



Hawkesbury City Council

ordinary meeting minutes

date of meeting: 09 May 2006

location: council chambers

time: 5:00 p.m.

ORDINARY MEETING

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 9 May 2006, commencing at 5.02pm.

Reverend Wayne Tildsley of St Peter's Anglican Church, Richmond, representing the Hawkesbury Minister's Association, gave the opening prayer at the commencement of the meeting.

ATTENDANCE

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

APOLOGIES

An apology for absence was received from Councillor Rasmussen and Councillor Finch.

128 RESOLUTION:

RESOLVED on the motion of Councillor Paine and seconded by Councillor Stubbs that the apology be accepted.

SECTION 1: Confirmation of Minutes

129 RESOLUTION:

RESOLVED on the motion of Councillor Stubbs and seconded by Councillor Books that the Minutes of the Ordinary Meeting held on 11 April 2006, be confirmed.

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SECTION 2 - Mayoral Minute

MM - Mine Disaster - Beaconsfield

MOTION:

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

Refer to RESOLUTION

130 RESOLUTION:

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

That in connection with the recent Beaconsfield Mine Disaster in Tasmania, and the subsequent courageous rescue operation undertaken, that Council write to the Mayor of West Tamar to express Council's:

1. Sincere condolences to both the community and family of the late Larry Knight who tragically lost his life in the disaster.
2. Congratulations and heartfelt relief following the successful rescue of Todd Russell and Brant Webb, and acknowledging the outstanding efforts of the rescue workers and the support of the local community during the rescue operations.
3. Congratulations to all Emergency Services who were involved in the rescue operations, and acknowledging the extensive and professional media coverage of the disaster that enabled the Australian community to be kept informed of developments.

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SECTION 4 - Reports for Determination

GENERAL MANAGER

ITEM: 86 GM - Report of Conduct Committee - Councillor Wearne - (79351)

Mr Frank Scharfe, proponent, addressed the Council.

Mr Doug Bathersby, Ms Kim Smith and Ms Marie Warby, respondents, addressed the Council.

Councillor Wearne declared an interest in this matter as it concerned himself. He left the meeting and did not take part in voting or discussion on the matter.

MOTION:

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

Refer to RESOLUTION

131 RESOLUTION:

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

That Council notes the finding of the Conduct Committee that a breach had occurred and acknowledges the public apology already issued by Councillor Neville Wearne and resolves that no further action be taken in this matter.

ITEM: 87 GM - Report of Conduct Committee - Councillor Paine - (79351)

Ms Jackie Verzie and Mr Andrew Waterhouse, respondents, addressed the Council.

MOTION:

A MOTION was moved by Councillor Williams, seconded by Councillor Calvert.

That the information be received.

Upon being put to the meeting the motion was LOST.

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MOTION:

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

Refer to RESOLUTION

132 RESOLUTION:

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

That Councillor Paine be censured pursuant to Section 440G of the *Local Government Act 1993* for her failure to comply with the lawful resolution of Council of 29 November 2005 which in Council's opinion constitutes misbehaviour as defined in Section 440F of the Act.

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CITY PLANNING

ITEM: 88 **CP - NSW Government Planning Reforms - Local Environmental Plan Panel Review - (95498)**

MOTION:

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

Refer to RESOLUTION

133 RESOLUTION:

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

That:

1. Draft Local Environmental Plan 152 to Hawkesbury Local Environmental Plan 1989 be incorporated into the conversion of HLEP 1989 into the Standard LEP template to be prepared within the next two years.
2. Draft Local Environmental Plan 152 to Hawkesbury Local Environmental Plan 1989 be abandoned.

ITEM: 89 **CP - Multi-Unit Housing, Subdivision - 3x Multi-Unit Dwellings and 3 Lot Re-subdivision - Lot C DP159920, Lot D DP159920, No. 6 & 8 Argyle Street - Lot 9 DP35987, No. 45 Church Street, South Windsor - DA0799/05 - (95498, 107)**

Mr Patrick Hurley, proponent, addressed the Council.

Ms Kim Smith, Mr William Sneddon and Ms Marie Warby, respondents, addressed the Council.

MOTION:

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

That this matter be deferred for a report on the issues raised.

Upon being put to the meeting the motion was LOST.

