



Hawkesbury City Council

ordinary  
meeting  
minutes

date of meeting: 30 September 2014

location: council chambers

time: 6:30 p.m.



**ORDINARY MEETING**

**Minutes: 30 September 2014**

**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**

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## ORDINARY MEETING

Minutes: 30 September 2014

Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on 30 September 2014, commencing at 6:34pm.

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

### ATTENDANCE

**PRESENT:** Councillor K Ford, Mayor, Councillor B Porter, Deputy Mayor and Councillors B Calvert, P Conolly, M Lyons-Buckett, W Mackay, C Paine, P Rasmussen, J Reardon and L Williams.

**ALSO PRESENT:** General Manager - Peter Jackson, Director City Planning - Matt Owens, Director Infrastructure Services - Jeff Organ, Director Support Services - Laurie Mifsud, Executive Manager - Community Partnerships - Joseph Litwin, Development Services Manager – Cristie Evanhuis, Manager Corporate Services and Governance - Abbey Rouse and Administrative Support Coordinator - Natasha Martin.

Councillor Rasmussen arrived at the meeting at 6:36pm.

### APOLOGIES

Apologies for absence were received from Councillors M Creed and T Tree.

### 312 RESOLUTION:

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

### SECTION 1: Confirmation of Minutes

### 313 RESOLUTION:

RESOLVED on the motion of Councillor Porter and seconded by Councillor Conolly that the Minutes of the Extraordinary Meeting held on the 9 September 2014, be confirmed.

### 314 RESOLUTION:

RESOLVED on the motion of Councillor Porter and seconded by Councillor Rasmussen that the Minutes of the Ordinary Meeting held on 9 September 2014, be confirmed.

### 315 RESOLUTION:

RESOLVED on the motion of Councillor Porter and seconded by Councillor Reardon that the Minutes of the Extraordinary Meeting held on 16 September 2014, be confirmed.

**ORDINARY MEETING**

**Minutes:** 30 September 2014

**MATTER OF URGENCY**

A MOTION was moved by Councillor Lyons-Buckett, seconded by Councillor Rasmussen.

That the recent comments made by the Mayor and published in the Hawkesbury Gazette (24/09/2014, Page 7), regarding the legality of the occupation of Thompson Square be considered as a Matter of Urgency under Clause 2.2.3(3) of Council's Code of Meeting Practice.

The Motion was lost on the casting vote of the Mayor.



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**SECTION 3 - Reports for Determination**

**PLANNING DECISIONS**

**Item: 175**                    **CP - Development Report - DA0175/14 - Lot 6 DP242319 - 2 Wolseley Road, McGraths Hill - Removal of existing garage and construction of shed - (95498, 37033, 13277)**

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Ms Yvonne Janson addressed Council, speaking for the item.

A MOTION was moved by Councillor Porter, seconded by Councillor Mackay.

That Council indicate its support of the development application pending the submission of amended plans and that the General Manager be given delegated authority to determine the application.

An AMENDMENT was moved by Councillor Paine, seconded by Councillor Lyons-Buckett.

That the matter be deferred for a site inspection.

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 Calvert	NIL
Councillor Conolly	
Councillor Ford	
Councillor Lyons-Buckett	
Councillor Mackay	
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Williams	

Councillors Creed and Tree were absent from the meeting.

The Amendment was carried and became the Motion.

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**MOTION:**

RESOLVED on the motion of Councillor Paine, seconded by Councillor Lyons-Buckett.

***Refer to RESOLUTION***

**316 RESOLUTION:**

RESOLVED on the motion of Councillor Paine, seconded by Councillor Lyons-Buckett.

That the matter be deferred for a site inspection.

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	NIL
Councillor Conolly	
Councillor Ford	
Councillor Lyons-Buckett	
Councillor Mackay	
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Williams	

Councillors Creed and Tree were absent from the meeting.

**ORDINARY MEETING**

**Minutes: 30 September 2014**

**Item: 176**                    **CP - Development Report - DA0310/14 - Lot 880 DP24029 - 12 Clarke Avenue, Hobartville - Dwelling House - Alterations and Additions - (95498, 111924, 111925)**

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**MOTION:**

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

*Refer to RESOLUTION*

**317 RESOLUTION:**

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

That development application DA0310/14 at Lot 880 DP 240249, 12 Clarke Avenue, Hobartville for - Dwelling House - Alterations and Additions be approved subject to the following conditions:

**General**

1. The development shall take place generally in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions or in red on the plans.

Plans are listed as follows:

- Drawing No's. 2016/1675/1/4, 2016/1675/2/4, 2016/1675/3/4, 2016/1675/4/4 dated May 2013;
- BASIX Certificate No. A190289 dated 30 May 2014;
- Waste Management Plan.

2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
3. Within a period of 12 months from the completion of the development (or a lesser period with the agreement of the owners of both No. 10 Clarke Street and No. 12 Clarke Street, Hobartville) the owners of No. 12 Clarke Street Hobartville are to arrange the re-positioning of the solar collector on No. 10 Clarke Street, Hobartville. The solar collector is to be re-located to a suitable position on No. 10 Clarke Street so that solar access to the solar collector is not reduced to less than four hours per day in mid-winter.

All costs associated with the relocation of the solar collector are the sole responsibility of the owners of No. 12 Clarke Street, Hobartville unless otherwise agreed to in writing by the owner of No. 10. Clarke Street, Hobartville.

4. The approved use shall not commence until all conditions of this Development Consent have been complied with.
5. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
6. The development shall comply with the provisions of the Building Code of Australia.
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 seven days of issuing the certificate. A registration fee applies.
8. The commitments listed in the BASIX certificate for this development must be fulfilled.

