



Hawkesbury City Council

ordinary meeting business paper minutes

date of meeting: 14 October 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 14 October 2003, commencing at 7.00pm.

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

Community Chaplin, Pastor Carl Moses, representing the Hawkesbury Ministers Association, gave the opening prayer at the commencement of the meeting.

Apologies for absence were received from Councillors C J Woods and P F Davies.

- 436 RESOLVED on the motion of Councillor Gilling and seconded by Councillor Allan that the apologies be accepted.

Councillor Sheather arrived at the meeting at 7.35pm

SECTION 1 - CONFIRMATION OF MINUTES

- 437 RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Gilling that the minutes of the Ordinary Meeting held on 9 September 2003, which have been circulated amongst members of the Council, be confirmed.

Mayoral Minutes

1. Hawkesbury Cultural Co-ordinating Committee

- 438 RESOLVED on the motion of Councillor Stubbs and seconded by Councillor Finch
That Council establish a Cultural Co-ordinating Committee.

2. 2003 Hawkesbury Business Awards

- 439 RESOLVED on the motion of Councillor Stubbs and seconded by Councillor Allan
That the information be received.

This is Page of the Minutes of the ORDINARY No 9 MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor, on 14 October 2003.

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3. Rouse Hill Regional Centre

440 RESOLVED on the motion of Councillor Stubbs and seconded by Councillor Paine

That the information be received and that Council workshop the issues raised within the report.

SECTION 2 - NOTICE OF MOTION

Notices of Motion

Three Towns Sewerage

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

That:

1. Council convene a working party to progress the 3 (three) towns sewerage to become a reality.
2. The working party consist of Councillors, Community Representatives and staff. Councillors Paine, Rasmussen and Williams were elected.

SECTION 3 - REPORT OF THE GENERAL PURPOSE COMMITTEE

Mayoral Minute

Tamba International Exchange Association

430 RESOLVED by the Committee exercising its delegation as Committee of the Whole on the motion of Councillor Stubbs, Mayor seconded by Councillor Allan

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

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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.

Environment

62: 3 (Three) Townhouses - Lot 19 DP207834, 42 Grose Vale Road, North Richmond NSW 2754 (DA0357/03/EVD/ENI30NAX.V09)

This item was dealt with in conjunction with Item 183, Supplementary Agenda, Reports for Information section

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

That this matter be deferred to the next General Purpose Committee meeting.

The motion was lost.

A **foreshadowed motion** was moved by Councillor Conolly seconded by Councillor Gilling

That the application be approved as a deferred commencement approval subject to appropriate conditions, together with the additional condition relating to the NatHERS report.

The foreshadowed motion was lost

442 RESOLVED on the foreshadowed motion of Councillor Williams seconded by Councillor Finch

That the application for 3 (three) townhouses be refused for the following reasons:

1. The proposed development is inconsistent with and will be prohibited by the provisions of draft amendment 130 to Hawkesbury LEP 1989.

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2. The design of the proposed development will not provide an acceptable level of amenity for future residents.
3. The proposed development does not comply with the requirements of the Hawkesbury Development Control Plan, in particular Chapter 1, Part D - Residential Development.
4. In the circumstances, approval of the development would not be in the public interest.
5. The additional information be received.

63: Regulation of Open Burning, General Approval (15638/EVD/ENI30NBX.V01)

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

That the General Approvals for the Hawkesbury Local Government Area be prepared under the provisions set out under the (Control of Burning) Regulation, to allow rural and residential properties to burn dead and dry vegetation in accordance with the Rural Fire Service "Guidelines for Pile Burning" June 2003 subject to a list of safety conditions and type/quantity of materials, between the months of April to September each year without reference to Council.

64: Zone Boundary Investigation and 112 Horans Lane, Grose Vale (19424, 79347/EVD/ENI30NBX.V06)

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

That this matter be deferred to a suitable General Purpose Committee meeting in the future to allow property owners to present to Council additional reports containing information as to whether or not there is an anomaly.

The motion was lost

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444 RESOLVED on the motion of Councillor Finch seconded by Councillor Williams

1. The information be received; and
2. The zone boundary remain in its current location, including 112 Horans Lane, Grose Vale.
3. Council resolve not to pursue this matter any further.

65: Animal Establishment - Lot 396 DP 664634 No.77 Godalla Road, Freemans Reach (DA1387, 18143/02/EVD/ENI30NBX.V05)

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

The information to be received.

