



Hawkesbury City Council

ordinary meeting business paper

date of meeting: 8 September 2015
location: council chambers
time: 6:30 p.m.



mission statement

***“To create opportunities
for a variety of work
and lifestyle choices
in a healthy, natural
environment”***

How Council Operates

Hawkesbury City Council supports and encourages the involvement and participation of local residents in issues that affect the City.

The 12 Councillors who represent Hawkesbury City Council are elected at Local Government elections, held every four years. Voting at these elections is compulsory for residents who are aged 18 years and over and who reside permanently in the City.

Ordinary Meetings of Council are generally held on the second Tuesday of each month (except January), and the last Tuesday of each month (except December), meeting dates are listed on Council's website. The meetings start at 6:30pm and are scheduled to conclude by 11pm. These meetings are open to the public.

When an Extraordinary Meeting of Council is held, it will usually also be held on a Tuesday and start at 6:30pm. These meetings are also open to the public.

Meeting Procedure

The Mayor is Chairperson of the meeting.

The business paper contains the agenda and information on the items to be dealt with at the meeting. Matters before the Council will be dealt with by an exception process. This involves Councillors advising the General Manager by 3pm on the day of the meeting, of those items they wish to discuss. A list of items for discussion will be displayed at the meeting for the public to view.

At the appropriate stage of the meeting, the Chairperson will move for all those items which have not been listed for discussion (or have registered speakers from the public) to be adopted on block. The meeting then will proceed to deal with each item listed for discussion and decision.

Public Participation

Members of the public can register to speak on any items in the business paper other than the Confirmation of Minutes; Mayoral Minutes; Responses to Questions from Previous Meeting; Notices of Motion (including Rescission Motions); Mayoral Elections; Deputy Mayoral Elections; Committee Elections and Annual Committee Reports. To register, you must lodge an application form with Council prior to 3pm on the day of the meeting. The application form is available on Council's website, from the Customer Service Unit or by contacting the Manager - Corporate Services and Governance on (02) 4560 4444 or by email at council@hawkesbury.nsw.gov.au.

The Mayor will invite registered persons to address the Council when the relevant item is being considered. Speakers have a maximum of three minutes to present their views. The Code of Meeting Practice allows for three speakers 'For' a recommendation (i.e. in support), and three speakers 'Against' a recommendation (i.e. in opposition).

Speakers representing an organisation or group must provide written consent from the identified organisation or group (to speak on its behalf) when registering to speak, specifically by way of letter to the General Manager within the registration timeframe.

All speakers must state their name, organisation if applicable (after producing written authorisation from that organisation) and their interest in the matter before speaking.

Voting

The motion for each item listed for discussion will be displayed for Councillors and public viewing, if it is different to the recommendation in the Business Paper. The Chair will then ask the Councillors to vote, generally by a show of hands or voices. Depending on the vote, a motion will be Carried (passed) or Lost.

Planning Decision

Under Section 375A of the Local Government Act 1993, voting for all Planning decisions must be recorded individually. Hence, the Chairperson will ask Councillors to vote with their electronic controls on planning items and the result will be displayed on a board located above the Minute Clerk. This will enable the names of those Councillors voting For or Against the motion to be recorded in the minutes of the meeting and subsequently included in the required register. This electronic voting system was an innovation in Australian Local Government pioneered by Hawkesbury City Council.

Business Papers

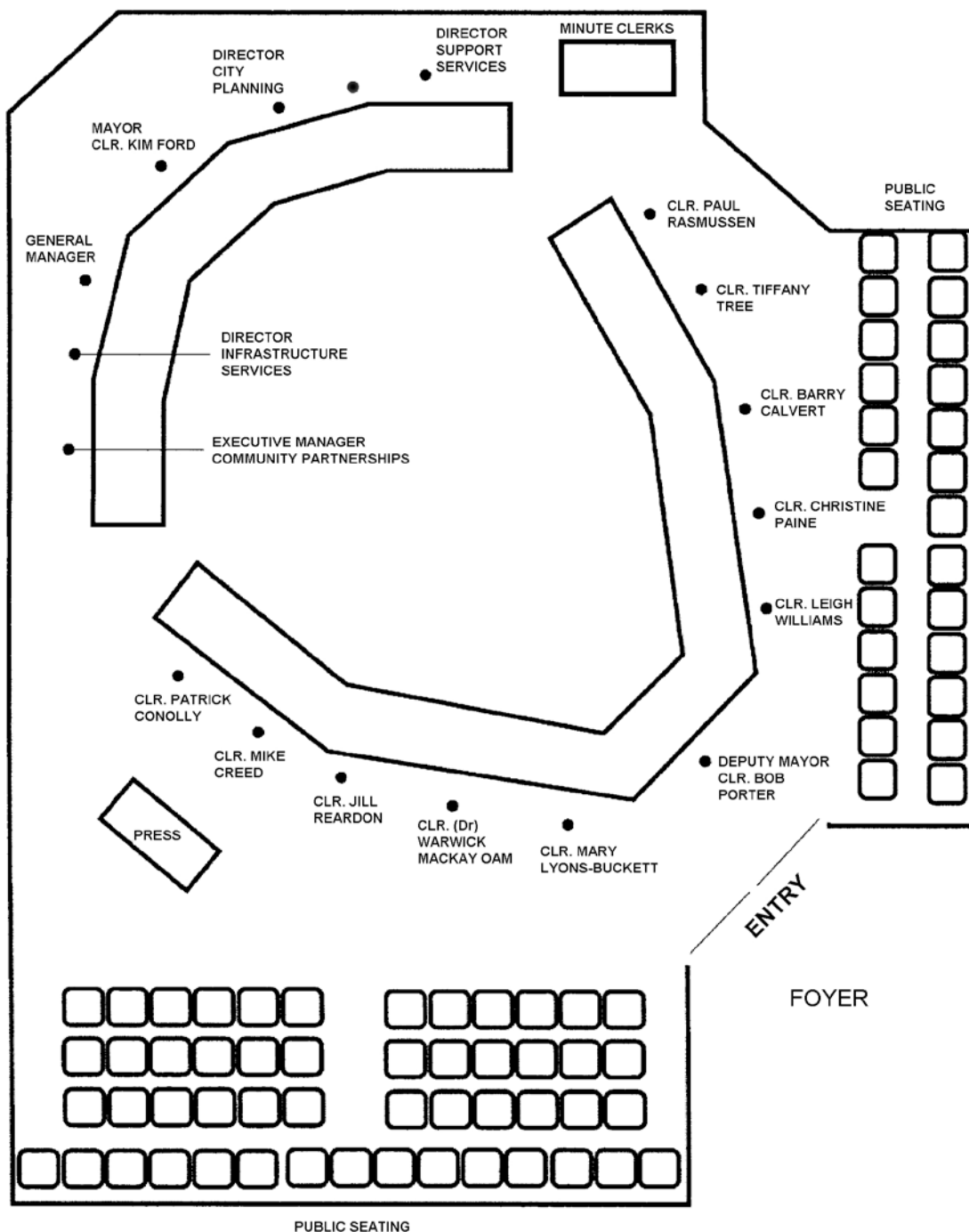
Business papers can be viewed online from noon on the Friday before the meeting on Council's website: <http://www.hawkesbury.nsw.gov.au>.

Hard copies of the business paper can be viewed at Council's Administration Building and Libraries after 12 noon on the Friday before the meeting, and electronic copies are available on CD to the public after 12 noon from Council's Customer Service Unit. The business paper can also be viewed on the public computers in the foyer of Council's Administration Building.

Further Information

A guide to Council Meetings is available on the Council's website. If you require further information about meetings of Council, please contact the Manager, Corporate Services and Governance on, telephone (02) 4560 4444.

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SECTION 3 - Reports for Determination

PLANNING DECISIONS

Item: 146 **CP - DA0790/14 - Lot 12 DP 1184975 - 741 George Street, South Windsor - Construction and operation of a food and drink premises - McDonalds - (95498, 130370, 82572)**

Development Information

File Number: DA0790/14
Property Address: 741 George Street, South Windsor
Applicant: McDonald's Australia Limited
Owner: Dallat Pty Ltd
Proposal Details: Construction and operation of a food and drink premises - McDonalds
Estimated Cost: \$1,660,600
Zone: RU4 Primary Production Small Lots and SP2 Infrastructure – Classified Road
Date Received: 11 December 2014
Advertising: 2 January 2015 – 30 January 2015

Key Issues:

- ◆ Compliance with site specific DCP
- ◆ Building orientation

Recommendation: Approval (Deferred Commencement)

REPORT:

Executive Summary

The Development Application seeks consent for the construction and operation of a Food and Drink Premises - McDonalds at 741 George Street South Windsor. The subject land forms part of the Windsor District Baptist Church Site.

Food and Drink Premises are permitted on the land under Hawkesbury Local Environmental Plan 2012 (LEP 2012) and the land is subject to a site specific Development Control Plan under Part E Chapter 7 of Hawkesbury Development Control Plan 2002 (HDCP 2002).

An assessment of the proposal reveals that the development is generally consistent with the planning controls applying to the land subject to a number of conditions recommending changes to the proposal in order to address the future development of the site and requirements of HDCP 2002. It is recommended that the proposal be supported subject to a 'deferred commencement' consent.

The application is being reported to Council as this site is in a key gateway location to the Hawkesbury and there are a number of variations proposed to the HDCP 2002 which are of public interest.

Description of Proposal

The proposal is for the construction and operation of a food and drink premises - McDonalds at Lot 12 DP 1184975 No. 741 George Street South Windsor.

It is proposed that the food and drink premises will be located to the north of the existing service station approved on the site under DA0631/12.

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The application proposes that both the service station on site and food and drink premises will share access to the site from Blacktown Road and George Street after some minor modifications to the currently approved access to the site.

It is proposed that the development will comprise of the following:

- construction of a McDonalds restaurant, Café and party room totalling 483m²
- dining seating of 98 seats, (74 internal and 24 terrace)
- 36 parking spaces (including one accessible car space)
- dual lane drive-thru with waiting bays and loading bay
- identification and directional signage
- installation of two flagpoles
- landscaping.

It is proposed that the food and drink premises will operate 24 hours a day, 7 days a week.

The application is supported by the following documents:

- Statement of Environmental Effects, prepared by KDC Pty Ltd, December 2014
- Traffic Report, prepared by Colston Budd Hunt and Kafes Pty Ltd, November 2014
- Plan of Management, prepared for McDonalds, December 2014
- Noise Assessment, prepared by Atkins Acoustics, December 2014.

History of Application

11 December 2014	Application submitted.
23 January 2015	NSW Roads and Maritime Services (RMS) provided comments relating to access proposed to the site.
11 February 2015	Additional information letter sent to the Applicant raising issues concerning RMS letter and general planning considerations concerning internal traffic layout, roof style, signage and easements over the site which service the adjoining Baptist Church Site.
16 February 2015	Meeting held between Planning staff and Applicant concerning additional information letter 11/2/2015. Applicant advised to consider changes to internal traffic movements, orientation of building, RMS letter, signage, roof design and easements affecting the land. Applicant agreed to reconsider roof design, internal traffic movements, RMS requirements and signage.
27 February 2015	Application DA0100/15 lodged for the land to relocate Baptist Church carpark.
1 July 2015	Application to relocate Baptist Church carpark approved.
23 July 2015	Applicant submitted formal response to Council's additional information letter 11 February 2015, with further justification regarding roof height, internal traffic layout and minor modifications to access at the request of the RMS. No changes proposed to roof pitch, or orientation of the building.
28 July 2015	Site inspection with applicant confirming that they had considered Council's previous correspondences, however, were not in a position to change the orientation of the building or any design specifications previously submitted as the current design was made based on the lease space available and that the application is only for the area specified on the plans.

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31 July 2015	RMS raised concerns regarding latest amendments.
11 August 2015	Applicant requested to provide response to RMS correspondence 31 July 2015 and also asked to clarify position in respect to why they do not consider a pedestrian access to Bligh Park to be possible in accordance with DCP.
13 August 2015	Council received RMS concurrence subject to conditions.
17 August 2015	Applicant submitted a response in respect to potential future pedestrian access to Bligh Park and confirmed they are still requesting a variation to this rule on the basis that if the RMS considered some form of pedestrian treatment was warranted as a result of the proposed development they would have provided such provisions as part of their intersection upgrade.

Site and Locality Description

The subject land is legally known as Lot 12 DP 1184975, has a site area of 2.497 Hectares and is located on the northern intersection of Blacktown Road and George Street, South Windsor.

The site forms an important gateway site to the Hawkesbury, as one of the key entrances to the area.

Currently the site supports a service station approved by Council under DA0631/12 and the front of the property is being affected by road works associated with the expansion of the roundabout on Blacktown Road.

It is proposed that the food and drink premises would front George Street, be located to the north of the service station building on the site and in front of the Windsor Baptist Church located on the adjacent property at 739 George Street.

Other surrounding developments in the locality are considered to be generally low scale residential properties with rural residential land to the south and east of the site and the Bligh Park residential area to the north east. The nearest commercial traffic generating development is the 7-eleven to the north of the site.

Council Policies, Procedures and Codes to Which the Matter Relates

- Hawkesbury Local Environmental Plan 2012 (LEP 2012)
- State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)
- State Environmental Planning Policy No. 44 – Koala Habitat Protection
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP No. 55)
- State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP No. 64)
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (SREP No. 20)
- Hawkesbury Development Control Plan 2002 (HDCP 2002)

Matters for Consideration under Section 79C of the Environmental Planning and Assessment Act 1989

In determining the application, Council is required to take into consideration the following matters as are relevant to the land to which the development application relates:

a. The provisions of any:

i. *Environmental Planning Instrument:*

Hawkesbury Local Environmental Plan 2012

The subject property is zoned part RU4 Primary Production Small Lots and part SP2 Infrastructure – Classified Road. The proposed development is best defined as food and drink premises and would be located on land zoned RU4 with part of the entrance driveway crossing to be constructed on part of the site zoned SP2.

