



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 24 November 2009
location: council chambers
time: 6:30 p.m.

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 24 November 2009, commencing at 6.30pm.

Reverend 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 B Calvert, W Mackay, C Paine, B Porter, P Rasmussen, J Reardon, R Stubbs, W Whelan and L Williams.

ALSO PRESENT: Acting General Manager - Chris Daley, Director City Planning - Matt Owens, Director Support Services - Laurie Mifsud, Manager Corporate Services and Governance - Fausto Sut, Executive Manager - Community Partnerships - Joseph Litwin, Chief Financial Officer - Rob Stalley and Administrative Support Team Leader - Amy Dutch.

APOLOGIES

An apology for absence was received from Councillor Tree.

410 RESOLUTION:

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

Councillor Mackay arrived at the meeting at 6.44pm.

SECTION 1: Confirmation of Minutes

411 RESOLUTION:

RESOLVED on the motion of Councillor Porter and seconded by Councillor Reardon that the Minutes of the Ordinary Meeting held on the 10 November 2009, be confirmed.

412 RESOLUTION:

RESOLVED on the motion of Councillor Stubbs, seconded by Councillor Porter that standing orders be suspended and that Item 260 be brought forward in the agenda to be dealt with in conjunction with the

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presentation given by Council's Auditor, Mr Dennis Banicevic, of PricewaterhouseCoopers, in respect of Council's audited 2008/2009 Financial Reports.

Mr Banicevic addressed to meeting in respect of Council's 2008/2009 Financial Reports and Council subsequently considered the report in this regard (see Minute Number 422)

413 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Reardon that standing orders be resumed.

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SECTION 4 - Reports for Determination

CITY PLANNING

Item: 252 CP - Development Application - Dwelling Additions - 19 Macquarie Place, Glossodia - (DA0134/09, 101833, 101832, 95498)

Ms Alicia Bates, proponent, addressed Council.

MOTION:

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

Refer to RESOLUTION

414 RESOLUTION:

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

That development application DA0134/09 at 19 Macquarie Place, Glossodia for dwelling alterations and additions and attached carport be approved subject to the following conditions:

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 building shall not be used or occupied prior to the issue of an Occupation Certificate.
4. The development shall comply with the provisions of the Building Code of Australia at all times.
5. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within 7 (seven) days of issuing the certificate. A registration fee applies.
6. Where Hawkesbury City Council is the sewer authority for this development, inspection for compliance certification for internal and external sewer drainage shall be requested and approved prior to covering any pipe. An inspection fee applies.
7. The development shall also incorporate the amendments made in red to the approved plans, specifications or documentation submitted.
8. All vegetative debris (including felled trees) resulting from the approved clearing of the site for construction, is to be chipped or mulched. Tree trunks are to be recovered for posts, firewood or other appropriate use. No vegetative material is to be disposed of by burning.

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Prior to Issue of Construction Certificate

9. Hawkesbury City Council is the sewer authority for this development. As this development involves alterations/additions to the existing Septic/Sewer System, a payment of this prescribed inspection fee for internal/external sewer/septic works is required to be paid prior to the issue of the Construction Certificate.

Prior to Commencement of Works

10. 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.
11. A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 shall be supplied to the principal certifying authority prior to commencement of works.
12. A copy of receipt of payment of Long Service Levy shall be provided to the Principal Certifying Authority prior to any works commencing on site. Payments can be made at Long Service Corporation offices or most Councils.
13. 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.
14. 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.
15. 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.
16. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
 - (a) Unauthorised access to the site is prohibited.
 - (b) The owner of the site.
 - (c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
 - (d) The name and contact number of the Principal Certifying Authority.
17. A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Principal Certifying Authority prior to any works commencing on site.

During Construction

18. External colours and material of the new work are to match the existing.
19. Any water tanks, outbuildings or other ancillary structures shall be finished in colours and materials of earth tones of low reflective quality to blend in with the bushland.
20. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
21. 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.

