



Hawkesbury City Council

ordinary meeting business paper minutes

date of meeting: 4 November 2003

location: Council Chambers

time: 7.00pm

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Minutes of the Meeting of the Council of the City of Hawkesbury held at the Council Chambers, Windsor, on 4 November 2003, commencing at 7.00pm.

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

Councillor Pastor Joan Woods, representing the Hawkesbury Ministers Association, gave the opening prayer at the commencement of the meeting.

An apology for absence was received from Councillor C A Paine.

- 495 **RESOLVED** on the motion of Councillor Finch and seconded by Councillor Sheather that the apology be accepted.

Councillor Rasmussen arrived at the meeting at 7.10pm
Councillor Davies arrived at the meeting at 7.52pm

SECTION 1 - CONFIRMATION OF MINUTES

- 496 **RESOLVED** on the motion of Councillor Finch seconded by Councillor Sheather that the minutes of the Ordinary Meeting held on 14 October 2003, which have been circulated amongst members of the Council, be confirmed.

SECTION 2 - NOTICE OF MOTION

Notices of Motion

1. Sullage Pumpout Subsidy

- 497 **RESOLVED** on the motion of Councillor Conolly seconded by Councillor Williams

That:

1. Council renew its representation to the State Government to provide the same level of subsidy to Hawkesbury residents reliant on sullage pumpout as is available to

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Blue Mountains residents for both environmental and equity reasons; and

2. Consider in its budget deliberations for 2004-2005, as an interim measure, provide from general revenue to the sullage fund a subsidy equivalent to the rebates provided to pensioners for sullage pumpout.

2. Hawkesbury Development Control Plan - Road Widths

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

That options be presented to Council for amending the Hawkesbury Development Control Plan to ensure road widths in new residential areas are sufficient to allow on-street parking.

Notices of Motion of Rescission

3 (Three) Townhouses - Lot 19 DP207834, 42 Grose Vale Road, North Richmond NSW 2754 (DA0357/03/EVD/ENI30NAX.V09)

A motion was moved by Councillor Sheather seconded by Councillor Calvert

That Council's resolution of 14 October 2003 in relation to Item 62, DA 0357/03 for 3 (three) townhouses at 42 Grose Vale Road, North Richmond, be rescinded.

The motion was lost.

SECTION 3 - REPORT OF THE GENERAL PURPOSE COMMITTEE

Environment

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

499 RESOLVED on the motion of Councillor Allan seconded by Councillor Finch

That:

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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

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.

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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 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.

This is Page of the Minutes of the ORDINARY No 10 MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor, on 4 November 2003.

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Mayor

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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

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.

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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.
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.

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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

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Service consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.

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.

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- 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.

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

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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.

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.

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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.
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) Covenantee 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

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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.
- 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.

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

That Council request the National Parks and Wildlife Service to allow the vegetation offset arrangements as policy to apply to suitable land owned by or held in the care, control or management of Council.

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

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

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 to be retained and mulched and stumps left in the ground;
 - 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.

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

502 RESOLVED on the motion of Councillor Finch seconded by Councillor Allan

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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.
6. A maximum of 20 (twenty) breeding sows, 2 (two) boars, 30 (thirty) does, 2 (two) bucks, 10 (ten) head of cattle and 6 (six) horses.

A maximum of 90 (ninety) pigs including piglets and 20 (twenty) cattle including cows, calves and young bulls that are assembled for 2 (two) weeks before a stud sale are to be kept on the site at any 1 (one) time.
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.

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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.

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, Report of the General Purpose Committee

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

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.

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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. 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.
6. 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.
- C. That the additional information be received.

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.

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.

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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, Report of the General Purpose Committee

Infrastructure

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

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

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.

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

That the General Manager or an appropriate staff member be appointed to attend the NRMA Local Government Forum - *Roads: Funding Future*.

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

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

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

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Organisation and Resources

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

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

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.

