



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 30 July 2013

location: council chambers

time: 6:30 p.m.

ORDINARY MEETING

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 30 July 2013, commencing at 6:30pm.

Mayor, Kim Ford, gave the opening prayer at the commencement of the meeting.

ATTENDANCE

PRESENT: Councillor K Ford, Mayor, Councillor T Tree, Deputy Mayor and Councillors B Calvert, P Conolly, M Creed, M Lyons-Buckett, W Mackay, C Paine, B Porter, P Rasmussen, J Reardon and L Williams.

ALSO PRESENT: General Manager - Peter Jackson, Director City Planning - Matt Owens, Director Infrastructure Services - Jeff Organ, Director Support Services - Laurie Mifsud, Executive Manager - Community Partnerships - Joseph Litwin, Manager Corporate Services and Governance - Abbey Rouse and Administrative Support Team Leader - Bianca James.

Councillor Mackay arrived at the meeting at 6.43pm.

SECTION 1: Confirmation of Minutes

225 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Reardon that the Minutes of the Ordinary Meeting held on the 9 July 2013, be confirmed.

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NOTICES OF MOTION

NM2 - Review Planning Bill 2013 Exposure Draft - (79351, 125612)

Ms Kim Smith, proponent, addressed Council.

Councillor Lyons-Buckett declared a less than significant non-pecuniary conflict of interest in this matter as she is a member of the NSW Law Society and a founding member of the Community Councillor Network and refers to a submission by the Law Society to the Planning Review and no further action is required.

MOTION:

A MOTION was moved by Councillor Lyons-Buckett, seconded by Councillor Williams.

That Council:

1. Write to Premier Barry O'Farrell requesting his commitment to a re-writing of the Planning Bill 2013 Exposure Draft and a re-exhibition of any proposed legislation.
2. Write to Local Government NSW urging the Presidents to make representations to the Premier that any new planning legislation which attracts the level of criticism from reputable bodies such as the ICAC and the Law Society of NSW should not be passed by Parliament until further extensive re-writing and consultation has occurred with those who have to primarily implement the Act i.e. local government.

The Notice of Motion was put and lost.

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NM3 - Undertake Independent Review - Windsor Bridge - (79351, 80093)

Ms Kate Mackaness and Mr Dail Miller, proponents, addressed Council.
Mr Harry Terry, respondent, addressed Council.

MOTION:

A MOTION was moved by Councillor Calvert, seconded by Councillor Williams.

That:

1. Council write to the Local State Government Members of Parliament, Mr Ray Williams, Mr Bart Bassett and Mr Kevin Connolly, urging them and the NSW State Government to accept the offer from the Prime Minister and the Commonwealth Government to undertake an independent study of the Windsor Bridge to consider an alternate solution to the current proposal. Council believes that any proposals for a new bridge should protect the valuable Australian heritage of Thompson Square.
2. Council requests that a written reply be sought from the three local members so that these replies can be included in future Business Papers.

The Notice of Motion was put and lost.

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GENERAL MANAGER

Item: 139 GM - Contractual Conditions of Senior Staff - 2012/2013 Annual Report - (79351)

MOTION:

RESOLVED on the motion of Councillor Porter, seconded by Councillor Rasmussen.

Refer to RESOLUTION

226 RESOLUTION:

RESOLVED on the motion of Councillor Porter, seconded by Councillor Rasmussen.

That the 2012/2013 Annual Report required under Section 339 of the Local Government Act concerning the contractual conditions of Council's senior staff be noted.

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CITY PLANNING

Item: 145 CP - Community Sponsorship Program - 2013/2014 - Round 1 - (96328, 95498)

MOTION:

RESOLVED on the motion of Councillor Porter, seconded by Councillor Rasmussen.

Refer to RESOLUTION

227 RESOLUTION:

RESOLVED on the motion of Councillor Porter, seconded by Councillor Rasmussen.

That Council:

1. Approve payments of Section 356 Financial Assistance to the organisations and individuals listed, and at the level recommended in Table 1 of this report.
2. Note that the required Sponsorship Agreements for Applicants 1 through 11 have been previously executed to provide for the continuation of funding for these proposals.
3. Approve the execution of Council's standard Sponsorship Agreement for the applications 12, 13, 19 and 25 identified in Table 1 of this report.

