



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 8 September 2015

location: council chambers

time: 6:30 p.m.

ORDINARY MEETING

Minutes: 8 September 2015

MINUTES

– **WELCOME**

Prayer

Acknowledgement of Indigenous Heritage

– **APOLOGIES AND LEAVE OF ABSENCE**

– **DECLARATION OF INTERESTS**

– **SECTION 1 - Confirmation of Minutes**

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

– **SECTION 2 - Mayoral Minutes**

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

– **SECTION 3 - Reports for Determination**

Planning Decisions

General Manager

City Planning

Infrastructure Services

Support Services

– **SECTION 4 - Reports of Committees**

– **SECTION 5 - Notices of Motion**

– **QUESTIONS FOR NEXT MEETING**

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

ORDINARY MEETING

Minutes: 8 September 2015

ORDINARY MEETING**Minutes: 8 September 2015****TABLE OF CONTENTS**

ITEM	SUBJECT	PAGE
	ATTENDANCE	4
	APOLOGIES	4
	SECTION 1 - Confirmation of Minutes	4
	SECTION 3 - Reports for Determination	5
	PLANNING DECISIONS	5
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)	5
	GENERAL MANAGER	24
Item: 147	GM - 2015 National Sister Cities Conference (79351, 110165)	24
	INFRASTRUCTURE SERVICES	25
Item: 148	IS - Webers Circus - Application for McQuade Park - (95495, 79354, 123404)	25
	SECTION 4 - Reports of Committees	26
ROC	Human Services Advisory Committee Minutes - 30 July 2015 - (123486)	26
	SECTION 5 - Notices of Motion	27
RM	LEP006/14 - Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012 - 631 Bells Line of Road, Kurrajong - (79351, 105109, 111629)	27
	QUESTIONS FOR NEXT MEETING	29
	Councillor Questions from Previous Meetings and Responses - (79351)	29
	Questions for Next Meeting	30
	CONFIDENTIAL REPORTS	31
Item: 149	IS - Operation, Maintenance and Expansion of a Landfill Gas Flare Project at Hawkesbury City Waste Management Facility - Negotiation Outcomes - (95495, 112179) CONFIDENTIAL	33
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	34
Item: 151	MM - Staff Matter - General Manager's Performance Review 2014-2015 - (79353) CONFIDENTIAL	35

ORDINARY MEETING

Minutes: 8 September 2015

Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on 8 September 2015, commencing at 6:31pm.

Father Joseph Thomas of St Matthew Catholic Church, Windsor, representing the Hawkesbury Minister's Association, gave the opening prayer at the commencement of the meeting.

ATTENDANCE

PRESENT: Councillor K Ford, Mayor, Councillor B Porter, Deputy Mayor and Councillors B Calvert, P Conolly, M Creed, M Lyons-Buckett, Dr W Mackay (OAM), J Reardon and T Tree.

ALSO PRESENT: General Manager - Peter Jackson, Director City Planning - Matt Owens, Director Infrastructure Services - Jeff Organ, Acting Director Support Services - Emma Galea, Executive Manager - Community Partnerships - Joseph Litwin, Development Services Manager - Cristie Evenhuis, Manager Corporate Services and Governance - Abbey Rouse and Administrative Support Coordinator - Natasha Martin.

APOLOGIES

Apologies for absence were received from Councillors C Paine and L Williams.

244 RESOLUTION:

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

SECTION 1 - Confirmation of Minutes

245 RESOLUTION:

RESOLVED on the motion of Councillor Porter and seconded by Councillor Reardon that the Minutes of the Ordinary Meeting held on the 25 August 2015, be confirmed.

ORDINARY MEETING

Meeting Date: 08 September 2015

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)**

Councillor Conolly declared a less than significant non-pecuniary conflict of interest in this matter as an associate of the applicant has made political donations to the NSW Liberal Party, however the donations have been directed to the NSW Liberal Party Head Office and did not benefit Councillor Conolly or his campaign and as such, no further action is required.

Mr Walter Kullen addressed Council, speaking for the item.
Ms Kim Smith and Mr Bill Sneddon addressed Council, speaking against the item.

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

That Council as the consent authority pursuant to Clause 80(1) of the Environmental Planning and Assessment Act 1979 (as amended) issue 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:

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 Council within seven days of issuing the certificate. A registration fee applies.
8. 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.

ORDINARY MEETING

Meeting Date: 08 September 2015

9. Inspections and Compliance Certificates for sewer works can only be conducted and issued by Council.
10. To minimise any potential conflict between cars exiting the drive-thru and leaving the site via Blacktown Road, the five parking spaces in front of the building shall be deleted.
11. The 6m high freestanding pylon sign is not included as part of this consent.

