



Hawkesbury City Council

ordinary meeting minutes

date of meeting: 24 April 2007

location: council chambers

time: 5:00 p.m.

ORDINARY MEETING

Table of Contents

MINUTES: 24 April 2007

MINUTES

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

General Manager

City Planning

Commercial Strategy

External Services

Infrastructure Services

Support Services

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

ORDINARY MEETING

Table of Contents

MINUTES: 24 April 2007

ORDINARY MEETING**Table of Contents****MINUTES: 24 April 2007****TABLE OF CONTENTS**

ITEM	SUBJECT	PAGE
	ATTENDANCE	1
	SECTION 1: Confirmation of Minutes	1
	SECTION 2 - Mayoral Minutes	2
	MM - Visit by Weddin Shire Council - (79351)	2
	SECTION 3 - Notices of Motion	3
	RM - Rescission Motion - Rural Residents to be Notified of Neighbouring Development Applications - (95496, 90477, 80096, 90479)	3
	NM 1 - Anomalies found in Hawkesbury Local Environmental Plan 1989 to be rectified - (90480, 90476, 95496)	3
	NM 2 - Hawkesbury River System "River Summit" (90480, 90476, 90477, 80108, 79353, 95496)	4
	NM 3 - Reconsider Resolution to Sell Ham Street Hall, South Windsor - (95496, 80106)	4
	NM 4 - Recording of Councillors Votes in Minutes - (80105, 95496)	5
	NM 5 - Properties Not Included on Reticulated Sewerage Schemes - (90479, 95496)	5
	SECTION 4 - Reports for Determination	6
	CITY PLANNING	6
Item: 67	CP - Dwelling House - Two Storey Dwelling, Lot 13 DP 230176, 20 Holmes Drive, Cumberland Reach NSW 2756 - (DA0568/06, 21323, 21324, 100489, 80524, 95498)	6
Item: 68	CP - Commercial Premises - Construction of Premises - Car Wash and Cafe, Lot A, DP 411701, 126 Windsor Road, McGraths Hill - (95498, 12824, 12826, DA0291/06)	11
Item: 69	CP - Construction of Observation Viewing Platform and Access Pathways at Rotary Lookout Bellbird Hill Reserve, Lot 10 DP 719776, Bellbird Hill Reserve 1142 Bells Line Of Road Kurrajong Heights NSW 2758 - (95498, 39980, 96329, 107, DA0080/07)	21
Item: 70	CP - Subdivision - Torrens Title - Stage Development Into 226 Lots Including 224 Residential Lots With Landscaping New and Upgraded Roads - Lot 132 DP1025876, Lot 14, DP865977, 18 Johnston Street Pitt Town NSW 2756 - (DA0557/06, 95498, 96329, 87959, 676)	23
Item: 71	CP - Request for Refund of Fees for DA0850/06- Bilpin Rural Fire Service - (95498, 73582)	37

ORDINARY MEETING**Table of Contents****MINUTES: 24 April 2007**

ITEM	SUBJECT	PAGE
Item: 72	CP - Policy Register Review - Archiving of Policies - (95498)	37
EXTERNAL SERVICES		38
Item: 73	ES - Reduction in Cost of Mulch Sold from Hawkesbury City Waste Management Facility - (82995, 96330)	38
Item: 74	ES - Proposed Adoption of Self-Enforcing Infringement Notice Scheme (SEINS) Policy - (95494, 96330)	38
Item: 75	ES - Proposed Adoption of Draft Outdoor Dining and Footpath Trading Policy - (95494, 96330)	39
INFRASTRUCTURE SERVICES		40
Item: 76	IS - Oakville Rural Fire Service Substation Relocation - (95495, 73596, 79016)	40
Item: 77	IS - Exclusive Use of Governor Phillip Reserve - Ski Racing NSW - (79354, 92138)	40
SUPPORT SERVICES		42
Item: 78	SS - Proposal to Establish Additional Alcohol Free Zones - (95496, 96333)	42
CONFIDENTIAL REPORTS		43
Item: 79	SS - Property Matter - Lease to McGrath's Hill Supermarket/Takeaway - (9557, 92602, 84810, 95496) CONFIDENTIAL	44
SUPPLEMENTARY REPORTS		45
Item: 80	CP - Floodplain Risk Management Committee - Appointment of New Committee Members - (95498, 86589)	45
SECTION 5 - Reports of Committees		47
ROC - Local Traffic Committee - 21 March 2007 - (80245)		47
QUESTIONS WITHOUT NOTICE		48

ORDINARY MEETING

MINUTES: 24 April 2007

Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 24 April 2007, commencing at 5:03pm.

Pastor Ralph Parnwell of the River of Life Christian Centre, representing the Hawkesbury Minister's Association, gave the opening prayer at the commencement of the meeting.

ATTENDANCE

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

Councillor Paine left the meeting at 10:07pm
Councillor Williams left the meeting at 10:23pm

SECTION 1: Confirmation of Minutes

103 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Bassett that the Minutes of the Ordinary Meeting held on the 27 March 2007, be confirmed.

104 RESOLUTION:

RESOLVED on the motion of Councillor Williams and seconded by Councillor Devine that the Minutes of the Special Meeting held on the 17 April 2007, be confirmed.

ORDINARY MEETING

MINUTES: 24 April 2007

SECTION 2 - Mayoral Minutes

MM - Visit by Weddin Shire Council - (79351)

MOTION:

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

Refer to RESOLUTION

105 RESOLUTION:

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

That Council agree in principle to a city-country alliance with Weddin Shire Council, and Memorandum of Understanding to that effect be jointly developed for consideration by the Councils.

SECTION 3 - Notices of Motion

**RM - Rescission Motion - Rural Residents to be Notified of Neighbouring Development Applications
- (95496, 90477, 80096, 90479)**

MOTION:

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

Refer to RESOLUTION

106 RESOLUTION:

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

That Council's resolution of 13 March 2007 (Minute No. 61 re Notice of Motion 3) regarding rural residents being notified of neighbouring development applications be and is hereby rescinded.

107 RESOLUTION:

RESOLVED on the FORESHADOWED motion moved by Councillor Bassett, seconded by Councillor Rasmussen.

That the details of the existing DCP requirements be workshopped so as to ensure that they are both practicable and workable.

NM 1 - Anomalies found in Hawkesbury Local Environmental Plan 1989 to be rectified - (90480, 90476, 95496)

MOTION:

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

Refer to RESOLUTION

108 RESOLUTION:

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

That the matters detailed in the Notice of Motion be the subject of a future report to Council in May 2007, the report to also provide an update on the progress to date, and revised timeline, for the conversion of the Hawkesbury LEP 1989 to the Standard LEP Template.

ORDINARY MEETING

MINUTES: 24 April 2007

NM 2 - Hawkesbury River System "River Summit" (90480, 90476, 90477, 80108, 79353, 95496)

Mr Bill Sneddon, proponent, addressed the Council.

MOTION:

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

Refer to RESOLUTION

109 RESOLUTION:

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

That a summary of the Hawkesbury-Nepean River Health Strategy and it's implications for Hawkesbury City Council be the subject of a future report to Council during May/June 2007.

NM 3 - Reconsider Resolution to Sell Ham Street Hall, South Windsor - (95496, 80106)

Ms Peta Gray, Ms Katie-Lee Harrison and Ms Kim Smith, proponents, addressed Council.

MOTION:

A motion was moved by Councillor Rasmussen, seconded by Councillor Williams

That Council:

1. Defer the resolution to sell the Ham Street Hall, South Windsor; at this time.
2. Take note of the fact that the new community facilities to be built in South Windsor will be inadequate and unsuitable for a number of community groups currently using the old Ham Street Hall, in particular youth dance and special interest groups needing specialised features provided by the hall.
3. Conduct a survey of the South Windsor community to determine the level of community facilities needed now and in the near future.
4. Establish a community partnership with user groups of Ham Street Hall which would ensure that ongoing maintenance and care was carried out at least cost.

The motion was lost.

ORDINARY MEETING

MINUTES: 24 April 2007

110 RESOLUTION:

RESOLVED on a FORESHADOWED motion moved by Councillor Books, seconded by Councillor Bassett.

That a report be provided to Council on the possibility of having a sprung wooden floor section included in or as an addition to the South Windsor Community Centre. The report to include details of the use of such a facility.

NM 4 - Recording of Councillors Votes in Minutes - (80105, 95496)

MOTION:

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

That the minutes of Council meetings record which Councillors voted 'for' and which Councillors voted 'against' each resolution.

The motion was lost.

NM 5 - Properties Not Included on Reticulated Sewerage Schemes - (90479, 95496)

MOTION:

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

Refer to RESOLUTION

111 RESOLUTION:

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

That a report be prepared outlining options which may be available for effluent treatment for those properties currently on pump out and not included on proposed reticulated sewerage schemes.

ORDINARY MEETING

Meeting Date: 24 April 2007

SECTION 4 - Reports for Determination

CITY PLANNING

Item: 67 CP - Dwelling House - Two Storey Dwelling, Lot 13 DP 230176, 20 Holmes Drive, Cumberland Reach NSW 2756 - (DA0568/06, 21323, 21324, 100489, 80524, 95498)

Mr Glenn Falson and Mr Dirk Burgmans, proponents, addressed the Council.

MOTION:

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

That a site inspection be carried out and the State of Emergency Services be invited to attend to provide advice.