Item: 146 CP - Hawkesbury Youth Committee - (95498, 96328)

Previous Item: 289, Ordinary (9 October 2012)

MOTION:

RESOLVED on the motion of Councillor Porter, seconded by Councillor Rasmussen.

Refer to RESOLUTION

228 RESOLUTION:

RESOLVED on the motion of Councillor Porter, seconded by Councillor Rasmussen.

That the information be received.

INFRASTRUCTURE SERVICES

Item: 149 **IS - Sydney Blues and Roots Festival 2013 - (95495, 79354)**

MOTION:

RESOLVED on the motion of Councillor Porter, seconded by Councillor Rasmussen.

Refer to RESOLUTION

229 RESOLUTION:

RESOLVED on the motion of Councillor Porter, seconded by Councillor Rasmussen.

That:

1. Approval be granted to Sydney Blues and Roots Festival for "Exclusive Use" of Holland's Paddock as identified in their application for 25, 26 and 27 October 2013.
2. The approval be subject to the following conditions/documents:
 - a) Council's general park conditions.
 - b) Council's Fees and Charges.
 - c) The Windsor Foreshore Plan of Management.
 - d) Approval of a Traffic Management Plan as part of the Special Event Application, if required.
3. Alcohol usage on the site, be subject to the following conditions that are required to be complied with by the Event Organiser:
 - a) The licensed premises adhere to any other requirements of the NSW Police Service and relevant authorities in relation to the service of alcohol within those areas. A limited licence, if not already held, must be applied for and granted by the Casino, Liquor and Gaming Control Authority for Holland's Paddock.
 - b) No alcohol is to be removed from within any fenced area.
 - c) No glass is permitted within the fenced of area.
 - d) Uniformed licensed security guards to remain at the entrances and exits to ensure no persons leave the area with alcohol.
 - e) Uniformed licensed security guards to patrol within the fenced areas to ensure there is no intoxication or anti-social behaviour.
 - f) A limit of 1,200 patrons are to be allowed in the fenced area of Holland's Paddock.
4. The fee for the exclusive use of Holland's Paddock for the 2013 Sydney Blues and Roots Festival be waived (including set up and removal days).

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Item: 150 **IS - LED Street Lighting - (95495)**

Previous Item: NM1, Ordinary (9 April 2013)

MOTION:

RESOLVED on the motion of Councillor Porter, seconded by Councillor Rasmussen.

Refer to RESOLUTION

230 RESOLUTION:

RESOLVED on the motion of Councillor Porter, seconded by Councillor Rasmussen.

That:

1. The information contained in the report on The Community Energy Efficiency Program be received.
2. WSROC be provided with the statement "Western Sydney Regional Organisation of Councils Ltd has the legal authority to deal with the Department of Energy, Resources and Tourism on behalf of Hawkesbury City Council in relation to all aspects of the funding agreement".
3. Council make budget provision in the 2014/2015 budget to undertake these works.
4. Further reports be submitted to Council on the outcome of the tender processes for the supply, installation and the ongoing maintenance of the lights.

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SUPPORT SERVICES

Item: 152 **SS - Monthly Investments Report - June 2013 - (96332, 95496)**

Previous Item: 144, Ordinary (29 June 2010)

MOTION:

RESOLVED on the motion of Councillor Porter, seconded by Councillor Rasmussen.

Refer to RESOLUTION

231 RESOLUTION:

RESOLVED on the motion of Councillor Porter, seconded by Councillor Rasmussen.

The report regarding the monthly investments for June 2013 be received and noted.

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NOTICES OF MOTION

NM5 - Development Control Plan for Wet Lands - (79351, 80106)

Ms Robin Woods and Mr Keith Brandwood, proponents, addressed Council.

MOTION:

RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Conolly.

Refer to RESOLUTION

232 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Conolly.

That following the completion of the Estuary Management Study and recommendations, a report be prepared for consideration by Council on the feasibility of developing a Development Control Plan (DCP) for wetlands throughout the Local Government Area. The report is to include consideration of the recommended actions and priorities of the Estuary Management work and the available funding for the DCP preparation.

NM6 - Security Guard at Council Meetings - (79351, 80104)

233 RESOLUTION:

RESOLVED on a procedural motion of Councillor Conolly, seconded by Councillor Reardon.

That NM6 - Security Guard at Council Meetings, be moved to Confidential session as the matter is to be dealt with pursuant to Section 10A(2)(a) of the Act as it relates to personnel matters concerning particular individuals (other than councillors).