MOTION:

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

Refer to RESOLUTION

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134 RESOLUTION:

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

That the application for re-subdivision and construction of three (3) units be approved subject to the conditions in the attached consent:

General

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. 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. Hawkesbury City Council is the sewer authority for this development, inspection for compliance certification for internal and external sewer drainage shall be requested and approved prior to covering any pipe. An inspection fee applies.
9. The development shall also incorporate the amendments made in red to the approved plans, specifications or documentation submitted.
10. 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

11. A monetary contribution is to be paid to Council, pursuant to Section 94 of the Environmental Planning and Assessment Act 1979, towards the provision of the following public facilities in the locality:
 - (a) Open Space and Recreation (\$ 3117.00)
 - (b) Community Facilities (\$ 3801.00)
 - (c) Roads and/or Intersections
 - (d) Public Car Parking
 - (e) Trunk Drainage
 - (f) Upgrading of local roads (3 cents per tonne per km of local roads travelled by trucks delivering soil to or removing soil from the site)

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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.

12. 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.
13. Construction of the road, access, car park, drainage, filling and retaining walls 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.
14. Payment of a Construction Certificate checking fee of \$560.00 and a Compliance Certificate inspection fee of \$1050 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.
15. 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 Management Plan is to be approved by the Roads and Traffic Authority before submission to Council.
16. Submission to Council of a noise and vibration assessment report, prepared by a suitably qualified acoustic consultant, demonstrating that the proposed development will meet the requirements of Australian Standard AS2021 (Acoustics - Aircraft noise intrusion - building siting and construction).
17. Payment of a contribution of \$11 763.90 towards sewer headworks. This sum will remain fixed until 30 June 2006 after which it will be recalculated at the rate applicable at the time of payment.

Prior to Commencement of Works

18. All traffic management devices shall be installed and maintained in accordance with the approved traffic guidance scheme.
19. 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.
20. Any structure/building constructed MUST comply with Section 8 "Building adjacent to or over Council's Sewer mains" of Hawkesbury City Council Standard Specification Construction and Testing of Sewerage Works Revised December 2003.
21. The footings shall be designed and constructed in such a manner that their zone of influence shall fall a minimum of 900mm below the zone of influence of the trench taken from a point 600mm from the centre line at invert level of the adjacent sewer main. The angle of repose shall be assumed to be 1:1 (45 degrees) in undisturbed clay or similar material and 1:2 (30 degrees) from horizontal in sand or filled ground whether compacted or not. All supporting piers adjacent to the sewer main shall contain appropriate starter bars cast in them for subsequent tying into the strip footing or

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perimeter beam. Design of the proposed footings system shall be certified by a structural engineer and approved by Council. The applicant shall accurately locate the position of the main prior to work commencing, and shall request an inspection of the location and depth of any pier within the zone of influence by Council prior to the Principal Certifier authorising concrete pour to the piers.

22. 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.
23. 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.
24. 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.
25. 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.
26. 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.
27. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.
28. 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.
29. 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.
30. 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.
31. 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 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:

- (a) Ensure that Quick Check agent/Sydney Water has appropriate stamped the plans before the issue of any Construction Certificate; or
- (b) 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.

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During Construction

32. The development shall be completed in accordance with the approved colours and finishes and shall not be altered.
33. The driveway shall be finished with a decorative paving pattern in earth tones.
34. The site shall be secured to prevent the depositing of any unauthorised material.
35. 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.
36. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
37. New boundary fences shall be provided. Fencing behind the building line shall be a height of 1.8m.
38. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
39. 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.
40. 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) 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.
41. 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

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- (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.
42. 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.
43. Roof water (including overflow from water storage vessels) shall be drained to street gutters (formed or otherwise) or to stormwater drainage easements.
44. Any sewer or stormwater main or manhole affected by the development, shall be repaired or altered in level as so directed at the applicant's expense.
45. The floor of the internal WC shall be graded and drained to an approved floor waste.
46. 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.
47. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
48. Removal of the existing redundant layback crossing and replacement with concrete kerb and gutter and the restoration of the footway area.
49. 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.
50. 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.
51. 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.
52. A light duty layback and footway vehicular crossing 3m wide shall be constructed to the Units 1 & 2. The crossing shall be constructed in accordance with Hawkesbury Development Control Plan Appendix E, Civil Works Specification.