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

Refer to RESOLUTION

The amendment was carried.

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

112 RESOLUTION:

RESOLVED on the AMENDMENT moved by Councillor Calvert, seconded by Councillor Rasmussen.

That the application be approved as a deferred commencement consent subject to the following:

Schedule One

Submission of amended plans reducing the height of the roof.

Schedule Two

General

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

ORDINARY MEETING

Meeting Date: 24 April 2007

6. The development shall comply with the Environmental Planning and Assessment Act, 1979 at all times.
7. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within 7 (seven) days of issuing the certificate. A registration fee applies.
8. This consent covers the removal of trees and other vegetation for driveways and access and within a 6 metre radius from the building. No other trees or vegetation shall be removed without prior approval of Council.
9. The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.

Prior to Issue of Construction Certificate

10. 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 \$2,400 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.

Prior to Commencement of Works

11. The driveway access over the stormwater easement is to be designed by an engineer to ensure the works do not impact on the stormwater flows or adjoining properties.
12. 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.
13. 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.
14. 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.
15. 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.
16. 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.
17. 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.
18. 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:

ORDINARY MEETING

Meeting Date: 24 April 2007

- (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.
19. A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Principal Certifying Authority prior to any works commencing on site.

During Construction

20. Suitable non reflective glazing is to be provided to all windows on the north and east elevations as shown on stamped plans.
21. The habitable floor levels shall be at or above the 1% AEP flood level of 12m AHD.
22. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
23. All trucks entering or leaving the site shall have their trays suitably covered to prevent spillage from the truck onto the road.
24. 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.

ORDINARY MEETING

Meeting Date: 24 April 2007

- (k) No material is to be burnt on site.
25. Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the following components of construction:
- (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) the first storey floor joists, prior to the fixing of any flooring material;
 - (g) wet area flashing, after the installation of bath and shower fixtures;
 - (h) swimming pool fencing, prior to the pool being filled with water;
 - (i) prior to occupation of the building;
 - (j) on completion of the works;
26. A registered surveyor's certificate indicating that the level of the top of the concrete slab formwork/floor joists for the lowest habitable floor is at or above 12 metres Australian Height Datum shall be obtained prior to placement of concrete.
27. Alternatively, a defined bench mark AHD level shall be identified by survey report on a fixed location immediately adjacent to the building (eg. top of concrete strip footing, top of poured concrete pier).
28. The surveyor's certificate shall be provided to both Hawkesbury City Council and the Accredited Certifier (if not HCC) prior to any structure being erected on the concrete.
29. Council records indicate that the building site is at a level of approximately 10.5 metres AHD. All materials used in the construction below the level of 12 metres AHD shall be capable of withstanding prolonged immersion in water without swelling or deteriorating.
30. The development shall be constructed of flood compatible materials in accordance with the NSW Government Flood Plain Manual. In this respect the following design precautions must be adhered to in all respects:
- (a) all electrical, heating and air conditioning service installations are to be located above the 2% AEP flood level of 10.8 metres AHD;
 - (b) the building is to be constructed of flood compatible materials such as galvanised steel frame, galvanised zinc alum cladding doors and door frames; and
 - (c) the structure and walls shall be strengthened to a level of 12m AHD to increase resistance to floodwater flow and debris impact.
31. The dwelling shall be provided with on-site water storage vessels of minimum 100,000 (one hundred thousand) litres capacity, which incorporate the following:
- A draw off line with a 38mm Storz fitting and non-return foot valve which extends to the base of the water tank for Rural Fire Service access.

ORDINARY MEETING

Meeting Date: 24 April 2007

- The domestic line shall terminate so as to retain a minimum of 10,000 litres permanently in the tank. If an emergency sprinkler system is installed a minimum of 22,000 litres will be required.
- All tanks shall have an access hatch, minimum 800mm in diameter, to gain entry directly through the lid.

32. All roofwater shall be drained to the water storage vessel/s.
33. Any stormwater drainage pit shall be of adequate size and be fitted centrally with vertical overflow pipes and be located so as not to interfere with any other property or sewer drainage system.
34. The development shall be treated for termites in accordance with the Building Code of Australia and AS 3660 as amended by a suitably qualified person with particular attention to timber floors, slab penetrations, joints between slabs, additions to existing buildings.

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

35. An automatic fire detection and alarm system shall be installed within the building in accordance with the Building Code of Australia for Class 1A and 1B Dwellings. Alarms and Detectors shall be installed by a licensed electrician and multiple alarms shall be interconnected, an certificate of the installation shall be provided prior to occupation of the building or addition.
36. The following certificates are to be provided, stating the name of person or company carrying out the installation, type of material and the relevant Australian Standard to which installed:
- (a) The type and method of termite treatment (complying with AS 3660) provided to walls and floors, pipe penetrations, jointing of new work to existing and slab perimeters. A copy of the termite treatment and materials used shall also be securely fixed inside the meter box for future reference.
 - (b) Glazing materials installed in the building in accordance with AS1288 and AS2047 - Glass in Buildings - Selection and Installation, e.g. windows, doors, footlights and showers.
 - (c) 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.
 - (d) 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.
 - (e) Certificate from engineer certifying the works as executed over the easement.

Prior to Issue of Occupation Certificate

37. 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.

ORDINARY MEETING

Meeting Date: 24 April 2007

Use

- 38. No internal or external alterations shall be carried out without prior approval of Council.
- 39. The lower floor shall not be occupied for human habitation/residential, industrial or commercial purposes.

Advisory

- 40. Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.
- 41. 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.
- 42. The applicant is advised to consult with:
 - (a) Sydney Water Corporation Limited
 - (b) Integral Energy
 - (c) Natural Gas Company
 - (d) a local telecommunications carrier

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

- 43. 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.

Item: 68 **CP - Commercial Premises - Construction of Premises - Car Wash and Cafe, Lot A, DP 411701, 126 Windsor Road, McGraths Hill - (95498, 12824, 12826, DA0291/06)**

Mr Ghazi Yarak, proponent, addressed the Council.

MOTION:

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

Refer to RESOLUTION

113 RESOLUTION:

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

That:

- A. The objection under State Environmental Planning Policy No. 1 be supported; and

ORDINARY MEETING

Meeting Date: 24 April 2007

- B. The application for carwash and café be approved as a Deferred Commencement Consent, subject to the following conditions:
1. 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.
 2. 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

- A. Arrangements shall be made for the provision of common drainage and the disposal of stormwater from the site. A concept stormwater drainage plan to include where appropriate:
- a. Authority or owners consent
 - b. Details of on site detention restricting stormwater discharge from the site to pre-development flow levels for the 1:1 to 1:100 year storm;
 - c. Treatment management details

is to be submitted for approval.

The drainage design plan is to show the proposed method of stormwater removal by gravity to a legal external discharge point. Where disposal of drainage involves the provision of drains across land owned by others, drainage easements shall be provided.

Schedule 2

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 at all times.
6. The development shall comply with the Environmental Planning and Assessment Act, 1979 at all times.
7. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within seven days of issuing the certificate. A registration fee applies.
8. Hawkesbury City Council is the sewer authority for this development. Inspection for compliance certification for internal and external sewer drainage shall be requested and approved prior to covering any pipe. An inspection fee applies.
9. The development shall also incorporate the amendments made in red to the approved plans, specifications or documentation submitted.

ORDINARY MEETING

Meeting Date: 24 April 2007

10. This consent covers the removal of trees and other vegetation for driveways and access and within a six metre radius from the building. No other trees or vegetation shall be removed without prior approval of Council.
11. 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

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 access, car park, drainage, filling 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.
14. Payment of a Construction Certificate checking fee of \$419.00 and a Compliance Certificate inspection fee of \$720.00 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2007. Fees required if an Accredited Certifier is used will be provided on request.
15. Payment of a contribution of \$1,569.75 towards sewer headworks. This sum will remain fixed until 30 June 2007 after which it will be recalculated at the rate applicable at the time of payment.
16. Retaining walls are to be designed by a suitably qualified and experienced Structural Engineer.
17. A Traffic Guidance Scheme prepared in accordance with AS 1742-3 (1996) by an appropriately qualified person shall be submitted to Council. Where the works affect Roads and Traffic Authority controlled roads, the Traffic Guidance Scheme is to be approved by the Roads and Traffic Authority before submission to Council.
18. 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 \$4,000.00 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 receipt(s) confirming that the contribution has been fully paid are to be provided to the certifying authority.
19. Details of any fill materials removed from or imported to the site shall be submitted with the engineering plans. Details to include quantities, borrow sites or disposal sites.
20. The owner shall provide a garbage storage room to be shown on the construction certificate plans and shall be fully enclosed and be provided with a concrete floor, with concrete or cement rendered wall covered to the floor. The floor shall be graded to an approved sewer connection incorporating a sump and galvanised grate cover or basket. A hose cock shall be provided within the room. Garbage rooms shall be vented to the external air by natural or artificial means.
21. A Landscape Plan, suitable for construction, shall be submitted to the Principal Certifying Authority for approval. The landscape plan shall be generally in accordance with the concept plan except for

ORDINARY MEETING

Meeting Date: 24 April 2007

the following amendments:

- a. The use of "*Allocasuarina torulosa*" is not supported given the size of the planting bed, and given that this species will form a monoculture which will prevent the establishment/growth of other plants.
- b. The use of "*Waterhousia*" and "*Westringea*" will be subject to an appropriate maintenance plan and provision of irrigation to ensure survival.

