



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 11 November 2008

location: council chambers

time: 5:00 p.m.

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 11 November 2008, commencing at 5:00pm.

Pastor Rick Burrell of the Hawkesbury 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, W Mackay, C Paine, B Porter, P Rasmussen, J Reardon, R Stubbs, T Tree, W Whelan and L Williams

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

SECTION 1: Confirmation of Minutes

363 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Reardon that the Minutes of the Ordinary Meeting held on the 21 October 2008, be confirmed.

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364 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Reardon that standing orders be suspended and that Item 234 be brought forward in the agenda to be dealt with in conjunction with the presentation given by Council's Auditor, Mr Dennis Banicevic, of PriceWaterhouseCoopers, in respect of Council's audited 2007/2008 Financial Reports.

Mr Banicevic addressed the meeting in respect of Council's 2007/2008 Financial Reports and Council subsequently considered the report in this regard (see Minute Number 378).

365 RESOLUTION:

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

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SECTION 2 - Mayoral Minutes

MM1 **NorthWest Metro Line and Richmond Line Duplication - Announcement of Project Deferral - (79353)**

Previous Item: MM2, Ordinary (8 April 2008)
 MM, Ordinary (26 August 2008)

MOTION:

RESOLVED on the motion of Councillor Bassett, Mayor

Refer to RESOLUTION

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

That Council:

1. Write to the Premier of NSW and the Minister for Transport:
 - a) Expressing Council's disappointment with the recent decision to defer the North West Metro project;
 - b) Indicating that Council will continue to advocate the provision of a rail infrastructure link, be it heavy rail or metro style, to service the expanding North West Region, and that this link should be extended to Vineyard, thus ensuring access from the Richmond line; and
 - c) Indicating that Council continues, in principal, to support for the location of a facility to house and maintain rolling stock in the Vineyard area if a rail infrastructure link was extended to this location.
 - d) Expressing Council's concern regarding the announcement of the deferral of the Richmond line duplication project to vineyard and call for the project, due to its importance, to be immediately reinstated.
 - e) Advising that failing the reinstatement of these projects, Council gives notice that it can no longer accept the demands of the NSW State Government for increases in residential development without corresponding approvals in transport infrastructure.
2. Also write to and seek the support of the local state members of parliament and WSROC in this regard.

The amendment was lost.

The motion was put and carried

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366 RESOLUTION:

RESOLVED on the motion of Councillor Bassett, Mayor

That Council:

1. Write to the Premier of NSW and the Minister for Transport:
 - a) Expressing Council's disappointment with the recent decision to defer the North West Metro project;
 - b) Indicating that Council will continue to advocate the provision of a rail infrastructure link, be it heavy rail or metro style, to service the expanding North West Region, and that this link should be extended to Vineyard, thus ensuring access from the Richmond line; and
 - c) Indicating that Council continues, in principal, to support for the location of a facility to house and maintain rolling stock in the Vineyard area if a rail infrastructure link was extended to this location.
 - d) Expressing Council's concern regarding the announcement of the deferral of the Richmond line duplication project to vineyard and call for the project, due to its importance, to be immediately reinstated.
2. Also write to and seek the support of the local state members of parliament and WSROC in this regard.

MM2 Richmond Fire Station (NSW Fire Brigade) Be Retained as a Class Three Pumper Station - (107, 79353)

MOTION:

RESOLVED on the motion of Councillor Bassett, Mayor

Refer to RESOLUTION

367 RESOLUTION:

RESOLVED on the motion of Councillor Bassett, Mayor

That representations be made to the Commissioner, NSW Fire Brigades, seeking his commitment that 82 Station Richmond, be retained as a Class Three Station.

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SECTION 3 - Notices of Motion

NM - Container Deposit Scheme - (80105, 107)

MOTION:

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

Refer to RESOLUTION

368 RESOLUTION:

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

That Hawkesbury City Council acknowledges the significant environmental, economic and social benefits to ratepayers of adopting a Container Deposit Scheme in NSW and calls on the State Government to implement such a scheme.

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SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 227 **GM - Tourism Program - June 2008 Quarter Report - (79351)**

Previous Item: 184, Ordinary (9 September 2008)
 57, Ordinary (8 April 2008)
 216, Ordinary (30 October 2007)
 89, Ordinary (29 May 2007)

MOTION:

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

Refer to RESOLUTION

369 RESOLUTION:

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

That the Tourism Program – September 2008 Quarter report be received.

