



Hawkesbury City Council

ordinary meeting business paper minutes

date of meeting: 7 November 1999

location: Council Chambers

time: 7.30pm

**ORDINARY
Meeting Minutes**

Meeting Date: 7 November 2000

Page 2

Minutes of the Meeting of the Council of the City of Hawkesbury held at the Council Chambers, Windsor, on 7 November, 2000 commencing at 7.30pm

PRESENT: Councillor R P Stubbs, Mayor and Councillor L Allan, B J Calvert, K F Conolly, P F Davies, D Finch, G J Gilling, C A Paine, P R Rasmussen, L C Sheather, L A Williams, and C J Woods.

Reverend Robert Granger for the Seventh Day Adventist Church Windsor gave the opening prayer at the commencement of the meeting on behalf of the Hawkesbury Ministers Association.

SECTION 1 - CONFIRMATION OF MINUTES

- 851 RESOLVED on the motion of Councillor Rasmussen seconded by Councillor Finch that the minutes of the Ordinary Meeting of 10 October, 2000 which have been circulated amongst Council be confirmed with the following amendment to point 8 of the motion:

164: Elf Farm Supplies - Compliance with Conditions of Consent - Lot 3 DP610341 Mulgrave Road, Mulgrave (P1362/445, DA218/90/EVD/ENJ03NBX.V13)

Councillor Sheather advised that his sister-in-law is an employee of one of the Tolson Group. Councillor Gilling advised that Mr David Tolson was her running partner in the Local Government Elections.

Councillor Paine declared an interest as her son-in-law is an employee of Elf Mushrooms.

- 815 RESOLVED on the motion of Councillor Gilling seconded by Councillor Davies

That a notice be issued to Elf Farm Supplies under the provisions of Section 121 of the Environmental Planning and Assessment Act 1979 to undertake the following:

1. Not to use or make use of the rick composting process at any time.
2. To manufacture compost material within the confines of an enclosed building only and at all times.

**ORDINARY
Meeting Minutes**

Meeting Date: 7 November 2000

Page 3

3. Not to store treat or deal with manure used in the process of the manufacture of compost in any manner other than in the confines of an enclosed building with discussions to be held with the operating company in relation to this matter.
4. Not to store compost other than in the confines of an enclosed building.
5. To place an operational odour filter or odour control device on each tunnel used in the manufacture of compost.
6. To make development application and gain approval of Council prior to conducting any alteration, additions or additional activity on the land.
7. Not to conduct the development in any manner that interferes with the amenity of the neighbourhood with respect to hours of operation, noise, odour, dust, waste water, waste products or in a manner that emits any noise, odour, dust, waste water, waste product that is unacceptable or offensive to normal living standards.
8. Discussions be held with Elf Farm Supplies within 21 (twenty one) days.

An amendment was moved by Councillor Williams seconded by Councillor Calvert

That a notice be issued to Elf Farm Supplies under the provisions of Section 121 of the Environmental Planning and Assessment Act 1979 to undertake the following:

1. Not to use or make use of the rick composting process at any time.
2. To manufacture compost material within the confines of an enclosed building only and at all times.
3. Not to store treat or deal with manure used in the process of the manufacture of compost in any manner other than in the confines of an enclosed building.
4. Not to store compost other than in the confines of an enclosed building.
5. To place an operational odour filter or odour control device on each tunnel used in the manufacture of compost.
6. To make development application and gain approval of Council prior to conducting any alteration, additions or additional activity on the land.

**ORDINARY
Meeting Minutes**

Meeting Date: 7 November 2000

Page 4

7. Not to conduct the development in any manner that interferes with the amenity of the neighbourhood with respect to hours of operation, noise, odour, dust, waste water, waste products or in a manner that emits any noise, odour, dust, waste water, waste product that is unacceptable or offensive to normal living standards.
8. The additional information be received.

It should be noted that these time periods are subject to negotiation with Elf Farm Supplies within the notice representation period of 21 days.

The amendment was lost

The motion was put and carried.

SECTION 3 - REPORT OF GENERAL PURPOSE COMMITTEE

Environment

167: Proposed Two Lot Subdivision - Lot 15 DP788232 30 O'Dea Place, North Richmond (M1150/00/EVD/ENJ31NAX.V07)

This matter was dealt with in conjunction with Item 320 of the Supplementary Agenda.

Councillor Davies declared an interest as he acts for the owner.

A motion was moved by Councillor Conolly seconded by Councillor Allan

That the application for a two lot subdivision be approved subject to the following conditions:

Advisory

1. To confirm and clarify the terms of this approval, the development shall be carried out in accordance with the approved stamped plans (marked A and titled 'Proposed Subdivision of Lot 15 DP 788232, H/No 30 O'Dea Place, North Richmond) submitted with Development Application No. MA1155/00 dated 8/8/00 and any supportive documentation, except as otherwise provided by the conditions of this consent.

**ORDINARY
Meeting Minutes**

Meeting Date: 7 November 2000

Page 5

Note: Modifications to the approved plans will require the lodgement and consideration by this organisation of a separate application pursuant to Section 96 of the Environmental Planning and Assessment Act, 1979.

2. This consent covers the removal of trees and other vegetation necessary to allow the construction of works covered by any Construction Certificate issued for the development. No other trees or vegetation are to be removed without prior approval.
3. Prior to construction of the approved development it is necessary to obtain a Construction Certificate.
4. Compliance with the provisions of the Environmental Planning and Assessment (Amendment) Act 1979.

Department of Land and Water Conservation General Terms of Approval

5. If, in the opinion of a DLWC officer, any work is being carried out in such a manner that it may damage or detrimentally affect the stream, or damage or interfere in any way with any work, the operation on that section of the stream shall cease immediately upon oral or written direction of such officer.
6. If the permit conditions have been breached, the permit holder shall restore the site to the satisfaction of DLWC. If the necessary works are not completed then the permit holder shall pay a fee prescribed by DLWC for the initial breach inspection and all subsequent breach inspections.
7. Operations shall be conducted in such a manner as not to cause damage or increase the erosion of adjacent stream banks. The permit holder shall carry out any instructions given by DLWC with a view to preventing damage to the banks.
8. Any vegetation or other material removed from the area of operations shall be disposed of to an appropriate site where the debris cannot be swept back into the river during a flood.
9. No works are to be done in the current undisturbed area of Redbank Creek, diagrammatically shown in the DA Plan as the fenceline labelled "Restriction as to Use".

