



Hawkesbury City Council

ordinary meeting minutes

date of meeting: 26 July 2005

location: council chambers

time: 5:00 p.m.

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 26 July 2005, commencing at 5:00pm.

Pastor Ralph Parnwell from River of Life Church, Richmond, representing the Hawkesbury Minister's Association, gave the opening prayer at the commencement of the meeting.

ATTENDANCE

PRESENT: Councillor B Bassett, Mayor, Councillor D Finch, Deputy Mayor and Councillors T Books, B Calvert, K Conolly, T Devine, C Paine, B Porter, P Rasmussen, R Stubbs, N Wearne and L Williams

Councillor Calvert arrived at the meeting at 5:10pm

SECTION 1: Confirmation of Minutes

316 RESOLUTION:

RESOLVED on the motion of Councillor Finch and seconded by Councillor Rasmussen that the Minutes of the Ordinary Meeting held on the 12 July 2005, be confirmed with it being noted that Question 12 from within the Questions Without Notice asked by Councillor L Williams was in respect of Hobartville and not Oakville as indicated.

SECTION 3 - Notices of Motion

NM - Direct Web-Casting of Council Meetings - (80106, 96335)

Ms Kim Smith and Ms Marie Warby, proponents, addressed the Committee.
Mr Nathan Zamprogno, respondent, addressed the Committee.

MOTION:

A MOTION was moved by Councillor Rasmussen, seconded by Councillor Williams

That Council:

1. Investigate the feasibility of direct web-casting Council meetings with an aim of introducing this service for residents at the earliest opportunity.
2. Investigate the feasibility of placing video files obtained from recording and direct web-casting of Council meetings on the Council web site.
3. Place audio recordings of Council meetings on Council's web site in MP3 format.

An AMENDMENT was moved by Councillor Conolly, seconded by Councillor Stubbs.

Refer to RESOLUTION

The amendment was carried.

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

317 RESOLUTION:

RESOLVED on the motion moved by Councillor Conolly, seconded by Councillor Stubbs.

That Council:

1. Investigate the feasibility of placing video files obtained from recording and direct web-casting of Council meetings on the Council web site.
2. Investigate placing audio recordings of Council meetings on Council's web site in MP3 format.

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SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 222 **GM - Australian Congress for New Urbanism (ACNU) Conference on 4-6 August, 2005 and the Going Public, A Conference for Women in the Public Sector and Politics on 15-16 September, 2005 - (79531)**

MOTION:

RESOLVED on the motion of Councillor Stubbs, seconded by Councillor Calvert.

Refer to RESOLUTION

318 RESOLUTION:

RESOLVED on the motion of Councillor Stubbs, seconded by Councillor Calvert

That:

1. Attendance of nominated Councillors, at the Australian Congress for New Urbanism (ACNU) in Redfern, Sydney on 4 - 6 August 2005, at a cost of \$775.00 for registration, plus incidentals for parking and tolls per delegate be considered.
2. That attendance of nominated Councillors, at the Going Public - A Conference for Women in the Public Sector and Politics on 15 - 16 September 2005 in Sydney at a cost of \$979.00 plus incidentals per delegate be considered.

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CITY PLANNING

Item: 223 CP - Social Infrastructure Support Policy - (96737, 95498)

MOTION:

RESOLVED on the motion of Councillor Stubbs, seconded by Councillor Calvert.

Refer to RESOLUTION

319 RESOLUTION:

RESOLVED on the motion of Councillor Stubbs, seconded by Councillor Calvert

That the following Social Infrastructure Support Policy position be adopted:

- a. Hawkesbury City Council will support a range of services and provide infrastructure to support the needs of children, young people, older people, people with disabilities, women, Aboriginal Australians, people from diverse cultural and social backgrounds, and the general community.
- b. Hawkesbury City Council will use its connections with the local area, expertise in governance and leadership, and knowledge of local needs and issues to respond to the social infrastructure needs of its communities.
- c. Hawkesbury City Council will provide (or advocate for the provision of), the necessary social infrastructure to support and strengthen local communities, enhance quality of life and liveability, and ensure equity of access to services for all of its residents.

Item: 224 CP - Policy Register Review - (95498)

MOTION:

RESOLVED on the motion of Councillor Stubbs, seconded by Councillor Rasmussen.

Refer to RESOLUTION

320 RESOLUTION:

RESOLVED on the motion of Councillor Stubbs, seconded by Councillor Rasmussen

That the Council Policy Register be reviewed to contain only matters relating to Council's position or strategic direction on a particular matter or interim matters, pending inclusion in Council's Local Environmental Plan, and Development Control Plan.

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Item: 225 **CP - Changes to Developer (Section 94) Contributions System - (95498)**

MOTION:

RESOLVED on the motion of Councillor Stubbs, seconded by Councillor Calvert.

Refer to RESOLUTION

321 RESOLUTION:

RESOLVED on the motion of Councillor Stubbs, seconded by Councillor Calvert

That in light of Council's current review of the Section 94 Contributions Plan, further investigation be undertaken with regard to the flexibility in collection, and expenditure of developer contributions offered by these recent changes to the Section 94 system, and be reported to Council in due course.

Item: 226 **CP - The Hawkesbury Local Environmental Plan, The Hawkesbury Development Control Plan and Shop-Top Housing - (95498)**

Previous Item: 59, Ordinary (8 March 2005)

MOTION:

RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Finch.

