



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 29 July 2008

location: council chambers

time: 5:00 p.m.

ORDINARY MEETING

MINUTES: 29 July 2008

MINUTES

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

General Manager

City Planning

Infrastructure Services

Support Services

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

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 29 July 2008, commencing at 5.00pm.

Pastor Ron Westbrook of the Hawkesbury Church, Windsor, representing the Hawkesbury Minister's Association, gave the opening prayer at the commencement of the meeting.

ATTENDANCE

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

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

SECTION 1: Confirmation of Minutes

232 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Finch that the Minutes of the Ordinary Meeting held on the 8 July 2008, be confirmed.

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QUESTIONS WITH NOTICE

Question With Notice - Tinda Creek - No. 6102 Singleton Road - (80105, 107)

233 RESOLUTION:

RESOLVED on the MOTION moved by Councillor Rasmussen, seconded by Councillor Books.

That standing orders be suspended and Item 151 be brought forward to be dealt with in conjunction with Question With Notice regarding Tinda Creek - No. 6102 Singleton Road.

MOTION:

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

Refer to RESOLUTION

234 RESOLUTION:

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

That the information be received.

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SECTION 3 - Notices of Motion

RM - Rescission Motion - Tender for the Provision of Legal Services (018/FY08) - (79351, 95496, 107)

Previous Item: 147, Ordinary (8 July 2008)

235 RESOLUTION:

RESOLVED on the MOTION of Councillor Books, seconded by Councillor Rasmussen.

That:

1. This item be dealt with in Confidential Session.
2. This matter is **CONFIDENTIAL** in accordance with the provisions of Part 1 of Chapter 4 of the Local Government Act, 1993, and the matters dealt with in this report are to be considered while the meeting is closed to the press and the public.
3. Specifically, the matter is to be dealt with pursuant to Section 10A(2)(c) of the 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 proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.
4. 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 this matter are to be withheld from the press and public.

Director Support Services declared an interest in this matter as one of the solicitors that tendered for the provision of legal services has previously acted for him. He left the meeting and did not take part in discussion on this matter.

MOTION:

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

Refer to RESOLUTION

236 RESOLUTION:

RESOLVED on the motion of Councillor Finch, seconded by Councillor Books

That Council's resolution of 8 July 2008 (Minute No. 227 re Item: 147) regarding the Tender for the Provision of Legal Services (018/FY08) be rescinded.

The resolution was carried on the casting vote of the Mayor.

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MOTION:

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

Refer to RESOLUTION

237 RESOLUTION:

The General Manager advised that whilst in closed session, Council RESOLVED on the FORESHADOWED motion moved by Councillor Porter, seconded by Councillor Devine

That:

1. The tenders from Marsdens Law Group and Pike Pike and Fenwick be accepted to handle all types of proceedings, with the exception of debt recovery, insurance and workers' compensation related matters.
2. The appointments envisaged by 1 above be subject to ongoing matters currently in the hands of other solicitors remaining with these parties, unless alternate arrangements are considered more appropriate by the General Manager.
3. The services of Lindsay Taylor Lawyers be retained specifically in respect of Council's Macquarie Street properties, unless alternate arrangements are considered more appropriate by the General Manager.
4. Authority be given for the contracts in this matter to be executed under the Seal of Council.
5. The unsuccessful tenderers advised of the successful tenderers and thanked for their submissions.

Councillors Bassett, Books, Conolly, Finch and Wearne requested that their names be recorded as having voted against the motion.

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NM1 - Quakers Hill to Vineyard Rail Line Duplication - (98202, 80096, 95498)

Mr John Christie, proponent, addressed Council.

MOTION:

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

Refer to RESOLUTION

238 RESOLUTION:

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

That Council:

1. Notes that no consultation has been undertaken by the Transport Infrastructure Development Corporation with Hawkesbury LGA residents concerning TIDC's proposals for the Quakers Hill to Vineyard Duplication project, even though it is proposed to relocate Vineyard station.
2. Request that a community information session be held for residents of Vineyard as soon as possible.
3. In the context of:
 - (a) the proposal to duplicate the railway line.
 - (b) the Growth Centres Commission decision not to include Vineyard in the First Release Precincts.
 - (c) Council's ongoing unanimous support over many years for development in the Vineyard area, and representations to state agencies to this effect; seek a commitment through the Member for Riverstone that development of Vineyard will be expedited by the Growth Centres Commission by 2012 when the proposed railway project is due to be completed.
4. Reaffirm Council's support for the duplication to extend further, to at least Mulgrave in the short term and eventually to Richmond and investigate the ability to make application under the Infrastructure Australia Program to fund this and possible future extensions of the line.

NM2 - Cultural Precinct Policies - NSW Child Protection Legislation - (80096, 103542, 95496)

Mr Frank Scharfe, proponent, addressed Council.

MOTION:

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

Refer to RESOLUTION

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239 RESOLUTION:

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

That Council's policies relating to the cultural precinct be amended to include provisions which ensure that no item that, in its preparation, production, exhibition or performance:

- (a) Would involve a breach of commonwealth or NSW child protection legislation; or
- (b) Would have involved such a breach if created in New South Wales; or
- (c) Would place a child at risk of harm or exploitation

will be acquired, supported or exhibited by Council through the Hawkesbury Regional Gallery, the Hawkesbury Regional Museum or any other cultural body under the control of Council.

The resolution was carried on the casting vote of the Mayor.

NM3 - Green Industry Incentives - (80105)

Mr Frank Scharfe, proponent, addressed Council.