Prior to Commencement of Works

22. All traffic management devices shall be installed and maintained in accordance with the approved traffic management plan.
23. 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.
24. Any structure/building constructed on this block MUST comply with Section 8 "Building adjacent to or over Council's Sewer mains" of Hawkesbury City Council Standard Specification Construction and Testing of Sewerage Works Revised December 2003.

The footings shall be designed and constructed in such a manner that their zone of influence shall fall a minimum of 900mm below the zone of influence of the trench taken from a point 600mm from the centre line at invert level of the adjacent sewer main. The angle of repose shall be assumed to be 1:1 (45 degrees) in undisturbed clay or similar material and 1:2 (30 degrees) from horizontal in sand or filled ground whether compacted or not. All supporting piers adjacent to the sewer main shall contain appropriate starter bars cast in them for subsequent tying into the strip footing or perimeter beam. Design of the proposed footings system shall be certified by a structural engineer and approved by Council. The applicant shall accurately locate the position of the main prior to work commencing and shall request an inspection of the location and depth of any pier within the zone of influence by Council prior to the Principal Certifier authorising concrete pour to the piers.

25. 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.
26. 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.
27. A copy of receipt of payment of Long Service Levy shall be provided to the Principal Certifying Authority prior to any works commencing on site. Payments can be made at Long Service Corporation offices or most Councils.
28. 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.
29. 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.
30. 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.

ORDINARY MEETING

Meeting Date: 24 April 2007

31. 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.
32. A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Principal Certifying Authority prior to any works commencing on site.

During Construction

33. The development shall be completed in accordance with the approved colours and finishes and shall not be altered.
34. Any building, or part thereof, to be used for the purpose of storage, preparation or sale of food for human consumption, shall be constructed in accordance with the requirements of The Food Act, 1989 and Regulations thereunder, and Council's Food Premises Code.

All walls, ceilings, benches, shelves, chairs, fittings and the like are to be constructed with materials that are smooth, durable, impervious to moisture and capable of being easily cleaned. The covering shall be free of protrusion or gaps.

All wall/floor junctions in the work area shall be coved to a minimum radius of 25mm using a smooth impervious material of light colour.

35. The premises shall be fitted with adequate hand washing facilities for preparation of food. A basin with a common spout for the supply of hot and cold running water, capable of a temperature of 77 degrees Centigrade is to be provided in the food preparation area and the toilet. A supply of soap and single use paper hand towels shall be fitted to an adjacent wall and shall be available at the basins at all times.
36. A minimum 1000L commercial grease trap shall be installed.
37. All stormwater and seepage from the hard surface shall be diverted away from the waste water disposal system by a suitable drain or earth mound. Such drains/mounds shall be maintained in a satisfactory condition at all times.
38. The site shall be secured to prevent the depositing of any unauthorised material.
39. Dust control measures, eg., vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
40. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
41. Off-street parking spaces, together with access driveways and turning areas, shall be constructed, paved, line marked, signposted and maintained, as shown on the approved plan.
42. Vehicle entrances and exits shall be clearly signposted, including street number, and shall be visible from both the street and site at all times.
43. Disabled parking shall be provided in accordance with AS2890.1-1993.

ORDINARY MEETING

Meeting Date: 24 April 2007

44. The fill batter toe is to be located a minimum of one (1) metre from the property boundary.
45. Provision of adequate on site loading and unloading facilities to cater for the proposed use of the land.
46. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
47. 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.
48. 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.
49. 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 twenty four (24) 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

ORDINARY MEETING

Meeting Date: 24 April 2007

maximum separation and recycling of demolished materials to take place.

k. No material is to be burnt on site.

50. Mandatory inspections shall be carried out and Compliance Certificates issued only by Council or an accredited certifier for the following components or 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;

51. 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.

52. A registered surveyor's certificate indicating that the level of the top of the concrete slab formwork/floor joists for the lowest floor is at or above 14.3m AHD (Australian Height Datum) shall be obtained prior to placement of concrete.

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

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

53. 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.
54. All natural and subsurface water flow shall not be redirected or concentrated to adjoining properties. Water flows shall follow the original flow direction without increased velocity.
55. Any sewer or stormwater main or manhole affected by the development shall be repaired or altered in level as directed at the applicant's expense.
56. The floor of the internal WC shall be graded and drained to an approved floor waste.
57. All natural and subsurface water flow shall not be redirected or concentrated to adjoining properties. Water flows shall follow the original flow direction without increased velocity.

ORDINARY MEETING

Meeting Date: 24 April 2007

58. Provision shall be made for access to the buildings with adequate aids provided for those with disabilities (ie., mobility, hearing, sight impaired) in accordance with the Discrimination Against People with Disabilities Act (DDA), Building Code of Australia and Council's Access Policy.
59. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan Appendix E, Civil Works Specification.
60. On site detention shall be provided to maintain all stormwater discharges to Windsor Road from the 1:1 year storm up to the 1:100 year storm at pre-development levels.
61. Water quality control devices and energy dissipaters shall be constructed at the point of discharge of stormwater from the site to private land.
62. 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.
63. The existing "Left Turn Only" signage (within the site) should be repositioned as close as possible to the exit driveway crossing and angled perpendicular to vehicles egressing the driveway crossing.

Prior to Issue of Occupation Certificate

64. Compliance with all conditions of this development consent.
65. 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.
66. 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 and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

67. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
68. All landscaping shall be completed in accordance with the approved landscape plan prior to the issue of any occupation certificate.
69. The applicant shall submit a report from a suitable 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 1:100 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.
70. A Trade Waste Agreement must be entered into with the Hawkesbury City Council for the discharge of trade waste to Council's sewer.

ORDINARY MEETING

Meeting Date: 24 April 2007

71. A survey plan showing all existing services on the lots, including sewer connections, water connections and stormwater disposal, shall be submitted. The plan shall demonstrate that there are no encroachments over remaining or proposed boundaries.
72. Retaining walls are to be certified on completion by a suitably qualified and experienced Structural Engineer.
73. 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.
74. 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.
75. Submission of a report by the Design Engineer stating the conformance or otherwise of the system in relation to the approved design.
76. 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

Use of the Development

77. No internal or external alterations shall be carried out without prior approval of Council.
78. 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.
79. Any part of the building to be used for food preparation shall be registered with Council as Food Premises and have food premises inspections conducted by Council's Officers as necessary/required.

ORDINARY MEETING

Meeting Date: 24 April 2007

80. Operating hours shall be limited to 8.00 am to 7.00 pm, 7 days a week.
81. The development shall be conducted in such a manner that the LA (eq) noise levels, measured at any point in accordance with the NSW EPA's Industrial Noise Policy (2000), do not exceed 5dB(A) LA (eq) above background noise levels with respect to noise amenity of residential dwellings.
82. No advertising signs or structures shall be erected, displayed or affixed on any building or land without prior approval.
83. The subject development, including landscaping, is to be maintained in a clean and tidy manner.
84. 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.
85. All waste materials shall be regularly removed from the property.
86. A permanent record of receipts for the removal of both liquid and solid waste from the site shall be kept and maintained up to date at all times. Such record is to be made available to Council Officers upon request.
87. The development shall support an 80% water efficiency rate for re-use.
88. The Car Wash facility is to be appropriately managed to ensure that vehicles do not queue back and affect the normal operations of the Service Station. In this respect, attendants shall actively management the Car Wash Area to Council's satisfaction.
89. The proposed business identification signage shall not have/use:
 - a. Flashing lights;
 - b. Electronically changeable messages
 - c. Animated displays that hold a driver's attention beyond a "glance of appreciation"
 - d. Displays resembling traffic signs or signs; and
 - e. A method and level of illumination that distracts or dazzles.

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.
- *** 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. Integral Energy
 - c. Natural Gas Company
 - d. A local telecommunications carrier

ORDINARY MEETING

Meeting Date: 24 April 2007

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

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

*** The land, the subject of this approval has been filled. The depth of the fill may vary across the site.

Item: 69 CP - Construction of Observation Viewing Platform and Access Pathways at Rotary Lookout Bellbird Hill Reserve, Lot 10 DP 719776, Bellbird Hill Reserve 1142 Bells Line Of Road Kurrajong Heights NSW 2758 - (95498, 39980, 96329, 107, DA0080/07)

MOTION:

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

Refer to RESOLUTION

114 RESOLUTION:

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

That the application for construction of viewing platform and access pathways at Rotary Lookout Bellbird Hill Reserve be approved subject to the conditions in the following consent:

General

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
3. The development shall comply with the provisions of the Building Code of Australia at all times.
4. 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 Commencement of Works

5. 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.
6. 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.
7. 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.

ORDINARY MEETING

Meeting Date: 24 April 2007

8. 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.
9. 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.
10. The wind classification for the site has been assessed as Minimum W4N. This classification should be referred to your glazing supplier, frame manufacturer and building contractor to enable the appropriate frame, glazing, bracing and tie downs to be designed. A copy of the designs and glazing certificate are to be provided to the Principal Certifying Authority.
11. The deck shall be designed by a practising Structural Engineer to ensure the construction is suitable to carry excessive loading created by numerous persons using the deck (ie gathering, party, etc). A copy of the certified design shall be provided to the Principal Certifying Authority prior to commencement of works.

