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ordinary meeting minutes

date of meeting: 10 August 2010

location: council chambers

time: 6:30 p.m.

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MINUTES

- WELCOME / EXPLANATIONS / PRAYER
- APOLOGIES
- DECLARATION OF INTERESTS
- SECTION 1 Confirmation of Minutes
- INTRODUCTION OF SISTER CITY EXCHANGE STUDENTS AND PRESENTATION OF CERTIFICATES
- 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, 10 August 2010, commencing at 6.30pm.

Pastor Daniel Cannone of the Vineyard Christian Church, 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, K Ford, W Mackay, C Paine, B Porter, J Reardon, T Tree, W Whelan and L Williams.

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

APOLOGIES

An apology for absence was received from Councillor Rasmussen.

285 RESOLUTION:

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

Councillor Williams arrived at the meeting at 6.40pm. Councillor Mackay arrived at the meeting at 6.57pm.

Councillor Calvert left the meeting at 9.42pm.

SECTION 1: Confirmation of Minutes

286 RESOLUTION:

RESOLVED on the motion of Councillor Porter and seconded by Councillor Reardon that the Minutes of the Ordinary Meeting held on the 27 July 2010, be confirmed.

Ms Tina Tallack from the Sister City Association introduced the delegates who participated in the Sister City Exchange Program. Certificates were presented to the Sister City Exchange Students by the Mayor.

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SECTION 3 - Notices of Motion

NM - Enhancement of Town and Village Streetscapes in the Hawkesbury - (80093)

Councillor Calvert withdrew his Notice of Motion.

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SECTION 4 - Reports for Determination

CITY PLANNING

Item: 184

CP - Development Application - Construction of a Concrete Pad, Covered Wash Bay Area and Two Sedimentation Ponds - Lot 1 DP656973, 117 Wilberforce Road, Wilberforce - (DA0049/10, 13562, 36680, 95498)

Mr Greg Miller, proponent, addressed Council.

MOTION:

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

Refer to RESOLUTION

287 RESOLUTION:

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

That development application DA0049/10 at Lot 1 DP 656973, 117 Wilberforce Road, WILBERFORCE NSW 2756 for construction of a concrete pad, covered wash bay area, and two sedimentation ponds ancillary to the existing turf farm 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.
- No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
- 3. The sedimentation ponds and associated earthworks including the removal of excess soil shall be completed within six months from the date of commencement of works.
- 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 days of issuing the certificate. A registration fee applies.

Prior to issue of Construction Certificate

6. An Environmental Management and Rehabilitation Plan for the development site shall be prepared by an appropriately qualified person. The Plan shall address (without being limited to) the clearing of vegetation, earthworks, erosion control, site rehabilitation and landscaping.

All site works shall be carried out in accordance with the Plan. Implementation of the Plan shall be supervised by an appropriately qualified person.

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- 7. Construction of the sedimentation ponds and turf washing plant are not to commence until three copies of the plans and specifications of the proposed works are submitted to and approved by the Director City Planning or an Accredited Certifier.
- 8. Payment of a Construction Certificate checking fee of \$1,488 and a Compliance Certificate inspection fee of \$248 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.
- 9. Details of any fill material removed from or imported to the site shall be submitted with the engineering plans. Details to include quantities, borrow sites or disposal sites.

Prior to commencement of works

- 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 workers 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.
- 15. 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.
- 16. Existing traffic management signs approved under current operational DA1176/04A are to be maintained in place for the duration of the works.

During construction

- 17. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
- 18. Unless otherwise specified on plan the sedimentation ponds shall be constructed in accordance with the Dam Construction Chapter of Hawkesbury Development Control Plan 2002.
- 19. Dust control measures, e.g. vegetative cover, mulches, irrigation, barriers, stone and water suppression shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
- 20. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.

