



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 25 August 2009
location: council chambers
time: 5:00 p.m.

ORDINARY MEETING

MINUTES: 25 August 2009

MINUTES

- **WELCOME / EXPLANATIONS / PRAYER**
- **APOLOGIES**
- **DECLARATION OF INTERESTS**
- **SECTION 1 - Confirmation of Minutes**
- **AGENDA 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, 25 August 2009, commencing at 5.00pm.

Rev Greg Peisley of the Pitt Town Anglican Community Church, representing the Hawkesbury Minister's Association, gave the opening prayer at the commencement of the meeting.

ATTENDANCE

PRESENT: Councillor B Bassett, Mayor, Councillor K Conolly, Deputy Mayor and Councillors B Calvert, W Mackay, C Paine, P Rasmussen, J Reardon, T Tree and W Whelan.

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.

APOLOGIES

Apologies for absence were received from Councillors Porter, Stubbs and Williams.

264 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Reardon that the apologies be accepted and that leave of absence from the meeting be granted.

Councillor Mackay arrived at the meeting at 5.10pm

Councillor Whelan left the meeting at 8.17pm

SECTION 1: Confirmation of Minutes

265 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Tree that the Minutes of the Ordinary Meeting held on the 11 August 2009, be confirmed.

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SECTION 3 - Notices of Motion

NM1 - Clean Up and Beautification Program for South Windsor - (95495)

Ms Kim Smith, proponent, addressed Council.

MOTION:

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

Refer to RESOLUTION

266 RESOLUTION:

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

That a report be brought to Council outlining a program of works to clean up and beautify the main street of South Windsor and Mullinger Lane in South Windsor.

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SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 158 **GM - Feeding Sydney - Inaugural Hawkesbury Conference - (100491, 41917, 79351)**

MOTION:

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

Refer to RESOLUTION

267 RESOLUTION:

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

That the attendance of nominated Councillors, and staff members as considered appropriate by the General Manager, at the 2009 Inaugural Hawkesbury Conference – Feeding Sydney, to be held on Thursday, 24 September 2009 at a cost of \$150.00 per delegate be approved.

268 RESOLUTION:

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

That Councillors Bassett, Rasmussen, Reardon and Tree attend the 2009 Inaugural Hawkesbury Conference – Feeding Sydney, as nominated representatives of Council.

Item: 159 **GM - Local Government Association of NSW - Possible establishment of One Association - (79633, 112608, 79351)**

MOTION:

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

Refer to RESOLUTION

269 RESOLUTION:

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

That the survey from the Local Government Association of NSW regarding the possible establishment of a single Association to represent local government in NSW be completed in the manner suggested in the report.

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Item: 160 **GM - Hawkesbury Heritage Farm (formerly Australiana Pioneer Village) - (95496, 79351)**

MOTION:

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

Refer to RESOLUTION

270 RESOLUTION:

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

That:

1. Action in relation to that part of Council's resolution of 12 May 2009 concerning the actual sale of the property known as 496 Wilberforce Road, Wilberforce (Hawkesbury Heritage Farm, formerly the Australiana Pioneer Village) be deferred until Council has considered a report in relation to the revised Business Plan recently submitted by the Friends of the Australiana Village Society Inc. in respect of the site.
2. The proposal from the Friends of the Australiana Pioneer Village Society Inc. be referred to Council's External Auditor for comment.

Item: 161 **GM - Proposed Redistribution of Federal Electoral Boundaries in New South Wales - (79351)**

MOTION:

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

Refer to RESOLUTION

271 RESOLUTION:

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

That the information concerning proposals for the redistribution of Federal electoral boundaries in New South Wales be noted and that Council not lodge an objection to such proposals as related to their effects on Council's area.

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Item: 162 GM - Contractual Conditions of Senior Staff - Annual Report - (79351)

Mr Neville Diamond, proponent, addressed Council.

MOTION:

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

Refer to RESOLUTION

272 RESOLUTION:

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

That the annual report under Section 339 of the Local Government Act concerning the contractual conditions of Council's senior staff be noted.

Item: 163 GM - Code of Conduct Complaints - Annual Report - 1 July 2008 to 30 June 2009 - (79351)

Mr Frank Scharfe, respondent, addressed Council.

MOTION:

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

Refer to RESOLUTION

273 RESOLUTION:

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

That the annual report under Clause 12.33 of Council's Code of Conduct in respect of complaints received under the Code for the period 1 July 2008 to 30 June 2009 be noted.