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22. 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.
23. 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.
 - (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.
24. 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

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- (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.

25. Roof water (including overflow from water storage vessels) shall be drained to street gutters (formed or otherwise) or to stormwater drainage easements.
26. The floor of the internal WC shall be graded and drained to an approved floor waste.
27. All natural and subsurface water-flow shall not be re-directed or concentrated to adjoining properties. Water flows shall follow the original flow direction without increased velocity.
28. The Building Legislation Amendment (Smoke Alarm) Act 2005 requires smoke detectors to be provided in all existing buildings in which people sleep.
- Suitable smoke detection/alarms are to be provided to the existing portion of the building, in accordance with the abovementioned legislation or the Building Code of Australia, and should be incorporated with any proposed smoke alarms required by the addition to the building.
29. The building shall comply with the requirements of "Planning for Bush Fire Protection" prepared by Planning NSW and AS 3959 - 1999 Construction of Buildings in Bush Fire Prone Areas.
30. The building shall comply with the requirements of AS 3959 - 1999 Construction of Buildings in Bush Fire Prone Areas, Level 1 Construction.
31. Reduced bushfire fuel loads are to be maintained at all times to the property boundary.

Prior to Issue of an Interim Occupation Certificate

32. A written clearance from Hawkesbury City Council (as the local sewer authority) that the development is suitably connected to the reticulated sewerage system / on-site sewerage management facility is required to be submitted to the Principal Certifying Authority prior to the issue of an Interim Occupation Certificate.

Prior to Issue of the Occupation Certificate

33. The following certificates are to be provided, stating the name of person or company carrying out the installation, type of material and the relevant Australian Standard to which installed:
- (a) The type and method of termite treatment (complying with AS 3660) provided to walls and floors, pipe penetrations, jointing of new work to existing and slab perimeters. A copy of the termite treatment and materials used shall also be securely fixed inside the meter box for future reference.
- (b) Glazing materials installed in the building in accordance with AS1288 and AS2047 - Glass in Buildings - Selection and Installation, e.g. windows, doors, footlights and showers.
- (c) The type of timber installed indicating both species and durability as required by AS 1684.
- (d) An automatic smoke detection system installed in residential development by a licensed electrician. Smoke alarms must comply with AS 3786 and be connected to the consumer mains power where supplied to the building.

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- (e) A statement or other suitable evidence shall be submitted to the Principal Certifying Authority, certifying that all commitments made on the BASIX certificate have been implemented and installed as approved.

Advisory Notes

If volumes of effluent exceed the holding capacity of the existing collection well, a weekly pump-out service will be required until the reticulated sewer becomes available for connection.

The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.

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

For the Motion	Against the Motion
Councillor Bassett	Nil
Councillor Calvert	
Councillor Conolly	
Councillor Mackay	
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Stubbs	
Councillor Whelan	
Councillor Williams	

Councillor Tree was absent from the meeting.

Item: 253 CP - Development Application - Removal of one tree - Lot B DP 158118 13 Kable Street, Windsor / Lot 21 DP 603166 12 Fitzgerald Street, Windsor - (DA0304/09, 6385, 6384, 95498)

Councillor Paine declared a pecuniary interest in this matter as she is part owner of 13 Kable Street, Windsor. She 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 Williams.

Refer to RESOLUTION

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415 RESOLUTION:

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

That:

1. Council does not consider the tree to have landmark significance.
2. Development application DA0304/09 at Lot B DP 158118, 13 Kable Street, Windsor and 12 Fitzgerald Street, Windsor for the removal of one tree be approved subject to the following conditions:
 - a. Approval is granted for the removal of one silky oak tree shown on the stamped plan.
 - b. The waste material from the tree is to be disposed of in the following manner:
 - (i) The material being mulched and re-used; or
 - (ii) The material being deposited at an approved land fill/waste disposal facility; or
 - (iii) The material being cut up and used in an approved heating or cooking device; orNOTE: The material is not to be burnt in the open.
 - c. Tree removal shall be undertaken in a safe and workman like manner.

