



Hawkesbury City Council

ordinary meeting minutes

date of meeting: 09 October 2007

location: council chambers

time: 5:00 p.m.

ORDINARY MEETING

MINUTES: 9 October 2007

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, 9 October 2007, commencing at 5:01pm.

The Mayor advised that the opening prayer would not be conducted due to an apology received from the Anglican Church, Wilberforce.

ATTENDANCE

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

ALSO PRESENT: General Manager - Peter Jackson, Directory City Planning - Matt Owens, Acting Director Infrastructure Service - Richard Vaby, Acting Director Support Services - Laurie Mifsud and Administrative Support Team Leader - Amy Dutch.

Councillor Rasmussen arrived at the meeting at 5:05pm

APOLOGIES

An apologies for absence were received from Councillors Calvert, Paine and Wearne.

350 RESOLUTION:

RESOLVED on the motion of Councillor Williams and seconded by Councillor Books that the apologies be accepted.

SECTION 1: Confirmation of Minutes

351 RESOLUTION:

RESOLVED on the motion of Councillor Finch and seconded by Councillor Books that the Minutes of the Ordinary Meeting held on the 25 September 2007, be confirmed.

352 RESOLUTION:

RESOLVED on the motion of Councillor Books and seconded by Councillor Finch that the Minutes of the Extraordinary Special Meeting held on the 25 September 2007, be confirmed.

SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 204 GM - Councillor C Paine - Request for Leave of Absence - (79351, 79353, 80104)

MOTION:

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

Refer to RESOLUTION

353 RESOLUTION:

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

That, as requested, Councillor C Paine be granted Leave of Absence from Council for the period from 29 September to 10 November 2007.

Item: 205 GM - Regular Information of Council Services to Ratepayers - (79351, 79356)

Previous Item: 175, Ordinary (11 September 2007)

Mr Frank Scharfe, proponent, addressed Council.

MOTION:

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

Refer to RESOLUTION

354 RESOLUTION:

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

That to improve Council's current communication to the ratepayer audience, a quarterly newsletter be:

1. Produced and sent to all ratepayers enclosed with the rates notice and mailed separately to those ratepayers not receiving instalment notices, such action to be implemented for the third and fourth instalments of the 2007/2008 period with an evaluation to be conducted prior to the 2008/2009 program beginning.
2. Placed on the Council's website.
3. Emailed to residents, ratepayers, businesses, community groups and organisations as well as other interested members who have registered and subscribed to the Council's email service on the Council's website.

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CITY PLANNING

Item: 206 **CP - Public Utility Undertaking - Pedestrian/Cycle Bridge over Rickaby's Creek - Lot 44 DP 244472, Howe Park, 51 James Ruse Close, Windsor - (DA0305/07, 107, 95498)**

Mr Doug Bathersby, Mr John Miller and Mr Frank Scharfe, proponents, addressed Council.

MOTION:

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

Refer to RESOLUTION

355 RESOLUTION:

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

That Development Application DA0305/07 for a public utility undertaking - pedestrian/cycle bridge over Rickaby's Creek at Lot 44 DP 244472 Howe Park No. 51 James Ruse Close, Windsor be approved subject to the following conditions:

General Conditions

1. The development is to be carried out in compliance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of consent:

Drawing Number/Title	Dated
Pedestrian Footbridge over Rickaby's Creek	Undated
Rickaby's Creek Pedestrian/Cycle Bridge - Figure 2 Plan of Proposed Bridge	Undated
Document Name	Dated
Statement of Environmental Effects Rickaby's Creek Pedestrian/Cycle Bridge Windsor	March 2007

2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
3. The development shall comply with the provisions of the Building Code of Australia.

Prior To Issue Of Construction Certificate

4. An Environmental Management and Rehabilitation Plan for the development site shall be prepared by an appropriately qualified person. The Environmental Management Plan shall include (without being limited to) the following:
 - (a) A Site Rehabilitation Plan of all disturbed areas is to be undertaken in accordance with the Guideline Watercourse & Riparian Zone Rehabilitation Requirements (Version 3) issued by the Department of Natural Resources.

