



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 25 November 2008
location: council chambers
time: 5:00 p.m.

ORDINARY MEETING

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 25 November 2008, commencing at 5:00pm.

Revered Aleks Pinter of St Matthews Anglican Church, Windsor, 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 W Mackay, C Paine, B Porter, P Rasmussen, J Reardon, R Stubbs, 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 - Kylie Wade-Ferrell.

APOLOGIES

An apology for absence was received from Councillor B Calvert.

385 RESOLUTION:

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

Councillor Rasmussen arrived at the meeting at 5:18pm
Councillor Mackay arrived at the meeting at 5:30pm

SECTION 1: Confirmation of Minutes

386 RESOLUTION:

RESOLVED on the motion of Councillor Tree and seconded by Councillor Porter that the Minutes of the Ordinary Meeting held on the 11 November 2008, be confirmed.

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SECTION 3 - Notices of Motion

NM1 - Economic Planning and Preparations - (79351, 80106)

MOTION

That Council asks for a Report to cover the following aspects:

1. The most likely financial and economic impact of the Global economic slowdown on Council revenues and activities;
2. What measures, not limited to financial and economic, Council is able to devise to mitigate any negative impact on receipts and activities;
3. What economic planning tools and mechanisms Council can call upon to assist not only itself, but also Council dependent community entities, in preparing for any downturn which might result from the Global economic slowdown; and
4. The benefits, or otherwise, of establishing an Economic Planning Committee of Council with members drawn from the business community, but not limited to that area of expertise.

The MOTION was lost.

NM2 - Reducing Carbon Emissions in the Hawkesbury - (79351, 80105)

MOTION:

A MOTION was moved by Councillor Williams, seconded by Councillor Paine.

That:

1. Hawkesbury Council commits to becoming carbon neutral in its operations and service delivery by not later than December 2011, with carbon neutrality being achieved through a combination of reduced demand for energy and products, energy efficiency, increased use of renewable energy and offsetting of emissions that cannot be otherwise avoided;
2. To facilitate achieving this aim and other issues related to global warming, Council establish a sustainability committee of councillors, staff and community representatives;
3. Council have a briefing session on 2 December 2008 in relation to the Energy and Water Savings Action Plans.

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

Refer to RESOLUTION

The amendment was carried.

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

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387 RESOLUTION:

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

That upon receipt of notice from the Minister for Utilities of adoption of the Energy and Water Savings Action Plans, the details of those plans be reported to Council.

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SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 236 GM - Richmond Club Limited - Proposed Expansion of Hawkesbury Living Nursing Home, 116 March Street, Richmond - (79351, 95498, 3996)

Mr Dale Hunt and Ms Kimberley Talbot, proponents, addressed Council.

Councillor Stubbs declared a pecuniary interest in this matter as he is a Visiting Medical Officer at the Nursing Home. He left the Chamber and did not take part in voting or discussion on the matter.

MOTION:

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

Refer to RESOLUTION

388 RESOLUTION:

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

That:

1. Council, on a without prejudice basis indicate its "in principle" support for the proposals submitted by the Richmond Club Limited in relation to the possible future expansion of the Hawkesbury Living Nursing Home, 116 March Street, Richmond subject to the issues in relation to ownership/tenure of land required for the expansion, car parking and other issues that may arise being resolved and/or addressed to Council's satisfaction.
2. The General Manager be authorised to have further discussions with the Richmond Club Limited as a result of part 1 of Council's resolution and that a further report be submitted following these discussions detailing any proposals to address issues associated with the proposal.
3. The Richmond Club Limited be invited to make a presentation at a future Briefing Session in connection with their proposals for the expansion of the Hawkesbury Living Nursing Home.

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Item: 237 GM - Pitt Town Residential Precinct - Representation by Pitt Town Progress Association Regarding Proposed Pitt Town Bypass - (79351)

Mr Harvey Read and Mr Joe Turner, proponents, addressed Council.

