



Hawkesbury City Council

ordinary  
meeting  
minutes

date of meeting: 08 April 2008

location: council chambers

time: 5:00 p.m.



**ORDINARY MEETING**

**MINUTES: 8 April 2008**

**MINUTES**

- **WELCOME / EXPLANATIONS / PRAYER**
- **APOLOGIES**
- **DECLARATION OF INTERESTS**
- **SECTION 1 - Confirmation of Minutes**
- **MINUTES ITEMS SUBJECT TO PUBLIC ADDRESS**
- **SECTION 2 - Mayoral Minutes**
- **QUESTIONS WITH NOTICE**
- **SECTION 3 - Notices of Motion**
- **EXCEPTION REPORT - Adoption of Items Not Identified for Discussion and Decision**
- **SECTION 4 - Reports for Determination**

**General Manager**

**City Planning**

**Infrastructure Services**

**Support Services**

- **SECTION 5 - Reports of Committees**
- **QUESTIONS WITHOUT NOTICE**

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## ORDINARY MEETING

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 8 April 2008, commencing at 5:02pm.

Pastor Cheryle Symons of the Hawkesbury City Salvation Army, representing the Hawkesbury Minister's Association, gave the opening prayer at the commencement of the meeting.

### ATTENDANCE

**PRESENT:** Councillor B Bassett, Mayor, Councillor T Books, Deputy Mayor and Councillors B Calvert, K Conolly, T Devine, D Finch, C Paine, B Porter, P Rasmussen, R Stubbs and N Wearne.

**ALSO PRESENT:** General Manager - Peter Jackson, Director City Planning - Matt Owens, Director Infrastructure Services - Chris Daley, Director Support Services - Laurie Mifsud, Manager Corporate Services and Governance - Fausto Sut, Executive Manager - Community Partnerships - Joseph Litwin and Administrative Support Team Leader - Amy Dutch.

### APOLOGIES

An apology for absence was received from Councillors Williams.

### 80 RESOLUTION:

RESOLVED on the motion of Councillor Porter and seconded by Councillor Books that the apology be accepted.

Councillor Rasmussen arrived at the meeting at 5:06pm

### SECTION 1: Confirmation of Minutes

### 81 RESOLUTION:

RESOLVED on the motion of Councillor Books and seconded by Councillor Wearne that the Minutes of the Ordinary held on the 11 March 2008, be confirmed.

SECTION 2 - Mayoral Minutes

**MM1 - Proposed Macquarie 2010 Bicentenary Celebrations - (95852, 79353)**

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**MOTION:**

RESOLVED on the motion of Councillor Bassett, Mayor.

*Refer to RESOLUTION*

**82 RESOLUTION:**

RESOLVED on the motion of Councillor Bassett, Mayor.

That:

1. Council make representations to the Premier of NSW, the Hon M Iemma, Mr J Trevillian AM, CEO of the Australia Day Council and Deputy Director-General of the Premier's Department and Mr A Smith Deputy Director-General in order to:
  - a) Request the NSW Government to unequivocally endorse the Macquarie 2010 Bicentenary Celebration proposals.
  - b) Request the NSW Government to fund this most worthy project and establish an appropriate secretariat to administer the project.
  - c) Advise that the Macquarie 2010 Celebrations is an opportunity that should not be missed and an historic occasion that should not go unmarked by the Macquarie Towns and their people.
- 2) An amount of \$5,000 be included in Council's 2008/2009 budget to allow Council to provide support as appropriate associated with the planning of Macquarie 2010 Celebrations.
- 3) Ms M Sullivan, MA LLB, Chairperson of the Lachlan and Elizabeth Macquarie Bicentenary Celebrations 2010 Committee be advised of Council's actions in this regard.
- 4) A copy of this Mayoral Minute and details of Council's resolution be forwarded to other "Macquarie Town" councils.
- 5) The three Local State Members of Parliament be requested to support Council's representations in this regard.

**MM2 - Proposed North-West Metro Line - (79353)**

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Mr John Christie, Mr Robert Rowe and Mr Michael Vassili, proponents, addressed Council.  
Mr Frank Scharfe, respondent, addressed Council.

**MOTION:**

RESOLVED on the motion of Councillor Bassett, Mayor.



***Refer to RESOLUTION***

**83 RESOLUTION:**

RESOLVED on the motion of Councillor Bassett, Mayor.

That Council:

1. Make representations to the Premier of NSW, the Hon. M Lemma, seeking a commitment from the State Government that, in line with previous statements concerning a north-west rail link, that the proposed North-West Metro Line will be extended to the Vineyard area by 2020 thus ensuring access to this new facility from the Richmond line.
2. Also request that plans also be developed to extend the proposed metro line through the western line at Penrith to the proposed South Western Line.
3. Request the local State Members of Parliament and WSROC to support Council's representations on this matter in view of its importance and significance of the link for the local community.
4. Request that the State Government, as a matter of priority, identify and acquire the land corridor required for a rail link between Rouse Hill and the Richmond Line in the vicinity of Vineyard.
5. Continue to support the Richmond line upgrade and request that the work on this proceed as soon as possible.

