



Hawkesbury City Council

ordinary meeting minutes

date of meeting: 11 October 2005

location: council chambers

time: 5:00 p.m.

ORDINARY MEETING

Table of Contents

MINUTES: 11 October 2005

MINUTES

- **WELCOME / EXPLANATIONS / PRAYER**
- **APOLOGIES**
- **DECLARATION OF INTERESTS**
- **SECTION 1 - Confirmation of Minutes**
- **MINUTES ITEMS SUBJECT TO PUBLIC ADDRESS**
- **SECTION 2 - Mayoral Minutes**
- **QUESTIONS WITH NOTICE**
- **SECTION 3 - Notices of Motion**
- **EXCEPTION REPORT - Adoption of Items Not Identified for Discussion and Decision**
- **SECTION 4 - Reports for Determination**

General Manager

City Planning

Commercial Strategy

External Services

Infrastructure Services

Support Services

- **SECTION 5 - Reports of Committees**
- **QUESTIONS WITHOUT NOTICE**

ORDINARY MEETING

Table of Contents

MINUTES: 11 October 2005

ORDINARY MEETING**Table of Contents****MINUTES: 11 October 2005****TABLE OF CONTENTS**

ITEM	SUBJECT	PAGE
	ATTENDANCE	1
	SECTION 1: Confirmation of Minutes	1
	SECTION 2 - Mayoral Minutes	2
	MM - Congratulations to Hawkesbury State Emergency Service (SES) following National Disaster Rescue Competition	2
	SECTION 4 - Reports for Determination	3
	GENERAL MANAGER	3
Item: 295	GM - Christmas Leave Period 2005/2006 - Annual Close Down Report - (79355)	3
Item: 296	GM - 2005 National General Assembly of Local Government to be Held 7-10 November 2005 in Canberra, ACT - (79351, 82046)	3
	CITY PLANNING	4
Item: 297	CP - Draft Local Environmental Plan 1/05 - Amendment 150 to Hawkesbury Local Environmental Plan 1989 (Part Lot 2, DP202288, East Market Street, Richmond) - (95498)	4
Item: 298	CP - Draft Development Control Plan - Bligh Park Neighbourhood Business Precinct, Cnr Colonial Drive and Rifle Range Road, Bligh Park - (95498)	4
Item: 299	CP - Local Ranking Committee - (96737, 95498)	5
	COMMERCIAL STRATEGY	6
Item: 300	CS - Enterprise Panel Projects - (95497)	6
	EXTERNAL SERVICES	7
Item: 301	ES - Development Application and Modification Application for proposed Shopping Centre - "Hollands Paddock", George Street Windsor - (95494, DA0597/05)	7
Item: 302	ES - The Women's Cottage Rental - (95494, 79342, 73506, 80358)	12
Item: 303	ES - Issue of Additional Certificates By Council - (95494, 96330)	13
Item: 304	ES - Potable Water Education and Monitoring Program - (95494)	13
Item: 305	ES - Proposed Establishment of Regional Gallery Membership Program - (95494, 79342)	14

ORDINARY MEETING**Table of Contents****MINUTES: 11 October 2005**

ITEM	SUBJECT	PAGE
Item: 306	ES - Hawkesbury Bicycle and Access Committee - HBAMC - (95494, 79342, 80266)	14
SUPPORT SERVICES		15
Item: 307	SS - Monthly Investments Report - August 2005 - (79349)	15
Item: 308	SS - Councillors and Designated Employees - Pecuniary Interest Returns - (79341, 95496)	15
Item: 309	GM - Staff Matter - (79351, 79355) CONFIDENTIAL	16
Item: 310	GM - Matters Concerning Litigation - (79251) CONFIDENTIAL	16
CONFIDENTIAL REPORTS		17
Item: 312	ES - Land & Environment Court Proceedings No. 10409 of 2005: Council ats Better Buildings Pty Limited, 8-14 Bosworth Street, Richmond - (95494, DA0813/05) CONFIDENTIAL	17
Item: 313	Proposed Lease Level 1 - The Deerubbin Centre, 300 George Street, Windsor	18
SUPPLEMENTARY REPORTS		19
Item: 311	IS - Rural Fire Service Estimates 2006/2007 - Hawkesbury District - (95495, 79016, 73835)	19
SECTION 5 - Reports of Committees		20
ROC - Floodplain Risk Management Committee - 20 June 2005 - (86589, 95498)		20
ROC - Floodplain Risk Management Committee - 15 August 2005 - (86589, 95498)		20
ROC - Sandstone Quarry Committee Meeting - (21 September 2005) - (95494)		20
QUESTIONS WITHOUT NOTICE		21

ORDINARY MEETING

MINUTES: 11 October 2005

Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 11 October 2005, commencing at 5:02pm.