Should a freestanding pylon sign be proposed as part of another application that sign must make provision for 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 two additional tenants for the site.

12. The proposed advertisement banner between the two flag poles is not included as part of this consent.

Prior to Issue of Design Compliance Certificate or Construction Certificate

13. 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 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).

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.

14. 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.
15. Trade waste details are to be submitted to and approved by Council's Waste Management Branch prior to the release of the construction certificate.
16. 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.
17. 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.
18. 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.

ORDINARY MEETING

Meeting Date: 08 September 2015

19. 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.
20. 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.
21. 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.

22. 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.
23. 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.
24. 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.
25. Retaining walls are to be designed by a suitably qualified and experienced structural engineer.

Prior to Commencement of Works

26. All traffic management devices shall be installed and maintained in accordance with the approved traffic management plan.
27. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.
28. The applicant shall advise Council of the name, address and contact number of the principal certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1979.
29. 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.
30. 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.
31. No excavated material, including soil, shall be removed from the site.
32. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
33. 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.

ORDINARY MEETING

Meeting Date: 08 September 2015

34. Disabled parking shall be provided in accordance with AS2890.6. 2009.
35. 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.
36. 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.
37. 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.
38. 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 .
39. 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.
40. 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.
41. 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

42. 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.
43. 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.

ORDINARY MEETING

Meeting Date: 08 September 2015

44. 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.
45. 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.

46. All necessary works to be carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
47. 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.
48. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
49. 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.
50. 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.
51. 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.
52. 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.
53. 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.
54. 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.
55. Any damage to the concrete footpath and kerb and gutter along the George Street frontage is to be repaired by the developer at no cost to Council.
56. Landscaping shall be completed in accordance with the landscaping plan submitted with the application.

ORDINARY MEETING

Meeting Date: 08 September 2015

57. The site shall be secured to prevent the depositing of any unauthorised material.
58. 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.
59. 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.
60. All trucks entering or leaving the site shall have their trays suitably covered to prevent spillage from the truck onto the road.
61. Vehicle entrances and exits shall be clearly signposted, including street number, and visible from both the street and site at all times.
62. The filled areas, including batters, shall be grassed immediately after filling takes place.
63. Noise and acoustic measures are to be undertaken in accordance with Noise Assessment, prepared by Atkins Acoustics, December 2014.
64. 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*'.
65. 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.
66. 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.
67. 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.
68. 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.
69. 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

70. 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.
71. A Trade Waste Agreement must be entered into with the Council for the discharge of trade waste to Council's sewer.

ORDINARY MEETING

Meeting Date: 08 September 2015

72. 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.
73. 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.
74. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
75. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
76. 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.
77. 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.

78. 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.
79. 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

80. The restaurant shall be registered with Council as a food premises.
81. No internal or external alterations shall be carried out without prior approval of Council.
82. The subject development, including landscaping, is to be maintained in a clean and tidy manner.

ORDINARY MEETING

Meeting Date: 08 September 2015

83. 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

84. Notwithstanding Condition 83 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 12 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 83 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.

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.

85. 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 residential receiver in the day, evening and night (defined by the NSW EPA Industrial Noise Policy).
86. 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.
87. 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.
88. 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
 - 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.
89. 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.
90. 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.
91. Individual air conditioning, refrigeration and exhaust fan units for the McDonalds restaurant are to be located behind the approved/constructed roof parapets.
92. All vehicles being loaded or unloaded shall stand entirely within the property.
93. All vehicles shall be driven in a forward direction at all times when entering and leaving the premises.

ORDINARY MEETING

Meeting Date: 08 September 2015

94. 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.
- *** 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.

ORDINARY MEETING

Meeting Date: 08 September 2015

An AMENDMENT was moved by Councillor Calvert, seconded by Councillor Lyons-Buckett.

That the matter be deferred for a site visit.

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

For the Amendment	Against the Amendment
Councillor Calvert	Councillor Creed
Councillor Conolly	Councillor Ford
Councillor Lyons-Buckett	Councillor Mackay
	Councillor Porter
	Councillor Reardon
	Councillor Tree

Councillors Paine, Rasmussen and Williams were absent from the meeting.

The amendment was lost.

The motion was put and carried.

MOTION:

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

Refer to RESOLUTION

246 RESOLUTION:

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

That Council as the consent authority pursuant to Clause 80(1) of the Environmental Planning and Assessment Act 1979 (as amended) issue 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:

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

ORDINARY MEETING

Meeting Date: 08 September 2015

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 Council within seven days of issuing the certificate. A registration fee applies.
8. 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.
10. To minimise any potential conflict between cars exiting the drive-thru and leaving the site via Blacktown Road, the five parking spaces in front of the building shall be deleted.
11. The 6m high freestanding pylon sign is not included as part of this consent.