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### ***Prior to Issue of Construction Certificate***

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Construction Certificate relating to the approved development, whether by Council or an appropriately accredited certifier. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Construction Certificate. The Construction Certificate shall be obtained prior to the commencement of any earth works or building works.

9. 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 \$750.00 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.

10. A qualified Structural Engineer shall inspect and certify the adequacy of the existing footings/slab, the existing flooring and load bearing frame for suitability of carrying the new proposed loadings created by the proposed upper storey addition.

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

11. 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.
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 workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
16. 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.

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### *During Construction*

17. The approved plans must be submitted to a Sydney Water Quick Check agent or customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For quick Check agent details, please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au), see Building Developing and Plumbing then Quick Check or telephone 13 20 92.
18. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
19. The site shall be secured to prevent unauthorised access and the depositing of unauthorised material.
20. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
21. 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.
22. 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.
  - d) All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
23. At all times during any demolition work, a competent person shall directly supervise work. It is the responsibility of the person to ensure that:
  - a) Adjoining owners are given 24 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.
24. The roofwater shall be drained to the existing roofwater drains.
25. Compliance certificates (known as Part 4A Certificates) as are to be issued for Critical stage inspections as detailed in the Environmental Planning and Assessment Regulation 2000 as required by section 109E (3) (d) of the Environmental Planning and Assessment Act 1979 by the nominated Principal Certifying Authority .

***Prior to Issue of Interim Occupation Certificate***

26. 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) 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.
  - b) 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.
  - c) 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.

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	NIL
Councillor Conolly	
Councillor Ford	
Councillor Lyons-Buckett	
Councillor Mackay	
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Williams	

Councillors Creed and Tree were absent from the meeting.

**ORDINARY MEETING**

**Minutes: 30 September 2014**

**Item: 177**                    **CP - Development Report - DA0316/14 - Lot 2 DP222878 - 183 Slopes Road, North Richmond - Dwelling Ancillary Development - Shed - (95498, 85782, 110333)**

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**MOTION:**

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

*Refer to RESOLUTION*

**318 RESOLUTION:**

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

That development application DA0316/14 at Lot 2 DP 222078 Vol 9742 Fol 100, 183 Slopes Road, North Richmond for - Dwelling Ancillary Development – A Shed be approved subject to the following conditions:

**General**

1. The development shall take place generally in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
3. The development shall comply with the provisions of the Building Code of Australia.
4. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
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.

**Prior To Commencement Of Works**

6. 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.
7. 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.
8. 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.
9. 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.
10. 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.

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11. 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.
12. 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***

13. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
14. 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.
15. 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.
16. 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 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.
17. Roof water (including overflow from water storage vessels) shall be drained to a rubble pit. The pit shall be of adequate size and be fitted centrally with vertical overflow pipes and be located so as not to interfere with any other property or sewer drainage system.

***Use Of The Development***

18. No internal or external alterations shall be carried out without prior approval of Council.
19. The structure shall not be occupied for human habitation/residential, industrial or commercial purposes. The rural shed is only to be used in conjunction with, or ancillary to, the domestic use of the land.

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	NIL
Councillor Conolly	
Councillor Ford	
Councillor Lyons-Buckett	
Councillor Mackay	
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Williams	

Councillors Creed and Tree were absent from the meeting.

**ORDINARY MEETING**

**Minutes: 30 September 2014**

**Item: 178**                    **CP - Development Report - DA0413/14 - Lot1 DP1147946 and Lot 122 DP77179 - 31 and 47 Bells Line of Road, North Richmond - External building alterations, landscaping, installation of new business identification signs - (95498, 119666, 87967)**

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Mr Patrick Lebon addressed Council, speaking for the item.

**MOTION:**

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

*Refer to RESOLUTION*

**319 RESOLUTION:**

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

That:

- A. Council support the creation/registration of the extended Right of Carriageway and widened entry through the Council owned car park as shown in Attachment 6 to this report, subject to all costs and works being undertaken at no cost to Council and the payment of appropriate compensation at a level to be determined.
- B. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.
- C. Development application DA0413/14 at Lot 1 DP 1147946, Lot 1 DP1127035, Lot 4 DP1147946, Lot 101 -104 DP 785779, Lot 2 DP1147946, Lot 122 DP771719 and Lot 6 DP 748866, 31, 47, 47A & 49A Bells Line Of Road and 9 Grose Vale Road, North Richmond for Shop - external building alterations, landscaping, installation of new business identification signs, alterations to Riverview Street kerb alignment and vehicle access point to facilitate a new "ALDI" store be approved subject to the following conditions:

**General Conditions**

- 1. The development shall take place generally in accordance with the stamped plans, specifications and accompanying documentation submitted with the application:
  - a) Architectural Plans prepared by Steiner Richards Architects dated 28 May 2014 including:
    - Cover Sheet, Location Plan and Drawing List, Drawing No. P13205 DA01 Revision A
    - Site Plan, Drawing No. P13205 DA02 Revision A
    - Ground Floor Plan, Drawing No. P13205 DA03 Revision A
    - Roof Plan, Drawing No. P13205 DA04 Revision A
    - Elevations, Drawing No. P13205 DA05 Revision A
  - b) Landscape Plans prepared by Site Image dated 6 June 2014:
    - Cover Sheet, Drawing No. 000 Issue B
    - Landscape Plan, Drawing No. 101 Issue B
    - Landscape Details and Plant Schedule, Drawing No. 501 Issue B;
  - c) Statement of Environmental Effects prepared by Milestone (Aust.) Pty. Limited dated June 2014;

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- d) State Environmental Planning Policy No. 64 Assessment prepared by Milestone (Aust.) Pty. Limited;
- e) Waste Management Plan prepared by Steiner Richards Architects dated 12/06/2014;
- f) Loading Dock Management Plan prepared by Milestone (Aust.) Pty. Limited dated June 2014;
- g) Noise Assessment Report prepared by Wilkinson Murray Acoustics dated 5 June 2014;

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 development shall comply with the provisions of the National Code of Construction / Building Code of Australia.
- 4. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
- 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 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.

