



Hawkesbury City Council

ordinary  
meeting  
minutes

date of meeting: 14 October 2014  
location: council chambers  
time: 6:30 p.m.



**ORDINARY MEETING**

**Minutes: 14 October 2014**

**MINUTES**

– **WELCOME**

**Prayer**

**Acknowledgement of Indigenous Heritage**

– **APOLOGIES AND LEAVE OF ABSENCE**

– **DECLARATION OF INTERESTS**

– **SECTION 1 - Confirmation of Minutes**

– **ACKNOWLEDGEMENT OF OFFICIAL VISITORS TO THE COUNCIL**

– **SECTION 2 - Mayoral Minutes**

– **EXCEPTION REPORT - Adoption of Items Not Identified for Discussion and Decision**

– **SECTION 3 - Reports for Determination**

**Planning Decisions**

**General Manager**

**City Planning**

**Infrastructure Services**

**Support Services**

– **SECTION 4 - Reports of Committees**

– **SECTION 5 - Notices of Motion**

– **QUESTIONS FOR NEXT MEETING**

– **REPORTS TO BE DISCUSSED IN CONFIDENTIAL SESSION**

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## ORDINARY MEETING

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on 14 October 2014, commencing at 6:32pm.

Pastor Joshua Dunkin of Hawkesbury Valley Baptist Church, representing the Hawkesbury Minister's Association, gave the opening prayer at the commencement of the meeting.

### ATTENDANCE

**PRESENT:** Councillor K Ford, Mayor, Councillor B Porter, Deputy Mayor and Councillors P Conolly, M Creed, M Lyons-Buckett, W Mackay, C Paine, P Rasmussen, J Reardon, T Tree and L Williams.

**ALSO PRESENT:** General Manager - Peter Jackson, Director City Planning - Matt Owens, Director Infrastructure Services - Jeff Organ, Director Support Services - Laurie Mifsud, Executive Manager - Community Partnerships - Joseph Litwin, Manager Development Services - Cristie Evanhuis, Manager Strategic Planning - Shari Hussein, Manager Corporate Services and Governance - Abbey Rouse and Administrative Support Coordinator - Natasha Martin.

### APOLOGIES

An apology for absence was received from Councillor Calvert.

### 339 RESOLUTION:

RESOLVED on the motion of Councillor Porter and seconded by Councillor Reardon that the apology be accepted and that leave of absence from the meeting be granted.

Councillor Rasmussen arrived at the meeting at 6:33pm.

Councillor Paine arrived at the meeting at 6:40pm.

Councillor Mackay arrived at the meeting at 6:48pm.

### SECTION 1: Confirmation of Minutes

### 340 RESOLUTION:

RESOLVED on the motion of Councillor Porter and seconded by Councillor Reardon that the Minutes of the Ordinary Meeting held on the 30 September 2014, be confirmed with an addition on page 38 of the minutes to reflect Mr M Want's objection that Item 188: GM - Legal Matter - Potential Options Available to Council - Redbank at North Richmond - (79351) not be dealt with in closed session.

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**SECTION 3 - Reports for Determination**

**PLANNING DECISIONS**

**Item: 193**                    **CP - Development Report - DA0024/14 - Lot 70 DP751656 - 996-1054 West Portland Road, Lower Portland - Single storey dwelling - (95498, 124893, 124894)**

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Ms Jenny Carden, Mr Philip Carden and Mr Stephen Fryer addressed Council, speaking against the item.

**MOTION:**

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

***Refer to RESOLUTION***

**341 RESOLUTION:**

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

That development application DA0024/14 concerning Lots 70, 39, 128 & 148, DP 751656, Lot 202 DP 47644, 996 – 1054 West Portland Road, Lower Portland for a dwelling be approved subject to the following conditions:

***General***

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions or in red on the plans.

Plans are listed as follows:

- D2013-017DA/4, Dated 30.10.13
- D2013-017DA/2, Dated 31.12.13
- D2013-017DA/5, Dated 30.10.13

BASIXS Certificate No 512395S issued 30 October 2013

2. Evidence of registration of the approved plan "Concept Plan of Consolidation and Boundary adjustment for Lot 70, 428 and 148 DP 751656 and Lot 202 DP 47644" as prepared by McKinlay Morgan & Associates Pty Ltd, dated 21 August 2014, is to be submitted to the Principle Certifying Authority prior to issue of the construction certificate. The Plan of consolidation is to include the following:

A right of carriageway in favour of proposed lot 12, minimum width of 10 metres, widened to accommodate required passing bays, over the path of the existing/proposed access driveway through lot 39 & 196 DP 751656, and proposed Lot 11;

The registration of a right of footway, minimum 1.5m wide in favour of proposed Lot 12 over lots 39 and 196 in DP751656, and proposed Lot 11.

3. Written evidence is to be provided to show either that the Office of Water provides their consent to the crossings or alternatively, that their consent is not required.

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4. The recommendations contained within the Bushfire Hazard Assessment Report dated October 2013, prepared by Dialla Design and Drafting Services, and subsequent amendments shall be implemented.
5. No excavation, site works or building works shall be commenced prior to the issue of an appropriate construction certificate.
6. The approved use shall not commence until all conditions of this Development Consent have been complied with.
7. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
8. 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.
9. The development shall comply with the provisions of the National Construction Code/Building Code of Australia at all times.
10. 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.
11. The external finishes to the development including the dwelling, water tanks, outbuilding and other ancillary buildings shall be muted tones that are non-reflective finished in colours and materials of earth tones muted tones and non-reflective quality to blend in with the bushland (zincalume not considered suitable due to the reflective nature of the material).