66: Review of Determination Under Section 82A of the Environmental Planning and Assessment Act 1979 - Lot 1 DP 1028107, 34 Chaseling Road, Wisemans Ferry (27427/EVD/ENI30NCX.V10)

This item was dealt with in conjunction with Item 175, Ordinary Agenda, Reports for Information section

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

That:

1. The additional information be recieved.
2. This matter be deferred until receipt of the additional information.

67: Participation Agreement and Cooperation Agreement between Resource NSW and Hawkesbury City Council for the Pre-Treatment Facility at South Windsor. (80423, 74352/EVD/ENI30NCX.V02)

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

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That:

1. Designs for the construction of a new gatehouse, weighbridge system, and transfer station be commenced during October 2003, with an expected completion date of the construction works in December 2004, after the necessary tendering and reporting processes have been completed.
2. The cost to construct the gatehouse, weighbridge system and transfer station be taken from the waste reserve, accumulated for expenditure on waste related matters.
3. The suggested strategy numbered 1 (one) to 4 (four) in the report, be commenced during October 2003, with an expected completion of the strategy tasks by November 2004.

448 RESOLVED on the motion of Councillor Finch seconded by Councillor Rasmussen

That Councillors Paine, Woods and Rasmussen be nominated as representatives on the Committee.

68: Demolition of Existing Structures, Construction of 6 (Six) Townhouses and Strata Subdivision, Lot 2 DP 564874, 40A Bosworth Street, Richmond (DA0575/03/EVD/ENI30LAX.V11)

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

That:

- A. Council support the applicants SEPP No. 1 objection to the minimum lot provisions of Clause 12 of Hawkesbury Local Environmental Plan 1989
- B. The application be approved subject to the following conditions:

General

1. To confirm and clarify the terms of this approval, the development shall be carried out in accordance with the approved stamped plans submitted with Development Application No.DA0575/03and any supportive documentation, except as otherwise provided by the conditions of this consent or as amended in red.

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

2. Compliance with the provisions of the Environmental Planning and Assessment (Amendment) Act 1979, and the Building Code of Australia.
3. No demolition, excavation, site works or construction shall be commenced prior to the issue of the construction certificate.
4. An occupation certificate is to be obtained on completion of all works. The occupation certificate will not be issued if any conditions of this consent are outstanding.
5. The applicant is advised to consult with:
 - (a) Sydney Water Corporation Limited;
 - (b) Integral Energy;
 - (c) Natural Gas Company; and
 - (d) A local telecommunications carrier,regarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public road(s).
6. All design and construction works are to be carried out strictly in accordance with the requirements of Hawkesbury Development Control Plan - Appendix E.
7. To ensure the external appearance of the development is not intrusive or offensive, and does not degrade the visual quality of the surrounding area, the driveway is to be finished in dark earth tone colours.
8. The applicants shall make themselves aware of any use restriction relevant to this property and shall comply with the requirements of the Section 88b instrument relevant to this subdivision and property.
9. 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.

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10. In accordance with Section 146 of the Heritage Act 1977 the Heritage Council is to be notified of the discovery or location of any “relics”. “Relics” are defined in Section 4 of the Heritage Act 1977.

Prior to the Issue of Construction Certificate

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

11. Arrangements are to be made for the provision of common drainage and the disposal of drainage from the site. Where the disposal of drainage involves the provision of drains across land owned by others, drainage easements of adequate width shall be provided for which documentary evidence must be submitted.
12. A monetary contribution is to be paid to Council, pursuant to Section 94 of the Environmental Planning and Assessment Act 1979, towards the provision of the following public facilities in the locality:
- (a) Open Space and Recreation (\$7,110.00)
 - (b) Community Facilities (\$10,216.00)

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

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

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

13. An amended landscaping plan providing for the amendments to the site plan is to be submitted to Council for approval.

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14. The building design shall incorporate components that will provide aircraft noise mitigation in accordance with AS 2021. Details prepared by an accredited acoustical consultant shall be submitted with the construction certificate.
15. Details demonstrating compliance with the Building Code of Australia (Housing Provisions) shall be provided to the Principle Certifying Authority for separate approval.
16. Detailed engineering plans and specifications relating to the work shall be submitted.
17. Separate details of the proposed roofwater and surface water drainage system shall be lodged in duplicate for approval.
18. Submission of proof of the payment of the Building Industry Long Service Levy where the value of civil works exceeds \$25,000.
19. Construction of civil works including road and access works are not to commence until three (3) copies of the plans and specifications of the proposed works are submitted to and approved by the Director Asset Services and Recreation or an accredited certifier.
20. Payment of a design checking fee of \$227.80 and inspection fee of \$355.80 are required when submitting Engineering plans for approval. This amount is valid until 30 June 2004. Fees required if an accredited certifier is used will be provided upon request.
21. The submission of a satisfactory Erosion and Sediment Control Plan (ESCP) prepared in accordance with the State Government guidelines titled "Managing Urban Stormwater: Soils and Construction (1988)".

Prior to Commencement of Works

22. Building work that involves residential building work (within the meaning of the Home Building Act 1989) must not be commenced unless the principal certifying authority for the development to which the work relates:
 - (a) in the case of work to be done by a licensee under that Act:
 - (i) has been informed in writing of the licensee's name and contractor licence number, and
 - (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act, or
 - (b) in the case of work to be done by any other person:

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- (i) has been informed in writing of the person's name and owner-builder permit number, or
- (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of that Act and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for doing the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

Note: A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this condition, sufficient evidence that the person has complied with the requirements of that Part.

