



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 10 September 2013

location: council chambers

time: 6:30 p.m.

ORDINARY MEETING

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Acknowledgement of Indigenous Heritage

– **APOLOGIES AND LEAVE OF ABSENCE**

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– **MINUTE ITEMS SUBJECT TO PUBLIC ADDRESS**

– **SECTION 2 - Mayoral Minutes**

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

– **SECTION 3 - Reports for Determination**

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– **SECTION 4 - Reports of Committees**

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 10 September 2013, commencing at 6:31pm.

Father Arthur Cook of St Matthews 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 T Tree, Deputy Mayor and Councillors P Conolly, M Creed, M Lyons-Buckett, W. Mackay, C Paine, B Porter, P. Rasmussen, J Reardon and L Williams.

ALSO PRESENT: General Manager - Peter Jackson, Manager Planning – Shari Hussein, Director Infrastructure Services - Jeff Organ, Acting Director Support Services – Emma Galea, Executive Manager - Community Partnerships - Joseph Litwin, Manager Corporate Services and Governance - Abbey Rouse and Administrative Support Team Leaders - Bianca James and Natasha Martin.

APOLOGIES

An apology for absence was received from Councillor Calvert.

296 RESOLUTION:

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

Councillor Mackay arrived at the meeting at 6:34pm.
Councillor Rasmussen arrived at the meeting at 6:46pm.

SECTION 1: Confirmation of Minutes

297 RESOLUTION:

RESOLVED on the motion of Councillor Porter and seconded by Councillor Paine that the Minutes of the Ordinary Meeting held on the 27 August 2013, be confirmed.

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SECTION 3 - Reports for Determination

PLANNING DECISIONS

Item: 179 CP - DA0631/12 - Lot 2 DP 1148514 - 741 George Street, South Windsor - Service Station - Construction and operation - (95498, 116986, 4511)

Mr John Murphy, speaking against the recommendation, addressed Council.

MOTION:

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

Refer to RESOLUTION

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

That the matter be deferred until a detailed landscaping plan for the whole of the site is prepared to satisfy Section 7.4.5 of Part E Chapter 7 of the Hawkesbury Development Control Plan 2002 and has been submitted to Council.

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

Councillor Calvert was absent from the meeting.

The amendment was lost.

The motion was put and carried.

298 RESOLUTION:

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

That Council as the consent authority pursuant to Clause 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) issue a "Deferred Commencement" consent to Development Application No. DA0631/12 for the construction and operation of a service station on Lot 12 DP: 1184975, known as 741 George Street, South Windsor, subject to the following conditions:

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Schedule 1 – Deferred Commencement Consent

Hawkesbury City Council as the consent authority pursuant to Clause 80(3) of the Environmental Planning and Assessment Act 1979 grants “Deferred Commencement” consent to Development Application No. DA0631/12 for:

Service Station – Construction and operation of a service station subject to the following matters being satisfied:

- A. A full suite of plans shall be provided indicating the site’s amended boundaries.
- B. A detailed plan (including long section and cross-sections) of the vehicular crossing and driveway servicing Blacktown Road shall be provided. This plan shall include levels to Australian Height Datum (AHD) and indicate the extent of cut and fill required to accommodate the driveway.

The design and grade of the driveway is to comply with Section 3.4 of AS2890.2:2002.

- C. A detailed landscaping plan for the whole of the site shall be prepared to satisfy Section 7.4.5 of Part E Chapter 7 of the Hawkesbury Development Control Plan 2002.

This landscaping plan is to clearly detail trees to be retained, trees to be removed and trees to be planted.

The plan is to incorporate the recommendations of the Arborist Report prepared by McArdle Arboricultural, as well as consider the cut/fill required to accommodate the Blacktown Road driveway.

The revegetation works to the west of the site are to consist of Cumberland Plain Woodland species (in particular Forrest Red Gums [*Eucalyptus tereticornis*]), whilst the landscaping immediately adjacent to the service station shop, fuelling areas and car park is to consist of native vegetation only.

The trees and plants used for the western revegetation works are to consist of a variety of vegetation layers, including trees, shrubs, groundcovers and grasses, and must be of a local provenance.

Revegetation works are to be undertaken at the rate of three trees planted for every one tree removed. Trees used for revegetation are to be planted in clumps as opposed to rows.

