



Hawkesbury City Council

ordinary  
meeting  
minutes

date of meeting: 13 April 2010

location: council chambers

time: 6:30 p.m.



**ORDINARY MEETING**

**MINUTES: 13 April 2010**

**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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## ORDINARY MEETING

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 13 April 2010, commencing at 6.32pm.

Rev Wayne Tildsley of St Peter's 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 K Conolly, Deputy Mayor and Councillors B Calvert, W Mackay, C Paine, B Porter, P Rasmussen, J Reardon, T Tree, W Whelan and L Williams.

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

### APOLOGIES

An apology for absence was received from Councillors Stubbs.

### 111 RESOLUTION:

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

Councillor Paine arrived at the meeting at 6.33pm  
Councillor Williams arrived at the meeting at 6.35pm.

Councillor Williams left the meeting at 8.04pm.

### SECTION 1: Confirmation of Minutes

### 112 RESOLUTION:

RESOLVED on the motion of Councillor Reardon and seconded by Councillor Porter that the Minutes of the Ordinary Meeting held on the 30 March 2010, be confirmed.

**ORDINARY MEETING**

**MINUTES: 13 April 2010**

**SECTION 4 - Reports for Determination**

**CITY PLANNING**

**Item: 72** CP - Quarry Rehabilitation - Lot 2 DP 587166, 263 Tizzana Road, Ebenezer - (DA0893/07, 96075, 10055, 10056, 95498)

**Previous Item:** 227, Ordinary (10 November 2009)

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Ms Jody Kirk, proponent, addressed Council.  
Ms Jennifer Simpson, respondent, addressed Council.

**MOTION:**

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

***Refer to RESOLUTION***

An AMENDMENT was moved by Councillor Porter, seconded by Councillor Paine.

That:

1. The property owner be requested to submit a flora and fauna report demonstrating that the redistribution of material within the existing batters on the site will have no significant adverse impact on threatened species, populations, ecological communities or their habitats in accordance with Part 5A of the Environmental Planning and Assessment Act 1979 and in the event of a satisfactory report being received the property owner be requested to use the batters on the site for the purpose of rehabilitation.
2. In the event that the material in the batters cannot be utilised the matter be further reported to Council.

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

<b>For the Amendment</b>	<b>Against the Amendment</b>
Councillor Calvert	Councillor Bassett
Councillor Paine	Councillor Conolly
Councillor Porter	Councillor Mackay
Councillor Rasmussen	Councillor Reardon
Councillor Williams	Councillor Tree
	Councillor Whelan

Councillor Stubbs was absent from the meeting.

The amendment was lost.

The motion was put and carried.

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**113 RESOLUTION:**

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

That:

1. Option 4 as outlined in the report be discussed with the landowner with a view to obtaining their agreement.
2. Should the applicant agree to Option 4, the applicant prepare a Rehabilitation Management Plan, Traffic Management Plan and site plan and cross sections showing depth of fill and areas of deep soil planting for Council's consideration and the General Manager be delegated authority to negotiate the terms of agreement, via a Deed of Agreement, for the proposal, if appropriate, subject to the following parameters:
  - (a) The maximum volume of fill being capped at 15,592m<sup>3</sup>. This amount being made up of the material won from existing mounds on the site, subject to the full flora and fauna assessment and eight part test report being considered and approved, with the remainder being imported under the agreed terms and conditions in the Deed of Agreement.
  - (b) The Traffic Management Plan is to include the following details:
    - Truck movements restricted to between the hours of 9.00am and 2.30pm Monday to Friday only.
    - No more than two trucks are to be at the site at any one time.
    - Trucks are not permitted to queue on Tizzana Road or within one kilometre of the Ebenezer Public School.
  - (c) A performance, damage and defects bond to the value of \$110,000 must be lodged with Council prior to the commencement of any work. The bond is to cover all works within Council's public road reserves. The landowner shall bear the cost of all restoration works to Council's property damaged during the course of this work. The landowner shall advise Council, in writing, of any existing damage to Council property before commencement of the work. A dilapidation survey of Council's assets, including photographs and written record, must be prepared by a suitably qualified person and submitted to the General Manager prior to the commencement of any work.
3. The Seal of Council be affixed to any relevant documentation.
4. Should the applicant not agree to Option 4, negotiations with the applicant will be undertaken by Council staff and the outcome of these discussions will be further reported to Council following consideration of this matter at a Councillor Briefing Session.