- 23. 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.
- 24. A sign must be erected in a prominent position on any work site on which the erection or demolition of a building is being carried out:
 - (a) stating that unauthorised entry to the work site is prohibited; and
 - (b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

This condition does not apply to:

- (a) building work carried out inside an existing building; or
 - (b) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
- 25. Erosion and sediment control devices are to be installed and maintained to ensure that there is no increase in downstream levels of litter, vegetation debris or other water borne pollutants in accordance with Council's Development Control Plan.

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

- 26. The applicant or person having the benefit of this development consent must give at

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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. A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 shall be supplied to the principal certifying authority prior to commencement of works.
30. The approved plans must be submitted to the appropriate Sydney Water office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. If the development complies with Sydney Water's requirements, the approved plans will be appropriately stamped. Sydney Water has a number of business offices, including Blacktown, Katoomba, Parramatta and Penrith.
31. 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).
32. Written permission to discharge stormwater is to be obtained from downstream owners and submitted to Council.

Additional Conditions relating to Demolition Works

33. Prior to demolition of the residence current photographs of all elevations of the dwelling are to be submitted to Council.
34. All demolition works are to be undertaken in accordance with the requirements of the WorkCover Authority and AS2601
35. At all times during demolition a competent person shall directly supervise work. It is the responsibility of the person to ensure that:

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1. The structure to be demolished and all its components shall be maintained in a stable and safe condition at all stages of the demolition work. Temporary bracing guys, shoring or any combination of these, shall be added for stability where necessary.
2. Precautions are taken to ensure that the stability of all parts of the structure and the safety of persons on and outside the site are maintained, particularly in the event of sudden and severe weather changes. Severe weather changes refer primarily to the localised high winds. In these circumstances loose debris can become airborne, particularly if it is in sheet form.
3. The site shall be secured at all times against the unauthorised entry of persons or vehicles.
4. Utility services within the structure not required to be maintained during the demolition work shall be properly disconnected and sealed off before any stripping or demolition commences.
36. Before commencing work, any existing accumulations of dust are to be collected, placed in suitable containers and removed. Selection of appropriate collection techniques, such as vacuuming or hosing down, shall take account of the nature of the dust and the type of hazard it presents (e.g. explosive, respiratory etc.).
37. Dust generated during stripping or during the breaking down of the building fabric to removable sized pieces shall be kept damp until it is removed from the site or can be otherwise contained. The use of excess water for this purpose is to be avoided.
38. It should be borne in mind that in certain environments and under certain stimuli, deposits of combustible dust on beams, machinery and other surfaces may be subject to flash fires, and suspensions of combustible dusts in the air can cause them to explode violently (see NFPA Handbook).
39. All demolished material and excess spoil from the site shall be disposed of at a location and in a manner approved of by Council. No material is to be burnt on site.
40. Removal of dangerous or hazardous materials shall be carried out in accordance with the provisions of all applicable State legislation and with any relevant recommendations published by the National Occupational Health and Safety Commission (Worksafe Australia).
41. Removal of asbestos or materials containing asbestos fibres, shall be in accordance with the NOHSC Code of Practice.

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- 42. Precautions to be observed and procedures to be adopted during the removal of dangerous or hazardous materials other than asbestos, shall be in accordance with the relevant State regulations pertaining to those materials.
- 43. All demolition, vegetation and excavated material removed from the site is to be removed by a contractor licensed by the Environmental Protection Authority to deal with such wastes. These wastes are to be disposed of at a depot authorised to receive such wastes and copies of delivery dockets are to be submitted to Council upon completion of works.

During Construction

- 44. All building work must be carried out in accordance with provisions of the Building Code of Australia.
- 45. 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.
- 46. All demolition, construction and associated work necessary for the carrying out of the development is restricted to between the hours of 7.00am and 6.00pm on Mondays to Fridays and between 8.00am and 4.00pm on Saturdays.
- 47. To reduce nuisance to the surrounding properties, all demolished material and excess spoil from the site shall be disposed of to a location and in a manner to the approval of this office (Note: no material shall be burnt or buried on the site).
- 48. 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.
- 49. A sign is to be erected adjacent to the access point to the site for the duration of the site works stating the following:
 - (a) owner of site and address;
 - (b) person/company carrying out site works and phone number;
 - (c) consent number and date of approval; and
 - (d) approval duration of site works.
- 50. The buildings shall be set out by a Registered Surveyor and the Survey Certificate of the buildings shall be lodged with the principal certifying authority upon completion

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of the footings and prior to the external wall construction proceeding above floor level.

51. Construction of Council's standard heavy duty footway and layback vehicular crossing to suit the access to the site with a minimum width of 6m.
52. All work must be carried out in accordance with the provisions of Hawkesbury Development Control Plan, Appendix E Civil Works Specification Part 1 Design Specification and Part 2 Construction Specification"
53. The developer is responsible for full costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed subdivision. Such utilities include, but are not limited to, water, sewerage, drainage, power, communication, footways, kerb and gutter.
54. 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.