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CITY PLANNING

Item: 228 CP - Music and Arts Festival (Annual Two (2) Day Event), Lot 1 DP 229549 & Lot 2 DP 229549 No. 216 Edwards Road, Lot 1 DP 1120860 No. 78 Powells Lane, Lot 2 DP 1120860 No. 77 Cornwells Lane and Lot 3 DP 1120860 No. 55 Cornwells Lane Richmond Lowlands NSW

Councillor Williams declared a pecuniary conflict of interest in this matter as he had tendered for a project at the same property for the property owner. He left the Chamber and did not take part in voting or discussion on the matter.

Councillor Paine declared a less than significant non-pecuniary conflict of interest in this matter as she knows the property owners and in view of the minor nature of the relationship no further action was required.

Mr Andrew Tatrai, proponent, addressed the Council.
Mr Peter Lee and Mr Mike Van Gestel respondents, addressed Council.

MOTION:

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

Refer to RESOLUTION

370 RESOLUTION:

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

That development application DA0116/08 at Lots 1 & 2 DP 229549, 216 Edwards Road, Lots 1, 2 & 3 DP 1120860, 78 Powells Lane, 55 & 77 Cornwells Lane, Richmond Lowlands for Music and arts festival (Annual two (2) day event) be granted a Deferred Commencement consent. The Deferred commencement consent conditions that must be satisfied prior to commencement of the consent are as follows:

Deferred Commencement Conditions

1. Submission of a comprehensive Acoustic Report prepared by a suitably qualified person is to be submitted to Council for approval. The Acoustic Report is to assess and recommend mitigation measures for all relevant matters including, but not limited to:
 - (i) Noise sources from all noise generators including amplified music, traffic, crowd (both during performances and from camping operations), power generation equipment and the like,
 - (ii) Background noise levels, and a record of the times taken, are to be established at receptor locations as follows:
 - a. Receptor group 1- Rural residences and residences along the shoreline of the Terrace Road to the north-east
 - b. Receptor group 2- Residences along Terrace Road to the north
 - c. Receptor group 3- Rural residences to the west
 - d. Receptor group 4- Suburban residences to the west
 - e. Receptor group 5- Residences in the suburban area to the south
 - f. Receptor group 6- Operator, and rural receptor to south along Bensons Lane

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- g. Receptor group 7- Residential receptors on the outskirts of suburban are to south west
 - (iii) Results of noise modelling are to express the receptor noise levels as LAeq and LA₁ as well as L_{Amax}.
 - (iv) Full details of speaker locations and orientation on stage structures, particularly subwoofer speakers,
 - (v) Details of proposed noise monitoring during the event, including location, times and parameters used,
 - (vi) Details of proposed mitigation measures to be incorporated during the operation of the event, including, but not limited to, multiple array speakers, limitation of bass frequencies (below 250Hz) sound limiting circuits or similar monitoring system.
2. A Traffic Management Plan (TMP) is to be completed by an appropriately qualified traffic consultant. Written consent to the TMP, from the RTA and Police, is to be submitted to Council.

The TMP is to address all relevant matters including, but not limited to:

- (i) Details of proposed traffic routes, directional signage and numbers and proposed location of traffic marshalls,
- (ii) On-site and off-site parking provision and manoeuvring areas, including written consent from owners of off-site parking areas,
- (iii) Details of proposed shuttle bus operations including frequency of service, times, route and drop off and pick up zones,
- (iv) Details of strategy to encourage patrons to arrive early or leave late from the event to reduce traffic stress,
- (v) Details of traffic control measures to ensure that access to all surrounding properties is maintained for residents and their visitors during the setup, operation of the festival and removal of facilities for the event.

Upon satisfactory compliance with the above Deferred Commencement consent conditions, the following list of conditions is likely to apply to the consent. (Note: These conditions may vary depending on the information submitted to satisfy the deferred commencement conditions).

