



Hawkesbury City Council

ordinary meeting minutes

date of meeting: 11 April 2006

location: council chambers

time: 5:00 p.m.

ORDINARY MEETING

MINUTES: 11 April 2006

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**

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 11 April 2006, commencing at 5.02pm.

Corps Officer Cheryle Symons of the Salvation Army, 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, Conolly, T Devine, B Porter, P Rasmussen, R Stubbs and N Wearne.

APOLOGIES

Apologies for absence were received from Councillors B Calvert, C Paine and L Williams.

109 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Stubbs that the apologies be accepted.

SECTION 1: Confirmation of Minutes

110 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Books that the Minutes of the Ordinary Meeting held on the 28 April 2006, be confirmed.

SECTION 4 - Reports for Determination

GENERAL MANAGER

ITEM: 73 GM - Report of Conduct Committee Meeting 30 March 2006 - (79351)

This item was withdrawn at the meeting from the agenda.

ITEM: 74 GM - 'Waste 2006' Conference - Attendance Report - (79351, 95494, 96330)

MOTION:

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

Refer to RESOLUTION

111 RESOLUTION:

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

That the information be received.

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CITY PLANNING

ITEM: 75 **CP - Review of Determination - Demolition, Dual Occupancy - Demolition of Existing Dwelling and the Erection of a Two Storey Dual Occupancy, Lot 43 DP 231320, 13 Ducker Avenue, Hobartville NSW 2753 - (96329, 95498, 31695, 31694, 24525, DA0502/05)**

MOTION:

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

Refer to RESOLUTION

112 RESOLUTION:

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

That the application for a dual occupancy be approved subject to the conditions in the attached consent, it being noted that Council considers that the slight encroachment on the front setback of the development is acceptable due to the preferable aesthetic appearance to the development and its location at the head of the cul-de-sac:

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. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
3. The approved use shall not commence until all conditions of this Development Consent have been complied with.
4. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
5. The development shall comply with the provisions of the Building Code of Australia at all times.
6. The development shall comply with the Environmental Planning and Assessment Act, 1979 at all times.
7. 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.
8. 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.

Prior to Issue of Construction Certificate

9. 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:

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- | | | |
|-----|---------------------------|--------------|
| (a) | Open Space and Recreation | (\$1,236.00) |
| (b) | Community Facilities | (\$1,778.00) |

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.

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.

10. 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.

All site works shall be carried out in accordance with the Plan. Implementation of the Plan shall be supervised by an appropriately qualified person.

11. Construction of the road, access and drainage are not to commence until three (3) copies of the plans and specifications of the proposed works are submitted to and approved by the Director of City Planning or an Accredited Certifier.
12. Payment of a Construction Certificate checking fee of \$403.00 Compliance Certificate inspection fee of \$730.00 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.
13. 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 controlled roads, the Traffic Guidance Scheme is to be approved by the Roads and Traffic Authority before submission to Council.

Prior to Commencement of Works

14. All traffic management devices shall be installed and maintained in accordance with the approved traffic management plan.
15. Recent colour photographs of all elevations of the existing dwelling shall be submitted to Council. The photographs shall be labelled and cross referenced to a base plan drawn to scale.
16. 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.
17. The building shall be set out by a Registered Surveyor. The Survey Certificate of the building showing the position of the external walls under construction and in compliance with the approved plans shall be lodged with the principal certifying authority. Any easements must be shown on the Survey Certificate.
18. A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 shall be supplied to the principal certifying authority prior to commencement of works.
19. A copy of receipt of payment of Long Service Levy shall be provided to the Principal Certifying Authority prior to any works commencing on site. Payments can be made at Long Service Corporation offices or most Councils.

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20. 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.
21. 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.
22. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
23. 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.
24. A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Principal Certifying Authority prior to any works commencing on site.
25. The approved plans must be submitted to a Sydney Water Quick Check agent or customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For quick Check agent details, please refer to the web site www.sydneywater.com.au, see Building Developing and Plumbing then Quick Check or telephone 13 20 92.