### ***Prior to Issue of Construction Certificate***

- 7. Prior to the Issue of the Construction Certificate a landscape plan suitable for construction shall be submitted to and approved by the Director City Planning or an Accredited Certifier. The Landscaping Plan shall be generally in accordance with the Concept Landscape Plans prepared by Site Image dated 6 June 2014.
- 8. 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 \$11,990 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 receipt(s) confirming that the contribution has been fully paid are to be provided to the certifying authority.

- 9. The development shall comply with the provisions of the National Construction Code / Building Code of Australia (Essential Services upgrade), details of compliance are to be provided to the Principal Certifying Authority prior to issue of a Construction Certificate.
- 10. The development shall comply with Australian Standard 1428.1 – 2009, Design for Access and Mobility details of compliance are to be provided to the Principal Certifying Authority prior to issue of a Construction Certificate.

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

- 11. 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.

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12. 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.
13. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.
14. 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.
15. 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.
16. All traffic management devices shall be installed and maintained in accordance with the approved traffic management plan.

### ***During Construction***

17. 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.
18. During the construction 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.
19. 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.
20. Compliance certificates (known as Part 4A Certificates) as are to be issued for Critical stage inspections as detailed in the Environmental Planning and Assessment Regulation 2000 as required by section 109E (3) (d) of the Environmental Planning and Assessment Act 1979 by the nominated Principal Certifying Authority
21. Landscaping shall be completed in accordance with the approved landscape plan.

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

22. To ensure vehicle access rights in perpetuity, prior to the issue of any occupation certificate a Right of Carriageway under Section 88B of the Conveyancing Act 1919 shall be prepared and registered over the Council car park from the entry off Riverview Street, North Richmond across to and including part of the shared pedestrian/vehicle 'laneway' (North Richmond Council car park – Lot 1 DP1127035, Lot 4 DP1147946, Lot 101 -104 DP 785779, Lot 2 DP1147946, Lot 122 DP771719 and Lot 6 DP 748866)

The applicant shall bear all costs associated with the preparation and registration of the easement. The 88B Instrument is to provide for the use of the Right of Carriageway by 19m articulated vehicles.

The wording of the Instrument shall be submitted to and approved by Council prior to lodgement at NSW Land and Property Information.

The existing Right of Carriageway across Council's car park, providing only for a small Rigid Vehicle (SRV), shall be either altered or removed (as appropriate) upon registration of the new easement.

23. 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.
24. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
25. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
26. The following Fire Safety Measures shall be provided and installed in the building/property by a suitably qualified person and a Certificate of Installation shall be provided to the owner/agent:
- Emergency lighting;
  - Illuminated exit signage;
  - Fire extinguishers;
  - Automatic fire Detection & Alarm
  - Protection of Openings
  - Fire Doors
  - Paths of travel including door hardware
- a) Prior to requesting an occupation certificate the owner/agent shall certify that each of the essential fire safety measures specified in this statement:
- has been installed and assessed by a properly qualified person, and
  - was 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.
- b) A copy of the Fire Safety Certificate to be completed is available from Council.
- (This Certificate cannot be signed by persons who inspected and/or tested the installed services)
- c) A copy of the Initial Certificate and the Annual Certificate, together with the relevant Fire Safety Schedule must be forwarded to the Council and the Commissioner of the New South Wales Fire Brigades. A copy of this Certificate, together with the relevant Fire Safety Schedule must be prominently displayed in the building.
- d) Annually:

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The Fire Safety Measures are to be regularly serviced/ maintained and the owner/agent (including subsequent owners) shall certify annually that each of the fire safety measures specified in this statement has:

- Been assessed by a properly qualified person, and
- Found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the certificate is issued.

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

27. All food premises are to comply with Hawkesbury City Council's Food Premises Fit Out Code.
28. All premises offering food, packaged or otherwise, are to be registered with Council and have inspections conducted by Council's officers as necessary/required. 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) and AS 4674- 2004- Design, construction and fit-out of food premises.
29. Potentially hazardous foods should be stored below 5°C, or above 60°C at all times in accordance with The Food Act 2003.
30. All walls, floors, benches, shelves, chairs, fittings and the like are to be constructed with materials that are smooth, durable, impervious to moisture, and capable of being easily cleaned with a disinfectant. Fittings and equipment should be constructed so as not to harbour food, insects or vermin
31. All wall/floor junctions in the food preparation and storage area(s) shall be coved according to Hawkesbury City Council's Food Premises Fit Out Code. The coving is to be a minimum radius of 25mm using a smooth impervious material of a light colour. Where walls and floors are tiled, the coving is to be of a tile type. "Stick on" coving is not permitted. Feather edge skirting is not permitted.
32. Noise generated as a result of the development shall be managed so that the LAeq noise levels, measured at any point in accordance with the NSW DECs' Industrial Noise Source Policy, do not exceed 5dB(A) (LAeq) above background levels (LA90) with respect to noise amenity of other properties and associated outdoor areas.
33. The activity shall not give rise to "offensive noise" as defined by the Protection of the Environment Operations Act 1997.
34. The hours of operation to be limited to 7am to 10pm, seven days per week.

### **Advisory Notes**

- \*\*\* Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- \*\*\* 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.
- \*\*\* 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.

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\*\*\* 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.