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

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

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)

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

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:

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1. 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. 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)

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

A. 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.

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4. All necessary documentation be executed under the common seal of Council.

B. That the additional information be received.

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

511 RESOLVED 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.
3. The lessee 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)**

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

That

1. The information be received.
2. Pursuant to Section 54 of the Environmental Plan Assessment Act 1979 and in accordance with the Best Practice Guidelines, Council prepare an amendment to the Hawkesbury Local Environmental Plan 1989 to reclassify Lot 2, DP788531, 21 Johnston Street, Windsor, from Community to Operational land.

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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 market times and dates to ensure that they have a presence in and around the area on those occasions.

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

513 RESOLVED 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)**

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

That the information be received.

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SECTION 4 - REPORTS FOR DETERMINATION

184: Proposed Compulsory Acquisition for Road Purposes - Part 61 Upper Half Moon Rd, Lower Portland - W M Burgess (26910/CSV/ORK04NBX.C05)

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

That:

1. Council compulsorily acquire Lot 2 in Deposited Plan 878230 for road purposes, in accordance with the Land Acquisition (Just Terms) Compensation Act 1991, from Mr Warren Burgess.
2. Application be made to the Minister for Local Government and/or the Governor for approval to proceed with compulsory acquisition of Lot 2 in Deposited Plan 878230.
3. All relevant documents be executed under the Common Seal of Council.

185: Insurance/Risk Management (79509/CSV/ORK04NBX.C04)

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

That Standing Orders be suspended

Councillor Davies presented the Mayor with the Westpool Risk Management Award and asked that congratulations be conveyed to the Environment and Development Department.

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

That Standing Orders be resumed.

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

That the Westpool 2003 Risk Management Award for Council's Building and Development Manual be accepted.

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186: Policy - Filming Application Fees - Education Facilities
(79338/ENG/ORK04NBX.E06)

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

That:

1. As a matter of policy, education facilities/students be exempted from payment of film location/inspection fees, but comply with other standard conditions of filming as applicable.
2. The Revenue Pricing Policy be amended accordingly.

187: Request from Community Help Service Incorporated for Waste Bin Services
(87118, 79348/EVD/ORK04NBX.V07)

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

That:

1. 2 (two) waste collection and recycling services be supplied to Community Help Service Inc. free of charge, whilst the organisation continues to provide assistance as described in the report.
2. Should the organisation cease to assist the community in the manner described in the report, then the free service is to cease and the waste and recycling bins be returned to Council.
3. Mr Dunn be required to notified Council annually of the continuance of his community service that requires the free services.

188: At Call Kerbside Bulk Waste Collection (17974,
001/FY04/EVD/ORK04NBX.V03)

521 RESOLVED on the motion of Councillor Allan seconded by Councillor Finch

That:

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1. The tender submitted by Brambles Australia Limited, trading as Cleanaway Municipal Services, for a sliding scale of reduced costs should the anticipated activity level not be achieved (as quoted in their tender submission), be accepted, subject to funding being approved by Council.
2. The fee for the service for the first year be set on the lump sum figure tendered by Cleanaway Municipal Services of \$229,585 (two hundred and twenty nine thousand, five hundred and eighty five dollars), which would be equally shared between property owners in the designated service areas, which is estimated to be, \$16.40 (sixteen dollars and forty cents) per service, or \$32.80 (thirty two dollars and eighty cents) per year, per property, for the 2 (two) services.
3. The fees be examined annually over the period of the contract, with any savings or increases in costs from the previous years activities, being passed onto the properties within the designated service areas, which will be reflected in the annual charge.
4. The service be implemented from 1 July 2004, and be incorporated into the setting of fees advertising process, undertaken as part of the budget preparation for the 2004/2005 financial year.
5. The contract documents for the "at call kerbside bulk waste collection and disposal service" be signed under the seal of Council with Brambles Australia Limited trading as Cleanaway Municipal Services, once the fee for the service has been set and approved by Council.
6. BO and JL Staples P/L be informed of the result of the tender process, and thanked for their submission.

