



Hawkesbury City Council

ordinary meeting minutes

date of meeting: 13 September 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, 13 September 2005, commencing at 5:00pm.

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

387 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Wearne that the Minutes of the Ordinary Meeting held on the 30 August 2005, be confirmed.

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SECTION 3 - Notices of Motion

NM - Kurrajong Trees - Independent Investigators Report - (80105, 79351)

This item was withdrawn.

SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 271 **GM - Kurrajong Trees - Independent Investigators Report - (79351).doc**

MOTION:

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

Refer to RESOLUTION

388 RESOLUTION:

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

That the information be received.

Item: 272 **GM - Local Government Association of NSW Annual Conference, Mudgee NSW - (79351, 79633)**

Previous Item: 33, Ordinary (22 February, 2005)
 92, Ordinary (12 April, 2005)

MOTION:

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

Refer to RESOLUTION

389 RESOLUTION:

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

That Council approve the attendance of nominated Councillors, and staff members as considered appropriate by the General Manager, at the 2005 Local Government Association of NSW Annual Conference to be held in Mudgee, NSW, 22-26 October 2005 at a cost of \$1,145.00 per delegate plus accommodation and travelling expenses.

CONFIDENTIAL REPORTS

390 RESOLUTION:

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

That Item 279, GM - Independent Investigator's Report on the Removal of Trees in the Kurrajong Village, be brought forward in the order of business to be dealt with in Closed Council.

391 RESOLUTION:

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

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: 279 GM - Independent Investigator's Report on the Removal of Trees in the Kurrajong Village - (79351, 94492)

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

- (a) personnel matters concerning particular individuals (other than councillors)*
2. In accordance with the relevant provisions of the Act, the reports, correspondence and other relevant documentation associated with this matter 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 this confidential matter.

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

392 RESOLUTION:

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Finch that open meeting be resumed.

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Item: 279 **GM - Independent Investigator's Report on the Removal of Trees in the Kurrajong Village - (79351, 94492) CONFIDENTIAL**

Councillor Paine declared an interest in this matter as her name is mentioned within the report, she left the meeting part way through discussion of the item, at 6:05pm, and did not take part in voting on the matter.

MOTION:

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

Refer to RESOLUTION

393 RESOLUTION:

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

That:

1. A copy of the Independent Investigator's Report dated 15 August 2005 be made publicly available.
2. Council adopt the recommendations of the Independent Investigator.
3. Council refer any matter involving an alleged breach of Councils Code of Conduct as identified by the Independent Investigator to Council's Conduct Committee.
4. Council forward copies of the Independent Investigators report to the Office of the NSW Ombudsman.

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CITY PLANNING

Item: 273 **CP - Tree Preservation Order - (95498)**

Mr Frank Scharfe, respondent, addressed the Committee

MOTION:

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

Refer to RESOLUTION

394 RESOLUTION:

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

That:

1. Pursuant to provisions of the Environmental Planning and Assessment Act:
 - a) the Hawkesbury Development Control Plan be modified to incorporate the 'General Information' section, and the Guide to Tree Preservation Order Applications.
 - b) the 'Notifications' Chapter be modified to exclude from notification applications for removal of trees under the Order.
 - c) the Fees and Charges be modified for Council to adopt a \$35.00 fee for an application to remove trees.
 - d) processes be developed and adopted to ensure compliance with Part 5 of the Environmental Planning and Assessment Act for removal of trees on Council owned or operated land, that do not require consent under the LEP.
2. The attached Tree Preservation Order, be advertised for a period of 28 days for public comment, and if no comments are received the matter be published in the next appropriate Government Gazette.

EXTERNAL SERVICES

**Item: 274 ES - Staged Subdivision - 23 Lot Subdivision - 427A West Portland Road,
Sackville - (DA0796/04, 96329, 73916)**

Councillor Williams declared an interest in this matter as his property adjoins the subject land, he left the meeting and did not take part in voting or discussion on the matter.

