



Hawkesbury City Council

ordinary meeting business paper minutes

date of meeting: 13 November 2001

location: Council Chambers

time: 7:30pm

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Minutes of the Meeting of the Council of the City of Hawkesbury held at the Council Chambers, Windsor, on 13 November 2001, commencing at 7.30pm.

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

Ms Belinda Spalding from the Hawkesbury Christian Centre gave the opening prayer at the commencement of the meeting.

An apology for absence was received from Councillor D Finch.

- 495 RESOLVED on the motion of Councillor Woods seconded by Councillor Allan that the apology be accepted.

SECTION 1 - CONFIRMATION OF MINUTES

- 496 RESOLVED on the motion of Councillor Rasmussen seconded by Councillor Gilling the Minutes of the Special Meeting of Council held on 8 October 2001 which have been circulated amongst members of Council be confirmed.

- 497 RESOLVED on the motion of Councillor Rasmussen seconded by Councillor Sheather the Minutes of the Ordinary Meeting of Council held on 9 October 2001 which have been circulated amongst members of Council be confirmed with the following amendment:

Councillor D Finch to be shown as present.

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Greater Blue Mountains World Heritage Area - GA010/001 PT4, GP010/010 PT3

- 498 RESOLVED on the motion of Councillor Stubbs seconded by Councillor Rasmussen

That in light of the benefits to be achieved from this event, and the prospect of strong support from local businesses as well as sponsorship from National Parks & Wildlife Service (\$2,100.00), Windsor Mall Markets (\$500.00) and Tourism Hawkesbury (donation of prizes), it is recommended that this event proceed and that funds of \$3,900.00 allocated to the Week Of Understanding and Awareness be used for the purpose.

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SECTION 2 - NOTICES OF MOTION

Councillor Phillip Davies

499 RESOLVED on the motion of Councillor Davies seconded by Councillor Gilling

That a letter of congratulations be provided to Mr Elphick and Mrs Flanagan for their achievement and that Council accept the 2001 Risk Management Award for the Occupational Health Safety and Rehabilitation System.

Councillors B Calvert and C Paine

A **motion** was moved by Councillor Calvert seconded by Councillor Paine

That Council carry out its resolution of 12 December 2000 in respect to McMahon's Park, ie. that *"Council proceed to purchase the land for the valuation price of up to \$100,000.00"*, before 1 March 2002.

An **amendment** was moved by Councillor Conolly seconded by Councillor Woods

That an offer of \$60,000.00 (sixty thousand dollars) be made, in accordance with the State Valuations Office valuation, for the land adjoining McMaho ns Park.

The amendment was lost

The motion was lost.

Councillor Allan asked that her name be recorded as voting against the matter.

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SECTION 3 - REPORT OF THE GENERAL PURPOSE COMMITTEE

Environment

95: Two Storey Dwelling - Lot 25 DP742749, No. 17 North Street (Cnr. Palmer Street), Windsor (MA266/01/EVD/ENJ23NAX.V02)

500 RESOLVED on the motion of Councillor Sheather seconded by Councillor Paine

- A.** The objection pursuant to SEPP No. 1 is not supported due to the considerable non-compliance with the standard and the implications for damage to life and property.
- B.** The development application is refused for the following reasons:
1. The proposed development is inconsistent with the aims and objectives of Hawkesbury Local Environmental Plan 1989.
 2. The proposed development will have an adverse impact on the neighbouring property in terms of privacy and access to sunlight.
 3. The proposed development is unacceptable in terms of bulk and design.
 4. Approval of the proposed development is not in the public interest, as there is not an acceptable evacuation route in times of flood.

96: 2 (two) Lot Subdivision and Construction of Duplex on Rear Lot at No. 39 Campbell Street, South Windsor, Lot 22, Sec U, DP759096. Modification of Development Consent under Section 96 of the Environmental Planning and Assessment Act 1979 (MA407/01/EVD/ENJ23NAX.V01)

501 RESOLVED on the motion of Councillor Sheather seconded by Councillor Gilling

- A.** That the modification under Section 96 of the Environmental Planning and Assessment Act 1979 be approved and amended in the following manner:
1. The amendment to Condition 2 be declined.

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2. Condition 52 be amended as follows:

“52. The creation of a 1.5m wide right of carriageway along the north western boundary of proposed Lot 221 benefitting Lot 222 together with the construction of a centrally located 1.2m wide by 75mm thick concrete pathway within the right of way. The concrete path paving is not to be placed until services have been placed or conduits laid within the right of way.”

3. Condition 54 be added:

“54. The construction of the rear lane from Campbell Street to and over the frontage of the site with kerb and gutter on the south eastern side, a 4.5m wide sealed pavement, any necessary drainage together with any works necessary to make this effective.”

- B. Additional information be adopted.

97: Application for Aquaculture Farm (Four Ponds, Hydroponics and Shed) - Lot 3 DP616812, No 634 Grose Vale Road, Grose Vale
(MA1565/00/EVD/ENJ23NAX.V03)

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

That the application for Aquaculture Farm comprising 4 (four) ponds, 1 (one) sediment pond, rural shed and hydroponics at Lot 3 DP616812, No. 634 Grose Vale Road, Grose Vale, be approved subject to the following conditions:

General

1. To confirm and clarify the terms of this approval, the development shall be carried out in accordance with the approved stamped plans submitted with Development Application No. MA1565/00 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.

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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. No excavation or site works shall be commenced prior to the issue of the construction certificate.
5. This consent is restricted to 4 (four) earthen ponds, 1 (one) sediment pond, rural shed for purging facilities and hydroponics cultivation. Any further development of the site including netting of the ponds for predator trapping requires further approval from Council.
6. All ponds are to be aligned along the contours to minimise cut and fill.
7. The ponds are to be constructed only as water becomes available.

General Terms of Approval - NSW Fisheries

8. The Minister for Fisheries may, if the Minister thinks fit, suspend, revoke, vary or add to any of the conditions of a permit.
9. An aquaculture permit is not transferable.
10. Except where specific exception is made, all provisions of the Fisheries Management Act 1994, the Regulations made thereunder and Landbased Aquaculture Policy, are to be strictly complied with.
11. Where applicable, the permit-holder shall obtain and keep current the approval of and any necessary licences issued by government agencies including the authorities listed below:
 - Department of Land and Water Conservation (DLWC)
 - Environment Protection Authority (EPA)
 - Department of Urban Affairs and Planning (DUAP)
 - NSW National parks and Wildlife Service (NEWS)
 - Waterways Authority
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12. The Director of Fisheries or any officer of the Department shall be allowed access to the premises covered by an aquaculture permit at all reasonable times and the permit-holder shall cooperate by facilitating inspection of the premises and fish therein. Information obtained from these inspections will be regarded as confidential and will not be divulged to other fish farmers unless necessary for the purposes of regulation of the industry or for disease control.
13. Upon request, the permit holder shall supply, in writing, any reasonable information relating to the fish farm sought by the Director of Fisheries or any other officer of the Department. Changes in particulars (ie business address, trading name or change of directors) must be notified to the Department in writing within 28 (twenty eight) days.
14. An annual production report, covering production and sales for each financial year, is to be submitted to the Department before 30 September each year.
15. Unless otherwise specified, for the purposes of a permit:

"Fish" means the eggs, milt, larvae, juveniles and adults of the species authorised by a permit.

"Waters" means all waters that are within the limits of the State and include rivers, creeks, lakes, lagoons and artificial dams, tanks, reservoirs, ponds, canals, channels, waterways, estuaries and the ocean.

