



Hawkesbury City Council

general purpose committee business paper

date of meeting: 02 November 2004

location: council chambers

time: 9.00 a.m.



mission statement

“To protect and enhance the unique, historical and environmental features of the Hawkesbury Region whilst encouraging planned development and providing services appropriate to the needs of the wider community.”

How Council Operates ...

Hawkesbury City Council fully supports and encourages the involvement and participation of local residents in issues which affect the City.

The twelve Councillors who represent Hawkesbury City Council are elected at local government elections held every four years. Voting at these elections is compulsory for residents who are aged eighteen years and over and who reside permanently in the City.

The Ordinary Meeting of Council is held on the second Tuesday of each month at 7:00pm. Two weeks before the Ordinary Meeting, the General Purpose Committee meets to consider issues in the areas of Environment, Infrastructure, Organisation & Resources and Commercial Strategy. The time of the General Purpose Committee will be advised by public notice. Both of these meetings are open to the public.

Meeting Procedure ...

The role of the General Purpose Committee Meeting is to make recommendations about issues put forward in the areas of Environment, Infrastructure, Organisation & Resources and Community Strategy. These recommendations are then forwarded to the Ordinary Meeting of Council, two weeks later, for adoption or final decision. The Ordinary Meeting also considers other matters of general business as appropriate.

The Mayor is Chairperson of both the Ordinary and General Purpose Committee.

Public Participation ...

Members of the public can request to speak about a matter that is before the Council for consideration at the General Purpose Committee Meeting. The Mayor will invite interested persons to address the Committee when the matter is being considered and speakers have a maximum five (5) minutes to present their views.

Residents are encouraged to attend the Ordinary Meeting to observe the proceedings of the meeting from the public gallery. There will be a provision prior to the break in the meeting at around 9.15/9.30pm for members of the public to ask questions of Council.

A Point of Interest ...

Voting on matters for consideration is operated electronically. Councillors have in front of them both a 'Yes' and a 'No' button with which they cast their vote. The results of the vote are displayed on the electronic voting board above the Minute Clerk. This was an innovation in Australian local government pioneered by Hawkesbury City Council.

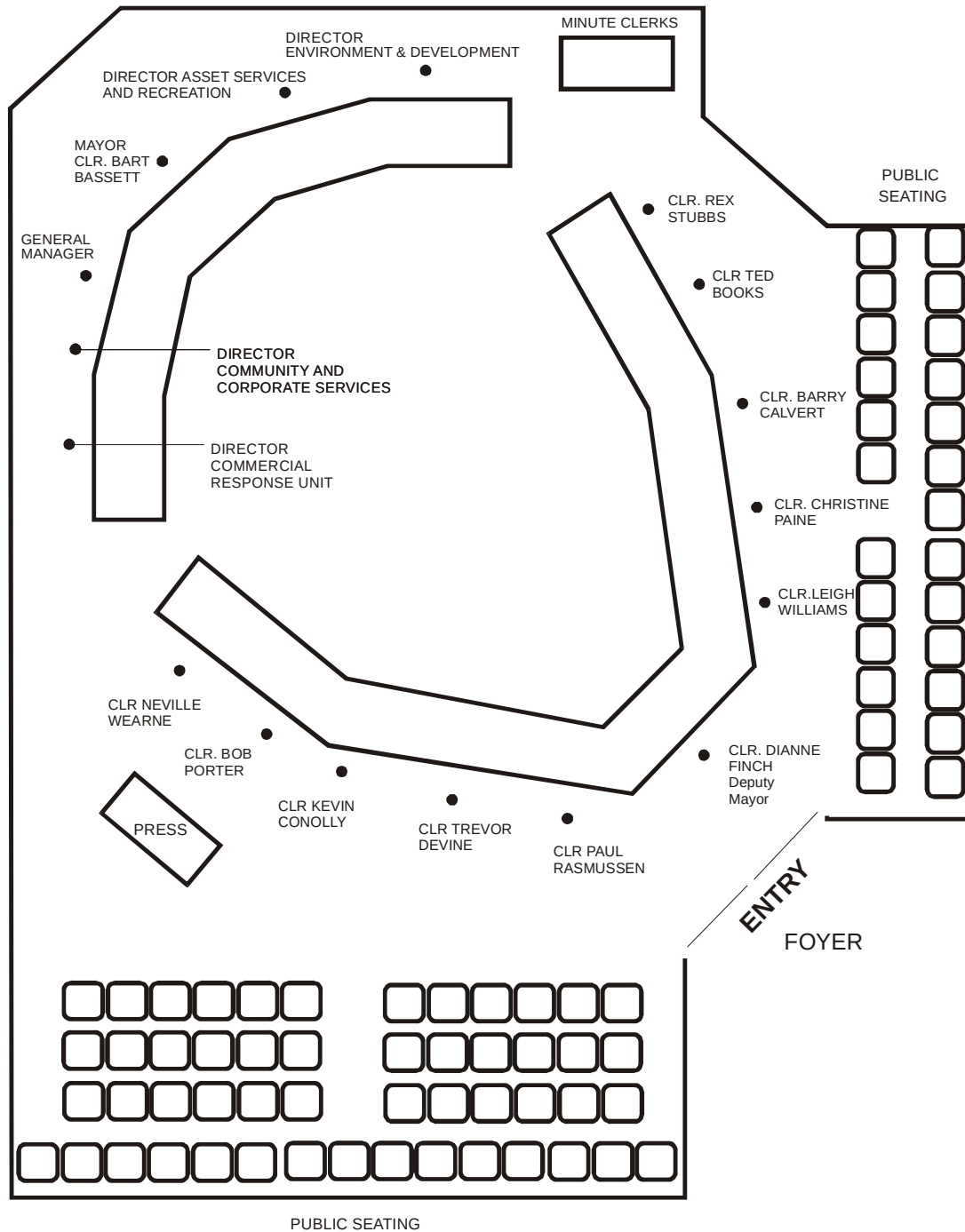
Website ...

Business Papers can be viewed on Council's website from noon on the Friday before each meeting. The website address is www.hawkesbury.nsw.gov.au.

Further Information ...

A guide to Council Meetings brochure is available. If you require further information about meetings of Council, please contact the Administration Manager on telephone 02 4560 4426.

council chambers



GENERAL PURPOSE COMMITTEE

Meeting Date: 2 November 2004

AGENDA

- **APOLOGIES.**
- **CONFIRMATION OF MINUTES.**
- **MAYORAL MINUTES.**
- **SECTION 1 - ENVIRONMENT.**
- **SECTION 2 - INFRASTRUCTURE.**
- **SECTION 3 - ORGANISATION AND RESOURCES**
- **SECTION 4 - COMMERCIAL STRATEGY**
- **NEXT MEETING.**

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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
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MAYORAL MINUTES

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MAYORAL MINUTES

MM - Farming Small Areas Expo 12 & 13 November 2004 - (79353)

REPORT:

On 14 September 2004 Council considered a request to sponsor the Small Farming Expo to be held 12 and 13 November 2004 at the Hawkesbury Showground. Council resolved to respond to the organisers supporting in principle the Small Farming Expo, but decline the sponsorship offer.

Rural Press, the organiser of the event, has contacted me recently and expressed disappointment that there will be no Council presence at the Expo.

Set up costs for a complete promotion and stall for the event would be in the vicinity of \$6,000 (six thousand dollars) to \$11,000 (eleven thousand dollars) and this was a determining factor, given Council's other significant commitments to agri-business.

It is suggested that a Council presence could be established for the purpose of displaying the draft development control plan (DCP) for intensive agriculture and any other enquiries about agriculture in the Hawkesbury. The cost for a small stall, display material and staff presence would be \$2,000 (two thousand dollars) to \$3,500 (three thousand, five hundred dollars).

RECOMMENDATION:

That:

1. Council hire a stall as a participant in the Expo for the purposes of displaying the draft DCP for intensive agriculture and general information on agriculture and gaining feedback.
2. The cost of up to \$3,500 (three thousand, five hundred dollars) be revoted by Council to this project from Development Consultancy Fees and Community and Stakeholders Programs.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF MAYORAL MINUTE Oooo

general
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section 1

environment

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SECTION 1 - ENVIRONMENT

Item: 51 **ENV A - 8 Unit Residential Development, Lot 1 DP1010228 and Lot 2 DP1010228, 31 and 31A Flinders Place, North Richmond NSW 2754 - (DA0403/04, 79347)**

Previous Item: 45, Ordinary (12 October 2004)

REPORT:

Introduction

Subsequent to the General Purpose Committee's deferral of consideration of DA0403/04 the applicant has submitted additional information and Council staff have sought legal advice regarding the correct classification of the proposed development. The additional information and legal advice is now provided to Council.

The report to the General Purpose Committee of 28 September 2004 is attached.

Addition Information

The applicant has submitted amended plans and accompanying documentation addressing the previously identified areas of non-compliance with the Hawkesbury Development Control Plan. The main amendments to the plans are:

- Unit 1 - reduction in the footprint of upper and lower levels, increased setback from northern boundary, amendment to lower level north facing windows and door and provision of privacy screens over amended lower level north facing windows, deletion of north facing upper level window, provision of upper level bedroom window facing onto Flinders Place, relocation of western facing upper level bedroom window, amendment to layout of lower level laundry and ensuite, amendment of upper level ensuite and walk-in robe, amendment to footprint of Unit 1 terrace areas.
- Unit 2 and 4 - reduction in eave overhangs.
- Unit 3 - provision of privacy screen over westerly facing bedroom window.
- Unit 6 - amended layout of upper level ensuite and bedroom, deletion of upper level westerly facing bedroom window, provision of a raised planter in front of upper level southern facing bedroom window.
- Unit 7 - provision of privacy screen over north facing ensuite window.

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- Driveway and parking - increase in width of driveway and ramp, deletion of visitor parking space 3 in favour of turning area, deletion of pergola over basement car parking area entrance and visitor parking spaces.
- Clothes drying - provision of clothes drying area above Unit 3.
- Planter boxes - reduction in height of north and eastern elevation planter beds.
- Landscaped area - deletion of BBQ area and timber pergola

The applicant argues that the amended plan and documentation show:

- The proposed building is compliant with the building height envelope of the Hawkesbury DCP.
- A 1 (one) metre strip of landscaping has been provided between the boundary and driveway and the width of the driveway has been increased to 6 (six) metre for a distance of 6 (six) metres inside the property.
- A designated turning area at the end of the access has been provided.
- Additional landscaping and shutters have been provided on the building to reduce privacy impacts on adjoining neighbours.
- The private open space provided meets the objectives of the DCP because it is on the same level as and directly accessible from the dwelling's main living area and receives good solar access and adequate screening.
- Casual surveillance of Flinders Place has been improved by the reorientation of Unit 1.
- A security gate can be added to the common stair at the rear of the property to improve security.
- The use of a private contractor could be used to pick up garbage from the site.
- The pergola and BBQ has been removed to reduce potential flood water damage.
- Stacked parking is permitted by the DCP.
- Local indigenous planting which thrives on south facing sites will be used.

Comments

No details have been provided as to how garbage collection will occur, the frequency of service, whether or not recycled materials are to be collected, or identification of possible contractors.

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The applicant has not provided any response to the concerns raised in the previous report to Council regarding the extent of stacked parking proposed in the development [i.e. 14 (fourteen) of the 16 (sixteen) resident spaces] and the lack of on street parking.

