

GENERAL PURPOSE COMMITTEE

Meeting Date: 27 July 2004

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Attachments to this Business Paper are in a Separate Document
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consuming due to file size and download time.

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general
purpose
committee

section 1

environment

ENVIRONMENT

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SECTION 1 - ENVIRONMENT

Item: 35 **ENV A - Security Fence - Wilberforce Cemetery, Lot 7016 DP 1032360 and Crown Land Property Bounded by Copeland, Duke, Clergy and Unnamed Road, Wilberforce NSW 2756 - (107, 79354, 87514)**

Previous Item: 13, Ordinary (9 March 2004)

Development Information

Applicant: Hawkesbury City Council
Owner: Hawkesbury City Council
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
 Regional Environmental Plan 20 (Hawkesbury/Nepean)
Zone: Special Use 5(a) (Cemetery) under Hawkesbury Local Environmental Plan 1989
Brief Description: Boundary Fence - Wilberforce Cemetery
Advertising: 14 May 2004 - 1 June 2004 (initial)
 3 June 2004 - 17 June 2004 (additional information)
 19 June 2004 - 3 July 2004 (correct an error in initial notification)
Date Received: 20 April 2004

Key Issues: ♦ Heritage Impact

Action: Approval

REPORT:

Introduction

The application seeks approval to construct a security fence around the Wilberforce Cemetery. The application is being reported to Council due to the public interest in the proposal.

This report provides an assessment of the key issues.

A complete assessment is contained on file

Background

Council has previously considered a report on Wilberforce Cemetery, which discussed a range of matters including lighting, vandalism and security. At the Ordinary meeting on 9 March 2004, Council resolved to call for quotations for the supply and construction of fencing of the Wilberforce Cemetery and allocated \$73,000 (seventy three thousand dollars) for the work.

This application is a result of Council's resolution.

The Proposal

The application seeks approval to erect a black open style metal fence with a height of between 1.8 (one point eight) metre and 2.1 (two point one) metres.

The fence will be erected around the land zoned Special Uses 5a (Cemetery). The land is bounded by Copeland, Duke and Clergy Roads as well as the unnamed road. The fence will provide 2 (two) vehicle and pedestrian access points along Duke Road and the unnamed Road.

The gates will be open during the day for general access and will be closed at night to deter vandals entering the site and causing damage to historic headstones.

Statutory Situation

The site is zoned Special Uses 5(a) Cemetery and the proposed fence is permissible with Council consent.

The Wilberforce Cemetery is a listed Local Heritage item under Hawkesbury Local Environmental Plan 1989.

Community Consultation

During the notification period, a total of 14 (fourteen) submissions were received.

Ten (10) of the submission supported the proposal and 4 (four) objected and raised concerns with the proposed fence.

The matters raised in the submission are as follows:

- Limited access to the grave sites restricted to certain times.
- Impact on the historic nature of the cemetery.
- Impact on the use and general atmosphere.
- Re-opening of the cemetery.
- Extension of Clergy Road being used by vehicles.
- Funds allocated to fence better allocated an other facilities in the area.
- Fence will give vandals a new challenge.
- Lighting and education program a better solution.
- Fencing erected a suitable distance from vaults and grave sites to allow access.
- Fence will make site difficult to maintain.
- Loss of property value
- Impact on local tourism by destroying heritage appeal.
- Fence the grave sites section only and leave the grass area open.

These matters are discussed in the following assessment.

Planning Assessment

Heritage Impact (Raised by Respondents)

The Wilberforce Cemetery is listed as a Local Heritage item under Hawkesbury Local Environmental Plan 1989.

The application was forwarded to Council's Heritage Advisor for comments on the proposal.

"The proposed Diplomat fence would not be appropriate, it would have an unacceptable adverse impact on the heritage values of the cemetery.

The only appropriate form of fencing would be traditional timber post and rail on the alignment of the original post and rail fence.

My recommendation to provide a high level of security at the site would be to supplement the post and rail fence with a chain wire fence (Black) on the desired alignment."

Council has over a period of time explored a range of options to improve the security at the Wilberforce cemetery in order to deter and reduce the damage caused by vandals. While the proposed fence may not be favoured from a heritage viewpoint, the fence is only of a light-weight construction with minimal works required for installation. If in the future the fence was removed there would be no permanent heritage impact as there would be no evidence left to suggest the fence ever existed.

There needs to be balance between the heritage impact which may only be temporary and the need to protect the heritage item from further destruction by vandals.

It is considered that given the fence has only a low impact due to the nature of its construction, there will be no permanent impact on the heritage item.

If Council was concerned the consent could be limited to a specific period which could allow a review of the fence and if successful a decision could then be made to retain the fence or require its removal.

Other Matters

1. Limited Access to the Site

The cemetery will be open during the day for general access and will be closed at night to deter vandals.

Two (2) access (vehicle/pedestrian) points are provided from Duke Road and the unnamed road.

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2. *Reopening the Cemetery*

This application does not propose to re-open the cemetery.

3. *Extension of Clergy Road*

The unformed section of Clergy Road is not planned to be constructed at this stage. The existing situation will not change.

4. *Funds for Fence Being Reallocated on Other Facilities in the Area*

Council has previously considered this matter in resolving to obtain quotes for the fence.

5. *Lighting and Education Programme, a Better Solution*

Council has recently installed additional lighting in the cemetery, which will operate in conjunction with the proposed fence to provide security for the cemetery.

6. *Fencing Erected a Suitable Distance From Grave Sites and Vaults*

The moving of the fence in certain areas is possible as the previous fence line was outside the existing boundary and located on the unformed section of the public road.

A suitable condition has been imposed requiring a separation distance to maintain access around the site.

7. *Fence Will Make Site Difficult to Maintain*

The maintenance of the cemetery will only be slightly more difficult and the majority of the cemetery is currently maintained by hand.

8. *Loss of Property Value*

No evidence provided to support the concern.

9. *Fence the Grave Site and Leave the Grass Area Open*

The cemetery site is bounded by the 4 (four) public roads and Council wishes to fence the whole of the site.

Conclusion

The proposed fence will have an impact on the heritage item, however, this needs to be balanced against the need to protect the cemetery against vandals.

The proposed fence, being a lightweight construction, will not have the potential for a permanent impact as once removed there would be no evidence to suggest that the fence was ever erected

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around the cemetery. The matters raised by the respondents do not warrant refusal of the application.

RECOMMENDATION:

That:

The application be approved subject to the following conditions:

General

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. The development shall comply with the provisions of the Building Code of Australia at all times.
3. The development shall comply with the Environmental Planning and Assessment Act, 1979 at all times.

Prior to Commencement of Works

4. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.

During Construction

5. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am – 6pm and on Saturdays between 8am – 4pm.
6. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project.
7. The fence is to be located to provide a minimum of 2 (two) metre setback from grave sites and vaults to allow access around the sites and vaults.

ATTACHMENTS:

AT - 1 Locality Plan

AT - 2 Site Plan (original will be displayed at the meeting)

AT - 3 Fence Details

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Item: 36 **ENV A - Proposed Tourist Facility - No 73 Ghost Hill Road, Bilpin, DA157/02 - (17809, 17810, 85977)**

Development Information

Applicant: Mr B Jukes
Applicants Rep: Monaghan Surveyors P/L
Owner: Mr & Mrs Jukes
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
Sydney Regional Environmental Plan No.20
Area: 7.5 hectares
Zone: Environmental Protection Scenic 7(d)
Advertising: 13 November 2002 - 2 December 2002 (initial proposal 5 cabins)
6 February 2003 - 24 February 2003 (initial proposal 5 cabins)
21 January 2004 - 9 February 2004 (amended proposal 3 cabins)
Date Received: 15 February 2002

Key Issues:

- ◆ Impact on Flora and Fauna
- ◆ Effluent Disposal
- ◆ Amenity
- ◆ Traffic
- ◆ Bushfire

Action: Approval

REPORT:

Introduction

The application seeks approval for a cabin style tourist facility at 73 Ghost Hill Road, Bilpin. This matter is being reported to Council due to a request by former Councillor Davies. This report will detail the proposal and provide an assessment of the key issues. A complete assessment in accordance with Section 79C of the Environmental Planning and Assessment act is available on the file.

The Proposal

The site currently contains 1 (one) existing tourist cabin approved by MA1306/01). The proposed development involves the construction of 3 (three) separate cabins (8.5 m x 7.8m) for tourist accommodation on a 7.5 hectare property.

The cabins will be separated from each other. The cabins are self contained and provide 2 (two) bedrooms, dining/lounge areas, kitchen and bathroom. The cabins will be constructed similar to the style of the existing cabin on the site, which has timber slab walls and metal roof.

A full scale site plan showing the cabins will be on display at the meeting.

Background

The site has previously received development approval (MA1306/01) to construct 1 (one) self contained tourist cabin, which has been constructed and is used to provide tourist accommodation.

The application initially proposed the construction of 5 (five) tourist cabins and due to the issues with bushfire and location to the watercourse, the applicant reduced the number of cabins to 3 (three).

The applicant has been in extensive discussions with Council officers and the NSW Rural Fire Services to address the bushfire issue and siting of the cabins on the site to reduce the amount of clearing of the bushland areas.

Statutory

The property is zoned environmental Protection (Scenic) 7(d) Under Hawkesbury Local Environmental Plan 1989. The proposed development is defined as a "tourist facility" which is permissible in the zone.

Under the provisions of Draft Amendment 108, the activity would be defined as: "Rural Tourist Facility", which is permissible in the proposed zone for the site.

Community Consultation

The development (the initial and amended plans) were publicly exhibited in accordance with the provisions of Council's Development Control Plan. During both exhibition periods, 3 (three) submissions were received that objected to the proposed development and raised concerns. The issues/concerns raised involved:

- Number of units proposed.
- Noise/traffic impact (safety)
- Impact on Amenity of area
- Previous history of works undertaken on site without approval
- Extent of clearing and visual impact
- Effluent disposal and potential to impact on watercourses/water quality.

These matters are discussed in the planning assessment.

Planning Assessment

The following are the major issues of concern under Section 79C of the EPA Act 1979.

Impact on Environment***Context and Setting***

The site has areas of bushland as well as cleared areas. The site also contains a natural watercourse.

The owner's objectives for the cabins are to provide the guest with a feeling of being remote in the bushland setting and the design/location has been aimed at reducing the amount of vegetation clearing and using suitable building materials that are consistent with the bushland setting.

The cabins have now been located in existing cleared areas to reduce the impact of the Asset Protection Zone (APZ) on the bushland area and the watercourses. The amended cabin locations also provide a greater separation from the respondent's property.

