



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 29 March 2011

location: council chambers

time: 6:30 p.m.

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 29 March 2011, commencing at 6:31pm.

Pastor Cheryle Symons of 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 K Conolly, Deputy Mayor and Councillors B Calvert, K Ford, W Mackay, C Paine, B Porter, P Rasmussen, J Reardon, T Tree, W Whelan and L Williams.

ALSO PRESENT: General Manager - Peter Jackson, Director City Planning - Matt Owens, Director Infrastructure Services - Chris Daley, Director Support Services - Laurie Mifsud, Acting Manager Corporate Services and Governance – Nicole Spies, Executive Manager - Community Partnerships - Joseph Litwin and Administrative Support Team Leader - Kylie Wade-Ferrell.

Councillor Williams arrived at the meeting at 6:35pm.

Councillor Mackay arrived at the meeting at 6:53pm.

SECTION 1: Confirmation of Minutes

82 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Reardon that the Minutes of the Ordinary Meeting held on the 8 March 2011, be confirmed.

SUSPENSION OF STANDING ORDERS

83 RESOLUTION:

RESOLVED on the motion of Councillor Whelan, seconded by Councillor Paine that standing orders be suspended to congratulate Councillor Bassett, Mayor and Councillor Conolly, Deputy Mayor on being elected as members for seats of Londonderry and Riverstone in the Legislative Assembly in the State of New South Wales following the State election held on 26 March 2011.

84 RESOLUTION:

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

That Council write to the former member for the State seats of Riverstone and Londonderry, Mr John Aquilina and Mr Alan Shearan, respectively, thanking them for their service to our communities in the past.

85 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Tree that standing orders be resumed.

SECTION 3 - Notices of Motion

86 RESOLUTION:

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

That Notice of Motion 1 – Western Sydney Water Ski Club Slalom Training and Item: 53 Follow Up to Water Skiing on Bushells Lagoon, Freemans Reach be discussed and dealt with conjointly.

NM1 - Western Sydney Water Ski Club Slalom Training - (90477, 121046)

Item: 53 Follow Up to Water Skiing on Bushells Lagoon, Freemans Reach - (95498)

Mr George Davis, Mr Archie Davis and Mr Brian Wooley, proponents addressed Council.
Mr Christopher Cameron, Mr Luke Ommundson, Mr Mark Coulter, Mr Wayne Kesby and Mr Bob Monaghan respondents, addressed Council.

MOTION:

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

That:

1. Council notify NSW Maritime that it supports the Western Sydney Water Ski Club training for slalom skiing events on a 700 metre stretch of the Hawkesbury River known as the Breakaway, subject to the following:
 - Only elite slalom skiers under the age of 16 to be trained at this location;
 - One ski boat to be used at any one time; and
 - A 12 month trial period.
2. The Western Sydney Water Ski Club be formally thanked for providing a demonstration of their sport to Councillors and staff on Wednesday, 16 March 2011

RESOLVED on an AMENDMENT moved by Councillor Conolly, seconded by Councillor Tree.

Refer to RESOLUTION

The amendment was carried.

The amendment then became the motion which was put and carried.

87 RESOLUTION:

RESOLVED on an AMENDMENT moved by Councillor Conolly, seconded by Councillor Tree.

That:

1. A meeting in relation to the proposal for a suitable location for the Western Sydney Water Ski Club, between relevant river user groups be facilitated by Council, if possible prior to the next Council Meeting, to allow discussions to occur with a view to reaching a consensus position if this is possible.

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2. The Western Sydney Water Ski Club be formally thanked for providing a demonstration of their sport to Councillors and staff on Wednesday, 16 March 2011.

NM2 - Reticulated Sewerage Services to Kurrajong Village - (80104)

MOTION:

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

Refer to RESOLUTION

88 RESOLUTION:

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

That representations be made to Sydney Water with a view to them providing reticulated sewerage services to outlying village areas, commencing with the Kurrajong village area, and for an upgrade of the current system at Freemans Reach, Glossodia and Wilberforce to be undertaken.

SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 50 **GM - Proposed Extra-Ordinary Council Meeting - Tenders for Kerbside Bulk Waste Collection and Processing Service - (79351, 95495)**

Previous Item: 127, Special (22 June 2010)
 6, Ordinary (1 February 2011)

MOTION:

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

Refer to RESOLUTION

89 RESOLUTION:

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

That an Extra-Ordinary Meeting of Council be held on Tuesday, 3 May 2011 for the purpose of considering a report in relation to tenders received for a Kerbside Bulk Waste Collection and Processing Service for Council, commencing 1 July 2011.

Item: 51 **GM - NSW Metropolitan Public Libraries Association - Councillor Representative - (79351)**

Previous Item: 221, Extra - Ordinary (21 September 2010)
 230, Ordinary (12 October 2010)

MOTION:

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

Refer to RESOLUTION

90 RESOLUTION:

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

That Council:

1. Note the resignation of Councillor C Paine as Council's Councillor representative to the NSW Metropolitan Public Libraries Association.
2. Councillor K Ford be nominated as Council's future Councillor representative to the NSW Metropolitan Public Libraries Association.

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CITY PLANNING

Item: 52 **CP - Section 96 Modification - Reduction of 180 Bed, Two Storey to an 80 Bed, Single Storey Aged Care Facility and Reduction of Car Parking Spaces From 57 to 30 – Lot 27 DP 1042890, 108 Grose Vale Road NORTH RICHMOND - (DA0852/08C, 95498, 112157, 109615)**

Previous Item: 192, Ordinary (15 September 2009)
 RM, Ordinary (29 September 2009)

Mr Mark Regent, proponent, addressed Council.

MOTION:

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

Refer to RESOLUTION

91 RESOLUTION:

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

That the modification application be approved subject to the following:

General Reference to Plans – All Stages

1. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of consent. The extent of development is specifically defined by, and is not to extend beyond, that shown the Staging plan (8506/SK25D) and the Subdivision Plan (8506/SK27C).

Architectural Drawing Number	Dated
DA – 01D: Illustrative Site Plan	September 2009
DA – 02B: Site Context Plan	September 2009
DA – 03D: Open Space Pedestrian Network Plan	September 2009
DA – 04C: Road Network	September 2009
DA – 05B: Road Principles	September 2009
DA – 06D: Structure Plan	September 2009
DA – 07D: Development Plan	September 2009
DA – 09B: Site Analysis	September 2009
2010.65 01 Rev A : Site Plan	6 December 2010
2010.65 02 Rev A : Aged Care Ground Floor Plan	6 December 2010
2010.65 03 Rev A : Aged Care Elevations	6 December 2010
2010.65 04 Rev A : Aged Care Roof plan	6 December 2010
DA – 16B: Residents Club Floor Plan	October 2008
DA – 17A: Residents Club Elevations/Section	October 2008
DA – 18B: Indicative Zero Lot Type A	November 2008
DA – 19C: Indicative Zero Lot Type B	November 2008

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Architectural Drawing Number	Dated
DA – 20B: Indicative Zero Lot Type C	November 2008
DA – 21A: Indicative Zero Lot Type D	November 2008
DA – 22A: Indicative Zero Lot Type E	November 2008
DA – 23B: Streetscape	October 2008
DA – 24A: Entry Statement	October 2008
DA – 27C: Traffic Compliance Plan	September 2009
DA – 28D: ILU Shadow Diagram A Winter	September 2009
DA – 29D: ILU Shadow Diagram B Winter	September 2009
DA – 30D: ILU Shadow Diagram C Winter	September 2009
DA – 31D: ILU Shadow Diagram D Winter	September 2009
DA – 34A: Housing Design Principles	October 2008
DA – 35C: Level & Embankment Plan	September 2009
DA – 36: Embankment Sections	October 2008
DA – 37A: Letterbox & Elevation	October 2008
DA – 38B: Road Principles Plan	September 2009
DA – 39A: Residents Club Plan with Dimensions	October 2008
DA – 40: Character Analysis Aged Care Component	October 2008
DA – 41: Character Analysis Residents Club Component	October 2008
DA – 42B: Orientation Compliance	September 2009
DA – 44A: Indicative Zero Lot Type F	November 2008
DA – 45A: Indicative Detached Home Type G	November 2008
8506/SK 2F: Road Hierarchy and Riparian Corridor Extents	3 September 2009
8506/SK 3F: Road Hierarchy and Riparian Corridor Extents	4 June 2009
8506/SK8C: Parking Area and Roundabout Details	3 September 2009
8506/SK9B: Amendments to MPS Layout	3 September 2009
8506/SK10C: Amendments to MPS Sections	7 September 2009
8506/SK12C: Alternate Access to Grose Vale Road	9 March 2009
8506/SK13C: Alternate Access to Grose Vale Road – Pedestrian Access	26 May 2009
8506/SK14A: Proposed Access for Vehicles and Pedestrians	26 May 2009
8506/SK15A: Footprint of Proposed Road Widening, Footpath and Bus Stops	28 May 2009
8506/SK24B: Modified Location of Proposed Aged Care Facility	3 September 2009
8506/SK25D: Preliminary Staging Plan	7 September 2009
8506/SK26C: Draft Plan of Subdivision Dwg A	7 September 2009
8506/SK27C: Draft Plan of Subdivision Dwg B	7 September 2009

General

2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate for the relevant stage of work to be constructed.