Prior to Issue of Occupation Certificate

55. Removal of the existing redundant layback crossing.
56. The submission of a Surveyor's Certificate stating that all buildings on the lots comply with the Building Code of Australia in relation to boundary setbacks.
57. The submission of a Surveyor's Certificate stating that all pipelines are contained within the proposed/existing easements.
58. Design and construction of site drainage shall be carried out in accordance with Council's Hawkesbury Development Control Plan Appendix E Civil Works Specification Part 1 Design Specification and Part 2 Construction Specification. Full details of works shall be submitted for approval with the building application. On-site detention shall be provided to maintain all stormwater discharges from the 1:1 year flood at pre-development levels.
59. All necessary works being carried out to ensure that flow from adjoining properties is not impeded.
60. 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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61. Landscaping shall be completed in accordance with the approved landscaping plan and shall be maintained in perpetuity by the existing or future owners and occupiers of the property. In this respect an occupational certificate will not be granted on the application until the landscaping is complete.
62. The submission of a Certificate from Telstra Australia that satisfactory arrangements have been made for the provision of cables for telephones to the development.
63. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water web site www.sydneywater.com.au/customer/urban/index or telephone 13 20 92. Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer 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 release of the occupation of development.

64. The following documentary evidence is to be obtained prior to the issue of any Construction Certificate, whether by Council or an accredited certifier:
 - (a) A written clearance from Integral Energy, stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development.

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

65. Submission to Council of a report from the author(s) of the Noise Assessment submitted with the application and the report demonstrating compliance with AS2021 certifying that the required building construction techniques and materials have been installed.
66. 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 detention basin(s) and stormwater drainage system are to be submitted to and approved by Council prior to the release of the Occupation Certificate. The report from the

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Design Engineer is to state the conformance or otherwise of the as constructed basins in relation to the approved design. The WAE drawings shall indicate the following as applicable:

- (b) invert levels of tanks, pits, pipes and orifice plates
- (c) surface levels of pits and surrounding ground levels;
- (d) levels of spillways and surrounding kerb;
- (e) floor levels of buildings including garages;
- (f) top of kerb levels at the front of the lot;
- (g) dimensions of stormwater basins and extent of inundation;
- (h) calculation of actual detention storm volume provided.

Use of the Site

- 67. All landscaping shall be permanently maintained in a good condition and in accordance with the intent of the landscaping plan. This includes landscaping of the private courtyard areas.
- 68. The visitor parking spaces are to be signposted and made freely available to visitors
- 69. An appropriately licensed private garbage and recycling collection service is to be provided to the development. All collection personnel are to collect bins from within the designated bin storage area as shown on the plans. All collection vehicles are to stand wholly within the site during collection and are to enter and exit the site in a forward direction.

Prior to Issue of Subdivision Certificate

- 70. 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 and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer 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/release of the plan of subdivision.

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71. Submission of a Certificate from Integral Energy that satisfactory arrangements have been made for the provision of electricity to each of the resultant lots of the subdivision.
72. Submission of a Certificate from an approved telecommunications provider that satisfactory arrangements have been made for the provision of cables for telephones through the subdivision.
73. The submission of the plan of subdivision, together with 4 (four) exact copies thereof, suitable for lodgement with the Registrar General.
74. Payment of a linen release fee of \$41.20. This amount is valid until 30 June 2004.
75. The completion of the development including all civil works in accordance with Council approvals covered by this consent.

Infrastructure

32: Governor Phillip Reserve, Windsor - 2003 Pubmart Bridge to Bridge Water Ski Classic - NSW Water Ski Association (79354/ENG/INI30NBX.E03)

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

That:

- A. The application be approved subject to:
 1. Banks of lights are to be set up in such manner that illumination is not directed at or spill onto Wilberforce Road.
 2. Full detail of this proposal is to be included in the letter-drop to residents required by Council in approving the Association's application on 12 August 2003.
- B. The additional information be received.

33: Windsor - Parking (79344/ENG/INI30NBX.E07)

Councillor Paine declared an interest as her residence is adjacent to Kable Street,

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Windsor and left the Chamber.

- 451 RESOLVED on the motion of Councillor Allan seconded by Councillor Rasmussen

That further consideration for the provision of additional parking in Windsor, excepting the ongoing negotiations with Hawkesbury District Health Service Ltd, be deferred until such time as the Hollands Paddock development proposal has been finalised.

- 34: Half Pipe Skate Ramp at North Richmond Community Centre (26504, 17830/ENG/INI30NBX.E05)**

- 452 RESOLVED on the motion of Councillor Paine seconded by Councillor Allan

That this matter be deferred until further consultation with staff from North Richmond Neighbourhood Centre.

