



Hawkesbury City Council

ordinary meeting minutes

date of meeting: 12 September 2006

location: council chambers

time: 5:00 p.m.

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 5 September 2006, commencing at 5:01pm.

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

Council Stubbs arrived at the meeting at 5:04pm.
Councillor Calvert left the meeting at 9:35pm.

SECTION 1: Confirmation of Minutes

322 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Finch that the Minutes of the Ordinary Meeting held on the 29 August 2006, be confirmed.

SECTION 2 - Mayoral Minutes

MM - World Heritage Centre - (79353)

MOTION:

RESOLVED on the Mayoral Minute of Councillor Bassett, Mayor.

Refer to RESOLUTION

323 RESOLUTION:

RESOLVED on the Mayoral Minute of Councillor Bassett, Mayor.

That Senator the Hon. Ian Campbell Minister for the Environment and Heritage and Senator for Western Australia, be requested to reallocate funding previously provided for the construction of the World Heritage Centre at Bilpin, to the expansion of the Hawkesbury Tourist Centre, which will allow a World Heritage presence within the Hawkesbury as well as strengthening tourism benefits to Mt Tomah and Lithgow along the Botanists Way

SECTION 3 - Notices of Motion

RM - Notice of Rescission - Assessment of Development Applications and Lapsing of Development Consents - (90476, 90477, 90480)

MOTION:

RESOLVED on the Rescission Motion of Councillor Devine, seconded by Councillor Porter.

Refer to RESOLUTION

324 RESOLUTION:

RESOLVED on the Rescission Motion of Councillor Devine, seconded by Councillor Porter

That the resolution to Item: 199 - "Assessment of Development Applications and Lapsing of Development Consents" of the 29 August 2006 be rescinded.

325 RESOLUTION:

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

That the matter be referred to a forum and those professional DA participants (regular or repeat customers), within the City, be invited to participate in the forum.

NM 1 - RAAF Air Command Band - (80104, 95497)

Mr Alan Leek, proponent, addressed the Council.

326 RESOLUTION:

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

That:

1. The Hawkesbury City Council write to our Federal member Kerry Bartlett, the Minister for Defence, the Commander of the Defence Force and the Chief of the Air Force, in protest at the closure/moving of the RAAF Air Command Band at Richmond.
2. Copies of the correspondence be provided to the Commander of RAAF Richmond.

NM 2 - Upgrade of Windsor Railway Station Parking and Bus/Taxi Area - (90477, 95495)

Mr Dudley Mercer, proponent, addressed the Council.

327 RESOLUTION:

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

That Railcorp be requested to urgently consider:

- a) Upgrading the Windsor Railway Station Parking and bus/taxi drop off/pick up areas to enhance the safety and the amenity of the area.
- b) Expanding the parking capacity through the use of the old goods yard.

SECTION 4 - Reports for Determination

CITY PLANNING

Item: 211 **CP - Draft Local Approvals Policy Caravan Parks Approval to Operate - (95498)**

Ms Glenys Gilling, respondent, addressed the Council.

MOTION:

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

Refer to RESOLUTION

328 RESOLUTION:

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

That:

1. The matter be deferred until a public meeting is held regarding the attachments to the Business Paper.
2. All reasonable efforts be made to contact caravan park owners, residents of caravan parks and immediate neighbours regarding this meeting.

Item: 212 **CP - Draft Local Approvals Policy Installation of Structures in Caravan Parks - (95498)**

Mr Frank Scharfe, proponent, addressed the Council.
Ms Glenys Gilling, respondent, addressed the Council.

MOTION:

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

Refer to RESOLUTION

329 RESOLUTION:

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

That:

1. The matter be deferred until a public meeting is held regarding the attachments to the Business Paper.

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2. All reasonable efforts be made to contact caravan park owners, residents of caravan parks and immediate neighbours regarding this meeting.

Item: 213 **CP - Proposed Amendment to Statutory Bushfire Mapping at Lot 218 DP217504 - 116 Mitchell Drive and Part Lot 1 DP550593 - 88 Spinks Road, Glossodia - (95498, 96329)**

This item was withdrawn.

Item: 214 **CP - Pitt Town Investigations - (95498)**

Mr Wayne Gerahty, proponent, addressed the Council.
Dr Kate Hughes, respondent, addressed the Council.