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CITY PLANNING

Item: 164 **CP - Development Application - Animal Establishment - Construction of Kennel Building and Outdoor Kennels including above ground rain water tank and front fence - Lot 11 DP 1034864, 262 Grose Wold Road, Grose Wold - (DA0359/08, 85782, 108159, 95498)**

Previous Item: 207, Ordinary (21 October 2008)

Mr Neville Diamond, Mr Glen Sparham and Mr Frank Scharfe, proponents, addressed Council.
Ms Ellie Fjellheim and Mr Len Derkacz, respondents, addressed Council.

MOTION:

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

Refer to RESOLUTION

274 RESOLUTION:

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

That Development Application DA0359/08 for an animal establishment – construction of a kennel building and outdoor kennels for the keeping and breeding of show dogs, including above ground rain water tank and front fence at Lot 11 DP 1034864, No. 262 Grose Wold Road Grose Wold be approved subject to the following conditions:

1. The development is to be carried out in compliance with the stamped plans, specifications and accompanying documentation submitted with the application except where amended by other conditions of consent.
2. No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.
3. The approved use shall not commence until all conditions of this Development Consent have been complied with.
4. The buildings 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.
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 7 (seven) days of issuing the certificate. A registration fee applies.
7. A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) shall be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

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Acoustic Conditions

8. The kennel building shall be designed to achieve a minimum acoustic rating of RW30 as detailed in the Acoustic Report titled Noise Assessment Show Dog Kennels 262 Grose Wold Road Grose Vale Job No. 3285, dated March 2008.
9. The intersection between walls and roof structure shall be designed to incorporate acoustically effective elements that ensure the achievement of positive and effective closure with no signs of acoustical leakage. Details are to be submitted and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.
10. The kennel buildings are to incorporate the following:
 - (a) silencers on ventilation system; and
 - (b) noise masking using vent system or electronic masking system.

Details are to be submitted and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.

11. The acoustic consultant shall be retained to inspect the construction of the buildings at each critical phase to ensure compliance with design intent and shall identify defects and ensure their correction. The airborne sound attenuation characteristics of the as-finished structures shall be objectively measured to confirm compliance with design intent prior to the consultant signing off on the project.

Prior To Issue Of Construction Certificate

12. Appropriate areas shall be provided for the storage of garbage/waste material and recycling material and all waste and recyclable material generated by this premises. Details are to be submitted and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.

The following requirements shall be met:

- (a) The storage areas shall be designed to prevent entry of vermin/insects and are to incorporate a smooth surface, graded and appropriately drained with a tap in close proximity to facilitate cleaning; and
 - (b) The storage areas shall be adequately screened from the street/adjacent property boundaries;
13. The external colour of the proposed kennel building and rainwater tank shall be of earth/natural tones so as to blend with the rural character of the area. The proposed acoustic fencing is to be treated in earth/natural tones to assist in reducing its visual impact upon the locality. Prior to issue of the Construction Certificate, the certifier shall verify that the external components are in accordance with that specified above.
14. Details demonstrating high quality external lighting for security without adverse affects on public amenity from excessive illumination levels and glare are to be submitted with the Construction Certificate.
15. To ensure that adequate provision is made for ventilation of the building all mechanical and/or natural ventilation systems shall be designed, constructed and installed in accordance with the provisions of:
 - (a) The Building Code of Australia.
 - (b) AS 1668 Part 1 & 2.
 - (c) The Public Health Act.
 - (d) Public Health (Microbial Control) Regulation.
 - (e) Work Cover Authority.

Details are to be submitted and approved by the Principal Certifier satisfying the above prior to the issue of the Construction Certificate.

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16. A separate application is to be lodged with Council for approval under Section 68 (Part C) and Section 68A of the Local Government Act 1993 for the installation of a Centralised Sewage Management Facility at the premises to receive, treat, and dispose of all wastewaters from all sources in the proposed development.

At the Construction Certificate stage, the Applicant is to provide, as part of the Section 68 Application:

- (a) Further details and plans regarding design of the STP including specification of all pumps, aeration devices and UV disinfection system.
 - (b) The odour controls on each tank will consist of a proprietary vent with carbon filter for odour extraction and a fan to inject fresh air into the tank. As fresh air is injected, waste air is vented through the filter.
 - (c) Details of STP are to provide for separate treatment of human and animal wastes.
 - (d) Details to exclude humans and animals from the disposal area.
17. The kennel floors are to be drained by gravity to deep spoon drains and thence to a grit arrester. Liquid waste from the grit arrester shall discharge into a Council approved waste management system.