Food and drink premises are permitted with consent within the RU4 Primary Production Small Lots zone and the development is considered to be generally consistent with the objectives of the zone in that the application proposes a use that is compatible with other uses in the surrounding locality. Works on the part of the land zoned SP2 have been reviewed by the RMS with no objections subject to conditions and is consistent with the objectives of the zone.

The application would not result in the removal of any significant vegetation and it is considered that suitable setbacks and materials have been chosen to ensure that the proposal fits within the existing streetscape.

The proposed development is consistent having regard to the following clauses of this plan:

- *Clause 4.3 Height of Buildings* - All works proposed are below 10 metres.
- *Clause 5.1 Relevant Acquisition authority* – The RMS are the relevant acquisition authority for the part of the site marked for road widening and have raised no objection to the proposed works subject to conditions.
- *Clause 5.1A Development on land intended to be acquired for public purposes* – The proposal is unlikely to interfere with any future acquisition of land intended to be acquired for road widening as the development (apart from driveway access and signage) remains outside of the land shown on the area mapped SP2. Further the RMS have issued concurrence for all works within the road reserve and on land proposed to be acquired.
- *Clause 6.1 Acid Sulfate soil controls* -The works proposed would unlikely lower the water-table below 1 metre.
- *Clause 6.7 Essential services* – Suitable services are available to the site and are able to be appropriately extended to support the proposal.
- *Clause 6.2 Earthworks* – The earthworks associated with the proposal are considered minor ancillary works. Appropriate conditions have been recommended in the consent to ensure the development would not have any adverse impacts on downstream properties.
- *Clause 6.3 Flood Planning* – The rear of the property is subject to the 1 in 100 year flood event. However, all works are proposed above the 1 in 100 year flood level of the locality.

- *Clause 6.9 Biodiversity controls* - The biodiversity map identifies that the proposed development is within an area which provides connectivity between remnant vegetation. It is considered that the proposal would not adversely impact any native flora or fauna. Trees proposed to be removed consist of individual species which do not form part of any native vegetation corridor as the development area is cleared of any significant native vegetation.

Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River

The proposal is not contrary to the aims, objectives and recommended strategies of SREP No. 20. The site is not within a scenic corridor of local or regional significance and is not expected to significantly impact on the environment of the Hawkesbury-Nepean River in either a local or regional context.

State Environmental Planning Policy (Infrastructure) 2007

The proposal has been referred to the RMS for concurrence as the subject site is marked for road widening along a classified road, access works are proposed on a classified road and the proposal has been identified as traffic generating development. The RMS has raised no objection to the proposal subject to conditions issued with their concurrence. The referral is discussed further under the submissions section of this report.

State Environmental Planning Policy No. 44 – Koala Habitat Protection

The application does not involve the removal of potential or core Koala habitat as identified under this plan. Trees proposed to be removed are individual tree species within a previously cleared area of the site. It is therefore considered that the proposal is unlikely to disrupt any potential or core Koala habitat and that the proposal is consistent with the aims and objectives of this plan.

State Environmental Planning Policy No. 55 – Remediation of Land

The subject site has most recently been used in association with the existing Baptist Church on the adjoining property and there is no evidence to suggest that the site is contaminated to the extent that would prevent the development. With respect to the provisions of SEPP No. 55 the site is considered suitable for the proposed development.

State Environmental Planning Policy No. 64 – Advertising and Signage

Proposed signage consists of a combination of business identification signage, directional signage and advertising signage as follows:

- building identification signage on all elevations of the building including an integrated 7.8m high by 2m wide pylon sign at the front of the building
- a 6m illuminated pylon road sign at the front of the property for McDonald's with panels advertising drive-thru, McCafe and 24 hour operation
- installation of two flag poles (showing an Australian flag and McDonalds flag) with an optional advertisement banner between
- numerous directional signages in the carpark and drive thru identifying the business.

The majority of signage is considered to be generally acceptable having regard to the SEPP as signage has been designed to fit in with the proposed use of the site and design of the building.

It is noted that the pylon signage at the front of the building is considered to be acceptable as it has been integrated into the overall design of the structure. However, the proposed 6m illuminated pylon sign at the front of the property is contrary to the site specific DCP. In this respect the DCP prescribes one multi-tenant sign per street elevation. Consequently the proposed 6m pylon sign at the front of the site is not supported and should be removed from the application and replaced with a multi-tenant sign that is able to be used by both existing tenants and any possible future tenants.

Furthermore the advertisement banner between the two flag poles is not supported as it is considered that advertising products or sales would become a distraction to motorists and result in unnecessary visual clutter on the site.

Suitable conditions have been recommended in this report to ensure that the development is consistent with the matters which have been considered and raised above when assessing the proposal against the SEPP and DCP.

ii. Draft Environmental Planning Instrument that is or has been placed on exhibition and details of which have been notified to Council:

There are no Draft Environmental Planning Instruments relevant to the subject land or development.

iii. Development Control Plan applying to the land:

Hawkesbury Development Control Plan (HDCP) 2002

The proposed development is generally consistent with the requirements of HDCP. An assessment of the proposal against the relevant provisions of this plan follows:

Part A Chapter 2 - General Information

The application provides adequate information for the assessment of the proposal and therefore complies with this chapter.

Part A Chapter 3 - Notification

The plans were publically notified in accordance with the requirements of this plan between 2 January 2015 – 30 January 2015. No submissions were received in response to the application.

Part C Chapter 1 - Landscaping

A landscaping plan has been submitted with the application and proposes landscaping around the car park and in front of the building. This is considered to be generally acceptable for the proposed development and will soften the hardstand areas of the development area. It is noted that landscaping for the front setback is a requirement of the construction of the service station development on the site and will be completed after the road works associated with the Blacktown Road Roundabout have been completed.

Part C Chapter 2 – Car parking and Access

The plans show the construction of 36 car parking spaces, establishment of a delivery loading bay for a long articulated vehicle, installation of a bike rack for four bikes and double lane drive-thru to service the proposed food and drink premises.

The traffic report submitted with the application identifies that the drive-thru will allow for the queuing of up to 12 vehicles and that the food and drink premises will cater for up to 98 seats (74 internal and 24 external).

The DCP requires approximately 33 parking spaces for the number of seats, plus one additional space for every two employees. The traffic assessment report submitted has identified that the DCP does not take into consideration drive-thru fast food restaurants such as McDonalds and has made an assessment of the proposal against the RMS guidelines for traffic generating development. It is considered that 36 parking spaces would be acceptable and that sufficient parking could be provided onsite.

An assessment in respect of the proposed traffic movements within the site has been undertaken and is discussed under the suitability of the site section of this report. It is considered that the proposal is generally acceptable subject to recommended conditions.

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Erosion and sediment control would be enforced via conditions of consent.

Part E Chapter 7 – Windsor District Baptist Church Site

This chapter outlines specific design controls for 739 and 741 George Street, which are collectively known as the Windsor District Baptist Church site.

The proposal is considered to be generally acceptable having regard to the desired future development section of this DCP as the proposal is for a modern building with suitable setbacks and landscaping. An assessment against the development controls for this site has been undertaken in the table below:

Development Controls	Comments
Building Design and Location	
Buildings are to be appropriately designed and located in order to: 1. facilitate development of the site as a gateway to the Hawkesbury and compliment the existing rural character of the locality 2. minimise adverse operation or visual impacts on the Church	The proposed building has been designed to be a modern building that incorporates a number of different design elements and techniques that are typically used in rural style buildings. The proposed building is generally aesthetically pleasing and would not have any adverse impact on the overall visual character of the locality with a generous setback and sufficient separation between this building and the nearby service station and Baptist Church.
External materials, finishes and colours should be compatible with the surrounding environment and the existing development on the land	The proposed building would incorporate a number of different materials which are considered rural in character with face brick, panelled glazing, 'Colorbond' and timber.
Long blank walls should be avoided, and alignment of new buildings should be articulated, presenting an interesting and varied façade to the street frontages and other visually significant elevations	The façade treatment and building articulation is considered acceptable having regard to the overall design of the building. Visual points of interest have been provided throughout the building with the use of different materials and design features such as glazing, parapets and verandas.
The bulk and scale of buildings should harmonise with the surrounding development and the existing rural character of the locality	The bulk of the building is considered to be satisfactory based on the proposed use of the building and its relationship with the adjoining development.
Pitch roof forms for new buildings are encouraged to maintain and enhance the existing character of the locality	The applicant was requested to provide alternative roof forms to address this clause. Following this request the applicant has provided additional information in respect to why a flat roof has been chosen and provided examples of how this would appear on the site (see Attachment 4). On review, it is considered that the proposed roof design is acceptable. Sufficient visual interest is incorporated into the design of the building through the use of different architectural features, overall shape of the roof and choice of materials and colours which have a rural feel and character.

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Development Controls	Comments
Plant and equipment facilities should not be visible from George Street or Blacktown Road	The applicant has advised the roof has been designed to ensure that all plant and equipment can be installed on a level platform that could be adequately screened from the road. This is considered to be acceptable. Suitable conditions have been imposed in this regard.
Where practicable, the existing screened views of the Church from Blacktown Road and George Streets should be retained through appropriate separation of new buildings or the introduction of open space areas between buildings	Separation between existing buildings is considered to be acceptable. The car park will be located between the existing service station and the Baptist church buildings and will provide visual separation between these structures. Landscaping in front of the proposed building will need to be provided as part of the service station application once the roadworks along George Street have been completed.
Building Height	
The height of any building on the land shall not exceed 10 metres above existing ground level	Complies.
Setbacks	
The minimum front building setback to Blacktown Road and George Street (exclusive of any land required for road widening) is 15 metres.	The application proposes a minor variation to the setback requirements. It is noted that the assessment against the suitability of the site in the report below recommends the reorientation of the building to allow for a better internal car parking layout. This may result in an encroachment up to 3m, however this encroachment is considered to be generally acceptable given that: <ul style="list-style-type: none">• the majority of the building would be behind the setback• the proposal provides for an interesting design• the setback will still be largely occupied by landscaping areas and pedestrian/vehicular access.
The setback area is to be used only for landscaping and associated landscaping structures, direct vehicular and pedestrian access to the site, and the placement of one multi-tenant sign per street frontage located near the entry/exit points	The proposal is generally consistent with this requirement as the setback is largely occupied by landscaped areas and access, with only a minor building encroachment proposed. Furthermore as discussed under the SEPP 64 assessment it is recommended that the freestanding pylon sign not be supported and any future sign be redesigned as a multi-tenant sign.

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Development Controls	Comments
Parking and Access	
<p>Only one left-in/left-out entry/exit point to and from the site on George Street near or at the intersection of George Street/Thorley Street is permitted</p> <p>Only one left-in/left-out entry/exit point to and from the site on Blacktown Road near or at the intersection of Bennett Road/Blacktown Road is permitted</p> <p>An internal access road is to be provided on Lot 2 DP 1148514 near or adjacent to the common boundary of Lots 1 and 2. This access is to be shared by both Lots. The service road is to make allowance for connection with a possible future service road on the property to the north of the site.</p>	<p>Changes to the intersection of Blacktown Road and George Street have resulted in changes to the access requirements anticipated by the DCP. The proposal is considered satisfactory having regard to the concurrence issued by the RMS.</p> <p>It is noted that the internal access road was not created as part of the service station development and the location of the building has resulted in this condition not being able to be met. This matter was previously considered as part of the approval of the service station however at the time the previous applicant indicated that there was no other development proposed on the site.</p> <p>Furthermore it is noted that the existing access to the site from Blacktown and George Street will need to be modified to allow for appropriate access to both developments. These amendments has been reviewed and considered acceptable by the RMS.</p>
<p>A pedestrian crossing on George Street it to be provided incorporating such design features as agreed by the Council and RTA, near the entry/exit point to the site or near Thorley Street</p>	<p>Current changes to the intersection of Blacktown Road and George Street have resulted in the RMS advising Council that a level pedestrian crossing close to Thorley Street is unlikely to be supported given its proximity to a major intersection. Consequently it would be considered that any level pedestrian crossing from the site to Bligh Park would need to be located further north along George Street closer to Colonial Drive.</p>
<p>A 2.5m wide shared pedestrian and cycleway on the eastern side of George Street between Thorley Street and Colonial Drive, Bligh Park is to be provided incorporating such design features as agreed by the Council and RTA</p>	<p>It is noted that the construction of the service station did not require a pedestrian access to be provided between the subject site and Bligh Park as this development was not considered a development which would generate significant pedestrian traffic.</p> <p>The applicant has requested that Council support a variation to this rule on the basis that:</p> <ul style="list-style-type: none"> the premises will predominately service vehicle based customers pedestrian access to the site would be low and not expected to warrant provision of pedestrian facilities the service station approved on the land includes a convenience station and was not required to provide pedestrian access as part of its approval the RMS would not support a level pedestrian crossing along George street to the proposed footpath as a crossing would be too close to the main intersection

