



Hawkesbury City Council

ordinary meeting minutes

date of meeting: 12 December 2006

location: council chambers

time: 5:00 p.m.

ORDINARY MEETING

Table of Contents

MINUTES: 12 December 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**

ORDINARY MEETING

Table of Contents

MINUTES: 12 December 2006

ORDINARY MEETING**Table of Contents****MINUTES: 12 December 2006****TABLE OF CONTENTS**

ITEM	SUBJECT	PAGE
ATTENDANCE		1
APOLOGIES		1
SECTION 1: Confirmation of Minutes		1
SECTION 2 - Mayoral Minutes		2
MM - NSW Medical Rescue Helicopter Services Contract - (79353, 82196)		2
SECTION 3 - Notices of Motion		3
NM1 - Appreciation to former Mayor, Bart Bassett and Council Staff - (107, 90479, 90480)		3
NM2 - Conditions for All Approvals for Retention Dams on Floodplain Farms - (80105)		3
NM3 - Possibility of Opening Windsor Mall to One Way Traffic - (80104, 95496)		4
NM4 - Clean up of Bligh Park Entrance - (80104, 95496)		4
SECTION 4 - Reports for Determination		5
CITY PLANNING		5
Item: 289	CP - Wholesale Nursery - Office and Storage Shed - 261 Cattai Road, Pitt Town NSW 2756 - (DA0465/06, 95498, 96329, 31935, 31936)	5
Item: 290	CP - Proposed Amendment to Statutory Bushfire Mapping at Lot 218 DP 217504-116 Mitchell Drive and Part Lot 1 DP 550593 - 88 Spinks Road, Glossodia - (95498)	12
Item: 291	CP - Draft Local Approvals Policy: Installation of Structures in Caravan Parks - (95498)	13
Item: 292	CP - Clarification of Floodplain Risk Management Committee Minutes - (86589)	13
EXTERNAL SERVICES		14
Item: 293	ES - Proposed Adoption of an Enforcement Policy - (95494, 96330)	14
Item: 294	ES - Reduction in the Cost of Mulch sold from Hawkesbury City Waste Management Facility - (95494, 96330, 82995)	14
Item: 295	ES - Vaccination of Animals Entering the Companion Animal Shelter - (39906, 95494)	15
Item: 296	ES - Draft Notice of Approval - Protection of the Environment Operations (Clean Air) Regulations 2002 - (95494, 96330)	15
Item: 297	ES - Review of Community Donations Programme - (79342, 95494)	16

ORDINARY MEETING**Table of Contents****MINUTES: 12 December 2006**

ITEM	SUBJECT	PAGE
Item: 298	ES - Draft Customer Service and Communication Strategy - (79342, 95494)	16
Item: 299	ES - Hawkesbury Cultural Plan 2006 - 2011 - Implementation Strategy - (79342, 97382, 95494)	17
INFRASTRUCTURE SERVICES		18
Item: 300	IS - Proposed Relocation of Wilberforce Rural Fire Station - (79354, 73600)	18
Item: 301	IS - State Government Funding for Water Quality Testing - (79357)	18
Item: 302	IS - Village Street Trees - (95495, 96331, 9035, 15843)	19
Item: 303	IS - Pesticide Notification Plan - (95495, 96331)	19
Item: 304	IS - Road Naming Proposal - Proposed Union Lane, Windsor - (79346)	20
Item: 305	IS - Road Naming Proposal - Proposed Pulsford Lane, Windsor - (79346)	20
Item: 306	IS - Road Naming - Proposed Silo Place, McGraths Hill - (79346)	21
SUPPORT SERVICES		22
Item: 307	SS - Pecuniary Interest Return - (79337)	22
CONFIDENTIAL REPORTS		23
Item: 308	GM - Tourism Contract Management Issues - (79351, 95497, 97939)	24
SUPPLEMENTARY REPORTS		25
Item: 309	IS - Richmond War Memorial, Richmond Park - (80131, 83571, 65465)	25
QUESTIONS WITHOUT NOTICE		26

ORDINARY MEETING
MINUTES: 12 December 2006

Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 12 December 2006, commencing at 5:00pm.

Reverend Geoff Bates of the Anglican Church at Wilberforce, representing the Hawkesbury Minister's Association, gave the opening prayer at the commencement of the meeting.

ATTENDANCE

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

APOLOGIES

An apology for absence was received from Councillor B Calvert.

460 RESOLUTION:

RESOLVED on the motion of Councillor Bassett and seconded by Councillor Books that the apology be accepted.

Councillor Finch arrived at the meeting at 5:08pm
Councillor Wearne left the meeting at 6:49pm and returned to the meeting at 8:55pm
Councillor Williams left the meeting at 7:05pm

SECTION 1: Confirmation of Minutes

461 RESOLUTION:

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

462 RESOLUTION:

RESOLVED on the motion of Councillor Bassett and seconded by Councillor Conolly that the Minutes of the Special Meeting held on the 5 December 2006, be confirmed.

ORDINARY MEETING

Mayoral Minutes

SECTION 2 - Mayoral Minutes

MM - NSW Medical Rescue Helicopter Services Contract - (79353, 82196)

It be noted that Councillor Paine was absent from the room when this item was discussed.