Should a freestanding pylon sign be proposed as part of another application that sign must make provision for 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 two additional tenants for the site.

12. The proposed advertisement banner between the two flag poles is not included as part of this consent.

Prior to Issue of Design Compliance Certificate or Construction Certificate

13. 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 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).

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.

14. 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.
15. Trade waste details are to be submitted to and approved by Council's Waste Management Branch prior to the release of the construction certificate.
16. 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.

ORDINARY MEETING

Meeting Date: 08 September 2015

17. 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.
18. 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.
19. 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.
20. 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.
21. 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.
22. 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.
23. 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.
24. 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.
25. Retaining walls are to be designed by a suitably qualified and experienced structural engineer.

Prior to Commencement of Works

26. All traffic management devices shall be installed and maintained in accordance with the approved traffic management plan.
27. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.
28. The applicant shall advise Council of the name, address and contact number of the principal certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1979.

ORDINARY MEETING

Meeting Date: 08 September 2015

29. 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.
30. 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.
31. No excavated material, including soil, shall be removed from the site.
32. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
33. 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.
34. Disabled parking shall be provided in accordance with AS2890.6. 2009.
35. 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.
36. 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.
37. 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.
38. 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 .
39. 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.
40. 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.
41. 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

42. 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.

ORDINARY MEETING

Meeting Date: 08 September 2015

43. 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.
44. 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.
45. 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.

46. All necessary works to be carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
47. 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.
48. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
49. 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.
50. 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.
51. 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.
52. 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.

ORDINARY MEETING

Meeting Date: 08 September 2015

53. 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.
54. 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.
55. Any damage to the concrete footpath and kerb and gutter along the George Street frontage is to be repaired by the developer at no cost to Council.
56. Landscaping shall be completed in accordance with the landscaping plan submitted with the application.
57. The site shall be secured to prevent the depositing of any unauthorised material.
58. 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.
59. 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.
60. All trucks entering or leaving the site shall have their trays suitably covered to prevent spillage from the truck onto the road.
61. Vehicle entrances and exits shall be clearly signposted, including street number, and visible from both the street and site at all times.
62. The filled areas, including batters, shall be grassed immediately after filling takes place.
63. Noise and acoustic measures are to be undertaken in accordance with Noise Assessment, prepared by Atkins Acoustics, December 2014.
64. 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*'.
65. 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.
66. 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.
67. 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.

ORDINARY MEETING

Meeting Date: 08 September 2015

68. 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.
69. 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

70. 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.
71. A Trade Waste Agreement must be entered into with the Council for the discharge of trade waste to Council's sewer.
72. 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.
73. 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.
74. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
75. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
76. 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.
77. 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.
78. 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.
79. 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

ORDINARY MEETING

Meeting Date: 08 September 2015

- 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

- 80. The restaurant shall be registered with Council as a food premises.
- 81. No internal or external alterations shall be carried out without prior approval of Council.
- 82. The subject development, including landscaping, is to be maintained in a clean and tidy manner.
- 83. 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

- 84. Notwithstanding Condition 83 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 12 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 83 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.

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.

- 85. 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 residential receiver in the day, evening and night (defined by the NSW EPA Industrial Noise Policy).
- 86. 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.
- 87. 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.

ORDINARY MEETING

Meeting Date: 08 September 2015

88. 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
 - 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.
89. 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.
90. 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.
91. Individual air conditioning, refrigeration and exhaust fan units for the McDonalds restaurant are to be located behind the approved/constructed roof parapets.
92. All vehicles being loaded or unloaded shall stand entirely within the property.
93. All vehicles shall be driven in a forward direction at all times when entering and leaving the premises.
94. 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.
- *** 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.

ORDINARY MEETING

Meeting Date: 08 September 2015

- *** 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.

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

For the Motion	Against the Motion
Councillor Creed	Councillor Calvert
Councillor Ford	Councillor Conolly
Councillor Mackay	Councillor Lyons-Buckett
Councillor Porter	
Councillor Reardon	
Councillor Tree	

Councillors Paine, Rasmussen and Williams were absent from the meeting.

ORDINARY MEETING

Meeting Date: 08 September 2015

GENERAL MANAGER

Item: 147

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

MOTION:

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

Refer to RESOLUTION

247 RESOLUTION:

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

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 and that Councillors Calvert and Paine attend the 2015 National Sister Cities Conference as Council's nominated delegates.

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)

Ms Neva Hartman addressed Council, speaking against the item.

MOTION:

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

Refer to RESOLUTION

248 RESOLUTION:

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

That:

1. The Webers Circus be given approval for use of McQuade Park between Monday, 23 May 2016 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.