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Development Controls	Comments
	<ul style="list-style-type: none"> the RMS did not request pedestrian access and that any future road widening of George Street may eventually provide this however there are currently no plans for this and constructing access would be premature. <p>Whilst the above matters have been considered it is recommended that the applicant be required to provide an alternative option or contribute towards the future provision of pedestrian access between the site and Bligh Park as it is considered that the nature of the business and its proximity to the residential area of Bligh Park will result in customers or employees walking or cycling to the site.</p> <p>Further, it is noted that the application proposes bike racks as part of an option for customers visiting the site and it would be most likely that they would require a safe route to cross George Street to access the property. Suitable conditions have been recommended in this regard.</p>
Landscaping and Fencing	
<p>The front setback areas to George Street and Blacktown Road are to be revegetated with Cumberland Plain Woodland species in order to enhance the existing streetscape whilst maintaining visual linkages to and from the site when viewed from George Street and the corner of George Street and Blacktown Road</p> <p>The areas of Cumberland Plain Woodland should be retained and incorporated into the landscaping provided on the site</p>	<p>This is currently a condition required as part of the service station development and will be provided once the road works along George Street have been completed.</p> <p>It is however considered that landscaping surrounding the proposed building is acceptable.</p>
<p>Only open style post and rail or post and wire strand fencing is permitted on street frontages. This is to maintain existing visual links and views to and from the site</p>	<p>No fencing has been specified with this proposal; however a condition will be imposed to ensure any future fencing complies with this requirement.</p>
Signage	
<p>Signage is to comply with the requirements set out in the Section 3.2 Signs in Commercial and Industrial Zones of Chapter 3 – ‘Signs’, Part C of this DCP.</p>	<p>To be conditioned. Refer to SEPP 64 assessment above.</p>
<p>Only one multi-tenant sign per street frontage is permitted. The sign is to be located near the entry/exit points and shall not be greater than six metres in height.</p>	<p>To be conditioned. Refer to SEPP 64 assessment above.</p>
Open Storage Areas	
<p>Open storage areas are to be screened from the George Street and Blacktown Road and adjoining land by screen walls or other approved measures.</p> <p>Storage areas are to be located behind the building line.</p>	<p>No open storage areas proposed.</p>

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iv. Planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F:

N/A

v. Matters prescribed by the Regulations:

The Environmental Planning and Assessment Regulation 2000 provides that:

- That the proposal be levied against Councils Section 94A Development Contributions Plan. In this respect, Councils Section 94A Development Contributions Plan 2006 would require a 1% levy to be paid on the development based on an estimated development cost of \$1,660,600.00. It is noted that the development seeks to construct a new car park in addition to undertaking a number of site improvements such as landscaping, new carport, fencing and signage is not solely for the purposes of the construction of a class 10 structure; and
- That the development shall comply with the provisions of the Building Code of Australia (BCA)/National Construction Code.
- Suitable conditions have been included as part of the recommended conditions of consent section of this report.

b. The likely impacts of that development, including environmental impacts on both the natural and built environments and the social and economic impacts in the locality:

The likely matters have been considered in the assessment of this application and no significant adverse environmental or social impacts would be expected in the locality.

The proposal will provide for the type of development which is anticipated by Council's DCP and LEP which relates to the subject land.

The development would provide employment opportunities for the locality and restaurant facilities for the public. The proposal fits with the desired character of the locality and is considered to be acceptable having regard to the assessment of information submitted and imposition of conditions recommended in this report.

Context and Setting

There are no constraints from surrounding land uses that would prohibit the proposal and there are no known hazardous land uses/activities nearby.

The proposed development would not unreasonably impact on adjoining properties in terms of overshadowing, loss of visual or acoustic privacy, or loss of views and vistas.

The proposal provides a generous setback and suitable building design. It is, however, noted that the orientation of the building and carpark has not taken into consideration the future development of the land and has the potential to restrict the future development of the land. This is discussed under the following section.

Access, Transport and Traffic

Access to the site is satisfactory for the intended use. Access has been designed to take into consideration future road widening and the requirements of the RMS.

An assessment into internal traffic movements has found that orientation of the proposed carpark and building would potentially lead to confusion and creation of general pedestrian and vehicle conflict given the multiple uses onsite.

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The following figures have been prepared using the applicant's plans and highlight the points of concern regarding traffic.

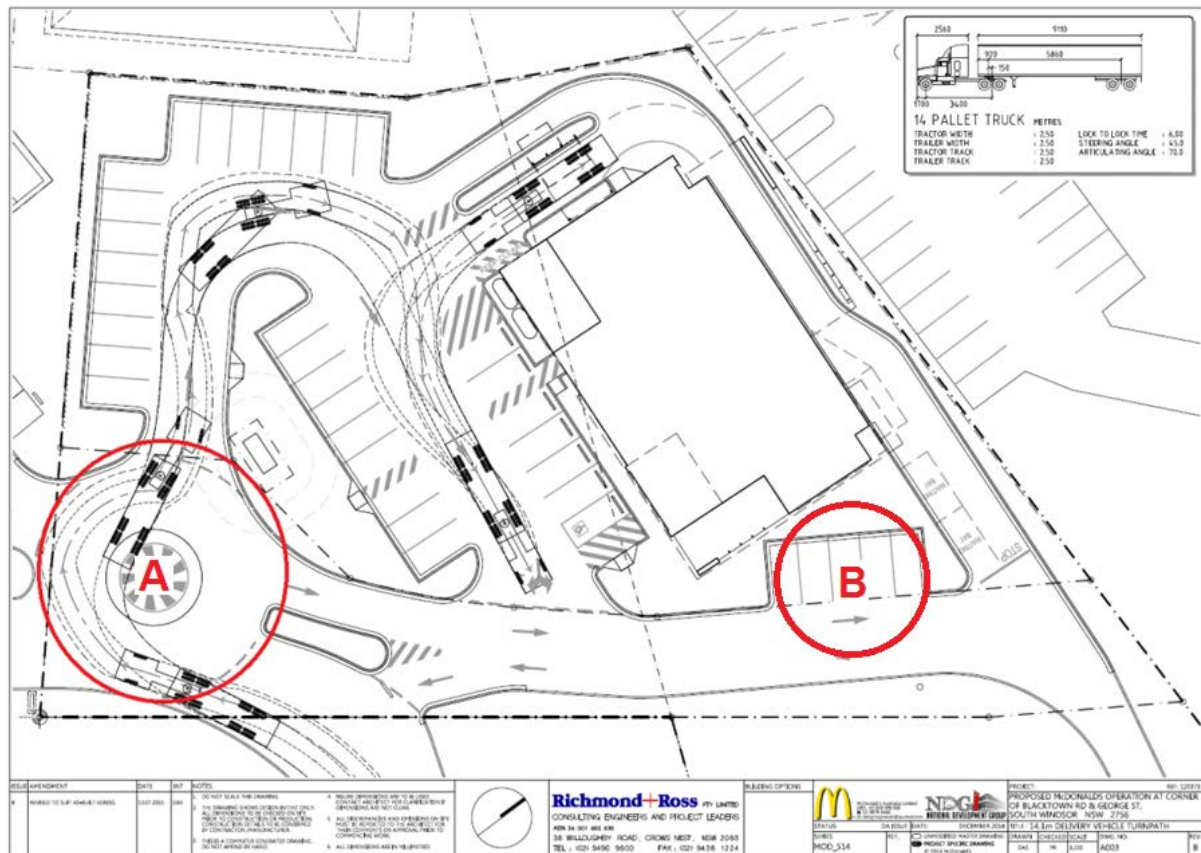


Figure 1: Traffic entering site

Vehicles entering George Street will have to turn left onto the site, then navigate around a roundabout, marked 'A' on Figure 1, before entering the proposed main car park and drive-thru. It is considered that customers entering the property should have a more direct route to the proposed McDonalds carpark and not have to travel towards the service station before entering the proposed carpark.

In order to avoid this confusion it is recommended that the roundabout be removed and replaced with a cross intersection that would provide a more direct route to either the service station or McDonalds carpark. This could be achieved by re-orientating the building and carpark to be parallel with the front boundary and George Street. Vehicles entering the site would be able to stop and stand at a more regular intersection without having to be confronted by a roundabout off a main road. Whilst this reorientation may require the parking of the service station to be modified it is considered that there is sufficient space to do so.

Furthermore an assessment into the 5 car parking spaces marked 'B' on Figure 1 has been undertaken and it is considered the current design would potentially cause a conflict with vehicle traffic movements between cars accessing these parking spaces and vehicles exiting the site from George Street or leaving the drive-thru and exiting the site via Blacktown Road. Consequently it is recommended that these spaces be deleted.

The applicant was advised to address these matters in the additional information letter and meeting in February. It was noted that the current orientation of the development appeared to be restricted due to the location of the Baptist Church carpark (marked B in figure 2 Below) and the applicant was advised that the carpark should be relocated to be located entirely on the same property as the Baptist Church.

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Following this advice, an application was received by Council for the relocation of the Baptist Church carpark and was approved on 1 July 2015.

On 23 and 28 of July 2015 the applicant submitted amended plans that made minor changes to the carpark which were generally related to RMS access. No changes were proposed to the internal car park layout. The applicant advised Council officers that their client did not want to change the orientation of the building and or design of the carpark as the application only relates to the part of the site proposed to be leased from the property owner.

It is considered that the design and orientation of the proposed food and drink premises is crucial in ensuring that the property is developed in a way that considers both the existing use and future development of the site and that the assessment of the application should not be limited to assessing the lease space area marked as 'A' in figure 2 below.

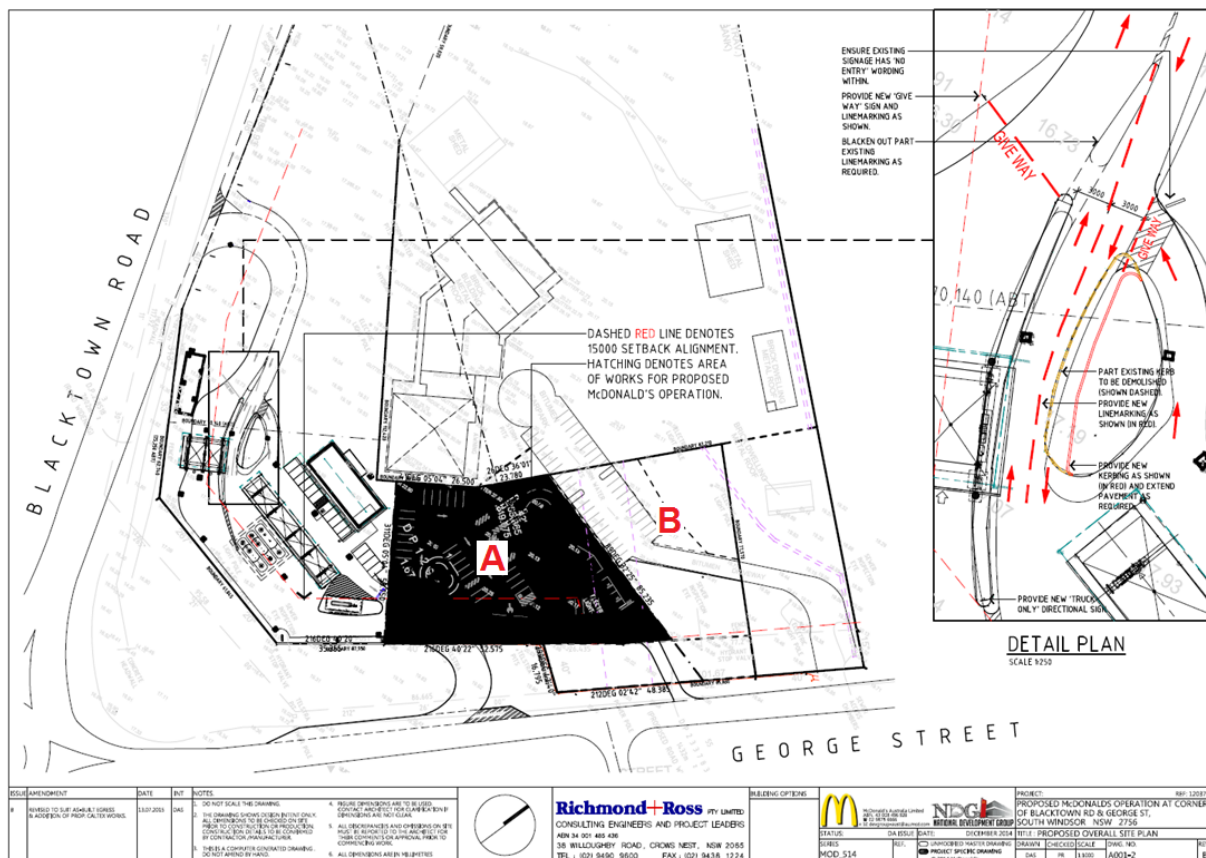


Figure 2: Developed and undeveloped land areas

Given that the application only considers the lease space section of the site it is considered that the proposal has not adequately addressed the entire development of the land, particularly in respect to what will happen with the remaining section of undeveloped land marked as 'B' in Figure 2.

Whilst it is not known how the site would be further developed in the future it is considered that the piece of undeveloped land could be constrained by the proposed development due to the size and shape of the land which is proposed to remain vacant. Without a master plan for the site or concept design for the remaining vacant portion of the land it is recommended that the orientation of the building and carpark be changed to make a more regular shaped piece of land that could be developed in the future.

The following, Figure 3, shows how this may be possible by reorientating the building to be parallel with the front setback and George Street. This would ensure that the carpark could be redesigned to be accessed

more directly and have a more regular shape without the need for vehicles having to move around the unusually shaped traffic island in the middle of the carpark.