Refer to RESOLUTION

322 RESOLUTION:

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

That:

A) The Hawkesbury Development Control Plan be amended, as outlined below:

1. The reference in the Parking Chapter to dispensation to Shop-Top Housing be removed. A reference made instead to a new chapter on commercial development.
2. The definition of Shop-Top Housing be prepared and included in Appendix A. This definition will state that Shop-Top Housing is a form of residential flat building where the entire ground floor is devoted to commercial development, and that the second floor should be so designed as to allow its conversion to commercial development, should it be required; this may require a slightly higher minimum ceiling height.
3. The table dealing with height in the Residential Chapter, the reference to 'walk-up flats' be removed and replaced with 'residential flat building.' A cross reference be made within this chapter, to Shop-Top Housing to the Commercial Chapter.
4. A new chapter on Commercial Development be produced; this chapter to include such things as:

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- a. Parking requirements for commercial development, and Shop-Top Housing.
 - b. The height of commercial buildings, particularly Shop-Top Housing developments in commercial zones. This height may be governed by a policy on shadows projected from these buildings, so that shadows should not protrude onto adjacent residential land between the hours of 9:00am - 3:00pm; nor should they protrude into the second floor development, where that second floor development is used for residential development on adjacent buildings. Diagrams be prepared to illustrate how these controls will work.
 - c. Barrier-free access be supplied to all residential components of these buildings, and diagrams supplied as to how this may be achieved to meet Council's goal.
 - d. Private Open Space provisions related to SEPP 65, will be enforced for these types of development.
 - e. Shop-top housing development comply with the ANEF noise contour requirements as determined in the Edward -v- HCC Case in the Land and Environment Court on 30 November 2004.
- B) Council continue negotiations with the Department for an extended deadline for the preparation of the new Local Environmental Plan for the City.

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COMMERCIAL STRATEGY

Item: 227 CS - Business Plan of E-Commerce/Markets Advisory Committee - (91367)

MOTION:

RESOLVED on the motion of Councillor Stubbs, seconded by Councillor Calvert.

Refer to RESOLUTION

323 RESOLUTION:

RESOLVED on the motion of Councillor Stubbs, seconded by Councillor Calvert

That the information be received.

EXTERNAL SERVICES

Item: 228 ES B - Development Application DA0903/04 - Menalie Pty Limited, 481 Creek Ridge Rd - (39189)

Ms Glynis Cox, Mr Warren Norman and Ms Jackie Verzi, respondents, addressed the Committee.

MOTION:

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Books.

Refer to RESOLUTION

324 RESOLUTION:

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Books

That the application for 4.5 megalitre dam to be approved subject to the conditions in the attached consent:

General

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. The approved use shall not commence until all conditions of this Development Consent have been complied with.
3. The development shall comply with the Environmental Planning and Assessment Act, 1979 at all times.

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4. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.

General Terms of Approval - DIPNR

5. The applicant shall not allow any tail water drainage to discharge into or onto
 - Any adjoining public or crown land;
 - Any other persons land;
 - Any Crown land;
 - Any river, creek or watercourse;
 - Any groundwater aquifer;
 - Any area of native vegetation as described in Native Vegetation Conservation Act 1997;
 - Any wetlands of environmental significance.
6. Works used for the purpose of conveying, distributing or storing water taken by means of the authorised work shall not be constructed or installed so as to obstruct the reasonable passage of floodwaters flowing into or from the river.
7. Works used for the purpose of conveying, distributing or storing water taken by means of the authorised work shall not be constructed or installed so as to obstruct the reasonable passage of floodwaters other than water to be impounded or obstructed.
8. The pumping and ancillary equipment and pump site shall be at all times properly secured and/or sealed so as to prevent any leakage of petroleum based products and/or noxious material from entering any river or lake.
9. The existing profile of the channel and bank of any watercourse or drainage depression must not be disturbed any more than is necessary in order to site and maintain the authorised work. Any area that is disturbed when carrying out such work shall be stabilised and maintained by vegetation cover, stone pitching or any other approved material as directed and to the Department's satisfaction so as to prevent the occurrence of erosion.
10. The location of the dam as shown on a plan retained in the office of the Department of Infrastructure Planning and Natural Resources (DIPNR) shall not be altered.
11. The work shall be constructed and maintained in such a manner as will ensure its safety and as will preclude the possibility of damage being occasioned by it, or resulting from it, to any public or private interest.
12. Where any internal combustion powered work is used for the purpose of diverting water, the power unit and any associated fuel storage shall be located outside any watercourse or drainage depression and a bunding wall of hay bales or other approved material shall be installed around the pumping plant to avoid contamination of any river or lake through spills or leaks of oils, fuels or greases.
13. The holder of the license shall, within three months of being called upon by Department of Infrastructure Planning and Natural Resources, install to the satisfaction of the department in respect of location, form, type and construction, an appliance or appliances for the measurement of the quality of water diverted or taken by means of the licensed work and shall continuously maintain such appliance or appliances in good working order and condition and shall, after the installation of such appliances, record the measurements of all water diverted or taken by means of the licensed work and supply particulars of such measurement to the Department at such intervals as shall be directed by the Department. Whenever called upon to do so a current test certificate, furnished either by the manufacturer concerned or by some person or authority duly qualified, shall be supplied by the holder of the licence as to the accuracy of the appliance or appliances.

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14. Water extracted by means of the licensed work shall not be used for the irrigation of grasses or pastures, which are not sown grasses, or improved pastures.
15. Any drainage channels or cross banks associated with the authorised diversion work or access roads, to or from that work, shall have installed and maintained a bunding wall of hay bales or other approved material, to prevent siltation due to the authorised diversion work of access roads from reaching any river or lake.
16. A pipe with a diameter of not less than 50mm, fitted with a stop valve or other control devices shall be constructed through the dam to the satisfaction of the Department. All inflow and outflow drainage lines shall be maintained with sufficient vegetation to ensure optimum quality entering the dam.
17. The building erected to house the water pump at the dam site shall be made of such material and in such a manner as to effectively suppress all noise emanating from the operations of the water pump. Such building will be constructed and soundproofed and maintained in good order and condition to the satisfaction of the Department of Infrastructure Planning and Natural Resources.
18. All existing vegetation shall be retained along the drainage line both above and below the dam.
19. The applicant shall not remove any vegetation within Lot 4502/1006929 except those trees that are directly associated with the construction of the subject dam.
20. The applicant will be required to demonstrate prior to issue of a surface water licence that the methods used in construction of the dam will minimise the impact of salinity on and off the site.
21. Licence Application shall be made on the prescribed form and, where appropriate, be accompanied by the prescribed deposit as security for the cost of investigation and inquiry into the application. It is anticipated that a fee would apply to any licence if and when issued.

