



Hawkesbury City Council

ordinary  
meeting  
minutes

date of meeting: 13 November 2012

location: council chambers

time: 6:30 p.m.

**ORDINARY MEETING**

**Table of Contents**

**Meeting Date:** 13 November 2012

**ORDINARY MEETING**

**Table of Contents**

**Meeting Date: 13 November 2012**

**MINUTES**

- **WELCOME / EXPLANATIONS / PRAYER**
- **APOLOGIES**
- **DECLARATION OF INTERESTS**
- **SECTION 1 - Confirmation of Minutes**
- **PRESENTATION BY COUNCIL'S AUDITOR, MR DENNIS BANICEVIC OF PRICEWATERHOUSECOOPERS, IN RESPECT OF COUNCIL'S AUDITED 2011/2012 FINANCIAL REPORTS**
- **MINUTE ITEM SUBJECT TO PUBLIC ADDRESS**
- **SECTION 2 - Mayoral Minutes**
- **SECTION 3 - Notices of Motion**
- **EXCEPTION REPORT - Adoption of Items Not Identified for Discussion and Decision**
- **SECTION 4 - Reports for Determination**
  - General Manager**
  - City Planning**
  - Infrastructure Services**
  - Support Services**
- **SECTION 5 - Reports of Committees**
- **QUESTIONS FOR NEXT MEETING**

**ORDINARY MEETING**

**Table of Contents**

**Meeting Date:** 13 November 2012

**ORDINARY MEETING****Table of Contents**

Meeting Date: 13 November 2012

**TABLE OF CONTENTS**

<b>ITEM</b>	<b>SUBJECT</b>	<b>PAGE</b>
<b>SECTION 3 - Notices of Motion</b>		<b>6</b>
NM1	Establishment of Economic Development Advisory Committee - (79351, 80106)	6
NM2	Policy regarding Dual Occupancy Dwellings on Acreage - (79351, 90477)	6
NM3	Dredging of Hawkesbury River - (79351,90477)	7
NM4	Possible Future Use of Richmond RAAF Base For Commercial Aviation Purposes - (79351, 801804)	8
NM5	Establishment of a Sustainability Advisory Committee - (79351, 125612)	8
<b>SECTION 4 - Reports for Determination</b>		<b>9</b>
<b>GENERAL MANAGER</b>		<b>9</b>
Item: 189	GM - Local Infrastructure Renewal Scheme - (79351)	9
Item: 190	GM - Establishment of Development Application Monitoring Advisory Committee - (79351)	10
Item: 191	GM - Sustainable Economic Growth for Regional Australia (SEGRA) Conference - (79351)	10
Item: 192	GM - Nomination to the Board of Western Sydney Academy of Sport (79351, 80256)	11
<b>CITY PLANNING</b>		<b>12</b>
Item: 193	CP - Development Report - DA0058/12 - Agriculture - Including removal of native vegetation and erection of shed - Lot 545 DP 751665 - 58 Reserve Road Freemans Reach - (94598, 111280)	12
Item: 194	CP - Development Report - DA0281/12 - Recreation Establishment - Outdoor recreational tree top facility and associated amenities - Lot 1 DP 235341 - 167-213 Springwood Road Yarramundi - (94598, 19123)	19
Item: 195	CP - Planning Proposal for Lot 12 DP 1138749, 46 Mulgrave Road, Mulgrave (LEP89004/10) - (95498)	29
Item: 196	CP - Application for a Hotel - General Bar Liquor Licence - Darren Fahey Shop 1/180 George Street, Windsor - (94598)	30
Item: 197	CP - Possible Amendment of the Hawkesbury Local Environmental Plan to Permit Secondary Dwellings in Rural and Environmental Protection area and Infrastructure Levy for Secondary Dwellings - (94598)	31
Item: 198	CP - Hawkesbury City Council - Annual Report - 2011/2012 - (95498)	32

**ORDINARY MEETING**

**Table of Contents**

**Meeting Date:** 13 November 2012

<b>ITEM</b>	<b>SUBJECT</b>	<b>PAGE</b>
<b>SUPPORT SERVICES</b>		<b>33</b>
Item: 199	SS - Monthly Investments Report - September 2012 - (96332, 95496)	33
Item: 200	SS - Exemption from Rating - 24 Church Street, South Windsor - (95496, 96332, 124932)	33
Item: 201	SS - General Purpose Financial Statements and Special Purpose Financial Statements for the period ended 30 June 2012 - (96332, 95496)	34
<b>CONFIDENTIAL REPORTS</b>		<b>35</b>
Item: 202	IS - Tender No. 00916 - Concrete Works - Restoration of Footpaths and Kerb & Guttering - (95495, 79344) CONFIDENTIAL	36
Item: 203	IS - Tender No.00917 - Provision of a Septic Tank & Collection Well Effluent Removal Service - (95495, 112179) CONFIDENTIAL	37
Item: 204	SS - Property Matter - Assignment of Lease from Andreas and Catarina Froemel to Denise O'Rourke - Shop 2, Glossodia Shopping Centre - (95496, 1121406, 73977, 24232) CONFIDENTIAL	37
<b>QUESTIONS FOR NEXT MEETING</b>		<b>39</b>
Councillors Questions from Previous Meetings and Responses		39
Question for Next Meeting		40

## ORDINARY MEETING

### Table of Contents

Meeting Date: 13 November 2012

Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 13 November 2012, commencing at 6:35pm.

Pastor James Fletcher of the Seventh Day Adventist Church, Windsor, representing the Hawkesbury Minister's Association, gave the opening prayer at the commencement of the meeting.

#### ATTENDANCE

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

**ALSO PRESENT:** General Manager - Peter Jackson, Director City Planning - Matt Owens, Director Infrastructure Services - Jeff Organ, Director Support Services - Laurie Mifsud, Senior Property Officer – Nicole Spies and Administrative Support Team Leader - Bianca James.

Councillor Tree arrived at the meeting at 7:02pm.  
Councillor Calvert arrived at the meeting at 8:03pm.

Councillor Williams left the meeting at 12:01am.

#### SECTION 1: Confirmation of Minutes

##### 312 RESOLUTION:

RESOLVED on the motion of Councillor Reardon and seconded by Councillor Creed that the Minutes of the Ordinary meeting held on the 9 October 2012, be confirmed.

##### 313 RESOLUTION:

RESOLVED on the motion of Councillor Paine, seconded by Councillor Reardon that standing orders be suspended for consideration of Item 201 and associated presentation by Council's Auditor, Mr Dennis Banicevic of PriceWaterhouseCoopers, in respect of Council's Audited 2011/2012 Financial Reports.

##### 314 RESOLUTION:

RESOLVED on the motion of Councillor Reardon, seconded by Councillor Rasmussen that standing orders be resumed.

**ORDINARY MEETING**

**MINUTES: 13 November 2012**

**SECTION 3 - Notices of Motion**

**NM1 - Establishment of Economic Development Advisory Committee - (79351, 80106)**

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Mr Peter Chidgey, Mr Alan Eagle and Mr Les Sheather, proponents, addressed Council.  
Mr Robert Montgomery and Mr Jason Pilgrim, respondents, addressed Council.

