



Hawkesbury City Council

ordinary  
meeting  
minutes

date of meeting: 24 September 2013

location: council chambers

time: 6:30 p.m.



**ORDINARY MEETING**

**Table of Contents**

**Minutes: 24 September 2013.**

**MINUTES**

– **WELCOME**

**Prayer**  
**Acknowledgement of Indigenous Heritage**

– **APOLOGIES AND LEAVE OF ABSENCE**

– **DECLARATION OF INTERESTS**

– **SECTION 1 - Confirmation of Minutes**

– **ACKNOWLEDGEMENT OF OFFICIAL VISITORS TO THE COUNCIL**

– **SECTION 2 - Mayoral Minutes**

– **EXCEPTION REPORT - Adoption of Items Not Identified for Discussion and Decision**

– **SECTION 3 - Reports for Determination**

**Planning Decisions**

**General Manager**

**City Planning**

**Infrastructure Services**

**Support Services**

– **SECTION 4 - Reports of Committees**

– **SECTION 5 - Notices of Motion**

– **QUESTIONS FOR NEXT MEETING**

– **REPORTS TO BE DISCUSSED IN CONFIDENTIAL SESSION**

**ORDINARY MEETING**

**Table of Contents**

**Minutes:** 24 September 2013.

**ORDINARY MEETING**

**Table of Contents**

**Minutes: 24 September 2013.**

**TABLE OF CONTENTS**

<b>ITEM</b>	<b>SUBJECT</b>	<b>PAGE</b>
	<b>SECTION 3 - Reports for Determination</b>	<b>6</b>
	<b>PLANNING DECISIONS</b>	<b>6</b>
Item: 193	CP - DA0120/13 - 6 Kirra Place, Wilberforce - Lot 30 DP 253767 - Subdivision - Two Lot Torrens Title - (95498, 102260)	6
Item: 194	CP - DA0267/13 - Lot 6 DP 873934 - 47 Pine Place, Grose Vale - Tourist and Visitor Accommodation - (95498, 126104)	10
Item: 195	CP - Review of Council's Section 94A Plan - Exemptions to Levy - (95498)	19
	<b>GENERAL MANAGER</b>	<b>20</b>
Item: 196	GM - Business Groups - Request for Contribution towards Christmas Lights Events (94012, 90311, 73824)	20
	<b>INFRASTRUCTURE SERVICES</b>	<b>21</b>
Item: 197	IS - Holmes Drive Reserve Draft Plan of Management - (79354)	21
Item: 198	IS - Pughs Lagoon and Smith Park Draft Plan of Management - (95495, 79344)	21
	<b>SUPPORT SERVICES</b>	<b>22</b>
Item: 199	SS - General Purpose Financial Statements and Special Purpose Financial Statements for 2012/2013 - (79350, 95496)	22
Item: 200	SS - Monthly Investments Report - August 2013 - (96332, 95496)	23
Item: 201	SS - Consultants Utilised by Council - 1 January 2013 to 30 June 2013 - (95496, 79337)	23
	<b>SECTION 4 - Reports of Committees</b>	<b>24</b>
	ROC - Audit Committee Minutes - 14 August 2013 - (95496, 91369)	24
	ROC - Heritage Advisory Committee Minutes - 22 August 2013 - (80242)	24
	ROC - Human Services Advisory Committee Minutes - 29 August 2013 - (123486)	24
	ROC - Local Traffic Committee - 9 September 2013 - (80245)	24
	<b>QUESTIONS FOR NEXT MEETING</b>	<b>25</b>
	Councillors Questions from Previous Meetings and Responses (79351)	25
	<b>QUESTIONS FOR NEXT MEETING</b>	<b>26</b>

**ORDINARY MEETING**

**Table of Contents**

**Minutes: 24 September 2013.**

<b>ITEM</b>	<b>SUBJECT</b>	<b>PAGE</b>
	<b>CONFIDENTIAL REPORTS</b>	<b>27</b>
Item: 202	IS - Tender No. WR06-12/13 - Tender for the Provision of Pavement Marking Services within the City of Hawkesbury - (95495, 79344) CONFIDENTIAL	28
Item: 203	SS - Property Matter - Lease to The Hills Family Trust - Shop 8 Wilberforce Shopping Centre - (125631, 95496, 102035) CONFIDENTIAL	29

**ORDINARY MEETING**

**Table of Contents**

**Minutes:** 24 September 2013.

Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on **Tuesday, 24 September 2013**, commencing at 6:33pm.