No planting schedule has been provided.

The amended plans demonstrate compliance with the building height plane provisions of the DCP and go some way to addressing concerns raised regarding overlooking of adjoining properties from within the Units.

The applicant has also submitted a photomontage of the development as required by SEPP No 65. This photomontage will be displayed at the General Purpose Committee meeting. The photomontage provides for clearer understanding of development's likely bulk, scale and height relative to surrounding development and assist the applicant's claim that the development, at least in terms of height, is a low-lying tiered development responding to the natural and built environment and allays concerns regarding the height of retaining walls and elevated basement parking area.

The applicant has advised that an energy performance statement and an erosion and sedimentation control plan can be provided.

Subject to the submission of the appropriate above mentioned additional plans/details it would appear on initial examination of the amended details the major unresolved issues are the density of the development, the proposed stacked parking arrangement and possible on street parking impacts, and privacy and noise impacts from the use of the terraces.

The applicant has not provided an amended SEPP65 Design Verification Statement to accompany the amended plans. Given the legal advice received by Council regarding the development's permissibility (discussed below) a detailed assessment of the amended proposal's compliance with SEPP 65 has not been undertaken.

Legal Advice

Council's solicitors Abbott Tout have been requested to provide advice regarding the characterisation of the proposed development with respect to the definition of a "residential flat building Class B" and "residential flat building Class C".

The two definitions are as follows:

"residential flat building Class B" means a residential flat building containing more than 2 dwellings in a group such as are commonly known as group houses, villa homes, town houses, terrace buildings and the like;

"residential flat building Class C" means a residential flat building containing more than 2 dwellings in a form commonly described as "walk-up-flats", a characteristic of which is often a common stair access;

A "residential flat building Class B" is permissible within the Residential 2(a) zone whereas a "residential flat building Class C" is prohibited within the Residential 2(a) zone.

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Abbott Tout advise:

We are of the view, although not free from doubt, that the proposed development is more properly characterised as a Class C residential Flat Building and is thus prohibited in the relevant zone.

In support of this conclusion we note that the access to the dwellings is via common pathways and external stairs and the building from all its elevations has the appearance of one building.

The fact that the building itself follows the natural topography to a large extent and thus steps down and /or is terraced does not in our view necessarily bring the matter within the definition of terrace buildings as is suggested by the Applicant's architect. Taking the purposive approach to construction, and giving the words their ordinary meaning, and terrace buildings are ordinarily attached dwellings in a row in either one or two, commonly the party walls are side walls and not floor to ceiling.

On our view, whilst it is not entirely free from doubt having regard to the fact that there is no specific definition of group homes, villas homes etc in the LEP or the model provisions in all of the circumstances the more appropriate characterisation is Residential Flat Building Class C.

RECOMMENDATION:

That the application be refused for the following reasons:

1. The proposed development is prohibited under the provisions of Hawkesbury Local Environmental Plan 1989.
2. The proposed development is inconsistent with the objectives of Hawkesbury Local Environmental Plan 1989.
3. The proposed development is likely to have an adverse impact on the amenity of residents in the immediate locality.
4. The design of the proposed development will not provide an acceptable level of amenity for future residents.
5. The proposed development is inconsistent with the established character of the locality.
6. The proposed development does not comply with the requirements of the Hawkesbury Development Control Plan, in particular the "Residential Chapter".

ATTACHMENTS:

[AT-1 General Purpose Committee Report of 28 September 2004](#)

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Item: 52 **ENV A - Application to Modify Development Consent on DA236/93 - 130 King Road, Wilberforce - Development Application No. DA0236/93A - (79347, 33185)**

Development Information

Applicant: Gary White Property Centres
Applicants Rep: Falson & Associates
Owner: Gary White Superannuation Pty Limited (Mr G J White & Ms T S Cassidy)
Stat. Provisions: Hawkesbury Local Environmental Plan
Area: 25.667HA 1989
Zone: Environmental Protection Scenic 7(d1) under Hawkesbury Local Environmental Plan 1989.
Advertising: 31 August 2004 to 15 September 2004
Date Received: 27 July 2004

Key Issues: ♦ Height/Size
 ♦ S96 of EPA Act

Action: Approval

REPORT:

Introduction

A Deferred Commencement Consent was issued on 21 September 1994 for an Aged Persons Housing Development comprising of 71 (seventy one) residential units. However, the approved plan referred to in the Consent only showed 67 (sixty seven) units. An application has been received under Section 96(2) of the EPA Act which seeks approval to modify Development Consent DA0236/93 in the following manner:

- Altering the design of the approved 2 (two) storey dwellings.
- Altering the staging of the development.

The application is being reported to Council due to the past history of the site and the number of submissions received. The application is recommended for approval subject to conditions.

Background

The site and the proposed development has had an extensive history and below is a brief overview:

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30 August 1994	Report GPC recommending refusal for 71 units.
13 September 1994	Ordinary Meeting. Approval granted for "Deferred Commencement Consent" for 67 units.
14 November 1995	S.102 modification of consent granted. Modification allowed additional 6 months to meet conditions of "Deferred Commencement Consent".
1 March 1996	Council advised "Deferred Commencement" matters satisfied.
9 July 1996	Application to amend existing consent to allow 15 additional units refused by Council.
13 August 1996	Recision motion to support application for additional 15 units approved. The amendment layout plan only showed 82 (eighty two) units.
26 November 1998	Section 96 application received to modify existing consent to include 3 (three) additional dwellings to be used a residence for a manager, doctor and nurse.
Approx 10 March 1999	Section 96 amended deleting two of the dwellings requesting the caretaker's residence be relocated and used as a Manager's residence. A car park is proposed where the existing caretaker's residence was. The original Section 96 application was deemed not to be substantially the same and could not be considered.
11 May 1999	Section 96 amendment to relocate manager/caretaker residence refused. The number of units as shown on this plan was 81 (eighty one).
26 October 1999	Application for boundary adjustment and modification to DA0236/93 approved.
29 July 2004	Modification received (current application)

The Proposal

The initial application to modify development consent sought approval to the following modifications:

1. Altering the design of the dwellings.
2. Altering the number of dwellings approved.
3. Altering the location and number of dwellings.

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4. Altering the staging of the development.

The application was amended and now seeks approval to alter the design of the approved 2 (two) storey dwellings and altering the staging of the development only.

The approved development included drawings of "typical dwellings". These dwellings were a combination of 1, 2 and 3 bedrooms including a mixture of single, two storey and single storey with a loft area. The site plan approved has no clear indication as to where the "typical dwelling types" would be located/constructed on the site.

The amendment proposes to redesign the typical 2 (two) storey dwelling in the following manner:

- Providing a first floor balcony from the living area (maximum 1.8 - 2.5 x 5.5 metres).
- Internal room adjustments and front windows on first floor.
- Provision of a loft storage area including a staircase access.
- Additional windows on the side elevations.
- Adjustment/Alteration to roof design.

The amended design still fits within the approved building envelope and does not increase the height or building footprint. The approved and amended plans are included in the attachments to the report.

The approved development proposed the dwellings to be constructed in certain stages. The applicant seeks to alter the staging as outlined on the approved site plan. The initial stage involved the dwellings closest to King Road and it is now proposed to construct the dwellings towards the centre of the site in the initial stage.

Statutory Situation

Hawkesbury Local Environmental Plan 1989

The subject site is zoned Environmental Protection 7(d1).

The proposed zone under draft Local Environmental Plan 8/98 (Amendment 108) is Environmental Protection - Agriculture Protection.

State Environmental Planning Policy No. 5 (Aged Disabled Housing) (SEPP No. 5)

The development application was approved under the provisions of SEPP No. 5. The policy has recently been repealed and replaced by the State Government's Seniors Living Policy. However, the provisions of SEPP No.5 still apply to developments approved under SEPP No.5.

Community Consultation

The application was notified in accordance with the Notification Development Control Plan.

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Adjoining and surrounding owners and occupants were notified. During the notification period a total of 56 individual submissions were received, which included 55 proforma letters. The matters raised in the submissions were:

- Applications to modify the DA are welcomed by Council.
- The application does not comply with the description contained in the Consultant's Report.
- SEPP No. 6 controls the height of buildings by limiting the number of storeys.
- The proposed changes are not substantially the same.
- The roof loft area will be used for habitable purposes as outlined in the Consultant's Report.
- The building height would be 8 (eight) metres and over 50% of the buildings are below the 17 (seventeen) metres and a number are below 15 (fifteen) metres.
- The site will require up to 3 (three) metres fill to achieve the 17.3 (seventeen point three) metres.
- Seeks clarification of the approved layout.
- Adequacy of the approved effluent disposal system to cope with additional accommodation in the units.
- The proposed development is a residential flat building.
- Discrepancy over use of the site.
- Residents misled as to the use of the dwellings.
- No longer a SEPP No. 5 application but a resort for baby boomers.
- Raised additional matters not related to application involving:
 - concrete boat ramp
 - large pump on the river
 - pipe laid through the wetlands
 - exposure to old asbestos pipes

These matters are discussed in the report.

Planning Assessment

Section 96 of Environmental Planning and Assessment Act

Section 96(2) of the Act allows Council to modify a development consent if:

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- (a) "The development to which the consent as modified relates is substantially the same development as to the development for which development consent was originally granted.
- (b) Not relevant to this application.
- (c) It has notified the application in accordance with a Development Control Plan if the consent authority is Council.
- (d) It has considered any submissions concerning the proposed modification.

The proposed modification to the typical 2 (two) storey dwelling is within the approved building envelope and the height, scale and footprint as approved has not altered. There are changes to the external appearance involving a balcony and additional windows to the dwelling. The modification to staging is considered to have no impact. Both proposed modifications are considered to be substantially the same development as approved. The modification involves no conditions or requirements of other relevant public authorities or approval bodies.

The application was notified in accordance with Council's adopted Development Control Plan and the submissions received are considered in this report. As a result Council is able to consider the application under the provisions of Section 96 of the Environmental Planning and Assessment Act.

Matters Raised in Submission

"Application does not comply with description contained in Consultant's Report being housing for aged and disabled persons".

The Consultant's submission which accompanied the application acknowledged that the development was approved under SEPP No. 5 (Aged and Disabled Housing). The provisions of SEPP No. 5, while it has been repealed, still remains in force for developments approved under its provisions.

The policy applies to:

"Older people" who are defined in the SEPP No. 5 as people aged 55 years or over, and "people with a disability" who are people of any age who, as a result of having an intellectual, physical, psychiatric or sensory impairment, either permanent or for extended period, have substantially limited opportunity to enjoy a full and active life."

The modification does not propose to alter the use or description of the approved development being an Aged Persons Housing Development approved under SEPP No. 5.

"SEPP No. 6 controls the height of buildings by limiting the number of storeys."

The aim of SEPP No. 6 is to remove confusion from interpretation of the provisions of planning instruments which control the height of buildings by reference to number of storeys, floors or levels. The provisions that apply to the height of buildings are contained in SEPP No. 5 which indicates that Council must not refuse consent on the grounds of height if all proposed buildings

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are 8 (eight) metres or less in height. The modified designs are 8 (eight) metres in height and have not altered from the approved dwelling height.

"The proposed changes are not substantially the same." This matter has been discussed previously in the report.

"The roof loft area will be used for habitable purposes as outlined in the Consultant's Report".