### ***Prior to Issue of Construction Certificate***

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Construction Certificate relating to the approved development, whether by Council or an appropriately accredited certifier. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Construction Certificate. **The Construction Certificate shall be obtained prior to the commencement of any earth works or building works.**

12. Amended plans are to be provided showing compliance with Australian Standard 3959 with a BAL-29 Bush Fire Attack Level are to be supplied prior to the issue of the Construction Certificate
13. 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 \$7620 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 commencement of works and copies of receipts(s) confirming that the contribution has been fully paid are to be provided to the certifying authority.

14. Payment of a Design Compliance Certificate checking fee of \$407.61 and a Compliance Certificate inspection fee of \$659.67 when submitting Civil Engineering Plans for the driveway works for approval. This amount is valid until 30 June 2015. Fees required if an Accredited Certifier is used will be provided on request.

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15. 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.

### ***Prior to Commencement of Works***

16. 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.
17. 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.
18. The applicant shall advise Council of the name, address and contact number of the principal certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1979.
19. 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.
20. 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.
21. 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.
22. An Application to Install a Sewage Management Facility must be lodged and approved for the new dwelling with Hawkesbury City Council prior to any works being commenced in relation to the sewage management facility.
23. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.

### ***During Construction***

24. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
25. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am - 6pm and on Saturdays between 8am - 4pm.

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26. 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.
  - d) wet area flashing, after the installation of bath and shower fixtures;
  - e) prior to occupation of the building;
  - f) on completion of the works;
27. No trees are to be removed without the approval of Council.
28. 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.
29. 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.
30. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
31. A pavement, minimum four metres wide shall be constructed along the full length of the proposed access driveway to the dwelling, including upgrading of the existing driveway as required, appropriate to the gradient of the land in accordance with the following table as a minimum standard:

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

- A bitumen sealed crossing from the edge of bitumen in West Portland Road to the property boundary is to be constructed.
- Passing bays in accordance with the requirement of Planning for Bushfire Protection, 2006, are to be provided at 200 metre intervals.

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- Driveway gradient shall not exceed 25% in any section.

32. The right of footway is to be constructed with a formed footpath and directional makers installed.

### ***Prior to Issue of Occupation Certificate***

33. 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) The type of timber installed indicating both species and durability as required by AS 1684.
- d) An automatic smoke detection system installed in residential development by a licensed electrician. Smoke alarms must comply with AS 3786 and be connected to the consumer mains power where supplied to the building.
- e) A statement or other suitable evidence shall be submitted to the Principal Certifying Authority, certifying that all commitments made on the BASIX certificate have been implemented and installed as approved.

34. A works as executed plan prepared by a registered surveyor shall be submitted to Council on completion of civil works. The plan shall demonstrate that the full length of the driveway complies with the conditions of consent and any other relevant requirements of Planning for Bushfire Protection 2006, and that the driveway construction is fully contained within the right of carriageway.

35. The applicant shall prepare a flood emergency evacuation and management plan for the development. The plan shall advise occupants of flood evacuation procedures and emergency telephone numbers. The applicant shall contact Council and the NSW State Emergency Service for advice in the preparation of the plan. The evacuation procedures shall be permanently fixed to the building in a prominent location and maintained at all times.

### ***Regulatory Services – Waste Water***

36. The installed system will be the subject of an approval to operate a system of sewage management in accordance with the provisions of Subdivision 6 & 7 of Division 4 of Part 2 of the Local Government (General) Regulation 2005 and for this purpose will be subject to inspection at annual frequency by Council's Environmental Health Officer or at such other frequency as may be determined according to the future operation or risk of the system.

37. The sewage management facility must be operated in accordance with the relevant operating specifications and procedures for the component facilities, and so as to allow disposal of treated sewage in an environmentally safe and sanitary manner (Local Government [General] Regulation 2005).

38. The On-site sewage management system is to be located to enable adequate access for regular maintenance (e.g. desludging) and servicing.

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### *Use of the Development*

39. The right of footway is to be maintained in a safe and traversable condition at all times.

### *Rural Fire Services Conditions*

#### *Asset Protection Zones*

40. At the commencement of building works and in perpetuity the property around the building to a distance of:

- 35 metres on the eastern and southern elevations; and
- 50 metres on the northern and western elevations shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

#### *Water and Utilities*

41. Water is to comply with the following requirements of section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

- In recognition that no reticulated water supply exists, a 20,000 litre water supply shall be provided for fire fighting purposes.
- A 65mm metal Storz outlet with a gate or ball valve shall be provided.
- If an above ground tank is to be installed it shall be manufactured of concrete or metal and raised tanks are to have their stands protected. Plastic tanks shall not be used.
- The gate or ball valve, pipes and tank penetration are adequate for full 50mm inner diameter water flow through the Storz fitting and are metal.
- All associated fittings to the tank shall be non combustible.
- A minimum 5hp or 3kW petrol or diesel powered pump shall be made available to the water supply. A 19mm (internal diameter) fire hose and reel shall-be-connected to the pump and be able to-reach all-four elevations of the dwelling.
- Pumps are to be shielded from the direct impacts of bush fire.
  - a) An 'SWS' marker shall be obtained from the local NSW Rural Fire Service and positioned for ease of identification by brigade personnel and other users of the SWS. In this regard: a) Markers must be fixed in a suitable location so as to be highly visible; and
  - b) Markers should be positioned adjacent to the most appropriate access for the static water supply.