**MOTION:**

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

*Refer to RESOLUTION*

**315 RESOLUTION:**

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

That:

1. A Report be submitted to Council regarding models available to have community economic engagement including the feasibility of establishing either a Business Economic Forum or a Business Development Working Party. Council consult with groups such as Chambers of Commerce, Business Groups and Hawkesbury City Alliance.
2. The Report to also address related issues such as costs involved, funding sources, community membership, constitution and operating procedures, and any other related issues including a brief summary of the Council and the community's previous such models.

**NM2 - Policy regarding Dual Occupancy Dwellings on Acreage - (79351, 90477)**

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**MOTION:**

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

That Hawkesbury City Council adopt the same policy as Penrith City Council regarding dual occupancy dwellings on acreage.

Following a vote the motion was put and lost.



**ORDINARY MEETING**

**MINUTES: 13 November 2012**

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 Mackay	Councillor Calvert
Councillor Porter	Councillor Conolly
Councillor Reardon	Councillor Creed
Councillor Tree	Councillor Ford
Councillor Williams	Councillor Lyons-Buckett
	Councillor Paine
	Councillor Rasmussen

**NM3 - Dredging of Hawkesbury River - (79351,90477)**

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Mr Ted Books, proponent, addressed Council.

**MOTION:**

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

*Refer to RESOLUTION*

**316 RESOLUTION:**

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

That:

1. Council investigate the dredging of the Hawkesbury River at the seven points previously identified as having a sediment build up.
2. The \$46,000 previously allocated for this purpose be used to identify; volumes, types of dredged material and suitable storage locations.
3. Council make application to the State Government for a licence to dredge before 30 September 2013.

**ORDINARY MEETING**

**MINUTES: 13 November 2012**

**NM4 - Possible Future Use of Richmond RAAF Base For Commercial Aviation Purposes - (79351, 801804)**

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Mr Michael Want, proponent, addressed Council.

**MOTION:**

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

That in view of recent announcements concerning the possible future use of the Richmond RAAF Base for commercial aviation purposes that Council hold public meetings in Windsor and North Richmond to further inform the community of these proposals and to ascertain the communities views in this regard.

An AMENDMENT was moved by Councillor Tree, seconded by Councillor Conolly.

***Refer to RESOLUTION***

The amendment was carried.

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

**317 RESOLUTION:**

RESOLVED on the amendment of Councillor Tree, seconded by Councillor Conolly.

That Council make representations to the Federal Government to ascertain the direction of the Government's proposals for the future use of the Richmond RAAF Base for civil aviation purposes so as to enable Council to appropriately consult with the community on this issue.

**NM5 - Establishment of a Sustainability Advisory Committee - (79351, 125612)**

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Ms Colleen Turnbull, proponent, addressed Council.

**MOTION:**

RESOLVED on the motion of Councillor Lyons-Buckett, seconded by Councillor Rasmussen.

***Refer to RESOLUTION***

**318 RESOLUTION:**

RESOLVED on the motion of Councillor Lyons-Buckett, seconded by Councillor Rasmussen.

That a report be submitted to Council regarding the possible establishment of a Sustainability Advisory Committee or expansion of the Waste Management Advisory Committee, such report to address issues such as appropriate functions and objectives, membership, meeting frequency, etc.

**ORDINARY MEETING**

**MINUTES: 13 November 2012**

**SECTION 4 - Reports for Determination**

**GENERAL MANAGER**

**Item: 189 GM - Local Infrastructure Renewal Scheme - (79351)**

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**MOTION:**

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

*Refer to RESOLUTION*

**319 RESOLUTION:**

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

That:

1. The information concerning the status of Council's submission for a Timber Bridge Replacement Program under the Local Infrastructure Renewal Scheme Round One be noted.
2. The action of the General Manager in seeking the substitution of bridges within the Program as detailed in the report be endorsed.
3. Council agree to obtain a loan of \$5,260,000 in order to undertake the Timber Replacement Program as approved under the Local Infrastructure Renewal Scheme and accept the quotation received from the Commonwealth Bank on either of the following basis depending upon the most suitable at the time of entering into the loan having regard to the terms of the Scheme:

<b>Amount</b>	<b>Loan Term</b>	<b>P &amp; I Repayments</b>	<b>Fixed Interest Rate</b>
\$5,260,000	10 years with principal and interest repayments over the loan term, fully amortising	Semi-annual	5.47%pa
	9 years 11 months with principal and interest repayments over the loan term, fully amortising	Semi-annual	5.47%pa

4. In the event of the terms of the proposed loan varying due to a change in interest rates or other terms and conditions the General Manager be authorised to agree to these changes and to proceed with the proposed loan.
5. Authority be given for the Local Infrastructure Renewal Scheme Funding Agreement; any other associated documentation and documentation in association with the proposed loan from the Commonwealth Bank to be executed under the Seal of Council.
6. In view of the comments contained within the report concerning Council's capacity to undertake further loan borrowings at present that Council not make a submission under Round Two of the Local Infrastructure Renewal Scheme.

**ORDINARY MEETING**

**MINUTES: 13 November 2012**

**Item: 190**            **GM - Establishment of Development Application Monitoring Advisory Committee - (79351)**

**Previous Item:**        Item 168 (Extra Ordinary, 25 September 2012)

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**MOTION:**

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

*Refer to RESOLUTION*

**320 RESOLUTION:**

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

That:

1. A Development Application Monitoring Advisory Committee be established based upon the membership, functions and procedures proposed within the report in this regard.
2. Council nominate councillors for the membership of the Committee.

**321 RESOLUTION:**

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

That Councillor Tree, Deputy Mayor Tree and Councillors Mackay, Creed, and Porter, be appointed to the Development Application Monitoring Advisory Committee.

**Item: 191**            **GM - Sustainable Economic Growth for Regional Australia (SEGRA) Conference - (79351)**

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**MOTION:**

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

*Refer to RESOLUTION*

**322 RESOLUTION:**

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

That attendance of nominated Councillors, and staff members as considered appropriate by the General Manager, at the 2012 SEGRA Conference, at an approximate cost of \$2,800 plus travel expenses per delegate, be approved.

**ORDINARY MEETING**

**MINUTES: 13 November 2012**

**323 RESOLUTION:**

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

That Councillor Paine as Council's nominated representative attend the Sustainable Economic Growth for Regional Growth Australia (SEGRA) Conference.

**Item: 192            GM - Nomination to the Board of Western Sydney Academy of Sport (79351, 80256)**

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**MOTION:**

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

*Refer to RESOLUTION*

**324 RESOLUTION:**

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

That the nomination of Councillor M Creed to the Western Sydney Academy of Sport (WSAS) Board of Directors be endorsed by Council and forwarded to the WSAS Advisory Forum for consideration and submission to the WSAS Board.

**ORDINARY MEETING**

**MINUTES: 13 November 2012**

**CITY PLANNING**

**Item: 193 CP - Development Report - DA0058/12 - Agriculture - Including removal of native vegetation and erection of shed - Lot 545 DP 751665 - 58 Reserve Road Freemans Reach - (94598, 111280)**

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Mr Darren Hore and Mr Daniel Sammut, proponent, addressed Council.  
Ms Michelle Bonavogila, Mr Richard Lauder and Ms Vicki Owers, respondent, addressed Council.