MOTION:

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

Refer to RESOLUTION

240 RESOLUTION:

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

That Council develop a policy that actively seeks to attract industries that will emerge in response to the development of an emissions trading scheme once such a scheme has been decided upon.

NM4 - Voluntary Online Continuous Disclosure Register - (80105)

MOTION:

A MOTION was moved by Councillor Williams, seconded by Councillor Paine.

That:

1. Council maintain an on-line and easily accessible register of political donations made to candidates for the forthcoming Council election.
2. Council, forthwith on closing of nominations, invite all candidates for the upcoming Council elections to participate in the register.

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3. Candidates be invited to provide continuous disclosure of all cash and in kind donations made to the candidates of \$200 or more including details of:
 - (a) The candidate or group to or for whose benefit the donation was made.
 - (b) The date on which the donation was made.
 - (c) The name of the donor.
 - (d) The address of the donor (in the case of an individual) or the address of the registered or other official office of the donor (in the case of an entity).
 - (e) The amount of the donation.
 - (f) In the case of a donor that is an entity and not an individual - the Australian Business Number of the entity.
4. Council note that this is voluntary commitment for candidates in the interests of providing genuine transparency as to the source of candidates' election funding prior to residents casting their compulsory vote.
5. The register allow for a candidate to participate in the register by including a notation to the effect that the candidate has not received any donations of \$200 or more.
6. A report on the mechanics of such a scheme be brought as a matter of urgency to the appropriate committee for the purposes of prompt implementation of the online register.

The motion was lost.

NM5 - Children's Services Funding Arrangements - (90476)

Mr Frank Scharfe, proponent, addressed Council.

MOTION:

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

Refer to RESOLUTION

241 RESOLUTION:

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

That Council:

1. Make written representations, on behalf of Peppercorn Services Inc., to the Hon. Julia Gillard, (Deputy Prime Minister, Minister for Education, Minister for Employment and Workplace Relations and Minister for Social Inclusion) and the Federal Member for Greenway Louise Markus MP to:
 - (a) Increase the direct funding provided to family day care services, through operational assistance funding, to enable these services to maintain a level of service infrastructure required to adequately monitor and support home based carers to deliver quality child care.
 - (b) Develop and implement a more predictable operational assistance funding formula which recognises the need to maintain a core level of service and staffing infrastructure within the family day care service.

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- (c) Extend eligibility for child care benefit payments to parents and carers who use non work-related state funded children's services, particularly where these services operate in isolated rural localities with limited child care choice.
2. Make written representations, on behalf of Peppercorn Services Inc., to the Hon. Kevin Greene, NSW Minister for Community Services, the State Member for Riverstone, Mr John Aquilina, the State Member for Londonderry Mr Alan Shearan, and the State Member for Hawkesbury Mr Ray Williams to:
- (a) Increase the level of operational assistance funding to state funded child care services.
 - (b) Finalise the funding model for the Pre-School Investment and Reform Plan (PIRP) to ensure that the PIRP funding model takes into account the viability issues faced by child care services operating in isolated rural areas - and further that the PIRP funding model needs to deliver a predictable funding stream to ensure that these services can maintain a core level of service and staffing infrastructure.
3. Advise WSROC of this Notice of Motion.

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SECTION 4 - Reports for Determination

CITY PLANNING

Item: 149 **CP - Community Sponsorship Program - Establishment of Additional Sponsorship Category - (95498)**

Previous Item: NM2, Ordinary (24 June 2008)

Ms Marie Bowyer, respondent, addressed Council.

MOTION:

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

Refer to RESOLUTION

242 RESOLUTION:

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

That:

1. Council include the additional category of 'Improvements to Council Owned Community Facilities' to the Community Sponsorship Program in accordance with the criteria outlined in this report with the deletion of the words "and contestable building inspection and certification fees" from the fourth point under the heading "Eligibility".
2. The proposed refund of the maximum amount of \$800 to the Grose Vale Rural Fire Service under the newly established sponsorship category be noted and determined in conjunction with Round 1 of the 2008-2009 Community Sponsorship Program

Item: 150 **CP - Community Sponsorship Program - (2008/2009 - Round 1) - (95498)**

MOTION:

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

Refer to RESOLUTION

243 RESOLUTION:

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

That Council:

1. Approve payments of Section 356 Financial Assistance to the organisations or individuals listed, and at the level recommended in Table 1 of this report with the following changes:

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- a. The amount provided to Applicant 4 be increased to \$800 in accordance with the amended "Improvements to Council Owned Community Facilities" category of the Community Sponsorship Program.
- b. The amount provided to Applicant 16 be reduced to \$3,500.
2. Approve the execution of Council's standard Sponsorship Agreement for Applications 9, 10,11,16, 18 and 19 as identified in Table 1 of this report.
3. Note the Special Condition recommended for Application 11 as identified in Attachment 1 of this report.
4. Note that the required Sponsorship Agreements for Applications 1, 2, and 3 have been previously executed to provide for the continuation funding for these proposals.

Item: 151 CP - Section 96 Application to Modify Development Consent DA0134/95, Lot 2, DP628806, No. 6102 Singleton Road, Mellong - Tinda Creek - (79347, 27001)

Mr Neville Diamond and Mr William Sneddon, proponents, addressed Council.
Mr Tom Bruce and Mr Russell Byrnes, respondents, addressed Council.