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3. The development shall comply with the provisions of the Building Code of Australia.
4. 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.
5. In-principle approval has been granted for 197 serviced self-care dwellings as generally indicated in the DA documentation. A separate development application (or development applications, depending upon the number of dwellings or stages included) is required to be lodged for these dwellings including the following details for assessment:
 - a) Modified design of the standard dwellings to introduce greater variety of front façade and roof form treatment.
 - b) External finishes to all roofs shall be of medium to dark range in order to minimise solar reflections to neighbouring properties. The roof colour and material shall be of low reflectivity.
 - c) Landscape details introducing suitable treatments to soften the visual impact of the buildings when viewed from Grose Vale Road are to be provided.
 - d) Fully dimensioned architectural plans showing façade treatment, dimensioned site plan, building height, elevations, building materials and colours. This information is to have specific details addressing the requirements of Clause 50 - Standards that cannot be used to refuse development consent for self-contained dwellings and Schedule 3 - Standards concerning accessibility and useability for self-contained dwellings of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.
 - e) BASIX certificates.
6. With the exception of the four lot Torrens Title subdivision proposed in conjunction with the application this consent only permits the future subdivision of the development by way of Strata or Community Title.

The Strata/ Community Title Plans for the proposed development shall incorporate appropriate covenants restricting occupation of the units to aged and disabled persons in accordance with Clause 18 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. Council shall be nominated as the only party able to release, vary or modify the covenant. Details shall be provided prior to the release of the Subdivision Certificate for Stage 1A.
7. Buildings shall not be used or occupied prior to the issue of an Occupation Certificate.
8. Occupation of the accommodation in this development is restricted to those people identified within Clause 18 - Restrictions on occupation of seniors housing allowed under this Chapter of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

All advertising, signage, marketing or promotion of the complex shall make clear reference to the above restriction on occupation of the accommodation.
9. All structures are to comply with the development standards contained in Clauses 40 and 48 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.
10. Consultation with the NSW Ambulance Service shall be undertaken during the preparation of the Evacuation and Emergency Management Plan as required by the NSW Rural Fire Service.

Prior to Issue of Construction Certificate

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Construction Certificate relating to the approved development, whether by Council or an appropriately accredited certifier. In many cases the conditions require certain details to be included with

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or incorporated in the detailed plans and specifications which accompany the Construction Certificate. **The Construction Certificate shall be obtained prior to the commencement of any earth works or building works.**

All stages

11. All development is to proceed in accordance with the approved plans. Where any variation is proposed, a revised staging and construction management plan is to be submitted to Hawkesbury City Council for consideration and approval prior to the issue of a Construction or Amended Construction Certificate as applicable.
12. All Construction Certificate plans for buildings must be Certified, by a recognised access consultant, that access to and within the structure complies with the relevant provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.
13. Access for people with disabilities is to be detailed in relation to the staff and visitor areas of the proposed Aged Housing Building and the Residents Club.
 - Access for people with disabilities must be provided to and within buildings as set out in Table D3.2 from areas specified by Part D3.2 of the Building Code of Australia, by means of a continuous path of travel in accordance with AS 1428.1.
 - Access must be provided to a sanitary compartment required for the use of people with disabilities and complying with AS 1428.1, as required by Part D3.3 of the Building Code of Australia.
 - Car parking spaces for disabled persons must be provided in accordance with the Building Code of Australia (D3.5). The minimum width for the car parking space is 3.2m (AS 2890.1).
 - All external ramps and pathways within the site required to be accessible for persons with disabilities being designed and constructed in accordance with AS 1428 – Design for Access and Mobility.

Full details relating to the above are to be included in documentation for the Construction Certificate application.

14. 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.

15. Payment of a Construction Certificate checking fee and Compliance Certificate inspection fees when submitting Civil Engineering Plans for approval. A fee quote will be provided by Hawkesbury City Council on request.

Fees required if an accredited certifier is used will also be provided on request.

16. A Traffic Guidance Scheme prepared in accordance with AS1742-3 2002 by an appropriately qualified person shall be submitted and approved by Hawkesbury City Council.

17. Retaining walls are to be designed by a suitably qualified and experienced Structural Engineer.

18. On-site stormwater detention storage is to be provided to ensure that peak flows from the Seniors Living development, for all storms up to and including the 1 in 100 year ARI storm, do not exceed pre-development flows at any stage of the development. Stormwater infrastructure, as determined

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by the stormwater modelling by J.Wyndham Prince Pty Ltd for the Seniors Living development submitted with the development application, is to be provided to achieve this stormwater discharge requirement.

19. Adequate water quality treatment devices are to be provided to ensure that the water quality from each stage is maintained at required levels. Water quality infrastructure, as determined by the MUSIC modelling by J.Wyndham Prince for the Seniors Living development submitted with the development application, is to be provided to achieve this water quality discharge requirement.
20. Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979 and Hawkesbury City Council's Section 94A Development Contributions Plan 2006 (as amended from time to time) a Section 94A contribution is to be paid to Hawkesbury City Council as required by Regulation 25J of the Environmental Planning and Assessment Regulation 2000.

The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of Hawkesbury City Council's Section 94A Development Contributions Plan 2006 (as amended from time to time).

The contribution is to be paid prior to the issue of the construction certificate and copies of receipts(s) confirming that the contribution has been fully paid are to be provided to the Principal Certifying Authority.

21. Certification must be obtained from the relevant statutory authority for electricity (and if proposed, gas) that adequate services are available to satisfy the demands of the proposed development. Such certification is to be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate.
22. Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, details including plans and specifications shall be submitted to Principal Certifying Authority accompanying the Construction Certificate, which provide adequate measures for erosion and sediment control.

The Control Plan shall incorporate and disclose:

- (a) All details of drainage to protect and drain the site during the construction processes;
- (b) All sediment control devices, barriers and the like;
- (c) Sedimentation tanks, ponds or the like;
- (d) Covering materials and methods;
- (e) A schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.

Details from an appropriately qualified person showing that these design requirements have been met shall be submitted with the Construction Certificate and approved by the Principal Certifying Authority prior to issuing of the Construction Certificate.

23. A Salinity Management Plan is to be prepared prior to the issue of the Construction Certificate addressing appropriate measures to minimise the level of impact of salinity upon structures proposed upon the site and the control adverse effects of the development upon the site and adjacent land.
24. Prior to the issue of a Construction Certificate for below ground works associated with the development, a detailed Site Audit Statement and (if required) a Validation Report is to be submitted to the Principal Certifying Authority. The site audit must be prepared by a suitably accredited site auditor. The site audit must verify that the land is suitable for the proposed uses in accordance with SEPP 55 – Remediation of Land.