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

For the Motion	Against the Motion
Councillor Bassett	Nil
Councillor Calvert	
Councillor Conolly	
Councillor Mackay	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Stubbs	
Councillor Whelan	
Councillor Williams	

Councillor Paine declared a Pecuniary Interest in this matter was not in the Chamber when the vote was taken.

Councillor Tree was absent from the meeting.

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Item: 254 CP - Development Application - Rural Shed - 672 Slopes Road, The Slopes - (DA0525/09, 75919, 112088, 95498)

Mr Steven Masters, proponent, addressed Council.
Mr Clifford Bailey, respondent, addressed Council.

MOTION:

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

Refer to RESOLUTION

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

That development application DA0525/09 at Lot 4 DP 976395, 672 Slopes Road, The Slopes for a rural shed be approved subject to the following conditions:

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. The location of the proposed shed is to be amended to be 5 metres from the western property boundary.
3. The proposed landscaping between the shed and the western property boundary is to consist of native species that have a mature growing height of at least 5 metres.
4. The colour of the shed walls is to be Pale Eucalypt and the trim is to be Cottage Green.
5. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
6. The development shall comply with the provisions of the Building Code of Australia at all times.
7. 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.
8. 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.

Prior to Commencement of Works

9. 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.
10. 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.

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11. 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.
12. 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.
13. 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.
14. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
 - (a) Unauthorised access to the site is prohibited.
 - (b) The owner of the site.
 - (c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
 - (d) The name and contact number of the Principal Certifying Authority.

During Construction

15. The amount of filling, as shown on the east elevation of Plan known as Plan B dated 9 August 2009, is not to exceed 500mm. In this regard the cut required to obtain a level building site is to be increased.
16. All fill to be adequately compacted by track rolling or similar in layers not exceeding 300mm.
17. Any water tanks, outbuildings or other ancillary structures shall be finished in colours and materials of earth tones of low reflective quality to blend in with the bushland.
18. Exterior surfaces of the proposed structure shall be painted or treated with an earth toned non-reflective material.
19. No excavated material, including soil, shall be removed from the site.
20. The site shall be secured to prevent the depositing of any unauthorised material.
21. 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.
22. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
23. All trucks entering or leaving the site shall have their trays suitably covered to prevent spillage from the truck onto the road.
24. No trees are to be removed without the approval of Council.
25. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
26. 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.

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- 27. 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.
- 28. The footings shall be piered or shall penetrate through any fill or unstable foundation material to bear upon a structurally adequate foundation material of a uniform load-bearing value.
- 29. All roofwater shall be drained to the water storage vessel/s. The overflow from the tank is to be directed to an approved absorption trench of suitable size. The absorption trench shall be a minimum of three metres from any structure or boundary.
- 30. All natural and subsurface water-flow shall not be re-directed or concentrated to adjoining properties. Water flows shall follow the original flow direction without increased velocity.

Use of the Development

- 31. No internal or external alterations shall be carried out without prior approval of Council.
- 32. The development shall be limited to the area shown on the submitted plans.
- 33. The Shed shall not be occupied for human habitation/residential, industrial or commercial purposes. The rural shed is only to be used in conjunction with, or ancillary to, the agricultural use of the land.

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 Bassett
Councillor Williams	Councillor Calvert
	Councillor Conolly
	Councillor Mackay
	Councillor Porter
	Councillor Rasmussen
	Councillor Reardon
	Councillor Stubbs
	Councillor Whelan

Councillor Tree was absent from the meeting.

The amendment was lost.

The motion was put and carried.

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416 RESOLUTION:

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

That development application DA0525/09 at Lot 4 DP 976395, 672 Slopes Road, The Slopes for a rural shed be approved subject to the following conditions:

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. The location of the proposed shed is to be amended to be 4 metres from the western property boundary.
3. The proposed landscaping between the shed and the western property boundary is to consist of native species that have a mature growing height of at least 5 metres.
4. The colour of the shed walls is to be "Pale Eucalypt" and the trim is to be "Cottage Green".
5. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
6. The development shall comply with the provisions of the Building Code of Australia at all times.
7. 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.
8. 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.