- D. Amended plans shall be provided for the service station shop demonstrating compliance with Clauses 7.4.1(2), (4) and (5) of Part E Chapter 7 of the Hawkesbury Development Control Plan 2002.
- E. The pylon sign is to have a maximum height of 6m to satisfy Clause 7.4.6(2) of Part E Chapter 7 of the Hawkesbury Development Control Plan 2002.
- F. 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.
- G. The right of carriageway to 739 George Street (Lot 11 in DP: 1184975) made unviable by the development is to be extinguished and a new right of carriageway created as required.

The information to satisfy these requirements must be submitted to Hawkesbury City Council within 12 months of the date of this consent.

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Upon Council's written approval of satisfactory compliance with the "Deferred Commencement" matter listed above, the development consent will become operative, subject to the conditions detailed in Schedule 2 below.

Schedule 2 – Proposed Operational Conditions (Subject to minor changes following satisfactory compliance with Schedule 1 conditions)

Roads and Maritime Conditions

1. The design and construction of the vehicular crossings on George Street and Blacktown Road shall be in accordance with the Roads and Maritime Services' (RMS) requirements. Details of these requirements should be obtained from the RMS' Project Services Manager, Traffic Projects Section, Parramatta (Telephone: (02) 8849 2496).

Detailed design plans of the vehicular crossings are to be submitted to RMS for approval prior to the commencement of any road works.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by RMS.

2. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control shall be submitted to Council prior to the issue of a construction certificate.
3. The swept path of the longest vehicle (to service the site) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTRROADS. In this regard, a plan shall be submitted to RMS and Council for approval, which shows that the development complies with this requirement.
4. The layout of the car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS2890.1:2004.
5. No construction zones will be permitted on George Street and Blacktown Road in the vicinity of the site.
6. Any proposed temporary road closures will require the applicant to apply for a Roads Occupancy License by contacting the Transport Management Centre's Planned Incidents Unit on (02) 8396 1513 during office hours (8:00am-4:00pm) or 131 700 after hours.
7. Post development storm water discharge from the subject site into the RMS drainage system shall not exceed the pre-development discharge.

Details shall be forwarded to:

Sydney Asset Management
Roads and Maritime Services
PO BOX 973
PARRAMATTA CBD NSW 2124

8. The developer is to submit detailed design drawings and documents relating to the excavation of the site and support structures to RMS for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six weeks prior to commencement of construction and is to meet the full cost of the assessment by RMS.

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The report and any enquiries should be forwarded to:

Project Engineer, External Works
Sydney Asset Management
Roads and Maritime Services
PARRAMATTA CBD NSW 2124

Telephone: (02) 8848 2114
Fax: (02) 8849 2766

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

9. All works/regulatory signposting associated with the development are to be at no cost to the RMS.
10. Any landscaping and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpath.
11. All vehicles are to enter and leave the site in a forward direction.
12. All vehicles are to be wholly contained on site before being required to stop.

General Conditions

13. The development shall take place in accordance with drawing numbers, specifications and accompanying documentation:
 - P1360-A100AU Rev 'A' prepared by Caltex and dated 9 August 2013;
 - P1360-A100 Rev 'D' prepared by Caltex and dated 21 December 2012;
 - P1360-A200 Rev 'A' prepared by Caltex and dated 27 November 2012;
 - P1360-A201 Rev 'A' prepared by Caltex and dated 27 November 2012;
 - P1360-A202 Rev 'A' prepared by Caltex and dated 27 November 2012;
 - P1360-A310 Rev 'A' prepared by Caltex and dated 27 November 2012;
 - P1360-A311 Rev 'A' prepared by Caltex and dated 27 November 2012;
 - P1360-A312 Rev 'A' prepared by Caltex and dated 27 November 2012;
 - P1360-A320 Rev 'A' prepared by Caltex and dated 27 November 2012;
 - P1360-A321 Rev 'A' prepared by Caltex and dated 27 November 2012;
 - P1360-S100 Rev 'E' prepared by Caltex and dated 21 December 2012;
 - P1360-S110 Rev 'B' prepared by Caltex and dated 21 December 2012;
 - P1360-S111 Rev 'B' prepared by Caltex and dated 21 December 2012;
 - P1360-S112 Rev 'A' prepared by Caltex and dated 27 November 2012;
 - C01 Rev 'P1' prepared by Xavier Knight Consulting Engineers and dated 17 December 2012;
 - C02 Rev 'P1' prepared by Xavier Knight Consulting Engineers and dated 17 December 2012;
 - Environmental Noise Impact Report (5018-1 Rev 'B') prepared by Day Design Pty Ltd and dated 20 December 2012; and
 - Arborist Report prepared by McArdle Arboricultural Pty Ltd and dated 17 December 2012.

