



Hawkesbury City Council

general purpose committee minutes

date of meeting: 28 October 2003

location: Council Chambers

time: 9:00am

GENERAL PURPOSE COMMITTEE

Business

Meeting Date: 28 October 2003

AGENDA

- **APOLOGIES.**
- **CONFIRMATION OF MINUTES.**
- **SECTION 1 - ENVIRONMENT.**
- **SECTION 2 - INFRASTRUCTURE.**
- **SECTION 3 - ORGANISATION AND RESOURCES.**
- **NEXT MEETING.**

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Minutes of the Meeting of the General Purpose Committee held at the Council Chambers, Windsor, on 28 October 2003, commencing at 9.10am.

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

Apologies for absence were received from Councillor C J Woods.

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Gilling that the apologies be accepted.

RESOLVED on the motion of Councillor Conolly and seconded by Councillor Rasmussen that the Minutes of the General Purpose Committee Meeting held on the 30 September 2003, be confirmed with the following amendment to replace 1 and 2 of the Mayoral Minute, Tamba International Exchange Association:

That Council nominate a Councillor to attend the Tamaba International Exchange Program's Friendship Park Opening to be held in late October 2003.

A **MOTION** was moved by Councillor Paine, seconded by Councillor Allan

That Councillor Finch attend, as the Mayor's representative, to the Tamba International Exchange Program's Friendship Park Opening to be held on the 17 and 18 October 2003.

The motion was put and carried.

A **MOTION** was put to also send Councillor Sheather to the Tamba International Exchange Program's Friendship Park Opening to be held on the 17 and 18 October 2003.

The motion was lost.

Councillor Calvert arrived at the meeting at 9.20am

Councillor Williams arrived at the meeting at 10.45am

Councillor Finch arrived at the meeting at 10.45am

Councillor Davies left the meeting at 12.10pm

Councillor Allan arrived at the meeting at 1.50pm

The following recommendations were passed as resolutions of the Committee:

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SECTION 1 - ENVIRONMENT

69: Bulky Good Retail Centre, Lot 2 DP535140 & Lot 180 DP752061, 264-272 Windsor Road, Vineyard NSW 2765 (DA0560/03/EVD/ENJ28NAX.V04)

Mr Walter Kullen addressed the Committee.

RECOMMENDED on the motion of Councillor Conolly seconded by Councillor Rasmussen

That:

1. Council refer the application to NSW NPWS seeking their concurrence for the proposed development.
2. On the basis that NSW NPWS issue concurrence, Council issue a deferred commencement consent subject to the following conditions and any changes to the development or conditions as required by NSW NPWS issuing concurrence.

Schedule 1

- A. Submission to Council for approval of all necessary details relating to the flora and fauna offset site as referred to in the documentation submitted with the application. The selection of the offset site and its management is to be approved by the NSW NPWS prior to submission to Council.
- B. Submission of a report demonstrating that the proposed development will not increase flood hazard or flood damage to other properties or adversely affect flood behaviour. This report is to be prepared by a suitably qualified and experienced expert and where necessary refer to the provisions of the Floodplain Management Manual: the management of flood liable land, January 2001.
- C. The submission to Council of confirmation from the Roads and Traffic Authority that the proposed landscaping along Windsor Road is consistent with the Windsor Road Corridor Urban Design Scheme.
- D. Submission of a concept drainage plan demonstrating compliance with the OSD provisions as outlined in Hawkesbury DCP Appendix E Civil Works.

Schedule 2

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General

1. To confirm and clarify the terms of this approval, the development shall take place in accordance with the plans submitted with the application and accompanying documentation, as amended in red and as modified by these further conditions.
2. No excavation or site works shall be commenced prior to the issue of the Construction Certificate.
3. To legally establish the first use of each unit and ensure any required additional facilities are provided, separate Development Consent shall be obtained prior to the first occupation of each unit within the approved building.
4. Compliance with the provisions of the Environmental Planning and Assessment (Amendment) Act 1979, and the Building Code of Australia.
5. Prior to construction of the approved development it is necessary to obtain a Construction Certificate.
6. The applicant shall make themselves aware of the Discrimination Against People with Disabilities Act (DDA) in order to assess their responsibilities and liabilities with regards to the provision of access for all people.
7. All part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 are to be submitted to Council within seven (7) days of the date of issue. The registration fee is \$16.00 per certificate.
8. An occupation certificate is to be obtained on completion of all works and prior to commencement of the approved use. The occupation certificate will not be issued if any conditions of this consent are outstanding.
9. Separate Development Application is to be lodged for all the signage proposed by the development.
10. No signage is approved by this Development Consent

Prior to Issue of Construction Certificate

11. Details demonstrating that the proposed building will comply with the requirements of the Building Code of Australia are to be submitted to the principal certifying authority for approval.
12. Should any part of the building be proposed to be used as a food shop then separate details

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of the floor, wall and ceiling finishes and of any benches, appliances, equipment, fittings and mechanical exhaust ventilation system shall be lodged with Council in duplicate for approval. Such details shall be approved by Council prior to construction or installation of the relevant work.