**ORDINARY
Meeting Minutes**

Meeting Date: 7 November 2000

Page 6

10. Soil and erosion control measures for both the construction and maintenance phases of the works are to be in accordance with best management practices as outlined in the Department of Housing's publication, "*Managing Urban Stormwater, Soils and Construction (1998)*" (The Blue Book).
11. The rehabilitation of the area to the satisfaction of DLWC is the responsibility of the permit holder and the owner or occupier of the land.
12. The permit holder and the owner or occupier of the land are responsible for any excavation or soil removal undertaken by any other person or company at this site.
13. Any Part 3A permit granted is not transferable to any other person or company and does not allow operations at any other site.
14. Any Part 3A permit granted does not give the holder the right to occupy any land without the consent from the owner(s), nor does it relieve the permit holder of any obligation which may exist to also obtain permission from local government and other authorities who may have some form of control over the site of the work and/or the activities proposed to be undertaken.
15. These general terms of approval are issued with the proviso that operations shall be carried out on freehold land. Should operations be on Crown Land, this permit is rendered null and void and the occupier of Crown Land should contact DLWC.
16. Should any of the above conditions not be complied with, DLWC may issue a Stop Order on 3A permit related operations at the site until the condition(s) has(have) been complied with.

Prior to Issue of Construction Certificate

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Construction Certificate relating to the approved development, whether by Council or an appropriately accredited certifier. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Construction Certificate. **The Construction Certificate shall be obtained prior to the commencement of any earth works or building works.**

**ORDINARY
Meeting Minutes**

Meeting Date: 7 November 2000

Page 7

17. Submit plans of civil works including road, drainage, access, or sewer works 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 Asset Services and Recreation or an accredited certifier.
18. Payment of a design checking and inspection fee of \$275.00 when submitting Engineering plans for approval. This amount is valid until 30 June 2001. Fees required if an accredited certifier is used will be provided upon request.
19. The submission of engineering designs and calculations covering all works required by this consent.
20. A monetary contribution is to be paid to Council, pursuant to Section 94 of the Environmental Planning and Assessment Act 1979, towards the provision of the following public facilities in the locality:
 - (a) Open Space and Recreation (\$2,852.00)
 - (b) Community Facilities (\$1,864.00)

The above contributions have been determined in accordance with Hawkesbury Section 94 Contribution Plan. A copy of the Contributions Plan may be inspected at Council's Offices, George Street, Windsor.

Contributions are to be paid prior to issue of the construction certificate. The amount of contribution payable under this condition has been calculated on the basis of costs as at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be INDEXED at the time of actual payment in accordance with movement in the Consumer Price Index as published by the Australian Bureau of Statistics. In this respect the attached fee schedule is valid for 3 (three) months.

Prior to Commencement of Works

21. Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with the approved ESCP or SWMP. In the absence of any approved plan the work is to be in accordance with Council's Development Control Plan 1/94 - Soil Erosion and Sedimentation.

**ORDINARY
Meeting Minutes**

Meeting Date: 7 November 2000

Page 8

Note: Measures may include the installation of geofabric fencing, staked straw bale walls located on the contour down-slope of the construction, sediment detention basins, earthen contour banks and the like. The enclosed warning sign shall be affixed to the sediment fence/erosion control device at all times.

22. The applicant or person having the benefit of this development consent must give at least two days notice prior to commencement of works to Council of the intention to commence works. This notice is to be given in accordance with form 7 of the Environmental Planning and Assessment Regulation 1998.
23. The applicant shall advise Council of the name, address and contract number of the principle certifier, in accordance with Section 81A 4(b) of the Environmental Planning and Assessment Act, 1997.

During Construction

24. All work must be carried out in accordance with the provisions of Council's Subdivision Construction Specification.

Prior to Issue of Subdivision Certificate

25. Construction of a centrally located concrete driveway a minimum of 2.5 metres wide and 150mm thick reinforced with F82 mesh over the full length of the access handle to Lot 15 (2) together with the construction of Council's standard residential crossing also 150mm thick reinforced with F82 mesh. All services or suitable conduits are to be placed prior to the placing of concrete.
26. All debris (including felled trees) resulting from the approved clearing of the site for construction is to be removed from the property unless alternative arrangements are agreed to in writing with this office.
27. The provision of inter-allotment drainage and the creation of necessary easements free of cost to Council along the common boundary with Lot 14 to the existing drainage outlet location.
28. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.

**ORDINARY
Meeting Minutes**

Meeting Date: 7 November 2000

Page 9

An application form is available from Council or Sydney Water (call 13 20 93). Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please contact Sydney Water early, since building of water/sewer extensions can be time consuming and impact on other services and building, driveway or landscape design.

29. Submission of a Certificate from Integral Energy that satisfactory arrangements have been made for the provision of electricity to each of the resultant lots of the subdivision.
30. Submission of a Certificate from an approved telecommunications provider that satisfactory arrangements have been made for the provision of cables for telephones through the subdivision.
31. The submission of a plan showing all existing services on the lots including septic tank and effluent disposal area, sewer connections, water connections and stormwater disposal, where applicable, and the correction of any encroachments or defects to the requirements of the Director Environment and Development.
32. The submission of the plan of subdivision, together with 4 (four) exact copies thereof, suitable for lodgement with the Registrar General.
33. The creation of a restriction on use of land requiring that all development on the lot 15 (2) be confined to that part of the plan marked "future building platform"
34. Payment of a linen release fee of \$250. This amount is valid until 30 June 2001.
35. The creation of a reciprocal right of carriageway over the shared vehicle access area.

The motion was lost

852 RESOLVED on the FORESHADOWED MOTION of Councillor Calvert seconded by Councillor Paine

That the application be refused for the following reasons:

1. The proposed development is inconsistent with the established character of the locality.

**ORDINARY
Meeting Minutes**

Meeting Date: 7 November 2000

Page 10

2. The proposed development is likely to have negative impacts on the adjacent bushland corridor.
3. Approval of the development would not be in the public interest.

Councillor Davies returned to the meeting.

853 RESOLVED on the FORESHADOWED MOTION of Councillor Calvert seconded by Councillor Sheather

That:

1. A report be prepared which shows the number of blocks that would be available for residential 2(a) land on the western side of the river:
 - (a) under current guidelines;
 - (b) if current subdivision size was increased
2. Council write to DUAP asking for a definition of “only expansion of a minor nature be allowed on the Western side of the Hawkesbury River”

Further, that if this response is not received by February 2001 then Council should set its own definition of minor expansion and amend the DCP accordingly.
3. Council request the Director General of the Department of Urban Affairs and Planning address Council in relation to planning policies for Sydney, Western Sydney and NSW.