MOTION:

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

Refer to RESOLUTION

244 RESOLUTION:

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

That:

1. The application under S96 to modify Development Consent DA0134/95, Lot 2, DP 628806, No. 6102 Singleton Road, Mellong be deferred.
2. A survey plan is to be submitted to Council within two months, showing the location of diversion works in relation to the property boundary. Should any works be located outside the property boundary of Lot 2 DP 628806, those works are to be removed immediately and the land rehabilitated to its natural state.

245 RESOLUTION:

RESOLVED on the MOTION of Councillor Rasmussen, seconded by Councillor Books.

That standing orders be resumed.

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Item: 152 CP - Subdivision, Dam, Landfilling Lot 1 DP 850151, 200 Cattai Road Pitt Town - (DA0687/07, 36345, 36344, 95498)

Mr Glenn Falson, proponent, addressed Council.

MOTION:

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

Refer to RESOLUTION

246 RESOLUTION:

RESOLVED on the motion of Councillor Paine, seconded by Councillor Stubbs

That:

- A. The objections under State Environmental Planning Policy No. 1 be supported.
- B. Council seek the concurrence of the Department of Planning to the SEPP No. 1 variation.
- C. The application for Subdivision, Dam and Landfilling on Lot 1 DP 850151, No. 200 Cattai Road, Pitt Town be supported and, upon the receipt of the response from the Department of Planning, authority be delegated to the General Manager to appropriately determine the application.
- D. Should concurrence be received from the Department of Planning the likely conditions of approval will be as follows:

NSW Rural Fire Service Conditions

1. The development proposal is to comply with the subdivision layout identified on the drawing prepared by McKinlay Morgan and Associates P/L numbered 919905:DA:2 Rev D dated 04/09/07.

Hawkesbury City Council Conditions

General

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
3. The capacity of the dam shall not exceed 1 (one) megalitre.

Prior to Issue of the Construction Certificate

4. 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.

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5. Construction of the access, dam and filling are not to commence until three (3) copies of the plans and specifications of the proposed works are submitted to and approved by the Director City Planning or an Accredited Certifier.
6. Payment of a Construction Certificate checking fee of \$920.00 and a Compliance Certificate inspection fee of \$1840.00 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2009. Fees required if an Accredited Certifier is used will be provided on request.
7. A Traffic Guidance Scheme prepared in accordance with AS 1742-3 (1996) by an appropriately qualified person shall be submitted to Council. Where the works affect Roads and Traffic Authority controlled roads, the Traffic Management Plan is to be approved by the Roads and Traffic Authority before submission to Council.

Prior to Commencement of Works

8. All traffic guidance devices shall be installed and maintained in accordance with the approved traffic management plan.
9. 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.
10. 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.
11. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.

During Construction

12. The dam shall be constructed in accordance with the Dam Construction chapter of Hawkesbury Development Control Plan.
13. The topsoil shall be stripped and stockpiled and used to cover the landfill.
14. The filled area, including batters, shall be grassed immediately after filling takes place.
15. All fill to be adequately compacted by track rolling or similar in layers not exceeding 300mm.
16. No excavated material, including soil, shall be removed from the site. No fill or excavated material shall be imported onto the site.
17. Dust control measures, eg vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
18. Care is to be undertaken when excavating not to intercept ground water. If ground water is discovered then excavation works are to cease immediately and the Principal Certifier is to be notified.
19. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
20. 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.
21. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.

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22. 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.
23. Bitumen sealed rural footway crossing to suit existing driveway widths shall be constructed to lots 101 and 102 in accordance with Hawkesbury Development Control Plan Appendix E, Civil Works Specification.

Prior to Issue of Subdivision Certificate

24. 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.
25. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
26. The structural adequacy of the dam and spillway capacity is to be certified by a suitably qualified and experienced engineer.
27. A plan of subdivision prepared to the requirements of the Land Titles Office, shall be submitted to Council, with four copies.
28. A survey plan showing all existing services on the lots including septic tank and effluent disposal area, sewer connections, water connections and stormwater disposal shall be submitted. The plan shall demonstrate that there are no encroachments over remaining or proposed boundaries.
29. Payment of a Linen Release Fee in accordance with Council's Fees and Charges at the time of lodgement of the linen plan.
30. The submission, to Hawkesbury City Council, of a constraints plan showing the location of the building envelope containing the house site, disposal and buffer areas and Asset Protection Zones for Lot 102.
31. Creation of a restriction on use of land pursuant to Section 88B of the Conveyancing Act as follows:
 - a. Restricting the location of the house site, disposal and buffer areas and asset protection areas on Lot 102 to those areas defined on the Constraints Plan.
 - b. Prohibiting the erection of a dwelling on Lot 102 unless connected to an on-site effluent disposal system in accordance with the 'Feasibility of On-Site Disposal of Wastewater Report, Report No. TFA 3047/01, prepared by H.J. Fiander dated 3 April 2006.
32. Access to Lot 102 be no lower than the centre line of Cattai Road adjacent to the building platform on that lot.

Advisory

- *** Should any aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.
- *** Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.
- *** The applicant is advised to consult with:
- (a) Integral Energy
 - (b) a local telecommunications carrier

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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.

Item: 153 CP - Acceptance of Funding Variation for Peppercorn Home Maintenance Service – Department of Ageing Disability & Home Care (DADHC) - (95498, 103069)

MOTION:

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

Refer to RESOLUTION

247 RESOLUTION:

RESOLVED on the motion of Councillor Devine, seconded by Councillor Finch

That authority be given to execute, under the Seal of Council, a variation to the funding agreement with the Department of Ageing Disability and Home Care to accept \$63,154 recurrent grant funding for the Home Maintenance - Lawn Mowing Service in the Penrith & Hawkesbury LGA.

