concerning the natural and cultural heritage of the City of Hawkesbury and surrounds. These facilities will also provide effective care and protection of items of significance, conduct public programs, participate in research projects and house permanent, temporary and travelling exhibitions. These facilities will be responsive to the aspirations and expectations of the wider community, and will operate in a manner which complements the cultural, community and commercial goals of the City of Hawkesbury.
- 1.3 *'Hawkesbury Regional Gallery'* Refers to a non-profit public facility to be located within the new Library/Gallery building on George Street. Windsor. This facility will provide a community focal point for a program of centre-based and outreach community cultural development that seeks to engage the community in the interpretation and celebration of their diverse cultures, heritage and life experiences. This facility will also provide effective care and protection of the City of Hawkesbury art collection and the collections owned or held in trust by the Friends of the Hawkesbury Art Collection and Regional Art Gallery Inc., conduct public art programs, act as a venue for local promotions and house permanent, temporary and travelling exhibitions including, but not limited to, those which have a thematic resonance with the Hawkesbury environment and communities. This facility will be responsive to the aspirations and expectations of the wider community, and will operate in a manner which complements the cultural, community and commercial goals of the City of Hawkesbury.

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- 1.4 *'Hawkesbury City Council Library Service'* Refers not-for-profit public facilities which include the Richmond Branch Library located on West Market Street, Richmond and the new Windsor Central Library to be located within the new Library/Gallery building on George Street, Windsor. These facilities will provide a free and accessible public library service to people in the City of Hawkesbury. These facilities will also provide effective care and protection of both general and specialist library collections, conduct a range of public library programs and activities, and provide access to information and recreational resources. These facilities will be responsive to the aspirations and expectations of the wider community, and will operate in a manner which complements the cultural, community and commercial goals of the City of Hawkesbury
- 1.5 *'Hawkesbury Cultural Precinct Advisory Committee'* Refers to an advisory committee to be established by Hawkesbury City Council (as an advisory committee delegated under Sec. 377 of the Local Government Act 1993) to provide advice and recommendations to Hawkesbury City Council on matters pertaining to the operation of the Hawkesbury Cultural Precinct and on such other matters as Council may from time-to-time seek advice (the 'Advisory Committee'). The objectives, roles, membership and procedures of this Committee will be in accordance with the provisions of the constitution adopted by Council for the Hawkesbury Cultural Precinct Advisory Committee (see Attachment 2)
- 1.6 *'Committee Members'* Refers to those persons who have been appointed by Council to the Advisory Committee according to the procedures outlined Paragraphs 5 and 6 of the constitution of the Committee.
- 1.7 *'Responsible Agency'* Refers to Hawkesbury City Council which will be responsible for the day-to-day management and operation of the Hawkesbury Regional Museum, the Hawkesbury Regional Gallery and the Hawkesbury City Council Library Service. As the *responsible agency*, Hawkesbury City Council will be responsible for the regulatory, funding, legal, financial, industrial, staffing, volunteers, accreditation, operational and administrative requirements associated with the operation of the Cultural Precinct.
- 1.8 *'Collection Policy Sub-Committee'* Refers to a sub-Committee to be established to negotiate a 'Deed of Agreement' covering all aspects of collection management including acquisitions and de-accessioning, exhibition procedures, storage, conservation, research, collection documentation, and the presentation and

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interpretation of the collection. The sub-Committee will comprise members of those organisations who currently own (or hold in trust) collections, which are intended to be relocated to the Regional Museum and Regional Gallery. A maximum of 4 (four) representatives of the Hawkesbury Historical Society Inc. and 4 (four) representatives of the Friends of the Hawkesbury Art Collection and Regional Art Gallery Inc. will sit on the sub-Committee. The General Manager will nominate up to 4 (four) Council staff to sit on the sub-Committee. The sub-Committee may also include up to 2 (two) additional individuals with skills and experience in Collection Management. The sub-Committee may, from time to time, appoint such working parties as would facilitate the completion of specific sections of the Deed of Agreement which may pertain to the specialised operations of the Museum or Gallery. Following the negotiation and adoption of the Deed of Agreement, the sub-Committee will convene on a quarterly basis to review the implementation of the Agreement and to forward advice to the General Manager as to the extent to which the provisions of the Deed of Agreement are being met.

- 1.9 *'Deed of Agreement'* Refers to a document to be developed by the proposed Collection Policy sub-committee (as outlined in Section 1.8 above). The Deed of Agreement will be executed by all parties. The Deed will be referred to Hawkesbury City Council to be adopted and implemented by Council staff to guide the day-to-day management and operation of the collections within Hawkesbury Cultural Precinct. The Deed of Agreement will be entered into for a period of 3 (three) years, and will be subject to regular review.
- 1.10 *'Collection Policy Working Party'* Refers to working parties to be established by the Collection Policy sub-Committee (as provided for in Section 1.8 above). These working parties will include the Historical Society Working Party comprising of 4 (four) members of the Hawkesbury Historical Society Inc; and the Friends of the Hawkesbury Art Collection & Regional Art Gallery Working Party comprising of 4 (four) members of the Friends of the Hawkesbury Art Collection & Regional Art Gallery Inc. As required, provision will be made for other working parties to be established where other organisations are seeking to donate collections to be relocated to the Hawkesbury Cultural Precinct in accordance with the provisions of this MoU.

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- 1.11 *'Museum Advisory Sub-Committee'* Refers to a committee established by the Advisory Committee, pursuant to the provisions of Paragraph 7(m) of the constitution of the Advisory Committee, to provide advice and recommendations for consideration by the Advisory Committee in relation to the operation of the Hawkesbury Regional Museum and the Hawkesbury Cultural Precinct in general. The Museum Advisory sub-committee will be comprised of members of the Hawkesbury Historical Society Inc., with provision made for the Museum and Gallery Co-ordinator to attend meetings of the Advisory Committee.
- 1.12 *'Gallery Advisory Sub-Committee'* Refers to a committee established by the Advisory Committee, pursuant to the provisions of paragraph 7(m) of the constitution of the Advisory Committee, to provide advice and recommendations for consideration by the Advisory Committee in relation to the operation of the Hawkesbury Regional Gallery and the Hawkesbury Cultural Precinct in general. The Gallery Advisory sub-committee will include representation from the Friends of the Hawkesbury Art Collection and Regional Gallery, the Macquarie Towns Art Society, the Hawkesbury Community Arts Workshop, the Hawkesbury Creative Arts Centre, the Hawkesbury Camera Club Inc. and private gallery operators with provision made for the Museum and Gallery Co-ordinator to attend meetings of the Advisory Committee.
- 1.13 *'Library Advisory Sub-Committee'* Refers to a committee established by the Advisory Committee, pursuant to the provisions of paragraph 7(m) of the constitution of the Advisory Committee, to provide advice and recommendations for consideration by the Advisory Committee in relation to the operation of the Hawkesbury City Council Library Services and the Hawkesbury Cultural Precinct in general. The Library Advisory sub-Committee will include representation from the Friends of the Hawkesbury Library, delegated staff of the Hawkesbury Library Service and private individuals.
- 1.14 *'Cultural Precinct Development Plan'* Refers to a planning document approved by a resolution of a majority of Councillors at a duly convened Council Meeting which sets out objectives, strategies, key actions, time frames and performance measures for the operation of the Hawkesbury Cultural Precinct. The Draft of the *Cultural Precinct Development Plan* will be developed in conjunction with the Advisory Committee, its sub-committees and in consultation with the community.

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- 1.15 *'Hawkesbury Cultural Plan'* refers to a planning document to be prepared by Hawkesbury City Council in consultation with the community. The *Hawkesbury Cultural Plan* will provide a detailed inventory and description of local cultural assets, resources and infrastructure and outline a strategy for how these assets can be best used to create opportunities for shared cultural expression and participation. It will also include procedures for determining priorities and reconciling competing demands and will identify indicators to measure progress against agreed objectives.