Flora and Fauna Impact and Bushfire Hazard (Raised by Respondents)

The application was accompanied by a Flora and Fauna Assessment. The report found that no threatened flora/fauna species were recorded within the study area and no viable samples of any threatened ecological communities were identified on site.

The report concluded that the proposed development will not result in a significant impact on threatened species, populations and/or endangered ecological communities or their habitats.

The applicant and consultant have had extensive consultation with the NSW Rural Fire Services (RFS) in respect to the development and complying with the document "Planning for Bushfire Protection". The amended plans now satisfy the provisions of this document and RFS have now indicated that they are now prepared to grant a Bush Fire Safety Authority subject to conditions being met. The amended plans now comply with the conditions the RFS.

The "Planning for Bushfire Protection" document provides minimum requirements for Asset Protection Zone (APZ), which consists of an Inner Protection Zone (IPZ), and Outer Protection Zone (OPZ).

OPZ are located furthest from the building and any trees should be retained in such a manner that the vegetation is not continuous. IPZ are located closest to the building and must be maintained to ensure there is minimal fuel at ground level.

The presence of shrubs and trees in the IPZ is acceptable provided they:

- do not touch or overhang the building;
- are well spread out and do not form a continuous canopy;
- are not species that retain dead material or deposit excessive quantities of ground fuel.
- are located far enough away from the building so that they will not ignite the building by direct flame or radiant heat emission.

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The amended plans provide the majority of the IPZ for cabins 1 (one) and 2 (two) in the existing cleared areas to reduce the removal of bushland area. An OPZ of 15 (fifteen) metres is required which will have minimal impact on the bushland area.

The amended plans have further reduced the impact on removal of bushland, by ensuring the majority of the IPZ for cabins 1 (one) and 2 (two) is within the existing cleared areas and the overall tree/vegetation removal required to comply with the APZ is considered minimal and will not have a significant impact.

Noise (Raised by the Respondents)

The cabins are proposed to be located towards the rear of the site. The proposed cabin locations provide a separation from the nearest residential dwelling on the adjoining property in excess of 100 (one hundred) metres.

The application has indicated that the cabins would have an average (weekend only) occupancy rate of 66% (sixty six percent). If the cabins had a higher occupancy rate, it is unlikely given the scale of the development (4 cabins total) and their use that noise generated by the proposed development would be unreasonable and have a significant impact on the amenity of the area.

Traffic (Raised by the Respondents)

The respondents raised concern over the potential traffic volumes generated by the proposed development and the impact on the safety of pedestrians and vehicles using Ghost Hill Road, which has areas that are currently considered dangerous (narrow width/blind corners).

The applicant considers the additional cabins would generate 3 (three) vehicles. This is based on their experience and that of operators of similar establishments which suggests that the majority of visitors are couples. They have also suggested that with an average (weekend only) occupancy rate of 66% (sixty six percent) this would generate 2 (two) vehicles. It is considered that the potential traffic generation, including the existing cabin, would be 4 (four) vehicles.

The nature of the development and operation would ensure that visitors arrivals and departures would more than likely be stagger over the day and that the maximum traffic generated would not occur at the 1 (one) time or within a short period of time.

While the existing road geometry of the Ghost Hill Road provides some areas of potential traffic conflict, it is considered that the potential traffic generated by the additional units will not significantly increase the current traffic safety issues along Ghost Hill Road.

The applicant has been required to prepare a traffic management report to address a range of options for Ghost Hill Road. This has been imposed as a condition of approval in the recommendation.

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Effluent Disposal (Raised by the Respondent)

The application was accompanied by a Geotechnical and Water Balance assessment from the proposed effluent disposal system.

The proposed system is based on a centralised system where all treated effluent will be discharged into a single land application area. This system was considered appropriate due to the location of the cabins in a bushland setting and their proximity to the watercourse. The effluent disposal area will be located in a clear paddock area some distance from the native bush area and watercourse to ensure any potential impact is minimised.

The proposed system is considered to be satisfactory.

Visual Impact (Raised by Respondent)

The respondents are concerned that the cabins will require extensive clearing of the bushland area, which will have a visual impact by the loss of native vegetation and creating a view of the cabins from surrounding properties. The provision of the APZ will involve the removal of some native vegetation.

The recent plans prepared that comply with RFS show that the majority of the IPZ for cabins 1 (one) and 2 (two) are within the existing cleared areas and only the 15 (fifteen) metres OPZ will have any impact on the removal of vegetation.

The cabins have been further removed from the bushland area and an existing vegetation stand will remain, which will provide some visual privacy from the respondent's property.

Previous Works Undertaken (Raised by Respondents)

Council officers have previously received complaints about clearing of the land and building works in 2001-2002. These matters were investigated by Council officers and correspondence was sent to the property owner who provided written responses.

The applicant lodged the necessary application (DA1306/01) for the cabin which was approved and is now constructed on site.

In the investigation it was noted some clearing had taken place for the erection of a boundary fence. Since that time, Council has received no further complaints regarding clearing of the site or illegal building activity.

Conclusion

The proposed development is permissible in the zone. The scale of the activity being a total of 4 (four) self contained cabins will not have a significant impact on the amenity for the area or the traffic safety along Ghost Hill Road.

The provision of Asset Protection Zones will require some removal of bushland, however, a suitable condition is proposed requiring Council officers and RFS to liaise to identify before the

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works commence the trees/shrubs that can remain to ensure a reasonable coverage of existing vegetation can be retained. The cabins have been located to minimise the extent of clearing and have used the existing cleared areas where possible.

The matters raised by the respondents do not warrant refusal of the application.

RECOMMENDATION:

That the application for 3 (three) tourist cabins be approved subject to the following conditions:

General

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
3. The approved use shall not commence until all conditions of this Development Consent have been complied with.
4. The development shall comply with the provisions of the Building Code of Australia at all times.
5. The development shall comply with the Environmental Planning and Assessment Act, 1979 at all times.
6. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within 7 (seven) days of issuing the certificate. A registration fee applies.
7. Details of the proposed hot water system demonstrating that the appliance has a minimum energy rating of 3.5 stars is to be submitted to the principal certifying authority.
8. An occupation certificate is to be obtained on completion of all works and prior to commencement of the approved use. The occupation certificate will not be issued if any conditions of this consent are outstanding.
9. The wind classification for the site has been assessed as minimum W41N, this classification should be referred to your glazing supplier, frame manufacturer and building contractor to enable the appropriate glazing, bracing and tie down to be designed.
10. All solid fuel heaters installed must comply with the requirements of the Clean air Domestic Solid Fuel Heaters Regulation.

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11. The effluent disposal system is to be in accordance with the system recommended in the report prepared by Blue Mountains Geological and Environmental Services P/L, Ref 011207, dated December 2001.

Prior to Issue of Construction Certificate

12. Provide all necessary details demonstrating compliance with AS 3959 (Construction of Buildings in Bush Fire Prone Areas) to the principal certifying authority.
13. Submission of details for the external finishes/colours to be provided to Hawkesbury City Council for approval.
14. Construction of civil works including road, drainage, access, or sewer works are not to commence until three (3) copies of the plans and specifications of the proposed works are submitted to and approved by the Director Asset Services and Recreation or an accredited certifier.
15. The submission of engineering designs and calculations covering all works required by this consent.
16. The submission of a satisfactory soil and water management plan (SWMP) prepared in accordance with the State Government guidelines titled "Managing Urban Stormwater: Soils and Construction (1988)".
17. Water quality control measures to be incorporated to ensure runoff from the site will not detrimentally affect the existing watercourse. A suitable report is to be submitted prepared by a suitably qualified person.
18. Estimation of peak flows by a suitably qualified person is to be undertaken to determine the 1 in 100 year average recurrence interval storm flow through the existing watercourse.
19. Survey, hydrological, hydraulic and structural details from a suitably qualified person for the watercourse crossing to be provided.
20. A Sewer Management Facility System application shall be submitted to and approved by Council.
21. Submission of a traffic management plan for Ghost Hill Road to address but not limited to:
 - (a) Safety of the public;
 - (b) Need to regulate drivers action by signage.

Prior to Works Commencing

22. Separate certified structural engineer's details of all structural concrete and steelwork shall be lodged with the principal certifying authority for approval.

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23. The proposed development falls outside the scope of the Timber Framing Code AS1684, details shall be prepared by a Practising Structural Engineer for the frame, roof, bracing and tie down requirements and submitted for approval.
24. Sanitary accommodation shall be provided for workmen throughout the course of the building operations in accordance with the Local Government Act 1993 and the Environmental Planning and Assessment Act.
25. The applicant shall advise Council of the name, address and contact number of the principal certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1979.
26. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.
27. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction. The enclosed warning sign shall be affixed to the sediment fence/erosion control device.
28. Site meeting being arranged with Council officers, Rural Fire Services, contractor and applicant to identify and mark the vegetation to be removed and retained within the approved Asset Protection zones.

During Construction

29. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am – 6pm and on Saturdays between 8am – 4pm.
30. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
 - (a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - (b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
 - (c) Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
30. Only the vegetation marked as being removed from the on site meeting is to be removed, other vegetation will require separate approval from Hawkesbury City Council.
31. An automatic fire detection and alarm system shall be installed within the building in accordance with Part 3.7.2 of the BCA for class 1A and 1B dwellings and F2.2a of the BCA

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for Class 2, 3, 4, 5, 6, 7, 8 9a and 9b. Alarms and Detectors shall be installed by a licensed electrician and multiple alarms shall be interconnected, a certificate of the installation shall be provided prior to occupation of the building; (Note: refer to approved plans, for location marked in red ink).

32. Inspections shall be carried out and compliance certificates issued by Council or an appropriately accredited person for the following components of construction:
 - (a) erosion controls, site works and site set out;
 - (b) piers;
 - (c) steel reinforcement;
 - (d) framework, after the installation of all plumbing, drainage and electrical fixtures, and after the external cladding and roof covering has been fixed and prior to fixing of internal linings and insulation;
 - (e) wet area flashing, after the installation of any bath and shower fixtures;
 - (f) internal drainage lines prior to covering;
 - (g) external drainage lines, prior to backfilling; and
 - (h) on completion of the structure.
33. All roof water shall be drained to the water storage vessels.
34. The construction of vehicular access around the site and a vehicular crossing from the edge of bitumen in Ghost Hill Road, in accordance with the approved plans, together with any works to make this effective.
35. All access roads proposed to take 2 (two) way traffic are to be a minimum of 4.5 (four point five) metres, finished with 150mm (one hundred and fifty millimetre) of crushed rock pavement. The maximum grade is to be 16% (sixteen percent). The maximum grade may be increased to 20% (twenty percent) if the pavement is finished with a 2 (two) coat flush seal, or 25% (twenty five percent) if constructed with 150mm (one hundred and fifty millimetres) thick reinforced concrete. Passing Bays are to be provided at maximum 100m (one hundred metre) intervals or more frequently where safety conditions dictate.
36. Any carparking areas associated with the proposed cabins are to be constructed with a minimum 150mm (one hundred and fifty millimetre) crushed rock pavement.
37. A concrete causeway and a low flow stormwater pipeline is to be constructed over the existing watercourse to allow access to Cabin 3.

