



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 13 July 2010

location: council chambers

time: 6:30 p.m.

ORDINARY MEETING

MINUTES: 13 July 2010

MINUTES

- **WELCOME / EXPLANATIONS**
- **APOLOGIES**
- **DECLARATION OF INTERESTS**
- **SECTION 1 - Confirmation of Minutes**
- **AGENDA 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, 13 July 2010, commencing at 6.32pm.

ATTENDANCE

PRESENT: Councillor B Bassett, Mayor, Councillor K Conolly, Deputy Mayor and Councillors B Calvert, K Ford, C Paine, B Porter, P Rasmussen, T Tree and W Whelan.

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

APOLOGIES

Apologies for absences were received from Councillors W Mackay, J Reardon and L Williams.

241 RESOLUTION:

RESOLVED on the motion of Councillor Porter and seconded by Councillor Paine that the apologies be accepted and that the leaves of absence from the meeting be granted.

SECTION 1: Confirmation of Minutes

242 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Ford that the Minutes of the Ordinary Meeting held on the 29 June 2010, be confirmed.

ORDINARY MEETING

MINUTES: 13 July 2010

SECTION 3 - Notices of Motion

NM - Support for Homeless People - (79351, 117788)

MOTION:

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

Refer to RESOLUTION

243 RESOLUTION:

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

That a report be brought to Council to investigate possible strategies that Council could consider to support the provision of practical assistance to homeless people, particularly on weekends.

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SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 155 GM - Contractual Conditions of Senior Staff - Annual Report - (79351)

MOTION:

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

Refer to RESOLUTION

244 RESOLUTION:

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

That the annual report under Section 339 of the Local Government Act concerning the contractual conditions of Council's senior staff be noted.

Item: 156 GM - Results of Representations Regarding Degradation of Hawkesbury River - (79351)

Previous Item: NM, Ordinary (30 March 2010)

MOTION:

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

Refer to RESOLUTION

245 RESOLUTION:

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

That Council:

1. Apply for financial assistance for studies to investigate the causes of siltation and bank erosion within the Hawkesbury River under the 2011/2012 Estuary Management Program as outlined in the letter dated 2 June 2010 from the Parliamentary Secretary for Climate Change and the Environment.
2. Forward a letter to the Premier, with a copy of the letter being sent to the Local State Members for their information and assistance, requesting a clarification as to supporting documentation and/or evidence in relation to the suggestion within the letter from the Parliamentary Secretary for Climate Change and the Environment regarding the change in tidal influence within the River allegedly caused by dredging.

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Item: 157 **GM - Code of Conduct Complaints - Annual Report - 1 July 2009 to 30 June 2010 - (79351)**

MOTION:

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

Refer to RESOLUTION

246 RESOLUTION:

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

That the annual report under Clause 12.33 of Council's Code of Conduct in respect of complaints received under the Code for the period from 1 July 2009 to 30 June 2010 be noted.

Item: 158 **GM - Local Government & Shires Association of NSW - Proposed Establishment of One Association for Local Government in NSW - (112608, 79351)**

Previous Item: 159, Ordinary (25 August 2009)

MOTION:

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

Refer to RESOLUTION

247 RESOLUTION:

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

That:

1. The correspondence from the Chair of The One Association Task Force of the Local Government & Shires Association advising that the Task Force will be presenting its recommendations at a special Convention to be held on 16 and 17 August 2010 be noted.
2. Interested Councillors and staff as considered appropriate by the General Manager, be authorised to attend the special Convention and that the Mayor, or his nominee, be authorised to vote on the Council's behalf at the Convention.

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Item: 159 **GM - Annual Local Government & Shire Association Water Management Conference - (79351, 79633, 112608)**

MOTION:

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

Refer to RESOLUTION

248 RESOLUTION:

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

That attendance of nominated Councillors, and staff members as considered appropriate by the General Manager, at the Annual LGSA Water Management Conference at an approximate cost of \$930.00 plus travel expenses per delegate be approved.

Item: 160 **GM - Hawkesbury City Council, Hornsby Shire Council and The Hills Shire Council - Memorandum of Understanding - (107, 81914, 112333, 79351)**

MOTION:

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

Refer to RESOLUTION

249 RESOLUTION:

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

That Council agree to enter into a Memorandum of Understanding with Hornsby Council and The Hills Shire Council to promote support and co-operation between the councils and that the Mayor and General Manager be authorised to execute the proposed Memorandum of Understanding on Council's behalf.

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CITY PLANNING

Item: 161 CP - Development Application - Boundary Adjustment, Removal of Existing Dam, Construction New Dam and Land Clearing - Lot 2 DP1001827, 67 Joshua Road and Lot 1 DP1001827, 94 Reserve Road, Freemans Reach - (DA0061/10, 22933, 77242, 9200, 95498)

MOTION:

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

Refer to RESOLUTION

250 RESOLUTION:

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

That development application DA0061/10 at Lot 1 DP 656973, 94 Reserve Road and Lot 2 DP1001827 67 Joshua Road FREEMANS REACH NSW 2756 for boundary adjustment, removal of an existing dam, construction of a new dam and land clearing 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.
3. The development shall comply with the provisions of the Building Code of Australia at all times.
4. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within 7 (seven) days of issuing the certificate. A registration fee applies.
5. All vegetative debris (including felled trees) resulting from the approved clearing of the site for construction, is to be chipped or mulched. Tree trunks are to be recovered for posts, firewood or other appropriate use. No vegetative material is to be disposed of by burning.

Prior to issue of Construction Certificate

6. 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.

7. Construction of the dam works 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.

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8. Payment of a Construction Certificate checking fee of \$496 and a Compliance Certificate inspection fee of \$496 for the works, when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2010. Fees required if an Accredited Certifier is used will be provided on request.
9. Details of any fill material removed from or imported to the site shall be submitted with the engineering plans. Details to include quantities, borrow sites or disposal sites.
10. A Traffic Management Plan 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.
11. The dam design plans for the issue of the Construction Certificate are to show the upstream batter to be no steeper than 2.5 horizontal to 1 vertical. The downstream batter is to be 3 horizontal and 1 vertical.
12. The spillway is to be located on the southern side of the dam in the vicinity of the spillway of the existing dam. The spillway shall only function in extreme storm events with the level of the water in the dam to be controlled by a pump out system back to the main dam on the site.
13. The existing dam is to be filled, with the finished surface level being reformed back to the natural surface level prior to the construction of the dam.
14. Access is to comply with Section 4.3.2 of Planning for Bushfire Protection 2006.
15. A bushfire evacuation plan is to be submitted to the NSW Rural Fire Service – Development Control Services for approval. The evacuation plan is to detail the following:
 - a) under what circumstances will the complex be evacuated.
 - b) where will all person be evacuated to.
 - c) roles and responsibilities of persons co-ordinating the evacuation.
 - d) roles and responsibilities of persons remaining with the complex after evacuation.
 - e) a procedure to contact the NSW Rural Fire Service District Office / NSW Fire Brigade and inform them of the evacuation and where they will be evacuated to.