General Conditions

1. This consent permits the running of one (1) Music and Arts Festival per year for up to and including three (3) events. Should the applicant wish to continue beyond this number, a separate development application for development approval, demonstrating compliance with all conditions of this consent, must be lodged, and approval obtained, prior to operation.
2. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
3. All development and uses associated with the proposed event, with the exception of temporary walkways, are to be excluded from the areas zoned as wetlands and buffer zone as shown in the document "*Landscape Plan for 216 Edwards Road, Richmond Lowlands*" prepared by Abel Ecology, dated 11 September 2008, as approved by DA0703/07. These areas are to be fenced with appropriate temporary fencing to ensure exclusion of patrons of the festival.
4. An Environmental Management and Rehabilitation Plan for the development site shall be prepared by an appropriately qualified person and submitted to Council for approval prior to the commencement of the festival. The Plan shall address (without being limited to) the following:
 - (i) Collection, storage and removal of waste from the site and surrounding area,
 - (ii) Collection and removal of effluent from food vendors and toilet and shower facilities,
 - (iii) The construction, and removal, of exclusion fencing around environmentally sensitive areas,
 - (iv) The construction, and removal, of temporary walkways through environmentally sensitive areas,

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- (v) Rehabilitation plan for all areas affected by walkways, fencing or damaged during the event,
 - (vi) Details of timeframes for the set up and removal of all facilities and equipment for the festival and site rehabilitation works.
5. A flood emergency evacuation and management plan for the arts festival is to be prepared by a suitably qualified person and submitted to Council for approval prior to the arts festival. The applicant shall contact Council and the NSW State Emergency Service for advice in the preparation of the plan. The Plan is to include, but limited to:
- (i) Evacuation of persons and equipment from the site without burdening existing emergency services in the locality,
 - (ii) Traffic management in the case of evacuation routes being cut by floodwaters,
 - (iii) Staff training program for implementation of the evacuation plan,
 - (iv) The plan shall provide for advice to festival patrons of flood evacuation procedures and emergency telephone numbers.
 - (v) The evacuation procedures shall be fixed in a prominent location and maintained at all times during the setup, operation and dismantling of the festival.
6. A performance, damage and maintenance defects bond to the value of \$25 000 must be lodged with Council prior to the commencement of setup works for the festival. The bond is to cover all works within Council's public road reserves.
- The bond can be in the form of an unconditional bank guarantee or cash deposit.
- A bond lodgement and release fee is payable upon lodgement of the bond in accordance with Council's schedule of fees and charges.
- The bond is refundable on application, three (3) months after the completion date of the proposed event subject to a satisfactory road maintenance validation report.
7. All site works shall be carried out in accordance with the Plan. Implementation of the Plan shall be supervised by an appropriately qualified person.
8. Construction of the access, car park and drainage 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 City Planning or an Accredited Certifier.
9. Payment of a checking fee and a Compliance Certificate inspection fee when submitting Civil Engineering Plans for approval. Fees required if an Accredited Certifier is used will be provided on request. Fees to be determined when submitting engineering plans for approval.
10. A Traffic Guidance Scheme prepared in accordance with AS 1742-3 (2002) 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.
11. The applicant shall bear the cost of all restoration works to Council's property damaged during the course of the Festival. The applicant shall advise Council, in writing, of any existing damage to Council property before commencement of the development. A dilapidation survey of Council's assets, including photographs and written record, must be prepared by a suitably qualified person and submitted to Council prior to the commencement of any works for the festival.
- Note: This documentation will be used to resolve any dispute over damage to infrastructure. It is in the applicant's interest for it to be as full and detailed as possible.
12. All traffic management devices shall be installed and maintained in accordance with the approved traffic guidance scheme.

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13. Off street car parking spaces together with access driveways and turning areas shall be provided. Access driveways and turning areas shall be all weather. Access and driveway widths are to comply with the requirements of Council's development Control Plan.
14. Vehicle entrances and exits shall be clearly signposted, including street number, and shall be visible from both the street and site at all times.
15. A turning bay is to be provided to allow vehicles to manoeuvre and leave the site in a forward direction.
16. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted. 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.
17. Erosion and sediment control devices are to be installed and maintained as required for the duration of the festival in accordance with the approved plan and Hawkesbury Development Control Plan chapter on Soil Erosion and Sedimentation.
18. Temporary security fencing is to be installed around the site used for the festival and all environmentally sensitive areas within the site to exclude unauthorised access into environmentally sensitive areas, adjoining properties and to the site. The perimeter fencing is to include material that will provide screening of the festival from the adjoining properties and public areas. This fencing and screening material is to be maintained for the duration of the festival.
19. Set up works for the festival are only permitted within five (5) days before the festival. All equipment, facilities and fencing are to be removed within five (5) days of the end of the festival.
20. Patrons of the festival are only permitted on the site during the festival duration and two (2) days before and after the festival dates.
21. The applicant/operator of the festival is to liaise with immediate adjoining property owners and occupiers during the design and set up phases of the festival to ensure that adjoining properties are not adversely impacted in regards to access to those properties and existing livestock is protected and/or relocated for the duration of activities. Any temporary relocation or protection is to be at the cost of the applicant.
22. No advertising signs or structures shall be erected, displayed or affixed on any building or land without prior approval

