



Hawkesbury City Council

ordinary  
meeting  
minutes

date of meeting: 28 June 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, 28 June 2011, commencing at 6:30pm.

Father Joy Chukkananickal of the St Monica's Catholic Diocese, Richmond, 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 Mackay arrived at the meeting at 6:33pm.

**SECTION 1: Confirmation of Minutes**

**192 RESOLUTION:**

RESOLVED on the motion of Councillor Porter and seconded by Councillor Reardon that the Minutes of the Ordinary Meeting held on the 31 May 2011, be confirmed.

**193 RESOLUTION:**

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Reardon that the Minutes of the Extraordinary Meeting held on the 7 June 2011, be confirmed.

**194 RESOLUTION:**

RESOLVED on the motion of Councillor Reardon and seconded by Councillor Rasmussen that the Minutes of the Extraordinary Meeting held on the 21 June 2011, be confirmed.

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**SECTION 4 - Reports for Determination**

**GENERAL MANAGER**

**Item: 122**            **GM - Sister City of Kyotamba - Hawkesbury Citizen's Delegation Visit in October and November 2011 - (79351, 110165)**

**Previous Item:**        58, Ordinary (10 May, 2011)

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**MOTION:**

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

*Refer to RESOLUTION*

**195 RESOLUTION:**

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

That Council provide \$3,000 to Hawkesbury Sister City Association to assist with costs involved in the Hawkesbury citizen delegation visit to Kyotamba in 2011 and for representing Council during the visit.

**Item: 123**            **GM - Sister Cities Australia Conference (79351, 110165)**

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**MOTION:**

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

*Refer to RESOLUTION*

**196 RESOLUTION:**

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

That the attendance of nominated Councillors, and staff members as considered appropriate by the General Manager, at the 2011 Annual Sister Cities Australia Conference at an approximate cost of \$2,485.00 per delegate be approved.

**197 RESOLUTION:**

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

That Councillor Whelan, as Council's elected nominee, attend the 2011 Annual Sister Cities Australia Conference.



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**Item: 124**            **GM - Australian Local Government Association and Local Government & Shires Association of NSW - Constitutional Recognition of Local Government - (79351, 79633, 112608)**

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**MOTION:**

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

*Refer to RESOLUTION*

**198 RESOLUTION:**

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

That:

1. Hawkesbury City Council declares its support for financial recognition of local government in the Australian Constitution so that the Federal Government has the power to fund local government directly and also for inclusion of local government in any new Preamble to the Constitution if one is proposed, and calls on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition.
2. The Australian Local Government Association and the Local Government & Shires Association of NSW be advised of Council's resolution.

**Item: 125**            **GM - Westpool and United Independent Pools - Inclusion of Shellharbour City Council as a Member - (79351, 79426)**

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**MOTION:**

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

*Refer to RESOLUTION*

**199 RESOLUTION:**

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

That the information regarding the inclusion of Shellharbour City Council as a member of Westpool and United Independent Pools from 30 June 2011 be received and it be noted that the General Manager will execute a new Deed of Agreement on Council's behalf with the organisations incorporating this inclusion.

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**Item: 126            GM - Tourism Program - Operation of Hawkesbury Visitor Information Centre - (79351)**

**Previous Item:**        45, Ordinary (10 March, 2009)  
                              22, Ordinary (24 February, 2009)  
                              184, Ordinary (9 September, 2008)  
                              22, Ordinary (27 May , 2008)  
                              57, Ordinary (8 April 2008)  
                              216, Ordinary (30 October 2007)  
                              89, Ordinary (29 May 2007)

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**MOTION:**

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

***Refer to RESOLUTION***

**200 RESOLUTION:**

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

That:

1. Council continue to operate the Hawkesbury Visitor Information Centre at Clarendon as the preferred operational model to allow for visitor services to be further developed within its tourism program and forthcoming tourism strategy.
2. The forthcoming Tourism Strategy come back to Council by March 2012 when Council will further consider the operation of Visitor Information Centre.

**Item: 127            GM - Tourism - Invitation to Join Committee of Hills, Hawkesbury and Riverlands Tourism Inc. - (79351, 73538)**

**Previous Item:**        45, Ordinary (10 March 2009)  
                              101, Ordinary (27 May 2008)

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Mr James Swaisland, Mr Ian Knowd and Mr Jonathan Sanders, proponents, addressed the Council.