Licences under Part 2 of the Water Act generally fall due for renewal every five years and will be subject to administrative charges as determined from time to time by the Independent Pricing and Review Tribunal (IPART).

Prior to Issue of Construction Certificate

22. Construction of the dam works are not to commence until three (3) copies of the plans and specifications of the proposed works are to be submitted to and approved by the Director of External Services or an Accredited Certifier.
23. Payment of a Construction Certificate checking fee of \$255.20 and a Compliance Certificate Inspection fee of \$255.12 for the works, when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2006. Fees required if an Accredited Certifier is used will be provided on request.
24. An Environmental Management and Rehabilitation Plan for the development site shall be prepared by an appropriately qualified person. The Plan shall address (without being limited to) the clearing of vegetation, lopping and removal of trees, earthworks, erosion control, site rehabilitation and landscaping.
25. All site works shall be carried out in accordance with the Plan. Implementation of the Plan shall be supervised by an appropriately qualified person.

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COUNCIL CONDITIONS

Prior to Commencement of Works

26. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction. The enclosed warning sign shall be affixed to the sediment fence/erosion control device.
27. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.
28. Submission of documentary evidence that a Water Licence has been issued by the Department of Infrastructure Planning and Natural Resources.
29. The name and licence number of the contractor/builder who has been contracted to do or intends to do the work must be submitted to Council in writing by the owner.
30. Details of the manufacturer's specifications for the pump, demonstrating compliance with the relevant Australian Standard must be submitted to Council.

During Construction

31. Landscaping is to be carried out in accordance with the approved landscaping plan prepared by Rodney Cox and Associates, Drawing No. RMC3017A dated 30/03/01.
32. The dam shall be constructed in accordance with the Dam Construction chapter of Hawkesbury Development Control Plan.
33. The topsoil shall be stripped and stockpiled and used to cover the dam wall.
34. The dam wall shall be grassed immediately after filling takes place.
35. The dam wall to be adequately compacted by track rolling or similar in layers not exceeding 300mm.
36. A bund wall shall be provided around the site in order to help direct runoff away from the disturbed excavation/landfill areas. Design details are to be submitted to and approved by Council.
37. No excavated material, including soil, shall be removed from the site.
38. Dust control measures, eg vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
39. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
40. Care is to be undertaken when excavating not to intercept groundwater. If groundwater is discovered then excavation works are to cease immediately and the Principal Certifier is to be notified.
41. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
42. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am – 6pm and on Saturdays between 8am – 4pm.
43. Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with the approved plan and Hawkesbury Development Control Plan chapter on Soil Erosion and Sedimentation.

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44. The structural adequacy of the dam and spillway capacity is to be certified by a suitably qualified and experienced engineer.
45. A works as executed plan shall be submitted to Council on completion of works. The plan shall include the location of the constructed dam in relation to property boundaries

Use of the Site

46. 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) LA(eq) above background noise levels with respect to noise amenity of residential dwellings.
47. The spillway is not to concentrate flow onto the toe of the dam wall or onto the adjoining property.
48. Water-flows through the dam spillway must leave the property in the same place that they did before the dam was built.
49. Dust control measures, e.g. water shall be applied to reduce surface and airborne movement of sediment blown from exposed areas. The development shall be conducted in such a manner so as not to interfere with the amenity of the neighbourhood in respect to noise, vibration, odour, dust, wastewater, waste products or otherwise.

Advisory Notes

Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.

Should any aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.

The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed subdivision. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.

Item: 229 ES - Animal Control - Companion Animals Act - (95494, 39906)

MOTION:

RESOLVED on the motion of Councillor Finch, seconded by Councillor Rasmussen.

Refer to RESOLUTION

325 RESOLUTION:

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

That:

1. A Companion Animals Community Education Working Party be established to develop a draft *Companion Animal Strategy* for consideration by Council.

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2. The objectives, role and membership of the Companion Animals Community Education Working Party, as outlined in the proposed Constitution, be endorsed.
3. The General Manager write to Baulkham Hills Shire and Penrith City Councils inviting nominations for appropriate representatives to sit on the Working Party.

326 RESOLUTION:

RESOLVED on the motion of Councillor Finch, seconded by Councillor Rasmussen.

That Councillor Stubbs be the elected representative on the Companion Animals Community Education Working Party.

Item: 230 **ES - Management of Landfilling Operations at Hawkesbury City's Waste Management Facility - (95494, 79348)**

Previous Item: 45, Ordinary (22 February 2005)

MOTION:

RESOLVED on the motion of Councillor Devine, seconded by Councillor Porter.

Refer to RESOLUTION

327 RESOLUTION:

RESOLVED on the motion of Councillor Devine, seconded by Councillor Porter

That:

1. The purchase of the new waste collection vehicle be delayed by twelve months, and the funds allocated for this purchase be used to purchase, or long term lease, plant and equipment, for the waste landfill operations.
2. An analysis be undertaken of purchase versus long term lease of plant and equipment, to ascertain the most cost effective method of procuring such equipment.
3. Once the analysis has been completed, tenders be called for the supply of plant and equipment for the landfill operations, and the results of the tender process be reported to Council for consideration.
4. The termination of the contract with Thiess Services, for operation and management of the waste landfill facility of Council be endorsed.