"Sell" includes -

- (a) sell by wholesale, retail, auction or tender;
- (b) barter or exchange;
- (c) supply for profit;
- (d) offer for sale, receive for sale, or expose for sale;
- (e) consign or deliver for sale;
- (f) have in possession for sale; or
- (g) cause, or allow any of the above to be done.

"Premises" means all or part of the lands referred to in a permit and includes all structures thereon.

"Hatchery" means a facility for the maintenance and maturation of broodstock, spawning (natural and artificial) and larval rearing to fingerling or post-larval stage.

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"Extensive" means aquaculture undertaken without providing supplementary food for fish that are being cultured.

"Intensive" means aquaculture undertaken by providing supplementary food for fish that are being cultured.

"Food" includes any form of nutrient.

16. The permit holder shall not propagate, hatch or rear species of fish other than those specified in a permit.
17. A permit holder shall not cross breed species of fish without the written approval of the Department.
18. The permit holder shall not extend the propagation, hatching or rearing of fish beyond the facilities covered by a permit. Any extension of operations or expansion of facilities requires written approval from the Department.
19. The permit holder shall maintain during the term of the permit, the right to occupation of the land or to immediate possession of the land on which the fish farm is situated for the purpose of aquaculture.
20. The permit holder shall prevent fish escapement into waterways from any authorised area covered by a permit.
21. The permit holder shall not obtain any live fish from any person, whether in New South Wales, interstate or overseas, unless that person is authorised as a supplier of fish under State and/or Commonwealth legislation.
22. A person must not bring into New South Wales, live fish of a species not taken in New South Wales' waters without the authority of a permit.
23. A record of all purchases and sales of fish is to be maintained by the permit holder. The record shall include the date, names and addresses, the species name, life-cycle-stage, quantity and species of fish.

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24. The permit holder shall not liberate live fish into any waters, by themselves or their agents, except those species authorised by the permit into the waters of the fish farm specified by the permit, or sell live fish for such purpose, without the prior approval in writing from the Director of Fisheries.
25. The permit holder shall not sell any live fish interstate without first obtaining authorisation from the fisheries authority in that State, or sell any live fish overseas without first obtaining relevant approvals from the Australian Quarantine Inspection Service (AQIS) and the Australian Nature Conservation Agency (ANCA).
26. The permit holder shall not liberate, sell, offer or consign for sale any species other than those propagated, hatched, reared or grown on the premises to which a permit applies.
27. Fish sold for human consumption must not be smaller than the legal minimum size for each species unless the permit holder (other than Class F permit holders) has authority under a permit to sell prohibited size fish.
28. The permit holder shall issue to each purchaser of any fish species cultured on the premises, a receipt showing the number of fish of each species purchased.

Disease

29. The permit holder shall notify the Department within 24 hours of the discovery of any declared disease (see appendix), unusual disease or any significant event associated with the welfare of the fish on the premises (eg. Unexplained or significant fish mortalities, >5% of fish stock loss in a week). See Appendix for list of Declared Diseases.
30. Where any Declared Disease or other disease exists, or is reasonably suspected of existing on the farm premises covered by a permit, a permit holder shall carry out any directions so ordered by the Director of Fisheries for the treatment or destruction of fish including quarantine of the premises. Any such order shall remain in effect until revoked by the Directory of Fisheries in writing.
31. The permit holder must not sell, give away or release to waterways, any fish if it is known or suspected to be infected with a Declared Disease. The holder shall take precautions specified in writing by the Director of Fisheries to prevent the escape of fish or disease from the farm.

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- 32. All outlets must be screened to prevent the escape of fish. A screen no greater than 1mm must be used for eggs and fry, a screen no greater than 5mm for fingerlings, and a screen no greater than 15mm for post-fingerling fish.
- 33. No effluent is permitted to reach any waterway except for farms licensed by the EPA to discharge effluent into waterways.

Conditions Relating to the Sale and Stocking of Indigenous Freshwater Fish of NSW

- 34. Live fish may be sold to other farmers holding a current permit authorising the farming of that particular species of indigenous fish; or to a fish wholesaler, retailer or restaurant for human consumption; to a registered wholesaler or retailer of aquarium fish; or to a recognised outlet authorised under State and/or Commonwealth legislation.
- 35. Live fish may also be sold to farm dam owners for stocking farm dams. Of the western, drainage species, only silver perch (*Bidyanus bidyanus*), golden perch (*Macquaria ambigua*) and eel-tailed catfish (*Tandanus tandanus*) may be sold for stocking arm dams on the eastern drainage. Permit holders must advise people purchasing fish for stocking farm dams on the eastern drainage that dams must be above the 1 in 100 year flood level and not be susceptible to overflow that would allow fish to escape.
- 36. Murray cod (*Maccullochella peelii peelii*) may only be cultured or stocked in farm dams on the western drainage.
- 37. Silver perch may not be grown for sale in farm dams (See "Aquaculture Permits for Silver Perch" Policy).
- 38. No fish may be sold for the purpose of stocking natural waterways and public impoundment's without first obtaining a Fish Stocking Permit issued for those waters by the Director of Fisheries.

Conditions Relating to the Farming of Indigenous Freshwater Fish in NSW

- 39. All outlets must be screened to prevent the escape of fish. A screen no greater than 1mm must be used for eggs and fry, a screen no greater than 5mm for fingerlings, and a screen no greater than 15mm for post-fingerling fish.
- 40. No effluent is permitted to reach any waterway.

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Conditions Relating to the Sale and Stocking of Freshwater Crayfish

41. Live yabbies, *Cherax destructor*, may be sold to farm dam owners for stocking farm dams, or to a registered wholesaler or retailer or aquarium fish. The permit holder must advise people wishing to stock yabbies into eastern drainage dams that they can not stock yabbies where there are known populations of other species of freshwater crayfish that could be threatened by their introduction. This information is available from the NSW Fisheries. In addition, the dams must be above the 1 in 100 year flood level and not susceptible to overflow.
42. Live crayfish may only be sold to other fish farmers holding a current permit authorising the farming of that species, to a fish wholesaler, retailer or restaurant (authorised under state and/or Commonwealth legislation) for human consumption or to a registered wholesaler or retailer of aquarium fish. The permit-holder must advise the aquarium dealer that only the yabby *Cherax destructor* may be stocked into NSW waters.
43. Freshwater crayfish of a species not indigenous to NSW may not be stocked into New South Wales' water.
44. All ponds, raceways or other tanks containing marron (*Cherax tenuimanus*) or redclaw (*Cherax quadricarinatus*), or any species of crayfish not native to the area where the fish farm is located, must be surrounded by an unbroken fence extending at least 60cm above ground and 30cm below ground, and constructed of a smooth material (eg. plastic sheeting, galvanised iron) to prevent the escape of stock. Fences will be required where yabbies are to be grown on the eastern drainage in areas where native species of crayfish are present, as the introduction of yabbies may present a threat to native crayfish stocks.

Conditions Relating to Farming Freshwater Crayfish

45. All outlets must be screened to prevent the escape of crayfish. A screen no greater than 2mm must be used to prevent the escape of juveniles.

Prior to Issue of Construction Certificate

46. A Part 3A permit is required to be obtained from the Department of Land & Water Conservation prior to issue of Construction Certificate.
47. Separate practising Structural Engineer's details of all structural concrete and steelwork shall be lodged prior to issue of construction certificate.

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48. To ensure compliance with environmental planning instruments, codes and policies which relate to the subject land, the design and layout of the development shall be modified in the following manner:

(a) The height of the shed is to be reduced to a maximum height of 5m.

49. In order to ensure effective environmental management and rehabilitation of the development site, an Environmental Management and Rehabilitation Plan for the development site shall be prepared by a qualified professional Civil Engineer. The Plan shall address (without being limited to) the earthworks and erosion control and site rehabilitation and landscaping.