**MOTION:**

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

***Refer to RESOLUTION***

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

That Council:

1. Accept the invitation to be involved in Hills, Hawkesbury and Riverlands Tourism Inc.'s new Destination Hawkesbury Committee.

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2. Request Hills, Hawkesbury and Riverlands Tourism Inc to supply the terms of reference for the Destination Hawkesbury Committee.
3. Nominate Councillors to represent the Council as members to the Destination Hawkesbury Committee.
4. Nominate the General Manager (or his nominee) to represent the Council as a member to the Destination Hawkesbury Committee.

The amendment was lost.

The motion was put and carried.

**201 RESOLUTION:**

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

That Council:

1. Accept the invitation to be involved in Hills, Hawkesbury and Riverlands Tourism Inc.'s new Destination Hawkesbury Committee.
2. Request Hills, Hawkesbury and Riverlands Tourism Inc to supply the terms of reference for the Destination Hawkesbury Committee.
3. Nominate a Councillor to represent the Council as a member to the Destination Hawkesbury Committee.
4. Nominate the General Manager (or his nominee) to represent the Council as a member to the Destination Hawkesbury Committee.

**202 RESOLUTION:**

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

That Councillor Ford, as Council's elected nominee, represent Council on the Destination Hawkesbury Committee.

**Item: 128            GM - Business Skills Program - (79351)**

**Previous Item:**        Item 176 Ordinary (27 July, 2010); Item 48 Ordinary (30 March, 2010);  
                                  Item 58 Ordinary (8 April, 2008)

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Councillor Calvert declared a significant non-pecuniary conflict of interest in this matter as he is employed by the Department of Education and Community. He left the Chamber and did not take part in voting or discussion on the matter.

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**MOTION:**

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

*Refer to RESOLUTION*

**203 RESOLUTION:**

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

That:

1. Council note the ending of the Hawkesbury Business Skills Program as there is no similar type program available.
2. Council explore supporting the Hawkesbury School Trade Training Centre as a way to be involved in youth business skills development and meet with representatives to discuss the Centre's future.
3. The outcome of part 2 of the resolution be reported to Council for further consideration.

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**CITY PLANNING**

**Item: 129 CP - Development Application - Torrens Title Subdivision Into Two Lots - Lot 2 DP 627078, No. 42 Church Road, Wilberforce - (DA0068/11, 95498, 73916, 15936, 15937)**

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**MOTION:**

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

***Refer to RESOLUTION***

**204 RESOLUTION:**

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

A. Part 3 of Council's resolution of 15 February 2011 be amended to read as follows:

3. *The current development applications for Wilberforce village mentioned in this report, i.e. DA0586/10, DA0029/10, DA0515/10, DA0585/10, DA0874/10, DA0879/10 DA0068/11 be determined on their merits as if this Policy was not proposed or made.*

B. That development application DA0068/11 at Lot 2 DP 627078, 42 Church Road WILBERFORCE for Subdivision - Torrens Title - Two Lot Torrens Title be approved subject to the following conditions

***General Conditions***

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.

***Prior to Commencement of Works***

3. A Traffic Management Plan prepared in accordance with AS 1742-3 (1996) by an appropriately qualified person shall be submitted to Council.
4. 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.
5. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.
6. The approved plans must be submitted to a Sydney Water Quick Check agent or customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For quick Check agent details, please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au), see Building Developing and Plumbing then Quick Check or telephone 13 20 92.

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The consent authority or a private accredited certifier must either:

- Ensure that Quick Check agent/Sydney Water has appropriate stamped the plans before the issue of any Construction Certificate; or
- If there is a combine Development/Construction Certificate application or Complying Development, include the above condition as one to be met prior to works commencing on site.

### ***During Construction***

7. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan Appendix E Civil Works Specification.
8. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
9. All traffic management devices shall be installed and maintained in accordance with the approved traffic management plan.
10. Any sewer or stormwater main or manhole affected by the development, shall be repaired or altered in level as so directed at the applicant's expense.
11. All natural and subsurface water-flow shall not be re-directed or concentrated to adjoining properties. Water flows shall follow the original flow direction without increased velocity.
12. Inter-allotment drainage shall be provided for all lots which do not drain directly to a public road. Easements are to be created at the applicant's cost.
13. Arrangements are to be made for the provision of common drainage and the disposal of storm water from the site.
14. 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.
15. A Light duty footway vehicular crossing 3m wide shall be constructed to proposed lot 101. The crossing shall be constructed in accordance with Hawkesbury Development Control Plan Appendix E, Civil Works Specification.