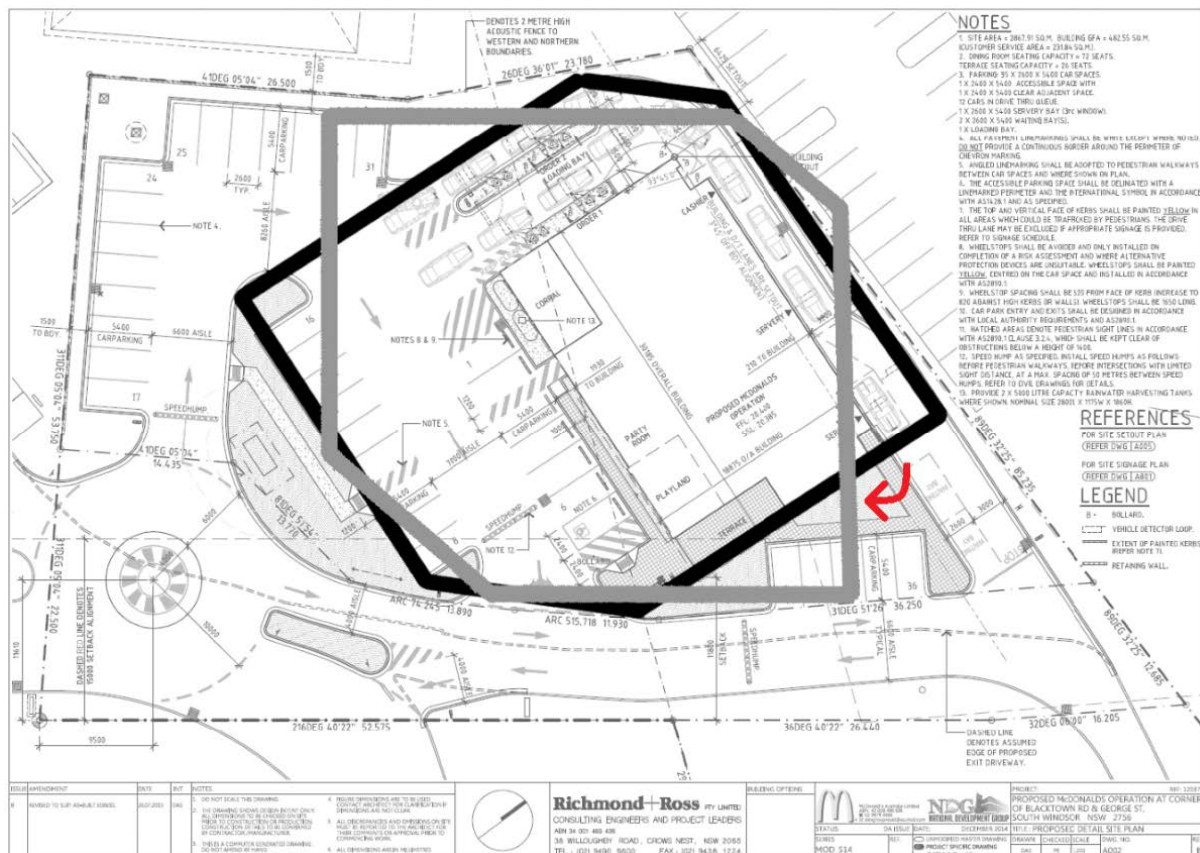


Figure 3: Reorientation of building

Whilst the recommended changes proposed under this section may result in the building being minimally closer to the street frontage; changes to the service station parking areas and modifications to the proposed commercial lease space, it is considered that the overall design would have a better outcome in terms of pedestrian/vehicle safety and building orientation. Furthermore, Council has approved the relocation of the Baptist Church carpark to ensure that the development is not prevented from changing the orientation of the proposed development. Consequently a deferred commencement condition has been recommended in this report requiring the proposal to be modified prior to the issue of any operational consent.

Utilities

The provision of services to the development would be clarified through the conditions of consent. It is considered that the proposed development would not place unreasonable demands on the provision of services. Furthermore, the proposal would resolve a number of encroachments, which currently exist between the subject property and Baptist church on the adjoining property.

Soils

Erosion and sedimentation controls would be utilised during construction.

Waste

A condition has been included in the recommendation requiring that the site is to be kept tidy and maintained to the satisfaction of Council during the demolition and construction period.

A trade waste agreement will be required to be entered into with Council as the sewer authority.

An assessment in respect to waste management has found that whilst the corporate entity of McDonalds will recycle the majority of waste generated from general operations of the restaurant no mention has been made in respect to recycling of waste generated by the customers. In accordance with the Western Sydney Regional Waste Avoidance and Resource Recovery Strategy 2014-2017, recently adopted by Council, it is recommended that the business offer recycling facilities for the customers to promote recycling of recyclable products. In this regard, it is recommended that the facility provide recycling stations in addition to general garbage bins to allow customers to separate recyclable products such as cups, bottles and paper from general waste. Suitable conditions have been recommended in this regard.

Social Impact in the Locality

No negative impact expected and has been considered as part of the assessment of this proposal.

Construction

Construction is not expected to unreasonably impact upon surrounding neighbours.

The application has been referred to Council's relevant internal officers who have raised no objection to the proposal subject to standard building and engineering conditions. Appropriate conditions have been recommended in the report. Comments from these referrals have been provided below:

- Council's Design and Development Engineer has reviewed the submitted Traffic Report and has raised no objection to the proposal on traffic generation or access grounds. It is further confirmed that there are no objections to the changes recommended in respect to the deletion of the five parking spaces and redesign of the carpark as discussed in this report.
- The building certifiers have raised no objections subject to standard conditions to comply with access and BCA requirements.
- The Environmental Health Coordinator has raised no objection to the proposal subject to the imposition of conditions.
- The Tradewaste Technical Officer has advised that standard conditions such as the obtainment of a tradewaste application will be required

Cumulative Impact

The proposed development is compatible with the surrounding land uses and no negative cumulative impact is foreseen.

c. Suitability of the site for the development:

The site is considered to be suitable for the development. The development would not require the removal of any significant vegetation. The site is not burdened by any particular characteristics that would prevent the development of the site.

d. Any submissions made in accordance with the Act or the Regulations:

External Agencies

Roads and Maritime Services (RMS)

The application was referred to RMS for concurrence as the subject site is marked for road widening along a classified road and the activities onsite have been identified as traffic generating development.

The RMS has raised no objection to the proposal subject to conditions issued with their concurrence dated 12 August 2015.

It is noted that the RMS have requested that the property owner provide a concept design for access to the site if the current approved access is required to be relocated should the RMS complete any future road widening, that is not associated with the current works, along the intersection of Blacktown Road and George Street.

Whilst it is unknown when or how the road would be designed, the applicant has provided a concept plan, shown in Figure 4 below, as to how the site could be appropriately accessed should the full extent of road widening be undertaken in the future. This concept has been approved by the RMS and the recommended conditions of consent require the applicant to put a right of carriageway on the land to ensure that this part of the site remains undeveloped. It is considered that a restriction as to user would be more appropriate than a right of way and the applicant will need to confirm this with the RMS when they apply for a Roads Act approval. This requirement has been highlighted in the recommended conditions of consent by Council.

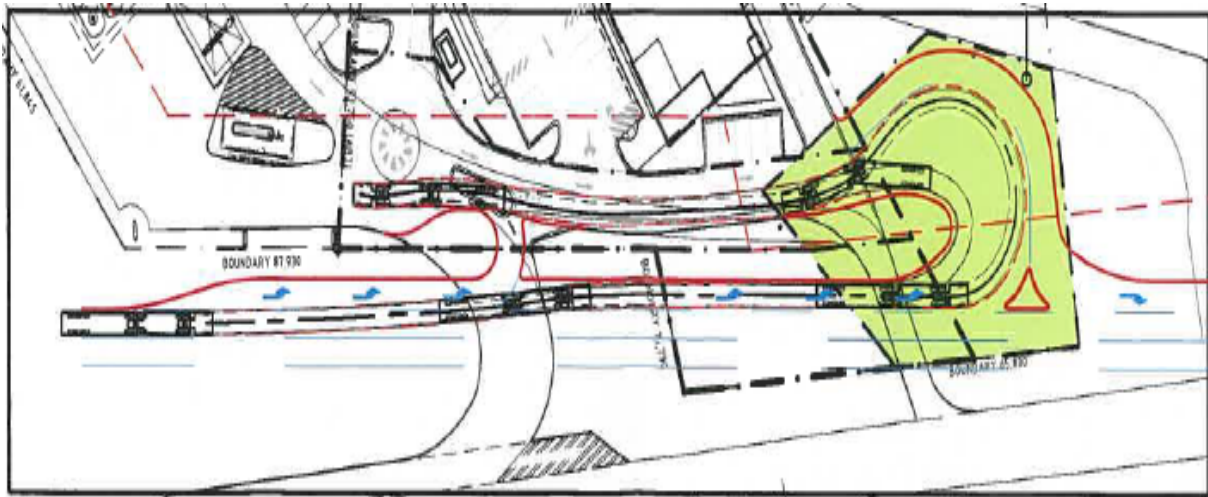


Figure 4: Road concept plan

Hawkesbury Local Area Command

The application was referred to the Hawkesbury Local Area Command in respect to the 24 hour operation. No objections were raised to the proposal. It is considered that suitable safety of the site can be achieved for the use of the site for 24 hour operation based on the information provided in the Plan of Management document submitted with the application. Further, the development is considered to be in a location that would not raise any significant concerns for the general safety of the public and the proposed use will work suitably with the approved use of the service station for 24 hour operation. It is recommended that a trial period be imposed on any 24hour consent for 12 months to allow for the review of the hours of operation applied by the applicant. This is the same approach used for the service station on the subject site.

e. The Public Interest:

The proposed development is considered to be in the public interest based on the following:

- The proposal is consistent with the objectives and requirements of LEP 2012, SREP No. 20, SEPP Infrastructure 2008, SEPP 44, SEPP No. 55 and SEPP 64.
- The proposal generally complies with the objectives and requirements of HDCP 2002 and it is recommended that the proposal be conditioned to comply with the relevant matters of the DCP which have been raised in this report.
- The proposed development is not expected to adversely impact the amenity of the locality or the surrounding environment.

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Conclusion

The environmental impacts anticipated with the proposal are those relating to vehicle access and compliance with the DCP. The management of these impacts has been addressed in the information submitted with the application and it is recommended that the proposal be supported subject to the implementation of conditions recommended in this report.

Planning Decision

As this matter is covered by the definition of a "planning decision" under Section 375A of the Local Government Act 1993, details of those Councillors supporting or opposing a decision on the matter must be recorded in a register. For this purpose a division must be called when a motion in relation to the matter is put to the meeting. This will enable the names of those Councillors voting for or against the motion to be recorded in the minutes of the meeting and subsequently included in the required register.

RECOMMENDATION:

That Council as the consent authority pursuant to Clause 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) issue 'Deferred Commencement' consent to Development Application No. DA0790/14 for the construction and operation of a food and drink premises - McDonalds at Lot 12 DP 1184975, 741 George Street, South Windsor, subject to the following conditions:

Deferred Commencement Consent

This consent shall not operate until the applicant satisfies the consent authority by producing satisfactory evidence relating to the matters set out in Schedule "1" within one year of the issue of this consent.

It should be noted that the consent will lapse if the matters set out in Schedule "1" are not satisfied.

Upon the consent authority being satisfied as to compliance with the matters set out in Schedule "1". The consent shall become operative and take effect from the date of notification under Section 95 of the Environmental Planning and Assessment Regulations subject to the conditions set out in Schedule "2".

Schedule "1"

Conditions imposed pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979 and Section 95 of the Regulations as amended.

1. The plans for the proposed development are to be amended and submitted to Council's General Manager for approval, as follows:
 - a) Modifications to the building and car park to incorporate the following:
 - (i) The building shall be re-orientated so the front façade is parallel with the front property boundary and George Street.
 - (ii) The roundabout shall be deleted and replaced with a cross intersection that allows for more direct access to the service station and McDonalds.
 - (iii) The McDonalds carpark shall be redesigned such that the aisles are perpendicular to George Street and that the car spaces are parallel to George Street. A minimum of 36 car parking spaces shall be provided for the development.
 - (iv) The five parking spaces in front of the building shall be deleted to minimise any potential conflict between cars exiting the drive-thru and leaving the site via Blacktown Road.

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- b) The 6m high freestanding pylon sign is to be removed from the development proposal to be consistent with the DCP that requires only one multi-tenant sign per street frontage.

Should a freestanding pylon sign be proposed as part of this application revised plans are required to be submitted showing that a 6m pylon sign could be constructed that would advertise both existing and proposed tenants. Any multi-tenant signage should be designed in a manner that would still allow for the addition of a minimum of one additional tenant for the site.

- c) The advertisement banner between the two flag proposals shall be removed from the plans.

Schedule "2"

Note: This part of the consent will not become operable until Council advises that the matters contained in Schedule "1" are satisfied.

General Conditions

1. The General Terms of Approval from the New South Wales Roads and Maritime Services, as referred to in section 93 of the Environmental Planning and Assessment Act 1979, are attached and form part of the consent conditions for this approval.
2. The development shall take place generally in accordance with the stamped plans, the Roads and Maritime Services conditions of consent, specifications and accompanying documentation submitted with the application, approved plans under Schedule 1 of this consent, except as modified by these further conditions.
3. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate or Design Compliance Certificate
4. The development shall comply with the provisions of the Building Code of Australia (BCA)/National Construction Code.
5. The development shall comply with the Disability (Access to Premises – Buildings) Standards 2010.
6. The development shall comply with the provisions of the Building Code of Australia at all times.
7. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within seven days of issuing the certificate. A registration fee applies.
8. Hawkesbury City Council is the sewer authority for this development and the approving authority for all sewer works. The applicant must consult with Council's Waste Management Branch regarding any possible new work or upgrades to existing Council sewer mains related to this application prior to the issue of any construction certificate or design compliance certificate.
9. Inspections and Compliance Certificates for sewer works can only be conducted and issued by Council.