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

- a) Sydney Water Corporation Limited
- b) an electricity supplier
- c) Natural Gas Company
- d) a local telecommunications carrier

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

\*\*\* 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.

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	NIL
Councillor Conolly	
Councillor Ford	
Councillor Lyons-Buckett	
Councillor Mackay	
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Williams	

Councillor Creed and Tree were absent from the meeting.

**ORDINARY MEETING**

**Minutes: 30 September 2014**

**Item: 179 CP - Development Report - DA0466/14 - Lot 2 DP6655 - 33 Old Bells Line of Road, Kurrajong - Subdivision - Community Title - Staged community title subdivision - (95498, 102260, 22180)**

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Councillor Lyons-Buckett declared a less than significant non-pecuniary conflict of interest in this matter as she is a resident of Kurrajong and knows family members of the applicant and various members of the objecting families, but has not had interactions with any of the involved parties which could influence her capacity to fairly consider this application on its merits and no further action is required.

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Mr Robert Montgomery and Mr Matthew Bennett addressed Council, speaking for the item.

Mr Greg Falson, Mr Brian McKinlay and Mr Michael Want addressed Council, speaking against the item.

A MOTION was moved by Councillor Reardon, seconded by Councillor Conolly.

That development application DA0466/14 at Lot 2 DP 6655, 33 Old Bells Line of Road, Kurrajong and Lot 1 DP 270827, No. 21 Vincents Road, Kurrajong for Residential Subdivision – 23 lots in two stages be approved subject to the following conditions:

***New South Wales 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:

1. At the issue of subdivision certificate and in perpetuity the entire property shall 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'.

**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:

2. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

**Access**

The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

3. Public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.

The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:



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4. The proposed private access ways shall comply with the following conditions:
  - a) Access to a development comprising more than three dwellings shall comply with the width specification of section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006'.
  - b) Road(s) shall be two wheel drive, all weather roads.
  - c) All roads should be through roads. Dead end roads are not recommended, but if unavoidable, dead end roads are not more than 200 metres in length, incorporate a 12 metre outer radius turning circle, are clearly signposted as dead end and direct traffic away from the hazard.

### **Hawkesbury City Council General Conditions**

5. The development shall take place generally in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
6. No excavation, site works or building works shall be commenced prior to the issue of an appropriate construction certificate.
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 seven days of issuing the certificate. A registration fee applies.
8. Vegetation shall not be removed from the site without Council approval.

### **Stage 1 Subdivision**

#### *Prior to Issue of Construction Certificate*

9. Prior to the issue of any construction certificate or the commencement of any works documentary evidence shall be provided to the Principal Certifying Authority confirming that all the proposed allotments will be connected to a reticulated sewer system which has been licensed under the Water Industry Competition Act 2006.
10. An Environmental Management and Rehabilitation Plan for the development site shall be prepared by an appropriately qualified person. The Plan shall address (without being limited to) earthworks, erosion control, site rehabilitation and landscaping.

All site works shall be carried out in accordance with the Plan. Implementation of the Plan shall be supervised by an appropriately qualified person.
11. Construction of the road, access and drainage, are not to commence until three (3) copies of the plans and specifications of the proposed works are submitted to and approved by the Director City Planning or an Accredited Certifier.

All civil construction works required by this consent shall be designed in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
12. Prior to the Issue of the Construction Certificate, the proponent of the development is to enter into an agreement with Hawkesbury City Council ensuring that the proponent is and remains responsible for the upkeep of their infrastructure within Council's road and liable for any rectification works required as a result of the installation of such infrastructure in perpetuity.
13. Prior to the Issue of the Construction Certificate a landscape plan suitable for construction shall be submitted to and approved by the Director City Planning or an Accredited Certifier in relation to the landscape buffer area. Landscaping shall include a mixture of trees, shrubs and groundcovers and shall retain existing trees within this area.

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14. A Traffic Guidance Scheme prepared in accordance with AS1742-3 2002 by an appropriately qualified person shall be submitted to Council.
15. 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 \$7,500 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 receipt(s) confirming that the contribution has been fully paid are to be provided to the certifying authority.

16. Under the provision of the Roads Act all works within the existing road reserve are to be approved and inspected by Hawkesbury City Council. Fees apply and will be provided on request.

### *Prior to commencement of works*

17. 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.
18. 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.
19. A 'Road Opening Permit' shall be obtained from Hawkesbury City Council Asset and Maintenance Section prior to the commencement of works within the Vincents Road. Fees apply.
20. A waste management plan shall be submitted to and approved by Hawkesbury City Council. The plan shall address any construction waste. Particular attention shall be paid to type and quantity of waste, recycling, reuse, storage and disposal.
21. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.
22. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
23. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
  - a) Unauthorised access to the site is prohibited.
  - b) The owner of the site.
  - c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
  - d) The name and contact number of the Principal Certifying Authority.
24. All traffic management devices shall be installed and maintained in accordance with the approved traffic management plan.

### *During Construction*

25. 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.

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26. During the construction 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.
27. 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.
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. Inspections and Compliance Certificates for sewer works can only be conducted and issued by a public authority or any person licensed under the Water Industry Competition Act 2006.
31. Sewerage reticulation, including junctions, shall be constructed to each residential lot in the subdivision.
32. The topsoil shall be stripped and stockpiled and used to cover the earthworks.
33. All constructed batters are to be topsoiled and turfed and where batters exceed a ratio of 3 (three) horizontal to 1 (one) vertical, retaining walls, stoneflagging or terracing shall be constructed.
34. 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.
35. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
36. 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.
37. All fill including existing fill must be compacted to 98% standard compaction in accordance with AS1289 and verified by the submission of test results for each lot accompanied by a contoured depth of fill plan.
38. Street lighting in accordance with the current relevant Australian Standard is to be installed in the new public road.
39. Landscaping shall be completed in accordance with the approved landscape plan.