MOTION:

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

Refer to RESOLUTION

330 RESOLUTION:

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

That:

1. Council accept the offer from the Johnson Property Group to meet the cost of Council engaging an independent Town Planning Consultant to undertake an initial assessment of the proposal on the basis outlined in this report, including the execution of Deed of Agreement as considered appropriate by Council's solicitors and also subject to the Group meeting Council's legal costs associated with the preparation of the Deed.
2. In the event of the Johnson Property Group agreeing to (1) above, Council's solicitors be requested to prepare an appropriate Deed of Agreement.
3. In the event of Johnson Property Group entering into a Deed of Agreement, as referred to in (1) above on the basis outlined in this report and lodging the required deposit with Council to meet the costs involved an appropriate consultant be engaged to undertake an initial assessment of the proposal and submit an appropriate report to Council for its consideration.
4. Authority be given for the execution of the Deed of Agreement under Seal if necessary.

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

COMMERCIAL STRATEGY

Item: 215 CS - E-Commerce/Markets Advisory Committee Meeting - (95497, 91367)

Councillors Bassett, Porter and Rasmussen declared an interest in this matter as they own property west of the Hawkesbury River. They left the meeting and did not take part in voting or discussion on the matter.

Mr Frank Scharfe and Mr Peter Young, proponents, addressed the Council.
Mr Ian Knowd and Mr Steve Rawling, respondents, addressed the Council.

MOTION:

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

Refer to RESOLUTION

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

That:

1. The minutes of e-Commerce/Markets Advisory Committee meeting held on 10 August 2006 be received.
2. The judging panel for Hawkesbury Business Christmas Decorations Competition for 2006 to comprise Councillor Bassett, Councillor Stubbs, Mr Faulkner, Mr Ewin, the incoming Hawkesbury Showgirl, and the current University Scholarship recipient.
3. Members of the RAAF Working Party continue to monitor the use of air shows and the clustering of aerospace industries to support RAAF operations as mechanisms for economic development, and the RAAF Working Party continues such discussions with representatives of the aviation sector via attendance at the bi-annual Avalon Airshow.
4. The revised constitution of the E-Commerce/Markets Advisory Committee (Committee) be adopted with the deletion of the appointment of Committee members representing particular groups.

The amendment was lost.

The motion was put and carried

331 RESOLUTION:

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

That:

1. The minutes of e-Commerce/Markets Advisory Committee meeting held on 10 August 2006 be received.
2. A report be prepared on possible options to be explored with the State Government in all rural and environmental zones west of the river; which will include identifying areas suitable for sustainable development for rural residential living, and report back to the Strategic Planning Committee.

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3. The judging panel for Hawkesbury Business Christmas Decorations Competition for 2006 to comprise Councillor Bassett, Councillor Stubbs, Mr Faulkner, Mr Ewin, the incoming Hawkesbury Showgirl, and the current University Scholarship recipient.
4. The revised constitution of the E-Commerce/Markets Advisory Committee (Committee) be adopted with the deletion of the appointment of Committee members representing particular groups.
5. Members of the RAAF Working Party continue to monitor the use of air shows and the clustering of aerospace industries to support RAAF operations as mechanisms for economic development, and the RAAF Working Party continues such discussions with representatives of the aviation sector via attendance at the bi-annual Avalon Airshow.
6. A letter be sent urgently to the Minister of Local Government requesting dispensation be granted for those Councillors with property interests in acreage west of the River, to allow them to be included in this debate in the future.
7. Councillors and Council staff accept Mr Young's invitation to visit his property for the purpose of better understanding agricultural processes within the Hawkesbury.

EXTERNAL SERVICES

Item: 216 **ES - Support of Camden Council's request for a Motion at the LGA Annual Conference re Licensing of AWTS Service Agents - (95494, 96330, 79348)**

Mr Frank Scharfe, proponent, addressed the Council.

MOTION:

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

Refer to RESOLUTION

332 RESOLUTION:

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

That Council support the Motion put forward by Camden Council at the Local Government Association Annual Conference, which calls on the NSW State Government to introduce a system of licensing of AWTS service agents by the Department of Fair Trading.

Item: 217 **ES - Draft Notice of Approval - Protection of the Environment Operations (Clean Air) Regulations 2002) - (95494, 96330)**

Mr Richard Miller, proponent, addressed the Council.