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25. Detailed landscaping plan/s must be prepared by a suitably qualified architect, landscape designer/ architect or professional landscape consultants and approved by Hawkesbury City Council prior to the issue of a Construction Certificate for above ground works. The plan/s are to include:
 - Suitable native (and where possible endemic) species
 - Street tree planting
 - Design, materials and colours of all fencing, retaining walls, paving, driveways and street furniture
 - Measures to ensure the maintenance and survival of the landscaping
26. Details of the mechanical ventilation or air-conditioning system for the Aged Housing and Resident's Club buildings must be submitted and approved by the Principal Certifying Authority prior to the release of the Construction Certificate. Where the system will be visible from adjoining properties or from public places, the system must be screened and enclosed with materials that complement the building.
27. Details are to be provided showing the design, location and materials of any proposed bulk water tanks associated with the development required to provide reticulated water or any on-site sewage storage facilities. Any ancillary above ground structures shall also be detailed together with associated access and landscaping. Use of large tanks should be minimised to reduce adverse visual impact. Details of the proposed tank/s must be submitted to Hawkesbury City Council for approval prior to the release of the Construction Certificate.
28. The waste storage facilities for the Aged Care Facility and the Residents Club buildings must be screened from all street frontages and adjacent properties by the use of screen enclosures and landscaping. Any screening must be constructed of high quality building materials and complement the design and external materials used in the building/s. In this regard, colorbond or similar material is not an acceptable building material. Details of the proposed screening must be submitted to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate.
29. Appropriate external lighting shall be provided for areas including the car parks and pedestrian pathways in accordance with AS 1158 - Lighting and AS 4282 - Control of the Obtrusive Effects of Outdoor Lighting and the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

Any external lighting must be located and directed so as not to cause a nuisance to the occupants of nearby residential properties. Low level lighting of the grounds may be considered to improve security particularly in staff car parking areas. Details of the lighting strategy are to be submitted for approval by the Principal Certifying Authority prior to the release of the Construction Certificate.
30. Food preparation and food storage areas shall be designed as follows:
 - The construction of the food preparation and food storage areas must comply with the Building Code of Australia, AS 4674 – 2004 (Construction and Fitout of Food Premises), Council's Food Premises Code and Food Standards Code.
 - Detailed plans demonstrating compliance must be submitted to the Principal Certifying Authority prior to issue of the construction certificate.
 - The kitchen exhaust must be designed and installed in accordance with AS 1668.2 – 2002 (The Use of Ventilation and Air Conditioning in Buildings) Appendix C (Kitchen Exhaust Hoods).

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- The floor of the preparation areas and cool rooms must be covered with an approved impervious material, graded and drained to floor wastes. Details of the location of the floor wastes are to be provided to the Principal Certifying Authority prior to issue of the Construction Certificate.
 - A grease arrestor must be installed. Please contact Sydney Water for approval and installation advice. Note: The installation of grease arrestors within kitchens and food preparation areas is not permitted.
 - A double bowl sink with a supply of cold and hot water must be provided for cleaning of all utensils, receptacles, tools of trade, benches, fittings, machinery and other appliances.
 - Hand wash basins must utilise a hands free operation, be provided near food preparation areas and each hand basin must have a single warm water spout. Suitable hand drying facilities are also to be provided adjacent to the basins.
 - All waste must be stored in impervious containers with firm fitting lids suitable to exclude vermin.
 - Waste must be removed by a licensed contractor no less than twice per week. More frequent collection may be necessary in some circumstances.
 - Waste oil must be stored within a secure area at all times. Oil must never be stored in areas accessible to the public or areas that drain to the stormwater system.
 - (a) Documentation verifying design compliance with these requirements must be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate.
 - (b) Documentation verifying installation compliance with this requirement must be submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.
31. The final design for the Aged Care Facility and Residents Club buildings, are to each include a loading bay suitable to cater for the largest vehicle expected to regularly service these buildings. The design is to be in accordance with the requirements of AS2890.2 2002, Commercial Vehicle Facilities. Details satisfying this condition are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate for each respective building.
32. The Construction Certificate shall not be issued over any part of the site requiring a Controlled Activity Approval until a copy of the Approval has been provided to Hawkesbury City Council and the Principal Certifying Authority.

Specific to Stage 1A

33. Under the provisions of the Roads Act 1993, all works within the Grose Vale Road and Arthur Phillip Drive road reserve are to be approved by Hawkesbury City Council and the bulk earthworks be completed prior to the release of the Subdivision Certificate for Stage 1A*. These works are to include intersection bulk earth works at Grose Vale Road to accommodate the bus stop, approach and departure lanes, pedestrian crossing and associated refuge, footpaths, signage, stormwater and associated works and the extension of Arthur Philip Drive to facilitate a turning head.
- (as amended by Section 96 Modification Application DA0852/08A approved 27 April 2010)*
34. Payment of Construction Certificate checking fees and Compliance Certificate Inspection fees when submitting Civil Engineering Plans for approval. Fees payable are as listed in Hawkesbury City Council's Fees and Charges Policy and are available on request.

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35. A performance, damage and defects bond to the value of \$30,000 must be lodged with Hawkesbury City Council prior to issue of the Roads Act approval or any Construction Certificate for Stage 1A. Prior to the issue of a Construction Certificate for Stage 1B or any other stages, a further \$370,000 bond is to be lodged with Hawkesbury City Council. The bond is to cover any restoration required within Council's Roads resulting from deterioration caused by construction traffic through all stages of the development.

The bond can be in the form of an unconditional bank guarantee or cash deposit.

The bond is refundable on application, 12 months after the completion of all work subject to satisfactory performance of the works.

(as amended by Section 96 Modification Application DA0852/08B approved 3 September 2010)

36. The applicant shall bear the cost of all restoration works to Council's property damaged during the course of this development. The applicant shall advise Hawkesbury City Council, in writing, of any existing damage to Council property before commencement of the development. A dilapidation survey of Council's assets, including photographs and written record, must be prepared by a suitably qualified person and submitted to Hawkesbury City Council prior to the issuing of any Construction Certificate or approval under the Roads Act 1993.

Note: This documentation will be used to resolve any dispute over damage to infrastructure. It is in the applicant's interest for it to be as full and detailed as possible.

37. Prior to issue of a Subdivision Certificate for the Torrens Title subdivision, documentation shall be submitted to Hawkesbury City Council from an energy service provider and a telecommunications service provider stating that satisfactory arrangements have been made for the supply of electricity and telephone services to the allotments in Lot 272 and Lot 273. If required, easements for electricity purposes and areas for electrical substations shall be shown on the plan of subdivision and formally created pursuant to Section 88B of the Conveyancing Act, 1919.

(as amended by Section 96 Modification Application DA0852/08A approved 27 April 2010)

38. Prior to issue of a Subdivision Certificate for the Torrens Title subdivision, a Staging Plan is to be approved by Hawkesbury City Council demonstrating the anticipated sequence of development detailing how the following elements will function during and between development stages:

- Internal road system
- Drainage
- Site services (including water, sewer, electricity, gas, phone etc)

Specific to Stage 1B

39. The applicant is to include within the design of the Residents Club building (or some other alternate location) provision for the future of on-site delivery of allied health and related services (by incorporating provision for the adaptable use of a room or rooms as consulting/therapy rooms). Details on the relevant plans satisfying this condition are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate for Stage 1B.
40. The pool gate associated with the clubhouse swimming pool shall swing away from the water in accordance with AS1926.1 – 2007. Details satisfying this condition are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate for Stage 1B.
41. A Waste Storage Area Management Plan must be prepared and submitted to Hawkesbury City Council for approval prior to the release of the Construction Certificate for Stage 1B. This plan is to be in accordance with Council's Development Control Plan and is to allow for a private service

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collection and pick up of three waste streams (recycling, organics and general garbage) and provide details as to waste generation, storage space, storage location and access for residents and waste collectors and separation of the domestic and commercial bins.

42. Pedestrian access via a pathway system is to be provided within the northern and eastern edges of the site to facilitate pedestrian access to Grose Vale Road (to the south east) and to Peel Park (to the north). Details are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Prior to Commencement Of Work

All stages

43. 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.
44. 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.
45. 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.
46. 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.
47. Toilet facilities (to the satisfaction of Hawkesbury City Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
48. 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.
49. 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.
50. The approved plans must be submitted to a Sydney Water Quick Check agent or customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For quick Check agent details, please refer to the web site www.sydneywater.com.au, see Building Developing and Plumbing then Quick Check or telephone 13 20 92.

Note: This documentation will be used to resolve any dispute over damage to infrastructure. It is in the applicant's interest for it to be as full and detailed as possible.
50. All traffic management devices shall be installed and maintained in accordance with the approved Traffic Management Plan.