ORDINARY MEETING

Meeting Date: 08 September 2015

SECTION 4 - Reports of Committees

ROC

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

249 RESOLUTION:

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

That the minutes of the Human Services Advisory Committee held on 30 July 2015 as recorded on pages 47 to 52 of the Ordinary Business Paper be received.

ORDINARY MEETING

Meeting Date: 08 September 2015

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)**

MOTION:

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

Refer to RESOLUTION

250 RESOLUTION:

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

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.

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

For the Motion	Against the Motion
Councillor Conolly	Councillor Calvert
Councillor Creed	Councillor Lyons-Buckett
Councillor Ford	Councillor Reardon
Councillor Mackay	
Councillor Porter	
Councillor Tree	

Councillors Paine, Rasmussen and Williams were absent from the meeting.

ORDINARY MEETING

Meeting Date: 08 September 2015

MOTION:

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

Refer to RESOLUTION

251 RESOLUTION:

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

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, subject to the repayment of any fee that has been refunded to the applicant.
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.

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

For the Motion	Against the Motion
Councillor Conolly	Councillor Calvert
Councillor Creed	Councillor Lyons-Buckett
Councillor Ford	Councillor Reardon
Councillor Mackay	
Councillor Porter	
Councillor Tree	

Councillors Paine, Rasmussen and Williams were absent from the meeting.

ORDINARY MEETING

Meeting Date: 08 September 2015

QUESTIONS FOR NEXT MEETING

Councillor Questions from Previous Meetings and Responses - (79351)

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

ORDINARY MEETING**Meeting Date:** 08 September 2015**Questions for Next Meeting**

#	Councillor	Question	Response
1	Creed	Requested that future Rescission Motions include the previous reports in the business paper for review.	General Manager
2	Creed	Requested that future business papers be printed double sided.	Director Support Services
3	Reardon	Requested the results of the disabled parking survey at North Richmond shopping centre.	Director infrastructure Services
4	Calvert	Enquired if the RFS could be requested to nominate additional neighbourhood safe zones during bushfires in the North Richmond area.	Director infrastructure Services
5	Calvert	Enquired if Council contracted Tenderers employ staff according to appropriate award wages and if Council is able to determine that such staff are paid appropriately.	Director Support Services

ORDINARY MEETING

Meeting Date: 08 September 2015

CONFIDENTIAL REPORTS

252 RESOLUTION:

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

That:

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

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

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d)(i) of the Local Government Act, 1993 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.*

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)

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

Item: 151 MM - Staff Matter - (79353)

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

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

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

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

253 RESOLUTION:

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

ORDINARY MEETING

Meeting Date: 08 September 2015

254 RESOLUTION:

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

That:

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

Item: 151 MM - Staff Matter - (79353)

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

255 RESOLUTION:

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

ORDINARY MEETING

Meeting Date: 08 September 2015

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)

MOTION:

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

Refer to RESOLUTION

256 RESOLUTION:

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

That

1. The information contained in the report on the contract for the Operation, Maintenance and Expansion of a Landfill Gas Flare Project at Hawkesbury City Waste Management Facility - Negotiation Outcomes be noted and endorsed.
2. The offer of Landfill Gas Industries Pty Ltd for operation and maintenance of a gas flaring system at Hawkesbury City Waste Management Facility be accepted.
3. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.

ORDINARY MEETING

Meeting Date: 08 September 2015

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**

MOTION:

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

Refer to RESOLUTION

257 RESOLUTION:

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

That:

1. Council agree to enter into a new lease with The Minister Administering the National Parks and Wildlife Act in regard to "Bowman Cottage" 368-370 Windsor Street, Richmond, in accordance with the proposal outlined in this report.
2. Authority be given for any documentation with this matter to be executed under the Seal of Council.
3. Details of Council's resolution be conveyed to the proposed Lessee, together with the advice that Council is not, and will not be bound by the terms of its resolution, until such time as appropriate legal documentation to put such resolution into effect has been agreed to and executed by all parties.

ORDINARY MEETING

Meeting Date: 08 September 2015

Item: 151 MM - Staff Matter - General Manager's Performance Review 2014-2015 - (79353)
CONFIDENTIAL

The General Manager and all staff left the meeting during consideration of this item.

MOTION:

The Mayor advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Porter, seconded by Councillor Conolly.

Refer to RESOLUTION

258 RESOLUTION:

The Mayor advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Porter, seconded by Councillor Conolly.

That the Mayoral Minute regarding the 2014/2015 annual review of the General Manager's Performance Agreement by the General Manager's Performance Review Panel be received and noted.

The meeting terminated at 8:22pm.

Submitted to and confirmed at the Ordinary meeting held on 29 September 2015.

.....
Mayor