Noise

23. All entertainment and trading including the operation of a PA and speaker system is to cease at 11:30pm (to allow background noise levels to be achieved prior to midnight).
24. Noise from the music festival is not to emit *offensive noise* as defined by the Protection of the Environment Operations Act 1997 outside of the approved operating hours.
25. The noise readings are to be measured at any point in accordance with the New South Wales Environment Protection Authority Industrial Noise Source Policy 2000. The readings are additionally to comply with Australian Standard AS1055.2 Acoustics - *Description of measurement of environmental noise*.
26. Generators should be constructed, maintained and managed so that the $LA_{eq, (15min)}$ noise levels, measured at any point in accordance with the New South Wales Environment Protection Authority Industrial Noise Source Policy 2000, do not exceed 5dB $LA_{eq, (15min)}$ above background levels with respect to noise amenity of residential dwellings and associated outdoor areas.
27. Public address speakers/music speakers should be directed away from residential properties.

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Where speakers are mounted on poles, they are to be inclined downwards at an angle of approximately forty-five (45) degrees from the horizontal.

28. Only nominated people are permitted to use the PA system.
29. The PA system is not to be used for providing commentaries.
30. A sound limiting circuit or similar monitoring system is to be included for the PA/sound system to control the signal amplitude to a fixed level regardless of the loudness of the operator's voice, or the volume control of the amplifier.
31. Engage the services of a suitably qualified consultant to conduct noise monitoring whilst the proposed music festival is occurring. The results are to be produced in a formal acoustic report to be submitted to and received by Hawkesbury City Council within one month of the conclusion of the festival. The acoustic report is to comply with Australian Standard AS1055 *Acoustics - Description of measurement of environmental noise* and New South Wales Environment Protection Authority Industrial Noise Source Policy 2000.
32. Noise testing is to be conducted and included in the acoustic report provided to Hawkesbury City Council at the below specified testing locations. Noise monitoring is to be conducted using $LA_{eq, (15min)}$. The locations of monitoring to be documented in the acoustic report are to include:
 - a. Receptor group 1- Rural residences and residences along the shoreline of the Terrace Road to the north-east
 - b. Receptor group 2- Residences along Terrace Road to the north
 - c. Receptor group 3- Rural residences to the west
 - d. Receptor group 4- Suburban residences to the west
 - e. Receptor group 5- Residences in the suburban area to the south
 - f. Receptor group 6- Operator, and rural receptor to south along Bensons Lane
 - g. Receptor group 7- Residential receptors on the outskirts of suburban area to south west

(Note receptor locations taken from Acoustic Report prepared by *Air Noise Environment PTY LTD* dated July 2008).

33. When the noise level exceeds 5dB $LA_{eq, (15min)}$ above background levels, the acoustic consultant is to implement reduction strategies to reduce the noise level. The acoustic consultant is to conduct further noise testing using LA_{eq} , **L90**, LA_1 and LA_{max} at the subject site immediately after the reduction occurs until the noise level is reduced and meets guidelines levels, with the readings provided in the acoustic report.
34. Provide Hawkesbury City Council with the time splice graphs for the noise monitoring to be made available on request. Provide in the acoustic report the additional parameters including L_{max} , L_1 , L_{10} , and L_{90} .
35. Provide a noise complaints hotline by the festival organisers to be made available to the surrounding area in case noise nuisance occurs. Provide a manager onsite at all times in case the noise level is required to be reduced. The manager if so required by an authorised officer, the acoustic consultant or the NSW Police Force, must have the authority to order the reduction of noise level produced.
36. Where noise complaints are received, the acoustic consultant/ organisers are to arrange noise monitoring to be conducted at the affected property using $LA_{eq, (15min)}$. When the noise level exceeds the noise level requirements set by Hawkesbury City Council, reduction strategies are to be implemented to reduce the noise level to the requirement set by Hawkesbury City Council, with the readings provided in the acoustic report. Numbers, locations and noise monitoring readings from complaints received are to be included in the acoustic report.
37. Develop a written emergency response plan prior to the event documenting all issues covered in the Australian Emergency Manuals Series *Safe and healthy mass gatherings*. A response plan should additionally be developed prior to the event in the case of a water or food borne contamination.