Prior to Commencement of Works

9. 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.
10. 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.
11. 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.
12. 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.
13. 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.

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14. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
 - (a) Unauthorised access to the site is prohibited.
 - (b) The owner of the site.
 - (c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
 - (d) The name and contact number of the Principal Certifying Authority.

During Construction

15. The amount of filling, as shown on the east elevation of Plan known as Plan B dated 9 August 2009, is not to exceed 500mm. In this regard the cut required to obtain a level building site is to be increased.
16. All fill to be adequately compacted by track rolling or similar in layers not exceeding 300mm.
17. Any water tanks, outbuildings or other ancillary structures shall be finished in colours and materials of earth tones of low reflective quality to blend in with the bushland.
18. Exterior surfaces of the proposed structure shall be painted or treated with an earth toned non-reflective material.
19. No excavated material, including soil, shall be removed from the site.
20. The site shall be secured to prevent the depositing of any unauthorised material.
21. 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.
22. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
23. All trucks entering or leaving the site shall have their trays suitably covered to prevent spillage from the truck onto the road.
24. No trees are to be removed without the approval of Council.
25. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
26. 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.
27. 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.

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- (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.
- 28. The footings shall be pierced or shall penetrate through any fill or unstable foundation material to bear upon a structurally adequate foundation material of a uniform load-bearing value.
- 29. All roofwater shall be drained to the water storage vessel/s. The overflow from the tank is to be directed to an approved absorption trench of suitable size. The absorption trench shall be a minimum of three metres from any structure or boundary.
- 30. All natural and subsurface water-flow shall not be re-directed or concentrated to adjoining properties. Water flows shall follow the original flow direction without increased velocity.

Use of the Development

- 31. No internal or external alterations shall be carried out without prior approval of Council.
- 32. The development shall be limited to the area shown on the submitted plans.
- 33. The Shed shall not be occupied for human habitation/residential, industrial or commercial purposes. The rural shed is only to be used in conjunction with, or ancillary to, the agricultural use of the land.

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

Councillor Tree was absent from the meeting.

ORDINARY MEETING

MINUTES: 24 November 2009

Item: 255 CP - Implementing the Integrated Planning and Reporting Framework - (79385, 95498)

MOTION:

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

Refer to RESOLUTION

417 RESOLUTION:

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

That the Division of Local Government be advised that Council nominates to be included in “*Group 3: Community Strategic Plan and Delivery Program adopted by 30 June 2012*”, for the implementation of the integrated planning and reporting framework.

Item: 256 CP - Community Sponsorship Program - (2009/2010 - Round 2) - (96328, 95498)

Councillor Conolly declared a pecuniary interest in this matter as he is employed by the Catholic Education Office, which is the administrative authority of Bede Polding College and St Matthews Public School. He left the Chamber and did not take part in voting or discussion on the matter.

Councillor Rasmussen declared a pecuniary interest in this matter as he is the Public Officer for FoHACaRG and that organisation is being granted a sum of \$1,593 from Council funds. He left the Chamber and did not take part in voting or discussion on the matter.

MOTION:

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

Refer to RESOLUTION

418 RESOLUTION:

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

That Council approve:

1. Payments of Section 356 Financial Assistance to the organisations or individuals listed, and at the level recommended in Table 1 of this report.
2. The execution of Council’s standard Sponsorship Agreement for Applications 2 and 7 as identified in Table 1 of this report.

ORDINARY MEETING

MINUTES: 24 November 2009

Item: 257 CP - Hawkesbury City Council - Annual Report - 2008/2009 - (95498)

MOTION:

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

Refer to RESOLUTION

419 RESOLUTION:

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

That:

1. The completion of Council's 2008/2009 Annual Report information be received and noted and a copy be forwarded to the Division of Local Government and any other necessary authorities prior to the end of November 2009 as required.
2. Council display the full Annual Report on Council's website by the 30 November 2009.