Prior to Issue of Design Compliance Certificate or Construction Certificate

10. Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979 and Council's Section 94A Development Contributions Plan 2006 (as amended from time to time), a contribution of \$16,606.00 shall be paid to Council.

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

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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.

11. 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.
12. Trade waste details are to be submitted to and approved by Council's Waste Management Branch prior to the release of the construction certificate.
13. Construction of any mains sewer work or any structure to be constructed within the Zone of Influence of a sewer main must not commence until three copies of the plan along with a Major/Minor Sewer Works application is submitted to Council's Waste Management Branch for assessment and approval. Fees apply.
14. Where required 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 Council's Development Branch or a Private Certifier. This plan must be marked with a green stamp (Sewer Works Approved for Design Only), signed and dated.
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.

16. Construction of the access, car park, on site detention are not to commence until three 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.
17. Payment of a Construction certificate checking fee of \$323.32 and a Compliance Certificate inspection fee of \$538.03 when submitting Civil Engineering Plans (for OSD) for approval. This amount is valid until 30 June 2016. Fees required if an accredited certifier is used will be provided on request.
18. Under the Provisions of the Roads Act, all works with the road reserve are to be approved and inspected by the road authority. Council can approve works within the pathway area but all works within the pavement area must be approved by the Roads and Maritime Services (RMS).

Plans for the modification of and connection to the drainage system, layback and footway crossing are to be submitted to council for approval. Payment of a Construction certificate checking fee of \$200.71 and a Compliance Certificate inspection fee of \$351.43 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2016.

19. 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 Traffic Authority controlled roads, the Traffic Control Plan is to be approved by the Roads and Traffic Authority before submission to Council.

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20. 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. Calculations and detailed plans are to be submitted for approval with the application for the construction certificate. Discharge from the OSD storage tank must be by gravity.
21. Details of any fill material removed from or imported to the site shall be submitted with the engineering plans. Details to include quantities, borrow sites or disposal sites.
22. Retaining walls are to be designed by a suitably qualified and experienced structural engineer.

Prior to Commencement of Works

23. All traffic management devices shall be installed and maintained in accordance with the approved traffic management plan.
24. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.
25. 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.
26. A copy of receipt of payment of Long Service Levy shall be provided to the Principal Certifying Authority prior to any works commencing on site.
27. At least two days prior to commencement of works, notice is to be given to Council, in accordance with the Environmental Planning and Assessment Regulation.
28. No excavated material, including soil, shall be removed from the site.
29. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
30. 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 plans.
31. Disabled parking shall be provided in accordance with AS2890.6. 2009.
32. A waste management plan shall be submitted to and approved by Council. The plan shall address any builder's waste and waste generated during the day to day operation of the development. Particular attention shall be paid to type and quantity of waste, recycling, reuse, storage and disposal.
33. 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.
34. 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.

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35. 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 .
36. 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.
37. 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 or sewer 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.
38. The building shall be set out by a Registered Surveyor. The Survey Certificate of the building showing the position of the external walls and floor levels under construction and in compliance with the approved plans shall be lodged with the Principal Certifying Authority (PCA). Any easements must be shown on the Survey Certificate.

During Construction

39. 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.
40. 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.
41. 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.
42. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, including a public road or place, the person causing the excavation to be made:
 - a) Must preserve and protect the building from damage.
 - b) If necessary, must underpin and support the building in an approved manner.
 - 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 or demolished.

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

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43. All necessary works to be carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
44. 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.
45. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
46. On-site detention shall be provided in accordance with the approved plans to maintain all stormwater discharges from the 1:1 year storm up to the 1:100 year storm at pre-development levels.
47. 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.
48. Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with the approved plan and Hawkesbury Development Control Plan chapter on Soil Erosion and Sedimentation.
49. 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 E Civil Works Specification, Part II, Table 1.1.
50. Two heavy duty layback and footway vehicular crossing 3m and 6m wide shall be constructed to the development. The crossing shall be constructed in accordance with Hawkesbury Development Control Plan Appendix E, Civil Works Specification.
51. All debris (including felled trees) resulting from the approved clearing of the site for construction is to be removed from the property and taken to a waste disposal facility. Alternatively, trees may be mulched on site and used for ground cover or landscaping.
52. Any damage to the concrete footpath and kerb & gutter along the George Street frontage is to be repaired by the developer at no cost to council.
53. Landscaping shall be completed in accordance with the landscaping plan submitted with the application.
54. The site shall be secured to prevent the depositing of any unauthorised material.
55. 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.
56. All services impacted by the development benefiting 739 George Street (Lot 11 in DP: 1184975) are to be relocated as required, associated easements are to be extinguished and new easements are to be created over the relocated services. Documentary evidence confirming this has occurred is to be submitted to Council prior to the issue of the occupation certificate.
57. All trucks entering or leaving the site shall have their trays suitably covered to prevent spillage from the truck onto the road.
58. Vehicle entrances and exits shall be clearly signposted, including street number, and visible from both the street and site at all times.
59. The filled areas, including batters, shall be grassed immediately after filling takes place.
60. Noise and acoustic measures are to be undertaken in accordance with Noise Assessment, prepared by Atkins Acoustics, December 2014.

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61. The food preparation areas shall be constructed so as to comply with the requirements of:
 - a) The Food Act 2003 and Regulations there under.
 - b) Australian Standard AS4674:2004 'Design, construction and fit-out of food premises'.
 - c) Australian Standard AS1668.2:2002 'The use of ventilation and air conditioning in buildings – Ventilation design for indoor air contaminant control'.
62. Lighting and signage shall be installed in a manner that would avoid intrusion onto adjacent residential properties or interfere with road traffic or aircraft movements. All lighting shall be fitted with necessary devices capable of permitting the change in intensity of illumination in order to regulate glare or other like impacts.
63. Any fencing to be provided along street frontages shall be limited to open style post and rail or post and wire strand fencing at a maximum of 1.2 metres high. Details should be submitted to and approved by Council.
64. Signage for the site shall be restricted to the 4 metre sign shown on the stamped plans and shall comply with the requirements for exempt signage specified under schedule 2 of Hawkesbury Local Environmental Plan 2012.
65. The development shall provide a 2.5m wide shared pedestrian and cycleway from the subject site to Colonial Drive, Bligh Park as required under the Hawkesbury Development Control Plan 2002. The pathway shall incorporate design features as agreed by the Council and RMS.
66. Any part of the building to be used for food preparation and storage shall comply with Council's 'Food Premises Fit Out Code'.

Prior to Issue of Occupation Certificate

67. Dedication of road widening in George Street as public road. Documentary evidence of registration to be provided prior to issue of the Occupation Certificate or occupation of the building.
68. A Trade Waste Agreement must be entered into with the Council for the discharge of trade waste to Council's sewer.
69. Prior to the issue of the Occupation Certificate the applicant shall provide documentary evidence from the RMS confirming that the RMS conditions attached to this consent have been complied with to the satisfaction of the RMS.
70. 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.
71. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
72. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
73. A Plan of Management for the on-site stormwater detention facilities shall be submitted to and approved by Council. The Plan of Management shall set out all design and operational parameters for the detention facilities including design levels, hydrology and hydraulics, inspection and maintenance requirements and time intervals for such inspection and maintenance.

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74. The owner shall enter a positive covenant with Council which provides the following:
- a) The registered proprietors will at all times maintain, repair and keep the on-site stormwater detention facilities in a good and safe condition and state of repair, in accordance with the approved design to the reasonable satisfaction, at all times, of Council, having due regard to the Plan of Management for the operation and maintenance of the on-site stormwater detention facilities, and
 - b) The liability under the Covenant will jointly and severally bind the registered proprietors of the proposed dwellings, and
 - c) Council only will be entitled to release or modify the Covenant.
- All costs associated with the Covenant, including any legal costs payable by Council, are to be paid by the owner or applicant.
75. Submission of a report by the Design Engineer stating the conformance or otherwise of the On Site Detention of Stormwater system in relation to the approved design.
76. Works-As-Executed drawings for the On Site Detention of Stormwater System which indicate the following shall be submitted to and approved by Council:
- a) Invert levels of tanks, pits and pipes
 - b) Surface levels of pits and surrounding ground levels
 - c) Levels of surrounding kerb
 - d) Floor levels of buildings
 - e) Top of kerb levels at the front of the lot; and
 - f) Extent of inundation

Use of the Development

77. The restaurant shall be registered with Council as a food premises.
78. No internal or external alterations shall be carried out without prior approval of Council.
79. The subject development, including landscaping, is to be maintained in a clean and tidy manner.
80. Hours of operation for the McDonald's restaurant are to be limited to the following:
- Sunday to Saturday (seven days a week): 5am to 11pm
81. Notwithstanding condition 77 above, a 12 month trial period is granted for the operation of the McDonald's restaurant 24 hours a day, seven days a week. This trial period will commence from the release of an occupation certificate and will lapse twelve months after the release of this occupation certificate.
- Upon the cessation of this 12-month trial period the hours of operation for the McDonald's restaurant will revert back to the hours imposed under Condition 77 of the consent, i.e. the hours of operation will be 5am to 11pm, 7 days a week.
- The submission of a Section 96 Application or Development Application is required to be submitted prior to the expiration of the trial period – but no sooner than nine months into the operation of the extended hours – should the Applicant wish to continue the extended hours beyond this 12-month trial period.

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Note: The purpose of this trial period is to allow a review of the extended trading hours in relation to neighbourhood amenity and operational performance, and allow management to demonstrate successful practices in relation to the above. Council's consideration of the extended trading hours will be based on, amongst other things, the performance of the operator in relation to compliance with development consent conditions, any substantiated complaints received and any views expressed during public consultation or from other relevant stakeholders such as the Police.

82. The development shall be conducted in such a manner that the LA(eq) noise levels, measured at any point in accordance with the NSW EPA's Industrial Noise Policy (2000), does not exceed five dB(A) (LAeq) above background noise levels at any property boundary in the day, evening and night (defined by the NSW EPA Industrial Noise Policy).
83. All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
84. The development shall provide recycling stations in addition to general garbage bins to allow customers to separate recyclable products such as cups, bottles and paper from general waste.
85. 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.
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. No advertising signs or structures shall be erected, displayed or affixed on any building or land without prior approval. No advertising signs or structures shall be displayed on the footpaths, pedestrian paths, roadways or on any land other than the approved development site.
88. Individual air conditioning, refrigeration and exhaust fan units for the McDonalds restaurant are to be located behind the approved/constructed roof parapets.
89. All vehicles being loaded or unloaded shall stand entirely within the property.
90. All vehicles shall be driven in a forward direction at all times when entering and leaving the premises.
91. The food and drink premises shall be operated in accordance with the Plan of Management document submitted with the application, prepared for McDonalds, dated December 2014.

This document shall be reviewed annually and at the request of Council should any matters be identified in respect to the operation of the development. Any changes to the plan of management shall be referred to Council for consideration and approval.

Advisory Notes

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

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*** 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 the relevant:

- a) Water and sewer provider
- b) Electricity provider
- c) Natural gas provider
- d) Telecommunications carrier
- e) 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 road.

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

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

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

*** The land is within the Hawkesbury City Council Sewerage Catchment. A separate application shall be submitted to Council for any alterations or connections to the sewer mains. The applicant shall consult with Council regarding acceptable discharge limits to the sewerage system.

*** Private Accredited Certifiers do not have any authority to issue Engineering Approvals or carry out inspections for works on Public Roads under the Roads Act 1993.