42. Electricity and gas are to comply with the following requirements of section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

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### *Access*

43. The property access road shall comply with the following requirements of section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006'.
- Roads do not traverse a wetland or other land potentially subject to periodic inundation (other than a flood or storm surge).
  - A minimum carriageway width of four metres for rural residential areas, rural landholdings or urban areas with a distance of greater than 70 metres from the nearest hydrant point to the most external part of a proposed building (or footprint).
  - Any carriageway constriction along the property access road shall be no less than 3.5 metres in width and for a distance of no greater than 30m.
  - In forest, woodland and heath situations, rural property access roads have passing bays every 200 metres that are 20 metres long by two metres wide, making a minimum trafficable width of six metres at the passing bay
  - A minimum vertical clearance of four metres to any overhanging obstruction, including tree branches.
  - A turning circle with a minimum 12 metre outer radius shall be provided at the end of the property access road.
  - Curves have a minimum inner radius of six metres and are minimal in number to allow for rapid access and egress.
  - The minimum distance between the inner and outer curves is six metres.
  - The cross fall is not to exceed 10 degrees.
  - Maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads.

### *Design and Construction*

44. New construction shall comply with Sections 3 and 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

### *Landscaping*

45. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

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

<b>For the Motion</b>	<b>Against the Motion</b>
Councillor Conolly	Councillor Creed
Councillor Ford	
Councillor Lyons-Buckett	
Councillor Mackay	
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Tree	
Councillor Williams	

Councillor Calvert was absent from the meeting.

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**Item: 194**                    **CP - Development Report - DA0481/13 - Lot 44 DP738540 - 5 New Street, Windsor - Multi Dwelling Housing - (95498, 8743, 114919)**

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**MOTION:**

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

*Refer to RESOLUTION*

**342 RESOLUTION:**

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

That Council as the consent authority pursuant to Clause 80(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended) approve Development Application No. DA0481/13 for the construction of a multi dwelling housing development on Lot 44 DP: 738540, known as 5 New Street, Windsor, subject to the following conditions:

**Conditions**

***General Conditions***

1. The development shall take place generally in accordance with the following plans, specifications and accompanying documentation submitted with the application:
  - Drawing No. 35113 Sheet 1 prepared by RE & PA Collis and dated 31 January 2013;
  - Drawing No. 35113 Sheet 2 prepared by RE & PA Collis and dated 31 January 2013;
  - Drawing No. 91415:E:1 Sheet 1 prepared by McKinlay Morgan and dated 23 August 2013;
  - Landscape Concept Plan Sheet 1 prepared by Blackwell Landscapes and dated 16 August 2013;
  - Landscape Concept Plan Sheet 2 prepared by Blackwell Landscapes and dated 16 August 2013;
  - Landscape Concept Plan Sheet 3 prepared by Blackwell Landscapes and dated 16 August 2013;
  - BASIX Certificate No. 488215M prepared by Mr M Brightwell and dated 20 June 2013;
  - Colour Schedule prepared by RE & PA Collis and dated 26 June 2014

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 building shall not be used or occupied prior to the issue of an Occupation Certificate.
4. The development shall comply with the provisions of the Building Code of Australia (BCA)/National Construction Code.
5. The accredited certifier shall provide copies of all Part 4A 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.

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6. This development falls within the Sewerage Scheme controlled by Hawkesbury City Council. Therefore Hawkesbury City Council is the approving authority for all sewer works.

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

### ***Prior to Issue of Construction Certificate***

7. 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 \$13,800 shall be paid to Hawkesbury City Council. This fee is based on the supplied value-of-works of \$1,380,000.

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

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

8. The payment of a contribution of \$38,263.92 towards sewer headworks is required prior to the release of the Construction Certificate. This contribution will remain fixed until 30 June 2015 after which time it will be recalculated at the rate applicable at the time of payment.
9. Compliance with Section 109F of the Environmental Planning and Assessment Act 1979 – payment of the long service levy under Section 34 of the Building and Construction Industry Long Service Payments Acts 1986 – is required. All building works in excess of \$25,000 are subject to the payment of a Long Service Levy fee. A copy of the receipt for the payment of the Long Service Levy shall be provided to the Principal Certifying Authority (PCA) prior to the issue of a Construction Certificate. Payments can be made at Long Service Payments Corporation offices or most Councils.
10. A design compliance certificate for the on-site stormwater detention system is to be obtained from Council or a suitably qualified accredited certifier. Fees apply.
11. A Traffic Guidance Scheme prepared in accordance with AS1742.3: 2002 by an appropriately qualified person shall be submitted to Council.
12. The applicant must submit a copy of approved plans associated with the 'Major/Minor Sewer Works' application to the Principal Certifying Authority (PCA) whether it is Hawkesbury City Council's Building and Development Branch or a Private Certifier. This plan must be marked with a green stamp (Sewer Works Approved for Design Only), signed and dated.
13. 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) 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.
14. Dilapidation Reports on the current structural condition of the existing buildings at 3 and 7 New Street must be prepared by a practicing structural engineer. The applicable Dilapidation Reports must be completed and submitted to the owners of these properties and to Council prior to the commencement of any excavation or construction works.

At the completion of the works, a second Dilapidation Report recording the structural condition of the buildings must be prepared. This second Report must also be submitted to the owners of the adjoining properties and to Council.

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### ***Prior to Commencement of Works***

15. At least two days prior to the commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation 2000.
16. The applicant shall advise Council of the name, address and contact number of the Principal Certifying Authority (PCA) in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act 1979.
17. 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 (PCA).
18. A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 shall be supplied to the Principal Certifying Authority (PCA) prior to commencement of works.
19. A qualified Structural Engineer's design for all reinforced concrete, structural steel and retaining walls shall be provided to the Principal Certifying Authority (PCA) prior to any works commencing on site.
20. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Any such facilities shall be located wholly within the property boundary.
21. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.
22. All traffic management devices shall be installed and maintained in accordance with the approved traffic management plan.
23. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's water mains, stormwater drains and/or easements and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site: [www.sydneywater.com.au](http://www.sydneywater.com.au).