Part 2 – Introduction

- 2.1 This document is the Memorandum of Understanding (MoU) between Hawkesbury City Council; cultural organisations operating within the City of Hawkesbury (including - but not limited to - the Hawkesbury Historical Society Inc., the Friends of the Hawkesbury Art Collection & Regional Art Gallery Inc., the Friends of the Hawkesbury Library, the Macquarie Towns Art Society, the Hawkesbury Creative Arts Centre, the Hawkesbury Camera Club Inc. and the Hawkesbury Community Arts Workshop); and other associations including Hawkesbury Tourism Inc. and the Hawkesbury Chamber of Commerce.
- 2.2 This MoU acknowledges the commitment made by the Hawkesbury Historical Society Inc. as a partner in the operation of the Hawkesbury Regional Museum, as well as the work of the Friends of the Hawkesbury Art Collection and Regional Art Gallery Inc, the Macquarie Towns Art Society, the Hawkesbury Creative Arts Centre and the Friends of the Hawkesbury Library and other cultural organisations in seeking to expand cultural facilities and resources within the City of Hawkesbury.
- 2.3 This MoU acknowledges that Hawkesbury City Council has a responsibility to foster cultural development within the City of Hawkesbury in a way that will create opportunities for shared cultural expression and participation. The MoU also recognises the role of Council in co-ordinating the development and funding of cultural assets and acknowledges the worth of Council's capital investment of \$21m to expand cultural assets within the City of Hawkesbury, and the \$2.3M in annual funding to be provided to support the activities of the Hawkesbury Cultural Precinct.
- 2.4 This MoU acknowledges that the development of cultural assets can contribute to achieving broader objectives. It recognises that cultural planning can help the community to not only tackle social exclusion and encourage healthier lifestyles, but also contribute to urban regeneration and create employment and economic opportunities. To optimise the commercial opportunities to be created by Hawkesbury Cultural Precinct, this MoU seeks to establish a partnership with the Hawkesbury Chamber of Commerce and Hawkesbury Tourism Inc.
- 2.5 This MoU seeks to achieve a sustainable working partnership between Council, representatives of cultural organisations, the business community and the residents of the City of Hawkesbury for the benefit of all parties and the community. The parties to this

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agreement have resolved to form a partnership to develop the Hawkesbury Cultural Precinct based on the sites, collections, archives, artefacts, photographs and research material held by each party to build on the cultural resources which have been established to date.

- 2.6 The purpose of the MoU is to provide a framework and detail the conditions of these partnerships. It outlines a management and operational structure for the Museum, Library and Gallery, which ensures the continued involvement of the Hawkesbury Historical Society Inc., the Friends of the Hawkesbury Art Collection and Regional Art Gallery Inc., the Friends of the Hawkesbury Library and other cultural organisations including - but not limited to - the Macquarie Towns Art Society, the Hawkesbury Creative Arts Centre, the Hawkesbury Community Arts Workshop and the Hawkesbury Camera Club Inc., in the operation of the Hawkesbury Cultural Precinct. The MoU will support the involvement and participation of local cultural groups and residents in the development of the Cultural Precinct and its activities.
- 2.7 It is agreed that the formation of the Advisory Committee (and its sub-Committees) is the best way to ensure the sustainable development of cultural facilities and their collections. The implementation of this MoU, and the Deed of Agreement, will ensure that these facilities and collections receive the expertise, support and investment required by positioning the new Library/Gallery/Museum as an integral part of Council's cultural infrastructure. The formation of the Advisory Committee will also provide a vehicle for accessing Ministry for the Arts funding for capital works, employment of professional staff, exhibition development and public programs.

Part 3 – Aims

- 3.1 The parties to this MoU agree to the following aims for the operation of the Hawkesbury Cultural Precinct;
 - 3.1.1 The Hawkesbury Cultural Precinct operated by Hawkesbury City Council, in conjunction with the Hawkesbury Cultural Precinct Advisory Committee, will contain cultural facilities designed and organised to communicate the rich cultural, human and natural history of the City of Hawkesbury through innovative displays, dynamic public programs and a commitment to preserving both material evidence of the past and contemporary visual art works and cultural artefacts. These facilities will be a key destination for those seeking to explore the Hawkesbury and surrounds.
 - 3.1.2 The Hawkesbury Cultural Precinct will be managed in a way that will maximise community access to the cultural facilities within the Precinct and in a way that will actively seek partnerships with organisations involved in community education, the provision of information and recreational resources and the promotion of the City of Hawkesbury as a sophisticated tourism destination and commercial centre.
 - 3.1.3 The Hawkesbury Cultural Precinct will be a centre of excellence through high interpretive and collection management standards and through the development and maintenance of both generic and specialist collections in a variety of media and formats.

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- 3.1.4 The Hawkesbury Cultural Precinct will be managed in a way that will optimise opportunities for planned, integrated and thematic displays and exhibitions that can be staged in any or each of the cultural facilities located within the Precinct.
- 3.2 The parties to this MoU also agree to work together to achieve the objectives of the constitution of the Advisory Committee as defined in paragraph 2 of the constitution (attached hereto).

Part 4 – Management of the Hawkesbury Cultural Precinct

- 4.1 Hawkesbury City Council will be the managing agent for the Hawkesbury Cultural Precinct and will undertake all the duties and functions required of the managing agent.
- 4.2 An advisory committee - to be called the Hawkesbury Cultural Precinct Advisory Committee - will be established in accordance with the attached constitution to provide advice and recommendations regarding the development and operation of the cultural facilities within the Precinct.
- 4.3 Provision will be made for up to three sub-committees: the Museum Advisory sub-committee, the Gallery Advisory sub-committee and the Library Advisory sub-committee, to provide advice and recommendations to the Advisory Committee on matters pertaining to the operation of the cultural facilities within the Precinct. The establishment of these sub-committees will be the first item of business to be considered at the inaugural meeting of the Hawkesbury Cultural Precinct Advisory Committee.
- 4.4 A sub-Committee – to be called the Collection Policy Sub-Committee – will be established to negotiate an Agreement between Hawkesbury City Council, the Hawkesbury Historical Society Inc. and The Friends of the Hawkesbury Art Collection and Regional Art Gallery Inc. - and such other organisations who may wish to relocate their collections to the Regional Gallery, the Regional Museum or Library - covering all aspects of collection management including acquisitions and de-accessioning, exhibition procedures, storage, conservation, research, collection documentation, and the presentation and interpretation of the collection. The Deed of Agreement will specify the conditions to be met to facilitate the relocation of the collections owned, or held in trust, by the Hawkesbury Historical Society Inc. and The Friends of the Hawkesbury Art Collection and Regional Art Gallery Inc. When adopted the Agreement will guide the operation of the Hawkesbury Regional Gallery, the Hawkesbury Regional Museum and the Hawkesbury City Council Library Service. A provision will be incorporated into the Deed of Agreement to provide a mechanism for the parties to the agreement to notify the Hawkesbury Cultural Precinct Advisory Committee of any breaches of the agreement and will outline a process by which such breaches can be investigated and resolved. The Agreement will also include a mechanism for the quarterly review of the implementation of the Agreement to enable advice to be forwarded to the General Manager advising as to the extent to which the provisions within the Agreement are being met.
- 4.5 The parties to this MoU agree to develop and operate the Hawkesbury Cultural Precinct in accordance with the structure outlined in **Attachment 1**.