MOTION:

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

Refer to RESOLUTION

389 RESOLUTION:

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

That:

1. Council seek a delegation to meet with the Minister for Planning and the Minister for Roads and appropriate representatives of their respective Departments, together with representatives of the Pitt Town Progress Association Inc. and the Johnson Property Group, with a view to facilitating the early provision of the proposed Pitt Town Bypass as suggested by the Association.
2. The Pitt Town Progress Association Inc. be advised of the Council's actions in this regard.
3. Pitt Town Centre be referred to the Local Traffic Committee for review.
4. In addition, the Pitt Town Residents Group Inc. be approached and if in support of the contents of the letter from the Pitt Town Progress Association supporting the bypass, be asked to attend the delegation as outlined in part 1 of the resolution.

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 Conolly	
Councillor Mackay	
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Stubbs	
Councillor Tree	
Councillor Whelan	
Councillor Williams	

Councillor Calvert was absent from the meeting.

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CITY PLANNING

Item: 238 CP - Development Application - Shop - Aldi Store with Associated Carparking, Signage and Landscaped Area - 5 Curtis Road and 230 Windsor Road, Vineyard NSW 2765 - (DA0603/08, 95498, 12831, 111131)

Mr Max Jarman and Ms Amanda Young, proponents, addressed Council.
Mr Bob Dunnet, Mr John Miller and Mr Rob Senior, respondents, addressed Council.

Councillor Bassett, Mayor declared a significant non-pecuniary conflict of interest in this matter as the objector, Pirasta Pty Ltd, made donations to his March 2007 State Election campaign for the seat of Londonderry. The donations made were under the State Election threshold of \$1,500 limit for the 2007 Election, however, the amount would now be considered over the Local Government Election threshold of \$1,000. He left the Chamber and did not take part in voting or discussion on the matter.

Councillor Conolly declared a significant non-pecuniary conflict of interest in this matter as was advised that his campaign for the State seat of Riverstone in March 2007 directly benefited from a donation to the Liberal Party made by the respondent. He left the Chamber and did not take part in voting or discussion on the matter.

Councillors Reardon, Tree and Whelan declared a less than significant non-pecuniary conflict of interest in this matter as donations were made from the objector, Pirasta Pty Ltd, to the Liberal State Election Campaign in 2007, and as they did not directly benefit from the donation they considered no further action was required.

Election of Acting Chairperson

In the absence of the Mayor and Deputy Mayor from the meeting for this item, it was necessary for an Acting Chairperson to be elected.

Nominations for Acting Chairperson were received for Councillors Paine and Stubbs. As both Councillors Paine and Stubbs accepted the nomination for the position, the General Manager conducted a ballot by open voting and subsequently, declared Councillor Stubbs elected as Acting Chairperson for this item in the absence of the Mayor and Deputy Mayor.

MOTION:

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

Refer to RESOLUTION

390 RESOLUTION:

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

That the matter be deferred to enable the economic impact of the proposal to be further considered.

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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 Paine	Councillor Mackay
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Stubbs	
Councillor Tree	
Councillor Whelan	
Councillor Williams	

Councillors Bassett and Conolly were not in the Chamber when the vote was taken
Councillor Calvert was absent from the meeting.

Item: 239 CP - Development Application - Change of Use of Existing Restaurant and First Floor Residential Flat - Including Additions and Alterations to the Existing Building - 230 Windsor Street, Richmond - (DA0537/08, 95498, 110797)

MOTION:

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

Refer to RESOLUTION

391 RESOLUTION:

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

That:

- A. Development application DA0537/08 at Lot 1 DP 1107029, 263 Windsor Street, Richmond for Change of use of the existing restaurant and first floor residential flat to a shop (pharmacy) and commercial premises (office), including additions and alterations to the existing building at the front of the property be approved by granting of a Deferred Commencement consent subject to the conditions in Schedules 1 and 2.
 - 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.

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Schedule 1 - Deferred Commencement Condition

1. A Planning Agreement under 93F of the Environmental Planning and Assessment Act 1979 must be entered into with the Hawkesbury City Council making provision for the applicant to provide works, as specified in the agreement, to the value of \$50,000 in lieu of the parking spaces not being provided onsite as a result of the proposed development.

Schedule 2

General Conditions

2. 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.
3. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
4. The building 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 at all times.
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.