Captain Jo Bulow from the Salvation Army, Windsor representing the Hawkesbury Minister's Association, gave the opening prayer at the commencement of the meeting.

A minute silence was conducted to acknowledge those effected by the Bali Bombings and the earthquake in Pakistan.

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

SECTION 1: Confirmation of Minutes

428 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Finch that the Minutes of the Ordinary Meeting held on the 27 September 2005, be confirmed.

ORDINARY MEETING

MINUTES: 11 October 2005

SECTION 2 - Mayoral Minutes

MM - Congratulations to Hawkesbury State Emergency Service (SES) following National Disaster Rescue Competition

REPORT:

On the weekend of 1 & 2 October 2005, the Hawkesbury State Emergency Service (SES) represented New South Wales in the National Disaster Rescue Competition held in various sites across Sydney's South West. Hawkesbury had previously participated in the State Rescue Competition held in Wollongong in August 2005 and as a result of winning that competition then represented New South Wales.

SES teams from across Australian States and Territories took part in this National Competition. The Hawkesbury SES Team were placed first after seven very difficult scenarios which covered techniques on navigation, first aid and storm damage. The Hawkesbury SES Team also took away three other special awards from the competition being:

Mr David King for Best Team Leader
Mr Wayne Barry for Best First Aider
Hawkesbury Team for Best Navigational Team

On behalf of all Councillors the Mayor would like to formally acknowledge the wonderful achievement by the Hawkesbury SES Team. Congratulations to Mr Kevin Jones, Local Controller, Hawkesbury SES and all team members David King (Team Leader), Michael Broome, Wayne Barry, Malcolm Brierley, Craig Martin and Ron Van Es on this fantastic achievement. Congratulations is also noted for all those who helped with training and preparation for the competition and those who remained at home in the Hawkesbury to maintain the service the SES provide to the Community.

429 RESOLUTION:

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

That:

1. The Mayoral Minute regarding the success of the Hawkesbury SES Team at the National Disaster Rescue Competition be received and that a formal letter of congratulations be forwarded to the SES Team Controller, Mr Kevin Jones.
2. Council invite the SES Team Controller, Mr Kevin Jones and his team members to a future meeting to be presented with their award.

SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 295 GM - Christmas Leave Period 2005/2006 - Annual Close Down Report - (79355)

MOTION:

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

Refer to RESOLUTION

430 RESOLUTION:

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

That the information be received.

**Item: 296 GM - 2005 National General Assembly of Local Government to be Held 7-10
November 2005 in Canberra, ACT - (79351, 82046)**

MOTION:

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

Refer to RESOLUTION

431 RESOLUTION:

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

That no Councillor or staff representatives to attend the 2005 National General Assembly of Local Government.

ORDINARY MEETING
MINUTES: 11 October 2005

CITY PLANNING

Item: 297 **CP - Draft Local Environmental Plan 1/05 - Amendment 150 to Hawkesbury Local Environmental Plan 1989 (Part Lot 2, DP202288, East Market Street, Richmond) - (95498)**

Previous Item: 78, Ordinary (12 April 2005)

Councillor Finch declared an interest in this matter as she runs a mobile swim school that she derives income from, she left the meeting and did not take part in voting or discussion on the matter.

Mr Fred Hulls and Mr Cyril Wood, proponents, addressed the Committee
Ms Sally Ryan, Ms Kim Smith and Ms Marie Warby, respondents, addressed the Committee

MOTION:

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

Refer to RESOLUTION

432 RESOLUTION:

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

That:

1. Council defer the draft LEP.
2. The SES comments in relation to the draft LEP be tabled at the next available Hawkesbury Floodplain Risk Management Committee with the aim of addressing the evacuation risk issue and its effect on the short and long term urban growth potential within the City of Hawkesbury.