Prior to commencement of works

16. A waste management plan shall be submitted to and approved by Council. The plan shall address any builder's waste and waste generated during the day to day operation of the development. Particular attention shall be paid to type and quantity of waste, recycling, reuse, storage and disposal.
17. Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with the approved plan and Hawkesbury Development Control Plan chapter on Soil Erosion and Sedimentation.
18. The applicant shall advise Council of the name, address and contact number of the principal certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1979.
19. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.
20. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.

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21. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
 - (a) Unauthorised access to the site is prohibited.
 - (b) The owner of the site.
 - (c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
 - (d) The name and contact number of the Principal Certifying Authority.

During construction

22. The dam shall be constructed in accordance with the Dam Construction chapter of Hawkesbury Development Control Plan.
23. The topsoil shall be stripped and stockpiled and used to cover the landfill and wall.
24. The filled area and dam wall, including batters, shall be grassed immediately after filling takes place.
25. All fill and the dam wall are to be adequately compacted by track rolling or similar in layers not exceeding 300mm.
26. All constructed batters are to be topsoiled and turfed and where batters exceed a ratio of 3 (three) horizontal to 1 (one) vertical, retaining walls, stoneflagging or terracing shall be constructed.
27. The top 300mm of fill shall be topsoil in order to ensure site revegetation.
28. The minimum finished surface grade shall be 1% in order to allow satisfactory surface runoff.
29. A bund wall shall be provided around the site in order to help direct runoff away from the disturbed excavation/landfill areas. Design details are to be submitted to and approved by Council.
30. No excavated material, including soil, shall be removed from the site.
31. Dust control measures, e.g. vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
32. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
33. All trucks entering or leaving the site shall have their trays suitably covered to prevent spillage from the truck onto the road.
34. A ticketing system is to accompany any material being brought to the site. A register is to be kept on site to cross reference against the source records. An independent site auditor is to be engaged to undertake appropriate certification regarding the monitoring and validation of the fill material imported to the site as being sound, suitable for the proposed use and free of contamination.
35. Once the topsoil has been removed the natural batter should be suitably stepped, scarified or roughened to prevent slipping and the fill is to be keyed in to hold the toe of the fill batter in place.
36. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
37. 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.

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38. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
 - (a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - (b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
 - (c) Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
39. Filling shall comprise only uncontaminated virgin excavated natural material. Contamination certificates for all source material shall be provided to the Principal Certifying Authority prior to placing any fill on site.
40. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
41. 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.
42. 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 Accredited Certifier is to be notified.
43. The excavation and filling is to be located a minimum of five (5) metres from the property boundary.
44. A 50m asset protection zone shall be provided about the existing dwelling to the NE, N and NW that complies with Section 4.2 of Planning for Bushfire Protection 2006.

Prior to issue of Compliance Certificate

45. The structural adequacy of the dam and spillway capacity is to be certified by a suitably qualified and experienced engineer.
46. Geotechnical test results and a site classification report prepared by a NATA registered laboratory shall be submitted to Council in respect of filling works.
47. A works as executed plan shall be submitted to Council on completion of works. The plan shall include the location of the constructed dam in relation to property boundaries.

Prior to issue of Subdivision Certificate

48. 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.
49. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
50. Written clearance from an Energy service provider shall be submitted to the Principal Certifying Authority.
51. Easements 4m wide and 10m long shall be created over the site for drainage discharge from roads (at no cost to Council).

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- 52. A plan of subdivision prepared to the requirements of the Land Titles Office, shall be submitted to Council, with four copies.
- 53. 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.
- 54. Payment of a Linen Release Fee of \$561. This amount is valid until 30 June 2010.

The Use of the Site

- 55. The creation of the asset protection zone shall be regularly maintained for the perpetuity of the development.

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.
- *** Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.
- *** 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 Limitedregarding 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:

For the Motion	Against the Motion
Councillor Bassett	Nil
Councillor Calvert	
Councillor Conolly	
Councillor Ford	

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For the Motion	Against the Motion
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Tree	
Councillor Whelan	

Councillors Mackay, Reardon and Williams were absent from the meeting.

Item: 162 CP - Development Application - Dwelling House, Multi Unit Housing - 52 Macquarie Street, Windsor - (DA0302/09, 107102, 99792, 107103, 111134, 95498)

Councillor Bassett declared a significant non-pecuniary conflict of interest in this matter as Pirasta Pty Ltd, a company linked to Dunnet Properties donated to his State Campaign for Londonderry in 2007, the donation was under the disclosure limit at the time but since the changes to donation laws is now included. He left the Chamber and did not take part in voting or discussion on the matter.

Councillor Conolly declared a significant non-pecuniary conflict of interest in this matter as his campaign for the State Seat of Riverstone in 2007 benefited from a donation made by Pirasta Pty Ltd, a company associated with the owner of the property which is the subject of this application. He left the Chamber and did not take part in voting or discussion on the matter.

251 RESOLUTION:

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

That Councillor Paine assume the Chair as the Mayor and Deputy Mayor have declared interests in this matter.

Councillor Paine assumed the Chair.

Mr Ben Dunnet, Mr Glenn Falson and Mr Frank Scharfe, proponents, addressed Council.

MOTION:

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

Refer to RESOLUTION

252 RESOLUTION:

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

That:

1. The applicant be requested to submit BASIX Certificate(s) relevant to the current proposed development;

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2. Upon receipt of an appropriate BASIX Certificate(s) development application DA0302/09 at Lot 1 DP 1143830, 52 Macquarie Street, Windsor NSW 2756 for a Residential Flat Building be approved as a Deferred Commencement Consent subject to the following conditions:
 - A. Upon compliance with the condition appearing in Schedule 1, and with the issue of confirmation to that effect in writing from Council, this "Deferred Commencement" consent shall commence to operate as a development consent inclusive of all conditions appearing in Schedule 2 pursuant to Section 80(3) of the Act.
 - B. The "Deferred Commencement" consent will lapse in twelve months from the date of this consent unless all conditions appearing in Schedule 1 have been complied with.

Schedule 1

1. The submission of revised stormwater drainage details showing the collection and discharge of stormwater from the site as follows:
 - (a) All surface catchment generally north from the 18.5 metre contour is to be directed to existing underground drainage in Macquarie Street.

The remainder of the site may be directed to the rear of the property as described in the Statement of Environmental Effects.
 - (b) Details for on-site detention restricting post-development discharges from the site to pre-development discharges for all storms up to and including the 1:100 year ARI event.
 - (c) In respect to discharge at the rear of the land it will need to be shown that an emergency overflow facility capable of conveying storms up to and including the 1:100 year ARI event to a public street is available.
2. The design of the fence shall be amended to remove the 'nooks' and be articulated by use of a combination of masonry and hardwood with suitably landscaped recesses. Submission for approval of amended plans detailing the design and materials of the fence shall be submitted prior to issue of the operational development consent.
3. Submission for approval of a schedule of external materials, colours and finishes for all buildings, structures and driveways

Schedule 2

Roads and Traffic Authority's Conditions:

- A. The design and construction of the proposed gutter crossing off Macquarie Street shall be in accordance with AS2890.1-2004 and the RTA's requirements (i.e.; 6m at the property boundary-splaying out to 7m at the kerb line). Further details of these requirements could be obtained from the RTA's Project Services Manager, Traffic Projects Section, Parramatta Ph: 8849 2144.