The consent authority or a private accredited certifier must either:

- Ensure that Quick Check agent/Sydney Water has appropriately stamped the plans before the issue of any Construction Certificate; or
- If there is a combine Development/Construction Certificate application or Complying Development, include the above condition as one to be met prior to works commencing on site.

During Construction

26. The development shall be completed in accordance with the approved colours and finishes and shall not be altered.
27. The driveway shall be finished with a decorative paving pattern in earth tones.
28. The site shall be secured to prevent the depositing of any unauthorised material.
29. 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.
30. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
31. New boundary fences shall be provided. Fencing behind the building line shall be a height of 1.8m.
32. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.

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33. 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.
34. 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.
 - (b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
 - (c) Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
35. At all times during demolition, a competent person shall directly supervise work. It is the responsibility of the person to ensure that:
- (a) Adjoining owners are given 24 (twenty four) hours notice, in writing, prior to commencing demolition.
 - (b) Utility services within the structure not required to be maintained during the demolition work shall be properly disconnected and sealed before any demolition commences.
 - (c) The site shall be secured at all times against the unauthorised entry of persons or vehicles.
 - (d) Safe access and egress from adjoining buildings is to be maintained at all times for the duration of the demolition work.
 - (e) Precautions are taken to ensure that the stability of all parts of the structure and the safety of persons on and outside the site are maintained, particularly in the event of sudden and severe weather changes.
 - (f) The structure and all components shall be maintained in a stable and safe condition at all stages of the demolition work.
 - (g) Demolition activity shall not cause damage to or adversely affect the structural integrity of adjoining buildings
 - (h) Removal of dangerous or hazardous materials shall be carried out in accordance with the provisions of all applicable State legislation and with any relevant recommendations published by the National Occupational Health and Safety Commission (Worksafe Australia).
 - (i) All work shall be carried out in accordance with AS2601 and the Work Plan submitted with the development application.
 - (j) Unless otherwise permitted by Council, the structure is to be demolished in reverse order of construction, being progressive and having regard to the type of construction, to enable the maximum separation and recycling of demolished materials to take place.
 - (k) No material is to be burnt on site.
36. Mandatory inspections shall be carried out and Compliance Certificates issued only by Council or an accredited certifier for the following components of construction:

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Note: Structural Engineer's Certificates, Drainage Diagrams and Wet Area Installation Certificates are NOT acceptable unless they are from an accredited person.

- commencement of work (including erosion controls, site works and site set out);
 - piers;
 - steel reinforcement prior to pouring concrete;
 - stormwater lines, prior to backfilling;
 - framework, after the installation of all plumbing, drainage and electrical fixtures, and after the external cladding and roof covering has been fixed prior to fixing of internal linings and insulation;
 - wet area flashing, after the installation of bath and shower fixtures;
 - prior to occupation of the building;
37. 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 (seven) 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 person acting in accordance with this Consent is liable for any part of the cost of 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.
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. Removal of the existing redundant layback crossing and replacement with concrete kerb and gutter and the restoration of the footway area.
41. All necessary drainage works shall be constructed along the access strip and across the footway as required.
42. On-site detention shall be provided to maintain all stormwater discharges from the 1:1 year storm up to the 1:100 year storm at pre-development levels.
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.
44. Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the components of construction detailed in Hawkesbury Development Control Plan Appendix B Civil Works Specification, Part II, Table 1.1.

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45. A heavy-duty layback and footway vehicular crossing three metres wide shall be constructed to the development. The crossing shall be constructed in accordance with Hawkesbury Development Control Plan Appendix E, Civil Works Specification.
46. A centrally located concrete driveway, minimum three metres wide, shall be constructed along the full length of the access handle to development. The driveway shall be a minimum thickness of 150mm and be reinforced with F82 mesh.
47. All services or suitable conduits shall be placed prior to concrete pouring.