Item: 258 CP - Increase in Contract Charge to Perform Kerbside Household Cleanup Service - (96330, 95498)

MOTION:

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

Refer to RESOLUTION

420 RESOLUTION:

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

That:

1. Council approve the requested increase in payments to Transpacific Cleanaway Pty Ltd by \$32,000 annually plus CPI over the next two year period.
2. A letter of acceptance of the increased costs be forwarded to Transpacific Cleanaway Pty Ltd.
3. The public consultation process outlined in the previous resolution of Council dated 14 July 2009 be implemented.

ORDINARY MEETING

MINUTES: 24 November 2009

INFRASTRUCTURE SERVICES

Item: 259 IS - State Heritage Listing, Wilberforce Cemetery - (95495)

MOTION:

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

Refer to RESOLUTION

421 RESOLUTION:

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

That:

1. The recommendation that Wilberforce Cemetery be listed as a State Heritage Item be endorsed.
2. A submission be forwarded the NSW Heritage Council requesting the inclusion of additional site specific exemptions as outlined within the report to ensure the effective management of Wilberforce Cemetery.

ORDINARY MEETING

MINUTES: 24 November 2009

SUPPORT SERVICES

Item: 260 SS - General Purpose Financial Report and Special Purpose Financial Report for the period ended 30 June 2009 - (96332, 95496)

Mr Dennis Banicevic, Council's Auditor from PricewaterhouseCoopers, made a presentation to Council in respect of Council's audited 2008/2009 Financial Reports.

MOTION:

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

Refer to RESOLUTION

422 RESOLUTION:

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

That Council:

1. Note the completion of the General Purpose, Special Purpose Financial Reports and Special Schedules for the period ended 30 June 2009.
2. Thank Council's Auditor, Mr Dennis Banicevic of PricewaterhouseCoopers, for making his presentation in respect of Council's audited 2008/2009 Financial Reports

Item: 261 SS - Monthly Investments Report - October 2009 - (96332, 95496)

Previous Item: 17, Ordinary (3 February 2009)

MOTION:

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

Refer to RESOLUTION

423 RESOLUTION:

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

That the information be received and noted.

ORDINARY MEETING
MINUTES: 24 November 2009

Item: 262 **SS - September 2009 Quarterly Review - 2009/2010 Management Plan - (96332, 95496)**

Previous Item: 109, Extraordinary (16 June 2009)

MOTION:

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

Refer to RESOLUTION

424 RESOLUTION:

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

That the:

1. Information contained in the report on the 2009/2010 Management Plan – September 2009 Quarterly Review be received.
2. Quarterly Review of the 2009/2010 Management Plan and Financial Statement for the period ending 30 September 2009 be adopted.

CONFIDENTIAL REPORTS

425 RESOLUTION:

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

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

426 RESOLUTION:

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

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: 263 IS - Tender No. 00710 - Bitumen Sealing and Resealing of Roads Within the 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: 264 IS - Tender No. 00810 - Provision of Repainting Various Sites - (95495, 79340)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it relates to details concerning tenders 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: 265 SS - Property Matter - Lease to Clifford Griffiths, Danielle Griffiths and Allison Griffiths - Shop 5 Wilberforce Shopping Centre, Wilberforce - (39053, 112106, 111694, 102430)

*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.

ORDINARY MEETING

MINUTES: 24 November 2009

427 RESOLUTION:

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

INFRASTRUCTURE SERVICES

Item: 263 IS - Tender No. 00710 - Bitumen Sealing and Resealing of Roads Within the Hawkesbury - (95495, 79344) CONFIDENTIAL

MOTION:

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

Refer to RESOLUTION

428 RESOLUTION:

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

That this matter be deferred to the Council Meeting on 8 December 2009.