### ***During Construction***

24. 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.
25. The site shall be secured at all times during excavation and construction against the unauthorised entry of persons or vehicles.
26. The site shall be kept clean and tidy during construction and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during excavation and construction:
  - a) The site shall be secured to prevent the depositing of any unauthorised material.
  - b) Dust control measures (e.g. vegetative cover, mulches, irrigation, barriers and stone) shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.

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- c) All trucks entering or leaving the site shall have their trays suitably covered to prevent spillage from the truck onto the road.
  - d) Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised.
  - e) Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
  - f) 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.
  - g) Building operations shall be undertaken only within the site.
27. If an excavation associated with the erection of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, including a public road or place, the person causing the excavation to be made:
- a) must preserve and protect the building from damage; and
  - b) if necessary, must underpin and support the building in an approved manner; and
  - c) must, at least seven days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected.
- The person acting in accordance with this Consent is liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
28. The development shall be set out by a Registered Surveyor. To ensure that the location of the building satisfies the provisions of the approval, separate check survey certificates, for the basement works and the ground floor level, shall be submitted to the Principal Certifying Authority (PCA), prior to construction works proceeding past those points, indicating the:
- a) location of the building with respect to the boundaries of the site;
  - b) level of the floors in relation to the levels on the site (all levels are to be shown relative to Australian Height Datum); and
  - c) site coverage of the buildings on the site.
29. Compliance certificates (known as Part 4A Certificates) as are to be issued for Critical Stage inspections as detailed in the Environmental Planning and Assessment Regulation 2000 as required by Section 109E(3)(d) of the Environmental Planning and Assessment Act 1979 by the nominated Principal Certifying Authority (PCA).
30. The development shall be treated for termites in accordance with the Building Code of Australia (BCA) and AS3660 as amended by a suitably qualified person with particular attention to timber floors, slab penetrations and joints between slabs.

Details of the type and method of treatment are to be provided to the Principal Certifying Authority (PCA) 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.

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31. Inspections and Compliance Certificates for sewer works can only be conducted and issued by Hawkesbury City Council.
- In the case of internal and external (house service connection) drainage, the inspection must be conducted by Hawkesbury City Council's Building and Development Branch. Please phone (02) 4560 4565 to arrange inspections. Fees apply and must be paid prior to inspection.
  - In the case of any sewer work constructed under a 'Major/Minor Sewer Works' application, the inspection must be conducted by Hawkesbury City Council's Waste Management Branch. A compliance certificate will not be issued until Works As Executed information has been received, assessed and approved by the Waste Management Branch. Council's Waste Management Branch may be contacted on (02) 4560 4444 to arrange inspections.
  - In the case of major sewer works where the contractor is allowed to use third party quality control, the third party must be approved by the branch manager of Hawkesbury City Council's Waste Management Branch.

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

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

32. Off-street car parking spaces, together with access driveways and turning areas, shall be constructed, paved, line marked, signposted and maintained, as shown on the approved plan.
- The design of the car park shall comply with the relevant requirements of Hawkesbury City Council Development Control Plan 2002 and AS2890.1 2004, as applicable.
- Visitor Space No. 13 shall be provided as a disabled parking space in accordance with AS2890.6:2009.
33. Landscaping shall be completed as shown on the approved landscaping plans.
34. The development shall be completed in accordance with the submitted Colour Schedule prepared by RE & PA Collis and dated 26 June 2014
35. New timber boundary fences shall be provided. Fencing behind the building line shall be limed to a height of 1.8m.
36. All necessary works shall be carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
37. On-site detention shall be provided to maintain all stormwater discharges from the 1:1 year storm up to the 1:100 year storm at pre-development levels.
38. A 6m wide heavy duty layback and footway vehicular crossing shall be constructed to the development. The crossing shall be constructed in accordance with Hawkesbury Development Control Plan Appendix E – Civil Works Specification.
- Prior to works commencing the applicant shall consult with Council's Construction and Maintenance Section regarding fees to be paid, the works required and to organise inspections for a Compliance Certificate.
39. The existing redundant layback crossing shall be removed and replaced with concrete kerb and gutter, concrete footway and restored nature strip.
40. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan – Appendix E Civil Works Specification.

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

41. A Compliance Certificate from Hawkesbury City Council's Waste Management Branch confirming sewer works constructed under a Major/Minor Sewer Works application must be submitted to the Principal Certifying Authority (PCA) prior to the issue of an Interim or Final Occupation Certificate.
42. A compliance certificate from Hawkesbury City Council's Building & Development Branch confirming completion of internal and external drainage must be submitted to the Principal Certifying Authority (PCA) prior to the issue of an Interim or Final Occupation Certificate.
43. 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 development, 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.

44. Works-As-Executed drawings for the On-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.
45. 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.
46. A report by the Design Engineer shall be submitted stating the conformance or otherwise of the On Site Detention (OSD) system in relation to the approved design.
47. 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 AS3660) 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 'Glass in Buildings - Selection and Installation'.

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- c) The type of timber installed indicating both species and durability as required by AS1684.
  - d) An automatic smoke detection system installed in residential development by a licensed electrician. Smoke alarms must comply with AS3786 and be connected to the consumer mains power where supplied to the building.
  - e) A statement or other suitable evidence shall be submitted to the Principal Certifying Authority, certifying that all commitments made on the BASIX certificate have been implemented and installed as approved.
48. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
49. 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 (PCA) prior to the release of the occupation certificate.
50. Written clearance from an electricity supply authority shall be submitted to the Principal Certifying Authority (PCA) prior to the release of the occupation certificate.

### ***Use of the Development***

51. 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.

The reason for the imposition of these conditions are those matters specified under Section 79C of the Environmental Planning and Assessment Act 1979.