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

16. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

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](http://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.

*"The Section 73 Certificate needs to state that sewer is available to the proposed subdivision or similar wording prior to the consent being operational."*

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- 17. A Certificate from a telecommunications carrier confirming that provision has been made for services to the development shall be submitted to the Principal Certifying Authority.
- 18. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
- 19. A Surveyor's Certificate stating that all pipelines are contained within the proposed/existing easements shall be submitted.
- 20. A plan of subdivision prepared to the requirements of the Land Titles Office, shall be submitted to Council, with four copies.
- 21. Payment of a Linen Release Fee of \$561.00. This amount is valid until 30 June 2011.
- 22. Registration of the title of any easements required for drainage.

**Advisory Notes**

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

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

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

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

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

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

<b>For the Motion</b>	<b>Against the Motion</b>
Councillor Bassett	Nil
Councillor Calvert	
Councillor Conolly	
Councillor Ford	
Councillor Mackay	
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	

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Councillor Tree	
Councillor Whelan	
Councillor Williams	

**Item: 130**      **CP - Section 96 Modification of DA0852/08 - Amendment to staging of the development design of roadway/pedestrian pathway and bush fire threat classification at Lot 27 DP 1042890, 108 Grose Vale Road, North Richmond - (DA0852/08D, 95498, 112157, 109615)**

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

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Mr Andrew Flaherty, proponent, addressed Council.  
Ms Gloria Lafferty, Mr Bryan Newey-Smith and Ms Colleen Turnbull, respondents, addressed Council.

**MOTION:**

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

***Refer to RESOLUTION***

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

That this matter be deferred to enable Council staff to discuss with the applicant the access issues from Grose Vale Road.

The amendment was lost.

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

<b>For the Amendment</b>	<b>Against the Amendment</b>
Councillor Paine	Councillor Bassett
Councillor Porter	Councillor Calvert
Councillor Rasmussen	Councillor Conolly
Councillor Williams	Councillor Ford
	Councillor Mackay
	Councillor Reardon
	Councillor Tree
	Councillor Whelan

The motion was put and carried.



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**205 RESOLUTION:**

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

That Development Consent No. DA0852/08 be modified (as shown in bold text) as follows:

1. Condition No. 1 being modified to read as follows:

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/SK46B**) and the Subdivision Plan (8506/SK27C).*

<b>Architectural Drawing Number</b>	<b>Dated</b>
<i>DA – 01D: Illustrative Site Plan</i>	<i>September 2009</i>
<i>DA – 02B: Site Context Plan</i>	<i>September 2009</i>
<i>DA – 03D: Open Space Pedestrian Network Plan</i>	<i>September 2009</i>
<i>DA – 04C: Road Network</i>	<i>September 2009</i>
<i>DA – 05B: Road Principles</i>	<i>September 2009</i>
<i>DA – 06D: Structure Plan</i>	<i>September 2009</i>
<i>DA – 07D: Development Plan</i>	<i>September 2009</i>
<i>DA – 09B: Site Analysis</i>	<i>September 2009</i>
<i>2010.65 01 Rev A : Site Plan</i>	<i>6 December 2010*</i>
<i>2010.65 02 Rev A : Aged Care Ground Floor Plan</i>	<i>6 December 2010*</i>
<i>2010.65 03 Rev A : Aged Care Elevations</i>	<i>6 December 2010*</i>
<i>2010.65 04 Rev A : Aged Care Roof plan</i>	<i>6 December 2010*</i>
<i>DA – 16B: Residents Club Floor Plan</i>	<i>October 2008</i>
<i>DA – 17A: Residents Club Elevations/Section</i>	<i>October 2008</i>
<i>DA – 18B: Indicative Zero Lot Type A</i>	<i>November 2008</i>
<i>DA – 19C: Indicative Zero Lot Type B</i>	<i>November 2008</i>
<i>DA – 20B: Indicative Zero Lot Type C</i>	<i>November 2008</i>
<i>DA – 21A: Indicative Zero Lot Type D</i>	<i>November 2008</i>
<i>DA – 22A: Indicative Zero Lot Type E</i>	<i>November 2008</i>
<i>DA – 23B: Streetscape</i>	<i>October 2008</i>
<i>DA – 24A: Entry Statement</i>	<i>October 2008</i>
<i>DA – 27C: Traffic Compliance Plan</i>	<i>September 2009</i>
<i>DA – 28D: ILU Shadow Diagram A Winter</i>	<i>September 2009</i>
<i>DA – 29D: ILU Shadow Diagram B Winter</i>	<i>September 2009</i>
<i>DA – 30D: ILU Shadow Diagram C Winter</i>	<i>September 2009</i>
<i>DA – 31D: ILU Shadow Diagram D Winter</i>	<i>September 2009</i>
<i>DA – 34A: Housing Design Principles</i>	<i>October 2008</i>
<i>DA – 35C: Level &amp; Embankment Plan</i>	<i>September 2009</i>