Item: 298 **CP - Draft Development Control Plan - Bligh Park Neighbourhood Business Precinct, Cnr Colonial Drive and Rifle Range Road, Bligh Park - (95498)**

Mr Walter Kullen, respondent, addressed the Committee

MOTION:

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

Refer to RESOLUTION

433 RESOLUTION:

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

That:

1. The draft Development Control Plan be referred to a Councillor Workshop.
2. Pedestrian and bicycle access between Colonial Drive and Porpoise Crescent be provided across the subject site generally between the commercial and residential portions of the site.
3. Council continue the process to close the unnamed laneway adjoining the south-western boundary of the subject land and to incorporate this land within the development covered by the draft DCP.

Item: 299 CP - Local Ranking Committee - (96737, 95498)

MOTION:

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

Refer to RESOLUTION

434 RESOLUTION:

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

That Council appoint two Councillors to represent Council on the Local Ranking Committee, and appoint an alternate Councillor to represent Council at these Committee meetings.

435 RESOLUTION:

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

That Councillors Paine and Stubbs be nominated as the Councillors to represent Council on the Local Ranking Committee with Councillor Bassett as the alternate.

COMMERCIAL STRATEGY

Item: 300 **CS - Enterprise Panel Projects - (95497)**

Previous Item: Ordinary (14 September 2004)

MOTION:

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

Refer to RESOLUTION

436 RESOLUTION:

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

That:

1. A Hawkesbury Cooperative Marketing Program be established in partnership with the Windsor Business Group Inc at a cost of \$13,210.
2. Negotiations be entered into with the Windsor Business Group Inc with a view to forming a two year performance-based agreement, subject to satisfaction of the General Manager.
3. Authority be given to prepare and execute all necessary documents (including the use of common seal of Council as required) to give effect to this resolution.

EXTERNAL SERVICES

Item: 301 **ES - Development Application and Modification Application for proposed Shopping Centre - "Hollands Paddock", George Street Windsor - (95494, DA0597/05)**

Lot b DP 376809 (No 245) George Street and various properties bounded by George Street, New Street, The Terrace and Johnston Street known as "Hollands Paddock".

Previous Item: Special Meeting, (4 May 2004)

Councillor Devine declared an interest in this matter as he was recently involved in a property transaction with the applicant, he left the meeting and did not take part in voting or discussion on the matter.

Mr Walter Kullen, proponent, addressed the Committee
Mr Frank Scharfe, respondent, addressed the Committee

MOTION:

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

Refer to RESOLUTION

437 RESOLUTION:

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

A. The Modification Application for Consent 0098/04 be approved in the following terms:

1. Condition No.1 of schedule B is amended as follows:

"1. The development shall be carried out in accordance with the approved stamped plans as submitted with Development application No DA0098/04 and any supportive documentation, except as modified by plans GA96/1/01, GA96/1/02, GA96/1/03, GA96/1/04 and GA 12."

2. Condition No.48 of schedule B is amended as follows:

"48. A minimum of 312 off-street car parking spaces, together with access driveways and turning areas, shall be constructed, paved, line marked, signposted and maintained, as shown on the approved plans."

B. Development Application No. DA0597/05 be approved subject to the following conditions:

General

1. The development shall be carried out in accordance with the approved stamped plans as submitted with Development Application No. DA0597/05 and any supportive documentation, except as otherwise provided by the conditions of this consent.

ORDINARY MEETING

MINUTES: 11 October 2005

2. This consent includes approval for the occupation and use of the building for individual retail tenancies.
3. Compliance with the provisions of the Environmental Planning and Assessment (Amendment) Act 1979 and the Building Code of Australia.
4. Prior to construction of the approved development it is necessary to obtain Construction Certificates for the whole or any parts of the development.
5. The applicant is advised to consult with:
 - a) Sydney Water Corporation Limited;
 - b) Integral Energy; and
 - c) 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. Any part of the building to be used for food preparation shall comply with Council's Code for the fitting out of food premises.
7. No excavation or site works shall be commenced prior to the issue of a relevant Construction Certificate.
8. The applicant shall make themselves aware of the Disability Discrimination Act, 1992 in order to assess their responsibilities and liabilities with regards to the provision of access for all people.

Prior to Issue of Construction Certificate

9. The submission of a Traffic Management Plan approved by the Roads and Traffic Authority.
10. Details of any fill material removed from or imported to the site to be submitted with the engineering plans. Details to include quantities, borrow sites or disposal sites.
11. A monetary contribution is to be paid to Council, pursuant to Section 94 of the Environmental Planning and Assessment Act 1979, towards the upgrading of local roads at the rate of 3 (three) cents per tonne per kilometre of local roads travelled by trucks delivering soil to or removing soil from the site.