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- 53. All services or suitable conduits shall be placed prior to concrete pouring.
- 54. A 4metre wide access link shall be constructed from the existing access at No.45 Church St to Unit 3.
- 55. The street tree to be removed shall be replaced with a crepe myrtle 10" pot size, to be planted in accordance with Councils standard specifications for the planting of street trees.

Prior to Issue of Occupation Certificate

- 56. Compliance with all conditions of this development consent.
- 57. 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.
- 58. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
- 59. 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.

Following application a "Notice of Requirements" will advise of water and 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.

- 60. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
- 61. 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.
- 62. Evidence that the hot water system has a minimum energy rating of 3.5 stars shall be submitted to the principal certifying authority.
- 63. 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.
- 64. The owner shall enter a positive covenant with Council which provides the following:
 - (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

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- the Plan of Management for the operation and maintenance of the on-site stormwater detention facilities;
- (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.

- 65. Submission of a report by the Design Engineer stating the conformance or otherwise of the system in relation to the approved design.
- 66. 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.
- 67. Retaining walls shall be constructed prior to the issue of an occupation certificate.

Prior To Issue Of The Subdivision Certificate

- 68. The development shall be completed in accordance with all conditions of Development Consent No 799/05.
- 69. A Surveyor's Certificate stating that all pipelines are contained within the proposed/existing easements shall be submitted.
- 70. 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.
- 71. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
- 72. 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.

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.
- 73. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
- 74. A plan of subdivision prepared to the requirements of the Land Titles Office, shall be submitted to Council, with four copies.
- 75. Payment of a Linen Release Fee of \$625.00 . This amount is valid until 30 June 2006.

The Use of the Site

76. No internal or external alterations shall be carried out without prior approval of Council.
77. The subject development, including landscaping, is to be maintained in a clean and tidy manner.

Advisory

- The land is within the Hawkesbury City Council Sewerage Catchment. A separate application shall be submitted to Council for any alterations or connections to the sewer mains. The applicant shall consult with Council regarding acceptable discharge limits to the sewerage system.
 - Inspections for Compliance Certificate shall be requested from Hawkesbury City Council for internal and external sewer drainage prior to covering any pipe. An inspection fee applies.
 - Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.
 - The applicant is advised to consult with:
 - (a) Sydney Water Corporation Limited;
 - (b) Integral Energy;
 - (c) Natural Gas Company; and
 - (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.
- 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.

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ITEM: 90 **CP - Management Plan - Revenue Pricing Policy 2005/2006 - Drainage Fees - (95498)**

MOTION:

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

Refer to RESOLUTION

135 RESOLUTION:

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

That the drainage fees as attached to this report, be adopted by Council and inserted at the end of the Infrastructure Services/Emergency Services, Construction & Maintenance section of the Management Plan - Revenue Pricing Policy 2005/2006.

ITEM: 91 **CP - Draft Hawkesbury Development Control Plan - Part B, Chapter 3, Complying Development - (95498)**

Previous Item: 47, Ordinary (14 March 2006)

MOTION:

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

Refer to RESOLUTION

136 RESOLUTION:

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

That in the event that the Amendment 139 is not gazetted prior to Council deciding to adopt and make effective the Section 94A changes to the Complying Development chapter then Draft A be made effective as an interim measure pending the gazettal of Amendment 139 whereby Draft B be then made effective.

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MINUTES: 9 May 2006

COMMERCIAL STRATEGY

ITEM: 92 **CS - Hawkesbury Lithgow Tourism Alliance - Inclusion of Mt Tomah - (95497, 91811)**

Previous Item: 167, Ordinary (9 November 2004)

MOTION:

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

Refer to RESOLUTION

137 RESOLUTION:

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

That an invitation be extended to Mt Tomah Botanic Garden to participate in the Hawkesbury-Lithgow Tourism Alliance to jointly develop tourism opportunities and to promote areas of mutual interest.

ORDINARY MEETING

MINUTES: 9 May 2006

EXTERNAL SERVICES

ITEM: 93 **ES - Execution of Funding Agreement - Transition to Work Program - Department of Aging Disability and Home Care - (95494, 75816, 78340)**

MOTION:

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

Refer to RESOLUTION

138 RESOLUTION:

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

That Council execute, under the Seal of Council, a funding agreement with the Department of Ageing, Disability and Home Care to accept funding under the DADHC Disability Services Transition to Work Program, for an amount of \$48,393 per annum (first year funding round).