13. Construction 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 Hawkesbury City Council or an accredited certifier.
14. Payment of the appropriate design checking and inspection fee when submitting Engineering plans for approval. Fees required will be provided on request.
15. The submission of a satisfactory traffic management plan.
16. The submission of engineering designs and calculations covering all works required by this consent.
17. The submission of a satisfactory soil and water management plan (SWMP) prepared in accordance with the State Government guidelines titled "Managing Urban Stormwater: Soils and Construction (1988)".
18. Submission of proof of the payment of the Building Industry Long Service Levy where the value of civil works exceeds \$25,000.
19. Payment of a contribution of \$171,212.44 (one hundred and seventy one thousand, two hundred and twelve dollars and forty four cents). towards sewer headworks. This sum will remain fixed until 30 June 2004 after which it will be recalculated at the rate applicable at the time of payment.
20. The relevant sewer authority (Hawkesbury City Council) must be consulted regarding acceptable discharge limits to the sewerage system. A Trade Waste Agreement must be entered into with the relevant authority prior to discharge of trade waste from the premises.
21. The submission of a report from a suitably qualified and experienced engineer in respect of the proposed development, such a report to verify that:
 - a) any damage to the proposed development sustained in a flood will not generate debris capable of causing damage to downstream buildings or property;
 - b) the construction that is at or below the 1 in 100 flood level will be able to withstand the force of floodwaters (including buoyancy forces) and the impact of debris; and
 - c) all finishes, plant fittings and equipment subject to inundation will be of materials and functional capability resistant to the effects of floodwater

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A construction management plan is to be submitted to Council for approval

22. Retaining walls or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated stormwater drainage measures, shall be designed by an appropriately qualified person. Details are to be included with the plans and specifications to accompany any Construction Certificate.
23. Design and Construction of site drainage shall be carried out in accordance with Hawkesbury Development Plan Appendix E Civil Works Specification Part 1 Design and Part 11 Construction Specification. Full details of works shall be submitted for approval with the Building Application. Onsite detention shall be provided to maintain all stormwater discharges from the 1:1 year storm event up to the 1:100 year storm event at pre-development levels.
24. Payment of a Section 94 contribution covering the construction of the intersection of Park Road and Groves Avenue with Windsor Road of \$59,162.50 to Council. This contribution shall remain fixed for a period of 3 (three) months after which time it will be recalculated at the rate applicable at the time of payment. The contribution has been determined in accordance with Hawkesbury Section 94 Contribution Plan. A copy of the Contribution Plan may be inspected at Council's Offices, George Street, Windsor.
25. Separate details in duplicate of the proposed protective balustrades/railing alongside or around every stairway, ramp, terrace, balcony and the like shall be lodged and approved prior to issue of the construction certificate.

Prior to Commencement of Works

26. 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.
27. The applicant shall advise Council of the name, address and contact number of the principal certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1997.
28. 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.
29. Sanitary accommodation shall be provided for workmen throughout the course of the building operations in accordance with the Local Government Act 1993 and the Environmental Planning and Assessment Act.

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30. Separate application shall be made by a licensed drainer for permission to carry out work in relation to Council's sewer. The attached application shall be returned with the appropriate fee prior to the relevant work commencing.
31. 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) approved duration of site works.
32. Separate application shall be made to Council's Asset Services & Recreation Department for the construction and location of the proposed crossover. (Refer to enclosed agreement form for driveways).
33. 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.

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.

During Construction

34. All building work must be carried out in accordance with provisions of the Building Code of Australia.
35. 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.
36. All necessary works being carried out to ensure that "any water" flow from adjoining properties is not impeded.
37. All trucks entering or leaving the site shall have their trays suitably covered to prevent spillage from the truck onto the road.
38. The filled area, including batters, shall be grassed immediately after filling takes place.
39. All fill to be adequately compacted by track rolling or similar.

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40. The site shall be secured to prevent the depositing of any unauthorised material.
41. Dust control measures, e.g. vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
42. 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.
43. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
44. No burning of demolition or construction material being carried out on the site.
45. No spoil, excavated or demolition material from the site being deposited on any public road, footpath, public place or Council owned property without the approval of this office.
46. 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.
47. All filling material imported to the site is to be free of any contaminants or toxic material and is to consist only of virgin excavated natural material.
48. Analytical reports are to be submitted to Council for all filling material imported to the site. Such reports are to contain full details of the materials origin, soil and chemical composition, and quantity. Such documentation is to be submitted to Council prior to importation
49. All earthwork placement and compaction is to be under Level 1 supervision and testing in accordance with AS3798. The compaction of the fill is to be verified by the submission of appropriate test results as well as a contoured depth of fill plan.
50. All work must be carried out in accordance with the provisions of Hawkesbury's Development Control Plan, Appendix E Civil Works Specification Part 1 Design Specification and Part 2 Construction Specification.
51. Should any aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.