**MOTION:**

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

***Refer to RESOLUTION***

**325 RESOLUTION:**

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

That Development Application No. DA0058/12 at Lot 545 in DP 751665, 58 Reserve Road Freemans Reach for the erection of an agricultural shed and Turf Farm only (excluding the area proposed for growing lucerne and the additional driveway) be approved subject to the following conditions:

**NSW Office of Water Conditions**

***Standard***

1. The General Terms of Approval (GTAs) relate to the above development within the proposed development site.
2. The GTAs do not constitute an approval under the *Water Management Act 2000 (WMA)*.
3. If the consent authority determines to grant consent, the GTAs are to form part of the development consent.
4. Any amendments to the development application may void these GTAs.
5. The consent holder must submit to the NSW Office of Water (NOW), a completed application form for a water supply works approval prior to the commencement of any development/works for a new or modified dams or ponds that propose to capture more rainfall runoff than the harvestable right associated with the development.
6. The application for a water supply works approval is subject to the assessment provisions of the Water Management Act 2000, which may take up to 6 months to assess, including public advertisement of the proposal. The consent holder must not use any water supply works approval is obtained by NOW.
7. The consent holder must obtain a water access licence to extract water from a water source if the volume of water to be extracted is in excess of the harvestable rights provisions for the development prior to extracting any water from a water source.
8. Works Approval applications are required to be in accordance with the GTAs.

**ORDINARY MEETING**

**MINUTES: 13 November 2012**

***Works Approval Application***

9. The consent holder has submitted an application under the Water Act 1912 prior to the implementation of the Water Management Act 2000 on 1 July 2011. The following must accompany this application:
- (a) A copy of the development consent
  - (b) Appropriate fee (to be determined once DA is granted)

***Relevant Plans and Documents***

10. The approval holder must ensure that development / works are completed in accordance with the following drawings and / or documents:
- (a) D.J. Hore Pty Limited – Plan Showing Contours, Detail & Levels Over Existing Dams Upon Lot 545. No. 58 Reserve Road, Freemans Reach – dated 14-06-2012.

***Works***

11. The approval holder must not allow any tailwater or drainage water to discharge, by any means including surface or sub-surface drains or pipes, from the approval holders property, into or onto:-
- any adjoining public or crown road
  - any other persons land
  - any crown land
  - any river, creek or watercourse
  - any groundwater aquifer
  - any area of native vegetation as described in the Native Vegetation Conservation Act 1997 or the Native Vegetation Act 2003
  - any wetlands of environmental significance
  - any identified site of aboriginal significance
  - any identified site of cultural significance
12. Your attention is particularly drawn to the provisions of Condition (11) regarding disposal of drainage waters. The discharge of polluted waters into a river or lake otherwise than in accordance with the conditions of a license under the Protection of the Environment Operations Act may render the offender subject to prosecution and penalty under the Act. Therefore where an approved drainage disposal system involves the possible discharge of drainage water into a river or lake, a license may be required under the Protection of the Environment Operations Act to authorise such discharge.
13. The location of the dam as shown on a plan retained in the Office of Water shall not be altered. Please be advised that any installation of an additional dam and/or enlargement of an existing dam may require further local council approval and/or an amended approval from the Office of Water.
14. The existing profile of the channel and bank of any watercourse or drainage depression must not be disturbed any more than is necessary in order to site and maintain the authorised work. Any area that is disturbed when carrying out such work must be stabilised and maintained by vegetation cover, stone pitching or any other approved material as directed and to this Department's satisfaction so as to prevent the occurrence of erosion.
15. The holder of the approval must not construct or install works used for conveying, distributing or storing water taken by means of the approved work that obstruct the reasonable passage of floodwaters other than that water that is to be impounded or obstructed.
16. The pumping and ancillary equipment and pump site shall be, at all times, properly secured and/or sealed as to prevent leakage of petroleum based products and/or noxious material from entering

## ORDINARY MEETING

MINUTES: 13 November 2012

any river or lake. Typically, a bunding wall of hay bales or other approved material shall be installed around the pumping plant to avoid contamination of any river or lake through spills or leaks of oils, fuels or greases.

17. Any drainage channels or cross banks associated with the authorised works or access roads to or from that work shall have installed and maintained a bunding wall of hay bales or other approved material, to prevent siltation reaching any river or lake.
18. The holder of the approval must construct and maintain the approved work in a safe and proper manner that will minimise the possibility of damage being occasioned by it, or resulting from it to any public or private interest.
19. The level of the bywash crest of the upper dam shall be fixed at not higher than RL 39.83 (Plan Showing Contours, Detail & Levels Over Existing Dams Upon Lot 545. No. 58 Reserve Road, Freemans Reach) and particulars of which are retained in the Office of Water.
20. The level of the bywash crest of the upper dam shall be fixed at not higher than RL 39.49 (Plan Showing Contours, Detail & Levels Over Existing Dams Upon Lot 545. No. 58 Reserve Road, Freemans Reach) and particulars of which are retained in the Office of Water.

### **NSW Office of Water – Advisory Notes**

- For the purpose of the GTAs, the term ‘consent holder’ refers to the applicant for the integrated development application.
- A works approval will not give the holder the right to use and occupy any land without the consent of the registered owner/s of the property.
- A works approval will not relieve the approval holder of any obligations or requirements of any other acts, regulations, planning instruments or Australian standards.

### **Hawkesbury City Council Conditions**

#### **General Conditions**

21. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application as amended in red and as modified by these further conditions.
22. This approval does not cover the establishment of the lucerne farm or construction of a new access driveway to the site as proposed in the application.
23. The development shall comply with the provisions of the National Construction Code / Building Code of Australia.
24. No excavation, site works, building works or the removal of vegetation shall be commenced prior to the issue of any construction certificate.
25. The shed shall not be used until the issue of an occupation certificate.
26. 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.
27. 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.



## ORDINARY MEETING

MINUTES: 13 November 2012

28. Prior to the issue of any Construction Certificate or commencement of any works, the consent holder shall provide details proving that they have been issued with a water supply works approval under the *Water Management Act 2000* and obtained the appropriate water access licence of the correct volumes for the development from the NSW Office of Water.

### Prior to Issue of Construction Certificate

29. Amended plans shall be provided showing that the development is consistent with the recommendations made in the Water balance report, prepared by Harris Environmental Consulting, dated August 2012.
30. Construction of the drainage and dam alterations 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 City Planning or an Accredited Certifier.
31. Payment of a Construction Certificate checking fee and a Compliance Certificate Inspection fee in accordance with Council's fees and charges when submitting Civil Engineering Plans for approval. Fees required if an Accredited Certifier is used will be provided on request.

### Prior to Commencement of Works

32. Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with the Hawkesbury Development Control Plan chapter on Soil Erosion and Sedimentation.
33. 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.
34. 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.
35. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
  - (a) Unauthorised access to the site is prohibited.
  - (b) The owner of the site.
  - (c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
  - (d) The name and contact number of the Principal Certifying Authority.

### During Construction

36. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am – 6pm and on Saturdays between 8am – 4pm.
37. The shed shall be connected to an approved Sewer Management Facility System. An application to install a Sewer Management Facility System shall be submitted to and approved by Council prior to the commencement of any works.
38. Measures shall be implemented at all times to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
39. No material, including soil, shall be removed from the site.
40. 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.
41. 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.