ORDINARY MEETING

MINUTES: 9 May 2006

INFRASTRUCTURE SERVICES

ITEM: 94 **IS - McGraths Hill Wetlands and Effluent Reuse Scheme (MHW&ERS) - Access by the Cumberland Bird Observers Club Inc - (79357, 91165)**

Previous Item: 70, Ordinary (14 December 2004)

The item was withdrawn at the meeting from the Agenda.

ORDINARY MEETING

MINUTES: 9 May 2006

SUPPORT SERVICES

ITEM: 95 SS - Monthly Investments Report - March 2006 - (96332)

MOTION:

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

Refer to RESOLUTION

139 RESOLUTION:

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

That the information be received.

ITEM: 96 SS - Payment to Hawkesbury Sports Council Inc - (73611)

Mr Frank Scharfe, respondent, addressed the Council.

MOTION:

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

Refer to RESOLUTION

140 RESOLUTION:

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

That the information be received.

ORDINARY MEETING

MINUTES: 9 May 2006

ITEM: 97 **SS - Rural Fire Service - Service Level Agreement - (95496, 79016)**

Previous Item: 385, Ordinary Meeting (13 December 2005)

Mr Frank Scharfe, proponent, addressed the Council.

MOTION:

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

Refer to RESOLUTION

141 RESOLUTION:

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

That Council agree to the termination date of the current Service Level Agreement between the NSW Rural Fire Service and Council being extended until 30 June 2006, and the NSW Rural Fire Service be advised accordingly.

CONFIDENTIAL REPORTS

142 RESOLUTION:

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

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: 98 SS - Property Matter - Lease Agreement - Hawkesbury District Tennis Association - (74070, 79337)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Act 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.*

Item: 99 SS - Property Matter - Lease Agreement - Shop 2, Glossodia Shopping Centre (Froemel) - (95496, 79337, 74432, 38869)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Act 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.*

Item: 100 IS - Blaxlands Ridge Maturation Ponds - Tender for Stage 2 - (79357)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Act as it relates to details for the supply of tenders and the information is regarded as being commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, confer a commercial advantage on a competitor of the council, or reveal a trade secret and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

Item: 101 IS - Tender for Restoration of Footpathing and Kerb and Guttering (79344)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Act as it relates to details for the supply of tenders and the information is regarded as being commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, confer a commercial advantage on a competitor of the council, or reveal a trade secret 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.

ORDINARY MEETING

MINUTES: 9 May 2006

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.

143 RESOLUTION:

RESOLVED on the motion of Councillor Stubbs, seconded by Councillor Calvert that open meeting be resumed.

**ITEM: 98 SS - Property Matter - Lease Agreement - Hawkesbury District Tennis Association
- (74070, 79337) CONFIDENTIAL**

MOTION:

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

Refer to RESOLUTION

144 RESOLUTION:

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

That:

1. Council agree to enter into a new lease with Hawkesbury District Tennis Association in respect of Richmond Tennis Complex in accordance with the proposal outlined in the report.
2. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.
3. Details of Council's resolution be conveyed to the proposed lessees together with the advice that Council is not and will not be bound by the terms of its resolution until such time as appropriate legal documentation to put such resolution into effect has been agreed to and executed by all parties.

ORDINARY MEETING

MINUTES: 9 May 2006

ITEM: 99 **SS - Property Matter - Lease Agreement - Shop 2, Glossodia Shopping Centre (Froemel) - (95496, 79337, 74432, 38869) CONFIDENTIAL**

Previous Item: 20, Ordinary (31 January 2006)

MOTION:

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

Refer to RESOLUTION

145 RESOLUTION:

The General Manager advised that whilst in Closed Council, Council RESOLVED on the motion of Councillor Stubbs, seconded by Councillor Porter

That:

1. Council agree to enter into a new lease with Andreas and Catarina Froemel, trading as "Glossodia Take-Away", in regard to Shop 2, Glossodia Shopping Centre, in accordance with the proposal outlined in the report.
2. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.
3. Details of Council's resolution be conveyed to the proposed lessees together with the advice that Council is not and will not be bound by the terms of its resolution until such time as appropriate legal documentation to put such resolution into effect has been agreed to and executed by all parties.
4. This resolution replaces that of 31 January 2006.