All site works shall be carried out in accordance with the Plan. Implementation of the Plan shall be supervised by a qualified professional Civil Engineer.

Where circumstances change during construction and those circumstances could not have been foreseen, the consent authority may require erosion or sediment control works to be carried out in addition to or instead of those work specified.

50. The submission of design plans for all civil works covered by the consent together with a certificate from a suitably qualified engineer to the effect that the design are structurally adequate and that the site will remain stable during and after construction including when operating at full capacity.
51. A water balance report undertaken by a suitable qualified person is to be submitted prior to issuing the construction certificate. This report is to address (but not limited to) excess water from ponds, consumption of water from the hydroponics and disposal of excess water onto the land.
52. Documentary evidence of the issue of a Part 3A permit from the Department of Land and Water Conservation.

Prior to Commencement of Works

53. 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. The enclosed warning sign shall be affixed to the sediment fence/erosion control device at all times.

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54. 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.
55. In order to avoid pollution and sedimentation of the Hawkesbury-Nepean River Catchment, the following erosion and sedimentation controls will apply:
- (a) runoff and erosion controls shall be installed prior to clearing of site vegetation in accordance with Council's development control plan titled "Soil Erosion Sediment Control";
 - (b) topsoil shall only be stripped from approved areas and shall be stockpiled for re-use during site rehabilitation and landscaping;
 - (c) uncontaminated runoff shall be intercepted upsite and diverted around all disturbed areas;
 - (d) runoff detention and sediment interception measures shall be applied to the land to reduce flow velocities and to prevent topsoil, sand, aggregate, road base, spoil or other sediment escaping from the site or entering any downstream drainage easements or natural watercourses;
 - (e) the capacity and effectiveness of runoff and erosion control measures shall be maintained at all times;
 - (f) pollution control devices shall be installed and maintained to ensure there is no increase in the downstream levels of nutrients, litter, vegetative debris, and other water borne pollutants;
 - (g) stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by running water shall be stored clear of any drainage line or easement, natural watercourse, footpath, kerb or road surface;
 - (h) measures shall be applied to prevent site vehicles tracking sediment and other pollutants onto any sealed roads serving the development; and

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- (i) an erosion control plan showing detailed runoff and erosion control measures shall be prepared by a qualified engineer prior to any works commencing on-site. This plan shall incorporate (without being limited to):
 - (i) upsite interception of uncontaminated runoff and diversion of it around disturbed areas;
 - (ii) sediment interception measures (catch drains, contour banks, detention basins, settling ponds, haybale or gabion barriers, sediment traps, silt fences, etc) sufficient to prevent sediment and other debris leaving the site or entering downstream drainage lines;
 - (iii) regular maintenance of erosion control works; and
 - (iv) satisfactory disposal of intercepted sediment.

56. The applicant shall advise Council of the name, address and contract number of the principle certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1997.

During Construction

57. All building work must be carried out in accordance with provisions of the Building Code of Australia.
58. 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) external drainage lines, prior to backfilling;
 - (f) on completion of the structure;

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59. All work is to be carried out in accordance with the recommendations within the Geotechnical report prepared by Brinks and Associates dated 16 July 2001 and the approved Environmental Management Plan.
60. All necessary works being carried out to ensure that “any water” flow from adjoining properties is not impeded.
61. No excavated material, including soil, shall be removed from the site.
62. The topsoil shall be stripped and stockpiled and used to rehabilitate disturbed areas.
63. The disturbed area, including batters, shall be grassed immediately after works take place.
64. Dust control measures, eg vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
65. Stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by running water to be stored clear of any drainage line, easement, natural watercourse, footpath, kerb or road surface.
66. To avoid any unnecessary site disturbance, the excavated and filled areas are to be graded and drained in a manner that will not be detrimental to adjoining properties or the environment and all constructed batters are to be topsoiled and turfed.
67. Topsoil is to be stripped and stockpiled from the excavation and wall areas before the dam wall is constructed, with the stockpile located clear of any natural watercourse. Sediment control fencing is to be then placed around the stock pile.
68. The embankment is to be completed with 100mm (one hundred) of top soil. It is to be planted with a good holding grass such as kikuyu or couch. Trees or shrubs are not to be planted on the embankment as roots may provide seepage paths for water.
69. The dam wall is to be adequately compacted by track rolling or similar in layers no greater than 150mm.
70. 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.

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71. 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.
72. The developer is responsible for full costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed subdivision. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.
73. All work is to be carried out under the direct supervision of a geotechnical engineer.
74. Prior to filling the ponds with water the submission of a certificate from a suitably qualified engineer to the effect that the works have been completed in accordance with the approved plans and that the work and the site will remain stable after the ponds are filled.

The Use of the Site

75. Those areas nominated on the approved plan for landscaping are to be planted with native species endemic to the area and of a mature height.
76. Trees and shrubs are to be kept clear from the dam wall at all times. When trees or shrubs grow on or near a wall and eventually die, the decomposing roots form tunnels which lend to seepage and leaks. Shrubs also provide cover for rabbits which can damage the wall by burrowing.
77. 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) (LAeq) above background noise levels with respect to noise amenity of residential dwellings.
78. No advertising structures to be erected, displayed or affixed on any building or land without prior approval. Any unauthorised advertising structure will be removed at the expense of the advertiser.
79. No signs shall be displayed on the footpaths, pedestrianways, roadways or in the vicinity.
80. Any mass mortalities of fish are to be stored appropriately and disposed of immediately to a suitable rendering facility.

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81. Documentary evidence in the form of receipts as to when and how much water is imported to the site is to be maintained for periodic auditing by the Department of Land and Water Conservation.

An **amendment** was moved by Councillor Sheather seconded by Councillor Woods

That the application for Aquaculture Farm comprising 4 (four) ponds, 1 (one) sediment pond, rural shed and hydroponics at Lot 3 DP616812, No. 634 Grose Vale Road, Grose Vale, be approved subject to the following conditions:

General

1. To confirm and clarify the terms of this approval, the development shall be carried out in accordance with the approved stamped plans submitted with Development Application No. MA1565/00 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.

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22. A person must not bring into New South Wales, live fish of a species not taken in New South Wales' waters without the authority of a permit.
23. A record of all purchases and sales of fish is to be maintained by the permit holder. The record shall include the date, names and addresses, the species name, life-cycle-stage, quantity and species of fish.
24. The permit holder shall not liberate live fish into any waters, by themselves or their agents, except those species authorised by the permit into the waters of the fish farm specified by the permit, or sell live fish for such purpose, without the prior approval in writing from the Director of Fisheries.
25. The permit holder shall not sell any live fish interstate without first obtaining authorisation from the fisheries authority in that State, or sell any live fish overseas without first obtaining relevant approvals from the Australian Quarantine Inspection Service (AQIS) and the Australian Nature Conservation Agency (ANCA).
26. The permit holder shall not liberate, sell, offer or consign for sale any species other than those propagated, hatched, reared or grown on the premises to which a permit applies.
27. Fish sold for human consumption must not be smaller than the legal minimum size for each species unless the permit holder (other than Class F permit holders) has authority under a permit to sell prohibited size fish.

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28. The permit holder shall issue to each purchaser of any fish species cultured on the premises, a receipt showing the number of fish of each species purchased.