**SECTION 3 - Notices of Motion**

**NM1 - Youth Involvement - (79351, 80093)**

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Mr Mitchell Newell, Ms Zoe McMillan and Ms Natalie Buckett, proponents, addressed Council.

**MOTION:**

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

***Refer to RESOLUTION***

**84 RESOLUTION:**

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

That:

1. Council recognise the achievements of young people in the Hawkesbury but notices that youth are generally under-represented in Council policy-making processes.
2. Council continue to actively support youth initiatives by working in partnership with the Hawkesbury Youth Interagency to consult with young people and develop youth participation and leadership opportunities.
3. Council recognises the contribution of local groups such as Hawkesbury Heart in their efforts to provide a voice for young people in the Hawkesbury and pledges to support them whenever possible.
4. A further report be provided to Council to identify options for supporting youth services and young people to plan and deliver events, programs and activities for youth and to become more involved in future council policy-making processes.

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**SECTION 4 - Reports for Determination**

**GENERAL MANAGER**

**Item: 57**                    **GM - Tourism Program - March 2008 Quarter Report - (79351, 95497, 96812, 105004)**

**Previous Item:**        **216, Ordinary (30 October 2007)**  
**89, Ordinary (29 May 2007)**

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Mr Frank Scharfe, proponent, addressed Council.

**MOTION:**

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

***Refer to RESOLUTION***

**85 RESOLUTION:**

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

That Council receive the Tourism Program - March 2008 Quarter Report.

**Item: 58**                    **GM - Business Skills Program 2008 - Update and new approach - (94915, 91811, 95498, 79351)**

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Councillor Calvert declared an interest in this matter as in part of his employment he works very closely with the Schools Industry Partnerships and is a management board member on two of the partnerships in Western Sydney. He left the meeting and did not take part in voting or discussion on the matter.

**MOTION:**

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

***Refer to RESOLUTION***

**86 RESOLUTION:**

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

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That:

1. Council's 2008 Hawkesbury Business Skills Program be delivered via the Adopt a School Programme and the Banago Traders programs offered by Schools Industry Partnership.
2. Council partner with Schools Industry Partnership to further develop its programs' presence in the area as an integrated Hawkesbury Business Skills Program.
3. Council invite the mentors from the 2007 Hawkesbury Business Skills Program, offered via Young Achievements Australia, to be mentors for the 2008 Hawkesbury Business Skills Program and to assist in program development in the area.

**Item: 59                    GM - 4th Annual Australian Water Summit - (79351)**

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**MOTION:**

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

*Refer to RESOLUTION*

**87    RESOLUTION:**

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

That:

1. Attendance by nominated Councillors, and staff as considered appropriate by the General Manager, at the 4<sup>th</sup> Annual Water Summit, Sydney 2008 to be held from 29 April to 1 May 2008 at a cost of \$2,519.00 plus travel expenses per delegate be approved.
2. Councillor Rasmussen be nominated to attend the Summit.

**Item: 60                    GM - Proposed New Staff Position - Planning Manager - (96329, 79351)**

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**MOTION:**

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

*Refer to RESOLUTION*

**88    RESOLUTION:**

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

That:

1. Council endorse the proposal to create the position of Planning Manager within the City Planning Directorate.

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2. The total cost of that position be included in the budget for the 2008/2009 year and ongoing years.
3. The process of recruitment commence immediately pending the adoption of the 2008/2009 budget.

**CITY PLANNING**

**Item: 61**            **CP - Rural Tourist Facility - Lot 22 DP 1008088, 404 Grono Farm Road, Wilberforce - (DA0803/07, 107814, 96329, 95498)**

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Mr Lindsay Fletcher, proponent, addressed Council.

Mr Wayne Gerahty, Ms Theresa Knobbs and Ms Tarne Dirou, respondents, addressed Council.

**MOTION:**

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

***Refer to RESOLUTION***

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

That development application DA0803/07 for a rural tourist facility on Lot 22 DP 1008088, 404 Grono Farm Road, Wilberforce be approved subject to the following conditions:

**NSW Rural Fire Service Conditions**

***Water and Utilities***

1. Water, electricity and gas are to comply with section 4.1.3 of *Planning for Bush Fire Protection 2006*.
2. In recognition that an unreliable reticulated water supply exists, a 10000 litre dedicated water supply tank (non flammable or shielded from the threat) shall be provided.

***Evacuation and Emergency Management***

3. The development of an emergency/evacuation plan is to be prepared consistent with the NSW Rural Fire Service Guidelines for the Preparation of Emergency/Evacuation Plan for implementation by the occupants in the event of a required evacuation.

**Hawkesbury City Council Conditions**

***General***

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
3. The approved use shall not commence until all conditions of this Development Consent have been complied with.
4. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
5. The development shall comply with the provisions of the Building Code of Australia at all times, with respect to smoke and flame index of materials, emergency lighting, exit signs and fire fighting facilities.