A Certified copy of the design plans shall be submitted to the RTA for consideration and approval prior the release of a construction certificate by Council and commencement of road works.

The RTA fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of the works.
- B. Any redundant driveways along the site's Macquarie Street frontage are to be removed with kerb and gutter (Type SA) reinstated to the RTA's requirements.
- C. Council should ensure that post development storm water discharge from the subject site into the RTA drainage system does not exceed the pre development discharge.

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Detailed design plans and hydraulic calculations of any changes to the RTA's storm water drainage system are to be submitted to the RTA for approval, prior to the commencement of any works.

Details should be forwarded to:

The Sydney Asset Management
PO Box 973
Parramatta CBD NSW 214

A plan checking fee may be payable and a performance bond may be required before the RTA's approval is issued. With regard to the Civil Works requirement please contact the RTA's Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

Hawkesbury City Council 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.
3. The approved use shall not commence until all conditions of this Development Consent have been complied with.
4. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
5. The development shall comply with the provisions of the Building Code of Australia.
6. 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.
7. This development falls within the Sewerage Scheme, controlled by Hawkesbury City Council is the approving authority for all sewer works.

The applicant must consult with the Waste Management Branch regarding any possible new work or upgrades to existing Council sewer mains related to this application.

8. All vegetative debris (including felled trees) resulting from the approved clearing of the site for construction, is to be chipped or mulched. Tree trunks are to be recovered for posts, firewood or other appropriate use. No vegetative material is to be disposed of by burning.
9. During the demolition and construction period, the person responsible for the site is to retain records of waste disposal (waste receipts or dockets, recycling processor receipts etc.) in a Waste Data File. The Waste Data File must be provided to Council officers on request to demonstrate that the approved Waste Management Plan is being implemented.
10. Should this development encroach on the Zone of Influence of a Council owned sewer main, the applicant should seek advice from the Waste Management Branch prior to applying for a Construction Certificate as there may be a significant variation in the design of the foundations to the proposed development (this may have an impact on the cost of the project).

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Prior to the Issue of the Construction Certificate

11. Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979 and Hawkesbury City Council's Section 94A Development Contributions Plan 2006 (as amended from time to time), a contribution of \$21,500.00 shall be paid to Hawkesbury City Council.

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

The contribution is to be paid prior to the issue of the Construction Certificate and copies of receipts(s) confirming that the contribution has been fully paid are to be provided to the certifying authority.

12. 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.

13. Construction of the road, access, car park, drainage, filling and retaining walls are not to commence until three (3) copies of the plans and specifications of the proposed works, design by a suitably qualified and experienced Structural Engineer, are submitted to and approved by the Director City Planning or an Accredited Certifier.
14. Payment of a Construction Certificate checking fee of \$453.00 and a Compliance Certificate inspection fee of \$820.00 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2010. Fees required if an Accredited Certifier is used will be provided on request.
15. Details of any fill material removed from or imported to the site shall be submitted with the engineering plans. Details to include quantities, borrow sites or disposal sites.
16. A Traffic Guidance Scheme prepared in accordance with AS 1742-3 (2002) by an appropriately qualified person shall be submitted to Council. Where the works affect Roads and Traffic Authority controlled roads, the Traffic Guidance Scheme is to be approved by the Roads and Traffic Authority before submission to Council.
17. Payment of a contribution of \$57,918.52 towards sewer headworks. This sum will remain fixed until 30 June 2010 after which it will be recalculated at the rate applicable at the time of payment.
18. Service ducts shall be provided within the building to keep external walls free of plumbing or any other utility installations. Such service ducts are to be concealed from view from the street. Details demonstrating compliance are to be provided in the Construction Certificate.
19. Submission to Council of a noise and vibration assessment report, prepared by a suitably qualified acoustic consultant, demonstrating that the proposed development will meet the requirements of Clause 102 (3) (relating to noise levels in residential developments) of State Environmental Planning Policy (Infrastructure) 2007.
20. A certificate from an Acoustic Engineer shall be submitted with the Construction Certificate application certifying that the design of the development and all sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level during the day and evening and not exceeding the background level at night (10.00pm to 6.00 am) when measured at the boundary of the property, and will comply with the Environmental Protection Authority Industrial Noise Policy.

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21. Submission for approval of a landscape plan suitable for construction. This plan shall be generally in accordance with the concept landscape plan prepared by Botanic Solutions and shall be amended by locating the *Stenocarpus sinuatas* tree within the rear southeastern corner of the land centrally within the open space area and extending the lillypilly hedge along the boundaries.
22. All plant and equipment (including but not limited to air conditioning equipment) is to be located within the basement or other areas of the building and is not to be located on the roof. Details demonstrating compliance shall be submitted with the Construction Certificate application.
23. Details demonstrating high quality internal and external lighting for security without adverse affects on public amenity due to excessive illumination levels/glare shall be submitted with the Construction Certificate.
24. Construction of any mains sewer work or any structure to be constructed within the Zone of Influence of a sewer main must not commence until three (3) copies of the plan along with a Major/Minor Sewer Works application is submitted to Hawkesbury City Council's Waste Management Branch for assessment and approval. Fees apply.
25. The applicant must submit a copy of approved plans associated with the Major/Minor Sewer Works application to the Principal Certifying Authority whether it is Hawkesbury City Council's Building and Development Branch or a Private Certifier. This plan must be marked with a green stamp (Sewer Works Approved for Design Only), signed and dated.
26. Waste storage/bin areas shall incorporate the following requirements:
 - (a) All internal walls of the storage area shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained with a tap in close proximity to facilitate cleaning;
 - (b) Doors must swing outwards and be able to be latched in the open position;
 - (c) Include provision for the separation and storage in appropriate categories of material suitable for recycling;

Details of the storage area are to be provided to and approved by the Council/Accredited Certifier prior to issuing of the Construction Certificate.
27. The following measures are to be incorporated in the design so as to assist in enhancing building safety and security:
 - (a) Laminated glass walls and windows are to be provided along common entry areas so as to facilitate supervision;
 - (b) Doors within the building are to be provided with appropriate access control and enable residents to undertake casual surveillance of common areas of the building;
 - (c) Lighting shall be designed in accordance Australia and New Zealand Lighting Standard 1158.1;
 - (d) Attention is to be paid to lighting for pedestrian pathways, enclosed fire exits, corridors and foyer areas so as to avoid opportunities for concealment in dimly lit areas;
 - (e) Clear and legible signage is to be provided enforcing main entry/exit points associated with the building;
 - (f) The entrances to the foyer areas are to be secured with appropriate security doors and intercom system;

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Details demonstrating compliance with the above measures shall be provided to and approved by the Council/Accredited Certifier prior to issuing of the Construction Certificate.