Pastor James Fletcher on behalf of the Seventh Day Adventist Church, Windsor, representing the Hawkesbury Minister's Association, gave the opening prayer at the commencement of the meeting.

**ATTENDANCE**

**PRESENT:** Councillor K Ford, Mayor, Councillor T Tree, Deputy Mayor and Councillors B Calvert, P Conolly, M Creed, W Mackay, B Porter, P Rasmussen and L Williams.

**ALSO PRESENT:** General Manager - Peter Jackson, Director City Planning - Matt Owens, Director Infrastructure Services - Jeff Organ, Acting Director Support Services - Emma Galea, Executive Manager - Community Partnerships - Joseph Litwin, Manager Corporate Services and Governance - Abbey Rouse and Administrative Support Team Leader - Natasha Martin.

**APOLOGIES**

Apologies for absence were received from Councillors Lyons-Buckett, Paine and Reardon.

**318 RESOLUTION:**

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Williams that the apologies be accepted and that leave of absence from the meeting be granted.

Councillor Mackay arrived at the meeting at 6:44pm.

**SECTION 1: Confirmation of Minutes**

**319 RESOLUTION:**

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Creed that the Minutes of the Ordinary Meeting held on the 10 September 2013, be confirmed.

**320 RESOLUTION:**

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Creed that the Minutes of the Extraordinary Meeting held on the 17 September 2013, be confirmed.

**ORDINARY MEETING**

**Minutes:** 24 September 2013.

**SECTION 3 - Reports for Determination**

**PLANNING DECISIONS**

**Item: 193** CP - DA0120/13 - 6 Kirra Place, Wilberforce - Lot 30 DP 253767 - Subdivision - Two Lot Torrens Title - (95498, 102260)

**Previous Item:** 143, Ordinary (30 July 2013)

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Mr Robert Montgomery addressed Council, speaking for the recommendation.

**MOTION:**

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

***Refer to RESOLUTION***

**321 RESOLUTION:**

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

That:

A. The Wilberforce Subdivision and Development Policy be amended to include the following wording:

*"All proposed variations to this Policy greater than 10% are to be reported to, and determined by, Council."*

B. The development application DA0120/13 at Lot 30 in DP 253767, No. 6 Kirra Place, Wilberforce for a two Lot Torrens Title Subdivision be approved subject to the following conditions:

**NSW Rural Fire Services Conditions**

**Asset Protection Zones**

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the issue of subdivision certificate and in perpetuity both proposed Lots 301 and 302 require the entire property to be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.



## ORDINARY MEETING

Minutes: 24 September 2013.

### **Design and Construction**

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

2. The existing dwelling on proposed Lot 301 is required to be upgraded to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders

### **Hawkesbury City Council Conditions**

#### **General Conditions**

3. 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.

#### **Prior to commencement of works**

4. 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.
5. 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.
6. A waste management plan shall be submitted to and approved by Hawkesbury City Council. The plan shall address any demolition waste. Particular attention shall be paid to type and quantity of waste, recycling, reuse, storage and disposal.
7. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
  - a. Unauthorised access to the site is prohibited.
  - b. The owner of the site.
  - c. The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
  - d. The name and contact number of the Principal Certifying Authority.

#### ***During Construction***

8. The site shall be secured to prevent the depositing of any unauthorised material.
9. No fill material shall be imported to or exported from the site for the regrading works on Lot 302.
10. The regrading works shall be completed generally in accordance with the stamped approved plan No.10039-1, Issue 4 dated 14 March 2013.
11. During the demolition period, the person responsible for the site is to retain records of waste disposal (waste receipts or dockets, recycling processor receipts etc.) in a Waste Data File. The Waste Data File must be provided to Council officers on request to demonstrate that the approved Waste Management Plan is being implemented.