Prior to Issue of Occupation Certificate

38. Compliance with all conditions of this development consent.
39. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
40. Cabins to be connected to the approved and fully installed sewerage management facility.

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Use of Site

41. The development shall be conducted in such a manner that the LA(eq) noise levels, measured at any point in accordance with the NSW EPA's Industrial Noise Policy (2000), do not exceed 5dB(A) LA(eq) above background noise levels with respect to noise amenity of residential dwellings.
42. The development shall be limited to the area shown on the submitted plans.
43. The subject development, including landscaping, is to be maintained in a clean and tidy manner.
44. Any external lighting shall be directed in such a manner so that no nuisance is caused to adjoining properties.
45. The bushfire asset protection zones required by this consent shall be maintained at all times.
46. All waste materials shall be regularly removed from the property.
47. The cabins shall be used for short term tourist accommodation only.
48. The effluent disposal system is to be monitored as outlined in the report prepared by Blue Mountains Geological and Environmental Services P/L, Ref 011207, dated December 2001.

Advisory

49. The applicant shall make themselves aware of the Discrimination Against People with Disabilities Act (DDA) and assess their responsibilities and liabilities with regards to the provision of access for all people.

Conditions of Department Infrastructure and Natural Resources

50. These General Terms of Approval are only applicable for the works granted on this site, in this consent and are to be carried out in accordance with the plans presented to the Department of Infrastructure Planning and Natural Resources (DIPNR).
51. These General Terms of Approval are granted for a period equivalent to the consent. If the works are incomplete after this period, a renewal application needs to be made no less than 1 (one) month in advance of the expiry date.
52. All works proposed must be designed, constructed and operated so they minimise sedimentation, erosion and scour of the banks or bed of the watercourse/foreshore and adverse impacts on aquatic and riparian environments.
53. Erosion and sediment control measure are required to be implemented prior to any works commencing at the site and maintained, for as long as necessary after the completion of works, to prevent sediment and dirty water entering the watercourse/foreshore environment. These control measures are to be in accordance with the requirements of the Consent

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Authorities and best management practices as outlined in the NSW Department of Housings' "Managing Urban Stormwater: Soils and Construction" (1988) manual (the "Blue Book").

54. This Permit is issued for works on FREEHOLD land only. This Permit is null and void for any works on Crown Land.
55. Rehabilitation of the area in accordance with the Permit Conditions or any direction from DIPNR is the responsibility of the Permit holder and the owner or occupier of the land.
56. Work as executed survey plans of a professional standard and including information required by DIPNR shall be provided to DIPNR upon request.
57. If, in the opinion of a DIPNR officer, any activity is being carried out in such a manner that it may damage or adversely affect the stream or foreshore environment, then all work shall cease immediately upon oral or written direction of such an officer.
58. If these Permit Conditions are breached the Permit holder shall immediately restore the site in accordance with these Conditions and any other necessary remedial actions as directed by DIPNR. If any breach of the Permit Conditions requires a site inspection by DIPNR, then the permit holder shall pay a fee prescribed by DIPNR for this inspection and all subsequent breach inspections.

Location of the Works

59. The location, nature and extent of works shall not be any closer to the tributary of Hungerfords Creek than that described on the submitted Site Plan by Monaghan Surveyors Pty Ltd, Ref no. 02247-5 (RFS), dated 17 December 2003.

Riparian Zone

60. A riparian zone at least 5 (five) metres wide measured horizontally and at right angles to the flow from the top of both banks, consisting of local native plant species, shall be protected and maintained along the watercourse.
61. The construction technique adopted to construct the dwelling is to ensure that disturbance to soil and vegetation on protected land and within the identified riparian zone is kept to an absolute minimum.

Site Rehabilitation

62. Site rehabilitation must protect any remnant local native riparian vegetation at the Site and restore any riparian zones disturbed or otherwise affected by the work to a state that is reasonably representative of the natural ecotone of the protected waters system, in accordance with the endorsed plans and these conditions.
63. Riparian zones so protected and /or restored must be made up of a diverse range of native tree, shrub, groundcover and grass species local to the areas, planted at appropriate densities to achieve an effective and full riparian vegetation structure.

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64. Rehabilitated areas must be maintained to ensure successful native plant establishment. Maintenance must include any watering, weed control, replacement of plant losses, disease and insect control, mulching etc, necessary for successful plant establishment.

NSW Rural Fire Service

65. Property access roads are to comply with Section 4.3.2 of Planning and Bushfire Protection 2001. This clause shall only apply to property access roads associated with the development.
66. A tank with a capacity of 10,000 (ten thousand) litres for exclusive use for fire fighting purposes shall be provided for each cabin. A 65 (sixty five) millimetre storz fitting and ball gate valve shall be installed in the tank.
67. The Inner Protection Area (IPA) only shall be provided to the development as shown on plan number 02247-5 (RFS) D plan dated 31/5/04 except where modified by the following conditions.
- a) Cabin number 1 (one) and 2 (two) shall be provided with a 75 (seventy five) metre IPA to the east.
 - b) Cabin 3 (three) shall be relocated a minimum of 20 (twenty) metres from the riparian buffer identified on the plans.
68. Construction should comply with AS3959-1999 level 3 'Construction of Buildings in bushfire prone areas'.
69. The strip of vegetation to be retained along the fence line between the western neighbour and the proposed development, and the dense tree fern stand shall be managed as an 'Outer Protection Area' (OPA) as outlined within Section 4.2.2 in Planning for Bushfire Protection 2001. It is considered that the retention of trees associated with these areas is acceptable, however, under scrubbing shall be carried to reduce the fuel loadings within the OPA.

ATTACHMENTS:

AT - 1 Locality Plan

AT - 2 Site Plan

AT - 3 Elevation/Floor Plan

ENVIRONMENT

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Item: 37 **ENV B - Spraying of Herbicide in the Hawkesbury River - (79348, 12212)**

Previous Item: 87, Ordinary (13 July 2004)

REPORT:

Council resolved at its Ordinary Meeting of 13 July 2004 the following:

"That Council invite the Hawkesbury River County Council and other relevant Government Organisations to address the next General Purpose Committee meeting for the following:

1. *Hawkesbury River County Council advise Council of the Weed Removal Strategies; and*
2. *Council ask the Hawkesbury River County Council to refrain from spraying the weeds until after the meeting."*

On 14 July 2004 Council forwarded correspondence to the Hawkesbury River County Council requesting them to refrain from commencing the spraying program on the Salvinia Weed on the Hawkesbury River. Council asked if the Hawkesbury River County Council and other relevant Government agencies could brief Council on the weed removal strategy for the river and what sort of effects the use of the herbicides will have on the environment and the users of the river.

The Hawkesbury River County Council did refrain from commencing the spraying program on Friday, 16 July 2004 and accepted Council's request to brief Council.

Correspondence was also forwarded to the Department of Environment and Conservation and the NSW Department of Agriculture asking if they too, could address Council at its General Purpose Committee Meeting on 27 July 2004.

RECOMMENDATION:

That the Hawkesbury River County Council, the Department of Environment and Conservation and the NSW Department of Agriculture address Council.

ATTACHMENTS:

AT - 1 Letter from NSW Department of Primary Industries- (provided under separate cover).

oooO END OF REPORT Oooo

Item: 38 ENV B - Allegations Made by Animal Activists Regarding Hawkesbury City Animal Shelter - (39906, 79347)

REPORT:

An article appeared in the Hawkesbury Independent issued on 13 July 2004 titled "Animal rescuers claim pound is going to the dogs", in which a number of derogatory statements were made about Council's animal shelter operations, by members of the local Animal Welfare League, Ms Carol Robinson and Ms Scoutan, and an animal lover, Ms Jordan Kelly.

The article in general claimed that Council was not doing enough to re-home unclaimed animals, and that Council has a financial incentive to euthanase as many animals as possible.

Both these claims are strongly denied, and are an insult to the dedicated staff of the facility who go beyond their normal duties, to ensure that as many animals as possible are re-homed, rather than destroyed.

Council's re-homing rate across the 3 (three) Councils who use its services, (Hawkesbury, Penrith, and Baulkham Hills) is approximately 70% (seventy percent) of all animals taken into the shelter are re-homed, leaving only approximately 30% (thirty percent) being euthanased as no homes are able to be found due to the type of dog, or anti social and aggressive behaviour.

A phone survey undertaken 6 (six) months ago of similar facilities in other Local Government areas, revealed that the average re-homing rate at these facilities was approximately 40% (forty percent) with approximately 60% (sixty percent) being euthanased.

These figures demonstrate that Hawkesbury's Animal Shelter is a leader in striving to re-home as many animals as possible, compared to facilities of a similar size and nature.

One of the Council's presently using our facility, has indicated that the pound that they were previously using before coming to our establishment, had a re-homing rate of only 20% (twenty percent) -30% (thirty percent). Since using our facility this has risen to 64% (sixty four percent).

Other allegations were made that the facility doesn't have an "on call" vet service and that the animal welfare league representatives were seeing lots of sick animals requiring veterinary attention, and that veterinary attention was only given after rescuers brought it to the attention of kennel staff.

Again these allegations are strongly denied. Many of the staff employed to care for the animals have backgrounds in veterinary nursing or animal establishment caring, and utilise the services of our local vets whenever needed. The animals are transported to the vet either before delivery to the facility, if they have been collected as a stray animal and require attention, or if they become ill whilst in the facility they are taken to a vet for the required treatment.

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At no time would any animal in the shelter be allowed to remain untreated if the kennel staff were aware of an illness or injury. These allegations are completely out of context, and are distressing to the dedicated staff who look after the animals.

Staff from Hawkesbury, Baulkham Hills and Penrith Councils were recently involved in a strategic planning process, looking to improve the services delivered by the facility and the Councils collectively.

The areas where improvements can be implemented in the near future are:

1. An extension of the opening hours of the facility Monday to Friday from 4 (four) hours to 6 (six) hours per day, the continuation of the Saturday opening hours, and the inclusion of 2 (two) hours that the office will be open for viewing, purchasing and retrieval of animals on Sundays between 7:00am and 9:00am.
2. Production of a list of animals available at the shelter on a weekly basis in the local press.
3. An increase in the number of the photos on Council's web site of animals held in the facility.