Details satisfying the above are to be submitted and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.

18. The internal fencing surrounding the outdoor kennel areas is to be covered with 3mm heavy duty vinyl sheeting. This sheeting is to be extended at the top of the fence and shall extend on a 45 degree angle into the kennel areas. Details are to be submitted and approved by the Principal Certifier satisfying the above prior to the issue of the Construction Certificate.
19. An opaque material shall cover the fence surrounding the exercise yards so as to restrict the line of sight for the dogs so as to minimise external visual stimuli that may encourage barking. Details are to be submitted and approved by the Principal Certifier satisfying the above prior to the issue of the Construction Certificate.
20. A 1.8 metre high solid fence (not colorbond) is to be constructed on the property boundary, starting immediately adjacent to the dwelling at 262 Grose Wold Road and ending at an angle nearest the dog fence line's north west corner. This fence is to provide a solid noise barrier to the property immediately to the north of the site. Details are to be submitted and approved by the Principal Certifier satisfying the above prior to the issue of the Construction Certificate.
21. Dense screen planting is to be established around the external kennel areas and along the boundaries of the site so as to create a vegetative buffer to the facility and to minimise the potential for external factors to encourage the dogs to bark. Landscape scheme details are to be submitted and approved by the Principal Certifier satisfying the above prior to the issue of the Construction Certificate.
22. An automated irrigation system is to be installed to the proposed hedge planting surrounding the outdoor kennel area. Water for the irrigation system shall be drawn from the roof water collection tank/s. Details are to be submitted and approved by the Principal Certifier satisfying the above prior to the issue of the Construction Certificate.

Prior To Commencement Of Works

23. A Construction Certificate is required to be approved and issued by either Council or an Accredited Certifier, prior to the commencement of any works on the site.

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24. 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.
25. 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.
26. Toilet facilities shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
27. 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.
28. 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

29. Any water tanks, outbuildings or other ancillary structures shall be finished in colours and materials of earth tones of low reflective quality to blend in with the bushland.
30. 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.
31. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
32. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
33. Building construction (including the delivery of materials to and from the property) shall be restricted to within the hours of 7.00 am to 6.00 pm Monday to Friday and on Saturday to within the hours of 8.00 am to 4.00 pm inclusive, with no work on Sundays and Public Holidays.
34. 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) Builder's waste must not be burnt or buried on site. All waste must be contained and removed to a Waste Disposal Depot.
35. All roof water shall be drained to appropriate water storage vessel/s. Any overflows are to be designed so as to disperse flows so as to minimise erosion and scouring.
36. 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.

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37. A bitumen sealed rural footway crossing 5.0 metres wide shall be constructed to the development in accordance with the Hawkesbury DCP Appendix "E", "Civil Works Specification". Prior to works commencing the applicant shall consult with Hawkesbury City Council regarding fees to be paid, the works required and to organise inspections for a Compliance Certificate.
38. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan Appendix E Civil Works Specification.
39. Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with the approved plan and Hawkesbury Development Control Plan chapter on Soil Erosion and Sedimentation.

Prior to Issue of Occupation Certificate

40. Compliance with all conditions of this development consent.
41. The facility shall be tested and a report prepared by an appropriately qualified acoustic consultant for approval by the Principal Certifying Authority prior to issue of the final occupation certificate. Subject to ambient noise levels during the test it may be necessary to increase the Sound Power Levels to adequately measure the noise contribution from the facility to compare with the criterion. Weather conditions shall be reported at the time and any adjustments due to differences in upwind or downwind noise propagation included. Any adjustments necessary shall be explained in the report.

The noise levels shall be measured at the site boundaries and from receiver locations at adjacent residences in each direction to determine compliance with the noise criteria contained in Acoustic Report *Noise Assessment Show Dog Kennels 262 Grose Wold Road Grose Vale Job No. 3285, dated March 2008* for the kennel building and the outdoor exercise yards.

42. A certificate from an appropriately qualified Acoustic Engineer is to be submitted prior to the issue of any Occupation Certificate certifying that all sound producing plant, equipment, machinery, fittings or dogs shall not exceed 5dBA above the background level during the day and not exceeding the background level at night (10.00pm - 6.00 am) when measured at any neighbouring boundary, allowing for modifying factors in accordance with the requirements of the Environment Protection Authority Industrial Noise Policy .