- 35: Un-named Public Road, Upper Colo - Naming Proposal (79346/ENG/INI30NBX.E02)**

- 453 RESOLVED on the motion of Councillor Sheather seconded by Councillor Rasmussen

That public comment be sought regarding naming of the presently un-named public road extending from Colo Heights Road to the Colo River, as Hulbert Road.

- 36: Australiana Pioneer Village - Heritage Listing (23267, 80175/ENG/INI30NBX.E08)**

- 454 RESOLVED on the motion of Councillor Sheather seconded by Councillor Rasmussen

That:

1. The listing of Australiana Pioneer Village (Lot 22, DP829589) on the State Heritage Register be supported and the Heritage Office be advised of the support.
2. Mrs Jan Barklay-Jack be thanked for her support in relation to this matter.

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**37: North Richmond Mainstreet Committee - Public Toilets
(82907/ENG/INI30NBX.E09)**

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

That:

1. Subject to satisfactory negotiations with the owner / managing agent of the property regarding agreement to access and individual responsibilities of the parties concerned, Council agree to undertake the cleaning of the toilets adjacent to Bi-Lo on a once per day basis.
2. The additional information be received.

38: Capital Assistance Program (78139/ENG/INI30NBX.E06)

431 RESOLVED by the Committee exercising its delegation as Committee of the Whole on the motion of Councillor Paine seconded by Councillor Rasmussen

That the application, as listed, be supported:

1. Windsor Bowling Club - upgrade of Automatic Watering System.
2. The Sydney Showjumping Club Inc. - upgrade of Amenities and Caretakers Block.

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

That the additional information be received.

39: Cabbage Tree Road, Grose Vale (79344/ENG/INI30NBX.E04)

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

That:

1. The provision of a pedestrian access between Grose Vale Road and the Bush Fire Shed along the alignment of the unformed road not proceed.

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2. The \$12,000.00 (twelve thousand dollars) allocated for the provision of a pedestrian access be reallocated towards widening the eastern road shoulder of Cabbage Tree Road between Grose Vale Road and the private access road including line marking and guide posts.

Organisation and Resources

75: Monthly Financial Report - August 2003 (GF011/005/FNC/OGI30NAX.F05)

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

**76: Outstanding Receivables - Arrears of Rates and Charges 2002/2003
(107/FNC/OGI30NAX.F10)**

459 RESOLVED on the motion of Councillor Sheather seconded by Councillor Rasmussen
That:

1. The report on the outstanding receivables and arrears of Rates and Charges for 2002/2003 be received.
2. Rates and Charges totalling \$35,131.74 (thirty five thousand, one hundred and thirty one dollars and seventy four cents) be abandoned against the 2002/2003 rating year in accordance with the Local Government Act, 1993
3. The abandonment of other receivables totalling \$2,384.50 (two thousand, three hundred and eighty four dollars and fifty cents) under delegated authority to the Responsible Accounting Officer be noted.
4. Other receivables totalling \$2,008.50 (two thousand and eight dollars and fifty cents) requiring a resolution of Council be written off in accordance with the Local Government (Financial Management) Regulation, 1993.

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77: Social Plan Regulation - Required Documentation (79341, 80231/CSV/OGI30NBX.C12)

432 RESOLVED by the Committee exercising its delegation as Committee of the Whole on the motion of Councillor Allan seconded by Councillor Woods

That:

1. Council receive the Hawkesbury Social Plan 2003-2004 and the plan be placed on public exhibition for a period of 28 days to provide the opportunity for residents and community groups to comment on the plan.
2. Council receive and release the Hawkesbury Social Atlas 2003

78: Richmond Golf Club Funding Request (38630/CSV/OGI30NBX.C07)

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

That:

1. A further report be provided to the General Purpose Committee meeting including details of a quotation for the construction of the brick fence.
2. The report to include revisiting the long term lease arrangements with the Richmond Golf Club.

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

That guidelines be developed for setting out a criteria to community groups and clubs who decide to make application to Council for an interest free loan.

79: Request to hold Twilight Markets (107/CSV/OGI30NBX.C11)

433 RESOLVED by the Committee exercising its delegation as Committee of the Whole on the motion of Councillor Sheather seconded by Councillor Paine

That:

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1. Windsor Mall Craft Group Incorporated be advised that Council will provide a mail out to the shop keepers in the Windsor Mall area asking for their feedback as to whether they have any objections to the holding of the twilight markets on Saturday, 29 November and Friday, 12 December, 2003 between the hours of 4.00pm to 9.00pm.
2. The results of the mail out be reported back to the October GPC meeting.

80: Rural Fire Service Estimates 2004-2005 (GF004/001 Pt 2/CSV/OGI30NBX.C09)

- 434 RESOLVED by the Committee exercising its delegation as Committee of the Whole on the motion of Councillor Conolly seconded by Councillor Rasmussen

That the Rural Fire Service be advised of Councils decision for approval relating to the estimates for 2004/05 of \$948,786 (nine hundred and forty eight thousand, seven hundred and eighty six dollars).