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51. A Construction Management Plan shall be submitted and approved by Hawkesbury City Council prior to the commencement of any work for all stages. Any use of Council property shall require appropriate approvals. The Plan shall detail:
- a) The proposed method of access to and egress from the site for construction vehicles including the proposed method of traffic control, access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimizing traffic congestion and noise in the area. The main construction access to the site is to be from Grose Vale Road.
 - b) The proposed access and manoeuvring for vehicles during each stage. This is to consider construction traffic, residents, visitor, staff and service vehicles, together with pedestrian access
 - c) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process;
 - d) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site.
 - e) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers for each stage during the construction period;
 - f) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site.
 - g) Erosion and sediment control measures.
 - h) Noise and vibration minimisation measures during earthworks and construction work as detailed in the Noise and Vibration Management Plan.
 - i) Dust suppression measures during earthworks and construction work.
 - j) Waste management during construction works.
 - k) Submission of a detailed design plan of all works proposed within the adjacent public reserve.
 - l) Heritage and archaeological management
 - m) Ecological impact mitigation measures.
 - n) Establishment of a protocol for complaints handling and management.
52. A detailed Construction Noise and Vibration Management Plan shall be prepared detailing measures to control noise and vibration during construction. The Plan is to include, but not be limited to:
- a) Identification of each work area and site compound;
 - b) Identification of the specific activities that will be carried out and associated noise sources for each work area;
 - c) Identification of all potentially affected noise sensitive receivers;
 - d) Description of management methods and procedures that will be implemented to control noise and vibration during construction;

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- e) Description of specific noise mitigation treatments and time restrictions including respite periods, duration and frequency;
 - f) Justification for any activities outside normal working hours;
 - g) A pro-active and reactive strategy for dealing with complaints including compliance with the construction noise and vibration objectives;
 - h) Noise and vibration monitoring, reporting and response procedures;
 - i) Procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity; and
 - j) Education of construction personnel about noise minimisation.
53. A Soil and Water Quality Management Plan is to be prepared in consultation with the Department of Water and Energy and Hawkesbury City Council. The plan shall be prepared in accordance with the Department of Housing's guideline Managing Urban Stormwater – Soils and Construction 1998. The plan shall be prepared prior to substantial construction and shall contain, but not be limited to:
- a) Management of the cumulative impacts of the development on the quality and quantity of surface water, including stormwater in storage, sedimentation basins and flooding impacts;
 - b) Details of a strategy for phasing of construction works so that land disturbances are confined to areas of a manageable size and kept to a minimum;
 - c) Erosion and sediment control plans for each phase of construction that provide site-specific management measures, including:
 - Details of short and long-term measures to be employed to minimise soil erosion and the discharge of sediment to land and/or waters including the locations and capacities of sediment fencing/straw bales, temporary storage ponds, sediment filters, filter barriers and other controls;
 - A strategy for progressive revegetation and rehabilitation of disturbed areas of earth as rapidly as practicable after completion of earthworks;
 - d) An analysis of potential areas of contaminated soils at the site and the disturbance of such soils in order to protect water quality;
 - e) The potential for heavy prolonged rainfall during construction to cause environmental impacts including water quality impacts;
 - f) Identification of all potential sources of water pollution and a detailed description of the remedial action to be taken or management systems to be implemented to minimise emissions of these pollutants from all sources within the subject site;
 - g) Detailed construction methodology and design of the crossing of the natural watercourse, including erosion and sediment control, bridge design and scour protection;
 - h) Detailed description of water quality monitoring to be undertaken during the pre-construction and construction stages of the development including base line monitoring, identification of locations where monitoring would be carried out and procedures for analysing the degree of contamination of potentially contaminated water;
 - i) Measures to handle, test, treat, re-use and dispose of stormwater and contaminated water and soil;

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- j) Procedures for the re-use, treatment and disposal of water from sedimentation basins;
- k) Detailed description of water quality monitoring during pre-construction and construction stage of the project;
- l) A program for reporting on the effectiveness of the operational and construction sedimentation and erosion control system against performance goals.

During Construction

All stages

- 54. The site shall be secured to prevent the depositing of any unauthorised material.
- 55. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
- 56. 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.
- 57. 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.
- 58. Off-street car parking spaces, together with access driveways and turning areas, shall be constructed, paved, line marked, signposted and maintained, as shown on the approved plan. Design and construction is to be in accordance with the requirements of Hawkesbury Development Control Plan and AS2890.1 2004 and AS2890.2, 2002.
- 59. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan Appendix E Civil Works Specification.
- 60. On-site detention shall be provided to maintain all stormwater discharges from the 1:1 year storm up to the 1:100 year storm from the Seniors Living development at pre-development levels. This is to be facilitated by the on-site detention basin constructed and functioning as a silt basin temporarily through the construction stages of the Seniors Living development.
- 61. Water quality devices shall be constructed as silt basins with each stage of the development to treat the water from (at a minimum) that stage of the development. The water quality infrastructure constructed and functioning as silt basins is a temporary measure through the construction stages of the development.
- 62. All of the on site detention and water quality infrastructure to be completed in their final state in conjunction with completion of construction of the final stage of the Seniors Living development.
- 63. 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.

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64. Flocculation (or other suitable measure) to remove sediments captured from the detained stormwater in the on-site stormwater detention basin/s, acting as a slit basin through construction, is to be undertaken as necessary prior to any discharge into the downstream drainage system.
65. The public footways and roadways adjacent to the site shall be maintained at all times during the course of the work in a safe condition.
66. Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:
 - a) Physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions;
 - b) Earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed;
 - c) All materials shall be stored or stockpiled at the best locations;
 - d) The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs;
 - e) All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material;
 - f) All equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays (or by other suitable alternative means);
 - g) Gates shall be closed between vehicle movements and shall be fitted with shade cloth, and
 - h) Cleaning of footpaths and roadways shall be carried out regularly.
67. All constructed batters are to be topsoiled and vegetated and where batters exceed a ratio of three horizontal to one vertical, retaining walls, stoneflagging or terracing shall be constructed.
68. 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.
69. The Construction access road from Grose Vale Road (within the site) is to be sealed to minimise dust nuisance to adjoining properties.
70. The clearing of vegetation shall be limited to areas that need to be used for construction of the development. Cleared vegetation must be re-used or recycled to the greatest extent practicable. No burning of cleared vegetation shall be permitted. Re-use options include removing millable logs, recovering fence posts, and mulching and chipping unusable vegetation waste for on-site use such as landscaping. All reasonable measures to use surplus vegetation shall be undertaken.
71. The topsoil derived from the site shall be stripped and stockpiled and used to cover the final profile of the bulk earthworks.
72. All fill to be adequately compacted by track rolling or similar in layers not exceeding 300mm.
73. A bund wall shall be provided around the site in order to help direct runoff away from the disturbed excavation/landfill areas. Design details are to be submitted to and approved by Council.
74. A full width pavement, riparian crossing and associated pedestrian pathway shall be constructed along the access strip from Proposed Lot 273 to Arthur Phillip Drive. Details are to be submitted and approved by Council.

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75. The recommendations relating to stormwater management as detailed in the Seniors Living Development North Richmond Stormwater Management Strategy dated October 2008 are to be progressively implemented in conjunction with the development. All site drainage and sediment and erosion control works and measures described in the Strategy inclusive of any other pollution controls, as required, shall be implemented prior to the commencement of any other works at the site.

Specific to Stage 1A *

76. The construction * of the extension to Arthur Phillip Drive as required adjacent to the access road to the development. Construction is to include kerb and gutter and full width sealed pavement.
77. Chevron markers and 'road ends' signage is to be installed * at the end of Arthur Phillip Drive.
78. The Construction * of the proposed entrance works in Grose Vale Road to provide for turning lanes into the proposed development. Works are to include line marking and signage, plus any other works required to make construction effective.
79. The 60km/h speed limit in Grose Vale Road is to be extended further to the west beyond the new intersection *. The location of signage and associated road marking is to be determined by Hawkesbury City Council prior to any work being undertaken. All costs involved in signage, road marking etc are to be at the expense of the developer.
80. A bitumen sealed pavement eight metres wide shall be constructed * along the access strip leading from the intersection works off Grose Vale Road to northern perimeter of the construction access (APZ) to be used to access Stage 1B and future stages of the development.

Specific to Stage 1B

81. Provision of appropriate swimming pool lining in accordance with the requirements of the Department of Health Public Swimming Pool and Spa Pool Guidelines 1996. The pool is to be constructed using smooth, impervious materials enabling ease of maintenance and cleaning, and be light in colour. Please note: A pool lining of pebblecrete/marble screen are both not appropriate pool surface finishes.
82. Provision of an appropriate swimming pool commercial chlorination filtration system that complies with the requirements of the Department of Health Public Swimming Pool and Spa Pool Guidelines 1996. The specifications of the commercial chlorination filtration system is required to be provided to Hawkesbury City Council for review prior to installation.
83. Submission of specifications for the swimming pool lining to Hawkesbury City Council for written approval prior to installation.
84. All wastewater from the swimming pool is to be directed to the sewer, with appropriate approval of Sydney Water being obtained.
85. Compliance with the requirements of the Swimming Pool Act 1992 and associated Regulations, and the Department of Health Public Swimming Pool and Spa Pool Guidelines 1996.