MOTION:

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

Refer to RESOLUTION

333 RESOLUTION:

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

That:

1. In accordance with clause 6G(3)(d) of the Protection of Environment Operations (Clean Air) Regulation 2002 Council place on public exhibition its draft Notice of Approval (Attachment 5).
2. Following the public exhibition of the draft Notice of Approval a further report be prepared for Council's consideration of any public submissions.

Councillor Williams requested that his name be noted as having voted against the motion.

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INFRASTRUCTURE SERVICES

Item: 218 **IS - Un-named Public Road, McGraths Hill - Naming Proposal - (79346)**

Previous Item: 154, Ordinary (11 July 2006)

MOTION:

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

Refer to RESOLUTION

334 RESOLUTION:

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

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

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Item: 219 IS - Supplementary Auslink Roads to Recovery Program - (79344)

MOTION:

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

Refer to RESOLUTION

335 RESOLUTION:

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

That:

1. The Supplementary Auslink Roads to Recovery funding be utilised on the following list of scheduled works:

Road Name	Location and Description of Works	Amount
Curtis Road, Mulgrave	Windsor Road to Mulgrave Road rehabilitate various patches	\$168,000.00
The Driftway, Richmond	Hawkesbury Waste Management Facility to Londonderry Road rehabilitate various patches	\$38,400.00
Tasman Place, South Windsor	Rehabilitate failed pavement in the vicinity of No.'s 3 to 5	\$35,000.00
Church Street, South Windsor	Rehabilitate Intersections of Drummond and Yarrawonga Streets with Church Street	\$41,500.00
Mileham Street, South Windsor	Argyle Street to Drummond Street rehabilitate various patches	\$28,000.00
Drummond Street, South Windsor	Mileham Street to the industry complex at No.64	\$78,000.00
Snailham Crescent, South Windsor	Various patches from Berger Road to No.27	\$15,000.00
Ham Street, South Windsor	No.153 to No.139 (either side of Blackman Crescent)	\$30,000.00
Settlers Road, Lower MacDonald	Rehabilitate full width patch 840m north of Walmsley Road	\$19,500.00
George Street, Windsor	Crack Seal and rehabilitate sections of failed pavement between Argyle Street and Windsor Train Station	\$43,859.00
Chestnut Drive, Glossodia	Rehabilitate various patches from Wattle Crescent to Golden Valley Drive	\$32,000.00
Old Pitt Town Road, Oakville	Rehabilitate various patches from Saunders Road to Hanckel Road	\$43,000.00
McQuade Avenue, South Windsor	Rehabilitate various patches from Cox Street (north end) to golf club entry	\$30,000.00
Castlereagh Road, Wilberforce	Rehabilitate various patches from George to Sackville Road	\$27,775.00
Bowen Mt Road, Bowen Mountain	Asphalt overlay 60m either side of Grand View Lane	\$45,500.00
Baker Street, Windsor	Deep lift various failed potholes between Macquarie and George Streets including underground stormwater drainage system	\$51,425.00
Total		\$726,959.00

2. A letter in appreciation for the additional Roads to Recovery funding be forwarded to the Federal Minister.

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SUPPORT SERVICES

Item: 220 **SS - School of Arts - Requested Financial Assistance - (95496, 85178)**

Previous Item: 138 Ordinary Meeting (27 June 2006)
 28, General Purpose Committee (1 June 2004)

MOTION:

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

Refer to RESOLUTION

336 RESOLUTION:

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

That the Richmond Literary Institute Inc. be advised that subject to it proceeding with the air conditioning project for the Richmond School of Arts and proceeding with the loan for this purpose as referred to in its correspondence dated 8 August 2006 that Council will make an "upfront" payment of \$5,541.28 towards the interest and loan establishment fee that will be incurred by the Institute and that upon receipt of appropriate confirmation from the Institute that it has proceeded with the loan this payment be made to the Institute and be funded from account number 1-19-2765-1963, Section 356 Donations.

CONFIDENTIAL REPORTS

337 RESOLUTION:

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

That the Confidential Report be moved to the end of the business paper and dealt with as the last item.