Prior to the Commencement of Works

28. All traffic management devices shall be installed and maintained in accordance with the approved traffic guidance scheme.
29. A waste management plan shall be submitted to and approved by Council. The plan shall address any builder's waste and waste generated during the day to day operation of the development. Particular attention shall be paid to type and quantity of waste, recycling, reuse, storage and disposal.
30. 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.
31. 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.
32. 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.
33. 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.
34. 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.
35. 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.
36. 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.
37. 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.
38. 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 water mains 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:

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- (b) Ensure that Quick Check agent/Sydney Water has appropriate stamped the plans before the issue of any Construction Certificate; or

During Construction

39. The development shall be completed in accordance with the approved colours and finishes and shall not be altered.
40. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
41. The site shall be secured to prevent the depositing of any unauthorised material.
42. Dust control measures, e.g. vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
43. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
44. All trucks entering or leaving the site shall have their trays suitably covered to prevent spillage from the truck onto the road.
45. Vehicle entrances and exits shall be clearly signposted, including street number, and visible from both the street and site at all times.
46. 28 off-street car parking spaces, together with access driveways and turning areas, shall be constructed, paved, line marked, signposted and maintained, as shown on the approved plan.
47. Disabled parking shall be provided in accordance with AS2890.1-1993.
48. Provision of adequate on site loading and unloading facilities to cater for the proposed use of the land.
49. A ticketing system is to accompany any material being brought to the site. A register is to be kept on site to cross reference against the source records. An independent site auditor is to be engaged to undertake appropriate certification regarding the monitoring and validation of the fill material imported to the site as being sound, suitable for the proposed use and free of contamination.
50. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
51. 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.
52. 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.
53. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
 - (a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - (b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.

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- (c) Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
54. At all times during demolition, a competent person shall directly supervise work. It is the responsibility of the person to ensure that:
- (a) Adjoining owners are given 24 (twenty four) hours notice, in writing, prior to commencing demolition.
 - (b) Utility services within the structure not required to be maintained during the demolition work shall be properly disconnected and sealed before any demolition commences.
 - (c) The site shall be secured at all times against the unauthorised entry of persons or vehicles.
 - (d) Safe access and egress from adjoining buildings is to be maintained at all times for the duration of the demolition work.
 - (e) Precautions are taken to ensure that the stability of all parts of the structure and the safety of persons on and outside the site are maintained, particularly in the event of sudden and severe weather changes.
 - (f) The structure and all components shall be maintained in a stable and safe condition at all stages of the demolition work.
 - (g) Demolition activity shall not cause damage to or adversely affect the structural integrity of adjoining buildings
 - (h) Removal of dangerous or hazardous materials shall be carried out in accordance with the provisions of all applicable State legislation and with any relevant recommendations published by the National Occupational Health and Safety Commission (Worksafe Australia).
 - (i) All work shall be carried out in accordance with AS2601 and the Work Plan submitted with the development application.
 - (j) Unless otherwise permitted by Council, the structure is to be demolished in reverse order of construction, being progressive and having regard to the type of construction, to enable the maximum separation and recycling of demolished materials to take place.
 - (k) No material is to be burnt on site.
55. Mandatory inspections shall be carried out and Compliance Certificates issued only by Council or an accredited certifier for the following components of construction:

Note: Structural Engineer's Certificates, Drainage Diagrams and Wet Area Installation Certificates are NOT acceptable unless they are from an accredited person.

- (a) commencement of work (including erosion controls, site works and site set out);
- (b) piers;
- (c) internal sewer or stormwater lines prior to covering;
- (d) steel reinforcement prior to pouring concrete;
- (e) external sewer or stormwater lines, prior to backfilling;
- (f) framework, after the installation of all plumbing, drainage and electrical fixtures, and after the external cladding and roof covering has been fixed prior to fixing of internal linings and insulation;
- (g) wet area flashing, after the installation of bath and shower fixtures;
- (h) prior to occupation of the building;

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56. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, including a public road or place, the person causing the excavation to be made:
- (a) must preserve and protect the building from damage; and
 - (b) if necessary, must underpin and support the building in an approved manner; and
 - (c) must, at least 7 (seven) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The person acting in accordance with this Consent is liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

57. 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.
58. The floor of the internal WC shall be graded and drained to an approved floor waste.
59. Council records indicate that the site is at a level of approximately 16.5 metres AHD to 18.5 metres AHD. All materials used in the construction of the building below the level of 17.3 metres AHD shall be capable of withstanding prolonged immersion in water without swelling or deteriorating.
60. Removal of the existing redundant layback crossing and replacement with concrete kerb and gutter and the restoration of the footway area.
61. Concrete path paving 1.2m wide shall be constructed along the road frontage to the development. The remaining footway area shall be formed in earth and planted with grass.
62. On-site detention shall be provided to maintain all stormwater discharges from the 1:1 year storm up to the 1:100 year storm at pre-development levels.
63. Arrangements are to be made for the provision of common drainage and the disposal of stormwater from the site, refer to Schedule 1 requirements.
64. All fill including existing fill must be compacted to 98% standard compaction in accordance with AS1289 and verified by the submission of test results and accompanied by a contoured depth of fill plan.
65. A heavy duty layback and footway vehicular crossing 6m wide shall be constructed to the development. The crossing shall be constructed in accordance with Hawkesbury Development Control Plan Appendix E, Civil Works Specification and RTA requirements.
66. A rainwater collection tank shall be installed and connected to each unit to allow for use for toilet flushing and washing machines.
67. 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.
68. All services or suitable conduits shall be placed prior to concrete pouring.
69. The public footways and roadways adjacent to the site shall be maintained at all times during the course of the work in a safe condition.

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70. All plant and equipment used in the erection of the building, including concrete pumps, wagons, lifts, mobile cranes, etc, shall be situated within the boundaries of the site and so placed that all concrete slurry, water, debris and the like shall be discharged onto the building site, and is to be contained within the site boundaries. This condition shall be complied with during demolition and building work.
71. New boundary fences shall be provided to replace all existing boundary fencing. Fencing behind the building line shall be a height of 1.8m.
72. Ceiling fans shall be provided within all residential units.
73. Devices shall be provided to allow windows and doors to each unit to be able to be opened and secured to enable cross ventilation.
74. Inspections and Compliance Certificates for sewer works can only be conducted and issued by Hawkesbury City Council.
 - (a) In the case of internal and external (house service connection) drainage, the inspection must be conducted by Hawkesbury City Council's Building & Development Branch. Please phone 02 4560 4565 to arrange inspections. Fees apply and must be paid prior to inspection.
 - (b) In the case of any sewer work constructed under a Major/Minor Sewer Works application, the inspection must be conducted by Hawkesbury City Council's Waste Management Branch. A compliance certificate will not be issued until Works As Executed information has been received, assessed and approved by the Waste Management Branch. Please phone 02 4560 4519 or 4529 to arrange inspections.
 - (c) In the case of major sewer works where the contractor is allowed to use third party quality control, the third party must be approved by the branch manager of Hawkesbury City Council's Waste Management Branch.