168: Proposed Attached Dual Occupancy - Lot 2 DP1010228 31A Flinders Place, North Richmond (M893/00/EVD/ENJ31NAX.V09)

Councillor Allan advised that her sister and parents reside in Flinders Place.

854 RESOLVED on the motion of Councillor Gilling seconded by Councillor Conolly

**ORDINARY
Meeting Minutes**

Meeting Date: 7 November 2000

Page 11

That the application for a duplex be approved, subject to the following conditions:

1. To confirm and clarify the terms of this approval, the development shall be carried out in accordance with the approved stamped plans (prepared by Graham Edds & Associates Pty Ltd numbered J1-1, J1-2, J1-3 dated May 2000) submitted with Development Application No. M893/00 and any supportive documentation, except as otherwise provided by the conditions of this consent.

Note: modifications to the approved plans will require the lodgement and consideration by this organisation of a separate application pursuant to Section 96 of the Environmental Planning and Assessment Act, 1979.

2. Compliance with the provisions of the Environmental Planning and Assessment (Amendment) Act 1979, and the Building Code of Australia.
3. Prior to construction of the approved development it is necessary to obtain a Construction Certificate.
4. The applicants shall make themselves aware of any use restriction relevant to this property and shall comply with the requirements of the Section 88b instrument relevant to this subdivision and property.

Prior to Issue of Construction Certificate

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Construction Certificate relating to the approved development, whether by Council or an appropriately accredited certifier. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Construction Certificate. **The Construction Certificate shall be obtained prior to the commencement of any earth works or building works.**

5. Separate practising Structural Engineer's details of all structural concrete and steelwork shall be lodged prior to issue of the construction certificate.
6. Separate details of the proposed roofwater and surface water drainage system shall be lodged in duplicate for approval. Such details shall be approved prior to issue of the construction certificate.

**ORDINARY
Meeting Minutes**

Meeting Date: 7 November 2000

Page 12

7. The building design shall incorporate components that will provide aircraft noise mitigation in accordance with AS 2021. Details prepared by an accredited acoustical consultant shall be submitted prior to the issue of a construction certificate.
8. A monetary contribution is to be paid to Council, pursuant to Section 94 of the Environmental Planning and Assessment Act 1979, towards the provision of the following public facilities in the locality:
 - (a) Open Space and Recreation (\$1386)
 - (b) Community Facilities (\$905)

The above contributions have been determined in accordance with Hawkesbury Section 94 Contribution Plan. A copy of the Contributions Plan may be inspected at Council's Offices, George Street, Windsor.

Contributions are to be paid prior to issue of the construction certificate.

The amount of contribution payable under this condition has been calculated on the basis of costs as at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be INDEXED at the time of actual payment in accordance with movement in the Consumer Price Index as published by the Australian Bureau of Statistics. In this respect the attached fee schedule is valid for 3 (three) months.

9. Details of the proposed building demonstrating compliance with the BCA are to be submitted to the Principle Certifying Authority for approval. Details should include: installation and location of smoke alarms, doors to WC compartments; openings to boundaries; fire separation; roof framing details.
10. A geotechnical report addressing the potential for landslip arising from the previous cut and filling of the property is to be submitted to the Principle Certifying Authority. The report shall be referenced as required in all engineer's slab and footing designs.
11. The following documentary evidence is to be obtained prior to the issue of any Construction Certificate, whether by Council or an accredited certifier:
 - (a) A written clearance from Integral Energy, stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development.

**ORDINARY
Meeting Minutes**

Meeting Date: 7 November 2000

Page 13

Separate documentary evidence from Integral Energy shall be provided stating that the requirements of that Authority have been met with regard to the nearby high voltage transmission line.

12. The submission of a Certificate from Telstra Australia that satisfactory arrangements have been made for the provision of cables for telephones to the development.

Prior to Commencement of Works

13. The applicant or person having the benefit of this development consent must give at least two days notice prior to commencement of works to Council of the intention to commence works. This notice is to be given in accordance with form 7 of the Environmental Planning and Assessment Regulation 1998.
14. The applicant shall advise Council of the name, address and contract number of the principle certifier, in accordance with Section 81A 4(b) of the Environmental Planning and Assessment Act, 1997.
15. Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided:

- (a) must be a standard flushing toilet; and
- (b) must be connected:
 - (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
 - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

16. Erosion and sediment control devices are to be installed and maintained to ensure that there is no increase in downstream levels of litter, vegetation debris or other water borne pollutants in accordance with Council's Development Control Plan 1/94 - Soil Erosion and Sedimentation

**ORDINARY
Meeting Minutes**

Meeting Date: 7 November 2000

Page 14

17. The building shall be set out by a Registered Surveyor and the Survey Certificate of the building shall be lodged with the Principal Certifying Authority upon completion of the footings and prior to the external wall construction proceeding above floor level.
18. Building work that involves residential building work (within the meaning of the *Home Building Act 1989*) must not be commenced unless the principal certifying authority for the development to which the work relates:
- (a) in the case of work to be done by a licensee under that Act:
 - (i) has been informed in writing of the licensee's name and contractor licence number, and
 - (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act, or
 - (b) in the case of work to be done by any other person:
 - (i) has been informed in writing of the person's name and owner-builder permit number, or
 - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of that Act
- and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.
- Note: A certificate purporting to be issued by an approved insurer under Part 6 of the *Home Building Act 1989* that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this condition sufficient evidence that the person has complied with the requirements of that Part.
19. A sign must be erected in a prominent position on any work site on which the erection or demolition of a building is being carried out:
- (a) stating that unauthorised entry to the work site is prohibited; and

**ORDINARY
Meeting Minutes**

Meeting Date: 7 November 2000

Page 15

- (b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

This condition does not apply to:

- (a) building work carried out inside an existing building; or
 - (b) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
20. The name and licence number of the licensed contractor/builder who has been contracted to do or intends to do the work must be submitted to Council in writing by the owner prior to the commencement of any work relevant to this approval.
21. If construction vehicles associated with the development are proposing the use of the adjoining public reserve to gain access to the site during construction, written approval from Council's Parks and Recreation Manager is to be obtained prior to use of the public reserve.