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6. The development shall comply with the Environmental Planning and Assessment Act, 1979 at all times.
7. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within 7 (seven) days of issuing the certificate. A registration fee applies.
8. Hawkesbury City Council is the sewer authority for this development, inspection for compliance certification for internal and external sewer drainage shall be requested and approved prior to covering any pipe. An inspection fee applies.
9. Only one (1) sign is permitted on the property. This proposed advertising sign shall comply with the provisions of State Environmental Planning Policy No. 64 in respect to 'building identification' sign or 'business identification' sign. The sign shall have maximum dimensions of 300mm by 600mm and a maximum height above natural ground level of 2.5m, and shall be located within the property boundaries.

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

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) 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.
11. Construction of the road, access, car park, drainage and retaining walls are not to commence until three (3) copies of the plans and specifications of the proposed works are submitted to and approved by the Director City Planning or an Accredited Certifier.
12. Payment of a Construction Certificate checking fee of \$267.00 and a Compliance Certificate inspection fee of \$541.00 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2008. Fees required if an Accredited Certifier is used will be provided on request.

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

13. 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.
14. A Sewer Management Facility System application shall be submitted to and approved, in writing, by Council prior to the facility construction works commencing.
15. 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.
16. A copy of receipt of payment of Long Service Levy shall be provided to the Principal Certifying Authority prior to any works commencing on site. Payments can be made at Long Service Corporation offices or most Councils.
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. 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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19. 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.
20. 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.
21. 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***

22. The development shall be completed in accordance with the approved colours and finishes and shall not be altered without the prior written approval from Council.
23. Any water tanks or other ancillary structures shall be finished in colours and materials to match those of the approved development.
24. No trees are to be removed without the written approval of Council.
25. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
26. 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.
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. All roofwater shall be drained to the water storage vessel/s.
29. 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.
30. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
31. Two (2) off-street car parking spaces, together with access driveways and turning areas, shall be constructed, paved, line marked, signposted and maintained, and located adjacent to the cabins.



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32. Removal of the existing layback crossing and construction of a new layback 6 metres wide to provide suitable access to the site.
33. A bitumen sealed rural footway crossing 6m wide shall be constructed to the development in accordance with Hawkesbury Development Control Plan Appendix E, Civil Works Specification.

### ***Prior to Issue of a Final Occupation Certificate***

34. Compliance with all conditions of this development consent.
35. The applicant shall prepare a flood emergency evacuation and management plan for the development. The plan shall advise occupants of flood evacuation procedures and emergency telephone numbers. The applicant shall contact Council and the NSW State Emergency Service for advice in the preparation of the plan. The evacuation procedures shall be permanently fixed to the building in a prominent location and maintained at all times.
36. 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.
37. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.

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

38. No internal or external alterations shall be carried out without prior written approval of Council.
39. The development shall be conducted in such a manner that the LA(eq) noise levels, measured at any point in accordance with the NSW EPA's Industrial Noise Policy (2000), do not exceed 5dB(A) LA(eq) above background noise levels with respect to noise amenity of residential dwellings.
40. No advertising signs or structures shall be erected, displayed or affixed on any building or land without prior written approval from Council.
41. Any external lighting shall be directed in such a manner so that no nuisance is caused to adjoining properties or to drivers on surrounding streets.
42. The cabins shall not be used for permanent occupation as a residence.
43. The cabins shall only be used for short term tourist accommodation with a maximum of three weeks in any one period.
44. A copy of the guest register is to be provided to Council Officers every six (6) months commencing from the date of the issue of any occupation certificate for the use as rural tourist facility.

### ***Advisory***

- \*\*\* The applicant shall make themselves aware of the Discrimination Against People with Disabilities Act (DDA) and assess their responsibilities and liabilities with regards to the provision of access for all people.
- \*\*\* Should any aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.
- \*\*\* Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.

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

- (a) Sydney Water Corporation Limited
- (b) Integral Energy
- (b) a local telecommunications carrier

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

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

The amendment was lost.

The motion was put and carried

**89 RESOLUTION:**

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

That development application DA0803/07 for a Rural Tourist Facility, containing 1 x 1 and 1 x 2 bedroom attached units, on Lot 22 DP 1008088, 404 Grono Farm Road, Wilberforce, be granted a "Deferred Commencement" approval. The consent shall not operate until the applicant satisfies the following condition:

- (A) The applicant is to submit to Council, for approval, plans detailing an amended design of the structure so that the structure reflects the bulk, style and character of the existing dwelling on the site. In particular changes to the roof pitch and external cladding of the structure are to be amended.

Upon satisfactory completion of the above matter, the likely conditions of consent will be as follows:

**NSW Rural Fire Service Conditions**

***Water and Utilities***

1. Water, electricity and gas are to comply with section 4.1.3 of *Planning for Bush Fire Protection 2006*.
2. In recognition that an unreliable reticulated water supply exists, a 10000 litre dedicated water supply tank (non flammable or shielded from the threat) shall be provided.

***Evacuation and Emergency Management***

3. The development of an emergency/evacuation plan is to be prepared consistent with the NSW Rural Fire Service Guidelines for the Preparation of Emergency/Evacuation Plan for implementation by the occupants in the event of a required evacuation.