Use of the Development

43. The animal establishment is to be restricted to accommodate Bullmastiff dogs only.
44. The kennel facility is to accommodate not more than fifteen dogs at any given time.
45. No boarding of other dogs shall occur at the kennels and premises at any time.
46. Waste material generated by the operation of the premises is to be stored in a manner that minimises odour nuisance to adjoining properties and reduces the potential for vermin infestations.
47. Faeces (stools) shall be collected daily from kennels, pens and runs and are to be placed in an approved onsite management facility (composted in a worm farm or similar) and/or removed off the site by a commercial contractor.
48. Between the hours of sunset and 8:00am all dogs housed on the premises are to be kept in acoustically treated kennels so as to minimise noise impact to adjoining properties.
49. The care and management of all animals shall be consistent with NSW Agriculture Animal Welfare Code of Practice No. 5 – "The Care and Management of Dogs and Cats in Animal Boarding Establishments" or industry best practice standards as updated.
50. Strict adherence to the Operational Management Plan Titled: Fence and Shed Application 262 Grose Wold Road Grose Wold dated 23 April 2008 having regard to the management of the facility.

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51. No dogs are to be exercised outside of the area of the nominated enclosures or associated runs.
52. The automated irrigation system required by Condition No. 22 is to be operated and maintained so as to ensure the establishment and vigour of the proposed hedge planting areas.
53. Regular maintenance and replacement planting is to be undertaken so as to ensure the long term viability of the landscape scheme provided for the site.
54. Feeding of the dogs shall not be carried out between the hours of 8.00pm to 7.00am so as to prevent noise nuisances.
55. The animal establishment is to be under constant supervision by an experienced canine handler.
56. Any disturbance shall be investigated by the canine handler immediately to eliminate any barking that may occur. Corrective behaviours and training are to be implemented to limit further noise.
57. Any distressed or injured animals shall be housed whilst in recovery in enclosed kennels to eliminate any noise from the animal.
58. All feeding, washing and grooming of dogs is to be carried out in the enclosed kennels.
59. The dog runs and enclosures shall be kept clean, uneaten food, refuse and faecal waste must be removed at least once a day.
60. The premises are to be monitored for fly breeding and appropriate immediate remedial action is to be taken should fly breeding be detected.
61. The use of the premises shall not give rise to "offensive noise" as defined by the Protection of the Environment Operations Act 1997.
62. Feed is to be stored in containers with close-fitting hinged lids to prevent the entry of vermin.
63. If signs of disease are observed in the animals, appropriate treatment must be promptly provided to prevent the spread of disease.
64. Appropriate dust mitigation measures shall be applied to the outdoor kennel areas to limit dust nuisance impact upon neighbouring properties.
65. Entry to the fenced enclosure area is to be provided with a dual gate enclosure with the external gate to be childproof in a similar manner to pool fencing.

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 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.
- *** Your attention is directed to the need to seek advice of your obligations from the WorkCover Authority prior to the commencement of any works on the site.

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

For the Motion	Against the Motion
Councillor Bassett	Councillor Calvert
Councillor Conolly	Councillor Paine
Councillor Mackay	Councillor Rasmussen
Councillor Reardon	Councillor Whelan
Councillor Tree	

Councillors Porter, Stubbs and Williams were absent from the meeting.

Item: 165 CP - Request for Council to Resume Management of Yarramundi Community Centre - (86820, 96328)

MOTION:

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

Refer to RESOLUTION

275 RESOLUTION:

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

That Council:

1. Call a public meeting of residents of Yarramundi, in conjunction with a mail-out to all households in Yarramundi, to discuss and consider options for the future management of the Yarramundi Community Centre with the outcomes of the meeting to be reported to Council.
2. Resume direct management of the Yarramundi Community Centre pending the outcomes of the community consultation process.
3. Write to Mr Steve Foster and Mrs Sheila Coghlan to thank them for their commitment and effort in managing the Yarramundi Community Centre on behalf of the residents of Yarramundi.

INFRASTRUCTURE SERVICES

Item: 166 **IS - NSW Local Infrastructure Fund - (95494, 112179)**

MOTION:

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

Refer to RESOLUTION

276 RESOLUTION:

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

That:

1. A submission be made to the NSW Local Infrastructure Fund for an interest free loan of up to \$4 million to fund the project outlined within the report.
2. Should the application be successful, all necessary documentation be executed and the Seal of Council to be affixed as required.