Further meeting will be held with Council staff members of this group in the future, to develop education programs and advertising campaigns to try and increase the re-homing rates even further than the current 70% (seventy percent) level.

As part of Council's current education program, an open day at the animal shelter will be conducted on 8 August 2004, which will showcase the facility and expose the community to the opportunities that are available for animal carers through the many stall holders who will be present on the day. The day will also included exhibitions of animal agility classes from local groups, and there will be some great give aways from sponsors of the event.

A letter was received by Council on 16 July 2004 from the Senior Inspector of the Animal Welfare League, Mr Matthew Whitton informing Council that they had concerns about the welfare of animals released from our facility to people allegedly representing the Animal Welfare League of NSW. The letter also stated that, due to these concerns, Mr Witton was writing to inform Council that as of 16 July 2004, no animal is to be released from the Hawkesbury Animal Shelter to any person representing the Animal Welfare League of NSW. The only exception to this will be an animal released to an employee from the West Hoxton Centre of the Animal Welfare League of NSW. This will be permitted through consultation and prior arrangement only, made between the West Hoxton Centre Manager Ms Judith Welsh and the animal shelter staff.

It is believed that the reason for the direction from the Senior Inspector, is to allow investigations to be made into the activities of some of the representatives of this organisation. Unfortunately this may reduce Council's re-homing rate whilst the investigations are undertaken, as the Animal Welfare League representatives are the largest group that rescue animals from the facility. To assist Council to maintain as high a re-homing rate as possible, Mr Whitton has arranged for the shelter staff to contact the West Hoxton Centre by phone, whenever they have animals that are suitable for re-homing, and the centre will collect as many animals as possible in the interim.

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A letter has been forwarded to the Senior Inspector requesting that their investigations be undertaken and completed as soon as possible, so that access to animals can be given to their reputable representatives, and in turn, more animals saved.

RECOMMENDATION:

That:

1. The information be received.
2. That the proposed changes to the opening hours of the Animal Shelter be adopted by Council.
3. That Council adopt the proposal to increase the advertising of animals available at the animal shelter through its web site and via local press on a weekly basis.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

general
purpose
committee

section 2

infrastructure

INFRASTRUCTURE

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SECTION 2 - INFRASTRUCTURE

Item: 31 INF B - Governor Phillip Reserve - Upper Hawkesbury Power Boat Club - Exclusive Use - (73829)

REPORT:

Application by the Upper Hawkesbury Power Boat Club advising that the NSW & Australian Championship Titles are to be held on the weekend of 7 and 8 August 2004 and seeking exclusive use of Governor Phillip Reserve on each of these dates.

Exclusive use is sought on the basis of the club having had to forego several recent events due to closure of the river from weed infestation and is seeking to recoup lost revenue by way of this event.

The Upper Hawkesbury Power Boat Club has stated that the noise level would be 105dBa which complies with Council's noise policy dated 9 December 2003.

The application does not comply with Council's exclusive use policy adopted at its meeting held on 9 December 2003, which precludes exclusive use on consecutive days of a weekend except for 2 (two) events usually held in September and November of each year. Given the circumstances, Council might wish to accede to the application. Save for closing the access handle to the reserve at its intersection with George Street, to have all traffic access parking areas off Palmer Street, no other traffic management issues relate to roads within the peninsula area.

Given time frames it is felt that Council might exercise its delegation as a Committee of the Whole.

RECOMMENDATION:

That Council exercising its delegation as a Committee of the Whole resolve that approval be granted to the Upper Hawkesbury Power Boat Club for exclusive use of Governor Phillip Reserve on 7 and 8 August 2004, subject to the following conditions:

1. The applicant undertaking a letter drop to all affected residents in proximity to the event, with that letter advising full details of the event.
2. The applicant paying the exclusive use contribution rate and the toilet cleaning charge fee for exclusive use events applying at the time of the event.
3. The reserve being left clean and tidy with the applicant being responsible for the disposal of all waste from the reserve.

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4. The applicant obtaining appropriate licences from the Waterways Authority regarding conduct of this event.
5. If required, the applicant to obtain appropriate licence from the Licensing Branch of the NSW Police Service for the sale of alcoholic beverages at the proposed event.
6. The applicant obtaining all necessary permits/approvals in relation to amusement devices rides.
7. The applicant contacting Council's Environment Health Officer with regard to the sale of hot foods.
8. The applicant to liaise with Integral Energy regarding the supply of power to devices/rides and their proximity to power supply lines.
9. The applicant lodge a damage bond in the amount applying at the time of the event.
10. The applicant submitting a copy of its Public Liability Policy in an amount of not less than \$10,000,000 (ten million dollars), with Council's interest noted on the policy.
11. The applicant making appropriate arrangements regarding access by affected residents and their visitors, as well as emergency vehicles.
12. The applicant obtaining NSW Police Service approval for conduct of this event and appropriate traffic control arrangements being made by the event organiser and the NSW Police Service to control traffic travelling to the event.
13. The event organiser should carry out an overall risk assessment to identify and assess the potential risks to spectators and participants during the event and is to design and implement a risk elimination or reduction plan in accordance with the Occupational Health & Safety Regulation 2000 as detailed by the Department of Tourism, Sport & Recreation.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

Item: 32 INF B - Windsor Flood Evacuation Route - Day/Mileham Streets Intersection - (79338)

REPORT:

On 11 November 2003, the NSW Roads and Traffic Authority received approval from the Minister for Infrastructure and Planning to undertake construction of the proposed high level flood evacuation route for Windsor. This approval was based on:

- A comprehensive environmental impact statement;
- A representations report prepared by the RTA addressing issues raised in representations received in response to the public exhibition of the EIS; and
- The Director General's assessment report of the EIS undertaken by DIPNR.

As part of the consent there is a condition of approval which requires the RTA to investigate the Day Street extension and the Mileham Street intersection alignment to reduce impact on adjacent properties. The design investigation shall be conducted in consultation with the affected community and Hawkesbury City Council. The investigation shall include but not be limited by the following:

- moving the Day Street extension;
- a heritage study identifying the additional heritage impacts on Trevallyn; and
- retaining connectivity on the footway, roadway and access to driveways within the established urban form.

The need to modify the concept design of the Day Street extension has resulted from the EIS design requiring new driveway grades of between 15% (fifteen percent) and 18% (eighteen percent) to properties on the western side of Day and Mileham Street in this vicinity. Four (4) alternative options were developed and assessed.

Option 1 – Shift Intersection North

The flood evacuation route relies on maintaining a minimum level of RL17.4, however, the existing levels in Day Street do not achieve this level until just south of the access road into the hospital. This would result in a very tight turning radius on the southern side of the intersection or alternatively pushing the Day Street extension approximately 20 (twenty) metres further into the Dean property, 'Trevallyn', on the eastern side.

Option 2 – Shift Day Street East

This option relies on adopting maximum driveway grades to approximately 10% (ten percent) to the properties in Mileham Street and Day Street. To achieve this, Day Street is shifted approximately 8 (eight) metres further east into the Dean property, 'Trevallyn', on the eastern side of Day Street. It also requires shifting the Mileham Street intersection south with a partial acquisition of the property on the south east corner.

Option 3 – Low Level Footpath

This option relies on retaining Day Street on its current alignment with no additional impact to the Dean property, 'Trevallyn', and utilising a low level footpath adjacent to the kerb on the western side. This option would provide no major improvement to affected properties, with driveways still having grades of approximately 15% (fifteen percent). It would also have an adverse impact on pedestrians crossing Day Street.

Option 4 – Elevated Garage or Car Space

This option looked at providing an elevated garage or car space at the affected properties, however whilst it appears technically viable, it would mean that access to the front yard or house from the garages would require stairs and/or ramps.

The Roads and Traffic Authority have recommended that Option 2 – Shift Day Street east approximately 8 (eight) metres further into the Dean property, 'Trevallyn', as it addresses the access and visual amenity issues for properties on the west side and the additional impact on the Dean property, 'Trevallyn', is considered minimal.

It is considered that this is the most practical solution to the problem encountered at the intersection of Mileham and Day Streets and as such should be supported.

RECOMMENDATION:

That Option 2 – Shift Day Street East, in relation to the intersection of Mileham and Day Streets to facilitate the construction of the flood evacuation route to be supported.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

INFRASTRUCTURE

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Item: 33 **INF B - 296 George Street, Windsor - Pine Warehouse - (79338)**

REPORT:

This property was purchased in January 2002 due to what appeared to be a solid return on investment at the time and potential future integration of the site with the adjoining community precinct.

At the time of its purchase the major tenant was in the first year of a 3 (three) year lease with a 3 (three) year option. The 3 (three) residential flats situation on the first floor were and are subject to residential tenancy agreements, which continue on a month to month basis. A short time after the purchase of the property, the major tenant reneged on the lease and the ground floor has been vacant since that time. There has recently been a positive approach for use of the building as office space by a Commonwealth funded body with good long term leasing prospects, for 230 (two hundred and thirty) square metres of the 405 (four hundred and five) square metres available. For the ground floor to be usable as office space, it would be necessary to undertake refurbishment of the area including in part suspended ceilings, air-conditioning, toilet facilities, carpet and improvements to the façade of the building.

From an economic perspective, should the refurbishment be undertaken, and the building tenanted with a 90% (ninety percent) occupancy rate it would be possible to re-coop all costs, including the purchase cost and the refurbishment costs achieving a break even situation after a 10 (ten) year period.

Option	Net Present Value (NPV)			I.R.R.	Refurb Costs
	5.5%	7%	8.5%		
Furniture Shop - \$80/m, 1x3x3	(127,292)	(154,769)	(179,546)	0.1138	40,800
Fully Leased AS Office Space and Flats	149,920	90,917	37,879	9.676	205,000
Fully Leased As Office Space and Flats (90% Occupancy)	60,014	7,428	(Negative)	7.225	205,000

It should be noted however, that the funds required for the refurbishment are not readily available at this stage. Alternatively, the decision could be made to integrate this site into the community precinct earlier rather than later, demolish the building prior to the completion of the library/regional gallery complex and enhance the pedestrian access to the area from George Street. It would be necessary, should this option be chosen, to provide an estimated amount of \$50,000 (fifty thousand dollars) to carry out the demolition works and undertake the landscaping works required in addition to the current contract works.

To enable advice to be given to the prospective tenant regarding the availability of the building, it is requested the Council determine the matter as Committee of the Whole.