### **Advisory Notes**

- \*\*\* This consent operates from the consent date shown on the top of this notice and will lapse unless the development is commenced within five years from the date endorsed on this consent.
- \*\*\* 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.
- \*\*\* Section 82A of the Environmental Planning and Assessment Act 1979 provides that the applicant may request the Council to review the determination. The request must be made in writing on Council's Application Form (refer to Council's website or customer service centre) within six months after receipt of this Notice of Determination, together with payment of the appropriate fees. It is recommended that the applicant discuss any request for a review of determination with Council staff before lodging such a request.

NOTE: This clause does not relate to Designated, Integrated or Crown Development, applications determined by the Joint Regional Planning Panel or applications previously considered under Section 82A of the Environmental Planning and Assessment Act 1979.

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- \*\*\* If you are dissatisfied with this decision Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within six months after the date on which you receive this notice.
- \*\*\* Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.
- \*\*\* The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this development. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.
- \*\*\* Building work in close proximity to the boundary may be a sensitive matter for each property owner and can often end in an unsatisfactory relationship between the neighbours. You are advised that the consent given to undertake work in close proximity to the allotment boundary is in no way to be construed as permission to build on or encroach over the allotment boundary. Your attention is directed to the provisions of the Dividing Fences Act 1991 that gives certain rights to adjoining owners, including use of the common boundary. In the absence of any structure standing well clear of the common boundary you need to make yourself aware of your legal position, which may involve a survey to identify the allotment boundary.

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

<b>For the Motion</b>	<b>Against the Motion</b>
Councillor Conolly	NIL
Councillor Creed	
Councillor Ford	
Councillor Lyons-Buckett	
Councillor Mackay	
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Tree	
Councillor Williams	

Councillor Calvert was absent from the meeting.

**ORDINARY MEETING**

**Minutes: 14 October 2014**

**Item: 195**                    **CP - Development Report - DA0573/13 - Lot 3 DP238218 - 5 Macquarie Road, Wilberforce - Two lot subdivision and demolition of existing awning - (95498, 21260)**

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Mr Steven Chong addressed Council, speaking against the item.

**MOTION:**

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

*Refer to RESOLUTION*

**343 RESOLUTION:**

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

That development application DA0573/13 concerning Lot 3 in DP 238218 at 5 Macquarie Road, Wilberforce for a two lot Torrens title subdivision and demolition of an awning be refused for the following reasons:

1. The proposed development is inconsistent with the R2 Low Density Residential Zone in that the layout and design of the subdivision does not retain or enhance the character of the streetscape in Wilberforce.
2. The proposed development is inconsistent with the objectives, lot size and capacity allocation criteria of Council's Wilberforce Subdivision and Development Policy.
3. The variation of the Wilberforce Subdivision and Development Policy would set an undesirable precedent and not be in the general public interest.

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

<b>For the Motion</b>	<b>Against the Motion</b>
Councillor Conolly	NIL
Councillor Creed	
Councillor Ford	
Councillor Lyons-Buckett	
Councillor Mackay	
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Tree	
Councillor Williams	

Councillor Calvert was absent from the meeting.

**ORDINARY MEETING**

**Minutes: 14 October 2014**

**Item: 196**                    **CP - Development Report - DA0466/14 - Lot 2 DP6655 - 33 Old Bells Line of Road, Kurrajong - Subdivision - Community Title - Staged community title subdivision - (95498, 102260, 22180)**

**Previous Item:**            179 (Ordinary, 30 September 2014)

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Councillor Lyons-Buckett declared a less than significant non-pecuniary conflict of interest in this matter as she is a resident of Kurrajong and knows family members of the applicant and various members of the objecting families, but has not had interactions with any of the involved parties which could influence her capacity to fairly consider this application on its merits and no further action is required.

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Mr Matthew Bennett and Mr Robert Montgomery addressed Council, speaking for the item.

Ms Fiona Smith and Mr Michael Want addressed Council, speaking against the item.

**MOTION:**

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

***Refer to RESOLUTION***

**344 RESOLUTION:**

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

That development application DA0466/14 at Lot 2 DP 6655, 33 Old Bells Line of Road, Kurrajong and Lot 1 DP 270827, No. 21 Vincents Road, Kurrajong for Residential Subdivision – 23 lots in two stages be approved subject to the following conditions:

**New South Wales Rural Fire Service Conditions**

***Asset Protection Zones***

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the issue of subdivision certificate and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

***Water and Utilities***

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

2. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

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### **Access**

The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

3. Public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.

The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

4. The proposed private access ways shall comply with the following conditions:
  - a) Access to a development comprising more than three dwellings shall comply with the width specification of section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006'.
  - b) Road(s) shall be two wheel drive, all weather roads.
  - c) All roads should be through roads. Dead end roads are not recommended, but if unavoidable, dead end roads are not more than 200 metres in length, incorporate a 12 metre outer radius turning circle, are clearly signposted as dead end and direct traffic away from the hazard.

### **Hawkesbury City Council General Conditions**

5. The development shall take place generally in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
6. Should there be a requirement for the construction of water balance tanks to meet the requirements for obtaining a Section 73 Certificate from Sydney Water, or to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006', those tanks are to be constructed underground in an area of common property and not on private or public land. The maintenance of those tanks is to be the responsibility of the applicant/owners corporation in perpetuity.

Design and construction details of these tanks, if required, are to be submitted with the application for a construction certificate to the Principle Certifying Authority.
7. No excavation, site works or building works shall be commenced prior to the issue of an appropriate construction certificate.
8. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within seven days of issuing the certificate. A registration fee applies.
9. Vegetation, apart from that shown on the stamped approved plan, shall not be removed from the site without Council approval.

### **Stage 1 Subdivision**

#### ***Prior to Issue of Construction Certificate***

10. Prior to the issue of any construction certificate or the commencement of any works documentary evidence shall be provided to the Principal Certifying Authority confirming that all the proposed allotments will be connected to a reticulated sewer system which has been licensed under the Water Industry Competition Act 2006.