In accordance with the provisions of Section 11(2) & (3) of the Local Government Act, 1993, the reports, correspondence and other relevant documentation relating to this matter are to be withheld from the press and public.

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Reports for Determination

CITY PLANNING

Item: 141 **CP - DA0074/13 - 43 Collith Avenue, South Windsor - Lot 17 DP 250818 - Fit out of Structure Ancillary to a Dwelling to Support a Home Industry - Liquor Production - (95496, 126559)**

Mr Ralph Harlander, respondent, addressed Council.

MOTION:

RESOLVED on the motion of Councillor Paine, seconded by Councillor Rasmussen.

Refer to RESOLUTION

234 RESOLUTION:

RESOLVED on the motion of Councillor Paine, seconded by Councillor Rasmussen.

That development application DA0074/13 at Lot 17 DP 250818, 43 Collith Avenue South Windsor for the fit out of structure ancillary to a dwelling to support a Home Industry – Liquor production be refused for the following reasons:

1. The development application contains insufficient information to carry out a proper assessment of the likely impacts of the proposed development in terms of Section 79C of the Environmental Planning and Assessment Act, 1979. In particular insufficient information has been submitted concerning the suitability of the existing structure for the proposed use.
2. The development fails to satisfy the objectives of the R2 Low Density Residential zone of Hawkesbury Local Environmental Plan 2012.
3. The proposed development does not comply with the fire safety provisions of the National Construction Code - Building Code of Australia.
4. The development application does not demonstrate that future development of the land will not unreasonably impact on adjoining properties.
5. The proposed development has the potential to have an adverse impact on the amenity of residents in the immediate locality.
6. Approval would not be in the general public interest.

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In accordance with Section 375A of the Local Government Act 1993 a division is required to be called whenever a planning decision is put at a council or committee meeting. Accordingly, the Chairperson called for a division in respect of the motion, the results of which were as follows:

For the Motion	Against the Motion
Councillor Calvert	NIL
Councillor Conolly	
Councillor Creed	
Councillor Ford	
Councillor Mackay	
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Tree	
Councillor Williams	

Councillor Lyons-Buckett was not in the Chamber when the vote was taken.

Item: 143 **CP - DA0120/13 - 6 Kirra Place, Wilberforce - Lot 30 DP 253767 - Subdivision - Two Lot Torrens Title - (95498, 102260)**

Ms Kerrie McLuckie, respondent, addressed Council.

MOTION:

RESOLVED on the motion of Councillor Tree, seconded by Councillor Conolly.

Refer to RESOLUTION

235 RESOLUTION:

RESOLVED on the motion of Councillor Tree, seconded by Councillor Conolly.

That the matter be deferred until a site inspection is undertaken.

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In accordance with Section 375A of the Local Government Act 1993 a division is required to be called whenever a planning decision is put at a council or committee meeting. Accordingly, the Chairperson called for a division in respect of the motion, the results of which were as follows:

For the Motion	Against the Motion
Councillor Calvert	NIL
Councillor Conolly	
Councillor Creed	
Councillor Ford	
Councillor Lyons-Buckett	
Councillor Mackay	
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Tree	
Councillor Williams	

Item: 144 **CP - Planning Proposal - Amendment to Hawkesbury Local Environmental Plan 2012 - 1442 and 1442A Kurmond Road, Kurmond - (95498)**

Previous Item: 10, Ordinary (5 February 2013)

Mr Glen Falson, proponent, addressed Council.
Mr Michael Want, respondent, addressed Council.

MOTION:

A MOTION was moved by Councillor Paine, seconded by Councillor Calvert.

That the matter be deferred until staff have had time to discuss the matter with Local State Members of Parliament regarding traffic problems and development west of the River.

An AMENDMENT was moved by Councillor Conolly, seconded by Councillor Tree.

Refer to RESOLUTION

ORDINARY MEETING

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In accordance with Section 375A of the Local Government Act 1993 a division is required to be called whenever a planning decision is put at a council or committee meeting. Accordingly, the Chairperson called for a division in respect of the amendment, the results of which were as follows:

For the Amendment	Against the Amendment
Councillor Conolly	Councillor Calvert
Councillor Creed	Councillor Lyons-Buckett
Councillor Ford	Councillor Paine
Councillor Mackay	Councillor Rasmussen
Councillor Porter	Councillor Williams
Councillor Reardon	
Councillor Tree	

The amendment was carried.