Disease

29. The permit holder shall notify the Department within 24 hours of the discovery of any declared disease (see appendix), unusual disease or any significant event associated with the welfare of the fish on the premises (eg. Unexplained or significant fish mortalities, >5% of fish stock loss in a week). See Appendix for list of Declared Diseases.
30. Where any Declared Disease or other disease exists, or is reasonably suspected of existing on the farm premises covered by a permit, a permit holder shall carry out any directions so ordered by the Director of Fisheries for the treatment or destruction of fish including quarantine of the premises. Any such order shall remain in effect until revoked by the Directory of Fisheries in writing.
31. The permit holder must not sell, give away or release to waterways, any fish if it is known or suspected to be infected with a Declared Disease. The holder shall take precautions specified in writing by the Director of Fisheries to prevent the escape of fish or disease from the farm.
32. All outlets must be screened to prevent the escape of fish. A screen no greater than 1mm must be used for eggs and fry, a screen no greater than 5mm for fingerlings, and a screen no greater than 15mm for post-fingerling fish.
33. No effluent is permitted to reach any waterway except for farms licensed by the EPA to discharge effluent into waterways.

Conditions Relating to the Sale and Stocking of Indigenous Freshwater Fish of NSW

34. Live fish may be sold to other farmers holding a current permit authorising the farming of that particular species of indigenous fish; or to a fish wholesaler, retailer or restaurant for human consumption; to a registered wholesaler or retailer of aquarium fish; or to a recognised outlet authorised under State and/or Commonwealth legislation.

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35. Live fish may also be sold to farm dam owners for stocking farm dams. Of the western, drainage species, only silver perch (*Bidyanus bidyanus*), golden perch (*Macquaria ambigua*) and eel-tailed catfish (*Tandanus tandanus*) may be sold for stocking arm dams on the eastern drainage. Permit holders must advise people purchasing fish for stocking farm dams on the eastern drainage that dams must be above the 1 in 100 year flood level and not be susceptible to overflow that would allow fish to escape.
36. Murray cod (*Maccullochella peelii peelii*) may only be cultured or stocked in farm dams on the western drainage.
37. Silver perch may not be grown for sale in farm dams (See "Aquaculture Permits for Silver Perch" Policy).
38. No fish may be sold for the purpose of stocking natural waterways and public impoundment's without first obtaining a Fish Stocking Permit issued for those waters by the Director of Fisheries.

Conditions Relating to the Farming of Indigenous Freshwater Fish in NSW

39. All outlets must be screened to prevent the escape of fish. A screen no greater than 1mm must be used for eggs and fry, a screen no greater than 5mm for fingerlings, and a screen no greater than 15mm for post-fingerling fish.
40. No effluent is permitted to reach any waterway.

Conditions Relating to the Sale and Stocking of Freshwater Crayfish

41. Live yabbies, *Cherax destructor*, may be sold to farm dam owners for stocking farm dams, or to a registered wholesaler or retailer or aquarium fish. The permit holder must advise people wishing to stock yabbies into eastern drainage dams that they can not stock yabbies where there are known populations of other species of freshwater crayfish that could be threatened by their introduction. This information is available from the NSW Fisheries. In addition, the dams must be above the 1 in 100 year flood level and not susceptible to overflow.

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42. Live crayfish may only be sold to other fish farmers holding a current permit authorising the farming of that species, to a fish wholesaler, retailer or restaurant (authorised under state and/or Commonwealth legislation) for human consumption or to a registered wholesaler or retailer of aquarium fish. The permit-holder must advise the aquarium dealer that only the yabby *Cherax destructor* may be stocked into NSW waters.
43. Freshwater crayfish of a species not indigenous to NSW may not be stocked into New South Wales' water.
44. All ponds, raceways or other tanks containing marron (*Cherax tenuimanus*) or redclaw (*Cherax quadricarinatus*), or any species of crayfish not native to the area where the fish farm is located, must be surrounded by an unbroken fence extending at least 60cm above ground and 30cm below ground, and constructed of a smooth material (eg. plastic sheeting, galvanised iron) to prevent the escape of stock. Fences will be required where yabbies are to be grown on the eastern drainage in areas where native species of crayfish are present, as the introduction of yabbies may present a threat to native crayfish stocks.

Conditions Relating to Farming Freshwater Crayfish

45. All outlets must be screened to prevent the escape of crayfish. A screen no greater than 2mm must be used to prevent the escape of juveniles.

Prior to Issue of Construction Certificate

46. A Part 3A permit is required to be obtained from the Department of Land & Water Conservation prior to issue of Construction Certificate.
47. Separate practising Structural Engineer's details of all structural concrete and steelwork shall be lodged prior to issue of construction certificate.
48. To ensure compliance with environmental planning instruments, codes and policies which relate to the subject land, the design and layout of the development shall be modified in the following manner:
 - (a) The height of the shed is to be reduced to a maximum height of 5m.

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49. In order to ensure effective environmental management and rehabilitation of the development site, an Environmental Management and Rehabilitation Plan for the development site shall be prepared by a qualified professional Civil Engineer. The Plan shall address (without being limited to) the earthworks and erosion control and site rehabilitation and landscaping.

All site works shall be carried out in accordance with the Plan. Implementation of the Plan shall be supervised by a qualified professional Civil Engineer.

Where circumstances change during construction and those circumstances could not have been foreseen, the consent authority may require erosion or sediment control works to be carried out in addition to or instead of those work specified.

50. The submission of design plans for all civil works covered by the consent together with a certificate from a suitably qualified engineer to the effect that the design are structurally adequate and that the site will remain stable during and after construction including when operating at full capacity.
51. A water balance report undertaken by a suitable qualified person is to be submitted prior to issuing the construction certificate. This report is to address (but not limited to) excess water from ponds, consumption of water from the hydroponics and disposal of excess water onto the land.
52. Documentary evidence of the issue of a Part 3A permit from the Department of Land and Water Conservation.

Prior to Commencement of Works

53. 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. The enclosed warning sign shall be affixed to the sediment fence/erosion control device at all times.
54. 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.

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55. In order to avoid pollution and sedimentation of the Hawkesbury-Nepean River Catchment, the following erosion and sedimentation controls will apply:
- (a) runoff and erosion controls shall be installed prior to clearing of site vegetation in accordance with Council's development control plan titled "Soil Erosion Sediment Control";
 - (b) topsoil shall only be stripped from approved areas and shall be stockpiled for re-use during site rehabilitation and landscaping;
 - (c) uncontaminated runoff shall be intercepted upslope and diverted around all disturbed areas;
 - (d) runoff detention and sediment interception measures shall be applied to the land to reduce flow velocities and to prevent topsoil, sand, aggregate, road base, spoil or other sediment escaping from the site or entering any downstream drainage easements or natural watercourses;
 - (e) the capacity and effectiveness of runoff and erosion control measures shall be maintained at all times;
 - (f) pollution control devices shall be installed and maintained to ensure there is no increase in the downstream levels of nutrients, litter, vegetative debris, and other water borne pollutants;
 - (g) stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by running water shall be stored clear of any drainage line or easement, natural watercourse, footpath, kerb or road surface;
 - (h) measures shall be applied to prevent site vehicles tracking sediment and other pollutants onto any sealed roads serving the development; and
 - (i) an erosion control plan showing detailed runoff and erosion control measures shall be prepared by a qualified engineer prior to any works commencing on-site. This plan shall incorporate (without being limited to):
 - (i) upslope interception of uncontaminated runoff and diversion of it around disturbed areas;

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- (ii) sediment interception measures (catch drains, contour banks, detention basins, settling ponds, haybale or gabion barriers, sediment traps, silt fences, etc) sufficient to prevent sediment and other debris leaving the site or entering downstream drainage lines;
 - (iii) regular maintenance of erosion control works; and
 - (iv) satisfactory disposal of intercepted sediment.
- 56. The applicant shall advise Council of the name, address and contract number of the principle certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1997.
- During Construction***
- 57. All building work must be carried out in accordance with provisions of the Building Code of Australia.
- 58. 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) external drainage lines, prior to backfilling;
 - (f) on completion of the structure;
- 59. All work is to be carried out in accordance with the recommendations within the Geotechnical report prepared by Brinks and Associates dated 16 July 2001 and the approved Environmental Management Plan.
- 60. All necessary works being carried out to ensure that “any water” flow from adjoining properties is not impeded.
- 61. No excavated material, including soil, shall be removed from the site.