Prior to Commencement of Works

7. A waste management plan shall be submitted to and approved by Council. The plan shall address any builder's waste and waste generated during the day to day operation of the development. Particular attention shall be paid to type and quantity of waste, recycling, reuse, storage and disposal.
8. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction. The enclosed warning sign shall be affixed to the sediment fence/erosion control device.
9. The building shall be set out by a Registered Surveyor. The Survey Certificate of the building showing the position of the external walls under construction and in compliance with the approved plans shall be lodged with the principal certifying authority. Any easements must be shown on the Survey Certificate.
10. 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.
11. 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.
12. 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.
13. 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.

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- (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.
14. 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.
15. The approved plans must be submitted to a Sydney Water Quick Check agent or customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For quick Check agent details, please refer to the web site www.sydneywater.com.au, see Building Developing and Plumbing then Quick Check or telephone 13 20 92.

The consent authority or a private accredited certifier must either:

- Ensure that Quick Check agent/Sydney Water has appropriately stamped the plans before the issue of any Construction Certificate; or
- If there is a combine Development/Construction Certificate application or Complying Development, include the above condition as one to be met prior to works commencing on site.

During Construction

16. The site shall be secured to prevent the depositing of any unauthorised material.
17. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
18. External colours and material of the new work are to match the existing.
19. 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.
20. 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.
21. At all times during demolition, a competent person shall directly supervise work. It is the responsibility of the person to ensure that:
- (a) Adjoining owners are given 24 (twenty four) hours notice, in writing, prior to commencing demolition.
 - (b) Utility services within the structure not required to be maintained during the demolition work shall be properly disconnected and sealed before any demolition commences.

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- (c) The site shall be secured at all times against the unauthorised entry of persons or vehicles.
 - (d) Safe access and egress from adjoining buildings is to be maintained at all times for the duration of the demolition work.
 - (e) Precautions are taken to ensure that the stability of all parts of the structure and the safety of persons on and outside the site are maintained, particularly in the event of sudden and severe weather changes.
 - (f) The structure and all components shall be maintained in a stable and safe condition at all stages of the demolition work.
 - (g) Demolition activity shall not cause damage to or adversely affect the structural integrity of adjoining buildings.
 - (h) Removal of dangerous or hazardous materials shall be carried out in accordance with the provisions of all applicable State legislation and with any relevant recommendations published by the National Occupational Health and Safety Commission (Worksafe Australia).
 - (i) All work shall be carried out in accordance with AS2601 and the Work Plan submitted with the development application.
 - (j) Unless otherwise permitted by Council, the structure is to be demolished in reverse order of construction, being progressive and having regard to the type of construction, to enable the maximum separation and recycling of demolished materials to take place.
 - (k) No material is to be burnt on site.
22. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, including a public road or place, the person causing the excavation to be made:
- (a) must preserve and protect the building from damage; and
 - (b) if necessary, must underpin and support the building in an approved manner; and
 - (c) must, at least 7 (seven) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- The person acting in accordance with this Consent is liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
23. A hoarding is required to be provided to the footpath prior to the commencement of any works associated with the new awning. Hawkesbury Council's Infrastructure Services Department must be contacted in this regard.

Use of the Development

- 24. No internal or external alterations shall be carried out without prior approval of Council.
- 25. All waste materials shall be regularly removed from the property.
- 26. All work and the storage of goods or materials shall be confined within the building at all times.
- 27. Operating hours of the pharmacy shall be limited to the following hours:

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- 8:30am to 6:00pm on Mondays, Tuesdays, Wednesdays, Fridays, Saturdays
- 8:30am to 9:00pm on Thursdays; and
- 10:00am to 6:00pm on Sundays.

28. No advertising signs or structures shall be erected, displayed or affixed on any building or land without prior approval.
29. No advertising signs or structures shall be displayed on the footpaths, pedestrianways, roadways or on any land other than the approved development site.
30. Any external lighting shall be directed in such a manner so that no nuisance is caused to adjoining properties or to drivers on surrounding streets.
31. 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.

Advisory Notes

32. 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.
33. The applicant is advised to consult with:
 - (a) Sydney Water Corporation Limited
 - (b) Integral Energy
 - (c) Natural Gas Company
 - (d) a local telecommunications carrier

regarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public roads.

- B. The Seal of Council be affixed to any necessary documentation in this matter.