Item: 154 CP - Pitt Town Residential Precinct - Amendments to Hawkesbury Local Environmental Plan 1989, Development Control Plan and Section 94 Contributions Plan Review November 2005 - (95498)

Mr Harvey Read, proponent, addressed Council.

MOTION:

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

Refer to RESOLUTION

248 RESOLUTION:

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

That:

1. Hawkesbury Local Environmental Plan 1989 Amendment No.155 be formally abandoned.

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2. Part E, Chapter 4 (Pitt Town) of the Hawkesbury Development Control Plan be amended to incorporate the approved Part 3A Concept Plan, the requirements contained within the Director General's Environmental Assessment report and SEPP (Major Projects)(Pitt Town) amendments and the draft DCP changes be placed on public exhibition.
3. Council provide consent in writing to the Minister for the amendment of Council's Section 94 Contributions Plan Review November 2005 as outlined in the Minister's correspondence received by Council on 11 July 2008.
4. In providing consent to amend the Section 94 plan, Council also seek clarification from the Minister regarding the relationship of the 0.72 ha on Lot 1 DP 1113833, Buckingham Street, Pitt Town proposed for active open space and the adjacent wetland for stormwater management and the provision of car parking for the community facility to the north of the Pitt Town Public School.
5. Council write to the Minister for Roads requesting that the construction of the Pitt Town bypass be expedited in the knowledge that a funding stream is available through Section 94 Contributions and that a roundabout is not going to be constructed.

Councillors Rasmussen and Williams requested that their names be recorded as having voted against the motion.

Item: 155 CP - Construction of Exhibition Homes as part of an Exhibition Village comprising thirteen (13) Exhibition Homes, Lot 14 DP 865977, (Proposed Lots 1003 – 1007, 1010 – 1015, 1021 & 1022) - 17 Bootles Lane PITT TOWN NSW 2756

Mr Lionel Buckett, respondent, addressed Council.

MOTION:

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

Refer to RESOLUTION

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

That the Development Applications: DA0171/08, DA0172/08, DA0173/08, DA0175/08, DA0176/08, DA0177/08, DA0178/08, DA0179/08, DA0180/08, DA0181/08, DA0183/08, DA0184/08 and DA0186/08 for the construction of Exhibition Homes as part of an Exhibition Home development comprising thirteen (13) Exhibition Homes - on, Lot 14 DP 865977, (Proposed Lots 1003 – 1007, 1010 – 1015, 1021 and 1022) - 17 Bootles Lane Pitt Town be approved subject to the following conditions:

Conditions Relating to All Development Applications

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. The approval for the use of the building as exhibition homes shall cease six months after the registration of the linen plan for subdivision of Stage 1A approved under DA0557/06.

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3. A separate development application shall be lodged for Council's approval for the change of use of the exhibition home to an individual dwelling house.
4. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
5. The approved use shall not commence until all conditions of this Development Consent have been complied with.
6. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
7. The development shall comply with the provisions of the Building Code of Australia at all times.
8. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within 7 (seven) days of issuing the certificate. A registration fee applies.
9. Hawkesbury City Council is the sewer authority for this development, inspection for compliance certification for internal and external sewer drainage shall be requested and approved prior to covering any pipe. An inspection fee applies.
10. The development shall also incorporate the amendments made in red to the approved plans, specifications or documentation submitted.

Prior to the Issue of the Construction Certificate

11. External colours are to be muted earth and bush vegetation tones. A colour schedule together with details of materials and finishes shall be submitted for approval with the Construction certificate.
12. The face bricks to be colour blend and uniform throughout. Details are to be submitted for approval with the Construction certificate
13. The landscaping shall include native plant species and no invasive exotic species should be planted. An amended landscape plan shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.
14. Passive solar design is to be implemented in the construction and landscaping design of these buildings.

Specific Conditions relating to DA0172/08 (Proposed Lot 1004)

15. The plans shall be amended to convert the triple garage into a double garage. In this regard the proposed single storey garage shall be deleted and amended plans submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.
16. The proposed building shall be re-located 1.7m to the west to achieve compliance with the Building Height plane requirements of the Hawkesbury development Control Plan. Amended plans shall be submitted to the Principal certifying Authority prior to the issue of a construction certificate.

Specific Conditions relating to DA0179/08 (Proposed Lot 1005)

17. The plans shall be amended to provide a minimum of 8m rear setback to the northern boundary. In this regard the building shall be moved forward to the southern boundary by 944mm and amended plans are to be submitted to the Principal Certifying Authority prior to the issue of a construction certificate.

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Specific Conditions relating to DA0181/08 (Proposed Lot 1010)

18. The plans shall be amended to convert the triple garage into a double garage. In this regard the proposed third garage adjoining the western boundary shall be deleted and amended plans submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

Specific Conditions relating to DA0186/08 (Proposed Lot 1007)

19. The plans shall be amended to convert the triple garage into a double garage. In this regard the proposed third garage adjoining the northern boundary shall be deleted and amended plans submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

Prior to Commencement of works

20. 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.
21. The building shall be set out by a Registered Surveyor. The Survey Certificate of the building showing the position of the external walls under construction and in compliance with the approved plans shall be lodged with the principal certifying authority. Any easements must be shown on the Survey Certificate.
22. 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.
23. 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.
24. 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.
25. 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.
26. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
27. 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.
28. 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.
29. 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

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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.