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52. The developer is responsible for full costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposal. Such utilities include, but are not limited to, water, sewerage, drainage, power, communication, footways, kerb and gutter.
53. The provision of conduit/ducts under new driveways to the requirements of Integral Energy, in accordance with Integral Energy drawing 049759H dated 14/7/1987. Conduit and ducting material is available from Integral Energy.
54. Where the structure is built over the sewer, the sewer main must be exposed and concrete encased for the length of the structure plus 1 metre at both ends.
55. The main must be inspected and any damage repaired prior to encasement.
56. The structure must be pierced in accordance with HCC Standard Specification for Sewerage Works.
57. A manhole must be constructed over the main between the back boundary and the structure so that access is available at both ends of concrete encasement within the property.
58. Manhole lids and surrounds within the carpark must be replaced with gatic type covers.
59. The construction of sewerage reticulation, including junctions, to the development where not already provided.
60. 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.

RTA Conditions:

61. If not already in place, "No Stopping" parking restrictions are to be installed along both sides of Groves Avenue from Windsor Road to a point 10 metres west of Industry Road. Before installing the parking restriction the applicant must contact the RTA's Traffic Management Services (telephone: 8814-2536) for a Works Instruction.
62. If not already in place, "No Stopping" parking restrictions are to be installed along both sides of Industry Road to a distance of 10 metres south of Groves Avenue.
63. It is recommended that "No Parking" restrictions be installed adjacent to the site's access points to Industry Road subject to Council's Local Traffic Committee approval.

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Prior to Issue of Occupation Certificate

64. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to 'Your Business' section of Sydney Water's web site at www.sydneywater.com.au then the 'e-developer' icon or telephone 13 20 92.

Following application a 'Notice of Requirements' will detail water extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development.

65. Submission of a Certificate from Integral Energy that satisfactory arrangements have been made for the provision of electricity to the development.
66. Submission of a Certificate from an approved telecommunications provider that satisfactory arrangements have been made for the provision of cables for telephones through the development.
67. The construction of concrete path paving 1.2m wide along Industry Road with the remaining footway area being formed in earth and all necessary drainage, to the full frontage of the site.
68. Piping of existing watercourses within the property and the creation of necessary easements free of cost to Council.
69. The submission of a Surveyor's Certificate stating that all pipelines are contained within the proposed/existing easements.
70. The wind classification for the site has been assessed as minimum W30N, this classification should be referred to your glazing supplier, frame manufacturer and building contractor to enable the appropriate glazing, bracing and tie downs to be designed.
71. Exit/entrance points are to be clearly signposted and visible from both the street and site at all times.
72. A report by the Design Engineer and a Works-As-Executed (WAE) drawing by either a suitably qualified Engineer or Registered Surveyor of the stormwater drainage system are to be submitted to and approved by Council prior to the release of the occupation certificate. The report from the Design Engineer is to state the conformance or otherwise of the system in relation to the approved design.

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The WAE drawings shall indicate the following as applicable:

- a) invert levels of tanks, pits and pipes;
- b) surface levels of pits and surrounding ground levels;
- c) levels of surrounding kerb;
- d) floor levels of buildings;
- e) top of kerb levels at the front of the lot; and
- f) extent of inundation.

- 73. Street lighting, Line marking, Street Signage and Physical Restraints are required to be constructed where necessary.
- 74. Provision is to be made for Water Quality control as part of the stormwater drainage works to ensure that there is no increase in downstream nutrient pollution and that soil erosion and sediment is controlled.
- 75. A flood warning sign of durable material and permanently affixed shall be located in a prominent location within the works. The sign shall advise occupants that the site may be subject to inundation during times of flood.
- 76. The applicant shall prepare a flood emergency evacuation and management plan for the proposed development. The plan should advise occupants of flood evacuation procedures and emergency contact telephone numbers. The management plan should avoid the letting of the premises during periods of flood emergency or when flood warnings are issued. The applicant should contact Council and the State Emergency Service for advice in the preparation of the management plan. The evacuation procedures should be permanently fixed to the building in a prominent location and kept up to date at all times.
- 77. Disabled parking needs to be provided in accordance with AS 2890.1 - 1993 and the BCA.
- 78. Barriers are to be provided along the top of all retaining walls to prevent vehicles going over the edge.
- 79. To ensure the whole of the land essential to the proper operation of the development is preserved for that use, the subject land, comprising Lot 2 DP535140 & Lot 180 DP752061, 264 - 272, Windsor Road, Vineyard shall be consolidated into a single parcel, and written evidence of registration of consolidation by the Land Titles Office submitted to this office prior to the issuing of an occupation certificate.
- 80. A concrete median island being installed in Groves Avenue to the satisfaction and approval of the Roads and Traffic Authority. The median is to limit movements at the intersection of Groves Avenue / Industry Road to left in / left out.