The floor plans submitted with the applications show the loft area as storage space and not for any habitable purposes. The roof will provide 2 (two) skylights to provide light for the loft area. The Consultant's Report suggests that some of the attic spaces will be used for habitable purposes. The plans provide a storage area only in the attic space of the typical dwelling design and a suitable condition has been imposed requiring the attic/loft area to be used for storage purposes only. It should be noted that one of the other typical designs as approved did have a habitable area but this design was only single storey.

"The building height would be 8 (eight) metres and over 50% of the buildings are below 17 (seventeen) metres and a number are below 15 (fifteen) metres."

The development was approved in 1994, and at the time the required minimum floor level was 15.9 metres AHD which was the 1:100 year flood level at the time of determination. The approved development had all the dwellings at or above the 15.9 metre contour. The level has been adjusted to 17.3 metres AHD.

Condition 13 of the Consent sets the minimum floor level at 15.9 metres AHD. Council has approved a Construction Certificate for bulk earthworks which proposed to create a level of approximately 17 metres AHD in the area where the dwellings are proposed.

"The site will require up to 3 metres of fill to achieve 17.3 metres AHD."

The bulk earthworks where the dwellings are to be constructed required a maximum of approximately 1.2 metres fill to achieve the level of 17 metres AHD. Additional filling above 1.2 metres was required for the platform associated with the sewerage treatment plant and access road to have the facility at 17.3 metres AHD.

"Seeks clarification of the approved layout".

The development has been modified several times to reflect changes in the layout. The application for the boundary adjustment (MA 1259/99) also modified DA0236/93 to reflect the approved layout of the dwellings as shown on the plans that accompanied the application. The approved layout as outlined in Condition 13 is the revised layout except for the approval of units 64, 65, 69, 70 and 71 which were located below the 15.9 metre AHD contour. The approved layout is attached to the report and a full scale plan is on display in the Council Chambers.

"Adequacy of the approved effluent disposal system to cope with additional accommodation in the units".

Council has approved a centralised sewage treatment plant. The proposed plan is designed to service 51,000 litres of influent (300 persons) per day. The proposed development would have a

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maximum capacity of 246 (two hundred and forty six) people (83 dwellings x 3 persons). The proposed treatment plant has the capacity to handle the likely maximum persons on the site.

"The proposed development is a Residential Flat Building C" under HLEP 1989 which is the typical walk up flats.

The proposed dwellings approved do not fall within the definition of "Residential Flat Building C" under HELP 1989. The proposed development is a housing development under SEPP No. 5 (Aged and Disabled Housing).

Other Matters

The matters raised and not relating to the application are being investigated by Council officers and once the investigations have been completed appropriate action will be followed,

Conclusion

The proposed modifications are unlikely to have a significant impact in terms of traffic generation and the context and setting when compared to the approved development. The concern of the residents is that the development will not be used for older and disabled persons as defined in SEPP No. 5 but become another multi-unit housing development. The development was approved by Council under SEPP No. 5 and the description contained on the development consent refers to the establishment of an Aged Persons Housing Development. Many of the submissions raise concerns about the development itself, rather than the modification. However, Council must consider the modification which is before it.

Although there is some uncertainty with the original approval it is accepted that the current approval, as modified, is for 81 (eighty one) units.

RECOMMENDATION:

That the application to modify Development Consent No.DA0326/93 be approved subject to the following:

1. Condition 1 now to read "The development shall be carried out in accordance with Plan No. 52191/3 Issue G submitted with MA1259/99 and Condition 13 of MA1259/99 and Plan No. 52191 Issue D, sheet 2 and amended plans lodged with the Section 96 application DA0236/93A".
2. Condition 13 now to read "The floor level of any habitable room is to be a minimum of 17.3 metres AHD".
3. Additional Condition
 26. *The loft/attic area of the 2 (two) storey dwellings shall only be used for storage and not for habitable purposes.*

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ATTACHMENTS:

- AT-1 Approved Dwelling Design.
- AT-2 Amended Dwelling Design.
- AT-3 Approved Layout.

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Item: 53 **ENV B - Cancellation of the Hawkesbury Nepean Recreational Water Assessment and Management (RWAMP) Program - (79347, 84750)**

REPORT:

The Department of Infrastructure Planning and Natural Resources (DIPNR) notified Council officers recently of its decision not to fund or manage the Hawkesbury-Nepean River Recreational Water Assessment and Management Program (RWAMP) in the 2004/2005 financial year.

Six Local Government Advisory Group (LGAG) catchment Council's, including Hawkesbury City Council, allocate up to \$25,000 (twenty five thousand dollars) and considerable in-kind service between them to support sampling and testing for the RWAMP program each year.

LGAG receives regular and timely updates at its meetings of water quality tests conducted by DIPNR and Council staff at over 20 (twenty) high use swimming and boating locations in the Hawkesbury-Nepean catchment.

The water quality information from this program is used to determine each site's suitability for primary recreational use. The RWAMP program is a project that not only meets the blueprint objectives, but provides high quality cost effective data that is used by all stakeholders. The program improved information sharing between stakeholders, minimised monitoring overlaps, provided timely reporting for stakeholders and the community, and introduced significant cost savings through the partnership arrangements that Local Government has with DIPNR.

It is understood that the program's Integrated Data Management System was also well advanced making web-based reports available to the stakeholders and the community. Trials with DIPNR and Local Government were underway.

Concerns are raised that if the RWAMP program is not funded then the integrity of the data will be lost. The program has water quality data that extends back 10 (ten) years. This long term monitoring has developed strong data sets which are unparalleled in the catchment and is being used for direct input into the river health target for the Catchment Action Plans, and in the development of the current CMA River Health Strategy. It has developed as an exemplary model of what a Local and State Government collaboration program can achieve.

It should be pointed out that the decision to discontinue the program was made without proper consultation with Local Government and other stakeholders.

The impact that this decision will have on our Council is that this baseline data would be lost to measure trends in river quality over the ensuing years, after on the ground works are implemented, such as the Septic Safe Program, installation of gross pollutant traps, the agricultural and community education programs, which it is envisaged will produce a change in practices and attitudes, and upgrades to Sewage Treatment Works in the catchment.

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It is suggested that representations be made to the Minister for DIPNR and the Minister for the Environment, seeking an assurance that the RWAMP program will be funded for the 2004/2005 financial year and that funding will continue in the future to support the program.

RECOMMENDATION:

That correspondence be forwarded to the relevant Ministers requesting the continuation of the funding and support for the RWAMP program

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ENVIRONMENT

Meeting Date: 2 November 2004

Item: 54 **ENV B - River Health Committee - (79347)**

Previous Item: 126, Special (27 September 2004)

REPORT:

Council, at its meeting of 27 September 2004 by Resolution Number 426 resolved as follows:

"That a further report be provided to Council in relation to the establishment of a River Health Committee to address river health aspects such as, but not limited to, effluent flow, over-extraction of river water, weed management, waste water recycling, town water supply, water trading, flood plain management, storm water, wetlands, education and State and Federal lobbying for greater funding to restore health to our river system."

Council is one of many players in the management of the Hawkesbury Nepean River and this issue was raised at the recently held Forum. The Forum outlined the number and overlapping responsibilities of various authorities and it could be argued that this has lead to the River not being managed as a holistic enterprise.

The principle players in the management of the Hawkesbury Nepean River are as follows:

- Sydney Catchment Authority - responsible for the operation of the supply catchments and the dams operating as drinking water supply for metropolitan Sydney.
- Sydney Water - responsible for the supply system for reticulated water to Metropolitan Sydney and operates the majority of the sewage treatment plants in the metropolitan area.
- Department of Environment and Conservation - through the Environment and Protection Authority are the licensing body for the operation of sewage treatment plants run by both Sydney Water and Local Government.
- The Department of Infrastructure Planning and Natural Resources - the State Government department required to administer acts that deal with the license and extraction of waters and discharge of water to rivers. Also, licences for farm dams, development on rivers and funding the country towns sewerage schemes, floodplain management and land use planning.
- Twenty two Local Councils
- County Council - responsible for weed management over 4 (four) Local Government areas.
- The Catchment Management Authority set up by the State Government to administer funding for on-grounds works inside the Catchment, funding principally derived from Federal Government Funds.

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- Department of Primary Industry administers the noxious weeds Legislation.

There are also several principal reports which are driving the various players in the catchment. These include 2 (two) catchment blueprints prepared previously by the Department of Infrastructure Planning and Natural Resources. Council currently has representation on the Hawkesbury River County Council for the administration of the Noxious Weeds Act. The Local Government Advisory Group, who advises the Catchment Management Authority on expenditure of funds via Local Councils within the Catchment, but also has an active lobbying role with the Minister for Infrastructure, Planning and Natural Resources over the role the Local Government and Administration of funding in the Catchment.

Council currently has a Floodplain Management Risk Committee, whose role is to prepare Floodplain Management Plans for the Catchment in accordance with the Floodplain Manual. This Committee consists of Council representatives and Community representatives as well as representatives of 4 (four) major Government Departments being DIPNR, SES, Department of Primary Industries and the Federal Department of Defence.

Council also has recently established its Strategic Planning Committee, whose objectives include advising Council on the collation of planning influences from agencies external to the City and the impact of these influences on the city's future direction.

At the recent Forum held by this Council on the Management of the River, it was concluded that perhaps an approach could include an extended role for the County Council to cover more areas. Also a closer liaison between the Local Government Advisory Group and the Catchment Management Authority and representation on the Catchment Management Authority of Local Government.

At the recent Local Government Advisory Group meeting, the Catchment Management Authority has advised that they wish to invite the Chairman of the LGAG Committee to sit on the CMA Board and has encouraged the Local Government Committee to request the Minister for Natural Resources to permanently appoint the Chairman of LGAG Committee as the Local Government representative on the CMA Board.

Given all of the above discussion, it would appear appropriate that Council has the following structures in place:

Flood Plain Risk Management Committee to deal with the Flooding Risk of the Catchment taking into regard the regional flooding report prepared by DIPNR.

- The Hawkesbury River County Council and its role to manage noxious weeds which may be expanded to cover more Councils and thus be more effective.
- The Local Government Advisory Group, which has influence on the expenditure of funds from the Catchment Management Authority whose job it is to implement the blueprints and the river health strategy.

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- Council's own Strategic Planning Committee to deal with the impact of regional decisions on Council's future.

In this regard, it is considered that the creation of another Committee is not warranted and that the issue of the management of river health should be raised at the Strategic Planning Committee as a severe impact on Council's Strategic Planning into the future and that this Committee should turn its attention to the major strategic documents that have been prepared, which are the 2 (two) blue prints and the report of the Hawkesbury Nepean Forum and liaise directly with the LGAG Committee and the Catchment Management Authority.

RECOMMENDATION:

It is recommended that Council not establish a River Health Committee, but instead direct the Strategic Planning Committee to turn its attention to the Regional documents that have been prepared and the workings of the Catchment Management Authority so that together with the LGAG Committee this Council's requirements for the management of the River are well heard.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ENVIRONMENT

Meeting Date: 2 November 2004

Item: 55 **ENV B - Public River Forum - 14 October 2004 - (79347)**

Previous Item: 37, General Purpose Committee (27 July 2004)

REPORT:

Earlier in 2004, Council resolved to hold a Public River Forum. A program was developed to focus on the current aquatic weed crisis and the likelihood of future outbreaks, and most importantly, to increase community understanding of the broader catchment stresses that lead to weed outbreaks and other issues, along with the programs in place or planned to address them.