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Item: 231 **ES - Dam, Lot 490 DP 751665 Vol 12257 Fol 51, 32 Argents Road, Wilberforce, NSW 2756 - (DA1252/03, 79347, 13552, 13551)**

Mr Garry Ryan, proponent, addressed the Committee.
Ms Judith Sanders, respondent, addressed the Committee.

MOTION:

RESOLVED on the motion of Councillor Books, seconded by Councillor Porter.

Refer to RESOLUTION

328 RESOLUTION:

RESOLVED on the motion of Councillor Books, seconded by Councillor Porter

That the application for 19.6 megalitre dam and associated tree removal be approved subject to the conditions in the attached consent:

General

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. The approved use shall not commence until all conditions of this Development Consent have been complied with.
3. The development shall comply with the Environmental Planning and Assessment Act, 1979 at all times.

General Terms of Approval - DIPNR

4. The applicant shall not allow any tail water drainage to discharge into or onto
 - Any adjoining public or crown land;
 - Any other persons land;
 - Any Crown land;
 - Any river, creek or watercourse;
 - Any groundwater aquifer;
 - Any area of native vegetation as described in Native Vegetation Conservation Act 1997;
 - Any wetlands of environmental significance.
5. Works used for the purpose of conveying, distributing or storing water taken by means of the authorised work shall not be constructed or installed so as to obstruct the reasonable passage of floodwaters flowing into or from the river.
6. Works used for the purpose of conveying, distributing or storing water taken by means of the authorised work shall not be constructed or installed so as to obstruct the reasonable passage of floodwaters other than water to be impounded or obstructed.
7. The pumping and ancillary equipment and pump site shall be at all times properly secured and/or sealed so as to prevent any leakage of petroleum based products and/or noxious material from entering any river or lake.

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8. The existing profile of the channel and bank of any watercourse or drainage depression must not be disturbed any more than is necessary in order to site and maintain the authorised work. Any area that is disturbed when carrying out such work shall be stabilised and maintained by vegetation cover, stone pitching or any other approved material as directed and to the Department's satisfaction so as to prevent the occurrence of erosion.
9. The location of the dam as shown on the plan (03044D02) retained in the office of the Department of Infrastructure Planning and Natural Resources (DIPNR) shall not be altered.
10. The works shall be constructed and maintained in such a manner as will ensure its safety and as will preclude the possibility of damage being occasioned by it, or resulting from it, to any public or private interest.
11. Where any internal combustion powered work is used for the purpose of diverting water, the power unit and any associated fuel storage shall be located outside any watercourse or drainage depression and a bunding wall of hay bales or other approved material shall be installed around the pumping plant to avoid contamination of any river or lake through spills or leaks of oils, fuels or greases.
12. The holder of the license shall, within three months of being called upon by Department of Infrastructure Planning and Natural Resources, install to the satisfaction of the department an appliance for the measurement of the quantity of water diverted or taken by means of the licenced work.
13. Any drainage channels or cross banks associated with the authorised diversion work, or access roads to or from that work, shall have installed and maintained a bunding wall of hay bales or other approved material, to prevent siltation due to the authorised diversion work of access roads from reaching any river or lake.
14. All inflow and outflow drainage lines shall be maintained with sufficient vegetation to ensure optimum quality of water entering the dam.
15. The building erected to house the water pump at the dam site shall be made of such material and in such a manner as to effectively suppress all noise emanating from the operations of the water pump. Such building will be constructed and soundproofed and maintained in good order and condition to the satisfaction of the Department of Infrastructure Planning and Natural Resources.
16. The storage volume of the dam number shall not exceed that given on the drawing (03044D02)

Council Conditions

Prior to Issue of Construction Certificate

17. Construction of the dam works are not to commence until three (3) copies of the plans and specifications of the proposed works are to be submitted to and approved by the Director of External Services or an Accredited Certifier.
18. Payment of a Construction Certificate checking fee of \$255.20 and a Compliance Certificate Inspection fee of \$255.12 for the works, when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2006. Fees required if an Accredited Certifier is used will be provided on request.
19. An Environmental Management and Rehabilitation Plan for the development site shall be prepared by an appropriately qualified person. The Plan shall address (without being limited to) the clearing of vegetation, lopping and removal of trees, earthworks, erosion control, site rehabilitation and landscaping.
20. All site works shall be carried out in accordance with the Plan. Implementation of the Plan shall be supervised by an appropriately qualified person.

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Prior to Commencement of Works

21. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction. The enclosed warning sign shall be affixed to the sediment fence/erosion control device.
22. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.
23. All native trees within the north west corner of the site (an area of approximately 35m x 40m) shall be retained and not disturbed during construction of the dam.
24. The submission of a Vegetation Management Plan for the additional native plantings in the north west corner of the site to compensate for the removal of native vegetation on the site.

The plan is to be prepared by a suitably qualified professional and lodged and approved by Council prior to the issue of the Construction Certificate.
25. Submission of documentary evidence that a Water Licence has been issued by the Department of Infrastructure Planning and Natural Resources.
26. The name and licence number of the contractor/builder who has been contracted to do or intends to do the work must be submitted to Council in writing by the owner.
27. Details of the manufacturer's specifications for the pump, demonstrating compliance with the relevant Australian Standard must be submitted to Council.

During Construction

28. The dam shall be constructed in accordance with the Dam Construction chapter of Hawkesbury Development Control Plan.
29. The topsoil shall be stripped and stockpiled and used to cover the dam wall.
30. The dam wall shall be grassed immediately after filling takes place.
31. The dam wall to be adequately compacted by track rolling or similar in layers not exceeding 300mm.
32. A bund wall shall be provided around the site in order to help direct runoff away from the disturbed excavation/landfill areas. Design details are to be submitted to and approved by Council.
33. No excavated material, including soil, shall be removed from the site.
34. Dust control measures, eg vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
35. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
36. Care is to be undertaken when excavating not to intercept groundwater. If groundwater is discovered then excavation works are to cease immediately and the Principal Certifier is to be notified.
37. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
38. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am – 6pm and on Saturdays between 8am – 4pm.