During Construction

12. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7:00am - 6:00pm and on Saturdays between 8:00am – 4:00pm.
13. 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.
14. Mandatory inspections shall be carried out and Compliance Certificates issued only by Council or an accredited certifier for the following components or construction:

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

 - (a) on completion of the works;
15. The footings shall be piered or shall penetrate through any fill or unstable foundation material to bear upon a structurally adequate foundation material of a uniform load-bearing value.

ORDINARY MEETING

Meeting Date: 24 April 2007

16. The footing and any reinforcing steel shall be inspected by the designing Structural Engineer and a copy of his compliance certificate shall be provided to the PCA (HCC). Note the foundation design shall allow for the soils to soften when immersed for long periods during flooding.

Item: 70 **CP - Subdivision - Torrens Title - Stage Development Into 226 Lots Including 224 Residential Lots With Landscaping New and Upgraded Roads - Lot 132 DP1025876, Lot 14, DP865977, 18 Johnston Street Pitt Town NSW 2756 - (DA0557/06, 95498, 96329, 87959, 676)**

Mr Ian Johnston, proponent, addressed the Council.

Mr John Hagar, Mr Bill Hooper and Ms Gai Timmerman, respondents, addressed the Council.

MOTION:

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

Refer to RESOLUTION

115 RESOLUTION:

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

- A. Development application DA0557/06 Lot 14 DP 86597 and Lot 132 DP 1025786 to carry out a 6 stage subdivision of the following land be approved by granting 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. A permit under Section 90 of the National Parks and Wildlife Act 1974 shall be obtained and submitted to Council.

Schedule 2

General Conditions relating to Stages 1a to 5

- 2. 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.
- 3. No excavation, site works or building works shall be commenced prior to the issue of an appropriate construction certificate.
- 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.

ORDINARY MEETING

Meeting Date: 24 April 2007

5. 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.
6. Hawkesbury City Council is the sewer authority for this development, inspection for compliance certification for internal and external sewer drainage shall be requested and approved prior to covering any pipe. An inspection fee applies.
7. 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.
8. The proposed subdivision shall comply with the requirements of Hawkesbury Development Control Plan – Part E - Specific Areas, Chapter 4 – Pitt Town.
9. The Developer must enter into the Work Agreement Deed and provide a copy of the executed WAD to the Minister and the Director General prior to the issue of the certificate.
10. The following five intersections with Pitt Town Road - Charles Street, Wolesley Road, Pitt Town Bottoms Road/Saunders Road, Schofield Road, Glebe Road are to be upgraded with localised widening to provide appropriate left turn and right turn bays. The first four intersections are to be upgraded in accordance with the RTA's AUR and AUL intersection treatments with the Pitt Town Road/Wolesley Road being upgraded in accordance with the RTA's CHR intersection treatment.

The developer must complete the intersection works in accordance with the terms of the WAD and to the satisfaction of the RTA.

11. Shoulder construction - Continuous 2m wide sealed shoulders from Windsor Road to the end of Pitt Town Road pavement consisting of 400mm of road base (DGB20), 10mm prime seal and 14mm rubberised spray seal. Alternatively a 360mm road base (DGB20) and 40mm AC14 wearing course could be provided in place of the spray seal. The join between the shoulder works and the existing pavement is to be formed by either excavation with a rotor mill or saw cut. Appropriate drainage (subsoil and surface) is to be provided in accordance with RTA requirements. Services and other road safety hazards, including but not limited to power poles, trees etc within the shoulders and clear zone (determined as per the RTA's design guidelines) are to be relocated. Only if road safety hazards cannot be relocated due to the proximity of property boundaries, can they then be treated by protection (eg by use of guard rail).

The Developer must complete the Shoulder Works in accordance with the terms of the WAD and to the satisfaction of the RTA.

NSW Rural Fire Services

12. Reticulated water system shall comply with AS2419. Locations of fire hydrants are to be delineated by blue pavement markers in the centre of the road.
13. Any future development application lodged for this subdivision under section 79 BA of the EP & A Act will be subject to requirements as set out in Planning for Bushfire Protection 2001.
14. Access to comply with section 4.3.1 Planning for Bushfire Protection.
15. The residential allotments that adjoin residual Lot 106, specifically proposed lots 5029 – 5042 (Inclusive, 2001 – 2002 (inclusive), 2051 – 2060 (inclusive). And 2064 – 2065 (inclusive) shall be provided with APZ towards Lot 106 to distance of 30 metres, which shall be maintained for a distance of 20 metres as an 'Inner Protection Area' (IPA) then an additional 10 metres shall be maintained as an Outer Protection Area (OPA) as outlined in Section 4.2.2 in 'Planning for Bushfire Protection 2001'. The proposed road network may be included within the required APZs.

ORDINARY MEETING

Meeting Date: 24 April 2007

16. Due to the proposed staging of the subdivision, the proposed development will be required to implement Temporary APZs to all areas that form future stages of residential development. These APZs should be to a distance of 20 metres and be maintained as an 'Inner Protection Area' (IPA) until the relevant area is developed.

NSW Department of Planning

17. The Developer must enter into a Work Agreement Deed with the Roads and Traffic Authority in accordance with the Pitt Town Planning Agreement.
18. The Developer must complete all intersection works and shoulder works in accordance with the Work Agreement Deed and to the satisfaction of the Roads and Traffic Authority.
19. The Developer must dedicate the proposed school site in accordance with the Pitt town Planning Agreement
20. The Developer must pay the DEC Contributions and School Building Contributions as set out in the Pitt Town Planning Agreement prior to the release of the first linen plans for the subdivision in accordance with the Pitt Town Planning Agreement.

Roads and Traffic Authority

21. The developer to carry out the agreed road improvements as outlined in the Planning Agreement between the RTA and the developer for the development site.
22. A Construction Traffic management plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control for approval prior to issue of a Construction certificate.

Prior to Issue of Construction Certificate – Stages 1a to 5

23. 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.
24. All site works shall be carried out in accordance with the Plan. Implementation of the Plan shall be supervised by an appropriately qualified person.
25. Construction of the road, access and drainage 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 of Environment and Development or an Accredited Certifier
26. 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.

Prior to Commencement of Works – Stages 1a to 5

27. All traffic management devices shall be installed and maintained in accordance with the approved traffic guidance scheme.
28. 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.

ORDINARY MEETING

Meeting Date: 24 April 2007

29. Private Accredited Certifiers do not have any authority to issue Engineering Approvals or carry out inspections for works on Public Roads under the Roads Act 1993.
30. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.

During Construction – Stages 1a to 5

31. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
32. 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.
33. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
34. Arrangements are to be made for the provision of common drainage and the disposal of storm water from the site.
35. 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.
36. 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.
37. Dust control measures, eg vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
38. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
39. The cut or fill shall be battered at a slope not exceeding 1 (one) vertical to 3 horizontal.
40. The topsoil shall be stripped and stockpiled and used to cover the area of works.
41. Inter-allotment drainage shall be provided for all lots which do not drain directly to a public road. Easements are to be created at the applicant's cost.
42. Water quality control devices and energy dissipaters shall be constructed at the point of discharge of stormwater from the site.
43. All fill including existing fill must be compacted to 98% standard compaction in accordance with AS1289 and verified by the submission of test results for each lot accompanied by a contoured depth of fill plan.
44. All lots shall be filled to a minimum of RL 17.3m AHD.
45. Street name signs shall be provided at the junction of the new road/s.
46. All necessary street signage and pavement markings shall be installed.
47. All services or suitable conduits shall be placed prior to concrete pouring.

ORDINARY MEETING

Meeting Date: 24 April 2007

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 Integral Energy shall be submitted to the Principal Certifying Authority.
51. Registration of the title of any easements required for stormwater within the subdivision.
52. Easements 4m wide and 10m long shall be created over the site for drainage discharge from roads (at no cost to Council).
53. A plan of subdivision prepared to the requirements of the Land Titles Office, shall be submitted to Council, with four copies.
54. Payment of a linen release Fee in accordance with Council's Fees and Charges at the time of lodgement of the linen plan.
55. Compliance with all conditions of this development consent to the satisfaction of Council.
56. The new road/s shall be classified as public road/s.
57. All new roads, including pathways and drainage, shall be dedicated

SPECIFIC CONDITIONS RELATING TO STAGE 1A - 6 LOT SUBDIVISION

Prior to Issue of Construction Certificate

58. Payment of a Construction Certificate checking fee of \$4,861.50 and a Compliance Certificate inspection fee of \$9,723.00 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2007. Fees required if an Accredited Certifier is used will be provided on request.
59. A separate Development application shall be lodged with Hawkesbury City Council for site remediation works on Lot 14 DP 865977 and Lot 132 DP 1025876 for approval in accordance with the requirement of State Environmental Planning Policy No. 55 – Remediation of Land.

Prior to Commencement of Works

60. No excavation, site works or building works shall be commenced prior to site validation report issued by the a DEC accredited Site Auditor for site remediation works and a certificate issued in regards to the suitability of the site for residential use.

During Construction

61. The road shoulder and half width sealed road pavement (4.0m wide) of Johnston Street, in accordance with the alignment shown on drawing No: (L03017 – Master Amend D) Shall be constructed from the line of the eastern alignment with Hawkesbury Street to a point 10 metres East of the line of the western boundary of proposed Lot 105.