ITEM: 100 **IS - Blaxlands Ridge Maturation Ponds - Tender for Stage 2 - (79357) CONFIDENTIAL**

MOTION:

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

Refer to RESOLUTION

146 RESOLUTION:

The General Manager advised that whilst in Closed Council, Council RESOLVED on the motion of Councillor Stubbs, seconded by Councillor Conolly

ORDINARY MEETING

MINUTES: 9 May 2006

That the tender of Marsupial Landscape Management Pty Ltd for rehabilitation of the Blaxland's Ridge Maturation Ponds - Stage 2 not be accepted and that fresh tenders be invited for the works.

SUPPLEMENTARY REPORTS

Item: 101 IS - Tender for Restoration of Footpathing and Kerb and Guttering - (79344)
CONFIDENTIAL

MOTION:

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

Refer to RESOLUTION

147 RESOLUTION:

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

That Council accept the rates submitted by all complying tenders with works to be offered based upon the following ranking as assessed and the availability of the contractor.

1. Devries Concreting and Excavations
2. Nepean Concrete Industries Pty Ltd
3. Enwon Australia Pty Ltd

ORDINARY MEETING

MINUTES: 9 May 2006

SECTION 5 - Reports of Committees

ROC - Hawkesbury Bicycle and Access Mobility Committee - 20 March 2006 - (95494, 79342)

148 RESOLUTION:

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

That the minutes of the Hawkesbury Bicycle and Access Mobility Committee held on 20 March 2006 as recorded on pages 77 to 78 of the Ordinary Business Paper be received.

ROC - Cultural Precinct Advisory Committee Meeting - 18 April 2006 - (97382, 95494)

149 RESOLUTION:

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

That the minutes of the Cultural Precinct Advisory Committee held on 18 April 2006 as recorded on pages 79 to 80 of the Ordinary Business Paper be received.

SUPPLEMENTARY REPORTS

ROC - Local Traffic Committee Minutes - 19 April 2006 - (80245)

150 RESOLUTION:

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

That the minutes of the Local Traffic Committee held on 19 April 2006 as recorded on pages 3 to 13 of the Supplementary Ordinary Business Paper be adopted.

ORDINARY MEETING

MINUTES: 9 May 2006

QUESTIONS WITHOUT NOTICE

1. Councillor Porter enquired as to materials currently being used on roads as bitumen doesn't appear to hold gravel adequately.

The Director Infrastructure Services advised the materials used are Class 170 bitumen which is specified in accordance with RTA Code of Practice.

2. Councillor Porter advised he has previously enquired as to what Development Applications have been held up by the Rural Fire Service and asked that the matter be looked into.

3. Councillor Devine asked if we have made arrangements for Council Rangers to be on duty next Sunday, Mothers Day to enforce the previous resolution of Council regarding selling of flowers.

The Director External Services advised no special arrangements have been made for the Rangers to be on duty, however, they will be on call as usual.

Councillor Devine asked if the Rangers were on duty on Valentines Day.

The Director External Services advised they would have been on duty as it was a weekday.

Councillor Devine asked if we can make arrangements for the Rangers to be on duty on Sunday.

The Director External Services advised we only have two rangers on staff at the present time and advised if any issues occur the after hours number can be called which will be directed to the officer on duty.

4. Councillor Devine enquired as to the location of the former South Windsor Night Soil Depot.

The Director of Infrastructure Services advised it was the same location as the old Windsor Municipality tip which is on the eastern side of Racecourse Road.

Councillor Devine advised he is aware of a call for a tender for rehabilitation works and enquired how long our liability will extend.

The Director of Infrastructure Services advised Council has been utilising that site for tipping of sludge from septic tanks for three years and it is a Department of Environment and Conservation requirement to rehabilitate that area.

Councillor Devine asked if the funding for such works is coming from Windsor Sewerage Scheme funds.

The Director Infrastructure Services advised he believes it is coming from the Sullage Reserve and will confirm at a later stage.

5. Councillor Williams advised he has been approached by residents of Moles Road, North Wilberforce who have complained about a fill operation. Councillor Williams understands staff have attended the site and requested a report on the investigations.

