



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 08 July 2008

location: council chambers

time: 5:00 p.m.

ORDINARY MEETING

MINUTES: 8 July 2008

MINUTES

- **WELCOME / EXPLANATIONS / PRAYER**
- **APOLOGIES**
- **DECLARATION OF INTERESTS**
- **SECTION 1 - Confirmation of Minutes**
- **MINUTES ITEMS SUBJECT TO PUBLIC ADDRESS**
- **SECTION 2 - Mayoral Minutes**
- **QUESTIONS WITH NOTICE**
- **SECTION 3 - Notices of Motion**
- **EXCEPTION REPORT - Adoption of Items Not Identified for Discussion and Decision**
- **SECTION 4 - Reports for Determination**

General Manager

City Planning

Infrastructure Services

Support Services

- **SECTION 5 - Reports of Committees**
- **QUESTIONS WITHOUT NOTICE**

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 8 July 2008, commencing at 5.00pm.

Rev Ruth Mahaffey of St John's Anglican Church Wilberforce, representing the Hawkesbury Minister's Association, gave the opening prayer at the commencement of the meeting.

ATTENDANCE

PRESENT: Councillor B Bassett, Mayor, Councillor T Books, Deputy Mayor and Councillors B Calvert, K Conolly, T Devine, D Finch, C Paine, B Porter, P Rasmussen, R Stubbs, N Wearne and L Williams

ALSO PRESENT: General Manager - Peter Jackson, Director City Planning - Matt Owens, Director Infrastructure Services - Chris Daley, Director Support Services - Laurie Mifsud, Manager Corporate Services and Governance - Fausto Sut, Executive Manager - Community Partnerships - Joseph Litwin and Administrative Support Team Leader - Amy Dutch.

SECTION 1: Confirmation of Minutes

214 RESOLUTION:

RESOLVED on the motion of Councillor Books and seconded by Councillor Finch that the Minutes of the Special Meeting held on the 23 June 2008, be confirmed.

215 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Books that the Minutes of the Ordinary Meeting held on the 24 June 2008, be confirmed.

SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 138 GM - Department of Local Government - Revised Model Code of Conduct for Local Councils in NSW - (79351, 79385)

MOTION:

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

Refer to RESOLUTION

216 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Finch

That:

1. The information concerning Circular No. 08-38 from the Department of Local Government regarding the "Revised Model Code of Conduct for Local Councils in NSW" be noted.
2. Council adopt the "Revised Model Code of Conduct for Local Councils in NSW" as the Council's Code of Conduct subject to the addition of the following clause to Section 8 - Personal Benefit:

"8.9 In considering issues of personal benefit raised in this section Council has adopted a Policy titled "Gifts and Benefits Policy - Guidelines for Councillors and Staff" which supplements these provisions and should be referred to for further guidance and assistance in this regard".

And the procedures noted in part 4 of this resolution.

3. A copy of the Council's Code of Conduct as now adopted be provided to all Councillors, Staff and delegates.
4. Council approach Penrith, Blacktown and Baulkham Hills Councils regarding the possible establishment of a "joint panel" of Reviewers for use in association with the new Model Code of Conduct as suggested in this report and Council's procedures provide that in choosing reviewers from a joint panel Council would only choose reviewers whose appointment was made by the other Councils, and not its own appointments.
5. In the event of a joint approach being agreed upon as a result of 4 above, the General Manager be authorised to call for Expressions of Interest for further consideration by Council together with other related matters.

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Item: 139 GM - 11th International RiverSymposium 1- 4 September 2008 - (79351)

MOTION:

RESOLVED on the motion of Councillor Williams, seconded by Councillor Devine.

Refer to RESOLUTION

217 RESOLUTION:

RESOLVED on the motion of Councillor Williams, seconded by Councillor Devine

That:

1. Councillors not attend the 11th International Riversymposium.
2. Attendance of staff at the 11th International Riversymposium be approved as considered appropriate by the General Manager.

Item: 140 GM - Local Government and Shires Association of NSW 2008 Water Management Conference, 13-15 August, 2008 - (79351)

MOTION:

RESOLVED on the motion of Councillor Williams, seconded by Councillor Devine.

Refer to RESOLUTION

218 RESOLUTION:

RESOLVED on the motion of Councillor Williams, seconded by Councillor Devine

That:

1. Councillors not attend the Local Government and Shires Association of NSW 2008 Water Management Conference.
2. Attendance of staff at the Local Government and Shires Association of NSW 2008 Water Management Conference be approved as considered appropriate by the General Manager.

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CITY PLANNING

Item: 141 CP - Development Application - Construction of a New Shed for Bulk Pasteurisation and Spawn Rooms - Lot 8 DP263911, 457 Pitt Town-Dural Road, Maraylya - (DA0200/07, 83102, 24525, 95498)

Mr Graham Zerk and Mr Michael Hill, proponents, addressed Council.
Mr Richard Cox and Ms Colleen Carrington, respondents, addressed Council.

MOTION:

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

Refer to RESOLUTION

219 RESOLUTION:

RESOLVED on the motion of Councillor Books, seconded by Councillor Rasmussen

That Development Application DA0200/07 for the construction of a new shed to be used in conjunction with the existing mushroom growing business at Lot 8 DP 263911, 457 Pitt Town Dural Road, Maraylya 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 approved use shall not commence until all conditions of this Development Consent have been complied with.
4. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
5. The development shall comply with the provisions of the Building Code of Australia at all times.
6. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within seven days of issuing the certificate. A registration fee applies.
7. All vegetative debris (including felled trees) resulting from the approved clearing of the site for construction, is to be chipped or mulched. Tree trunks are to be recovered for posts, firewood or other appropriate use. No vegetative material is to be disposed of by burning.

Prior to the Issue of the Construction Certificate

8. An Environmental Management and Rehabilitation Plan for the development site shall be prepared by an appropriately qualified person. The Plan shall address (without being limited to) the clearing of vegetation, lopping and removal of trees, earthworks, erosion control, site rehabilitation and landscaping.

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9. All site works shall be carried out in accordance with the Plan. Implementation of the Plan shall be supervised by an appropriately qualified person.
10. Construction of the access, cut and fill and retaining walls are not to commence until three (3) copies of the plans and specifications of the proposed works are submitted to and approved by the Director of Environment and Development or an Accredited Certifier.
11. Payment of a Construction Certificate checking fee of \$280.00 and a Compliance Certificate inspection fee of \$560.00 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2009. Fees required if an Accredited Certifier is used will be provided on request.
12. Pursuant to section 80A(1) of the *Environmental Planning and Assessment Act 1979* and Hawkesbury City Council's Section 94A Development Contributions Plan 2006 (as amended from time to time), a contribution of \$2,745.00 shall be paid to Hawkesbury City Council.

The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of Hawkesbury City Council's Section 94A Development Contributions Plan 2006 (as amended from time to time).

The contribution is to be paid prior to the issue of the construction certificate and copies of receipts(s) confirming that the contribution has been fully paid are to be provided to the certifying authority.

13. A landscape plan, prepared by a suitably qualified person, is to be approved by the Principle Certifying Authority prior to the issue of the Construction Certificate. The plan is to make provision for landscaped screens along the Forrester Place boundary in front of the new shed and additional trees beyond the entrance Gate No 2 along the east-west axis to complement the existing trees. In addition tree planting shall be carried out along the eastern boundary from the dam westward and to Forrester Place in a L shaped fashion. The proposed plant species shall be Australian native with a minimum mature height of 8 metres, are to be specified on the plan. These landscaping works are to be completed prior to the issue of the Occupation Certificate.
14. Retaining walls are to be designed by a suitably qualified and experienced Structural Engineer. Plans certified by a structural engineer are to be submitted with the application for construction certificate.
15. All roofwater and hardstand areas are to be drained to the existing dam on the site. A drainage design is to be submitted with the construction certificate for approval. The plan is to be prepared by a suitably qualified person. The plan is to include adequate scour protection to prevent erosion at the outlet/s.
16. The plans are to be amended in accordance with the recommendations of the Acoustic Report prepared by Acoustic Logic Consultancy Dated 24 June 2008, the external wall and roof shall be constructed with colourbond sandwich material with junctions sealed. The cavity shall be minimum 100mm and filled by 11kg/m³ glasswool insulation. Details are to be submitted with the Construction Certificate.
17. The plans are to be amended in accordance with the recommendations of the Acoustic Report prepared by Acoustic Logic Consultancy Dated 24 June 2008, the air intake of the plant room is to be located on the western façade of the plant room. Details are to be submitted with the Construction Certificate.
18. A waste management plan shall be submitted to and approved by Council. The plan shall address any builder's waste and waste generated during the day to day operation of the development. Particular attention shall be paid to type and quantity of waste, recycling, reuse, storage and disposal.

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Prior to the Commencement of Works

19. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction. The enclosed warning sign shall be affixed to the sediment fence/erosion control device.
20. 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.
21. A copy of receipt of payment of Long Service Levy shall be provided to the Principal Certifying Authority prior to any works commencing on site. Payments can be made at Long Service Corporation offices or most Councils.
22. 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.
23. 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.
24. 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.
 - 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.
25. A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Principal Certifying Authority prior to any works commencing on site.

During Construction

26. All fill to be adequately compacted by track rolling or similar in layers not exceeding 300mm.
27. The cut or fill shall be battered at a slope not exceeding 1 (one) vertical to 4 (four) horizontal, with a height not exceeding 0.5metre.
28. The development shall be completed in accordance with the approved colours and finishes and shall not be altered.
29. Dust control measures, eg vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
30. No trees other than those within 3m the footprint of the building are to be removed without the approval of Council.
31. Vehicle entrances and exits shall be clearly signposted, including street number, and visible from both the street and site at all times.
32. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
33. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.

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34. 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.
35. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
 - a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
 - c) Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
36. Mandatory inspections shall be carried out and Compliance Certificates issued only by Council or an accredited certifier for the following components or construction:

Note: Structural Engineer's Certificates, Drainage Diagrams and Wet Area Installation Certificates are NOT acceptable unless they are from an accredited person.

- (a) commencement of work (including erosion controls, site works and site set out);
 - (b) piers;
 - (c) steel reinforcement prior to pouring concrete;
 - (d) external sewer or stormwater lines, prior to backfilling;
 - (e) framework, after the installation of all plumbing, drainage and electrical fixtures, and after the external cladding and roof covering has been fixed prior to fixing of internal linings and insulation;
 - (f) on completion of the works;
37. All natural and subsurface water-flow shall not be re-directed or concentrated to adjoining properties. Water flows shall follow the original flow direction without increased velocity.
38. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
39. Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the components of construction detailed in Hawkesbury Development Control Plan Appendix B Civil Works Specification, Part II, Table 1.1.
40. A bitumen sealed rural footway crossing 9m wide shall be constructed to the development in accordance with Hawkesbury Development Control Plan Appendix E, Civil Works Specification.

Prior to Issue of Occupation Certificate

41. Compliance with all conditions of this development consent.
42. Retaining walls are to be certified on completion by a suitably qualified and experienced Structural Engineer.

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43. A water quality management plan for the dam water is to be prepared by a suitably qualified person and submitted to Hawkesbury City Council for approval. The plan should include a testing regime; consider the testing required, and the frequency of the testing. The plan should clearly identify the water quality criteria, and the remedial actions (if any) following an unsatisfactory reading. In order to accommodate consistently good readings, it is suggested that a more relaxed frequency be required where several good readings are experienced.

Prior to Use of the Development

44. No internal or external alterations shall be carried out without prior approval of Council.
45. 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.
46. Operating hours shall be limited to:
- a) Production - Monday to Friday 7.00am to 5.00pm and Saturday 8.00am to 1.00pm
 - b) Collection Gate 1 - 1 per day - Monday to Sunday 3.00pm to 8.00pm
 - c) Picking - Monday to Friday 7.00am to 5.30pm, Saturday and Sunday 7.00am to 4.30pm.
47. Noise generated as a result of the development shall be managed so that the LAeq noise levels, measured at any point in accordance with the NSW DECs' Industrial Noise Source Policy, do not exceed 5dB(A) (LAeq) above background levels (LA90) with respect to noise amenity of nearby properties and associated outdoor areas.
48. Noisy activities such as forklift movements and transport of growing trays should not commence until after 7:00am on a weekday; and after 8:00am on a Sunday or public holiday.
49. The Development shall be conducted so as to avoid unreasonable noise or vibration and cause no unreasonable interference to adjoining or nearby residential areas, particularly from equipment, sound systems and the like. In the event of a noise problem arising, the person in charge of the premises shall when instructed by Hawkesbury City Council, cause to be carried out, an acoustic investigation by an appropriate acoustical consultant and submit the results to Council. If required by Council, the person in charge of the premises shall implement any or all of the recommendations of the consultant and any additional requirements of Council to the satisfaction of Manager Regulatory Services.
50. No advertising signs or structures shall be erected, displayed or affixed on any building or land without prior approval.
51. No advertising signs or structures shall be displayed on the footpaths, pedestrianways, roadways or on any land other than the approved development site.
52. The development shall be limited to the area shown on the submitted plans.
53. The subject development, including landscaping, is to be maintained in a clean and tidy manner.
54. 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.
55. All vehicles being loaded or unloaded shall stand entirely within the property.
56. All vehicles shall be driven in a forward direction at all times when entering and leaving the premises.

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57. All waste materials shall be regularly removed from the property.

Advisory Notes

- The applicant shall make themselves aware of the Discrimination Against People with Disabilities Act (DDA) and assess their responsibilities and liabilities with regards to the provision of access for all people.
- Should any aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.
- The applicant is advised to consult with:
 - (a) Sydney Water Corporation Limited
 - (b) Integral Energy
 - (c) Natural Gas Company
 - (d) a local telecommunications carrier

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.

- 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.
- 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.

Item: 142 **CP - Application for Residential Rezoning - Lot 2 DP237575, 35 Chapel Street, Richmond - (95498)**

Previous Item: 103, Ordinary (27 May 2008)

Mr Michael Vassili and Mr Carl Bazeley, proponents, addressed Council.
Mr Frank Scharfe, respondent, addressed Council.

MOTION:

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

Refer to RESOLUTION

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220 RESOLUTION:

RESOLVED on the motion of Councillor Devine, seconded by Councillor Porter

That:

1. The proposed rezoning of 35 Chapel Street, Richmond for residential purposes not be supported at this time and this land be considered in future land planning strategies.
2. This land be considered further when Council has finalised a residential strategy that is consistent with the North West Subregional Strategy and further work has been undertaken on the Flood Risk Management Plan for the Hawkesbury.

Item: 143 CP - 13 Allotment Community Title Subdivision and Alterations and Additions to Approved Tourist Facility Development - Lot 202 DP1022911, 101-125 Greens Road, Lower Portland - (DA0102/08, 102260, 40203, 95498)

Councillor Devine declared an interest in this matter as he manages a property for Mrs Gilling. He left the meeting and did not take part in voting or discussion on the matter.

Mr Robert Montgomery, proponent, addressed Council.
Mr Frank Scharfe, respondent, addressed Council.

MOTION:

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

Refer to RESOLUTION

An AMENDMENT was moved by Councillor Williams, seconded by Councillor Rasmussen.

That:

1. Consideration of Development Application DA0102/08 be deferred.
2. A further report be submitted with regard to the preparation of an appropriate policy in respect of the development of appropriate tourist facilities in similar situations to the current application and that such report include details of the manner in which other councils deal with the development of tourist related facilities.

The amendment was lost.

The motion was put and carried

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221 RESOLUTION:

RESOLVED on the motion of Councillor Finch, seconded by Councillor Conolly

That:

1. Consideration of Development Application DA0102/08 be deferred.
2. Further to the Department's previous correspondence, the Department of Planning be advised that Council supports, in principal, this particular application and that the Director General be requested to consider granting concurrence to the objection lodged under SEPP No. 1 in respect of the development pursuant to the provisions of Section 79B of the Environmental Planning and Assessment Act 1979.
3. A further report be submitted with regard to the preparation of an appropriate policy in respect of the development of appropriate tourist facilities in similar situations to the current application and that such report include details of the manner in which other councils deal with the development of tourist related facilities.

Item: 144 **CP - Proposed rezoning - Lot 1 DP827148, 234 Richmond Road, Clarendon - (74563, 80951, 95498)**

Previous Item: 113, Ordinary (26 June 2007)

Mr Glenn Falson, proponent, addressed Council.

MOTION:

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

Refer to RESOLUTION

222 RESOLUTION:

RESOLVED on the motion of Councillor Finch, seconded by Councillor Paine

That the draft Local Environmental Plan - Amendment 153 to rezone land at Lot 1 DP827148, 234 Richmond Road, Clarendon be finalised and forwarded to the Minister requesting that the Plan be made.

Item: 145 **CP - Food Premises Penalty Notices – Public Register of Information - (96330)**

MOTION:

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

Refer to RESOLUTION

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223 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Stubbs

That the information be received.

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INFRASTRUCTURE SERVICES

Item: 146 IS - Pitt Town Development Section 64 Contributions - (95495, 87959)

Mr Ian Johnston, proponent, addressed Council.

MOTION:

RESOLVED on the motion of Councillor Finch, seconded by Councillor Books.

Refer to RESOLUTION

224 RESOLUTION:

RESOLVED on the motion of Councillor Finch, seconded by Councillor Books

That the:

1. Request for Council to enter into a works-in-kind agreement for the provision of sewerage services to Pitt Town in lieu of a cash payment for Section 64 costs for that infrastructure be agreed, subject to Council's solicitor being in agreement to the documentation. (The works identified within the agreement include the construction of a new wastewater pumping station at Pitt Town and rising main from Pitt Town to McGraths Hill STP and the upgrade of pump station 'C' at Windsor and construction of a rising main from pump station 'C' to the South Windsor STP.)
2. Seal of Council be affixed to any necessary documentation.

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CONFIDENTIAL REPORTS

225 RESOLUTION:

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

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

226 RESOLUTION:

RESOLVED on the motion of Councillor Stubbs, seconded by Councillor Wearne.

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:

Item: 147 GM - Tender for the Provision of Legal Services (018/FY08)

*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.*

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.

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.

GENERAL MANAGER

**Item: 147 GM - Tender for the Provision of Legal Services (018/FY08) - (79351, 95496, 107)
CONFIDENTIAL**

Previous Item: 16, Ordinary (5 February 2008)

Director Support Services declared an interest in this matter as one of the solicitors that tendered for the provision of legal services has previously acted for him. He left the meeting and did not take part in discussion on the matter.

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MOTION:

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

Refer to RESOLUTION

227 RESOLUTION:

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

That:

1. The tender from Marsdens Law Group be accepted to handle all cases (with the exception of debt recovery, insurance and workers' compensation related matters) with Pike Pike and Fenwick being utilised where Marsdens Law Group have a conflict of interest.
2. The appointments envisaged by 1 above be subject to ongoing matters currently in the hands of other solicitors remaining with these parties, unless alternate arrangements are considered more appropriate by the General Manager.
3. The services of Lindsay Taylor Lawyers be retained specifically in respect of Council's Macquarie Street properties, unless alternate arrangements are considered more appropriate by the General Manager.
4. Authority be given for the contracts in this matter to be executed under the Seal of Council.
5. The unsuccessful tenderers be advised of the successful tenderers and thanked for their submissions.

Councillors Bassett, Conolly, Finch, Rasmussen and Wearne requested that their names be recorded as having voted against the motion.

228 RESOLUTION:

RESOLVED on the motion of Councillor Stubbs, seconded by Councillor Wearne that open meeting be resumed.

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SUPPLEMENTARY REPORTS

MAYORAL MINUTE

MM - Windsor Bridge Replacement - (79353, 95495)

MOTION:

RESOLVED on the motion of Councillor Bassett, Mayor.

Refer to RESOLUTION

229 RESOLUTION:

RESOLVED on the motion of Councillor Bassett, Mayor.

That the State Government through the Minister for Roads and the Member for Riverstone, John Aquilina, be appropriately acknowledged for the quick response to the concerns of the community with the proposal to replace Windsor Bridge and ask the RTA to work with Council in the development of the project and to provide a written timeframe for the development, design and construction of the project.

CITY PLANNING

Item: 148 CP - Progress and Criteria for Preparation of Residential Strategy - (95498)

Previous Item: 91, Ordinary (29 May 2007)

Councillor Conolly declared an interest in this matter as his employer owns land in South Windsor within the area previously identified for potential development. He left the meeting and did not take part in voting or discussion on the matter.

Councillor Devine declared an interest in this matter as he owns land in the South Windsor extension area. He left the meeting and did not take part in voting or discussion on the matter.

MOTION:

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

Refer to RESOLUTION

230 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Wearne

That:

1. Council note that the sustainability criteria contained in the Metropolitan Strategy and the actions contained in the draft North-West Sub-Regional Strategy must be included for implementation in Council's Strategy work.
2. It be noted that the criteria for inclusion into the Residential Strategy, as specified in the "Proposed Broad Local Criteria" of this report is an extension of the Statutory criteria and this be adopted for use in the preparation of the Residential Strategy.
3. The draft Residential Strategy be reported to Council prior to the public exhibition of the draft Strategy.
4. That no additional applications (beyond those already lodged in Council or those in respect of areas previously nominated by Council for urban expansion where existing flood evacuation issues have been resolved eg North Bligh Park) for new residential rezoning matters be processed by Council until the draft Residential Strategy has been completed and endorsed by Council.
5. The issue of urban renewal be integrated into this report.

SECTION 5 - Reports of Committees

ROC - Local Traffic Committee - 18 June 2008 - (80245)

231 RESOLUTION:

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

That the minutes of the Committee held on Local Traffic Committee as recorded on pages 75 to 92 of the Ordinary Business Paper be adopted.

ORDINARY MEETING

MINUTES: 8 July 2008

QUESTIONS WITHOUT NOTICE

1. Councillor Finch referred to the Peel's Dairy site at North Richmond and enquired if any development or rezoning applications had been received for the land.

The Director City Planning advised that no development or rezoning applications have been lodged with Council for the property.

2. Councillor Calvert requested an update on the construction work at the Kurrajong Heights Lookout.

The Director Infrastructure Services advised that the works will be finalised within the next few weeks.

3. Councillor Paine referred to the Zammit Shed on Old Stock Route Road, Oakville and enquired about the total cost to Council.

The General Manager advised that the total cost will be investigated and Councillor Paine will be advised.

4. Councillor Paine referred to Councillor Finch's question regarding Peel's Dairy and enquired if any discussions have been held in recent times regarding the development of the land.

The Director City Planning advised discussions have been held with the owners however no applications have been received.

5. Councillor Paine enquired about the final lots for Pitt Town.

The Director City Planning advised that the final number of lots is 893 with 659 of those being with the Johnson Property Group.

6. Councillor Williams referred to a recent accident on Sackville Road and requested that the road verge be widened to allow enough room for the school bus to pull off the road or for a dedicated bus stop be placed further up the road where the road verge is wider.

The Director Infrastructure Services advised that he will discuss the matter with the bus company.

7. Councillor Williams advised that there is sewerage running along Ski Lodge Road at Lower Portland outside lots 7 and 9 and requested the matter be investigated.

The Director Infrastructure Services advised that the matter will be investigated.

8. Councillor Williams referred to the Waterboard Pumping Station at North Richmond and advised that the Telstra pit on the site is a trip hazard that requires investigation. He also requested Council investigate improving the access to the lane.

The Director Infrastructure Services advised that the matter will be investigated.

9. Councillor Williams referred to the recent overhaul of the Lower Portland Ferry and requested that the 13 week outage time be reduced for future overhauls. He also enquired about the cost of the works.

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MINUTES: 8 July 2008

The Director Infrastructure Services advised that the required outage time relates to the extent of works required and this cannot be determined until the steel sheeting is removed from the timber hull and the required repairs can be assessed. He also advised that details regarding the cost of the overhaul will be provided.

10. Councillor Books requested that the Traffic Committee investigate the triangle shopping centre at Pitt Town and the lack of parking at the site. He suggested that one-way traffic around the island may allow for more parking spaces.

The Mayor advised that the Infrastructure Services Staff will investigate the matter.

11. Councillor Books referred to his question at the previous meeting regarding McKenzies Creek being full of salvinia and enquired if a solution has been found. He also asked if Council can complete any work on the Creek to improve the situation.

The Director City Planning advised that the matter was discussed with a number of landowners and they were advised that they own the land and will need to lodge a development application. Council is unable to complete any work on the Creek as it is in private ownership and owners have not applied for the appropriate approvals to conduct work.

12. Councillor Books enquired if a landowner in Windsor has been fined for removing the tree without approval.

The General Manager advised that a fine has been issued.

13. Councillor Rasmussen enquired if the legal issue relating to Australiana Pioneer Village has been resolved.

The General Manager advised that no proceedings have commenced at present and the caveat has been withdrawn from the property at this point in time.

14. Councillor Devine requested it be noted on record that he had no input into the fine that was issued relating to the tree removal by Mr John Paine.

15. Councillor Devine advised that areas on Drummond Street, Stewart Street and Berger Road are being used as semi-trailer parking lots and enquired what action Council can take to deter this practice. He requested that warnings be given before fines are issued.

The Director Infrastructure Services advised that the owners can be fined under the Roads Act. He advised that the Police will be requested to give warnings prior to issuing fines.

16. Councillor Devine enquired if the issues relating to the resolution of Council for Putland Place have been resolved.

The Director City Planning advised that Compliance Officers have been visiting the site on a regular basis to monitor compliance and are dealing with a number of issues at the site including discharge coming from the back of the shed. He advised that the wall that forms part of the DA for the shed has not yet been constructed however the DA is current for five years and the applicant can act on that anytime within the five years.

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17. Councillor Devine referred to his question at the previous meeting and enquired when the tour of the RAAF Treatment Plant will occur. He also suggested that Council make a request in writing to the RAAF.

Councillor Rasmussen advised that the request has gone to the Department of Defence and when clearances have been checked the tour will take place.

The Mayor advised that the matter will be raised with the Base Commander.

18. Councillor Conolly requested that signs be erected at Bounty and Colonial Reserves in Bligh Park advising that the Bligh Park Soccer Club's home ground is at Berger Road in South Windsor.

The Director Infrastructure Services advised the matter will be investigated.

19. Councillor Devine advised that the sign on the Woods Road end of the Reserve is covered in graffiti and requested that the sign be cleaned or replaced.

The Director Infrastructure Services advised the matter will be investigated.

20. Councillor Porter requested that an inspection be carried out on the Wilberforce Caravan Park to check the state of the Park and the use by permanent residents.

The Director City Planning advised that an inspection will be arranged.

21. Councillor Wearne enquired about St Albans Road.

The Director Infrastructure Services advised that a Geo-Technical expert inspected the site several weeks ago however he was not able to come forth with the report in a timeframe that was suitable to Council. Since this time the contractor has been requested to obtain his own independent report and Council has engaged another Geo-Technical expert who visited the site approximately one week ago and the required report should be received within the next week or so.

The Director Infrastructure Services advised that the payment for the report prepared by the Geo-Technical will come from the funds for the reconstruction of the road.

22. Councillor Conolly referred to the planned duplication of the Quakers Hill to Vineyard railway line and enquired if any consultation has taken place with the residents of Vineyard. He enquired if Council has had any contact from the proponents of the development.

The Director City Planning advised that the Department of Planning, when issuing their Director General requirements, wrote to Council and also held a planning focus group on 11 March with responses required by 15 March. Staff attended the planning focus group and were acting on previous resolutions of Council to push for this work not to effect the North West Sector rail-link and for the duplication to be pushed through to at least Mulgrave.

The proponents are required to consult with Council however this has not been completed to date as they are still preparing their environmental assessment for the work. Very little work will occur on the Hawkesbury side of the development however staff will write to the proponent and request they consult with Council.

23. Councillor Williams referred to Councillor Porter's request to inspect the Wilberforce Caravan Park and enquired about his reasons for the request.

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Councillor Porter advised that caravan parks in the area are under strict restrictions and his observation from the street is that the caravans at the park do not comply. He stated that if there are strict regulations being applied to other caravan parks in the area with permanent residents then they should also apply to the code for the Wilberforce Caravan Park.

The meeting terminated at 10.06pm.

Submitted to and confirmed at the Ordinary meeting held on 29 July 2008.

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Mayor