This contribution is determined in accordance with Hawkesbury Section 94 Contribution Plan. A copy of the Contributions Plan may be inspected at Council's Offices, George Street, Windsor.

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.

12. The submission of a satisfactory soil and water management plan (SWMP) prepared in accordance with the State Government guidelines titled "Managing Urban Stormwater: Soils and Construction (1988)".

ORDINARY MEETING

MINUTES: 11 October 2005

13. Submission of proof of the payment of the Building Industry Long Service Levy.
14. The proposed shopping centre complex and all associated development is to be constructed in accordance with the requirements of the New South Wales Government Flood Plain Management Manual (2001), Interim Development Guidelines for a "high hazard-flood storage area".
15. Design and construction of site drainage shall be carried out in accordance with Hawkesbury Development Control Plan Appendix E Civil Works Specification: Part 1 Design Specification; and Part II Construction Specification. The drainage system shall be designed to:
 - a) Minimise impacts on local flooding characteristics;
 - b) Incorporate source control measures to provide a primary level of treatment for the removal of all gross pollutants.Full details of works shall be submitted for approval.
16. All stormwater from impervious areas of the site and the immediate local catchment upstream of the site shall be collected and drained by the existing underground trunk drainage system. A concept drainage plan, including any modifications required, is to be submitted to and approved by Council.
17. Details of all street lighting, line marking and traffic signage to be submitted with the application for the construction certificate.

Prior to Commencement of Works

18. 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 signs shall be affixed to the sediment fences/erosion control devices at all times.
19. The applicant or person having the benefit of this development consent must give at least 2 (two) days notice prior to commencement of works to Council of the intention to commence works.
20. A waste management plan shall be submitted for consideration and approved by Council. Such plan shall address any builder's waste and waste generated during day to day operations and shall include types and quantities, recycling, reuse, storage and disposal.
21. Approval in the form of stamped Construction Certificate plans is to be obtained from Sydney Water to verify that the development meets its requirements concerning the relationship of the development to any water mains.
22. The applicant shall contact the New South Wales Fire Brigade (Fire Safety Division) in order to determine the Brigade's requirements for submissions regarding, hydrants, boosters, sprinklers, etc.

During Construction

23. All civil 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.
24. All necessary works being carried out to ensure that stormwater flow from adjoining properties is not impeded.

ORDINARY MEETING

MINUTES: 11 October 2005

25. 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.
26. No burning of demolition, construction or vegetative material being carried out on the site.
27. No spoil, excavated or demolition material from the site being deposited on any public road, footpath, public place or Council owned property without the approval of Council.
28. 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 Council.
29. Should any aboriginal site or relic, as defined under the National Parks and Wildlife Act, 1974 or a relic as defined under the NSW Heritage Act, 1977, be disturbed or uncovered during the construction of this development, all work shall cease and the National Parks and Wildlife Service or the Heritage Office consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974 or the Heritage Act, 1977.
30. The developer is responsible for full costs associated with any alteration, relocation or enlargement to public utilities whether caused by this proposed development.
31. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, including a public road or place, the person causing the excavation to be made:
 - a) must preserve and protect the building from damage; and
 - b) if necessary, must underpin and support the building in an approved manner; and
 - c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The applicant is liable for the cost of all work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
32. The building shall be set out by a Registered Surveyor and the Survey Certificate of the building shall be lodged with the principal certifying authority upon completion of the footings and prior to the external wall construction proceeding above floor level.
33. Access to the development for people with disabilities shall be provided in accordance with the requirements of the BCA and AS1428.1 (1993), 1228.2 (1992) and 1428.3 (1992) all thresholds and room access (both internal and external) shall have "lipless thresholds". It is preferred that disabled toilet facilities are identified Unisex and that doors open outwards to enable easy access in emergencies.
34. All construction vehicles associated with the development are to use the nominated traffic route as outlined in the Windsor Town Centre Traffic Study prepared by Christopher Stapleton Consulting, February 2003.
35. Inspections for Compliance Certificate to be requested from the Sewer Authority (Hawkesbury City Council) for internal and external sewer drainage prior to covering any pipe, 24 hours notice for inspection is required. Inspection fees apply.