**81: Dedication Land for Road Purposes - 21 Johnston Street, Windsor
(30781/CSV/OGI30NBX.C01)**

- 462 RESOLVED on the motion of Councillor Sheather seconded by Councillor Rasmussen

That this item be deferred to the next General Purpose Committee meeting

**82: Hawkesbury City Council -v- Elf Farm Supplies Pty Ltd and Ors - Conduct of
Mr Neville Diamond (39192, 79347/EVD/OGI30NBX.V08)**

Councillor Paine declared an interest as her son-in-law is employed by the Tolson Group and left the Chamber.

- 463 RESOLVED on the motion of Councillor Sheather seconded by Councillor Rasmussen

That:

1. (a) Mr Diamond be restricted to a 1 (one) hour interview with Council's Public Officer or representative per week with an appointment being made at a

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reasonable time prior to his arrival.

- (b) Any such limitations cannot impede the statutory rights of the public to information (e.g. under the Freedom of Information Act, the Local Government Act or the Environmental Planning and Assessment Act.), this communication be in writing only and be made with the Public Officer.
- 2. This determination is reviewable after 6 (six) months by the General Manager and, if refused, referred to Council.
- 3. All communications to and from Mr Diamond be in writing.

83: National Water Initiative (82029/CSV/OGI30NCX.C06)

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

That:

- 1. The information be received.
- 2. Council write to the Deputy Prime Minister congratulating him on the initiative and proposed funding put forward also directing his attention to the Hawkesbury/Nepean River System.

84: Proposed Federal Governments Plan to cut Funding to the University of Western Sydney (935/CSV/OGI30NCX.C13)

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

That:

- 1. The information be received.
- 2. Hawkesbury City Council supports the continuation and expansion of UWS in Western Sydney to ensure a viable population and funding for Hawkesbury Campus.

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3. Council continues to engage in discussions with the University of Western Sydney and the Federal members, Kerry Bartlett and Jackie Kelly to ensure the viability of the Hawkesbury Campus.

85: Proposed Sub-Licence - Shop 5 Glossodia Shopping Centre (79900, 38869/CSV/OGI30LBX.C14)

- 435 RESOLVED by the Committee exercising its delegation as Committee of the Whole on the motion of Councillor Rasmussen seconded by Councillor Finch

That:

1. Council consent to the sub licence between Mr Andrew Ball and Community ATM Pty Limited for the installation of an Automatic Teller Machine in the window of Shop 5 Glossodia Shopping Centre.
2. All documents be executed under the Common Seal of Council.

SECTION 4 - REPORTS FOR DETERMINATION

162: General Purpose Financial Report and Special Purpose Financial Report for 2002/2003 (GF001/001 PT3, GF001/007 PT1/FNC/ORJ14NAX.F06)

- 466 RESOLVED on the motion of Councillor Rasmussen seconded by Councillor Sheather

That the Statement in the approved form on the General Purpose Financial Report and the Special Purpose Financial Report for the period ended 30 June 2003 be endorsed in accordance with Section 413(2) of the Local Government Act 1993 (as amended) and the Local Government Code of Accounting Practice and Financial Reporting.

163: Bicycle Federation of Australia Conference: Cycling and Travel Behaviour Change (80109/ORJ14NAX.G07)

- 467 RESOLVED on the motion of Councillor Paine seconded by Councillor Allan

That Council supports the attendance of Councillor Joan Woods, who is Council's

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representative on the Bicycle Steering Committee, at the “Connecting Cycling” conference in Canberra over the period 20 to 22 November 2003 at an estimated cost of \$1,100 (one thousand one hundred dollars).

164: Airports & Aviation Outlook Conference 2003 (80106/ORJ14NAX.G11)

Councillor Rasmussen declared an interest as he has been nominated to attend the conference and left the Chamber.

468 RESOLVED on the motion of Councillor Paine seconded by Councillor Finch

That Council approve attendance by Councillor Paul Rasmussen at the Airports and Aviation Outlook 2003 Conference in Canberra from 17 to 21 November 2003.

165: Pecuniary Interest Ordinary Returns & Register (80095, 80093, 80096, 74236, 74399, 74344, 80104, 80106, 80107, 80108, 80105, 80109/ORJ14NAX.G13)

469 RESOLVED on the motion of Councillor Paine seconded by Councillor Allan

That the information be received.

166: Empowerment of Hawkesbury City Council to serve penalty notices for breach of Level 1 Mandatory Water Restrictions (79351/EVD/ORJ14NAX.V03)

470 RESOLVED on the motion of Councillor Finch seconded by Councillor Rasmussen

That as empowered by the Minister for Energy and Utilities for the purposes of Section 50 of the Sydney Water Act 1994 and limited to offences against Clause 17(3) of the Sydney Water Regulation 2000, the General Manager be delegated the power to issue penalty notices for breaches of Level 1 Mandatory Water Restrictions as published in the Government Gazette on 30 September 2003, effective from 1 November 2003.