## ORDINARY MEETING

Minutes: 24 September 2013.

12. 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.
13. At all times during demolition, a competent person shall directly supervise work. It is the responsibility of the person to ensure that:
  - a. Adjoining owners are given 24 (twenty four) hours notice, in writing, prior to commencing demolition.
  - b. Utility services within the structure not required to be maintained during the demolition work shall be properly disconnected and sealed before any demolition commences.
  - c. The site shall be secured at all times against the unauthorised entry of persons or vehicles.
  - d. Safe access and egress from adjoining buildings is to be maintained at all times for the duration of the demolition work.
  - e. Precautions are taken to ensure that the stability of all parts of the structure and the safety of persons on and outside the site are maintained, particularly in the event of sudden and severe weather changes.
  - f. The structure and all components shall be maintained in a stable and safe condition at all stages of the demolition work.
  - g. Demolition activity shall not cause damage to or adversely affect the structural integrity of adjoining buildings
  - h. Removal of dangerous or hazardous materials shall be carried out in accordance with the provisions of all applicable State legislation and with any relevant recommendations published by the National Occupational Health and Safety Commission (Worksafe Australia).
  - i. All work shall be carried out in accordance with AS2601 and the Work Plan submitted with the development application.
  - j. Unless otherwise permitted by Council, the structure is to be demolished in reverse order of construction, being progressive and having regard to the type of construction, to enable the maximum separation and recycling of demolished materials to take place.
  - k. No material is to be burnt on site.

### **Prior to Issue of the Subdivision Certificate**

14. Sewerage reticulation, including junctions, shall be constructed to each lot in the subdivision where not already provided.
15. 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.
16. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
17. Written clearance from an electricity provider shall be submitted to the Principal Certifying Authority.
18. Geotechnical test results and a site classification report prepared by a NATA registered laboratory shall be submitted to Council in respect of regrading/filling works on Lot 302.

## ORDINARY MEETING

Minutes: 24 September 2013.

19. A plan of subdivision prepared to the requirements of the Land Titles Office, shall be submitted to Council, with four copies.
20. The easement for services shall be created over proposed lot 301.
21. A survey plan showing all existing services on the lots including sewer connections, water connections and stormwater disposal shall be submitted. The plan shall demonstrate that there are no encroachments over remaining or proposed boundaries.
22. Creation of a restriction on use of land pursuant to Section 88B of the Conveyancing Act as follows:
  - Requiring that future development on proposed lot 302 be connected to an on site storm water detention system to maintain all storm water discharges from the 1:1 year storm up to the 1:100 year storm at predevelopment levels.
23. Payment of a Subdivision Certificate Release Fee in accordance with Council's Fees and Charges at the time of lodgement of the linen plan.

### Advisory Notes

- The applicant is advised to consult with the relevant:
  - (a) Water and sewer provider
  - (b) Electricity provider
  - (c) Natural gas provider
  - (d) Telecommunications carrier
  - (e) Road authority

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.

**ORDINARY MEETING**

**Minutes: 24 September 2013.**

In accordance with Section 375A of the Local Government Act 1993 a division is required to be called whenever a planning decision is put at a council or committee meeting. Accordingly, the Chairperson called for a division in respect of the motion, the results of which were as follows:

<b>For the Motion</b>	<b>Against the Motion</b>
Councillor Calvert	Councillor Mackay
Councillor Conolly	Councillor Porter
Councillor Creed	Councillor Rasmussen
Councillor Ford	
Councillor Tree	
Councillor Williams	

Councillors Lyons-Buckett, Paine and Reardon were absent from the meeting.

**Item: 194 CP - DA0267/13 - Lot 6 DP 873934 - 47 Pine Place, Grose Vale - Tourist and Visitor Accommodation - (95498, 126104)**

Mr Michael Want addressed Council, speaking for the recommendation.

Mr Michael Szabo addressed Council, speaking against the recommendation.

**MOTION:**

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

That development application DA0267/13 at Lot 6 DP 873934, 47 Pine Place, Grose Vale for Tourist and Visitor Accommodation be approved subject to the following conditions.