ORDINARY MEETING

MINUTES: 11 October 2005

36. 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 as per Council's Revenue Pricing Policy will apply.
37. The construction of sewerage reticulation, including junctions, to the development where not already provided.

Prior to Issue of Occupation Certificate

38. Drainage easements of adequate width are to be created over existing water courses flowing through the subject land. Where necessary existing easements for stormwater created in favour of Hawkesbury City Council may be amended to suit approved alterations caused by the works.
39. The approved use shall not commence and an occupation certificate shall not be issued until all conditions of this Development Consent and development Consent DA0098/04 have been complied with.
40. Registration of a plan of survey consolidating the site with the adjoining development lots.
41. The submission of a Surveyor's Certificate stating that all pipelines are contained within the proposed/existing easements.
42. A Fire Safety Certificate, in accordance with the Schedule of Fire Safety Measures issued for the development, is to be submitted to Hawkesbury City Council for separate registration. The registration fee as per Council's Revenue Pricing Policy will apply.
43. Works-As-Executed drawings which indicate the following are to be submitted to and approved by Council:
 - a) invert levels of tanks, pits and pipes;
 - b) surface levels of pits and surrounding ground levels;
 - c) levels of surrounding kerb;
 - d) floor levels of buildings;
 - e) top of kerb levels at the front of the lot; and
 - f) extent of inundation.
44. The construction of concrete kerb and gutter, including layback vehicular crossings, concrete path paving for the width of the footway area and all necessary drainage, for the frontage to George Street.
45. An acoustic screen wall is to be provided in accordance with the stamped approved plans. The sections of these screens which will be visible above the shopping centre trading floor level are to be constructed of clear polycarbonate or acrylic material with sufficient mass to prevent direct noise transmission to adjoining residential properties. Landscaping including mature trees and shrubs is to be incorporated with the screen wall. The acoustic wall shall extend from Johnston Street along the north and west boundaries of No. 17 Johnston Street and return to the building wall.
46. The applicant shall prepare a flood emergency evacuation and management plan for the proposed development. The plan should advise occupants of flood evacuation procedures and emergency contact telephone numbers. The applicant should contact Council and the State Emergency Service for advice in the preparation of the management plan. The evacuation procedures should be permanently fixed to the building in a prominent location and kept up to date at all times.

ORDINARY MEETING
MINUTES: 11 October 2005

The Use of the Site

47. The relevant sewer authority (Hawkesbury City Council) must be consulted regarding acceptable discharge limits to the sewerage system. A Trade Waste Agreement must be entered into with the relevant authority prior to discharge of trade waste from the premises.
48. All waste materials to be stored and disposed of at regular intervals.
49. The development shall be conducted in such a manner that the LA(eq) noise levels, measured at any point in accordance with the NSW EPA's Industrial Noise Policy (2000), do not exceed 5dB(A) (LAeq) above background noise levels with respect to noise amenity of residential dwellings.
50. Shopping Centre trading hours shall be limited to:
 - a) 7:00am to Midnight, Mondays to Saturdays, and
 - b) 8:00am to 8:00pm on Sundays and public holidays.
51. The following activities shall only occur between the hours of 7:00am to 10:00pm Mondays to Saturdays and 8:00am to 6:00pm, Sundays and public holidays:
 - a) Delivery or loading of goods;
 - b) Stock movement within the loading area;
 - c) Garbage Collection;
 - d) Cleaning; and
 - e) Internal shop fitouts.

Item: 302 **ES - The Women's Cottage Rental - (95494, 79342, 73506, 80358)**

Previous Item: 129, General Purpose Committee (28 November 2000)
 12, General Purpose Committee (24 February 2004)
 121, Ordinary (14 September 2004)
 58, General Purpose Committee (28 September 2004)

MOTION:

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

Refer to RESOLUTION

438 RESOLUTION:

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

That the matter be deferred to the next Council meeting to allow the staff of the Women's Cottage to address Council.

ORDINARY MEETING
MINUTES: 11 October 2005

Item: 303 ES - Issue of Additional Certificates By Council - (95494, 96330)

MOTION:

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

Refer to RESOLUTION

439 RESOLUTION:

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

That:

1. The intention to implement procedures for the issue of certificates in accordance with Section 735A Local Government Act 1993 and Section 121ZP of the Environmental Planning and Assessment Act 1979 at a fee (being full cost recovery) of \$50.00 for each application for such certificates, be advertised as a public notice in accordance with the provisions of Section 405 of the Local Government Act 1993 for a period of 28 days.
2. Upon expiration of the advertising period a further report be submitted to Council together with details of any submissions that may be received as a result of the public exhibition of the proposal.