The amendment then became the motion which was put and carried.

236 RESOLUTION:

RESOLVED on the amendment of Councillor Conolly, seconded by Councillor Tree.

That:

1. Council support the preparation of a planning proposal for the land comprising of Lot 104 and 105 DP 1051618, 1442 and 1442A Kurmond Road, Kurmond to allow development of the land for large lot residential development.
2. Subject to further consideration by the applicant and Council staff of matters relating to on-site effluent disposal, impact on Cumberland Plain Woodland, and avoidance of steep sloping land the planning proposal include suitable provisions relating to minimum lot size and, if required, a maximum number of lots.
3. The planning proposal be forwarded to the Department of Planning and Infrastructure for a "Gateway" determination.
4. The Department of Planning and Infrastructure be advised that Council wishes to request a Written Authorisation to Exercise Delegation to make the Plan.
5. If the Department of Planning and Infrastructure determines that the planning proposal is to proceed, Council commence the preparation of a Section 94 Contributions Plan for the vicinity of Kurmond to ensure that all proposed developments in the locality contribute to the required infrastructure, especially road upgrade and provision, in the locality. Alternatively the applicant and Council can commence Voluntary Planning Agreement negotiations to address this issue.
6. The Department of Planning and Infrastructure and the applicant be advised that in addition to all other relevant planning considerations being addressed, final Council support for the proposal will only be given if Council is satisfied that satisfactory progress, either completion of the Section 94 Developer Contributions Plan or a Voluntary Planning Agreement, has been made towards resolving infrastructure provision for this planning proposal.

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In accordance with Section 375A of the Local Government Act 1993 a division is required to be called whenever a planning decision is put at a council or committee meeting. Accordingly, the Chairperson called for a division in respect of the motion, the results of which were as follows:

For the Motion	Against the Motion
Councillor Conolly	Councillor Calvert
Councillor Creed	Councillor Lyons-Buckett
Councillor Ford	Councillor Paine
Councillor Mackay	Councillor Rasmussen
Councillor Porter	Councillor Williams
Councillor Reardon	
Councillor Tree	

Item: 148 CP - Homeless People in Public Spaces - (95498, 96328)

Previous Item: NM1, Ordinary, (13 July 2010)

Ms Nicole Ryan, proponent, addressed Council.

Councillor Paine declared a less than significant non-pecuniary conflict of interest in this matter as her daughter lives near McQuade Park and no further action is required.

237 RESOLUTION:

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Reardon that the meeting continue past 11:00pm and at the conclusion of Item 148 in the Business Paper, the meeting be adjourned to Tuesday, 6 August 2013 at 6:30pm.

MOTION:

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Tree.

Refer to RESOLUTION

238 RESOLUTION:

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Tree.

That the matter be deferred to the next Councillor Briefing Session.

In accordance with Council's earlier resolution at the conclusion of this item the meeting adjourned at 11:20pm.

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Continuation of the Ordinary Meeting reconvened at the Council Chambers, Windsor, which was adjourned at 11:20pm and resumed at 6:30pm on Tuesday, 6 August 2013.

ATTENDANCE

PRESENT: Councillor K Ford, Mayor, Councillor T Tree, Deputy Mayor and Councillors B Calvert, P Conolly, M Creed, M Lyons-Buckett, W Mackay, C Paine, B Porter and J Reardon

ALSO PRESENT: General Manager - Peter Jackson, Director City Planning - Matt Owens, Director Infrastructure Services - Jeff Organ, Director Support Services - Laurie Mifsud, Manager Corporate Services and Governance - Abbey Rouse and Administrative Support Team Leader - Bianca James.

APOLOGIES

Apologies for absence were received from Councillors Rasmussen and Williams on resumption of the meeting.

Councillor Mackay arrived at the meeting at 6:32pm.

Councillor Tree arrived at the meeting at 6:48pm.

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NOTICES OF MOTION

NM1 - Midnight Basketball Program - South Windsor Indoor Sports Stadium - (79351, 11627)

MOTION:

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Reardon.

Refer to RESOLUTION

239 RESOLUTION:

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Reardon.

That in consultation with the YMCA and the Hawkesbury Basketball Association, a report be submitted to a future meeting of Council regarding the possible establishment of a Midnight Basketball Program at Council's South Windsor Indoor Sports Stadium.

NM4 - Review of Council's Section 94A Plan - (79351, 125610)

MOTION:

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Creed.