**NSW Rural Fire Service Conditions**

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

- A. At the commencement of building works and in perpetuity the property around the tourist and visitor accommodation to a distance of;
  - 30 metres on the northern and eastern elevation
  - 50 metres on the north western and western elevation and
  - 60 metres on the southern elevation,

shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

## ORDINARY MEETING

Minutes: 24 September 2013.

An additional 25 metres on the southern elevation shall be maintained as an outer protection area (OPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

### Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

- B. Water, electricity and gas are to comply with the following requirements of section 4.1.3 of 'Planning for Bush Fire Protection 2006';
- A hardened ground surface for truck access is to be supplied up to and within 4 metres of the water source.
  - A 65mm metal Storz outlet with a gate or ball valve shall be provided.
  - In recognition that no reticulated water supply exists, a 10,000 litre water supply shall be provided for fire fighting purposes for the tourist and visitor accommodation.
  - The water tank if located above ground shall be of a non-combustible material.

### Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

- C. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

### Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

- D. New construction shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

### Landscaping

- E. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

**ORDINARY MEETING**

**Minutes:** 24 September 2013.

**Hawkesbury City Council conditions**

**General Conditions**

1. The development shall take place in accordance with the following stamped plans, specifications and documentation listed below and endorsed with Council's stamp, except as modified by these further conditions.

<b>Architectural Drawing Title / Number</b>	<b>Prepared By</b>	<b>Dated</b>
Proposed Site Plan, Drawing No: DA.03/A	LT+ Associates	10.07.2013
Site Analysis & Site Management Plan, Drawing No. DA.04/A	LT+ Associates	10.07.2013
Proposed Elevations, Drawing No. DA.07/A	LT+ Associates	10.07.2013
Section A-A + B-B & Construction Notes, Drawing No. DA.08/A	LT+ Associates	10.07.2013
Proposed Schedule of External Finishes + BASIX Comments, Drawing No. DA.09/A	LT+ Associates	10.07.2013

2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
3. The buildings shall not be used or occupied prior to the issue of an Occupation Certificate.
4. The development shall comply with the provisions of the Building Code of Australia / National Construction Code.
5. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act 1979 relevant to this development to Hawkesbury City Council within seven days of issuing the certificate. A registration fee applies.
6. The development shall be constructed and maintained in accordance of the New South Wales Rural Fire Services Conditions of approval.

**Prior to Issue of Construction Certificate**

7. 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 \$505 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).

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.

8. Compliance with Section 109F of the Environmental Planning and Assessment Act 1979 – payment of the long service levy under Section 34 of the Building and Construction Industry Long Service Payments Acts 1986 – is required. All building works in excess of \$25,000 are subject to the payment of a Long Service Levy fee. A copy of the receipt for the payment of the Long Service Levy shall be provided to the Principal Certifying Authority (PCA) prior to the issue of a Construction Certificate. Payments can be made at Long Service Payments Corporation offices or most Council.

## ORDINARY MEETING

Minutes: 24 September 2013.

9. The drinking water to be supplied to the tourist and visitor accommodation shall consistently meet the Australian Drinking Water Guidelines 2011 and any subsequent amendments to the guidelines. Details are to be provided to the Principal Certifying Authority.

### ***Prior to Commencement of Works***

10. Erosion and sediment control devices are to be installed, in accordance with the HDCP 2002, and maintained at all times during site works and construction. The enclosed warning sign shall be affixed to the sediment fence / erosion control device.
11. The application to install a Sewage Management Facility - S0039/13 must be approved with Hawkesbury City Council prior to any works being commenced in relation to the sewage management facility.
12. 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.
13. 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.
14. 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.
15. Toilet facilities (to the satisfaction of Council) shall be provided for worker throughout the course of building operations. Such facility shall be located wholly within the property boundary.
16. 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.
17. 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.
18. 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***

19. The building must be designed and constructed to comply with the requirements of the National Construction Code – Building Code of Australia Volume Two as a 'Class 1b' building.
20. All constructed batters are to be topsoiled and turfed and where batters exceed a ratio of three horizontal to one vertical, retaining walls, stone flagging or terracing shall be constructed.
21. Off-street car parking spaces, together with access driveways and turning areas, shall be constructed, paved and maintained as shown on the approved plan.
22. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.