ORDINARY MEETING

MINUTES: 9 May 2006

The Director External Services advised subsequent to a site inspection last week, the owner has been issued with a letter seeking execution of works to ensure the works have been complied with in accordance to the Development Consent.

Councillor Williams asked to be informed of updated information.

6. Councillor Williams expressed concern regarding a section of Sackville Rd near Sackville shops which has been partly sealed. Councillor Williams advised vehicles tend to run out of bitumen when traversing the bend and requested the area of road be investigated.

The Director Infrastructure Services advised the matter will be investigated.

7. Councillor Paine advised a matter arose at the Sister City meeting regarding the need for Council to sign new agreements with Tamba.

The Director Commercial Strategy advised he has requested copies of that agreement as they are stored externally.

Councillor Paine advised she believed Council is in possession of framed originals and asked how long the signing will take.

The Mayor advised the matter will be looked into.

8. Councillor Paine referred to a letter from the Director of External Services regarding a nomination for the replacement of Mr Jorgenson at Tourism Hawkesbury and asked if anybody has any issues with that or should the matter just go ahead.

The Director External Services advised the nominee had advised as a matter of courtesy he would not stand for the position should Council believe any conflict of interest existed, otherwise, the matter could proceed.

The Mayor advised it would be appropriate that all Councillors respond if there are any issues.

9. Councillor Paine enquired as to a letter received from the Chamber of Commerce suggesting they are not being represented by Councillors at their meetings. Councillor Paine requested the Director Commercial Strategy reply on her behalf.

The Director Commercial Strategy advised he would need to ensure the Chamber of Commerce are vigilant in advising Councillors of details of meeting dates etc.

10. Councillor Calvert advised he has received letters from Mr Miller regarding the potential danger of fire at Bowen Mountain due to build-up of fuel load.

The Director External Services advised she will bring that matter to Council. She is awaiting receipt of response from Rural Fire Service Headquarters.

ORDINARY MEETING

MINUTES: 9 May 2006

11. Councillor Calvert referred to Item 89 discussed at the meeting and asked if images can be displayed on the screen or on the board which can be physically pointed to in order to assist in understanding the issue spoken on.

The General Manager advised we will endeavour to obtain quotes as he believes there are devices that read fixed documentation from a projector.

12. Councillor Calvert asked if his request for the movement of a light outside the gate of Windsor High School had been acted upon.

The Director Infrastructure Services advised two lights within the boundary of the school are to be installed.

Councillor Calvert advised the actual street light is the issue.

The Director of Infrastructure advised he will need to investigate the exact location and will confer with Councillor Calvert.

13. Councillor Calvert enquired as to a Code of Meeting Practice issue regarding the way amendments are dealt with in meetings, specifically, "Amendments", Page 19, 3.2.5.

The Mayor concurred with Councillor Stubbs' advice that a foreshadowed amendment component could be used to overcome this issue.

The General Manager advised he will endeavour to arrange a briefing session on the subject.

14. Councillor Books advised he was asked to enquire regarding the Craig Laffin collection and has contacted Peter Ray at Bilpin who is interested to look at the display. Councillor Books asked if the Mayor and Councillor Stubbs concur.

The Mayor concurred as there were no other suggestions from Councillors as to other options.

15. Councillor Books advised he has received dust complaints from residents in St Albans especially when major events occur. Councillor Books asked if dust suppression could perhaps form part of the approval process of an event.

The Mayor advises the issue can be considered.

16. Councillor Books asked what arrangements we have with Sydney Water regarding supply of water to residents of Hawkesbury as our water comes from the river.

The Director of Infrastructure Services advises Sydney Water operates under an operating licence and he believes they don't differentiate where water comes from.

17. Councillor Books asked if something could be done regarding the state of the South Windsor footpath as it is constantly littered with chewing gum and dog faeces.

ORDINARY MEETING

MINUTES: 9 May 2006

18. Councillor Porter asked if Council gauged the success of Jet Ski Race and Bridge to Bridge on the weekend. Councillor Porter advised the restaurants and accommodation were booked out and the event was very successful.

The Director Commercial Strategy advised we have no formal measure to gauge the success of an event, however he will contact Hawkesbury Tourism to make enquiries.

The meeting terminated at 8.20pm.

Submitted to and confirmed at the Ordinary meeting held on 30 May 2006.

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Mayor

ORDINARY MEETING

MINUTES: 9 May 2006