Prior to Issue of Occupation Certificate

48. Compliance with all conditions of this development consent.
49. 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.
50. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
51. Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.
52. Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.
53. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
54. The following certificates are to be provided, stating the name of person or company carrying out the installation, type of material and the relevant Australian Standard to which installed:
 - (a) The type and method of termite treatment (complying with AS 3660) provided to walls and floors, pipe penetrations, jointing of new work to existing and slab perimeters. A copy of the termite treatment and materials used shall also be securely fixed inside the meter box for future reference.
 - (b) Glazing materials installed in the building in accordance with AS1288 and AS2047 - Glass in Buildings - Selection and Installation, e.g. windows, doors, footlights and showers.
 - (c) The type of timber installed indicating both species and durability as required by AS 1684.
 - (d) An automatic smoke detection system installed in residential development by a licensed electrician. Smoke alarms must comply with AS 3786 and be connected to the consumer mains power where supplied to the building.
55. Evidence that the hot water system has a minimum energy rating of 3.5 stars shall be submitted to the principal certifying authority.
56. A Plan of Management for the on-site stormwater detention facilities shall be submitted to and approved by Council. The Plan of Management shall set out all design and operational parameters for the detention facilities including design levels, hydrology and hydraulics, inspection and maintenance requirements and time intervals for such inspection and maintenance.
57. The owner shall enter a positive covenant with Council which provides the following:

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- (a) The registered proprietors will at all times maintain, repair and keep the on-site stormwater detention facilities in a good and safe condition and state of repair, in accordance with the approved design to the reasonable satisfaction, at all times, of Council, having due regard to the Plan of Management for the operation and maintenance of the on-site stormwater detention facilities, and
- (b) The liability under the Covenant will jointly and severally bind the registered proprietors of the proposed dwellings, and
- (c) Council only will be entitled to release or modify the Covenant.

All costs associated with the Covenant, including any legal costs payable by Council, are to be paid by the owner or applicant.

- 58. Submission of a report by the Design Engineer stating the conformance or otherwise of the system in relation to the approved design.
- 59. Works-As-Executed drawings for the One Site Detention Stormwater System which indicate the following shall 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

The Use of the Site

- 60. The subject development, including landscaping, is to be maintained in a clean and tidy manner.

Advisory

- 61. Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.
- 62. The applicant is advised to consult with:
 - (a) Sydney Water Corporation Limited
 - (b) Integral Energy
 - (c) Natural Gas Company
 - (d) a local telecommunications carrier

regarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public roads.

- 63. 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.
- 64. The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.

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ITEM: 76 **CP - 203 Cattai Road, Pitt Town - Amendment 145, Hawkesbury Local Environmental Plan - (95498, 7972)**

Previous ITEM: 63, Ordinary (28 March 2006)

Mr Phillip Dunesky, respondent, addressed the Council.

MOTION:

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

Refer to RESOLUTION

113 RESOLUTION:

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

That Council advise Mr Dunesky that following submissions received from the public, Council forwarded Amendment No. 145 to the Minister for gazettal, and therefore Council is not going to withdraw it and amend it at this late stage.

Councillor Rasmussen requested that his name be recorded as having voted against the motion.

ITEM: 77 **CP - Draft Windsor Masterplan - (95498)**

MOTION:

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

Refer to RESOLUTION

114 RESOLUTION:

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

That the Windsor Master Plan and Windsor Development Control Plan be deferred until the 2006/2007 financial year.

Councillors Finch and Rasmussen requested that their names be recorded as having voted against the Motion.

COMMERCIAL STRATEGY

ITEM: 78 **CS - Business Development Options - (95498)**

Previous ITEM: 120, Ordinary (26 April 2005)

Mr Frank Scharfe and Ms Kim Smith proponents, addressed the Council.
Ms Marie Warby, respondent, addressed the Council.

MOTION:

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

Refer to RESOLUTION

115 RESOLUTION:

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

That:

1. The suggestions within the report and sponsored street signage be referred to a Council workshop.
2. Council staff undertake preliminary investigations of these matters.

116 RESOLUTION:

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

That in association with the preparation of the 2006/2007 Draft Management Plan an opportunity section be incorporated with regard to the possibility of Council establishing a loan facility as suggested with the report.

ITEM: 79 **CS - Defence Force Air Show 2006 - (95497, 91811, 81055)**

Mr Frank Scharfe and Ms Kim Smith, proponents, addressed the Council.

