



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 30 March 2010
location: council chambers
time: 6:30 p.m.

MINUTES

- **WELCOME / EXPLANATIONS / PRAYER**
- **APOLOGIES**
- **DECLARATION OF INTERESTS**
- **SECTION 1 - Confirmation of Minutes**
- **AGENDA ITEMS SUBJECT TO PUBLIC ADDRESS**
- **SECTION 2 - Mayoral Minutes**
- **QUESTIONS WITH NOTICE**
- **SECTION 3 - Notices of Motion**
- **EXCEPTION REPORT - Adoption of Items Not Identified for Discussion and Decision**
- **SECTION 4 - Reports for Determination**

General Manager
City Planning
Infrastructure Services
Support Services

- **SECTION 5 - Reports of Committees**
- **QUESTIONS WITHOUT NOTICE**

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 30 March 2010, commencing at 6.34pm.

Mr La Rue of the Covenant Players, 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, J Reardon, T Tree, W Whelan and L Williams.

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

APOLOGIES

Apologies for absence were received from Councillors Calvert, Rasmussen and Stubbs.

77 RESOLUTION:

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

SECTION 1: Confirmation of Minutes

78 RESOLUTION:

RESOLVED on the motion of Councillor Porter and seconded by Councillor Mackay that the Minutes of the Ordinary Meeting held on the 9 March 2010, be confirmed.

SECTION 3 - Notices of Motion

NM - Degradation of the Hawkesbury River - (90477)

Mr Ted Books and Mr Ian Johnston, proponents, addressed Council.
Mr Frank Scharfe and Mr Bill Sneddon, respondents, addressed Council.

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

MOTION:

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

Refer to RESOLUTION

79 RESOLUTION:

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

That Hawkesbury City Council:

1. Notes, with great concern, the continuing and increasing degradation of the Hawkesbury River.
2. Notes that the Department of Environment and Climate Change (DECC) holds a dredging licence for the Port Hacking river system and the extraction quantities have increased since the licence was originally issued.
3. Call upon the State Government to immediately address siltation problems and bank erosion by:
 - (a) Investigating the causes of siltation and bank erosion.
 - (b) Making recommendations as to correcting those problems.
 - (c) Taking those actions (eg limited dredging) to make the River safe for navigation and maintaining the River and banks in a sustainable state.
4. Notify Local State Members of Council's resolution and request they support it.

It was noted that this resolution was passed unanimously.

SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 48 **GM - Business Skills Program 2010 - Update and partner relationship changes - (79351, 111215)**

Previous Item: 58, Ordinary (8 April 2008)

MOTION:

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

Refer to RESOLUTION

80 RESOLUTION:

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

That:

1. The information about the Business Skills Program 2010 - Update and partner relationship changes be received.
2. Council invite DEEWR and/or SIP-PHBM to a Councillors' Briefing Session to brief Council about the new Partnership Broker model and its relationship with the Business Skills Program.

Item: 49 **GM - Sister City Program - Annual Report 2008/2009 - (79351)**

Councillor Paine declared a less than significant non-pecuniary conflict of interest in this matter as she is the Vice Chairperson on the Sister City Committee and no further action is required.

MOTION:

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

Refer to RESOLUTION

81 RESOLUTION:

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

That the 2008/2009 annual report for the Sister City Program be received.

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Item: 50 **GM - Review of Risk Management Branch Resources - Workers Compensation Related Issues - (79351, 79509)**

MOTION:

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

Refer to RESOLUTION

82 RESOLUTION:

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

That for the purposes of Council endeavouring to retain its Self Insurers Licence for Workers Compensation Insurance purposes and in view of the apparent financial advantages that would result Council endorse option 3 as detailed in the report in this regard for incorporation in, and consideration in association with the 2010/2011 Draft Budget.

Item: 51 **GM - Mosaic art sculpture and plaque projects for Macquarie 2010 celebrations - (79351)**

MOTION:

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

Refer to RESOLUTION

83 RESOLUTION:

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

That Council endorse the mosaic art sculpture project at the Governor Macquarie Statue in McQuade Park, Windsor as a permanent legacy to remain of the Hawkesbury Macquarie 2010 celebrations subject to the cost being consistent with that described in the report.