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81. A Fire Safety Certificate, in accordance with the Schedule of Fire Safety Measures issued for the development, is to be submitted to Hawkesbury City Council for separate registration. The registration fee is \$16.00.
82. All required landscaping is to be installed in accordance with the approved plans to the satisfaction of Council.
83. The industry Road construction and dedication up to the access is to be finalised prior to occupation of the site.
84. A Plan of Management for the on-site stormwater detention facilities within the development is to be submitted to and approved by Council for approval prior to the issue of an Occupation Certificate. The Plan of Management shall set out all design and operational parameters for the detention facilities including design levels, hydrology and hydraulics, inspection of maintenance requirements and time intervals for such inspection and maintenance.
85. Prior to endorsement and release of the Occupation Certificate the owner is required, at their costs and expense, to enter a positive covenant over all of the land comprised in the development providing as follows:
 - a) Covenanting with the Council (the prescribed Authority) to at all times at their costs maintain, repair and keep the on-site stormwater detention facilities in a good and safe condition and state of repair in accordance with the approved design to the reasonable satisfaction at all times of the said Council having due regard to the Plan of Management for the operation and maintenance of the on-site stormwater detention facilities, and
 - b) Providing that the liability under the said Covenant will jointly and severally bind the registered proprietors and the proposed dwellings, and
 - c) Providing that Council (the prescribed Authority) will be the body entitled to release or modify the Covenant.

All costs associated with the Covenant, including any legal costs payable by Council, are to be paid by the owner on whose behalf the applicant has lodged the application.

Use of the Site

86. Any lighting on the site is to be directed in such a manner so that no nuisance is caused to adjoining properties or to drivers on surrounding streets.
87. The subject development, including landscaping, is to be maintained in a clean and tidy manner.

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88. All landscaping shall be permanently maintained in a good condition and in accordance with the intent of the landscaping plan.
89. All sound producing plant, equipment, machinery, fittings, and the like shall be sound insulated and/or isolated so as to control noise emissions from the premises to within the limits prescribed by the Noise Control guidelines.
90. 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.
91. No signs shall be displayed on the footpaths, pedestrian ways, roadways or in the vicinity.

The submission to Council of all necessary fire safety certificates and statements in accordance with Part 9 of the Environmental Planning and Assessment Regulation 2000.

70: Unauthorised Clearing of Vegetation and Earthworks - 882 Grose Vale Road, Grose Vale (18574/EVD/ENJ28NBX.V07)

Mr Bob Stevens, Respondent, addressed the Committee.

RECOMMENDED on the motion of Councillor Rasmussen seconded by Councillor Paine

A. That:

1. The report be received.
2. The landowner be requested to enter into a written undertaking to carry out the following:
 - a) rehabilitate to property by planting native species of trees throughout the cleared area and to the satisfaction of the Manager, Parks and Recreation;
 - b) that the felled trees be retained on the land, mulched and the mulch material used in the rehabilitation process as ground cover to assist in the control of erosion;
 - c) that no further land clearing works of native vegetation will be undertaken on the land without written approval having first been obtained from Hawkesbury City Council.
3. That the rehabilitation works be carried out and completed within 6 (six) months of the date provided in the undertaking.

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4. Should the landowner not agree then the matter should be referred to Council's solicitor.
- B. That a further report be provided to the Ordinary Meeting advising of appropriate methods of tree/stump mulching.

71: Animal Establishment - Lot 396, DP664634, No. 77 Godalla Road, Freemans Reach (DA1387/02/EVD/ENJ28NBX.V03)

Mr Ross Tubnor, Proponent, addressed the Committee

Mr Charlie Muscat and Mr Jim Jaloussis, Respondent, addressed the Committee

RECOMMENDED on the motion of Councillor Conolly seconded by Councillor Davies

That:

- A. The application be approved subject to the following conditions:
 1. To confirm and clarify the terms of this approval, the development shall take place in accordance with the plans submitted with the application, as amended in red and as modified by these further conditions.
 2. Compliance with the provisions of the Environmental Planning and Assessment (Amendment) Act 1979 and the Building Code of Australia.
 3. The southern part of the site shall be planted with 5 (five) metre vegetation buffers along the eastern and western boundaries of the property to the extent of the goat and pig paddocks, as shown in red on the amended plans, to provide a transitional area to the existing native vegetation and to adjacent land uses. The buffers shall be planted with small, medium and tall species from the Shale Sandstone Transition Forest that is in the vicinity of the buffers. The buffers shall be planted within 3 (three) months from the date of this consent. In this regard the buffers shall be provided to Council's satisfaction and a compliance inspection shall be undertaken.
 4. Preparation of a Farm Management Plan for the operation, which is to be prepared in consultation with NSW Agriculture and Hawkesbury City Council, within 2 (two) months of the date of this consent. .