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62. The topsoil shall be stripped and stockpiled and used to rehabilitate disturbed areas.
63. The disturbed area, including batters, shall be grassed immediately after works take place.
64. Dust control measures, eg vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
65. Stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by running water to be stored clear of any drainage line, easement, natural watercourse, footpath, kerb or road surface.
66. To avoid any unnecessary site disturbance, the excavated and filled areas are to be graded and drained in a manner that will not be detrimental to adjoining properties or the environment and all constructed batters are to be topsoiled and turfed.
67. Topsoil is to be stripped and stockpiled from the excavation and wall areas before the dam wall is constructed, with the stockpile located clear of any natural watercourse. Sediment control fencing is to be then placed around the stock pile.
68. The embankment is to be completed with 100mm (one hundred) of top soil. It is to be planted with a good holding grass such as kikuyu or couch. Trees or shrubs are not to be planted on the embankment as roots may provide seepage paths for water.
69. The dam wall is to be adequately compacted by track rolling or similar in layers no greater than 150mm.
70. 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.
71. 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.
72. The developer is responsible for full costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed subdivision. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.
73. All work is to be carried out under the direct supervision of a geotechnical engineer.

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74. Prior to filling the ponds with water the submission of a certificate from a suitably qualified engineer to the effect that the works have been completed in accordance with the approved plans and that the work and the site will remain stable after the ponds are filled.

The Use of the Site

75. Those areas nominated on the approved plan for landscaping are to be planted with native species endemic to the area and of a mature height.
76. Trees and shrubs are to be kept clear from the dam wall at all times. When trees or shrubs grow on or near a wall and eventually die, the decomposing roots form tunnels which lend to seepage and leaks. Shrubs also provide cover for rabbits which can damage the wall by burrowing.
77. 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) (LAeq) above background noise levels with respect to noise amenity of residential dwellings.
78. No advertising structures to be erected, displayed or affixed on any building or land without prior approval. Any unauthorised advertising structure will be removed at the expense of the advertiser.
79. No signs shall be displayed on the footpaths, pedestrianways, roadways or in the vicinity.
80. Any mass mortalities of fish are to be stored appropriately and disposed of immediately to a suitable rendering facility.
81. Documentary evidence in the form of receipts as to when and how much water is imported to the site is to be maintained for periodic auditing by the Department of Land and Water Conservation.
82. If at any time in the future the dams, or a dam, fail structurally and cannot be repaired without an unreasonable amount of earthworks, then it will be removed and the site rehabilitated.

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83. If the aquaculture farm, approved by this application, fails to operate for a period of 4 (four) years, then all the dams are to be removed and the site rehabilitated.

The amendment was lost

A **foreshadowed amendment** was moved by Councillor Calvert seconded by Councillor Williams

That the application be deferred and reported back to Council with the following issues to be successfully addressed:

1. Definition of the term “farm dams”.
2. Why this application does not meet Council’s Dam DCP.
3. Why this application does not meet Council’s Shed DCP.
4. It is shown that effluent can be kept out of waterways.
5. It is shown how the application is consistent with the objectives of zone.
6. Council seek clarification from the Department of Fisheries that conditions in relation to the abundance of high quality water is met.
7. Council seek clarification from the Department of Fisheries that the 2:1 batter proposed for some of the ponds in this development is inappropriate given the gradient of the property.
8. Council seek clarification from the Department of Fisheries in regard to their requirements for growing silver perch as they will not permit this in farm dams and have issued consent to do so.
9. Council seek clarification from the Department of Land and Water Conservation in regards to the minimum buffer zone between this type of development and a waterway being 50m with this being as little as 4m.

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On the agreement of the mover and seconder the motion was altered to include Condition 82. *“If at any time in the future the dams, or a dam, fail structurally and cannot be repaired without an unreasonable amount of earthworks, then it will be removed and the site rehabilitated.”* and Condition 83. *“If the aquaculture farm, approved by this application, fails to operate for a period of 4 (four) years, then all the dams are to be removed and the site rehabilitated.”*.

The foreshadowed amendment was lost

The motion was put and carried.

98: Application to remove significant trees under Council’s Tree Preservation Order (GE020/031 Pt6/ENG/ENJ23NBX.E10)

493 RESOLVED by the Committee exercising its delegation as Whole Council on the motion of Councillor Gilling seconded by Councillor Paine

That permission be granted for the trees to be lopped to 2.5 metres in accordance with the arborist report.

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

That staff liaise with the property owner in regard to the drainage from the road to the river with a further report to be provided to Council in this regard.

99: 714 Upper Colo Road, Upper Colo - Proposed Outdoor Testing Site for Electromagnetic energy - Update on Legal Proceedings (DA90/98/EVD/ENJ23NBX.V05)

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

That Council’s solicitors be instructed to pursue the recovery of costs from Ms Bongers for LEC Proceedings No. 40023/99 and file a Notice of Motion seeking costs for the hearing of the Notice of Motion initiated by Ms Bongers.

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100: Hawkesbury Development Control Plan (DCP1/99/EVD/ENJ23NBX.V08)

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

That:

1. The information be received.
2. The Hawkesbury Development Control Plan be amended as outlined in the above report.
3. The Hawkesbury Development Control Plan be placed on public exhibition for an additional period of 28 (twenty eight) days.
4. A new chapter be prepared in consultation with the Disability Advisory Committee to address access and mobility.
5. A draft local environmental plan be prepared to amend the adoption date for Exempt and Complying development using the best practise guidelines.
6. Council exercise its delegation in respect of Section 65 and Section 69 of the Environmental Planning and Assessment Act 1979 in preparing the above draft local environmental plan.
7. In respect of the draft local environmental plan, a local environmental study not be prepared.

101: Proposed Orders for Mushroom Substrate Production - 84 Mulgrave Road, Mulgrave (P136/445/EVD/ENJ23NBX.V09)

494 RESOLVED by the Committee exercising its delegation as Whole Council on the motion of Councillor Williams seconded by Councillor Sheather

That:

1. Council instruct its solicitors that Council agrees to the Draft Orders as attached to this report and to have the Orders put in place.

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2. Should the operator default on the Orders, that Class 4 proceedings be commenced.

**102: Residential Development and Proposed Multi Unit Housing Zone
(LEP1/01/EVD/ENJ23NBX.V07)**

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

That:

1. A revised Housing Strategy be prepared and forwarded to the Department of Urban Affairs and Planning for approval.
2. Upon approval of the revised Housing Strategy Submission Council proceed with the preparation of the draft local environmental plan to introduce a Multi Unit Housing Zone.

103: Tracking Sensitive Development (GE020/029/EVD/ENJ23NCX.V11)

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

That the information be received.

Infrastructure

**49: Bell's Line of Road/Grose Vale Road/Terrace Road Intersection (0243/R Pt
10/GMA/INJ23NAX.G02)**

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

The Member for Londonderry, Mr Jim Anderson, be thanked for his representations on Council's behalf and that he further be requested to assist in having this matter brought forward for construction as soon as possible, given the continual extending delays that occur during the AM and particularly PM peaks.