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**167: Hawkesbury Development Control Plan and Local Heritage Manual
(79347/EVD/ORJ14NAX.V02)**

471 RESOLVED on the motion of Councillor Finch seconded by Councillor Rasmussen

That the proposed stand alone heritage section, suitable for inclusion in the Hawkesbury Development Control Plan, general heritage provisions suitable for embedding into the Hawkesbury Development Control Plan, and a Local Heritage Manual, be funded from Council's Heritage Reserve.

**168: Lease of Shop 3, Hobartville Shopping Centre
(GC283/007/CSV/ORJ14NBX.C18)**

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

That:

1. The premises be leased to Ms Sandy Chau for an annual rental of \$6,000 (six thousand dollars), plus 8.77% (eight point seven seven percent) of centre outgoings.
2. Ms Chau be allowed a rent-free period of 2 (two) months for the fit-out of the premises and promotion of the business.
3. The Common Seal of Council be affixed to all necessary documents.

**169: Hawkesbury Cricket Club Incorporated Request for Funding
(77877/CSV/ORJ14NBX.C08)**

473 RESOLVED on the motion of Councillor Rasmussen seconded by Councillor Finch

That:

1. The Hawkesbury Sports Council Incorporated be asked to review its priorities for the 2003/2004 financial year, enabling the Sports Council to contribute towards the matching offer with the Richmond Club Limited on a dollar for dollar basis towards the Hawkesbury Cricket Club Incorporated's capital equipment needs.

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2. The Richmond Club Limited be advised that subject to the Sports Council reallocation of funds, their offer to match funds for the Hawkesbury Cricket Club Incorporated on a dollar for dollar basis to the total of 50% (fifty percent) of the total cost of the repairs / replacement of the capital equipment, as stated in the Cricket Club's request, be accepted.

170: Celebrations and Ceremonies / Awards (3996, 736/CSV/ORJ14NBX.C05)

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

That:

1. The information be noted and the proposed Hawkesbury District Sports and Community Medals be implemented.
2. Council appoint 1 (one) Councillor and one staff member as representatives on the proposed Hawkesbury District Sports and Community Medal Selection Committee.
3. Councillor Finch was elected as a representative. Councillor Sheather was elected as an alternative.

171: Tenders for the Maintenance of Gravel Roads in the St Albans District (79344/ORJ14NBX.E10)

Councillor Williams declared an interest as his brother works for one of the tendering companies and left the Chamber.

475 RESOLVED on the motion of Councillor Gilling seconded by Councillor Paine

That:

1. The tender submitted by J&M Landfill for the maintenance of gravel roads in the St Albans district be accepted.
2. The Common Seal of Council be affixed to any contract documentation.

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172: Design, Construction Management and Commissioning of a Cogeneration Project at the Proposed Library / Art Gallery - 300 George Street, Windsor, No. 003/FY04 (79338/ENG/ORJ14NBX.E17)

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

That the Tender of MPI Projects Pty Ltd, 2/33 Ryde Road, Pymble 2073 for the Design, Construction Management & Commissioning of a Cogeneration Project at the proposed Library/Art Gallery, 300 George Street, Windsor for the sum of \$135,000 (one hundred and thirty five thousand dollars) (Excluding GST), be accepted and the necessary documents be executed under Seal of Council.

173: Reconstruction and Bitumen Sealing Works on St Albans Road Tender (79344/ENG/ORJ14NBX.E04)

Councillor Williams declared an interest as his brother works for one of the tendering companies and left the Chamber.

477 RESOLVED on the motion of Councillor Paine seconded by Councillor Gilling

That:

1. The tender submitted by MJ & MD Skinner in the amount of \$240,340.10 (two hundred and forty thousand, three hundred and forty dollars and ten cents) for the reconstruction of St Albans Road be accepted.
2. The Seal of Council be affixed to any contract documentation.

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174: Schedule of Rates Tenders for Bitumen Sealing and Resealing of Various Roads Within the City of Hawkesbury (79344/ORJ14NBX.E09)

478 RESOLVED on the motion of Councillor Rasmussen seconded by Councillor Finch

That:

1. The tender submitted by Sami Pty Ltd for the bitumen sealing and resealing of various roads within the City of Hawkesbury be accepted.
2. The Common Seal of Council be affixed to any contract documentation.

175: Review of Determination Under Section 82A of the Environmental Planning and Assessment Act 1979 - Lot 1 DP 102807, 34 Chaseling Road, Wisemans Ferry (DA1023/02,21107/EVD/ORJ14NBX.V19)

This item was dealt with in conjunction with Item 66, Ordinary Agenda, Report of the General Purpose Committee section

176: Lot 17 DP1001796 No 7 Kallawatta Grove, McGraths Hill (MA2031/99/EVD/ORJ14NBX.V15)

479 RESOLVED on the motion of Councillor Finch seconded by Councillor Rasmussen

That any Section 149 Certificate issued on the property, Lot 17 DP 1001796 No.7 Kallawatta Grove, McGraths Hill, include a notation advising that the dwelling has not been constructed with a flood level as required by Condition 11 of the Development Consent 2031/99.

