



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 29 November 2011

location: council chambers

time: 6:30 p.m.

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 29 November 2011, commencing at 6:30pm.

Marie Bates of the Londonderry Evangelical Fellowship, representing the Hawkesbury Minister's Association, gave the opening prayer at the commencement of the meeting.

ATTENDANCE

PRESENT: Councillor K Ford, Mayor and Councillors B Bassett, B Calvert, K Conolly, W Mackay, C Paine, P Rasmussen, J Reardon 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 – Abbey Rouse, Executive Manager - Community Partnerships - Joseph Litwin and Word Processing Operator - Amy Dutch.

APOLOGIES

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

417 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 6.38pm.
Councillor Paine left the meeting at 10:33pm.

SECTION 1: Confirmation of Minutes

418 RESOLUTION:

RESOLVED on the motion of Councillor Reardon and seconded by Councillor Rasmussen that the Minutes of the Ordinary Meeting held on the 8 November 2011, be confirmed.

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SECTION 3 - Notices of Motion

NM - Car Parking Arrangements at the Hawkesbury Seniors Leisure and Learning Centre - (79351, 80104)

Mr Patrick Clerke and Mr Jason Pilgrim, proponents addressed Council.

MOTION:

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

Refer to RESOLUTION

419 RESOLUTION:

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

That:

1. A report be prepared into current car parking arrangements at the Hawkesbury Seniors Leisure and Learning Centre. The report to identify possible options for improving the turnover and availability of car parking spaces at the Centre including the possibility of introducing timed parking in and around the Centre.
2. Council write to Local Members of Parliament regarding Council's concerns in relation to the difficulties in communicating with the NSW Transport, Roads and Maritime Services.

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SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 258 GM - Review of Model Code of Conduct for Local Councils - Request for Submissions on Position Paper by Division of Local Government, Department of Premier and Cabinet - (79351)

Mr Michael Want, respondent, addressed Council.

MOTION:

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

Refer to RESOLUTION

420 RESOLUTION:

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

That Council make a submission in response to the Position Paper dated October 2011 released by the Division of Local Government, Department of Premier and Cabinet, in relation to the Review of the Model Code of Conduct for Local Councils in NSW based upon the comments contained in the General Manager's report in this regard including a reference to the difficulties faced by Councillors attending public meetings and subsequent actions that result under the Code as a result of such attendance.

Councillor Calvert requested that his name be recorded as having voted against the motion.

Item: 259 GM - 52nd Floodplain Management Association Conference 2012 (79351,80286)

MOTION:

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

Refer to RESOLUTION

421 RESOLUTION:

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

The attendance of nominated Councillors and staff members as considered appropriate by the General Manager, at the 52nd Floodplain Management Association Conference at an approximate cost of \$1,955 plus travel expenses per delegate be approved.

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422 RESOLUTION:

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

That Councillors Mackay, Porter, Rasmussen, Reardon and Whelan, as Council's nominated representatives attend the 52nd Floodplain Management Association Conference.

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CITY PLANNING

Item: 260 CP - Development Application - Retrospective Application - Rural Tourist Facility - 123 Commercial Road, Vineyard - (DA0295/11, 95498, 85782)

Ms Tracey Grace and Ms Sue Pedersen, proponents, addressed Council.
Mr John Coco, Mr Alex Druc and Mr Paul McGowan, respondents, addressed Council.

MOTION:

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

Refer to RESOLUTION

423 RESOLUTION:

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

1. That Development Application No. DA0295/11 for a Rural Tourist Facility at Lot 12 DP 601366 Vol 13831 Fol 39, 123 Commercial Road, Vineyard be approved as a Deferred Commencement Consent subject to the following conditions:
 - A. Upon compliance with the condition appearing in Schedule 1, and with the issue of confirmation to that effect in writing from Council, this "Deferred Commencement" consent shall commence to operate as a development consent inclusive of all conditions appearing in Schedule 2 pursuant to Section 80(3) of the Act.
 - B. The 'Deferred Commencement' consent will lapse in twelve months from the date of this consent unless all conditions appearing in Schedule 1 have been complied with.