**ORDINARY MEETING**

**MINUTES: 13 November 2012**

42. 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.
43. During the demolition and construction period, the person responsible for the site is to retain records of waste disposal (waste receipts or dockets, recycling processor receipts etc.) in a Waste Data File. The Waste Data File must be provided to Council officers on request to demonstrate that the approved Waste Management Plan is being implemented.
44. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan Appendix E Civil Works Specification.
45. 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 2002 – Appendix E – Civil Works Specification – Part II, Table 1.1.
46. A bitumen sealed rural footway crossing of suitable width to cater for the largest vehicle required to regularly service the site, shall be constructed in accordance with the requirements of AS2890.1 – Figure 3.1 and Hawkesbury Development Control Plan 2002 – Appendix E – Civil Works Specification.
47. All internal vehicle parking areas and loading areas are to be of all weather design.
48. The vegetation removal and management activities approved as part of this consent shall be undertaken in accordance with the Vegetation Management Plan prepared by Anderson Environmental Consultants Pty Ltd and dated December 2011.  
  
Vegetation plantings proposed around the dams shall consist of a mixture of trees, shrubs and groundcovers endemic to the locality. All vegetation planting required under this consent shall be completed prior to the use of the site for any farming activities.
49. The native vegetation areas and buffer zones shall be fenced from the proposed farming activity.
50. No bush rock shall be removed from the site. Any bush rock to be moved shall be placed in the native vegetation areas to be retained on the site.
51. The shed platform shall be created using a balanced combination of cut and fill.
52. Any water tanks, outbuildings or other ancillary structures shall be finished in colours and materials of earth tones of low reflective quality to blend in with the bushland.

**Prior to Use of the Site**

53. The vegetation buffer zones shown on the plans shall be planted out before any agricultural activity, use or irrigation of the turf farm is commenced.
54. Creation of a restriction on use of land on Lot 545 in DP 751665 as follows:
  - (a) Requiring that native vegetation onsite be managed in accordance with the Vegetation Management Plan prepared by Anderson Environmental Consultants Pty Ltd and dated December 2011.
  - (b) That native vegetation maintenance be undertaken at the land holder's expense in accordance with best practice techniques. This may include weed control, or replacement plantings and maintenance of fencing to ensure that the works approved under the vegetation management plan can be protected.

## ORDINARY MEETING

MINUTES: 13 November 2012

- (c) Prohibiting the removal of native vegetation on the site without the consent of Hawkesbury City Council.
- (d) Prohibiting stock or domestic animals from entering native vegetation areas located on the site.

### Use of the land

- 55. The farm shall be operated in accordance with the Farm Management Plan dated January 2012.
- 56. The development shall be limited to the area shown on the submitted plans.
- 57. The shed shall not be used for the purposes of a dwelling.
- 58. No stockpiles of any organic fertiliser/animal manure are to be kept at the property.
- 59. Manure and compost shall to be mixed into the soil directly following delivery to the site to prevent odour or dust being blown onto surrounding properties.
- 60. Stockpiles of any soils, sand, aggregate, spoil or other material capable of being moved by running water is to be stored clear of any drainage line, easement, natural water course or road surface.
- 61. All waste materials are to be regularly removed from the property. Waste is to be separated where appropriate for re-use and recycling purposes.
- 62. Chemical storage areas shall be bunded to contain chemical spills, lockable, and well ventilated. Adequate spill control and clean up materials are to be located in close proximity to the chemical store. Any fuel kept at the property is to be kept in an appropriately bunded area.
- 63. Chemical containers are to be disposed of at a waste management facility. Chemical containers are to be prepared for disposal in accordance with the Agsafe Standard for 'Effective Rinsing of Farm Chemical Containers'. Excess chemicals, herbicides or insecticides are to be disposed of through the "ChemClear" programme conducted by Agsafe or through other appropriate programs.
- 64. All plastics including, but not limited to, plastic sheeting used for crop production shall be disposed of through an approved method. No plastic is to be disposed of by burning or burial. All plastics made loose during harvesting are to be collected. Plastic is not to be permitted to drift beyond the property boundary.
- 65. The operation of pumps, cool rooms and air-conditioners or the like shall be conducted in such a manner that the LAeq noise levels measured in accordance with the NSW EPA's Industrial noise Policy (2000) do not exceed 5dB (A) above background levels with respect to noise amenity of residential dwellings, between 7:30am and 4:30pm.
- 66. Between 4:30pm and 7:30am, the operation (including but not limited to vehicles/machinery/pumps/air-conditioners/tractors) is not to cause 'offensive noise' as defined by the Protection of the Environment Operations Act 1997.
- 67. Care is to be taken at all times not to interfere or damage the root structure of the buffer zone with the operations of the proposed activity and maintained in a healthy condition.
- 68. Noxious or nuisance plants are not to be propagated or sold at the premises. Weed infestations are to be controlled by ensuring any composting areas are contained and treated with herbicides sparingly.
- 69. The property is to be regularly monitored for algal growth both terrestrial and aquatic and noxious weeds growth and where detected are to be dealt with appropriately.

## ORDINARY MEETING

MINUTES: 13 November 2012

70. The site access shall be maintained to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
71. All runoff and excess irrigation water is to be directed into the drainage lines and dam. No runoff is to flow into natural watercourses or onto adjoining land.
72. Dust control measures shall be applied to reduce surface and airborne movement of sediment blown from exposed areas. In this regard, ploughing or tilling should not be undertaken on windy days where there would be a likelihood of dust nuisance impacting adjacent land.
73. There is to be no spray drift of chemicals onto surrounding properties. Spraying is not to be conducted on windy days or when humidity is very high. Adjoining neighbours are to be given 24 hours notice prior to spraying occurring.
74. Only chemicals that have been assessed and registered with the Australian Pesticides & Veterinary Medicines Authority or are covered by an APVMA permit are permitted on the property. All pesticides are to be used, stored and disposed of in accordance with the APVMA instructions on the label or the permit. No pesticide is to be used for purposes other than as specified on the product. No pesticides are to be stored in bottles or buckets or in any open container. All pesticides are to be kept in their original labelled container and stored in a locked enclosure that is concreted, bunded and equipped with sump traps.
75. NSW WorkCover Authority is to be consulted with regards to the storage of dangerous goods on site and a Dangerous Goods Licence sought where necessary. Comply with the requirements of NSW WorkCover storage of Dangerous Goods.
76. The storage of goods or materials associated with the turf farm shall be confined to within the shed.
77. All vehicles being loaded or unloaded shall stand entirely within the property.
78. All vehicles shall be driven in a forward direction at all times when entering and leaving the premises.
79. Vegetation around the existing dam shall be left undisturbed except for the control of invasive weeds.
80. Fallow crops or other suitable measures are to be used on land not under crop to reduce any potential dust impacts.

### Advisory Notes

- 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.
- The applicant is advised to make detailed inquiries as to whether approval by the Australian Government Minister for the Environment and Heritage is necessary under the Environment Protection and Biodiversity Conservation Act
- The applicant is advised of their responsibility that the development is not to contribute to water pollution or pollution of waters as defined by the Protection of the Environment Operations Act 1997.