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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 Conolly	
Councillor Mackay	
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Stubbs	
Councillor Tree	
Councillor Whelan	
Councillor Williams	

Councillor Calvert was absent from the meeting.

Item: 240 CP - Application for Rezoning - Lot 1 DP 129442 and Lot 1 DP779913 - 739 George Street, South Windsor (Windsor Baptist Church) - (85593, 95498)

Previous Item: 104, Ordinary (27 May 2008)

MOTION:

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

Refer to RESOLUTION

392 RESOLUTION:

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

That:

1. Council prepare a draft LEP under the provisions of Section 54 of the Environmental Planning and Assessment Act 1979, to rezone land at Lot 1 DP129442 and Lot 1 DP 779913 - 739 George Street South Windsor, to SP3 Tourist zone.
2. The SP3 zone be developed, for inclusion in the Hawkesbury LEP, by Council staff in a manner that limits development within that zone to generally non-retail, tourist development.
3. The applicant is to develop a draft site specific DCP for the site, at their own expense, in conjunction with Council staff for final checking, amendment if required, and adoption by Council prior to finalisation of the rezoning.

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4. Safe pedestrian access be provided across George Street, South Windsor.

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 Paine
Councillor Conolly	Councillor Williams
Councillor Mackay	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Stubbs	
Councillor Tree	
Councillor Whelan	

Councillor Calvert was absent from the meeting.

Item: 241 CP - Proposed Briefing to Council for Land at Grose Vale Road, North Richmond - (105365, 103235, 77679, 103461, 95498)

Mr Frank Scharfe, respondent, addressed Council.

MOTION:

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

Refer to RESOLUTION

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

That a forum be setup to allow other interested groups/residents to participate in information sharing regarding this matter.

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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 amendment, the results of which were as follows:

For the Amendment	Against the Amendment
Councillor Rasmussen	Councillor Bassett
Councillor Williams	Councillor Conolly
	Councillor Mackay
	Councillor Paine
	Councillor Porter
	Councillor Reardon
	Councillor Stubbs
	Councillor Tree
	Councillor Whelan

Councillor Calvert was absent from the meeting.

393 RESOLUTION:

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

That Council agree to the request from Urbis to make a presentation to the Councillor Briefing Session on 2 December 2008.

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 Rasmussen
Councillor Conolly	
Councillor Mackay	
Councillor Paine	
Councillor Porter	
Councillor Reardon	
Councillor Stubbs	
Councillor Tree	
Councillor Whelan	
Councillor Williams	

Councillor Calvert was absent from the meeting.

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Item: 242 CP - Hawkesbury City Council - Annual Report - 2007/2008 - (95498, 107)

MOTION:

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

Refer to RESOLUTION

394 RESOLUTION:

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

That:

1. The completion of Council's 2007/2008 Annual Report information be received and noted and a copy be forwarded to the Department of Local Government and any other necessary authorities prior to the end of November as required.
2. Council display the full Annual Report on Council's website by the 30 November 2008.

Item: 243 CP - Works in Kind Agreement Stormwater and Section 94 Contributions Pitt Town Development - (95498)

Previous Item: 154, Ordinary (29 July 2008)

MOTION:

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

Refer to RESOLUTION

395 RESOLUTION:

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

That the:

1. Request for Council to enter into a works-in-kind agreement for the provision of Stormwater, Roads, Open Space, Community Facilities and other relevant infrastructure and facilities, identified in the Section 94 contributions plan, to Pitt Town in lieu of a cash payment for Section 94 costs for that infrastructure be agreed, subject to Council's solicitor being in agreement to the documentation.
2. Seal of Council be affixed to any necessary documentation.

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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 Rasmussen
Councillor Conolly	Councillor Williams
Councillor Mackay	
Councillor Paine	
Councillor Porter	
Councillor Reardon	
Councillor Stubbs	
Councillor Tree	
Councillor Whelan	

Councillor Calvert was absent from the meeting.