### *Prior to Issue of Subdivision Certificate*

40. 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.

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41. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
42. Written clearance from an Electricity Provider shall be submitted to the Principal Certifying Authority.
43. Written confirmation from an authorised sewer authority that reticulated sewerage is available to all lots within the subdivision (with the exception of the community lot).
44. A works as executed plan shall be submitted to Council on completion of works.
45. All new roads, including pathways and drainage, shall be dedicated to Council.
46. A Management Statement complying with Schedule III of the Community Land Development Act, 1989 shall be lodged with and approved by Council. This statement is to include a provision that Lot 1 is not to be used for the purpose of erecting a dwelling.
47. A plan, plus four copies, of subdivision prepared to the requirements of the Land Titles Office that also provides for any necessary easements for drainage and sewer shall be submitted to Council.
48. Creation of a restriction on use of land pursuant to Section 88B of the Conveyancing Act as follows:
  - a) Requiring that all future development on lots 11 – 17 inclusive be in accordance with the recommendations of the Geotechnical Report, prepared by Brink & Associates, reference number S00053-A, 10 March 2000. Plans for development are to be certified by a suitably qualified geotechnical consultant as being appropriate to the geotechnical classification of the lot.
  - b) Requiring that any future dwelling envelopes be restricted to a maximum cut or fill depth of 2m.

### Stage 2

49. Prior to the issue of any construction certificate for stage two documentary evidence is to be submitted to the Principal Certifying Authority confirming registration of the subdivision plan with Land and Property Information that creates lot 18 on the stamped plans.

#### *Prior to Issue of a Construction Certificate*

50. Documentary evidence shall be provided to the Principal Certifying Authority confirming that all the lots would be connected to a reticulated sewer system which has been licensed under the Water Industry Competition Act 2006.
51. Documentary evidence shall be provided to the Principal Certifying Authority confirming that the turning area at the end of Robertson Street complies with the requirements of section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.
52. 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) 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.
53. Construction of the road, access and drainage, are not to commence until three (3) copies of the plans and specifications of the proposed works are submitted to and approved by the Director City Planning or an Accredited Certifier.

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All civil construction works required by this consent shall be designed in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.

54. A Traffic Guidance Scheme prepared in accordance with AS1742-3 2002 by an appropriately qualified person shall be submitted to Council.

### *Prior to commencement of works*

55. 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.
56. 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.
57. A waste management plan shall be submitted to and approved by Hawkesbury City Council. The plan shall address any construction waste. Particular attention shall be paid to type and quantity of waste, recycling, reuse, storage and disposal.
58. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.
59. 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.
60. 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.
61. All traffic management devices shall be installed and maintained in accordance with the approved traffic management plan.

### *During Construction*

62. 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.
63. During the construction 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.
64. 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.

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- 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.
65. 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.
66. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
67. Inspections and Compliance Certificates for sewer works can only be conducted and issued by a public authority or any person licensed under the Water Industry Competition Act 2006.
68. Sewerage reticulation, including junctions, shall be constructed to each residential lot in the subdivision.
69. The topsoil shall be stripped and stockpiled and used to cover the earthworks.
70. All constructed batters are to be topsoiled and turfed and where batters exceed a ratio of 3 (three) horizontal to 1 (one) vertical, retaining walls, stoneflagging or terracing shall be constructed.
71. 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.
72. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
73. 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.
74. All fill including existing fill must be compacted to 98% standard compaction in accordance with AS1289 and verified by the submission of test results for each lot accompanied by a contoured depth of fill plan.

### *Prior to Issue of Subdivision Certificate*

75. 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.
76. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation for water supply.
77. Written clearance from an Electricity Provider shall be submitted to the Principal Certifying Authority.
78. Written confirmation from an authorised sewer authority that reticulated sewerage is available to all lots within the subdivision (with the exception of the community lot).
79. A works as executed plan shall be submitted to Council on completion of works.
80. All new roads, including pathways and drainage, shall be dedicated to Council.
81. Registration of the title of any easements required for drainage and sewer.
82. A Management Statement complying with Schedule III of the Community Land Development Act, 1989 shall be lodged with and approved by Council. This statement is to include a provision that Lot 1 is not to be used for the purpose of erecting a dwelling.

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83. A plan, plus four copies, of subdivision prepared to the requirements of the Land Titles Office that also provides for any necessary easements for drainage and sewer shall be submitted to Council.
84. Creation of a restriction on use of land pursuant to Section 88B of the Conveyancing Act as follows:
- a) Requiring that all future development on lots 19 – 25 inclusive be in accordance with the recommendations of the Geotechnical Report, prepared by Brink & Associates, reference number S00053-A, 10 March 2000. Plans for development are to be certified by a suitably qualified geotechnical consultant as being appropriate to the geotechnical classification of the lot.
  - b) Requiring that any future dwelling envelopes be restricted to a maximum cut or fill depth of 2m.
85. The nature strip adjacent to the turning area at the end of Robertson Street to be dedicated as public road is to have a nature strip width of 3.5m.

### **Advisory Notes**

\*\*\* 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 development. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.

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

- water and sewer provider
- electricity provider
- natural gas provider
- telecommunications carrier
- 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.

\*\*\* Should any aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.

\*\*\* The applicant 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.

\*\*\* As a consequence of the development the proposed road would be required to be formally named. For details with regards to the naming of the laneway it is advised that you contact Councils Infrastructure Services Department for further information.

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

That the matter be deferred to a Councillor Briefing Session.

A Point of Order was called in respect of comments made by the Deputy Mayor, Councillor Porter, during discussion of this matter with the Mayor ruling that there was no Point of Order.

**ORDINARY MEETING**

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A MOTION OF DISSENT was moved by Councillor Calvert, seconded by Councillor Lyons-Buckett.

That the meeting dissent from the Mayor's ruling that there was no Point of Order.

The Motion was lost on the casting vote of the Mayor.

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 Calvert	Councillor Conolly
Councillor Lyons-Buckett	Councillor Ford
Councillor Mackay	Councillor Porter
Councillor Paine	Councillor Reardon
Councillor Rasmussen	
Councillor Williams	

Councillors Creed and Tree were absent from the meeting.

The Amendment was carried and became the Motion.

**MOTION:**

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

***Refer to RESOLUTION***

**320 RESOLUTION:**

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

That the matter be deferred to a Councillor Briefing Session.

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 Ford
Councillor Conolly	Councillor Porter
Councillor Lyons-Buckett	Councillor Reardon
Councillor Mackay	
Councillor Paine	
Councillor Rasmussen	
Councillor Williams	

Councillors Creed and Tree were absent from the meeting.



**ORDINARY MEETING**

**Minutes: 30 September 2014**

**Item: 180 CP - Development Report - DA0519/14 - Lot X and Y DP383922 - 55-57 Windsor Street, Richmond - Removal of street trees - (95498, 22933)**

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**MOTION:**

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

*Refer to RESOLUTION*

**321 RESOLUTION:**

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

That development application DA0519/14 at Lot Y DP 383922 Lot X DP 383922, 55 Windsor Street, Richmond for removal of street trees be approved subject to the recommended conditions:

**General Conditions**

1. Consent is granted for the removal of trees marked 1, 2 and 3 on the stamped plans.
2. Tree removal shall be undertaken in a safe and workman like manner.
3. All works shall be carried out only on Monday to Friday between 7am to 6pm and on Saturdays between 8am to 4pm.
4. The waste material from the tree shall be disposed of in either of the following ways:
  - a) The material being mulched and re-used.
  - b) The material being deposited at an approved land fill/waste disposal facility.
  - c) The material being cut up and used in an approved heating or cooking device.

NOTE: The material is not to be burnt in the open.

5. All works shall be undertaken in a manner that does not disrupt the traffic flow of Windsor Street.
6. Two super advanced London Plane tree (*Platanus x hybrida*) specimens (350L minimum) are to be planted in a structural soil planting zone in accordance with the relevant Australian Standards under the direction of an arborist. The applicant is to be responsible for the full maintenance, and replacement if required, of these trees until they are fully established as determined by the arborist.

**ORDINARY MEETING**

**Minutes: 30 September 2014**

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	NIL
Councillor Conolly	
Councillor Ford	
Councillor Lyons-Buckett	
Councillor Mackay	
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Williams	

Councillors Creed and Tree were absent from the meeting.

**ORDINARY MEETING**

**Minutes: 30 September 2014**

**Item: 181 CP - Planning Proposal to amend Hawkesbury Local Environmental Plan 2012 - 24 Greenway Crescent, Windsor - (95498, 124414)**

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Mr Glenn Falson addressed Council, speaking for the item.

**MOTION:**

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

*Refer to RESOLUTION*

**322 RESOLUTION:**

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

That:

1. Council support the preparation of a planning proposal for Lot 1 DP 884408, 24 Greenway Crescent, Windsor to:
  - a) amend the Lot Size Map of the Hawkesbury Local Environmental Plan 2012 to permit the minimum lot size of 450m<sup>2</sup> on part of the land as shown in Attachment 5 to this report, and
  - b) amend the Land Zoning Map of the Hawkesbury Local Environmental Plan 2012 to rezone part of the land to R2 Low Density Residential as shown in Attachment 6 to this report.
2. The applicant be advised that in addition to all other relevant planning considerations being addressed, final Council support for the planning proposal will only be given subject to satisfactory arrangements being made for flood evacuation of the proposed land.
3. The planning proposal be forwarded to the Department of Planning and Environment for a "Gateway" determination.
4. The Department of Planning and Environment be advised that Council wishes to request a Written Authorisation to Exercise Delegation to make the Plan.

**ORDINARY MEETING**

**Minutes: 30 September 2014**

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	NIL
Councillor Conolly	
Councillor Ford	
Councillor Lyons-Buckett	
Councillor Mackay	
Councillor Paine	
Councillor Porter	
Councillor Reardon	
Councillor Rasmussen	
Councillor Williams	

Councillors Creed and Tree were absent from the meeting.

**ORDINARY MEETING**

**Minutes: 30 September 2014**

**GENERAL MANAGER**

**Item: 182**                    **GM - NSW Government's Response - Final Report of NSW Independent Local Government Review Panel and Local Government Acts Taskforce - (79351)**

**Previous Item:**        148 (Ordinary, 28 August 2012)  
                              41 (Ordinary, 12 March 2013)  
                              110 (Ordinary, 25 June 2013)  
                              4 (Ordinary, 4 February 2014)

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**MOTION:**

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

***Refer to RESOLUTION***

**323 RESOLUTION:**

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

That:

1. The information regarding the NSW Government's Response to the Final Report of NSW Independent Local Government Review Panel and Local Government Acts Taskforce and associated "Fit For the Future" package be received and noted.
2. Further reports be submitted to Council regarding the "Fit For the Future" package and process as required and necessary.
3. Having regard to the recommendations of the Independent Local Government Review Panel and the "scale and capacity" aspects of the "Fit For the Future" package released by the NSW Government, Council not support nor entertain any proposals for the adjustment of the Council's boundaries as reportedly being proposed by The Hills Shire Council or the merger of the Council with any adjoining council area.

**ORDINARY MEETING**

**Minutes: 30 September 2014**

**CITY PLANNING**

**Item: 183**                    **CP - Coal Seam Gas Waste Water Update - (95498)**

**Previous Item:**        126, Ordinary (29 July 2014)  
                              150, Ordinary (26 August 2014)

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**MOTION:**

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

*Refer to RESOLUTION*

**324 RESOLUTION:**

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

That the information contained in this report be received.

**Item: 184**                    **CP - Progress Report on River Dredging Investigations - (95498)**

**Previous Item:**        NM, Ordinary (30 March 2010)  
                              152, Ordinary (28 August 2012)  
                              NM3, Ordinary (13 November 2012)  
                              168, Ordinary (27 August 2013)  
                              87, Ordinary (13 May 2014)

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**MOTION:**

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

*Refer to RESOLUTION*

**325 RESOLUTION:**

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

That the report be received and noted.

**ORDINARY MEETING**

**Minutes: 30 September 2014**

**SUPPORT SERVICES**

**Item: 185                    SS - Monthly Investments Report - August 2014 - (95496, 96332)**

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**MOTION:**

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

*Refer to RESOLUTION*

**326 RESOLUTION:**

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

The report regarding the monthly investments for August 2014 be received and noted.

**Item: 186                    SS - Councillor Discretionary Funding - (95496, 124715, 105109)**

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**MOTION:**

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

*Refer to RESOLUTION*

**327 RESOLUTION:**

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

The report regarding the establishment of a Councillor Discretionary Fund be received and noted.

**Item: 187                    SS - Pecuniary Interest Returns - Designated Persons - (95496, 96333)**

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**MOTION:**

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

*Refer to RESOLUTION*

**328 RESOLUTION:**

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

That the information be received and noted.

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

**SECTION 4 - Reports of Committees**

**ROC**                      **Development Application Monitoring Advisory Committee - 31 July 2014 - (127794)**

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**329 RESOLUTION:**

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

That the minutes of the Development Application Monitoring Advisory Committee held on 31 July 2014 as recorded on pages 171 to 173 of the Ordinary Business Paper be received.

**ROC**                      **Floodplain Risk Management Advisory Committee - 21 August 2014 - (86589)**

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**330 RESOLUTION:**

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

That the minutes of the Floodplain Risk Management Advisory Committee held on 21 August 2014 as recorded on pages 174 to 177 of the Ordinary Business Paper be received.

**ROC**                      **Local Traffic Committee - 8 September 2014 - (80245)**

---

**331 RESOLUTION:**

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

That the minutes of the Local Traffic Committee held on 8 September 2014 as recorded on pages 178 to 189 of the Ordinary Business Paper be adopted.



**ORDINARY MEETING**

Questions for Next Meeting

**QUESTIONS FOR NEXT MEETING**

**Councillor 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	Rasmussen	Enquired if the details of the scheduled meeting between the Mayor and community members of Mt Irvine Road could be provided.	Director Infrastructure Services
2	Rasmussen	Enquired if there is an outcome of the review of the planning proposal at 1059A Grose Vale Road, Kurrajong (DA0233/14).	Director City Planning
3	Calvert	Enquired if the Member for Macquarie has replied to the request to meet and discuss the financial assistance grants.	Director Support Services
4	Calvert	Enquired if the issue regarding blocked drains at 72 Tyne Crescent, North Richmond, caused by tree roots from Council trees is the responsibility of Council or the resident.	Director Infrastructure Services
5	Calvert	Requested further information on the number of dwellings in North Richmond that sit outside the 600m radius as stated in the Residential Land Strategy, namely, how does Council justify that approximately 965 residentially zoned properties are outside this radius-catchment distance and what processes are in place to inform Councillors if standards are exceeded.	Director City Planning
6	Calvert	Requested further information regarding the town boundary maps, asking if Council has any older maps that would indicate how the boundaries have changed over time and how are residents able to access these maps.	Director City Planning
7	Paine	Requested to be provided with the number of new houses that have been built over past two years.	Director City Planning
8	Paine	Enquired as to the legal costs to Council for the past 12 months.	Director Support Services
9	Paine	Enquired if the contaminated fill that has been identified on Creek Ridge Road, Glossodia for removal is to occur as required.	Director City Planning
10	Paine	Requested a determination on if a quarter fee payment for enviro-cycle inspection and a yearly fee for Council to inspect the same at a property in Bowan Mountain is 'double-dipping'.	Director City Planning

**ORDINARY MEETING**

## Questions for Next Meeting

#	Councillor	Question	Response
11	Williams	Enquired if the rubbish along King Road, Wilberforce near Old Sackville Road and Coburg Road could be removed.	Director Infrastructure Services
12	Williams	Enquired if there are any regulations relating to 'spite' planting of trees that overshadow a neighbouring property.	Director City Planning
13	Mackay	Enquired if the unnamed lane near Grono Farm Road and Ebenezer Wharf Road, Wilberforce could be resurfaced.	Director Infrastructure Services
14	Reardon	Asked if staff could be thanked for the prompt clean-up of graffiti in Kurrajong last week.	Director Infrastructure Services

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

**CONFIDENTIAL REPORTS**

**332 RESOLUTION:**

RESOLVED on the motion of Councillor Mackay, 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: 188 GM - Legal Matter - Potential Options Available to Council - Redbank at North Richmond - (79351)**

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(g) of the Local Government Act, 1993 as it relates to legal advice concerning Council's options regarding further development of the development referred to as Redbank at North Richmond and the information is regarded as advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

**Item: 189 CP - Tender No. 00944 - Purchase of Garbage Collection Vehicle Comprising Cab Chassis and Compaction Body - (95498, 96330)**

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act, 1993 as it relates to 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: 190 IS - Tender No. 00946 - Supply of Bulk Materials for Civil Construction - (95495, 79344)**

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act, 1993 as it relates to details concerning tenders for the supply of bulk materials for civil construction to Council 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: 191 SS - Property Matter - Lease to Barry Davis and Mahalachmi Davis - Unformed Road - Part of Rickaby Street, South Windsor - (82517, 5498, 112106, 95496)**

*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.*

**Item: 192 SS - Property Matter - Lease to Stephen Hile - 139 March Street, Richmond - (22455, 98759, 112106, 95496)**

*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.*

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

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.

Mr M Want objected that Item 188: GM - Legal Matter - Potential Options Available to Council - Redbank at North Richmond - (79351) not be dealt with in closed session.

The Meeting was adjourned 9:15pm.

The Meeting resumed at 9:30pm.

The Press and the public left the Council Chambers.

**333 RESOLUTION:**

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

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

**Item: 188**                      **GM - Legal Matter - Potential Options Available to Council - Redbank at North Richmond - (79351) CONFIDENTIAL**

**Previous Item:**              NM, Extraordinary (9 September 2014)

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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 Lyons-Buckett.

***Refer to RESOLUTION***

**334 RESOLUTION:**

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

That:

1. In light of the information now available to Council in response to part 1(b) of Council's Resolution of 9 September 2014, that Council adopt the following course of action:
  - a) In the interim, continue to process DAs, etc., including the application requiring referral to the JRPP, for Redbank at North Richmond.
  - b) Continue to process the proposed amendments to the Hawkesbury Development Control Plan to introduce a Chapter in respect of Redbank at North Richmond.
  - c) Request the Minister for Planning to issue an order to Council under the provisions of Section 117 of the Environmental Planning & Assessment Act directing the Council not to use its powers to consider and determine any DAs in respect of Redbank at North Richmond until such time as the ICAC has handed down its report resulting from Operation Spicer and the relevant portion of these findings, as related to Redbank at North Richmond, were considered.
  - d) In accordance with part 1(c) of Council's Resolution of 9 September 2014 a report be submitted to Council in relation to any findings contained within the report following the current ICAC hearings (Operation Spicer) regarding the planning process for the rezoning of Redbank at North Richmond.
2. A further report be submitted to the next Council Meeting regarding details of additional legal advice to be obtained in respect of further aspects of this matter.

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

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 Ford
Councillor Conolly	Councillor Porter
Councillor Lyons-Buckett	Councillor Reardon
Councillor Mackay	
Councillor Paine	
Councillor Rasmussen	
Councillor Williams	

Councillor Creed and Tree were absent from the meeting.

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

**Item: 189**                      **CP - Tender No. 00944 - Purchase of Garbage Collection Vehicle Comprising Cab Chassis and Compaction Body - (95498, 96330) CONFIDENTIAL**

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**MOTION:**

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

*Refer to RESOLUTION*

**335 RESOLUTION:**

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

That the tender submitted by Volvo Commercial Vehicles in the amount of \$359,869.40 (GST Inclusive) for the supply of a Volvo cab chassis with Macdonald Johnston waste compaction unit meeting the tender specification be accepted.



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

**Item: 190**

**IS - Tender No. 00946 - Supply of Bulk Materials for Civil Construction - (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 Reardon, seconded by Councillor Rasmussen.

*Refer to RESOLUTION*

**336 RESOLUTION:**

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

That:

1. The tenders of:

- a) State Asphalt NSW Pty
- b) North Shore Landscape Supplies Pty Ltd
- c) Metromix Pty Ltd

to be placed on a supplier panel for the supply of bulk materials for civil construction be accepted for a two year period commencing October 2014, with an option to extend for two further periods of one year each, subject to satisfactory performance.

2. In accordance with Clause 178 (4)(a) and (b) of the Local Government (General) Regulation 2005 Council decline to seek fresh tenders for:

- (A) 1 Road base and Sub-Base Materials - Crushed Rock
- (A) 2 Road base and Sub-Base Materials - Recycled
- (A) 3 Road base and Sub-Base Materials - Stabilising Agents
- (C) Bitumen Emulsion
- (D) Asphaltic Concrete

and enter into negotiations with suppliers in accordance with Clause 178 (3)(e) of the Local Government (General) Regulation 2005 on the basis that the market is limited and has been appropriately tested through the current tender.

3. The Seal of Council be affixed to any necessary documentation.

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

**Item: 191**                    **SS - Property Matter - Lease to Barry Davis and Mahalachmi Davis - Unformed Road - Part of Rickaby Street, South Windsor - (82517, 5498, 112106, 95496)**  
**CONFIDENTIAL**

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**MOTION:**

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

*Refer to RESOLUTION*

**337 RESOLUTION:**

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

That:

1. Council agree to enter into a new lease with Mr Barry Davis and Mrs Mahalachmi Davis in regard to the unformed portion of road which is part of Rickaby Street, South Windsor and adjoins Lot 134, Deposited Plan 752061, 241 Cox Street, South Windsor, 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**  
**CONFIDENTIAL REPORTS**

**Item: 192**                      **SS - Property Matter - Lease to Stephen Hile - 139 March Street, Richmond - (22455, 98759, 112106, 95496) CONFIDENTIAL**

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**MOTION:**

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

*Refer to RESOLUTION*

**338 RESOLUTION:**

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

That:

1. Council agree to enter into a new lease with Mr Stephen Hile trading as "Richmond Trophies" in regard to the property known as 139 March Street, Richmond, 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, 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 10:17pm.

Submitted to and confirmed at the Ordinary Meeting held on 14 October 2014.

.....  
Mayor