In all cases inspections must be conducted on the exposed pipes prior to any backfilling this includes poured concrete slabs or concrete encasement.

A statutory declaration will not be accepted in lieu of the inspection for compliance.

Prior to Issue of Any Occupation Certificate

75. Compliance with all conditions of this development consent.
76. 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.
77. 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 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 infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

78. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
79. The following certificates are to be provided, stating the name of person or company carrying out the installation, type of material and the relevant Australian Standard to which installed:

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- (a) The type and method of termite treatment (complying with AS 3660) provided to walls and floors, pipe penetrations, jointing of new work to existing and slab perimeters. A copy of the termite treatment and materials used shall also be securely fixed inside the meter box for future reference.
 - (b) Glazing materials installed in the building in accordance with AS1288 and AS2047 - Glass in Buildings - Selection and Installation, e.g. windows, doors, footlights and showers.
 - (c) The type of timber installed indicating both species and durability as required by AS 1684.
 - (d) An automatic smoke detection system installed in residential development by a licensed electrician. Smoke alarms must comply with AS 3786 and be connected to the consumer mains power where supplied to the building.
 - (e) A statement or other suitable evidence shall be submitted to the Principal Certifying Authority, certifying that all commitments made on the BASIX certificate have been implemented and installed as approved.
80. A flood warning sign of durable material shall be permanently fixed in a prominent location within the site. The sign shall advise occupants that the site may subject to inundation during times of flood.
81. The applicant shall prepare a flood emergency evacuation and management plan for the development. The plan shall advise occupants of flood evacuation procedures and emergency telephone numbers. The applicant shall contact Council and the NSW State Emergency Service for advice in the preparation of the plan. The evacuation procedures shall be permanently fixed to the building in a prominent location and maintained at all times.
82. The applicant shall submit a report from a suitably qualified Engineer which verifies the following:
- (a) Any damage to the proposed structure sustained in a flood will not generate debris capable of causing damage to downstream buildings or property.
 - (b) Any part of the structure at or below the 1 in 100 year flood level will be able to withstand the force of floodwaters (including buoyancy forces) and the impact of debris.
 - (c) All finishes, plant fittings and equipment subject to inundation will be of materials and functional capability resistant to the effects of floodwaters.
83. A Plan of Management for the on-site stormwater detention facilities shall be submitted to and approved by Council. The Plan of Management shall set out all design and operational parameters for the detention facilities including design levels, hydrology and hydraulics, inspection and maintenance requirements and time intervals for such inspection and maintenance.
84. The owner shall enter a positive covenant with Council which provides the following:
- (a) The registered proprietors will at all times maintain, repair and keep the on-site stormwater detention facilities in a good and safe condition and state of repair, in accordance with the approved design to the reasonable satisfaction, at all times, of Council, having due regard to the Plan of Management for the operation and maintenance of the on-site stormwater detention facilities, and
 - (b) The liability under the Covenant will jointly and severally bind the registered proprietors of the proposed dwellings, and
 - (c) Council only will be entitled to release or modify the Covenant.

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

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85. Submission of a report by the Design Engineer stating the conformance or otherwise of the detention system in relation to the approved design.
86. Works-As-Executed drawings for the One Site Detention Stormwater System which indicate the following shall be submitted to and approved by Council:
 - (a) Invert levels of tanks, pits and pipes
 - (b) Surface levels of pits and surrounding ground levels
 - (c) Levels of surrounding kerb
 - (d) Floor levels of buildings
 - (e) Top of kerb levels at the front of the lot; and
 - (f) Extent of inundation
87. Retaining walls are to be certified on completion by a suitably qualified and experienced Structural Engineer.
88. A works as executed plan shall be submitted to Council on completion of works. The plan shall include the location of the constructed structures in relation to property boundaries.
89. A certificate from an appropriately qualified Acoustic Engineer is to be submitted with the Occupation Certificate application certifying that the 'as built' development and all sound producing plant, equipment, machinery or fittings associated with mechanical ventilation and / or the lift system will not exceed more than 5dB(A) above the background level during the day and evening and not exceeding the background level at night (10.00pm - 6.00 am) when measured at the boundary of the property, and will comply with the Environment Protection Authority Industrial Noise Policy.

This report and certification prepared by an appropriately qualified or accredited person shall be submitted to the Principal Certifying Authority demonstrating compliance with this condition prior to the occupation of the completed works.
90. Street number being affixed to the building prior to occupation.
91. Prior to the issue of the Occupation Certificate landscaping in accordance with the approved landscape plan is to be completed.
92. A Compliance Certificate from Hawkesbury City Council's Waste Management branch confirming sewer works constructed under a Major/Minor Sewer Works application must be submitted to the Principal Certifying Authority.
93. A compliance certificate from Hawkesbury City Council's Building & Development Branch confirming completion of internal and external drainage must be submitted to the Principal Certifying Authority.

Use of Development

94. No internal or external alterations shall be carried out without prior approval of Council.
95. All fire safety equipment and fixtures shall be regularly serviced and maintained. The owner or their agent shall certify annually that each of the fire safety measures specified in this statement has:
 - (a) been assessed by a properly qualified person, and
 - (b) found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the certificate is issued.
96. The subject development, including landscaping and bin storage areas, shall be regularly maintained. Plant species shall be replaced as required in order to maintain the viability of the approved landscape concept prepared for the site.

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97. Waste and recyclable material, generated by this premises, shall not be collected between the hours of 10:00pm and 7:00am on any day.
98. A sign, legible from the street, shall be permanently displayed to indicate that visitor parking is available on the site and the visitor car parking spaces shall be clearly marked as such.
99. 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.
100. No individual parking spaces or access thereto shall be constrained or enclosed by any form of structure such as fencing, or the like, without prior consent from Council.
101. Appropriate sign(s) shall be provided and maintained within the site at the point(s) of vehicular egress to compel all vehicles to stop before proceeding onto the public way.

Advisory Notes

- *** The land is within the Hawkesbury City Council Sewerage Catchment. A separate application shall be submitted to Council for any alterations or connections to the sewer mains. The applicant shall consult with Council regarding acceptable discharge limits to the sewerage system.
- *** Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.
- *** 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.
- *** 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 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.
- *** The applicant is advised to consult with:
 - (a) Sydney Water Corporation Limited
 - (b) Integral Energy
 - (c) Natural Gas Company
 - (d) a local telecommunications carrierregarding 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 development. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.

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:

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For the Motion	Against the Motion
Councillor Calvert	Nil
Councillor Ford	
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Tree	
Councillor Whelan	

Councillors Bassett and Conolly declared a significant non-pecuniary conflict of interest in this matter were not in the Chamber when the vote was taken.