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RECOMMENDATION:

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

1. Notification be given to the residential tenants of the intention to terminate the tenancies.
2. The building at 296 George Street be demolished, the proposed access roadway to the site be re-located to a position adjacent to the northern boundary and landscaping be undertaken to enhance the area.
3. \$50,000 (fifty thousand dollars) estimated to undertake the work be provided from re-prioritisation of the building capital works program.
4. An inspection of the site be undertaken.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

INFRASTRUCTURE

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Item: 34 **INF B - Raising Tanker Hydrant Filling Points - (79338)**

Previous Item: 44, Ordinary (9 December 2003)

REPORT:

Council, at its meeting held on 9 December 2003, resolved in part:

"That a report be brought to Council investigating the practicalities and the cost of raising tanker Hydrant fill points above ground level"

The purpose of the above resolution is to eliminate dirty/polluted water stagnating around the connection point of the Hydrant valve. This can be achieved by either raising the connection point above ground level or providing underground drainage such as a short section of PVC connected to the kerb or low depression.

The provision of a drain is considered preferable to raising Hydrants due to the unsightly nature of a raised hydrant and associated bollards, particularly if located directly in front of a cottage. Secondly, the bollards can become a trip hazard along the nature strip, particularly at night.

A current Sydney Water list of preferred Hydrants for Stand pipe users has been provided with comments and action taken to drain hydrants where necessary.

Preferred Hydrants for Standpipe Users

Street Names	Suburb	Observation/Action Taken
Wire Lane	Freemans Reach	Difficult to drain (refer to Sydney Water)
Creek Ridge Road X Godalla Road	Freemans Reach	Not holding water
Kurmond Road	Glossodia	Not being use - dry
Spinks Road	Glossodia	No action required - not used
Spinks Road	Glossodia	No action required - not used
Valley Way	Glossodia	Work completed
Corner Old Bells Line Road and Kurrajong Road	Kurrajong	Work completed
Corner Mill Road and Bells Line of Road	Kurrajong	Work completed
Corner Woodburn and Old Bells Line of Road	Kurrajong	Work completed
Mill Road (200m past Roxana Road)	Kurrajong	No action required
Bells Line of Road (50m east of Comleroy Road)	Kurrajong	No action required

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Street Names	Suburb	Observation/Action Taken
Londonderry Road	Londonderry	No action required
Corner Bennett and Torah Roads	Londonderry	No action required
Pitt Town Road	McGraths Hill	No action required
Plimsoll Street	McGraths Hill	No action required
Beaumont Avenue	North Richmond	Work completed
Terrace Road access roadway	North Richmond	No action required
Commercial Road	Oakville	No action required
Bathurst Street	Pitt Town	Work request issued to SW
Wellesley Street	Pitt Town	No action required
Punt Road	Pitt Town	No action required
Schofield Road	Pitt Town	No action required
Cnr Buckingham Street and Cattai Road	Pitt Town	Work request issued to SW
Old Kurrajong Road	Richmond	Not being used
Drift Road	Richmond	No action required
Corner Campbell and Mileham Streets	South Windsor	Not required
Rose Street (Corner Wilberforce Road)	Wilberforce	Work complete
King Road	Wilberforce	No action required
Iron Bark Drive	Wilberforce	Work complete

From the list provided above, only 3 (three) hydrants are still holding water and it would be appropriate to request that Sydney Water raise the connection points above ground level.

RECOMMENDATION:

That a letter be forwarded to Sydney Water requesting the raising of the connecting valve and hydrant at:

- Wire Lane, Freemans Reach;
- Bathurst Street, Pitt Town; and
- Corner of Buckingham Street and Cattai Road, Pitt Town

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

general
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organisation
and resources

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SECTION 3 - ORGANISATION AND RESOURCES

Item: 40

ORG A - Monthly Financial Report - June 2004 - (107)

REPORT:

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

June 2004

Cash Book (General Ledger) Reconciliation - June 2004

Opening Balance as at 1 June 2004	542,955.00
Add Receipts for the Month	10,820,755.01
Less Payments for the Month	-12,501,073.17
Closing Balance as at end of June 2004	-1,137,363.16

Bank Statement Balance - June 2004

Statement Balance as at end of June 2004	\$280,093.29
Less Unpresented Cheques	-\$1,423,026.14
Add Outstanding Deposits	\$53,099.50
	-\$1,089,833.35
Adjustment: Statement entries not yet posted to GL	-\$47,529.81
Equals balance as per Cash Book	-\$1,137,363.16

Commentary

The above reconciliations reflect the cashflow for **June** 2004. Receipts include rate payments, fees and charges, grant payments and matured investments. Expenditure for the month typically

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consists of payments to contractors, employee salaries, purchase of stores and materials and lease/loan repayments.

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 - June 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 **June 2004**. All investments have been made in accordance with the Act, Regulations and Council's Investment Policy.

June 2004

Investment Type	Balance Brought Forward	Deposits	Withdrawals	Accrued Interest	Balance End of Month
Managed Funds	\$17,787,815.00		-\$3,000,000.00	\$79,880.13	\$14,867,695.13
On Call Funds	\$3,350,000.00	\$4,150,000.00	-\$3,200,000.00		\$4,300,000.00
Term Investments	\$820,000.00				\$820,000.00
Rolling Investments	\$8,386,703.19	\$500,000.00		\$20,420.82	\$8,907,124.01
TOTAL	\$30,344,518.19	\$4,650,000.00	-\$6,200,000.00	\$100,300.95	\$28,894,819.14

Investment Commentary

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.

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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 **June** 2004. Official cash interest rates have remained unchanged since the last increase of 0.25% in early December 2003 to 5.25%.

Australia's economic performance over the past 12 months has been solid. Historically low interest rates have been a big positive for industry and consumers. Growth now appears to be stabilising at a level that should ensure continued economic prosperity for the year ahead.

In the Reserve Bank's semi-annual testimony to Parliament in June, the Governor commented that the setting of interest rates was very close to neutral and that the Board had not considered raising interest rates at any of their monthly meetings this year. This suggests that the Reserve Bank of Australia, who is ultimately responsible for ensuring economic health and stability, is comfortable that we are on the right track. Allowing for the recent slowdown in the housing sector, Australia's prospects for the year ahead appear to be fundamentally sound.

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: 41 **ORG B - Community Donations Program - Round 1 2004/2005 - (79356)**

REPORT:

Background

As part of the Donations Policy that came into effect on 1 July 2001, the Community Donations Program has 3 (three) funding rounds annually. Residents are reminded of closing dates for donation applications through advertisements in the local paper. Application forms are available from libraries, Council offices and on the website.

The total Community Donations budget for the financial year is \$35,591 (thirty five thousand five hundred and ninety one dollars).

Funds have already have been allocated as per Council resolution to the Hawkesbury Music Festival Committee and the Red Cross Blood Bank as reported in Round 3 (three) Donations 2003/2004.

Funds have been allocated as per the Donations Policy "Access to facilities" guidelines for use of the Windsor Function Centre to the following schools:

- Bede Polding College;
- Windsor Public School;
- Kurrajong Public School;
- Maryalya Public School;
- Kuyper Christian School;
- Bligh Park Public School;
- St Matthew's Catholic Primary School.

A total of \$15,145.40 (fifteen thousand, one hundred and forty five dollars and forty cents) has been committed through the above measures, leaving \$20,445.60 (twenty thousand, four hundred and forty five dollars and sixty cents) for the 3 (three) donation rounds of this financial year.

A total of 5 (five) applications were received in Round 1 (one) of the 2004/2005 Program requesting a total of \$7,654.90 (seven thousand, six hundred and fifty four dollars and ninety cents).

A staff committee assessed the applications according to the criteria defined in the Policy. Recommendations for amounts for donations are provided below, along with comments.

Applications

Kurrajong Heights Uniting Church applied for \$800 to \$1000 (eight hundred dollars to one thousand dollars) for the acquisition or purchase of a photocopier for community users of the Uniting Church hall. The church is a small independent congregation of people within the

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Uniting Church of Australia. The congregation's income is from donations from members and fundraising activities that finance its wider mission to help the community.

Community organisation users that have free and regular use of hall facilities include: "Views from the Heights" group, which produces a regular community newsletter; "Kurrajong Heights Action Group", which represents and assists all residents; and a weekly playgroup.

The church premises are one of the only group meeting places in the Heights area and therefore the church believes the location takes the place of a community centre. The hall is also used for non-church based activities such as concerts and art exhibitions.

Colo Wilderness Children's Services applied for \$1,249 (one thousand, two hundred and forty nine dollars) for the purchase of a trampoline cover, digital camera and a sandpit. This equipment is to elevate safety inclusion and extend play opportunities. Colo Wilderness is a non profit organisation that operates a childcare program for school age children and provides an educational yet fun child-centred program.

Sandpit and cover cost is \$800 (eight hundred dollars), trampoline cover \$99 (ninety nine dollars) and digital camera \$350 (three hundred and fifty dollars). It is recommended that the sandpit and cover and trampoline cover be funded, as they are resources specifically related to children's activities that are part of the organisation's purpose.

Life Education NSW applied for \$3500 or in kind towing for their mobile educational classroom to attend 35 (thirty five) schools in the Hawkesbury and surrounding areas in 2005. Life Education NSW aims to produce the best quality and most effective drug education programs to both children and adults. Life Education currently services 24 (twenty four) Hawkesbury schools by providing the classroom and staff.

Currently, Life Education pays an independent towing company \$100 (one hundred dollars) per move to take the van to each of the schools. Considering most of the funding for this service is received through donations and a small amount of funding from the Health Department, they are appealing to Councils to assist. Other Councils providing this in kind towing service include Penrith (for the first time next year), Sutherland and Canterbury, who have provided this service for 6 (six) or 7 (seven) years.

Council's engineering department has advised that due to the distances in the Hawkesbury and the economies of scale, it would cost Council more than \$100 (one hundred dollars) per move to provide a truck and driver. Therefore, if support is to be offered, it is most efficient that it be through a donation.

Through the donations program, Life Education of the Hawkesbury has been supported by the provision of \$1,000 (one thousand dollars) for their annual financial audit in 1999 and 2000, and since the Hawkesbury branch was amalgamated into the NSW branch, a donation of \$500 (five hundred dollars) was given in 2001/2002.

Hawkesbury Complex Needs Day Centre applied for \$405.90 (four hundred and five dollars and ninety cents) for the client's Christmas function, which is held every 2 (two) years. The Hawkesbury Complex Needs Day Centre is a Home and Community Care (HACC) funded service providing socialisation and activities to support frail aged and disabled people living in the

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local community. The organisation pays for the lunch and the Chronic and Complex Care program needs an appropriate venue for all client functions that will not disadvantage any client through exposure to alcohol or gambling activities. This precludes using many Clubs as a venue. The hire fee was last provided as a donation to the Centre in 2002/2003.