During Construction

22. All building work must be carried out in accordance with provisions of the Building Code of Australia.
23. Inspections shall be carried out and compliance certificates issued by Council or an appropriately accredited person for the following components of construction:
- (a) erosion controls, site works and site set out;
 - (b) piers;
 - (c) steel reinforcement;
 - (d) framework, after the installation of all plumbing, drainage and electrical fixtures, and after the external cladding and roof covering has been fixed prior to fixing of internal linings and insulation;
 - (e) wet area flashing, after the installation of any bath and shower fixtures;
 - (f) external drainage lines, prior to backfilling;
 - (g) on completion of the structure.
24. Construction of Council's standard residential footway and layback vehicular crossing to suit the access to the site with a minimum width of 3m (three metres).

**ORDINARY
Meeting Minutes**

Meeting Date: 7 November 2000

Page 16

25. All demolition, construction and associated work necessary for the carrying out of the development being restricted to between the hours of 7.00am and 6.00pm on Mondays to Fridays and between 8.00am and 4.00pm on Saturdays.
26. No burning of demolition or construction material being carried out on the site.
27. The site shall be kept clean and tidy during the construction period and all rubbish shall be removed from the site upon completion of the project to the satisfaction of this office.
28. A sign is to be erected adjacent to the access point to the site for the duration of the site works stating the following:
 - (a) owner of site and address;
 - (b) person/company carrying out site works and phone number;
 - (c) consent number and date of approval; and
 - (d) approval duration of site works.

Prior to Issue of Occupation Certificate

29. The submission of a Compliance Certificate under Section 73 of the Water Board (Corporatisation) Act 1994.

Use of the Site

30. All landscaping shall be permanently maintained in a good condition and in accordance with the intent of the landscaping plan.

**169: Proposed Amendment to HLEP 1989 to Enable 3 Lot Community Title Subdivision - Lot 12 DP834771 99 Gadds Lane, Kurmond
(P701/30/EVD/ENJ31NBX.V16)**

855 RESOLVED on the motion of Councillor Allan seconded by Councillor Rasmussen

That the matter be deferred at the applicant's request.

**ORDINARY
Meeting Minutes**

Meeting Date: 7 November 2000

Page 17

170: Threatened Ecological Communities and Subdivision
(LEP001/00PT01/EVD/ENJ31NBX.V18)

A motion was moved by Councillor Williams seconded by Councillor Woods

That this matter be deferred for a period of three (3) months to allow community and agency input.

856 An AMENDMENT was moved by Councillor Gilling seconded by Councillor Conolly

That pursuant to Section 54 of the Environmental Planning and Assessment Act Council prepare a Draft Local Environmental Plan using the Best Practice Guidelines to implement amendments to Hawkesbury Local Environmental Plan 1989 that will:

1. Allow for small lots to be established with a minimum of 1 (one) hectare in the Rural 1(c1) zones and a minimum of 2.5 hectares in the Rural 1(b) zones where the land has the following characteristics:
 - (a) 20% of the land contains Threatened Endangered Ecological Communities or their buffer zones or regionally significant wetlands;
 - (b) the ecological communities are to be managed in a "community lot";
 - (c) communal management will be in place to manage fire hazards, buffer zones, effluent disposal areas and to locate dwelling sites;
 - (d) there is no increase in the yield than that currently achieved under the Hawkesbury Local Environmental Plan through numerical standards;
 - (e) the reduced size lots do not contain any of the threatened communities and contain suitable house sites, fire management zones, and effluent disposal area.
2. It can be demonstrated that subdivision using this method arrives at a better environmental outcome than the conventional Torrens Title subdivision using minimum lot sizes.
3. The normal advertising time of twenty eight (28) days be extended to three (3) months to allow community consultation.
4. A Councillor workshop be held in relation to this matter.

The amendment was carried

**ORDINARY
Meeting Minutes**

Meeting Date: 7 November 2000

Page 18

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

**171: Draft Energy Efficiency Development Control Plan (DCP3/95,
GE020/061/EVD/ENJ31NBX.V17)**

857 RESOLVED on the motion of Councillor Allan seconded by Councillor Rasmussen

That the draft development control plan for energy efficiency be finalised and placed on public exhibition for a period of 28 days in accordance with the provisions of the Environmental Planning and Assessment Act 1979.

**172: Environment Protection and Biodiversity Conservation Act 1999 - Implications
for Council (GM0001/031PT04/EVD/ENJ31NBX.V11)**

858 RESOLVED on the motion of Councillor Allan seconded by Councillor Rasmussen

That Council contact the Local Government and Shires' Association outlining its concern with the implications of the Commonwealth's Environment Protection and Biodiversity Conservation Act and that these issues be conveyed to the Premier of New South Wales.

**173: Draft Local Environmental Plan - Lot 194 DP 823986 and Lot 192 DP 729625
The Driftway, South Windsor (LEP004/00/EVD/ENJ31NBX.V10)**

859 RESOLVED on the motion of Councillor Allan seconded by Councillor Rasmussen

That pursuant to Section 54 of the Environmental Planning and Assessment Act, Council, in accordance with the Best Practice Guideline January 1997, prepare an amendment to the Hawkesbury Local Environmental Plan 1989 that affects Lot 194 DP 823986 and Lot 192 DP 729625 to alter the zonings to Special Uses Waste Management and to insert a clause in the Hawkesbury Local Environmental Plan that will allow the following activities if they are to be used for the purpose of waste management:

- industries;
- rural industries;
- junk yards;

**ORDINARY
Meeting Minutes**

Meeting Date: 7 November 2000

Page 19

- extractive industries; and
- waste management facility or works.

174: Duck Abattoir - Pollution Prevention (P2330/80/EVD/ENJ31NCX.V02)

860 RESOLVED on the motion of Councillor Allan seconded by Councillor Rasmussen

That the information be received.

Infrastructure

68: McMahon Park (PK/007/ENG/INJ31NBX.E06)

861 RESOLVED on the motion of Councillor Paine seconded by Councillor Calvert

That compulsory acquisition of 4,000sq/m of the adjoining lot or alternative method of acquiring be explored and the findings be reported back to Council before the Christmas break.

69: Woods Road (2345/R/ENG/INJ31NBX.E07)

862 RESOLVED on the motion of Councillor Davies seconded by Councillor Rasmussen

That a corridor for the most appropriate long-term road connection between South Windsor and Bligh Park be identified and submitted to Council for its approval, and if approved, be compulsorily acquired within the next financial year and also that the advice of the traffic consultant be provided with the report about the most relevant option.