Councillors Mackay, Reardon and Williams were absent from the meeting.

Councillor Basset assumed the Chair as Mayor.

Item: 163 CP - Development Application - Torrens Title Subdivision into Eight Lots - Lot 1 DP 543262 and Lot 4 DP 1064408, 150 and 274B Hermitage Road, Kurrajong Hills - (DA0821/08, 112026, 19284, 95498)

Ms Mary Mooney, respondent, addressed Council.

MOTION:

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

Refer to RESOLUTION

253 RESOLUTION:

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

That:

- A. Development application DA0821/08 at Lot 1 DP 543261 150 Hermitage Road and Lot 4 DP 1064408 274B Hermitage Road, KURRAJONG HILLS NSW 2757 for Torrens title subdivision into eight lots be approved subject to the following conditions:

General Conditions

1. The development proposal is to comply with the subdivision layout identified on the drawing prepared by Degotardi, Smith & Partners numbered 30721A03.DWG Rev. A Sheets 1-6, dated September 2009, 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.

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3. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within seven days of issuing the certificate. A registration fee applies.
4. All the recommendations of the Flora and Fauna Assessment prepared by Anderson Environmental Consultants Pty Ltd dated November 2007 and addendum dated September 2009 shall be implemented within then development.
5. All vegetative debris (including felled trees) resulting from the approved clearing of the site for asset protection zones and construction of road/bridge works, is to be chipped or mulched. Tree trunks are to be recovered for posts, firewood or other appropriate use. No vegetative material is to be disposed of by burning unless separately approved within an "Application for approval to pile burn" by Hawkesbury City Council.
6. The new road and section of currently un-named road shall be named.

The applicant is welcome to suggest a name but the final decision rests with Council. Note that road naming can be lengthy process (3 – 6 months), the applicant is advised to contact Council and commence the process as soon as practical.

It would be preferable for the road name to be resolved by Council following a public consultation prior to the linen being released by Council.

Fees for road naming apply and are listed in Council's Fees and charges.

Prior to issue of Construction Certificate

7. The Construction Certificate will not be issued over any part of the site requiring a Controlled Activity Approval until a copy of the Approval has been provided to Council.
8. Property access roads shall comply with Section 4.1.3 (2) of ' Planning for Bushfire Protection 2006 '.
9. Pursuant to section 80A(1) of the *Environmental Planning and Assessment Act 1979* and Hawkesbury City Council's Section 94A Development Contributions Plan 2006 (as amended from time to time), a contribution of \$5800 shall be paid to Hawkesbury City Council.

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

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

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

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

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

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12. Payment of a Construction Certificate checking fee of \$5490.10 and a Compliance Certificate inspection fee of \$10,980.20 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2010. Fees required if an Accredited Certifier is used will be provided on request.
13. Under the provisions of the Road Act 1993, Council, as the roads authority shall approve all works within the existing road reserve. In this regard, plan checking and inspection fees of \$4176.90 are to be paid to Council for the construction of the section of the un-named road/Douglas Farm Road shown on the approved plans. This amount is valid until 30 June 2010.
14. Details of any fill material removed from or imported to the site shall be submitted with the engineering plans. Details to include quantities, borrow sites or disposal sites.
15. A Traffic Guidance Scheme prepared in accordance with AS 1742-3 (2002) by an appropriately qualified person shall be submitted to Council.
16. Retaining walls are to be designed by a suitably qualified and experienced Structural Engineer.
17. The existing bridge and proposed widening are to comply with the minimum Australian Standards for bridges for use as public roads.

The existing structure was approved for use as access to a single dwelling. Accordingly, prior to any design works commencing, the existing bridge is to be assessed for compliance with the relevant Australian Standards for a public road,
(Including the understructure).

The existing bridge structure, plans for upgrading or replacement of the existing bridge (as required) and the widening to provide the additional lane are to be certified by a suitably qualified practicing structural engineer as complying with the Australian Standard for bridges in public roads.

18. Prior to the issue of the Roads Act approval or any Construction Certificate, a performance, damage and defects bond representing 5% of the total cost of the subdivision, with a minimum amount of \$25,000, is to be lodged with Hawkesbury City Council.

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

Prior to commencement of works

19. All traffic management devices shall be installed and maintained in accordance with the approved traffic management plan.
20. A waste management plan shall be submitted to and approved by Council. The plan shall address any builder's waste and waste generated during the day to day operation of the development. Particular attention shall be paid to type and quantity of waste, recycling, reuse, storage and disposal.
21. 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.
22. 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.
23. 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.
24. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.

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25. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
 - (a) Unauthorised access to the site is prohibited.
 - (b) The owner of the site.
 - (c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
 - (d) The name and contact number of the Principal Certifying Authority.

During Construction

26. Water, electricity and gas are to comply with Section 4.1.3 of ' Planning for Bushfire Protection 2006 '.
27. Public road access shall comply with the plans prepared by Degotardi, Smith and Partners Drawing No. 30721A03. DWG Rev A, Sheets 1-6, dated 30/09/09.
28. The road reserve, where it passes through forest vegetation, for a total width of 20m shall be managed as an inner protection area (IPA) as outlined within Section 4.1.3 and Appendix 5 of ' Planning for Bushfire Protection 2006 ' and the NSW Rural Fire Service's document ' Standards for asset protection zones '.
29. The existing building on proposed Lot 1 is required to be upgraded to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen. Where applicable, this includes any sub floor areas, openable windows, doors, vents, weepholes and eaves.
30. All fill to be adequately compacted by track rolling or similar in layers not exceeding 300mm.
31. All constructed batters are to be topsoiled and turfed and where batters exceed a ratio of 3 (three) horizontal to 1 (one) vertical, retaining walls, stoneflagging or terracing shall be constructed.
32. Dust control measures, e.g. vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
33. Only vegetation nominated for removal as per the Flora and Fauna Assessment, prepared by Anderson Environmental Consultants Pty Ltd dated November 2007 and addendum dated September 2009 shall be removed.
34. Vegetation removal shall be undertaken in a safe and workman like manner.
35. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
36. 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.
37. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
 - (a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.

ORDINARY MEETING

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- (b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
 - (c) Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
38. Filling shall comprise only uncontaminated virgin excavated natural material. Contamination certificates for all source material shall be provided to the Principal Certifying Authority prior to placing any fill on site.
39. 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.
40. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification. (Note: that where the requirements of the NSW Rural Fire Service are greater than Council minimum requirements then these will take precedence.)
41. The road shoulders and full width sealed pavement of the new proposed road shall be constructed for the length shown on the approved plan. Works are to include signage, line marking, etc, as required.
42. Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for components of construction detailed in Hawkesbury Development Control Plan Appendix B Civil Works Specification, Part II, Table 1.1.
43. Construction of full width sealed pavement and the road shoulder of the section of Douglas Farm Road/ the unnamed road from the property boundary to Hermitage Road (shown on the approved plans). Works are to include a sealed rural intersection at the continuation of Douglas Farm Road.
44. A pavement 4m wide shall be constructed to the building area on each lot appropriate to the gradient of the land in accordance with the following table:

Gradient	Surface Construction
0-16%	Compacted crushed rock
17-20%	Bitumen seal
21-25%	Reinforced concrete

Driveway gradient shall not exceed 25% in any section.