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- 4.6 Within the management structure as outlined in Attachment 1, the role and responsibilities of Hawkesbury City Council will be:
- 4.6.1 to act as the employing body for all paid staff employed to operate the Hawkesbury Library, Hawkesbury Regional Gallery and Hawkesbury Regional Museum. Council will ensure that staff are employed under appropriate industrial awards and that all relevant requirements pertaining to EEO, Workplace Safety, Anti-Discrimination and Child Protection Legislation are met in full. Council will also ensure that the recruitment, employment, professional development and supervision of all staff will be undertaken in accordance with the personnel policies of Hawkesbury City Council.
 - 4.6.2 to co-ordinate, direct and supervise the work of volunteers in accordance with the provisions of relevant EEO, Workplace Safety, Anti-Discrimination and Child Protection legislation.
 - 4.6.3 to prepare a *Cultural Precinct Development Plan* (in conjunction with the Advisory Committee) and to co-ordinate its implementation.
 - 4.6.4 to prepare a Cultural Plan which is consistent with the provisions of the *Cultural Planning Handbook* as developed by the NSW Ministry of Arts to enable Hawkesbury City Council to seek funding for cultural facilities, programs and activities.
 - 4.6.5 to manage all aspects of the day-to-day running of the Hawkesbury Library, the Hawkesbury Regional Gallery and the Hawkesbury Regional Museum including exhibitions, public programs, collection management, collection development, conservation and storage.
 - 4.6.6 to provide capital and recurrent funding (as approved by Council in the Hawkesbury City Council Management Plan Budget Estimates).
 - 4.6.7 to liaise with sub-committees (as defined in paragraphs 1.8, 1.9 & 1.10) on the provision of research services, use of the Cultural Precinct facilities, volunteer recruitment and training, and joint publications and public programs.
 - 4.6.8 to prepare policies and planning papers, in conjunction with advisory sub-committees, for discussion by the Advisory Committee.
- 4.7 Within the management structure outlined in **Attachment 1**, the responsibilities and role of the Advisory Committee will be as prescribed in Paragraph 3 of the attached constitution.
- 4.8 Within the management structure outlined in Attachment 1, the responsibilities and role of the Museum, Gallery and Library sub-Committees will be:
- 4.8.1 to provide access to and the use of the collections and resources owned or administered by the Hawkesbury Historical Society, the Friends of the Hawkesbury Art Collection and Regional Art Gallery Inc., and the Friends of the Hawkesbury Library;

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- 4.8.2 to provide advice and guidance to Advisory Committee in the drafting of a *Cultural Precinct Development Plan* to identify the objectives, strategies, key actions, time frames and performance measures for the operation of the Hawkesbury Cultural Precinct.
- 4.8.4 to support the operation of the Hawkesbury Regional Museum, the Hawkesbury Regional Gallery and the Hawkesbury City Council Library Service by means of volunteer roster to be developed in conjunction with the Museum & Gallery Co-ordinator and/or Library Manager.
- 4.9 Within the management structure outlined in Attachment 1, the responsibilities and role of the Collection Policy Sub-Committee will be:
 - 4.9.1 to draft an Agreement as provided for in paragraph 1.9 of this MoU dealing with those matters as outlined in paragraph 4.4 of this MoU.
 - 4.9.2 to provide advice to the General Manager, through the Advisory Committee, on the implementation of the Agreement including the need to review or vary the Agreement in accordance with the review mechanisms within the Agreement.
 - 4.9.3 to provide advice and guidance to the Advisory Committee in the development of policies and programs to co-ordinate the display, interpretation, documentation and conservation of collections in accordance with best practice standards.
- 4.10 The Hawkesbury Historical Society Inc., the Friends of the Hawkesbury Art Collection and Regional Art Gallery Inc, the Friends of the Hawkesbury Library, the Macquarie Towns Art Society, the Hawkesbury Creative Arts Centre the Hawkesbury Community Arts Workshop and the Hawkesbury Camera Club Inc., and other cultural organisations who may use the Cultural Precinct as a venue for their activities or re locate their collections within the Cultural Precinct, will continue to operate under their own constitutions and continue to research, publish and hold public programs. Where necessary, the constitutions of these organisations may be amended to reflect the participation of these organisations on the Advisory Committee or its sub-Committees and support for the aims of the Hawkesbury Cultural Precinct and the objectives of the Advisory Committee.

Part 5 – Membership, Powers and Operation of the Hawkesbury Cultural Precinct Advisory Committee

- 5.1 The structure and membership of the Advisory Committee will be as prescribed in paragraph 5 of the attached constitution.
- 5.2 Appointment of members to the Advisory Committee will be as prescribed in paragraph 6 of the attached constitution.
- 5.3 The role and authorities of the Advisory Committee will be as prescribed in paragraph 3 of the attached constitution.

- 5.4 The procedures for the operation of the Advisory Committee will be as prescribed in paragraph 7 of the attached constitution.

Part 6 - Collections.

6.1 General

- 6.1.1 To facilitate the best practice management of the collections within the Hawkesbury Cultural Precinct, a *Collection Development and Management Policy* will be developed by the Collection Policy sub-Committee.
- 6.1.2 The *Collection Development and Management Policy* will be developed in conjunction with the drafting of the proposed Deed of Agreement. The *Collection Development and Management Policy* will build on the strengths and themes of the current collections. The Policy will also have regard to the *Draft Exhibition Design Plan* as prepared by Andrew Rankine Design Associates, the recommendations of the *Hawkesbury Regional Gallery Draft Operations and Management Strategic Plan* prepared by Mr John Kirkman, and the service benchmarks and performance targets as identified in the *Library Development Plan 2005-2020* prepared by Hawkesbury City Council.
- 6.1.3 The draft *Collection Development and Management Policy* will be submitted to the Hawkesbury Cultural Precinct Advisory Committee for endorsement and forwarded to Hawkesbury City Council for public exhibition and approval.
- 6.1.4 When adopted the *Collection Development and Management Policy* will direct all future collection acquisitions, collection development, exhibitions and deaccessioning.

6.2 The Museum Collection.

- 6.2.1 The museum collection currently displayed and stored at the Hawkesbury Museum (Howe's House) remains the property of the Hawkesbury Historical Society. The Hawkesbury Historical Society retains the material and intellectual ownership of this collection. Intellectual ownership is defined as 'the intellectual and philosophical direction, presentation and interpretation of the collection'. The records relating to this collection, such as registers, catalogue sheets, documentation and correspondence are also the property of the Society. Subject to the terms outlined in the Deed of Agreement to be negotiated (as per Section 4.4), this collection inclusive of artefacts, photographs, maps, pictures, research materials, archives and other items collected by the Hawkesbury Historical Society, will be relocated to the Hawkesbury Regional Museum.
- 6.2.2 The Regional Museum is responsible for all aspects of collection management including acquisitions, exhibitions, storage, conservation, research, and collection documentation. The Regional Museum will carry out all collection related activities to best practice standards in accordance with the *Collection Development and Management Policy*.

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- 6.2.3 The collection assembled by the Hawkesbury Historical Society will continue to be known and acknowledged as the property of the Hawkesbury Historical Society's in labels and other museum information. Items acquired after agreement to the MoU, and under the auspices of the Regional Museum, will reflect the nature of their acquisition, that is, be the property of the Regional Museum owned by Council, subsequent acquisitions of the Hawkesbury Historical Society, or items on temporary or permanent loan from individuals or organisations. Items owned by Council shall be held in trust for the benefit of the community. The management of collecting activity will be the responsibility of the Regional Museum in accordance with the provisions in the Deed of Agreement.
- 6.2.4 The Collection Policy sub-Committee will formally recommend to the Hawkesbury Cultural Precinct Advisory Committee the acquisition and deaccessioning of items from the collection on the recommendation of the Museum Curator bearing in mind that such recommendations will be made in accordance with the adopted *Collection Development and Management Policy* as set out in the Deed of Agreement. Recommendations for the de-accessioning of artefacts owned by the Hawkesbury Historical Society Inc. will require the prior approval of the Hawkesbury Historical Society Inc.