- a) The consent authority or a private accredited certifier must either:
- b) Ensure that Quick Check agent/Sydney Water has appropriately stamped the plans before the issue of any Construction Certificate

During Construction

30. Dust control measures, eg vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
31. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
32. Thirty one (31) off-street car parking spaces, together with access driveways and turning areas, shall be constructed, as shown on the approved plan.
33. Disabled parking shall be provided in accordance with AS2890.1-1993.
34. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
35. 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.
36. 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:
37. 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.
38. Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
39. 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.
40. The floor of the internal WC shall be graded and drained to an approved floor waste.
41. Roofwater (including overflow from water storage) shall be drained to the street gutter. Drainage lines across the footpath shall be 100mm sewer grade pipe.
42. The footings shall be piered or shall penetrate through any fill or unstable foundation material to bear upon a structurally adequate foundation material of a uniform load-bearing value.
43. The development shall be treated for termites in accordance with the Building Code of Australia and AS 3660 as amended by a suitably qualified person with particular attention to timber floors, slab penetrations, joints between slabs, additions to existing buildings. Details of the type and method of treatment are to be provided to the Principal Certifying Authority and a copy of durable material to be located in the meter box and at the entrance to any crawl space if chemicals are sprayed or pressurised into the soils.
44. An automatic fire detection and alarm system shall be installed within the building in accordance with the Building Code of Australia for Class 1A and 1B Dwellings. Alarms and Detectors shall be

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installed by a licensed electrician and multiple alarms shall be interconnected, an certificate of the installation shall be provided prior to occupation of the building or addition.

45. An automatic fire detection and alarm system shall be installed within the building in accordance with the Building Code of Australia for Class 1A and 1B Dwellings. Alarms and Detectors shall be installed by a licensed electrician and multiple alarms shall be interconnected, an certificate of the installation shall be provided prior to occupation of the building or addition.
46. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
47. A heavy duty layback and footway vehicular crossing 4m wide shall be constructed to the proposed Lots 1018 and 1019. The crossing shall be constructed in accordance with Hawkesbury development Control Plan Appendix E, Civil Works Specification.

Prior to Issue of Occupation Certificate

48. Compliance with all conditions of this development consent.
49. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
50. Necessary amenities and services shall be provided for the employees and visitors to the exhibition village. These amenities are to maintained until the use of the buildings cease as exhibition homes.

Prior to Use of the Development

51. No internal or external alterations shall be carried out without prior approval of Council.
52. Operating hours of the exhibition homes shall be limited to 9am to 5pm seven days a week.
53. No advertising signs or structures shall be erected, displayed or affixed on any building or land without prior approval.
54. The development shall be limited to the area shown on the submitted plans.
55. The subject development, including landscaping, is to be maintained in a clean and tidy manner.
56. Any external lighting shall be directed in such a manner so that no nuisance is caused to adjoining properties or to drivers on surrounding streets.
57. The exhibition homes shall not be occupied for human habitation/residential purposes.
58. All waste materials shall be regularly removed from the property.

Advisory Notes

The applicant shall make themselves aware of the Discrimination Against People with Disabilities Act (DDA) and assess their responsibilities and liabilities with regards to the provision of access for all people.

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

The applicant is advised to consult with:

- (a) Sydney Water Corporation Limited
- (b) Integral Energy
- (c) Natural Gas Company
- (d) a local telecommunications carrier

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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.

The amendment was lost.

The motion was put and carried

249 RESOLUTION:

RESOLVED on the motion of Councillor Finch, seconded by Councillor Porter

That the Development Applications: DA0171/08, DA0172/08, DA0173/08, DA0175/08, DA0176/08, DA0177/08, DA0178/08, DA0179/08, DA0180/08, DA0181/08, DA0183/08, DA0184/08 and DA0186/08 for the construction of Exhibition Homes as part of an Exhibition Home development comprising thirteen (13) Exhibition Homes - on, Lot 14 DP 865977, (Proposed Lots 1003 – 1007, 1010 – 1015, 1021 and 1022) - 17 Bootles Lane Pitt Town be approved subject to the following conditions:

Conditions Relating to All Development Applications

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. The approval for the use of the building as exhibition homes shall cease six months after the registration of the linen plan for subdivision of Stage 1A approved under DA0557/06.
3. A separate development application shall be lodged for Council's approval for the change of use of the exhibition home to an individual dwelling house.
4. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
5. The approved use shall not commence until all conditions of this Development Consent have been complied with.
6. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
7. The development shall comply with the provisions of the Building Code of Australia at all times.
8. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within 7 (seven) days of issuing the certificate. A registration fee applies.

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9. Hawkesbury City Council is the sewer authority for this development, inspection for compliance certification for internal and external sewer drainage shall be requested and approved prior to covering any pipe. An inspection fee applies.
10. The development shall also incorporate the amendments made in red to the approved plans, specifications or documentation submitted.

Prior to the Issue of the Construction Certificate

11. External colours are to be muted earth and bush vegetation tones. A colour schedule together with details of materials and finishes shall be submitted for approval with the Construction certificate.
12. The face bricks to be colour blend and uniform throughout. Details are to be submitted for approval with the Construction certificate
13. The landscaping shall include native plant species and no invasive exotic species should be planted. An amended landscape plan shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

Specific Conditions relating to DA0172/08 (Proposed Lot 1004)

14. The plans shall be amended to convert the triple garage into a double garage. In this regard the proposed single storey garage shall be deleted and amended plans submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.
15. The proposed building shall be re-located 1.7m to the west to achieve compliance with the Building Height plane requirements of the Hawkesbury development Control Plan. Amended plans shall be submitted to the Principal certifying Authority prior to the issue of a construction certificate.