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Item: 52 GM - 2010 Waste Avoidance & Resources Conference - (79351)

Mr Frank Scharfe and Mr Bill Sneddon, proponents, addressed council.

MOTION:

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

Refer to RESOLUTION

84 RESOLUTION:

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

That the attendance of nominated Councillors, and staff members as considered appropriate by the General Manager, at the 2010 Waste Avoidance and Resource Recovery Conference at an approximate costs of \$2,430.00 per delegate be approved.

85 RESOLUTION:

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

That Councillors Porter and Reardon attend the 2010 Waste Avoidance and Resource Recovery Conference as nominated representatives of Council.

Item: 53 GM - Co-Generation Plant - (79351, 95495)

Previous Item: 24, Ordinary (23 February 2010)
 10, Ordinary (2 February 2010)
 184, Ordinary (8 September 2009)
 32, Ordinary (26 February 2008)

Mr Doug Bathersby, proponent, addressed Council.
Ms Mary Buckett, Mr Frank Scharfe and Mr Bill Sneddon, respondents, addressed Council.

MOTION:

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

Refer to RESOLUTION

86 RESOLUTION:

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

That consideration of this matter be deferred until the Council meeting on 11 May 2010 pending the provision of additional information as referred to by Council and a Special Councillor Briefing Session be held prior to the Council meeting.

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CITY PLANNING

Item: 54 CP - Development Application - Extension of an existing dam and construction of new dam - Lot 1 DP 1061099, 327 Wilberforce Road, Wilberforce - (DA0756/09, 116908, 17613, 11860, 13568, 73916, 95498)

Mr Brian McKinlay and Mr Ashley Senn, proponents, addressed Council.
Mr Bill Sneddon, respondent, addressed Council.

MOTION:

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

Refer to RESOLUTION

87 RESOLUTION:

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

That development application DA0756/09 at Lot 1 DP 1061099, 327 Wilberforce Road WILBERFORCE NSW 2756 for Upgrade of existing dam and construction of one new dam be approved subject to the following conditions:

Hawkesbury City Council Conditions of Consent

General Conditions

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. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
3. 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 days of issuing the certificate. A registration fee applies.
4. 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.
5. Dam construction works including the removal of stockpiled soil shall be completed within 12 months from the date of commencement of works.
6. The total amount of excavated material is not to exceed 25,000m³. Details of the spoil volumes are to be submitted to the Principal Certifying Authority and Council on a monthly basis commencing at the end of the first calendar month following commencement of excavation works.
7. The total amount of imported material is not to exceed 6,000m³. Details of the imported material volumes are to be submitted to the Principal Certifying Authority and Council on a monthly basis commencing at the end of the first calendar month following commencement of importation works.

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Prior to Issue of Construction Certificate

8. Construction of the dam works and removal of the spoil are not to commence until three (3) copies of the plans and specifications of the proposed works are submitted to and approved by the Director of City Planning or an Accredited Certifier.
9. Payment of a Construction certificate checking fee of \$496 and a Compliance Certificate inspection fee of \$2480 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2010. Fees required if an accredited certifier is used will be provided on request.
10. An Environmental Management and Rehabilitation Plan for the development site shall be prepared by an appropriately qualified person and be submitted to Council for approval. The Plan shall address (without being limited to) the earthworks, erosion control, site rehabilitation and landscaping.
11. All site works shall be carried out in accordance with the Plan. Implementation of the Plan shall be supervised by an appropriately qualified person.
12. Details of any fill material removed from site shall be submitted with the engineering plans. Details to include quantities and disposal sites.
13. A Traffic Management Plan, providing for construction vehicle access to be via Wilberforce Road only, prepared in accordance with AS 1742-3 (1996) by an appropriately qualified person shall be submitted to Council. Where the works affect Roads and Traffic Authority controlled roads, the Traffic Management Plan is to be approved by the Roads and Traffic Authority before submission to Council.

Prior to Commencement of Works

14. All traffic management devices shall be installed and maintained in accordance with the approved traffic management plan.
15. 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.
16. 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.
17. 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.
18. 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.
19. Vehicle entrances and exits shall be clearly signposted, including street number, and visible from both the street and site at all times. A Trucks (crossing or entering) (W5-22) sign shall be erected in accordance with Australian Standard: AS1742.2 for the duration of the works.
20. A sign displaying the following information is to be erected adjacent to 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 hours 7 days emergency numbers).
- d) The name and contact number of the Principal Certifying Authority.