## ORDINARY MEETING

Minutes: 24 September 2013.

23. A bitumen sealed rural footway crossing minimum three metres wide shall be constructed to the entrance of the new driveway in accordance with the Hawkesbury DCP Appendix "E", "Civil Works Specification". Prior to works commencing the applicant shall consult with Council regarding fees to be paid, the works required and to organise inspections for a Compliance Certificate.
24. The development shall be completed in accordance with the approved colours and finishes as specified in drawing No.DA.09/A dated 10 July 2013.
25. Screening plants shall be planted out along the western side of the tourist and visitor accommodation as shown on the approved plan in the form of a hedgerow to provide a suitable screening between the site and its adjoining properties. Planting shall consist of a mixture of trees, shrubs and plants of local provenance.
26. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
27. The site shall be secured to prevent the depositing of any unauthorised material.
28. Dust control measures, e.g. vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
29. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
30. 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.
31. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
  - a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
  - b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
  - c) Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
32. All roof water shall be drained to the water storage vessel/s.

### ***Prior to Issue of the Occupation Certificate***

33. The following certificates are to be provided to Principal Certifying Authority, 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.



## ORDINARY MEETING

Minutes: 24 September 2013.

- 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.
  - e) A statement or other suitable evidence shall be submitted to the Principal Certifying Authority, certifying that all commitments made on the BASIX certificate have been implemented and installed as approved.
34. A bush fire emergency evacuation and management plan shall be developed for the development. The plan shall advise occupants of bush fire evacuation procedures and emergency telephone numbers. The applicant shall contact NSW Rural Fire Service for advice in the preparation of the plan. The evacuation procedures shall be permanently fixed to the building in a prominent location and maintained at all times.

### ***Use of the Development***

35. An appropriate drinking water management system, in compliance with NSW Health requirements and the Public Health Act 2010 and regulation 2012 is to be provided for the tourist and visitor accommodation.
36. Reduced bushfire fuel loads are to be maintained at all times to the property boundary.
37. 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:
- a) been assessed by a properly qualified person, and
  - b) 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.
38. No internal or external alterations shall be carried out without prior approval of Council.
39. The tourist and visitor accommodation shall not be used for permanent occupation as a residence.
40. The tourist and visitor accommodation facility shall only be used for short term tourist accommodation and is not to be made available for long term accommodation. In this regard any continuous length of stay is to be restricted to not more than four weeks.
41. The activity shall be carried out in accordance with the management plan submitted with the application.
42. A copy of the guest register is to be provided to Council every six months from the date of commencement of the use of the proposed tourist and visitor accommodation facility.
43. All premises offering food, packaged or otherwise, are to be registered with Hawkesbury City Council and have inspections conducted by Council's officers as necessary/required. The fit out and ancillary works are to be inspected by a Council Environmental Health Officer prior to commencement of any food preparation or retail operations at the premises.
44. 44. These premises are required to comply with the Food Act 2003, associated Regulations, and the Food Safety Standards 3.2.2 and 3.2.3. These are available on line at [www.foodstandards.gov.au](http://www.foodstandards.gov.au)
45. All food premises are to comply with Hawkesbury City Council's Food Premises Fit Out Code. Ceilings throughout the premises are to be solid and are to comply with section 4.0 of Hawkesbury City Council's Food Premises Fit Out Code. "Drop in" ceiling panels are not permitted over food preparation or food storage areas.

## ORDINARY MEETING

Minutes: 24 September 2013.

46. The premise is to be fitted with adequate hand washing facilities for the preparation of food. Hand washing basins are required in addition to other basins and sinks in any toilet, AND in any food preparation area. Where separate additional food preparation areas are provided, an additional hand washing basin is needed. Hand washing basins are required;
  - a) to be fitted with hand's free taps such as knee or foot operated devices;
  - b) with hot and cold running potable water;
  - c) with a common spout delivering water of at least 40° Centigrade.
  - d) to be easily accessible at all times.
47. A supply of soap and single use paper hand towels should be fitted to the wall in an appropriate and durable dispenser adjacent to any hand washing basin.
48. The area used for storage of garbage receptacles is to be completely separate from any food preparation and storage areas and kept in a clean condition, so as to not create offensive odours.
49. All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
50. Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour and dust), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
51. In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.