Item: 264 IS - Tender No. 00810 - Provision of Repainting Various Sites - (95495, 79340) CONFIDENTIAL

MOTION:

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

Refer to RESOLUTION

429 RESOLUTION:

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

That the tender of Natural Graffiti Solutions Pty Ltd for the provision of repainting various sites, in the sum of \$50,000.00 (GST exclusive), be accepted and the necessary documents be executed under the Seal of Council.

ORDINARY MEETING

MINUTES: 24 November 2009

SUPPORT SERVICES

Item: 265 SS - Property Matter - Lease to Clifford Griffiths, Danielle Griffiths and Allison Griffiths - Shop 5 Wilberforce Shopping Centre, Wilberforce - (39053, 112106, 111694, 102430) CONFIDENTIAL

MOTION:

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

Refer to RESOLUTION

430 RESOLUTION:

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

That:

1. Council agree to enter into a new lease with Clifford Griffiths, Danielle Griffiths and Allison Griffiths in regard to Shop 5 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 lessees 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: 24 November 2009

SUPPLEMENTARY REPORTS

MAYORAL MINUTE

MM1 - Future Operations of Richmond RAAF Base - (79353)

MOTION:

RESOLVED on the motion of the Mayor, Councillor Bassett.

Refer to RESOLUTION

431 RESOLUTION:

RESOLVED on the motion of the Mayor, Councillor Bassett.

That:

1. Council once again make representations to the Prime Minister, Minister for Defence, Minister for Infrastructure, Transport, Regional Development and Local Government and Local State and Federal Members of Parliament (Greenway and Macquarie), requesting their continued support for Richmond to continue as a permanent operational facility for defence purposes in line with the commitment that was made prior to the last Federal election.
2. A press release be released by Council highlighting this Mayoral Minute and forward as attachments the two letters received by Council prior to the Federal Government Election from the then Minister for Defence, The Hon Dr Brendan Nelson MP and the then Shadow Minister for Defence, The Hon Joel Fitzgibbon MP.

ORDINARY MEETING

MINUTES: 24 November 2009

SECTION 5 - Reports of Committees

ROC - Hawkesbury Bicycle and Access Mobility Committee Minutes - 11 November 2009 - (98212, 95498)

432 RESOLUTION:

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

That the minutes of the Bicycle and Access Mobility Committee meeting held on 11 November 2009 as recorded on pages 63 to 64 of the Ordinary Business Paper be received.

ROC - Hawkesbury Macquarie 2010 Committee - 12 November 2009 - (114013)

433 RESOLUTION:

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

That the minutes of the Hawkesbury Macquarie 2010 Committee meeting held on 12 November 2009 as recorded on pages 65 to 68 of the Ordinary Business Paper be received.

ORDINARY MEETING**MINUTES: 24 November 2009****QUESTIONS WITHOUT NOTICE**

#	Councillor	Question	Response
1	Calvert	Enquired if there is a garbage service provided to Edwards Road, Richmond Lowlands.	The Director City Planning advised that a service is not provided due to the limited width of the roadway however he will investigate the matter to confirm this.
2	Calvert	Advised that when heading from Kurrajong Village towards the new Kurrajong traffic lights to make a right hand turn you are able to see the light that faces down Bells Line of Road as well as the light facing in your direction. This causes confusion as to which light to follow. He requested that a barrel be installed on the light facing down Bells Line of Road so that it cannot be seen from the other road.	The Acting General Manager advised that the matter will be investigated.
3	Calvert	Enquired about the possibility of relevant committees having a designated position for young people and asked that the viability of the request be investigated.	The Mayor advised that the matter will be investigated.
4	Paine	Enquired when her questions from the Council Meeting on 10 November 2009 will be responded to. In particular the questions regarding the Fruit and Vegetable Shop at Kurmond and the signage for Windsor Markets.	<p>The Acting General Manager advised that when questions are asked, the meeting minutes are completed, the questions are distributed to the appropriate areas and forwarded to staff for investigation and responses as required.</p> <p>The Director City Planning advised that the matter regarding the Fruit and Vegetable Shop at Kurmond is an ongoing legal matter and Council is currently doing what they can legally do. As there is an injunction and two court cases underway regarding the Fruit and Vegetable Shop Council is unable to take the matter any further at present.</p>
5	Paine	Enquired about a tree that has been removed in Church Street South Windsor and asked when the stump will be removed.	The Acting General Manager advised that the stump will be ground however for economical reasons staff usually wait until a number of stumps require grinding and complete the works at the same time.