During Construction

- 21. The topsoil shall be stripped and stockpiled and used to cover batters and disturbed areas.
- 22. The dam batters and the bund walls shall be grassed immediately after excavation works take place.
- 23. Dust control measures, eg vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
- 24. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
- 25. All trucks entering or leaving the site shall have their trays suitably covered to prevent spillage from the truck onto the road.
- 26. Dish drains are to be constructed where necessary to ensure the entire catchment area of the subject site is directed towards the proposed sediment dam located on the Western corner of the site.
- 27. The spillway from the Western sediment dam is to be constructed to direct overflow to the Eastern retention dam.
- 28. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
- 29. Dam construction works and removal of the spoil shall be carried out only on Monday to Friday between 7am – 6pm and on Saturdays between 8am – 4pm.
- 30. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
- 31. Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with the approved plan and Hawkesbury Development Control Plan chapter on Soil Erosion and Sedimentation.
- 32. Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the components of construction detailed in Hawkesbury Development Control Plan Appendix B Civil Works Specification, Part II, Table 1.1.
- 33. Care is to be taken when excavating not to intercept ground water. If ground water is discovered then excavation works are to cease immediately and the Principal Certifier is to be notified.
- 34. A ticketing system is to accompany any material being brought to the site. This system is to provide individual tickets for each load entering the site showing tonnage, source location and endorsement from source location supervisor. A register is to be kept on site to cross reference against the source records. An independent site auditor is to be engaged to undertake appropriate certification regarding the monitoring and validation of the fill material imported to the site as being sound, suitable for the proposed use and free of contamination.
- 35. The dam structure is to be located a minimum of 16 metres from the property boundary adjacent to Wilberforce Road and the southern extent of the works are to be one metre clear of the common boundary with Lot 2 DP536877.
- 36. All construction traffic is to enter and leave the site via Wilberforce Road only.

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Prior to the Issue of Compliance Certificate

- 37. The structural adequacy of the dam and spillway capacity is to be certified by a suitably qualified and experienced engineer upon completion of works.
- 38. Compliance with all conditions of this development consent to the satisfaction of Council.
- 39. A works as executed plan shall be submitted to Council on completion of works. The plan shall include the location of the constructed dam in relation to property boundaries. The tickets, register and independent site auditor's report as required by Condition 34 of this consent are to be included with the Works as Executed documentation.
- 40. A Plan of Management for the ongoing maintenance of the proposed sediment retention structures shall be submitted to and approved by Hawkesbury City Council.

Use of the Development

- 41. Trees and shrubs are to be kept clear from the dam at all times.

Advisory Notes

- *** Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.
- *** Should any aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.
- *** The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed subdivision. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.
- *** In accordance with the provisions of Clause 37A(3)(b) of the Hawkesbury Local Environmental Plan 1989, the applicant is advised that the proposed works need not be carried out pursuant to an acid sulfate soils management plan prepared with the *Acid Sulfate Soils Assessment Guideline*'.

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 Reardon	
Councillor Tree	
Councillor Whelan	
Councillor Williams	

Councillors Calvert, Rasmussen and Stubbs were absent from the meeting.

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Item: 55 **CP - Interpretive Signs in the Hawkesbury - (95498, 96328)**

Previous Item: NM1, Ordinary (2 February 2010)

MOTION:

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

Refer to RESOLUTION

88 RESOLUTION:

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

That:

1. (a) A draft interpretive signage policy be developed for Council's consideration to provide staff, residents and stakeholders with guidelines dealing with the purpose, commissioning, design, installation and maintenance of interpretive signage.
- (b) Council approve the proposal to develop an 'Interpreting the Hawkesbury' interpretive trails community infrastructure project, based on the good design principles for interpretive signage as outlined in this report, to be further reported to Council for its consideration.
- (c) The gateway site on the corner of Windsor and Park Roads be used to display Macquarie 2010 promotional banners, and that consideration be given to purchase appropriate banners to be installed on a rotational basis (as bookings allow) at Council's banner pole locations at North Richmond, Clarendon and McGrath's Hill.
2. Council decline the request from the McDonald Valley Public School for Council to install an interpretive sign at the School but invite the School to submit an application under Council's Community Sponsorship Program if the School wishes to seek a contribution from Council for the cost of installing an interpretive sign at the School.