Mr Brian McKinlay and Mr Kurt Lance, proponents, addressed the Committee.

MOTION:

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

Refer to RESOLUTION

395 RESOLUTION:

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

That:

- A. Council support the objection lodged under State Environmental Planning Policy 1.
- B. Development application No DA796/04 for a two stage subdivision of the following land be approved subject to the following conditions:

Lot 1 and 2 DP 244780, Lots 103, 104 and 105 DP 881052, Lot 91 DP 751656, Lot 2 DP 877954, Part Lot 138 DP 751656, Lot 167 DP 651700, Lot 101 DP 1018329, Lot 2 DP 1015245, Lot 1 DP 877954, Lot 26 and 27 DP 751656

General Conditions - (Stages 1 & 2)

- 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. Stage 1 comprises subdivision of the land into five torrens title allotments. Stage 2 comprises subdivision into 14 community title allotments.
- 3. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
- 4. The development shall comply with the Environmental Planning and Assessment Act, 1979 at all times.
- 5. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within 7 (seven) days of issuing the certificate. A registration fee applies.
- 6. All vegetative debris (including felled trees) resulting from the approved clearing of the site for construction, is to be chipped or mulched. Tree trunks are to be recovered for posts, firewood or other appropriate use. No vegetative material is to be disposed of by burning.

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NSW Rural Fire Service General Terms of Approval - (Stages 1 & 2)

7. The siting of any proposed dwelling is to be confined to the building footprints identified on each lot on the drawing prepared by McKinlay Morgan and Associates Pty Ltd identified as Plan No. 89476/2: DA:12.
8. All Inner Protection Areas, as identified on the drawing prepared by McKinlay Morgan and Associates Pty Ltd and identified as Plan No. 89476/2: DA:12, are to be established and maintained as specified within Section 4.2.2(b) of Planning for Bushfire Protection 2001.
9. All Outer Protection Areas, as identified on the drawing prepared by McKinlay Morgan and Associates Pty Ltd and identified as Plan No. 89476/2: DA:12, are to be established and maintained by the Community Association, as specified within Section 4.2.2(b) of Planning for Bushfire Protection 2001.
10. The provision of a common bulk water storage tank having a minimum capacity of 100 000 litres and dedicated for fire fighting purposes. The bulk water tank shall be sited in a position nominated within the bushfire threat assessment and provide a reticulated service to individual dedicated fire storage tanks within each proposed lot. The bulk water storage tank shall provide easy access for a Category 1 Fire Tanker and be fitted with a lever type ball stop valve and 65mm Storz coupling.
11. The provision of a bulk water storage tank having a capacity of at least 10 000 litres within each of the proposed lots. The dedicated water storage tank shall be connected to the reticulated supply supplied from the bulk water tank and provide easy access for a Category 1 Fire Tanker and be fitted with a lever type ball stop valve and 65mm Storz coupling.
12. A fire trail system shall be constructed to comply with the requirements of Section 4.3.3 within Planning for Bushfire Protection 2001 and located as indicated on the plan prepared by McKinlay Morgan and Associates Pty Ltd and numbered 89476/2: DA:5.
13. The constructed section of Coobah Road within the proposed development shall have a minimum sealed width of 5.5 metres.
14. A turning circle complying with the requirements of Section 4.3.2 of Planning for Bushfire Protection 2001 shall be constructed at the eastern end of Coobah Road.
15. An emergency access road shall be constructed to comply with Section 4.3.3 of Planning for Bushfire Protection 2001 and extend from the turning circle proposed to the eastern end of Coobah Road to West Portland Road further to the east. The emergency access road shall be restricted to emergency vehicle access and private vehicles during times of emergency only.