Specific Conditions relating to DA0179/08 (Proposed Lot 1005)

16. The plans shall be amended to provide a minimum of 8m rear setback to the northern boundary. In this regard the building shall be moved forward to the southern boundary by 944mm and amended plans are to be submitted to the Principal Certifying Authority prior to the issue of a construction certificate.

Specific Conditions relating to DA0181/08 (Proposed Lot 1010)

17. The plans shall be amended to convert the triple garage into a double garage. In this regard the proposed third garage adjoining the western boundary shall be deleted and amended plans submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

Specific Conditions relating to DA0186/08 (Proposed Lot 1007)

18. The plans shall be amended to convert the triple garage into a double garage. In this regard the proposed third garage adjoining the northern boundary shall be deleted and amended plans submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

Prior to Commencement of works

19. 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.
20. The building shall be set out by a Registered Surveyor. The Survey Certificate of the building showing the position of the external walls under construction and in compliance with the approved plans shall be lodged with the principal certifying authority. Any easements must be shown on the Survey Certificate.

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21. 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.
22. 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.
23. 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.
24. 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.
25. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
26. 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.
27. 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.
28. 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.
 - a) The consent authority or a private accredited certifier must either:
 - b) Ensure that Quick Check agent/Sydney Water has appropriate stamped the plans before the issue of any Construction Certificate

During Construction

29. Dust control measures, eg vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
30. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
31. Thirty one (31) off-street car parking spaces, together with access driveways and turning areas, shall be constructed, as shown on the approved plan.
32. Disabled parking shall be provided in accordance with AS2890.1-1993.
33. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.

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34. 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.
35. 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:
36. 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.
37. Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
38. 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.
39. The floor of the internal WC shall be graded and drained to an approved floor waste.
40. Roofwater (including overflow from water storage) shall be drained to the street gutter. Drainage lines across the footpath shall be 100mm sewer grade pipe.
41. The footings shall be piered or shall penetrate through any fill or unstable foundation material to bear upon a structurally adequate foundation material of a uniform load-bearing value.
42. The development shall be treated for termites in accordance with the Building Code of Australia and AS 3660 as amended by a suitably qualified person with particular attention to timber floors, slab penetrations, joints between slabs, additions to existing buildings. Details of the type and method of treatment are to be provided to the Principal Certifying Authority and a copy of durable material to be located in the meter box and at the entrance to any crawl space if chemicals are sprayed or pressurised into the soils.
43. An automatic fire detection and alarm system shall be installed within the building in accordance with the Building Code of Australia for Class 1A and 1B Dwellings. Alarms and Detectors shall be installed by a licensed electrician and multiple alarms shall be interconnected, an certificate of the installation shall be provided prior to occupation of the building or addition.
44. An automatic fire detection and alarm system shall be installed within the building in accordance with the Building Code of Australia for Class 1A and 1B Dwellings. Alarms and Detectors shall be installed by a licensed electrician and multiple alarms shall be interconnected, an certificate of the installation shall be provided prior to occupation of the building or addition.
45. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
46. A heavy duty layback and footway vehicular crossing 4m wide shall be constructed to the proposed Lots 1018 and 1019. The crossing shall be constructed in accordance with Hawkesbury development Control Plan Appendix E, Civil Works Specification.

Prior to Issue of Occupation Certificate

47. Compliance with all conditions of this development consent.
48. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
49. Necessary amenities and services shall be provided for the employees and visitors to the exhibition village. These amenities are to maintained until the use of the buildings cease as exhibition homes.

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Prior to Use of the Development

50. No internal or external alterations shall be carried out without prior approval of Council.
51. Operating hours of the exhibition homes shall be limited to 9am to 5pm seven days a week.
52. No advertising signs or structures shall be erected, displayed or affixed on any building or land without prior approval.
53. The development shall be limited to the area shown on the submitted plans.
54. The subject development, including landscaping, is to be maintained in a clean and tidy manner.
55. Any external lighting shall be directed in such a manner so that no nuisance is caused to adjoining properties or to drivers on surrounding streets.
56. The exhibition homes shall not be occupied for human habitation/residential purposes.
57. All waste materials shall be regularly removed from the property.

Advisory Notes

The applicant shall make themselves aware of the Discrimination Against People with Disabilities Act (DDA) and assess their responsibilities and liabilities with regards to the provision of access for all people.

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

The applicant is advised to consult with:

- (a) Sydney Water Corporation Limited
- (b) Integral Energy
- (c) Natural Gas Company
- (d) a local telecommunications carrier

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

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

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

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INFRASTRUCTURE SERVICES

Item: 156 **IS - Colo Heights Generator Site - Part Lot 7004 in DP 1055569, Colo Heights Reserve 2996, Singleton Road, Colo Heights - (1298, 79551, 95495)**

MOTION:

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

Refer to RESOLUTION

250 RESOLUTION:

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

That Council provide Integral Energy with a letter of concurrence to the acquisition of part of Lot 7004 in Deposited Plan 1055569 (being 1400 square metres) for the purposes of constructing a stand-by generator.