MOTION:

RESOLVED on the motion of Councillor Stubbs, Mayor, seconded by Councillor Bassett.

Refer to RESOLUTION

463 RESOLUTION:

RESOLVED on the motion of Councillor Stubbs, Mayor, seconded by Councillor Bassett

That Council make representations to the Minister for Health and local State Members emphasising the need to retain existing established charitable medical and helicopter retrieval teams with additional funding to allow upgrading of aircraft to new requirements set by the Government.

ORDINARY MEETING

Notices of Motion

SECTION 3 - Notices of Motion

NM1 - Appreciation to former Mayor, Bart Bassett and Council Staff - (107, 90479, 90480)

Mr Neville Diamond and Mr Walter Kullen, proponents, addressed the Council.
Ms Kim Smith and Ms Marie Warby, respondents, addressed the Council.

MOTION:

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

Refer to RESOLUTION

464 RESOLUTION:

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

That Council extend its appreciation to former Mayor, Bart Bassett and Council staff on the way in which they communicated Hawkesbury City Council's financial position to the community and the Minister for Local Government, during the issue concerning Council's proposed rate increase, which was recently endorsed by Council's Auditors, PriceWaterhouseCoopers at Council's meeting on Tuesday, 28 November 2006.

NM2 - Conditions for All Approvals for Retention Dams on Floodplain Farms - (80105)

Ms Kim Smith, Mr Bill Snedden and Ms Marie Warby, proponents, addressed the Council.
Mr Neville Diamond, respondent, addressed the Council.

The Notice of Motion was moved by Councillor Williams, seconded by Councillor Paine

That:

1. All approvals for Retention dams on Floodplain farms require the condition that soil extracted from the construction of the dam and drains be spread on the farm, and not removed from the site.
2. No fill material be imported into the site other than assisting in sealing the dam.

The Notice of Motion was lost.

ORDINARY MEETING

Notices of Motion

NM3 - Possibility of Opening Windsor Mall to One Way Traffic - (80104, 95496)

This item was withdrawn at the Meeting by Councillor Paine.

NM4 - Clean up of Bligh Park Entrance - (80104, 95496)

MOTION:

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

Refer to RESOLUTION

465 RESOLUTION:

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

That Council work with the Windsor Fire Station and the Rural Fire Service to clean up the entrance to Bligh Park from the Windsor Wolves Football Stadium and the Rural Fire Service. This could be undertaken with the help of some community groups and residents from the area.

SECTION 4 - Reports for Determination

CITY PLANNING

**Item: 289 CP - Wholesale Nursery - Office and Storage Shed - 261 Cattai Road, Pitt Town
NSW 2756 - (DA0465/06, 95498, 96329, 31935, 31936)**

Mr Todd Layt, proponent, addressed the Council.
Mr Bradley Dent, Ms Linda Foster and Mr Paul Simmons, respondents, addressed the Council.

MOTION:

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

Refer to RESOLUTION

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

That the application be deferred until such time that consultation has occurred between the applicant and neighbours.

The amendment was lost.

The motion was put and carried

466 RESOLUTION:

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

That the application for the use of the land as a Wholesale Nursery and associated Office and Storage Shed on Lot 1 DP 747965 be approved subject to the following:

General Conditions

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. The development shall be modified in the following manner:
 - a. a 30 metre setback is provided along the eastern and northern boundaries
 - b. a three metre landscape strip is provided along the eastern access road, adjacent to the advanced tree growing area and the testing and breeding area . This area is to be used for planting trees.
3. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
4. The approved use shall not commence until all conditions of this Development Consent have been complied with.

ORDINARY MEETING
MINUTES: 12 December 2006

5. The proposed new shed shall not be used or occupied prior to the issue of an Occupation Certificate.
6. 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.
7. The development shall comply with the provisions of the Building Code of Australia at all times.
8. 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.
9. The development shall be carried out in accordance with the General Terms of Approval No. ERM2006/006784 dated 15 September 2006, issued by the Department of Natural Resources under Water Act (1912), copy of which is attached to this consent.

Prior To Issue Of Construction Certificate

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.
11. All site works shall be carried out in accordance with the Plan. Implementation of the Plan shall be supervised by an appropriately qualified person.
12. Construction of access, car park, drainage, dam, filling and filtration pond 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 Environment and Development or an Accredited Certifier.
13. Payment of a Construction Certificate checking fee of \$622.00 and a Compliance Certificate inspection fee of \$977.00 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2007. Fees required if an Accredited Certifier is used will be provided on request.
14. Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979 and Hawkesbury City Council's Section 94A Development Contributions Plan 2006 (as amended from time to time), a contribution of \$600 shall be paid to Hawkesbury City Council.

The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of Hawkesbury City Council's Section 94A Development Contributions Plan 2006 (as amended from time to time).
15. The contribution is to be paid prior to the issue of the construction certificate and copies of receipts(s) confirming that the contribution has been fully paid are to be provided to the certifying authority.
16. A suitable qualified wastewater consultant shall provide a report to Hawkesbury City Council demonstrating that the existing on-site wastewater treatment system has adequate capacity to service the existing dwelling and the proposed development. Alternatively, an application shall be made to Hawkesbury City Council Prior To Commencement Of Works
17. A waste management plan shall be submitted to and approved by Council. The plan shall address any builder's waste and waste generated during the day-to-day operation of the development. Particular attention shall be paid to type and quantity of waste, recycling, reuse, storage and disposal.