Prior To Issue Of Construction Certificate - (Stages 1 & 2)

16. 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.
17. All site works shall be carried out in accordance with the Plan. Implementation of the Plan shall be supervised by an appropriately qualified person.
18. Construction of the road, access, drainage and filling are not to commence until three copies of the plans and specifications of the proposed works are submitted to and approved by the Director of External Services or an Accredited Certifier.
19. A Traffic Guidance Scheme prepared in accordance with AS 1742-3 (1996) by an appropriately qualified person shall be submitted to Council. Where the works affect Roads and Traffic Authority

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controlled roads, the Traffic Guidance Scheme is to be approved by the Roads and Traffic Authority before submission to Council.

20. Where appropriate, payment of Construction Certificate and Compliance fees to Council in accordance with Council's Revenue Pricing Policy
21. Submission to Council for approval of a Vegetation Management Plan in accordance with the recommendations of the flora and fauna assessment prepared by Conacher Travers and dated July 2004 (Reference 3591).
22. Submission of proof of the payment of the Building Industry Long Service Levy where the value of civil works exceeds \$25,000.00.

Prior To Commencement Of Works - (Stages 1 & 2)

23. All traffic management devices shall be installed and maintained in accordance with the approved traffic management plan.
24. 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.
25. The applicant shall advise Council of the name, address and contact number of the principal certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1979.
26. At least two days prior to the commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.
27. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. The facility shall be located wholly within the property boundary.
28. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
 - (a) Unauthorised access to the site is prohibited.
 - (b) The owner of the site.
 - (c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
 - (d) The name and contact number of the Principal Certifying Authority.

During Construction - (Stages 1 & 2)

29. Any water tanks, outbuildings or other ancillary structures shall be finished in colours and materials of earth tones of low reflective quality to blend in with the bushland.
30. 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.
31. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
32. All trucks entering or leaving the site shall have their trays suitably covered to prevent spillage from the truck onto the road.
33. No trees are to be removed without the approval of Council.

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34. Boundary fence lines shall be hand cleared only, with no topsoil disturbance, to a maximum width of 1m.
35. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
36. 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.
37. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
 - (a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
38. All natural and subsurface water-flow shall not be re-directed or concentrated to adjoining properties. Water flows shall follow the original flow direction without increased velocity.
39. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
40. Table drains and associated drainage shall be constructed along the road frontage for lots 4 to 14.
41. All necessary drainage works shall be constructed along the access strip and across the footway as required.
42. Arrangements are to be made for the provision of the disposal of storm water from the site.
43. All fill including existing fill must be compacted to 98% standard compaction in accordance with AS1289 and verified by the submission of test results for each lot accompanied by a contoured depth of fill plan.
44. 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.

Prior To Issue Of Subdivision Certificate - (Stages 1 & 2)

45. Compliance with all conditions of this consent.
46. A Certificate from a telecommunications carrier confirming that provision has been made for services to the development shall be submitted to the Principal Certifying Authority.
47. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
48. The structural adequacy of the dam and spillway capacity is to be certified by a suitably qualified and experienced engineer.
49. A Surveyor's Certificate stating that all pipelines are contained within the proposed/existing easements shall be submitted.
50. 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