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39. Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with the approved plan and Hawkesbury Development Control Plan chapter on Soil Erosion and Sedimentation.
40. The structural adequacy of the dam and spillway capacity is to be certified by a suitably qualified and experienced engineer.
41. A works as executed plan shall be submitted to Council on completion of works. The plan shall include the location of the constructed dam in relation to property boundaries

Use of the Site

42. 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) LA(eq) above background noise levels with respect to noise amenity of residential dwellings.
43. The spillway is not to concentrate flow onto the toe of the dam wall or onto the adjoining property.
44. Dust control measures, e.g. water shall be applied to reduce surface and airborne movement of sediment blown from exposed areas. The development shall be conducted in such a manner so as not to interfere with the amenity of the neighbourhood in respect to noise, vibration, odour, dust, wastewater, waste products or otherwise.
45. The by-pass pipe is to be maintained to allow the environmental flow to be maintained at all times by the land owner.

Advisory Notes

Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.

Should any aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.

The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed subdivision. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.

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INFRASTRUCTURE SERVICES

Item: 232 **IS - Windsor Parking Update - (79346, 79338)**

Previous Item: 33, GPC - Infrastructure (23 September 2003)
 33, Ordinary (14 October 2003)

Councillor Paine declared an interest in this matter as she is a part owner of the land, she left the meeting and did not take part in voting or discussion on the matter.

Ms Elizabeth Paine, Mr John Paine and Ms Kim Smith, respondents, addressed the Committee.

MOTION:

A MOTION was moved by Councillor Williams, seconded by Councillor Rasmussen

That:

1. Due to the additional parking which will be provided at the new shopping centre at Hollands Paddock and the current lack of funds for capital works that, no further action in relation to additional parking occur at this stage.
2. The owners of 11 Kable Street be approached in regard to the additional parking on the Terrace.
3. No action be taken with regard to the carpark encroachment until Council decides to proceed with the carpark upgrade.

An AMENDMENT was moved by Councillor Stubbs, seconded by Councillor Finch.

Refer to RESOLUTION

The amendment was carried.

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

329 RESOLUTION:

RESOLVED on the motion of Councillor Stubbs, seconded by Councillor Finch.

That:

1. Due to the additional parking which will be provided at the new shopping centre at Hollands Paddock and the current lack of funds for capital works that, no further action in relation to additional parking occur at this stage.
2. That this matter be further workshopped.

Item: 233 **IS - Street Numbering - Settlers Road, Wisemans Ferry/St Albans - (95495)**

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MOTION:

RESOLVED on the motion of Councillor Paine, seconded by Councillor Wearne.

Refer to RESOLUTION

330 RESOLUTION:

RESOLVED on the motion of Councillor Paine, seconded by Councillor Wearne

That the full length of Settlers Road, Wisemans Ferry to St Albans be renumbered in accordance with Councils rural street numbering procedure.

Item: 234 **IS - Council's Skate Parks at Ham Common and North Richmond Skate Park - (107, 95495)**

Previous Item: 43, Ordinary (12 October 2004)

MOTION:

RESOLVED on the motion of Councillor Finch, seconded by Councillor Books.

Refer to RESOLUTION

331 RESOLUTION:

RESOLVED on the motion of Councillor Finch, seconded by Councillor Books

That:

1. The half pipe skate ramp from North Richmond Community Centre be removed.
2. The feasibility of utilising the metal ramp in another location within the Hawkesbury, such as Kurrajong, be investigated and further reported.
3. Appropriate repairs to the fence and site be carried out once the ramp is removed

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Item: 235 **IS - Fundraising and Proposed Name Change at McLeod Park, South Windsor - (95495, 94429)**

Ms Marie Warby, proponent, addressed the Committee.
Ms Kim Smith, respondent, addressed the Committee.

MOTION:

RESOLVED on the motion of Councillor Paine, seconded by Councillor Stubbs.

Refer to RESOLUTION

332 RESOLUTION:

RESOLVED on the motion of Councillor Paine, seconded by Councillor Stubbs

That:

1. The proposal by the Hawkesbury South Lions Club to conduct fundraising to improve facilities in McLeod Park be supported in principle with appropriate acknowledgement to their contributions.
2. Council negotiate with the Lions Club in relation to erecting a suitable structure to recognise their contribution to McLeod Park.

Item: 236 **IS - Roads to Recovery Program - (95495, 79344)**

MOTION:

RESOLVED on the motion of Councillor Stubbs, seconded by Councillor Books.

Refer to RESOLUTION

333 RESOLUTION:

RESOLVED on the motion of Councillor Stubbs, seconded by Councillor Books

That the roads to recovery Program funding be utilised on the program as listed:

List of Urban Road Sections that require rehabilitation

Year	Road Name	Block Description	Length (km)	Area (sqm)	Est. Cost \$
05/06	Lennox Street Richmond	West Market St to East Market Street	0.272	3101	\$329,198.00
05/06	Lt Bowen Drive Bowen Mountain	Cul-de-sac / Bus Turning Area - Located at the southern end of the road	0.030	450	\$45,000.00