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Item: 56 **CP - Request from Local Schools for Relief from Fees for Inspection of Canteens for Compliance with the Food Act and NSW Food Authority Requirements - (95498, 96330)**

Previous Item: 41, Ordinary (9 March 2010)

Councillor Conolly declared a pecuniary interest in this matter as he is employed in the Catholic Education Office and they conduct four local schools. He left the Chamber and did not take part in voting or discussion on the matter.

MOTION:

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

Refer to RESOLUTION

89 RESOLUTION:

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

That:

1. Council advise the schools that have made representations that the fee for carrying out the inspection of their canteen facilities, is appropriate for the amount of work Council undertakes to ensure the safety of food served by their volunteers.
2. Schools within the Hawkesbury be excluded from the requirement to pay the administration fee should the administration fee be included in the 2010/2011 fees and charges for commercial food premises.

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Item: 57 **CP - Support for the Establishment of Community Gardens in the Hawkesbury - (96328)**

Previous Item: NM3, Ordinary (8 December 2009)

MOTION:

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

Refer to RESOLUTION

90 RESOLUTION:

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

That:

1. A draft community gardens policy be developed for Council's consideration to provide guidelines for residents or community organisations who may be interested in establishing or sponsoring a community garden on Council-owned land zoned open-space.
2. Council liaise with Wentworth Community Housing to assess the opportunities or possible demand for the sponsorship of a community garden for their community housing tenancies.
3. Council write to government primary schools in the City of Hawkesbury to promote the availability of the Stephanie Alexander Kitchen Garden National Program and to encourage them to apply for funding under the programs where the establishment of a school kitchen garden is considered by the school to be a worthwhile and feasible undertaking.
4. Council write to Peppercorn Services highlighting Council's position on Community Gardens and asking for their interest in partaking.

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Item: 58 **CP - Community Sponsorship Program - (2009/2010 - Round 3)**

Previous Item: 140, Ordinary (28 July 2009)
 148, Ordinary (11 August 2009)
 171, Ordinary (25 August 2009)
 256, Ordinary (24 November 2009)

MOTION:

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

Refer to RESOLUTION

91 RESOLUTION:

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

That Council:

1. Approve payments of 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 application 6 as identified in Table 1 of this report.
3. Amend the application criteria for the Community Sponsorship Program to specify that Council will only provide one sponsorship grant from a single organisation in any one financial year.

INFRASTRUCTURE SERVICES

Item: 59 **IS - Governor Phillip Reserve - Noise Policy - (79354, 95495)**

MOTION:

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

Refer to RESOLUTION

92 RESOLUTION:

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

That:

1. The amendment to the noise limits for specific events, as outlined within the report, be adopted.
2. All other users of the River, within the Hawkesbury LGA, are to observe the noise limits set by NSW Maritime.
3. The noise limits continue to be reviewed following any changes to the noise limits by NSW Maritime.

Item: 60 **IS - Draft Pesticide Notification Plan - (95495, 79354)**

MOTION:

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

Refer to RESOLUTION

93 RESOLUTION:

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

That:

1. The Draft Pesticide Notification Plan be placed on public exhibition for a period of 28 days.
2. The matter be further reported to Council following the public exhibition period.

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Item: 61 **IS - Authority To Launch/Land Hot Air Balloons Policy - (95495, 79354)**

MOTION:

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

Refer to RESOLUTION

94 RESOLUTION:

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

That the Authority to Launch/Land Hot Air Balloon Policy be adopted.