Schedule 1

- A. The submission of a comprehensive Building Code of Australia (BCA) report for a 'Class 1b Building', prepared by an accredited certifier with a minimum A1 or A2 Accreditation Level, issued by the NSW Building Professionals Board. The report must comment on the existing and proposed building works in relation to relevant sections of the Building Code of Australia including:
 - a. Site preparation
 - b. Footings and slabs
 - c. Framing
 - d. Roof and wall cladding
 - e. Glazing
 - f. Fire Safety
 - g. Health and amenity
 - h. Safe movement and access
 - i. Energy efficiency

The report must comment on the specific deemed-to-satisfy requirement of the BCA, level of compliance, where applicable and recommendation to achieve compliance where required. If an 'alternative solution' or 'performance based' solution is proposed to achieve compliance with these Sections of the Building Code of Australia, it must be prepared by a properly qualified and accredited person. If necessary, the report may be accompanied by 'certificates

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of compliance' from suitably licensed tradespersons or other qualified persons demonstrating compliance with particular components of construction in accordance with the BCA or Australian Standards.

- B. The submission of a report by a structural engineer confirming the structural adequacy of the existing building works.
- C. The submission of amended plans and specifications demonstrating compliance with the requirements of the Rural Fire Service as stated in the letter dated 5 August 2011, with regard to the protection of the buildings against bushfire.

Schedule 2

NSW Rural Fire Service Conditions

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. Proposed Tourist Cabins 1 and 2 on Lot 12 DP601366 require an asset protection zone of 70 metres or to the boundary if this is less. This is to be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of Planning for Bush Fire Protection 2006 and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

2. Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of Planning for Bush Fire Protection 2006.

Access

The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

3. Property access roads shall comply with section 4.1.3 (2) of Planning for Bush Fire Protection 2006.

Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

4. An emergency/evacuation plan is to be prepared that is consistent with section 4.2.7 of Planning for Bush Fire Protection 2006.

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

5. The existing dwelling and the proposed tourist accommodation cabins on Lot 12 DP601366 are required to be upgraded to improve ember protection. This is to be achieved by enclosing all

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openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, open-able windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.

Hawkesbury City Council Conditions

General

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. The approved use shall not commence until all conditions of this Development Consent have been complied with.
3. The buildings must not be used or occupied prior to the issue of an Occupation Certificate.
4. The development shall comply with the provisions of the Building Code of Australia.
5. 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.
6. Water supplied for human consumption must comply with the Food Safety Standards 3.2.3, Australian Drinking Water Guidelines 2004 and Private Water Supply Guidelines 2007.
7. A copy of a water supply management plan is to be provided to Council prior to operation of the business. Council's Environmental Health Officer can be of assistance in the development of such a plan.
8. Section 10(m) of the Public Health Act requires you to establish and adhere to a quality assurance program designed to ensure that the drinking water you supply is consistently safe to drink. Initial tests should be undertaken to obtain base line water quality data to assess compliance to the guidelines and the amount of chlorination required for potable purposes. After sampling has been undertaken and analysed a monthly monitoring program should be designed and implemented with details of the program forming the water supply management plan that shall be forwarded to Council.
9. The following services need to be supplied with potable water: hand washing basins, showers, food preparation areas, including water used specifically for drinking as well as water used in food preparation and cleaning. Only potable water must be used for making ice. Other services such as toilets, laundries, facility cleaning and irrigation taps do not need to be supplied with potable water. Where it is considered that the public may access these services it is necessary to provide a clearly visible sign stating "water unsafe to drink".
10. The business is to be registered with Council as a private water supplier prior to operation of the business.

Prior to Issue of a Construction Certificate

11. A landscape plan is to be submitted for approval. Landscaping is to provide suitable screening of the cabins when viewed from surrounding properties and the public domain. Landscaping is to include a mix of trees, shrubs and ground cover, and are to be native species of local provenance (i.e. species that form part of the ecological community Shale Plains Woodland).
12. A 149D Building Certificate application shall be submitted to Hawkesbury City Council and approval be granted prior to the issue of the construction certificate.