6.3 The Gallery Collection.

- 6.3.1 There are several art collections - the Clint Collection, Henry Edgecombe Collection, Friends of the Hawkesbury Art Collection and the Hawkesbury City Art Collection, inclusive of the Cleary Collection, currently owned or held in trust on behalf of the people of Hawkesbury by Hawkesbury City Council and the Friends of the Hawkesbury Art Collection and Regional Art Gallery (FOHACRAG). The Friends of the Hawkesbury Art Collection, the Clint Collection & The Edgecombe Collection are presently stored under the care of FOHACaRAG. The collections currently owned or held in trust by the (FOHACRAG) remain the property of FOHACaRAG. FOHACaRAG retains ownership of its intellectual property. Subject to the terms outlined in the Deed of Agreement to be negotiated (as per Section 4.4), this collection inclusive of artefacts, photographs, maps, pictures, research materials, archives and other items and the reference library collected by FOHACaRAG will be relocated to the Hawkesbury Regional Gallery.
- 6.3.2 The Hawkesbury Regional Gallery will be responsible for all aspects of collection management including acquisitions, exhibitions, storage, conservation, research, and collection documentation. The Hawkesbury Regional Gallery will carry out all collection related activities to best practice standards in accordance with the *Collection Development and Management Policy*
- 6.3.3 The collection assembled by the Friends of the Hawkesbury Art Collection and Regional Art Gallery Inc. will be acknowledged as either the property of FOHACaRAG or property held in trust by FOHACaRAG in labels and other gallery information. Items acquired for exhibition after agreement to the MoU, and under the auspices of the Hawkesbury Regional Gallery, will reflect their

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provenance, that is, property of the Regional Gallery owned by Council or FOHACaRAG, or items on temporary or permanent loan from individuals or organisations. Items owned by Council shall be held in trust for the benefit of the community. The management of collecting activity will be the responsibility of the Regional Gallery as per the provisions of the Deed of Agreement.

- 6.3.4 The Collection Policy sub-Committee will formally recommend to the Hawkesbury Cultural Precinct Advisory Committee the acquisition and deaccessioning of items from the collection on the recommendation of the Museum and Gallery Director bearing in mind that such recommendations will be made in accordance with the adopted *Collection Development and Management Policy* as set out in the Deed of Agreement. Recommendations for the de-accessioning of artefacts owned by the FOHACaRAG will require the prior approval of FOHACaRAG.

6.4 The Library Collection

- 6.4.1 The collections maintained by the Hawkesbury City Council Library Service will remain under the ownership of Hawkesbury City Council.
- 6.4.2 The Hawkesbury City Council Library Service will retain responsibility for all aspects of collection management including acquisitions, exhibitions, storage, conservation, research, and collection documentation. The Hawkesbury City Council Library Service will carry out all collection related activities to best practice standards in accordance with the *Collection Development Policy* of the Hawkesbury City Council Library Service.

Part 7. The Operation of the Hawkesbury Cultural Precinct.

- 7.1 The Advisory Committee accepts that the Hawkesbury Cultural Precinct will be made available to all people regardless of race, gender, disability, sexual preference, religion, philosophy, cultural background, or HIV status for purposes which are consistent with the adopted plans and policies governing the operation of the Precinct.
- 7.2 Expenditures on the operation of the Hawkesbury Cultural Precinct will be at the level stated in the approved budget for the Precinct as set out in Hawkesbury City Council's yearly Management Plan and Financial Estimates. In the event of a recommendation to vary the agreed budget, the Advisory Committee will draft a recommendation to this effect for consideration by Hawkesbury City Council.
- 7.3 Hawkesbury City Council will remain responsible for the acquittal of any external funds provided to supplement the operation of the Precinct.
- 7.4 Grants of funds made by the Hawkesbury Historical Society Inc. shall be applied to the Regional Museum only for the purposes specified in the grant. Grants of funds made by the Friends of the Hawkesbury Art Collection and Regional Gallery shall be applied to the Regional Gallery only for the purposes specified in the grant.

- 7.5 It is acknowledged that Hawkesbury City Council, as a public authority, is bound by the provisions of The Privacy and Personal Information Protection Act 1998, which provides for the protection of personal information and for the protection of the privacy of individuals.

Part 8. Evaluation and Project Monitoring

- 8.1 As provided for in paragraph 4.6.3, the Advisory Committee will assist professional staff in the drafting of a *Cultural Precinct Development Plan* which will specify the service benchmarks and performance targets to be achieved by the cultural facilities within the Hawkesbury Cultural Precinct. Hawkesbury City Council, as the responsible managing agent, will prepare regular status reports for discussion by the Advisory Committee summarising the performance outputs of the Precinct as measured against the specified performance criteria.
- 8.2 As provided for in paragraph 7 (n) professional staff will prepare an annual appraisal of the Precinct to assess the extent to which the Precinct is meeting its specified objectives. This annual report detailing the achievements of the Precinct (as measured against the expected outcomes) will be tabled at a meeting of Hawkesbury City Council.

Part 9. Dispute Resolution

- 9.1 In the event of a complaint in relation to the operation of the Precinct made by a member of the public, it will be the responsibility of the professional staff employed by Hawkesbury City Council to implement the complaints procedures as outlined in *Hawkesbury City Council's Complaints Handling Procedures*.
- 9.2 In the event of a complaint in relation to the operation and management of the Precinct by staff or volunteers of the Hawkesbury City Council, Hawkesbury City Council will implement its internal complaints and/or grievance provisions.
- 9.3 In the event of a dispute or disagreement between the parties to this MoU the parties agree to comply with the following dispute resolution procedure:
- 9.3.1 Where a dispute arises between the parties the complainant will set out in writing:
- (i) the nature of the dispute;
 - (ii) the outcome the complainant is seeking; and
 - (iii) what action the complainant thinks will settle the dispute.
- 9.3.2 The parties will make every effort to resolve the dispute by mutual negotiation.
- 9.3.3 In the event that the parties are unable to reach a resolution of the dispute within 21 days or such other period as is agreed in writing by the parties, either of the parties may by notice in writing advise the other party that it seeks to have the dispute resolved by mediation.

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- 9.3.4. Within 21 days of the date of the aforesaid notice, the parties will refer the matter to a Community Justice Centre or a mutually agreed mediator.
- 9.3.5. The Mediator must tell the Mediation Adviser within 28 days of mediation starting that mediation has started.
- 9.3.6. The Mediator will have the right to determine procedures and may or may not allow the appearance of lawyers on behalf of the parties and may co-opt other expert assistance.
- 9.3.7. The Mediator is to be satisfied that the parties have made a determined and genuine effort to resolve the dispute and have co-operated with the Mediator.
- 9.3.8. Proceedings of the Mediator will be as informal as is consistent with the proper conduct of the matter and allow the Mediator to communicate privately with the parties or with their lawyers.
- 9.3.9. The parties will agree that:
 - (i) everything that occurs before the Mediator will be in confidence and in closed session;
 - (ii) all discussions will be without prejudice; and
 - (iii) no documents brought into existence specifically for the purpose of the mediation process will be called into evidence in any subsequent litigation by any of the parties.
- 9.3.10. It will be the role of the Mediator to act fairly, in good faith and without bias with the purpose of seeking a resolution of the dispute and to treat all matters in confidence.
- 9.3.11. Each of the parties will have the opportunity to adequately present its case.
- 9.3.12. The Mediator will deal with any other matter as expeditiously as possible but no later than 14 days after referral to the Mediator of the dispute.
- 9.3.13. The parties will report back to the Mediator within 14 days, on actions taken, based on the outcome of the mediation.
- 9.3.14. Nothing contained in the dispute resolution procedure above will deny either of the parties the right to seek injunctive relief from an appropriate Court, where failure to obtain such relief would cause irreparable damage to it.

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Part 10. Review

10.1 The details of the MoU **shall** be reviewed after three years.

Part 11 Execution

This MOU may be executed in counterparts and such counterparts taken together shall be deemed to constitute one and the same document for the purpose of this MOU.

This memorandum of understanding is made at Windsor on the ***** day of *****, 2004 and shall have effect from *****. This agreement will be reviewed by *****.