Use of the Site

5. In order to ensure that the development complies with this consent, the approved use shall not commence until all conditions of this Development Consent have been complied with.

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6. A maximum of 20 (twenty) breeding sows, 2 (two) boar, 30 (thirty) does and 2 (two) bucks shall be kept on the property. A total of 90 (ninety) pigs shall be kept on the site at any one time, which includes piglets.
7. The operation of the development shall be conducted in such a manner so as to not interfere with the amenity of the neighbourhood with respect to noise, dust, waste water, odour, waste products or otherwise.
8. 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.
9. The activity shall be conducted in accordance with the Farm Management plan submitted with the application.
10. Native vegetation located in the paddocks including the vegetation buffers required by Condition 3 that are used by the pigs, goats, cattle and horses are to be protected when in use by the animals.
11. The activity is to operate at all times in accordance with the Farm Management Plan prepared in consultation with NSW Agriculture and Hawkesbury City Council.
- B. That a further condition relating to the number of cattle and horses be provided to the next Ordinary meeting.

72: Unauthorised Clearing of Vegetation - 38 Stewarts Lane, Wilberforce (86243, 86244/EVD/ENJ28NBX.V05)

This Item was dealt with in conjunction with item 74, Environment section, Supplementary General Purpose Committee Business Paper.

Mr Bruce MacDonald, Respondent, addressed the Committee

RECOMMENDED on the motion of Councillor Davies seconded by Councillor Calvert

A. That:

1. The report be received.
2. The landowner be requested to enter into a written undertaking to carry out the following:

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- a) rehabilitate to property by planting native species of trees throughout the cleared area and to the satisfaction of the Manager, Parks and Recreation;
 - b) that the felled trees be retained on the land, mulched and the mulch material used in the rehabilitation process as ground cover to assist in the control of erosion;
 - c) that no further land clearing works of native vegetation will be undertaken on the land without written approval having first been obtained from Hawkesbury City Council.
3. That the rehabilitation works be carried out and completed within 6 (six) months of the date provided in the undertaking.
4. Should the landowner not agree then the matter should be referred to Council's solicitor.
5. Council staff contact Mr Bruce MacDonald between now and the Ordinary meeting to confirm that he will enter into the undertaking.
6. Professional advice be sought relating to a Plan of Management to restore the property back to its original state with similar or, at least, threatened species trees to be replanted.
7. A bond be entered into with the property owner to ensure the restoration is carried out.
- B. A further report be provided to an appropriate Council meeting regarding the clearing of land along property fence lines to allow new fencing to be erected.

Supplementary

73: Legal Matter - Lot 175, DP 48385 (569) Comleroy and McMahon's Road, Kurrajong - CONFIDENTIAL (Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege) (4364, 33766, 33764, 33765, 33762, 33763/EVD/ENJ28LBX.V11)

490 **RESOLVED** on the motion of Councillor Paine seconded by Councillor Gilling

That Council consider the matter in the Committee of the Whole and the public be excluded from the meeting.

491 **RESOLVED** on the motion of Councillor Williams seconded by Councillor Rasmussen

That open Council be resumed.

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492 **RESOLVED** on the motion of Councillor Paine seconded by Councillor Finch

Whilst in closed Committee of the Whole, it was recommended that Council authorise the General Manager to act on the terms and conditions set out in the confidential paper.

74: Unauthorised Clearing of Vegetation - 38 Stewarts Lane, Wilberforce - Further Information (86243, 86244/EVD/ENJ28LCX.V10)

This Item was dealt with in conjunction with item 72, Environment section, General Purpose Committee Business Paper.

RECOMMENDED on the motion of Councillor Davies seconded by Councillor Calvert

That the information be received.

SECTION 2 - INFRASTRUCTURE

40: Australian Local Government Association - 'Renew Roads to Recovery' Campaign, NRMA Local Government Forum - 'Roads: Funding the Future' (82046, 79338/ENG/INJ28NBX.E02)

RECOMMENDED on the motion of Councillor Rasmussen seconded by Councillor Gilling

That:

1. Participation in the ALGA's "Renew Roads to Recovery" campaign be undertaken; and
2. A delegate be nominated to attend the NRMA Local Government Forum - *Roads: Funding the Future* with appropriate staff to be held on Friday, 7 November 2003. Delegates to be nominated at the Ordinary meeting.