ATTACHMENTS:

AT - 1 Locality Map

AT – 2 Aerial Map

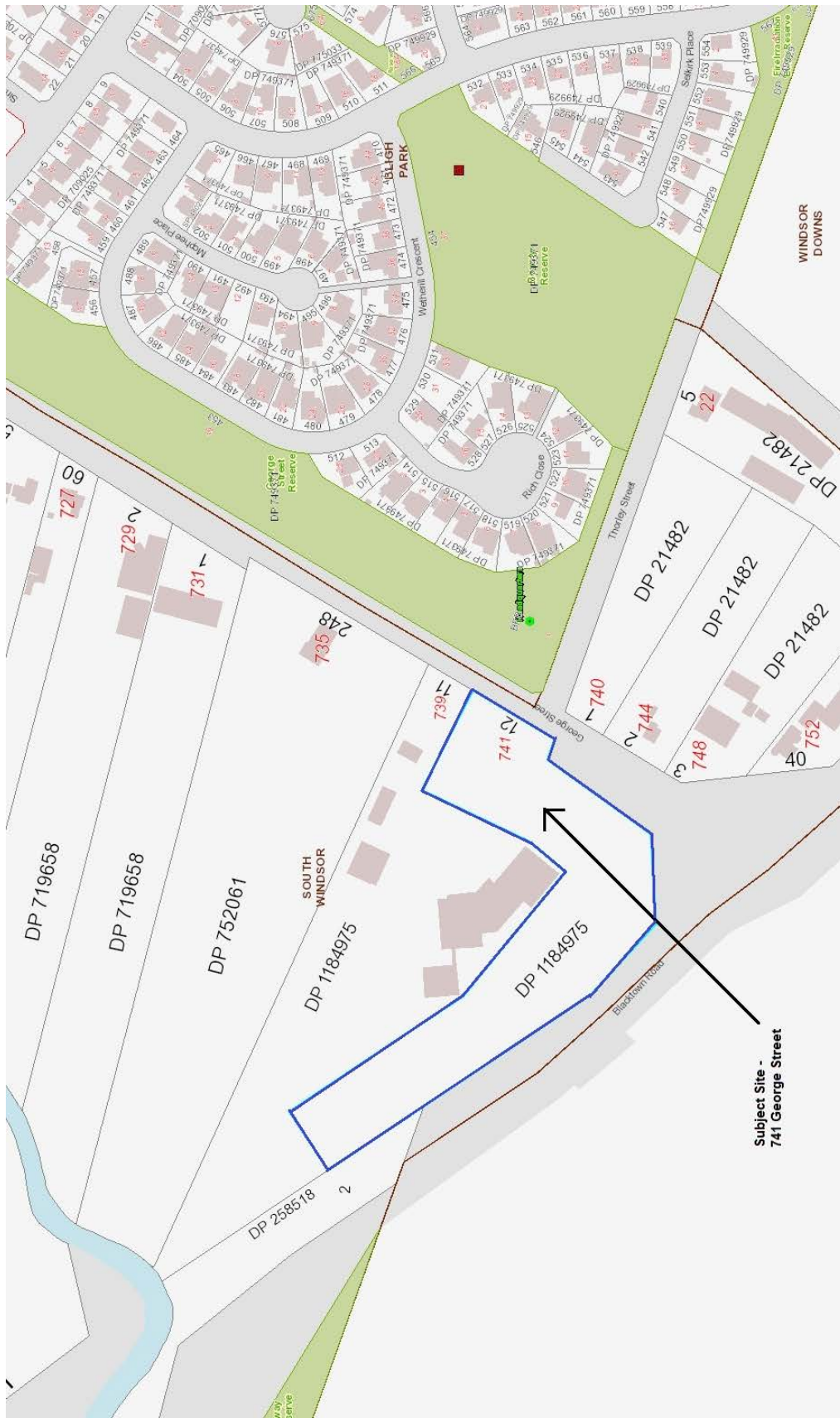
AT – 3 Plans

AT – 4 Example of Material and Finishes

ORDINARY MEETING

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AT - 1 Locality Map



Meeting Date: 08 September 2015

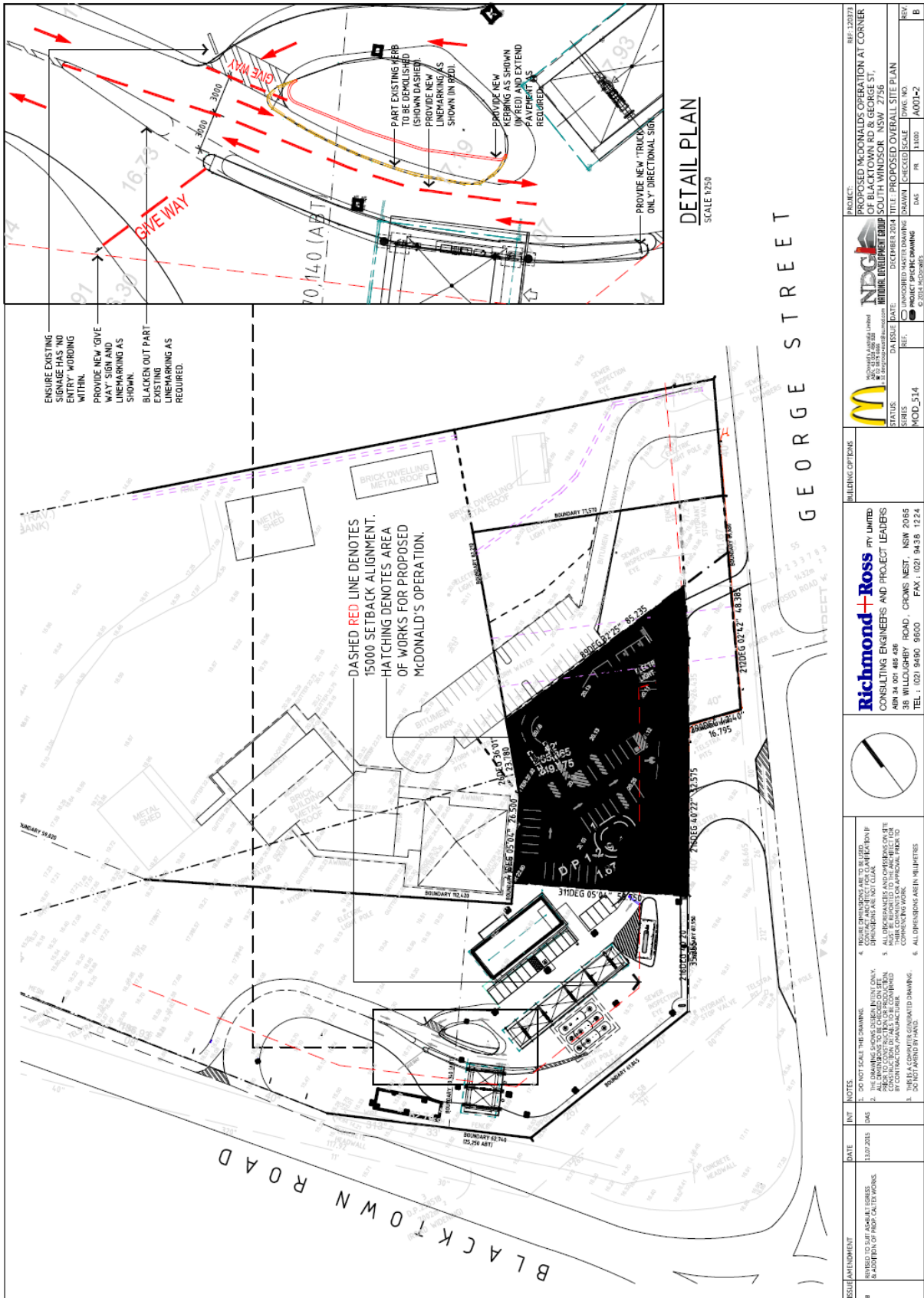
AT – 2 Aerial Map

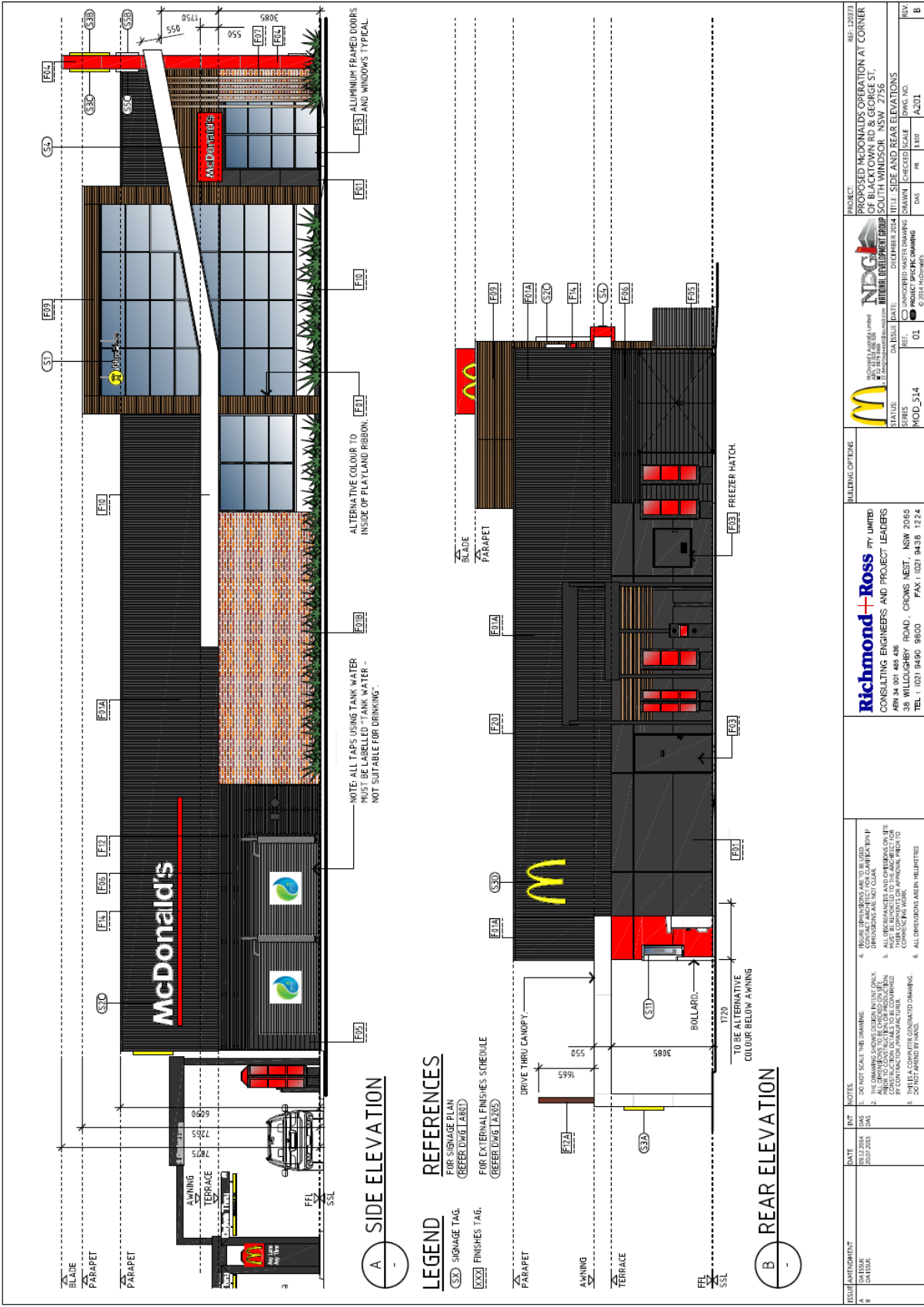


ORDINARY MEETING

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AT - 3 Plans

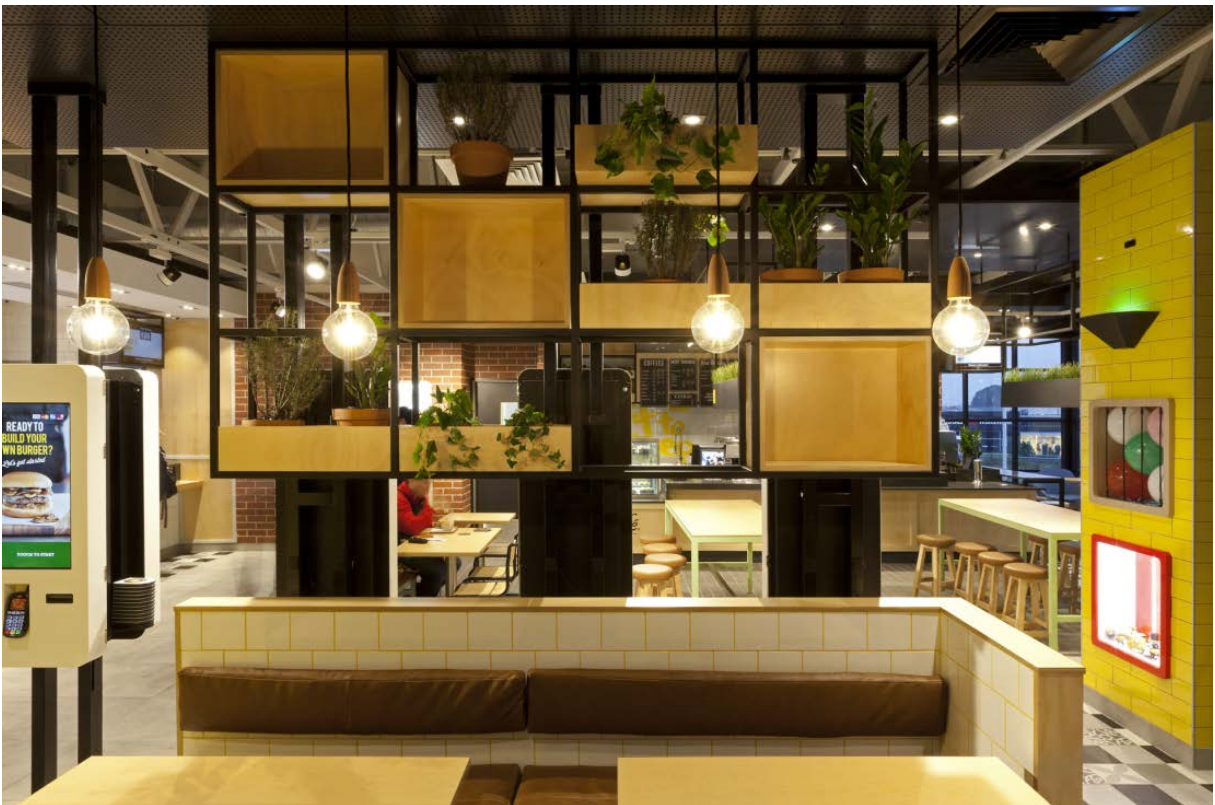




ORDINARY MEETING

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AT – 4 Example of Material and Finishes



oooO END OF REPORT Oooo

ORDINARY MEETING

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GENERAL MANAGER

Item: 147 GM - 2015 National Sister Cities Conference (79351, 110165)

REPORT:

Executive Summary

The 2015 National Sister Cities Conference will be held 9-11 November 2015 at Rooty Hill. Due to its relevance to Council's business, it is recommended that the 2015 National Sister Cities Conference be attended by Councillors and appropriate staff.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy.

Background

The 2015 National Sister Cities Conference will be held 9-11 November 2015 at Rooty Hill. The theme for the 2015 conference is 'Diversity, Culture and Friendship' and the program includes key note speaker, The Hon Bob Carr, former NSW Premier and Federal Minister for Foreign Affairs. A special Remembrance Day Ceremony with Peter Fitzsimons AM, will be held during the conference.