ORDINARY MEETING
MINUTES: 12 December 2006

18. 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.
19. A Sewer Management Facility System application shall be submitted to and approved by Council.
20. 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.
21. 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. Council for the installation of a new wastewater treatment system to service the proposed development.
22. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.
23. 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.
24. 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.
25. 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.

During Construction

26. The dam shall be constructed in accordance with the Dam Construction chapter of Hawkesbury Development Control Plan.
27. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
28. 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.
29. 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:
30. 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.
31. Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.

ORDINARY MEETING
MINUTES: 12 December 2006

32. Builder's waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
33. At all times during demolition, a competent person shall directly supervise work. It is the responsibility of the person to ensure that:
34. Adjoining owners are given 24 (twenty four) hours notice, in writing, prior to commencing demolition.
35. Utility services within the structure not required to be maintained during the demolition work shall be properly disconnected and sealed before any demolition commences.
36. The site shall be secured at all times against the unauthorised entry of persons or vehicles.
37. Safe access and egress from adjoining buildings is to be maintained at all times for the duration of the demolition work.
38. 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.
39. The structure and all components shall be maintained in a stable and safe condition at all stages of the demolition work.
40. Demolition activity shall not cause damage to or adversely affect the structural integrity of adjoining buildings.
41. 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).
42. All work shall be carried out in accordance with AS2601 and the Work Plan submitted with the development application.
43. 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.
44. No material is to be burnt on site.
45. Mandatory inspections shall be carried out and Compliance Certificates issued only by Council or an accredited certifier for the following components or construction:

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

- (a) commencement of work (including erosion controls, site works and site set out);
- (b) piers;
- (d) internal sewer or stormwater lines prior to covering;
- (e) steel reinforcement prior to pouring concrete;
- (f) external sewer or stormwater lines, prior to backfilling;
- (j) wet area flashing, after the installation of bath and shower fixtures;
- (l) swimming pool fencing, prior to the pool being filled with water;

ORDINARY MEETING
MINUTES: 12 December 2006

- (n) prior to occupation of the building;
46. Council records indicate that the building site is at a level of approximately 14 metres AHD. All materials used in the construction below the level of 16.9 metres AHD shall be capable of withstanding prolonged immersion in water without swelling or deteriorating.
47. Any stormwater drainage pit shall be of adequate size and be fitted centrally with vertical overflow pipes and be located so as not to interfere with any other property or sewer drainage system.
48. 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.
49. Construction of an all weather access driveway a minimum of 4 metres wide, parking area, manoeuvring and loading areas to accommodate the largest vehicle expected to visit the site. A passing bay is to be constructed approximately midway along the access driveway. A minimum of 8 car spaces shall be provided. Parking and manoeuvring areas shall comply with the requirements of AS2890.1 - 2004 and AS2890.2 – 2002.
50. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
51. A bitumen sealed rural footway and concrete dish drain a minimum of 4 metres wide, with suitable splays to accommodate the turning movement of the largest vehicle expected to visit the site, shall be constructed to the development lot in accordance with Hawkesbury Development Control Plan Appendix E, Civil Works Specifications.

Prior To Issue Of Occupation Certificate

52. Compliance with all conditions of this development consent.
53. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
54. The applicant shall submit a report from a suitably qualified Engineer which verifies the following:
55. Any damage to the proposed structure sustained in a flood will not generate debris capable of causing damage to downstream buildings or property.
56. Any part of the structure at or below the 1 in 100 year flood level will be able to withstand the force of floodwaters (including buoyancy forces) and the impact of debris.
57. All finishes, plant fittings and equipment subject to inundation will be of materials and functional capability resistant to the effects of floodwaters.
58. The structural adequacy of the dam and spillway capacity is to be certified by a suitably qualified and experienced engineer.
59. A works as executed plan shall be submitted to Council on completion of works. The plan shall include the location of the constructed dam in relation to property boundaries

Use Of The Development

60. Plant and maintain a minimum buffer zone of thirty (30) meters along eastern and northern boundaries. This zone is to be planted out in the form of a hedgerow containing tall, medium and small vegetation to completely block any line of sight with species that are indigenous with the surrounding environment. Alternatively this can be used for 'Cut Foliage Area' instead of Area 3. Care is to be taken at all times not to interfere or damage the root structure of this zone with the operations of the proposed activity and maintained in a healthy condition.