MOTION:

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

Refer to RESOLUTION

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117 RESOLUTION:

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

That:

1. The Royal Australian Air Force Special Events Team be advised of Council's support for the Defence Force Air Show 2006 and welcomes the opportunity to work with the RAAF to jointly promote the Richmond Air Base and surrounds.
2. Authority be given to the General Manager to negotiate the suitable involvement of Council in the event as appropriate, including coordinating any involvement of the local business community in relation to on/off-site activities and facilities or the sponsorship thereof and also the appropriate use of the name "Hawkesbury" in relation to the event.
3. An amount of up to \$10,000 be incorporated into the local economic development budget for this purpose for consideration as part of the budget approval process for the upcoming financial year.

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EXTERNAL SERVICES

ITEM: 80 **ES - Kurrajong Community Centre - Update - (95494, 79342)**

Previous ITEM: 51, Ordinary Meeting (22 February 2005)

Ms Janette Lennox, proponent, addressed the Council.
Ms Yvonne Impiombato, respondent, addressed the Council.

MOTION:

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

Refer to RESOLUTION

118 RESOLUTION:

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

That:

1. The design brief for the Kurrajong Community Centre be received.
2. The design brief be forwarded to the appointed Architect to develop preliminary designs and provisional costing for the Centre.
3. The preliminary design and provisional costing be referred to the Kurrajong Community Centre Design Committee for their further consideration.
4. Council staff further liaise with CWMRU and Kurrajong Comleroy Historical Society to discuss the possibility of these organisations making a financial contribution toward the costs of providing office accommodation within the Kurrajong Community Centre for their exclusive use.
5. The General Manager write to members of the Kurrajong Community Centre Design Committee to extend Council's appreciation of their work in developing the design brief for the Centre.

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ITEM: 81 **ES - John and Hazelle Laffin Battlefield Museum and War Collection - (79342, 11915)**

Previous ITEM: 50, General Purpose Committee - (24 August 2004)

MOTION:

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

Refer to RESOLUTION

119 RESOLUTION:

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

That:

1. Council note that options for housing the John and Hazelle Laffin Battlefield Museum and War Collection have been explored with Mr Laffin.
2. Council encourage Mr Laffin to donate the John and Hazelle Laffin Battlefield Museum and War Collection, or part thereof to a larger Museum or collecting institution.
3. Council Staff to provide further advice and assistance to Mr Laffin in investigating options for donating the John and Hazelle Laffin Battlefield Museum and War Collection to a public institution or other entity that may be in a position to display the Collection.
4. Council acknowledge the significance of the John and Hazelle Laffin Battlefield Museum and War Collection and extends good wishes to Mr Laffin for the future donation of the Collection to an approved recipient.

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CONFIDENTIAL REPORTS

120 RESOLUTION:

RESOLVED on the motion of Councillor Conolly, 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 Chambers during consideration of the following items:

ITEM: 82 ES - Construction of South Windsor Family Centre - Greenhills Way (Tender No. 005FY06) - (95494, 79342, 73513)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it relates to details concerning tenders for the supply of goods and/or services to Council and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

ITEM: 83 SS - Property Matter - Lease to Derwin and Mifsud - The Windsor Function Centre - (95496, 86990, 99158)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it relates to details concerning the leasing of a Council property and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

2. In accordance with the provisions of Section 11(2) & (3) of the Local Government Act, 1993 the reports, correspondence and other relevant documentation relating to these matters be withheld from the Press and public.

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 Press and the public left the Council Chambers.

121 RESOLUTION:

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

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ITEM: 82 ES - Construction of South Windsor Family Centre - Greenhills Way (Tender No. 005FY06) - (95494, 79342, 73513) CONFIDENTIAL

MOTION:

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

Refer to RESOLUTION

122 RESOLUTION:

The Acting General Manager advised that whilst in closed Council, Council resolved on the motion of Councillor Rasmussen, seconded by Councillor Stubbs

That:

1. Council decline to accept any tender for the construction of the SWFC and, in accordance with Clauses 178(3)(e) of the Local Government (General) Regulation 2005 enter into negotiations with Denning Constructions Pty Ltd. with a view to reducing the floor space of South Windsor Family Centre and/or other such other items that would be required to lower the cost of construction to enable the project to be finalised within budget.
2. As required by Clause 178(4)(e) of the Local Government (General) Regulation 2005 the reason for Council's decision in 1. above is that it is necessary for the project to be completed within a specified funding level and it is more appropriate for that to be determined with an appropriate person/organisation as distinct from redesigning the proposed facility without being assured that subsequent tenders for the facility would fall within the available budget and Denning Constructions Pty Ltd are considered to be an appropriate body to enter into such negotiation with as they were the lowest tender for the original project.
3. The currently approved Development Application be amended to incorporate required changes.
4. Subject to the satisfactory completion of negotiations with Denning Constructions Pty. Ltd. for the construction of the South Windsor Family Centre approval be given for any necessary documents in association with the matter to be executed under Seal of Council.
5. Council notify the Management Committee of the Ham Street Hall of its intention to amend the design of the South Windsor Family Centre and to bring forward the sale of the Ham Street Hall. The Committee to be also advised of Council's intention to assist the current users of the Hall to relocate to an alternate Council facility.
6. Council provide an interim subsidy to not-for-profit user groups to meet any additional costs arising out of their relocation until such time as the South Windsor Family Centre can be occupied.
7. Subject to the rezoning of the site being gazetted, Council proceed with the sale of the Ham Street Hall site to facilitate the construction of the South Windsor Family Centre within the time frame as scheduled within Council's Section 94 Developer Contributions Plan.
8. The matter be further reported to Council detailing the outcomes of negotiations with Denning Constructions, the Ham Street Hall Management Committee, and user groups.

ORDINARY MEETING

MINUTES: 11 April 2006

ITEM: 83 **SS - Property Matter - Lease to Derwin and Mifsud - The Windsor Function Centre
- (95496, 86990, 99158) CONFIDENTIAL**

Previous ITEM: 219, Ordinary (12 July 2005)

MOTION:

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

Refer to RESOLUTION

123 RESOLUTION:

The Acting General Manager advised that whilst in closed Council, Council resolved on the motion of Councillor Finch, seconded by Councillor Porter

That in regards to the lease of the Windsor Function Centre:

1. Council agree to amend the provision of a bond by way of cash or bank guarantee equivalent from five months rent to three months base rent, being an amount of \$6,250.00.
2. The tenants be advised of Council's decision and be requested to provide an additional amount of \$250.00 to cover the total bond amount of \$6,250.00.

SUPPLEMENTARY REPORTS

ITEM: 84 **IS - Improvements to Turning Area and Parking on Stone Terrace, Kurrajong Hills
- Funding Offer - (80245, 31892, 94724)**

Previous ITEM: 56, Ordinary (9 November 2004)

MOTION:

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

Refer to RESOLUTION

124 RESOLUTION:

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

That:

1. The funding offer by the Department of Education to the value of \$50,000 be accepted.
2. Councils Works Program be re-prioritised to enable the completion of the works in Stone Terrace, Kurrajong Hills, by 30 June 2006.

ORDINARY MEETING

MINUTES: 11 April 2006

SECTION 5 - Reports of Committees

ROC - Cultural Precinct Advisory Committee Meeting - 21 February 2006 - (79342)

125 RESOLUTION:

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

That the minutes of the Cultural Precinct Advisory Committee held on 21 February 2006 as recorded on pages 73 to 74 of the Ordinary Business Paper be received.

ROC - Local Traffic Committee Minutes - 15 March 2006 - (80245)

126 RESOLUTION:

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

That the minutes of the Local Traffic Committee held on 15 March 2006 as recorded on pages 75 to 90 of the Ordinary Business Paper be adopted.

ORDINARY MEETING

MINUTES: 11 April 2006

QUESTIONS WITHOUT NOTICE

1. Councillor Stubbs referred to the representations he had received concerning vandalism in the reserve adjoining Flinders Place and asked that this be looked into.

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

2. Councillor Books referred to the right hand turn from Bridge Street into Macquarie Street and advised that there was a ripple in the road, which had become quite dangerous.

The Mayor advised that it would be investigated.

3. Councillor Books referred to the lights in George Street and the fact that you can sit there for a long time before the lights change to allow you to go through.