**ORDINARY MEETING**

**MINUTES: 13 November 2012**

- The applicant is advised that the application, managing and record keeping of pesticides on the premises must comply with the following legislation, Pesticides Act 1999, WorkCover NSW 1998 "Code of Practice for the safe use of Pesticides and Storage of Chemicals in Agriculture" and NSW Agriculture 1998, "Principles of Spray Drift Management", NSW Ag "Reducing herbicide spray drift", NSW DPI "Spray Drift Management - Principles, strategies and supporting 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 Calvert	Councillor Creed
Councillor Conolly	
Councillor Ford	
Councillor Lyons-Buckett	
Councillor Mackay	
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Tree	
Councillor Williams	

**Item: 194 CP - Development Report - DA0281/12 - Recreation Establishment - Outdoor recreational tree top facility and associated amenities - Lot 1 DP 235341 - 167-213 Springwood Road Yarramundi - (94598, 19123)**

Councillor Rasmussen declared a pecuniary interest in this matter as he is a joint owner of the property at Yarramundi, which is subject of Item 194. He left the Chamber and did not take part in voting or discussion on the matter.

Ms Jeanne Rasmussen, proponent, addressed Council.

**MOTION:**

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

***Refer to RESOLUTION***

**326 RESOLUTION:**

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

**ORDINARY MEETING**

**MINUTES: 13 November 2012**

That Development Application No. DA0281/12 at Lot 1 DP 235341, 167-213 Springwood Road Yarramundi for a Recreation Establishment - Outdoor recreational tree top facility and associated amenities be approved subject to the following conditions:

**Department of Primary Industries – Office of Water Conditions**

**General Terms of Approval  
Plans, standards and guidelines**

1. These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA0281/12 and provided by Council:
  - (i) Site plan, map and/or surveys

Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.

2. Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.
3. The consent holder must prepare or commission the preparation of :
  - (i) Vegetation Management Plan
  - (ii) Erosion and Sediment Control Plan
  - (iii) Soil and Water Management Plan
4. The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.
5. The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.
6. The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.
7. The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.
8. The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
9. The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.

## ORDINARY MEETING

MINUTES: 13 November 2012

### Roads and Maritime Service (RMS) Conditions

10. If not already in place, full time "No Stopping" restrictions are to be implemented along the full Springwood Road frontage of the development site. This restriction should be implemented prior to the commencement of any demolition works relating to the development. Prior to the installation of the parking restrictions the applicant is to contact the RMS Traffic Engineering services on phone: (02) 8849 2294 for a works inspection.
11. RMS supports the introduction of the "BAR" treatment, auxiliary right turn lane, from Springwood Road to the site. This treatment should include localised widening of the sealed carriageway and a detailed design shall be submitted to RMS for approval, in accordance with RMS requirements, prior to undertaking road works by the Developer.
12. The proposed driveway along Springwood Road shall be in accordance with AS2890.1 – 2004 and RMS requirements. Details of these requirements shall be obtained from RMS Project Services Manager, Traffic Projects Section, Parramatta (telephone 02 8849 2496). Detailed design plans of the proposed modified driveway are to be submitted to RMS for approval prior to the commencement of any road works.
13. A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by RMS.
14. The developer will be required to enter into a 'Works Authorisation Deed' (WAD) with the RMS for the abovementioned driveway and auxiliary right turn, "BAR" treatment. In this regard, the developer is required to submit detailed design plans and all relevant additional information, as may be required in the RMS Works Authorisation Deed documentation, for each specific change to the State road network for RMS assessment and final decision concerning the work. The detailed design plans submitted shall be in accordance with the RMS's – Road Design Guide, AUSTRROADS, relevant RMS supplements and other RMS requirements.

Post development stormwater flows from the subject site into the RMS drainage system shall not exceed the pre-development discharge. In the event that there are changes to the RMS drainage system, detailed design plans and hydraulic calculations of the stormwater drainage system are to be submitted to RMS for approval, prior to the commencement of any works.

Details should be forwarded to:

Sydney Asset Management  
Roads and Maritime Services  
PO Box 973,  
Parramatta CBD 2124

A plan checking fee will be payable and a performance bond may be required prior to RMS approval being issued. With respect to the civil works requirements, please contact the RMS project engineer, External Works on (02) 8849 2114 or fax (02) 8849 2766.

15. A Road Occupancy Licence shall be obtained from the Transport Management Centre for any works that may impact on traffic flows on Springwood Road during Construction Activities.
16. All vehicles are to enter and leave the site in a forward direction.
17. All vehicles are to be wholly contained on the site before being required to stop.
18. The layout of the proposed car parking area associated with the subject development application (including driveways, grades, turn-paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions should be in accordance with AS2890.1 2004 or in accordance with the requirements of the Hawkesbury Development Control Plan where this imposes a greater standard (added by Council).

## ORDINARY MEETING

MINUTES: 13 November 2012

19. The turning areas must be kept clear of all obstruction and /or parking vehicles at all times to allow turning manoeuvres within the site.
20. Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the verge of Springwood Road.
21. The developer shall be responsible for all public adjustments/relocation works, necessitated by the above works and as required by the various public utilities and/or their agents.
22. All roadwork/regulatory signposting associated with the proposed development shall be at no cost to RMS.

### Hawkesbury City Council Conditions

#### General Conditions

23. 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.
24. This Approval does not consent to development within Area C.
25. No development of any kind is to be located within 125 metres of the white-bellied Sea Eagle nest location.
26. Construction of the development shall only take place between October and May so as not to disturb the breeding white-bellied Sea Eagle pair.
27. This development shall be modified in the following manner:
  - (i) The carpark shall be amended to ensure that it is located a minimum of 5 metres from the front boundary to allow for landscaping and to ensure that the batters are a minimum of 1 metre from the front boundary.
28. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
29. The development shall comply with the provisions of the National Code of Construction.
30. All vegetative debris (including felled trees) resulting from the approved clearing of the site for construction, are 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.
31. All premises offering food, packaged or otherwise, are to be registered with Hawkesbury City Council and have inspections conducted by Council's officers as necessary/required. These premises are required to comply with the Food Act 2003, associated Regulations, and the Food Safety Standards 3.2.2 and 3.2.3. These are available on line at [www.foodstandards.gov.au](http://www.foodstandards.gov.au)
32. All food premises are to comply with Hawkesbury City Council's Food Premises Fit Out Code.

#### Prior to Issue of Any Construction Certificate

33. Prior to the issue of any Construction Certificate written evidence that a Controlled Activity Approval has been obtained from NSW Office of Water is to be submitted, including associated approved plans and documentation (Vegetation Management Plan, Erosion and Sedimentation Control and Soil and Water Management Plan, etc), with the application for any construction certificate.



**ORDINARY MEETING**

**MINUTES: 13 November 2012**

34. 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 \$2,980.00 shall be paid to Hawkesbury City Council.