**70: HNCMT Draft Advocacy Position of Riverbank Management
(GR060/079/ENG/INJ31NBX.E04)**

A motion was moved by Councillor Williams seconded by Councillor Woods

**ORDINARY
Meeting Minutes**

Meeting Date: 7 November 2000

Page 20

That Hawkesbury City Council support the Trust's position in general on river bank management and welcome the opportunity to comment. Further that the comments in relation to the Advocacy Position of riverbank management be forwarded to the Hawkesbury Nepean Catchment Management Trust.

863 An AMENDMENT was moved by Councillor Sheather seconded by Councillor Gilling

That:

1. The comments in relation to the Advocacy Position of riverbank management be forwarded to the Hawkesbury Nepean Catchment Management Trust.
2. Council ask the Trust to consult widely with stakeholders in the catchment.

The amendment was carried

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

71: Bourke Street, Richmond - Temporary Closure - St Paul's Celebration Committee (258/R PT04/ENG/INJ31NBX.E02)

864 RESOLVED on the motion of Councillor Allan seconded by Councillor Rasmussen

That approval be granted to the application by St Paul's Celebration Committee for temporary closure of Bourke Street, Richmond between Windsor Street and Francis Street during 4.00pm - 7.00pm on Sunday 21 January 2001 to conduct a religious procession, subject to:

1. Approval being obtained from the NSW Police Service to the proposed closure;
2. Submission of a Public Liability Policy for an amount of not less than \$5,000,000 (five million dollars); and
3. Appropriate arrangements being made with affected residents regarding access to their properties, including their visitors.

**ORDINARY
Meeting Minutes**

Meeting Date: 7 November 2000

Page 21

72: East Market Street, Richmond - Temporary Closure - Richmond R&SL Sub-branch (515/R PT05/EVD/INJ31NBX.V01)

The Committee exercising its delegation as Whole Council

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

That Council approve the temporary closure of East Market Street, Richmond between Windsor Street and March Street on Saturday 11 November 2000 between 10.45am and 11.15am to conduct a Remembrance Day Service, subject to:

1. The NSW Police Service undertake traffic control duties at the March and Windsor Streets intersection with East Market Street; and
2. The requirements of the Roads & Traffic Authority be met.

73: NSW Threatened Species Conservation Act 1995 - Recent Determinations (GE020/055/ENG/INJ31NCX.E05)

865 RESOLVED on the motion of Councillor Allan seconded by Councillor Rasmussen

That the information be received.

74: City Gateway Treatments (GR120/004 PT6/ENG/INJ31LBX.E08)

A motion was moved by Councillor Calvert seconded by Councillor Rasmussen

That:

1. The typical gateway treatment outlined on the attached plan be adopted as the basis for Stage One of the provision of these facilities.
2. The provision of gateway treatments on Bells Line of Road at Kurrajong Heights and Springwood Road at the proposed recreation reserve adjacent to the confluence of the Nepean and Grose Rivers be pursued.
3. Gateways be strategically placed to allow further expansion for Stages 2 and 3.

**ORDINARY
Meeting Minutes**

Meeting Date: 7 November 2000

Page 22

4. The local aboriginal community be invited to participate in the design and development process.
5. Any signage used in the construction clearly indicates that this is “Stage One”.

866 An AMENDMENT was moved by Councillor Allan seconded by Councillor Paine

That this item be deferred and discussed at the Council’s Strategic Planning Workshop and be brought back to a future meeting of Council.

The amendment was carried

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

Organisation and Resources

115: Monthly Financial Report - September 2000 (GF011/005/FNC/OGJ31NBX.F09)

867 RESOLVED on the motion of Councillor Allan seconded by Councillor Conolly

That the information be received.

116: Shop 3 McGraths Hill Shopping Centre, McGraths Hill
(GC283/015/CSV/OGJ31NBX.C06)

868 RESOLVED on the motion of Councillor Allan seconded by Councillor Rasmussen

That Shop 3 McGraths Hill Shopping Centre be leased to Mr & Mrs Shepherd (Colematt Pty Ltd), subject to the principle terms and conditions as outlined in the report and that the Seal of Council be affixed to any necessary documentation.

117: Alcohol Free Zones (GP070/001/CSV/OGJ31NBX.C04)

869 RESOLVED on the motion of Councillor Allan seconded by Councillor Rasmussen

**ORDINARY
Meeting Minutes**

Meeting Date: 7 November 2000

Page 23

That the following alcohol free zones be re-established for the 3 (three) year period commencing 1 January 2001 and terminating on 31 December 2003:

- The block having its boundaries as Francis Street, West Market Street, Windsor Street and Bosworth Street, Richmond, including Coles car park;
- East Market Street, Richmond between Francis Street and Windsor Street;
- Toxana Street, Richmond between Francis Street and Windsor Street;
- Windsor Street, Richmond between East Market Street and Paget Street;
- West Market Street, Richmond between Lennox Street and March Street;
- The block having its boundaries as East Market Street, Windsor Street, West Market Street and March Street, Richmond;
- East Market Street, Richmond between March Street and Lennox Street;
- Woodhills car park, Richmond;
- Bells Line of Road, North Richmond - area known as State Bank Plaza car park (adjoining Pitt Lane);
- Windsor Mall, Windsor;
- Golden Valley Drive, Glossodia in front of Shopping Centre, including the car park and access road;
- Eldon Street, Pitt Town between Grenville Street and Chatham Street;
- McGraths Hill Shopping Centre on the block bounded by Phillip Place, Redhouse Crescent and the McGraths Hill Community Centre; and
- Wilberforce Shopping Centre on the block bounded by the George Road entrance, the section of Singleton Road in front of the Wilberforce Pre-School and Child Care Centre to the intersection with King Road, and the frontage of the Shopping Centre and Park along King Road, Wilberforce.

**ORDINARY
Meeting Minutes**

Meeting Date: 7 November 2000

Page 24

118: Hawkesbury Social Plan Part 1 - Hawkesbury Social Atlas
(GC130/036/CSV/OGJ31NBX.C02)

870 RESOLVED on the motion of Councillor Allan seconded by Councillor Rasmussen
That the Hawkesbury Social Atlas be received.