177: Vegetation Plan for Control of Noxious Weeds (79347/EVD/ORJ14NBX.V14)

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

That the noxious weed condition as outlined in the report be included in all relevant development consents.

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**178: Tender for Rehabilitation Works Blaxlands Ridge Maturation Ponds - Stage 1
(007/FY04/EVD/ORJ14NBX.V12)**

481 RESOLVED on the motion of Councillor Rasmussen seconded by Councillor Williams

That the tender submitted by Hugh Patterson trading as the Good Bush People Pty Ltd for the rehabilitation and associated works at the Blaxlands Ridge Maturation Ponds in accordance with the tender submitted by that company, for the sum of \$133,500 (one hundred and thirty three thousand, five hundred dollars), be accepted.

SECTION 5 - REPORTS FOR INFORMATION

**179: Reports Requested by Council - Status as at 14 October 2003 (GC280/005
Pt4/GMA/ORJ14NCX.G01)**

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

That the information be received.

**180: Farming Small Areas Expo November 14 and 15, 2003 (79567,
14632/CSV/ORJ14NCX.C20)**

483 RESOLVED on the motion of Councillor Paine seconded by Councillor Allan

That the information be received.

181: McQuade Park Oval Picket Fence (79354, 107/ENG/ORJ14NCX.E21)

484 RESOLVED on the motion of Councillor Paine seconded by Councillor Allan

That the information be received.

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182: Ferry Interruption Report - September 2003 (79338/ENG/ORJ14NCX.E16)

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

SECTION 6 - REPORTS FOR COMMITTEES

Local Traffic Committee - 12 September 2003

486 RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Calvert
that the Minutes of the Local Traffic Committee meeting held on 12 September 2003 as
recorded on Pages 81 to 89 be adopted.

Hawkesbury Equity and Access Planning Committee - 17 September 2003

487 RESOLVED on the motion of Councillor Paine and seconded by Councillor Rasmussen
that the Minutes of the Hawkesbury Equity and Access Planning Committee meeting held
on 17 September 2003 as recorded on Pages 90 to 96 be received.

Pitt Town Advisory Committee - 20 August 2003

488 RESOLVED on the motion of Councillor Calvert and seconded by Councillor Sheather that
the Minutes of the Pitt Town Advisory Committee meeting held on 20 August 2003 as
recorded on Pages 13 to 17 be received.

Pitt Town Advisory Committee - 3 September 2003

489 RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Sheather
that the Minutes of the Pitt Town Advisory Committee meeting held on 3 September 2003
as recorded on Pages 18 to 20 be received.

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SUPPLEMENTARY REPORTS

183: Lot 19, DP207834, No. 42 Grose Vale Road, North Richmond - Additional Information (DA0357/03/EVD/ORJ14LCX.V22)

This item was dealt with in conjunction with Item 62, Ordinary Agenda, Reports of the General Purpose Committee section

QUESTIONS WITHOUT NOTICE

1. Councillor Rasmussen referred to the Yarramundi Bridge and the response received from the Director Asset Services & Recreation in which it was advised that an environmental assessment had been conducted. Councillor Rasmussen advised that he had requested clarification of an EIS study.

Director Asset Services & Recreation advised that an EIS was not required, a review of the environmental factors was undertaken.

2. Councillor Rasmussen referred to the Pitt Town Advisory Committee and asked if there was a special meeting going to be held.

The Mayor advised that the Special Meeting was not needed as it was only needed to report any potential variation from the original recommendation.

3. Councillor Rasmussen referred to the Terms of Reference for the Regional Art Gallery and library in reference to the recruitment of the Board of Management for the new regional art gallery and asked if Council had approved the terms of reference.

Director Asset Services & Recreation advised the matter would be investigated as, to his knowledge, the report had not been received as yet.

The Mayor advised that Council did establish a number of committees to oversee the establishment of those processes.

The Director Community & Corporate Services advised the report to Council regarding the set up of Committees was to establish the Terms of Reference has occurred and advised that they have not been reported back to Council at this stage.

Councillor Rasmussen requested that the Terms of Reference be reported to a

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General Purpose Committee meeting so the community can come along and have their say.

4. Councillor Rasmussen enquired if Council was in the Land and Environment Court against Mr P Comitos.

The General Manager advised that a matter was in the Land and Environment Court, but negotiations were taking place with a view to coming to a commercial arrangement. The owner is willing to enter discussion to reach an agreement, but no outcome to date.

5. Councillor Rasmussen requested an update on the Mr Baricevic matter.

The Director Community & Corporate Services advised that Council had passed a resolution in relation to this matter, but the matter is to be further taken up voluntarily with the Ombudsman's office.

The meeting terminated at 10.13pm.

Submitted to and confirmed at the meeting of Council on 4 November 2003.

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Mayor