Cost of attendance at the 2015 National Sister Cities Conference will be approximately \$1,125 plus travel expenses per delegate. This amount does not include accommodation costs.

Budget for Delegate Expenses - Payments made:

• Total Budget for Financial Year 2015/2016	\$48,000
• Expenditure to date	\$300
• Budget balance as at 23 June 2015	\$47,700

It should be noted that outstanding commitments of approximately \$15,000 in relation to the 2015 Local Government NSW Water Management Conference, 2015 Annual Local Government Conference and the 2015 National Local Roads and Transport Congress are not reflected in the balance indicated.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Shaping Our Future Together Directions Statement;

- Have constructive and productive partnerships with residents, community groups and institutions

and is also consistent with the nominated strategy in the CSP being:

- Broaden the resources and funding available to our community by working with local and regional partners as well as other levels of government.

Financial Implications

Funding for attendance at this conference will be provided from the Delegate Expenses within the adopted 2015/2016 Operational Plan.

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RECOMMENDATION:

That attendance of nominated Councillors and staff as considered appropriate by the General Manager, at the 2015 National Sister Cities Conference at an approximate cost of \$1,125 plus travel expenses per delegate be approved.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 08 September 2015

INFRASTRUCTURE SERVICES

Item: 148 **IS - Webers Circus - Application for McQuade Park - (95495, 79354, 123404)**

Previous Item: 98, Ordinary (30 June 2015)

REPORT:

Executive Summary

This report details a request by Webers Circus which has lodged an application to hold shows at McQuade Park, Windsor in 2016.

Due to the event running longer than three days, Council was required to notify the community of the event in accordance with the Local Government Act 1993 and consider all submissions prior to giving a lease or licence.

The circus event was advertised from 16 July 2015 to 14 August 2015. Ten submissions were received, seven of which opposed the activity. The report recommends approval of the application.

Consultation

The issues raised in this report have been subject to community consultation in accordance with Council's Community Engagement Policy and legislative requirements.

Background

An application has been received from Webers Circus to operate at McQuade Park from 23 May 2016 to 13 June 2016 (including 'non-show' days).

The McQuade Park Plan of Management does allow circuses however due to the event running longer than three days, Council was required to notify the community of the event in accordance with the Local Government Act 1993, and consider all submissions prior to giving a lease or licence.

The circus event was advertised from 16 July 2015 to 14 August 2015 and ten submissions were received. Three were in support of the event, one of these responses noting that it was not an exotic animal circus to which they are opposed.

There were seven responses which opposed the activity. The points highlighted by the objections included:

Issue

Circus utilising performing animals, specifically:

- Opposed to animal circuses (both exotic and domesticated).
- Concerns regarding the treatment of animals including travelling and performing.
- Hawkesbury City Council should ban animal circuses like other councils across Australia.
- These type of circuses are not what society wants to see any more.

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Response

Webers Circus is not considered an animal circus, however it does use some domesticated animals. It features four miniature ponies, and a team of seven trick dogs.

The use of animals in circuses is not illegal. The circuses are monitored in accordance with the requirements of the Exhibited Animals Protection Act.

Issue

Impact on park and surrounding area:

- Large events like circuses impact greatly on McQuade Park.
- A lot of work has gone into fixing up McQuade Park and to hold a circus is unacceptable.
- The area is never fully restored following these large events.
- There are alternative locations for such events like the show ground.
- These events impact on residents using the park for recreational purposes.

Response

Whilst it is inevitable that the intensive use of the site by a circus will cause damage to the site, particularly when setting up or leaving in wet weather these areas will be returfed with the cost of rectification being met through partial use of the site fees. There is minimal impact on park use and access, with path and road access remaining open.

Whilst the circuses could be held at the Showground, McQuade Park is also considered appropriate to hold large events.

It is recommended that the circus be given approval to hold its event between 23 May 2016 – 13 June 2016.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Supporting Business and Local Jobs Directions statement;

- Help create thriving town centres, each with its own character that attracts residents, visitors and businesses

and is also consistent with the nominated strategy in the CSP being:

- Encourage stronger relationships between the business and community sectors, education and training providers to increase local career options
- Increased patronage of local businesses and attract new residents and visitors

Financial Implications

There are no financial implications on the current Budget in relation to this event. Income from these events has not been included in the adopted 2015/2016 Operational Plan. Fees and Charges are \$1,030 per day for show days and \$515 per day for set up/removal and non-show days. Should approval be given, a proposal to utilise income from these events to restore and further enhance the Park in accordance with the Plan of Management would be developed.

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Meeting Date: 08 September 2015

RECOMMENDATION:

That:

1. The Webers Circus be given approval for use of McQuade Park between Monday, 23 May 2015 to Monday, 13 June 2016 (inclusive of 'non-show' days).
2. The approvals be subject to the following conditions/documents:
 - a) Council's General Park Conditions.
 - b) Council's Fees and Charges.
 - c) The McQuade Park Plan of Management

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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section 4

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ORDINARY MEETING
Reports of Committees

ORDINARY MEETING
Reports of Committees

SECTION 4 - Reports of Committees

ROC Human Services Advisory Committee Minutes - 30 July 2015 - (123486)

The meeting commenced at 9:40am in Council Chambers.

Present:	Ms Vickie Shackley, Chairperson Councillor Barry Calvert, Deputy Chairperson Councillor Mary Lyons-Buckett, Hawkesbury City Council Mr Douglas Carbery, Community Representative Ms Jacquie Menzies, Community Representative Mr Glenn Powers, Community Representative Ms Jenny Ranft, Wentworth Community Housing Ms Birgit Walter, Community Representative
Apologies:	Ms Denise Handcock, Peppercorn Services Mr Matthew Owens, Hawkesbury City Council Mr Joseph Litwin, Hawkesbury City Council Ms Megan Ang, Hawkesbury City Council
In Attendance:	Mr Michael Laing, Hawkesbury City Council Mrs Shari Hussein, Hawkesbury City Council Ms Robyn Kozjak - Minute Taker, Hawkesbury City Council

REPORT:

RESOLVED on the motion of Councillor Calvert and seconded by Ms Walter that the apologies be accepted.

Mr Carbery apologised for not sending notification of apologies at the last meeting.

CONFIRMATION OF MINUTES

RESOLVED on the motion of Councillor Calvert and seconded by Ms Walter that the Minutes of the Human Services Advisory Committee held on 30 July 2015, be confirmed.

Attendance Register of Human Services Advisory Committee

Member	06.11.14	05.02.15	23.04.15	30.07.15	
Councillor Barry Calvert	✓	✓	✓	✓	
Councillor Mary Lyons Buckett	✓	✓	✓	✓	
Ms Vickie Shackley	✓	✓	A	✓	
Ms Denise Handcock	✓	✓	A	A	
Mr Douglas Carbery	✓	✓	X	✓	
Mr Nick Sabel (<i>Ms Jenny Ranft appointed in May 2015</i>)	✓	A <i>Ms Ranft in lieu</i>	✓	✓ <i>Ms Ranft</i>	
Mr Glenn Powers	✓	✓	✓	✓	
Ms Jacquie Menzies	X <i>Was not aware of meeting due to communication devices offline</i>	A	✓	✓	
Ms Birgit Walter	✓	A	✓	✓	

Key: A = Formal Apology

✓ = Present

X = Absent - no apology

SECTION 3 - Reports for Determination

Item: 1 **HSAC - July 2015 Update - Hawkesbury Homelessness Action Plan - (123486)**

Previous Item: 1, HSAC (23 April 2015)
 1, HSAC (5 February 2015)

DISCUSSION:

- Ms Ranft advised Wentworth Community Housing had recently finalised a PowerPoint presentation on homelessness which sets out six different packages and services provided. Ms Ranft advised she would bring that to next meeting.
- The Committee agreed to the three priority areas for the 2015-2016 financial year (ie actions 2.3, 6.2 and 6.3).
- Ms Walter suggested a further priority action be added to the three (theoretical) actions agreed upon (as above). Ms Walter stated the public needed to be educated in emergency measures to be taken when confronted with homelessness incidents and elaborated by reporting on an incident she was involved in recently at North Richmond Shopping Centre where a homeless disabled person (wheelchair bound) had a seizure. Ms Walter advised apart from ringing an ambulance, she did not know where she could refer him (once the hospital had tended to him). Ms Walter advised she wasn't aware of any emergency shelters in the Hawkesbury and was mindful of the extreme weather conditions the homeless were experiencing.

Mr Laing handed out a brochure listing key agencies covering a spectrum of needs and services. "Hawkesbury Homeless Resource Card" - Prepared as an initiative of the Hawkesbury Housing Forum

- Ms Ranft advised the Link2home homelessness information and referral service organised immediate temporary accommodation and provided access to Housing NSW products.
- Mrs Hussein acknowledged training was required in referral services for Council staff who often find themselves as a first point of contact with homeless people.
- Mrs Hussein advised she would investigate if there were existing Apps which could be used to assist the public when faced with an emergency situation and added she would also explore the possibility of developing an App.

RECOMMENDATION TO COMMITTEE:

That:

1. The information be received.
2. HHAP Actions 2.3, 6.2, and 6.3 be supported as priority areas for the 2015-2016 financial year in conjunction with the HHAP Working Group and key agencies.

MOTION:

RESOLVED on the motion of Councillor Calvert, seconded by Ms Walter.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. The information be received.
2. HHAP Actions 2.3, 6.2, and 6.3 be supported as priority areas for the 2015-2016 financial year in conjunction with the HHAP Working Group and key agencies.
3. In addition to the actions listed in recommendation 2, emergency relief also be listed as a priority area for the 2015-2016 financial year in conjunction with the HHAP Working Group and key agencies.
4. Options for a marketing approach be explored including the possibility of an App, to inform the public of appropriate steps to take with an emergency relief priority approach and provide points of contact if met with an emergency situation.

Item: 2 HSAC - Affordable Housing - Update July 2015 - (123486)

Previous Item: 37, Ordinary (10 March 2015)
 27, Ordinary (24 February 2015)
 129, Ordinary (29 July 2015)
 79, Ordinary (26 May 2015)

RECOMMENDATION TO COMMITTEE:

That:

1. The information be received.
2. Council officers progress the strategy of an affordable rental housing partnership on an identified suitable parcel of council owned land in partnership with a suitable social housing provider; and present a detailed proposal for Council's consideration
3. Council officers explore other strategies and mechanisms as raised in the Affordable Housing Policy including any sources or models of funding, contributions of land or any other mechanisms that would increase the supply of affordable housing - particularly affordable rental housing - to address the changing needs of Hawkesbury residents as outlined in the Affordable Housing Policy.

MOTION:

RESOLVED on the motion of Councillor Calvert, seconded by Councillor Ms Walter.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

1. The information be received.
2. Council officers progress the strategy of an affordable rental housing partnership on an identified suitable parcel of council owned land in partnership with a suitable social housing provider; and present a detailed proposal for Council's consideration
3. Council officers explore other strategies and mechanisms as raised in the Affordable Housing Policy including any sources or models of funding, contributions of land or any other mechanisms that would increase the supply of affordable housing - particularly affordable rental housing - to address the changing needs of Hawkesbury residents as outlined in the Affordable Housing Policy.

SECTION 4 - Reports for Information

Item: 3 **HSAC - Draft Voluntary Planning Agreement for Jacaranda Ponds - Update - (123486)**

Previous Item: 2, HSAC (23 April 2015)

DISCUSSION:

- Mrs Hussein advised the comments provided by Committee were relayed back to the developer and taken into consideration in the preparation of the VPA.
- Mrs Hussein advised the VPA was not signed as yet and was in the process of being tidied up. Mrs Hussein added once signed and executed the parties would meet to ensure all works would be delivered as per scheduled.

RECOMMENDATION TO COMMITTEE:

That the information be received.

MOTION:

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

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the information be received.

SECTION 5 - General Business

- Councillor Lyons-Buckett raised concern regarding emergency services west of the river and reported as ambulances cannot get through traffic congestion (they come from Ropes Crossing), helicopters often have to fly in when there was an accident. Councillor Lyons Buckett acknowledged the matter was a state government issue, however, believed it was imperative to make the government aware of the lack of medical services west of the river.

MOTION:

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

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. The Human Service Advisory Committee recommends that Council write to local members seeking support for the provision of improved emergency services particularly ambulance services in response to the existing poor level of service and proposed further development at Redbank (North Richmond), Jacaranda Ponds (Glossodia) and other increased development west of the river.
2. Staff distribute a draft letter to the Human Service Advisory Committee for submission to a future council meeting

- Councillor Calvert referred to previous discussions relating to youth involvement in Council and this Committee and asked if the topic could be brought to the next meeting for discussion. Councillor Calvert advised some other councils have young people attend council meetings and speak on youth related issues.
- Mrs Hussein agreed it would be beneficial to explore young people's involvement in Council at the next meeting.
- Mrs Hussein suggested future HSAC business papers include a 'Questions with Notice' section (similar to QWN's in the Ordinary Council Meeting Business Papers) which would moderate the need for Motions.

The Committee agreed.

- Mr Laing reported staff had recently attended a Youth Summit and suggested Council's Youth Participation Officer provide input in relation to youth involvement in Council.
- Mrs Hussein referred to correspondence tabled in the business paper from Hawkesbury District Health Service - Community Board of Advice, in relation to its offer to consider the appointment of a Board representative to this Committee. Mrs Hussein advised unfortunately the Constitution does not provide for an organisation to nominate a representative on the Committee, however, there was provision in the Constitution for guest speakers to attend the meeting.
- It was agreed correspondence be forwarded to the Board outlining the Committee's position in relation to its Constitution, and inviting a guest speaker at the next meeting.
- Mrs Hussein agreed to the Committee's request to be forwarded a draft of the correspondence prior to its being sent to the Board.