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Prior to Commencement of Works

13. An Application to Install a Sewage Management Facility must be submitted and approved by with Hawkesbury City Council prior to any works being commenced in relation to the sewage management facility.
14. 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.
15. 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.
16. 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.
17. 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

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. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
 - (a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - (b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
 - (c) Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
20. All roof water shall be drained to an approved on-site water storage facility or to an approved disposal system.
21. Landscaping of the development shall be completed in accordance with the approved landscape plan. In this regard landscaping is required to be provided to screen the tourist cabins and parked vehicles from all adjoining properties.

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22. A pavement 4m wide shall be constructed along the access strips to the Cabins appropriate to the gradient of the land in accordance with the following table:

| Gradient | Surface Construction |
|-----------------|-----------------------------|
| 0-16% | Compacted crushed rock |
| 17-20% | Bitumen seal |
| 21-25% | Reinforced concrete |

Driveway gradient shall not exceed 25% in any section.

23. A heavy duty layback and footway vehicular crossing 4m wide shall be constructed to the Cabins. The crossing shall be constructed in accordance with Hawkesbury Development Control Plan Appendix E, Civil Works Specification. Prior to works commencing the applicant shall consult with Infrastructure Services regarding fees to be paid, the works required and to organise inspections for a Compliance Certificate.
24. One off-street car parking space, together with access driveways and turning areas, shall be constructed, paved, line marked, signposted and maintained, adjacent to Cabin 2.

Prior to Issue of the Occupation Certificate

25. An automatic fire detection and alarm system shall be installed within the building in accordance with the Building Code of Australia for Class 1A and 1B Dwellings. Alarms and Detectors shall be installed by a licensed electrician and multiple alarms shall be interconnected, a certificate of the installation shall be provided prior to occupation of the building or addition.
26. A statement or other suitable evidence shall be submitted to the Principal Certifying Authority, certifying that all commitments made on the BASIX certificate have been implemented and installed as approved.

Use of the Development

27. No internal or external alterations shall be carried out without prior approval of Council.
28. All fire safety equipment and fixtures shall be regularly serviced and maintained. The owner or their agent shall certify annually that each of the fire safety measures specified in this statement has:
- (a) been assessed by a properly qualified person, and
 - (b) found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the certificate is issued.
29. The development shall be conducted in such a manner that the LA(eq) noise levels, measured at any point in accordance with the NSW EPA's Industrial Noise Policy (2000), does not exceed 5 dB(A) (LAeq) above background noise levels at any property boundary in the day and evening (defined by the NSW EPA Industrial Noise Policy).
30. The development shall be conducted in such a manner as to prevent the emission of offensive noise as defined by the Protection of the Environment Operations Act 1997 during the night ('night' defined by the NSW EPA Industrial Noise Policy).
31. No advertising signs or structures shall be erected, displayed or affixed on any building or land without prior approval.
32. The subject development, including the approved landscaping, is to be maintained in a clean and tidy manner.
33. All waste materials shall be regularly removed from the property.

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- 34. The rural tourist facility buildings shall not be used for permanent occupation as a residence.
- 35. The rural tourist facility building shall only be used for short term tourist accommodation with a maximum stay of two weeks in any one period.
- 36. A copy of the guest register is to be provided to Council every 3 months from the date of commencement of the use of the existing building as a rural tourist facility.
- 37. All premises offering food, packaged or otherwise, are to be registered with Council and have inspections conducted by Councils officers as necessary/required. These premises are required to comply with the Food Act 2003, associated Regulations, and the Food safety standards 3.2.2 and 3.2.3.
- 38. Only pre-packaged foods are to be provided on the premises as part of the business activity.
- 39. All materials, equipment and utensil for use in the operation of the business (including food products) are to be stored separate to those used for personal use.
- 40. Food preparation and storage areas are to be adequately protected from flies, insects and vermin. Windows are to be screened. External doors are to be provided with self-closing screen doors.
- 41. No domestic animals are to be allowed access to the food preparation or storage areas at any time.
- 42. All equipment, utensils, and food preparation surfaces are to be sanitized before each use.
- 43. Food storage areas are to be of a construction that is impervious to moisture and can easily be cleaned. Food storage areas are to be cleaned at regular intervals to ensure there is no build up of dirt or debris.
- 44. The particulars of the business are to be notified to the NSW Food Authority (www.foodnotify.nsw.gov.au) prior to commencement of operation of the business.