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51. Easements 4m wide and 10m long shall be created over the site for drainage discharge from roads (at no cost to Council).
52. A plan of subdivision prepared to the requirements of the Land Titles Office, shall be submitted to Council, with four copies.
53. A Surveyor's Certificate stating that all existing buildings on the lots comply with the Building Code of Australia in relation to boundary setbacks shall be submitted.
54. A survey plan showing all existing services on the lots including septic tank and effluent disposal area, sewer connections and stormwater disposal shall be submitted. The plan shall demonstrate that there are no encroachments over remaining or proposed boundaries.
55. The separate parts of the lots are to be joined by a vinculum.
56. Completion of relevant works required by the approved vegetation management plan.
57. The creation of a restriction on the use of the land under section 88B of the Conveyancing Act requiring:
 - Any future development is to occur in accordance with the approved plan of constraints.
 - Further subdivision, other than by boundary adjustment, is prohibited.
 - Any on site effluent disposal system installed on the lots is to be designed, installed, certified and maintained in accordance with the report prepared by Toby Fiander and Associates titled Feasibility of On-Site Wastewater Disposal System at Proposed Five Lot Subdivision of "Merit Farm" West Portland Road, Sackville, dated 12 May 2005 and any supplementary reports/plans required by conditions of this consent. This restriction is to advise that any development application for development which will generate more than 5 equivalent persons of waste water is to be accompanied by a feasibility study examining the capacity of the sewage management facilities to cater for the increased loading.
 - Asset Protection Zones are to be maintained in accordance with the provisions of Planning for Bushfire Protection, January 2001. (This is to include any necessary legal mechanism to allow for maintenance of Asset Protection Zones on adjacent land lots within the development.)
 - Where relevant, lots are to be managed in accordance with the approved Vegetation Management Plan
 - Compliance with relevant conditions of consent required by the NSW Rural Fire Service.

Additional Conditions for Stage 1 - Five Lot Torrens Title Allotments

58. The fire trail to be situated within Proposed Lot 17 is to be constructed outside the northern perimeter of the rock outcrop situated approximately 100 metres to the east of the constructed portion of Coobah Road. These works are to be incorporated into a Right of Carriageway for emergency use where the proposed fire trail/emergency access road is located outside of the existing Crown Road.
59. Payment of a Linen Release Fee of \$875.00. This amount is valid until 30 June 2006.
60. A report from a suitably qualified and experienced consultant shall be provided to Council for approval which:
 - i. investigates the operation of the existing on-site sewage management facilities; and

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- ii. confirms that the systems are functioning appropriately and the system and irrigation areas comply with recommended buffer distance of Environment & Health Protection Guidelines On Site Sewage Management for Single Dwelling, January 1998 with respect to the location of driveways, dwellings and property boundaries, or
- iii. makes appropriate recommendations for the augmentation, relocation, repair or replacement of these systems. Any such works are to be completed to the satisfaction of Council prior to release of the subdivision certificate.

Additional Conditions for Stage 2 - 14 Lot Community Title Subdivision

- 61. The new road shall be dedicated as a public road.
- 62. All required Asset Protection Zones are to be established on site.
- 63. The road shoulders and full width sealed pavement of Coobah Road shall be constructed for the length of proposed lots 4 to 14 and at end add "a turning circle with a minimum pavement radius of 12 metres is to be constructed with the centre of radius in a line running along a prolongation of a line running south from the eastern boundary of Proposed Lot 14.
- 64. Perimeter and internal fire trails are to be constructed and/or upgraded at the locations shown on the approved subdivision plans. A one (1) metre wide cleared strip is to be provided on either side of all fire trails. Passing bays, seven (7) metres wide and twenty (20) metres long are to be provided at every 200 metre interval along the access. All works are to be carried out in accordance with the Planning for Bushfire Protection 2001.
- 65. A separate Construction Certificate Application is to be lodged for the proposed Sewaged Management Facility, Recycled Water Storage, Bushfire Water Storage Tanks and am.
- 66. Construction of the drainage, dam and filling are not to commence until three copies of the plans and specifications of the proposed works are submitted to and approved by the Director of External Services or an Accredited Certifier.
- 67. Submission to and approval by Hawkesbury City Council of an "Application to Install a Sewage Management Facility" for the proposed centralised sewage management facility to be provided for Proposed Lots 3 to 14 Coobah Road in accordance with Section 68 of the Local Government Act 1993. The proposal is to incorporate the following:
 - a) Sewer drainage lines to be installed that will convey sewage from each of the residences on Lots 3 to 14 to the Centralised Sewage Management Plant via storage tanks and positive displacement pumps and rising main.
 - b) The storage tank on each of the properties having a minimum capacity of 1500 liters in order to provide storage during extended periods of power interruption.
 - c) That the Centralized Sewage management Plan is to be fenced and a sealed access driveway is to be provided from Coobah Road to the Plant.
- 68. The dam shall be constructed in accordance with the Dam Construction chapter of Hawkesbury Development Control Plan.
- 69. A monetary contribution is to be paid to Council, pursuant to Section 94 of the Environmental Planning and Assessment Act 1979, towards the provision of the following public facilities in the locality:
 - (a) Open Space and Recreation (\$7,389.28)
 - (b) Community Facilities (\$9,404.12)