### **Advisory Notes**

- \*\*\* The sewage management facility must be operated in accordance with the relevant operating specifications and procedures for the component facilities, and so as to allow disposal of treated sewage in an environmentally safe and sanitary manner [Local Government (General) Regulation 2005].
- \*\*\* The installed sewage system will be the subject of an approval to operate a system of sewage management in accordance with the provisions of Subdivision 6 & 7 of Division 4 of Part 2 of the Local Government (General) Regulation 2005 and for this purpose will be subject to inspection at annual frequency by Council's Environmental Health Officer or at such other frequency as may be determined according to the future operation or risk of the system.
- \*\*\* 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.

**ORDINARY MEETING**

**Minutes: 24 September 2013.**

\*\*\* The applicant is advised to consult with:

- a) A water and sewer provider
- b) A electricity provider
- c) A natural gas provider
- d) A 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 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.

\*\*\* 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.

An AMENDMENT was moved by Councillor Conolly, seconded by Councillor Porter.

***Refer to RESOLUTION***

In accordance with Section 375A of the Local Government Act 1993 a division is required to be called whenever a planning decision is put at a council or committee meeting. Accordingly, the Chairperson called for a division in respect of the amendment, the results of which were as follows:

<b>For the Amendment</b>	<b>Against the Amendment</b>
Councillor Conolly	Councillor Calvert
Councillor Ford	Councillor Creed
Councillor Mackay	Councillor Rasmussen
Councillor Porter	Councillor Williams
Councillor Tree	

Councillors Lyons-Buckett, Paine and Reardon were absent from the meeting.

The amendment was carried.

The amendment became the motion which was put and carried.

**ORDINARY MEETING**

**Minutes:** 24 September 2013.

**322 RESOLUTION:**

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

That the matter be deferred for a site inspection and reported back to Council.

In accordance with Section 375A of the Local Government Act 1993 a division is required to be called whenever a planning decision is put at a council or committee meeting. Accordingly, the Chairperson called for a division in respect of the motion, the results of which were as follows:

<b>For the Motion</b>	<b>Against the Motion</b>
Councillor Conolly	Councillor Calvert
Councillor Ford	Councillor Creed
Councillor Mackay	Councillor Rasmussen
Councillor Porter	Councillor Williams
Councillor Tree	

Councillors Lyons-Buckett, Paine and Reardon were absent from the meeting.

**ORDINARY MEETING**

**Minutes:** 24 September 2013.

**Item: 195 CP - Review of Council's Section 94A Plan - Exemptions to Levy - (95498)**

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**MOTION:**

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

*Refer to RESOLUTION*

**323 RESOLUTION:**

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

That the exemptions identified in this report be further considered by Council staff in the preparation of an amended Section 94A plan.

In accordance with Section 375A of the Local Government Act 1993 a division is required to be called whenever a planning decision is put at a council or committee meeting. Accordingly, the Chairperson called for a division in respect of the motion, the results of which were as follows:

<b>For the Motion</b>	<b>Against the Motion</b>
Councillor Calvert	Councillor Williams
Councillor Conolly	
Councillor Creed	
Councillor Ford	
Councillor Mackay	
Councillor Porter	
Councillor Rasmussen	
Councillor Tree	

Councillors Lyons-Buckett, Paine and Reardon were absent from the meeting.