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

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

35. Submission for approval of a landscaping plan (suitable for construction) for the carpark and amenities building. Such landscaping shall include a mixture of trees, shrubs and groundcover utilising species of local provenance.
36. Submission for approval of details for proposed signage, including location, size, height, colour and wording of all proposed signage.
37. Submission for approval of a management plan for the activity and shall include:
- (i) Noise management
  - (ii) Maintenance of sediment pond
  - (iii) Monitoring/maintenance of trees and platforms for safety

***Prior to Issue of an Engineering Construction Certificate***

38. Construction of car park, drainage and filling are not to commence until three (3) copies of the plans and specifications of the proposed works are submitted to and approved by the Director City Planning or an Accredited Certifier.
39. Payment of a Construction Certificate checking fee of \$405.50 and a Compliance Certificate inspection fee of \$498.90 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2013. Fees required if an Accredited Certifier is used will be provided on request.
40. A Traffic Guidance Scheme prepared in accordance with AS1742-3 2002 by an appropriately qualified person shall be submitted to Council. Where the works affect Roads and Maritime Services controlled roads, the traffic guidance scheme is to be approved by Roads and Maritime Services before submission to Council.

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

41. Submission of a National Construction Code/Building Code of Australia Section J Energy Efficiency report.
42. The development shall comply with the provisions of the National Construction Code/Building Code of Australia; details of compliance are to be provided to the Principal Certifying Authority prior to issue of a Construction Certificate.
43. The development shall comply with the Disability (Access to Premises – Buildings) Standards 2010. Details of compliance are to be provided to the Principal Certifying Authority prior to issue of a Construction Certificate.
44. A qualified Structural Engineer's design is to be provided to the Principal Certifying Authority prior to issue of a Construction Certificate for the following; consideration is to be given to the intended live and dead loads:

## ORDINARY MEETING

MINUTES: 13 November 2012

- (i) Flying fox, rope ladder, walking wire, timber bridge, suspended logs, climbing nets, and associated supports;
- (ii) Tree Platforms;
- (iii) All reinforced concrete and structural steel associated with the building housing the kiosk, viewing platform, toilets, training and equipment store etc.

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

- 45. All traffic management devices shall be installed and maintained in accordance with the approved traffic management plan.
- 46. 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.
- 47. 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.
- 48. 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.
- 49. 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.
- 50. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
  - (a) Unauthorised access to the site is prohibited.
  - (b) The owner of the site.
  - (c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
  - (d) The name and contact number of the Principal Certifying Authority.

### ***During Construction***

- 51. During the demolition and construction period, the person responsible for the site is to retain records of waste disposal (waste receipts or dockets, recycling processor receipts etc.) in a Waste Data File. The Waste Data File must be provided to Council officers on request to demonstrate that the approved Waste Management Plan is being implemented.
- 52. Landscaping shall be completed as shown on the approved landscaping plan. A suitably qualified and experienced Landscape Architect or Horticulturist shall certify that landscaping has been completed in accordance with the approved landscaping plan.
- 53. The removal of any tree containing hollows should be conducted under the supervision of a fauna ecologist to ensure appropriate animal welfare procedures are taken, particularly if a Large-footed Myotis colony is found. Hollows of high quality or with fauna recorded residing within should be sectionally dismantled and all hollows should be inspected for occupation, activity and potential for reuse.
- 54. Re-used hollows or those with likely/recorded occupation are to be reattached to remaining trees within the subject site that are not used as part of the adventure course. All other hollows of potential occupation that are removed should be replaced with nest boxes. Every second box should be a design for microbat species. Boxes should be constructed all of weatherproof timber (marine ply), fasteners and external paint and should also be fixed to trees that are not used as part of the adventure course.

**ORDINARY MEETING**

**MINUTES: 13 November 2012**

- 55. If any fauna species, a nest or roost is located during development works, then works should cease until safe relocation can be advised by a contact fauna ecologist.
- 56. Larger shrubs, such as the coloniser *Trema Tomentosa* for Zone A, are to be thinned out to provide good access under the ropes course as a safety precaution and for Zone B to allow other small shrub species to recolonise as part of the regeneration process.
- 57. The development shall be completed in accordance with the approved colours and finishes:

<b>Structural Element</b>	<b>Material</b>	<b>Colour</b>
Roof	0.42 Corodek Colorbond	Eucalyptus
Ridge Capping	Colorbond Ridgecapping	Eucalyptus
Wall/Fascia	042 Corodek Colorbond	Sandbank
Gutter	Metroline Square –Colorbond	Sandbank
Downpipe	Downpipe	Sandbank
Decking	Treated Cyprus Pine	Natural Wood
Building Cladding	Weatherex Ecogroove 300	Natural Wood
External Doors	Solid Treated Timber	Natural Wood
Toilet Block Walls	Besser Brick	Natural Grey
Toilet Floors	Polished Cement	Natural Grey
Toilet Roof	0.42 Corodek Colorbond	Eucalyptus

- 58. 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.
- 59. 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:
  - (i) 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.
  - (ii) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
  - (iii) 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.
- 60. The topsoil shall be stripped and stockpiled and used to cover the landfill, as appropriate
- 61. All fill to be adequately compacted by track rolling or similar in layers not exceeding 300mm.
- 62. 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.
- 63. The site shall be secured to prevent the depositing of any unauthorised material.
- 64. 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.
- 65. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
- 66. Off-street car parking spaces, together with access driveways and turning areas, shall be constructed in accordance with Hawkesbury Development Control Plan Appendix E Civil Works Specification, drained, signposted and maintained, generally as shown on the approved plan. The paving, sealing and line marking of the car park may be undertaken in stages as follows:

**ORDINARY MEETING**

**MINUTES: 13 November 2012**

- (i) Stage one – entry driveway, manoeuvring and turning areas, bus bays and 20 car spaces (including disabled spaces) are to be sealed and line marked prior to the issue of the occupation certificate,
  - (ii) Stage two – sealing and line marking of the remainder of the car park is to be completed within three years of the date of issue of the occupation certificate.
67. Vehicle entrances and exits shall be clearly signposted, including street number, and visible from both the street and site at all times.
68. Disabled parking shall be provided in accordance with AS2890.6.
69. A ticketing system is to accompany any material being brought to the site. A register is to be kept on site to cross reference against the source records. An independent site auditor is to be engaged to undertake appropriate certification regarding the monitoring and validation of the fill material imported to the site as being sound, suitable for the proposed use and free of contamination.
70. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
71. 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 17.4m 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 increase resistance to floodwater flow and debris impact.
72. 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.
73. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan Appendix E Civil Works Specification.
74. Water quality control devices and energy dissipaters shall be constructed at the point of discharge of stormwater from the site.
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. Illumination is to be provided to the car park and pedestrian areas in accordance with the relevant requirements of AS1158.
77. Ceilings throughout the food preparation and serving premises are to be solid and are to comply with section 4.0 of Hawkesbury City Council's Food Premises Fit Out Code. "Drop in" ceiling panels are not permitted over food preparation or food storage areas.
78. All walls, floors, 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 with a disinfectant. Fittings and equipment should be constructed so as not to harbour food, insects or vermin.

## ORDINARY MEETING

MINUTES: 13 November 2012

79. The floors are to be covered with a durable, non-toxic, impervious surface, graded to trapped floor waste outlets (where necessary), and connected to an approved drainage installation. The floor covering is to be free of protrusions or gaps. Where used, floor tiles are to be epoxy grouted.
80. All wall/floor junctions in the food preparation and storage area(s), including any prefabricated low temperature room wall and floor, shall be covered according to Hawkesbury City Council's Food Premises Fit Out Code. The coving is to be a minimum radius of 25mm using a smooth impervious material of a light colour. Where walls and floors are tiled, the coving is to be of a tile type. "Stick on" coving is not permitted. Feather edge skirting is not permitted.
81. The premise is to be fitted with adequate hand washing facilities for the preparation of food. Hand washing basins are required in addition to other basins and sinks in any toilet, and in any food preparation area. Where separate additional food preparation areas are provided, an additional hand washing basin is needed. Hand washing basins are required;
  - (a) to be fitted with hand's free taps such as knee or foot operated devices;
  - (b) with hot and cold running potable water;
  - (c) with a common spout Centigrade delivering water of at least 40
  - (d) to be easily accessible at all times.