ORDINARY MEETING

Meeting Date: 24 April 2007

Prior to Issue of Subdivision Certificate

62. A monetary contribution is to be paid to Council, pursuant to Section 94 of the Environmental Planning and Assessment Act 1979, towards the provision of the following public facilities in the locality:

(a)	Preliminary Investigation Plans	\$115.69
(b)	Land Acquisition	\$5,400.96
(c)	Community Facilities	\$12,560.316
(d)	Park Improvement	\$6,820.08
(e)	Recreational Facilities	\$3,671.76
(f)	Road Works	\$39,615.55
(g)	Regional works	\$3,743.01

Total: \$71,927.21

The amount has been determined in accordance with Hawkesbury's Section 94 Contribution Plan Review November 2005. A copy of the Contributions Plan may be inspected at Council's Offices, George Street, Windsor.

The amount of contribution payable under this condition has been calculated on the basis of costs as at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be INDEXED at the time of actual payment in accordance with movement in the Consumer Price Index as published by the Australian Bureau of Statistics.

Contributions are to be paid prior to issue of the Subdivision Certificate. Alternatively, the applicant is advised that Council, at the discretion of the General Manager and/or Director City Planning, may consider the deferment of payment, transfer of land, or provision of material public benefit in accordance with the provisions of Sections 13.4 and 13.5 of the Section 94 Contribution Plan Review November 2005.

63. Prior to the release of the Subdivision Certificate, payment of the following fees in accordance with Council's revenue Pricing Policy:

a)	Preliminary Investigation Studies	\$512.57
b)	Land Acquisition	\$9,060.00
c)	Drainage Construction	\$28,301.72
d)	Sewer Headworks	\$18,282.00
e)	Pump Station "J" and Rising main "J" – New Works	\$10,887.00
f)	Pump Station "J" and Rising main "J" – Retrofit and re-routing	\$2,376.00
g)	Pump Station "C" and Rising main "C" – New Works	\$21,966.00

Total: \$91,440.77

These fees will remain fix until 30 June 2007 after which it will be recalculated at the rate payable at the time of payment.

SPECIFIC CONDITIONS RELATING TO STAGE 1B - 29 LOT SUBDIVISION

General

64. The approval shall not commence until all conditions of the Development Consent in respect of Stage (1A) have been complied with.

Prior to Issue of the Construction Certificate

65. Payment of a Construction Certificate checking fee of \$5,654 and a Compliance Certificate inspection fee of \$11,066 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2007. Fees required if an Accredited Certifier is used will be provided on request.

ORDINARY MEETING

Meeting Date: 24 April 2007

66. Construction of sewer works is not to commence until permission is granted in writing from the Branch Manager of Water Management. A *Major and Minor Sewer Works* application along with three (3) copies of proposed sewer works must be submitted to the Manager for assessment and approval. Fees apply for assessment. The fees covering the cost of assessment and any inspections deemed necessary during construction will be notified after the plans are received.

During Construction

67. A surcharge path sufficient to carry the 1 in 100 year storm flow to be provided across Lots 102 and 106 and a drainage easement of adequate width to be created over the surcharge path.
68. Basin 2 to be located within lot 106 shall be constructed in accordance with the Dam Construction chapter of Hawkesbury Development Control Plan.
69. Kerb and gutter drainage with full width AC sealed pavement of roads (106, 107, 113) shall be constructed to the alignment shown on plan ref L03017-ST1 amendment D, (dated 18/8/06) for the length of the proposed lots incorporating stage 1B.
70. A centrally located concrete driveway, minimum 2.5 metres wide, shall be constructed along the full length of the access handle to Lots 1013, 1014, 1017. The driveways shall be a minimum thickness of 150mm and be reinforced with F82 mesh.
71. Sewage reticulation, including junctions, shall be constructed to each lot in the subdivision where not already provided.

Prior to Issue of Subdivision Certificate

72. A soil contamination report certifying that the whole of Lot 101 is suitable for residential use shall be submitted.
73. A monetary contribution is to be paid to Council, pursuant to Section 94 of the Environmental Planning and Assessment Act 1979, towards the provision of the following public facilities in the locality:

(a)	Preliminary Investigation Plans	\$1,079.74.
(b)	Land Acquisition	\$50,408.96
(c)	Community Facilities	\$117,228.15
(d)	Park Improvement	\$63,654.10
(e)	Recreational Facilities	\$34,269.80
(f)	Road Works	\$369,745.12
(g)	Regional works	\$34,934.73

TOTAL: \$671,320.60

The amount has been determined in accordance with Hawkesbury's Section 94 Contribution Plan Review November 2005. A copy of the Contributions Plan may be inspected at Council's Offices, George Street, Windsor.

The amount of contribution payable under this condition has been calculated on the basis of costs as at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be INDEXED at the time of actual payment in accordance with movement in the Consumer Price Index as published by the Australian Bureau of Statistics.

Contributions are to be paid prior to issue of the Subdivision Certificate. Alternatively, the applicant is advised that Council, at the discretion of the General Manager and/or Director City Planning, may consider the deferment of payment, transfer of land, or provision of material public benefit in accordance with the provisions of Sections 13.4 and 13.5 of the Section 94 Contribution Plan Review November 2005.

ORDINARY MEETING

Meeting Date: 24 April 2007

74. Prior to the release of the Subdivision Certificate, payment of the following fees in accordance with Council's revenue Pricing Policy:

a)	Preliminary Investigation Studies	\$4,783.98
b)	Land Acquisition	\$84,560.00
c)	Drainage Construction	\$264,149.38
d)	Sewer Headworks	\$170,632.00
e)	Pump Station "J" and Rising main "J" – New Works	\$101,612.00
f)	Pump Station "J" and Rising main "J" – Retrofit and re-routing	\$22,176.00
g)	Pump Station "C" and Rising main "C" – New Works	\$205,016.00

Total: \$852,929.36

These fees will remain fixed until 30 June 2007 after which it will be recalculated at the rate applicable at the time of payment.

SPECIFIC CONDITIONS RELATING TO STAGE 2 - 68 LOT SUBDIVISION

Prior to Issue of the Construction Certificate

75. 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.
76. Construction of sewer works is not to commence until permission is granted in writing from the Branch Manager of Water Management. A *Major Sewer Works* application along with three (3) copies of proposed sewer works must be submitted to the Manager for assessment and approval. Fees apply for assessment. The fees cover the cost of assessment and any inspections deemed necessary during construction will be notified after the plans are received.

During Construction

77. A surcharge path sufficient to carry the 1 in 100 year storm flow is to be provided across Lots 105 and 106 and a drainage easement of adequate width to be created over the surcharge path.
78. Basin 1 to be located within lot 105 shall be constructed in accordance with the Dam Construction chapter of Hawkesbury Development Control Plan.
79. All fill including existing fill must be compacted to 98% standard compaction in accordance with AS1289 and verified by the submission of test results for each lot accompanied by a contoured depth of fill plan.
80. Sewage reticulation, including junctions, shall be constructed to each lot in the subdivision where not already provided.
81. Kerb and gutter drainage with full width AC sealed pavement of roads (103, 104, 105, 106, 108 & 109) shall be constructed to the alignment shown on plan ref L03017-ST2 Sheet 3 amendment D, (dated 18/8/06) for the length of the proposed lots incorporating Stage 2.

Prior to Issue of Subdivision Certificate

82. A soil contamination report certifying that the whole of Lot 102 is suitable for residential use shall be submitted.

ORDINARY MEETING

Meeting Date: 24 April 2007

83. A monetary contribution is to be paid to Council, pursuant to Section 94 of the Environmental Planning and Assessment Act 1979, towards the provision of the following public facilities in the locality:

(a) Preliminary Investigation Plans	\$2583.67
(b) and Acquisition	\$120,621.44
(c) Community Facilities	(\$281,510.22)
(d) Park Improvement	\$152,315.17
(e) Recreational Facilities	\$82,002.73
(f) Road Works	\$884,747.26
(g) Regional works	\$83,593.82

TOTAL: \$1,606,374.30

The amount has been determined in accordance with Hawkesbury's Section 94 Contribution Plan Review November 2005. A copy of the Contributions Plan may be inspected at Council's Offices, George Street, Windsor.

The amount of contribution payable under this condition has been calculated on the basis of costs as at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be INDEXED at the time of actual payment in accordance with movement in the Consumer Price Index as published by the Australian Bureau of Statistics.

Contributions are to be paid prior to issue of the Subdivision Certificate. Alternatively, the applicant is advised that Council, at the discretion of the General Manager and/or Director City Planning, may consider the deferment of payment, transfer of land, or provision of material public benefit in accordance with the provisions of Sections 13.4 and 13.5 of the Section 94 Contribution Plan Review November 2005.

84. Prior to the release of the Subdivision Certificate, payment of the following fees in accordance with Council's revenue Pricing Policy:

a) Preliminary Investigation Studies	\$11,447.37
b) Land Acquisition	\$202,340.00
c) Drainage Construction	\$632,071.74
d) Sewer Headworks	\$408,298.00
e) Pump Station "J" and Rising main "J" – New Works	\$243,143.00
f) Pump Station "J" and Rising main "J" – Retrofit and re-routing	\$53,064.00
g) Pump Station "C" and Rising main "C" – New Works	\$490,574.00

Total: \$2,040,938.11

These fees will remain fix until 30 June 2007 after which it will be recalculated at the rate payable at the time of payment.