Hawkesbury Care Inc. applied for \$1,500 (one thousand, five hundred dollars) for their project entitled Regeneration, which is a Christian based recovery program for people suffering from all forms of addictions and behavioural problems such as substance abuse, alcohol addiction, co-dependency, anger and depression. A structured children's program operates separately, transport to the centre and a meal is provided prior to the commencement of the program.

This project is a weekly, 10 (ten) step, volunteer run program operating out of the McGraths Hill Community Centre. The program is ongoing and involves 18 (eighteen) volunteer workers to support the average of 60 (sixty) clients attending each week. The funding requested would be to assist with the costs of providing resources, petrol for the bus and reimbursing volunteers for the cost of weekly meals.

The intent and purpose of Hawkesbury Care Inc. is to provide support for the disadvantaged in the Hawkesbury LGA through offering: a family support service, playgroup, the Regeneration program, food assistance, referral and advocacy.

Summary of Donation Request Recommendations For Approval

Applicant	Activity / Project	Donation Requested	Donation Recommended	Comments
Colo Wilderness Children's Services	Trampoline cover, digital camera and sandpit	\$1,249.00	\$899.00	To cover the cost of the trampoline cover and sandpit, which are related to child based programs
Hawkesbury Complex Needs Day Centre	Hire of Windsor Function Centre for client's Christmas function	\$405.90	\$405.90	Fulfils guidelines in Windsor Function Centre lease that community usage of the centre is encouraged and in appropriate cases subsidised by Council
Life Education NSW	Towing or donation towards movement of mobile classroom to primary	\$3,500.00	\$1,200.00	This takes into account that only 24 of the schools are within the Hawkesbury and that it funds the movement of the

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Applicant	Activity / Project	Donation Requested	Donation Recommended	Comments
	schools within the Hawkesbury			van between January- June 2005, which is within this budget period.
Hawkesbury Care Inc	Regeneration Project	\$1,500.00	\$750.00	Half funding recommended as this is an ongoing project.

Summary of Recommendations for other applications

Applicant	Activity / Project	Donation Requested	Donation Recommended	Comments
Kurrajong Heights Uniting Church	Purchase of a photocopier	\$800- \$1000	Nil	As this request is for equipment for administration purposes it is recommended that they apply under the Federal Government Small Equipment Grant Funding Scheme.

RECOMMENDATION:

That:

- A. As part of Round 1 (one) of Community Donations 2004/2005, a total of \$3,254.50 (three thousand, two hundred and fifty four dollars and fifty cents) be paid as donations as follows:
1. Colo Wilderness Children's Services receive \$899.00 (eight hundred and ninety nine dollars) for a trampoline cover and sandpit.
 2. Hawkesbury Complex Needs Day Centre receive \$405.90 (four hundred and five dollars and ninety cents) for the use of Windsor Function Centre for their client's Christmas function.

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3. Life Education NSW receive \$1,200.00 (one thousand and two hundred dollars) to fund 6 (six) months towing of their mobile classroom to schools within the Hawkesbury.
 4. Hawkesbury Care Inc receive \$750.00 (seven hundred and fifty dollars) for their Regeneration Program.
- B. That Kurrajong Heights Uniting Church by referred to other more appropriate funding sources.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Item: 42 **ORG B - Future Operation of the Hawkesbury Cultural Precinct - (79342)**

Previous Item: 24, Ordinary (8 June 2004)

REPORT:

At its Ordinary Meeting of 8 June 2004, Council resolved to release the *Draft Memorandum of Understanding for the Hawkesbury Cultural Precinct* for public comment and consultation. Council further resolved that a report be prepared for the July General Purpose Committee Meeting of Council to summarise:

‘the outcomes of submissions and consultation for consideration by Council prior to a decision to formally adopt and execute the Memorandum of Understanding’.

This report documents the issues raised by respondents and provides an assessment of these issues. Copies of the submissions received have been previously provided to Councillors.

Respondents

There were 13 (thirteen) submissions received during the exhibition period.

- 6 (six) submissions were received from members of the Friends of the Hawkesbury Art Collection and Regional Gallery Inc.;
- 1 (one) submission was received from the Hawkesbury Historical Society Inc.;
- 2 (two) submissions were received from members of the Macquarie Town Arts Society;
- 1 (one) submission was received from a member of the Hawkesbury Creative Arts Centre; and
- 4 (four) submissions were received from other individuals.

(*one respondent was a member of 2 (two) organisations)

Issues Raised by Respondents

The issues raised by respondents included:

1. the status of the gallery;
2. the membership of the proposed Hawkesbury Precinct Advisory Committee;
3. access to workshop and exhibition areas;
4. staffing of gallery and museum; and
5. operation of the gallery and museum.

1. The Status of The Gallery

There were 6 (six) respondents who identified a requirement for the gallery to operate as a ‘Regional Gallery’ as this would enable the gallery to generate funding and sponsorship and

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attract 'quality' exhibitions. It was also asserted that Regional Gallery status would raise the profile and prestige of the gallery, which would flow on to increased levels of patronage (by residents and tourists) thereby generating economic benefits for the City of Hawkesbury. Two (2) respondents held the view that operating at a regional gallery standard would create an unaffordable 'elite establishment', which would monopolise the funding available for cultural programs to the detriment of the needs of local groups. A preference for the gallery to operate at both a regional and local community level was identified by a further 2 (two) respondents.

Comments: Council has already resolved that the gallery should operate at a regional gallery standard. The draft MoU requires that the Cultural Precinct be managed in a way that will maximise community access to cultural facilities. It also commits Council to the development of a Cultural Plan to create opportunities for shared cultural expression and communication. The clear intent of the MoU is to facilitate a process of community cultural development through the involvement and support of residents and local groups.

2. The Membership of Proposed Hawkesbury Cultural Precinct Advisory

There were 3 (three) submissions that expressed concern that the proposed membership of the Hawkesbury Cultural Precinct Advisory Committee and its sub-committees was too narrow. A preference was identified for additional community members with relevant skills in business, ethics, accountability, and technical knowledge to sit on these committees. It was recommended that Council should apply the principles of equity and access in its consideration of the membership of these committees and that care should be taken to minimise bias and conflicts of interest by choosing representatives who had the capacity to act and advise on behalf of the wider community. It was also recommended that specific measures should be included to ensure representation from the education sector, and indigenous people.

Comments: Council has prescribed the proposed membership of the Hawkesbury Cultural Precinct Advisory Committee (HCPAC). In its resolution adopted on 8 June 2004 Council allocated 2 (two) of the community positions to the Hawkesbury Historical Society Inc, and 2 (two) to the FOHACaRAG. In addition to Council representation, the proposed membership of the HCPAC currently includes provision for 2 (two) community members, an education sector representative, and representatives from the Chamber of Commerce and Hawkesbury Tourism Inc. An alteration to this membership would require a further Resolution of Council. Should Council wish to increase the provision for additional independent community members it would need to either review existing membership or create additional positions on the HCPAC.

3. The Use Of, and Access to, Gallery Spaces

There were 3 (three) submissions that sought assurances that the workshop, gallery and exhibitions spaces within the cultural precinct would be available to local groups to utilise. It was strongly recommended that Council should take a 'broader view of the needs of the Hawkesbury's art community' by ensuring that opportunity was provided for all local art groups, and artists to exhibit their works and 'participate in the development of their art or craft'.

Comments: As noted previously, the intent of the MoU is to facilitate community cultural development through the involvement and support of residents and local groups. It is understood that the workshop spaces within the cultural precinct constitute a 'community space' which will be made available to local groups to support their activities. Section 3 of the proposed

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constitution for the Hawkesbury Cultural Precinct Advisory Committee provides for the Committee to review policies and procedures for the design and delivery of public programs and exhibitions. This mechanism will assist in community scrutiny of proposed activities to ensure that they are compatible with principles of Community Cultural Development

4. Staffing of the Cultural Precinct

All respondents alluded to the importance of Council employees skilled and knowledgeable professional staff to oversee the operations of the Cultural Precinct.

Comments: The 2004/2005 budget adopted by Council includes provision for the initial appointment of a full-time Gallery and Museum Co-ordinator and a Curator.

5. The Operation of the Regional Gallery and Regional Museum

A number of matters were raised in relation to the future operation of the Regional Gallery and Regional Museum. The matters were primarily canvassed in the comprehensive submissions lodged by the Hawkesbury Historical Society Inc. (HHS) and the Friends of the Hawkesbury Art Collection and Regional Gallery Inc. (FOHACaRAG). The HHS and FOHACaRAG submissions included amended versions of both the draft *Memorandum of Understanding and Constitution* for the Hawkesbury Cultural Precinct Advisory Committee. These main thrust of the proposed amendments are summarised below:

Issue	Proposed Amendments	Comments
Ownership of Collections	Additional wording to provide greater clarity in relation to the ownership of collections. Relocation of collections to be subject of 'Deed of Agreement'.	The amended wording will clarify this matter. 'Deed of Agreement' would be a useful tool to document the requirements and expectations of all parties to the relocation of respective collections and provide the certainty required to operate the Gallery & Museum on behalf of the community.
Operational Responsibility for Regional Gallery and Regional Museum	- Proposed gallery and museum sub-committees to be replaced by Museum Board and Gallery Board with responsibility for 'day-to-day' operation of facilities. - Museum Board to be constituted by 4 (four) members of HHS and Gallery Board by 4 (four) members of FOHACaRAG	- Creation of 2 (two) Boards with responsibility for day-to-day operations would result in the activities of Council staff being directed by 3 (<u>three</u>) separate bodies. This would be administratively untenable and fragment the operation of the Cultural Precinct. - The proposed membership of Boards would exclude all other cultural organisations from involvement in the operations of the Gallery & Museum.

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Issue	Proposed Amendments	Comments
	– both Boards requiring attendance of all Cultural Precinct staff..	Attendance of Council staff is correctly a decision to be made by the line manager of the staff concerned.
‘Deed of Agreement’ to be executed between Council, HHS & FOHACaRAG to establish formal, equal partnership to oversee day-to-day operations, collection management, collecting activity, volunteers, exhibitions and public programs.	• Council’s role to be changed from direct operational responsibility to ‘monitoring’ role. • Relationship between sub-committees and Precinct Advisory Committee to be placed on more ‘equal’ footing.	• Incompatible with Councils role as employer of staff – would impinge on its regulatory, financial, industrial & legal responsibilities. • Altered relationship would weaken the oversight role of the Precinct Advisory Committee thereby reducing public scrutiny and accountability to wider community.
Appointment of Staff Objectives of Precinct Advisory Committee.	• General Manager, HHS and FOHACaRAG to have joint responsibility for appointment of staff. • The role of Boards to be upgraded - within the proposed Constitution the wording ‘<i>advise Council</i>’ to be replaced with ‘<i>convey to Council</i>’ (in relation to the to development of policies and programs for Cultural Precinct).	• These suggested amendments would require changes to the Draft pro-forma constitution adopted by Council to govern the roles and responsibilities of Council Committees. Changes requested would delegate to an external agency some responsibility for the appointment of Council staff and Council would be required to implement policies and program referred to it by external agencies (which Council may or may not consider to be appropriate).