119: Hawkesbury Social Plan Part 2: Hawkesbury Community Survey
(GC130/036/CSV/OGJ31NCX.C03)

871 RESOLVED on the motion of Councillor Allan seconded by Councillor Rasmussen
That the information be received.

120: Hawkesbury Social Plan Part 3: Hawkesbury Community Planning Strategy
(GC130/036/CSV/OGJ31NBX.C01)

872 RESOLVED on the motion of Councillor Allan seconded by Councillor Rasmussen
That:

1. The Hawkesbury Community Planning Strategy be received.
2. Copies of the Hawkesbury Social Plan documents be forwarded to the Department of Local Government.

121: Overseas Travel - Spatial Information (GM010/023 PT01/EVD/OGJ31NBX.V07)

873 RESOLVED on the motion of Councillor Allan seconded by Councillor Rasmussen

That Mr Ryan be granted leave with pay to attend this meeting in the United States of America from 12 November to 20 November 2000.

**ORDINARY
Meeting Minutes**

Meeting Date: 7 November 2000

Page 25

SECTION 4 - REPORTS FOR DETERMINATION

303: Bede Polding College - Request for Donation - Hire of Windsor Function Centre (GF008/001/CSV/ORK07NBX.C14)

Councillor Conolly advised that he is employed by the Catholic Education Office who owns Bede Polding College.

874 RESOLVED on the motion of Councillor Rasmussen seconded by Councillor Davies

That a contribution of \$395.45 (three hundred and ninety five dollars and forty five cents) be forwarded towards the cost of hiring the Windsor Function Centre for the variety night proposed by Bede Polding College and St Monica's Parish and Primary School as a charity fundraiser.

304: Documents for Execution Under Seal (GC283/105/CSV/ORK07NBX.C06)

875 RESOLVED on the motion of Councillor Rasmussen seconded by Councillor Allan

That the Seal of Council be affixed to the documents for the lease of Unit 11 John Tebbutt Place, Richmond to Ms Nicole Hunt.

305: Quarterly Review as at 30 September 2000 (GF004/003 PT01/FNC/ORK07NBX.F11)

876 RESOLVED on the motion of Councillor Rasmussen seconded by Councillor Allan

That the quarterly review of the 2000/2001 Management Plan and Financial Statement for the period to 30 September 2000 be adopted.

306: Future Management of Upper Colo Reserve and Maintenance of Parks in the Colo Area (PK/016/ENG/ORK07NBX.E18)

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

**ORDINARY
Meeting Minutes**

Meeting Date: 7 November 2000

Page 26

That:

1. The Expression of Interest for the management of Upper Colo Reserve and maintenance of parks in the Colo area be accepted from Mr Kevin C Cox; and
2. A contract be developed with the Common Seal of Council affixed to the necessary documentation.

307: General Purpose Financial Report and Special Purpose Financial Report for the period ended 30 June, 2000 (GF001/001 PT3, GF001/007 PT1/CSV/ORK07NBX.C07)

878 RESOLVED on the motion of Councillor Sheather seconded by Councillor Conolly

That Council's General Purpose Financial Report and Special Purpose Financial Report for the period ended 30 June 2000 be adopted.

308: Formation of Section 355 Committee for Environmental Assessment of Motor Industry Grant Project (GG021/214 PT1/EVD/ORK07NBX.V05)

879 RESOLVED on the motion of Councillor Rasmussen seconded by Councillor Sheather

That:

1. Council resolves to establish the Section 355 Committee formed to administer the grant secured to carry out the Environmental Assessment of Motor Industry Premises.
2. Ms A Genova and Mr G Baldry be Hawkesbury City Council's representatives on the Section 355 Committee.
3. Hawkesbury City Council grant delegated authority to the two field officers, to act as "authorised officers" under the relevant legislation.

**ORDINARY
Meeting Minutes**

Meeting Date: 7 November 2000

Page 27

309: Proposed Sale of Commercial Site - Colonial Drive, Bligh Park (GC281/010 PT2/CSV/ORK07NBX.C17)

A motion was moved by Councillor Conolly seconded by Councillor Finch

That Council take steps to sell Lot 1249 DP800323 Colonial Drive, Bligh Park by public auction.

880 An AMENDMENT was moved by Councillor Sheather seconded by Councillor Gilling

That Council re-assess its position in relation to the purpose of the land.

The amendment was carried

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

310: Membership of Regional Illegal Dumping Squad (RID) (GW010/033 PT1/EVD/ORK07NBX.V08)

881 RESOLVED on the motion of Councillor Rasmussen seconded by Councillor Gilling

That:

1. Council resolves to become a member of the Section 355 Committee for administration of the RID Squad.
2. Councillor Christine Paine and Mr Garry Baldry become Council's representatives on the RID Squad Section 355 Committee.
3. Hawkesbury City Council grant delegated authority to the officers of the RID Squad, under the relevant legislation, to act as "authorised officers" in the City of Hawkesbury.

**ORDINARY
Meeting Minutes**

Meeting Date: 7 November 2000

Page 28

311: "Operation Cat" - Cheap Desexing and Microchipping Program for Cats
(GE0202/002/EVD/ORK07NBX.V12)

882 RESOLVED on the motion of Councillor Rasmussen seconded by Councillor Sheather

That:

1. Council agree to hold an "Operation Cat" day in December.
2. If the day is successful, a similar day be held around March/ April 2001 to capture any kittens/cats received over Christmas, before the mating season.
3. Council endeavour to continue a partnership with the Cat Protection Society, and offer this service twice a year or when there is a demand by the public.

SECTION 5 - REPORTS FOR INFORMATION

312: Transport Planning (GT240/013 PT2/GMA/ORK07NCX.G13)

883 RESOLVED on the motion of Councillor Davies seconded by Councillor Allan

That the information be received.

313: Westpool Bulk Purchase - Comprehensive Motor Vehicle Insurance
(GIO30/081/CSV/ORK07NCX.C09)

884 RESOLVED on the motion of Councillor Davies seconded by Councillor Allan

That the information be received.

314: Developing a Cultural Plan (GE030/002 PT5/CSV/ORK07NCX.C16)

885 RESOLVED on the motion of Councillor Davies seconded by Councillor Allan

That the information be accepted.

**ORDINARY
Meeting Minutes**

Meeting Date: 7 November 2000

Page 29

315: Reports requested by Council - Status as at 7 November, 2000 (GC280/005 PT03/CSV/ORK07NCX.C01)

886 RESOLVED on the motion of Councillor Davies seconded by Councillor Allan

That the information be received.