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Year	Road Name	Block Description	Length (km)	Area (sqm)	Est. Cost \$
05/06	Paget Street Richmond	March St to Lennox St	0.183	2288	\$242,224.00
06/07	Church Street South Windsor	Bell St towards the railway	0.120	500	\$22,000.00
06/07	Coburg Road Wilberforce	Ann Pl to Old Sackville Rd	0.294	2530	\$140,690.00
06/07	Gormley Street Freemans Reach	Terrace Rd to cul-de-sac	0.280	1456	\$80,080.00
06/07	Harris Street Windsor	Various Patches (Full Length)		1000	\$65,000.00
06/07	James Meehan St Windsor	Fairey Rd towards Harris St.		650	\$42,250.00
06/07	Stephen Street North Richmond	Intersection of Robert Street	0.040	400	\$22,000.00
07/08	Atkins Cres. Hobartville	Full Length	0.184	1385	\$76,725.00
07/08	Campbell Street North Richmond	Elizabeth St. to William St.	0.172	935	\$51,425.00
07/08	Church Street South Windsor	Ham St. to Rickaby St.		350	\$22,750.00
07/08	Grand Parade Glossodia	Full Length	0.653	4767	\$44,301.00
07/08	Elizabeth Avenue Kurmond	Cul-de-sac	0.025	250	\$25,000.00
07/08	Old Sackville Rd Wilberforce	Coburg Rd to Salters Rd	0.295	2213	\$121,715.00
07/08	Rose Street Wilberforce	West from Wilberforce Rd		400	\$35,700.00
07/08	Wallace Road Vineyard	Full Length		3200	\$187,100.00
07/08	William Street North Richmond	Intersection of Campbell St.	0.023	253	\$15,915.00
08/09	Eather Lane South Windsor	James St. to Campbell St.	0.185	814	\$44,770.00
08/09	Colonial Drive Bligh Park	Colonial Res. Towards Rifle Range Rd		700	\$31,100.00
08/09	George Road Wilberforce	Putty Rd to Castlereagh Rd	0.120	500	\$31,900.00
08/09	Moray Street Richmond	College St. to Teviot St.	0.090	900	\$60,471.00
Total for Urban Roads					\$1,737,314

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List of Rural Road Sections that require rehabilitation

Year	Road Name	Block Description	Length (km)	Area (sqm)	Est. Cost \$
05/06	Old East Kurrajong Rd East Kurrajong	Intersection of East Kurrajong Road	0.040	500	\$27,500.00
05/06	Upper Colo Rd Colo	Wheeny Ck (1 st Bridge from the Putty Rd) replace bridge	0.016	112	\$358,400.00
06/07	Brahma Road North Richmond	Property's No.70 to No.167	0.150	825	\$45,375.00
06/07	Coobah Road East Kurrajong	Bull Ridge Rd towards Hall St.	0.395	2318	\$127,490.00
06/07	Kurmond Road North Richmond	Property's No.826 to No.836	0.105	682	\$37,510.00
06/07	Cornwallis Road Cornwallis	Ch 820 west of Cuppits La. Towards Cornwells La.	0.370	1480	\$81,400.00
07/08	Old Pitt Town Rd Oakville	Boundary Rd towards Hankle Rd	0.180	1260	\$69,300.00
07/08	Whitmore Road Cattai	Greenfield Pl to Pitt Town Dural Rd	0.143	930	\$51,250.00
08/09	Inalls La Richmond	Yarramundi la east towards Drift Rd	0.610	3355	\$184,525.00
08/09	Settlers Road Wisemans Ferry	Ch 840 north of Walmsley Rd towards St. Albans	0.045	293	\$16,115.00
08/09	Stannix Park Rd Wilberforce	Argents rd to Sergeants Rd	0.679	3667	\$97,308.00
08/09	Yarramundi Lane Richmond	Innals La to Crowleys La.	2.168	9783	\$74,349.00
Total for Rural roads					\$1,170,522.00
Approximate Limit of Funds					
	Leila Avenue Freemans Reach	Full Length	0.275	1650	\$90,750.00
	Kurmond Road North Richmond	Property No.950 to Crooked La	1.823	10938	\$62,814.00
	Cornwallis Road Cornwallis	From Greenway Crescent	0.660	3960	\$217,800.00

ORDINARY MEETING

Meeting Date: 26 July 2005

SUPPORT SERVICES

Item: 237 SS - Monthly Investment Report - June 2005 - (79349)

MOTION:

RESOLVED on the motion of Councillor Stubbs, seconded by Councillor Calvert.

Refer to RESOLUTION

334 RESOLUTION:

RESOLVED on the motion of Councillor Stubbs, seconded by Councillor Calvert

That the information be received.

Item: 238 SS - Proposed Pad Mount Substation - Richmond Golf Club - (38630, 1298)

Councillor Books declared an interest in this matter as he was recently involved in contract work, he left the meeting and did not take part in voting or discussion on the matter.

MOTION:

RESOLVED on the motion of Councillor Stubbs, seconded by Councillor Calvert.

Refer to RESOLUTION

335 RESOLUTION:

RESOLVED on the motion of Councillor Stubbs, seconded by Councillor Calvert

That:

1. Approval be granted to Integral Energy for the location of a pad mount sub station within the car park of the Richmond Golf Club along with the required easements.
2. Authority be given for any documentation in association with the matter to be executed under the Common Seal of Council.

ORDINARY MEETING

Meeting Date: 26 July 2005

Item: 239 **SS - Local Government Association of NSW Annual Conference 2005 - Submission of Motions - (95496, 79633)**

Mr Marie Warby, respondent, addressed the Committee.

MOTION:

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Finch.

Refer to RESOLUTION

336 RESOLUTION:

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Finch

That Council submit motions to the 2005 Annual Conference of the Local Government Association of NSW, in respect of the following matters:

1. Community Partnership/Formal Relationship with the Cancer Council of NSW, as attached to the report.
2. Use of alternate media advertising by Councils, as attached to the report.
3. Councillor superannuation, as detailed below:

That the Local Government Association make representations to the State Government for the review of the Local Government Act 1993 to enable Councils to make provision for a superannuation component of Councillor's remuneration that is consistent with the statutory requirements for general employees in effect at that time.

337 RESOLUTION:

RESOLVED on the FORESHADOWED motion of Councillor Books, seconded by Councillor Stubbs.