Item: 167 **IS - Ongoing Maintenance of Wianamatta Bridge Cycleway - (95494)**

Previous Item: 77, Ordinary (28 April 2009)
 124, Ordinary (24 June 2008)

MOTION:

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

Refer to RESOLUTION

277 RESOLUTION:

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

That the RTA be advised that Council favours the RTA retaining the ownership and maintenance responsibility for the Wianamatta Cycleway Bridge.

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Item: 168 **IS - Incorporation of Appropriate Provisions within Tenders - (95454)**

Previous Item: NM1, Ordinary (21 October 2008)

MOTION:

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

Refer to RESOLUTION

278 RESOLUTION:

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

That wording to the effect that "*The delivery/implementation of the works awarded within the contract is to commence within 6 months of the contract being awarded. If a delay in the commencement of the contract is within the control of the contractor, the contract will lapse after the expiration of the specified time period*" be included within contract documentation for tenders for roadworks or similar projects.

Item: 169 **IS - Foot Paving between Bligh Park and South Windsor, and Gibson Street, Richmond - (95494)**

Previous Item: QWN 7, Ordinary (30 June 2009)

MOTION:

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

Refer to RESOLUTION

279 RESOLUTION:

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

That:

1. Concrete foot paving be constructed along the Southern side of Drummond Street between Macquarie & Mileham Streets, South Windsor at the estimated cost of \$12,500.
2. Concrete foot paving be constructed along the western side of Gibson Street, Richmond at the estimated cost of \$24,500.
3. Funding in the amount of \$37,000 for the two projects be made available from funds identified within the 2009/2010 Capital Works Program for kerb and gutter reconstruction.

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Item: 170 **IS - Pitt Town Sewerage Strategy - Proposal from Johnson Property Group - (95494, 87959)**

Previous Item: 11, Ordinary (3 February 2009)
 243, Ordinary (25 November 2008)
 146, Ordinary (8 July 2008)

Mr Neville Diamond, proponent, addressed Council.
Mr Bill Sneddon, respondent, addressed Council.

MOTION:

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

Refer to RESOLUTION

280 RESOLUTION:

RESOLVED on the motion of Councillor Reardon, seconded by Councillor Mackay

That:

1. Should a private water authority be granted a license to provide sewerage services to the new development area of Pitt Town, the current servicing strategy for Pitt Town be reviewed on the basis that the existing sewered area of Pitt Town continue to be serviced as part of the existing Council owned sewerage system.
2. In the event that the Pitt Town servicing strategy is altered, a review of the developer contribution plan for sewerage infrastructure for Pitt Town be undertaken and reported to Council.
3. Appropriate legal advice be obtained in respect of this matter as suggested within the report.

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SUPPORT SERVICES

Item: 171 **SS - June 2009 Quarterly Review - 2008/2009 Management Plan - (96332, 95496)**

Previous Item: 113, Special (23 June 2008)

MOTION:

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

Refer to RESOLUTION

281 RESOLUTION:

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

That:

1. Information contained in the report on the 2008/2009 Management Plan – June 2009 Quarterly Review be received.
2. \$10,000 of the surplus resulting from this Quarterly Review be allocated to the 2009/2010 donations budget.
3. The Quarterly Review of the 2008/2009 Management Plan and Financial Statement for the period ending 30 June 2009, as modified by point 2, be adopted.

Item: 172 **SS - Monthly Investments Report - July 2009 - (96332, 95496)**

Previous Item: 17, Ordinary (3 February 2009)

MOTION:

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

Refer to RESOLUTION

282 RESOLUTION:

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

That the information be received and noted.

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Item: 173 **SS - Local Government and Shires Association of NSW - Request for Financial Assistance with Legal Costs - Berrigan Shire Council - (112608, 90670, 79633, 95496)**

MOTION:

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

Refer to RESOLUTION

283 RESOLUTION:

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

That Council contribute the amount of \$606.54 as outlined in the letter dated 21 July 2009 from the Local Government and Shires Association of NSW towards the legal costs incurred by Berrigan Shire Council, in its pursuit of legal action related to an Appeal in the matter of Berrigan Shire Council v Iramoo Flyer Pty. Ltd.