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- (b) A Vegetation Management Plan (VMP) for the rehabilitation of all disturbed areas. The VMP is to be prepared in accordance with the Guidelines *How to Prepare a Vegetation Management Plan (Version 4)* issued by the Department of Natural Resources.
- (c) A Works Plan for works within Rickaby's Creek. The Works Plan is to be prepared in accordance with the following Guidelines *How to prepare a Works Plan, for works in watercourses and regularly inundated areas (Version 1)* issued by the Department of Natural Resources.

Details are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. All site works shall be carried out in accordance with the Plan and implementation of the Plan shall be supervised by an appropriately qualified person.

- 5. Physical stabilisation works on the bed or banks of the watercourse (if required) are to be undertaken utilising a *soft engineering* methods. The use of concrete, spray concrete, concrete filled mattresses, wire mesh structures or concrete grouting in rock voids (or similar) for erosion control are not to be undertaken.
- 6. Construction of the bridge and associated works are not to commence until three (3) copies of the plans and specifications of the proposed works are submitted to and approved by the Director City Planning or an Accredited Certifier.
- 7. Payment of a Construction Certificate checking fee and a Compliance Certificate inspection fee when submitting plans for approval. Required fees will be provided on request.
- 8. The bridge is to be designed and certified by a suitably qualified and experienced Structural Engineer.
- 9. External components/materials/finishes of the bridge are to be chosen so as to exhibit low reflective quality and to blend in with the natural bushland setting. Such materials are to be selected so as to provide a suitable level of durability to withstand graffiti and damage through vandalism.

Final details of all external materials and colours are to be submitted to the satisfaction of the Director City Planning prior to the release of the Construction Certificate.

- 10. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Prior To Commencement Of Works

- 11. 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.
- 12. 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.
- 13. 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.
- 14. 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.
- 15. 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.

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16. 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.

During Construction

17. Works are to be undertaken in accordance with the *Acid Sulphate Soils Management Plan Pedestrian Bridge over Rickaby's Creek - Report No. 12972-002-ASSMP* dated January 2007 prepared by Connell Wagner.
18. 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.
19. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
20. 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.
21. Should any Aboriginal site or relic or European relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service or the Heritage Office (European relic) consulted. Any person who knowingly disturbs an Aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974 and Heritage Act.
22. Excavation material shall be deposited at an approved waste management facility.
23. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
24. All trucks entering or leaving the site shall have their trays suitably covered to prevent spillage from the truck onto the road.
25. 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.

Prior To Use

26. The bridge is to be certified on completion by a suitably qualified and experienced Structural Engineer.
27. A flood warning sign of durable material shall be permanently fixed in a prominent location within the site. The sign shall advise occupants that the site may subject to inundation during times of flood.
28. Compliance with all conditions of this Development Consent.

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Advisory Notes

- *** Inspections for Compliance Certificate shall be requested from Hawkesbury City Council for internal and external sewer drainage prior to covering any pipe. An inspection fee applies.
- *** 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.

356 RESOLUTION:

RESOLVED on the FORESHADOWED motion moved by Councillor Conolly, seconded by Councillor Rasmussen.

That public consultation be undertaken in regard to the proposed naming of the bridge as John Pilot Rickaby Bridge.

INFRASTRUCTURE SERVICES

Item: 207 **IS - Draft Conservation Management Plan for Wilberforce Cemetery - (95495, 90781, 79354)**

Mr Frank Scharfe, proponent, addressed Council.

MOTION:

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

Refer to RESOLUTION

357 RESOLUTION:

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

That the Draft Conservation Management Plan for Wilberforce Cemetery be:

1. Forwarded to the Department of Lands for their information and comment; and
2. Placed on public exhibition for a period of 28 days and be further reported to Council following this process.

SUPPORT SERVICES

Item: 208 SS - Pecuniary Interest Returns - Councillors and Designated Persons - (79337)

MOTION:

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

Refer to RESOLUTION

358 RESOLUTION:

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

That the information be received and noted.