SECTION 5 - REPORTS FOR INFORMATION

189: Reports Requested by Council - Status as at 4 November 2003 (GC280/005 Pt4/GMA/ORK04NCX.G08)

- 522 RESOLVED on the motion of Councillor Rasmussen seconded by Councillor Sheather
- That the information be received.

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SECTION 6 - REPORTS OF COMMITTEES

Heritage Advisory Committee - 10 July 2003

- 523 RESOLVED on the motion of Councillor Finch and seconded by Councillor Rasmussen that the Minutes of the Heritage Advisory Committee meeting held on 10 July 2003 as recorded on Pages 54 to 56 be received.

Heritage Advisory Committee - 14 August 2003

- 524 RESOLVED on the motion of Councillor Finch and seconded by Councillor Allan that the Minutes of the Heritage Advisory Committee meeting held on 14 August 2003 as recorded on Pages 57 to 60 be received.

Heritage Advisory Committee - 11 September 2003

- 525 RESOLVED on the motion of Councillor Finch and seconded by Councillor Woods that the Minutes of the Heritage Advisory Committee meeting held on 11 September 2003 as recorded on Pages 61 to 65 be received.

Hawkesbury Agricultural Retention Through Diversification and Clustering Meeting held on 2 October 2003 at Council's Committee Room, Hawkesbury City Council

- 526 RESOLVED on the motion of Councillor Gilling and seconded by Councillor Calvert that the Minutes of the Hawkesbury Agricultural Retention Through Diversification and Clustering meeting held on 2 October 2003 as recorded on Pages 66 to 68 be received.

Museum Advisory Committee - 15 October 2003

- 527 RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Finch that the Minutes of the Museum Advisory Committee meeting held on 15 October 2003 as recorded on Pages 69 to 71 be received.

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Hawkesbury Economic Development Advisory Committee - 16 October 2003

- 528 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 16 October 2003 as recorded on Pages 72 to 76 be received.

Local Traffic Committee - 24 October 2003

- 529 RESOLVED on the motion of Councillor Sheather and seconded by Councillor Rasmussen
- That the report of the Local Traffic Committee meeting held on 24 October 2003 as recorded on Pages 77 to 101 be withdrawn to allow ratification by the Local Traffic Committee.

SUPPLEMENTARY REPORTS

190: Commissioners Appointed to Carry Out 2007 Election Redistribution
(107/CSV/ORK04LBX.C09)

- 530 RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Finch

That Hawkesbury City Council determine its position in relation to the 2007 boundary redistribution to enable a response on behalf of Council to be prepared prior to the closing date of submissions being 28 November 2003 and the issue be workshopped prior to submissions closing.

191: Tender - Painting - Various Council Buildings (79340/ENG/ORK04LBX.E10)

- 531 RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Gilling

That the tender of D M Prow Painting Services of 2/37 Meares Road, McGraths Hill NSW for the painting of various Council buildings for the sum of \$98,996.70 (ninety eight thousand nine hundred and ninety six dollars and seventy cents) [including GST] be accepted and the necessary documents be executed under the Seal of Council.

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QUESTIONS WITHOUT NOTICE

1. Councillor Sheather referred to the intersection at North Richmond and asked when something was going to happen at the lights at North Richmond.

The Director Asset Services & Recreation advised that the only information he had was that it will be finished by Christmas next year.

2. Councillor Sheather wanted to thank Mr Tuxford for his dedication to Council over his period of employment.

3. Councillor Calvert referred to a question he asked at the GPC about the Kurrajong Heights Lookout Committee. He hadn't received the requested minutes and asked if there had been any further meetings or progress.

The Director Asset Services & Recreation advised that the matter would be followed up and Councillor Calvert would be advised as soon as possible.