Refer to RESOLUTION

240 RESOLUTION:

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Creed.

That the report regarding the review of Council's Section 94A plan should include options to provide for an exemption for knock-down rebuilds of single dwellings.

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Reports for Determination

GENERAL MANAGER

Item: 140 **GM - Constitutional Recognition of Local Government - Local Government
Referendum Campaign - (79351)**

Previous Item: 230, Ordinary (11 October 2012)
 124, Ordinary (28 June 2011)

MOTION:

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Mackay.

Refer to RESOLUTION

241 RESOLUTION:

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Mackay.

That the information be received.

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CITY PLANNING

Item: 142 CP - DA0116/13 - 51 Pebbly Hill Road, Maraylya - Lot 2 DP 575960 - Fit Out of Structure Ancillary to a Dwelling to Support a Home Industry - Food Production - (95498, 117042, 117041, 117046, 117046)

MOTION:

RESOLVED on the motion of Councillor Paine, seconded by Councillor Conolly.

Refer to RESOLUTION

242 RESOLUTION:

RESOLVED on the motion of Councillor Paine, seconded by Councillor Conolly.

That development application DA0116/13 at Lot 2 DP 575960, 51 Pebbly Hill Road, Maraylya for the Fit out of structure ancillary to a dwelling to support a Home Industry – Food production be approved subject to the following conditions:

General Conditions

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
3. The building shall not be used or re-occupied as a Home Industry prior to the issue of an appropriate Occupation Certificate.
4. The development shall comply with the provisions of the National Construction Code - Building Code of Australia.

In this regard, In accordance with Clause 93 of the Environmental Planning and Assessment regulation, the building shall be upgraded to comply with the Category 1 fire safety provisions as defined with the regulation as are applicable to the building's proposed use.

Details must be submitted to the certifying authority for approval prior to issue of the construction certificate.

5. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within seven days of issuing the certificate. A registration fee applies.

Prior to Commencement of Works

6. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.
7. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
 - (a) Unauthorised access to the site is prohibited.
 - (b) The owner of the site.

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- (c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
 - (d) The name and contact number of the Principal Certifying Authority.
8. The applicant shall advise Council of the name, address and contact number of the principal certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1979.
9. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.

During Construction

10. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am – 6pm and on Saturdays between 8am – 4pm.
11. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
- (a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - (b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
 - (c) Builders waste must not be burnt or buried on site. All waste must be contained and removed to a Waste Disposal Depot.
12. Provision shall be made for access to the buildings with adequate aids provided for those with disabilities (i.e. mobility, hearing, site impaired) in accordance with the Discrimination Against People with Disabilities Act (DDA), Building Code of Australia and Council's Access Policy.
13. Roof stormwater and ground surface water must be conveyed away from the building and into an approved method of disposal so as to ensure the existing building is weatherproof.
14. The food premises are to comply with AS4674-2004 – Design, construction and fit-out of food premises and Hawkesbury City Council's *Food Premises Fit Out Code*.
15. The premises shall be fitted with adequate hand washing facilities for the preparation of food. Hand washing basins are required in addition to other basins and sinks in any toilet, and in any food preparation area. Where separate additional food preparation areas are provided, an additional hand washing basin is needed. Hand washing basins are required;
- (a) to be fitted with hand's free taps such as knee or foot operated devices;
 - (b) with hot and cold running potable water;
 - (c) with a common spout delivering water of at least 40° Centigrade.
 - (d) to be easily accessible at all times.
16. The range hood / mechanical ventilation system is to comply with *AS/NZS 1668 – The use of mechanical ventilation in buildings*.

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17. A cleaner's or sluice sink is to be provided and located outside the areas where open food is prepared / handled.
18. Ceilings throughout the premises are to be solid and are to comply with section 4.0 of Hawkesbury City Council's *Food Premises Fit Out Code*. "Drop in" ceiling panels are not permitted over food preparation or food storage areas.

Prior to issue of an occupation certificate

19. The food premises is required to be registered with the Appropriate Regulatory Authority and have inspections conducted by Officers as necessary/required. These premises are required to comply with the Food Act 2003, associated Regulations, and the Food Safety Standards 3.2.2 and 3.2.3. These are available on line at www.foodstandards.gov.au
20. Prior to requesting an interim occupation certificate the owner/agent shall certify that each of the essential fire safety measures for the development:
 - (a) has been installed and assessed by a properly qualified person, and
 - (b) was found, when it was assessed, to be capable of performing to at least the standard required by the current fire safety schedule for the building for which the certificate is issued.