316: Payment of External Organisations (GC210/014 PT3,GC155/001 PT3, GM001/021 PT14/FNC/ORK07NCX.F15)

887 RESOLVED on the motion of Councillor Davies seconded by Councillor Allan

That the information be received.

317: Sewage Management Facilities (Septic Tanks) - Licensing
(GS080/008/EVD/ORK07NCX.V10)

888 RESOLVED on the motion of Councillor Davies seconded by Councillor Allan

That the information be received.

SECTION 6 - REPORTS OF COMMITTEES

Tourism Hawkesbury Inc - 17 August 2000

889 RESOLVED on the motion of Councillor Allan seconded by Councillor Finch that the Minutes of the Tourism Hawkesbury Inc meeting held on 17 August 2000 as recorded on Pages 60 to 62 be received.

**ORDINARY
Meeting Minutes**

Meeting Date: 7 November 2000

Page 30

Proposed Library, Museum and Art Gallery Advisory Committee - 16 September 2000

- 890 RESOLVED on the motion of Councillor Allan seconded by Councillor Finch that the Minutes of the Proposed Library, Museum and Art Gallery Advisory Committee meeting held on 16 September 2000 as recorded on Pages 63 to 64 be received.

Hawkesbury Economic Development Advisory Committee - Friday, 6 October 2000

- 891 RESOLVED on the motion of Councillor Allan seconded by Councillor Finch that the Minutes of the Hawkesbury Economic Development Advisory Committee meeting held on Friday, 6 October 2000 as recorded on Pages 65 to 68 be received.

WSROC Limited - 12 October 2000

- 892 RESOLVED on the motion of Councillor Allan seconded by Councillor Calvert that the minutes of the WSROC Limited meeting held on 12 October 2000 as recorded on Pages 69 to 79 be received.

Heritage Advisory Committee - 12 October 2000

- 893 RESOLVED on the motion of Councillor Finch seconded by Councillor Allan that the Minutes of the Heritage Advisory Committee meeting held on 12 October 2000 as recorded on Pages 80 to 82 be received.

Hawkesbury Sports Council - 13 October 2000

- 894 RESOLVED on the motion of Councillor Sheather seconded by Councillor Rasmussen that the Minutes of the Hawkesbury Sports Council meeting held on 13 October 2000 as recorded on Pages 83 to 87 be received.

This is Page of the Minutes of the ORDINARY No 15 MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor, on 7 November 2000.

**ORDINARY
Meeting Minutes**

Meeting Date: 7 November 2000

Page 31

SUPPLEMENTARY REPORTS - SECTION 4 - REPORTS FOR DETERMINATION

318: Sewerage System (GS047/003 Pt12/GMA/ORK07LAX.G21)

895 RESOLVED on the motion of Councillor Conolly and seconded by Councillor Gilling

That:

1. Gutteridge, Haskins & Davey's current consultancy contract be extended to provide for the concept design of pumping systems required to transfer the three towns sewerage to the Windsor Sewerage System and to provide a Review of Environmental Factors for that work. Estimated total cost is \$99,082 (ninety nine thousand and eighty two dollars) including the Goods & Services Tax of \$9,062 (nine thousand and sixty two dollars).
2. Should the Three Town Sewerage Scheme not proceed as part of the Windsor Sewerage Scheme the \$99,682 (ninety nine thousand six hundred and eighty two dollars) of the total be reimbursed to the Windsor Sewer Reserve Fund from General Funds.

319: Closure of Racecourse Road Sludge Depot (P1820/115/EVD/ORK07LBX.V23)

896 RESOLVED on the motion of Councillor Allan and seconded by Councillor Sheather

That:

1. The Septic Tank Sludge Depot on Racecourse Road, South Windsor be closed to the receipt of sludge wastes.
2. An application to surrender the existing licence be forwarded to the Environment Protection Authority for approval.
3. Remedial works be undertaken in accordance with the "post closure plan" if the application to surrender the licence is approved

**ORDINARY
Meeting Minutes**

Meeting Date: 7 November 2000

Page 32

SUPPLEMENTARY REPORTS - SECTION 5 - REPORTS FOR INFORMATION

320: Proposed Two Lot Subdivision - Lot 15 DP788232 30 O'Dea Place, North Richmond (MA1150/00/EVD/ORK07LCX.V20)

Councillor Davies declared an interest as he acts on behalf of the owner.

897 RESOLVED on the motion of Councillor Sheather and seconded by Councillor Calvert

That the information be received.

321: McQuade Park Oval Proposed Picket Fence - Rotary Club of Windsor (PK/203 PT14/ENG/ORK07LCX.E22)

898 RESOLVED on the motion of Councillor Allan and seconded by Councillor Finch

That the information be received.

SUPPLEMENTARY REPORTS - SECTION 6 - REPORTS OF COMMITTEES

Local Traffic Committee - 20 October, 2000

899 RESOLVED on the motion of Councillor Davies seconded by Councillor Rasmussen that the Minutes of the Local Traffic Committee meeting held on 20 October 2000 as recorded on Pages 11 to 15 of the supplementary agenda be adopted.

QUESTIONS WITHOUT NOTICE

1. Councillor Finch advised that she had received representations in relation to the illegal construction of a dam on a property at Grose Vale Road. She enquired if Council staff are aware of this and what the status was.

**ORDINARY
Meeting Minutes**

Meeting Date: 7 November 2000

Page 33

The Director of Environment & Development advised that an order to stop work had been issued. He further advised that a submission needed to be made to Council for consent and if approval was not granted, restoration works would be required to be undertaken.

2. Councillor Finch advised that the "Welcome to Windsor" sign was in poor condition and requested that it be cleaned up or re-painted.

The General Manager advised that this sign had been in place since 1994 and may be due for replacement.

3. Councillor Paine tabled correspondence relating to noise complaints at Windsor Leagues Club. She requested that a meeting be held with the Leagues Club and that this be matter be dealt with.

The Mayor advised that this would be done.

4. Councillor Allan referred to discussions held with Council staff in relation to the bus shelter at Colo High School for the Bede Polding students. She advised that in recent wet weather pedestrians had been in danger and requested that this be investigated.

The Mayor advised that this would be done.

5. Councillor Williams referred to an e-mail on Genetically Engineered (GE) Foods and Crops. He requested that a report be prepared for a future General Purpose Committee with a view to formulating Council's policy towards GE Foods and Crops.