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CONFIDENTIAL REPORTS

284 RESOLUTION:

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

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

285 RESOLUTION:

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

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:174 IS - Tender No. 01609 - Stage 2 Reconstruction of sealed road sections of Tennyson Road and East Kurrajong Road - (95494, 79344)

*This report is **CONFIDENTIAL** in accordance with the provisions of Part 1 of Chapter 4 of the Local Government Act, 1993, and the matters dealt with in this report are to be considered while the meeting is closed to the press and the public.*

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(c) of the Act 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: 175 IS - Acquisition of (Part) 468 Grose Vale Road, Grose Vale (Lot B in DP 367444) - (95495, 18645, 88920)

*This report is **CONFIDENTIAL** in accordance with the provisions of Part 1 of Chapter 4 of the Local Government Act, 1993, and the matters dealt with in this report are to be considered while the meeting is closed to the press and the public.*

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(c) of the Act as it relates to a purchase of property by the 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: 176 SS - Property Matter - Lease to Ahmad Issa, Trading as Wilberforce Charcoal Chicken - Shop 11 Wilberforce Shopping Centre, Wilberforce - (74275, 34779, 28061, 95496)

*This report is **CONFIDENTIAL** in accordance with the provisions of Part 1 of Chapter 4 of the Local Government Act, 1993, and the matters dealt with in this report are to be considered while the meeting is closed to the press and the public.*

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(c) of the Act as it relates to details concerning the leasing of a Council property and it is considered that the release of the

ORDINARY MEETING

MINUTES: 25 August 2009

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: 177 SS - Property Matter - Lease to Danny Hall Trading as Glossodia Bakery - Shop 10 Glossodia Shopping Centre, Glossodia - (75870, 31304, 95496)

*This report is **CONFIDENTIAL** in accordance with the provisions of Part 1 of Chapter 4 of the Local Government Act, 1993, and the matters dealt with in this report are to be considered while the meeting is closed to the press and the public.*

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

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

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.

286 RESOLUTION:

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

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INFRASTRUCTURE SERVICES

Item: 174 **IS - Tender No. 01609 - Stage 2 Reconstruction of sealed road sections of Tennyson Road and East Kurrajong Road - (95494, 79344) CONFIDENTIAL**

Previous Item: 91, Ordinary (12 May 2009)

MOTION:

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

Refer to RESOLUTION

287 RESOLUTION:

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

That:

1. The tender submitted by MJ & MD Skinner Earthmoving Pty Ltd, in the amount of \$847,122.81 (GST inclusive), for the Stage 2 Reconstruction of Sealed Sections of Tennyson Road and East Kurrajong Road be accepted.
2. The Seal of Council be affixed to any necessary contract documentation.

Item: 175 **IS - Acquisition of (Part) 468 Grose Vale Road, Grose Vale (Lot B in DP 367444) - (95495, 18645, 88920) CONFIDENTIAL**

MOTION:

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

Refer to RESOLUTION

288 RESOLUTION:

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

That:

1. A three metre strip of land be acquired along the frontage and splay from 468 Grose Vale Road, Grose Vale (Lot B in Deposited Plan 367444) for the amount of \$70,000 (inclusive of GST) plus \$2,000 (inclusive of GST) for legal and professional costs subject to conditions 1 to 4 contained within the report.

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2. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.
3. Details of Council's resolution be conveyed to Mr and Mrs Du Ross together with the advice that Council is not and will not be bound by the terms of its resolution until such time as appropriate documentation to put such resolution into effect has been agreed to and executed by all parties.

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SUPPORT SERVICES

Item: 176 SS - Property Matter - Lease to Ahmad Issa, Trading as Wilberforce Charcoal Chicken - Shop 11 Wilberforce Shopping Centre, Wilberforce - (74275, 34779, 28061, 95496) CONFIDENTIAL

MOTION:

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

Refer to RESOLUTION

289 RESOLUTION:

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

That:

1. Council agree to enter into a new lease with Ahmad Issa, trading as "Wilberforce Charcoal Chicken", in respect of Shop 11 Wilberforce Shopping Centre, in accordance with the proposal outlined in the report.
2. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.
3. Details of Council's resolution be conveyed to the proposed Lessee together with the advice that Council is not and will not be bound by the terms of its resolution until such time as appropriate legal documentation to put such resolution into effect has been agreed to and executed by all parties.

Item: 177 SS - Property Matter - Lease to Danny Hall Trading as Glossodia Bakery - Shop 10 Glossodia Shopping Centre, Glossodia - (75870, 31304, 95496) CONFIDENTIAL

This Item was withdrawn from the Agenda by Management.