ORDINARY MEETING**MINUTES: 24 November 2009**

#	Councillor	Question	Response
6	Paine	Advised that a café owner in Richmond has recently enquired if he could put a Tourism Information Centre in his café.	The Director City Planning advised that this would be acceptable if it was a case of installing an information board however if it was to be an office type arrangement a change of use application would be required and the owner should speak to the staff at Council.
7	Williams	Requested that the roadwork signs along the Putty Road, on the northern side of Howes Creek, be removed as the works have been completed.	The Acting General Manager advised that the matter will be investigated.
8	Mackay	Enquired if the Mayor was aware that the new Australian Rugby Union Wallaby player, David Dennis, is from Richmond.	The Mayor advised that he was aware.
9	Mackay	Requested that maintenance work be carried out on Mountain Lagoon Road.	The Acting General Manager advised that Mountain Lagoon Road is a public road. Council has applied for 50/50 funding through State Government Grants to repair the road and advice on the status of the grant application is expected 4 December 2009.
10	Mackay	Advised that recent works on George Street, South Windsor have left the road surface rough and requested that the matter be rectified.	The Director Infrastructure Services advised that the road was inspected on a Friday which was followed by a weekend of rain and the road was sealed on the Monday leaving it in a rough condition. The contractor will be arranging for rectification works to be carried out on the road in the next week or so.
11	Mackay	Enquired if the matter regarding the chicken farm in Maraylya will be reported to Council.	The Director City Planning advised that new operators have recently taken over and there are no birds in the sheds at present. Staff are currently working with the owner to rectify a number of issues prior to birds being brought in.
12	Reardon	Requested the RTA be approached regarding the installation of an on road cycleway between Richmond and Londonderry.	The Acting General Manager advised that a request will be sent to the RTA.
13	Whelan	Enquired if a response has been received from the Department regarding the status of proposed new Windsor Bridge.	The Acting General Manager advised that a web-link regarding the new bridge was received today. The matter will be investigated.

ORDINARY MEETING**MINUTES: 24 November 2009**

#	Councillor	Question	Response
14	Porter	Requested that the RTA be advised that another bollard on the Wilberforce end of Windsor Bridge has been smashed out.	The Acting General Manager advised that the RTA have advised that they will be carrying out maintenance inspections on the Bridge. He will advise them that the bollard has been smashed.
15	Conolly	Referred to Councillor Mackay's question regarding the chicken farm in Maraylya and enquired if the application for a produce store on the site was still proceeding.	The Director City Planning advised that the application has not been pursued as the poultry shed operation has recently changed hands. The application may be resurrected at some stage in the future however they would need to come back to Council with the appropriate information.
16	Rasmussen	Requested that maintenance work be carried out on Pitt Street, East Richmond, either side of emergency access gate to RAAF Base.	The Acting General Manager advised that the matter will be investigated.
17	Williams	Requested that intersection of Crooked Lane and Bells Line of Road North Richmond be looked at as he believes the lighting/line of sight is not satisfactory.	The Acting General Manager advised that the matter will be investigated.
18	Porter	Enquired if the Mayor was aware that the Bridge to Bridge International Ski event was held last weekend. He advised that the number of competitor entries were up from last year and the event was a success.	The Mayor advised that he was aware.

The meeting terminated at 10.11pm.

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

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Mayor