**ORDINARY MEETING**

**Minutes:** 24 September 2013.

**GENERAL MANAGER**

**Item: 196**                    **GM - Business Groups - Request for Contribution towards Christmas Lights Events (94012, 90311, 73824)**

**Previous Item:**        421, Ordinary (30 November, 2010)  
                              243, Ordinary (8 November, 2011)  
                              286, Ordinary (9 October, 2012)  
                              68, Ordinary (12 March, 2013)

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**MOTION:**

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

***Refer to RESOLUTION***

**324 RESOLUTION:**

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

That Council:

1. Allocate its available Christmas Lights funding to the projects presented by the Windsor Business Group and the Kurrajong Community Forum in the amounts of \$3,000 and \$4,000, respectively, to support Christmas Lights displays and associated activities for Christmas 2013 in business centres subject to the two organisations providing details of the proposed expenditure of any allocated funds to the satisfaction of the General Manager.
2. Donate an amount of \$500 to the Hawkesbury District Hospital Christmas tree lighting activity in recognition of the suggestion made by the Hawkesbury City Chamber of Commerce.
3. Retain \$500 of the available Christmas Lights funding to be used towards prizes for competitions undertaken by Windsor Business Group and Kurrajong Community Forum to encourage businesses to participate in the Christmas lights activities.
4. Approve the execution of the Council's standard Sponsorship Agreement for projects.

**ORDINARY MEETING**

**Minutes:** 24 September 2013.

**INFRASTRUCTURE SERVICES**

**Item: 197**                    **IS - Holmes Drive Reserve Draft Plan of Management - (79354)**

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**MOTION:**

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

*Refer to RESOLUTION*

**325 RESOLUTION:**

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

That the Holmes Drive Reserve Draft Plan of Management and Master Plan be placed on public exhibition for the mandatory 28 day consultation period, with a further 14 day period for the completion of written submissions.

**Item: 198**                    **IS - Pughs Lagoon and Smith Park Draft Plan of Management - (95495, 79344)**

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**MOTION:**

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

*Refer to RESOLUTION*

**326 RESOLUTION:**

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

The Pughs Lagoon and Smith Park Draft Plan of Management be placed on public exhibition for the mandatory 28 day consultation period, with a further 14 day period for the completion of written submissions.

**ORDINARY MEETING**

**Minutes:** 24 September 2013.

**SUPPORT SERVICES**

**Item: 199**                    **SS - General Purpose Financial Statements and Special Purpose Financial Statements for 2012/2013 - (79350, 95496)**

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**MOTION:**

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

*Refer to RESOLUTION*

**327 RESOLUTION:**

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

That:

1. Council note the following Statement in respect of Section 413(2)(c) of the Local Government Act 1993 as to its Annual Financial Statements:
  - a) Council's annual Financial Statements for 2012/2013 have been drawn up in accordance with:
    - The Local Government Act 1993 (as amended) and the Regulations made there under;
    - The Australian Accounting Standards and Professional Pronouncements; and
    - The Local Government Code of Accounting Practice and Financial Reporting; and
  - b) The Statements present fairly the Council's financial position and operating result for the year; and
  - c) The Statements are in accordance with the Council's accounting and other records; and
  - d) The signatories do not know of anything that would make these Statements false or misleading in any way.
2. Council sign the "Statement by Councillors and Management". The Statements are to be signed by the Mayor, Deputy Mayor, General Manager and the Responsible Accounting Officer.
3. Council seek a presentation from its External Auditor, PricewaterhouseCoopers, at a Council Meeting following the completion of the audit.



**ORDINARY MEETING**

**Minutes:** 24 September 2013.

**Item: 200**                    **SS - Monthly Investments Report - August 2013 - (96332, 95496)**

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**MOTION:**

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

*Refer to RESOLUTION*

**328 RESOLUTION:**

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

The report regarding the monthly investments for August 2013 be received and noted.

**Item: 201**                    **SS - Consultants Utilised by Council - 1 January 2013 to 30 June 2013 - (95496, 79337)**

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Mr Doug Bathesby addressed Council, speaking against the recommendation.

**MOTION:**

RESOLVED on the motion of Councillor Creed, seconded by Councillor Mackay.

*Refer to RESOLUTION*

**329 RESOLUTION:**

RESOLVED on the motion of Councillor Creed, seconded by Councillor Mackay.

That the information concerning consultancies utilised by Council during the period January to June 2013 be received.