338 RESOLUTION:

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

That:

1. The Council meeting be closed to deal with confidential matters and in accordance with Section 10A of the Local Government Act, 1993, members of the Press and the public be excluded from the Council Chambers during consideration of the following items:

Item: 221 Laundry (Balmoral) Pty Limited - Lease at Wilberforce Shopping Centre

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

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

The Mayor asked for representation from members of the public as to why Council should not go into closed Council to deal with these confidential matters.

There was no response, therefore, the Press and the public left the Council Chambers.

339 RESOLUTION:

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

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**Item: 221 SS - Laundry (Balmoral) Pty Limited - Lease at Wilberforce Shopping Centre -
(95496, 74324) CONFIDENTIAL**

MOTION:

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

Refer to RESOLUTION

340 RESOLUTION:

The General Manager advised, that whilst in closed session, Council RESOLVED on the motion of Councillor Devine, seconded by Councillor Finch

That:

1. Council agree to enter into a new lease with Laundry (Balmoral) Pty Limited in regard to Shop 3, Wilberforce Shopping Centre (Bottle Shop), 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.

SECTION 5 - Reports of Committees

ROC - E-Commerce/Markets Advisory Committee Minutes - 10 August 2006 - (91367)

This matter was dealt with previously in the meeting in association with Item 215 (Minute No. 331)

ROC - Hawkesbury Bicycle and Access Mobility Committee Minutes - 14 August 2006 - (98212, 95494)

341 RESOLUTION:

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

That the minutes of the Hawkesbury Bicycle and Access Mobility Committee held on 14 August 2006 as recorded on pages 80 to 81 of the Ordinary Business Paper be received.

ROC - Cultural Precinct Advisory Committee Minutes - 15 August 2006 - (97382, 95494, 79342)

342 RESOLUTION:

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

That the minutes of the Cultural Precinct Advisory Committee held on 15 August 2006 as recorded on pages 82 to 84 of the Ordinary Business Paper be received.

ROC - Local Traffic Committee Minutes - 16 August 2006 - (80245, 95495)

Councillor Devine declared an interest in this matter as he has contractual agreement with Valad Property Group. He left the meeting and did not take part in voting or discussion on the matter.

Mr Jeff Egan, respondent, addressed the Council regarding Item 2.5.

343 RESOLUTION:

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

That the minutes of the Local Traffic Committee held on 16 August 2006 as recorded on pages 85 to 99 of the Ordinary Business Paper be adopted with the exception of parts 2 and 4 in the recommendation of Item 2.5 on page 98, which are deleted.

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QUESTIONS WITHOUT NOTICE

1. Councillor Books referred to 58 Church Street, South Windsor and advised that he had himself gone to investigate Mrs Butler's concerns. He advised that new units had been built on southern side of her property and that fairly large trees had been planted which are now damaging Mrs Butler's drainage and sewerage pipes. Councillor Books asked if the matter could be investigated and the owners asked to remove the trees as they will continue to be a problem.

The Mayor advised that the matter would be investigated.

2. Councillor Books referred to the Heritage Committee and asked what had happened to it and if it was going to exist again.

The Director City Planning advised that it was a matter of staff resources to organise the Committee and it is one of the things that is difficult to do at the present time.

Councillor Books asked if there were any issues that come up, if it was possible for them to come to a full Council.

The Director City Planning advised that at the present time, the only issue Council has, is getting a response from the Heritage Consultants to do the work that the Committee needs and it is difficult to get a response from them to do any work.

3. Councillor Books advised that vandals got into the laneway between Argyle Street and George Street, Blight Park and that fences were damaged, the roadway had graffiti all over it. He asked if Council could investigate the matter. He asked if anyone had any advice on how to get the graffiti off.

The Mayor advised that the Police would be asked to investigate and sent down to the area before the graffiti is removed so they can hopefully get some tags from it.

4. Councillor Paine advised that there had also been some graffiti in Union Lane in Windsor

The Mayor advised that the Police will be alerted to this area as well.

5. Councillor Paine referred to somebody who earlier in the evening had addressed Council and referred to the HARTDAC group and that one of the participant's owed Council money and that Council was doing something in regards to their property. Councillor Paine requested that she be given further informed in relation to this issue.

The General Manager advised he was not aware of action that had been taken against any member of the HARTDAC group.

The Director Support Services advised that the matter would be investigated.