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38. All portable gas cylinders used throughout the subject sites must be secured both top and bottom, by ropes or chains to a structural post, wall, or similar anchor point.
39. An adequate supply of potable water must be supplied with respect to toilet, shower and refreshment facilities (non-potable water should not be used without prior approval).
40. No pyrotechnical display of any kind is to occur without prior approval from WorkCover and independent consent from Hawkesbury City Council.
41. Dust suppression and minimisation strategies must be employed to manage potential dust nuisances within the sites. This is to apply to parking areas, access roads and within the festival site.
42. Mosquito repellent is required to be made available to prevent possible cases of mosquito borne diseases.
43. Sunscreen is required to be made available to prevent potential adverse sun exposure.
44. Strategies must be adopted to prevent any light spillage from the festival onto any surrounding residential property boundaries.

Food stalls/premises

45. All food vendors are to be registered with Hawkesbury City Council and notified with the NSW Food Authority prior to the event.
46. A registration certificate through Hawkesbury City Council must be obtained and displayed for all food premises, stalls or food vending vehicles.
47. Food premises, stalls or food vending vehicles must comply with the appropriate food standards including but not limited to the Food Safety Standards, Hawkesbury City Council's Temporary Food Code and Food Act 2003. Inspections may be conducted by Council's Environmental Health Officers prior or during the event.
48. Food premises, stalls or food vending vehicles must obtain a copy of and abide by the NSW Food Authority's *Food Handling Guidelines for Temporary Events* and Hawkesbury City Council's *Food Safety Guidelines for Charities & Community Organisations*.
49. Food premises, stalls or food vending vehicles must have an adequate supply of potable water. Provision of a supply of potable water for sinks and hand basins is essential. Non-potable water is not permitted to be used within the subject sites.
50. Food premises, stalls or food vending vehicles must have hand washing facilities supplied with warm water, with liquid soap and paper towel. Potable water must be used for hand washing.
51. Food premises, stalls or food vending vehicles must have a temperature measuring device onsite that is capable of measuring to +/-1°C.
52. Food products are required to be stored in vermin and insect proof storage areas. All foods are to be protected and covered.

Waste

53. All liquid waste (including hand washing) is to be collected, stored appropriately and disposed of at a waste facility licensed to accept such waste.
54. Solid waste products are to be stored in sealed bins or containers and disposed of as required/necessary. The waste shall be transported and disposed of by appropriately licensed

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facilities.

55. Fats and oils generated from the caterers are to be collected in appropriate storage containers and transported and disposed of at an appropriate facility to accept such waste (Hawkesbury City Council's waste facility does not accept liquid waste). The waste shall be transported and disposed of by appropriately licensed facilities.
56. Amenities are required to be provided for (based on proposed 30,000 patrons) people attending. Male facilities - 60 water closets, 15 urinals, 100 hand basins. Female facilities - 180 water closets and 100 hand basins. Maintain a constant supply of toilet paper, soap, and paper towel at all times, and at all toilets throughout the event.
57. Showers for washing are required to be provided at a rate of gender specific showers of a minimum of 1 per 100 people attending.
58. Separate toilet facilities are to be provided for food handlers.
59. Disabled toilets are required to be provided in appropriate numbers.
60. Toilet locations must be well-marked and well-lit.
61. All showers and toilets including portable toilets are required to be cleaned as appropriate.
62. Portable toilets are required to be pumped out at least every 24 hours or more frequently if required.
63. Ensure that the effluent from the portable toilets is removed off the site to an appropriate facility to accept such waste. The waste shall be transported and disposed of by appropriately licensed facilities.
64. All waste generation is required to be transported to an appropriate waste facility to accept such waste (No waste generated from this event is to be transported to Hawkesbury City Council's waste facility). The waste shall be transported and disposed of by appropriately licensed facilities.
65. Toilet facilities are required to be provided at a maximum distance of 75 metres from any camping sites, areas of entertainment and refreshment areas.
66. The operator is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this event. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.
67. The development shall be limited to the area shown on the submitted plans.
68. Any external lighting shall be directed in such a manner so that no nuisance is caused to adjoining properties or to drivers on surrounding streets.

Advisory Notes

- *** The applicant shall make themselves aware of the Discrimination Against People with Disabilities Act (DDA) and assess their responsibilities and liabilities with regards to the provision of access for all people.
- *** The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this event. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.
- *** 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.

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

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

Councillor Williams was not in the Chamber when the vote was taken.

Item: 229 CP - Development Application - Rural Shed - 269 Grono Farm Road, Wilberforce - (DA0406/08, 18449, 18450, 95498)

Councillor Mackay declared a pecuniary conflict of interest in this matter as he is the applicant. He left the Chamber and did not take part in voting or discussion on the matter.

Councillor Porter declared a significant non-pecuniary conflict of interest in this matter as he is a adjoining owner. He left the Chamber and did not take part in voting or discussion on the matter.

Councillor Conolly declared a significant non-pecuniary conflict of interest in this matter as the applicant donated to his campaign for the State Election of March 2007. He left the Chamber and did not take part in voting or discussion on the matter.

Councillor Bassett, Mayor, Councillors Reardon, Tree and Whelan declared a less than significant non-pecuniary conflict of interest in this matter in respect of the donation to the State Election campaign in March 2007 for the Liberal Party candidate by the applicant, as referred to by Councillor Conolly, and as they did not benefit from the donation they considered no further action was required.

Mr Trevor Devine, respondent, addressed the Council.

MOTION:

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

That the matter be deferred for a further report to Council on matters raised by Mr Trevor Devine, respondent.

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

Refer to RESOLUTION

371 RESOLUTION:

RESOLVED on the AMENDMENT moved by Councillor Rasmussen, seconded by Councillor Paine.

That the matter be deferred to enable:

- 1. A site inspection be carried out.
- 2. A further report to Council on matters raised by Mr Trevor Devine, respondent.

The amendment was carried.

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

For the Amendment	Against the Amendment
Councillor Bassett	Councillor Calvert
Councillor Paine	Councillor Stubbs
Councillor Rasmussen	Councillor Williams
Councillor Reardon	
Councillor Tree	
Councillor Whelan	

Councillors Conolly, MacKay and Porter were not in the Chamber when the vote was taken.

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

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 Paine	
Councillor Rasmussen	
Councillor Reardon	
Councillor Stubbs	
Councillor Tree	
Councillor Whelan	

Councillors Conolly, MacKay and Porter were not in the Chamber when the vote was taken.

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Item: 230 CP - Section 96 Application to Modify Development Consent DA0134/95, Lot 2, DP628806, No. 6102 Singleton Road, Mellong - Tinda Creek - (95498, 79347, 27001)

Previous Item: 151, Ordinary (29 July 2008)

Mr Tom McLoughlin and Mr Bill Snedden, proponents, addressed the Council.
Mr Thomas Bruce, respondent, addressed Council.

372 RESOLUTION:

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Paine that Council go into Closed Session to consider the legal advice previously detailed in respect of the this matter.

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: 230 CP - Section 96 Application to Modify Development Consent DA0134/95, Lot 2, DP628806, NO. 6102 Singleton Road, Mellong - Tinda Creek

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(g) of the Act as it relates to legal advice concerning Development Consent DA0134/95 and the information is regarded as advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege 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.

373 RESOLUTION:

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

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374 RESOLUTION:

RESOLVED on the motion of Councillor Paine, seconded by Councillor Rasmussen that Open Council be resumed.

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 Tree	
Councillor Whelan	
Councillor Williams	

MOTION:

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

Refer to RESOLUTION

375 RESOLUTION:

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

That:

1. The application under S96 to modify Development Consent DA0134/95, Lot 2, DP 628806, No. 6102 Singleton Road, Mellong be refused as, due to non-compliance with Condition 4 of the original consent, the consent has lapsed and Council is unable to consider the application.
2. A Notice of Intention to serve an Order be issued on the operator to cease operations due to there being no current consent for the operation.
3. A survey plan is to be submitted to Council within two months, showing the location of diversion works in relation to the property boundary. Should any works be located outside the property boundary of Lot 2 DP 628806, those works are to be removed immediately and the land rehabilitated to its natural state.

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

Item: 231 CP - Rural Industry - S96 Modification to Increase Hours for Production and Loading, Lot 4 DP244901, 3 Putland Place, Oakville NSW 2765 - (MA0380/98A, 95498, 10204)

Mr Robert Sinclair, proponent, addressed the Council.
Mr Ted Books, Mr Trevor Devine and Ms Michelle Owen, respondents, addressed Council.

MOTION:

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

Refer to RESOLUTION

376 RESOLUTION:

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

That Development Consent MA 380/98A be amended in the following manner:

Insert the following new conditions:

13. The number of Equivalent Full Time (EFT) employees is restricted to four (4) plus the owner.
14. The activity shall utilise one (1) medium rigid truck, no larger than five (5) tonnes, only for deliveries of product.

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15. Operating hours shall be limited to:

 Loading 1:30am to 3:30am Monday to Saturday inclusive.
 Production 7:00am to 4:00pm Monday to Saturday inclusive.

16. Only one truck movement is permitted between the hours of 1:30am and 3:30am and only for the delivery of product. A loading and unloading log, recording date and time of truck arrivals and departures; and commencement and completion of loading is to be kept at all times. This log is to be made available to Council upon request.

17. The loading of the delivery truck between the hours of 1:30am and 3:30am shall not exceed 1 hour in duration between these hours.

18. Any loading and unloading undertaken between the hours of 10pm and 7am is not to be undertaken with a forklift that has a warning beeper. In this regard a walk-behind forklift that does not have a warning beeper may be used. The forklift is not to be used outside the approved operating hours.

19. When vehicle are being loaded or unloaded on the site, noise from the activity is to be minimised in that vehicle engines are not to be left idling during the activity.

20. Any external lighting shall be directed in such a manner so that no nuisance is caused to adjoining properties or to drivers on surrounding streets.

21. The development shall be conducted in such a manner that the LA(eq) noise levels, measured at any point in accordance with the NSW EPA's Industrial Noise Policy (2000), do not exceed 5dB(A) LA(eq) above background noise levels with respect to noise amenity of residential dwellings.

22. Prior to commencement of any change in loading times the construction and landscaping works in the development consent for DA 0697/07 (Shed and Annex) must be completed.

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

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Item: 232 CP - Community Sponsorship Program - (2008/2009 Round 2) - (96328, 95498)

Councillor Calvert declared a significant non-pecuniary conflict of interest in this matter as the Department of Education has applied for sponsorship and he is employed by the Department of Education. He left the Chamber and did not take part in voting or discussion on the matter.

Councillor Tree declared a less than significant non-pecuniary conflict of interest in this matter as she works for TAFE, being an organisation that is a proposed recipient of assistance, and no further action was required.

Councillor Mackay declared a less than significant non-pecuniary conflict of interest in this matter as he raises funds for CAMP Quality, being an organisation that is a proposed recipient of assistance, and no further action was required.

Councillor Conolly declared he did not believe he had a conflict of interest in this matter as some of the students are from Bede Polding College, which is his employer. He believes the students will be the beneficiaries, not the school; no further action was required.

MOTION:

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

Refer to RESOLUTION

377 RESOLUTION:

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

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 Applications 2, 7, 8 and 10 as identified in Table 1 of this report.
3. Note the Special Condition recommended for Application 10 as identified in Table 1 and Attachment 1 of this report.

INFRASTRUCTURE SERVICES

Item: 233 **IS - Pughs Lagoon and Smith Park Draft Plan of Management - (95495, 79354)**

Mr Ian Johnston, proponent, addressed the Council.

MOTION:

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

Refer to RESOLUTION

378 RESOLUTION:

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

That the matter be deferred for further information to be provided.

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SUPPORT SERVICES

Item: 234 SS - General Purpose Financial Report and Special Purpose Financial Report for the period ended 30 June 2008 - (96332, 95496)

Mr Neville Diamond, respondent, addressed Council.

Mr Dennis Banicevic, Council's Auditor from PriceWaterhouseCoopers, made a presentation to Council in respect of Council's audited 2007/2008 Financial Reports.

MOTION:

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

Refer to RESOLUTION

379 RESOLUTION:

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

That Council:

1. Note the completion of the General Purpose, Special Purpose Financial Reports and Special Schedules for the period ended 30 June 2008.
2. Thank Council's Auditor, Mr Dennis Banicevic of PriceWaterhouseCoopers, for making his presentation in respect of Council's audited 2007/2008 financial reports.

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CONFIDENTIAL REPORTS

380 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.

381 RESOLUTION:

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

That:

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

Item: 235 IS - Tender No. 003/FY09 - Provision of Repainting Various Sites

*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.

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.

382 RESOLUTION:

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

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Item: 235 IS - Tender No. 003/FY09 - Provision of Repainting Various Sites - (95495, 79340)
CONFIDENTIAL

MOTION:

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

Refer to RESOLUTION

383 RESOLUTION:

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

That the tender of Rapid Constructions Pty Ltd for the provision of painting various sites, in the sum of \$97,295.00 (including GST), be accepted and the necessary documents be executed under the Seal of Council.

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SECTION 5 - Reports of Committees

ROC - Local Traffic Committee - 15 October 2008 - (95495, 80245)

384 RESOLUTION:

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

That the minutes of the Local Traffic Committee held on 15 October 2008 as recorded on pages 119 to 134 of the Ordinary Business Paper be adopted.

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QUESTIONS WITHOUT NOTICE

#	Councillor	Question	Response
1	Tree	Commented that Councillor Calvert raised a good point in relation to visual aids in respect of matters for Council and asked if it could be investigated for when items are being discussed.	The Director City Planning advised that Council has the facility to do this and usually does, however, there was a problem with the system tonight. He added that aerial photos, plans, etc. can be projected up.
2	Williams	Requested that Wheelbarrow Ridge Road be graded.	The Director Infrastructure Services advised that a crew is currently working from St Albans through to this location.
3	Williams	Requested a report be provided to Council on the Local Government Conference that had recently been attended outlining the main issues, the attendance of our members and how they voted on the issues.	The Mayor advised that our delegates were there for every session, but commented that there were minimal motions and minimal debate and feedback will be provided.
4	Williams	Asked if Council had sold any properties over the last couple of years for rates arrears and referred to a property on Terrace Road, North Richmond. He commented that he had noticed new owners and wanted to know if Council sold the property.	The General Manager advised that Council hadn't conducted sales on property for unpaid rates for a number of years. He added that if that property has been sold recently, it had been sold privately.
5	Williams	Asked if Councillors are notified if Council is selling property for rates arrears.	The General Manager confirmed that Councillors are notified if Council is preparing to sell property as it is Council who has to resolve to take that action.
6	Paine	Referred to the smell coming from Tolson's Mushroom farm just after midnight last night and that it was the worst she had experienced and asked, even though it is an EPA issue, if Council was receiving any complaints.	The Mayor confirmed the time and advised that Council want to know such issues so that staff can follow the matter up with the organisation.
7	Paine	Referred to St Albans Road and commented that it was rather ordinary and asked when it would be finished. Councillor Paine asked if the contractor will be going up to the other road.	The Director Infrastructure Services advised it was sealed last Friday and is now completed. The Director Infrastructure Services advised that there was a Council resolution that gives the contract to the same contractor and Council will be reviewing the company's methodology to see how it is going to do that.

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#	Councillor	Question	Response
8	Paine	Referred to the Richmond Club and extensions to their aged care living in March Street by expanding the carpark and ask if a report would be coming to Council as it has been a while.	The General Manager advised that there had been discussion with the Richmond Club about that proposal and there was a presentation to Council some time ago. He advised that he anticipated a report coming to Council by the end of the year.
9	Paine	Asked if Council has a policy on Affordable Housing and does Council have a policy on major developers putting affordable housing in developments.	The Director City Planning advised that Council does not currently have a policy on affordable housing, but is being looked at as part of an overall Residential Strategy. The aim is to have the Strategy ready mid next year and affordable housing policy will require a longer time frame.
10	Porter	Advised that the County Council was down to a very short list of tenders for the Weed Harvester and it was going to check on one of the tenderers tomorrow with a hope of having it by next year.	The Mayor acknowledged this advice.

The meeting terminated at 10:17pm

Submitted to and confirmed at the Ordinary meeting held on 25 November 2008.

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Mayor