ORDINARY MEETING

MINUTES: 25 November 2008

INFRASTRUCTURE SERVICES

Item: 244 **IS - Proposed Removal of the Road Closures at Old Hawkesbury Road and Henry Road, Vineyard - (79346, 75845, 12791, 95238)**

Previous Item: Item 2.3, Ordinary (10 June 1997)
 Item 3, General Purpose Committee (26 August 1997)
 Item 3, Ordinary (09 September 1997)

Ms Marion Greentree and Mr Michael Greentree, respondents, addressed Council.

MOTION:

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

Refer to RESOLUTION

396 RESOLUTION:

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

That the existing road closures in Old Hawkesbury Road and Henry Road, Vineyard, remain in place.

Item: 245 **IS - Pughs Lagoon and Smith Park Draft Plan of Management - (95495, 79354)**

Previous Item: 233, Ordinary (11 November 2008)

MOTION:

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

Refer to RESOLUTION

397 RESOLUTION:

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

That:

1. The Pughs Lagoon and Smith Park Draft Plan of Management be amended identifying Council as the Trust Manager.
2. The Pughs Lagoon and Smith Park Draft Plan of Management and Master Plan be adopted, with the provision of further community consultation being undertaken in relation to the Francis Street road closure.

SUPPORT SERVICES

Item: 246 SS - Monthly Investments Report - October 2008 - (96332, 95496)

MOTION:

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

Refer to RESOLUTION

398 RESOLUTION:

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

That the information be received and noted.

Item: 247 SS - September 2008 Quarterly Review - 2008/2009 Management Plan - (96332, 95496)

Previous Item: 113, Special (23 June 2008)

MOTION:

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

Refer to RESOLUTION

399 RESOLUTION:

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

That:

1. The information contained in the report on the 2008/2009 Management Plan – September 2008 Quarter Review be received.
2. The Quarterly Review of the 2008/2009 Management Plan and Financial Statement for the period ending 30 September 2008 be adopted.

ORDINARY MEETING
MINUTES: 25 November 2008

Item: 248 SS - Pecuniary Interest Returns - (79337, 95496)

MOTION:

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

Refer to RESOLUTION

400 RESOLUTION:

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

That the information be received and noted.

Item: 249 SS - Councillor Membership of Public Libraries NSW - Metropolitan Association - (112062, 82780, 95496)

MOTION:

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

Refer to RESOLUTION

401 RESOLUTION:

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

That Council nominate a Councillor representative to the Public Libraries NSW – Metropolitan Association.

402 RESOLUTION:

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

That Councillor Paine, as the nominated Councillor, be Council's representative to the Public Libraries NSW - Metropolitan Association.

CONFIDENTIAL REPORTS

403 RESOLUTION:

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

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

404 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen, 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: 250 SS - Property Matter - Assignment of Leases from Hutchinson Telecommunications (Australia) Limited to Hutchison 3G Australia Pty Limited - Wilberforce Works Depot, Old Sackville Road, Wilberforce

*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 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.

405 RESOLUTION:

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

ORDINARY MEETING

MINUTES: 25 November 2008

**Item: 250 SS - Property Matter - Assignment of Leases from Hutchison
Telecommunications (Australia) Limited to Hutchison 3G Australia Pty Limited -
Wilberforce Works Depot, Old Sackville Road, Wilberforce - (95496, 79337, 73984)
CONFIDENTIAL**

MOTION:

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

Refer to RESOLUTION

406 RESOLUTION:

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

That:

1. Council agree to the assignment of the existing lease and the three sequential five (5) year leases with Hutchison Telecommunications (Australia) Ltd to Hutchison 3G Australia Pty Limited 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 assignor and assignee, 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.

ORDINARY MEETING

MINUTES: 25 November 2008

SUPPLEMENTARY REPORTS

Item: 251 IS - Regional and Local Community Infrastructure Program - (95494)

MOTION:

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

Refer to RESOLUTION

407 RESOLUTION:

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

That this matter be referred to the Councillor Briefing Session of 2 December 2008.

ORDINARY MEETING**MINUTES: 25 November 2008****QUESTIONS WITHOUT NOTICE**

#	Councillor	Question	Response
1	Porter	Referred to the new bridge on the way to Glossodia over the creek and asked if the 'speed bump' on one end was going to be addressed.	The Director Infrastructure Services advised there was a slight depression on the western side, but didn't think it warranted reconstructing that length.
2	Porter	Asked if Council had received the costs awarded to Council as a result of the judgement in the Orange Spot case.	The Director City Planning advised costs were awarded to Council, but the other side has refused to pay. Therefore, the case has gone to a cost auditor and will then go back through court for a final determination. As an update to this question, after checking the progress of this matter it is advised that the final costs, to the value of \$23,246, were received on 16 October 2008.
3	Paine	Asked what was the outcome in relation to the Johnson tree matter; and did the other party pay Council's costs.	The Director City Planning advised that the Barrister for Mr Johnson was in hospital in Tasmania; therefore proceedings were postponed until the week after next. The Director City Planning advised that it was cancelled before the court appearance day so there are no costs.
4	Paine	Asked if there was any chance of the Bicycle and Access Mobility Committee meeting in the foreseeable future.	The Executive Manager Community Partnerships advised that as part of the review of all Council's existing Committees there will be a report to the next Ordinary Meeting for Council to ratify the community representatives who have applied to sit on the Bicycle and Access Mobility Committee. After that date a meeting will be convened, hopefully this year.
5	Paine	Referred to Millers Dam on Wilberforce Road and asked if there was a completion date.	The Director City Planning advised there were three dams approved, they were commenced with a private certifier, then Council took it over. Council are currently sorting out a number of issues, but will advise of the proposed completion date.

ORDINARY MEETING

MINUTES: 25 November 2008

#	Councillor	Question	Response
6	Paine	Referred to East Kurrajong Road and asked if it was going to commence shortly, before Christmas	The Director Infrastructure Services advised he was meeting with the contractor tomorrow afternoon to determine the methodology and hopefully it will commence shortly. He advised the timeframe before Christmas was getting short and they didn't want a road half completed over the Christmas period if it can be helped.
7	Paine	Asked if the Windsor Town Centre could be tidied up before Christmas. She commented that Council used to put up lights and asked if a Christmas Tree was being put up this year. She also commented on the overgrown grass at a number of intersections.	The Director Infrastructure Services advised the lights will still be going up as usual and commented that the grass has been clean up at the Railway Station and around those islands and Council was progressing through the clean up program.
8	Williams	<p>Referred to the Millers Dam and commented that the top soil 'For Sale' sign is still there and presumably, they are still selling off-site the removed soil. He commented that he was concerned that the paddocks, especially the one across the road in front of the white cottage was below normal ground level because of the removal of top soil with each load of turf. He asked if Council had anyway of making sure that that soil could be replenished.</p> <p>Councillor Williams asked if the consent allowed them to take the soil off-site and sell it.</p>	<p>The Director City Planning confirmed that Councillor Williams wanted the top soil from the digging of the dams to be spread over the rest of the paddocks. He advised that the consent was for the construction of the dam, not for the filling of the site, so it wouldn't be part of the approval.</p> <p>He added that he would have to investigate the conditions of the development consent.</p>
9	Williams	Commented that when he declared an interest at the last meeting and was waiting outside, he noticed that the PA speakers in the Foyer, the Committee Room and outside the door were much too quiet and didn't know what they were like at this meeting.	The Mayor advised that the PA speakers now appeared to be operating appropriately.
10	Williams	Referred to the resolution regarding the Container Deposit Scheme and asked if it was going to be notified to the Premier.	The Mayor advised the matter would be followed up.