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70. Contributions are to be paid prior to issue of the Construction Certificate. The amount has been 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.
71. 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. The attached fee schedule is valid for 3 (three) months.
72. A Certificate from a telecommunications carrier confirming that provision has been made for services to the development shall be submitted to the Principal Certifying Authority.
73. The sewerage management facilities detailed in the report by Toby Fiander dated 2 May 2005 shall be installed and operational for lots 4 to 14 prior to release of the subdivision certificate.
74. A Management Statement complying with Schedule III of the Community Land Development Act, 1989, shall be lodged with and approved by Council. This statement is to include a provision that Lot 1 is not to be used for the purpose of erecting a dwelling.
75. The Neighbourhood Management Statement shall include a provision that no dwelling shall be erected on the neighbourhood lot.
76. Payment of a Linen Release Fee of \$2,000. This amount is valid until 30 June 2006
77. Evidence is to be provided prior to the release of the Stage 2 (Community Title) subdivision plan in relation to the formalisation of the Voluntary Conservation Agreement between current owners and the property and the Minister for the Environment of NSW relating to Part Proposed Lot 15 and Proposed Lot 17.
78. Appropriate legal instruments in respect to the ongoing maintenance of the main sewerage lines and the Centralised Sewage Management Plant by the Community Association are to be submitted to Council and be registered on title.
79. Appropriate legal instruments in respect to easements to be created over the storage tank and positive displacement pumps and associated rising main to be registered on each of the allotments served by the Centralised Sewage Management Plan and placing the responsibility for ongoing maintenance of those installations on the Community Association, be submitted for Council and registered on title.

Advisory Notes

80. 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.
81. The applicant is advised to consult with:
 - (a) Integral Energy
 - (b) 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 roads.

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.

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INFRASTRUCTURE SERVICES

Item: 275 **IS - Street Tree Policy - DRAFT - (79354)**

Previous Item: NM, Ordinary (22 February 2005)

MOTION:

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

Refer to RESOLUTION

396 RESOLUTION:

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

That:

1. The Draft Tree Management Policy be workshopped with relevant stakeholders including, but not limited to the RTA, Sydney Water, Integral Energy, Westpool, etc. and exhibited for public comment for a period of 28 days prior to being reported for adoption.
2. The development of the additional vegetation policies/specifications be undertaken as resources permit.
3. The development of a Street Tree Master Plan, to be commenced by year ending 2006, be further reported with funding details in conjunction with the Street Tree Policy.

Item: 276 **IS - Windsor Toilet Facilities - (95495, 76542, 73749)**

Mr Frank Scharfe, respondent, addressed the Committee

MOTION:

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

Refer to RESOLUTION

397 RESOLUTION:

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

That:

1. The offer of Windsor Kentucky Fried Chicken (KFC) to provide access to the general public to toilet facilities be accepted on the basis of two parking bays at the rear of the building being dedicated to

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KFC use. The agreement being by correspondence with termination by either party at four weeks notice.

2. The agreement be reviewed after the outcomes of the Expressions of Interest process for this site has been determined.

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SUPPORT SERVICES

Item: 277 **SS - Membership in the Local Government Buy Recycled Alliance - (95496, 96333).doc**

MOTION:

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

Refer to RESOLUTION

398 RESOLUTION:

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

That Council become a member of the Local Government Buy Recycled Alliance, by signing the Memorandum Of Understanding for the Alliance.