Item: 304 ES - Potable Water Education and Monitoring Program - (95494)

MOTION:

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

Refer to RESOLUTION

440 RESOLUTION:

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

That the information be received.

ORDINARY MEETING

MINUTES: 11 October 2005

Item: 305 **ES - Proposed Establishment of Regional Gallery Membership Program - (95494, 79342)**

MOTION:

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

Refer to RESOLUTION

441 RESOLUTION:

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

That

1. Council approve the establishment of a Regional Gallery Membership Program for the Hawkesbury Regional Gallery.
2. That public notice be given for a period of 28 days of the following proposed schedule of fees for participation in the Regional Gallery Membership Program, with submissions to be considered by Council:

Membership Level	Membership Criteria	Annual Membership Fee
Pearl	Gallery Volunteers	Nil
Jets	Full time students at approved institutions	\$15
Opals	Ordinary Members	\$25
Rubies	Families with up to two adults and all children under 18 living at same address	\$35
Diamonds	Open	\$500

Item: 306 **ES - Hawkesbury Bicycle and Access Committee - HBAMC - (95494, 79342, 80266)**

Mr Doug Bathersby, respondent, addressed the Committee

MOTION:

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

Refer to RESOLUTION

442 RESOLUTION:

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

ORDINARY MEETING
MINUTES: 11 October 2005

That the ten nominees outlined in the report be appointed as Community representatives on Hawkesbury City Council's Bicycle & Access Mobility Committee, to work in accordance with the constitution set out for that Committee.

SUPPORT SERVICES

Item: 307 SS - Monthly Investments Report - August 2005 - (79349)

MOTION:

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

Refer to RESOLUTION

443 RESOLUTION:

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

That the information be received.

Item: 308 SS - Councillors and Designated Employees - Pecuniary Interest Returns - (79341, 95496)

MOTION:

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

Refer to RESOLUTION

444 RESOLUTION:

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

That the information be received.

445 RESOLUTION:

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

That Item 309 be dealt with in open session, not in closed session.

ORDINARY MEETING
MINUTES: 11 October 2005

Item: 309 GM - Staff Matter - (79351, 79355) CONFIDENTIAL

MOTION:

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

Refer to RESOLUTION

446 RESOLUTION:

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

That:

1. Council agree to abolish the sick leave bonus from the beginning of the 2006 Calendar Year.
2. Minutes of the Consultative Committee meeting of 7 October 2005 be noted.
3. The Consultative Committee be thanked for their participation in the discussions on the matter.

Item: 310 GM - Matters Concerning Litigation - (79251) CONFIDENTIAL

This item was withdrawn by the General Manager.

CONFIDENTIAL REPORTS

447 RESOLUTION:

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

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: 312 ES - Land & Environment Court Proceedings No. 10409 of 2005: Council ats Better Buildings Pty Limited, 8-14 Bosworth Street, Richmond

Item: 313 SS - Proposed Lease - Level 1, The Deerubbin Centre, 300 George Street, Windsor

*These reports are **CONFIDENTIAL** in accordance with Section 10A(2)(c & g) 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*
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*
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.

448 RESOLUTION:

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

Item: 312 ES - Land & Environment Court Proceedings No. 10409 of 2005: Council ats Better Buildings Pty Limited, 8-14 Bosworth Street, Richmond - (95494, DA0813/05) CONFIDENTIAL

MOTION:

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

Refer to RESOLUTION

449 RESOLUTION:

The General Manager advised that whilst in Closed Council, Council RESOLVED on the motion of Councillor Calvert, seconded by Councillor Paine.

That Council's solicitors be instructed to agree to consent orders in the Land and Environment Court in the following terms:

1. The modification to DA No.0813/03 be approved.
2. Each party pay their own costs.

450 RESOLUTION:

RESOLVED on the FORESHADOWED motion was moved by Councillor Devine, seconded by Councillor Stubbs.

That Council prepare an amending DCP paying particular attention to conditions relating to car parking concessions, residential unit size and ANEF noise levels affecting shop-top housing proposals.