4. Councillor Rasmussen requested an update on the Whitemore Road, Maraylya chicken sheds and the mediation that should have taken place and where the process is.

The Director Environment & Development advised that a response would be provided.

5. Councillor Rasmussen asked if the Councillors had seen the report/submission from Chris McLachlan on the APV, which referred to discussions with the Mayor regarding his proposal and asked where discussions were at.

The Mayor advised that a number of 'Friends of the Village' including Mr Kinlay have had discussions with him in conjunction with Mr McLachlan and council is yet to determine the position in relation to classification of APV and that is an essential requirement before the matter can proceed.

6. Councillor Rasmussen referred to the request from the Local Government Advisory Group, talking about Hawkesbury/Nepean Catchment Works Funding and the need

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to contact staff members to put in a submission as there is an opportunity for close to \$2million available for on-ground works in the catchment.

The Director Environment & Development advised that both he and the Director Asset Services & Recreation had successfully achieved grants in the past and applications for further grants are being prepared.

7. Councillor Rasmussen referred to the availability of the Council Business Papers to the outlying communities such as Upper Colo, Bilpin, Spencer, etc as they have difficulty coming into Council and are experiencing difficulty downloading large documents from the web. He asked if four or five copies could be made available at central locations like post offices or local stores for these communities.

The Director Community & Corporate Services advised that Council was aware of the problems with current telephone line bandwidth, but with the Revenue Pricing Policy there are a number of firms who pay for the Business Paper to be distributed to them. We may need to workshop how we could distribute free of charge Business Papers when other firms pay for them.

Councillor Rasmussen asked if we could streamline the distribution of Business Papers to be able to get our message out to outlying areas.

The Mayor advised that it could be discussed informally.

8. Councillor Conolly referred to the Pitt Town Advisory Committee which meets fortnightly and asked why there were no minutes being presented.

The Director Environment & Development advised that it was due to availability of resources and the closeness of meetings, but they will all be presented to Council at the Special Meeting on 2 December 2003.

9. Councillor Conolly asked if a date had been set for the first meeting of the Flood Mitigation Advisory Committee

The Director Environment & Development advised that a memo was on its way now to Councillor Conolly with set dates and times.

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10. Councillor Williams referred to the concrete blocks across the road that leads from Woodlands Industrial Estate down into Chain of Ponds Reserve and wanted to know if the concrete blocks could be moved up the street as people are using the area as a dumping spot. He also asked if the rubbish could be removed.

The Director Asset Services & Recreation advised that the concrete blocks were only 30-40 metres from the access to the pallet manufacturer and the blocks could certainly be moved closer to that entrance.

11. Councillor Williams advised that he was asked to thank the Council for their support for the Fire Ball, which raised about \$10,000.

12. Councillor Williams referred to Groves Avenue being used for the proposed Hawkesbury Valley Way, when maybe Curtis Road may be more properly aligned to carry traffic from Mulgrave Road through to Windsor Road.

The Director Asset Services & Recreation advised that Curtis Road is lower at the intersection of Mulgrave Road than the Groves Avenue/Railway Road North intersection and it is likely that in the long term Railway Road North will continue to Windsor Road.

13. Councillor Allan referred to Item 87 - Review of Code of Conduct and asked if a copy of the E-mail and Internet Usage Policy, that exists now, could given to her. Councillor Allan asked if the policy was going to come back in the February 2004 report.

The General Manager advised and that the policy would come back to Council for ratification and a copy of the current policy will be provided.

14. Councillor Allan wanted to thank Mr David Tuxford and thought a Gold Watch was in order.

15. Councillor Finch tabled two letters from Mr Neal Cremen of Grose Vale in regard to rates and parking fines and asked if a response could be provided.

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The meeting terminated at 9.50pm.

Submitted to and confirmed at the meeting of Council on 9 December 2003.

.....Mayor

This is Page of the Minutes of the ORDINARY No 10 MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor, on 4 November 2003.

General Manager

Mayor