CONFIDENTIAL REPORTS

399 RESOLUTION:

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

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: 278 IS - Vegetation Mapping of the Hawkesbury LGA - Tender Evaluation Report - (95495, 96331)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(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.*
2. In accordance with the relevant provisions of the Act, the reports, correspondence and other relevant documentation associated with this matter 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 this confidential matter.

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

400 RESOLUTION:

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

Item: 278 IS - Vegetation Mapping of the Hawkesbury LGA - Tender Evaluation Report - (95495, 96331).doc CONFIDENTIAL

MOTION:

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

Refer to RESOLUTION

401 RESOLUTION:

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

That the matter be deferred and further investigated.

SECTION 5 - Reports of Committees

ROC - Waste Management Advisory Committee - 1 June 2005 - (95249, 95498)

402 RESOLUTION:

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

That the minutes of the Waste Management Advisory Committee held on 1 June 2005 as recorded on pages 57 to 61 of the Ordinary Business Paper be received.

ROC - Heritage Advisory Committee - 28 July 2005 - (80242, 95498)

403 RESOLUTION:

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

That the minutes of the Heritage Advisory Committee held on 28 July 2005 as recorded on pages 62 to 64 of the Ordinary Business Paper be received.

ROC - Waste Management Advisory Committee - 3 August 2005 - (95249, 95498)

404 RESOLUTION:

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

That the minutes of the Waste Management Advisory Committee held on 3 August 2005 as recorded on pages 65 to 67 of the Ordinary Business Paper be received.

ROC - Strategic Planning Committee - 18 August 2005 - (91368, 95498)

405 RESOLUTION:

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

That the minutes of the Strategic Planning Committee held on 18 August 2005 as recorded on pages 68 to 74 of the Ordinary Business Paper be received.

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ROC - Local Traffic Committee Minutes - 17 August 2005

Councillor Conolly declared an interest in this matter as he is employed by the Catholic Education Office, which runs Bede Polding College, he left the meeting and did not take part in voting or discussion on the matter.

406 RESOLUTION:

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

That the minutes of the Local Traffic Committee held on 17 August 2005 as recorded on pages 75 to 118 of the Ordinary Business Paper be adopted.

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QUESTIONS WITHOUT NOTICE

1. Councillor Books advised that he had been contacted by a resident in Ferry Road who is concerned about the rubbish and long grass on the side of the road on the dirt section and asked if this could be investigated.

The Director Infrastructure Services advised that this would be investigated.

2. Councillor Books asked if the footpaths in South Windsor could be washed down where the cigarette butts, dog droppings and rubbish is thrown or left and if it could be done, prior to Christmas as the shop owners are unable to hose down the footpaths themselves due to the water restrictions.

The Director Infrastructure Services advised that if it were done, it would be an ongoing process, as the same thing will happen again. He advised that a similar exercise was done in Richmond, which cost around \$7,000 for one block about 18 months ago.

3. Councillor Books advised that he had been contacted by Kevin Kennel, who wanted to address Council in relation to the pouch he had designed for putting cigarette butts and chewing gum into. Councillor Books asked if it was possible for him to address Council.

The Director Infrastructure Services advised that it could be done and perhaps it could be done on the information night when the Wrigley's representative addresses Council.

4. Councillor Calvert referred to his request for an update on the proposed upgrade of Kurrajong Heights Lookout and asked if it was imminent.

The Director Infrastructure Services advised that it was.

5. Councillor Calvert referred to his request for an update on the proposed Yarramundi Park and asked if this was imminent.

The Director Infrastructure Services advised that it was.

6. Councillor Calvert referred to McMahon's Park and the proposed fixing of the drainage pipe on the side of the road and asked when that would be completed.

The Director Infrastructure Services advised that it was completed yesterday and a report was sent to Councillor Calvert outlining the details.