6. Councillor Williams commented that back in February of this year he asked about Willow Glen Road, Grose Vale and that there had been a requirement of a previous consent to vegetate and landscape. He advised that the property changed hands and the landscaping was then removed or slashed. Councillor Williams asked what the status was and if it had to be reinstated, to which he hadn't received a response. He now has residents asking him what the outcome was.

The Director External Services advised that she had spoken to the residents concerned and that she had investigated the matter and a response could not be found, so apologised for this. She advised that Council will initiate action on the matter and will advise Councillor Williams of the outcomes.

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7. Councillor Rasmussen referred to long-standing business owners in Richmond, some of whom have been trading for over 40 years and asked if Council has some sort of program where we could write a note or provide a certificate to some of these owners who have served the community as a business owner. He asked if Council could instigate some sort of long service certificate.

The Mayor advised that the Chamber of Commerce has a program in place where they acknowledge the amount of time that people have been in business.

The Director Commercial Strategy advised that in regard to excellence in business, he confirmed that the Hawkesbury Excellence in Business Awards has criteria of longevity in business. He advised that have a ten-year, fifteen year, and twenty and upwards awards.

Councillor Rasmussen asked if Council could look into giving an award as well.

The Mayor advised that the matter would be followed up with what already goes on.

8. Councillor Rasmussen referred to announcement some time ago regarding mobile DAs and asked what the status of these was and if he could be provided with some statistics of how many were done.

The Director City Planning advised that Council doesn't have the same amount of staff anymore to offer that service. He advised that Council had very few requests for the service and Council doesn't have the staff to offer it anymore.

9. Councillor Rasmussen requested the breakdown of percentage of those ratepayers who pay their rates in one instalment upfront compared to those who choose to pay in quarterly instalments. He commented that it was in Council's benefit to increase the number of those who pay upfront thereby increasing the cash flow. He asked if an incentive could be given to those who pay their rates up front

The Mayor advised that he considered the matter some time before and had asked the staff about an incentive scheme and the costs of implementing and running it at the time, however, it looked excessive.

The Director Support Services advised that the figures couldn't be at the meeting, but he would investigate and let Councillor Rasmussen know. In regard to the incentive schemes, experience tells that increases are marginal because the cost of actually running the scheme to the benefits you receive. It depends on the percentage of collections as well. Generally, he was of the opinion that incentive schemes were of limited value and the matter would be reviewed.

10. Councillor Rasmussen referred to Council submitting an application from the National Water Initiative and asked where this matter was up to as South Creek is a bit a mess at the moment.

The Mayor advised that State Government wouldn't give the money and wouldn't give a commitment, even in principle to support it.

The Director City Planning advised Council wasn't successful in its grant application and added that none of the eight Councils who participated received any funding from the program, as there was no support from the State Government.

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11. Councillor Rasmussen referred to the second round of the Water Smart Grants and commented that a lot of Council's receive substantial amounts of money. He asked if Council managed to receive any money out of that or not.

The Mayor asked if Councillor Rasmussen was referring to the money that was given to other states where the State Governments matched the grants received.

Councillor Rasmussen advised that it was in NSW and it was announced a few weeks ago on the Water for Life and the Water Smart grant applications.

The Director City Planning advised that Council didn't apply this round, but were going to apply in next round.

12. Councillor Devine advised that the entries for the telephone directory usually close about this time of year and asked if the entry regarding the waste depot, which appears to be at Richmond, could be altered and corrected.

The General Manger advised that the entry would be reviewed.

13. Councillor Conolly referred to the development at Hobartville Shopping Centre and the time taken to process this DA and asked if he could be advised of where the matter is up to.

The Director City Planning advised that it had been with the applicant since 14 August waiting for them to supply us information and we have had no response from them, but advised that he was about to refuse the application.

14. Councillor Porter commented that the Inaugural 120 Ski Race was run the weekend before last and considering the short time they had to put into it; it was a great success and was looking to do more work with it. He went on to advise that over the last weekend, the Upper Hawkesbury Power Boat Club had their Classic on and considering the rain, had a good roll up. He asked if Council could get some feedback from local hotels, restaurants, etc to find out what sort of impact the events had on businesses in the area.

Councillor Finch advised that there was not a bed available in the Hawkesbury this weekend just gone except for five single beds at the Hawkesbury University Motel.

The meeting terminated at 10:32pm.

Submitted to and confirmed at the Ordinary meeting held on 26 September 2006.

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Mayor