



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 24 February 2015

location: council chambers

time: 6:30 p.m.

ORDINARY MEETING

Minutes: 24 February 2015

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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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on 24 February 2015, commencing at 6:31pm.

Reverend Aleks Pinter of St Matthews Anglican Church, Windsor, representing the Hawkesbury Minister's Association, gave the opening prayer at the commencement of the meeting.

ATTENDANCE

PRESENT: Councillor K Ford, Mayor, Councillor B Porter, Deputy Mayor and Councillors B Calvert, P Conolly, M Creed, M Lyons-Buckett, W Mackay, C Paine, P Rasmussen, J Reardon, T Tree 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, Manager Development Services - Cristie Evanhuis, Manager Strategic Planning - Shari Hussein and Administrative Support Coordinator - Natasha Martin.

Councillor Rasmussen arrived at the meeting at 6:34pm.

Councillor Mackay arrived at the meeting at 6:38pm.

Councillor Calvert left at the meeting at 10:06pm.

Councillor Paine left at the meeting at 10:31pm.

ACKNOWLEDGMENT

The Mayor expressed his thanks to Reverend Aleks Pinter for his time given to Council, to the Mayor and the Hawkesbury area in general as he will be leaving St Matthews Anglican Church in the near future. The Reverend and his family will be missed and the Mayor wished him all the best for his future.

SECTION 1: Confirmation of Minutes

26 RESOLUTION:

RESOLVED on the motion of Councillor Reardon and seconded by Councillor Porter that the Minutes of the Ordinary Meeting held on the 3 February 2015, be confirmed.

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SECTION 3 - Reports for Determination

PLANNING DECISIONS

Item: 18 **CP - Development Application - DA0183/14 - Subdivision - Community Title - 67, 67A, 67B Browns Road, Kurrajong - (95498, 88784, 125590)**

Previous Item: 236, Ordinary (9 December 2014)

Mr Patrick Hurley and Ms Margot Locke addressed Council, speaking for the item.

Mr John Travers, Ms Lisa Turner and Mr Geoffrey Winters addressed Council, speaking against the item.

MOTION:

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

Refer to RESOLUTION

27 RESOLUTION:

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

That this matter be referred to the **CONFIDENTIAL** section of the meeting in accordance with Section 10A(2)(a) of the Act as it relates to personnel matters concerning particular individuals (other than councillors) and Section 10A(2)(d) of the Act as it relates to information associated with documents submitted with the application and, if considered in an open meeting would, on balance, be contrary to the public interest.

This matter was subsequently considered in association with other confidential reports at the conclusion of the meeting.

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Item: 19 CP - Draft Voluntary Planning Agreement for Development known as Jacaranda Ponds Glossodia - (95498, 124414)

Ms Beatriz Inausti and Mr Michael Want addressed Council, speaking against the item.

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

That the:

1. Draft Voluntary Planning Agreement (VPA) attached to this report be placed on public exhibition for a minimum of 28 days. During this time the draft VPA be made available at the Council offices in Windsor and on the Council website.
2. Draft VPA be the subject of a meeting with the Glossodia Community Reference Group.
3. Draft VPA be reported back to Council following public exhibition.

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

That the:

1. Draft Voluntary Planning Agreement (VPA) attached to this report be placed on public exhibition for a minimum of 28 days. During this time the draft VPA be made available at the Council offices in Windsor and on the Council website.
2. Draft VPA be the subject of a meeting with the Glossodia Community Reference Group.
3. Draft VPA be reported back to Council following public exhibition.
4. Draft VPA not be placed on public exhibition until information is provided from the RMS regarding the scheduled upgrading or replacing of Windsor Bridge.

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:

For the Amendment	Against the Amendment
Councillor Calvert	Councillor Conolly
Councillor Lyons-Buckett	Councillor Creed
Councillor Rasmussen	Councillor Ford
Councillor Williams	Councillor Mackay
	Councillor Paine
	Councillor Porter
	Councillor Reardon
	Councillor Tree

The Amendment was lost.

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MOTION:

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

Refer to RESOLUTION

28 RESOLUTION:

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

That the:

1. Draft Voluntary Planning Agreement (VPA) attached to this report be placed on public exhibition for a minimum of 28 days. During this time the draft VPA be made available at the Council offices in Windsor and on the Council website.
2. Draft VPA be the subject of a meeting with the Glossodia Community Reference Group.
3. Draft VPA be reported back to Council following public exhibition.

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:

For the Motion	Against the Motion
Councillor Calvert	Councillor Rasmussen
Councillor Conolly	Councillor Williams
Councillor Creed	
Councillor Ford	
Councillor Lyons-Buckett	
Councillor Mackay	
Councillor Paine	
Councillor Porter	
Councillor Reardon	
Councillor Tree	

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GENERAL MANAGER

Item: 20 **GM - Coal Seam Gas Wastewater - (79351, 95498, 105109)**

Previous Item: NM2, Ordinary (29 May 2012)
 NM, Ordinary (25 March 2014)
 126, Ordinary (29 July 2014)
 150, Ordinary (26 August 2014)
 NM1, Ordinary (3 February 2015)

MOTION:

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

Refer to RESOLUTION

29 RESOLUTION:

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

That the information regarding the treatment and disposal of Coal Seam Gas wastewater following Council's resolution of 3 February 2015 be noted.

Item: 21 **GM - The Sydney Blues & Roots Festival - Sponsorship by Council - (79351)**

MOTION:

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

Refer to RESOLUTION

30 RESOLUTION:

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

That:

1. Council agree to a "Naming Rights Sponsorship" of the "Sydney Blues & Roots Festival" on the basis outlined in the report.
2. The General Manager be authorised to finalise arrangements for the sponsorship arrangement including deliverables and to execute an appropriate sponsorship agreement in this regard.
3. Authority be given for the sponsorship agreement referred to in 2 above to be executed under the Seal of Council if necessary.

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Item: 22 GM - Waste 2015 Conference - (79351)

MOTION:

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

Refer to RESOLUTION

31 RESOLUTION:

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

That attendance of nominated Councillors, and staff as considered appropriate by the General Manager, at the Waste 2015 Conference at an approximate cost of \$2,600 per delegate be approved and that Councillor Porter attend the Waste 2015 Conference as Council's nominated delegate.

CITY PLANNING

**Item: 23 CP - Delivery Program 2013 - 2017 Progress Report - 1 July 2014 to 31
December 2014 - (95498, 124414)**

MOTION:

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

Refer to RESOLUTION

32 RESOLUTION:

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

That the information be received.

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Item: 24 **CP - Review of the Stormwater Management Strategy for the Pitt Town Development Area - (95498, 124414)**

MOTION:

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

Refer to RESOLUTION

33 RESOLUTION:

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

That:

1. The information regarding the Review of the Stormwater Management Strategy for the Pitt Town Development Area and the Supplementary report be received.
2. Council adopt the *Pitt Town Development - Updated Stormwater Management Strategy - Final Draft*, prepared by Worley Parsons, dated 20 November 2014, as an update to the technical provisions referred to in the Hawkesbury Development Control Plan.

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INFRASTRUCTURE SERVICES

Item: 25 **IS - Review of Circus Events in the Hawkesbury LGA - (95495, 79354)**

Previous Item: NM1, Ordinary (11 November 2014)

Mr Adam St James addressed Council, speaking against the item.

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

That the report be received and noted.

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

That:

1. Council endorse, in principle the attached policy which restricts circuses using Council premises to the use of domesticated animals and prohibiting circuses which include trained wild/exotic animals in their performances, including animals such as elephants, lions, tigers, monkeys and apes.
2. The Draft Policy on Circuses be placed on public exhibition for 21 days and re-reported to Council.
3. Council actively engage with the community to seek opinions on this matter.

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

MOTION:

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

Refer to RESOLUTION

34 RESOLUTION:

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

That the report be received and noted.

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SUPPORT SERVICES

Item: 26 SS - Monthly Investments Report - January 2015 - (95496, 96332)

MOTION:

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

Refer to RESOLUTION

35 RESOLUTION:

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

The report regarding the monthly investments for January 2015 be received and noted.

Item: 27 SS - Affordable Housing Options - (95496, 96328)

MOTION:

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

Refer to RESOLUTION

36 RESOLUTION:

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

That the matter be deferred to a Councillor Briefing Session.

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Item: 28 **SS - Community Nursery Partnership Proposal - Hawkesbury District Health Services and Merana Community Aboriginal Association for the Hawkesbury - (95496, 96328, 73736, 90848)**

Mr Wayne Cornish addressed Council, speaking for the item.

MOTION:

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

Refer to RESOLUTION

37 RESOLUTION:

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

That Council negotiate a facility use agreement with Hawkesbury District Health Service and Merana Community Aboriginal Association for the Hawkesbury, to set out the agreed terms and conditions for access to the community garden, and the adjoining demountable building within the Hawkesbury Community Nursery at McGrath's Hill, for the purpose of conducting health promotion, active lifestyle and nutrition programs for residents of the Hawkesbury.

Item: 29 **SS - December 2014 Quarterly Budget Review Statement - (95496, 96332)**

Previous Item: 97, Extraordinary (17 June 2014)

MOTION:

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

Refer to RESOLUTION

38 RESOLUTION:

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

That:

1. The information contained in the report be received.
2. The Quarterly Budget Review Statement – December 2014 be adopted.

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SECTION 4 - Reports of Committees

ROC Development Application Monitoring Advisory Committee - 6 November 2014

39 RESOLUTION:

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

That the minutes of the Development Application Monitoring Advisory Committee held on 6 November 2014 as recorded on pages 111 to 113 of the Ordinary Business Paper be received.

ROC Audit Committee Minutes - 26 November 2014 - (95496, 91369)

40 RESOLUTION:

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

That the minutes of the Audit Committee held on 26 November 2014 as recorded on pages 114 to 121 of the Ordinary Business Paper be received.

ROC Human Services Advisory Committee - 5 February 2015 - (123486)

41 RESOLUTION:

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

That the minutes of the Human Services Advisory Committee held on 5 February 2015 as recorded on pages 122 to 126 of the Ordinary Business Paper be received.

ROC Local Traffic Committee - 9 February 2015 - (80245)

42 RESOLUTION:

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

That the minutes of the Local Traffic Committee held on 9 February 2015 as recorded on pages 127 to 143 of the Ordinary Business Paper be adopted.

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SECTION 5 - Notices of Motion

NM1 Shopping trolley collection at Windsor - (79351, 105109, 80104)

MOTION:

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

Refer to RESOLUTION

43 RESOLUTION:

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

That Council write to Coles and Woolworths stores in the Hawkesbury LGA and ask them to pick up their trolleys on a regular basis.

NM2 Process to have Lantana added to noxious weed register - (79351, 105109, 80104)

MOTION:

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

Refer to RESOLUTION

44 RESOLUTION:

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

That:

1. Council write to the Hawkesbury River County Council, thanking it for the information provided regarding Lantana, reiterating Council's concern about Lantana and requesting that the Hawkesbury River County Council take appropriate action to seek a change to the listing of Lantana to a Class 1 or Class 2 Noxious Weed.
2. Council undertake an education program regarding Lantana and other noxious weeds, in consultation with the Hawkesbury River County Council, using appropriate Council publications.

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NM3 Possibility and cost of alterations to Windsor Mall - (79351, 105109, 80104)

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

That provision of funds to enable a report to be prepared for Council's consideration regarding the possibility and approximate cost of alterations to the Windsor Mall to allow for the reintroduction of general traffic either on the basis of a one-way or two-way traffic flow be considered for inclusion in the Council's Draft Operational Plan for 2015/2016.

The Motion was lost.

NM4 Luncheon for former recipients of Council's Citizen of the Year Award - (79351, 105109, 80104)

MOTION:

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

Refer to RESOLUTION

45 RESOLUTION:

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

That provision of funding to allow a luncheon to be held to recognise and reunite former recipients of Council's Citizen of the Year Award be considered for inclusion in the Council's Draft Operational Plan for 2015/2016.

NM5 LGBTIAQ Rainbow Flag - (79351, 105109, 80093)

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

That Council fly the LGBTIAQ Rainbow Flag during the Gay and Lesbian Mardi Gras season.

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

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QUESTIONS FOR NEXT MEETING

Councillor Questions from Previous Meeting and Responses - (79351)

Responses to Questions in relation to previous Questions for Next Meeting were provided and discussed.

ORDINARY MEETING**Meeting Date:** 24 February 2015**Questions for Next Meeting**

#	Councillor	Question	Response
1	Creed	Sought clarification regarding an email received by Council regarding the rehoming of cats at the Companion Animal Shelter during renovations.	The Director City Planning
2	Williams	Requested that Council investigate removing a car that is situated at an embankment on Upper Colo Road, as it is causing concerns to residents due to potential of flood waters moving it.	The Director City Planning
3	Paine	Requested the numbers of Planning Department staff in 2005 compared to those of 2015.	The General Manager
4	Paine	Sought updated information as to progress on court proceedings with respect to the Richmond Lowlands development.	The Director City Planning
5	Calvert	Requested information as to what transport infrastructure would be either provided or improved upon by the developer of the North Richmond Joint Venture as a result of the aged care facility and Redbank Development, west of the River, in the next 12 months.	The Director Infrastructure Services
6	Rasmussen	Enquired if the potholes on The Driftway could be repaired.	The Director Infrastructure Services
7	Rasmussen	Requested a progress report on local road treatment by the RMS near North Richmond bridge.	The Director Infrastructure Services
8	Rasmussen	Enquired if signs have been erected in the Maroota car park to prevent truck parking.	The Director City Planning
9	Rasmussen	Requested information on the progress of the sale of the Council owned property at Colonial Drive, Bligh Park.	The Director Support Services

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CONFIDENTIAL REPORTS

46 RESOLUTION:

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

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: 18 CP - Development Application - DA0183/14 - Subdivision - Community Title - 67, 67A, 67B Browns Road, Kurrajong - (95498, 88784, 125590)

*That this matter be referred to the **CONFIDENTIAL** section of the meeting in accordance with Section 10A(2)(a) of the Act as it relates to personnel matters concerning particular individuals (other than councillors) and Section 10A(2)(d) of the Act as it relates to information associated with documents submitted with the application and, if considered in an open meeting would, on balance, be contrary to the public interest.*

Item: 30 IS - Tender No. 00953 - Reconstruction of Sealed Road Sections of East Kurrajong Road and Bull Ridge Road - (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 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: 31 SS - Lease to Mina and Fady Girgis - Shop 6, Wilberforce Shopping Centre - (95496, 112106, 117043, 117044)

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

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

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

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

47 RESOLUTION:

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

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Item: 18 **CP - Development Application - DA0183/14 - Subdivision - Community Title - 67, 67A, 67B Browns Road, Kurrajong - (95498, 88784, 125590)**

MOTION:

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

Refer to RESOLUTION

48 RESOLUTION:

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

That development application DA0183/14 at Lot 1 DP 270798, Lot 4 DP 270798, Lot 5 DP 270798, 67, 67A and 67B Browns Road, Kurrajong for Subdivision - Community Title - Subdivision to create three residential lots and one community title lot 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 of proposed Lot 4 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'.
2. At the issue of subdivision certificate for proposed Lots 2 and 3 the areas marked as "APZ" on Sydney Registered Surveyors plan referenced, 1881 Browns, dated 2/4/14 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' until such time further development is undertaken on each Lot.

Hawkesbury City Council Conditions

General

3. The development is to be carried out in compliance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of consent:

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Drawing Number	Prepared by	Dated
Detail Survey Over Pt. Lot 1, Lot 2 & Lot 3 in DP 270798 1881 Browns Sheet 1 of 3 Amendment C	Sydney Registered Surveyors	2/04/2014
Detail Survey Over Pt. Lot 1, Lot 2 & Lot 3 in DP 270798 1881 Browns Sheet 2 of 3 Amendment D	Sydney Registered Surveyors	7/04/2014
Detail Survey Over Pt. Lot 1, Lot 2 & Lot 3 in DP 270798 Existing Registered Deposited Plan 1881 Browns Sheet 3 of 3 Amendment D	Sydney Registered Surveyors	7/04/2014
Document	Prepared by	Dated
Bushland Management Plan	Ecological Australia	3/11/2014
On-site Wastewater Management Report	Envirotech	22/08/2014

4. No excavation, site works or building works shall be commenced prior to the issue of an appropriate construction certificate.
5. The existing dam partly located on proposed Lots 3 and 4 is proposed to be retained which is to be formalised within the title documents and "Community Management Statement".
6. The existing dam partly located on proposed Lots 3 and 4 is to be available as a static water supply in the event of a bushfire.
7. An Application to Install a Sewage Management Facility must be lodged and approved for any new dwellings or structures with amenities with Hawkesbury City Council prior to any works being commenced in relation to the sewage management facility.
8. The sewage management facility must be operated in accordance with the relevant operating specifications and procedures for the component facilities, and so as to allow disposal of treated sewage in an environmentally safe and sanitary manner (Local Government [General] Regulation 2005).
9. The installed system will be the subject of an approval to operate a system of sewage management in accordance with the provisions of Subdivision 6 & 7 of Division 4 of Part 2 of the Local Government (General) Regulation 2005 and for this purpose will be subject to inspection at annual frequency by Council's Environmental Health Officer or at such other frequency as may be determined according to the future operation or risk of the system.
10. 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 Issue of Construction Certificate

11. An Environmental Management and Rehabilitation Plan for the development site shall be prepared by an appropriately qualified person. The Plan shall address (without being limited to) the clearing of vegetation, lopping and removal of trees, earthworks, erosion control, site rehabilitation and landscaping.

All site works shall be carried out in accordance with the Plan. Implementation of the Plan shall be supervised by an appropriately qualified person.

12. Construction of access and drainage are not to commence until three copies of the plans and specifications of the proposed works are submitted to and approved by the Director of City Planning or an Accredited Certifier.

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13. Payment of a Construction certificate checking fee of \$324.73 and a Compliance Certificate inspection fee of \$659.67 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2015. Fees required if an accredited certifier is used will be provided on request.
14. The Bushland Management Plan is to be reviewed and amended and approved by Council to take into account the Rural Fire Service requirements as outlined in the bushfire safety authority issued under Section 100B and dated 23rd May 2014.
15. The Bushland Management Plan is to be amended to include the responsibility for its implementation as generally included in the following table:

Management Action	Developer	Community Management (All Lot Owners)
Waste Removal (Management Zone 1)	Initially - Prior to issue of subdivision certificate	On-going monitoring and management
Ecological Burn (Management Zone 1)		On-going monitoring and management
Tree Protection Fencing	Initially - Prior to issue of subdivision certificate	
Marking Out the BMP Area – delineate boundaries for weed management	Initially - Prior to issue of subdivision certificate	
Erosion and Sediment Control Plan Development	Initially - Prior to issue of subdivision certificate	
Erosion and Sediment Control Plan Implementation		On-going during any construction (individual owners)
Revegetation and Bank Stabilisation Works North of the Dam (Management Zone 3)	Initially - Prior to issue of subdivision certificate provided that the works do not contradict the terms of the 100B bushfire safety authority issued by the NSW Rural Fire Service.	On-going monitoring and management (Management Zones 2 and 3)
Habitat Enhancement	All initial planting - Prior to issue of subdivision certificate provided that the works do not contradict the terms of the 100B bushfire safety authority issued by the NSW Rural Fire Service.	On-going monitoring and management. In the case of Management Zone 3 the individual owners of proposed Lots 3 and 4.
Management of Human Activity		On-going monitoring and management (Management Zones 1 and 2)
Introduced Fauna Control		On-going monitoring and management (All Management Zones)
Asset Protection Zone		Initial works and on-going monitoring and management (individual owners)
Revegetation	All initial planting - Prior to issue of subdivision certificate provided that the works do not contradict the terms of the 100B bushfire safety authority issued by the NSW Rural Fire Service.	On-going monitoring and management (All Management Zones) including replacement planting in Management Zone 3 after 2017

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Management Action	Developer	Community Management (All Lot Owners)
Monitoring and Reporting	Establish photo monitoring points and take initial photos prior to works commencing- Prior to issue of subdivision certificate	On-going monitoring and reporting (All Management Zones)
Plot Based Monitoring	Establish plot based monitoring system using " <i>BioMetric Methodology</i> " within all management zones - Prior to issue of subdivision certificate	On-going monitoring and annual reporting (All Management Zones)
Review of BMP		Annually

The amended Bushland Management Plan is to be approved by Council.

Prior to Commencement of Works

16. 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.
17. 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.
18. 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.
19. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.
20. 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.
21. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
 - a) Unauthorised access to the site is prohibited.
 - b) The owner of the site.
 - c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
 - d) The name and contact number of the Principal Certifying Authority.

During Construction

22. 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.
23. 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.

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24. 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.
25. 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.
26. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
27. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
28. 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.
29. Extension of the concrete driveway (4m wide) for the full length of the access arm to Proposed Lot 3.
30. The natural vegetation within proposed Lot 1 shall be fenced off to prevent domestic animals and livestock from entering these areas.
31. Works identified as the responsibility of the developer in accordance with the amended approved Bushfire Management Plan are to be undertaken by the developer.
32. It is required that the existing on-site sewage management system be inspected by Council and be issued with a current licence to operate.

Documentation shall be submitted to Council showing that the existing and proposed on-site sewage management systems (tank and disposal area) are located wholly on proposed Lots 3 and 4 and that the existing premises' on-site sewage management system must not burden the proposed new allotment.

Prior to Issue of Subdivision Certificate

33. 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.
34. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
35. Written clearance from the electricity provider shall be submitted to the Principal Certifying Authority.
36. A plan of subdivision prepared to the requirements of the Land Titles Office, shall be submitted to Council, with four copies.
37. The existing dam partly located on proposed Lots 3 and 4 is to be re-vegetated to improve water quality and provide fringing aquatic fauna habitat in accordance with the approved Bushland Management Plan.

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38. Works identified in the amended and approved Bushfire Management Plan to be undertaken prior to the issue of the Subdivision Certificate are to be completed.
39. A survey plan showing all existing services on the lots including septic tank and effluent disposal area, sewer connections, water connections and stormwater disposal shall be submitted to Council. The plan shall demonstrate that there are no encroachments over remaining or proposed boundaries.
40. All works designated to be carried out 'prior to issue of subdivision certificate' within the approved Bushland Management Plan shall be completed.
41. A revised 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 or any other building and is to reflect the relevant construction, management, monitoring and reporting requirements of the implementation of the approved Bushland Management Plan (as amended).
42. Payment of a Subdivision Certificate Release Fee in accordance with Council's Fees and Charges at the time of lodgement of the linen plan.
43. Creation of a restriction on use of land pursuant to the Conveyancing Act as follows:
 - a) Requiring that any future dwelling on proposed Lots 2 and 3 be restricted to the building envelope shown on the Detail Survey Over Pt. Lot 1, Lot 2 & Lot 3 in DP 270798 1881 Browns Sheet 1 of 3 Amendment C prepared by Sydney Registered Surveyors and dated 2-04-14.
 - b) Requiring that any future dwelling on Lot 2 be restricted to a maximum cut or fill depth of 2m.
 - c) Requiring that all development on the lots be confined to Lots 2, 3 and 4.
 - d) Prohibiting clearing of native vegetation located on Lot 1.
 - e) Prohibiting domestic animals and stock from entering the native vegetation areas on Lot 1.
 - f) Prohibiting the development of a structure, including a dwelling, on Lot 1.

Advisory Notes

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

- a) Water and sewer provider
- b) Electricity provider
- c) Natural gas provider
- d) Telecommunications carrier
- e) Road authority

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

*** The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed subdivision. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.

*** The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.

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*** 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.

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:

For the Motion	Against the Motion
Councillor Conolly	Councillor Lyons-Buckett
Councillor Creed	Councillor Rasmussen
Councillor Ford	Councillor Williams
Councillor Mackay	
Councillor Porter	
Councillor Reardon	
Councillor Tree	

Councillors Calvert and Paine were not in the Chamber when the vote was taken.

ORDINARY MEETING

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Item: 30 **IS - Tender No. 00953 - Reconstruction of Sealed Road Sections of East Kurrajong Road and Bull Ridge Road - (95495, 79344) CONFIDENTIAL**

MOTION:

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

Refer to RESOLUTION

49 RESOLUTION:

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

That:

1. The schedule of rate tender submitted by MJ & MD Skinner P/L in the total amount of \$692,152.64 excl GST for the reconstruction of sections of failed road pavement in East Kurrajong Road and Bull Ridge Road be accepted.
2. Any required documentation be executed under the Seal of Council.

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Item: 31 **SS - Lease to Mina and Fady Girgis - Shop 6, Wilberforce Shopping Centre - (95496, 112106, 117043, 117044) CONFIDENTIAL**

MOTION:

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

Refer to RESOLUTION

50 RESOLUTION:

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

That:

1. Council agree to enter into a new lease with Mina and Fady Girgis in regard to Shop 6, Wilberforce Shopping Centre, in accordance with the proposal outlined in the report.
2. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.
3. Details of Council's resolution be conveyed to the proposed Lessees, together with the advice that Council is not, and will not, be bound by the terms of its resolution, until such time as appropriate legal documentation to put such resolution into effect has been agreed to and executed by all parties.

The meeting terminated at 10:33pm.

Submitted to and confirmed at the Ordinary meeting held on 10 March 2015.

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Mayor