SPECIFIC CONDITIONS RELATING TO STAGE 3 - 34 LOT SUBDIVISION

Prior to Issue of the Construction Certificate

85. Payment of a Construction Certificate checking fee of \$8,944.00 and a Compliance Certificate inspection fee of \$17,646.00 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2007. Fees required if an Accredited Certifier is used will be provided on request.
86. Construction of sewer works are not to commence until permission is granted in writing from the Branch Manager of Water Management. A Major Sewer Works application along with three (3) copies of proposed sewer works must be submitted to the Manager for assessment and approval. Fees apply for assessment. The fees cover the cost of assessment and any inspections deemed necessary during construction will be notified after the plans are received.

ORDINARY MEETING

Meeting Date: 24 April 2007

During Construction

87. A surcharge path sufficient to carry the 1 in 100 year storm flow is to be provided across Lots 104 and 105 and a drainage easement of adequate width to be created over the surcharge path.
88. Basin 3 to be located within lot 105 shall be constructed in accordance with the Dam Construction chapter of Hawkesbury Development Control Plan.
89. Kerb and gutter drainage with full width AC sealed pavement of roads (102, 106, 111, & 112) shall be constructed to the alignment shown on plan ref (L03017-ST3) amendment (D) for the length of the proposed lots incorporating Stage 3.
90. Kerb and gutter with half width AC sealed pavement of Johnston Street in accordance with the alignment shown on Drawing No (Lo) 3017 – master Amendment D) shall be extended for the full frontage of the proposed lots incorporating Stage 3.

Prior to Issue of Subdivision Certificate

91. A soil contamination report certifying that the whole of Lot 103 is suitable for residential use shall be submitted.
92. A monetary contribution is to be paid to Council, pursuant to Section 94 of the Environmental Planning and Assessment Act 1979, towards the provision of the following public facilities in the locality:

(a) Preliminary Investigation Plans	\$1,233.99
(b) Land Acquisition	\$57,610.24
(c) Community Facilities	\$133,975.03
(d) Park Improvement	\$72,747.54
(e) Recreational Facilities	\$39,165.48
(f) Road Works	\$422,565.86
(g) Regional works	\$39,925.41

TOTAL: \$767,223.55

The amount has been determined in accordance with Hawkesbury's Section 94 Contribution Plan Review November 2005. A copy of the Contributions Plan may be inspected at Council's Offices, George Street, Windsor.

The amount of contribution payable under this condition has been calculated on the basis of costs as at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be INDEXED at the time of actual payment in accordance with movement in the Consumer Price Index as published by the Australian Bureau of Statistics.

Contributions are to be paid prior to issue of the Subdivision Certificate. Alternatively, the applicant is advised that Council, at the discretion of the General Manager and/or Director City Planning, may consider the deferment of payment, transfer of land, or provision of material public benefit in accordance with the provisions of Sections 13.4 and 13.5 of the Section 94 Contribution Plan Review November 2005.

ORDINARY MEETING

Meeting Date: 24 April 2007

93. Prior to the release of the Subdivision Certificate, payment of the following fees in accordance with Council's revenue Pricing Policy:

a)	Preliminary Investigation Studies	\$5,467.40
b)	Land Acquisition	\$96,640.00
c)	Drainage Construction	\$301,885.01
d)	Sewer Headworks	\$195,008.00
e)	Pump Station "J" and Rising main "J" – New Works	\$116,128.00
f)	Pump Station "J" and Rising main "J" – Retrofit and re-routing	\$25,344.00
g)	Pump Station "C" and Rising main "C" – New Works	\$234,304.00

Total: \$974,776.41

These fees will remain fix until 30 June 2007 after which it will be recalculated at the rate payable at the time of payment.

SPECIFIC CONDITIONS RELATION TO STAGE 4 - 44 LOT SUBDIVISION

Prior to Issue of the Construction Certificate

94. Payment of a Construction Certificate checking fee of \$7,754.00 and a Compliance Certificate inspection fee of \$15,266.00 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2007. Fees required if an Accredited Certifier is used will be provided on request.
95. Construction of sewer works are not to commence until permission is granted in writing from the Branch Manager of Water Management. A *Major Sewer Works* application along with three (3) copies of proposed sewer works must be submitted to the Manager for assessment and approval. Fees apply for assessment. The fees cover the cost of assessment and any inspections deemed necessary during construction will be notified after the plans are received.

During Construction

96. A surcharge path sufficient to carry the 1 in 100 year storm flow is to be provided across Lot 105 and a drainage easement of adequate width to be created over the surcharge path.
97. All fill including existing fill must be compacted to 98% standard compaction in accordance with AS1289 and verified by the submission of test results for each lot accompanied by a contoured depth of fill plan.
98. Kerb and gutter drainage with full width AC sealed pavement of roads (102, 103 & 110) shall be constructed to the alignment shown on plan ref (L03017-ST4) amendment (D) for the length of the proposed lots incorporating Stage 4.
99. Kerb and gutter with half width AC sealed pavement of Johnston Street in accordance with the alignment shown on Drawing No (Lo) 3017 – master Amendment D) shall be extended for the full frontage of the proposed lots incorporating Stage 4.

Prior to Issue of Subdivision Certificate

100. A soil contamination report certifying that the whole of Lot 104 is suitable for residential use shall be submitted.

ORDINARY MEETING

Meeting Date: 24 April 2007

101. A monetary contribution is to be paid to Council, pursuant to Section 94 of the Environmental Planning and Assessment Act 1979, towards the provision of the following public facilities in the locality:

(a)	Preliminary Investigation Plans	\$1658.18
(b)	Land Acquisition	\$77,413.76
(c)	Community Facilities	\$180,028.94
(d)	Park Improvement	97,754.51
(e)	Recreational Facilities	52,628.62
(f)	Road Works	\$567,822.87
(g)	Regional works	\$53,649.77

TOTAL: \$1,030,956.64

The amount has been determined in accordance with Hawkesbury's Section 94 Contribution Plan Review November 2005. A copy of the Contributions Plan may be inspected at Council's Offices, George Street, Windsor.

The amount of contribution payable under this condition has been calculated on the basis of costs as at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be INDEXED at the time of actual payment in accordance with movement in the Consumer Price Index as published by the Australian Bureau of Statistics.

Contributions are to be paid prior to issue of the Subdivision Certificate. Alternatively, the applicant is advised that Council, at the discretion of the General Manager and or Director City Planning, may consider the deferment of payment, transfer of land, or provision of material public benefit in accordance with the provisions of Sections 13.4 and 13.5 of the Section 94 Contribution Plan Review November 2005.

102. Prior to the release of the Subdivision Certificate, payment of the following fees in accordance with Council's revenue Pricing Policy:

a)	Preliminary Investigation Studies	\$7,346.82
b)	Land Acquisition	\$129,860.00
c)	Drainage Construction	\$405,657.98
d)	Sewer Headworks	\$262,042.00
e)	Pump Station "J" and Rising main "J" – New Works	\$156,047.00
f)	Pump Station "J" and Rising main "J" – Retrofit and re-routing	\$34,056.00
g)	Pump Station "C" and Rising main "C" – New Works	\$314,846.00

Total: \$1,309,855.80

These fees will remain fix until 30 June 2007 after which it will be recalculated at the rate payable at the time of payment.

SPECIFIC CONDITIONS FOR STAGE 5 - 50 LOT SUBDIVISION

Prior to Issue of the Construction Certificate

103. Payment of a Construction Certificate checking fee of \$14,017.50 and a Compliance Certificate inspection fee of \$28,035.00 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2007. Fees required if an Accredited Certifier is used will be provided on request.
104. Construction of sewer works is not to commence until permission is granted in writing from the Branch Manager of Water Management. A *Major Sewer Works* application along with three (3) copies of proposed sewer works must be submitted to the Manager for assessment and approval. Fees apply for assessment. The fees covering the cost of assessment and any inspections deemed necessary during construction will be notified after the plans are received.

ORDINARY MEETING

Meeting Date: 24 April 2007

During Construction

105. Sedimentation basins 1, 2 and 3 are to be drained filled and restored. The filled areas are to be compacted by track rolling or similar in layers not exceeding 300mm up to the approved finished surface profile level of the surrounding development.
106. The top 300mm of fill shall be topsoil in order to ensure site revegetation.
107. The minimum finished surface grade shall be 2% in order to allow satisfactory surface runoff.
108. The site shall be secured to prevent the depositing of any unauthorised material
109. Existing watercourses within the property shall be piped.
110. Arrangements are to be made for the provision of common drainage and the disposal of storm water from the site.
111. Kerb and gutter drainage with full width AC sealed pavement of roads (102, 103 & 105) shall be constructed to the alignment shown on plan ref (L03017-ST5) amendment (D) for the length of the proposed lots incorporating Stage 5.
112. Kerb and gutter and half width sealed road pavement of Johnston Street, in accordance with the alignment shown on drawing no: (L03017 - Master Amend D) Shall be constructed for the full length of the remaining northern frontage to the development.
113. Kerb and gutter and full width sealed road pavement of Johnston Street in accordance with the alignment shown on drawing No: (L03017 - Master Amend D) shall be constructed for the full length of the eastern frontage to the development. The works are to form a continuous link with adjoining pavement development at either end of the construction.
114. Kerb and gutter with half width AC sealed pavement of Johnston Street in accordance with the alignment shown on Drawing No (L0 3017 – Master Amendment D) shall be extended for the full frontage of the proposed lots incorporating Stage 5.