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:

<b>For the Motion</b>	<b>Against the Motion</b>
Councillor Bassett	Councillor Calvert
Councillor Conolly	Councillor Paine
Councillor Mackay	Councillor Porter



**ORDINARY MEETING**

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<b>For the Motion</b>	<b>Against the Motion</b>
Councillor Reardon	Councillor Rasmussen
Councillor Tree	Councillor Williams
Councillor Whelan	

Councillor Stubbs was absent from the meeting.

**Item: 73**                    **CP - Request for Council to Manage Elizabeth Street Extended Hours Pre-School Inc - (95498, 963258, 73497)**

**Previous Item:**        235, Ordinary (10 November 2009)  
                              272, Ordinary (8 December 2009)

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Mr Frank Scharfe, respondent, addressed Council.

**MOTION:**

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

***Refer to RESOLUTION***

**114 RESOLUTION:**

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

That Council;

1. Write to the newly appointed parent management Committee of the Elizabeth Street Extended Hours Pre-School to congratulate them on their appointment and to indicate that Council officers are available to advise and assist the Committee with regard to the licensing and financial issues which the new Committee may face.
2. Write to the Nepean Network Office of the Department of Community Services to advise the Department of the successful outcome for the ESEHPS and to reiterate that Council will continue to support to the Committee should this be required.

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**INFRASTRUCTURE SERVICES**

**Item: 74            IS - Waste Management Advisory Committee - 31 March 2010 - (95495, 95249)**

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Mr Frank Scharfe, respondent, addressed Council.

**MOTION:**

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

***Refer to RESOLUTION***

**115 RESOLUTION:**

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

That the recommendations of the Waste Management Advisory Committee meeting of 31 March 2010 be adopted.

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Item: 75                    **IS - Exclusive Use of Governor Phillip Reserve - NSW Water Ski Federation Ltd - (79354, 74204)**

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**MOTION:**

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

*Refer to RESOLUTION*

**116 RESOLUTION:**

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

That:

1. That approval be granted to the NSW Water Ski Federation Ltd for "Exclusive Use" of Governor Phillip Reserve for the Bridge to Bridge Water Ski Classic to be held on Saturday 20 and Sunday 21 November 2010. The event is subject to the following conditions:
  - a. Prior to dates of exclusive use a letter box drop be undertaken by the applicant to all affected residents in proximity to the event with that letter advising full details of the function;
  - b. The Reserve is to be left clean and tidy with the organisation being responsible for collection and disposal of all waste; the applicant is to lodge with Council a damage bond of \$800.00\*, which is refundable less any costs incurred by Council, administrative or otherwise, to clean or restore the area;
  - c. A non refundable park booking/administration fee of \$35.00\* is required to be paid.
  - d. The applicant pay to Council such fees as may be applicable at the time for exclusive use of the Reserve being \$1.50\* per person or \$895.00\* per day (whichever is the greater);
  - e. A fee of \$63.00\* is payable for the cleaning of the toilets prior to the exclusive use;  
**(\*The above fees/amounts apply to the 2009/2010 financial year only; these fees/amounts are subject to change in subsequent financial years, as determined by Council.)**
  - f. A copy of a Public Liability Policy for \$10,000,000 and indemnifying Hawkesbury City Council is to be submitted prior to the event.
  - g. Any building, vehicle or stall that is preparing food for public consumption is to comply with Council's "Food Safety Guidelines for Charities and Community Organisations" brochure; this information and any related food/public health information can be obtained by contacting Council's Environmental Health Officer.
  - h. If required, the applicant obtaining all necessary permits/approvals in relation to amusement devices/rides and liaising with Integral Energy regarding the supply of power and their proximity to power supply lines.
  - i. If required, the applicant to obtain an appropriate licence from the Licensing Branch of the NSW Police Service for the sale of alcoholic beverages at the proposed event.
  - j. The applicant is to notify details of the event to the Hawkesbury Local Area Command at Windsor Police Station. Phone: 4587 4099.

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- k. The applicant obtaining an appropriate licence from NSW Maritime Authority regarding the conduct of the Race.
- l. The event manager/applicant must undertake a Risk Assessment of the event to be conducted including pre-event preparations. This assessment must identify potential hazards and the procedures that need to be implemented to eliminate or control those hazards. The event manager/applicant is responsible for ensuring that procedures are followed and that they comply with the requirements of the Occupational Health and Safety Regulations 2001.
- m. The NSW Water Ski Federation Ltd is to comply with Council's current policy in regard to noise levels, as listed below.

No competing vessel shall be permitted to emit noise in excess of:

- i. Club Days - 105dB(A) for more than 40 minutes per day;
  - ii. NSW State Titles - 105dB(A);
  - iii. Bridge to Bridge Boat Race - 105dB(A);
  - iv. Unlimited Boat Race (Blown Boats) - 115dB(A). (This event is held directly after the Bridge to Bridge Boat Race);
  - v. Noise Test - (prior to the Two Day Spectacular) - 115dB(A) for more than 15 minutes in total through the day;
  - vi. Two Day Spectacular - 115dB(A) for more than 10 minutes in total per day.
- 2. A Traffic Management Plan be submitted as part of the Special Event Traffic Application.
  - 3. The applicant be allowed use of the Reserve on Friday 19 November 2010 to facilitate set up.
  - 4. As the applicant has not advised of an alternate date in the event of inclement weather, the General Manager be delegated authority to negotiate exclusive use on an alternate date, if required by the applicant.

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**Item: 76 IS - Proposed Declarations to Noxious Weed Class 4 Classification - (79354)**

**MOTION:**

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

***Refer to RESOLUTION***

**117 RESOLUTION:**

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

That:

- The following weeds be included as Class 4 Noxious Weeds within the Hawkesbury.

<b>Common Name</b>	<b>Botanical Name</b>
Balloon Vine	<i>Cardiospermum grandiflorum</i>
Lantana <sup>^</sup>	<i>Lantana camara</i>
Giant Reed	<i>Arundo donax</i>
Moth Vine	<i>Araujia sericifera</i>
Radiata Pine	<i>Pinus radiata</i> *
Honey Locust	<i>Gleditsia triacanthos</i>
Tree of Heaven	<i>Alianthus altissima</i>
Box Elder	<i>Acer negundo</i>
Khaki Weed	<i>Alternanthera pungens</i>
Spiny Mat Rush	<i>Juncus acutus</i>
Dense Water Weed	<i>Egeria densa</i>
Firethorns	<i>Pyracantha sp.</i>
Castor Oil Plant	<i>Ricinus communis</i>
Funeral Lilly	<i>Zantedeschia aethiopica</i>
Madeira Vine	<i>Anredera cordifolia</i>
Butterfly Bush	<i>Buddleia sp.</i>
Cats Claw Creeper	<i>Macfadayana anguis-cati</i>
African Love Grass	<i>Eragrostis curvula</i>
Morning Glory	<i>Ipomoea indica</i>
Morning Glory	<i>Ipomoea cairica</i>
Morning Glory	<i>Ipomoea purpurea</i>

\*Except where grown as a plantation

<sup>^</sup>currently a class 5

- The following weeds be removed from Class 4 Noxious Weeds.

<b>Common Name</b>	<b>Botanical Name</b>
Chilean Needle Grass	<i>Nassella neesiana</i>
Columbus Grass	<i>Sorghum x alnum</i>
Golden Dodder	<i>Cuscuta campestris</i>
Harrisia cactus	<i>Harrisia spp.</i>
Spiny Burrgrass	<i>Cenchrus incertus</i> <i>Cenchrus longispinus</i>
St John's Wort	<i>Hypericum perforatum</i>

- The weed tree species listed in both existing and proposed declarations be included as an exemption from the Tree Preservation Order, as appropriate.

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**Item: 77**                    **IS - Agnes Banks Sewerage Scheme Connection Policy - (95494, 88320)**

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Councillor Paine declared a less than significant non-pecuniary conflict of interest in this matter as her daughter is employed by Sydney Water and no further action is required.

**MOTION:**

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

*Refer to RESOLUTION*

**118 RESOLUTION:**

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

That the amended Glossodia, Freemans Reach, Wilberforce and Agnes Banks Sewerage Scheme Connection Policy attached as Attachment 1 to the report be adopted.

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**SUPPORT SERVICES**

**Item: 78            SS - Pecuniary Interest Returns - (79337, 95496)**

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**MOTION:**

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

*Refer to RESOLUTION*

**119 RESOLUTION:**

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

That the information be received and noted.

**Item: 79            SS - Web Policy - (95496, 79352)**

**Previous Item:**        203, Ordinary (29 August 2006)

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**MOTION:**

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

*Refer to RESOLUTION*

**120 RESOLUTION:**

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

The amended Web Policy attached as Attachment 2 to the report be adopted.

**ORDINARY MEETING**

**MINUTES: 13 April 2010**

**CONFIDENTIAL REPORTS**

**121 RESOLUTION:**

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

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

**122 RESOLUTION:**

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

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: 80 CP - Floodplain Risk Management Study and Plan for the Hawkesbury River within the Hawkesbury Local Government Area - (95498, 86589)**

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it relates to details concerning the supply of goods and/or services to Council and it is considered that the release of 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: 81 IS - Tender No. 01410 - Rehabilitation & Widening of a Section of Sackville Road, Ebenezer & Comleroy Road, Kurrajong - (95495, 79344)**

*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 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.

**123 RESOLUTION:**

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



**ORDINARY MEETING**

**MINUTES: 13 April 2010**

**CITY PLANNING**

**Item: 80**            **CP - Floodplain Risk Management Study and Plan for the Hawkesbury River within the Hawkesbury Local Government Area - (95498, 86589)**

**Previous Item:**        1, FRMAC (8 February 2010)

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Councillor Conolly declared a pecuniary interest in this matter as he owns a residential property which is below the PMF. He advised that he holds an instrument of dispensation from the Minister of Local Government which permits him to take part in the considerations and discussions about floodplain management and to vote on such matters.

**MOTION:**

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

***Refer to RESOLUTION***

**124 RESOLUTION:**

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

That:

1. The contract to undertake the Floodplain Risk Management Study and Plan, in stages for the Hawkesbury River within the Hawkesbury Local Government Area be awarded to Bewsher Consulting Pty Ltd for the amount of \$253,100 subject to ongoing funding being available.
2. The Seal of Council be affixed to any relevant documentation.

**ORDINARY MEETING**

**MINUTES: 13 April 2010**

**INFRASTRUCTURE SERVICES**

**Item: 81**            **IS - Tender No. 01410 - Rehabilitation & Widening of a Section of Sackville Road, Ebenezer & Comleroy Road, Kurrajong - (95495, 79344)**

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**MOTION:**

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

***Refer to RESOLUTION***

**125 RESOLUTION:**

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

That the:

1. Tender submitted by J K Williams Contracting P/L in the amount of \$1,194,870.00 for the reconstruction and widening of a section of Sackville Road, Ebenezer and Comleroy Road, Kurrajong, be accepted.
2. Seal of Council be affixed to any contract documentation.

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**SECTION 5 - Reports of Committees**

**ROC - Floodplain Risk Management Advisory Committee Minutes - 29 March 2010 - (86589, 95498)**

**126 RESOLUTION:**

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

That the minutes of the Floodplain Risk Management Advisory Committee held on 29 March 2010 as recorded on pages 47 to 49 of the Ordinary Business Paper be received.

**ROC - Waste Management Advisory Committee - 31 March 2010 - (95249)**

**127 RESOLUTION:**

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

That the minutes of the Waste Management Advisory Committee held on 31 March 2010 as recorded on pages 50 to 55 of the Ordinary Business Paper be received.

**ORDINARY MEETING****MINUTES: 13 April 2010****QUESTIONS WITHOUT NOTICE**

#	Councillor	Question	Response
1	Paine	Enquired about the progress of the Windsor Traffic Study.	The Director City Planning advised that he has recently written to the applicant for Riverview requesting the Study to be completed however a response has not been received.  The matter will be followed up.
2	Paine	Advised that an article from the Blue Mountains Gazette was drawn to her attention at the Sister City Association meeting regarding the state of Yarramundi Park.  She enquired about the present state of the Park.	The Director Infrastructure Services advised that a clean up has recently been conducted at the Park.
3	Paine	Enquired about the procedure for the cleaning of vomit from the Windsor Mall area on weekends.	The Director Infrastructure Services advised that there is a staff member who works on Saturday and Sunday mornings to clean up the Mall.
4	Paine	Referred to the media release provided in response to questions about the Windsor Master Plan. She advised that she had trouble understanding what the answers meant and conveyed concerns that the public may not understand them either.	The Director City Planning advised that Councillors are able to discuss the answers with him if required.  The General Manager advised that an extensive set of follow up questions have now been received from paper.
5	Rasmussen	Enquired if there is a technical problem with the Bowen Mountain CCTV survey that is on the website.	The General Manager advised that he was not aware of any IT related issues. The matter will be investigated and resolved if there is a problem.
6	Rasmussen	Enquired about the reinstatement of the load limit on Wallace Road.	The Director of Infrastructure Services advised that research has been conducted through the Local Traffic Committee files and no information has been found regarding the matter. Investigations are continuing.
7	Rasmussen	Enquired if there has been any response or feedback received from the State Government regarding the submission Council made about the North Richmond Buldev proposal.	The Director City Planning advised he has recently attended a meeting with the infrastructure authorities at the Department of Planning. The Department has since written to all of those authorities asking for comments which will be submitted to the executive meeting in the near future. Council's comments have been noted by the Department.

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#	Councillor	Question	Response
8	Mackay	Enquired if the maintenance work has been carried out at Skeleton Rocks Reserve.	The Director Infrastructure Services advised that the privet and lantana has been slashed and the toilet situation is being further investigated.
9	Mackay	Thanked Infrastructure staff for the repair work that is currently being carried out on the footpath on the park side of the Campbell Street and George Street intersection.	The Director Infrastructure Services acknowledged the comment.
10	Rearдон	Enquired about the progress of the St Albans Area Kerbside Collection Study.	The Director City Planning advised that a number of responses have been received. He will check on the progress.
11	Whelan	Enquired if a response has been received from the RTA regarding the new Windsor Bridge.	The Director Infrastructure Services advised that the RTA is still finalising their options.
12	Mackay	Enquired if the cattle sales at McGraths Hill are still operating and if not, did Council close them down due to a health related matter.	The Mayor advised that the cattle sale was privately run and closed based on the decision of the organisers.

The meeting terminated at 8.55pm.

Submitted to and confirmed at the Ordinary meeting held on 11 May 2010.

.....  
Mayor