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SUPPLEMENTARY REPORTS

Item: 209 GM - Delegations of Authority to General Manager Under Section 377 of the Local Government Act, 1993 - (79351)

MOTION:

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

Refer to RESOLUTION

359 RESOLUTION:

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

That:

1. Hawkesbury City Council in order to provide for the expedient exercise and performance of its powers and duties and the efficient management of its business and responsibilities delegates under s 377 of the Local Government Act 1993 to the General Manager the exercise of Council's powers functions duties and authorities contained in legislation and the functions of the Council as specified in:
 - i) the Local Government Act and related Acts, and;
 - ii) other Acts under which Council has powers authorities duties and functions.
2. This delegation is subject to the following limitations:
 - i) The provisions of the Local Government Act 1993 and any legislation relevant to the delegations;
 - ii) Council may by resolution direct the General Manager in the exercise of any function herein delegated;
 - iii) The General Manager shall exercise the functions herein delegated in accordance with and subject to:
 - a) the provisions of the Local Government Act 1993 as amended;
 - b) all and every policy of the Council adopted by Resolution and current at the time of exercise of the functions herein delegated.
3. This delegation shall commence on the date of commencement of duties as General Manager of Hawkesbury City Council and shall remain in force until specifically altered or revoked in writing.

LATE SUPPLEMENTARY REPORTS

Item: 210 GM - National Economic Development Conference 2007 - (79351)

MOTION:

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

Refer to RESOLUTION

360 RESOLUTION:

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

That attendance of Councillor Rasmussen and staff considered appropriate by the General Manager, at the National Economic Development Conference 2007, to be held in Darling Harbour, Sydney 31 October to 1 November 2007 at a cost of \$875.00 plus travel expenses per delegate be approved.

SECTION 5 - Reports of Committees

ROC - Hawkesbury Civic and Citizenship Committee - 22 August 2007 - (96972, 79356)

361 RESOLUTION:

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

That the minutes of the Hawkesbury Civic and Citizenship Committee Committee held on 22 August 2007 as recorded on pages 35 to 40 of the Ordinary Business Paper be received.

ROC - Local Traffic Committee - 19 September 2007 - (80245, 95495)

362 RESOLUTION:

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

That the minutes of the Local Traffic Committee held on 19 September 2007 as recorded on pages 41 to 50 of the Ordinary Business Paper be adopted.

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QUESTIONS WITHOUT NOTICE

1. Councillor Porter enquired about the cost of the court action against The Orange Spot.

The General Manager advised that the information will be provided to Councillors.

2. Councillor Conolly requested an update on the recommendations from the Floodplain Risk Management Committee and asked when a report will come to Council regarding this matter.

The Director City Planning advised that Staff wrote to the SES on 10 September 2007 requesting information regarding the adequacy of existing rain and flood gauges on the Colo and Macdonald Rivers. Once a response has been received from the SES the information will be reported to Council. Correspondence has also been sent to the agencies responsible for the river gauges to ensure that the gauges are maintained and in good working order.

Staff have also contacted the appropriate authorities regarding the surveying of the depths of the river and the installation of warning signs and adjoining Councils have been notified of this request.

A report will come to Council once all responses to our enquiries have been received.

3. Councillor Devine referred to the Jordan Avenue Land and Environment Court Appeal and enquired if Council has received a copy of the judgement.

The Director City Planning advised that the submission date for finalising conditions is 12 October 2007 and it will take some time for the judgement to be finalised by the Court.

4. Councillor Rasmussen referred to a farmer at Grose Vale that received a notice to stop farming and enquired about the details of the matter.

The Director City Planning advised that he is not aware of the matter and requested Councillor Rasmussen provide him with further details.

5. Councillor Rasmussen requested an update on the McKenzie Creek matter and enquired about the progress of the Development Application that was submitted for a drain to be installed in the area.

The Director City Planning advised that an on-site meeting was held last week with one of the land owners, a member from the Department of Energy and Water and Council Staff. The Department of Energy and Water representative inspected the area and will be providing details of the inspection to Council. A lot of the area is mapped as Sydney Regional Environmental Plan Wetlands and the Department will look at the works that are proposed and provide advice to Council within the next few weeks.