45. Inspections shall be carried out and compliance certificates issued by a practising Structural Engineer attesting that the bridge has been upgraded/constructed in accordance with the certified plans and complies with the minimum requirements for public roads.

Prior to issue of Subdivision Certificate

46. 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.
47. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
48. Written clearance from an energy service provider shall be submitted to the Principal Certifying Authority.
49. A works as executed plan shall be submitted to Council on completion of works.

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50. Retaining walls are to be certified on completion by a suitably qualified and experienced Structural Engineer.
51. The bridge is to be certified on completion by a suitably qualified and experienced Structural Engineer as complying with relevant Australian Standards for bridges in public roads.
52. Easements 4m wide and 10m long shall be created over the site for drainage discharge from roads (at no cost to Council).
53. All new roads, including pathways and drainage, shall be dedicated to Council.
54. A plan of subdivision prepared to the requirements of the Land Titles Office, shall be submitted to Council, with four copies.
55. 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.
56. Payment of a Linen Release Fee in accordance with Council's Fees and Charges at the time of lodgement of the linen plan.

Use of the development

57. The asset protection zones shall be regularly maintained for the perpetuity of the development.

General Terms of Approval – NSW Office of Water

58. These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA0821/08 and provided by Council:
 - (i) Site plan, map and/or surveys

Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.
59. Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.
60. All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water guidelines located at www.dwe.nsw.gov.au/water_trades/rights_controlled.shtml:
 - (a) Watercourse crossings
61. The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.
62. The consent holder must provide a security deposit (bank guarantee or cash bond) – equal to the sum of the cost of complying with the obligations under any approval – to the NSW Office of Water as and when required.
63. The consent holder must ensure that the construction of any bridge, causeway, culvert or crossing does not result in erosion, obstruction of flow, destabilisation or damage to the bed or banks of the river or waterfront land, other than in accordance with a plan approved by the NSW Office of Water.

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64. The consent holder must ensure that any bridge, causeway, culvert or crossing does not obstruct water flow and direction, is the same width as the river or sufficiently wide to maintain water circulation, with no significant water level level difference between either side of the structure other than in accordance with a plan approved by the NSW Office of Water.
65. The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.
66. The consent holder must ensure that any excavation does not result in (i) diversion of any river (ii) bed or bank instability or (iii) damage to native vegetation within the area where a controlled activity has been authorised, other than in accordance with a plan approved by the NSW Office of Water.
67. The consent holder must re-establish the riparian corridor along the Creek Name in accordance with a plan approved by the NSW Office of Water, in any disturbed area within waterfront land of Blue Gum Creek caused by this development.

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.
- *** Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.
- *** 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) An Energy Service Provider
 - (c) Natural Gas Company
 - (d) a local telecommunications carrierregarding 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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MINUTES: 13 July 2010

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

For the Motion	Against the Motion
Councillor Bassett	Councillor Calvert
Councillor Conolly	
Councillor Ford	
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Tree	
Councillor Whelan	

Councillors Mackay, Reardon and Williams were absent from the meeting.

Item: 164 **CP - Development Application - Three Lot Torrens Title Subdivision - Lot 1 DP803225, 235 Yarramundi Lane and Lot 4 DP803225, 19 Price Lane, Agnes Banks - (DA0071/09, 4579, 4580, 74563, 95498)**

Mr Glenn Falson, proponent, addressed Council.

MOTION:

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

Refer to RESOLUTION

254 RESOLUTION:

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

That:

1. Council advise the Department of Planning that it supports the objection associated with Development Application DA0071/09 lodged pursuant to the provisions of State Environmental Planning Policy No. 1 - Development Standards and requests that the Department issue its concurrence; and,
2. Upon receipt of the concurrence, or otherwise, of the Department of Planning, determination of Development Application DA0071/09 for a three lot Torrens Title subdivision be delegated to the General Manager.
3. Should any determination by way of approval be issued a condition regarding flood free access from proposed Lot 102 to Price Lane be included.

ORDINARY MEETING

MINUTES: 13 July 2010

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

For the Motion	Against the Motion
Councillor Bassett	Nil
Councillor Calvert	
Councillor Conolly	
Councillor Ford	
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Tree	
Councillor Whelan	

Councillors Mackay, Reardon and Williams were absent from the meeting.

Item: 165 **CP - Establishment of Disability Advisory Committee - (96328)**

Previous Item: NM2, Ordinary (8 June 2010)

MOTION:

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

Refer to RESOLUTION

255 RESOLUTION:

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

That:

1. Council endorse the draft constitution for the Hawkesbury Disability Advisory Committee attached as Attachment 1 to the report.
2. Council call for nominations for interested persons to sit on the Hawkesbury Disability Advisory Committee as community representatives with a view to membership of the Committee being determined in association with Council appointing its representatives to various committees at the Extraordinary Meeting of Council scheduled for 21 September 2010.
3. Information in this report, and the constitution of the Hawkesbury Disability Advisory Committee, be referred to the Hawkesbury Bicycle and Access Mobility Committee to assist in its review of the draft constitution of the proposed Hawkesbury Mobility Plan Implementation Committee.

ORDINARY MEETING

MINUTES: 13 July 2010

Item: 166 CP - Draft Hawkesbury Local Environmental Plan 1989 (Amendment 157) - Planning Proposal to rezone Part Lots A and B DP 411701, 126 and 130 Windsor Road, McGraths Hill to 4(b) Light Industry - (95498)

MOTION:

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

Refer to RESOLUTION

256 RESOLUTION:

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

That Council forward the Planning Proposal to the Department of Planning requesting that Draft Hawkesbury Local Environmental Plan 1989 (Amendment 157) be made.

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

For the Motion	Against the Motion
Councillor Bassett	Nil
Councillor Calvert	
Councillor Conolly	
Councillor Ford	
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Tree	
Councillor Whelan	

Councillors Mackay, Reardon and Williams were absent from the meeting.

ORDINARY MEETING

MINUTES: 13 July 2010

INFRASTRUCTURE SERVICES

Item: 167 IS - Community Building Partnerships - (95495)

MOTION:

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

Refer to RESOLUTION

257 RESOLUTION:

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

That the following program of works be submitted to the NSW Government under the NSW 2010 Community Building Partnerships.

Project	Estimated Cost
Wilberforce Park (Hawkesbury Electorate)	\$48,000
Hobartville Long Day Care Centre (Londonderry Electorate)	\$65,000
Greenhills Long Day Care Centre (Riverstone Electorate)	\$75,000
TOTAL	\$188,000

ORDINARY MEETING

MINUTES: 13 July 2010

Item: 168 **IS - Regional and Local Community Infrastructure Program - Round 3 Funding - (95495)**

MOTION:

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

Refer to RESOLUTION

258 RESOLUTION:

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

That the following program of works relating to the \$353,000 offered under the Regional and Local Community Infrastructure Program – Round 3 be submitted to the Department of Infrastructure Transport and Regional Development and Local Government for approval.