Invitations were issued to speakers and other attendees, and an extensive local publicity, promotion and advertising program encouraged attendance. The Forum was held between 10:00am and 3:30pm on 14 October and was attended by more than 70 (seventy) people, including 15 (fifteen) speakers and members of an afternoon discussion panel.

Attendees included representatives of Council, surrounding Councils, State Government Agencies including catchment management agencies, the Hawkesbury River County Council, Western Sydney Regional Organisation of Councils, the Hawkesbury Nepean Local Government Advisory Group, fishers and trawlers, farmers and irrigators, local environment groups, local businesses, the three local parliamentary representatives, local and metropolitan media, and other interested members of the community.

The Forum resulted in the development of new relationships between Council and other organisations and individuals, reinforcement of existing relationships, and significant and targeted metropolitan and local media coverage of the key issues.

The Federal Member for Hawkesbury, Kerry Bartlett, undertook at the forum to identify sources of federal funding for the Hawkesbury. In addition, since the Forum, the State Member for Londonderry, Allan Shearan has undertaken to take forward the resolutions of the Forum to the NSW Government.

The Hawkesbury Nepean Local Government Advisory Group, which met after the Forum, has requested a report to it on forming a broader Local Government catchment body.

Most importantly, the Forum also resulted in the development of a range of proposed actions for Council. The proposed actions were developed by panel members, influenced by proposals from the floor of the Forum, and were subsequently supported generally among panel members, who were asked to comment on them during redrafting.

The recommendations include reference to a catchment aquatic weed prevention and eradication program. That program is addressed in a separate report to Council for this meeting.

Panel members reached consensus on the recommendations and no objections to them were raised when requested from other attendees.

RECOMMENDATION:

That:

1. As a matter of crucial priority, all recommendations of the Hawkesbury Nepean River Management Forum be implemented by the State Government as a comprehensive and integrated approach to the issues confronting the Hawkesbury Nepean River system and catchment.
2. The State Government urgently establish a substantially increased and on-going funding base to underpin a comprehensive, integrated Catchment Health Program. This should include funding for on-ground action for priority issues such as river health improvement and aquatic weeds, with supporting components including research, community engagement, technical development and monitoring.
3. The State Government be encouraged to regard river health improvement and management of aquatic weeds in the Hawkesbury Nepean River System as a Sydney Basin public good issue that impacts on local communities and the people of Sydney. On this basis, all consumers of the water from the Hawkesbury-Nepean should contribute to address priority catchment health issues, in lieu of the impact of water extraction from the Hawkesbury Nepean system and the use of the river as receiving waters for substantial amounts of Sydney's treated sewage effluent. In this way, the true cost of water, which includes impacts on the environment, should become a pivotal and ongoing element of water pricing policy.
4. The Department of Primary Industry be encouraged to review, clarify and better codify responsibilities for the control of weeds in riparian and aquatic environments and that the Noxious Weeds Act be appropriately amended to better address the identified needs.
5. As a matter of urgency, and as part of an integrated catchment health approach, funds totalling an additional \$250,000 (two hundred and fifty thousand dollars) be annually provided to the Catchment Management Authority (CMA) by the NSW Government. This funding should be made available above and beyond that called for in the recommendations above to supplement the CMA's existing budget allocation to enable it to facilitate partnership approaches to community education, on-going surveillance, early detection and treatment of minor aquatic weed outbreaks at the earliest possible stage. (This recommendation also is addressed in part as separate report to this meeting of Council).
6. A strategic community education strategy, with high profile marketing and cross-community involvement, be developed and implemented. This should aim to ensure that the key linkages between the health of the Hawkesbury Nepean River and catchment, and the well being and prosperity of the people of Sydney, are clearly communicated and accepted throughout the greater Sydney area.
7. The Hawkesbury Nepean CMA, councils, county councils, Aquatic Weeds Task Force and other key regional and local organisations and representatives, be approached to agree on the fundamental importance of these recommendations and strongly advocate them to the State and Commonwealth Governments and their agencies.

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8. On the basis that the Hawkesbury Nepean River is a river of national significance, approaches should be made to the Commonwealth and State Governments to ensure funding opportunities under initiatives such as the National Water Initiative, National Heritage Trust and the National Action Plan (for salinity and water quality) are realised. Funding priority should reflect the urgent need to address river health of the Hawkesbury-Nepean, which is the water supply, welcome respite and recreational playground for Australia's largest and arguably most important city. The funding should include provision for on-going maintenance of aquatic weed outbreaks and management of their causes.

ATTACHMENTS:

AT - 1 The Forum Program.

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Hawkesbury City Council (HCC) Hawkesbury River Public Forum

Thursday 14 October 2004

Program

Time	Topic	Name	Organisation
10.00am	Coffee/registration		
10.10am	Welcome from Hawkesbury Council	Clr Bassett	Mayor HCC
10.15am	Introduction to proceedings	Steve Rossiter	Moderator, Elton Consulting
10.20am	Keynote address - strategic overview of catchment programs	Bernie Bugden	GM, Hawkesbury Nepean Catchment Management Authority (HNCMA)
10.50am	Weed program goals, progress & issues	Ken Archer	Dept. Primary Ind (DPI)
11.15am	Weed program status & future issues	Peter Ellis	HR County Council
11.35am	Challenges for river users	Gary Howard	Trawler
12.00pm	Some good news on Little Cattai Creek. But for how long?	Dr Marianne Muir	Local environment group/academic
12.30pm	Lunch break		
1.10pm	Hawkesbury City Council stormwater program	Paul Richardson	HCC
1.35pm	Local government issues & institutional arrangements	Malcolm Ryan	HCC
2.00pm	Introduction - moderator Panel introductions, discussion points & questions from the floor (session to be taped for transcription)	Panel Ken Archer Gary Howard Clr Williams Malcolm Ryan Dr Marianne Muir Neale Philip Sandy Booth Bernie Bugden Allan Shearan Kerry Bartlett George Dodds	DPI (Agriculture) Trawler/river user HCC HCC Director Local environmentalist Dept Env & Conservation UWS HNCMA NSW MP Londonderry Federal MP Hawkesbury Syd Catchment Authority
3.10pm	Closing address	Clr Bassett	Mayor HCC
3.20 pm	Wrap up & next steps	Steve Rossiter	Moderator
3.30pm	Close		

nb. Local Government Advisory Group meeting will commence at 3.30pm in the Council Chambers directly after the forum.

oooO END OF REPORT Oooo

Item: 56 **ENV B - Heritage Advisory Committee and Proposed Cemeteries Committee - (79347, 80242)**

Previous Item: 126, Special (27 September 2004)

REPORT:

Introduction

At the Special Meeting held on 27 September 2004 Council resolved as follows:

"That the Heritage Advisory Committee be reconstituted after a report is provided to Council regarding a new constitution and appropriate membership." and

"That a further report be provided to Council in relation to the establishment of a Hawkesbury Significant Cemeteries Committee to address the long term planning of our many heritage cemeteries in consultation with the Heritage Council."

This report recommends that Council reconstitute the Heritage Advisory Committee and incorporate Significant Cemeteries in the constitution for that Committee.

Existing Heritage Advisory Committee

The Heritage Advisory Committee meets monthly in the evening and the main functions of the Committee are; consideration of heritage assistance grant applications, organising events around Heritage Week and community education on heritage generally. For many years, some of the Committee Members have sought to bring other matters to the agenda, including discussion on development applications and Council decisions about major projects. Unfortunately this has meant that staff spend considerable time explaining the role of the Committee to members at many meetings.

The meetings are presently held at 5:30pm and require the attendance of a senior officer, 1 (one) staff member to take minutes and Council's consultant heritage advisor. It is considered that this is not the best use of resources, considering the function of this committee.

Proposed Reconstituted Committee

It is suggested that the Heritage Advisory Committee be reconstituted around the following framework:

1. Meetings to be held quarterly and during Council business hours.
2. The Committee's advice role is limited to the following matters:
 - Heritage assistance grant applications review and recommendations;
 - Advice on long term planning of significant heritage cemeteries;

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- Review of local heritage listings;
 - Organising Heritage Week events in the Hawkesbury LGA; and
 - Increasing community awareness of heritage matters
3. The Committee's role shall specifically exclude discussion and advice on development applications and Council development projects. (This is necessary to avoid any perceived conflict).

Conclusion

The current arrangements use considerable staff resources. There is also a perceived conflict of interest for members who are professional consultants who give advice to and prepare reports for applicants for development.

The propose framework for a reconstituted committee resolves these problems and incorporates an advisory role on heritage cemeteries.

RECOMMENDATION:

That:

1. The Heritage Advisory Committee be reconstituted to incorporate an advisory role for the long term planning of significant heritage cemeteries.
2. The framework as outlined in this report is to form the basis for the constitution of the Committee.
3. The reconstituted Committee shall take effect from February 2005.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Item: 57 **ENV C - Kerbside Household Clean Up Service Commencement - (79348)**

REPORT:

The kerbside household cleanup service commenced on 1 September 2004, by Council's contractor, Cleanaway.

There have been a few "teething problems" while residents become familiar with how the system works. However, on the whole, the service has been a great success, with very few complaints in relation to the service provider.

For the period 1 September to 30 September 2004, a total of 44.6 (forty four point six) tonnes of materials were collected from 319 (three hundred and nineteen) premises.

From 1 October to 20 October 2004, 31.54T (thirty one point five four tonnes) of material from 208 (two hundred and eight) premises has been collected.

From these figures, it can be seen that the uptake of the service is strong and is expected to increase in the upcoming months.

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

general
purpose
committee

section 2

infrastructure

SECTION 2 - INFRASTRUCTURE

Item: 56 INF B - Stone Terrace, Kurrajong, Improvements to Turning Area and Parking. Kurrajong North Public School - (80245, 31892)

REPORT:

Representations have been received from the P&F Association of Kurrajong North Public School to improve the parking and turning area adjacent to the School in Stone Terrace, Kurrajong.

Based on a questionnaire/survey undertaken by the P&F Association of the parents from the school, the following options were listed:

1. Widening the area available for carparking in Stone Terrace, or
2. Instigating a 'Kiss and Drop' zone in the street, therefore, alleviating the burden on the road, as parents would not have to park their cars.

In undertaking discussions with the school, further options were raised:

1. Improve the intersection of Stone Terrace and Bells Line of Road,
2. Improve the turning and parking area within Stone Terrace,
3. Provide a safe passage for students from the street into the school.

The current alignment of the Stone Terrace and Bells Line of Road intersection is rather acute. This does not allow for a 12.5 (twelve point five) metre bus to undertake a left manoeuvre into Stone Terrace from Bells Line of Road. The current intersection alignment can only facilitate a 12.5 (twelve point five) metre bus turning Right-In and Left-Out satisfactorily.

As result of this Westbus will not drive their bus up to the school nor pick up students from the school. Westbus will only drop off and pick up students from the intersection of the roads. Pedestrian access from this point is by walking along the 5 (five) metre wide sealed roadway.

The main catchment of students to the school who utilise the bus service are those primarily North of the intersection. The need for parents to drive their children to school would decrease if the buses could be accommodated within the road network.

Preliminary discussions with the Bilpin Bus Company have indicated that the company is willing to service the catchment north of the school but are restricted by the contractual arrangements between the NSW Department of Transport and Westbus. This is a matter which the school needs to resolve through the Department of Education.