Item: 62 **IS - Exclusive Use of Governor Phillip Reserve - Ski Racing NSW Inc - (95495)**

MOTION:

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

Refer to RESOLUTION

95 RESOLUTION:

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

That:

1. That approval be granted to the Ski Racing NSW Inc for "Exclusive Use" of Governor Phillip Reserve for the 120 Ski Race Classic to be held on Saturday, 28 and Sunday, 29 August 2010. The event is subject to the following conditions:
 - a. Prior to dates of exclusive use a letter box drop be undertaken by the applicant to all affected residents in proximity to the event with that letter advising full details of the function;
 - b. The Reserve is to be left clean and tidy with the organisation being responsible for collection and disposal of all waste; the applicant is to lodge with Council a damage bond of \$800.00*, which is refundable less any costs incurred by Council, administrative or otherwise, to clean or restore the area;
 - c. A non refundable park booking/administration fee of \$35.00* is required to be paid.
 - d. The applicant paying to Council such fees as may be applicable at the time for exclusive use of the Reserve being \$1.50* per person or \$895.00* per day (whichever is the greater);

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- e. A fee of \$63.00* is payable for the cleaning of the toilets prior to the exclusive use;
(*The above fees/amounts apply to the 2009/2010 financial year only; these fees/amounts are subject to change in subsequent financial years, as determined by Council.)
- f. A copy of a Public Liability Policy for \$10,000,000 and indemnifying Hawkesbury City Council is to be submitted prior to the event.
- g. Any building, vehicle or stall that is preparing food for public consumption is to comply with Council's "Food Safety Guidelines for Charities and Community Organisations" brochure; this information and any related food/public health information can be obtained by contacting Council's Environmental Health Officer.
- h. If required, the applicant obtaining all necessary permits/approvals in relation to amusement devices/rides and liaising with Integral Energy regarding the supply of power and their proximity to power supply lines.
- i. If required, the applicant to obtain an appropriate licence from the Licensing Branch of the NSW Police Service for the sale of alcoholic beverages at the proposed event.
- j. The applicant is to notify details of the event to the Hawkesbury Local Area Command at Windsor Police Station. Phone: 4560 6999.
- k. The applicant obtaining an appropriate licence from NSW Maritime Authority regarding the conduct of the Race.
- l. The event manager/applicant must undertake a Risk Assessment of the event to be conducted including pre-event preparations. This assessment must identify potential hazards and the procedures that need to be implemented to eliminate or control those hazards. The event manager/applicant is responsible for ensuring that procedures are followed and that they comply with the requirements of the Occupational Health and Safety Regulations 2001.
- m. Ski Racing NSW Inc is to comply with Council's current policy in regard to noise levels, as listed below.

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

- i. Club Days - 105dB(A) for more than 40 minutes per day;
 - ii. NSW State Titles - 105dB(A);
 - iii. Bridge to Bridge Boat Race - 105dB(A);
 - iv. Unlimited Boat Race (Blown Boats) - 115dB(A). (This event is held directly after the Bridge to Bridge Boat Race);
 - v. Noise Test - (prior to the Two Day Spectacular) - 115dB(A) for more than 15 minutes in total through the day;
 - vi. Two Day Spectaculars - 115dB(A) for more than 10 minutes in total per day.
- 2. A Traffic Management Plan be submitted as part of the Special Event Traffic Application.
 - 3. The applicant be allowed use of the Reserve on Friday, 27 August 2010, to facilitate set up and vessel safety scrutineering.

ORDINARY MEETING
MINUTES: 30 March 2010

Item: 63 **IS - Provision of a Skate Park within the Glossodia area - (95495)**

Previous Item: NM1, 23 February 2010 (Ordinary)

MOTION:

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

Refer to RESOLUTION

96 RESOLUTION:

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

That:

1. Consultation be undertaken with the residents and users in relation to the provision of a Skate Park, and suggestions for a preferred location of such facility.
2. The portable half pipe currently at the Council Depot, be relocated to Woodbury Reserve as a short term measure allowing the community and users to determine the success of the site.
3. A detailed cost analysis be undertaken of the Precast Concrete Modules based on a design suggested by the users.

SUPPORT SERVICES

Item: 64 SS - Monthly Investments Report - February 2010 - (96332, 95496)

MOTION:

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

Refer to RESOLUTION

97 RESOLUTION:

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

That the information be received and noted.

Item: 65 SS - Pecuniary Interest Returns - (79337, 95496)

MOTION:

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

Refer to RESOLUTION

98 RESOLUTION:

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

That the information be received and noted.