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- All trucks entering or leaving the site shall have their trays suitably covered to prevent spillage from the truck onto the road.
- 22. The site shall be secured to prevent the depositing of any unauthorised material.
- 23. 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.
- 24. A ticketing system is to accompany any material being brought to the site. 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.
- 25. All fill including existing fill must be compacted to 98% standard compaction in accordance with AS1289 and verified by the submission of test results for each lot accompanied by a contoured depth of fill plan.
- 26. An emergency surcharge flow path linking pond (1) and (2) to the adjacent sedimentation dam shall be provided.
- 27. Pond (2) Construction works are to be located wholly within Lot 1 DP 656973 and a minimum of seven metres from the western property boundary.
- 28. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
- 29. 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.
- 30. 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.
- 31. Maximum depth of excavation is to be 1.5m from existing natural surface and excavation is not to go outside the area shown on the approved plan.

Prior to issue of Compliance Certificate

- 32. Compliance with all conditions of this development consent.
- 33. A works as executed plan shall be submitted to Council on completion of works. The plan shall include the location of the works in relation to property boundaries.
- 34. A Plan of Management for the ongoing maintenance of the proposed sediment retention structures shall be submitted to and approved by Hawkesbury City Council.

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

For the Motion	Against the Motion	
Councillor Bassett	Nil	
Councillor Calvert		
Councillor Conolly		
Councillor Ford		
Councillor Mackay		
Councillor Paine		
Councillor Porter		
Councillor Reardon		
Councillor Tree		
Councillor Whelan		
Councillor Williams		

Councillor Rasmussen was absent from the meeting.

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Item: 185

CP - Development Application Modification - Addition of Two Awnings to a Rural Shed - Lot 102 DP 625791, 1920 Wheelbarrow Ridge Road, Lower Portland - (DA0433/09A, 76144, 76145, 95498)

MOTION:

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

Refer to RESOLUTION

288 RESOLUTION:

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

That the Section 96 modification application to development consent for DA0433/09A for Lot 102 DP 625791, 1920 Wheelbarrow Ridge Road LOWER PORTLAND NSW 2756 for the addition of two awnings to each end of the approved shed be refused for the following reasons:

Reasons for Refusal

- 1. The proposed development is likely to have an adverse impact on the amenity of residents in the immediate locality.
- 2. The proposed development will have an unacceptable impact on the visual quality of the area.
- 3. The proposed development will have an unacceptable impact on the locality in terms of scale, bulk, form and design.
- 4. The proposed development is inconsistent with the aims and objectives of Hawkesbury Development Control Plan.
- 5. In the circumstances, approval of the development would not be in the public interest.

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

For the Motion	Against the Motion
Councillor Bassett	Councillor Ford
Councillor Calvert	Councillor Mackay
Councillor Conolly	Councillor Porter
Councillor Paine	
Councillor Reardon	
Councillor Tree	
Councillor Whelan	
Councillor Williams	

Councillor Rasmussen was absent from the meeting.

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Item: 186 CP - Management of Community Centres and Halls - Revised Manual - (96328,

95498)

Previous Item: 87, Ordinary (11 May 2010)

MOTION:

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

Refer to RESOLUTION

289 RESOLUTION:

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

That Council adopt the draft (revised) *Community Facilities Manual* and distribute the adopted manual to community committees who have been delegated responsibility under Section 377 of the *Local Government Act*, 1993 for the care, control and management of community facilities.

Item: 187 CP - Planning Proposal to Rezone certain Land at North Bligh Park - (95498)

Councillor Conolly declared a pecuniary interest in this matter as his employer (Trustees of the Roman Catholic Church for the Diocese of Parramatta) owns land within the area being discussed. He left the Chamber and did not take part in voting or discussion on the matter.

Mr Steven Molino, Mr James Lovell and Ms Leigh Wallis, proponents, addressed Council. Mr Frank Scharfe, respondent, addressed Council.

MOTION:

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

Refer to RESOLUTION

290 RESOLUTION:

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

That:

- 1. Council prepare a Planning Proposal, under the provisions of Section 55 of the Environmental Planning and Assessment Act 1979, to rezone land as listed in attachment 4 to this report from Mixed Agriculture to Housing zone under the provisions of the Hawkesbury Local Environmental Plan 1989.
- 2. The Planning Proposal be forwarded to the Minister requesting that the matter proceed.
- This draft amendment be progressed separately to the draft Standard Instrument. However, if it is deemed timely and appropriate to do so, it is to be incorporated into the draft Standard Instrument prior to gazettal.