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Should the Bilpin Bus Company proposal succeed, improvement to the intersection of Stone Terrace and Bells Line of Road would not be warranted. Estimated costs to carry out necessary improvements to accommodate all bus turning movements, due to the topography of the land as well as land acquisition, would be in the order of \$500,000 (five hundred thousand dollars).

In formulating a solution that is viable, it was considered that improving the turning capacity as well as parking availability within Stone Terrace would be satisfactory. This option was well endorsed by the school principal and the representative from the P&F Association.

The preferred option at an estimated cost of \$100,000 (one hundred thousand dollars) will provide:

- Parking for 12 (twelve) vehicles (90 degree parking);
- Turning area for cars. This area will be sign posted as 'No Parking 8:00am - 9:30am and 2:30pm - 4:00pm', which will prohibit the parking of vehicles but will allow for both Drop-off and Pick-up of students;
- Turning area for buses, including 12.5 (twelve point five) metre buses (3 point turn);
- Formalised footpath extending from the bus shelter within the turning area to the school gate. This path will be directly behind the 12 (twelve) parking spaces with students protected from vehicles by way of wheel-stops and bollards.

A plan of the proposal will be displayed at the meeting.

RECOMMENDATION:

That:

1. The improvements to Stone Terrace to facilitate vehicle movements in relation to Kurrajong North Public School at an estimated cost of \$100,000 (one hundred thousand dollars) be listed for consideration in the estimates for the 2005/2006 Works Program;
2. The Department of Education be approached to consider contributing to the works;
3. The support of the Local Member be sought.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

INFRASTRUCTURE

Meeting Date: 2 November 2004

Item: 57 **INF B - Un-named Road, Mulgrave - Naming Proposal - Precision Place - (79346)**

Previous Item: 27, Ordinary (8 June 2004)

REPORT:

Council, at its meeting held on 8 June 2004 resolved that subject to the developer paying to Council a sum of \$750.00 to cover administrative/advertising costs, that public comment be sought regarding naming of the proposed public road commencing at Park Road, Mulgrave between Lots 108 and 110, DP1066062 and extending in a north-westerly direction for a distance of approximately 230 metres, as "Precision Place".

Public comment was sought by way of advertisement in the local press, and by correspondence addressed to property owners within and proximate to that road.

At the time of closure of the public comment period both the Department of Lands and the NSW Police Service had advised that no objection was held to the proposed road naming. No other comment has been received.

The developer has requested that a Sundry Debtor be forwarded for payment.

RECOMMENDATION:

That the proposed public road commencing at Park Road, Mulgrave between Lots 108 and 110 DP1066062 and extending in a north-westerly direction for a distance of approximately 230 metres be named Precision Place.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

INFRASTRUCTURE

Meeting Date: 2 November 2004

Item: 58 **INF B - Road Naming Proposal - Forest Place, South Windsor - (79346)**

Previous Item: 26, Ordinary (8 June 2004)

REPORT:

Council, at its meeting held on 8 June 2004 resolved that public comment be sought regarding naming of the proposed public road created in DP1065214 and situated on the north-western side of Woods Road, South Windsor and approximately mid-way between Mileham Street and Hart Road, as Forest Place.

Public comment was sought by way of advertisement in the local press and correspondence addressed to owners within and proximate to, the road as well as various organisations.

At time of the closure of public comment period, the Department of Lands and the NSW Police Service had advised no objection to the proposed naming; no other comment had been received.

RECOMMENDATION:

That the public road created in DP1065214 and situated on the north-eastern side of Woods Road, South Windsor and approximately mid-way between Mileham Street and Hart Place, be named Forest Place.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

INFRASTRUCTURE

Meeting Date: 2 November 2004

Item: 59 **INF B - Governor Phillip Reserve - NSW Water Ski Association - Exclusive Use - (74204)**

Previous Item: 31, Ordinary (10 August 2004)

REPORT:

The NSW Water Ski Association has requested exclusive use of Governor Phillip Reserve on 13 to 14 November 2004 to conduct the annual Bridge to Bridge Water Ski Classic, with 27 to 28 November as an alternate date in the event of inclement weather.

The application complies with Council policy in relation to exclusive use of the reserve.

Following recommendation by its Local Traffic Committee, Council, at its meeting held on 14 September 2004 resolved to approve traffic management issues associated with this event as well as some general conditions pertaining to park usage; unfortunately, that report did not include those conditions/administrative requirements reflected in the recommendation below.

RECOMMENDATION:

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

1. Council approve the application by the NSW Water Ski Association for exclusive use of Governor Phillip Reserve on 13 to 14 November 2004 to conduct the Bridge to Bridge Water Ski Classic, with 27 to 28 November 2004 as an alternate date, subject to compliance with the following standard conditions:
 - a) the applicant paying per day the exclusive use contribution rate being \$760.65 (seven hundred and sixty dollars and sixty five cents), or \$1.26 (one dollar and twenty six cents) per person, GST inclusive, whichever is the greater, as well as the toilet cleaning charge applying to exclusive use in an amount of \$52.53 (fifty two dollars and fifty three cents), GST inclusive;
 - b) if required the applicant to obtain appropriate licence from the Licencing Branch, NSW Police Service for the sale of alcoholic beverages at the proposed location;
 - c) any building, vehicle or stall that is preparing food for public consumption is to comply with Council's "Information For Food Stall Holders" brochure; a copy of this brochure and any related food/public health information can be obtained by contacting Council's Environment & Waste Branch; and,
 - d) the applicant lodge a damage bond of \$750.00 (seven hundred and fifty dollars).

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2. The above conditions being additional to conditions approved by Council at its meeting held on 10 August 2004.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

INFRASTRUCTURE

Meeting Date: 2 November 2004

Item: 60

INF B - Landscape and Upgrade of Gosper Park - (79354)

REPORT:

Gosper Park is located between Harris Street and James Meehan Street, Windsor. In 2001 a community meeting was held with residents living in the vicinity of Gosper Park, Windsor. The Windsor Police had organised the meeting with the aim to provide the youth of the area with some recreation opportunities, with the hope that it may reduce bad behaviour within the area.

A number of options were discussed at the meeting such as a BMX track, skate park, soccer goals, and a basketball court. Due to the small size of the park, the first 2 (two) items were inappropriate for the location and the community were informed of this. The youth were very keen to get a half size basketball court and thus \$20,000 (twenty thousand dollars) was set aside in the 2003/2004 budget. In the interim a soccer goal was placed in the park for their use.

On Wednesday, 6 October 2004 a second community meeting was held following a request for lighting at Gosper Park. The location of the basketball court, which was still to be built, and the playground were also on the agenda.

At this meeting the residents were very undecided about the issue of lights. There was a general feeling that lighting would encourage a bad element in the area to hang out at the park for longer periods of time. At this stage it is proposed that no lights will be installed.

The majority of the community at this meeting were also against having a basketball court for the same reasons as well as concerns regarding noise. It was suggested at the meeting that the \$20,000 (twenty thousand dollars) allocated for the basketball court be spent on upgrading the park and majority of those attending were in favour. Written correspondence from 1 (one) of the residents requested, however, that any funds be spent on a footpath to Windsor and South Windsor shops. The issue of paved footpaving to this area is addressed within a separate report to this meeting.

RECOMMENDATION:

That the \$20,000 (twenty thousand dollars) provided for the development of a half size basketball court in the 2003/2004 budget, reallocated to landscaping and upgrading work in Gosper Park.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

INFRASTRUCTURE

Meeting Date: 2 November 2004

Item: 61 INF B - South Windsor STP, Fairey Road, South Windsor - replacement of Bioreactor mixers - (32459, 79338)

REPORT:

The South Windsor STP, located on the southern most end of Fairey Road, South Windsor was originally constructed (Stage 1) in 1988 to serve a population of 6000 (six thousand).

In 1992, Stage 2 was undertaken to increase the capacity of the facility to a population of 14,000 (fourteen thousand).

Finally, in 2003, Stage 3 was completed to bring the facility to a population of 27,000 (twenty seven thousand) capacity.

Stages 1 and 2 are now approximately 15 (fifteen) years old with equipment of similar age and somewhat outdated technology.

Of prime example are the submersible mixers within the biological reactors in Stages 1 and 2. These mixers, although in accordance with design specifications for the individual cells within the reactor at the time, do not mix the cells thoroughly enough to achieve complete mixing and therefore do not achieve the efficiency of the biological/chemical treatment processes.

New technology is now available in the form of surface mixers that can achieve full mixing of the cells. These surface mixers are installed in the new Stage 3 bioreactor and are working very well.

There are six cells within the bioreactor of Stages 1 and 2 that require upgrading. The cost of 6 (six) new surface mixers is approximately \$120,000.00 (one hundred and twenty thousand dollars).

It is proposed to reallocate the funds provided and now not required to undertake the upgrading of rising main "M", for this purpose. The original estimated upgrade to rising main "M" was \$285,000 (two hundred and eighty five thousand dollars), however, recent analysis and redesign of the rising main has reduced the cost estimate to approximately \$85,000 (eighty five thousand dollars), leaving \$200,000 (two hundred thousand dollars) which could be used to purchase the proposed surface mixers.

RECOMMENDATION:

That \$120,000 (one hundred and twenty thousand dollars) provided for the upgrade of rising main "M" be reallocated to fund the upgrade of the Bio Reactor mixers in Stage 1 and 2 of the South Windsor STP.

INFRASTRUCTURE

Meeting Date: 2 November 2004

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

INFRASTRUCTURE

Meeting Date: 2 November 2004

Item: 62 **INF B - Hawkesbury Cultural Precinct - Naming of Facilities and Rooms**
- (79338, 79342)

REPORT:

With the construction of the Library/Gallery/commercial building well underway, Regional Museum construction commencing and the Former Hospital Building being leased to Catholic Healthcare, it is an appropriate time to consider naming of facilities and rooms within the Hawkesbury Cultural Precinct. Naming will facilitate the location and promotion of facilities and the booking of rooms. Council has made a number of previous decisions regarding naming of elements of the Precinct and these are noted within this report, as well as a number of additional suggestions.

It has been suggested that Council consult with the community regarding the naming of buildings and rooms within the Precinct. It is proposed to request suggestions via advertisements and promotion in local newspapers, inviting members of the public to nominate names for the unnamed rooms and facilities, together with an explanation of the reasons behind their choices.

It is proposed to refer these suggestions to a Committee comprising the Cultural Infrastructure Works Project Team, together with 2 (two) additional Councillor representatives, for selection of a short list of names, for decision by Council.

The following is a list of the elements of the Precinct:

1. Former Hospital Building.
2. Library/Gallery/Commercial Complex
Given that the complex will be utilised both by commercial tenants and as a cultural facility, the complex will require a general name.
3. Library
It is proposed that the Windsor Library be renamed "Hawkesbury Central Library" to reflect the fact that the Library is available for use by all residents of the LGA.
 - 3a. Study Room 1
 - 3b. Study Room 2
 - 3c. Tutorial Room
4. Gallery
At its meeting held 8 June 2004 Council resolved that *"where ever the Gallery is mentioned it should be referred to as the Hawkesbury Regional Gallery."*
5. Community Studio
6. Seminar Room

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7. Meeting Room

8. Hawkesbury Regional Museum Complex

The extension of the District Museum has been generally referred to as the "Hawkesbury Regional Museum" and it is proposed that this name be adopted.