Prior to Issue of Subdivision Certificate

Specific to Stage 1A

86. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
87. A plan of subdivision prepared to the requirements of the Land Titles Office, shall be submitted to Hawkesbury City Council, with four copies.

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88. Payment of a linen release Fee in accordance with Council's Fees and Charges at the time of lodgement of the linen plan.
89. The extension of Arthur Phillip Drive, including pathways and drainage, and any widening required to the construction in Grose Vale Road shall be dedicated as public road.
90. Prior to the issue of the Subdivision Certificate for the four lot Torrens Title subdivision the bulk earthworks associated with Stage 1A development, as approved by this consent, must be completed.
91. Reciprocal Rights of Carriageway and Easement for Services shall be created over the access handle to Proposed Lot 273 in favour of Proposed Lot 272. Evidence of the dedication shall be submitted to Council.
92. Reciprocal Rights of Carriageway and Easement for Services shall be created over the access handle to Proposed Lot 272 in favour of Proposed Lot 273. Evidence of the dedication shall be submitted to Council.
93. Proposed Lot 274 is to be dedicated to Hawkesbury City Council for drainage purposes. Evidence of the dedication shall be submitted to Council.
94. A Surveyor's Certificate shall be submitted to Hawkesbury City Council stating that the proposed physical access to the development from Grose Vale Road is contained within the proposed Right of Carriageway.

Prior to Issue of Occupation Certificate

Specific to Stage 1B

95. Documentary evidence of the Registration of the four lot Torrens Title Subdivision and dedication of public road and land (as required) with Land and Property information is to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate for Stage 1B.
96. Appropriate external lighting shall be installed prior to the release of the occupation certificate for Stage 1B and to the occupation certificate of each subsequent stage.
97. Written confirmation shall be provided to the Principal Certifying Authority from a suitable public transport provider detailing that the bus stops situated on Grose Vale Road are to be serviced as required under Clause 26 Location and access to facilities of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 prior to the issue of any Occupation Certificate for Stage 1B.
98. Appropriate signage is to be provided close to the site boundaries situated adjacent to the access roads leading into the site from Grose Vale Road and Arthur Phillip Drive indicating that the internal road is a 'Private Road' prior to the issue of any Occupation Certificate for Stage 1B.

All Stages (as applicable)

99. All fill including existing fill must be compacted to 98% standard compaction in accordance with AS1289 and verified by the submission of test results for each lot accompanied by a contoured depth of fill plan.
100. Prior to the issue of any Occupation Certificate a "Restriction as to User", under the provisions of the Conveyancing Act 1919, is to be created on the current, and any subsequent, titles for the development stating the limitations on the occupancy of this development as specified in this consent.
101. Prior to the issue of any Occupation Certificate for Serviced Self-Care Housing the applicant, or operator, must, under the provisions of Clause 42(1) and (2) of the State Environmental Planning

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Policy (Housing for Seniors or People with a Disability) 2004, provide written evidence to Principal Certifying Authority that residents of the Serviced Self-Care Housing will have reasonable access to:

- a) Home delivered meals
- b) Personal care and home nursing
- c) Assistance with housework
- d) Transport

This evidence must include details of the provider of these services and must be incorporated into the Operational Management Plan required by this consent.

102. Prior to the issue of any Occupation Certificate for Serviced Self-Care Housing, the Resident's Club building and the on-site services required, under the provisions of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, to be provided are to be available for use by the proposed residents. Should this housing be provided on a staged basis then these facilities and services must be provided proportionately on a per resident basis.
103. Prior to the issue of the Occupation Certificate for the Aged Care Facility a detailed Operational Management Plan for the operation of the aged housing facility is to be submitted to Hawkesbury City Council for approval. The plan details must include, but are not limited to, the following:
- a) Details of times that an on-site manager or supervisor is available to the facility and, when not available, emergency contact and service details,
 - b) Details of provision of on-site nursing and medical facilities, meals, housework assistance and other required services for residents,
 - c) Management and operation of resident transport facilities,
 - d) Management plan to address evacuation of residents in emergency situations including flood (isolation due to flood) and bushfire, and maintenance of medical and ambulance services during times of emergency or isolation,
 - e) Details of external service providers and evidence of on-going provision of those services and provision during emergencies for supply of those services.
104. Prior to the issue of the Occupation Certificate for Stage 1B the Principal Certifying Authority shall be provided with a Compliance Certificate confirming that all units/dwellings within the development satisfy the standards concerning accessibility and useability for self-contained dwellings within State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 .
105. A Plan of Management for the on-site stormwater detention facilities shall be submitted to and approved by Hawkesbury City Council. The Plan of Management shall set out all design and operational parameters for the detention facilities including design levels, hydrology and hydraulics, inspection and maintenance requirements and time intervals for such inspection and maintenance.
- The plan/s of management may be staged if required, but must include that stage for which an occupation certificate is required.
106. The owner shall enter a positive covenant with Hawkesbury City Council which provides the following:
- a) The registered proprietors will at all times maintain, repair and keep the on-site stormwater detention facilities in a good and safe condition and state of repair, in accordance with the approved design to the reasonable satisfaction, at all times, of Council, having due regard to

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the Plan of Management for the operation and maintenance of the on-site stormwater detention facilities, and

- b) The liability under the Covenant will jointly and severally bind the registered proprietors of the proposed dwellings, and
- c) Council only will be entitled to release or modify the Covenant.

All costs associated with the Covenant, including any legal costs payable by Hawkesbury City Council, are to be paid by the owner or applicant.

107. Submission of a report by the Design Engineer stating the conformance or otherwise of the On Site Stormwater Detention System in relation to the approved design.
108. Works-As-Executed drawings for the On Site Stormwater Detention System which indicate the following shall be submitted to and approved by Council:
- a) Invert levels of tanks, pits and pipes
 - b) Surface levels of pits and surrounding ground levels
 - c) Levels of surrounding kerb
 - d) Floor levels of buildings
 - e) Top of kerb levels at the front of the lot; and
 - f) Extent of inundation
109. A Plan of Management for the water quality treatment devices shall be submitted to and approved by Hawkesbury City Council. The Plan of Management shall set out all design and operational parameters for the devices including inspection and maintenance requirements and time intervals for such inspection and maintenance.

The plan/s of management may be staged if required, but must include that stage for which an occupation certificate is required.

110. The final occupation certificate for the proceeding stage is to be issued prior to the issue of any occupation certificate for a subsequent stage.
111. Evidence of compliance with the Waste Storage Area Management Plan requirements is to be submitted to the Certifying Authority prior to the issue of the Occupation Certificate.
112. Reconstruction of the public land currently functioning as a trunk drainage corridor to a riparian corridor to be undertaken in conjunction with Stage 3 or 4 whichever is the first stage to be commenced.

Prior to Issue of Interim Occupation Certificate

113. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. An application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance. Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

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114. Registration of the swimming pool with Hawkesbury City Council. A registration form is required to be requested, completed and returned to Council prior to operation. Inspections will be conducted on a scheduled basis by Hawkesbury City Council.