A copy of the Fire Safety Certificate to be completed is available from Council.

This Certificate cannot be signed by persons who inspected and/or tested the installed services.

A copy of the Initial Certificate and the Annual Certificate, together with the relevant Fire Safety Schedule must be forwarded to the Council and the Commissioner of the New South Wales Fire Brigades. A copy of this Certificate, together with the relevant Fire Safety Schedule must be prominently displayed in the building.

Use of the Development

21. Operating hours shall be limited to 8 am to 6 pm Monday's to Friday's and 8 am – 12 Midday on Saturday's.
22. The home industry shall not:
 - (a) Involve the employment of more than 2 persons other than those residents,
 - (b) Interfere with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise,
 - (c) Involve the exhibition of any signage (other than a business identification sign),
 - (d) Involve the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building.
23. The development shall be limited to the area shown on the submitted plans and no internal or external alterations shall be carried out without prior approval of Council.
24. All fire safety equipment and fixtures shall be regularly serviced and maintained. The owner or their agent shall certify annually that each of the fire safety measures specified in this statement has:
 - (a) been assessed by a properly qualified person, and
 - (b) found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the certificate is issued.

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25. Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour) or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
26. All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
27. The sewage management facility servicing the development must be operated in accordance with the relevant operating specifications and procedures for the component facilities, and so as to allow disposal of treated sewage in an environmentally safe and sanitary manner (Local Government [General] Regulation 2005).
28. Any external lighting shall be directed in such a manner so that no nuisance is caused to adjoining properties or to drivers on surrounding streets.
29. All work and the storage of goods or materials shall be confined within the building or approved areas at all times.

Advisory Notes

- *** The proposed use of the building is considered principally as a Class 8 building (manufacturing of goods for sale) under the Building Code of Australia and as such the existing building would be required to be upgraded.
- *** The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.
- *** The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed subdivision. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.
- *** In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, the Appropriate Regulatory Authority is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.
- *** The applicant is advised to consult with the relevant:
 - (a) Water and sewer provider
 - (b) Electricity provider
 - (c) Natural gas provider
 - (d) Telecommunications carrier
 - (e) Road authority

Regarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public roads.

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In accordance with Section 375A of the Local Government Act 1993 a division is required to be called whenever a planning decision is put at a council or committee meeting. Accordingly, the Chairperson called for a division in respect of the motion, the results of which were as follows:

For the Motion	Against the Motion
Councillor Calvert	NIL
Councillor Conolly	
Councillor Creed	
Councillor Ford	
Councillor Lyons-Buckett	
Councillor Mackay	
Councillor Paine	
Councillor Porter	
Councillor Reardon	

Councillor Rasmussen, Tree and Mackay were absent from the meeting.

Item: 147 **CP - Hawkesbury Homelessness Workshop - (95498, 96328)**

Previous Item: NM1, Ordinary (30 April 2011)

MOTION:

RESOLVED on the motion of Councillor Calvert, seconded by Councillor Lyons-Buckett.

Refer to RESOLUTION

243 RESOLUTION:

RESOLVED on the motion of Councillor Calvert, seconded by Councillor Lyons-Buckett.

That:

1. The recommendations of the Hawkesbury Homelessness Forum held on 26 June 2013 be received.
2. Council to approach the Hawkesbury Housing Forum to discuss the establishment of an inter-agency working group to undertake the task of preparing a draft Homelessness Action Plan to give effect to the workshop recommendations.
3. The draft Homelessness Action Plan to be referred to the Human Services Advisory Committee prior to its reporting to Council for public exhibition.

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INFRASTRUCTURE SERVICES

Item: 151 **IS - Proposed Closure of Mt Irvine Road, Bilpin - (95495)**

Previous Item: 5, Ordinary (5 February 2010)
 43, General Purpose Committee (24 September 2002)
 2, General Purpose Committee (26 March 1991)
 10, General Purpose Committee (25 September 1990)

MOTION:

RESOLVED on the motion of Councillor Paine, seconded by Councillor Lyons-Buckett.

Refer to RESOLUTION

244 RESOLUTION:

RESOLVED on the motion of Councillor Paine, seconded by Councillor Lyons-Buckett.