8a. District Museum Building

The existing building was constructed by John Howe between 1819-1820. It has been generally known as Howe's House within the local and heritage community. It is proposed that the name "Howe's House" be maintained.

8b. Main Pavilion

8c. Theatrette

At its meeting held 11 May 2004 Council resolved *"That the new building at the Hawkesbury Regional Museum not be named the Hugh Williams building with a room to be named within the building in recognition of his contribution to the community"*

It is therefore proposed that this room be named the 'Hugh Williams Theatrette'

RECOMMENDATION:

That:

1. The Windsor Central Library be renamed the "Hawkesbury Central Library".
2. The Gallery be formally named the "Hawkesbury Regional Gallery".
3. The new museum complex be named the "Hawkesbury Regional Museum".
4. The District Museum building be named "Howe's House".
5. The Theatrette within the Hawkesbury Regional Museum be named the "Hugh Williams Theatrette" and.
6. That the public be invited to nominate names for unnamed facilities and rooms of the Hawkesbury Cultural Precinct, as contained within this report, to be considered by a Committee comprising the members of the Capital Infrastructure Works Project Team, together with 2 (two) additional Councillors, to be appointed and that a short list of suggestions be presented to Council for decision.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

Item: 63 **INF B - Proposed "Weedbuster" Program for the Hawkesbury - (79338, 935)**

REPORT:

Following the River Forum on 14 October, the University of Western Sydney (UWS) Integrated Catchment Environmental Management group (ICEM), headed by catchment health specialist, Professor Sandy Booth, worked with Council's Stormwater Environmental Officer and other staff to develop a proposal to enhance Council's program to improve stormwater quality in the Hawkesbury. Council's stormwater program is funded through the Special Environment Levy.

The focus of the proposed Weedbuster program is on community engagement in the Hawkesbury River catchment and rural stormwater run off quality improvements through a range of partnerships to prevent aquatic weed outbreaks and enhanced resources for community-centred, localised eradication of any weed outbreaks.

The proposed program would see \$100,000 (one hundred thousand dollars) of Council's Stormwater Environmental Levy funds expended in a more focussed way to prevent and tackle weeds, build new and enhance existing partnerships for catchment protection in the Hawkesbury community, provide monitoring, undertake research, educate the community and improve rural stormwater quality. These funds are already identified as part of Section 2.3 of the Aquatic and Terrestrial Weeds and Pests component of the Stormwater Environmental Levy Program already approved by Council and by the Minister for Local Government in 2002 as part of Council's application for Special Variation to General Income. Total project funds approved for Section 2.3 are \$270,000 (two hundred and seventy thousand dollars) over 10 (ten) years.

The proposed Weedbuster program is designed to provide a high profile focus on Council's stormwater program and its efficient use of those funds to tackle priority catchment issues. It demonstrates Council's leadership of Local Government in broader acceptance of responsibility for contributing to weed management and catchment health. The program provides an ideal opportunity to leverage greater state and Federal Government involvement and resources for the Hawkesbury River generally and aquatic weeds in particular. In addition, the program is a high profile endorsement of Council's use of the Environmental Levy, establishing Council's credentials for continuation of the program.

The key Weedbuster program elements include:

- The appointment of a Hawkesbury River Keeper to focus on river health. His/her prime activities would specifically relate to aquatic weed identification, monitoring and minor control. (A local River business operator made this suggestion from the floor of the River Forum).
- The re-invigoration of the Hawkesbury Nepean Aquatic Weeds Task Force as the Hawkesbury Weedbuster Task Force, to ensure coordination across agencies and within the community, as well as providing adaptive review and improvement to the Project.

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- The establishment of a Hawkesbury Weedbuster Fighting Fund with wide-ranging Government and private contributors. The funds would be held by the Catchment Management Authority and be used at the discretion of an agreed steering body.
- The development of an innovative and comprehensive community awareness and engagement program to build on and significantly value add to the work of the Aquatic Weeds Task Force and the Hawkesbury River County Council. The Project would include engaging river users as "weedbusters"; a Hawkesbury Weedbuster Kit; highly visible public recognition of farmers, fishermen, residents and visitors who actively support the Project; a professional graphically designed logo; local, regional and metropolitan media relations; a 1800 or similar telephone reporting line for the community.
- The provision, with sponsorship support and/or matching funds, of a suitable vessel for an initial trial period of 12 (twelve) months and the promotion of this by a well-known "water" identity such as Rex Hunt or Ian Kiernan.
- Implementation of a weed monitoring and decision-making process developed around community participation and the River Keeper.
- The development of a range of initial performance goals and indicators to ensure optimal effectiveness, efficiency and appropriateness in the activities of the River Keeper and the supporting initiatives.

RECOMMENDATION:

That the further development and implementation of the proposed Hawkesbury Weedbuster project within the environmental levy program be supported.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Item: 64 **INF B - Proposed Footpaving - Gosper Park to Brabyn Street, Windsor - (79338)**

REPORT:

A number of requests have been received from residents in Harris & James Meehan Streets for improved pedestrian access to Windsor amenities as the existing road edge and shoulder is considered potentially hazardous to pedestrian traffic.

A recent inspection of the site revealed a well worn track along sections of the grassed nature strip in James Meehan Street, Mileham Street and Fairey Road and during periods of wet weather pedestrians are forced to walk or push prams along the road edge or shoulder to access the rail station or shopping facilities. Some of the steep embankments in Fairey Road also force pedestrians onto the road edge.

The section of Mileham Street and Fairey Road between Brabyn Street and the rail crossing is part of the Regional Road network and provides a direct link into the South Windsor Industrial Estate. Having regard to the heavy vehicular traffic, this route it is not considered particularly suitable as a shared pedestrian zone.

The construction of a concrete footpath between Gosper Park and Brabyn Street will provide the local community with a safe pedestrian link to Windsor amenities. The estimated cost of providing this pathway is \$59,500 (fifty nine thousand and five hundred dollars) and funding could be provided from kerb and gutter reserve.

RECOMMENDATION:

That funding in the amount of \$59,500 (fifty nine thousand and five hundred dollars) be provided from the kerb and gutter reserve to construct a concrete footpath from Gosper Park to Brabyn Street along Mileham Street, Fairey Road and James Meehan Street, Windsor.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

Item: 65 **INF B - Special Events - Roads and Traffic Authority - (79338, 33305)**

REPORT:

In March 2002, a task force was assembled to review the existing processes, identify strengths and weaknesses, and provide direction for an improved process that would work in all Local Government area across New South Wales for the conduct of special events.

The task force consisted of the New South Wales Police, Roads and Traffic Authority, festive and events associations, Sydney City and South Sydney Councils, and 16 (sixteen) country and 24 (twenty four) suburban councils.

A special event (in traffic management terms) is any planned activity that is wholly or partly conducted on a road, requires multiple agency involvement, requires special traffic management arrangements and may involve large numbers of participants and/or spectators. Examples are marathons, fun runs, cycling events, marches and street market days. The definition also applies to events conducted in their own venue if the event requires special traffic management arrangements and multiple agency support.

There are 4 (four) classes of special events:

Class 1:

Is an event that impacts major traffic and transport systems and there is significant disruption to the non-event community. For example: an event that effects a principal transport route in Sydney, or one that reduces the capacity of the main highway through a country town.

Class 2:

Is an event that impacts local traffic and transport systems and there is low-scale disruption to the non-event community. For example: an event that blocks off the main street of a town or shopping centre but does not impact a principal transport route or a highway.

Class 3:

Is an event with minimal impact on local roads and negligible impact on the non-event community. For example: an on-street neighbourhood Christmas party.

Class 4:

Is an event that is conducted entirely under Police control (but is not a protest or demonstration). For example: a small march conducted with a Police escort.

The approval process for special events requires the event organiser to produce both a Traffic Management Plan (TMP) and a Traffic Control Plan (TCP). The Traffic Management Plan is a plan that manages traffic and transport over a wide area, including the management of a reduced capacity within the road system and minimises the traffic impact on the non-event community and emergency services. A Traffic Control Plan is a plan that safely separates people at a work site from traffic. Where appropriate it conforms to an accepted standard such as the Roads and Traffic

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Authority's Guide to Traffic Control at Worksites Manual. A Traffic Control Plan is a Risk Management Plan for traffic and forms part of the Transport Management Plan.

Originally the Guide to Traffic and Transport Management for Special Events required Council to approve both the Traffic Management Plan and Traffic Control Plan and as a special event is construed to be a work site in terms of the Occupational Health and Safety Act, the approval of the TMP and TCP, should there be an accident, could have dire consequences for Council staff involved in the process. As such Council had resolved that a legal opinion be sought in this regard and all applications be forwarded to the RTA Transport Management Centre for their direct approval.

Since that time, the approval process within the Guide has been modified such that Council is now only required to authorise the Traffic Management Plan and the Traffic Control Plan is to be undertaken under the direction of a qualified person and authorised by the RTA. The legal opinion was extensive with regard to Council's obligations under the Occupational Health and Safety Act, however, it did conclude in part that it is likely that a Council that is pro-active about occupational health and safety issues in the advice, consultation and risk assessment process will be in a better position should accidents occur, than a Council that tries to elaborately shield itself from liability. On the basis of the advice and the fact that the authorisation process has been clarified it is felt that the Guide to Traffic and Transport Management for Special Events process should now be supported.

RECOMMENDATION:

That the approval process for special events be undertaken in accordance with the Guide to Traffic and Transport Management for Special Events

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

general
purpose
committee

section 3

organisation
and resources

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SECTION 3 - ORGANISATION AND RESOURCES

Item: 59 **ORG A - Monthly Financial Report - September 2004 - (79349)**

REPORT:

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

September 2004

Cash Book (General Ledger) Reconciliation - September 2004

Opening Balance as at 1 September 2004	-40,264.74
Add Receipts for the Month	8,263,320.65
Less Payments for the Month	-9,714,699.78
Closing Balance as at end of September 2004	-1,491,643.87

Bank Statement Balance - September 2004

Statement Balance as at end of September 2004	\$198,028.09
Less Unpresented Cheques	-\$1,918,401.82
Add Outstanding Deposits	\$26,150.89
	-\$1,694,222.84
Adjustment: Statement entries not yet posted to GL	\$202,578.97
Equals balance as per Cash Book	-\$1,491,643.87

Commentary

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

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

September 2004

Investment Type	Balance Brought Forward	Deposits	Withdrawals	Accrued Interest	Balance End of Month
Managed Funds	\$16,646,925.30			\$80,821.49	\$16,727,746.79
On Call Funds	\$4,800,000.00	\$3,250,000.00	-\$3,600,000.00		\$4,450,000.00
Term Investments	\$820,000.00				\$820,000.00
Rolling Investments	\$4,500,000.00				\$4,500,000.00
TOTAL	\$26,766,925.30	\$3,250,000.00	-\$3,600,000.00	\$80,821.49	\$26,497,746.79

Investment Commentary

It needs to be highlighted that the opening balance indicated above varies from the closing balance reported for August in the amount of \$541,816.71 (increase). This nett amount represents additional investment transactions that occurred at the end of August 2004, but were inadvertently omitted from the end of month totals.