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

82. 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.
83. A works as executed plan shall be submitted to Council on completion of works.
84. The following Fire Safety Measures shall be provided and installed in the building/property by a suitably qualified person and a Certificate of Installation shall be provided to the owner/agent:
  - (a) Portable Fire Extinguishers
  - (b) Exit Signs

Prior to requesting an occupation certificate the owner/agent shall certify that each of the essential fire safety measures specified in this statement:

- (a) has been installed and assessed by a properly qualified person, and
- (b) was 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.

A copy of the Fire Safety Certificate to be completed is available from Council.

(This Certificate cannot be signed by persons who inspected and/or tested the installed services)

A copy of the Initial Certificate and the Annual Certificate, together with the relevant Fire Safety Schedule must be forwarded to the Council and the Commissioner of the New South Wales Fire Brigades. A copy of this Certificate, together with the relevant Fire Safety Schedule must be prominently displayed in the building.

Annually:

The Fire Safety Measures are to be regularly serviced/ maintained and the owner/agent (including subsequent owners) shall certify annually that each of the fire safety measures specified in this statement has:

## ORDINARY MEETING

MINUTES: 13 November 2012

- (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.
85. A qualified Structural Engineer is to certify for the following has been constructed in accordance with the design details:
- (a) Flying fox, rope ladder, walking wire, timber bridge, suspended logs, climbing nets, and associated supports & connections;
  - (b) Tree Platforms;
  - (c) all reinforced concrete and structural steel associated with the building housing the kiosk, viewing platform, toilets, training and equipment store etc;

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

86. 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.
87. Operating hours shall be limited to 8:00am to 8:00pm. A night time session is permitted once a month and the operating hours shall finish at 12 midnight on these occasions.
88. Noise generated as a result of the development shall be managed so that the LAeq noise levels, measured at any point in accordance with the NSW DECs' Industrial Noise Source Policy, do not exceed 5dB(A) (LAeq) above background levels (LA90) with respect to noise amenity of other properties and associated outdoor areas.
89. The use of the premises shall not give rise to "offensive noise" as defined by the Protection of the Environment Operations Act 1997.
90. Annually a qualified Structural Engineer is to certify that the following is in good repair and suitable for continued use:
- (a) Flying fox, rope ladder, walking wire, timber bridge, suspended logs, climbing nets, and associated supports & connections;
  - (b) Tree Platforms

### ***Advisory Notes***

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

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

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

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

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

**ORDINARY MEETING**

**MINUTES: 13 November 2012**

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

The following advice is provided at the request of RMS:

The developer is advised that the conditions of consent set by Council do not guarantee RMS final consent to the specific road work and other structure works on the classified road network. RMS must provide a final consent for each specific change to the State road network prior to the commencement of any work.

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 Calvert	
Councillor Conolly	
Councillor Creed	
Councillor Ford	
Councillor Lyons-Buckett	
Councillor Mackay	
Councillor Paine	
Councillor Porter	
Councillor Reardon	
Councillor Tree	
Councillor Williams	

Councillor Rasmussen was not in the Chamber when the vote was taken.

**327 RESOLUTION:**

RESOLVED on the motion of Councillor Creed, seconded by Councillor Reardon that the meeting continue past 11:00pm to allow the Business Paper to be completed.

**Item: 195 CP - Planning Proposal for Lot 12 DP 1138749, 46 Mulgrave Road, Mulgrave (LEP89004/10) - (95498)**

**Previous Item:** 203, Ordinary (13 September 2011)

**MOTION:**

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

***Refer to RESOLUTION***

**ORDINARY MEETING**

**MINUTES: 13 November 2012**

**328 RESOLUTION:**

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

That the planning proposal to rezone Lot 12 DP 1138749, 46 Mulgrave Road, Mulgrave to RU1 Primary Production under Hawkesbury Local Environmental Plan 2012 be forwarded to the Department of Planning and Infrastructure for finalisation and gazettal.

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 Calvert	
Councillor Conolly	
Councillor Creed	
Councillor Ford	
Councillor Lyons-Buckett	
Councillor Mackay	
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Tree	
Councillor Williams	

**Item: 196 CP - Application for a Hotel - General Bar Liquor Licence - Darren Fahey Shop 1/180 George Street, Windsor - (94598)**

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Councillor Porter declared a significant non-pecuniary conflict of interest in this matter as the applicant is his son-in-law. He left the Chamber and did not take part in voting or discussion on the matter.

**MOTION:**

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

***Refer to RESOLUTION***



**ORDINARY MEETING**

**MINUTES: 13 November 2012**

**329 RESOLUTION:**

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

That a response be provided to the Casino, Liquor and Gaming Control Authority advising that Council cannot support the Liquor Licence Application as Development Consent is required for the use of the premises as a Hotel and that such development consent has not yet been obtained.

**Item: 197 CP - Possible Amendment of the Hawkesbury Local Environmental Plan to Permit Secondary Dwellings in Rural and Environmental Protection area and Infrastructure Levy for Secondary Dwellings - (94598)**

**Previous Item:** 156, Ordinary (26 June 2012)

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**MOTION:**

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

*Refer to RESOLUTION*

**330 RESOLUTION:**

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

That the matter be deferred to a Councillor Briefing Session.

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 Calvert	Councillor Ford
Councillor Conolly	
Councillor Creed	
Councillor Lyons-Buckett	
Councillor Mackay	
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Tree	
Councillor Williams	

**ORDINARY MEETING**  
**MINUTES: 13 November 2012**

**Item: 198**            **CP - Hawkesbury City Council - Annual Report - 2011/2012 - (95498)**

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**MOTION:**

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

*Refer to RESOLUTION*

**331 RESOLUTION:**

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

That:

1. Council's 2011/2012 Annual Report be received and noted and a copy be forwarded to the Division of Local Government and any other necessary authorities prior to 30 November 2012 as required.
2. Council display the full Annual Report on Council's website by the 30 November 2012.

**SUPPORT SERVICES**

**Item: 199**            **SS - Monthly Investments Report - September 2012 - (96332, 95496)**

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

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**MOTION:**

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

*Refer to RESOLUTION*

**332 RESOLUTION:**

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

The report regarding the monthly investments for September 2012 be received and noted.

**Item: 200**            **SS - Exemption from Rating - 24 Church Street, South Windsor - (95496, 96332, 124932)**

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**MOTION:**

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

*Refer to RESOLUTION*

**333 RESOLUTION:**

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

That:

1. The Minister for Disability Services be granted an exemption from rating from 1 July 2012 for the property known as 24 Church Street, South Windsor (Lot E DP 39080).
2. An amount of \$759.05 be abandoned in respect of rates for the period 1 July 2012 to 30 June 2013.