Prior to Issue of Subdivision Certificate

115. A soil contamination report certifying that the whole of Lot 105 is suitable for residential use shall be submitted.
116. A monetary contribution is to be paid to Council, pursuant to Section 94 of the Environmental Planning and Assessment Act 1979, towards the provision of the following public facilities in the locality:

(a)	Preliminary Investigation Plans	\$1889.55
(b)	Land Acquisition	\$88,215.68
(c)	Community Facilities	\$205,149.26
(d)	Park Improvement	\$111,394.67
(e)	Recreational Facilities	\$59,972.14
(f)	Road Works	\$647,053.97
(g)	Regional works	\$61,135.78

TOTAL: \$1,174,811.06

The amount has been determined in accordance with Hawkesbury's Section 94 Contribution Plan Review November 2005. A copy of the Contributions Plan may be inspected at Council's Offices, George Street, Windsor.

The amount of contribution payable under this condition has been calculated on the basis of costs as at the date of consent. In accordance with the provisions of the Contributions Plan, this amount

ORDINARY MEETING

Meeting Date: 24 April 2007

shall be INDEXED at the time of actual payment in accordance with movement in the Consumer Price Index as published by the Australian Bureau of Statistics.

Contributions are to be paid prior to issue of the Subdivision Certificate. Alternatively, the applicant is advised that Council, at the discretion of the General Manager and/or Director City Planning, may consider the deferment of payment, transfer of land, or provision of material public benefit in accordance with the provisions of Sections 13.4 and 13.5 of the Section 94 Contribution Plan Review November 2005.

117. Prior to the release of the Subdivision Certificate, payment of the following fees in accordance with Council's revenue Pricing Policy:

a)	Preliminary Investigation Studies	\$8,371.98
b)	Land Acquisition	\$147,980.00
c)	Drainage Construction	\$462,261.42
d)	Sewer Headworks	\$298,606.00
e)	Pump Station "J" and Rising main "J" – New Works	\$177,821.00
f)	Pump Station "J" and Rising main "J" – Retrofit and re-routing	\$38,808.00
g)	Pump Station "C" and Rising main "C" – New Works	\$358,778.00

Total: \$1,492,626.38

These fees will remain fix until 30 June 2007 after which it will be recalculated at the rate payable at the time of payment.

Advisory Notes

- Where the land is within the Hawkesbury City Council Sewage 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.
- 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) Integral Energy
 - (c) Natural Gas Company
 - (d) a local telecommunications carrier

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

ORDINARY MEETING

Meeting Date: 24 April 2007

- 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.

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

Item: 71 **CP - Request for Refund of Fees for DA0850/06- Bilpin Rural Fire Service - (95498, 73582)**

MOTION:

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

Refer to RESOLUTION

116 RESOLUTION:

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

That this item be withdrawn from the Business Paper as Bilpin Rural Fire Service was not given ample warning that the matter was being reported to this meeting.

Item: 72 **CP - Policy Register Review - Archiving of Policies - (95498)**

Previous Item: 224, Ordinary (26 July 2005)

MOTION:

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

Refer to RESOLUTION

117 RESOLUTION:

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

That the Policies in the table included in this report be archived for the reasons outlined.

ORDINARY MEETING

Meeting Date: 24 April 2007

EXTERNAL SERVICES

Item: 73 **ES - Reduction in Cost of Mulch Sold from Hawkesbury City Waste Management Facility - (82995, 96330)**

MOTION:

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

Refer to RESOLUTION

118 RESOLUTION:

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

That:

1. Council approve the reduction in the cost of mulched green waste to \$15.00 per tonne from Friday, 27 April 2007 to Saturday, 30 June 2007, or whilst stocks last.
2. The reduction in the cost of the mulched green waste be advertised in the local media.

Item: 74 **ES - Proposed Adoption of Self-Enforcing Infringement Notice Scheme (SEINS) Policy - (95494, 96330)**

MOTION:

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

Refer to RESOLUTION

119 RESOLUTION:

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

That Council adopt the Self-Enforcing Infringement Notice Scheme (SEINS) Policy attached to the report in connection with this matter.

ORDINARY MEETING

Meeting Date: 24 April 2007

Item: 75 **ES - Proposed Adoption of Draft Outdoor Dining and Footpath Trading Policy - (95494, 96330)**

Previous Item: 24, Ordinary (13 February 2007)

MOTION:

A MOTION was moved by Councillor Finch, seconded by Councillor Rasmussen

That Council:

1. Adopt the Outdoor Dining and Footpath Trading Policy attached to the report in connection with this matter.
2. Adopt a new fee of \$120.00 for a permit to occupy Council's footpath for outdoor dining and/or trading, a \$60.00 fee for the variation of a permit, and an annual footpath usage fee of \$85.00 / m².

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

Refer to RESOLUTION

The amendment was carried.

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

120 RESOLUTION:

RESOLVED on the AMENDMENT moved by Councillor Devine, seconded by Councillor Porter.

That Council:

1. Adopt the Outdoor Dining and Footpath Trading Policy attached to the report in connection with this matter.
2. Adopt a new fee of \$120.00 for a permit to occupy Council's footpath for outdoor dining and/or trading, a \$60.00 fee for the variation of a permit.
3. Council establish categories of outdoor dining locations for:
 - a) Thompson Square and Windsor Mall environs;
 - b) Elsewhere in Windsor, Richmond and North Richmond; and
 - c) Elsewhere in the City,

and establish usage fees relative to their trading locations to be charged annually.

ORDINARY MEETING

Meeting Date: 24 April 2007

INFRASTRUCTURE SERVICES

Item: 76 **IS - Oakville Rural Fire Service Substation Relocation - (95495, 73596, 79016)**

MOTION:

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

Refer to RESOLUTION

121 RESOLUTION:

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

That the request of the Hawkesbury Rural Fire Service (Oakville Brigade) to construct a substation on national park land off Scheyville Road be supported and the concurrence of the National Parks and Wildlife Service be sought.

Item: 77 **IS - Exclusive Use of Governor Phillip Reserve - Ski Racing NSW - (79354, 92138)**

Previous Item: 189, Ordinary (8 August 2006)

MOTION:

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

Refer to RESOLUTION

122 RESOLUTION:

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

That:

1. The Governor Phillip User Policy be amended as outlined below:
 - a. All applications for exclusive use need to be submitted to Council by 30 June each year for use of Governor Phillip Reserve for the following year.
 - b. Exclusive use of Governor Phillip Reserve, Windsor not be granted on:
 - i consecutive days of a weekend excepting the Ski Racing NSW 120 Ski race (usually held in September), Upper Hawkesbury Power Boat Club Spectacular (usually held in September) and the NSW Waterskiers Association Bridge to Bridge (usually held in November);
 - ii consecutive weekends; excepting the first and second weekend of September.
 - iii public holiday periods.
 - c. The picnic/playground area is to be excluded from any exclusive use event.

ORDINARY MEETING

Meeting Date: 24 April 2007

- d. Exclusive use for the evenings leading up to an event (maximum of 2 nights) may be granted to organisers from 6.00pm till 7.00am the following morning to assist in set up, clean up and to provide security only.
 - e. The NSW Police Service be informed of the exclusive use dates and times by the applicant prior to an event.
 - f. No additional fee to be charged for the overnight exclusivity.
 - g. The Governor Phillip Reserve User Policy be reviewed every two years.
 - h. Other general conditions of consent are to be adhered to.
2. This particular application for the 120 Ski Race be exempt from Council's policies regarding exclusive use of Governor Phillip Reserve on this occasion;
3. The application by Ski Racing NSW for exclusive use of Governor Phillip Reserve on 1-2 September 2007 be approved in accordance with the amended Governor Phillip User Policy as well as the following standard conditions regarding use of the reserve:
- a. The applicant paying per day the exclusive use contribution rate, plus the toilet cleaning charge, applicable at the time of the event;
 - b. The reserve being left clean and tidy with the applicant being responsible for the disposal of all waste from the reserve;
 - c. The applicant obtaining appropriate licences from the Waterways Authority regarding conduct of this event;
 - d. If required, the applicant to obtain appropriate licence from the Licensing Branch of the NSW Police Service for the sale of alcoholic beverages at the proposed event;
 - e. The applicant obtaining all necessary permits/approvals in relation to amusement devices/rides including Integral Energy regarding the supply of power to devices/rides and their proximity to power supply lines;
 - f. Any building, vehicle or stall that is preparing food for public consumption is to comply with Council's "Information for Food Stall Holders" brochure; this information and any related food/public health information can be obtained by contacting Council's Environmental Health Officers, on direct line 4560 4571;
 - g. The applicant lodge a damage bond applicable at time the of event;
 - h. As the applicant has not advised of an alternate date in the event of inclement weather, the Director Infrastructure Services be granted authority to negotiate exclusive use on an alternate date, if required by the applicant.
 - i. The applicant is to observe the noise limits set by the Waterways Authority.
 - j. The area adjacent to the picnic/playground area not be part of the exclusive use area required for the event.