Use of Development

115. All fire safety equipment and fixtures shall be regularly serviced and maintained. The owner or their agent shall certify annually that each of the fire safety measures specified in this statement has:
- a) Been assessed by a properly qualified person, and
 - b) Found, when it was assessed, to be capable of performing to at least the standard required by the current fire safety schedule for the building for which the certificate is issued.
116. Any part of the building to be used for food preparation shall be registered with Hawkesbury City Council as Food Premises.
117. A separate development application shall be lodged with Hawkesbury City Council for use of the clubhouse building as a Place of Public Entertainment.
118. Provision of a log-book that is kept onsite as per the requirements of the Department of Health Public Swimming Pool and Spa Pool Guidelines 1996.
119. Provision of appropriate fencing and signage as per the requirements of the Swimming Pool Act 1992 and the Building Code of Australia.
120. Compliance with the requirements of the Public Health Act 1991 with respect to cooling towers/thermostatic mixing valves. These systems are required to be registered with Hawkesbury City Council.
121. Mechanical exhaust from the kitchen and the air conditioning system of the Aged Housing Building or the Residents Club must not cause a noise/odour nuisance at any time. Compliance with this condition may necessitate the provision of acoustic enclosures and/or other treatment to these systems. The location and design of these systems should be considered with regard to acoustic/odour impact.
122. A copy of the Site's Operational Management Plan is to be provided to Hawkesbury City Council on an annual basis (but only from the date of initial occupation until completion of the development) demonstrating the development's compliance with the relevant operational matters detailed within Clause 42 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

Roads and Traffic Authority Conditions

123. The two east bound lanes of Bells Line of Road before the intersection of Grose Vale Road should be extended to start as soon as practicable after the finish of the chevron linemarking at Charles Street to maximise the available length to an approximate total of 170 metres. This area has been recently resurfaced and linemarked therefore should the work be carried out by 6 November 2009 than removal of any existing linemarking can be done so by sand blasting methods. If these works are carried out after this six month period then further resurfacing will be required to remove existing linemarking.
124. The west bound lanes on the approach side of the intersection of Bells Line of Road and Grose Vale Road should be adjusted to provide a right turn lane, a through lane and a left/through shared lane. The departure lanes should be provided as dual lanes to the maximum distance available with the desirable distance being 200 metres not including the taper as proposed by the developer's consultants. It is noted that this proposal will require road widening of approximately 1 metre or whatever is required to meet RTA lane width requirements. Design details are to be submitted to Hawkesbury City Council for approval demonstrating that adequate footway width will remain

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available once this widening has occurred. It is noted that utility services exist within this footway area, any necessary relocation of services will be the developer's responsibility.

125. The proposed Bells Line of Road/Grose Vale Road intersection modifications shall be designed to meet RTA's requirements, and endorsed by a suitably qualified and chartered Engineer (i.e. who is registered with the Institute of Engineers, Australia). The design requirements shall be in accordance with the RTA's Road Design Guide and other Australian Codes of Practice. The certified copies of the civil design plans shall be submitted to the RTA for consideration and approval prior to the release of the Construction Certificate by the certifier and commencement of road works.

The RTA fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.

The developer will be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. Please note that the Works Authorisation Deed (WAD) will need to be executed prior to the RTA's assessment of the detailed civil design plans.

126. All works associated with the Bells Line of Road/Grose Vale Road intersection modifications must be completed prior to occupation of more than 50 independent units or occupation of the aged care facility whichever occurs first.
127. The swept path of the longest vehicle (including private garbage trucks) entering and exiting the subject site, as well as manoeuvrability through the site, must be in accordance with Austroads standards.
128. Priority should be established at intersections, particularly cross intersections, in the internal road system by linemarking and signposting.
129. Dedicated pedestrian pathways and other pedestrian facilities should be provided throughout the site to link the residential housing units to the Resident's Club facility, the community garden area and the residential care accommodation. Required sight lines for pedestrians are not to be compromised by landscaping or other vegetation.
130. The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths sight distance requirements, and parking bay dimensions) should be in accordance with AS 2890.1 – 2004 (Parking Facilities, Part 1: Off-street car parking) and AS 2890.2 – 2002 (Parking Facilities, Part 2: Off-street commercial vehicle facilities). Service areas within the development are to be designed in accordance with RTA requirements and AS 2890.2 (Parking Facilities, Part 2: Off-street commercial vehicle facilities).
131. Consideration should be given to providing appropriate bicycle parking facilities within the development including end trip facilities such as showers, changing rooms, etc as appropriate to cater for bicycle use for travelling to and from the development.
132. All works/regulatory signposting associated with the proposed development are to be at no cost to the RTA.

Department of Water and Energy - General Terms of Approval

133. These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA0852/08 and provided by Council.

- a) Site plan, map and/or surveys

Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified

134. Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the

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Department of Water & Energy. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river.

135. The consent holder must prepare or commission the preparation of:
- a) Rehabilitation Plan
 - b) Works Schedule
 - c) Erosion and Sediment Control Plan
 - d) Soil and Water Management Plan
136. All plans must be prepared by a suitably qualified person and submitted to the Department of Water & Energy for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with Department of Water & Energy guidelines located at: www.naturalresources.nsw.gov.au/water/controlled_activity.shtml
- a) Vegetation Management Plans
 - b) Laying pipes and cables in watercourses
 - c) Riparian Corridors
 - d) In-stream works
 - e) Outlet structures
 - f) Watercourse crossing plans
137. The consent holder must:
- a) Carry out any controlled activity in accordance with approved plans
 - b) Construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and
 - c) When required, provide a certificate of completion to the Department of Water & Energy.
138. The consent holder must carry out a maintenance period of two years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the Department of Water & Energy.
139. The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the Department of Water & Energy.
140. The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the Department of Water & Energy as required.
141. The consent holder must provide a security deposit (bank guarantee or cash bond) – equal to the sum of the cost of complying with the obligations under any approval – to the Department of Water & Energy as and when required.
142. The consent holder must design and construct all ramps, stairs, accessways, cycle paths, pedestrian paths or other non-vehicular form of access way so that they do not result in erosion, obstruction of flow, destabilisation, or damage to the bed or banks of the river or waterfront land, other than in accordance with a plan approved by the Department of Water & Energy.

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143. The consent holder must not locate ramps, stairs, access ways, cycle paths, pedestrian paths or any other non-vehicular form of access way in a riparian corridor other than in accordance with a plan approved by the Department of Water & Energy.
144. The consent holder must ensure that the construction of any bridge, causeway, culvert or crossing does not result in erosion, obstruction of flow, destabilisation or damage to the bed or banks of the river or waterfront land, other than in accordance with a plan approved by the Department of Water & Energy.
145. The consent holder must ensure that no materials or cleared vegetation that may obstruct flow, wash into the water body or cause damage to river banks are left on waterfront land other than in accordance with a plan approved by the Department of Water & Energy.
146. The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the Department of Water & Energy.
147. The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the Department of Water & Energy.
148. The consent holder must ensure that any excavation does not result in:
 - a) Diversion of any river
 - b) Bed or bank instability or
 - c) Damage to native vegetation within the area where a controlled activity has been authorised, other than in accordance with a plan approved by the Department of Water & Energy.
149. The consent holder must ensure that the surfaces of river banks are graded to enable the unobstructed flow of water and bank retaining structures result in a stable river bank in accordance with a plan approved by the Department of Water & Energy.
150. The consent holder must clearly mark (with stakes using a GPS or peg out survey), protect and maintain a riparian corridor with a width of 20 metres measured horizontally landward from the designated 1:2 to 1:5 low flow design channel for the length of the site directly affected by the controlled activity in accordance with the plan approved by the Department of Water & Energy.
151. The consent holder must establish a riparian corridor along the creek in accordance with a plan approved by the Department of Water & Energy.

NSW Rural Fire Service – General Terms of Approval

Asset Protection Zone

The intent of measures is to provide sufficient space for fire fighters and other emergency services personnel, ensuring radiant heat levels permit operations under critical conditions of radiant heat, smoke and embers, while supporting or evacuating occupants. To achieve this, the following conditions shall apply:

152. At the issue of the subdivision certificate and in perpetuity the entire development area (excluding riparian corridor) shall be managed as an inner protection area (IPA) as outlined within Planning for Bush Fire Protection 2006 and the Service's document Standards for asset protection zones.
153. A restriction to the land use pursuant to Section 88B of the Conveyancing Act 1919 shall be placed on all lots within the subdivision affected by the 34-36 metre asset protection zone as identified in blue on Attachment A of the bush fire report prepared by Australian Bushfire Protection Planners Pty Ltd No. B08836-4 dated 10/10/2008. The asset protection zone shall be managed as an inner protection area (IPA) as outlined within Planning for Bush Fire Protection 2006 and the Service's document Standards for asset protection zones.

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154. A restriction to the land pursuant to Section 88B of the Conveyancing Act 1919 shall be placed on the land within the residual lot to the south and west of the proposed development area ensuring the ongoing management of the 20 metre wide asset protection zone and for trail as identified on Attachment A of the bush fire report prepared by Australian Bushfire Protection Planners Pty Ltd No. B08836-4 dated 10/10/2008. The asset protection zone shall be managed as an inner protection area (IPA) as outlined within Planning for Bush Fire Protection 2006 and the Service's document Standards for asset protection zones. This restriction can be extinguished upon commencement of any future proposed development on the adjacent lot, but only if the hazard is removed as part of the proposal.

Water and Utilities

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

155. Water, electricity and gas are to comply with Section 4.2.7 and 4.1.3 of Planning for Bushfire Protection 2006.

Access

The intent of measures for internal roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area.