41: Un-named Laneway, South Windsor - Naming Proposal (79338, 7233/ENG/INJ28NBX.E01)

RECOMMENDED on the motion of Councillor Rasmussen seconded by Councillor Gilling

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That under the Roads Act, 1993 public comment be sought regarding naming of the presently unnamed lane bounded by Bell, Ham, Mileham and Macquarie Streets, South Windsor as “Eather Lane”.

SECTION 3 - ORGANISATION AND RESOURCES

86: Council Direction: Receipt of Supplementary Papers (79351/FNC/OGJ28NAX.G02)

RECOMMENDED on the motion of Councillor Sheather seconded by Councillor Calvert

That:

1. Supplementary papers, at the discretion of the General Manager, be received by Council up to the time of the General Purpose Committee or Ordinary Council Meeting in an attempt to provide better customer service to Council’s ratepayers and stakeholders.
2. In resolving 1 (one) above, Council retains complete discretion to defer any matter by way of resolution for whatever reason, including where Council believes it has not had sufficient time to consider all issues.

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

That:

1. The discretion for the issuance of supplementary papers be left with the General Manager.
2. Any Supplementary Business Papers would be received by Councillors on the Friday evening before the Council meeting unless it is of an urgent or minor nature.

The amendment was lost.

The motion was put and carried.

87: Review of Code of Conduct (79351/OGJ28NAX.G03)

RECOMMENDED on the motion of Councillor Sheather seconded by Councillor Rasmussen

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That the General Manager conduct a review of Council's Code of Conduct for presentation to Council prior to Council's February 2004 Ordinary Meeting.

88: Monthly Financial Report - September 2003 (GF011/005/FNC/OGJ28NAX.F05)

RECOMMENDED on the motion of Councillor Finch seconded by Councillor Paine

That the information be received.

89: RAAF Base Richmond Re-investment Project (77675/CSV/OGJ28NBX.C04)

493 **RESOLVED** on the motion of Councillor Rasmussen seconded by Councillor Finch

That Council exercising its delegation as the Committee of the Whole resolve:

1. It supports a public meeting for all local businesses to be held on 13 November 2003 in the Council Chambers commencing at 7.00pm for the purpose of explaining the opportunities which may be available through the re-investment project of RAAF Base Richmond, as well as allowing local businesses the opportunity to ask relevant questions of the Defence representatives present at the meeting and learn more about the packages of work available.
2. Council provide administrative support for the meeting as well as printed literature to be handed to the attendees at the meeting.
3. A further meeting be convened by the Hawkesbury City Chamber of Commerce and Industries Inc. supported by the Hawkesbury Economic Development Advisory Committee and Hawkesbury City Council specifically targeted towards Hawkesbury Small Businesses for the purpose of further advising the processes involved in tendering for Department of Defence contracts.

90: Bowman Cottage - 370 Windsor Street, Richmond (9568/CSV/OGJ28NBX.C06)

Ms Lenore Lindsay and Mr Paul Godfrey, National Parks and Wildlife Service, Proponents, addressed the Committee

RECOMMENDED on the motion of Councillor Gilling seconded by Councillor Sheather

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That:

1. Council continue its present arrangement with the National Parks and Wildlife Service in allowing it to use Bowman Cottage at nil rental, with the National Parks and Wildlife Service continuing to maintain the grounds on both blocks at an acceptable level, as well as now being responsible for all outgoings including rates and charges, garbage, water, electricity, telephone etc.
2. All costs associated with the proposed construction of the demountable buildings at the rear of Lot B, Section 2, DP161485, be at the cost of National Parks and Wildlife Service with all maintenance costs associated with the demountable buildings also being the responsibility of the National Parks and Wildlife Service (this is assuming that their Development Application has been approved).
3. A 5 (five) year lease term with a 5 (five) year option be offered to the National Parks and Wildlife Service under the present lease arrangements with the inclusion of recommendations 1 and 2.
4. All necessary documentation be executed under the common seal of Council.

An **AMENDMENT** was moved by Councillor Williams, seconded by Councillor Finch

That Council seek some means of refurbishment costs being paid by National Parks and Wildlife Service.

The amendment was lost.

The motion was put and carried.

91: Lease of 2 Reynolds Road, Londonderry (87508/CSV/OGJ28NBX.C07)

RECOMMENDED on the motion of Councillor Sheather seconded by Councillor Rasmussen

That:

1. The land be leased to Ms Haynes for \$1,500.00 (one thousand, five hundred dollars) per annum, payable in advance.
2. The agreement between Council and Ms Haynes rest on correspondence and the Common Seal of Council be affixed to all necessary documents.