That:

1. Council withdraw the application for road closure for Mt Irvine Road, noting that the road remains physically closed to traffic.
2. Blue Mountains City Council be advised of the withdrawal of the application and that a joint approach be made to the NSW Government seeking financial assistance to reinstate the road and bridge.
3. Those persons and organisations that made submissions be advised of the withdrawal of the application.

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MINUTES: 30 July 2013

CONFIDENTIAL REPORTS

245 RESOLUTION:

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Reardon.

That the Confidential Items be moved to the end of the business paper to be dealt with last.

246 RESOLUTION:

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Porter.

That:

1. The Council meeting be closed to deal with confidential matters and in accordance with Section 10A of the Local Government Act, 1993, members of the Press and the public be excluded from the Council Chambers during consideration of the following items:

NM6 - Security Guard at Council Meeting - (79351, 80104)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(a) of the Local Government Act, 1993 as it relates to personnel matters concerning particular individuals (other than councillors).*

Item: 153 GM - Review of Council's Organisational Structure - Section 333, Local Government Act 1993 - (79351) CONFIDENTIAL

*This report is **CONFIDENTIAL** in accordance with Section 10A(2) (a) of the Local Government Act, 1993 as it relates to personnel matters concerning particular individuals (other than councillors).*

Item: 154 IS - Tender No.00928 - Design, Supply, Delivery, Installation and Operation of Landfill Gas Extraction Flaring System - Hawkesbury City Waste Management Facility - (95495, 112179) CONFIDENTIAL

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it relates to details concerning tenders for the supply of goods and/or services to Council and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the Council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

Item: 155 SS - Property Matter - Lease to WJ Edwards Pty Limited - 37 Macquarie Street, Windsor (112106, 25587, 95496) CONFIDENTIAL

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it relates to details concerning the leasing of a Council property and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the Council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

2. In accordance with the provisions of Section 11(2) & (3) of the Local Government Act, 1993 the reports, correspondence and other relevant documentation relating to these matters be withheld from the Press and public.

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The Mayor asked for representation from members of the public as to why Council should not go into closed Council to deal with these confidential matters.

There was no response, therefore, the Press and the public left the Council Chambers.

247 RESOLUTION:

RESOLVED on the motion of Councillor Mackay, seconded by Councillor Reardon that open meeting be resumed.

NM6 - Security Guard at Council Meetings - (79351, 80104)

The General Manager advised that whilst in closed session, Councillor Paine withdrew the Notice of Motion as reported in the Business Paper.

Item: 153 GM - Review of Council's Organisational Structure - Section 333, Local Government Act 1993 - (79351) CONFIDENTIAL

MOTION:

The General Manager advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Mackay, seconded by Councillor Conolly.

Refer to RESOLUTION

248 RESOLUTION:

The General Manager advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Mackay, seconded by Councillor Conolly.

That:

1. Council adopt the recommendations made by the consultant as a result of the review of the City Planning Division as detailed in the report and the General Manager proceed with the implementation of those recommendations and report to Council on the progress of implementation on a regular basis.
2. Having reviewed the Council's Organisational Structure as required by Section 333 of the Local Government Act, 1993 Council adopt the proposed Organisational Structure as detailed in Attachment 2 to the report.

ORDINARY MEETING

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Item: 154 **IS - Tender No.00928 - Design, Supply, Delivery, Installation and Operation of Landfill Gas Extraction Flaring System - Hawkesbury City Waste Management Facility - (95495, 112179) CONFIDENTIAL**

MOTION:

The General Manager advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Conolly, seconded by Councillor Creed.

Refer to RESOLUTION

249 RESOLUTION:

The General Manager advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Conolly, seconded by Councillor Creed.

That:

1. The conforming tender submitted by Landfill Gas Industries Pty Ltd in the amount of \$522,000.00 (GST exclusive) for the Design, Supply, Delivery, Installation of Landfill Gas Extraction Flaring System - Hawkesbury City Waste Management Facility and operation for a period of one year be accepted subject to obtaining all statutory approvals
2. The Seal of Council be affixed to the necessary documentation.

Item: 155 **SS - Property Matter - Lease to WJ Edwards Pty Limited - 37 Macquarie Street, Windsor (112106, 25587, 95496) CONFIDENTIAL**

MOTION:

The General Manager advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Porter, seconded by Councillor Mackay.

Refer to RESOLUTION

ORDINARY MEETING

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250 RESOLUTION:

The General Manager advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Porter, seconded by Councillor Mackay.