**ORDINARY MEETING**  
**Reports of Committees**

**SECTION 4 - Reports of Committees**

**ROC - Audit Committee Minutes - 14 August 2013 - (95496, 91369)**

**330 RESOLUTION:**

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

That the minutes of the Audit Committee held on 14 August 2013 as recorded on pages 75 to 79 of the Ordinary Business Paper be received.

**ROC - Heritage Advisory Committee Minutes - 22 August 2013 - (80242)**

**331 RESOLUTION:**

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

That the minutes of the Heritage Advisory Committee held on 22 August 2013 as recorded on pages 80 to 85 of the Ordinary Business Paper be received.

**ROC - Human Services Advisory Committee Minutes - 29 August 2013 - (123486)**

**332 RESOLUTION:**

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

That the minutes of the Human Services Advisory Committee held on 29 August 2013 as recorded on pages 86 to 90 of the Ordinary Business Paper be received.

**ROC - Local Traffic Committee - 9 September 2013 - (80245)**

**333 RESOLUTION:**

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

That the minutes of the Local Traffic Committee held on 9 September 2013 as recorded on pages 91 to 97 of the Ordinary Business Paper be adopted.

**ORDINARY MEETING**

Questions for Next Meeting

**QUESTIONS FOR NEXT MEETING**

**Councillors Questions from Previous Meetings and Responses (79351)**

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There were no responses to Questions in relation to previous Questions for Next Meeting.

**ORDINARY MEETING**

## Questions for Next Meeting

**QUESTIONS FOR NEXT MEETING**

#	Councillor	Question	Response
1	Calvert	Requested clarification if any contracts for the proposed Windsor bridge had been let and if there is an expected completion date.	Director Infrastructure Services
2	MacKay	Requested that investigation into the possibility of placing CCTV cameras around the toilet blocks at Skeleton Reserve, Lower Portland in order to dissuade vandalism and other undesirable activities around the park due to the locked toilets.	Director Infrastructure Services
3	Creed	Requested that the potholes and road edging on Grose Vale Road be investigated and repaired.	Director Infrastructure Services

**ORDINARY MEETING**  
**CONFIDENTIAL REPORTS**

**CONFIDENTIAL REPORTS**

**334 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: 202 IS - Tender No. WR06-12/13 - Tender for the Provision of Pavement Marking Services within the City of Hawkesbury - (95495, 79344) CONFIDENTIAL**

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

**Item: 203 SS - Property Matter - Lease to The Hills Family Trust - Shop 8 Wilberforce Shopping Centre - (125631, 95496, 102035) CONFIDENTIAL**

*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.

**335 RESOLUTION:**

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

**ORDINARY MEETING**  
**CONFIDENTIAL REPORTS**

**Item: 202**                      **IS - Tender No. WR06-12/13 - Tender for the Provision of Pavement Marking Services within the City of Hawkesbury - (95495, 79344) CONFIDENTIAL**

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**MOTION:**

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

***Refer to RESOLUTION***

**336 RESOLUTION:**

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

That:

1. The Schedule of Rates tenders from the following panel of contractors be accepted in order of preference shown below:
  - a) Complete Linemarking Services Pty Ltd
  - b) Combined Traffic Management Pty Ltd
  - c) Allstate Linemarking Services Pty Ltd
  - d) Gumbay Holdings Pty Ltd t/a Avante Linemarking
  
2. Authority be given for documentation in connection with this matter be executed under the seal of Council, if necessary.

**ORDINARY MEETING**  
**CONFIDENTIAL REPORTS**

**Item: 203**                    **SS - Property Matter - Lease to The Hills Family Trust - Shop 8 Wilberforce Shopping Centre - (125631, 95496, 102035) CONFIDENTIAL**

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**MOTION:**

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

***Refer to RESOLUTION***

**337 RESOLUTION:**

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

That:

1. Council agree to the extinguishment of the lease of Shop 8 Wilberforce Shopping Centre with Mr Michael Taranto and, subsequently, agree to enter into a new lease with The Hills Family Trust, 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 Lessee and the outgoing Lessee, 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.

The meeting terminated at 7:39pm.

Submitted to and confirmed at the Ordinary meeting held on 29 October 2013.

.....  
Mayor