Item: 157 **IS - Road Naming Proposals - Future Subdivisions at Pitt Town - (79346, 87959)**

Previous Item: 65, Ordinary (8 April 2008)
 266, Ordinary (27 November 2007)
 246, Ordinary (13 November 2007)

MOTION:

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

Refer to RESOLUTION

251 RESOLUTION:

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

That:

1. In addition to the 42 names previously adopted for use within the Pitt Town Subdivision, Council, as the road naming authority for local roads as per the Roads Act 1993, make the following eleven names available for use within the Pitt Town Subdivision:

Blackett
Bona Vista
Esther Maria
Farmhouse
Mahony
McGarvie
Poole
Riversedge
Sandstock

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Thornton
Vine

2. The developer pays the cost of gazettal for each road name or group of names selected.
3. Signage to be erected by the developer as part of the development process at their cost in accordance with Councils Development Control Plan.

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SUPPORT SERVICES

Item: 158 SS - Pecuniary Interest Returns - (79337, 95496)

MOTION:

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

Refer to RESOLUTION

252 RESOLUTION:

RESOLVED on the motion of Councillor Finch, seconded by Councillor Porter

That the information be received and noted.

**Item: 159 SS - Policy for Payment of Expenses and Provision of Facilities to Councillors -
Review - (95496)**

Previous Item: 229, Ordinary (30 October 2007)

MOTION:

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

Refer to RESOLUTION

253 RESOLUTION:

RESOLVED on the motion of Councillor Finch, seconded by Councillor Porter

That the amendments as outlined in the report to the Policy for Payment of Expenses and Provision of Facilities to Councillors be made and the updated Policy be placed on public exhibition for a period of 28 days.

Item: 160 SS - Review of the Windsor Mall Policy - (95496)

Previous Item: 80, Ordinary (29 April 2008)

MOTION:

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

Refer to RESOLUTION

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254 RESOLUTION:

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

That this matter be referred back to the Windsor Mall Working Party.

Item: 161 SS - Monthly Investments Report - June 2008 - (96332, 95496)

MOTION:

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

Refer to RESOLUTION

255 RESOLUTION:

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

That the information be received and noted.

Item: 162 SS - Call of Motions - 2008 - Local Government Association Conference - (95496)

MOTION:

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

Refer to RESOLUTION

256 RESOLUTION:

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

That:

1. The two Motions, as printed in the report regarding the following matters, be submitted to the Local Government Association of NSW for inclusion in the agenda of the 2008 Association's Annual Conference:
 - (a) Floodplain Management Authorities - Funding of Flood Mitigation
 - (b) Regional Road Funding
2. An additional Motion also be submitted in support of Local Government receiving a more equitable share of federal tax receipts in line with Council's representations following the 2020 Summit.

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CONFIDENTIAL REPORTS

257 RESOLUTION:

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

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

258 RESOLUTION:

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

That:

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

Item: 163 SS - Property Matter - HCC lease to Kezron Holdings Pty Ltd - Suite 2, Level 1 Deerubbin Centre, 300 George Street, Windsor - (95496, 85288)

*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: 164 SS - Property Matter - Chapters Café, Deerubbin Centre, 300 George Street, Windsor - (96619, 93366, 95496)

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

Item: 165 SS - Property Matter - Surrender of Existing Lease and New Lease to Mr Brian Davis - Shop 2/1 Hawkesbury Valley Way, Clarendon - (74459, 109848, 95496)

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

Item: 166 SS - Property Matter - Lease to Cang - Shop 2 McGraths Hill Shopping Centre - (84809, 84810)

*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.*

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

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

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

**Item: 163 SS - Property Matter - HCC lease to Kezron Holdings Pty Ltd - Suite 2, Level 1
Deerubbin Centre, 300 George Street, Windsor - (95496, 85288) CONFIDENTIAL**

MOTION:

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

Refer to RESOLUTION

259 RESOLUTION:

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

That:

1. Council agree to enter into a new lease with Kezron Holdings Pty Ltd in regard to Suite 2, Level 1 Deerubbin Centre, 300 George Street, Windsor in accordance with the proposal outlined in the report.
2. Council agree to enter into a new Licence Agreement for Car Parking Spaces with Kezron Holdings Pty Ltd in regard to two car parking spaces within the Deerubbin Centre, 300 George Street, Windsor in accordance with the proposal outlined in the report.
3. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.
4. Details of Council's resolution be conveyed to the 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.

ORDINARY MEETING

MINUTES: 29 July 2008

Item: 164 **SS - Property Matter - Chapters Café, Deerubbin Centre, 300 George Street, Windsor - (96619, 93366, 95496) CONFIDENTIAL**

MOTION:

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

Refer to RESOLUTION

260 RESOLUTION:

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

That:

1. On a "without prejudice" basis, Council agree to credit the rental account of the Lessee of Chapters Café with an amount of \$1,036.00 being the equivalent of 50% of 6 weeks rent, as a commercial settlement for disturbance caused to the business whilst building works were being undertaken at the Deerubbin Centre in October and November 2007.
2. An appropriate adjustment be made to the end of the 2007/2008 financial year accounts.

Item: 165 **SS - Property Matter - Surrender of Existing Lease and New Lease to Mr Brian Davis - Shop 2/1 Hawkesbury Valley Way, Clarendon - (74459, 109848, 95496) CONFIDENTIAL**

MOTION:

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

Refer to RESOLUTION

261 RESOLUTION:

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

That:

1. Council agree to the surrender of the existing lease with Ms Krishna Chester and Ms Kristen Baker and to enter into a new lease with Mr Brian Davis for Shop 2/1 Hawkesbury Valley Way, Clarendon in accordance with the proposal outlined in the report.
2. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.