That further discussions take place with Wrigley's in relation to the problem of chewing gum and its use in the local community, specifically in the South Windsor commercial area.

ORDINARY MEETING

Meeting Date: 26 July 2005

CONFIDENTIAL REPORTS

338 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Devine.

That:

1. The Council meeting be closed to deal with confidential matters and in accordance with Section 10A of the Local Government Act, 1993, members of the Press and the public be excluded from the Council Chamber during consideration of the following items:

Item 240: SS - Expressions of Interest For Former Library Building - (73947, 79337)

Item 241: CS - Tender for Tourism Services - (91811)

*These reports are **CONFIDENTIAL** in accordance with Section 10A(2) (c) and (d) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -*

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct business).
- (d) commercial information of a confidential nature that would if disclosed:
 - (i) prejudice the commercial position of the person who supplied it.
 - (ii) confer a commercial advantage on a competitor of the council
 - (iii) reveal a trade secret
2. In accordance with the relevant provisions of the Act, the reports, correspondence and other relevant documentation associated with these matters be withheld from the Press and the public.
3. The Mayor asked for representation from members of the public as to why Council should not go into closed Council to deal with these confidential matters.

There was no response, therefore, the public left the gallery.

339 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Wearne that open meeting be resumed.

ORDINARY MEETING

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Item: 240 **SS - Expressions of Interest For Former Library Building - (73947, 79337)**
CONFIDENTIAL

Previous Item: 142, Ordinary (10 May 2005)

MOTION:

RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Paine.

Refer to RESOLUTION

340 RESOLUTION:

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

That Council not accept the Expressions of Interest received for the lease of the Former Library Building as detailed in the report in this regard and that further negotiations take place with the Department of Corrective Services.

341 RESOLUTION:

RESOLVED on the motion of Councillor Wearne, seconded by Councillor Rasmussen.

That the meeting continue past 11:00pm to allow the business paper to be discussed and all items completed.

Item: 241 **CS - Tender for Tourism Services - (91811) CONFIDENTIAL**

Previous Item: 116, Ordinary (26 April 2005)
 3, Ordinary (25 January 2005)

MOTION:

RESOLVED on the motion of Councillor Stubbs, seconded by Councillor Books.

Refer to RESOLUTION

342 RESOLUTION:

RESOLVED on the motion of Councillor Stubbs, seconded by Councillor Books

That:

1. In relation to the tender for tourism services and the failure of all tenderers to adequately demonstrate their ability to meet the mandatory criteria to an acceptable level as determined by the tender evaluation panel, no tenders be accepted by Council.

ORDINARY MEETING

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2. In accordance with Cl.19 (3) (e) of the Local Government (Tendering) Regulation, authority be given to enter into negotiations with the Hawkesbury City Chamber of Commerce Inc (Chamber) for the provision of tourism services under a 3 x 3 year performance-based contract for an amount that does not exceed the budget as set out in this report and that all necessary documents be prepared and executed (including the use of common seal of Council as required) to give effect to this directive.
3. Fresh tenders not be invited due to:
 - (a) it being in Council's best interests not to accrue additional expense through a protracted and costly tendering process, when after having gone to the market, a suitable party has been identified from the assessment and evaluation process; and
 - (b) it being in Council's best interests to restore certainty to the tourism industry as soon as is practicable;
4. Suitable transition arrangements be negotiated with the interim tourism operator (Casmarr Hotels) and the Chamber, subject to the outcomes of part 2 above.
5. Unsuccessful tenderers be notified of the outcomes of the tender process.

Councillors Paine and Rasmussen requested that their names be recorded as having voted against the motion.

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SECTION 5 - Reports of Committees

ROC - Sandstone Quarry Committee Meeting - 4 May 2005 - (79347)

343 RESOLUTION:

RESOLVED on the motion of Councillor Stubbs, seconded by Councillor Calvert.

That the minutes of the Sandstone Quarry Committee held on 4 May 2005 as recorded on page 91 of the Ordinary Business Paper be received.

ORDINARY MEETING

Meeting Date: 26 July 2005

QUESTIONS WITHOUT NOTICE

1. Councillor Wearne referred to the proposed closing of the laneways in Bligh Park as reported to a recent meeting and asked if there was a timeframe for the closing of those lanes.

The Director Infrastructure Services advised that there was at this stage as it was been investigated what lanes had services in them and then Council needs to develop a communications strategy so all the people who live in Bligh Park know about the issue.

Councillor Wearne referred to the intention of selling the land to the adjacent property owners and asked if this was correct.

The Director Infrastructure Services advised that this was correct, and it would probably be offered to both the adjoining landowners, or if one didn't want it, we would sell it to the one that did.

Councillor Wearne asked what would happen if neither property owner wanted to purchase the land.

The Director Infrastructure Services advised that the laneway would probably have to stay in existence.

2. Councillor Wearne commented that he had been speaking with Mr Frank Taranto in relation to him being asked to remove his signs that were on top of Kelly's Collectables advertising his restaurant. Councillor Wearne asked why the signs had to be taken down

The Direct External Services advised the matter would be taken on notice and Councillor Wearne would be advised of the outcome.

3. Councillor Wearne asked if there were any further updates on the Crown Land Management Plan at Macquarie Park.

The Director Infrastructure Services advised that the Plan of Management had been sent back to Crown Lands for comment, and will follow up and report back to Councillor to Wearne.

4. Councillor Porter referred to the Roads to Recovery money and asked if there was any money left over for the unpaved roads to be looked after.

The Director Infrastructure Services advised that not within the recommendation.

5. Councillor Porter requested a further report on the Orange Spot.

The Mayor advised it would be taken on notice.

6. Councillor Porter requested a report on how many properties on farmland rating as compared to what was 10 years ago.

The Director Support Services advised that the matter would taken on notice and Councillor Porter will be advised as soon as possible.