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50: Hollands Paddock Car Park (P1408.95/0 Pt2/GMA/INJ23NAX.G04)

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

That Pirasta Pty Limited be thanked for their offer for Council to lease the area known as the Hollands Paddock Car Park on a monthly basis for the sum of \$1.00 (one dollar) (if claimed), and in doing so that Council provide the applicable insurances and undertake any necessary maintenance, with the Seal of Council being placed on any necessary documents.

51: Glossodia Road Hierarchy - Mitchell & Boomerang Drives (1316/R, 0210/R Pt3/ENG/INJ23NBX.E05)

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

That the Glossodia Road Hierarchy previously adopted by Council be amended to provide for:

1. The construction of a 9 (nine) metre carriageway in Mitchell Drive between Macquarie Place and Ian Street.
2. The construction of a 10 (ten) metre carriageway in Boomerang Drive between Spinks Road and Ian Street.

52: Canon - Ham Common and Memorial Park, Windsor (GM020/003, PK/254 Pt2/ENG/INJ23NBX.E06)

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

That:

1. The Windsor R&SL Sub-Branch proposal to restore the World War I 25 pound military piece located in Memorial Park, Windsor and the restoration of the World War II 25 pound military piece previously located in Ham Common to be relocated to Memorial Park, Windsor be supported and assistance be given in transporting those items throughout the restoration process.

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2. The two Japanese Ack-Ack guns formerly located in Ham Common and now stored at the Works Depot, along with the World War II mortar currently located in Memorial Park, Windsor be offered to the North Fort Artillery Museum.

53: Proposed Acquisition of Land for Public Road Purposes part Lot 10 in DP856819, 233 Greens Road, Lower Portland (717/R, P717/127/ENG/INJ23NBX.E07)

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

That

- A. Council commence normal proceedings to acquire part of Lot 10, DP856819 shown on sketch plan 'A' attached for public road purposes, subject to the Land Acquisition (Just Terms Compensation) Act 1991.
- B. A report be prepared in relation to the drainage issue and any costs associated with repair.

54: Tender for Contract for Caretaking & Operation - Lower Portland Ferry (GT020/412 Pt1/ENG/INJ23NBX.E01)

This item was dealt with in conjunction with Item 140 Supplementary Report for Information.

513 RESOLVED on the motion of Councillor Sheather seconded by Councillor Gilling

That:

1. In accordance with the Local Government (Tendering) Regulation 1999 resolve that the tender for the operation of the Lower Portland Ferry submitted by Macca's Ferry Service Pty Limited not be accepted for reasons of cost.

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2. Council enter into negotiations with Paradise Afloat Houseboats in relation to Option 1, being:

Operating a 24 hour service consisting of a full time/standby operation between 5.00am to 9.00pm and a radio call system operating from ferry cottage or an adjacent residence with a maximum 5-10 minute wait between the hours of 9.00pm to 5.00am.

3 (three) year term \$496,909.09 (ex GST)

3. Council seek Baulkham Hills Council's support for this option.
4. Subject to agreement with Items 2 and 3 Council formally accept the offer and place its seal on the subsequent documents and this be reported.

An **amendment** was moved by Councillor Williams Seconded by Councillor Rasmussen

That:

1. In accordance with the Local Government (Tendering) Regulation 1999 resolve that the tender for the operation of the Lower Portland Ferry submitted by Macca's Ferry Service Pty Limited not be accepted for reasons of cost.
2. Council enter into negotiations with Paradise Afloat Houseboats in relation to Option 1, being:

Operating a 24 hour service consisting of a full time/standby operation between 5.00am to 9.00pm and a radio call system operating from ferry cottage or an adjacent residence with a maximum 5-10 minute wait between the hours of 9.00pm to 5.00am.

3 (three) year term \$496,909.09 (ex GST)

3. If negotiations outlined in Item 2 do not have a successful outcome, then Council enter into negotiations with Mr Brian Mitchell being:

Operating a service between the hours of 5.00am to 9.30pm Monday to Friday and 7.00am to 8.30pm Saturdays, Sundays and Public Holidays, also providing

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after-hour access for emergency services or via reasonable “prior arrangement” or “night bell” access at the ferry master’s cottage which will be manned 24 hours a day.

3 (three) year term \$536,363.64 (ex GST)

4. Council seek Baulkham Hills Council’s support for this option.
5. Subject to agreement Council formally accept the offer and place its seal on the subsequent documents and this be reported.

The amendment was lost

The motion was put and carried.

Organisation and Resources

102: Monthly Financial Report - September 2001 (GF011/005/FNC/OGJ23NAX.F08)

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

That the information be received.

103: John Morony Correctional Centre (GT090/003 Pt11/GMA/OGJ23NAX.G01)

Councillor Sheather declared an interest as his son is an employee of the John Morony Correctional Centre

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

That the information be received.

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**104: Constitutional Recognition of Local Government (GE001/001
Pt2/GMA/OGJ23NAX.G03)**

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

That Council strongly support the Constitutional Recognition of Local Government and assist the Local Government and Shires Association's campaign in this regard.

**105: Outstanding Receivables - Arrears of Rates and Charges 2000/2001
(GF001/001/FNC/OGJ23NAX.F10)**

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

That:

1. The report on the outstanding receivables and arrears of Rates and Charges for 2000/2001 be received.
2. Rate and Charges totalling \$48,333.77 (forty eight thousand, three hundred and thirty three dollars and seventy seven cents) be abandoned against the 2000/2001 rating year in accordance with the Local Government Act, 1993.
3. The abandonment of other receivables totalling \$2,469.48 (two thousand, four hundred and sixty nine dollars and forty eight cents) under delegated authority to the Responsible Accounting Officer be noted.
4. Other receivables totalling \$62,679.61 (sixty two thousand, six hundred and seventy nine dollars and sixty one cents) requiring a resolution of Council be written off in accordance with the *Local Government (Financial Management) Regulation, 1993*.

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106: New Commercial Lease - Shop 4, Hobartville Shopping Centre (GC283/008 PT3/CSV/OGJ23NBX.C06)

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

That:

1. That a new lease be granted to Mr and Mrs Gresham for Shop 4, Hobartville Shopping Centre for the purposes of a retail liquor outlet.
2. The lease term is 5 (five) years with a 5 (five) year option. The commencing rent is \$190.00 (one hundred and ninety dollars) per week (\$9,880.00 [nine thousand eight hundred and eighty dollars] per annum plus GST) to be reviewed annually to CPI for Sydney and to market at the commencement of the fourth year and at the commencement of the option. Outgoings are also payable at the rate of 8.77% of centre outgoings and are currently estimated at \$1,410.00 (one thousand four hundred and ten dollars).
3. Public liability insurance in the sum of \$10 million and plate glass and workers compensation insurance is required to be supplied by the tenant.
4. All construction costs, application fees and Council's lease preparation and registration fees are payable by the applicant.
5. The lease is subject to the applicant obtaining development approval and a Liquor Licence for the premises.
6. The seal of Council be affixed to necessary legal documents.

107: Land in Greenway Crescent, Windsor (P740/15 PT3, GC283/086 PT2/CSV/OGJ23NBX.C09)

519 RESOLVED on the motion of Councillor Conolly seconded by Councillor Davies

That a public meeting be arranged with representatives of St Matthews Anglican Church, local residents and the Heritage Council, to discuss future options for Lot 161 DP716680 Greenway Crescent, Windsor.

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108: Buckingham Street, Pitt Town (0268/R/CSV/OGJ23NBX.C02)

Councillor Woods advised that her parents-in-law are residents of Buckingham Street

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

That Council accept the transfer of Buckingham Street, Pitt Town.