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11. 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) 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.

12. 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 City Planning or an Accredited Certifier.

All civil construction works required by this consent shall be designed in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.

13. Prior to the Issue of the Construction Certificate, the proponent of the development is to enter into an agreement with Hawkesbury City Council ensuring that the proponent is and remains responsible for the upkeep of their infrastructure within Council's road and liable for any rectification works required as a result of the installation of such infrastructure in perpetuity.
14. Prior to the Issue of the Construction Certificate a landscape plan suitable for construction shall be submitted to and approved by the Director City Planning or an Accredited Certifier in relation to the landscape buffer areas. Landscaping shall include a mixture of trees, shrubs and groundcovers and shall retain existing trees within this area.

The landscape plan is to make provision for the inclusion of proposed fencing designs and landscape buffers along Old Bells Line of Road as shown on the approved plan and along the Vincents Road boundary to a minimum width of two metres. The plan is also to make provision for the maintenance of those landscape buffers and fencing in that the applicant and/or owner's corporation will be responsible for the maintenance of this landscaping and fencing at no cost to Council.

15. A Traffic Guidance Scheme prepared in accordance with AS1742-3 2002 by an appropriately qualified person shall be submitted to Council.
16. 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 \$7,500 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.

17. Under the provision of the Roads Act all works within the existing road reserve are to be approved and inspected by Hawkesbury City Council. Fees apply and will be provided on request.
18. Development Consent DA0181/12 shall be surrendered in accordance with Clause 97 of the Environmental Planning and Assessment Regulations 2000 prior to the issue of any construction certificate.

### ***Prior to Commencement of Works***

19. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.

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20. 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.
21. A 'Road Opening Permit' shall be obtained from Hawkesbury City Council Asset and Maintenance Section prior to the commencement of works within the Vincents Road. Fees apply.
22. A waste management plan shall be submitted to and approved by Hawkesbury City Council. The plan shall address any construction waste. Particular attention shall be paid to type and quantity of waste, recycling, reuse, storage and disposal.
23. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.
24. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
25. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
  - a) Unauthorised access to the site is prohibited.
  - b) The owner of the site.
  - c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
  - d) The name and contact number of the Principal Certifying Authority.
26. All traffic management devices shall be installed and maintained in accordance with the approved traffic management plan.

### ***During Construction***

27. 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.
28. During the construction period, the person responsible for the site is to retain records of waste disposal (waste receipts or dockets, recycling processor receipts etc.) in a Waste Data File. The Waste Data File must be provided to Council officers on request to demonstrate that the approved Waste Management Plan is being implemented.
29. 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.
30. Dust control measures, e.g. vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.

## ORDINARY MEETING

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31. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
32. Inspections and Compliance Certificates for sewer works can only be conducted and issued by a public authority or any person licensed under the Water Industry Competition Act 2006.
33. Sewerage reticulation, including junctions, shall be constructed to each residential lot in the subdivision.
34. The topsoil shall be stripped and stockpiled and used to cover the earthworks.
35. All constructed batters are to be topsoiled and turfed and where batters exceed a ratio of 3 (three) horizontal to 1 (one) vertical, retaining walls, stone flagging or terracing shall be constructed.
36. 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.
37. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
38. 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.
39. 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.
40. Street lighting in accordance with the current relevant Australian Standard is to be installed in the new public road.
41. Landscaping and boundary fencing shall be completed in accordance with the approved landscape plan. Boundary fencing along Vincents Road shall comprise rural style fencing with screen planting to a minimum width of two metres. The existing boundary fencing along Old Bells Line of Road shall be retained as far as possible and the landscape area shall be enhanced in accordance with the approved landscape plan.

**Note:** this will require the developer to construct boundary fencing and screening prior to release of the first stage subdivision plan, rather than leave it to individual lot purchasers.

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

42. 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.
43. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
44. Written clearance from an Electricity Provider shall be submitted to the Principal Certifying Authority.
45. Written confirmation from an authorised sewer authority that reticulated sewerage is available to all lots within the subdivision (with the exception of the community lot).
46. A works as executed plan shall be submitted to Council on completion of works.
47. All new roads, including pathways and drainage, shall be dedicated to Council.

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48. A Management Statement complying with Schedule III of the Community Land Development Act, 1989 shall be lodged with and approved by Council. This statement is to include a provision that Lot 1 is not to be used for the purpose of erecting a dwelling.
49. A plan, plus four copies, of subdivision prepared to the requirements of the Land and Property Information that also provides for any necessary easements for drainage and sewer shall be submitted to Council.
50. Creation of a restriction on use of land pursuant to Section 88B of the Conveyancing Act as follows:
  - a) Any dwellings to be located on Lots 2 and 7 are to be orientated towards Old Bells Line of Road so as to provide a street presentation to this Road.
  - b) Vehicular access to and from Lots 2 and 7 are to be via the new public road.
  - c) Boundary fencing and landscaping along Vincents Road and Old Bells Line of Road shall be maintained in accordance with the approved landscaping plan.

### Stage 2

#### ***Prior to Issue of a Construction Certificate***

51. Prior to the issue of any construction certificate for stage two documentary evidence is to be submitted to the Principal Certifying Authority confirming registration of the subdivision plan with Land and Property Information that creates lot 18 on the stamped plans.
52. Documentary evidence shall be provided to the Principal Certifying Authority confirming that all the lots would be connected to a reticulated sewer system which has been licensed under the Water Industry Competition Act 2006.
53. Documentary evidence shall be provided to the Principal Certifying Authority confirming that the turning area at the end of Robertson Street complies with the requirements of section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.
54. 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) 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.
55. 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 City Planning or an Accredited Certifier.

All civil construction works required by this consent shall be designed in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
56. A Traffic Guidance Scheme prepared in accordance with AS1742-3 2002 by an appropriately qualified person shall be submitted to Council.