**Hawkesbury City Council Conditions**

***General***

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

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2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
3. The approved use shall not commence until all conditions of this Development Consent have been complied with.
4. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
5. The development shall comply with the provisions of the Building Code of Australia at all times, with respect to smoke and flame index of materials, emergency lighting, exit signs and fire fighting facilities.
6. The development shall comply with the Environmental Planning and Assessment Act, 1979 at all times.
7. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within 7 (seven) days of issuing the certificate. A registration fee applies.
8. Hawkesbury City Council is the sewer authority for this development, inspection for compliance certification for internal and external sewer drainage shall be requested and approved prior to covering any pipe. An inspection fee applies.
9. Only one (1) sign is permitted on the property. This proposed advertising sign shall comply with the provisions of State Environmental Planning Policy No. 64 in respect to 'building identification' sign or 'business identification' sign. The sign shall have maximum dimensions of 300mm by 600mm and a maximum height above natural ground level of 2.5m, and shall be located within the property boundaries.
10. In addition to the dedicated water supply required by the Rural Fire Service in their condition 2 of this consent, a minimum 5000 litre water supply is to be provided for each unit.

### ***Prior to Issue of the 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 the road, access, car park, drainage and retaining walls are not to commence until three (3) copies of the plans and specifications of the proposed works are submitted to and approved by the Director City Planning or an Accredited Certifier.
13. Payment of a Construction Certificate checking fee of \$267.00 and a Compliance Certificate inspection fee of \$541.00 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2008. Fees required if an Accredited Certifier is used will be provided on request.

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

14. 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.
15. A Sewer Management Facility System application shall be submitted to and approved, in writing, by Council prior to the facility construction works commencing.

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16. 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.
17. A copy of receipt of payment of Long Service Levy shall be provided to the Principal Certifying Authority prior to any works commencing on site. Payments can be made at Long Service Corporation offices or most Councils.
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. 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.
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.
22. 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***

23. The development shall be completed in accordance with the approved colours and finishes and shall not be altered without the prior written approval from Council.
24. Any water tanks or other ancillary structures shall be finished in colours and materials to match those of the approved development.
25. No trees are to be removed without the written approval of Council.
26. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
27. 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.
28. 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.

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- 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.
- 29. All roofwater shall be drained to the water storage vessel/s.
- 30. 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.
- 31. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
- 32. Two (2) off-street car parking spaces, together with access driveways and turning areas, shall be constructed, paved, line marked, signposted and maintained, and located adjacent to the cabins.
- 33. Removal of the existing layback crossing and construction of a new layback 6 metres wide to provide suitable access to the site.
- 34. A bitumen sealed rural footway crossing 6m wide shall be constructed to the development in accordance with Hawkesbury Development Control Plan Appendix E, Civil Works Specification.
- 35. Dust from construction works and traffic (including delivery vehicles) is to be suppressed at all times during construction. Details of the proposed methods of suppression are to be included in the "Environmental Management and Rehabilitation Plan" required to be submitted for approval by this consent.

***Prior to Issue of a Final Occupation Certificate***

- 36. Compliance with all conditions of this development consent.
- 37. The applicant shall prepare a flood emergency evacuation and management plan for the development. The plan shall advise occupants of flood evacuation procedures and emergency telephone numbers. The applicant shall contact Council and the NSW State Emergency Service for advice in the preparation of the plan. The evacuation procedures shall be permanently fixed to the building in a prominent location and maintained at all times.
- 38. 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.
- 39. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
- 40. The access driveway from Grono Farm Road to the proposed cabin and the visitor parking areas is to be constructed with an all weather seal to prevent dust nuisance.

***Use of the Development***

- 41. No internal or external alterations shall be carried out without prior written approval of Council.
- 42. The development shall be conducted in such a manner that the LA(eq) noise levels, measured at any point in accordance with the NSW EPA's Industrial Noise Policy (2000), do not exceed 5dB(A) LA(eq) above background noise levels with respect to noise amenity of residential dwellings.
- 43. No advertising signs or structures shall be erected, displayed or affixed on any building or land without prior written approval from Council.
- 44. Any external lighting shall be directed in such a manner so that no nuisance is caused to adjoining properties or to drivers on surrounding streets.
- 45. The cabins shall not be used for permanent occupation as a residence.

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46. The cabins shall only be used for short term tourist accommodation with a maximum of three weeks in any one period.
47. A copy of the guest register is to be provided to Council Officers every six (6) months commencing from the date of the issue of any occupation certificate for the use as rural tourist facility.

**Advisory**

- \*\*\* The applicant shall make themselves aware of the Discrimination Against People with Disabilities Act (DDA) and assess their responsibilities and liabilities with regards to the provision of access for all people.
- \*\*\* Should any aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.
- \*\*\* Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.
- \*\*\* The applicant is advised to consult with:
- (a) Sydney Water Corporation Limited
  - (b) Integral Energy
  - (c) a local telecommunications carrier
- regarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public roads.
- \*\*\* The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed subdivision. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.
- \*\*\* The applicant is advised that this consent is limited to the use of the site for a Rural Tourist Facility containing 1 x 1 and 1 x 2 bedroom units to be used for temporary accommodation only. Any proposal to use the site for another purpose may be prohibited or require the consent of Council under the provisions of the Hawkesbury LEP 1989.