Advisory

*** 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.

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 Conolly |
| Councillor Calvert | Councillor Mackay |
| Councillor Ford | Councillor Paine |
| Councillor Reardon | Councillor Rasmussen |
| Councillor Whelan | |

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

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Item: 261 CP - Development Application - Three Lot Torrens Title Subdivision - 3 Duke Road, Wilberforce - (DA0514/11, 95498, 36026, 36025, 85782)

Mr Greg Hall and Ms Donna Pellew, proponents, addressed Council.
Ms Linda McCartney, respondent, addressed Council.

MOTION:

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

Refer to RESOLUTION

424 RESOLUTION:

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

That Development Application No. DA0514/11 at Lot 15 DP 843883, 3 Duke Road, Wilberforce for a Three Lot Torrens Title Subdivision be refused for the following reasons:

1. The proposed development is inconsistent with the aims and objectives and requirements of Hawkesbury Local Environmental Plan 1989.
2. The proposal is inconsistent with the Draft Hawkesbury Local Environmental Plan 2011.
3. The proposed development is inconsistent with the rules, aims and objectives of Hawkesbury Development Control Plan 2002.
4. The development application does not demonstrate that future development of the land will not unreasonably impact on adjoining properties in terms of solar access, privacy and drainage.
5. The site is considered unsuitable for increased residential development given its flood affectation.
6. The cumulative impact of subdivision of land below the 1 in 100 year flood level will increase the number and risk of future occupants upon land subject to flooding.
7. Due to the above reasons, and the objections received, the proposal is considered to not be in the general public interest.

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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 Ford |
| Councillor Calvert | |
| Councillor Conolly | |
| Councillor Mackay | |
| Councillor Paine | |
| Councillor Rasmussen | |
| Councillor Reardon | |
| Councillor Whelan | |

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

Item: 262 CP - Section 96 Application - Modifications to Noise Level and Extension of Deferred Commencement (Kurri Burri Music Festival) - 216 Edwards Road, Richmond Lowlands - (DA0116/08B, 95498)

Mr James Marshall, proponent, addressed Council.
Mr Beverly Begg and Mr Mike Van Gestel, respondents, addressed Council.

MOTION:

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

Refer to RESOLUTION

425 RESOLUTION:

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

That Council as the consent authority pursuant to Clause 80(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended) modify Development Application No. DA0116/08 for a music and arts festivals on Lot 2 DP: 229549, Lot 1 DP: 1120860, Lot 2 DP: 1120860 and Lot 3 DP: 1120860, known as 216 Edwards Road, 78 Powells Lane, 55 and 77 Cornwells Lane, Richmond Lowlands, in the following manner:

The "Deferred Commencement" Condition is to be modified as follows:

The HAWKESBURY CITY COUNCIL, hereby grants a "Deferred Commencement" consent for:

Music and arts festival (Annual two (2) day event)

Upon compliance with the conditions appearing in Schedule 1, and with the issue of confirmation to that effect in writing from Council, this "Deferred Commencement" consent shall commence to

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operate as a development consent inclusive of all conditions appearing in Schedule 2 pursuant to Section 80(3) of the Act.

This "Deferred Commencement" consent will lapse in five years from the date of this Notice unless all conditions appearing in Schedule 1 have been complied with.

Condition 33 is to be modified as follows:

33. Noise from amplified music is not to exceed 65dB(A) LA_{max} and 85dB(C) LA_{max} at any affected receiver. Should these noise levels be exceeded the acoustic consultant is to implement reduction strategies to reduce the noise level. The acoustic consultant is to conduct further noise testing using LA_{eq}, L90, LA₁ and LA_{max} at the subject site immediately after the reduction occurs until the noise level is reduced and meets guideline levels, with the readings provided in the acoustic report.