4. Councillor Books asked what progress had been made regarding the cleaning of shallow areas of river so the larger vessels could go up the River.

The Director City Planning advised that he had written to the Director General of the Department of Lands who is the technical owner of the river bed to ask whether they will give consent to a development application to dredge for channel maintenance.

Councillor Books asked if the appropriate people could be organised to address Council on the issue.

The Mayor advised that this could be arranged once a response had been received from the letter.

5. Councillor Finch referred to the Hawkesbury Community Kitchen, who provide food to the homeless and advised that they had been selling raffle tickets in McQuade Park every weekend. Councillor Finch asked if they had to have permission to do so as their insurance company has asked for clarification as there is nothing in writing.

The Acting General Manager advised that the matter would be taken on notice.

6. Councillor Rasmussen referred to correspondence from a gentleman in Bowen Mountain who was seeking some clarification as to how he and the residents up there can legally reduce the fuel build up. Councillor Rasmussen wanted to know if there had been any progress in relation to this matter.

The Mayor advised that all Councillors had received a copy of the correspondence and advised that staff were currently working on the matter.

The Director Infrastructure Services advised that the Director External Services had responded to that correspondence or is currently responding to it.

Councillor Rasmussen asked if it was a change in regulations or if it can be done at a local level for a short term fix or a long term fix and asked if all Councillors could get a copy of the reply.

7. Councillor Rasmussen referred to the end of fire season and whether or not Council is going to follow the practice that was set from last year of issuing a letter to the residents advising that between 1 April 2006 and 1 October 2006 you may burn, with a stipulation of what you can and can't burn.

ORDINARY MEETING

MINUTES: 11 April 2006

The Director Infrastructure Services advised that there may have been a notice in the paper only recently, but the matter will be investigated.

8. Councillor Rasmussen referred to Mulgrave Station and asked if Council's Local Traffic Committee could have a look at rerouting Old Stock Route Road into Railway Avenue to avoid the low level crossing which is a danger to people crossing.

The Mayor advised that the matter would be investigated.

9. Councillor Devine referred to previous correspondence Council had received from the Minister for Justice concerning the John Maroney and Dillwynia Correctional Centres advising Council that written instruction would be distributed to staff to ensure that the Centres were referred to as being in Berkshire Park, not South Windsor. Councillor Devine asked if Council could write to the Minister and asked if that policy has been put in place.

The Director Infrastructure Services asked if he could be provided with a specific incident so that he could refer to it in his correspondence to the Minister.

Councillor Devine advised that it was the Penrith Press from Friday, 7 April 2006 on the front page.

10. Councillor Conolly asked what ability Council had to remove graffiti on private property? He explained that he had received representation from the Windsor Business Centre area about the graffiti on the shops. He asked if Council could remove this or if the owner had to move or if there was the capacity to work together.

The Director Infrastructure Services advised that Council could remove it, but the issue would be the cost and who bears it as it currently costs Council \$120,000 per annum to remove graffiti and fix vandalism.

Councillor Conolly asked what Council does when they are notified about graffiti on private property.

The Director Infrastructure Services advised that Council doesn't contact anybody, however, if it is something that the public shouldn't see, then Council will take action to remove those particular words.

11. Councillor Conolly asked if the report on the Bligh Park laneways was going to make it to the next Ordinary Meeting.

The Director Infrastructure Services advised that as the next meeting was in May and it should be reported to that meeting.

12. Councillor Porter made reference to information that was provided to him in relation to the contractors working on the bridge between McGraths Hill and Windsor and that they have had to have injections from being infected with Hepatitis and asked if this could be confirmed and why this has had to be done.

The Director Infrastructure Services advised that it was probably an Occupational Health and Safety hazard identified by someone as they are working on land adjacent to an area of land where sewerage is treated through the wetlands.

13. Councillor Wearne advised that he had represented the Mayor at the launching of a brochure for the Thomas James Bridge where a brochure was presented to Council and the Mayor.

ORDINARY MEETING
MINUTES: 11 April 2006

The meeting terminated at 8.32pm

Submitted to and confirmed at the Ordinary meeting held on 9 May 2006

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Mayor