Signed for and on behalf of the Hawkesbury City Council
in the presence of:

.....
Witness

Signed for and on behalf of the Hawkesbury Historical Society
in the presence of:

.....
Witness

Signed for and on behalf of the Friends of the Hawkesbury
Art Collection & Regional Art Gallery Inc.
in the presence of:

.....
Witness

Signed for and on behalf of the Macquarie Towns Art Society
in the presence of:

.....
Witness

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Signed for and on behalf of the Hawkesbury Creative Arts
Centre
in the presence of:

.....
Witness

Signed for and on behalf of the Hawkesbury Camera Club
Inc.
in the presence of:

.....
Witness

Signed for and on behalf of the Hawkesbury Community
Arts Workshop
in the presence of:

.....
Witness

Signed for and on behalf of the Hawkesbury Chamber
of Commerce
in the presence of:

.....
Witness

Signed for and on behalf of Hawkesbury Tourism Inc
in the presence of:

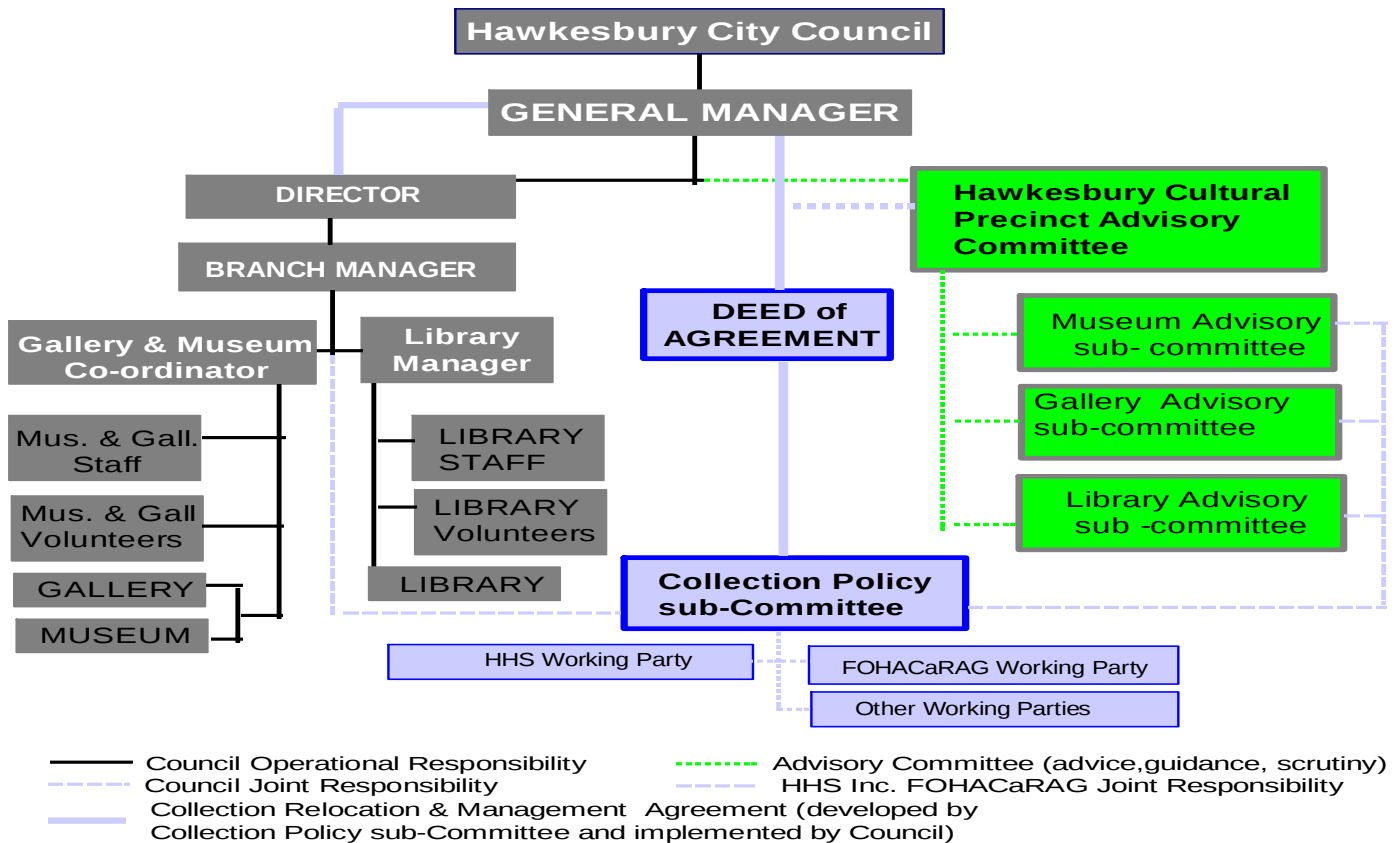
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Witness

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ATTACHMENT 1. *Management Structure: Hawkesbury Cultural Precinct.*

ATTACHMENT 2.



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Hawkesbury City Council Hawkesbury Cultural Precinct Advisory Committee.

Constitution

1. Name

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

2. Objectives

- (a) to provide advice and guidance to Hawkesbury City Council staff in the drafting of a *Cultural Precinct Development Plan* which will identify the objectives, strategies, key actions, time frames and performance measures for the operation of the Hawkesbury Cultural Precinct.
- (b) to provide advice and guidance to Hawkesbury City Council staff in the development of policies and programs to co-ordinate the display, interpretation, documentation and conservation of collections in accordance with best practice standards.
- (c) to work with professional staff and volunteers to seek funds for the operation, development and activities of the Hawkesbury Cultural Precinct.
- (d) to provide advice and guidance to Hawkesbury City Council staff in the drafting and implementation of a *Cultural Plan* for the Hawkesbury Local Government Area which is consistent with the provisions of the *Cultural Planning Handbook* as developed by the NSW Ministry of Arts.

3. Role and Authorities

- (a) Whereas the Advisory Committee is appointed by the Hawkesbury City Council under the terms of the Local Government Act 1993, the Advisory Committee is to abide at all times with the terms of reference of this clause, and with the authorities delegated under this clause whilst remaining in force (unless otherwise cancelled or varied by resolution of Council).
- (b) The Advisory Committee shall have the following authorities delegated to it in accordance with the provisions of section 377 of the Local Government Act 1993:
 - (i) to recommend to Council policies drawn up by professional staff for:
 - the display, interpretation, documentation and conservation of museum, gallery and library collections in accordance with best practice standards;
 - the acquisition and de-accessioning of cultural artefacts, artworks, documents, photographs, pictures, and printed and electronic resources.

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- the researching, development and housing of permanent, temporary and travelling exhibitions including, but not limited to, those which have a thematic resonance with the Hawkesbury environment.
 - the design and delivery of centre-based and outreach public programs to provide visitors with ready access to information concerning the natural and cultural heritage of the City of Hawkesbury and surrounds, which engages the community in the interpretation and celebration of their diverse cultures, heritage and life experiences, and provides access to information and recreational resources.
 - disaster management.
 - procedures for the accessing and loan of items from within the collection.
- (ii) to bring to Council's attention, by way of recommendation, any item requiring a policy decision outside the authority granted to the Advisory Committee under section 377;
- (c) The Council retains the responsibility for all budgetary considerations;
- (d) The General Manager (or his/her delegate) retains, and shall be entirely responsible for the appointment and dismissal of staff (either permanent or temporary) within the Cultural Precinct in accordance with the Local Government Act 1993;
- (e) The General Manager (or his/her delegate) retains all responsibility for the direction of any staff member, including any disciplinary action, be it for permanent, temporary or part time staff. The Advisory Committee will, however, have the right to bring to the attention of the Director of the Department within Council responsible for the Cultural Precinct any issues which, in its opinion, require disciplinary action; and
- (f) Any authorities conferred upon the Advisory Committee under this Constitution may be varied by Council.