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<b>Architectural Drawing Number</b>	<b>Dated</b>
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
<b>8464/CC23B: Access Road Adjustment</b>	<b>9 March 2011</b>
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
<b>8506/SK46B: Preliminary Staging/Development Plan</b>	<b>24 May 2011</b>
8506/SK26C: Draft Plan of Subdivision Dwg A	7 September 2009
8506/SK27C: Draft Plan of Subdivision Dwg B	7 September 2009

2. Condition No. 33 being modified to read as follows:

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 **the establishment and fencing of an area for the temporary site compound (as shown on the development staging plan – May 2010) including preparation of the existing ground surface for vehicle hard stand, site / amenity sheds and material stockpiles, the establishment of the required APZ and construction access to the rear of the future ILU stages**, 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 Phillip Drive to facilitate a turning head.*

3. Condition No. 35 being modified to read as follows:

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 3** 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.*

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*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.*

4. Condition No. 39 being modified to read as follows:

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 3**.*

5. Condition No. 40 being modified to read as follows:

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 3**.*

6. Condition No. 41 being modified to read as follows:

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 3**. This plan is to be in accordance with Council's Development Control Plan and is to allow for a private service 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.*

7. Condition No. 70 being modified to read as follows:

70. *The Construction access road from Grose Vale Road (within the site **but not the temporary road to the rear of the ILU's located predominantly within the APZ**) is to be sealed to minimise dust nuisance to adjoining properties. The unsealed portion of the internal construction access road is to be regularly wetted down so as to minimise dust generation from vehicles using this road.*

8. Condition No. 81 being modified to read as follows:

81. *A bitumen sealed pavement eight metres wide shall be constructed along the access strip leading from the intersection works off Grose Vale Road to the first intersection with the future internal road accessing the ILU's (this point is located at the most southern point of Stage 3) to be used to access Stage 3 and future stages of the development.*

9. Condition No. 96 being modified to read as follows:

96. *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 3**.*

10. Condition No. 97 being modified to read as follows:

97. *Appropriate external lighting shall be installed prior to the release of the occupation certificate for **Stage 3** and to the occupation certificate of each subsequent stage.*

**ORDINARY MEETING**

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11. Condition No. 98 being modified to read as follows:

98. *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 3**.*

12. Condition No. 99 being modified to read as follows:

99. *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 3**.*

13. Condition No. 105 being modified to read as follows:

105. *Prior to the issue of the Occupation Certificate for **Stage 3** 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.*

14. Condition No. 160 being deleted.

15. Addition of the following condition:

70A. *Construction vehicle traffic associated with all stages of the development shall to be restricted to the Grose Vale Road access and separate internal construction road. The use of Arthur Phillip Drive to accommodate construction vehicle traffic shall be limited solely to works associated with the cul de sac turning head, construction of connecting road access to the development site and stormwater drainage works.*

16. Replace the NSW Rural Fire Service - General Terms of Approval with the General Terms of Approval received 22 June 2011.