The above noise criteria may be used for the first day of the initial event only, i.e. this noise criteria is valid for one day only.

The following noise criteria will apply for any subsequent days or events:

When the noise level exceeds 5dB LA_{eq, (15min)} above background levels, the acoustic consultant is to implement reduction strategies to reduce the noise level. The acoustic consultant is to conduct further noise testing using LA_{eq}, L90, LA₁ and LA_{max} at the subject site immediately after the reduction occurs until the noise level is reduced and meets guideline levels, with the readings provided in the acoustic report.

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 | Nil |
| Councillor Calvert | |
| Councillor Conolly | |
| Councillor Ford | |
| Councillor Mackay | |
| Councillor Paine | |
| Councillor Rasmussen | |
| Councillor Reardon | |
| Councillor Whelan | |

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

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Item: 263 CP - Planning Proposal for Jacaranda Ponds, Glossodia - (LEP89001/10, 111745, 120418, 95498)

Previous Item: 161, Ordinary - (26 July 2011)

Mr Jeremy Spinak, proponent, addressed Council.
Mr Peter Gooley and Mr Michael Want, respondents, addressed Council.

MOTION:

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

Refer to RESOLUTION

426 RESOLUTION:

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

That:

1. Council support, in principle, the preparation of a Planning Proposal for the land comprising of:
Lot 2 DP 533402 and Lot 52 DP 1104504, 103 Spinks Road, Glossodia
Lot 20 DP 214753, 213 Spinks Road, Glossodia
Lot 75 DP 214752, 361 Spinks Road, Glossodia
Lot 3 DP 230943, James Street, Glossodia
Lot 44 DP 214755, 3 Derby Place, Glossodia
Lot 50 DP 751637, 746A Kurmond Road, Freemans Reach
Lots 1, 2 and 3DP 784300, 780A – 780C Kurmond Road, North Richmond

to rezone the land for large lot residential and/or residential development.
2. The planning proposal, submitted by the applicant, in its current form not be supported.
3. The concept plan titled “Jacaranda Ponds Planning Proposal Concept Plan, November 2011” attached to this report be adopted for the purposes of investigating the issues raised in this report and the report to Council on 26 July 2011, and for the purposes of preparing an amended planning proposal.
4. Council consider no future planning proposal for this site that includes the retention of the existing egg farm and/or poultry facility.
5. The Department of Planning and Infrastructure and NSW Roads and Traffic Authority be advised of this planning proposal and invited to provide comment on the current proposal and input into the preparation of an amended planning proposal.
6. The applicant be responsible for preparing an amended planning proposal to be reported back 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 motion, the results of which were as follows:

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| For the Motion | Against the Motion |
|--------------------|----------------------|
| Councillor Bassett | Councillor Rasmussen |
| Councillor Conolly | Councillor Calvert |
| Councillor Ford | Councillor Paine |
| Councillor Mackay | |
| Councillor Reardon | |
| Councillor Whelan | |

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

Item: 264 **CP - Development Applications in Wilberforce - (95498)**

Previous Item: 19, Ordinary (15 February 2011)

MOTION:

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

Refer to RESOLUTION

427 RESOLUTION:

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

That:

1. The draft Policy "Wilberforce Subdivision and Development" as attached to this report be publicly exhibited for a period of 28 days.
2. A further report be brought to Council to consider submissions after exhibition of the draft Policy.
3. Council prepare a Planning Proposal to amend the "Lot Size Map", prepared as part of the draft Hawkesbury Local Environmental Plan 2011, to be consistent with the attached draft Policy, as adopted, and the Planning Proposal be forwarded to the Department of Planning and Infrastructure for a "gateway" determination.
4. The additional current development applications for Wilberforce village mentioned in this report, i.e., DA 0067/11 and DA0440/11, be determined as follows:
 - a) DA0067/11, as it was submitted on 14 February 2011, be determined on its merits as if the Council report of 15 February 2011 and this Policy did not exist.
 - b) DA0440/11, as it was submitted in August 2011, be determined on its merits giving weight to the provisions of the Council report of 15 February 2011 and the draft Policy attached to this report.
5. All future development applications for development of the residentially zoned land in Wilberforce are to be assessed against the provisions of the Policy as proposed or amended until the finalisation of the Planning Proposal proposed in Part 3 above.

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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 | Nil |
| Councillor Calvert | |
| Councillor Conolly | |
| Councillor Ford | |
| Councillor Mackay | |
| Councillor Rasmussen | |
| Councillor Reardon | |
| Councillor Whelan | |

Councillors Paine, Porter, Tree and Williams were absent from the meeting.

Item: 265 **CP - Draft Design Brief - Expansion of Seniors Centre, Richmond - Update - (95498)**

Previous Item: 247, Ordinary - (8 November 2011)

MOTION:

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

Refer to RESOLUTION

428 RESOLUTION:

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

That:

1. The draft design brief for the proposed expansion of the Hawkesbury Seniors Learning and Leisure Centre be received.
2. The design brief be progressed to develop preliminary designs and costings for the Project
3. The preliminary design and provisional costings be referred to the Seniors Centre Design Working Party for their further consideration.

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Item: 266 CP - Draft Access and Inclusion Policy - (88324, 75816, 119366, 95498)

Previous Item: 87, Ordinary (10 May 2011)
272, Ordinary (12 October 2010)
232, Ordinary (30 November 2010)
165, Ordinary (13 July 2010)
NM2, Ordinary (8 June 2010)

MOTION:

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

Refer to RESOLUTION

429 RESOLUTION:

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

That the Draft Access and Inclusion Policy be placed public exhibition for a period of 56 days.

Item: 267 CP - Community Sponsorship Program - 2011/2012 - Round 2 - (96328, 95498)

Previous Item: 159, Ordinary (26 July 2011)

Councillor Calvert declared a less than significant non-pecuniary conflict of interest in this matter as one of the applications is by an Government High School P&C Association and he is an employee of the NSW Department of Education and Communities and no further action is required.

Ms Gae Kelly, proponent, addressed Council.

MOTION:

A MOTION was moved by Councillor Whelan, seconded by Councillor Reardon

That Council:

1. Approve payments under Section 356 financial assistance to the organisations or individuals listed, and at the level recommended in Table 1 of this report subject to \$4,740 also being granted to the Windsor Business Group.
2. Approve the execution of Council's standard Sponsorship Agreement for applications 2 and 11 identified in Table 1 of this report.

RESOLVED on the AMENDMENT moved by Councillor Calvert, seconded by Councillor Mackay.

Refer to RESOLUTION

The amendment was carried.

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The amendment then became the motion which was put and carried.

430 RESOLUTION:

RESOLVED on the AMENDMENT moved by Councillor Calvert, seconded by Councillor Mackay.

That Council:

1. Approve payments under Section 356 financial assistance to the organisations or individuals listed, and at the level recommended in Table 1 of this report.
2. Approve the execution of Council's standard Sponsorship Agreement for applications 2 and 11 identified in Table 1 of this report.

431 RESOLUTION:

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

That the meeting continue past 11:00pm to allow completion of the Business Paper Items.

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INFRASTRUCTURE SERVICES

Item: 268 IS - Liquid Trade Waste Policy - (112179)

MOTION:

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

Refer to RESOLUTION

432 RESOLUTION:

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

That the Liquid Trade Waste Policy attached as Attachment 1 to the report be adopted.

ORDINARY MEETING

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SUPPORT SERVICES

Item: 269 SS - Monthly Investments Report - October 2011 - (96332, 95496)

MOTION:

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

Refer to RESOLUTION

433 RESOLUTION:

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

The report regarding the monthly investments for October 2011 be received and noted.

Item: 270 SS - September 2011 Quarterly Review - 2011/2012 Management Plan - (79351, 95496, 96332, 107)

Previous Item: 121, Extraordinary (21 June 2011)

MOTION:

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

Refer to RESOLUTION

434 RESOLUTION:

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

That the:

1. Information contained in the report on the 2011/2012 Management Plan – September 2011 Quarterly Review be received.
2. Quarterly Review of the 2011/2012 Management Plan for the period ending 30 September 2011 be adopted.

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Item: 271 SS - Exemption from Rating - 44 Paget Street, Richmond - (107776, 95496)

MOTION:

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

Refer to RESOLUTION

435 RESOLUTION:

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

That:

1. NSW Department of Family and Community Services be granted exemption from rating from 1 July 2011 for the property known as 44 Paget Street, Richmond.
2. An amount of \$1,212.49 be abandoned in respect of rates for the period 1 July 2011 to 30 June 2012.

Item: 272 SS - Pecuniary Interest Returns - (96333, 95496)

MOTION:

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

Refer to RESOLUTION

436 RESOLUTION:

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

That the information be received and noted.

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CONFIDENTIAL REPORTS

437 RESOLUTION:

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

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

438 RESOLUTION:

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

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: 273 IS - Tender No. 01811 - South Windsor STP Bisolids Treatment and Handling Upgrade - (112179)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it relates to details concerning tenders and 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: 274 IS - Tender No. 00112 - Tender for the Dry Hire of One Landfill Compactor at the Hawkesbury City Waste Management Facility - (82995)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it relates to details concerning tenders and 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: 275 IS - Tender No. 00312 - Provision of Repainting Various Sites 2011/2012 - (79340)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it relates to details concerning tenders and 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: 276 SS - Property Matter - Lease of 20 Bosworth Street, Richmond - (121420, 112106, 95946)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 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*

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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: 277 GM - Staff Matter - (79351)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(a) of the Local Government Act, 1993 as it relates to personnel matters concerning particular individuals (other than Councillors)..*

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.

439 RESOLUTION:

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

Item: 273 IS - Tender No. 01811 - South Windsor STP Biosolids Treatment and Handling Upgrade - (112179) CONFIDENTIAL

MOTION:

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

Refer to RESOLUTION

440 RESOLUTION:

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

That the:

1. Tender submitted by Murphy McCarthy & Associates Pty Ltd in the amount of \$4,936,417 (GST Inclusive) for the design, construction, testing and commissioning of the South Windsor STP Biosolids Treatment and Handling Upgrade, in accordance with Tender Document 01811, be accepted.
2. An amount of \$1,285,465 (GST Inclusive) be utilised from within the Sewerage Reserve to fund remainder of the amount tendered by the recommended tenderer Murphy McCarthy & Associates Pty Ltd.
3. Seal of Council to be affixed to the necessary documentation.

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Item: 274 **IS - Tender No.00112 - Tender for the dry hire of one landfill compactor at the Hawkesbury City Waste Management Facility - (82995) CONFIDENTIAL**

Previous Item: Item 1, Waste Management Advisory Committee (28 April 2010)

MOTION:

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

Refer to RESOLUTION

441 RESOLUTION:

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

That:

1. The tender of GCM Enviro Pty Ltd to supply one landfill compactor on a dry hire basis at the rates detailed within the report be accepted, subject to further plant information and OH&S documentation to Council's satisfaction being supplied to demonstrate compliance with Council's OH&S requirements.
2. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.

Item: 275 **IS - Tender No. 00312 - Provision of Repainting Various Sites 2011/2012 - (79340) CONFIDENTIAL**

MOTION:

The General Manager advised that whilst in Closed Session, Council RESOLVED on the motion of Councillor Reardon, seconded by Councillor Whelan.

Refer to RESOLUTION

442 RESOLUTION:

The General Manager advised that whilst in Closed Session, Council RESOLVED on the motion of Councillor Reardon, seconded by Councillor Whelan.

That the tender submitted by R. Fleming & Sons Painting & Decorating for the provision of Repainting Various Sites 2011/2012 in the amount of \$179,228.00 (GST Excl), be accepted and the necessary documents be executed under Seal of Council.

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Item: 276 **SS - Property Matter - Lease of 20 Bosworth Street, Richmond - (121420, 112106, 95946) CONFIDENTIAL**

Previous Item: 198, Ordinary (30 August 2011)

MOTION:

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

Refer to RESOLUTION

443 RESOLUTION:

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

That:

1. Council agree to simultaneously:
 - (a) Extinguish the lease of 20 Bosworth Street, Richmond, with Mr Joseph Topping subject to Mr Topping paying all rent and outgoings up to the commencement of the new lease and all legal expenses associated with the surrender of the existing lease.
 - (b) Enter into a new lease for 20 Bosworth Street, Richmond with On Road Auto's Pty Ltd in accordance with the proposal in the report.
2. Authority be given for any documentation in association with this matter to be executed under Seal of Council.
3. Details of Council's resolution be conveyed to Mr Joseph Topping and On Road Auto's Pty Ltd, 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: 277 **GM - Staff Matter - (79351) CONFIDENTIAL**

All staff, excluding the General Manager, left the meeting during consideration of this item.

MOTION:

The General Manager advised that whilst in Closed Session, Council RESOLVED on the motion of Councillor Reardon, seconded by Councillor Whelan.

Refer to RESOLUTION

ORDINARY MEETING

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444 RESOLUTION:

The General Manager advised that whilst in Closed Session, Council RESOLVED on the motion of Councillor Reardon, seconded by Councillor Whelan.

That:

1. Council note, following consultation with the Council in accordance with the requirements of section 337 of the *Local Government Act 1993*, including interviews by an interview panel including the Mayor and Deputy Mayor, that the General Manager proposes is to appoint Mr Jeff Organ to the position of Director Infrastructure Services.
2. Once finalised, a media release be issued announcing the appointment.

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SECTION 5 - Reports of Committees

ROC - Hawkesbury Disability Advisory Committee - 6 October 2011 - (88324)

445 RESOLUTION:

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

That the minutes of the Hawkesbury Disability Committee held on 6 October 2011 as recorded on pages 171 to 175 of the Ordinary Business Paper be received.

ROC - Waste Management Advisory Committee - 9 November 2011 - (95249)

446 RESOLUTION:

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

That the minutes of the Waste Management Advisory Committee held on 9 November 2011 as recorded on pages 176 to 179 of the Ordinary Business Paper be received.

ROC - Local Traffic Committee - 16 November 2011 - (80241)

447 RESOLUTION:

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

That the minutes of the Local Traffic Committee held on 16 November 2011 as recorded on pages 180 to 204 of the Ordinary Business Paper be adopted.

QUESTIONS FOR NEXT MEETING

Councillor Questions From Previous Meetings and Responses - (105109)

Responses to questions in relation to previous Questions for Next Meeting were provided and discussed.

ORDINARY MEETING**Minutes: 29 November 2011****QUESTIONS WITHOUT NOTICE**

| # | Councillor | Question | Response |
|---|------------|--|--|
| 1 | Whelan | Enquired if Council could advise when it is anticipated that the potholes will be filled on Kings Road and Sackville Road. | Director Infrastructure Services |
| 2 | Conolly | Advised that Council provides an annual allocation of funds to Hawkesbury Radio and enquired if there was a process of equal in how those funds are used and is Council confident that those funds are being used for the purposes of which they are given. | General Manager |
| 3 | Bassett | Advised Councillors that there was an App for their iphones that saves Councillors having to wait for a Council Meeting or to ring up to report such matters as bad road conditions, potholes, graffiti, etc. It allows staff to react more quickly and have the issues dealt with sooner. | Advice to Council. No response required. |
| 4 | Calvert | Enquired about Redbank Creek, North Richmond and whose responsibility it is to keep it clean and running as the residents own to the mid point of the creek. The residents are just after clarification. | Director City Planning |

The meeting terminated at 11.28pm

Submitted to and confirmed at the Ordinary meeting held on 13 December 2011.

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Mayor