ORDINARY MEETING

Meeting Date: 24 April 2007

SUPPORT SERVICES

Item: 78 **SS - Proposal to Establish Additional Alcohol Free Zones - (95496, 96333)**

Previous Item: 9, Ordinary (30 January 2007)

MOTION:

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

Refer to RESOLUTION

123 RESOLUTION:

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

That:

1. In accordance with the provisions of the Local Government Act, 1993, the consumption of alcohol in the following additional areas, be prohibited for the period from the present until the 31 December 2009, by the establishment of these additional Alcohol Free Zones in the Hawkesbury Local Government Area:
 - a) March Street, Richmond between East Market Street and Paget Street;
 - b) Paget Street, Richmond between March Street and Windsor Street.
 - c) The roads and footpaths of the block having boundaries of Charles Street, Elizabeth Street, Grose Vale Road and William Street, North Richmond.
2. Public notification (including erection of signage and an advertisement in the Hawkesbury Independent) be undertaken regarding the establishment of these Alcohol Free Zones.
3. Details of Council's resolution be conveyed to the Principal of Richmond North Public School and the other relevant organisations.

ORDINARY MEETING

Meeting Date: 24 April 2007

CONFIDENTIAL REPORTS

124 RESOLUTION:

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

That the confidential items be moved to the end of the business paper to be dealt with last.

125 RESOLUTION:

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

That:

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

Item: 79 SS - Property Matter - Lease to McGrath's Hill Supermarket/Takeaway

*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 Council property and it is considered that the release of this 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.

126 RESOLUTION:

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

ORDINARY MEETING

Meeting Date: 24 April 2007

Item: 79 **SS - Property Matter - Lease to McGrath's Hill Supermarket/Takeaway - (9557, 92602, 84810, 95496) CONFIDENTIAL**

MOTION:

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

Refer to RESOLUTION

127 RESOLUTION:

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

That:

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

ORDINARY MEETING

Meeting Date: 24 April 2007

SUPPLEMENTARY REPORTS

Item: 80 **CP - Floodplain Risk Management Committee - Appointment of New Committee Members - (95498, 86589)**

Previous Item: 224, Special (19 September 2006)

MOTION:

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

Refer to RESOLUTION

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

That:

1. The additional two community members to the Floodplain Risk Management Committee be Mr Geoffrey Bessell and Mr William Sneddon.
2. The Constitution of the Floodplain Risk Management Committee be amended as follows:
 - a. Wherever appearing "Director, Environment and Development" delete and insert "Director City Planning"
 - b. Section 5(a)(ii) – before the words "community appointments" delete "Four (4)" and insert "Six (6)"
 - c. Section 5(a)(iii) – before the words "government departments" delete "Four (4)" and insert "Six (6)", and insert after "Department of Primary Industries", "RTA, Department of Planning"
 - d. Section 5(c) – after the words "may delegate the", delete "Manager, Building and Development" and insert "Strategic Planner – Corporate Planner"
3. Council write to Ms Daley to thank her for her initial interest in being a member of the Committee, advise her of the terms of the Constitution and advise her that her membership is no longer current. Mr Frank Scharfe be appointed to fill this membership vacancy.

The amendment was lost.

The motion was put and carried

128 RESOLUTION:

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

That:

1. The Constitution of the Floodplain Risk Management Committee be amended as follows:
 - a. Wherever appearing "Director, Environment and Development" delete and insert "Director City Planning"
 - b. Section 5(a)(iii) – before the words "government departments" delete "Four (4)" and insert "Six (6)", and insert after "Department of Primary Industries", "RTA, Department of Planning"
 - c. Section 5(c) – after the words "may delegate the", delete "Manager, Building and Development" and insert "Strategic Planner – Corporate Planner"

ORDINARY MEETING

Meeting Date: 24 April 2007

2. Council write to Ms Daley to thank her for her initial interest in being a member of the Committee, advise her of the terms of the Constitution and advise her that her membership is no longer current. Mr Geoffrey Bessell be appointed to fill this membership vacancy.

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

ORDINARY MEETING

Meeting Date: 24 April 2007

SECTION 5 - Reports of Committees

ROC - Local Traffic Committee - 21 March 2007 - (80245)

129 RESOLUTION:

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

That the minutes of the Local Traffic Committee held on 21 March 2007 as recorded on pages 145 to 168 of the Ordinary Business Paper be adopted with the exception of item 2.5 and the following changes:

1. In relation to Item 2.5 - additions to service station car wash and café Lot A DP411701, 126 Windsor Road, McGraths Hill, the information be received.
2. In relation to Item 2.3, as a third point, add:

That further investigations be undertaken with the view to providing a pedestrian refuge at an appropriate location in March Street between East Markets and Paget Streets.

ORDINARY MEETING

Meeting Date: 24 April 2007

QUESTIONS WITHOUT NOTICE

1. Councillor Books referred to his request to install some seats at the South Windsor Shopping Strip and asked if Council could do something about it.

The Director Infrastructure Services advised that a survey was conducted of the shop keepers because the last time there were seats in the precinct, there were a lot of objections to them. He advised that good feedback was received and acceptance by the TAB was given to have a seat put out the front of their shop so this will be organised in the near future.

2. Councillor Finch referred to the Civic Arcade in Richmond and advised that she was aware that it didn't belong to Council, but asked if something could be done about it as there are regularly a lot of syringes and rubbish being found in this location.

3. Councillor Finch referred to a Youth Concert at North Richmond that was being organised and asked if anything was happening in relation to the event as Council had been asked for help with garbage bins and help in kind.

The Director External Services advised that the matter would be investigated and Councillor Finch would be provided with an update.

4. Councillor Finch referred to the Lane in Kurrajong and advised that Mr Tim Sanderson wished to pass on his thanks to Council for organising this as he is very pleased with the outcome.

5. Councillor Rasmussen asked if it was possible to get population figures for west of the river in relation to the increases in population over the last five to ten years to start building a case for upgrading the road between Richmond and North Richmond.

The Mayor advised that population figures are published in the budget year.

The General Manager advised that Council staff would investigate and arrange for the figures to be provided.

6. Councillor Rasmussen wanted to thank the staff who were involved with the Richmond War Memorial as it is a really well designed memorial and it is an easy one to mount a parade and do all the necessary protocols that needs to be done.

The Mayor added that he too had received many positive comments in regard to the quality of work and thanked Councillor Rasmussen for bringing it up.

7. Councillor Devine asked if the Mayor was aware of an assassination attempt on the life of one of the Members of this Council.

The Mayor advised he had had that drawn to his attention.

Councillor Devine asked if he could ask who that person is.

The Mayor asked if the General Manager was aware of shots having being fired at a Councillor.

The General Manager advised he was aware that shots had been fired at a bulldozer and he wasn't aware if the Councillor was on the bulldozer at that time. He advised that the matter was under investigation by the Police at this time.

ORDINARY MEETING

Meeting Date: 24 April 2007

Councillor Books clarified that he worked the bulldozer for Mr David Wells on the tailwater dam on Miller's Turf for four days while he was off sick. He advised that he didn't know when it happened, but it appears that somebody fired a hire powered rifle into the tracker and it pierced a steel plate 10mm thick and it dented into the end of the fuel tank. It was obvious that they tried to blow the fuel tank while the machine was being worked because it was done on the other side of the machine as well. It couldn't have been done while it was parked as it was parked, each afternoon, beside a big heap of dirt. Councillor Books advised that he didn't know if it was done on the four days that he was driving it or when David Wells himself was driving it. It was discovered when they had to move the machine and take it away. Also, the excavator that worked there, which belonged to Mr Miller, was sabotaged and had metal filings put in the hydraulics system causing thousands of dollars worth of damage. All information has been reported to the Police and advised that he had received a letter from the Local Government Association clearing him of any improper doings to do with that site as he had been accused of having a pecuniary interest.

Councillor Devine asked if there was any action this Council can take to ensure that this matter is fully investigated.

The General Manager advised that Councillor Books gave all of the relevant information to the authorities and there wasn't much more the Council could do besides requesting an update from the Police from time to time.

8. Councillor Bassett asked how seriously the local media took this issue with Councillor Books when previously when there was attempt on a Councillor's life, all the media gave it very good coverage and asked if they had taken this matter seriously.

Councillor Books commented that the Media don't talk to him.

9. Councillor Devine referred to the Heritage Study Review by Hubert Walker and asked when these papers would be released.

The Director City Planning advised that he wasn't aware, but would investigate and advise Councillor Devine of the outcomes.

10. Councillor Devine commented that since the fire went through Packer Road area, there are a number of dead trees with dangerous looking overhanging branches. He asked if it was possible to check that road to ensure none of those branches will fall.

The Director City advised that they would be assessed.

11. Councillor Porter advised that he had been sent some responses in relation to the Orange Spot and asked for an update on this matter.

The Director External Services advised the matter was still progressing through Court, but the tenants agreed to cease trading on 16 April 2007.

Councillor Porter asked if there was an idea of what the costs were for this process.

The Director External Services advised she would investigate and advise Councillor Porter of costs to date.

12. Councillor Wearne referred to the Yarramundi Reserve and wanted to thank staff who organised the progress of the Reserve.

ORDINARY MEETING

Meeting Date: 24 April 2007

The meeting terminated at 10:25pm.

Submitted to and confirmed at the Ordinary meeting held on 8 May 2007.

.....
Mayor