#### ***Prior to Commencement of Works***

57. 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.

## ORDINARY MEETING

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58. 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.
59. A waste management plan shall be submitted to and approved by Hawkesbury City Council. The plan shall address any construction waste. Particular attention shall be paid to type and quantity of waste, recycling, reuse, storage and disposal.
60. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.
61. 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.
62. 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.
63. All traffic management devices shall be installed and maintained in accordance with the approved traffic management plan.

### ***During Construction***

64. 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.
65. During the construction period, the person responsible for the site is to retain records of waste disposal (waste receipts or dockets, recycling processor receipts etc.) in a Waste Data File. The Waste Data File must be provided to Council officers on request to demonstrate that the approved Waste Management Plan is being implemented.
66. 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.
67. Dust control measures, e.g. vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
68. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.

## ORDINARY MEETING

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69. Inspections and Compliance Certificates for sewer works can only be conducted and issued by a public authority or any person licensed under the Water Industry Competition Act 2006.
70. Sewerage reticulation, including junctions, shall be constructed to each residential lot in the subdivision.
71. The topsoil shall be stripped and stockpiled and used to cover the earthworks.
72. All constructed batters are to be topsoiled and turfed and where batters exceed a ratio of 3 (three) horizontal to 1 (one) vertical, retaining walls, stone flagging or terracing shall be constructed.
73. 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.
74. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
75. 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.
76. 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.

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

77. 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.
78. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation for water supply.
79. Written clearance from an Electricity Provider shall be submitted to the Principal Certifying Authority.
80. Written confirmation from an authorised sewer authority that reticulated sewerage is available to all lots within the subdivision (with the exception of the community lot).
81. A works as executed plan shall be submitted to Council on completion of works.
82. All new roads, including pathways and drainage, shall be dedicated to Council.
83. A plan, plus four copies, of subdivision prepared to the requirements of the Land and Property Information that also provides for any necessary easements for drainage and sewer shall be submitted to Council.
84. A Management Statement complying with Schedule III of the Community Land Development Act, 1989 shall be lodged with and approved by Council. This statement is to include a provision that Lot 1 is not to be used for the purpose of erecting a dwelling.
85. A plan, plus four copies, of subdivision prepared to the requirements of the Land Titles Office that also provides for any necessary easements for drainage and sewer shall be submitted to Council.
86. Creation of a restriction on use of land, pursuant to Section 88B of the Conveyancing Act stating that boundary fencing and landscaping along Vincents Road and Old Bells Line of Road shall be maintained in accordance with the approved landscaping plan.

**ORDINARY MEETING**

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87. The nature strip adjacent to the turning area at the end of Robertson Street to be dedicated as public road is to have a nature strip width of 3.5m.

The reason for the imposition of these conditions are those matters specified under Section 79C of the Environmental Planning and Assessment Act 1979.

**Advisory Notes**

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

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

- water and sewer provider
- electricity provider
- natural gas provider
- telecommunications carrier
- road authority

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

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

\*\*\* The applicant shall make themselves aware of 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.

\*\*\* As a consequence of the development the proposed road would be required to be formally named. For details with regards to the naming of the laneway it is advised that you contact Councils Infrastructure Services Department for further information.

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

<b>For the Motion</b>	<b>Against the Motion</b>
Councillor Conolly	Councillor Lyons-Buckett
Councillor Creed	Councillor Mackay
Councillor Ford	Councillor Rasmussen
Councillor Paine	Councillor Williams
Councillor Porter	
Councillor Reardon	
Councillor Tree	

Councillor Calvert was absent from the meeting.

**ORDINARY MEETING**

**Minutes: 14 October 2014**

**INFRASTRUCTURE SERVICES**

**Item: 197**                    **IS - Road Naming Proposal Redbank Development North Richmond - (95495, 79346)**

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Ms Janis Sparkes addressed Council, speaking for the item.

**MOTION:**

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

***Refer to RESOLUTION***

**345 RESOLUTION:**

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

That:

1. In accordance with the requirements of the Roads Act, 1993, the list of road names attached as Attachment 1 to the report, be publically advertised for a period of 28 days, seeking comment and submissions.
2. The matter be reported back to Council following the public exhibition process, with a view to adopting an approved listing of street names for future use.

**ORDINARY MEETING**

**Minutes: 14 October 2014**

**SUPPORT SERVICES**

**Item: 198**

**SS - General Purpose Financial Statements and Special Purpose Financial Statements for the year ended 30 June 2014 - (96332, 95496)**

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**MOTION:**

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

*Refer to RESOLUTION*

**346 RESOLUTION:**

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

That:

1. Council note the following Statement in respect of Section 413(2)(c) of the Local Government Act 1993 as to its Annual Financial Statements:
  - a) Council's Annual Financial Statements for 2013/2014 have been drawn up in accordance with:
    - The Local Government Act 1993 (as amended) and the Regulation made there under;
    - The Australian Accounting Standards and Professional Pronouncements; and
    - The Local Government Code of Accounting Practice and Financial Reporting.
  - b) The Statements present fairly the Council's financial position and operating result for the year.
  - c) The Statements are in accordance with the Council's accounting and other records.
  - d) The signatories do not know of anything that would make these Statements false or misleading in any way.
2. Council sign the "Statements by Councillors and Management". The Statements are to be signed by the Mayor, Deputy Mayor, General Manager and the Responsible Accounting Officer.
3. Council seek a presentation from its External Auditors, PricewaterhouseCoopers, at a Council Meeting following the completion of the audit.