That:

1. Council, as the property owner, as distinct from the "Consent Authority", agree to enter into a new lease for 37 Macquarie Street, Windsor with Wayne and Jennifer Edwards, trading as WJ Edwards Pty Limited, in accordance with the proposal outlined in the report, and subject to Development Consent being granted.
2. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.
3. Details of Council's resolution be conveyed to the proposed Lessees, together with the advice that Council is not, and will not, be bound by the terms of its resolution until such time as appropriate legal documentation to put such resolution into effect has been agreed to and executed by all parties.

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SUPPLEMENTARY REPORTS

Item: 156 GM - Australian Smart Lighting Summit 2013 - (79351)

MOTION:

RESOLVED on the motion of Councillor Lyons-Buckett, seconded by Councillor Conolly.

Refer to RESOLUTION

251 RESOLUTION:

RESOLVED on the motion of Councillor Lyons-Buckett, seconded by Councillor Conolly.

That the information be received.

SECTION 5 - Reports of Committees

ROC - Floodplain Risk Management Advisory Committee - 3 June 2013 - (86589)

252 RESOLUTION:

RESOLVED on the motion of Councillor Porter, seconded by Councillor Conolly.

That:

1. The minutes of the Floodplain Risk Management Committee held on 3 June 2013 as recorded on pages 137 to 144 of the Ordinary Business Paper be received.
2. Clarification be provided with regards to the LEP and Council's Floodplain Policy regarding access and egress, and a member of the Insurance Council of Australia be invited to address Council at a future Briefing Session regarding this and issues of rising insurance premiums for flood coverage.

ROC - Waste Management Advisory Committee - 12 June 2013 - (95249)

253 RESOLUTION:

RESOLVED on the motion of Councillor Reardon, seconded by Councillor Creed.

That the minutes of the Waste Management Advisory Committee held on 12 June 2013 as recorded on pages 145 to 150 of the Ordinary Business Paper be received.

ROC - Local Traffic Committee - 8 July 2013 - (80245)

254 RESOLUTION:

RESOLVED on the motion of Councillor Ford, seconded by Councillor Creed.

That the minutes of the Local Traffic Committee held on 8 July 2013 as recorded on pages 151 to 164 of the Ordinary Business Paper be adopted.

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ROC - Human Services Advisory Committee - 11 July 2013 - (123486)

255 RESOLUTION:

RESOLVED on the motion of Councillor Calvert, seconded by Councillor Reardon.

That the minutes of the Human Services Advisory Committee held on 11 July 2013 as recorded on pages 165 to 168 of the Ordinary Business Paper be received.

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QUESTIONS FOR NEXT MEETING

Councillors Questions from Previous Meetings and Responses - (79351)

Responses to Questions in relation to previous Questions for Next Meeting were provided and discussed.

ORDINARY MEETING**MINUTES: 30 July 2013****QUESTIONS FOR NEXT MEETING**

#	Councillor	Question	Response
1	Reardon	Asked if signs could be posted in Pughs Lagoon, Smith Park on the approach from Francis Street stating that it was the watering place for the town and that Francis Street was the principle exit route for travelling west.	Director Infrastructure Services
2	Lyons-Buckett	Asked if Council could write to the State Government outlining the importance of the Demonstration and Research Farm at the University of Western Sydney and the reasons why they intend to close the facility.	General Manager
3	Lyons-Buckett	Asked if Council had received any complaints regarding the mushroom composting factory at Mulgrave.	Director City Planning
4	Paine	Asked if residents could be better informed that it is illegal to block the footpath whilst parked in a driveway.	Director City Planning
5	Paine	Requested clarification with regard to legislative changes for water carters and their responsibilities in relation to equipment.	Director Infrastructure Services
6	Paine	Asked what the current and future status of the Toll House is, near Windsor Bridge.	Director Infrastructure Services
7	Paine	Requested Council write to the Members for Parliament regarding the closure of Windsor Court House.	General Manager
8	Calvert	Asked if Council could write to Fairfield Council requesting their feedback in relation to a recent trial they conducted in which Taxis were able to pick up/ set down in Bus Zones.	Director Infrastructure Services
9	Porter	Asked when the Estuary Management Study will be completed.	Director City Planning

The meeting terminated at 7:51pm.

Submitted to and confirmed at the Ordinary meeting held on 13 August 2013.