4. Term

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

5. Structure and Membership

- (a) The structure and membership of the Advisory Committee shall be as follows, and all the undermentioned appointments will have voting rights:
- (i) 1 (one) Councillor of the Hawkesbury City Council; and

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- (ii) 1 (one) Council staff member appointed by the General Manager of Hawkesbury City Council.
 - (iii) 1 (one) Representative from Hawkesbury Tourism Inc.
 - (iv) 1 (one) Representative from the Hawkesbury Chamber of Commerce
 - (v) 1 (one) Representative from the education sector
 - (vi) 2 (two) Representatives from the Hawkesbury Historical Society Inc.
 - (vii) 2 (two) Representatives from the Friends of the Hawkesbury Art Collection and Regional Gallery Inc.
 - (viii) **4 (four)** community appointments, with expertise in the operation and/or management of cultural programs, facilities or collections, appointed by Council following the calling of applications as detailed in clause 6(b) of this Constitution;
 - (ix) **1 (one) Representative of the Darug Custodian Aboriginal Corporation**
- (b) Whereas the appointments detailed in clause 5(a) will form the Advisory Committee, the **Director of Community & Corporate Services** will be required to attend meetings of the Advisory Committee;
- (c) The Director of the Department charged with the responsibility for the Cultural Precinct within the Hawkesbury City Council shall attend meetings and may delegate the Manager of Community & Cultural Services as his/her delegate when deemed necessary;
- (d) The Advisory Committee shall, at its first meeting following appointment, and each twelve (12) month period thereafter, elect one of its members from those appointed under clause 5 to be the Chairperson of the Advisory Committee, and one of its members appointed under the same clause to be Deputy Chairperson, who shall act in the absence of the Chairperson;
- (e) The position of Chairperson shall not be held by the same person for any longer than three (3) consecutive years;
- (f) The position of Deputy-Chairperson shall not be held by the same person for any longer than three (3) consecutive years;
- (g) No staff member of Hawkesbury City Council shall be elected as Chairperson or Deputy Chairperson of the Advisory Committee;
- (h) Each member of the Advisory Committee entitled to vote shall only have one vote except that of the casting vote of the Chairperson in the case of equality of votes;
- (i) The Advisory Committee may co-opt additional members from time to time, at its discretion, to provide specialist advice or assistance, but such co-opted members shall only serve on the Advisory Committee for the period of time required, and will not, whilst serving in the position of co-opted member, have any voting rights; and
- (j) The Advisory Committee may invite as observers citizens or other representatives for the purpose of clarifying certain matters as decided by the Advisory Committee. Such observers will not be permitted to vote.

6. Appointment and Election of Members

- (a) 1 Councillor will be appointed to the Advisory Committee in accordance with practices and procedures of the Council;
- (b) The Council shall, in the month of October following the quadrennial election place advertisements in appropriate newspapers inviting nominations from members of the community for membership to the Advisory Committee;
- (c) The Council shall select and appoint the community representatives to the Advisory Committee;
- (d) The Advisory Committee shall have the power to fill casual vacancies at its discretion;
- (e) Members of the Advisory Committee shall cease to hold office:
 - (i) if the Advisory Committee is dissolved by Council;
 - (ii) upon written resignation or death;
 - (iii) if absent without prior approval of the Advisory Committee for three consecutive meetings; or
 - (iv) if the Council by resolution determines that the member has breached Hawkesbury City Council's Code of Conduct (as it is in force from time to time).
- (f) For the purposes of sub-clause 6(e)(iv), the Code of Conduct is to be taken to apply to community and representative members as referred to in clause 5(a) in the same way as the Code of Conduct applies to Councillors.

7. Procedures and General

- (a) Ordinary meetings of the Advisory Committee shall be held no less than six times per year. Special meetings may be convened at the discretion of the Chairperson, or, in his/her absence, the Deputy Chairperson;
- (b) The Manager Community & Cultural Services shall be the Executive Officer to the Advisory Committee, and will be responsible for preparation of specialist reports, and any and all correspondence associated with the Advisory Committee;
- (c) The Council will provide a Minute Clerk for the purpose of recording the Minutes of the Advisory Committee meetings and for the distribution of Minutes following meetings of the Advisory Committee;
- (d) No meeting of the Advisory Committee shall be held unless three (3) clear days notice thereof has been given to all members;
- (e) The Minute Clerk shall forward a copy of the Minutes of each Advisory Committee meeting to all Advisory Committee members, as well as to Council, for submission to the appropriate Standing Committee, as soon as possible following such Advisory Committee meeting;

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- (f) At any meeting of the Advisory Committee, the Chairperson, or the person acting in the position of Chairperson, shall, in addition to his or her ordinary vote, have a casting vote where such a situation occurs where there is an equality of votes;
- (g) The rules governing meetings and the procedures of the Advisory Committee shall, so far as they apply, be those covered by the Hawkesbury City Council's Code of Meeting Practice, as may be altered from time to time by resolution of the Council;
- (h) A quorum of the Advisory Committee shall be constituted by 7 members being present at meetings;
- (i) Any members having a pecuniary interest in any matters being discussed by the Advisory Committee shall declare such interest at the meeting of the Advisory Committee and refrain from voting or discussion thereon;
- (j) The requirements applying to pecuniary interests for members as detailed in clause 7(i) above shall apply equally to any other appointed or invited observers or co-opted members, and also to the Executive Officer/Secretary;
- (k) Any recommendations of the Advisory Committee shall, as far as adopted by the Council, be resolutions of the Council, provided that recommendations or reports of the Advisory Committee shall not have effect unless adopted by the Council;
- (l) It shall be competent for the Advisory Committee to appoint a sub-committee or specific work groups comprised of members or non-members to exercise and carry out specific investigations for the Advisory Committee, and then to report back to the Advisory Committee. These appointed sub-committees or work groups may be dissolved by the Advisory Committee at any time;
- (m) Any appointed sub-committees or work groups have no power to make any decisions whatsoever on behalf of the Advisory Committee, and any recommendations of any sub-committee or work group will only have effect once adopted by the Advisory Committee, or by the Council, as the case may be; and
- n) The Manager Community & Cultural Services shall prepare an Annual Report of the Cultural Precinct's activities for submission to the Advisory Committee, who will, in turn, present such report to the Council.

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Item: 48 **ORG B - Webbs Creek Road, Webbs Creek - (79342)**

Previous Item: 95, Ordinary (10 August 2004)

REPORT:

At the Ordinary meeting of Council held on 10 August 2004 consideration was given to the following report regarding the proposed acquisition of land for road purposes at Webbs Creek Road, Webbs Creek:

“An application for a 2 (two) lot boundary adjustment made by the owners of 17 Chaseling Road, Webbs Creek was approved under delegated authority. It has been determined that the current physical vehicular access to the properties via Webbs Creek Road, is located on Crown Land. Department of Lands advise that the Crown Reserve was created by exclusion from the Crown Grant, for the original Portion 16, thus creating a reserve of 30.48 (thirty point four eight) metres on the river bank. The property owners advise that the access track has been in use in excess of 30 (thirty) years, and whilst the properties have alternative legal access to road, the access would be difficult to physically obtain.

The Department of Lands have advised that in order to rectify the matter and provide legal access to the property, Council could acquire the portion of Crown Land for road purposes under the Land Acquisition (Just Terms) Compensation Act. The Department has agreed to the acquisition subject to the payment of the Departmental costs, compensation and Council undertaking the appropriate procedures under the Act and the Commonwealth Native Title Act 1993.

The area to be acquired is 269.2sqm (two hundred and sixty nine point two square metres). The applicant has been advised and agrees that they will be responsible for all costs involved in the process. These costs will include but not necessarily be limited to the Department of Lands application fee, survey and legal costs (including Council's), valuation costs, compensation to be determined by the Valuer General and the following works:

- 1) The fencing of the flood mitigation channel that cuts through the area to be dedicated as public road, which includes the barrier fencing of the sides of the access that crosses the channel;*
- 2) The sealing of the access track over the existing boundary and proposed road areas from the existing edge of seal to the property boundary.*

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RECOMMENDATION:

That:

1. *Council apply to the Minister for Local Government for approval to proceed with the acquisition of the Crown Land Reserve from Portion 16, Parish Wonga, Webbs Creek, pursuant to the Land Acquisition (Just Terms) Compensation Act, 1991, being 269.2sqm (two hundred and sixty nine point two square metres) for road purposes.*
2. *Council apply for the consent of the Governor to publish an acquisition notice.*
3. *The applicant, be responsible for all costs associated with the application, including legal fees, survey fees, valuation fees, compensation to the Crown as determined by the Valuer General. The applicant be responsible for fencing of the flood mitigation channel and sealing the access track to the satisfaction of The Director Environment and Development Branch.*
4. *All necessary documents be executed under the seal of Council."*

Council subsequently resolved that the matter be deferred to this meeting of the General Purpose Committee and in doing so also requested further information regarding the type of fencing required to be constructed on the land to be acquired and dedicated as road.