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3. The lessee would be responsible for the fencing, water usage and upkeep of the 7 (seven) acres of land, in addition to obtaining Public Liability Insurance to the value of \$10million dollars.

92: Dedication Land for Road Purposes - 21 Johnston Street, Windsor
(30781/CSV/OGJ28NBX.C09)

Mr Walter Kullen, Proponent, addressed the Committee

Dr Jules Whitty and Ms Wendy Sledge, Respondents, addressed the Committee

RECOMMENDED on the motion of Councillor Conolly seconded by Councillor Gilling

That the appropriate notice to dedicate Lot 2 in Deposited Plan 788531 as road under Section 10 of the Roads Act be published in the Government Gazette.

93: Request to hold Twilight Markets (107/CSV/OGJ28NBX.C01)

494 **RESOLVED** on the motion of Councillor Sheather seconded by Councillor Gilling

That Council exercising its delegation as the Committee of the Whole resolve that:

1. The information be received.
2. The Windsor Mall Craft Group Incorporated be advised that permission is granted for the holding of the Twilight Markets scheduled for Saturday 29 November, 2003 and Friday 12 December 2003 between the hours of 4.00pm to 9.00pm on both evenings.
3. The Windsor Mall Craft Group Incorporated be advised that they must carry out a risk assessment of the area where the motor vehicles will be driven to load and unload goods associated with the markets and are required to secure the area for the purpose of ensuring public safety.
4. Windsor Police be advised in writing of the twilight markets times and dates to ensure that they have a presence in and around the area on those occasions.

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94: Richmond Golf Club Finding Request (38630/CSV/OGJ28NCX.C10)

RECOMMENDED on the motion of Councillor Sheather seconded by Councillor Rasmussen

That the information be received.

**95: Results of Patron Survey - Hawkesbury City Council Library Service
(86019/CSV/OGJ28NCX.C08)**

RECOMMENDED on the motion of Councillor Allan seconded by Councillor Finch

That the information be received.

QUESTIONS WITHOUT NOTICE:

1. Councillor Sheather referred to the reclassification of lands. Councillor Sheather made reference to the Australiana Pioneer Village, which had been incorrectly advertised as Hawkesbury Heritage Farm. He asked if Council could go through and assess all of our land, community land or otherwise, to look at if it is operational or community land. Councillor Sheather asked if Council could look at things like the Pony Clubs, Macquarie Park that has a restaurant on it, tennis courts, McGraths Flats, maybe where the irrigation is done.

The General Manager advised that this would be done.

2. Councillor Sheather referred to an application that was received last week for a Brothel up the street. Councillor Sheather asked why we can't exclude brothels, but referred to the Blue Mountains and how they had excluded KFC and McDonalds from being developed in their area and asked why Hawkesbury can't exclude brothels from our city.

The Director Environment and Development advised that the Blue Mountains City Council hadn't banned KFC and McDonalds outright, they are still permissible at Katoomba town centre and Springwood town centre.

3. Councillor Sheather asked if the development application is going to be classified an escort agency, then he asked if a condition could be put in the consent outlining what activities can and can not happen on the site.

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The Director Environment and Development advised that the development application was for a relaxation centre so we can specify what activities can and can not take place.

4. Councillor Calvert made reference to Hermitage Road in relation to buses getting down there and asked if a study was being done.

The Director Asset Services and Recreation advised that there was currently an assessment of the road being done to see where the best locations we can implement the funding that we currently have for this year. He advised that they were trying to maximise the road width as it varies between 4.4 metres and 6 metres.

5. Councillor Calvert made mention of a head on accident down Hermitage Road a few weeks ago and advised that the person involved indicated that they thought it was because of the lack of vision caused by the trees that are growing over the road and asked if those trees were our responsibility and if something could be done about them.

The Director Asset Services and Recreation advised that the trimming of trees within road verges were our responsibility and advised that they had been trimmed recently.

6. Councillor Calvert referred to traineeships and school based traineeships and asked if Hawkesbury City Council had any policy on taking trainees and if not could it be considered as Penrith City Council is apparently taking on about 10 trainees.

The General Manager advised that the matter will be investigated.

7. Councillor Calvert referred to the Committee that is looking at the Kurrajong Heights Lookout and asked if any meetings had been held lately as no minutes had been received.

The Director Asset Services and Recreation advised that a design/landscape plan was being prepared and that minutes of the Committee would be provided.

8. Councillor Rasmussen asked for an update on the RAAF Economic Impact Study, Parts I and II and where it is at. If they had been released, Councillor Rasmussen asked if a copy could be provided to Councillors.

The Director Community and Corporate Services advised that Part I has been released and the Committee has been dissolved as Part II has been concluded and we are waiting for that to be released and a copy of Part I would be distributed to Councillors and would advise when Part II was available.