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

<b>For the Motion</b>	<b>Against the Motion</b>
Councillor Bassett	Councillor Calvert
Councillor Conolly	Councillor Paine
Councillor Ford	Councillor Porter
Councillor Mackay	Councillor Rasmussen
Councillor Reardon	Councillor Williams
Councillor Tree	
Councillor Whelan	

**ORDINARY MEETING**

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**Item: 131 CP - Development Application - Modification of Development Consent No.: MA1305/01 - Deferral of Roof Painting - Rural Shed at Lot 1 DP733243 No. 457 East Kurrajong Road, East Kurrajong - (MA1305/01C, 95498, 17250, 17251)**

Ms Tanya Clifton, respondent, addressed Council.

**MOTION:**

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

***Refer to RESOLUTION***

**206 RESOLUTION:**

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

That:

1. The application for - S96 Modification of Development Consent No. MA1305/01 - Deferral of Roof Repainting – Rural Shed be refused for the following reasons:-
  - a. In the circumstances, approval of the modification request would not be in the public interest.
  - b. The modification of request is contrary to the findings of the Land and Environmental Court judgement No 10127 of 2010.
2. The Council issue an order for Condition 2 of MA1305/01 to be completed within 21 days of the date of this Council resolution.

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

<b>For the Motion</b>	<b>Against the Motion</b>
Councillor Bassett	Nil
Councillor Calvert	
Councillor Conolly	
Councillor Ford	
Councillor Mackay	
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Tree	
Councillor Whelan	
Councillor Williams	

**ORDINARY MEETING**

**MINUTES: 28 June 2011**

**Item: 132**            **CP - Notice of Intention to Apply Packaged Liquor Licence (Internet sales) - Marquise Bar Pty Limited - 15 Greenway Crescent, Windsor - (95498)**

**Previous Item:**        NM1, Ordinary (30 June 2009)

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**MOTION:**

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

*Refer to RESOLUTION*

**207 RESOLUTION:**

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

That a response be provided to the Casino, Liquor and Gaming Control Authority advising that no objection is raised to the issue of a Liquor Licence for the purposes of internet sales.

**Item: 133**            **CP - Drainage and Plumbing Inspections of Properties under Private Sewage Treatment and Water Supply Schemes - (96330)**

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**MOTION:**

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

*Refer to RESOLUTION*

**208 RESOLUTION:**

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

That:

1. Council undertake the plumbing and sewer inspection regime upon properties that will be serviced by the Water Factory Company at Pitt Town as well as any other similar schemes that may be proposed and operate in the future.
2. Council inform the Department of Fair Trading and the Water Factory Company that it will act as the inspection authority for properties connected to the Water Factory Company sewer and recycled water plumbing infrastructure.
3. A fee of \$160.00 per inspection be adopted for exhibition purposes and be advertised, for a period of 28 days, in accordance with Section 610F under the Local Government Act 1993.
4. Should no objections to the proposed new fee for service be received after the advertising period has closed, then the fee of \$160.00 per inspection be adopted without further reporting to Council
5. Should Council receive objections to the new fee for service from the community, the matter be further reported to Council for consideration

**ORDINARY MEETING**

**MINUTES: 28 June 2011**

**INFRASTRUCTURE SERVICES**

**Item: 134**            **IS - Underground Piped Drainage System - 22 Price Lane, Agnes Banks - (95495, 79344)**

**Previous Item:**        268, Ordinary (30 November 2010)  
                              249, Ordinary (9 November 2010)

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**MOTION:**

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

*Refer to RESOLUTION*

**209 RESOLUTION:**

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

That no further action be taken in relation to pursuing the acquisition of an easement for drainage purposes over Part Lot 2 DP 513439 as detailed in Council's resolution of 30 November 2010.

**Item: 135**            **IS - Proposed Extension to Kurrajong Rural Fire Brigade Station - (79354)**

**Previous Item:**        43, Ordinary (8 March 2011)

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**MOTION:**

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

*Refer to RESOLUTION*

**210 RESOLUTION:**

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

That:

1. The proposed extension to the Kurrajong Brigade Station be supported in principle.
2. A request be sent to the Department of Crown Lands to amend the purpose of Lot 1 DP 500103 to allow the extension of the Fire Brigade Station.