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

Geoff Banting
Responsible Accounting Officer

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Item: 60 **ORG A - Tender for the Provision of Legal Services - (79351, 79337)**

Previous Item: 100, Ordinary (10 August 2004)

REPORT:

At the meeting of Council held on 10 August 2004 consideration was given to a further report regarding the provision of legal services to Council. The report, as well as earlier reports on the matter, highlighted the advantages of the provision of an in-house solicitor to Council and suggested that Council should now include the appointment of a part-time in-house solicitor within the tenders for the provision of legal services from 1 January 2005.

Subsequently, the Council resolved as follows:

“That Council expedite tenders for legal services that include the provision of in-house services on a part-time basis.”

A draft tender specification titled “Tenders for Provision of Legal Service to Hawkesbury City Council” has now been prepared and a copy has been circulated separately to all Councillors with this Business Paper.

The tender specification has been prepared on the basis of the service to be provided including the provision of an “in-house” solicitor on 1 (one) day per week (Tuesdays or as arranged) to provide both general and specific advice on various matters affecting the Council’s operations during the first year of the contract, subject to review at the end of that twelve month period.

It is also intended to appoint 1 (one) contractor for each of the following categories:

Category A – firms with specialist services in the areas specified or that can expeditiously access relevant specialist legal services where required, and that can clearly demonstrate success in representation in the areas through support provided to a broad range of Local Government authorities.

Category B – firms capable of providing property and conveyancing services, and which may include firms other than those engaged in the practice of law.

It is envisaged that the “in-house” solicitor referred to above will be supplied by the Category A appointment, however, Category B tenderers will also be invited to incorporate the provision of a similar service involving relevantly qualified personnel as an option within their tenders.

In separating the services to be provided into Category A and Category B it is proposed that only the Category A appointment will be required to provide legal advice in order to avoid a situation which has occurred in the past where conflicting advice has been received on the same issue from each of Council’s legal advisors.

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Following receipt of tenders it is proposed that an internal assessment panel will be established consisting of the General Manager and other appropriate managers. Once tenders received have been assessed a short-list of the most suitable firms will be presented to Council for consideration in conjunction with a presentation to Council by those firms and it may be necessary for a Special Meeting of Council to be held for this purpose. In view of the fact that it is proposed that tenders close on 17 December 2004 and allowing for a subsequent assessment period this may not occur until early in the new year and this aspect of the matter will be discussed further with the Mayor at the appropriate time.

RECOMMENDATION:

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

1. The draft specifications for "Tenders for the Provision of Legal Services to Hawkesbury City Council" dated 27 October 2004 be adopted.
2. Tenders for this service be invited and that the assessment process as referred to in the report on this matter be endorsed.

ATTACHMENTS:

AT - 1 Specifications titled "Tenders for Provision of Legal Services To Hawkesbury City Council" (*distributed under separate cover*).

oooO END OF REPORT Oooo

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Item: 61 **ORG B - Selection of Community Member for the Audit Committee and Audit Committee Constitution - (91369)**

Previous Item: 41, Special (15 April 2004)
 125, Special (27 September 2004)
 126, Special (27 September 2004)

REPORT:

Council at the Special Meeting on 15 April 2004 resolved that:

Pursuant to Section 377 of the Local Government Act (1993), Council establish an Audit Committee comprising of 5 (five) Councillors and 2 (two) relevantly qualified members of the community and the General Manager.

Council at the Special Meeting on 27 September 2004 resolved:

That the Audit Committee consist of Councillors Bassett, Conolly, Devine, Stubbs and Porter as nominated delegates.

Advertisements calling for expressions of interest from community members to become representatives of the Audit Committee were placed in the local press. An application from Mr David Gregory was received and is recommended for appointment.

Council at the Special Meeting on 15 April 2004 resolved that:

The Audit Committee so formed adopts as its constitution the draft Constitution appended to this paper cited as Attachment 1.

The Constitution in its current form seeks the membership of 4 (four) Councillors and does not include the Internal Auditor as a member of the Audit Committee.

Price Waterhouse Coopers have agreed to attend the Audit Committee meetings.

RECOMMENDATION:

That:

1. David Gregory be appointed as a community representative on the Audit Committee to work in accordance with the constitution set out for that committee.
2. The Audit Committee constitution Section 5 (a) (i) be amended to 5 (five) Councillors of the Hawkesbury City Council.

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3. The Audit Committee constitution be amended to include the Internal Auditor in the membership of the Audit Committee, as a non-voting delegate.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Item: 62 **ORG B - Code of Meeting Practice - (107, 79341)**

Previous Item: 43, GPC (27 July 2004)

REPORT:

At the meeting of the General Purpose Committee held on 27 July 2004 Council considered a report in relation to a review of the Council's Code of Meeting Practice. In that report it was indicated that a review of the Code had been undertaken and that the major changes proposed to the current Code were:

- Meeting Frequency – 2 (two) Ordinary Meetings per month instead of a 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.

Subsequently, when the recommendation of the General Purpose Committee was considered by Council at its meeting held on 10 August 2004. It was resolved:

“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 with the following changes:

1. *In point 2.2.3, Notices of Motion, change from 7 (seven) working days to 7 (seven) days.*
2. *In point 2.3.3, Notices of Rescission, the following text replaces the previous draft:*

A notice of motion to rescind a resolution of Council must be signed by 3 councillors if less than 3 months has elapsed since the resolution was passed. If the notice of motion to rescind a resolution is received by the General Manager by 5pm on the day following the day the meeting of Council started, the resolution will not be carried into effect until the motion of rescission has been dealt with. No consents relating to applications determined at a meeting of Council will be issued before 5pm on the day following the day the meeting of Council started.

3. *In point 2.3.5 change notification from Thursday to 3 (three) working days.*

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4. *In point 2.3.6, a broader group of ministers be allowed to give the prayer at the beginning of the meetings.*

5. *In point 3.3.8, part 1, the following text replaces the previous draft:*

All proponents and respondents wishing to speak must make application on the relevant form prior to the commencement of the meeting. The application form will include a detailed explanation of the provisions of this code relating to maintaining order at meetings. The application form will include an undertaking, to be signed by the person wishing to speak, to comply with these provisions and to refrain from any insult, allegation or personal reflection against any person, present or not, during the course of their address to Council and any answers they give to questions from Councillors.

Persons intending to apply for approval to address Council must contact the Council by telephone, email, facsimile or in person to indicate their intention prior to 3pm on the day of the meeting to enable appropriate scheduling of items. Where possible persons wishing to address Council are requested to lodge their completed application form with the General Manager by this time."

A copy of the amended Code of Meeting Practice incorporating the various points of the above resolution has been circulated separately with this business paper.

In accordance with the Council's resolution a "draft" copy of the amended Code of Meeting Practice was placed on public exhibition with the period for receipt of submissions closing on Friday, 15 October 2004. At the time of closure 3 (three) submissions had been received from 2 (two) individuals.

The first submission, from Ms D Tait, refers to the initial proposal that would have required those persons who wished to address the Council to provide a written copy of their address with their application and calls on Council not to proceed with such a requirement. As a result of Council's resolution of 10 August 2004 this proposal was subsequently not included in the draft copy of the Code of Meeting Practice placed on public exhibition and as Ms Tait does not appear to be aware of this latest change her submission has effectively been addressed by Council.

The other 2 (two) submissions are from Mr N Zamprogno and call for the recording of detailed results of the voting on all matters before the Council, excluding those matters carried "on the voices". The first submission from Mr Zamprogno dated 25 August 2004 was in the following terms:

"I am writing to you to suggest some changes to Council's Code of Meeting Practice. I understand that this document is currently under review. I also understand that you are the person at HCC coordinating this process. If I am mistaken on either account then please let me know.

The change I would like to see occur is for all votes of consequence in the Chamber to be recorded in the Council minutes in such a way as that an individual Councillor's vote is recorded. I am strongly of the belief that this would act as an important accountability mechanism. It would permit Hawkesbury voters who do not regularly attend Council

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meetings, but who nonetheless wish to make an informed vote every four years, to examine any Councillor's track record in any area.

In my research into this idea I have encountered some common objections. I would like to address them here briefly:

1. ***"There is no provision in the Local Government Act"***. I wrote to the minister for Local Government several years ago on this question and received an emphatic reply that there was no impediment in the Act preventing votes from being recorded in this way. All it requires is the agreement of the Council to change its Code of Meeting Practice.
2. ***"It opens up individual Councillors to liability instead of allowing the corporate vote of the Chamber to stand by itself"***. My research indicates that the protections of Councillors regarding the way they vote on any matter would remain unchanged. There are three points here worth noting:
 - a. The information that would be recorded in the minutes is already in the public domain and can be readily observed by anyone in the Gallery at a meeting.
 - b. The existing meeting rules already have a provision where a dissenting Councillor can request that their vote was recorded against an otherwise successful motion (although this is rarely exercised), and that these rules do not impose any additional liability on a Councillor.
 - c. The individual votes of a member (and not just the aggregate "pass" or "lost") have been customarily recorded in State and Federal legislatures for years without issues of individual liability arising.
3. ***"It is an unfair measure, as the mere fact of a Councillor voting for or against a motion does nothing to record the subtleties of the issue being discussed."*** One Councillor I spoke to about this proposal called it "cruel" even though he supports the idea. Although it is true that a Councillor might support or oppose a motion under "duress" or as a way of securing a "least worst" outcome and against their natural tendencies, a vote is still a vote. If there were subtleties to the debate that aren't reflected in a simple "yes" or "no" then I would say that each Councillor is equally free to make a defence of their voting record when challenged. My point is that the voting information, which it is acknowledged the public does have a right to know (occurring as it does, publicly, and not as a secret ballot) is nonetheless withheld from the public for want of an appropriate public record. Over a four year term, literally hundreds of motions are put. Councillors will show distinct trends in their voting patterns that rise above the complexities of any single proposal. The dissection of these trends is an entirely legitimate tool to evaluate just how closely a Councillor has stuck to the platform on which they sought election.
4. ***"It would impede the progress of any meeting to have to stop and ensure that each Councillor's vote is recorded"***. I would say that our Council is already more than half way there in regards to implementing the necessary technology. At Council meetings, the vote is already taken and tallied electronically. Advice I have received from one

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Councillor is that a replacement system with the necessary enhancements is already on-hand but has not been implemented yet. Obviously any solution that caused repeated interruptions to the flow of the meeting would be unacceptable, but I observe that on average at least once at every meeting disruptions are already caused by the current system where it fails to work or where a Councillor records the wrong vote and then demands that the board be reset. Such disruptions are tolerated in the name of fairly recording a Councillor's intentions, and this system would be no different.

5. *“Who cares?” Such an argument scarcely needs to be addressed, although I suspect that there are actually some people who would think this. Over many years attending hundreds of Council meetings, I have frequently observed interested members in the Gallery hurriedly scribbling down the breakdown of votes before the lights wink out and it is lost to history. It is also a regular occurrence to have the breakdown of the Chamber reported with interest in the following weeks Press.*

There are some supplementary clauses that ought to be included with such a proposal, including:

1. *A requirement to publish a table following each Council meeting, inside or alongside the regular minutes, showing the votes of each Councillor on each motion. Publication to be made available in the regular way through the Council Library and electronically from the Council's web site.*
2. *The right of any Councillor to include annotations in the public record which they feel would explain any controversial vote they have made which would be contrary to the platform on which they sought election.*
3. *Exclusions for those cases where the motion was carried on the voices alone, when a vote was held in camera pursuant to Council's right under the Act to do so, or where it would have ordinarily been the subject of a secret ballot (such as a Mayoral election).*

The way our Councillors vote is indeed a matter of public interest and any Councillor standing against this proposal after the objections I've canvassed have been satisfactorily answered would need to put a compelling case supporting their objection. The advantages for democracy and accountability in our City are hard to argue against. I will be writing to all our Councillors to seek their support for this proposal and I would be obliged to you if it could be incorporated into the new Meeting Practice document for discussion.”