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7. Councillor Devine referred to Woodhills Carpark and that it had 4 hour parking signs at either end, but it didn't have any parking requirements in the rows of cars other than for unrestricted parking. The main complaint received was that the employees of businesses in, Magnolia Mall, use the Woodhill Carpark for their all day parking and this leaves insufficient parking for the users of Woodhills Capark. Councillor Devine asked if some one hour and two hour parking signs can be established in the carpark.

The Director Infrastructure Services advised it would have to be reviewed. He advised that when a report came up before, it was at the request of the Chamber and there were some serious concerns about the problem Councillor Devine had outlined, but the Chamber wished to continue with the proposal.

8. Councillor Rasmussen asked how the Loder House issue was going.

The Director Support Services advised that discussions were still taking place with DIPNR in relation to the fence in the backyard, which is a small issue that is very difficult to resolve. When a solution is reached, we can then proceed to finalise the matter as soon as possible.

9. Councillor Finch referred to the public art in the Cultural Precinct and asked when the beds get turned on. Can organisers of an event ask to have them turned on or can there be a remote for it. Councillor Finch asked what the procedure was for getting the beds turned on.

The Director Infrastructure Services advised that it could be programmed, but the use needs to be minimised at this stage due to water consumption.

Councillor Finch asked if it was recycled water that was used.

The Director Infrastructure Services advised that it was not recycled water. He advised that it was programmed for use during the day, but he would find out the programming and if it could be altered.

10. Councillor Finch referred to the proposed sub-division at 1027 Grose Vale Road and asked if Council was still going to be having a briefing session on the sub-division as when it was organised previously, the Director City Planning was in available to attend.

The Mayor advised that it will still be coming forward

Councillor Finch asked if she could advise those affected as they had been following the issue up with her.

The Mayor advised it would be included in the next briefing session to be held.

11. Councillor Williams commented that he had been told that it was now established that Tinder Creek Sand Mining operations is in fact out of area and it has been confirmed by survey. If this is the case, he asked if it was up to Council to take any action against the Sand Mine or is that the responsibility of another authority.

The Director City Planning advised that he didn't think it had been confirmed that they are out of area. Council's solicitors have requested the operators to clarify their diagrams that were sent to Council as part of their Management Statement, which if you looked at would conclude that they are out of area, but they don't think they are. It is a matter between our solicitor and their solicitor.

The General Managed added that there was a site inspection including Mr Diamond who has taken action through the Courts against interests associated with Tinda Creek Sand Mining, which Council isn't party to, but Council is only an observer to the process and if something has happened, we are still waiting to hear about it.

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12. Councillor Paine referred to the facility at McQuad Park and asked if there was any progress on the matter.

The Director Infrastructure Services advised that it is being progressed. They had spoken with Di Tait about having discussions with the group and it would appear that they want to do it over next Christmas and Council will be trying to facilitate this.

Councillor Paine asked if she could have some assurance that it will be done by Christmas.

13. Councillor Calvert referred to the new 'Welcome to the Hawkesbury' signs that had been erected and congratulated Council on these as it was a move in the right direction and he wanted to pass on the good comments that he had received from residents in this regard.

14. Councillor Calvert commented that a resident of Bligh Park had asked him about the pedestrian crossing on Rifle Range Road and the matter of the lighting not being very good, especially on dusk and asked if it could be looked at.

The Director Infrastructure Services advised that the matter would be investigated.

15. Councillor Calvert referred to the maps in the Business paper and indicated that they were not useful half the time due to the size of them and the print quality. He asked if it was possible, when a particular item was being discussed, if the plans could be projected.

The Mayor advised that it could be projected straight off of the existing projector.

Councillor Calvert commented that he thought it a better idea to use an overhead projector to whoever was speaking would be able to point particular things out on the overhead and everyone else would be able to follow on the screen.

The Mayor advised that a laser pointer could be used from the lectern and staff to point out things projected up on the screen.

The Director City Planning advised that if Council wishes, it could be organised to have Council's mapping system displayed behind the business paper and switch between the two in conjunction with the laser pointer. Council's mapping system would so all the contours and water courses and anything else that you wish to be displayed. He commented that there would be a fair bit of swapping around.

16. Councillor Books commented that Doreen Mitchell who represents the Country Women's Association had been approached by organisers of the 'Fair Dinkum Food' campaign that started in Tasmania. They are visiting Melbourne, Ballarat, Bendigo, Shepparton, Echuca, Albury, Mildura, Balranald, Hay, Griffith, West Wyong, Bathurst and they are coming to Windsor on 4, 5 and 6 August and they want to know if we can help in anyway. Councillor Books asked if Council could help to assist then with accommodate, etc.

The Mayor advised that it will be taken on board to see what assistance could be provided.

17. Councillor Books referred to a clipping out of the Penrith Press dated 19 July 2005, which advertised that the Pitt Town Development will destroy the Pitt Town Lagoon. Councillor Books asked if Council could advise that when the Pitt Town Development is established, the wetlands water will be a better quality to what it is now.

The Mayor advised that this could be done.

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18. Councillor Books referred to the shopping centre on George Street and asked when the building would commence as he had had a number of residents who were complaining that they are having difficulty walking next to fence that had been erected. Councillor Books asked if the development was going to be along time, if the fence could be put back a little more to allow people to pass safely.

The Director Infrastructure Services advised that the fence was only about 300mm off of the boundary line, but it will be investigated.

Councillor Books asked when the shopping centre would be started.

The Director City Planning advised that there is a development application to extend the building required and modification application change slightly.

19. Councillor Books asked how many residents are on pump-out in the Hawkesbury.

The Director Infrastructure Services advised that there were approximately 1,700.

The meeting terminated at 11:21pm

Submitted to and confirmed at the Ordinary meeting held on 9 August 2005.

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Mayor