In connection with the required fencing the following comments have been provided by Council's Subdivision Engineer:

"The section of land to be acquired and dedicated as public road traverses over a flood mitigation channel. The channel which is piped to provide private access at the above site follows the line of earlier drainage works.

It was constructed to:

- (1) *facilitate part drainage of a local flood plain which extends north from the confluence of Webbs Creek and the Hawkesbury River downstream to the confluence of the Macdonald River.*
- (2) *Contain a fluctuating tidal influenced water table that impacts on private property and the local road network.*

Upon dedication of land as a public road Council assumes legal responsibility for the road and therefore has a duty of care to minimise the risk.

It was determined that the culvert and channel would be a roadside hazard and after inspection with the applicant it was decided that a safety barrier should be installed at the site. The use of a rigid guardrail barrier system with normal wrap around ends at the site is proposed because of the following reasons:

- (1) *These types of systems are permanent and generally maintenance free.*

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- (2) *Manufactured rigid barrier systems are structurally adequate and they are designed to handle vehicular impact and flood flows."*

The issue of the types of fencing, whilst still requiring final specification based on the above comments, has been discussed with the applicant, who upon clarification of the end treatment required, now appears to be satisfied with the requirements.

At the meeting of Council reference was also made to the costs to be incurred by the applicant and Councillor Finch table an email from the applicant which referred to both the issue of the required fencing, referred to above, and the costs involved.

For Council's information, the costs involved are estimated as follows;

1. Department of Lands application fee of \$487.70 (four hundred and eighty seven dollars and seventy cents);
2. Compensation to be determined by Valuer General as at the date of acquisition and is not usually determined prior. It is not possible for a figure to be placed on the amount of compensation payable until this determination is available. The applicant would also be responsible for the costs of valuation which are estimated to be \$500 (five hundred dollars) - \$1,000 (one thousand dollars), however confirmation of costs was not available at the time of preparing this report;
3. Survey and legal fees - as the applicant has already engaged a surveyor who has prepared the plans, it is not expected that there would be additional survey fees. Council will be required to register the plan and Council's solicitor would undertake this action. The approximate cost would be \$1,500 (one thousand, five hundred dollars) - \$2,000 (two thousand dollars) including registration fees.

It is noted that Council does not currently charge a processing fee to undertake this kind of work and the administration of a compulsory acquisition application, even with agreement by the Crown, is complicated and time consuming.

Where action such as this has been initiated at the request of a property owner and the action will result in providing access to an individual's private property the total costs are generally passed on to the applicant. In the case of subdivisions generally any new roads required to provide access to the lots are provided by the applicant/developer at their cost. It is considered that this application is similar and a precedent for waiving costs may be set should the costs be reduced or met in part by Council.

RECOMMENDATION:

That:

1. Council apply to the Minister for Local Government for approval to proceed with the acquisition of the Crown Land Reserve from Portion 16, Parish Wonga, Webbs Creek, pursuant to the *Land Acquisition (Just Terms Compensation) Act, 1991*, being 269.2sqm

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(two hundred and sixty nine point two square metres) for road purposes.

2. Council apply for the consent of the Governor to publish an acquisition notice.
3. The applicant, be responsible for all costs associated with the application, including legal fees, survey fees, valuation fees, compensation to the Crown as determined by the Valuer General. The applicant be responsible for fencing of the flood mitigation channel and sealing the access track to the satisfaction of The Director Environment and Development Branch.
4. All necessary documents be executed under the seal of Council.

ATTACHMENTS:

AT - 1 Location Plan

oooO END OF REPORT Oooo

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Item: 49

ORG B - Proposed Rezoning - Council Library/Offices/Reverend Turner Cottage - (79337)

REPORT:

In April 2003, Council adopted a financial framework for the operation of the Hawkesbury Cultural Precinct. Council was presented with 3 (three) options, and determined that given its financial capacity, it would adopt a 'bronze standard' which would see Council progressively allocate funds over a 15 (fifteen) year period to achieve 85% (eighty five percent) of the recommended benchmarks as developed by the State Library of NSW. The framework provided for the additional operating costs associated with the new library, gallery and museum to be funded from a combination of external grants and the rental income generated from the letting of the commercial floor space on the old-hospital site and the existing library building in Dight Street, Windsor.

The financial framework adopted by Council, anticipated that the income stream from the lease of the existing library in Dight Street would not come on line until 2005/2006. The annual income to be generated from the lease of the library building in Dight Street was estimated to be \$171,750 (one hundred and seventy one thousand, seven hundred and fifty dollars) in its first full year of operation as a commercial facility. The Dight Street site is currently zoned as 'Special Use Community' and would need to be rezoned as commercial to maximise the return to Council on the lease of this property. Given the lead in time that would be required to fit out the Dight Street site for a commercial tenancy - following the relocation of the library service to the new library/gallery building - it would be appropriate for Council to commence the rezoning process for the site at this time.

It is proposed to rezone the lots adjoining the current library building which includes car parking areas and Reverend Turner Cottage. This is proposed so that with any commercial proposal for the library building, there would be appropriately zoned land available for parking purposes. The area to the rear of the building overlaps with the land on which Reverend Turner Cottage is situated, and given its current use it is considered appropriate to zone this land accordingly. It is also noted that the proposed rezoning of the car park areas would bring this car park in line with Council's other car parks.

The rezoning of the site will enable Council to achieve the income targets (as adopted within the 'bronze standard' financial framework) within the time frame envisaged for the Dight Street property to generate a rental return.

RECOMMENDATION:

That

1. A draft Local Environmental Plan be prepared in accordance with the Department of Infrastructure, Planning and Natural Resources Best Practice Guideline to rezone from Zone

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5a (Special Uses) to Zone 3a (Business General), the land described as being located on the corner of Dight Street and George Street, Windsor, containing the current Windsor Branch Library, Reverend Turner Cottage and adjoining parking area, including the following lots:

- a. Lot 2 in DP 1044656
 - b. Lot A in DP 412658
 - c. Lot B in DP 412658
 - d. Lot 1 in DP 998012
 - e. and old systems lots being the area identified in accordance with the attached plan.
2. Council is of the opinion that a local environmental study is not required to be prepared.
 3. Council exercise its delegation in respect of Sections 65 and 69 of the Environmental Planning and Assessment Act 1979.

ATTACHMENTS:

AT - 1 Location Plan

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Item: 50 **ORG B - John and Hazelle Laffin Battlefield Museum and War Collection - (79342, 11915)**

REPORT:

This report has been prepared to advise Councillors of an offer by Mr Craig Laffin to make available to Council the John and Hazelle Laffin Battlefield Museum and War Collection - the Laffin Collection - for public display.

The Laffin Collection comprises military artefacts collected by John and Hazelle Laffin over a 50 (fifty) year period. Many of the artefacts were dug up by Mr and Mrs Laffin from the battlefields of World War One and World War Two. The collection, which is quite extensive, includes the personal property of soldiers including diaries, letters, and photographs; equipment used by soldiers; war materials including munitions; and the Laffin War Library. The purpose of the collection is 'to record, commemorate and illustrate the suffering, fortitude and sacrifice of Australian (and other British Commonwealth) soldiers'.

In November 2000, Mr Craig Laffin first approached Council to discuss the possibility of displaying the collection subject to reaching an agreement with Council as to how the collection should be located and managed. A number of possible options for housing the collection were subsequently investigated by Council staff but no suitable venue was able to be identified.