ORDINARY MEETING
MINUTES: 30 March 2010

Item: 66 **SS - Farmland Rates for the 2010/2011 Financial Year - (95496, 96332)**

Previous Item: 44, Ordinary (9 March 2010)
 54, Ordinary (10 March 2009)

MOTION:

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

Refer to RESOLUTION

99 RESOLUTION:

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

That:

1. (a) In respect of the "catch up" amount available to Council as referred to and detailed in the report presented to Council on 9 March 2010, 50% of that amount be incorporated into the 2010/2011 Draft Budget, for Council's further consideration on the basis of the remaining 50%, and any other available "catch up" amount being incorporated into the subsequent 2011/2012 Draft Budget.
- (b) In respect of the rating structure for Farmland Category, the ratio be reduced to 70% of Residential and Business Rates and the basis of the rate levy to remain "*ad valorem*", with an appropriate minimum rate to be utilised for the purposes of the 2010/2011 Draft Budget.
2. The issue of possible alternate rating structures for the 2011/2012 Budget in association with the previously requested report concerning base rates be discussed at a future Councillor Briefing Session.

ORDINARY MEETING

MINUTES: 30 March 2010

CONFIDENTIAL REPORTS

100 RESOLUTION:

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

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

101 RESOLUTION:

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

That:

1. The Council meeting be closed to deal with confidential matters and in accordance with Section 10A of the Local Government Act, 1993, members of the Press and the public be excluded from the Council Chambers during consideration of the following items:

Item: 67 IS - Tender No. 00610 - Concrete Works - Restoration of Footpaths, Kerb and Guttering and Construction of New Dish Drains within the City of Hawkesbury - (95495, 79344)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it relates to details concerning tenders for the supply of goods and/or services to Council and it is considered that the release of 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: 68 SS - Property Matter – Assignment of Lease from Daniel Naethuys and Rebecca Gee to Leanne and Wayne Gerahty – Shop 6 Glossodia Shopping Centre, Glossodia - (112106, 8999, 77895, 113095)

*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.*

Item: 69 SS - Property Matter - Lease to Datanetwork Services Australasia Holdings P/L, Trading as Wilberforce Post Office - Shop 7 Wilberforce Shopping Centre, Wilberforce - (112106, 20367)

*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.*

ORDINARY MEETING

MINUTES: 30 March 2010

Item: 70 SS - Property Matter – Lease to Sharon Bell, Trading as “Bojangles Beauty Basix”- Shop 8 Glossodia Shopping Centre, Glossodia - (112106, 109695)

*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.*

Item: 71 SS - Property Matter – Lease to Sarah Turner – Shop 11 Glossodia Shopping Centre, Glossodia – (112106, 95496)

*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.

102 RESOLUTION:

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

INFRASTRUCTURE SERVICES

Item: 67 **IS - Tender No. 00610 - Concrete Works - Restoration of Footpaths, Kerb and Guttering and Construction of New Dish Drains within the City of Hawkesbury-(95495, 79344) CONFIDENTIAL**

Previous Item: 16, Ordinary (2 February 2010)

MOTION:

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

Refer to RESOLUTION

103 RESOLUTION:

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

That the:

1. Withdrawal of the tender of Foster Civil Contracting Pty Ltd be accepted.
2. Tender of Wilkie Group P/L for the construction of a dish drain in Windsor Road at the tendered amount of \$219,780 be accepted.
3. Seal of Council be affixed to any necessary documentation.

ORDINARY MEETING

MINUTES: 30 March 2010

SUPPORT SERVICES

Item: 68 **SS - Property Matter - Assignment of Lease from Daniel Naethuys and Rebecca Gee to Leanne and Wayne Gerahty - Shop 6 Glossodia Shopping Centre, Glossodia - (112106, 8999, 77895,113095) CONFIDENTIAL**

MOTION:

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

Refer to RESOLUTION

104 RESOLUTION:

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

That:

1. Council agree to the assignment of the lease of Shop 6 Glossodia Shopping Centre from Daniel Naethuys and Rebecca Gee to Wayne and Leanne Gerahty in accordance with the proposal outlined in the report.
2. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.
3. Details of Council's resolution be conveyed to the proposed Assignors and Assignees 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: 30 March 2010