ORDINARY MEETING

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SECTION 5 - Reports of Committees

ROC - Hawkesbury Macquarie 2010 Committee - 13 August 2009 - (114013)

290 RESOLUTION:

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

That the minutes of the Hawkesbury Macquarie 2010 Committee meeting held on 13 August 2009 as recorded on pages 95 to 99 of the Ordinary Business Paper be received.

ORDINARY MEETING**MINUTES: 25 August 2009****QUESTIONS WITHOUT NOTICE**

#	Councillor	Question	Response
1	Paine	Referred to a letter received from Steve Rawlings regarding the building at 1280 Old Bells Line of Road and enquired about the action staff are taking in regard to the matter.	The General Manager advised that he has received a copy of the letter and the matter has been referred to the Director City Planning.
2	Paine	Enquired about the progress of the stormwater report for North Richmond and when it will be presented to Council.	The Director Infrastructure Services advised that staff are trying to gain access to information that has already been compiled for the area before the report can be completed. The Director Infrastructure Services will investigate the matter and advise when the report is expected to come to Council.
3	Paine	Requested that the large tree on the footpath outside 12 Campbell St, South Windsor be inspected.	The Director Infrastructure Services advised that the matter will be investigated.
4	Paine	Enquired if a development application was ever submitted and approved for the neon sign on top of Cookies Restaurant in Fitzgerald Street, Windsor.	The Director City Planning advised that the matter will be investigated.
5	Conolly	Enquired when the exhibited Code of Meeting Practice will be reported to Council.	The Director Support Services advised that the 42 day exhibition period expires at the end of August. Any submissions received will then be reviewed and a report presented to Council.
6	Conolly	Requested that the owners of the disused service station on the corner of Baker Street and Macquarie Street and also the owners of the vacant property on the opposite side of the road a bit further down be contacted in relation to maintenance of the properties.	The Mayor advised that the owner of the service station has recently discussed his intentions for the property with Council Staff. The Director City Planning advised that the properties will be inspected and letters sent to the owners regarding the condition of the properties.
7	Rasmussen	Enquired if the Meeting with Minister for Planning and Pitt Town Groups regarding the by-pass has taken place.	The Director City Planning advised that the meeting has been delayed due to the Section 94 issue. He also advised a letter has been received from the Roads Minister. He will continue to pursue the matter.
8	Rasmussen	Enquired about the proposed location of the Water Factory at Pitt Town.	The Director Infrastructure Services advised that once the area to be serviced is determined and a licence obtained, a development application will be lodged.

ORDINARY MEETING**MINUTES: 25 August 2009**

#	Councillor	Question	Response
9	Rasmussen	Enquired if a development application has been submitted for the escarpment lands at Pitt Town.	<p>The Director City Planning advised that a development application for the subdivision of land on the northern side of Hall Street from Hawkesbury Road, east to Hall Street and down to the River is currently on exhibition.</p> <p>The project application is currently being assessed to ensure it is in accordance with the Part 3A concept plan approval.</p>
10	Rasmussen	Enquired about the progress of the heritage listing for parts of Pitt Town and if it includes the Blighton Farm and its precinct.	<p>The Director City Planning advised that there are several heritage listings in Pitt Town and that the part 3A concept plan introduced a conservation area which is shown on one of the approved maps.</p> <p>There has been a partial heritage review that has not been fully assessed yet to see if there are any additions.</p> <p>The Blighton Farm and its precinct was dealt with in the 3A concept plan, reducing the lot density and introducing the conservation area.</p>
11	Tree	Enquired if the danger of cars parking along Groves Avenue has been raised by the Local Traffic Committee.	The Mayor advised that the matter has been raised by the Local Traffic Committee and that the RTA will be reviewing the stretch of road.
12	Tree	Enquired about the Windsor/Richmond Tourism Map Brochure recently released.	The General Manager advised that the brochure is aimed at promoting heritage of the area.
13	Reardon	Enquired if the parking under Deerubbin Centre could be open longer hours for use by Community Groups.	The General Manager advised that parking hours have been determined to fit within the operating hours of function rooms in the building. As security is an issue the parking area is closed to the public when the building is not in use.

The meeting terminated at 8.56pm.

Submitted to and confirmed at the Ordinary meeting held on 8 September 2009.

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Mayor