ORDINARY MEETING

MINUTES: 12 December 2006

61. Plant and maintain a minimum buffer zone of three (3) meters along the western access road adjacent to the advanced tree growing area and breeding and testing area. This zone is to be planted out in the form of a hedgerow containing tall, medium and small vegetation to completely block any line of sight with species that are indigenous with the surrounding environment. Care is to be taken at all times not to interfere or damage the root structure of this zone with the operations of the proposed activity and maintained in a healthy condition.
62. Stock piles of any organic animal manures are to be covered with tarpaulin and banded by an earth mound immediately upon delivery. Stock piles of this type of material must be limited to thirty tonnes at any one time and completely used within fourteen days from delivery and prior to any further loads arriving on the premises.
63. Chemical containers are to be disposed of through the Drum Muster program conducted at the Hawkesbury City Waste Management Facility, The Driftway, South Windsor or an authorised disposal facility.
64. The irrigation pump is to be housed in an enclosure acoustically designed that significantly reduces noise emissions to achieve a reading of not more than 5dbA above background at any boundary.
65. The development shall be conducted in such a manner that noise levels measured at any residential boundary so not exceed 5dB(A) above background noise levels.
66. Dust control measures, eg water shall be applied to reduce surface and airborne movement of sediment blown from exposed areas. The development shall be conducted in such a manner so as not to interfere with the amenity of the neighbourhood in respect to noise, vibration, odour, dust, wastewater, waste products or otherwise.
67. The application, managing and record keeping of pesticides on the premises must comply with the following legislation, Pesticides Act 1999, WorkCover NSW 1998, "Code of Practice for the Safe Use of Pesticides and Storage of Chemicals in Agriculture" and NSW Agriculture 1998, "Principles of Spray Drift Management".
68. Treated wastewater pipelines and fittings must be clearly identified. Standard water taps, hoses and cocks must not be fitted to irrigation pipelines, and the irrigation system must not be connected to other pipelines.
69. Adequate notices, warnings to the public not to drink or otherwise use the treated wastewater, must be erected on the site. These notices must be in legible English and in any other languages as may be necessary and must indicate at least the water is "Reclaimed Sewage- unfit for drinking".
70. All stormwater and seepage from higher levels shall be diverted away from the effluent disposal area by a suitable drain or earth mound. Such drains/mounds shall be maintained in a satisfactory condition at all times.
71. The landowner must ensure that the system of sewage management does not cause sewage or treated effluent to be discharged into any watercourse, stormwater drain or onto any land other than its related effluent application area (clause 48(3) Local Government (Approvals) Regulation 1999).
72. If the system of sewage management includes any components that are the subject of a certificate of accreditation issued by NSW Health then any relevant conditions of accreditation must be complied with (clause 48(4) Local Government (General) Regulation 1999).
73. The property will be subject to an inspection regime based on the environmental risk assessment of the site. Sewage management facilities shall be categorised as high, medium or low risk. Systems categorised as high risk require an inspection once a year, medium will require an inspection once every 3 years, and low risk will require an inspection once every 5 years.

ORDINARY MEETING

MINUTES: 12 December 2006

74. The application, managing and record keeping of pesticide on the premises must comply with the following legislation, Pesticide Act 1999, Workcover NSW 1998, Code of Practice for the safe Use of Pesticides and storage of Chemicals in Agriculture" and NSW Agriculture 1998, "Principles of Spray Drift management". Only chemicals that have been assessed and registered with the National registration Authority for Agricultural and Veterinary Chemicals (NRA) are permitted on the premises. Many pesticides, because of their flammability or combustibility or toxicity, are classified as dangerous goods. While dangerous goods are being transported on public roads they are regulated by EPA under the Road and Rail Transport (Dangerous Goods) Act 1997. The legal definition of a pesticide under the Pesticides Act does in fact, cover herbicides, fungicides, rodenticides, bactericides. Baits, lures and repellents.
75. No internal or external alterations shall be carried out without prior approval of Council.
76. All fire safety equipment and fixtures shall be regularly serviced and maintained. The owner or their agent shall certify annually that each of the fire safety measures specified in this statement has:
 - * been assessed by a properly qualified person, and
 - * found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the certificate is issued.
77. The office building shall not be occupied for human habitation/residential, industrial or commercial purposes.
78. All water quality measures are to be maintained so that the development has a neutral effect on the water quality leaving the site as compared to the quality prior to development.
79. In order to prevent chemical contamination during a flood event, all chemical containers full or otherwise shall be removed from the property within 24 hours of notification of a flood event.
80. The only chemicals to be used on this property are Round Up Bio-Active and slow release fertilisers.

Advisory Notes

- The applicant shall make themselves aware of the Discrimination Against People with Disabilities Act (DDA) and assess their responsibilities and liabilities with regards to the provision of access for all people.
- Should any aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.
- The applicant is advised to consult with:
 - o Sydney Water Corporation Limited
 - o Integral Energy
 - o Natural Gas Company
 - o 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.

ORDINARY MEETING
MINUTES: 12 December 2006

- 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.
- 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.
- It be noted that a retail nursery is prohibited on this property.

467 RESOLUTION:

RESOLVED on a FORESHADOWED motion moved by Councillor Conolly, seconded by Councillor Paine.

That:

1. The Local Traffic Committee and the RTA be requested to consider the erection of a sign along Cattai Road to the north east of the site to indicate vehicles entering.
2. Council facilitate a joint meeting between the applicant and adjoining owners to discuss the issues of concern, subject to both parties agreeing to the meeting.