109: Community Cultural Grants (G021/218/CSV/OGJ23NBX.C11)

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

That applications received in the September round of the Community Cultural Grants Program be approved.

110: Community Donations Program (GF008/001/CSV/OGJ23NBX.C12)

Mayor Stubbs declared an interest as he is Chair of Friends of the Hawkesbury Art Collection

Councillor Woods declared an interest as she is a director of Hawkesbury Christian Centre

Councillor Rasmussen declared an interest as he is a director of Hawkesbury Radio

Mayor Stubbs vacated the chair and Deputy Mayor Conolly took the chair

522 RESOLVED on the motion of Councillor Allan by Councillor Paine

That:

1. A total of \$9,914.00 (Nine thousand nine hundred and fourteen dollars) as detailed in the report be allocated as donations under the Community Donations Program Round 1.
2. Consideration be given to providing a separate budget allocation for support of the Hawkesbury District Eisteddfod in 2002/2003.

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3. The amount of \$500.00 (five hundred dollars), previously allocated to Hawkesbury Christian Centre, be re-allocated to St Johns Ambulance Service.
4. Council discuss at its strategic workshop, future funding for Hawkesbury City Carols.

Deputy Mayor Conolly vacated the chair and Mayor Stubbs resumed the chair

**111: Progress Report on the Implementation of New Business Systems Software
(GT020/401/CSV/OGJ23NCX.C04)**

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

That the information be received.

SECTION 4 - REPORTS FOR DETERMINATION

**128: Quarterly Review as at 30 September 2001 (GF004/003
PT01/CSV/ORK13NBX.C10)**

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

That the quarterly review of the 2001/2002 Management Plan and Financial Statement for the period to 30 September 2001 be adopted.

**129: General Purpose and Special Purpose Financial Reports and Special Schedules
for the period ended 30 June 2001 (GF001/001 PT3, GF001/007
PT1/FNC/ORK13NBX.F14)**

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

That Council's General Purpose and Special Purpose Financial Reports and Special Schedules for the period ended 30 June 2001 be adopted.

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130: Document for Execution Under Seal (GC283/011/CSV/ORK13NBX.C02)

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

That the seal of Council be affixed to the following document:

1. Commercial Lease for Shop 7, Hobartville Shopping Centre to Mrs Rowena Bellwood and Mr Jamie Bellwood.

131: Application to Re-Lease Unused Section of Road - Corner of March and Paget Streets, Richmond (Lot 1 DP854642) (GC283/145/CSV/ORK13NBX.C04)

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

That Council re-lease the unused section of road at the Corner of March and Paget Streets, Richmond to the NSW Fire Brigades for a period of 5 (five) years.

132: Tender for Alteration and Additions to McGraths Hill Companion Animal Pound, Mulgrave Road, McGraths Hill (GT020/418 PT1/ENG/ORK13NBX.E05)

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

That:

1. The Tender of Denning Constructions Pty. Ltd 101 Goods Road, Oakville, for the alterations and additions to McGraths Hill Companion Animal Pound Mulgrave Road, McGraths Hill for the sum of \$149,000.00 (One Hundred and forty five thousand (Excluding GST)), be accepted and the necessary documents be executed under Seal of Council.
2. \$88,563.00 (Eighty eight thousand, five hundred and sixty three dollars) additional funds be provided by monies allocated to companion animal trust funds.

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133: Governor Phillip Reserve - Exclusive Use - NSW Water Ski Association (PK/205 Pt8/ENG/ORK13NBX.E13)

This matter was not debated as this event has been cancelled.

134: Draft Amendment No. 124 - Lot 194 DP823986 and Lot 192 DP729625 The Driftway, South Windsor (LEP004/00/EVD/ORK13NBX.V06)

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

That:

1. Council proceed with the Draft Plan to zone Lot 194 DP823986 and Lot 192 DP729625 Special Uses 5(a) Waste Management and to amend Hawkesbury Local Environmental Plan 1989 (HLEP 1989) to include a clause to permit the activities of industries, rural industries, junk yards, extractive industries and waste management facility of works.
2. Council exercise its delegation in respect of the Section 69 Report to the Minister.
3. Council forward the Draft Plan to the Department of Urban Affairs and Planning for finalisation and gazettal.

135: Steel Can Recycling Council Awards (GW010/011 PT13/EVD/ORK13NBX.V03)

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

That a representative be present to receive the award should this Council be successful.

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SECTION 5 - REPORTS FOR INFORMATION

136: Land Adjoining McMahons Park, Kurrajong (PK007,
P722/951/CSV/ORK13NCX.C08)

531 RESOLVED on the motion of Councillor Calvert seconded by Councillor Rasmussen

That Council proceed to make an offer to purchase the land adjacent to McMahons Park for the sum of \$65,000.00 (exclusive of legal, survey and valuation costs), being the State Valuers Valuation plus an allowance for increase since this valuation was made.

137: Reports Requested by Council - Status as at 13 November 2001 (GC280/005
PT03/CSV/ORK13NCX.C09)

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

That the information be received.

138: Outcome of Appeal Against Refusal of Development Application for a 6 (six) Lot Subdivision at 582 Terrace Road, Freemans Reach
(MA196/01/EVD/ORK13NCX.V07)

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

That the information be received.

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SECTION 6 - REPORTS OF COMMITTEES

Bicycle Steering Committee - 15 August 2001

534 RESOLVED on the motion of Councillor Woods and seconded by Councillor Allan

That:

1. The Minutes of the Bicycle Steering Committee meeting held on 15 August 2001 as recorded on Pages 69 to 71 be received.
2. The program be adopted.
3. Council approach the RTA regarding construction of a bridge at Deerubbun Park across Rickaby Creek.

Heritage Advisory Committee - 13 September 2001

535 RESOLVED on the motion of Councillor Allan and seconded by Councillor Rasmussen

That:

1. The Minutes of the Heritage Advisory Committee meeting held on 13 September 2001 as recorded on Pages 72 to 76 be received including items for adoption.
2. Council discuss at the strategic planning workshop funds to be made available for recognised heritage items within the City.

Hawkesbury Economic Development Advisory Committee - 5 October 2001

536 RESOLVED on the motion of Councillor Allan and seconded by Councillor Woods that the Minutes of the Hawkesbury Economic Development Advisory Committee meeting held on 5 October 2001 as recorded on Pages 77 to 80 be received.

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Heritage Advisory Committee - 11 October 2001

- 537 RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Davies that the Minutes of the Heritage Advisory Committee meeting held on 11 October 2001 as recorded on Pages 81 to 84 be received with the items for adoption to be noted.

Hawkesbury Healthy City - 11 October 2001

- 538 RESOLVED on the motion of Councillor Woods and seconded by Councillor Allan that the Minutes of the Hawkesbury Healthy City meeting held on 11 October 2001 as recorded on Pages 85 to 89 be received.

Hawkesbury Equity and Access Planning Committee - 18 October 2001

- 539 RESOLVED on the motion of Councillor Paine and seconded by Councillor Rasmussen that the Minutes of the Hawkesbury Equity and Access Planning Committee meeting held on 18 October 2001 as recorded on Pages 90 to 93 be received.

Local Traffic Committee - 19 October 2001

- 540 RESOLVED on the motion of Councillor Davies and seconded by Councillor Rasmussen that the Minutes of the Local Traffic Committee meeting held on 19 October 2001 as recorded on Pages 94 to 107 be adopted.

Sandstone Quarry - 24 October 2001

- 541 RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Allan that the Minutes of the Sandstone Quarry meeting held on 24 October 2001 as recorded on Pages 108 to 109 be received.

This is Page of the Minutes of the ORDINARY No 10 MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor, on 13 November 2001.