The amendments suggested by HHS and FOHACaRAG would see the Museum and Gallery sub-committees upgraded to that of a Museum Board and Gallery Board with delegated responsibility for the day-to-day management of the Regional Museum and Regional Gallery (and presumably responsibility for directing the activities of Council staff). Implicitly, the creation of the proposed Boards would also alter the relationship between the Boards and Cultural Precinct Advisory Committee – the suggested amendments would give the Boards sole responsibility for the development of policies and programs for the Museum and Gallery which would be ‘conveyed’ to Council via the Advisory Committee. Given that the proposed membership of the Boards would be exclusively drawn from HHS and FOHACaRAG (as would the majority of the community members on the Precinct Advisory Committee), then the Advisory Committees intended function of providing a mechanism for the community to participate, guide and scrutinise the development of the Cultural Precinct and its activities would be considerably weakened.

If adopted, the proposed amendments suggested by HHS and FOHACaRAG would establish a fragmented and blurred operational framework, with no clear lines of authority or accountability. It would create separate management structures for the Library, Gallery and Museum with the

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potential for duplication placing considerable demands on the workload of Council staff. It would also limited the opportunity for the broader community to be involved in the development of a cultural precinct.

Conclusion

The intent of the amendments to the MoU (as proposed by HHS and FOHACaRAG) are to create an operational framework based on an equal partnership between FOHACaRAG, HHS and Council. Understandably, HHS and FOHACaRAG are concerned to ensure their continued involvement in the operation of the Museum and Gallery. However, adopting the suggested model put forward by HHS and FOHACaRAG would run contrary to the advice of the Museum and Galleries Foundation to the effect that Council should establish, manage and operate the Museum and Gallery for a minimum period of 3 (three) years after which time the viability and feasibility of options for delegating day-to-day responsibility for the management of these facilities to a Community Board could be considered.

The submissions lodged by FOHACaRAG and HHS raise a number of important points which will need to be considered by Council. Councillors will be aware that the ownership of the majority of artefacts and artworks, which will be displayed in the Museum and Gallery is currently vested with HHS and FOHACaRAG. Council will certainly be required to establish a formal partnership with HHS and FOHACaRAG to facilitate the initial setting up of the Gallery and Museum. However, Council also has a responsibility to establish a partnership with other cultural organisations and the wider community to ensure that they can participate in the development of the Cultural Precinct. The success and long-term viability of the Cultural Precinct will be dependent on the extent to which Council is able to support the participation of local groups and the wider community in the activities of the Cultural Precinct. On this basis, the Memorandum of Understanding should ideally be an inclusive document, which promotes community cultural development.

Amendments to Draft MoU

To this end Council may wish to consider certain amendments to the draft MoU. The proposed amendments would:

- Clarify the ownership of the collections currently held either directly or in trust by HHS and FOHACaRAG by adopting in large part the wording put forward by HHS and FOHACaRAG within their agency submissions relating to this matter;
- Provide for the negotiation of a formal Deed of Agreement between Council, the Hawkesbury Historical Society Inc. and the Friends of the Hawkesbury Art Collection and Regional Gallery, which would set down the requirements and expectations of these parties in relation to the proposed relocation of respective collections to the Regional Gallery & Regional Museum. The Deed of Agreement would cover an agreed process for the relocation of the collections currently owned by HHS and FOHACaRAG and also policies for the ongoing management and development of the Museum and Gallery collections. Matters related to the day-to-day management of the Regional Gallery and Regional Museum, and the development of exhibition proposals and public programs should more correctly be the responsibility of Hawkesbury Council and subject to the advice, guidance and scrutiny of Hawkesbury Cultural Precinct Advisory Committee;

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- Facilitate the negotiation of an acceptable Deed of Agreement by making provision to establish a formal, interim sub-committee of the Precinct Advisory Committee – to be called the Collection Policy sub-Committee – made up of representatives of Council, HHS, FOHACaRAG and qualified individuals with experience in collection management. The sub-committee would have delegated authority for preparing a Deed of Agreement, acceptable to all parties, covering all aspects of collection management. The Deed of Agreement would be conveyed to Council –via the Precinct Advisory Committee - to be vetted by Council’s legal advisers after which it will be implemented in full by Council staff. While the Precinct Advisory Committee may wish to comment on the Deed of Agreement, it will not have the power to amend or alter the Deed of Agreement without the approval of the parties to the Deed of Agreement. Where necessary, the sub-committee could establish working groups to deal with specific issues pertaining to the Museum and Gallery collections if this would better facilitate the drafting of the Deed of Agreement;
- Expand the membership of the Hawkesbury Cultural Precinct Advisory Committee to provide for the addition of 3 (three) community members – 1 (one) of these positions to be allocated to the Darug Custodian Aboriginal Corporation. The inclusion of these additional members will strengthen the oversight role of the Precinct Advisory Committee to ensure that the activities and programs within the Cultural Precinct are responsive to the expectations and aspirations of the wider community.
- Be consistent with the intent and wording of Council’s adopted pro-forma Constitution (which provided the template for the proposed Constitution of the Precinct Advisory Committee).

RECOMMENDATION:

That:

1. Council approve and execute the amended draft *Memorandum of Understanding for the Hawkesbury Cultural Precinct*.
2. Council authorise Council Staff to begin negotiations with the Hawkesbury Historical Society Inc. and the Friends of the Hawkesbury Art Collection and Regional Gallery Inc. to draft a Deed of Agreement. The Deed of Agreement will identify an agreed process for the relocation of the collections owned by HHS and FOHACaRAG into the Regional Gallery and Regional Museum; it will ensure that the ownership of the collections remain with HHS and FOHACaRAG, and will identify policies for the ongoing management and development of these collections which is acceptable to all parties.
3. Council expand the Hawkesbury Cultural Precinct Advisory Committee by an additional 3 (three) community members and seek nominations from the community and organisations to fill the designated positions on the Committee.

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 new Hawkesbury Regional Museum to be located on Baker Street, Windsor; the old Hawkesbury Museum located in Howe's House, Thompson Sq. Windsor; the new Gallery/Library Building located on the Old Hospital Site, George Street, Windsor and the Richmond Branch Library located in West Market Street, 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, arts, 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 Gallery Inc.**, conduct public art programs, act as a venue for local promotions and house permanent, temporary and travelling exhibitions **including 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, arts, 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 St. 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, arts, community and commercial goals of the City of Hawkesbury
- 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, arts, 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 such other matters as Council may from time-to-time seek advice (hereinafter referred to as 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 Advisory Committee.

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- 1.7 *'Responsible Agency'* refers to Hawkesbury City Council who will be responsible for the day-to-day management and operation of the Hawkesbury Museum, the Hawkesbury 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, 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 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 Gallery Inc. will sit on the sub-Committee. The General Manager will nominate Council staff to sit on the sub-Committee. The sub-Committee may also include 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.
- 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 require the endorsement of all parties for its execution. 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 the Hawkesbury Cultural Precinct.
- 1.10 *'Museum Advisory sub-committee'* refers to a committee which may be 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 to be made up of members of the Hawkesbury

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Historical Society Inc., with provision made for **the Museum and Gallery Co-ordinator** to attend meetings of the Advisory Committee.

1.10 *'Museum Advisory sub-committee'*

refers to a committee which may be 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 to be made up 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.

1.10 *'Museum Advisory sub-committee'*

refers to a committee which may be 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 to be made up 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.

1.11 *'Gallery Advisory sub-Committee'*

refers to a committee which may be 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 to 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 and private gallery operators.

1.11 *'Library Advisory sub Committee'*

refers to a committee which may be 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 to include representation from the

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Friends of the Hawkesbury Library, delegated staff of the Hawkesbury Library Service, and private individuals.

- 1.12 *'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.
- 1.13 *'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., and the Friends of the Hawkesbury Library); 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 Gallery, 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 Councils 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 not only

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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 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. and the Friends of the Hawkesbury Library in the operation of the Hawkesbury Cultural Precinct. **The MoU will also 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 will ensure that these facilities and collections received 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 committed to communicating 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 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.

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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.

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.

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 constitution (attached herein) to provide advice and recommendations regarding the development and operation of the cultural facilities within the Precinct.

4.3 Provision may 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.

4.4 **A special sub-Committee – to be called the Collection Policy Sub-Committee – will also be established to negotiate a Deed of Agreement between Hawkesbury City Council, the Hawkesbury Historical Society Inc. and The Friends of the Hawkesbury Art Collection and Regional Gallery Inc. - and such other organisations who may wish to relocate their collection to the Regional Gallery, the Regional Museum or Library. The Agreement will cover 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 currently owned, or held in trust, by the HHS Inc. and FOHACaRAG. When adopted, the Deed of Agreement will guide the operation of the Hawkesbury Regional Gallery, the Hawkesbury Regional Museum and the Hawkesbury City Council Library Service. A mechanism 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.**

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**.

4.6 Within the management structure as outlined in Attachment 1, the role and responsibilities of Hawkesbury City Council will be:

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- 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 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 and use of the collections and resources owned or administered by the Hawkesbury Historical Society, the Friends of the Hawkesbury Art Collection and Regional Gallery Inc., and the Friends of the Hawkesbury Library;
 - 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.

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- 4.8.3 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.
- 4.8.4 to support the operation of the Hawkesbury Regional Museum, the Hawkesbury Gallery and the Hawkesbury City Council Library Service by means of volunteer roster to be developed in conjunction with the Cultural Services Manager and/or Library Manager.
- 4.9 The Hawkesbury Historical Society Inc., the Friends of the Hawkesbury Art Collection and Regional Gallery Inc, the Friends of the Hawkesbury Library will continue to operate under their own constitutions and continue to research, publish and hold public programs. **The constitutions of these organisations will be amended to reflect the participation of these organisations on the Advisory Committee and support for the aims of the Hawkesbury Cultural Precinct and the objectives of the Advisory Committee.**

Part 5 – Membership 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.

Part 6 – Powers of the Hawkesbury Cultural Precinct Advisory Committee

- 6.1 The role and authorities of the Advisory Committee will be as prescribed in paragraph 3 of the attached constitution.

Part 7 – Operation of the Hawkesbury Cultural Precinct Board.

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

Part 8 - Collections.

8.1 The Museum Collection.

- 8.1.1 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 jointly negotiated (as per Section 4.4),** this collection

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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.