Item: 290 CP - Proposed Amendment to Statutory Bushfire Mapping at Lot 218 DP 217504-116 Mitchell Drive and Part Lot 1 DP 550593 - 88 Spinks Road, Glossodia - (95498)

Councillor Books declared an interest in this matter as his grandson is also the grandson of the applicant. He left the meeting and did not take part in voting or discussion on the matter.

Mr Glenn Falson and Mr Brian McKinlay, proponents, addressed the Council.
Ms Bronwyn Pivodori, respondent, addressed the Council.

MOTION:

A MOTION was moved by Councillor Paine, seconded by Councillor Finch

That the matter be workshopped.

RESOLVED on the AMENDMENT moved by Councillor Devine, seconded by Councillor Porter.

Refer to RESOLUTION

The amendment was carried.

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

ORDINARY MEETING
MINUTES: 12 December 2006

468 RESOLUTION:

RESOLVED on the AMENDMENT moved by Councillor Devine, seconded by Councillor Porter.

That this matter be deferred pending the Land and Environment Court's decision in regard to DA0593/05.

Item: 291 **CP - Draft Local Approvals Policy: Installation of Structures in Caravan Parks - (95498)**

Previous Item: 212, Ordinary (12 September 2006)

Mr Bill McNamara and Mr Laurie Rose, respondents, addressed the Council.

MOTION:

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

Refer to RESOLUTION

469 RESOLUTION:

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

That a working party be established with membership being determined by the Mayor and the General Manager to develop a policy in this matter with referral then back to Council for consideration.

Item: 292 **CP - Clarification of Floodplain Risk Management Committee Minutes - (86589)**

Previous Item: ROC-FRMC, Ordinary (14 November 2006)

MOTION:

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

Refer to RESOLUTION

470 RESOLUTION:

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

That:

1. This clarification be accepted.
2. The General Manager be requested to provide a suitably qualified person to take minutes and attend all future Floodplain Risk Management Committee meetings.

ORDINARY MEETING
MINUTES: 12 December 2006

EXTERNAL SERVICES

Item: 293 **ES - Proposed Adoption of an Enforcement Policy - (95494, 96330)**

Previous Item: 230, Ordinary (26 September 2006)

Mr Neville Diamond, respondent, addressed the Council.

MOTION:

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

Refer to RESOLUTION

471 RESOLUTION:

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

That Council adopt the Enforcement Policy attached to the report in connection with this matter.

Item: 294 **ES - Reduction in the Cost of Mulch sold from Hawkesbury City Waste Management Facility - (95494, 96330, 82995)**

MOTION:

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

Refer to RESOLUTION

472 RESOLUTION:

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

That:

1. Council approve the reduction in the cost of mulched green waste to \$15.00 per tonne until 28 February 2007, whilst stocks last.
2. The reduction in the cost of the mulched green waste be advertised in the local media.

ORDINARY MEETING
MINUTES: 12 December 2006

Item: 295 **ES - Vaccination of Animals Entering the Companion Animal Shelter - (39906, 95494)**

MOTION:

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

Refer to RESOLUTION

473 RESOLUTION:

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

That:

1. Council introduce a practice of immunising all animals that enter the Animal Shelter in an attempt to reduce the incidence of diseases contracted in the Animal Shelter from other animals.
2. Council advertise its intention to increase the current impoundment fee to \$56.00 for this current financial year through the processes of advertising and community consultation required by the *Local Government Act 1993*.

Item: 296 **ES - Draft Notice of Approval - Protection of the Environment Operations (Clean Air) Regulations 2002 - (95494, 96330)**

Previous Item: 217, Ordinary (12 September 2006)

MOTION:

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

Refer to RESOLUTION

474 RESOLUTION:

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

That in accordance with the Protection of Environment Operations (Clean Air) Regulation 2002 Part 2A Division 3 Clause 6G(2)(a) Council adopt the attached Notice of Approval (Attachment 1).

ORDINARY MEETING
MINUTES: 12 December 2006

Item: 297 **ES - Review of Community Donations Programme - (79342, 95494)**

Previous Item: 104, Ordinary (30 May 2006)

MOTION:

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

Refer to RESOLUTION

475 RESOLUTION:

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

That:

1. The draft Sponsorship Policy, prepared in accordance with the guidelines issued by the Independent Commission Against Corruption, be placed on public exhibition for a period of 60 days.
2. The draft Sponsorship Policy, together with the community submissions received in relation to the *Review of the Community and Cultural Grants Program* be forwarded to the Community Planning Committee with a request for the Committee to provide advice to Council on the draft Sponsorship Policy.

Item: 298 **ES - Draft Customer Service and Communication Strategy - (79342, 95494)**

Previous Item: 231, Ordinary (26 September 2006)

MOTION:

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

Refer to RESOLUTION

476 RESOLUTION:

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

That the draft Customer Service and Communication Strategy for Hawkesbury City Council, prepared in accordance with objectives contained in Council's Strategic Plan, be placed on public exhibition for a period of 60 days.

ORDINARY MEETING
MINUTES: 12 December 2006

Item: 299 **ES - Hawkesbury Cultural Plan 2006 - 2011 - Implementation Strategy - (79342, 97382, 95494)**

Councillor Stubbs, Mayor, declared an interest in this matter as he is the President of the Hawkesbury Historical Society. He left the meeting and did not take part in voting or discussion on the matter.