The second submission from Mr Zamprogno dated 14 August 2004 is in the following terms:

“Please find enclosed an additional submission for the review of the Code of Meeting Practice. I understand the deadline for this is tomorrow (Friday), so I trust I've made it. Letters to our Councillors with similar content have been sent to all 12.

You will recall I sent you a letter some weeks ago on the same subject. This letter provides additional information as a result of research I have done and responses received from other Councils who already record the votes of individual Councillors. In your own

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preparations to formulate a specific proposal to put to Council I hope that this research saves you some work.

The only additional emphasis I would care to make relates to the way in which the minute paper might reflect the voting. I will quote the relevant passage from my submission:

"Most Councils who record votes place the voting pattern (for/against, or unanimous as the case is) at the end of each item, interspersed through the minute paper. My submission includes a example in this form. However, I believe it would work just as well (or better) if the minute paper had an appendix in the form of a table (printed form) or a separate spreadsheet document (electronic form) which places the item number along one axis and the Councillor Surnames along the other. The body of the table would then have brief entries in the form of "Y" (for), "N" (against), "A" (absent), or "I" (declared interest) etc. Uncontentious motions unanimously carried on the voices would have an entry spanning the entire line of the table, labelled "unanimous". I believe that this would be an improvement over other Council's methods as the relevant data is still readily available to someone wanting to know a Councillor's position on a specific issue, but is much more conveniently laid out for people such as myself who want to look at longer term trends in voting. Otherwise we'd have to pick apart each business paper and this defeats the purpose I am suggesting this for in the first place."

You will be heartened to see my research shows that this system works very well for over a dozen Councils, and that fears of it slowing down meetings or introducing unreasonable administrative overheads are not true.

You invited me to ask you again towards the end of the review period about where we go from here. I asked you how and if this proposal would be packaged with all the other submissions and put to the chamber. I remarked that I would appreciate being able to address Council at the time it is debated. As my conversations with Councillors has the support almost evenly split, this is even more important to me now. Are you able to give me any more information on this front?

A copy of the "additional submission" referred to in the above is attached to this report.

In summary, Mr Zamprogno's submission calls for the Code of Meeting Practice to be amended to provide for the following:

1. a detailed record of the voting on all items before Council, except where the motion is in a closed meeting or carried "on the voices";
2. following each meeting a table to be published as part of the minutes showing the voting of each Councillor on each item except where the motion is in a closed meeting or carried "on the voices";
3. Councillors to be able to include annotations in the "public record" (record of voting/minutes) which they feel would explain any controversial vote they have made which would be contrary to the platform on which they sought election.

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As correctly pointed out by Mr Zamprogno the only requirements that are mandatory for Council in relation to recording voting patterns on any matters before the Council relate to the names of the mover and seconder of a motion being recorded; where a Division is called for in relation to a decision of the Council or where a Councillor may request that her or his name be recorded as having voted against a motion.

Notwithstanding Mr Zamprogno's comments it is considered, from practical experience, that a requirement to record the voting result at Council and Committee meetings would involve an additional workload and delay the efficient and effective conduct of the meetings. While it may be possible to devise various processes for this purpose the end result would be a delay in the proceedings of meeting each time a vote was taken, except when "carried on the voices". Even if each individual delay is only relatively minor when each meeting may deal with 50 (fifty) or more items the cumulative effect would, it is considered, result in an extension in the time required to complete a meeting.

Mr Zamprogno has indicated that he has surveyed all 153 (one hundred and fifty three) NSW councils on this matter and has received 70 (seventy) responses with 13 (thirteen) of these responses indicating they record the detailed result of voting on all matters. This indicates that only 19% (nineteen percent) of responding council or 8.5% (eight point five percent) of all councils have implemented such a process. This certainly does not suggest wide spread acceptance of such a process nor provide a compelling reason for a similar process to be implemented within this Council.

In addition, the purpose of the minutes of a meeting of the Council or its committees is to record the decisions made by the Council as the governing body in respect of those matters placed before it. Once Council passes a resolution all Councillors should support the Council's resolution, notwithstanding the manner in which they voted.

Mr Zamprogno has also suggested that Councillors should be able to include annotations in the minutes to explain their reasons for voting in a particular manner on a matter. It should be noted that the minutes of a meeting of the Council are for the purposes of recording the decisions reached at that meeting and are not intended to provide a platform for individual Councillors to record their reasons for taking a particular stance on matters. If individual Councillors wish to explain why they voted in a particular manner on an issue they should do so utilising their own resources through the normal political process.

In view of the above comments it is considered that the suggestions made by Mr Zamprogno should not be supported and Council should now adopt that the draft Code of Meeting Practice as placed on public exhibition on the basis of the new proceedings being implemented from January 2002. Accordingly, the following recommendation is now submitted for consideration.

RECOMMENDATION:

That:

1. Having complied with the requirements of Division 1, Part 2 of Chapter 12 of the *Local Government Act 1993* the draft Code of Meeting Practice dated 26 August 2004 be adopted

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as Council's Code of Meeting Practice on the basis of the requirements of the amended code being implemented from January 2005

2. Those persons who lodged submissions in relation to this matter be advised of Council's decision.

ATTACHMENTS:

AT - 1 Revised Code of Meeting Practice (under separate cover)

AT – 2 [Copy of submission from Mr Zamprogno dated 14 October 2004](#)

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Item: 63 **ORG B - Women's Cottage, 22 Bosworth Street, Richmond - Rental - (79337, 80358)**

Previous Item: 58, Ordinary (12 October 2004)
 53, GPC (28 September 2004)
 121, Ordinary (14 September 2004)

REPORT:

At the meeting of the General Purpose Committee held on 28 September 2004 consideration was given to a report regarding the rental paid by the Hawkesbury Area Women's & Kids Collective for their use of The Women's Cottage at 22 Bosworth Street, Richmond. A copy of this report is attached for Council's information.

Subsequently, Council at its meeting on 12 October 2004 adopted the following recommendation from the Committee:

"That the matter be deferred to the next General Purpose Committee Meeting to give The Women's Cottage representatives the opportunity to address Council."

The Hawkesbury Area Women's & Kids Collective have been advised that this matter will be considered at this meeting of the General Purpose Committee and an invitation was extended to representatives to be in attendance at the meeting to address the Council on this matter.

Accordingly, the following recommendation that was included in the report to the meeting of the General Purpose Committee on 28 September 2004 is again submitted for Council's consideration.

RECOMMENDATION:

That:

1. The information be received and noted.
2. Representations also be made to the local state Members of Parliament regarding the level of funding provided to the Centre and the effective "cost shifting" exercise that occurs when a service is under funded and the Council is approached to provide additional support.

ATTACHMENTS:

[AT - 1 Report to the meeting of the General Purposes Committee held on 28 September 2004.](#)

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Item: 64 **ORG B - Proposed Laneway Closure off Colonial Drive, Bligh Park - (79337)**

Previous Item: Item 85, Ordinary (13 July 2004)

REPORT:

Council at its meeting held on 13 July 2004 resolved to commence action to close the unnamed laneway adjoining Council's land at 139 Colonial Drive, Bligh Park. Accordingly, public consultation in this regard was undertaken and is now complete.

Council's Design and Waste Water Branch have advised that there are extensive sewer carriers, rising mains and stormwater mains located within the laneway. These facilities could not be built over and would require 24 (twenty four) hour access for Council's staff or contractors to be maintained. Accordingly an appropriate easement would be required over the full width of the laneway.

It is noted that Council's Sewer Pump Station M is located on the corner of the laneway and access is also required to be maintained.

Integral Energy has also advised that there are underground services located within the laneway and will require an easement under their standard terms and conditions.

One response was received from an adjoining owner in Birk Street, stating that:

"Due to the closure of the laneway off Colonial Drive Bligh Park when we first moved here 12 years ago we were told that the land behind us would remain in the hands of the Council and stay vacant. We have enjoyed our privacy during this time. With the proposal of closing the laneway and building behind us that you would consider only single level dwellings or none at all. If you could please put this in with your considerations when selling the land."

The above adjoining owner has also indicated that should the laneway from Birk Place to the subject laneway, located between his property 7 Birk Place and 6 Birk Place, be considered for closure he would be interested in purchasing part or all of the lane.

It is considered that his concerns regarding the future development of the site could be considered at the time of preparation of the Development Control Plan and at the lodgement of any future development applications for the site.

With regard to the proposed additional closure of the laneway between his property and 6 Birk Place it is considered that a decision in this regard be delayed, until the nature of development on the Colonial Drive site is known. Should there be no advantage in retaining this small lane, consideration could then be given to its closure.

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RECOMMENDATION:

That:

1. The closure of the laneway off Colonial Drive, adjoining 139 Colonial Drive, Bligh Park be approved subject to the creation of the necessary easements.
2. Application be made to the Department of Land and Water Conservation to have the laneway closed.
3. Upon closure the land be classified as operational land and be consolidated with 139 Colonial Drive, Bligh Park.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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**Item: 65 ORG B - Acquisition for Road Purposes - Lot 3 in Deposited Plan
244270, West Portland Road, Lower Portland - (79337)**

REPORT:

In January 1973 DP244270 was registered with the then Land Titles Office whereby Lot 3 in the plan was created. The plan was registered for the purpose of regularising the location of West Portland Road, Lower Portland.

The portion of land known as Lot 3 in DP244270 (West Portland Road, Lower Portland) comprises a total area of 74.32sqm (seventy four point three two square metres) and is currently utilised as road verge, as well as being located at the tip end of a laneway which provides direct access to the river. It is proposed that Council acquire this portion of land for road purposes.

At the time of registration, the registered proprietor of the land was Gayson Pty Limited. Council rates and charges have remained unpaid for (more than) 5 (five) years and recent title searches indicate that whilst Gayson Pty Limited are still the registered proprietors of the land, the location of the company is unknown. Searches have been made on Council's behalf by AR Walmsley & Co, Solicitors.

Mr Adrian Walmsley has advised that in July 1999 the company known as Gayson Pty Limited was deregistered and it's outstanding property interests, including Lot 3 in DP 244270, now vest in Australian Securities and Investments Commission (ASIC). ASIC have confirmed that, in accordance with Section 601AE(2) of the Corporations Act 2001, they have the power to transfer the land to Council in exchange for the waiver of unpaid rates, providing an independent valuer can determine the comparative worth of the property.

The outstanding rates and charges on the property total \$1,461.31 (one thousand, four hundred and sixty one dollars and thirty one cents) and the value of the property, as indicated by KD Wood Valuations Australia, is \$1,000 (one thousand dollars).

Upon acquisition of Lot 3 in DP 244270, action should be taken to gazette the land as public road.

RECOMMENDATION:

That:

1. The requirements of the Australian Securities and Investments Commission be met to acquire Lot 3 in DP244270.
2. Upon acquisition Lot 3 in DP244270 be gazetted as public road.
3. All necessary documents be executed under the Common Seal of Council.



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