Councillor Books requested he be recorded as having voted against the motion.

**Item: 62 CP - Two Lot Subdivision - Lot 3 DP749638, 476 Springwood Road, Yarramundi - (DA0885/07, 27695, 102260)**

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Mr Robert Montgomery, proponent, addressed Council.

**MOTION:**

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

***Refer to RESOLUTION***

**ORDINARY MEETING**

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**90 RESOLUTION:**

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

That:

1. Council resolve to support development application DA0885/07 for a two lot subdivision of Lot 3 DP 749638, 476 Springwood Road, Yarramundi for the following reasons:
  - (a) The property is unique in that it is surrounded on three sides by the Nepean Park residential estate.
  - (b) The land is not suitable for agriculture due to the agricultural land classification and the proximity of adjoining residences.
  - (c) The application demonstrates that the land is suitable for the development as proposed.
  - (d) The proposed allotments will be in context and character with the surrounding allotments.
  - (e) The proposal is consistent with Hawkesbury Development Control Plan.
  - (f) Council does not believe that support of this application would provide a precedent for other applications due to the distinct and unusual circumstances of this case.
  - (g) Council believes that the public interest in maintaining the development standard generally will not be compromised by approval of this application.
2. The application be re-submitted to the Director General, Department of Planning with Council's resolution in (1) above and the Department be requested to reconsider granting concurrence and that the following documents accompany this request:
  - (a) A complete plan of the Nepean Park development.
  - (b) A copy of the letter from Montgomery Planning Solutions to Council dated 18 January 2008.

It was noted that this motion was carried unanimously.

**Item: 63**                    **CP - Modification to Development Consent - Two Storey Dwelling - Lot 25 DP 742749, 17 North Street, Windsor - (DA0602/07, BA0007/73, 4791, 102200, 96329, 95498)**

---

Mr Noel Billyard, proponent, addressed Council.

**MOTION:**

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

***Refer to RESOLUTION***

**91 RESOLUTION:**

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

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That the Section 96 modification Application DA0602/07 for Lot 25 DP 742749, 17 North Street, Windsor, be approved subject to the following conditions:

### **General**

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. The approved use shall not commence until all conditions of this Development Consent have been complied with.
3. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
4. The development shall comply with the provisions of the Building Code of Australia at all times.
5. The development shall comply with the Environmental Planning and Assessment Act, 1979 at all times.
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 Commence of Work**

7. The wind classification for the site has been assessed as Minimum W3N. This classification should be referred to your glazing supplier, frame manufacturer and building contractor to enable the appropriate frame, glazing, bracing and tie downs to be designed. A copy of the designs and glazing certificate are to be provided to the Principal Certifying Authority.
8. 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.
9. The building shall be set out by a Registered Surveyor. The Survey Certificate of the building showing the position of the external walls under construction and in compliance with the approved plans shall be lodged with the principal certifying authority. Any easements must be shown on the Survey Certificate.
10. 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.
11. A copy of receipt of payment of Long Service Levy shall be provided to the Principal Certifying Authority prior to any works commencing on site. Payments can be made at Long Service Corporation offices or most Councils.
12. 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.
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. 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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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.

### ***During Construction***

16. Exterior surfaces of the proposed structure shall be painted or treated with an earth toned non-reflective material.
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. 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.
19. Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the following components of construction:
  - (a) internal sewer or stormwater lines prior to covering;
  - (b) steel reinforcement prior to pouring concrete;
  - (c) external sewer or stormwater lines, prior to backfilling;
  - (d) the first storey floor joists, prior to the fixing of any flooring material;
  - (e) framework, after the installation of all plumbing, drainage and electrical fixtures, and after the external cladding and roof covering has been fixed prior to fixing of internal linings and insulation;
  - (f) wet area flashing, after the installation of bath and shower fixtures;
  - (g) on completion of the works;
20. All roofwater shall be drained to the street gutter. Where a ferrule has been provided in the kerb, such drainage shall be connected to it. Drainage across the footpath shall be 100mm sewer grade pipe.

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21. Council records indicate that the building site is at a level of approximately 12.3 metres AHD. All materials used in the construction below the level of 17.3 metres AHD shall be capable of withstanding prolonged immersion in water without swelling, deteriorating or affecting the structural integrity of the building.
22. A registered surveyor's certificate indicating that the level of the top of the concrete slab formwork/floor joists for the lowest habitable floor is at or above 16 metres Australian Height Datum shall be obtained prior to placement of concrete.

Alternatively, a defined bench mark AHD level shall be identified by survey report on a fixed location immediately adjacent to the building (eg. top of concrete strip footing, top of poured concrete pier).

The surveyor's certificate shall be provided to both Hawkesbury City Council and the Accredited Certifier (if not HCC) prior to any structure being erected on the concrete.

23. The development shall be treated for termites in accordance with the Building Code of Australia and AS 3660 as amended by a suitably qualified person with particular attention to timber floors, slab penetrations, joints between slabs, additions to existing buildings.

Details of the type and method of treatment are to be provided to the Principal Certifying Authority and a copy of durable material to be located in the meter box and at the entrance to any crawl space if chemicals are sprayed or pressurised into the soils.

24. An automatic fire detection and alarm system shall be installed within the building in accordance with the Building Code of Australia for Class 1A and 1B Dwellings. Alarms and Detectors shall be installed by a licensed electrician and multiple alarms shall be interconnected, an certificate of the installation shall be provided prior to occupation of the building or addition.

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

25. The following certificates are to be provided, stating the name of person or company carrying out the installation, type of material and the relevant Australian Standard to which installed:
  - (a) The type and method of termite treatment (complying with AS 3660) provided to walls and floors, pipe penetrations, jointing of new work to existing and slab perimeters. A copy of the termite treatment and materials used shall also be securely fixed inside the meter box for future reference.
  - (b) Glazing materials installed in the building in accordance with AS1288 and AS2047 - Glass in Buildings - Selection and Installation, e.g. windows, doors, footlights and showers.
  - (c) The type of timber installed indicating both species and durability as required by AS 1684.
  - (d) An automatic smoke detection system installed in residential development by a licensed electrician. Smoke alarms must comply with AS 3786 and be connected to the consumer mains power where supplied to the building.
  - (e) A statement or other suitable evidence shall be submitted to the Principal Certifying Authority, certifying that all commitments made on the BASIX certificate have been implemented and installed as approved.
26. Construction of any sewer works are not to commence until three copies of the sewer plans along with a Minor Sewer plans along with a Minor Sewer Works application are submitted to the Branch Manager of Water and Waste Management for assessment and approval.

Councillor Paine requested her name be recorded as having voted against the motion.

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**Item: 64**                    **CP - Nomination as Enforcement Agency Under the Food Act 2003 - (91150, 96330, 95498)**

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Mr Frank Scharfe, respondent, addressed Council.

**MOTION:**

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

*Refer to RESOLUTION*

**92 RESOLUTION:**

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

That the:

1. Nomination form be completed for submission to the NSW Food Authority, requesting that Hawkesbury City Council be appointed as an enforcement agency under Category B, in accordance with the requirements of the amended Food Act 2003.
2. Information attached to this report be received.

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**INFRASTRUCTURE SERVICES**

**Item: 65**            **IS - Road Naming Proposals - Future Subdivisions at Pitt Town - (95495)**

**Previous Item:**        266, Ordinary (27 November 2007)  
                              246, Ordinary (13 November 2007)

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Mrs Marie Brown, proponent, addressed Council.

**MOTION:**

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

***Refer to RESOLUTION***

**93 RESOLUTION:**

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

That:

1. Council, as the road naming authority for local roads as per the Roads Act 1993, make the following 27 names available for use within the Pitt Town Subdivision:

Alcorn  
Ayling  
Barnett  
Benjamin Jones  
Benn  
Biggers  
Blighton  
Boatbuilders  
Boston  
Burrell  
Cherry  
Cleary  
Curl  
Fairs  
Fernadell  
Flemming  
Horton  
Huxley  
May  
Moorhen  
Murphy  
Newton  
Pendergast  
Ryan  
Stubbs  
Vaughan  
Wilkinson

with the name of 'Stubbs' being reserved for the land currently owned by the Stubbs family and the additional names suggested by residents, Blackett, Mahony, McGarvie, Poole and Thornton be

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advertised for public comment. The following names also be included for use within the Pitt Town Subdivision:

Camellia  
Casuarina  
Citrus  
Holly  
Oaks  
Old Manse  
Orchard  
Paddock  
Pastoral  
Pittsmoor  
Quarry  
Stables  
Strathmore  
The Cedars  
Vermont

2. The newly proposed names as listed be advertised for public comment in accordance with the Roads (General) Regulation 2000:

Bona Vista  
Esther Maria  
Farmhouse  
Riversedge  
Sandstock  
Vine

3. The developer pay to Council a sum of \$250.00 to cover the cost of gazettal for each road name or group of names selected.
4. Signage is to be erected by the developer as part of the development process at their cost in accordance with Councils Development Control Plan.

**Item: 66**            **IS - Holland's Paddock - Amendment to Plan of Management - (95495, 79354)**

**Previous Item:**        198, Ordinary (25 September 2007)

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**MOTION:**

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

***Refer to RESOLUTION***

**94 RESOLUTION:**

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

That the addendum to the Holland's Paddock Plan of Management, be adopted.

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**SUPPORT SERVICES**

**Item: 67            SS - Draft Gifts and Benefits Policy - (95496)**

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**MOTION:**

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

*Refer to RESOLUTION*

**95    RESOLUTION:**

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

That the Gifts and Benefits Policy attached to this report be adopted, and that appropriate action be taken to forward a copy of this Policy to all Councillors and Council staff, and for the implementation of any other action required in association with the operation of the Policy.

**Item: 68            SS - Pecuniary Interest Returns - (79337, 95496)**

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**MOTION:**

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

*Refer to RESOLUTION*

**96    RESOLUTION:**

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

That the information be received and noted.

**Item: 69            SS - Monthly Investments Report - February 2008 - (96332, 95496)**

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**MOTION:**

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

*Refer to RESOLUTION*

**97    RESOLUTION:**

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

That the information be received and noted.

**CONFIDENTIAL REPORTS**

**98 RESOLUTION:**

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

That the Confidential Items be moved to the end of the business paper to be dealt with last.

**99 RESOLUTION:**

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

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: 70 IS - Tender 014/FY07 - Construction of Rickaby's Creek Cycleway/Pedestrian Bridge, Windsor**

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

**Item: 71 SS - Property Matter - Lease to Hawkesbury Country Bakehouse - Shop 3 McGraths Hill Shopping Centre**

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

**Item: 72 SS - Property Matter - Lease to Jodale Enterprises Pty Limited T/A Glossodia Liquor Mart - Shop 1 Glossodia Shopping Centre**

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

**Item: 73 SS - Sale of 28 Boomerang Drive, Glossodia (Lot 42, DP217499)**

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it relates to details concerning the sale 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 purposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

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**Item: 74 SS - Property Matter - Surrender of Existing Lease and New Lease to Vannarith Chea & Sayoen Khun - Shop 4 Wilberforce Shopping Centre**

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it relates to details concerning the leasing of a Council property and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the council is conducting (or purposes 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.

**Item: 70 IS - Tender 014/FY07 - Construction of Rickaby's Creek Cycleway/ Pedestrian Bridge, Windsor - (95495, 79354) CONFIDENTIAL**

**Previous Item:** 206, Ordinary (9 October 2007)

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**MOTION:**

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

***Refer to RESOLUTION***

**100 RESOLUTION:**

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

That:

1. The tenders received for the construction of a pedestrian bridge/cycleway, over Rickaby's Creek, Windsor not be accepted.
2. Following the development of a suitable design within the allocated budget, the project be re-tendered.



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**Item: 71                    SS - Property Matter - Lease to Hawkesbury Country Bakehouse - Shop 3  
McGraths Hill Shopping Centre - (9587, 20973, 20974, 95496) CONFIDENTIAL**

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**MOTION:**

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

***Refer to RESOLUTION***

**101 RESOLUTION:**

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

That:

1. Council agree to the assignment of the lease of Shop 3 McGraths Hill Shopping Centre to Vannarith Chea & Sayoen Khun, in accordance with the proposal outlined in the report and subject to the current tenants paying all outstanding monies.
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, as well as the existing 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.

**Item: 72                    SS - Property Matter - Lease to Jodale Enterprises Pty Limited T/A Glossodia  
Liquor Mart - Shop 1 Glossodia Shopping Centre - (74051, 38869, 95496)  
CONFIDENTIAL**

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**MOTION:**

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

***Refer to RESOLUTION***

**102 RESOLUTION:**

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

That:

1. Council agree to enter into a new lease with Jodale Enterprises Pty Limited, trading as "Glossodia Liquor Mart" in regard to Shop 1 Glossodia Shopping Centre, in accordance with the proposal outlined in the report.

**ORDINARY MEETING**

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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.

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**CONFIDENTIAL SUPPLEMENTARY REPORTS**

**Item: 73**            **SS - Sale of 28 Boomerang Drive, Glossodia (Lot 42, DP217499) - (107, 37847, 37848, 89797, 95496) CONFIDENTIAL**

**Previous Item:**     217, Ordinary (12 July 2005)  
                             55, Ordinary (11 March 2008)

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**MOTION:**

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

***Refer to RESOLUTION***

**103 RESOLUTION:**

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

That:

1. In lieu of Council's resolution from the Ordinary Meeting on 11 March 2008 (Resolution No. 74) to sell the property at 28 Boomerang Drive, Glossodia (Lot 42 in DP 217499) to NC, DA & MC Mitchell Pty Limited, the sale of the property in the amount of \$165,000 (inclusive of GST) to Neil Charles Mitchell, Deborah Ann Mitchell and Michael Charles Mitchell be approved.
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 Council's agent, Bennett Property NSW Pty Limited to then advise the proposed purchasers 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.

**Item: 74**            **SS - Property Matter - Surrender of Existing Lease and New Lease to Vannarith Chea & Sayoen Khun - Shop 4 Wilberforce Shopping Centre - (96617, 75821, 95496) CONFIDENTIAL**

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**MOTION:**

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

***Refer to RESOLUTION***

**ORDINARY MEETING**

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**104 RESOLUTION:**

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

That:

1. Council agree to the surrender of the existing lease and to enter into a new lease with Vannarith Chea & Sayoen Khun for Shop 4 Wilberforce Shopping Centre in accordance with the proposal outlined in the report and subject to the current tenants paying all outstanding monies.
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, as well as the existing 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.

**105 RESOLUTION:**

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

**SECTION 5 - Reports of Committees**

**ROC - Hawkesbury Civic and Citizenship Committee - 6 December 2007 - (96972)**

**106 RESOLUTION:**

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

That the minutes of the Hawkesbury Civic and Citizenship Committee held on 6 December 2007 as recorded on pages 89 to 92 of the Ordinary Business Paper be received.

**ROC - Local Traffic Committee - 19 March 2008 - (80245)**

**107 RESOLUTION:**

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

That the minutes of the Local Traffic Committee held on 19 March 2008 as recorded on pages 93 to 108 of the Ordinary Business Paper be adopted.

## ORDINARY MEETING

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### QUESTIONS WITHOUT NOTICE

1. Councillor Devine advised that there is \$2 million in grants available for playground upgrades and enquired if staff will be making an application to obtain funds.

The Director Infrastructure Services advised that the matter is currently being investigated.

2. Councillor Devine referred to a email received from Mr Trevor Bond regarding kerb and guttering issues in Bligh Park.

The Mayor advised that the matter has been resolved and Mr Bond has written to Council expressing his thanks.

3. Councillor Paine asked when a comprehensive list of infrastructure and community facilities will be confirmed to be constructed with the additional development at Pitt Town. She also enquired how the new list will compare with the list already provided under Amendment 145 and what items of infrastructure will be constructed at what stages of the development.

The Director City Planning advised that after the resolution of Council regarding the Section 94 position, staff put together a list of infrastructure costs based on the resolution and have discussed and sent the list to the Department. The Department of Planning have employed an independent consultant to prepare a Section 94 Plan for Pitt Town based on the concept plan and the total development potential of the Pitt Town area. Council staff recently met with the consultant and he is expected to complete his work within the next few weeks and at this time Council will know exactly what the Department would agree on.

The Director City Planning advised that a Section 94 Planner would normally work out the total infrastructure and put a cost to it. The way the Department plan to deal with Pitt Town and the Johnston Property Group is to have the Section 94 Plan which will cost all the infrastructure in place and then the Johnston Property Group will enter into a planning agreement with Council for their portion of it and in that planning agreement Council can work out the timing of construction of the infrastructure. There will be obvious requirements to provide certain infrastructure as the development progresses and once it gets to certain milestones then other infrastructure will kick in.

4. Councillor Paine enquired when the Windsor Traffic Study will be carried out as she is concerned over the number of minor car accidents that have occurred in George Street recently.

The Director Infrastructure Services advised that the Traffic Study was a condition of the consent of the Windsor Riverview development and it was also agreed that it would occur after the opening of the flood evacuation route. He indicated that the refurbishment of Woolworths would currently affect a study in terms of what traffic was doing around the town and you would not get a true representation of traffic movements. The Director Infrastructure Services advised that it may be a better option to wait until Woolworths has reopened before the study is carried out.

The Director City Planning advised that no timeframe is available at present for the completion of the Woolworths refurbishment.

5. Councillor Paine referred to the bus stop outside Windsor Homes Store and advised that patrons waiting for buses are causing continual problems and obstructing access to stores. Councillor Paine advised that the owners of Windsor Homes Store have requested that the bus stop be relocated and Councillor Paine asked that the matter go to the Local Traffic Committee.

The Director Infrastructure Services advised that the matter will be investigated.

The Mayor advised that the matter will be referred to the Local Traffic Committee.

**ORDINARY MEETING**

**MINUTES: 8 April 2008**

6. Councillor Calvert advised that he would also like the Windsor Traffic Study to be carried out as soon as possible.
7. Councillor Calvert referred to his question at a previous meeting regarding the walk along Redbank Creek and maintenance of the area. He advised that residents have informed him that the area has been sprayed however still requires mowing and the bins and park furniture require repairs.

The Director Infrastructure Services advised that the matter will be investigated.

8. Councillor Calvert requested that maps and diagrams relating to reports in the Business Paper be available for display on the screen in the Chambers during meetings.

The General Manager advised that the matter will be investigated.

9. Councillor Finch referred to her question at a previous meeting regarding a bus stop being positioned at Hawkesbury Hospital and enquired if a letter has been sent.

The Director Infrastructure Services advised that the matter will be investigated.

10. Councillor Finch advised that Fairfield City Council has been successfully conducting open days for parks that have recently had their playground equipment refurbished and that the Council does a letterbox drop regarding the event and holds a barbeque with Council officers available to speak to the public. Councillor Finch would like Hawkesbury Council to investigate holding similar events.

The Director Infrastructure Services advised that the matter will be investigated.

11. Councillor Conolly enquired if there will be difficulty meeting the scheduled launch date for the museum exhibition.

The Director Infrastructure Services advised that the schedule is tight however providing the weather is good to enable connection of power on 12 April 2008 deadlines should be met.

The General Manager advised that the Museum is scheduled to open on Museums Day, Sunday 18 May 2008 and subject to the connection of power should be able to proceed. However, if power is not finally connected on 12 April 2008 the date for the launch of the exhibition may need to be re-assessed.

The meeting terminated at 9:29pm

Submitted to and confirmed at the Ordinary meeting held on 29 April 2008.

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Mayor