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

For the Motion	Against the Motion	
Councillor Bassett	Nil	
Councillor Calvert		
Councillor Ford		
Councillor Mackay		
Councillor Paine		
Councillor Porter		
Councillor Reardon		
Councillor Tree		
Councillor Whelan		
Councillor Williams		

Councillor Conolly declared a pecuniary interest and was not in the Chamber when the vote was taken.

Councillor Rasmussen was absent from the meeting.

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INFRASTRUCTURE SERVICES

Item: 188 IS - Provision of a Skate Park within the Glossodia Area - (95495)

Previous Item: NM1, 23 February 2010 (Ordinary)

63, 30 March 2010 (Ordinary)

Mr Peter Gooley, proponent, addressed Council. Ms Elissa Matthei, respondent, addressed Council.

MOTION:

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

Refer to RESOLUTION

291 RESOLUTION:

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

That a site inspection be carried out at the portable Skate Park facility in Woodbury Reserve and the Glossodia Shopping Centre.

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CONFIDENTIAL REPORTS

292 RESOLUTION:

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

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

293 RESOLUTION:

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

That:

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: 189 IS - Tender No. 00211 - Provision of Mechanical Services (Air Conditioning) for the Administration Building - (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: 190 IS - Acquisition for Easements for Batter and Support - Bridge No. 4 Upper Colo Road - (95495, 96333)

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act, 1993 as it relates to property values and the information is regarding as being commercial information of a confidential nature that 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: 191 IS - Tender No. 01510 - Construction of Wheeny Creek Bridge, Upper Colo Road - (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.

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.

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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.

294 RESOLUTION:

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

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INFRASTRUCTURE SERVICES

Item: 189 IS - Tender No. 00211 - Provision of Mechanical Services (Air Conditioning) for the Administration Building - (95495, 79340)

MOTION:

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

Refer to RESOLUTION

295 RESOLUTION:

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

That the:

- 1. Tender submitted by Noppen Air Pty Ltd for the Provision of Mechanical Services (air conditioning) Administration Building, in the amount of \$394,000 (GST Exclusive), be accepted.
- 2. Seal of Council be affixed to any necessary contract documentation.

Item: 190 IS - Acquisition for Easements for Batter and Support - Bridge No.4 Upper Colo Road - (95495, 96333)

MOTION:

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

Refer to RESOLUTION

296 RESOLUTION:

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

That:

- 1. An area of 320sqm be acquired for easement purposes from 713 Upper Colo Road (Lot 2, DP751632), Central Colo, for an amount of \$4,000.
- Authority be given for any documentation in association with this matter to be executed under the Seal of Council.

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Details of Council's resolution be conveyed to Mr and Mrs Baczocha, owners of 713 Upper Colo
Road, Central Colo, together with the advice that Council is not and will not be bound by the terms of
its resolution until such time as appropriate documentation to put such resolution into effect has
been agreed to by Council.

Item: 191 IS - Tender No. 01510 - Construction of Wheeny Creek Bridge, Upper Colo Road -

(95495, 79344) CONFIDENTIAL

Previous Item: 203, Ordinary (29 September 2009)

218, Ordinary (21 October 2008)

Councillor Reardon declared a significant non-pecuniary conflict of interest in this matter as Jay & Lel Civil Contractors Pty Ltd have recently completed some works on her property. She left the Chamber and did not take part in voting or discussion on the matter.

Councillor Ford declared a pecuniary interest in this matter as his wife Lyn is the Bookkeeper come Officer Manager for Jay & Lel Civil Contractors Pty Ltd. He left the Chamber and did not take part in voting or discussion on the matter.

MOTION:

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

Refer to RESOLUTION

297 RESOLUTION:

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

That:

- The tender submitted by Jay & Lel Civil Contractors Pty Ltd in the amount of \$675,614.00 (GST exclusive) for the construction of a reinforced concrete bridge over Wheeny Creek, on Upper Colo Road, Upper Colo, be accepted.
- 2. Any required documentation be executed under the seal of Council.