156. Internal road access shall comply with Section 4.1.3 (1) and 4.2.7 of Planning for Bushfire Protection 2006. Road widths shall comply with Table 4.1 of Planning for Bushfire Protection 2006 and exclude pedestrian pathways.
157. Fire trails shall comply with section 4.1.3 (3) of Planning for Bushfire Protection 2006.
158. An emergency access/egress road shall be constructed to the south-east of the development area providing a direct link from Grose Vale Road to the proposed internal road system. This access road shall be constructed in accordance with Section 4.1.3 (3) of Planning for Bushfire Protection 2006.

Design and Construction

159. All new construction shall comply with Australian Standard AS3959-1999 Construction of buildings in bush fire-prone areas – Level 1.

Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of the building.

160. An Emergency and Evacuation Management Plan shall be prepared in accordance with Section 4.2.7 of Planning for Bushfire Protection 2006.

Landscaping

161. Landscaping to the site is to comply with the principles of Appendix 5 of Planning for Bushfire Protection 2006.

Department of Environment & Climate Change – General Terms of Approval

162. Impact to the Aboriginal objects identified as site NR10 within Lot 27, DP 1042890, will require a S.90 consent, pursuant to the National Parks and Wildlife Act 1974.

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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 Bassett	Councillor Williams
Councillor Calvert	
Councillor Conolly	
Councillor Ford	
Councillor Mackay	
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Tree	
Councillor Whelan	

Item: 54 **CP - Acceptance of Funding Variation, Ageing Disability & Home Care, Department of Human Services NSW and Community Services, Department of Human Services NSW - (96328, 95498, 116110, 119761, 119366)**

MOTION:

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

Refer to RESOLUTION

92 RESOLUTION:

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

That authority be given to execute, under the Seal of Council, a variation to funding agreements with Ageing Disability and Home Care Department of Human Services NSW and NSW Department of Community Services to accept funds for the 2010/2011 financial year.

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Item: 55 **CP - Young Drivers Project - (95498, 96328)**

Previous Item: 30, Ordinary (23 February 2010)

Councillor Calvert declared a less than significant non-pecuniary conflict of interest in this matter as he is employed by the NSW Department of Education and Training and this item includes discussion on giving monies to local schools; and no further action is required.

MOTION:

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

Refer to RESOLUTION

93 RESOLUTION:

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

That:

1. Council write to high schools within the Hawkesbury Local Government Area offering to subsidise the cost of implementing the Youthsafe 'Are we there yet?' road safety program on a 50:50 basis up to a total maximum amount of \$2,200, and that Council staff liaise with Youthsafe and local high schools to implement the Program.
2. Council investigate the supporting of the RYDA Program organised by Rotary.

Item: 56 **CP - Acceptance of Funding Offer - NSW Government's 2010/2011 Waterways Program for Pre-Dredging Investigations of the Hawkesbury River Between Windsor and Sackville - (95498, 116069)**

Mr Ian Johnston, proponent, addressed Council.

MOTION:

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

Refer to RESOLUTION

94 RESOLUTION:

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

That:

1. The dollar for dollar grant offer under the 2010/2011 Waterways Program to provide 50% of Council's actual expenditure for pre-dredging investigations of the Hawkesbury River between Windsor and Sackville, up to a maximum of \$32,500, be accepted and the Land and Property Management Authority be notified of Council's acceptance of this offer.

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2. Council's contribution to this project, up to \$32,500, be identified in the next quarterly review of the budget.
3. A report on this matter be presented to the Floodplain Risk Management Advisory Committee requesting that the Committee identify and prioritise potential locations along the River between Windsor and Sackville that would provide the most cost benefit to the community.

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

INFRASTRUCTURE SERVICES

Item: 57 **IS - Roberts Creek Road Creek Crossing - (95495, 79344)**

Previous Item: NM3, Ordinary (1 February 2011)

MOTION:

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

Refer to RESOLUTION

95 RESOLUTION:

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

That the design and investigation process for a suitable road crossing over Roberts Creek, be considered when determining projects for inclusion in the 2011/2012 Capital Works Program.

Item: 58 **IS - Public Toilet Facilities in the Hawkesbury - (95495, 79354)**

Previous Item: NM4, Ordinary (1 February 2011)

Mr Lisa Musgrave, proponent, addressed Council.

MOTION:

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

Refer to RESOLUTION

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

That:

1. A toilet block for Yarramundi Reserve be considered as a works priority for allocation of funds from the Section 94A Reserve for the 2011/2012 financial year.
2. Consideration be given to providing funding in the 2012/2013 Budget for the construction of toilet blocks at the Skate Park Facility at Clarendon and in Windsor Mall.

The amendment was lost.

The motion was put and carried.

96 RESOLUTION:

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

That:

1. A toilet block for Yarramundi Reserve be considered as a works priority for allocation of funds from the Section 94A Reserve for the 2011/2012 financial year.
2. A review be undertaken of Council's public toilet facilities in relation to the performance standards outlined within the report.

SUPPORT SERVICES

Item: 59 **SS - Monthly Investments Report - February 2011 - (96332, 95496)**

Previous Item: 17, Ordinary (3 February 2009)
 82, Ordinary (28 April 2009)

MOTION:

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

Refer to RESOLUTION

97 RESOLUTION:

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

The report regarding the monthly investments for February 2011 be received and noted.

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CONFIDENTIAL REPORTS

98 RESOLUTION:

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

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 Porter.

That:

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

Item: 60 GM - Macquarie Street Properties Project - Progress Report

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) and (d) of the Local Government Act, 1993. Specifically, the matter is to be dealt with pursuant to:*

- *Section 10A(2)(c) of the Act as it relates to details concerning the leasing of a Council property and details concerning the sale of property by the 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; and*
- *Section 10A(2)(d) of the Act as it relates to the information associated with the property development and investment structure for council property and the information is regarded as being commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, confer a commercial advantage on a competitor of the Council, or reveal a trade secret and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

Item: 61 GM - Tender No 01211- Supply of External Audit Services

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

Item: 62 CP - Asset Management System Expression of Interest

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 Act 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*

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proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

Item: 63 SS - Tender No 01311 - Sale of 139 Colonial Drive, Bligh Park (Lot 1 in Deposited Plan 1135982)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(*) of the Local Government Act, 1993 as it relates to the potential sale of a Council Property and the information is regarded as being commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, confer a commercial advantage on a competitor of the Council, or reveal a trade secret and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

Item: 64 SS - Property Matter - Lease to Ms Kirsty Robertson - Shop 1A 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 proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

Item: 65 SS - Property Matter - Assignment of Lease from Frank Taranto to PNB Holdings Pty Ltd - Macquarie Park House, 1 Wilberforce Road, Wilberforce

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

Item: 66 SS - Property Matter - Lease to Schofield & Co (Administration) Pty Ltd - Reverend Turner Cottage - 360 George Street, Windsor

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

Item: 67 SS - Property Matter - Lease to Andreas and Catarina Froemel - Shop 2 Glossodia Shopping Centre

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 of the Act 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.

100 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Calvert that open meeting be resumed.

Item: 60 **GM - Macquarie Street Properties Project - Progress Report - (79351)**
CONFIDENTIAL

Previous Item: 39 (23 February 2010) - Confidential
 246, Ordinary (10 November 2009) - Confidential
 110, Ordinary (27 May 2008) - Confidential
 265, Ordinary (24 October 2006) - Confidential
 120, Ordinary (26 April 2005) - Confidential

MOTION:

The General Manager advised that whilst in Closed Session, Council RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Tree.

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 Tree.

That:

1. The information concerning the Macquarie Street Properties project be received.
2. The Macquarie Street Properties Project objectives be endorsed by Council.
3. In view of the contents of the report, the Macquarie Street Properties Project move into a waiting/ holding stage as outline in the report.
4. The potential leases and or renewal of the current leases for the project sites be pursued and be reported to Council as appropriate.

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Item: 61 **GM - Tender No 01211- Supply of External Audit Services - (95496, 96332)**
CONFIDENTIAL

Previous Item: 117, Ordinary (14 September 2004)

MOTION:

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

Refer to RESOLUTION

102 RESOLUTION:

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

That:

1. PricewaterhouseCoopers be appointed to provide external auditing services to Council for a period of six years commencing 1 July 2010 to 30 June 2016.
2. The initial fee of \$50,000 plus GST for the 2010/2011 financial year, with annual increases in line with CPI, as proposed by PricewaterhouseCoopers, be accepted.
3. Authority be given for the contract arising from this tender to be executed under the Seal of Council.
4. The unsuccessful tenderers be advised of the outcome of this tender process and thanked for their submissions.