**ORDINARY MEETING**

**MINUTES: 28 June 2011**

**Item: 136**            **IS - Teale Road, East Kurrajong - Extension of Named Road and the Naming of two un-named Roads off Teale Road, East Kurrajong - (95495)**

**Previous Item:**        125, Ordinary (8 February 2000)

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**MOTION:**

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

*Refer to RESOLUTION*

**211 RESOLUTION:**

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

That:

1. The existing road name of Teale Road, East Kurrajong, the road commencing from the intersection of Putty Road, for a distance of 156 metres in a westerly direction, be extended along the previous Crown Road for a further distance of 1149 metres which takes the overall length of the public road to 1305 metres. The Teale Road extension of 1149 metres be officially named as Teale Road, East Kurrajong with an advertisement to be placed in the New South Wales Government Gazette.
2. Public comment be sought under the New South Wales Road Act, 1993 for the naming of the "eastern un-named road as Carmichael Place which is along the northern side of the Teale Road extension, between property numbers 16 and 46 (Teale Road) and bounded by DPs 751656, 1129398, 1015870 and 1006968.
3. Public comment be sought under the New South Wales Road Act, 1993 for the naming of the "western" un-named road as Colvin Place which is along the northern side of the Teale Road extension, between property numbers 46 and 78 (Teale Road) and bounded by DPs 1008143, 1015870 and 1008142.

**212 RESOLUTION:**

RESOLVED on a FORESHADOWED motion moved by Councillor Conolly, seconded by Councillor Mackay.

That the name "Stubbs" be considered for use as a future street name or place name within the locality of Pitt Town in honour of the late Councillor (Dr) Rex Stubbs OAM.



**ORDINARY MEETING**

**MINUTES: 28 June 2011**

**Item: 137            IS - Exclusive Use of Governor Phillip Reserve - Ski Racing NSW Inc. - (95495)**

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**MOTION:**

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

***Refer to RESOLUTION***

**213 RESOLUTION:**

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

That:

1. Approval be granted to Ski Racing NSW Inc, for "Exclusive Use" of Governor Phillip Reserve for the 2011 Hawkesbury 120 Ski Race Classic, to be held on Sunday 28 August 2011.
2. The approval be subject to the following conditions/documents:
  - a) Council's general park conditions.
  - b) Council's Fees and Charges.
  - c) The Windsor Foreshore Plan of Management.
  - d) The Governor Phillip Reserve Exclusive Use Policy.
  - e) Governor Phillip Reserve Noise Policy.
  - f) Approval of a Traffic Management Plan as part of the Special Event Application.
3. As the applicants have not advised alternative dates in the event of inclement weather, the General Manager be given authority to negotiate exclusive use on an alternate date, if required by the applicant.

**ORDINARY MEETING**

**MINUTES: 28 June 2011**

**SUPPORT SERVICES**

**Item: 138            SS - Monthly Investments Report - May 2011 - (96332, 95496)**

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**MOTION:**

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

*Refer to RESOLUTION*

**214 RESOLUTION:**

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

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

**Item: 139            SS - Outstanding Receivables - Bad Debts Write Off - (96332, 95496)**

**Previous Item:**            147, Ordinary (29 June 2010)

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**MOTION:**

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

*Refer to RESOLUTION*

**215 RESOLUTION:**

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

That Council write off the following debts:

1. Spectaz Pty Ltd in the amount of \$3,627.57 from Debtor Account No. 7302914.
2. Mr P & Ms N Maait in the amount of \$2,635.01 from Debtor Account No. 7301588.
3. Macquarie Drums Services Pty Ltd in the amount of \$808.50 from Debtor Account No. 7302114.

**ORDINARY MEETING**

**MINUTES: 28 June 2011**

**Item: 140**            **SS - Review of Council's Investment Policy and Appointment of Investment Advisor - (96332, 95496)**

**Previous Item:**        144, Ordinary (29 June 2010)

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**MOTION:**

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

*Refer to RESOLUTION*

**216 RESOLUTION:**

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

That Council:

1. Adopt the Investment Policy attached as Attachment 1 to the report.
2. Appoint Spectra Financial Services Pty Ltd. as its Independent Investment Advisor for the financial year ending 30 June 2012.