The construction of the new Regional Museum extension, and the development of the Cultural Precinct, provides an opportunity to review the possibility of displaying (and storing) the artefacts within the Laffin Collection. It is proposed that Council seek the advice of the Hawkesbury Historical Society, and Andrew Rankine Design Associates (who are currently developing the Draft Exhibition Design Plan for the Regional Museum) to determine the potential for incorporating some or all of the Laffin Collection within the Regional Museum and/or other venues within the Cultural Precinct (as well as other venues within the City of Hawkesbury). Council may also wish to seek advice as to the likely cost of managing, displaying and storing the Laffin Collection.

RECOMMENDATION:

That:

1. Council in principle agree to accept the Laffin Collection subject to reaching a suitable agreement with Mr Craig Laffin.
2. Council seek advice from the Hawkesbury Historical Society and Andrew Rankine Design Associates, regarding the potential for incorporating some or all of the Laffin Collection within the Regional Museum and Cultural Precinct.
3. The matter be further reported to Council.

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ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Item: 51 **ORG B - National General Assembly of Local Government, Canberra - 7 to 10 November 2004 - (79351)**

REPORT:

The National General Assembly of Local Government will be held in Canberra from Sunday, 7 November to Wednesday, 10 November 2004. The 2004 General Assembly will be focusing on emerging opportunities for Local Government to drive and achieve its vision for sustainable and successful communities.

The Australian Local Government Association is calling for motions on issues of national importance for debate. The Association has developed an on-line pro forma to assist Councils in demonstrating the national importance of their motion. The Association is particularly seeking Notices of Motion in the areas of population and ageing, infrastructure, Local Government financing, and the environment. These motions will be debated and voted upon in debating sessions for each topic area.

Motions resolved at each debating session will be ratified at the plenary of the National General Assembly of Local Government and adopted motions will be formally considered by the National Executive of the Australian Local Government Association. Motions must be received by the Australian Local Government Association no later than 10 September 2004 and can be submitted on-line at www.nga.alga.asn.au.

The Regional Cooperation and Development Forum will precede the national General Assembly and be held on Sunday, 7 November 2004. The theme for this year's Forum is "Infrastructure: Foundations for our Future?" and will focus on infrastructure resourcing and the impact of infrastructure on regional development patterns and prospects.

The theme for this year's Assembly is "Seize the Moment – Communities, Vision, Opportunity" and guests speakers include Dr Hugh Mackay (Social Researcher, Writer and Psychologist), Professor Dean Jaensch (School of Political and International Studies, Flinders University), Dr Rosemary Kiss (Centre for Public Policy, The University of Melbourne), Matthew Reilly (Author), Bog Hogg (Issues Management Consultant) Grahame Morris (Partner, Jackson Wells Morris) and Mayor Joy Leishman (Caboolture Shire Council).

In addition to the debating sessions, a series of Symposia will be held on:

- Sustainable Transport
- Social Policy: Ageing Strategy
- Connecting Local Government
- Radiation
- Participate – Regulate – Facilitate!
- Integrated NRM Planning
- Planning and Development
- Good Governance in Action

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Council may wish to consider nominating delegates to attend the National Assembly. The Association encourages Councils to send at least 2 (two) delegates so they can be fully represented in all concurrent debating sessions. The estimated costs for each delegate would be approximately \$2,000 (two thousand dollars).

RECOMMENDATION:

That Council approve the attendance of a least 2 (two) Councillors and appropriate staff to attend the National General Assembly of Local Government to be held in Canberra from 7 to 10 November 2004, at an estimated cost of \$2,000 (two thousand dollars) per delegate.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Item: 52 **ORG C - Sale of Grose Wold School Site - Questions by Councillor C Paine - (18825, 79337)**

REPORT:

At the meeting of Council held on 29 June 2004, Councillor Paine tabled a copy of correspondence from the Grose Vale Community Centre Inc. to the Deputy Premier and Minister for Education, The Hon Dr A Refshauge MP, which expressed the Centre's opposition to the proposed sale of the Grose Wold School site by the Department of Education.

In tabling this correspondence and referring to discussions with Mr John Ezzy in connection with this matter, Councillor Paine requested that Council provided a letter of support to the Centre in opposing the sale of the site.

A copy of the letter by the Grose Vale Community Centre Inc. to the Minister dated 11 May, 2004 outlining the reasons for the Centre's opposition to the proposed sale is attached for Council's information.

The Minister responded to the above submission by letter dated 16 June, 2004 and advised the Centre as follows:

"I refer to your letter of 11 May 2004, regarding the sale of the former Grose Vale School site.

I am advised that the former school site was gifted to the Department of Education and Training for the propose of establishing a school in the Grose Vale area. This was a common practice of the time aimed at ensuring a school is established in a community.

The Grose View Public School is situated on a site which measures 2.8 hectares which is more than adequate for its current and future requirements.

The Department is required to divest itself of surplus assets which are no longer required for educational purposes. In this regard, I have approved the sale of the site with the proceeds being used for school capital works and maintenance projects on a statewide priority basis.

I trust the above information helps to clarify the situation for you."

Notwithstanding the views expressed by the Centre in relation to the sale, the Minister has pointed out that the Grose View Public School *"is more than adequate for its current and future requirements"* and that the Department of Education *"is required to divest itself of surplus assets which are no longer required for educational purposes"*.

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While the views expressed by the Centre are appreciated in light of the Minister's comments it is suggested that the action being taken by the Department is reasonable and it may not be appropriate for the Council to make representations in association with matters such as this on this occasion.

RECOMMENDATION:

That the information be received and noted.

ATTACHMENTS:

AT - 1 Letter from The Grose Vale Community Centre Inc. to the Deputy Premier and Minister for Education & Training dated 11 May, 2004

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general
purpose
committee

section **4**

response
unit

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SECTION 4 - RESPONSE UNIT

Item: 1 RES B - Farming Small Areas Expo 12 and 13 November 2004 - (91811)

REPORT:

Council has received a request to sponsor the Small Farming Expo to be held 12 and 13 November 2004 at the Hawkesbury Showground. The event had been developed and is managed by Rural Press Special Projects.

The inaugural event was held last year, with around 50 (fifty) exhibitors and more than 8,000 (eight thousand) visitors despite being weather affected. Council did not sponsor this event last year, but provided some in-kind support.

The stated purpose of the event is to target local commercial development by providing:

- Local access to agribusiness services and products for local farmers;
- A venue for local agribusinesses to showcase their products and services;
- A venue for information exchange and networking in this sector;
- An opportunity for farmers and agri-business operators from throughout the Sydney basin and beyond to visit the Hawkesbury, providing tourism activity in the region and related commercial activity; and
- Community development opportunities for local individuals and groups, including fire fighting, historical and other groups.

In assessing the value of the proposed sponsorship of this event it is noted that:

1. In addition to the amount of \$3,500 (three thousand five hundred dollars) being sought for sponsorship by the organisers, Council would need to commit an extra \$5,000 (five thousand dollars) to \$9,000 (nine thousand dollars) to fund the purchase of suitable display and printed material, and cover all costs associated the production of marketing collateral, salaries for staff in-attendance, equipment hire and set-up. Therefore the actual amount of funds Council would need to budget for this event would be in the order of \$12,500 (twelve thousand five hundred dollars).
2. Council has already invested significant resources in areas designed to directly assist agri-businesses and related manufacturing and/or industrial businesses. These include programs such as HARTDAC and Hawkesbury Harvest. In addition to this the Commercial Response Unit is also developing strategies to facilitate development in our target markets, including joint ventures, product development and direct marketing.
3. Council has considerable investments in Tourism Hawkesbury and with organisations such as the Chamber of Commerce that undertake activities specifically designed to stimulate interest in local product, generate sales and promote the Hawkesbury brand.

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The event is being promoted to other major agricultural areas, including the Hunter Valley, Southern Highlands, South Coast and Central Coast through the Farming Small Areas magazine, which is published quarterly in the Land and the Gazette and has a print run of more than 75,000 (seventy five thousand) copies. Metropolitan radio and regional television will also be utilised.

RECOMMENDATION:

That Council respond to the organisers expressing its belief in another successful Small Farming Expo but decline the sponsorship offer.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo