



Hawkesbury City Council

ordinary  
meeting  
minutes

date of meeting: 26 February 2008

location: council chambers

time: 5:00 p.m.



**ORDINARY MEETING**  
**MINUTES: 26 February 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, 26 February 2008, commencing at 5:01pm.

Reverend Wayne Tildsley of St Peters Anglican Church, Richmond, 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, Acting Manager Corporate Services and Governance - Nicole Spies, Executive Manager - Community Partnerships - Joseph Litwin, Chief Financial Officer - Robert Stalley and Administrative Support Team Leader - Amy Dutch.

Councillor Calvert arrived at the meeting at 6:01pm.

**SECTION 1: Confirmation of Minutes**

**32 RESOLUTION:**

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Conolly that the Minutes of the Ordinary Meeting held on the 5 February 2008, be confirmed.

**SECTION 3 - Notices of Motion**

**NM1 - Congratulations to Federal Government - Sorry Day - (79351, 80104)**

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**MOTION:**

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

*Refer to RESOLUTION*

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

That Council endorses the Commonwealth Parliament's apology to Indigenous Australians who suffered as a result of past policies of forced separation.

The amendment was lost.

The motion was put and carried

**33 RESOLUTION:**

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

That Council:

1. Write to the Federal Government congratulating them on the Sorry Day held on Wednesday, 13 February 2008.
2. Endorses the Commonwealth Parliament's apology to Indigenous Australians who suffered as a result of past policies of forced separation.

**NM2 - Funding for Education Program in Schools regarding Obesity - (79351, 80104)**

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The following MOTION was moved by Councillor Paine, seconded by Councillor Rasmussen.

That Council look at making funds available in the 2008/2009 budget to encourage and participate in an educational program with the local schools to help overcome the recently publicised obesity problems in the Hawkesbury.

The motion was lost.



**SECTION 4 - Reports for Determination**

**GENERAL MANAGER**

**Item: 21**                    **GM - Sister City Program Policy - Student Exchange Donation, Temple City 2008 - (79351, 95497)**

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**MOTION:**

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

*Refer to RESOLUTION*

**34 RESOLUTION:**

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

That under the provisions of Section 356 of the Local Government Act 1993 Council donate \$500 to each student participating in the 2008 student exchange program visit to Temple City in accordance with the Sister City Program Policy being:

- a) Ms Emily Bakowski
- b) Ms Jessica Coulter
- c) Ms Katrina Howard
- d) Mr James Lang
- e) Ms Amy Mares
- f) Ms Madeleine Thorpe

**Item: 22**                    **GM - Council and Hawkesbury Harvest - Proposed Joint Forum Proposal on Agricultural Opportunities - (74197, 79351, 95497)**

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Mr Ian Knowd and Mr John Maguire, proponents, addressed Council.

**MOTION:**

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

*Refer to RESOLUTION*

**35 RESOLUTION:**

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

That Council:

1. Support Hawkesbury Harvest's request to hold a joint forum on Agricultural Opportunities in the area during the 2007/2008 year.

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2. In conjunction with Hawkesbury Harvest develop an agenda and project action plan for the forum and that the resources outlined in the report be made available for the project.

**Item: 23                    GM - 55th Annual Australian Local Government Women's Association  
Conference, 3-5 April 2008 at Rockdale NSW - (79351)**

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**MOTION:**

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

*Refer to RESOLUTION*

**36 RESOLUTION:**

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

That attendance by nominated Councillors, and staff as considered appropriate by the General Manager, at the 55<sup>th</sup> Annual Australian Local Government Women's Association Conference to be held 3-5 April 2008 at a cost of \$950.00 plus travel expenses per delegate be approved.

No Councillors indicated that they wished to attend the Conference.

**CITY PLANNING**

**Item: 24**            **CP - Modification to Development Consent - Two Storey Dwelling - Lot 25 DP 742749 17 North Street, Windsor - (DA0602/07, BA0007/73, 4791, 102200, 96329, 95498)**

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Mr Ian MacDougall, respondent, addressed Council.

**MOTION:**

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

*Refer to RESOLUTION*

**37 RESOLUTION:**

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

That this matter be deferred pending a further report to Council regarding details associated with the previous appeal to the Land and Environment Court and other matters raised at the meeting.

**Item: 25**            **CP - Modification to Development Consent - Advertising Structure - Adjacent to 244 Richmond Road, Clarendon - (DA0556/07A, 107, 74563, 95498)**

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**MOTION:**

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

*Refer to RESOLUTION*

**38 RESOLUTION:**

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

That modification application DA0556/07A for an Advertising Structure on the road reserve adjacent to 244 Richmond Road, Clarendon, be approved subject to the following additional conditions:

1. A qualified structural engineer's design for the footings of the sign shall be provided to the Principal Certifying Authority prior to works commencing on the sign.
2. 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) piers;
- (b) foundations;
- (c) on completion of the works;

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3. No additional advertising signs or structures shall be erected, displayed or affixed on any building or land without prior approval.
4. No additional advertising signs or structures shall be displayed on the footpaths, pedestrianways, roadways or on any land other than the approved development site.
5. 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.
6. Any outdoor lighting design shall comply with the requirements of Part 5 Chapter 7 of Australian Defence Force Publication 602 "Extraneous Lighting Near Aerodromes" and Section 9.21 of Civil Aviation Safety Authority Manual of Standards Part 139 Aerodromes. Details demonstrating compliance are to be submitted with the Construction Certificate application.
7. Luminaries with no upward light component (eg aeroscreen type) are to be used for any outdoor lighting.
8. Outdoor lighting installations complying with Part 5 Chapter 7 of ADFP-602 and Section 9.21 of MOS 139 will in most instances be acceptable having regard to aircraft operations. The suitability for aircraft operations of any lighting installation will be subject to both ground and flight survey (inclusive of ATC Tower). Should the installation at the time of survey, or at any future period, be considered detrimental to the safety of aircraft operations the Department of Defence or CASA may require the lighting to be extinguished or suitably modified so as to eliminate such concern.
9. Illumination of the proposed sign is not to adversely affect adjoining residential properties or impact traffic movements. In this respect, illumination is not to be flashing or result in continuous change that will adversely impact traffic movement safety.
10. Illumination of the sign is to cease at 12 midnight.

**Item: 26**                      **CP - Development Application - Two Lot Torrens Title Subdivision - 139 Colonial Drive, Bligh Park - (DA0398/07, 73916, 107, 95498)**

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Councillor Devine declared an interest in this matter as he works part-time for the real estate agency that is managing the shopping centre affected by this proposal. 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 Porter.

***Refer to RESOLUTION***

**39 RESOLUTION:**

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

That development application DA0398/07 for a Two Lot Torrens Title Subdivision at Lot 1249, DP 800323, 139 Colonial Drive, Bligh Park be approved subject to the following conditions:

**General**

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1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. The proposed car park shown on the approved stamped plans does not form part of this approval. The proposed car park will require separate approval with detailed plans, satisfactorily addressing vehicle/pedestrian separation, landscaping and tree retention along the frontage of Rifle Range Road, and vehicular movements to and from the site, being submitted for approval as part of that application.

**Prior to Issue of Subdivision Certificate**

3. A Certificate from a telecommunications carrier confirming that provision has been made for services to the development shall be submitted to the Principal Certifying Authority.
4. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

5. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
6. A plan of subdivision prepared to the requirements of the Land Titles Office, shall be submitted to Council, with four copies.
7. A survey plan showing all existing services on the lots including septic tank and effluent disposal area, sewer connections, water connections and stormwater disposal shall be submitted. The plan shall demonstrate that there are no encroachments over remaining or proposed boundaries.
8. Payment of a linen release Fee in accordance with Council's Fees and Charges at the time of lodgement of the linen plan.
9. Details to be provided of a suitable legal agreement that provides satisfactory interim arrangements for the use of the existing car parking and access associated with the community uses which is located on proposed lot 1 until the final car park and access is completed.

**Item: 27 CP - Request from Penrith Council to take up the 3 year extension option for Animal Shelter services to their Council - (39906, 73553)**

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Mr Frank Scharfe, respondent, addressed Council.

**MOTION:**

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

***Refer to RESOLUTION***

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**40 RESOLUTION:**

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

That:

1. The request by Penrith City Council to take up the three year extension to the current agreement for the provision of animal shelter housing and services be approved.
2. Authority be given for any documentation in connection with the extension of the current agreement to be executed under the Seal of Council if necessary.
3. A letter be forwarded to Penrith City Council thanking them for their confidence in having Hawkesbury City Council provide them with continued animal shelter services, and agreeing to the extension of the current agreement by three years, with an expiry date of 1 October 2010.

**Item: 28**                    **CP - Acceptance of Funding Variation for Centre Based Meal Program - Department of Ageing Disability and Home Care (DADHC) - (78340, 79342)**

**Previous Item:**        22, Ordinary (13 February 2007)

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**MOTION:**

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

***Refer to RESOLUTION***

**41 RESOLUTION:**

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

That authority be given to execute, under the Seal of Council, a variation to the funding agreement with the Department of Ageing Disability and Home Care to accept an additional \$20,000 recurrent grant and a \$6,420 non-recurrent grant for the centre based meals and activity program operating from the Hawkesbury Seniors Centre.

**Item: 29**                    **CP - Virtual Village Strategic Alliance - (95489)**

**Previous Item:**        243, Ordinary (13 November 2007)

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Mr Frank Scharfe, respondent, addressed Council.

**MOTION:**

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

***Refer to RESOLUTION***

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**42 RESOLUTION:**

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

That Hawkesbury City Council agree to execute the draft Memorandum of Understanding: Establishment of an alliance to develop a business plan for creating a 'virtual village' - an accommodation and support project for people with disabilities.

**Item: 30**                    **CP - Proposed Change of Name - Hawkesbury District Senior Citizens Centre - (73512)**

**Previous Item:**        318 Ordinary (1 November 2005)

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Mr Frank Scharfe, proponent, addressed Council.

**MOTION:**

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

***Refer to RESOLUTION***

**43 RESOLUTION:**

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

That Council rename the Hawkesbury District Senior Citizens Centre as the Hawkesbury Seniors Leisure and Learning Centre.

**INFRASTRUCTURE SERVICES**

**Item: 31**            **IS - Earth Hour - 29 March 2008 - (95495)**

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**MOTION:**

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

*Refer to RESOLUTION*

**44 RESOLUTION:**

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

That:

1. Council participate in Earth Hour by switching off all non-essential lighting for one hour at 8pm on Saturday, 29 March 2008.
2. Residents and businesses be encouraged to participate in Earth Hour through appropriate media channels.
3. Council investigate reducing the use of non-essential lighting and power as a standard practice.



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**SUPPORT SERVICES**

**Item: 32**                    **SS - December 2007 Quarterly Review - 2007- 2008 Management Plan - (96332, 95496)**

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**MOTION:**

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

*Refer to RESOLUTION*

**45 RESOLUTION:**

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

That:

1. The information contained in the report on the 2007-2008 Management Plan - December Quarterly Review be received.
2. The quarterly review of the 2007-2008 Management Plan and Financial Statement for the period ending 31 December 2007 be adopted on the basis that no action be taken in relation to the variations to the Road Works and Plant Replacement Programs until the matters are workshopped.
3. A report be requested from Caterpillar regarding the installation and maintenance of the Co-Generation Plant.
4. Subsequently an independent investigation by Council's external auditor be carried out regarding the installation cost and cost of operation of the Co-Generation Plant.
5. At the same time as the independent investigation is carried out, a report be submitted to Council regarding the future of the Co-Generation Plant and its operation.

**Item: 33**                    **SS - Monthly Investments Report - January 2008 - (96332, 95496)**

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**MOTION:**

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

*Refer to RESOLUTION*

**46 RESOLUTION:**

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

That the information be received and noted.

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**Item: 34**            **SS - Consultants Utilised by Council - 1 July to 31 December 2007 - (95496, 79337)**

**Previous Item:**        187, Ordinary (14 June 2005)

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**MOTION:**

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

*Refer to RESOLUTION*

**47 RESOLUTION:**

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

That the information concerning consultancies utilised by Council during the period July to December 2007 be received.

**Item: 35**            **SS - Payments to Hawkesbury Sports Council Inc - (107, 96332, 95496, 73611)**

**Previous Item:**        199, Ordinary (25 September 2007)

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**MOTION:**

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

*Refer to RESOLUTION*

**48 RESOLUTION:**

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

That the information be received.

**Item: 36**            **SS - NSW Police Owned Land - 7 and 9 East Market Street, Richmond - (80106, 79351)**

**Previous Item:**        NM2 (Ordinary 30 October 2007)

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**MOTION:**

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

*Refer to RESOLUTION*

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

That Council request local State Members to make further representations to the State Government for 7 and 9 East Market Street for the property to be given to Council for community use prior to the auction of the properties taking place.

The amendment was lost.

The motion was put and carried.

**49 RESOLUTION:**

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

That the information be received and noted.

**CONFIDENTIAL REPORTS**

**50 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.

**51 RESOLUTION:**

RESOLVED on the motion of Councillor Rasmussen, 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:

**Item: 37 IS - Tender 006/FY08 - Construction of Landfill Cell No. 5 and Associated Works**

*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: 38 Tender 009/FY08 - Construction of a Reinforced Concrete Bridge on Hermitage Road, Kurrajong Hills, over Blue Gum Creek**

*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: 39 Tender 011/FY08 - Maintenance of Gravel Roads for St Albans and Nearby Districts**

*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: 40 IS - Tender 012/FY08 - Operation of the Lower Portland Ferry**

*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.*

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*business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

**Item: 41 IS - Tender 012/FY08 - Operation of the Lower Portland Ferry**

*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.

**Item: 37 IS - Tender 006/FY08 - Construction of Landfill Cell No. 5 and Associated Works - (82995, 79357) CONFIDENTIAL**

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Councillor Williams declared an interest in this matter as his brother works for one of the tenderers. He left the meeting and did not take part in voting or discussion on the matter.

**MOTION:**

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

***Refer to RESOLUTION***

**52 RESOLUTION:**

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

That:

1. DMH Civil Engineering Pty Ltd be awarded the contract for the Construction of Landfill Cell No.5 and Associated Works as detailed in the Tender 006/FY08, in the amount of \$1,007,900 including the excavated material to be stockpiled on site.
2. The Seal of Council be affixed to any necessary documentation in connection with this matter.
3. The difference between the contract sum of \$1,007,900 (GST Inclusive) and the budgeted amount of \$550,000, amounting in \$457,900 be provided from the Waste Management Remediation Reserve.

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4. DMH Civil Engineering Pty Ltd acknowledge that all excavated material remains the property of Council.
5. Council will establish a sale price for any excavated material.

**Item: 38**            **IS - Tender 009/FY08 - Construction of a Reinforced Concrete Bridge on Hermitage Road, Kurrajong Hills, over Blue Gum Creek - (79595, 79344)**  
**CONFIDENTIAL**

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**MOTION:**

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

*Refer to RESOLUTION*

**53 RESOLUTION:**

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

That

1. The tenders received for the construction of a reinforced concrete bridge on Hermitage Road, Kurrajong Hills, over Blue Gum Creek not be accepted.
2. An alternate bridge crossing be investigated.

**Item: 39**            **IS - Tender 011/FY08 - Maintenance of Gravel Roads for St Albans and Nearby Districts - (95495, 79344)** **CONFIDENTIAL**

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**MOTION:**

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

*Refer to RESOLUTION*

**54 RESOLUTION:**

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

That the:

1. Tender in the amount of \$309,524 (GST Inclusive) submitted by J & M Land Fill P/L for the Maintenance of Gravel Roads for St Albans and Nearby Districts be accepted.
2. Seal of Council be affixed to any contract documentation.

**ORDINARY MEETING**  
**MINUTES: 26 February 2008**

**Item: 40**            **IS - Tender 012/FY08 - Operation of the Lower Portland Ferry - (95495, 79344)**  
**CONFIDENTIAL**

**AND**

**CONFIDENTIAL SUPPLEMENTARY REPORT**

**Item: 41**            **IS - Tender 012/FY08 - Operation of the Lower Portland Ferry - (95495, 79344)**

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Note: A combined resolution was passed in respect of Items 40 and 41 as both reports related to the same issue.

**MOTION:**

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

***Refer to RESOLUTION***

**55 RESOLUTION:**

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

That the:

1. Tender in the amount of \$883,146.54 (GST Inclusive) received from Hawkesbury Ferry Services for the operation of the Lower Portland Ferry for the period 1 April 2008 to 31 March 2011 be accepted, subject to the concurrence of Baulkham Hills Shire Council.
2. Seal of Council be affixed to the contract documentation.

**56 RESOLUTION:**

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

**ORDINARY MEETING**  
**MINUTES: 26 February 2008**

**QUESTIONS WITHOUT NOTICE**

1. Councillor Porter referred to his question without notice on 5 February 2008 regarding the Orange Spot judgement and the recovery of approximately \$29,000 and he advised that he has not received a response to date.

The Director City Planning advised that a response has been prepared and will be placed in Councillor Porters pigeon hole tomorrow.

2. Councillor Porter enquired what action is being taken regarding Australiana Pioneer Village and requested the matter be discussed at the next Councillor Briefing Session.

The General Manager advised that there has been an approach to Council by solicitors and legal advice has been sought. Initial advice from Council's solicitors suggested that there may be some validity to claim. Council is pursuing the matter further with the information that was available as well as additional information that has been sought and preliminary advice is now calling into question the validity of the claim. Council's solicitors are currently gathering further information so that final advice on the matter can be provided.

3. Councillor Porter enquired what materials a retaining wall can be built with and asked if a retaining wall is classified as a structure or landscaping in a scenic zone. He also enquired if a 900mm retaining wall with colourbond material of a height of 1500mm on top would be classified as a structure or landscape.

The Director City Planning advised that in general terms a retaining wall up to approximately 600mm can be built without approval and a fence can be built up to 2400mm high without approval as its exempt development under the Local Environment Plan.

The Director City Planning advised that colourbond material can be included in landscaping works.

The Director City Planning advised that a response to the letter regarding this particular matter will be provided.

4. Councillor Conolly referred to his question at a previous meeting in relation to the naming of Hawkesbury Valley Way and new signage for the road. Councillor Conolly advised Council's previous resolution was to refer the matter to the RTA and enquired if a response had been received regarding the matter.

The Director Infrastructure Services advised that as the RTA has been contacted again regarding the matter, he will follow up the progress.

5. Councillor Devine requested that Council negotiate with the John Moroney Correctional Centre to have the nature areas between George Street and the Bligh Park houses and the fire station and football grounds cleaned up by the detainees on roadside clean up duty.

The Director Infrastructure Services advised Council will negotiate with Correctional Services to see if they can assist in clearing the rubbish. It was also advised that there are threatened species living in these areas and Council has bush regenerators working on the site.

6. Councillor Devine enquired why colourbond is not mentioned in the landscaping section in the Development Control Plan.

The Director City Planning advised that he was speaking in general terms in his response to Councillor Porter's question regarding colourbond material being included in landscaping works.



**ORDINARY MEETING**  
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The Director City Planning advised fencing is referred to as masonry or brick and other materials in the Local Environment Plan, this may include colourbond. He requested it be noted that colourbond is a product name not a material, and that Council tends to steer away from using product names in statutory documents.

7. Councillor Devine referred to the number of developments that have occurred at 269 Grono Farm Road and enquired if there are structures on the site that have not been DA approved. He enquired if 3 sided day shelters such as horse shelters are classed as sheds and if they are exempt developments.

Councillor Porter declared an interest in this matter as the property referred to is his next door neighbour. He left the meeting and did not take part in discussion on the matter.

8. Councillor Devine also referred to a Section 96 application regarding 269 Grono Farm Road that was refused that included lights and other materials/structures such as the concrete that were to be removed. He enquired if the site has been inspected to ensure the required removals have taken place and requested that the matter be investigated to ensure that Councils resolution has been fully complied with.

The Director City Planning advised that Council is currently investigating the shed in question on the property have been approved and constructed in accordance with approval. He referred to the Local Environment Plan (LEP) regarding day shelters and advised that there is a provision in the LEP for awnings, shade canopies, storm blinds, open pergolas, cabanas, gazebos, BBQs, greenhouses and ancillary structures to be exempt providing requirements were met such as height and size restrictions. Specifics of a particular structure would be required to determine if a structure is exempt.

The Director City Planning advised that the property was inspected in September 2007 to ensure that the issued Section 96 application was being complied with and at that time the conditions were deemed to be conformed with. The objector to the development was advised this in October 2007. He advised that if it is believed that conditions are not being met, evidence would be required to justify any reinspection.

9. Councillor Rasmussen referred to the Management Plan December Quarter Review Report in the business paper and requested further details be provided regarding the real estate held for sale item listed in the Statement of Financial Performance report ending 31 December 2007.

The General Manager advised the information will be provided.

10. Councillor Rasmussen referred to the Federal Government and the Minister of Defence giving notice that a Defence White Paper has been commissioned. Given the importance of the RAAF Base to the Hawkesbury he requested that Council participate in the public submissions regarding the matter.

The Mayor advised that he and the General Manager have met with the Base Commander and indicated to him that Council is intending to participate in the public submissions. The Base Commander expressed his support to Council.

The General Manager advised that public submissions have not yet been called for however Council will be watching the matter and make a submission at the appropriate time.

11. Councillor Books referred to a street light that has been out for some time in North Street and asked if Council is responsible for these lights.

The Mayor advised that Integral Energy is responsible for the street lights and the Director Infrastructure Services will inform them.

**ORDINARY MEETING**  
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12. Councillor Williams advised that Cattai Reserve on the banks of Cattai Creek just past the school is very over grown and requested it be mowed as soon as possible.

The Director Infrastructure Services will look into the matter.

13. Councillor Williams advised that a section of the footpath which is not sealed on Mileham Street near the water tanks and sections of Drummond and Macquarie Streets require repairs as soon as possible. The footpath on Mileham Street near the water tanks is very dangerous with what looks like a big hole possibly caused by a broken pipe.

14. Councillor Williams requested that a large pile of carpet that has been dumped on Robert Creek Road on the dirt section approximately 100m from the end of the bitumen on the Blaxlands Ridge end of the road be removed as soon as possible.

15. Councillor Williams requested Council investigate reducing the speed limit on West Portland Road. The residents contacted the RTA some time ago and requested they lower the speed limit from 80kph to 60kph due to the number of children under 8 living on the road, the width of the road and the fact that there are no footpaths however the RTA declined the request. Residents wish to have this matter looked at again. Councill Williams requested that the Mayor as the Chair of the Local Traffic Committee conduct a site inspection with Council Williams and the residents of the area.

The Mayor requested that Councillor Williams send him an email regarding the matter and he will have the item added to the agenda for the next Local Traffic Committee meeting.

16. Councillor Paine referred to cement blocks placed on the dirt section of Old Schofields Road between Old Pitt Town and Avondale Roads and enquired how long the blocks will remain in place as the residents use the road as an alternate access during flooding.

The Director Infrastructure Services advised that the blocks are in place due to the works being carried out on Schofields Road, and at this stage the blocks will be remaining in place. A report will come to Council in the future regarding the installation of gates that the residents will have access to during times of flooding.