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Hawkesbury Economic Development Advisory Committee - 1 November 2001

- 542 RESOLVED on the motion of Councillor Allan and seconded by Councillor Conolly that the Minutes of the Hawkesbury Economic Development Advisory Committee meeting held on 1 November 2001 as recorded on Pages 110 to 114 be received.

SUPPLEMENTARY REPORTS

139: Hawkesbury Development Control Plan (DCP1/99/EVD/ORK13LBX.V15)

- 543 RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Davies

That the provisions of the Hawkesbury Development Control Plan be implemented from the commencement of the public exhibition period.

**140: Tender for Contract for Caretaking & Operation - Lower Portland Ferry
(GT020/412 PT1/ENG/ORK13LCX.E16)**

This item was dealt with in conjunction with Item 54 Report of the General Purpose Committee Infrastructure Section.

QUESTIONS WITHOUT NOTICE

1. The Mayor tabled correspondence on behalf of Councillor Finch relating to issues associated with the McDonalds site at McGraths Hill and River Access Yarramundi.

The General Manager advised that responses would be provided.

2. Councillor Paine requested a report to Council regarding the matter of lights at the Crooked Lane roundabout that are disturbing residents.

The General Manager advised this would be done.

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3. Councillor Paine requested an update regarding the flagpole in Thompson Square.

The General Manager advised that following discussions with Heritage Council staff, an application has been submitted for approval of the flagpole. He advised that he understood it would be approved and it is intended to repair the pole, put a new flag up on it and install a light so the flag will stay permanently.

4. Councillor Williams enquired whether the EPA had been contacted regarding the fire hazard at Woodlands industrial area and advised that residents had complained as the road was partially blocked.

The General Manager advised that he had contacted the EPA and advised that the EPA were about to let the tender to have the matter finalised. He advised that he would make further enquiries.

5. Councillor Williams requested that Development Applications for Goodala Road, Freemans Reach (MA1224/01 - Muscat) and 48 William Street, North Richmond (MA1101/01) be reported to Council.

The General Manager advised this would be done.

6. Councillor Conolly enquired whether there was a record of complaints from residents at Bligh Park about the poultry farm that is immediately adjoining Bligh Park and if so, if there were many complaints received and requested that information be provided in writing.

The General Manager advised that a record of complaints was kept and a few complaints had been received and that there was an issue with an odour problem.

Councillor Paine advised that the District Nurse, who visits the school, indicated that there was an odour problem and some of the wastewater was coming onto the Windsor Park Public school grounds.

7. Councillor Rasmussen enquired whether the noise problem at Yarramundi Bridge could be rectified.

The Director of Asset Services and Recreation advised that this matter had been referred to the RTA who indicated the matter was being investigated and, if possible, action would be taken. He advised that he would make further enquiries with the RTA.

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8. Councillor Rasmussen tabled correspondence from a resident regarding the rear access at Yarramundi off River Road. He advised that a reply had been received from the Manager Design and Mapping Services and clarification was sought in relation to Council's intention to lease the piece of land that goes down to the river, to Integral Energy. He further enquired if there would still be access for the public to the river through that lease.

The Director Asset Services and Recreation advised that the road access is closed and there was no proposal to lease or sell at this stage. He advised that Integral Energy would have an easement over the right of way for power lines. He further advised that there was no actual access to the river via that land as there was a three or four metre drop off.

9. Councillor Rasmussen tabled correspondence from a resident regarding unsafe playground equipment at Maraylya Park.

The Director Asset Services and Recreation advised that an email had been forwarded to Councillor Rasmussen that day advising that contact had been made with the resident and, as the resident had not visited the park for a few months, he was unaware that the unsafe equipment had been removed.

10. Councillor Rasmussen enquired if there was anything to report regarding the RAAF Economic Impact study and, if not, whether pressure could be put the Federal Government.

The General Manager advised that he had ascertained that the consultant from PriceWaterhouse would be back in Australia as of 17 November 2001 and after they brief the new Minister it will be proceeding, most likely, to be completed by the end of the first quarter of 2002.

11. Councillor Rasmussen referred to the roadworks at the intersection of Bosworth Street and Kurrajong Road and advised that he and others had witnessed excessive amounts of dust engulfing cars at the intersection and enquired whether action could be taken to suppress the dust.

The Director Asset Services and Recreation advised that it was a contractor for the RTA and they have the same requirements as any contractor for performing roadworks. He advised that he would investigate the matter with the RTA.

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12. Councillor Rasmussen enquired if a reply had been received to Council's correspondence which had been forwarded to the State Government seeking agreement to the water re-use proposal involving the water that Sydney Water borrowed from the catchment to feed through Sydney houses being returned back to the river after use.

The General Manager advised that he had not received a response however advised that there had been a group formed called the Hawkesbury-Nepean River Management Forum, established by the Government, which is chaired by Graham Andrews and includes the former Managing Director of Sydney Water, Bob Wilson. He advised their role is to establish the environmental flow regime and it would appear that all the material referred to has now been forwarded to this group.

13. Councillor Rasmussen enquired whether it was possible to release the hay bales for sale to the public at the lucerne operation at McGraths Hills.

The Director of Asset Services and Recreation advised that the bales were sold to the public all the time as far as he was aware. He advised that he would make enquiries.

14. Councillor Williams referred to the matter of the access to Yarramundi off River Road and advised that he had received correspondence from the same resident and enquired whether a report could be provided to Councillors relative to this matter.

The General Manager advised that the only access for this particular resident was by trespassing on the adjoining owner's land and there was no public access as claimed by the resident.

15. Councillor Calvert referred to the September/October weekend Strategic Planning session indicating that he hoped the weekend would take place during 2002 as it had not this year, due to the lack of time.

The General Manager advised that the venue had been booked and discussions had taken place with the proposed facilitator, Wendy Grusiven from the Australian Graduate School of Management at the University of New South Wales, about the best way of running the two day workshop for maximum benefit.

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16. Councillor Sheather enquired about the process relative to Council's McMahons Park resolution as enquiries would be made to him and if discussions could be held with the users of the park and the management committee as to the implication of Council's resolution.

The General Manager suggested that some members from the McMahons Park Committee and some members of the Sports Council attend a meeting to progress the matter.

17. Councillor Sheather referred to the recent Local Government Conference and a motion from Lithgow City Council in relation to the proposed highway over Bells Line of Road. He advised that the motion was rejected by the Conference on the first day, and the last motion on the last day, the Conference did support, as a priority, Bells Line of Road being the major business thoroughfare and he felt that Council should have a representative on this Steering Committee.

The Mayor advised this would be investigated.

18. Councillor Gilling tabled correspondence from Havelock Real Estate in relation to Windsor Mall.

The General Manager advised that a response would be provided.

19. Councillor Gilling enquired if there was anything to report in relation to the School at the UWS Campus.

The General Manager advised that a meeting was to be held in the week of 5 November 2001 between the UWS Executive and Ross Booth, the proponent.

20. Councillor Gilling enquired if Council could approach the postal service to supply public post boxes in the rural areas in certain places, with a list of locations to be provided.

The General Manager advised that enquires would be made with Australia Post.

21. Councillor Gilling referred to the Zammit matter and enquired if it was being heard in Court and, if so, enquired about the result.

The Director of Environment and Development advised that the matter had been heard on Wednesday 7 November 2001 with the Judgment having been reserved.

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22. Councillor Gilling asked for an update relative to the non-alcohol zone in Thompson Square.

The Director of Environment and Development advised that he was unaware of any issues although the Council Ranger did initially receive considerable abuse.

The meeting terminated at 12.15pm.

Submitted to and confirmed at the meeting of Council on 11 December 2001.

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Mayor