Item: 313 Proposed Lease Level 1 - The Deerubbin Centre, 300 George Street, Windsor

451 RESOLUTION:

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

That:

1. Council not proceed with the proposed lease of part of the commercial space in Council's Deerubbin Centre, 300 George Street Windsor to Specialist Oncology Service Pty Limited and that Council's solicitor be requested to forward appropriate correspondence in this regard to this organisation.
2. Council accept the proposal dated 11 October 2005 from the NSW Department of Commerce on behalf of the NSW Department of Community Services for the lease of part of the commercial space on the first floor of Council's Deerubbin Centre, 300 George Street, Windsor subject to the lease generally incorporating the terms and conditions contained within the submission and any other terms and conditions as considered appropriate by Council's solicitor.
3. Details of Council's resolution be conveyed to the NSW Department of Commerce together with the advice that Council is not and will not be bound by the terms of its resolution until such time as appropriate legal documentation to put such resolution into effect has been agreed to and executed by both the NSW Department of Community Services and Council.
4. In the event of the lease to the NSW Department of Community Services proceeding, authority be given to any documentation in association with the matter to be executed under the Seal of Council.

ORDINARY MEETING

MINUTES: 11 October 2005

SUPPLEMENTARY REPORTS

Item: 311 **IS - Rural Fire Service Estimates 2006/2007 - Hawkesbury District - (95495, 79016, 73835)**

MOTION:

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

Refer to RESOLUTION

452 RESOLUTION:

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

That:

1. The 2006/2007 Rural Fire Fighting Fund estimates as submitted by the NSW Rural Fire Service be endorsed in principle.
2. Based on the advice that there will be no additional discretionary funding greater than \$250,000, should the Rural Fire Service seek additional funds from the Rural Fire Fighting Fund, a request for an extension of time to allow further consideration by Council be requested.
3. Consideration of the \$352,100 of additional Council funding be deferred until Council's 2006/2007 budget estimates are determined.

SECTION 5 - Reports of Committees

ROC - Floodplain Risk Management Committee - 20 June 2005 - (86589, 95498)

Mr Frank Scharfe, respondent, addressed the Committee

453 RESOLUTION:

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

That the minutes of the Floodplain Risk Management Committee held on 20 June 2005 as recorded on pages 55 to 59 of the Ordinary Business Paper be received.

ROC - Floodplain Risk Management Committee - 15 August 2005 - (86589, 95498)

454 RESOLUTION:

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

That the minutes of the Floodplain Risk Management Committee held on 15 August 2005 as recorded on pages 60 to 64 of the Ordinary Business Paper be received.

ROC - Sandstone Quarry Committee Meeting - (21 September 2005) - (95494)

455 RESOLUTION:

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

That the minutes of the Sandstone Quarry Committee held on 21 September 2005 as recorded on pages 65 to 66 of the Ordinary Business Paper be received.

ORDINARY MEETING

MINUTES: 11 October 2005

QUESTIONS WITHOUT NOTICE

1. Councillor Paine requested advice as to the status of the proposed amenities building proposed for McQuade Park.

The Director Infrastructure Services advised that the DA would be finalised by the end of the week and discussions will be held with the groups to discuss getting it built over the Christmas period as was originally requested.

Councillor Paine advised that they were having their final year dinner and requested if she could have a letter to give them as they have been waiting for four years.

2. Councillor Paine advised that there had been some B-double truck movements through the middle of town and through the Terrace. Councillor Paine asked if Council had enough sign posting to advise which way trucks should be going as the damage they are causing is very evident.

The Director Infrastructure Services advised the Terrace was a light load limit area from New Street through to Tubbett Street. He asked for more details in relation to the trucks so something could be done about them.

3. Councillor Finch made reference to the parking at the Deerubbin Centre and asked if this issue of locking the gates could be seriously looked at as cars are being locked in when their owners are in meetings. She advised that the gates are meant to be locked at 7:45pm, but recently it had been before 7:30pm.

4. Councillor Finch asked if it was possible for the Sister City Group to place a plaque on the wall in Friendship Park in memory of the late Bruce Brown who was the patron for Sister City Group. She advised that the cost would fall on the Sister City Group and asked what needed to be done to make this happen.

The Mayor asked Councillor Finch to put the request in writing to Council stating that the Sister City Group would be funding the plaque.

5. Councillor Finch referred to the circular that Council usually puts out before school holidays to all schools advising the schools what activities are available through the holidays. She advised that the schools didn't receive one of these circulars before the last school holidays and asked if there was any reason for that.