17. Councillor Paine asked if Councillors are required to complete a Section 12 form to access files for items on the Council Meeting agendas.

The General Manager advised that if the files relate to an item on the meeting agenda a Section 12 form is not required.

18. Councillor Paine referred to the bridge over Rickaby's Creek near Deerubbin Park and requested a progress update. Councillor Paine asked what will happen to the funds if the Government Grant received for the project is not spent.

The Director Infrastructure Services advised that the tender for the works closed last week. The submissions received were significantly higher than what has been budgeted for and Council staff are currently considering ways in which the bridge can be modified to reduce the cost and other alternative options.

The Director Infrastructure Services advised that the matter will be reported to Council in the future as it is a tender.

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19. Councillor Paine enquired about the progress of the Racecourse Road upgrade and requested that truck access on the road be limited until the works are completed.

The Director Infrastructure Services advised that the tender is to be advertised this week and will close in approximately 3 weeks and the matter will then be reported to Council for a decision. He also advised that putting a weight limit on traffic using the road would be hard as the majority of the traffic using the road are horse trucks attending the racecourse and training facilities, there is also no weighing equipment available to enforce the load limits on the road.

20. Councillor Paine referred to large trucks using Terrace Road and advised that it appears that the load limits on the street are not being policed. She requested that the road be included when the Windsor Traffic Study is carried out.

The Mayor advised that the matter will be considered.

21. Councillor Paine referred to the Great River Walk and requested an update on the progress. She also requested that home owners between Governor Phillip Park up to the Windsor Mall that will be affected by the Walk be consulted regarding the matter.

The Director Infrastructure Services advised that an update will be provided.

22. Councillor Calvert referred to a promise made during the State Election last year regarding an upgrade of the parking area at Windsor Station and enquired if Council was aware of any progress on the matter.

The Director Infrastructure Services advised that a plan has been completed and he will further investigate the matter.

23. Councillor Calvert referred to the condition of the walkway along Redbank Creek and requested that the area be tidied up as soon as possible.

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

24. Councillor Calvert referred to the frequency of mowing by contractors completing the works and enquired if the timetable will be updated due to recent changes in weather.

The Director Infrastructure Services advised that a monthly timetable is currently in place. Due to the recent weather conditions the contractors are unable to keep up with the work. The matter will be investigated.

25. Councillor Finch enquired if any communications have been received from the National Parks and Wildlife Service regarding Bilpin Park and if the Park will be handed over to Council.

The Director Infrastructure Services advised that an Act of Parliament is required for the Park to be handed over to Council. Council is currently going through the process however no further information has been received to date.

26. Councillor Finch advised that there are no public bus services stopping at the Hospital and requested that Council provide a letter of support to the Hospital supporting their requests for a regular bus service.

The Mayor advised that the Hospital should write to Council requesting a letter of support.

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27. Councillor Finch requested that Council revisit implementing Green Waste pickup for residents.

The Director Infrastructure Services advised that a report has previously been completed regarding the matter and not supported due to the cost factor.

28. Councillor Finch referred to the closed road that runs from the bottom on Vincents Road through to Greggs Road and asked if the closed road is a Council owned road.

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

29. Councillor Finch advised that her Council mobile has had poor reception since the service provider has been altered.

30. Councillor Stubbs referred to the "Fat Albert" structure in Ham Common and requested that a plaque be added acknowledging the people who built it.

The Mayor advised that the matter has been discussed with the Director Infrastructure Services and a plaque is currently being considered as part of the works for the Volunteer Park.

31. Councillor Devine referred to Item 24 in the business paper for the development at North Street and advised that the plans for the originally approved dwelling displayed in the Chambers do not show an approval stamp, and he requested that this be covered in the report that will come back to Council as per the resolution for the item.

The Director City Planning advised that this will be covered in the report back to Council.

The meeting terminated at 9:31pm

Submitted to and confirmed at the Ordinary meeting held on 11 March 2008.

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Mayor