Councillor Bassett, Deputy Mayor chaired the discussion and voting for this item.

MOTION:

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

Refer to RESOLUTION

477 RESOLUTION:

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

That:

1. Council endorse the proposed Revised Implementation Strategy.
2. Council endorse the establishment of 3 external project teams to be comprised of nominated representatives from the Cultural Precinct Advisory Committee and the Hawkesbury Historical Society Inc.

ORDINARY MEETING
MINUTES: 12 December 2006

INFRASTRUCTURE SERVICES

Item: 300 **IS - Proposed Relocation of Wilberforce Rural Fire Station - (79354, 73600)**

Previous Item: 157, Ordinary (31 May 2006)

Councillor Wearne declared an interest in this matter as he is an Executive Member and Deputy Captain of the Wilberforce Rural Fire Brigade. He left the meeting and did not take part in voting or discussion on the matter.

Mr Michael Scholz, respondent, addressed the Council.

MOTION:

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

Refer to RESOLUTION

478 RESOLUTION:

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

That:

1. Consideration of Capital Works relating to the upgrade and/or renewal of rural fire stations be undertaken in consultation with the Superintendent District Manager and the Liaison Committee.
2. As an interim measure, the adjoining single bay shed be made available to the Wilberforce Rural Fire Brigade, following the construction of the five bay shed by Hawkesbury City Council for Hawkesbury Fire Control on the western side of the site, in consultation with Fire Control.

Item: 301 **IS - State Government Funding for Water Quality Testing - (79357)**

MOTION:

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

Refer to RESOLUTION

479 RESOLUTION:

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

That representation be made to the NSW Government to support the need for funding by the State Government for monitoring of water quality.

ORDINARY MEETING
MINUTES: 12 December 2006

Item: 302 **IS - Village Street Trees - (95495, 96331, 9035, 15843)**

Previous Item: NM, Ordinary (22 February 2005)

Ms Helen Maslin, proponent, addressed the Council.

MOTION:

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

Refer to RESOLUTION

480 RESOLUTION:

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

That:

1. The two Iron Bark trees outside 5A Peter Place be removed and be replaced with two trees of a suitable nature at the cost of the applicant.
2. The current process of advertising village street tree removal be reviewed in December 2007.
3. Street Tree Master Plans for urban precincts and new development areas be undertaken in consultation with the Community.

Item: 303 **IS - Pesticide Notification Plan - (95495, 96331)**

MOTION:

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

Refer to RESOLUTION

481 RESOLUTION:

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

That:

1. The Pesticide Notification Plan and its recommendations be adopted.
2. A notice be placed in the NSW Gazette and Council notices in accordance with the regulation and a copy of the plan forwarded to the Department of Environment and Conservation.

ORDINARY MEETING
MINUTES: 12 December 2006

Item: 304 **IS - Road Naming Proposal - Proposed Union Lane, Windsor - (79346)**

Previous Item: 232, Ordinary (26/09/06)

MOTION:

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

Refer to RESOLUTION

482 RESOLUTION:

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

That the public road extending in a south-westerly direction between No's. 19 and 25 Johnston Street, Windsor to the north-eastern boundary of Windsor Riverview Shopping Centre be named "Union Lane", making the full extent of Union Lane as from its intersection with Kable Street, Windsor to the north-eastern boundary of Windsor Riverview Shopping Centre.

Item: 305 **IS - Road Naming Proposal - Proposed Pulsford Lane, Windsor - (79346)**

Previous Item: 232, Ordinary (26/09/2006)

MOTION:

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

Refer to RESOLUTION

483 RESOLUTION:

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

That the public road extending in a north-easterly direction between No. 20 Fitzgerald Street and No. 181 George Street, Windsor be named "Pulsford Lane".

ORDINARY MEETING
MINUTES: 12 December 2006

Item: 306 **IS - Road Naming - Proposed Silo Place, McGraths Hill - (79346)**

Previous Item: 154, Ordinary (11/07/2006)
 218, Ordinary (12/09/2006)

MOTION:

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

Refer to RESOLUTION

An AMENDMENT was moved by Councillor Books, seconded by Councillor Paine.

That the presently un-named public road extending in a south-easterly direction from Plimsoll Street, McGraths Hill and bounded by Lots 106-114 DP1089358, be named "Newton Place".

The amendment was lost.

The motion was put and carried

484 RESOLUTION:

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

That the presently un-named public road extending in a south-easterly direction from Plimsoll Street, McGraths Hill and bounded by Lots 106-114 DP1089358, be named "Silo Place".

ORDINARY MEETING
MINUTES: 12 December 2006

SUPPORT SERVICES

Item: 307 SS - Pecuniary Interest Return - (79337)

MOTION:

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

Refer to RESOLUTION

485 RESOLUTION:

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

That the information be received and noted.

CONFIDENTIAL REPORTS

486 RESOLUTION:

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

That the Confidential Reports be moved to the end of the Business Paper and dealt with at the end of the meeting.