The Director Infrastructure Services advised that there was a glitch before the last school holidays, but this has since been rectified.

6. Councillor Finch referred to the cars for sale on the side of the road at Kurrajong and advised that there were 14 cars for sale there over the long weekend, one caravan with a boat attached and a campervan and asked for something to be done.

7. Councillor Rasmussen wanted to follow up from the previous meeting regarding the car parking issues in Richmond and asked if the meeting had been held that was going to be held with fruit shop owner.

The Director Infrastructure Services advised that a meeting was held and the process had begun to allow everyone to have their input into the matter.

ORDINARY MEETING

MINUTES: 11 October 2005

8. Councillor Rasmussen advised that he had received a reply from KFC headquarters about the use of their toilets by the public and that the public were allowed to use the toilets without having to purchase food items.

The Mayor advised that nobody said they had to purchase anything to use the toilets.

Councillor Rasmussen asked why would Council trade car spaces for use of toilets when the public can use them anyway.

The Director Infrastructure Services advised it was not the fact that people were able to utilise the KFC facilities without being customers, more the perception that there was a lack of toilet facilities within the area and the arrangement with KFC would enable signposting to be erected to indicate public toilets at the location.

9. Councillor Rasmussen asked if the Mayor had received a letter from the RSL asking if Council could reconsider its decision on not having a Liaison Committee and asked if Council was going to reconsider.

The Mayor advised that he had received the letter and that Council had already considered the matter and advised that the letter came from one Sub-Branch of the RSL, not all of them.

The General Manager advised that the matter was debated and resolved by Council and that the correct process for the matter to be reconsidered would be to have a rescission motion lodged and the matter be re-debated.

10. Councillor Devine acknowledged that at the end of August, two Ministers of the NSW Government visited the Hawkesbury and wanted to confirm that none of the Councillors were aware of their visits.

The Mayor advised that he wasn't made aware of their visits.

The General Manager advised that the only knowledge he had of a Minister visiting the Hawkesbury would have been Minister Sartor coming out to Pitt Town.

Councillor Devine advised that it was announced on radio that Minister Kelly had visited the Hawkesbury. He asked if there was a protocol of advising local Councillors of any Ministers visiting the area.

The Mayor advised that there was no Council protocol, but the Minister's protocol is to notify the Local Member that they are coming to the area.

Councillor Devine asked for the matter to be investigated.

11. Councillor Porter asked if there had been any progress in the matter of speed bumps being placed on Windsor Bridge, which was meant to have been installed over three months ago.

The Director Infrastructure Services advised Council did receive a letter from the RTA and they advised that they had to reprioritise some of their funding to do some working on Anzac Bridge and they were going to do it in the near future. He advised the matter would be investigated further.

12. Councillor Stubbs referred to a group of artists who had previously exhibited in Fitzgerald Street and had not, at that stage, been required to have any public liability insurance. He advised that the group had now made enquiries to exhibit in the Deerubbin Centre and have been informed that they now have to have a public liability policy. Councillor Stubbs asked if there was a reason for that discrepancy.

ORDINARY MEETING

MINUTES: 11 October 2005

The Director External Services advised the matter would have to be taken on notice and investigated.

13. Councillor Stubbs asked for the definition of an 'easement'.

The Director Infrastructure Services advised that an easement is to give access to an authority or a person over another person's property for certain reasons. You could have an easement to drain water, which would be in favour of Council over a property to drain surface water through that property.

Councillor Stubbs asked if a Government body seeks an easement and it is obliged to pay compensation, when does that compensation have to be paid?

The Director City Planning advised that it would normally be upon the settlement of the dispute. If the owner receiving the easement accepts the proponent agencies suggested funding, then it is paid. If it disputed, the Land and Environment Court would be involved.

Councillor Stubbs then wanted to know if it was at all possible for the Wildlife Corridors, which are being proposed as part of the green zones in the Vineyard/Box Hill area to be considered as easements and if so, at what stage would the Government be required to pay compensation.

The Director City Planning advised that the only apparel would be normal zoning rules and the normal zoning rules provided that the land can be used for the minimum dwelling house or some other development, the Government or other acquisition authority is not required to acquire the land regardless of how it is zoned.

Councillor Stubbs asked even if there were restrictions on the use of the land.

The Director City Planning advised absolutely.

The meeting terminated at 9:56pm.

Submitted to and confirmed at the Ordinary meeting held on 1 November 2005

.....
Mayor