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SECTION 5 - Reports of Committees

ROC - Local Traffic Committee - 21 July 2010 - (80245)

298 RESOLUTION:

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

That the minutes of the Local Traffic Committee Meeting held on 21 July 2010 as recorded on pages 65 to 84 of the Ordinary Business Paper be adopted.

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QUESTIONS WITHOUT NOTICE

#	Councillor	Question	Response
1	Calvert	Referred to the development application (DA0660/08) that the Tutti Fruitti owners from Bilpin would like to bring to Council and enquired if there are any further developments regarding the matter.	The Director City Planning advised that the application will be brought to Council as soon as the report is finalised. He also advised that a number of conversations have been held with the applicant, the last outlined outstanding requirements, however the requirements have not been received. The report will be written based on the information that staff have available.
2	Calvert	Enquired why the Sports Council controls the use of fireworks in the area. Councillor Conolly advised that he had recently had a discussion with the General Manager about the event at Bligh Park and indicated to him that he felt it was worth investigating the need for a policy to control or determine who could give authority for the use of Council facilities for an event such as that which was held.	The Acting General Manager advised that the Sports Council does not control whether or not fireworks are permitted, WorkCover is responsible for determining this. The Sports Council looks after the hiring of the active playing fields. The Acting General Manager advised that a report will be coming to Council regarding identification of appropriate areas for fireworks rather than who can and who cannot approve them.
3	Paine	Enquired about the progress of the Patchy's Café matter.	The Director of City Planning advised that the matter will be investigated.
4	Paine	Enquired when the Tourist Development on Blacktown Road, Freemans Reach will be reported to Council.	The Director of City Planning advised that additional information has been requested however a reply from the applicant has not been received to date.
5	Paine	Enquired how the operators of the Clarendon tennis courts can apply to have their nose to kerb parking altered to rear to kerb parking.	The Acting General Manager advised that they should submit a letter to the General Manager regarding the matter.
6	Williams	Enquired who is responsible for cleaning up litter on the Blacktown Road between the speed camera and the Northern Road.	The Acting General Manager advised that it is the boundary between Hawkesbury and Penrith City Councils. Corrective Services will be contacted to see if they are interested in carrying out a clean up in the area.
7	Williams	Enquired about the cost to deposit green waste at the Waste Management Facility and the progress of the green waste sales.	The Acting General Manager advised that not a great deal of green waste has been selling. Exact fees and charges for depositing green waste at the facility will be investigated and provided to Councillor Williams. The Acting General Manager also advised that Council has resolved to go out for expressions of interest and a brief is currently being prepared to do that.

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#	Councillor	Question	Response	
8	Williams	Enquired if election signs are allowed to be placed on power poles in the area.	The Director City Planning advised that the Electoral Act deals with the matter however putting signs on power poles is not something that is generally permitted.	
9	Williams	Enquired if the RTA are planning to widen Windsor Road from McGraths Hill to Windsor.	The Acting General Manager advised that the works relate to Integral Energy reticulating their electricity.	
10	Conolly	Referred to a Council resolution regarding green waste that required a letter to be sent to the State Government requesting they remove the green waste levy so that the waste could be placed into landfill without the levy being charged. He enquired if the letter had been sent and if a response had been received.	The Acting General Manager advised that the matter will be investigated.	
11	Tree	Enquired if an injection of funds would assist in completing the DCP and other such documents sooner.	The Director City Planning advised that more resources would assist in completing the documents and that if good plans and direction are in place then this would mean that development applications could be assessed faster.	
12	Tree	Referred to the plan approval rating and enquired how the process can be made less obstructive and the assessment process quicker.	The Director City Planning advised that development application processing is a rigid statutory process. The matter will be discussed further with Councillor Tree.	
13	Reardon	Enquired about the signs for the residents of Bilpin and requested an update regarding communication with the RTA.	The Acting General Manager advised that a meeting is to be arranged with Phillip Olliver from the RTA to discuss the matter.	

The meeting terminated at 9.53pm.

Submitted to and confirmed at the Ordinary meeting held on 31 August 2010.

...... Mayor