**Item: 141**            **SS - Car Park Licence - Richmond Club Limited and Hawkesbury Living Pty Limited - Lot 101 DP793048, Lot 2 DP 575929, Lot 6 DP560899, Lot 4 DP561147 and Lot 2 DP560898 at Nos. 114, 110, 110A, 110B and 110C March Street, Richmond - (38080, 95496)**

**Previous Item:**        84, Ordinary (11 May 2010)

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**MOTION:**

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

*Refer to RESOLUTION*

**217 RESOLUTION:**

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

That authority be given for the Car Park Licence referred to in the report between Council, Richmond Club Limited and Hawkesbury Living Pty Limited, for the use of parking spaces on Council owned land on Lot 101 DP793048, Lot 2 DP 575929, Lot 6 DP560899, Lot 4 DP561147 and Lot 2 DP560898 at Nos.114, 110, 110A, 110B and 110C March Street, Richmond, be executed under the Seal of Council.

**ORDINARY MEETING**

**MINUTES: 28 June 2011**

**CONFIDENTIAL REPORTS**

**218 RESOLUTION:**

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

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

**219 RESOLUTION:**

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

That:

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

**Item: 142 IS - Tender No. 01511 - Tender for the Hire of Plant and Trucks**

*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: 143 SS Property Matter - Lease to Helena March and John Haynes - Shop 1 Wilberforce Shopping Centre**

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it relates to details concerning 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.*

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.

**220 RESOLUTION:**

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

**ORDINARY MEETING**

**MINUTES: 28 June 2011**

**Item: 142            IS - Tender No. 01511 - Tender for the Hire of Plant and Trucks - (95495)**

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Councillor Ford declared a pecuniary conflict of interest in this matter as his wife is employed by one of the tenderers. He left the Chamber and did not take part in voting or discussion on the matter.

**MOTION:**

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

*Refer to RESOLUTION*

**221 RESOLUTION:**

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

That the scheduled list for the hire of plant and trucks be adopted for a two year period commencing 1 July 2011 to 30 June 2013.

**Item: 143            SS - Property Matter - Lease to Helena March and John Haynes - Shop 1  
Wilberforce Shopping Centre - (112106, 34779, 95496)**

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**MOTION:**

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

*Refer to RESOLUTION*

**222 RESOLUTION:**

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

That:

1. Council agree to enter into a new lease of Shop 1 Wilberforce Shopping Centre with Helena March and John Haynes, 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.

**ORDINARY MEETING**

**MINUTES: 28 June 2011**

**SECTION 5 - Reports of Committees**

**ROC - Floodplain Risk Management Advisory Committee Minutes - 9 May 2011 - Special - (86589)**

**223 RESOLUTION:**

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

That the minutes of the Floodplain Risk Management Advisory Committee held on 9 May 2011 as recorded on pages 145 to 147 of the Ordinary Business Paper be received.

**ROC - Audit Committee Minutes - 18 May 2011 - (95496, 91369)**

**224 RESOLUTION:**

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

That the minutes of the Audit Committee held on 18 May 2011 as recorded on pages 148 to 154 of the Ordinary Business Paper be received.

**ORDINARY MEETING**

**MINUTES: 28 June 2011**

**QUESTIONS FOR NEXT MEETING**

**Councillor Questions From Previous Meetings and Responses - (105109)**

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

**ORDINARY MEETING****MINUTES: 28 June 2011****QUESTIONS WITHOUT NOTICE**

#	Councillor	Question	Referred To
1	Tree	Enquired about the fence near the Richmond Out of Hours School and advised that nothing had yet occurred in relation to fixing it.	Director Infrastructure Services
2	Ford	Enquired to what Council's policy was in relation to bike riders in the Mall and who was responsible for monitoring it.	Director Infrastructure Services
3	Conolly	Enquired if it was possible to tidy up with bitumen paving the Bus Interchange for the school children at McGraths Hill to make wet weather conditions a bit better. He enquired if it had been possible to program that into the Works Program for the coming year.	Director Infrastructure Services
4	Williams	Enquired if any progress had happened on plans for the Roberts Creek crossing.	Director Infrastructure Services
5	Paine	Enquired if there was a program for closing or amalgamating community halls.	Director City Planning
6	Paine	Enquired if the pavers in Windsor Mall could be investigated for safety as pedestrians are tripping on them.	Director Infrastructure Services
7	Paine	Enquired how school representatives would go about getting the trees made available following Council's Notice of Motion regarding Trees for Schools.	Director Infrastructure Services

The meeting terminated at 9:36pm.

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

.....  
Mayor