7. Councillor Calvert referred to the Flood Evacuation Route and how the finishing date had been extended; he advised that both Mr Aquilina and Mr Shearan were not happy with the proposed blowout by the RTA to a later finishing date. He advised that the Ministers were going to pursue that matter and are both very keen for the original finishing date at the end of 2006 to be adhered to.

8. Councillor Paine advised that a young child was knocked down on the side of Creek Ridge Road and Wenban Road where the produce store was proposed. Residents wanted to thank Council for their decision in relation to the proposal.

9. Councillor Paine referred to a sign at the Richmond Cemetery that says Richmond Shire Council and asked if the sign could be changed to say Hawkesbury City.

The Mayor advised that he had raised the matter with staff previously and advised that rather than

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changing that particular sign, staff are looking at putting a new one next to it due to how old the original sign is.

The Director Infrastructure Services advised the sign for the cemetery was routed in sandstone; therefore, a sign is being put next to it instead of replacing it.

10. Councillor Paine made reference to Burwood Council and how they are imposing fines from \$110 to \$220 on abandoned shopping trolleys. She asked if Council was chasing up our district's trolley problems.

The Director External Services advised that Council does issue warning letters and fines for abandoned trolleys, but will raise the matter again for investigation.

11. Councillor Williams referred to the Go-Kart Track at Wilberforce and the many tyres they use around the track to protect their karts. He expressed concerns that the tyres are not held down. He advised that there were many places in the flood plain that use tyres. It would be an environmental disaster if it floods again as all these tyres will float. He asked if Council could make it a requirement for tyres and anything else that may float, in the floodplain to be chained down and asked if it could be made a regulation.

The General Manager advised it would be investigated.

12. Councillor Williams advised that a property on West Portland Road opposite the Laws Farm intersection had been clearing trees. He advised that Council staff did issue an order that the trees would be able to regrow, however, ever since the saplings had been planted, the regrowth is being cut back continually. He asked if the matter could be taken up again.

The Director External Services advised it would be taken on notice.

13. Councillor Williams advised that the Hobartville running track still had holes in it and is still a hazard to the kids that are running there.

The Director Infrastructure Services advised that the matter was taken up with Sports Council, who was asked to liaise with the trainer of the person who is using it, who has offered to fix the holes if the Sports Council provides the turf.

14. Councillor Finch asked where Council was at with the illegal parking of the cars for sale at Kurrajong as she thought signs were to be erected.

The Mayor advised that the matter is still being investigated and that Council had agreed to take action at McGraths Hill, and then Council would investigate the same issue at North Richmond and Kurrajong.

The Director External Services advised that further investigations in relation to what powers Council had in relation to road verge and people parking cars on the road verge for sale.

Councillor Finch asked if Council had agreed to put signs up.

The Mayor advised that Council didn't on those sites; they were identified as problem areas. He advised that Council could address McGraths Hill as it was Council land and we had control over that. The other sites, however, were not Council owned so further investigated had to take place.

The Director External Services advised that McGraths Hill is a Council owned reserve, the matter that is now being raised is that because the cars are being parked on the road verge and, as they are registered vehicles, they have a right to park there. She advised that what powers Council has to move them on are different to the powers utilised when vehicles are parked on Council property.

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15. Councillor Finch advised that at the Board meeting of the Western Sydney Academy of Sport, it was noted that the Hawkesbury now has nine children involved, which makes us the second highest out of the ten Councils involved.
16. Councillor Rasmussen advised that he had been notified that there are 59 trees with big crosses and yellow markings on them up at the cut rock commercial water bore area on the edge of the road. He asked if they are to be cut down or if there was an RTA issue that Council didn't know about.

The Director Infrastructure Services advised that the matter was already being investigated and Council had been in contact with the RTA to ask them not to do anything if they had proposed to until discussions could be held. Council is still investigating whether it is RTA or a private owner.