ORDINARY MEETING**MINUTES: 25 November 2008**

#	Councillor	Question	Response
11	Williams	<p>Referred to an ongoing problem with Jones Road at Lower Portland were apparently Council doesn't own the entire road as some is privately owned, therefore, when Council grades this road, it only grades the sections owned by Council. He asked if the whole road could be graded, as it is all effectively a public road.</p> <p>Councillor Williams commented that he was sure there were roads in this district that Council grade that are part on private land.</p>	<p>The Director Infrastructure Services advised that Council couldn't grade the whole road, as Council can't do works on private land.</p> <p>The Director Infrastructure Services advised he would follow up on whether some roads are graded even though parts of them are privately owned.</p>
12	Williams	<p>Referred to a question raised previously as to whether Council could retain ownership of the mulch that is generated by Integral Energy contractors lopping trees along power lines. He wanted to retain ownership and have it delivered to the tip and then sell the mulch at a profit, rather than have the contractor having a vested interest in cutting down more trees than possible was needed because they sell it for a profit. He asked if anything had ever happened with this suggestion.</p>	<p>The Mayor advised that at the time it was suggested, Council had excess mulch at the tip, which had a reduced price on it to try and move it on.</p> <p>The Director Infrastructure Services advised that a response was done and he would follow this matter up.</p>
13	Williams	<p>Advised that he had a request from the Hawkesbury Rainforest Network (HRN), who are doing the creek bank restoration at the old tanker filling site on Old Bells Line of Road, Kurrajong to have their tip fees waived as they need to remove a lot weed from the area were they are doing restoration work on Council land.</p>	<p>The Mayor advised that he had responded to the HRN e-mail and referred it on the staff, but did point out to them that even if Council did agree to assist in some way, Council would still be paying the State Government fees for tipping that have just increased significantly. He commented that as a community, we would still be paying for that to be tipped some way or another.</p> <p>The Director Infrastructure Services advised that there might be some funds in the Bush Regeneration budget that may assist.</p>

ORDINARY MEETING

MINUTES: 25 November 2008

#	Councillor	Question	Response
14	Williams	<p>Referred to a fire over the weekend at the woodchip-processing facility at Blaxlands Ridge on the Putty Road, which is the old proposed mushroom composting site. He commented that the fire apparently started through spontaneous combustion by the way they had the woodchip stacked and apparently the fire got away into bushland and it appears from Packer Road that at least one of the stacks of woodchip is spilling over into a gully. He asked if the site could be checked to see if they are acting within their consent conditions.</p>	<p>The Mayor advised that this matter would be investigated.</p>
15	Williams	<p>Referred to a bad accident at Sackville Shops over the weekend and asked if Council could look at reducing the speed limit through there.</p>	<p>The Mayor asked if Councillor Williams could e-mail through the full details to be actioned.</p>
16	Conolly	<p>Commented that he had in the past spoken about a dam in Wilberforce that is leaking across the neighbouring property and asked for an update on that matter and what action Council proposes to take.</p> <p>Councillor Conolly asked if Council could order that the dam be removed if it is causing a problem.</p> <p>Councillor Conolly asked if he could be updated when further information is received.</p>	<p>The Director City Planning advised officers have been out to the property to investigate the matter several times. He added that the owner of the dam has tried a number of different methods to try and resolve the issue, he has tried to waterproof the wall, and he has lowered the water level of the dam. He advised that Council was at a loss as to what to do as the dam is following a natural watercourse and water following a natural watercourse is a little difficult to take any action against anyone for doing it.</p> <p>The Director City Planning advised that if the dam was new, Council could order him to get rid off the dam, but this is an old dam, so there is no consent as one may not have been needed. He added that Council had been trying to talk with the Department of Water and Energy to see if there is any other power that they might have, but Council are still awaiting a response.</p>
17	Rasmussen	<p>Referred to the intersection of Yarramundi Lane and Kurrajong Road and asked how that was progressing and if there was any progress.</p>	<p>The Mayor advised it is progressing slowly with the RTA. He commented that the matter is raised regularly about that whole area and Council keep getting told that it is progressing, but they are low on resources.</p>

ORDINARY MEETING**MINUTES: 25 November 2008**

#	Councillor	Question	Response
18	Rasmussen	Referred to the intersection of Bells Line of Road and Kurrajong Village and asked what was happening there.	The Director Infrastructure Services advised that the final design is back with the RTA for their final approval and Council should be able to call for tenders soon.
19	Mackay	Referred to the cover of the Courier last week and advised that there was a promotion for Kinship at Christmas Foundation and advised that he had received a letter asking if Council could assist by printing a banner to show where the concert will be on.	The Mayor advised that he would pass on the information.
20	Mackay	Referred to correspondence he had received from New Haven Farm Home at Freemans Reach asking for tip fees waiver and added that he would pass on the information.	The Mayor noted this.

ORDINARY MEETING

MINUTES: 25 November 2008

The meeting terminated at 9:10pm.

Submitted to and confirmed at the Ordinary meeting held on Tuesday, 9 December 2008

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Mayor