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9. Councillor Rasmussen wanted to thank the Parks and Gardens Group and wanted some recognition past onto the people who looked after the Richmond Park and the Lagoon as they were looking exceptionally brilliant at the moment.

The Mayor advised that this would be done.

10. Councillor Rasmussen referred to the Richmond Township resealing of road and the maintenance of the roads and asked for a note to be sent to the RTA in thanks as the roads were an excellent asset that improves the towns look and feel and getting around.

The Mayor advised that this would be done.

11. Councillor Rasmussen asked if there were any other outstanding rates of a major nature, which are very old and are accruing interest, etc that we still haven't collected. He advised that he had been alerted to, at least two in the order of \$50,000 - \$60,000, similar to the one down at South Windsor that we recently brought up and asked if there were any more.

The Director Community and Corporate Services advised that there were a number of properties that were accruing interest that had been outstanding for some time. He advised that a policy had been in place for some years that we don't take legal action against pensioners. There were a number of properties that were going to be put before Council for sale of land for unpaid rates. The Director advised that the one down at South Windsor was actually a Sundry Debtor, not overdue rates.

12. Councillor Rasmussen referred to the Oasis Centre's open day. He advised that he had some very good reports back from the public and asked for a congratulations to be past on to the staff.

The Mayor advised that this would be done.

13. Councillor Rasmussen mentioned that HMAS Hawkesbury recently returned from action in the Solomon Islands and asked if something could be done with the crew before they disburse, and asked if anything had been done in relation to that.

The General Manager advised that he would have report back to Council on that.

14. Councillor Conolly referred to a request to change to the LEP in relation to political signs. He mentioned In the State Environmental Planning Policy in relation to exempt and

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complying development, a reference to political signs and asked if we needed to go ahead with change in the LEP.

The Director Environment and Development advised that the report is going to next General Purpose Committee.

15. Councillor Williams referred to a letter from Mrs Jill Vincent of the Friends of Wilberforce Cemetery sent to the General Manager raising concerns such as needing a fence around the cemetery, sealing an access track from Old Sackville Road into the back of St Johns Church, the naming of that lane and drainage running from the new road into the cemetery. Councillor Williams asked if a copy of Council's response to Mrs Vincent could be provided to see what our position was regarding these issues.

Director Asset Services and Recreation advised that it was the same development as the hall at the back of the Church. It is a condition of consent for that development and it was done on a crown reserve road.

The General Manager advised that a response was on its way.

16. Councillor Williams referred to the two houses that were being built along river flats, one along Wilberforce Road and the other on Freeman's Reach Road. He asked if we were suddenly going to have houses built on the flood plains and why they are being built.

The Director Environment and Development advised that they met criteria i.e. land above the sufficient height. It is to do with the fact that there was an existing house and they are entitled to use the old provisions under Clause 25.

17. Councillor Williams made reference to the tree removal on 481 Creek Ridge Road and asked if it will be coming to Council?

The Director Environment and Development advised that Councillors would get an update letter tomorrow. He advised that the applicant has sort to rely on a previous consent which was for the removal of trees and it appears that he is complying with those conditions, but he hasn't notified us and carried out certain fencing requirements.

Councillor Williams asked what progress he made in the first twelve months of the approval, which is four years old.

The Director Environment and Development advised that there was no obligation to as it is a five year consent.

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18. Councillor Williams referred to a letter received from Mr Ryan regarding the tree clearing on West Portland Road. He didn't know if the same property was being talked about and wanted to meet out there to confirm that the same property was being talked about.

The General Manager advised that this would be done.

19. Councillor Paine asked what Council could do about the condition of Fairfield House as it is in state of disrepair. She mentioned how some work had been done a few months ago after the winds, but the verandahs and things are all falling down.

The Mayor advised that it would be investigated.

20. Councillor Paine requested an explanation about what a minority report was and what its worth was.

The Director Environment and Development advised that this questions was already being researched for Councillor Rasmussen and the response would be provided to all Councillors.

21. Councillor Finch referred to the tree removal on Douglas Road, Kurrajong Heights and asked where it was at.

The Director Environment and Development advised that the tree removal had been carried in accordance with the Council approval and they have done nothing wrong.

22. Councillor Finch requested on update on where we were at in regard to the lease of the old Hospital.

The Director Community and Corporate Services advised that the lease was not signed. He advised that negotiations had been finalised on Toxana and were waiting for that to occur before proceeding.

23. Councillor Gilling referred to a subdivision on Irwin's property on the left hand side of the Putty Road and mentioned that it had driveways everywhere and it is absolute degregation of the land. Could we get better subdivision development in the future.

The meeting terminated at 3.00pm.

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Submitted to and confirmed at the meeting of the General Purpose Committee held on 25 November 2003.

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Mayor

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General Manager

Mayor