**ORDINARY MEETING**

**MINUTES: 13 November 2012**

**Item: 201            SS - General Purpose Financial Statements and Special Purpose Financial Statements for the period ended 30 June 2012 - (96332, 95496)**

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**Presentation by Council's Auditor, Mr Dennis Banicevic of Pricewaterhousecoopers, in respect of Council's Audited 2011/2012 Financial Reports**

**MOTION:**

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

*Refer to RESOLUTION*

**334 RESOLUTION:**

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

That Council note the completion of the General Purpose and Special Purpose Financial Statements and Special Schedules for the period ended 30 June 2012.

**ORDINARY MEETING**

**MINUTES: 13 November 2012**

**CONFIDENTIAL REPORTS**

**335 RESOLUTION:**

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

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

**336 RESOLUTION:**

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

That:

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

**Item: 202 IS - Tender No. 00916 - Concrete Works - Restoration of Footpaths and Kerb & Guttering - (95495, 79344)**

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

**Item: 203 IS - Tender No. 00917 - Provision of a Septic Tank & Collection Well Effluent Removal Service - (95495, 112179)**

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

**Item: 204 SS - Property Matter - Assignment of Lease from Andreas and Catarina Froemel to Denise O'Rourke - Shop 2, Glossodia Shopping Centre - (95496, 1121406, 73977, 24232)**

*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.

**ORDINARY MEETING**

**MINUTES: 13 November 2012**

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.

**337 RESOLUTION:**

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

**Item: 202            IS - Tender No. 00916 - Concrete Works - Restoration of Footpaths and Kerb & Guttering - (95495, 79344)    CONFIDENTIAL**

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Councillor Ford declared a pecuniary interest in this matter as his wife is the Office Manager for Jay & Le Civil and contributes to the household income. He left the Chamber and did not take part in voting or discussion on the matter.

**MOTION:**

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

***Refer to RESOLUTION***

**338 RESOLUTION:**

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

That:

1. The tendered schedule of rates submitted for Kerb & Guttering be accepted in the following preferred order:
  - (a) Awada Civil
  - (b) Jak Concreting & Excavations
  - (c) Savage Earthmoving
  
2. The tendered schedule of rates submitted for Restoration of Footpaths be accepted in the following preferred order:
  - (a) MJ & MD Skinner Earthmoving
  - (b) Savage Earthmoving
  - (c) Jak Concreting & Excavations

**ORDINARY MEETING**

**MINUTES: 13 November 2012**

3. Should a Contractor who is higher on the panel contract list be unavailable to perform works within a reasonable time period, alternate Contractors may be selected from the approved panel contract list to perform those works from the tendered Schedule of Rates.
4. Any required documentation be executed under the Seal of Council.

**Item: 203            IS - Tender No.00917 - Provision of a Septic Tank & Collection Well Effluent Removal Service - (95495, 112179)    CONFIDENTIAL**

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**MOTION:**

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

***Refer to RESOLUTION***

**339 RESOLUTION:**

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

That:

1. The Schedule of Rates tender submitted by Staples Bros (Nowra) Pty Ltd for Tender No. 00917 - Provision of a Septic Tank & Collection Well Effluent Removal Service be accepted.
2. The Seal of Council be affixed to the necessary documentation.

**Item: 204            SS - Property Matter - Assignment of Lease from Andreas and Catarina Froemel to Denise O'Rourke - Shop 2, Glossodia Shopping Centre - (95496, 1121406, 73977, 24232)    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 Rasmussen.

***Refer to RESOLUTION***

**ORDINARY MEETING**

**MINUTES: 13 November 2012**

**340 RESOLUTION:**

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

That:

1. Council agree to the assignment of the lease of Shop 2 Glossodia Shopping Centre from Andreas and Catarina Froemel to Denise O'Rourke, 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 Assignor and Assignee, together with the advice that Council is not, and will not, be bound by the terms of its resolution, until such time appropriate legal documentation to put such resolution into effect has been agreed to and executed by all parties.



**ORDINARY MEETING**

**MINUTES: 13 November 2012**

**QUESTIONS FOR NEXT MEETING**

**Councillors Questions from Previous Meetings and Responses**

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

**ORDINARY MEETING****MINUTES: 13 November 2012****Question for Next Meeting**

#	Councillor	Question	Response
1	Creed	Asked if the General Manager was aware of any Councillors that are in breach of the Code of Conduct and in particular the section that refers to their legislative obligations if they declare any significant pecuniary interest, leave the debate but then attend public forums as a Councillor and discuss the matter.	General Manager
2	Reardon	Referred to a previous meeting when it was indicated to Councillors that a 'Hawkesbury City Council' sign would be placed on the main road. Councillor Reardon asked when this sign would be erected.	Director Infrastructure Services
3	Mackay	Asked if Council could investigate the collection of busses on Old Stock Route Road.	Director City Planning
4	Lyons-Buckett	Asked if Council staff could investigate the rubbish dumped on Old Kurrajong Road, on the Richmond side of the polo ground, which has been cordoned off by tape with an 'Asbestos' sign on it which has been there for three weeks.	Director City Planning
5	Lyons-Buckett	Asked if Council's Roadside Vegetation Management Plan, which was prepared in August 2010 but never adopted, could be presented to.	Director Infrastructure Services
6	Tree	Referred to the Strategic Planning weekend where it was collectively decided to hold a number of Planning days which identified the key issues and asked when these days might occur.	General Manager
7	Williams	Asked if Council could request the Roads and Maritime Services to place a road sign at Putty Road and Sackville Road, Wilberforce intersection to advise drivers of the sharp right hand turn as the current signage is inadequate.	Director Infrastructure Services
8	Williams	Asked if Council staff could mow behind Ross Street along the creek.	Director Infrastructure Services
9	Williams	Asked if the width of the traffic island on Toll House Way could be reduced, outside No. 18, as it is nearly impossible for residents to pull in and out of their driveway.	Director Infrastructure Services

**ORDINARY MEETING****MINUTES: 13 November 2012**

#	Councillor	Question	Response
10	Williams	Advised that rubbish has been dumped at the Packer Road Depot, West Portland Road end and asked if Council staff could remove it.	Director Infrastructure Services
11	Williams	Wished to pass on his thanks to Richard Vaby for the works undertaken on Roberts Creek Road Crossing.	Director Infrastructure Services
12	Paine	Asked when the works on the new toilet block in Windsor would be undertaken and if works are planned during Christmas could they be delayed so that there is no disruption to those visiting the area.	Director Infrastructure Services
13	Paine	Asked what the odour was coming from Blacktown which the residents of Windsor Downs had been subjected to.	Director City Planning
14	Calvert	Asked if the submission suggested by the Heritage Advisory Committee had been sent forward to the Heritage Council regarding the areas of North Richmond which are subject to investigation for housing and if a copy of the submission could be forwarded to himself.	Director City Planning
15	Calvert	Referred to grants available for alternate Energy sources that were referenced in a recent Councillor newsletter and asked if Council would be submitting any applications.	Director Infrastructure Services
16	Porter	Asked for an update in relation to the trucks parking on Sackville Road.	Director City Planning
17	Rasmussen	Asked for a condition report on Reserve Road at Freemans Reach.	Director Infrastructure Services

The meeting terminated at 12:10am.

Submitted to and confirmed at the Ordinary meeting held on 27 November 2012.

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Mayor