The Mayor advised that this matter had been discussed at a Hawkesbury Healthy City Committee meeting. He further advised that these minutes were now available and indicated that a report will be prepared for Council.

6. Councillor Williams advised that he has been approached by a proprietor from the Wilberforce Shopping Centre. He advised the surrounding grounds were in poor condition and enquired if it would be possible to contribute a portion of the rent money towards some landscaping, area lighting and pedestrian control barriers. He enquired if it would be possible to have a landscaping concept and costing prepared for this Centre.

**ORDINARY
Meeting Minutes**

Meeting Date: 7 November 2000

Page 34

The General Manager advised that this matter was being investigated and several options had been trialed. He advised that additional paving and trees were required.

7. Councillor Williams referred to playground equipment in Wilberforce Park. He advised that the equipment had diminished and enquired if it would be replaced. He enquired if money had been set aside in this year's budget for Wilberforce Park and enquired if this could be fixed up.

The Director of Asset Services & Recreation advised that he was unaware that any equipment had been removed and that he would investigate this matter.

8. Councillor Davies referred to the comments on the ADI site in the September Review of the Management Plan. He advised that he believed the resolution of Council had been to get advice on what is "industry" which would then be subject to resolution. He noted that the matter was still to be heard and enquired if it was proceeding towards a negotiated settlement.

The Director of Environment & Development advised the matter of point of law had been raised by the intervener, Mrs Bongers, on what classification this particular land use would have. This proposal was put in front of the Chief Judge of the Land and Environment Court who had resolved that it was neither of the propositions and was "in-nominate" use i.e. a use not defined by the LEP and therefore permissible with consent. The Judge had also made some observation about the permissibility or otherwise of the application but because ADI had not been given the chance to present their evidence had put it back to the Registrar for re-listing. This will allow ADI to present their evidence and show how they are consistent with the objectives of the zone. He advised that this was listed yesterday and is to be stood over for a short period of time for ADI to make a submission.

9. Councillor Davies referred to comments in the September Management Plan Review in relation to the Sammut matter which advised that the Appeal was recently dismissed. He enquired if this was the proceedings heard in the Windsor Court.

The Director of Environment & Development advised that this was the Class 1 application where Council refused the use of the shed and proposed awning for a car repair station. He advised that the full judgement would be reported to the next General Purpose Committee but that the Court had dismissed the Appeal and had supported all seven grounds for Council's refusal of the application. The Director of Environment & Development further advised that the Class 4 matter is to be listed next week.

**ORDINARY
Meeting Minutes**

Meeting Date: 7 November 2000

Page 35

10. Councillor Davies referred to Questions from the Gallery in relation to the amenities block in Kemsley Downs. He advised that he had been shown a letter which advised that if the first location for the amenities building was refused by Integral then the design would re-submitted to Council for approval in an alternative location. He enquired if there had been a DA for this block in the new location, and if so, what advertising had been undertaken. He further advised that he had "stepped out" the site to be approximately 25 metres from the back fence and the concrete block was approximately 8 x 13 metre in size. He requested clarification and further information in relation to these issues.

The General Manager advised that he had been informed that it was 42 metres from the property and that the building plan shows the building to be 5 x 10 metres. He advised that he would investigate these issues.

11. Councillor Rasmussen advised that he had received an invitation from the Minister for Information Technology to attend an Information Technology in Western Sydney conference. He enquired if Council would be represented at this conference.

The General Manager advised that he would investigate.

12. Councillor Rasmussen enquired if Council had received an update on the RAAF Economic Impact Study.

The Mayor advised that we had not received an update.

13. Councillor Rasmussen referred to a development application from Mr Peter Cassie to run rolling music programs in the park. He enquired if there was any progress in relation to this matter.

The Director of Asset Services & Recreation advised that this needed planning approval and would be followed up.

14. Councillor Conolly enquired if the matter in relation to No. 76 Pecks Road, North Richmond would be heard in Court.

The Director of Environment & Development advised he thought it was in January but would need to confirm this.

15. Councillor Calvert advised that he had inspected the Hawkesbury City Social Plans 1, 2 and 3. He advised that he had been impressed by them and enquired if they were available for retail.

**ORDINARY
Meeting Minutes**

Meeting Date: 7 November 2000

Page 36

The General Manager advised that it was currently for sale but that it would also be possible to download these plans from Council's Web site.

16. Councillor Sheather advised the light outside the Wilberforce Shopping Centre was out of order and requested that this be repaired.

The Mayor advised that this would be done.

17. Councillor Sheather referred to a previously approved application for mushroom composting facilities on Kurmond Road. He advised that a condition of this consent was that compost would not be placed at the front of the property for sale. He advised that this is being done and requested that action be taken to resolve this.

The General Manager advised that this would be done.

18. Councillor Sheather advised that he Chaired the Governor Phillip Park User Committee who have resolved to prohibit organisations from taking alcohol into the park unless they were under license. He requested that Council provide signage indicating "no alcohol permitted" which may be placed in the park at appropriate times.

The General Manager advised it would be necessary for Council to resolve to make the park an alcohol free zone.

Councillor Sheather advised that it was not the Committee's intention to make the area an alcohol free zone as it was often used for weddings and functions. He advised that the signage would only be in place when there were organised exclusive use events being held.

19. Councillor Gilling advised that Greens Road had several pot holes and requested that they be repaired.

The Mayor advised that this would be done.

20. Councillor Gilling advised that on 3 October she had enquired if the Lower Portland Ferry has a current survey certificate. She advised that she had followed up this matter and that on 3 November the Waterways Authority Survey Branch Manager, Hugh Cook, had been contacted who referred her enquiry to the Waterways Surveyor, Bill Ballard. Mr Ballard had advised that on 13 September, 1999 an application for survey and request for survey fee had been left at the Wilberforce Works Depot. She advised that this had not been returned or paid for as at 3

**ORDINARY
Meeting Minutes**

Meeting Date: 7 November 2000

Page 37

November. She advised that she had been informed that the Ferry is not in survey and that Council has significant liability exposure. She enquired if Council's insurers were informed.

The Director of Asset Services & Recreation advised that he would follow up this matter.

21. Councillor Gilling requested a copy of all the relevant survey certificates for the past five years.

The General Manager advised that this would be done.

The meeting terminated at 11.30pm.

Submitted to and confirmed at the meeting of Council on 12 December, 2000.

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Mayor