Item: 62 **CP - Asset Management System Expression of Interest - (95498) CONFIDENTIAL**

MOTION:

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

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 Reardon.

That:

1. The following three companies be invited to submit a tender for the supply and implementation of an integrated corporate asset management system, following the Local government Tendering Regulation:

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- (i) Assetic Australia Pty Ltd
- (ii) InfoMaster Pty Ltd
- (iii) TechnologyOne Pty Ltd

2. That all unsuccessful companies be advised at Council's decision and thanked for their efforts in submitting an Expression of Interest for Council's consideration.

Item: 63 SS - Tender No 01311 - Sale of 139 Colonial Drive, Bligh Park (Lot 1 in Deposited Plan 1135982) - (95496, 96332) CONFIDENTIAL

Previous Item: 240, Ordinary (12 October 2010)

MOTION:

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

Refer to RESOLUTION

104 RESOLUTION:

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

That:

1. Council not accept the only tender for the sale of 139 Colonial Drive, Bligh Park received from Armada Property Investments Pty Ltd due to it being non-conforming.
2. Council enter into negotiations with all interested parties in accordance with Clause 178(3)(e) of the Local Government (General) Regulation 2005 for the sale of 139 Colonial drive, Bligh Park, based on the following reasons:
 - (a) Council has declined to invite fresh tenders, as Council has already attempted to sell the land by public tender, however, it would appear that the environmental issues relating to the subject property give uncertainty to potential purchasers of the property.
 - (b) The non-conforming tender and the subsequent written and verbal interest, received after the closing date of the tender, indicate that there are possible purchasers prepared to enter into negotiations with Council.
3. Armada Property Investments Pty Ltd and Falcondale Property Group be advised of Council's decision in this matter.

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Item: 64 SS - Property Matter - Lease to Ms Kirsty Robertson - Shop 1A McGraths Hill Shopping Centre - (111190, 76666, 9587) CONFIDENTIAL

MOTION:

The General Manager advised that whilst in Closed Session, Council RESOLVED on the motion of Councillor Paine, seconded by Councillor Porter.

Refer to RESOLUTION

105 RESOLUTION:

The General Manager advised that whilst in Closed Session, Council RESOLVED on the motion of Councillor Paine, seconded by Councillor Porter.

That:

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

Item: 65 SS - Property Matter - Assignment of Lease from Frank Taranto to PNB Holdings Pty Ltd - Macquarie Park House, 1 Wilberforce Road, Wilberforce - (112106, 9098, 73895, 121001) CONFIDENTIAL

MOTION:

The General Manager advised that whilst in Closed Session, Council RESOLVED on the motion of Councillor Calvert, seconded by Councillor Reardon.

Refer to RESOLUTION

106 RESOLUTION:

The General Manager advised that whilst in Closed Session, Council RESOLVED on the motion of Councillor Calvert, seconded by Councillor Reardon.

That:

1. Council agree to the assignment of the lease of Macquarie Park House, 1 Wilberforce Road, Wilberforce from Mr Frank Taranto to PNB Holdings Pty Ltd, in accordance with the proposal

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outlined in the report and subject to the consent of the Minister for Lands, as required, being obtained for the assignment.

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 Assignor and Assignee, together with the advice that Council is not, and will not, be bound by the terms of its resolution until such time as the consent of the Minister for Lands has been obtained and appropriate legal documentation to put such resolution into effect has been agreed to and executed by all parties.

Item: 66 SS - Property Matter - Lease to Schofield & Co (Administration) Pty Ltd - Reverend Turner Cottage - 360 George Street, Windsor - (112106, 77907, 95496) CONFIDENTIAL

MOTION:

The General Manager advised that whilst in Closed Session, Council RESOLVED on the motion of Councillor Paine, seconded by Councillor Rasmussen.

Refer to RESOLUTION

107 RESOLUTION:

The General Manager advised that whilst in Closed Session, Council RESOLVED on the motion of Councillor Paine, seconded by Councillor Rasmussen.

That:

1. Council agree to enter into a new lease of the "Reverend Turner Cottage" 360 George Street, Windsor with Schofield & Co (Administration) Pty Ltd, as outlined in the report.
2. Authority be given for any documentation in association with this matter to be executed under the seal of Council.
3. Details of Council's resolution be conveyed to the proposed Lessee, together with the advice that Council is note, 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 the executed by all parties.

Item: 67 SS - Property Matter - Lease to Andreas and Catarina Froemel - Shop 2 Glossodia Shopping Centre - (112106, 12492, 12493, 38869, 95496) CONFIDENTIAL

MOTION:

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

Refer to RESOLUTION

ORDINARY MEETING

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108 RESOLUTION:

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

That:

1. Council agree to enter into a new lease of Shop 2, Glossodia Shopping Centre with Andreas Froemel and Catarina Froemel as 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.

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QUESTIONS FOR NEXT MEETING

Councillor Questions From Previous Meetings and Responses - (105109)

Responses to previous Questions for Next meeting were provided and discussed.

ORDINARY MEETING**MINUTES: 29 March 2011****QUESTIONS FOR NEXT MEETING**

#	Councillor	Question	Referred To
1	Reardon	Enquired if Council was able to do anything about the rat problem being experience in the carpark between the Museum and the Macquarie Arms Hotel.	Director Infrastructure Services
2	Ford	Enquired to what action had been taken in relation to the damaged footpath outside 9 Bourke Street, Richmond.	Director Infrastructure Services
3	Ford	Enquired to what happened with the Overgrown Land Notice that was placed on the old bus depot on Scheyville Road, Oakville.	Director City Planning
4	Ford	Enquired as to what Council's policy was on political signs during elections.	Director City Planning
5	Paine	Enquired if Council could investigate the Taxi Rank in South Windsor that is in front of a vacant block, which was overgrown and a mess. Council has, in the past, cleaned it up, but it needs to be made more serviceable for its users including having a seat installed.	Director Infrastructure Services
6	Paine	Advised that the MacDonald Valley Sports Association has written to Council and enquired if Council could investigate resurfacing their tennis courts that fell in disrepair a few years ago.	Director Infrastructure Services
7	Paine	Enquired as to the grading that was meant to occur on Upper Colo Road when graders and equipment were there around two weeks ago. She advised a letter from Mrs Ward had been received advising that the grading had not occurred and asked if she could be copied in on any correspondence.	Director Infrastructure Services
8	Calvert	Enquired to his previous request regarding the electricity costs for the Council's Administration building and other major Council buildings with a view to introducing Solar Electricity and asked for this information to be distributed to him.	Director Infrastructure Services

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#	Councillor	Question	Referred To
9	Calvert	Enquired about the dog friendly park that was going to be built over the river, but was delayed to fit in with the Parks Management Plan and requested an update on the matter.	Director Infrastructure Services
10	Calvert	Advised that an e-mail had been received from a resident in Bligh Park advising of a drain in Colonial Reserve on the corner of Mary Place and Guardian Crescent that is totally blocked and a tree growing out of it and asked for it to be investigated.	Director Infrastructure Services
11	Calvert	Enquired if Council had a policy in relation to our contractors who employ sub-contractors. He has been made aware that some of Council's contractors are not necessarily paying their sub-contractors.	Director Infrastructure Services
12	Porter	Enquired if Council could notify NSW Maritime on the decision of Item 56 and ask if they could have some input into the resolution of that item.	Director City Planning
13	Bassett	Enquired if Council's Compliance Officers reported road conditions back to Council's Infrastructure Services Directorate and if so how many times would that have happened in the previous six months.	Director City Planning
14	Bassett	Enquired as to investigations into increasing the turning lane at the property that displays the political signs on the corner of Castlereagh Road and Kurrajong Road. It has been advised that there was an issue with trucks turning left to go up the mountains and that there was little room for pedestrians. Council was going to investigate after the Mobility Plan was completed, which it has been and enquired how to move forward on the matter of increasing the turning lane.	Director Infrastructure Services
15	Reardon	Enquired about the badly blocked drain on the corner of Windsor Street at the Royal Hotel and asked if it could be investigated.	Director Infrastructure Services.

The meeting terminated at 10:46pm.

Submitted to and confirmed at the Ordinary meeting held on 12 April 2011.

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Mayor