Project	Estimated Cost
Streeton Lookout Stage 2, including Sewer Connection	\$68,000
Visitor Information Centre Access Improvements	\$30,000
Richmond Park Irrigation	\$50,000
Glossodia Bush Fire Shed Sewer Connection	\$10,000
Woodbury Reserve Sewer Connection	\$20,000
Glossodia Long Day Care Centre, Public Amenities, Council Owned Shopping Centre and Community Centre Sewer Connection	\$65,000
Installation of Bus Shelter – Macquarie Street, Windsor	\$20,000
Hawkesbury Community Nursery Upgrade	\$45,000
St Albans Park Improvements	\$30,000
Howe Park – adjacent to Rickaby Creek	\$15,000
TOTAL	\$353,000

ORDINARY MEETING

MINUTES: 13 July 2010

Item: 169 **IS - Use of McQuade Park for Moscow Circus - (79354, 95495)**

MOTION:

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

Refer to RESOLUTION

259 RESOLUTION:

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

That:

1. Weber Bros Pty Ltd be charged \$800 per day for the use of McQuade Park, Windsor, for the purpose of holding the Moscow Circus between Monday 2 August and Sunday 15 August 2010.
2. All other 'standard conditions of use' for the exclusive use of McQuade Park be applicable.

Item: 170 **IS - Pesticide Notification Plan - (95495)**

Previous Item: 60, Ordinary (30 March 2010)

MOTION:

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

Refer to RESOLUTION

260 RESOLUTION:

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

That:

1. The Pesticide Notification Plan attached as Attachment 1 of the report and all its recommendations be adopted.
2. A notice be placed in the NSW Gazette and Council Notices in accordance with the Regulation and a copy of the Plan be forwarded to the Department of Environment and Conservation for their notification.

ORDINARY MEETING

MINUTES: 13 July 2010

Item: 171 **IS - Endorsement for Actions in the Draft Cumberland Plain Recovery Plan - (95494, 79354)**

Previous Item: 117, Ordinary (30 June 2009)
 122, Ordinary (8 June 2010)

MOTION:

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

Refer to RESOLUTION

261 RESOLUTION:

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

That the proposed actions relating to Hawkesbury City Council within the Draft Cumberland Plain Recovery Plan be endorsed subject to funding and resource availability.

ORDINARY MEETING

MINUTES: 13 July 2010

CONFIDENTIAL REPORTS

262 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.

263 RESOLUTION:

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

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: 172 GM - Property Matter - Lease to Hawkesbury Hills Division of General Practice - Shop 3 Glossodia Shopping Centre, Glossodia - (95496, 118711)

*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: 173 SS - Property Matter - Lease to National Parks & Wildlife Service - Bowman Cottage, 368-370 Windsor Street, Richmond - (101386, 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.*

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.

264 RESOLUTION:

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

ORDINARY MEETING

MINUTES: 13 July 2010

GENERAL MANAGER

Item: 172 GM - Property Matter - Lease to Hawkesbury Hills Division of General Practice - Shop 3 Glossodia Shopping Centre, Glossodia - (95496, 118711) CONFIDENTIAL

MOTION:

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

Refer to RESOLUTION

265 RESOLUTION:

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

That:

1. Council agree to enter into a new lease with Hawkesbury - Hills Division of General Practice in regard to Shop 3 Glossodia Shopping Centre, in accordance with the proposal outlined in the report and the incorporation of the following additional requirements into the relevant lease documentation:
 - (a) The Lessee is to ensure that medical services are provided from the premises for a minimum of 3 sessions, of approximately 5 hours each, over 3 days per week in addition to any other primary health care services proposed to be provided from the premises.
 - (b) The Lessee to agree to the co-location within the premises of appropriate facilities to monitor and improve the security of the Centre in general on the basis that Council would be responsible for the cost of the required equipment for this purpose and its ongoing maintenance and monitoring.
2. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.
3. Details of Council's resolution be conveyed to the proposed Lessee, together with the advice that Council is not, and will not, be bound by the terms of its resolution until such time as appropriate legal documentation to put such resolution into effect has been agreed to and executed by all parties.

ORDINARY MEETING

MINUTES: 13 July 2010

SUPPORT SERVICES

Item: 173 **SS - Property Matter - Lease to National Parks & Wildlife Service - Bowman Cottage, 368-370 Windsor Street, Richmond - (101386, 95496) CONFIDENTIAL**

Previous Item: 93, Ordinary (24 April 2008)

MOTION:

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

Refer to RESOLUTION

266 RESOLUTION:

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

That:

1. Council agree to enter into a new lease with The Minister administering the National Parks and Wildlife Act in regard to Bowman Cottage, 368-370 Windsor Street, Richmond, in accordance with the proposal outlined in the report.
2. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.
3. Details of Council's resolution be conveyed to the proposed 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: 13 July 2010****QUESTIONS WITHOUT NOTICE**

#	Councillor	Question	Response
1	Paine	Referred to the publicity of the Voluntary Building Code by Sydney Morning Herald and 2BL today and enquired if Council could consider making this accessible to benefit the elderly or people with disabilities.	The Director City Planning advised that a number of buildings are built to be adaptable for aged living or conversion from residential to commercial or vice versa. He advised that if staff were going to enforce the Code it would need to be a policy of Council and/or the matter would need to be submitted as a Notice of Motion.
2	Paine	Advised that she has received a phone call regarding activities being carried out without approval at 46 Bilpin Spring Road including weddings, backpacker events and also buses parking on the site. She enquired if any action has been taken regarding the matter.	The Director City Planning advised that the matter will be investigated.
3	Calvert	Enquired if there is a 'Turn left at any time with care' sign at the Kurrajong lights when turning out of the Village and left onto Bells Line of Road towards Bilpin as many cars are completing this turn on a red light.	The Director Infrastructure Services advised that the matter will be investigated.
4	Porter	Enquired about the funds left in the Stormwater Levy Reserve and requested a break down of the funds that have been withdrawn in the last 18 months and what they have been used for.	The Director Infrastructure Services advised that the matter will be investigated.
5	Porter	Referred to a letter received from a resident of Tennyson Road who had advised that she was fined \$1,500 for the removal of two trees which had been approved by Council. He enquired why a fine had been issued.	The Director City Planning advised that an approval had been issued however the conditions stated that only one tree was to be removed not two.
6	Porter	Enquired if the regulations regarding clearing of boundary lines to re-erect boundary fences has recently changed.	The Director City Planning advised that there have been no recent changes to the controls.

The meeting terminated at 8.38pm.

Submitted to and confirmed at the Ordinary meeting held on 27 July 2010.

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Mayor