- 8.1.2 The Regional Museum will take on responsibility 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. To facilitate the best practice management of the collection, a *Collection Development and Management Policy* for the Regional Museum will be developed **by the Collection Policy sub-Committee which will include 4 representatives of the Hawkesbury Historical Society Inc.. This Policy will be developed in conjunction with the drafting of the proposed Deed of Agreement.** This new collection policy will build on the strengths and themes of the Society's collection and on the new exhibits for the museum as prepared by Andrew Rankine Design Associates. The draft *Collection Development and Management Policy* will be submitted to the Advisory Committee for endorsement and forwarded to Hawkesbury City Council for public gazettal and approval. When adopted the *Collection Development and Management Policy* will direct all future collection acquisitions, collection development, exhibitions and deaccessioning.
- 8.1.3 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 **as set per the provisions set out in the Deed of Agreement.**
- 8.1.4 The Advisory Committee will formally recommend 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 Society.**

8.2 The Gallery Collection.

- 8.2.1 There are four art collections - Alfred T. Clint Collection, Henry Edgecombe Collection, Friends of the Hawkesbury Art Collection and the Hawkesbury City Art 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.**

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FOHACaRAG retains ownership of its intellectual property. Subject to the terms outlined in the Deed of Agreement to be jointly 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. As per the recommendations of the *Hawkesbury Gallery Draft Operations and Management Strategic Plan* this agreement provides for negotiations to be undertaken with FOHACaRAG to identify the feasibility of the collections owned or held in trust by FOHACaRAG being accessioned formally by Hawkesbury City Council via Deeds of Donation and Ownership.

- 8.2.2 The Hawkesbury Regional Gallery will take on responsibility 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. To facilitate the best practice management of the collection, a *Collection Development and Management Policy* for the Regional Gallery will be developed **by the Collection Policy sub-Committee which will include 4 representatives of the FOHACaRAG.. This Policy will be developed in conjunction with the drafting of the proposed Deed of Agreement.** This new collection policy will build on the strengths and themes of the current collection and have regard to the recommendations of the *Hawkesbury Regional Gallery Draft Operations and Management Strategic Plan*. The draft *Collection Development and Management Policy* will be submitted to the Advisory Committee for endorsement and forwarded to Hawkesbury City Council for public gazettal and approval. When adopted the *Collection Development and Management Policy* will direct all future collection acquisitions, collection development, exhibitions and deaccessioning.
- 8.2.3 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 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 set out in the Deed of Agreement.**
- 8.2.4 The Advisory Committee will formally recommend 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**

8.3 The Library Collection.

8.3.1 The collections maintained by the Hawkesbury City Council Library Service will remain under the ownership of Hawkesbury City Council.

8.3.2 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. To facilitate the best practice management of the collection, the *Collection Development Policy* of the Hawkesbury City Council Library Service will be reviewed by professional staff in conjunction with the Friends of the Hawkesbury Library. The reviewed policy will build on the strengths and themes of the current collection and have regard to the service benchmarks and performance targets as identified in the *Library Development Plan 2005-2020*. The revised *Collection Development Policy* will be submitted to the Advisory Committee for endorsement and forwarded to Hawkesbury City Council for public gazettal and approval. When adopted the *Collection Development Policy* will direct all future collection acquisitions, collection development, exhibitions and deaccessioning.

8.4 Facility Ownership

8.4.1 Hawkesbury City Council will retain ownership of the buildings and property within the Hawkesbury Cultural Precinct. Hawkesbury City Council will remain responsible for the maintenance of these cultural facilities.

Part 9. The Operation of the Hawkesbury Cultural Precinct.

9.1 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.

9.2 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.

9.3 Hawkesbury City Council will remain responsible for the acquittal of any external funds provided to supplement the operation of the Precinct.

9.4 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.

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- 9.5 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 10. Evaluation and Project Monitoring.

- 10.1 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.
- 10.2 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 11. Dispute Resolution.

- 11.1 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*.
- 11.2 In the event of a complaint in relation to the management of the Precinct by staff of the Hawkesbury City Council, Hawkesbury City Council will implement its internal complaints and/or grievance provisions.
- 11.3 In the event of a dispute or disagreement between members of the Advisory Committee as to the conduct or operation of the Precinct, the aggrieved party shall submit a written statement to the Advisory Committee outlining the details of the dispute or disagreement. If required the Advisory Committee shall request a written response from such other parties as may be identified in the dispute or disagreement. The Advisory Committee shall consider the information in relation to the dispute **at the next scheduled Advisory Committee meeting** and will seek to negotiate an agreed resolution to the dispute between the relevant parties.
- 11.4 Where it is not possible to achieve a resolution under the provisions of paragraph 11.3., the Advisory Committee will seek the involvement of an independent mediator (acceptable to both parties) to arbitrate in any dispute. The parties involved in the dispute shall agree to accept the outcomes of such mediation.

Part 11. Review

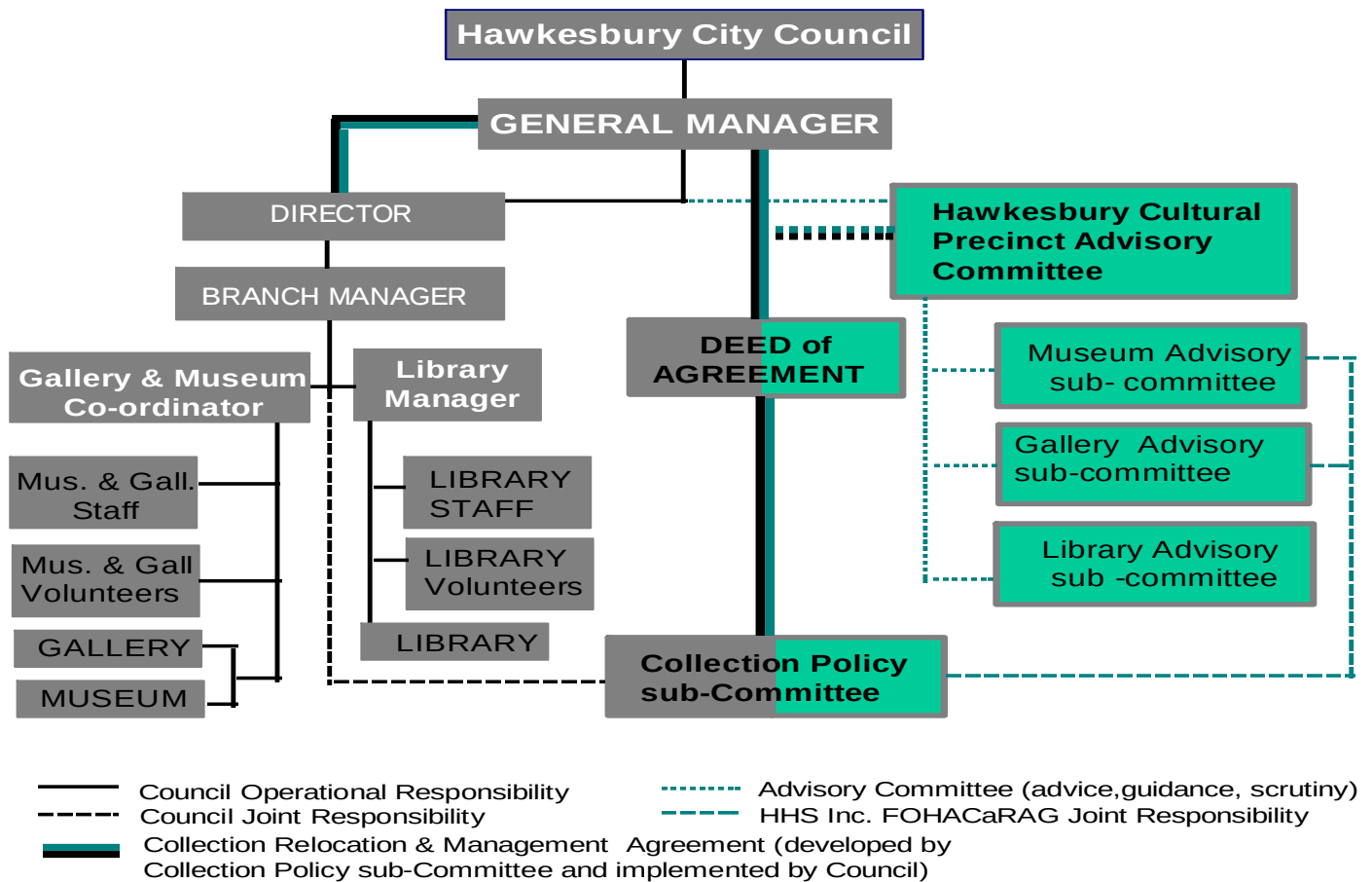
- 11.1 The details of the MoU **shall** be reviewed after three years.

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Part 12 Execution

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



ATTACHMENT 2.

**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;

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- the acquisition and de-accessioning of cultural artefacts, artworks, documents, photographs, pictures, and printed and electronic resources.
 - the researching, development and housing of permanent, temporary and travelling exhibitions 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
 - (ii) 1 (one) Council staff member appointed by the General Manager of Hawkesbury City Council.

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- (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;

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- (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 followings 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;
- (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;

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- (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 6 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;
- (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: 43 ORG B - Code of Meeting Practice - (107, 79341)

REPORT:

The Local Government Act 1993 made provision for Councils to adopt a Code of Meeting Practice. A Code of Meeting Practice was adopted by the Council in September 1994, this was amended and adopted again in April 1999.

A review of the Code has been carried out and circulated with the business paper is a copy of the revised document.

The major changes to the current Code are:

- Meeting Frequency – 2 (two) Ordinary Meetings per month instead of General Purpose Committee Meeting (GPC) and Ordinary Meeting;
- Notice of Motion – to be received 7 (seven) days prior to the meeting;
- Tabling of Documents – to be given to the General Manager prior to the meeting;
- The Agenda – provision for the public to address items, and items for the new Commercial Response Unit;
- Management of reports by exception so that reports without any debate will be dealt with as a whole otherwise they will be debated separately; and
- Questions will be kept to a minimum where notice is not given.

Prior to formally resolving to amend the Code, it is a requirement to place the document on public exhibition for a period of not less than 28 (twenty eight) days with submissions being received up to 42 (forty two) days after the date on which the document is placed on exhibition.

RECOMMENDATION:

That the revised Code of Meeting Practice be placed on public exhibition for a period of 28 (twenty eight) days, with submissions to be received up to 42 (forty two) days from the date of exhibition.

ATTACHMENTS:

AT - 1 Revised Code of Meeting Practice (separate document)

oooO END OF REPORT Oooo