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MOTION:

RESOLVED on the motion of Councillor Calvert, seconded by Mr Powers.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. Draft correspondence be prepared to the Hawkesbury District Health Service, Hawkesbury Community Board of Advice (CBoA), thanking the organisation for its offer to be considered for appointment to the HSAC and outlining the provisions of the Constitution.
2. A representative of the CBoA be invited as a guest speaker at the next Human Services Advisory Committee meeting on 5 November 2015.

oooO END OF REPORT Oooo

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section 5

notices of motion

ORDINARY MEETING

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SECTION 5 - Notices of Motion

RM **LEP006/14 - Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012 - 631 Bells Line of Road, Kurrajong - (79351, 105109, 111629)**

Submitted by: Councillor Mackay

RESCISSION MOTION:

That Council's resolution of 12 May 2015 which determined not to support a Planning Proposal in respect of 631 Bells Line of Road, Kurrajong (Item No. 69) be and is, hereby rescinded.

SUBSTANTIVE MOTION

In the event of the abovementioned Rescission Motion being successful, it is proposed to move the following motion, which adopts the Officer's recommendation to the meeting of 12 May 2015 in respect of this Planning Proposal:

That:

1. Council support the preparation of a planning proposal for Lot 1 DP 120436, 631 Bells Line of Road, Kurrajong to amend the Lot Size Map of Hawkesbury Local Environmental Plan 2012 to permit minimum lot sizes of not less than 4,000m² and 1ha on the land as shown in Attachment 1 to the report.
2. Council does not endorse any proposed subdivision layout/plan submitted with the planning proposal as this will need to be subject to a development application should the planning proposal result in making the plan.
3. The planning proposal be forwarded to the Department of Planning and Environment for a 'Gateway' determination.
4. The Department of Planning and Environment be advised that Council wishes to request a Written Authorisation to Exercise Delegation to make the Plan.
5. The Department of Planning and Environment and the applicant be advised that in addition to all other relevant planning considerations being addressed, final Council support for the proposal will only be given if Council is satisfied that satisfactory progress, either completion of the Section 94 Developer Contributions Plan or a Voluntary Planning Agreement, has been made towards resolving infrastructure provision for this planning proposal.

BACKGROUND:

When this Planning Proposal was considered by Council on 12 May 2015, the Officer's recommendation was to support the proposal as outlined in the substantive motion detailed above. Subsequently, the Council resolved not to support the Planning Proposal.

Since this time, the applicant Glenn Falson Urban and Rural Planning Consultant, has lodged a submission requesting Council to reconsider this matter. A copy of this submission, by letter dated 2 July 2015, is attached.

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Notices of Motion

As Council has determined the Planning Proposal, it would be necessary for Council's decision of 12 May 2015 to initially be rescinded if the matter is to be reconsidered by Council. Therefore, in view of the applicant's submission, I propose to move the above Rescission Motion and in the event of it being successful, to then move the Substantive Motion as also detailed above, which was the Officer's recommendation to the Council in respect of the proposal.

ATTACHMENTS:

- AT - 1** Letter of 2 July 2015 from Glenn Falson Urban and Rural Planning Consultant regarding Planning Proposal – 631 Bells Line of Road, Kurrajong

ORDINARY MEETING

Notices of Motion

AT - 1 Letter of 2 July 2015 from Glenn Falson Urban and Rural Planning Consultant regarding Planning Proposal – 631 Bells Line of Road, Kurrajong

GLENN FALSON

Urban and Rural Planning Consultant ABN 95292937939

Statutory Planning	Development Applications
Land & Environment Court	Development Feasibilities
Land Rezoning	Valuation
Flora/fauna Assessment	Bushfire assessment
Subdivision Advice	Mediation
Liquor Licensing	Architectural/building Advice
Environmental Impact Assessment	Traffic Surveys

Ref: 131146

2 July 2015

Mr P Jackson
General Manager
Hawkesbury City Council
PO Box 146
WINDSOR NSW 2756

Via email: council@nsw.gov.au

Dear Mr Jackson,

Your Ref: LEP006/14

Planning Proposal – 631 Bells Line of Road, Kurrajong

At its meeting of 12th May 2015 Council considered a Planning Proposal request to subdivide the subject land at Kurrajong. Council resolved to “not support the planning proposal”. This was despite the proposal being consistent with Council’s own Residential Land Strategy and despite the proposal being recommended for support by Council’s staff.

On behalf of my client, the landowner, I formally request that Council reconsider the proposal. The following information provides, in my view, sufficient reasons why firstly Council should reconsider the proposal and secondly why it is entirely appropriate for Council to support the proposal to at least enable it to go to the Department of Planning & Environment’s Gateway assessment.

- Council’s adopted Hawkesbury Residential Land Strategy (HRLS) indicated certain land as suitable for investigation both by description and by mapping. The subject land was identified within the HRLS for investigation.
- The land was further identified by Council in their map prepared that outlined land around the villages of Kurrajong and Kurmond. This was a further indication to both myself and my client that the subject land was worthy of a proposal to Council and of proper consideration through both the Council assessment process and that of the Department of Planning & Environment.

PO Box 3127, GROSE VALE NSW 2753
Phone: 0418 961198
Email: falson@hotmail.com.au

ORDINARY MEETING

Notices of Motion

Glenn Falson
Urban & Rural Planning Consultant

- The proposal was discussed with Council staff over a considerable period of time leading up to the proposal and also after the proposal was lodged. Due to staff involvement the lot layout was altered and further alterations were agreed upon if the proposal were to proceed.
- My client has spent many thousands of dollars obtaining reports from bushfire consultants, effluent disposal consultants, flora/fauna consultants as well as the town planning services of myself.
- My client paid the requisite application fee to Council at that time being \$16,385.00.
- This proposal has no discernible difference to other proposals supported by Council. The fact is that this proposal is consistent with all the strategic direction that Council has issued to its community over recent years. There at least should have been a reason provided as to why Council "does not support the planning proposal".
- I understand that Council has placed a "moratorium" on receipt of further planning proposals until staff has prepared structure/S94 plans for the Kurrajong/Kurmond area. During debate on my client's matter at the Council meeting this moratorium was discussed and it was inferred that my client's proposal met the relevant criteria but should now wait until the relevant structure/S94 plans were in place. I am at a loss to understand this. This is because in this case (as well as with other planning proposals that I have submitted) I have indicated all along that final approvals should wait until a S94 plan or alternatively a Voluntary Planning Agreement was in place to account for reasonable infrastructure funding that would be generated by the particular planning proposal. You will recall that I have often addressed Council to this effect. Council staff has, on the planning proposals that have been supported thus far put a condition on to this effect. The result of this meaning that proposals can't proceed to final subdivision stage until S94 matters are sorted out. This is an acceptable position which, in my view, is better than having a moratorium. It has the same end result but allows the community to have some confidence in Council's planning process and in particular the adopted HRLS that set up the ability in the first place for proper assessment of land for the further housing. Such housing is required by the State Government to be delivered by Council through the HRLS.
- The work carried out by individual landowners is a valuable data source for Council's own work in preparing structure/S94 plans but the moratorium has curtailed Council's ability to tap into this resource when no further applications are to be received. At the very least this subject planning proposal (submitted well prior to the moratorium) should be put onto the same footing as those already supported as there is no discernible environmental or procedural difference in them.
- It is understood that Hawkesbury Council, like lots of other Councils, developed their Residential Housing Strategy to meet the State Government requirement for local councils to take responsibility for implementing local planning policies to meet planning objective needs and increase the quality, diversity and quantity of

ORDINARY MEETING

Notices of Motion

Glenn Falson
Urban & Rural Planning Consultant

residential development in their area. Where Councils (including Hawkesbury) did not adopt an acceptable Residential Strategy within the timeframe required, they were to be included within a Residential Development State Environmental Planning Policy (SEPP) for the Greater Metropolitan Region. The preparation and adoption of Council's strategy and subsequent adoption by the State Government meant that Council were accepted to control its own area and were not lumped in with the broad policy for the Greater Metropolitan Area where Council would have had no say as to where development was directed. It appears to me that Council's moratorium on further applications which abandons its own Strategy, if even in the short term, is tantamount to it currently not having a strategy, therefore not complying with the State Government's direction and therefore leaving it open to having the State's Greater Metropolitan Region strategy imposed.

- I understand that this proposal is the only one submitted prior to the moratorium and recommended by Council staff that has not been supported by resolution of Council.
- There is no legal impediment to Council reconsidering this planning proposal and Council could do so on the basis of its officers report to the previous business paper and, if it needed a reason for reconsideration, could impose a condition that the lot layout be altered slightly to account for the recommended changes in that report.

There are sufficient reasons for Council to reconsider this proposal and I request that Council do so. I await your advice.

Yours faithfully,

Glenn Falson
BA; LG(Ord4); DTCP; M.EnvL; MPIA

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING

Notices of Motion

ORDINARY MEETING**Questions for Next Meeting****QUESTIONS FOR NEXT MEETING****Councillor Questions from Previous Meetings and Responses - (79351)**

REPORT:**Questions - 25 August 2015**

#	Councillor	Question	Response
1	Calvert	Enquired if the Local Traffic Committee could review the parking on the north side of Riverview Street, North Richmond.	The Director Infrastructure Services advised that the matter would be investigated and referred to the Local Traffic Committee as appropriate.
2	Calvert	Enquired is Council staff could liaise with the Women's Cottage to assist with the search for a new venue.	The Acting Director Support Services advised that staff have met with Women's Cottage representatives regarding this matter. The Women's Cottage advised that they will be seeking funding from appropriate bodies to extend the current premises. They advised a long-term lease granted by Council would facilitate application for funding and a proposal to this effect will be forwarded for Council's consideration in due course.
3	Calvert	Enquired if Council has actioned the Notice of Motion raised at the meeting of 26 May 2015 requesting that a Domestic Violence industrial clause for Council staff, has been put in place.	The General Manager advised that an appropriate Operational Management Standard had been developed to facilitate providing a supportive environment whereby victims of domestic violence are encouraged to come forward for help and support. Following consultation with the Staff Consultative Committee, the Operational Management Standard had been adopted for the organisation.

ORDINARY MEETING**Questions for Next Meeting**

#	Councillor	Question	Response
4	Paine	Requested an update on the meeting that was held between Council staff and a Member of Parliament regarding \$3 million funding being available towards tourism.	The General Manager advised that Council's staff were not involved in a meeting with the Member for Hawkesbury, during the week commencing 24 August 2015 concerning this matter. However, the matter has previously been discussed by the Mayor and Council staff with the Member for Hawkesbury and it has been advised that further information would be forwarded to Council by the Member and/or Destination NSW in due course.
5	Paine	Requested a timeframe for the report on the Windsor Mall, which resulted from the Notice of Motion raised at the Ordinary meeting of 26 May 2015, to be brought to Council.	The Director Infrastructure Services advised that investigations are in progress and it is anticipated that the report will be presented to Council by mid-November.
6	Lyons-Buckett	Enquired if there is a problem with Council's website as DA Tracker is not providing the support documentation for the application status.	The Director City Planning advised that due to a recent Corporate system upgrade the DA Tracker did not display the documents attached to development applications between 22 and 25 August. This matter has now been rectified.
7	Lyons-Buckett	Requested that Councillors receive a copy of any development applications for the Redbank development.	The Director City Planning advised that these development applications are substantial documents that contain several specialist reports. All related development application documents are available for viewing and downloading by Councillors and the general public via Council's DA Tracker.

oooO END OF REPORT Oooo

ORDINARY MEETING
CONFIDENTIAL REPORTS

CONFIDENTIAL REPORTS

Item: 149 **IS - Operation, Maintenance and Expansion of a Landfill Gas Flare Project at Hawkesbury City Waste Management Facility - Negotiation Outcomes - (95495, 112179) CONFIDENTIAL**

Previous Item: 131, Ordinary (11 August 2015)

Reason for Confidentiality

*This report is **CONFIDENTIAL** in accordance with the provisions of Part 1 of Chapter 4 of the Local Government Act, 1993, and the matters dealt with in this report are to be considered while the meeting is closed to the press and the public.*

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(d)(i) of the Act as it relates to information regarding commercial negotiations and the information is regarded as being commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

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

ORDINARY MEETING
CONFIDENTIAL REPORTS

Item: 150 **SS - Property Matter - Lease to The Minister Administering the National Parks and Wildlife Act for "Bowman Cottage", 368-370 Windsor Street, Richmond - (73888, 134759, 112106, 95496) CONFIDENTIAL**

Reason for Confidentiality

*This report is **CONFIDENTIAL** in accordance with the provisions of Part 1 of Chapter 4 of the Local Government Act, 1993, and the matters dealt with in this report are to be considered while the meeting is closed to the press and the public.*

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(c) of the Act 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.

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

ORDINARY MEETING
CONFIDENTIAL REPORTS

Item: 151 **MM - Staff Matter - (79353) CONFIDENTIAL**

Reason for Confidentiality

*This report is **CONFIDENTIAL** in accordance with the provisions of Part 1 of Chapter 4 of the Local Government Act, 1993, and the matters dealt with in this report are to be considered while the meeting is closed to the press and the public.*

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(a) of the Act as it relates to personnel matters concerning particular individuals (other than councillors).

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



ordinary
meeting

end of
business
paper

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