17. Councillor Rasmussen advised that Yarramundi Reserve still had a big hole in the fence and asked if this could be fixed.

The Director Infrastructure Services advised it was being done.

18. Councillor Rasmussen referred to the Pitt Town DCP and asked when it would be coming to Council and if a Special Meeting could be held for it due to the large community interest in the matter.

The Director City Planning advised that it was schedule to come to the next Council meeting.

Councillor Rasmussen asked if a Special Meeting could be organised as Council had done in the past for the Pitt Town Matters.

The Mayor advised it would be taken on notice and Councillor Rasmussen would be advised of the outcome.

19. Councillor Devine indicated that he had been advised by the owners of property 133 George Street, Windsor had indicated that their property was entered into Schedule 1 of the Hawkesbury LEP without any consultation with them. He asked if this is correct and also what the process is for listing property, of heritage interest.

The Director City Planning commented that he could not advise on that particular property's case, but the upcoming proposal to list additional properties is with the Heritage Committee and Council has previously resolved to write to the owners once the Heritage Committee accepts the nominations as part of the exhibition process.

Councillor Devine advised that he still had an issue with whether or not it was a fact that the residents weren't consulted before their property was listed and would like to find out if it was the case.

The Director City Planning advised it would be investigated, but added that he didn't think anyone was advised when the Schedule was first created quite some time ago.

The General Manager advised the matter would be clarified and Councillor Devine would be advised of the outcomes.

20. Councillor Conolly referred to the Bligh Park Laneways issue and asked the current position, carrying on from his last request.

The Director Infrastructure Services advised there would be a comment available soon as the finalisation for the location of services in the laneways is being completed so now Council can create a strategy on how the residents will be informed of what is proposed.

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21. Councillor Conolly referred to a letter that was sent to the General Manager by a resident in Bowman Street, Richmond about the Street Tree issue and disrupting the footpath out the front of the residents' house. Councillor Conolly advised that the resident sent the letter in on 1 September and hasn't received a response as yet. He asked if a response could be provided and a copy provided to him as well.

The Mayor acknowledged the request.

22. Councillor Wearne referred to Salters Road, Wilberforce opposite No. 94 and advised that there was a pile of dead timber that had been there for some time and believed that the timber been left over from Integral Energy when carrying out work on the power lines. He asked if a shredder could be organised to remove the timber.

The Director Infrastructure Services acknowledged the request.

23. Councillor Wearne noticed on the driveway in the grass at 10 The Terrace; close to the gutter are the remains of what was a 'No Standing' sign. He asked if it could be removed, as it was a trip hazard.

The Mayor advised it was noted and it would be looked into.

24. Councillor Wearne made reference to the Windsor Bridge on the eastern side downstream and advised that an old shopping trolley had been there for a while and asked if it could be removed

The Director Infrastructure Services acknowledged this request.

25. Councillor Books asked if the Heritage Advisor could have a look at what was happening to Ebenezer Church. He advised that a new toilet block was being erected, but some of the old Pioneer Vaults were starting to have marks on them. There were some that were proposed to have black marble plaques put on them.

The Mayor advised it would be investigated.

26. Councillor Calvert referred to the old 'Welcome to Richmond' sign near the Richmond Polo Club was still missing and now the 'Welcome to North Richmond' sign was missing.

The Mayor acknowledged this advice.

27. Councillor Paine advised that she had received a letter from Mr George Rhodes, who had also written to the General Manager about the Museum and his concerns in relation to the Museum. She asked if the General Manager had received the letter and if a response had been provided.

The General Manager advised the letter had been received and the Director Infrastructure Services was preparing a response.

28. Councillor Paine asked if an update could be provided in relation to the Museum.

The Director Infrastructure Services advised that a report was being prepared for the next Council meeting.

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The meeting terminated at 7:41pm.

Submitted to and confirmed at the Ordinary meeting held on 27 September 2005

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Mayor