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3. Details of Council's resolution be conveyed to the proposed Lessee, as well as the existing 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: 166 SS - Property Matter - Lease to Cang - Shop 2 McGraths Hill Shopping Centre - (84809, 84810) CONFIDENTIAL

MOTION:

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

Refer to RESOLUTION

262 RESOLUTION:

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

That:

1. Council agree to the assignment of the existing lease from Thanh Phoug Bui & Thi Lan Anh Quach to Mrs Y Ghet Cang, trading as 'McGraths Hill Take Away' in regard to Shop 2 McGraths Hill Shopping Centre, in accordance with the proposal outlined in the report.
2. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.
3. Details of Council's resolution be conveyed to the current Lessees and 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.

263 RESOLUTION:

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

ORDINARY MEETING

MINUTES: 29 July 2008

SECTION 5 - Reports of Committees

ROC - Floodplain Risk Management Advisory Committee Minutes - 2 June 2008 - (86589)

264 RESOLUTION:

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

That the minutes of the Floodplain Risk Management Advisory Committee held on 2 June 2008 as recorded on pages 153 to 158 of the Ordinary Business Paper be received with the addition of Councillor Conolly to the list of persons present at the meeting.

ROC - Local Traffic Committee - 16 July 2008 - (80245)

265 RESOLUTION:

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

That the minutes of the Local Traffic Committee held on 16 July 2008 as recorded on pages 159 to 170 of the Ordinary Business Paper be adopted.

ROC - Hawkesbury Civic and Citizenship Committee - 2 July 2008 - (96972)

266 RESOLUTION:

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

That the minutes of the Hawkesbury Civic and Citizenship Committee held on 2 July 2008 as recorded on pages 171 to 174 of the Ordinary Business Paper be received.

ORDINARY MEETING

MINUTES: 29 July 2008

QUESTIONS WITHOUT NOTICE

1. Councillor Devine enquired when the new Planning Manager will commence work.

The Director City Planning advised that the position has been re-advertised as there were not many applications received in the first round, applications for the current round of advertising close 1 August 2008.

2. Councillor Devine enquired when the Employment Land Strategy will be finalised as he has received notice that there is an opportunity of placing new information before the consultant.

The Director City Planning advised that new information can be added to the Council report and not the consultants report. The consultant has experienced a few unforeseeable problems with the production of their report however staff have today received a summary of the recommendations and a report will be coming to the next Council meeting.

3. Councillor Rasmussen enquired when the development application for the dog kennels at Grose Vale will come to Council.

The Director City Planning advised that the matter will be investigated.

4. Councillor Rasmussen enquired if Council pays rates on the Australiana Pioneer Village land.

The Director Support Services advised that Council does pay rates on the land and he will investigate and advise Councillor Rasmussen of the amount paid.

5. Councillor Williams requested that the carpark at the Woodlands Road Reserve be graded.

The Director Infrastructure Services advised that the work will be carried out.

6. Councillor Williams asked that a formal letter of request be sent to the Friends of Australiana Pioneer Village Society Inc. requesting a copy of their business plan.

The Director Support Services advised that he will investigate the matter.

The General Manager advised that a meeting was recently held with the Friends of Australiana Pioneer Village Society Inc. A copy of a previous letter was provided to the Friends at the meeting and the matter was discussed at length. A follow up letter should have been sent by this time however the matter will be investigated.

7. Councillor Williams enquired if there have been any developments in the review of the West Portland Road speed limit. He advised that the residents are concerned that the problem areas were not monitored.

The Mayor advised that the matter has not come to the Local Traffic Committee.

The Director Infrastructure Services advised that the results of the count have not yet been received. He will visit the site with Councillor Williams to view the areas of concern and arrange for another count to be conducted.

ORDINARY MEETING

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8. Councillor Paine referred to a letter from Tony Simpson from the Macdonald Valley Association regarding co-ordinating sporting and cultural events and requesting a meeting and enquired if a response has been given to Mr Simpson.

The Mayor advised that the matter was raised at the last Local Traffic Committee meeting regarding how this would be able to be restructured and the matter was referred to the Director Infrastructure Services.

The Director Infrastructure Services advised that a response is being formulated and he will follow up the matter.

9. Councillor Paine referred to the recent report in the Councillors Newsletter listing grants that have been applied for and requested that information also be included showing which grants were received.

The General Manager advised that the Chief Financial Officer is currently working on a way to report the details following an earlier request in this regarding from Councillor Paine.

10. Councillor Paine advised she been contacted by a South Windsor resident stating that they received a notification of development of an adjoining property letter from Council after works on the neighbouring property were nearing completion.

The Mayor requested specific details be provided to the Director City Planning for follow up.

11. Councillor Paine referred to her question at the previous meeting regarding the shed on the Zammit Property at Oakville and enquired about the progress of the matter.

The Director City Planning advised that the matter is nearing completion and he would obtain further details and advise Councillor Paine.

12. Councillor Calvert advised that the footway that runs under Windsor Bridge has some planks missing and others that require repairs.

The Director Infrastructure Services advised that he will investigate the matter.

13. Councillor Calvert requested that Staff be thanked on behalf of local residents for the works completed in Peel Park. He advised that some of the bins in the park still have no bases in them.

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

14. Councillor Rasmussen enquired if there has been any progress in the investigations regarding the alleged assassination attempt on a Councillor.

Councillor Books advised that the matter is in the hands of the police.

The meeting terminated at 11.20pm.

Submitted to and confirmed at the Ordinary meeting held on 12 August 2008

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Mayor