Item: 69 **SS - Property Matter - Lease to Datanetwork Services Australasia Holdings P/L, Trading as Wilberforce Post Office - Shop 7 Wilberforce Shopping Centre, Wilberforce - (112106, 20367) CONFIDENTIAL**

MOTION:

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

Refer to RESOLUTION

105 RESOLUTION:

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

That:

1. Council agree to enter into a new lease with Datanetwork Services Australasia Holdings P/L in regard to Shop 7 Wilberforce Shopping Centre, in accordance with the proposal outlined in the report.
2. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.
3. Details of Council's resolution be conveyed to the proposed Lessee together with the advice that Council is not and will not be bound by the terms of its resolution until such time as appropriate legal documentation to put such resolution into effect has been agreed to and executed by all parties.

Item: 70 **SS - Property Matter - Lease to Sharon Bell, Trading as Bojangles Beauty Basix - Shop 8 Glossodia Shopping Centre, Glossodia - (112106, 109695) CONFIDENTIAL**

MOTION:

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

Refer to RESOLUTION

106 RESOLUTION:

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

That:

1. Council agree to enter into a new lease with Sharon Bell in regard to Shop 8 Glossodia Shopping Centre, in accordance with the proposal outlined in the report.

ORDINARY MEETING

MINUTES: 30 March 2010

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

Item: 71 SS - Property Matter - Lease to Sarah Turner - Shop 11 Glossodia Shopping Centre, Glossodia - (112106. 95496) CONFIDENTIAL

MOTION:

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

Refer to RESOLUTION

107 RESOLUTION:

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

That:

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

SECTION 5 - Reports of Committees

ROC - Hawkesbury Bicycle and Access Mobility Committee Minutes - 18 February 2010 - (98212)

108 RESOLUTION:

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

That the minutes of the Hawkesbury Bicycle and Access Mobility Committee meeting held on 18 February 2010 as recorded on pages 103 to 105 of the Ordinary Business Paper be received.

ROC - Audit Committee Meeting Minutes - 3 March 2010 - (95496)

109 RESOLUTION:

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

That the minutes of the Audit Committee meeting held on 3 March 2010 as recorded on pages 106 to 112 of the Ordinary Business Paper be received.

ROC - Local Traffic Committee - 17 March 2010 - (80245)

110 RESOLUTION:

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

That the minutes of the Local Traffic Committee Meeting held on 17 March 2010 as recorded on pages 113 to 137 of the Ordinary Business Paper be adopted.

ORDINARY MEETING**MINUTES: 30 March 2010****QUESTIONS WITHOUT NOTICE**

#	Councillor	Question	Response
1	Porter	<p>Enquired about Council's interpretation of the definitions for dam and wetlands.</p> <p>He advised that residents have raised concerns regarding the recent letters about the Draft Local Environment Plan in particular, regarding the definitions for dam and wetlands and the vegetation mapping.</p>	<p>The Director City Planning advised that there are definitions in the Local Environment Plan for dams and wetlands. Dams are man made and wetlands areas natural.</p> <p>He also advised that the letters that have been distributed to residents regarding the Draft Local Environment Plan are part of a verification process and expresses to owners that Council needs to verify the issue on site with them and if it shows that it should not be zoned as a wetland then it will be removed when it is reported back to Council.</p> <p>It was advised that to date there have been approximately 16-18 submissions regarding the Draft Local Environment Plan and a large number of enquiries.</p>
2	Paine	Enquired about the progress of the Australiana Pioneer Village lease.	The Director Support Services advised that the lease document has been drafted and reviewed by staff. The document is now with Council's Solicitor for finalisation prior to being sent to The Friends of the Australiana Village's Solicitor.
3	Paine	Advised that she has received a complaint regarding the synchronisation of the traffic lights at North Richmond.	<p>The Mayor advised that residents should call the telephone number displayed on the box for the RTA as the lights can be resynchronised remotely using the cameras at the intersection.</p> <p>The Mayor advised he will address the issue in the Mayoral column</p>
4	Paine	Enquired when the Windsor traffic study will be completed.	The Director City Planning advised that he has recently written to the applicant for Riverview enquiring about the progress of the study.
5	Paine	Advised that the list of businesses and shops on the cement blocks at either end of Windsor Mall (outside the old post office and near the water wheel) are out of date and requested that the blocks be removed.	The Mayor advised that the matter will be followed up.

ORDINARY MEETING**MINUTES: 30 March 2010**

#	Councillor	Question	Response
6	Porter	Advised that Councillors have recently received a number of letters regarding the state of Portland Head Road and requested that further maintenance work be carried out.	The Director Infrastructure Services advised that the road was inspected today. Work will be completed once the weather clears and additional aggregate will be added to the mix.
7	Williams	Enquired if the load limit has been reinstated on Wallace Road.	The Director Infrastructure Services advised that the matter is currently being investigated.
8	Williams	Thanked the Director Infrastructure Services for the recent grading of Packer Road and enquired if Upper and Lower Colo Roads have been graded recently.	The Director Infrastructure Services advised that the matter will be investigated.
9	Williams	Referred to a letter recently printed in the Gazette and enquired if any maintenance work has been completed at Skeleton Rocks Reserve.	The Director Infrastructure Services advised that the matter will be investigated.
10	Williams	Referred to the limited number of parking spaces that will be available at the new police station and enquired if Council can insist that more parking is provided.	<p>The Mayor advised that if a State Government Authority does not wish to accept a condition that Council recommends they do not have to.</p> <p>The Director City Planning agreed with the Mayors comment and advised that Council had attempted to have more parking added to the proposal however this request was unsuccessful.</p>
11	Williams	Requested that the three development applications for the subdivision of Hadden Farm be reported to Council.	The Director City Planning advised that the three development applications will be reported to Council.
12	Williams	Enquired about if the smell from the Bligh Park chicken farm is being investigated.	The Director City Planning advised that the matter is being investigated and staff are currently working with the owners to resolve the issues with the site.

ORDINARY MEETING

MINUTES: 30 March 2010

#	Councillor	Question	Response
13	Conolly	<p>Enquired if the zoning changes in the newly proposed LEP template will effect the existing businesses in the McGraths Hill industrial area that currently have approval for the sale of bulky goods.</p> <p>He made reference to the Victoria Avenue light industrial precinct in the Hills Shire and enquired if it had a similar zoning as that area has been considered.</p>	<p>The Director City Planning advised that issue has recently been discussed with the Department of Planning and following the close off for submissions on the draft LEP the matter will be reported to Council.</p> <p>The area is currently zoned 4B Service Industrial and is proposed to be converted to Industrial 2 which is a similar zone however the bulky goods retailing is removed. B6 commercial zone has been suggested, this allows shop and other uses however prohibits industrial uses which would not be acceptable. Alternate solutions are being discussed the with the Department of Planning.</p> <p>The Director City Planning advised that comparing the matter to what another Council is doing is not as simple as it may seem.</p>
14	Mackay	Enquired about maintenance of Skeleton Rocks Reserve and the public toilet facilities at the site.	The Director Infrastructure Services advised that the matter will be investigated.
15	Mackay	Requested that repair work be carried out on the footpath where it meets the road on the park side of the Campbell Street and George Street intersection, South Windsor.	The Director Infrastructure Services advised that the matter will be investigated and repairs carried out as required.
16	Reardon	Advised that she has received an email requesting sewerage connection for Terrace Road, Freemans Reach and has forwarded the email to Director Infrastructure Services for his information.	The Director Infrastructure Services acknowledged that the email was received.
17	Reardon	Advised that there is a hydrant at Kurrajong near the water filler with its top missing and requested that the matter be investigated.	The Director Infrastructure Services advised that the matter will be investigated.
18	Reardon	Thanked the Director City Planning for his assistance in having the old house removed at Vineyard.	The Director City Planning acknowledged the comment.
19	Whelan	Enquired if a definitive response has been received from the RTA regarding the new Windsor Bridge.	The Director Infrastructure Services advised that a response has not been received. The matter will be investigated.

ORDINARY MEETING
MINUTES: 30 March 2010

#	Councillor	Question	Response
20	Whelan	Enquired when the replacement fax machines will be provided.	The Mayor advised that Councillors have been requested to advise a suitable time for staff to install the new fax machines. Several Councillors have already received their new machines.

The meeting terminated at 10.53pm.

Submitted to and confirmed at the Ordinary meeting held on 13 April 2010.

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Mayor