**ORDINARY MEETING**

**Minutes: 14 October 2014**

**Item: 199**                    **SS - Access to Pecuniary Interest Returns - Councillors and Designated Persons - (95496, 79337)**

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**MOTION:**

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

*Refer to RESOLUTION*

**347 RESOLUTION:**

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

That the information be received and noted and that in view of the information contained in the report, Pecuniary Interest and Other Matters Returns of Councillors and Designated Persons not be made available on Council's website.

**Item: 200**                    **SS - Pecuniary Interest Returns - Councillors and Designated Persons - (95496, 79337)**

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**MOTION:**

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

*Refer to RESOLUTION*

**348 RESOLUTION:**

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

That the information be received and noted.

**ORDINARY MEETING**

**Minutes: 14 October 2014**

**Item: 201**                    **SS - Hawkesbury Access and Inclusion Plan 2014-2017 - (95496, 96328)**

**Previous Item:**        134, Ordinary (29 July 2014)  
                              61, Ordinary (25 March 2014)  
                              35, Ordinary (13 March 2012)  
                              266, Ordinary (29 November 2011)  
                              87, Ordinary (10 May 2011)

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**MOTION:**

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

*Refer to RESOLUTION*

**349 RESOLUTION:**

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

That Council:

1. Adopt the Hawkesbury Access and Inclusion Plan 2014-2017 attached as Attachment 1 to the report.
2. Delegate to the Access and Inclusion Committee the responsibility for coordinating and reporting on the implementation of the Hawkesbury Access and Inclusion Plan 2014-2017.

**ORDINARY MEETING**

Notices of Motion

**SECTION 5 - Notices of Motion**

**NM1 - WSROC Policy Position Adoption - (79351, 105109, 125610)**

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**MOTION:**

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

*Refer to RESOLUTION*

**350 RESOLUTION:**

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

That following a policy position being adopted at a meeting of WSROC, a report be brought to Council including the policy position taken and whether our delegates were supportive of the position.

Councillors Creed requested that his name be recorded as having voted against the motion.

**ORDINARY MEETING**

Questions for Next Meeting

**QUESTIONS FOR NEXT MEETING**

**Councillor Questions from Previous Meeting and Responses - (79351)**

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

**ORDINARY MEETING**

Questions for Next Meeting

**Questions for Next Meeting**

#	Councillor	Question	Response
1	Reardon	Enquired if a hazard reduction burn in the area of Cabbage Tree Road, Grose Vale could be arranged.	The Director Infrastructure Services
2	Williams	Requested that Packer Road, Lower Portland be graded.	The Director Infrastructure Services

**ORDINARY MEETING**  
**CONFIDENTIAL REPORTS**

**CONFIDENTIAL REPORTS**

**351 RESOLUTION:**

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

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: 202 GM - Legal Matter - Redbank at North Richmond - (79351)**

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(g) of the Local Government Act, 1993 as it relates to legal matters concerning Council's potential legal position in relation to the development referred to as Redbank at North Richmond and the information is regarded as matters concerning potential litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

**Item: 203 CP - Expressions of Interest - Glossodia Community Reference Group for Jacaranda Ponds Development - (95498)**

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(a) of the Local Government Act, 1993 as it relates to personnel matters concerning particular individuals (other than councillors).*

**Item: 204 SS - Property Matter - Lease to Darith Buth and Mary Leang - Shop 11, Wilberforce Shopping Centre - (120564, 112106, 95496)**

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

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

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

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

**352 RESOLUTION:**

RESOLVED on the motion of Councillor Creed, seconded by Councillor Tree that open meeting be resumed.

**ORDINARY MEETING**  
**CONFIDENTIAL REPORTS**

**Item: 202**                      **GM - Legal Matter - Redbank at North Richmond - (79351)    CONFIDENTIAL**

**Previous Item:**              NM, Extraordinary (9 September 2014)  
   188, Ordinary (30 September 2014)

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**MOTION:**

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

*Refer to RESOLUTION*

**353 RESOLUTION:**

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

That the information be received and Council take no further action until such time as the Operation Spicer has released their final report, or the Minister for Planning makes a determination.

**ORDINARY MEETING**  
**CONFIDENTIAL REPORTS**

**Item: 203**                    **CP - Expressions of Interest - Glossodia Community Reference Group for Jacaranda Ponds Development - (95498) CONFIDENTIAL**

**Previous Item:**        2, Ordinary (29 July 2014)  
                              1, Ordinary (4 February 2014)

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**MOTION:**

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

***Refer to RESOLUTION***

**354 RESOLUTION:**

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

That:

1. Eight applications have been received by Council as a result of the Expression of Interest process and Council is to determine the successful applications to fill the four community member places for the Glossodia Community Reference Group.
2. Council vote for the four community member places for membership of the Glossodia Community Reference Group.
3. The General Manager advised that as a result of a ballot, the following Community Representatives were elected to the Glossodia Community Reference Group:
  - Mr Neil Rodney Byers;
  - Mr Peter Gooley;
  - Ms Renee Keddie;
  - Ms Uma Menon.

**ORDINARY MEETING**  
**CONFIDENTIAL REPORTS**

**Item: 204**                      **SS - Property Matter - Lease to Darith Buth and Mary Leang - Shop 11, Wilberforce Shopping Centre - (120564, 112106, 95496) CONFIDENTIAL**

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**MOTION:**

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

*Refer to RESOLUTION*

**355 RESOLUTION:**

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

That:

1. Council agree to enter into a new lease with Darith Buth and Mary Leang of Shop 11, Wilberforce Shopping Centre, as outlined in the report.
2. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.
3. Details of Council's resolution be conveyed to the proposed Lessees, together with the advice that Council is not, and will not, be bound by the terms of its resolution, until such time as appropriate legal documentation to put such resolution into effect has been agreed to and executed by all parties.

The meeting terminated at 9:08pm.

Submitted to and confirmed at the Ordinary Meeting held on 28 October 2014.

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Mayor