487 RESOLUTION:

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

Item: 308 GM - Tourism Contract Management Issues

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it relates to information that 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.

488 RESOLUTION:

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

ORDINARY MEETING
MINUTES: 12 December 2006

Item: 308 **GM - Tourism Contract Management Issues - (79351, 95497, 97939)**

Previous Item: 287, Ordinary (28 November 2006)

MOTION:

The Acting General Manager advised, that whilst in closed session, Council RESOLVED on the motion of Councillor Bassett, seconded by Councillor Conolly.

Refer to RESOLUTION

489 RESOLUTION:

The Acting General Manager advised, that whilst in closed session, Council RESOLVED on the motion of Councillor Bassett, seconded by Councillor Conolly

That:

- A. Further discussions be held with the Chamber of Commerce in an endeavour to resolve the various outstanding issues referred to in the report.
- B. In the event that the discussions referred to in part A above do not achieve a resolution of the various outstanding issues to the satisfaction of the General Manager by 31 January 2007 that:
 - 1. The Hawkesbury City Chamber of Commerce and Industry Inc (Chamber) be advised that Council, in accordance with the terms of the Tourism Contract, is discontinuing any further payment for services until such time that the Chamber remedies those areas of non-conformance/non-performance as previously requested by Council.
 - 2. Authority be given to the General Manager to re-continue those payments mentioned in 1 above at such time when the Chamber has resolved those matters relating to its non-conformance with the terms of the Tourism Contract, subject to satisfaction of the General Manager.
 - 3. Notwithstanding 1 and 2 above, authority be given to the General Manager to provide relief payments during the interim period, subject to:
 - (a) The Chamber commencing remedial action to the satisfaction of the General Manager, and;
 - (b) Such amounts being directed exclusively to the payment of wages connected with the customer service operations of the Visitor Information Centre (VIC)
- C. Subject to the success of negotiations arising from this action to the satisfaction of the General Manager, authority be given to prepare and execute all necessary documents including the use of the seal of Council as required.

ORDINARY MEETING
MINUTES: 12 December 2006

SUPPLEMENTARY REPORTS

Item: 309 **IS - Richmond War Memorial, Richmond Park - (80131, 83571, 65465)**

Previous Item: NM1, Ordinary (27 September 2005)

Mr David Bowles and Mr Les Sheather, proponents, addressed the Council.

MOTION:

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

Refer to RESOLUTION

490 RESOLUTION:

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

That the design for the proposed Richmond War Memorial upgrade be approved.

ORDINARY MEETING
MINUTES: 12 December 2006

QUESTIONS WITHOUT NOTICE

1. Councillor Finch requested an update in relation to the clearing that took place in Grose Wold last Thursday as a Stop Work Notice was put on the person who was clearing, but started again on Sunday.

The Director External Services advised that staff did attend the site, but this was the first time that she had heard that there was more work done on Sunday. She advised that the owner of the property has been given a Clean Up direction basically on installing sediment erosion controls on the site to prevent any potential pollution to the creek and there are certain time frames for them to comply with that.

Councillor Finch asked if Council was going to prosecute the owner who did this in anyway for breaching the regulations.

The Director External Services commented that there seemed to be differing views on what action did and didn't happen. We have a different perspective from the actual owner of the property and there seems to be a differing views from neighbours. Council's understanding is that the clearing involved an existing fire trail and there seems to be some conjecture over the extent of that fire trail in the past. There was also an accusation of clearing in the creek. On the site inspection showed only that the excavator had gone into the creek and then stopped and removed it. There was no obstruction of excavation of the creek.

491 RESOLUTION:

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

That the meeting continue past 11:00pm to allow the business paper to be completed in full.

2. Councillor Finch commented in relation to a phone call she had received from Sandy Bachelor in relation to the problem of building close to a boundary. She commented that neighbours use to be notified when this would change, but she didn't realise that there had been a change in anyway and asked if this had changed.

The Acting Directory City Planning advised that the Development Control Plan contains the notification requirements and for a rural property, we only notify adjoining owners of dwellings when it is within five metres of the boundary and this one was greater than the five metres so wasn't notified.

3. Councillor Books advised that there were still signs on Pitt Town Road and none have been pulled down, he asked if these could be pulled down.

The Mayor agreed and advised that one had been painted blue and would have the matter investigated.

4. Councillor Books referred to a stockpile of rubbish that had been dumped on the RTA site on Putty Road near Packer Road. He advised that it was a load of building material and asked if it could be removed.

The Mayor advised that the matter would be investigated and removed.

ORDINARY MEETING

MINUTES: 12 December 2006

5. Councillor Books advised that he had had some enquiries, concerns about the rubbish next to the toilet block in the carpark in the Terrace and Kable Street. Fear that a fire might get in there and move into the toilet block.

6. Councillor Bassett asked if the graffiti on the town entry signs on the Putty Road had been addressed or followed up.

The Director Infrastructure Services advised that the matter would be followed up.

7. Councillor Rasmussen asked if Council had heard from the Department of Defence in relation to the extension of time.

The Director Commercial Strategy advised that Council had not had any feedback at all and that the matter had been followed up.