The Development Application for the drain was looked at by the Department at the same time as other proposed works and aspects of it will be integrated development.

6. Councillor Rasmussen referred to the Coach Shed at Howes House and asked if Council is intending to demolish the shed.

The General Manager advised that the matter will be investigated.

7. Councillor Rasmussen referred to the regulations issued by the State Government that will be pertaining to the Water Industry Competition Act 2005 for access to the sewer system of Sydney and

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enquired if Council will be making a submission regarding the regulations due to the impact that it will have on the Hawkesbury Nepean River and the role of Council approving sewer mining works.

The General Manager advised that the Director Infrastructure Services will investigate the matter.

8. Councillor Books referred to an area on Greens Road that required repairs.

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

9. Councillor Books advised that there is a bump on King Road, Wilberforce that requires repairs.

The Acting Director Infrastructure Services advised that the repair work has been completed.

10. Councillor Books requested an update on the proposal to clear the channel in the river.

The Director City Planning advised that the first part of the strategy for the Hawkesbury River was reported to Council. The Catchment Management Authority are looking into the second part of the strategy and this matter will be investigated.

11. Councillor Books advised that there is a Heritage order on the Coach Shed at Howes House.

12. Councillor Williams requested further information regarding the discussions of the meeting with the Mayor and Louise Markus, Member for Greenway.

The Mayor advised that general discussions regarding Councils need for funding for infrastructure, infrastructure funds and cycleways were discussed including not only the initial costs but also the ongoing maintenance of infrastructure.

13. Councillor Williams referred to the Oasis Centre and advised that it needs a touch up. He will provide photographs to the General Manager of both the Oasis Centre and Penrith Pool as examples.

14. Councillor Williams requested an update on the property in Kurrajong where trees are either dead or dying.

The Director City Planning advised that Council's Arborist has inspected the trees and they appear to have a known disease.

15. Councillor Williams requested an update on the request for Council to retain ownership of tree branches trimmed by Integral Energy Contractors to remove their conflict of interest.

The General Manager advised the Director Infrastructure Services will investigate the matter.

16. Councillor Williams referred to the article in the Penrith Press asking Council to initiate a Green Waste Collection as a third bin for residents.

The Mayor requested a member of the Waste Committee to respond. Councillor Devine advised that there is a paper regarding the matter being presented at the forthcoming Waste Management Conference and he will report back to Council with details of the report.

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17. Councillor Williams requested that Supplementary and Late Supplementary Business Papers not be faxed to him in the future.

The General Manager advised that this request will be actioned.

Councillor Rasmussen also requested that Supplementary and Late Supplementary Business Papers not be faxed to him in the future.

18. Councillor Finch referred to the Oasis Centre and advised that the required repairs have been completed.

19. Councillor Finch advised that the area around the charity bin at Kurrajong Village requires attention as people have been placing items around the bin.

The Mayor advised that the matter will be investigated.

20. Councillor Finch requested that the names of the Hawkesbury's Sister Cities be added on the entrance signs to the area.

The General Manager advised that the matter will be investigated.

21. Councillor Finch referred to complaints received regarding a Shed at 236 Bells Line of Road and requested an update.

The Director City Planning advised that the Development Application is currently being processed and will be coming to Council.

22. Councillor Finch referred to the car spaces used by St Andrews Uniting Church and requested that the matter be concluded and a rental figure for the spaces finalised.

The General Manager advised that the matter is currently being investigated and will be reported to Council.

23. Councillor Finch referred to an email received regarding a park at 502 Bells Line of Road, Kurmond.

The Mayor advised he also received the email and the matter is being followed up.

24. Councillor Williams enquired about the alleged assassination attempt on Councillor Books and requested an update.

The Mayor advised that the investigation is ongoing.

The meeting terminated at 5:58pm

Submitted to and confirmed at the Ordinary meeting held on 30 October 2007.

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Mayor