Councillor Rasmussen asked the Mayor if he could, the next time he speaks to the Minister for Defence, Mr Brendan Nelson, have a chat to him regarding this matter.

8. Councillor Rasmussen commented that he requested a transcript of External Auditors report given at the previous meeting and asked if this could be provided to Councillors.

The Acting General Manager advised the transcript was typed up but he had not had the opportunity to finalise it, but this would be done and distributed to Councillors this week.

9. Councillor Rasmussen referred to his reporting of a dirt pile dumped on the road in the vicinity of his house and asked if anybody had managed to have a look at it as it was still there.

The Director External Services advised that Council's Compliance Officer inspected the pile and a request has been put through to our Works Section to have the pile removed.

Councillor Rasmussen asked if Council knew what the pile contained, other than dirt.

The Director External Services advised that it seemed to be dirt only.

10. Councillor Rasmussen referred to an issue he raised before relating to an unmade road in Vineyard near the crossing and whether Council could do anything about figuring out where that road went and if the road could be resurrected.

The Director Infrastructure Services advised that he would follow the matter up.

11. Councillor Devine asked if he was correct in his recollection that Council's resolution that when Council appointed its solicitors, one legal firm was to represent Council in legal actions involving the Land and Environment Court and another to represent us in general matters such as conveyancing.

The Acting General Manager advised that the appointments were initially made on the basis that a local solicitor would handle property matters and general local court and relatively minor prosecutions with the other solicitors handling Land and Environment Court matters.

ORDINARY MEETING

MINUTES: 12 December 2006

12. Councillor Devine referred to the Orange Spot Land and Environment Court matter and asked if Council used the solicitor appointed in accordance with Council's resolution.

The Acting General Manager advised that the proceedings in that matter were initially commenced as a Local Court matter when it wasn't anticipated that the matter would go much beyond that and therefore, it was appropriate to use local solicitors at that time. It was not expected that the matter would progress to the Land and Environment Court and the local solicitor continued to represent Council on the matter.

The Director External Services confirmed that the matter did start off as a Local Court matter, but having taken the opportunity to review the report that went to Council on the selection of solicitors, it was broader in context in that it did include a local solicitor to handle also environmental matters and planning matters and it was not just to do with property transactions.

The Acting General Manager advised that the resolution in relation to the selection of particular solicitors would be circulated to Councillors.

13. Councillor Devine asked why the Orange Spot matter went to the local court first.

The Director External Services advised that when Council was deciding on which solicitors to use, the paramount importance is to reduce the cost to Council on the selection. She advised that when it is a local matter, it is much more convenient in relation to staff and cost to utilise our local solicitor because we can liaise closely with them and keep in contact them in regards to the matter. The defining point when she is recommending where we go for legal action is when we go primarily for cost and the knowledge and significance of the issue. If it is a local matter, we usually select our local solicitor and where is a much more complicated matter, Council will go with our City solicitor.

The Acting General Manager advised that the initial proceedings in this matter were for an order against the area in question rather than a Class 4 proceedings in the Land and Environment Court.

The Director External Services advised this was correct and advised that the matter started off as a non compliance with an order under the Local Government Act and ended in a Class 4 Action in the Land and Environment Court.

14. Councillor Conolly referred to the Floodplain Risk Management Committee and commented that the Committee resolved to seek a representative from the RTA to attend that Committee. He believed the resolution was supported by Council and an invitation went to the RTA, but he didn't think a response was ever received and that, a representative certainly never attended. Councillor Conolly asked if the matter could be followed up.

The Acting Director City Planning advised the matter would be followed up.

15. Councillor Wearne asked what criteria were used to select where the village entry signs were to be erected.

The Director Commercial Services advised it was based on actual town boundaries as they are actually recorded and/or where an existing sign may have already been located.

Councillor Wearne asked what the average town boundary was?

The Director Commercial Services advised that he could not answer that.

Councillor Wearne commented that some residents had issues with the signs that were erected for Wilberforce as the signs are a further 400 metres up the road on King Road. Also the sign that is on the Windsor sign is right outside where the standpipes are.

ORDINARY MEETING

MINUTES: 12 December 2006

The Director Commercial Strategy advised that the matter would be reviewed and have the information provided to Councillor Wearne.

16. Councillor Wearne referred to the anti-social behaviour, in particular, fires in bins, etc. He advised that there was an attempted attack on the School of Arts. He commented that people can get in under the building readily and asked if Council could look at enclosing it with cyclone wire or something as it is extremely vulnerable. He suggested that Council could provide the material and the residents could provide the labour.

The Director Infrastructure Services advised the matter would be investigated.

17. Councillor Books referred to the Heritage Committee and commented that they are meant to have four meetings a year, but have not had one in 2006.

The Mayor advised that Committee Meeting dates for 2007 have been set and advise will go to Councillors shortly.

As this was the last meeting that the Director Commercial Strategy, Mr Stephen Phillips, would attend, Councillor Rasmussen wanted to congratulate him for his good work.

The Mayor congratulated Mr Phillips on his new position and thanked him for everything that he had done for the City of Hawkesbury in his time here.

The meeting terminated at 11:32pm.

Submitted to and confirmed at the Ordinary Meeting held on 30 January 2006.

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Mayor