... except as modified by these further conditions.
14. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate (Building and Civil [Engineering]).
15. The building shall not be used or occupied prior to the issue of an Occupation Certificate.

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16. The development shall comply with the provisions of the Building Code of Australia (BCA)/National Construction Code.
17. The development shall comply with the Disability (Access to Premises – Buildings) Standards 2010.
18. The development shall incorporate the recommendations of the Crime Risk Assessment Report prepared by Hawkesbury Local Area Command.
19. 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.
20. This development falls within the Sewerage Scheme, controlled by Hawkesbury City Council. Therefore Hawkesbury City Council is the approving authority for all sewer works.

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

21. All vegetative debris (including felled trees) resulting from the approved clearing of the site for construction is to be chipped or mulched. Tree trunks are to be recovered for posts, firewood or other appropriate use. No vegetative material is to be disposed of by burning.

Prior to Issue of Construction Certificate

22. Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979 and Hawkesbury City Council's Section 94A Development Contributions Plan 2006 (as amended from time to time), a contribution of \$15,000 shall be paid to Hawkesbury City Council. This fee is based on the supplied value-of-works of \$1,500,000.

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

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

23. 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.
24. Payment of a Construction certificate checking fee of \$305.35 and a Compliance Certificate inspection fee of \$508.13 when submitting the on- site storm water detention plans for approval. This amount is valid until 30 June 2014. Fees required if an accredited certifier is used will be provided on request.
25. Construction of the on-site storm water detention are not to commence until three copies of the plans and specifications of the prop posed works are submitted to and approved by the Director of City Planning or an Accredited Certifier.
26. Trade waste details are to be submitted to and approved by Hawkesbury City Council's Waste Management Branch prior to the release of the construction certificate.

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The development is subject to the LWU 13 Regulation issued by the Office of Water. Spills, wash downs and other wastewater from the refuelling bays cannot be sent to the sewer via an oil/water separator and instead must be collected in a blind pit or tank and then be pumped out and removed from the site.

27. 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 Hawkesbury City Council's Waste Management Branch for assessment and approval. Fees apply.
28. The applicant must submit a copy of approved plans associated with the Major/Minor Sewer Works application to the Principal Certifying Authority (PCA) whether it is Hawkesbury City Council's Development Branch or a Private Certifier. This plan must be marked with a green stamp (Sewer Works Approved for Design Only), signed and dated.
29. A Traffic Guidance Scheme prepared in accordance with AS1742-3 2002 by an appropriately qualified person shall be submitted to Council. Where the works affect Roads and Maritime Services controlled roads, the traffic guidance scheme is to be approved by the Roads and Maritime Services before submission to Council.
30. Retaining walls are to be designed by a suitably qualified and experienced structural engineer.
31. An Environmental Management and Rehabilitation Plan for the development site shall be prepared by an appropriately qualified person and submitted to the Principle Certifying Authority. The Plan shall address (without being limited to) the clearing of vegetation, lopping and removal of trees, earthworks, erosion control, site rehabilitation and landscaping.

All site works shall be carried out in accordance with the Plan. Implementation of the Plan shall be supervised by an appropriately qualified person.

Prior to Commencement of Works

32. At least two days prior to the commencement of works notice is to be given to Hawkesbury City Council in accordance with the Environmental Planning and Assessment Regulation 2000.
33. The applicant shall advise Council of the name, address and contact number of the Principal Certifying Authority (PCA) in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act 1979.
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 (PCA).
35. A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Principal Certifying Authority (PCA) prior to any works commencing on site.
36. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Any such facilities shall be located wholly within the property boundary.
37. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.

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38. All traffic management devices shall be installed and maintained in accordance with the approved traffic management plan.
39. 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.
40. 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

41. 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.
42. The site shall be kept clean and tidy during the works and all unused building materials and rubbish shall be removed from the site upon the completion of the project. The following restrictions apply during the works:
 - (a) The site shall be secured to prevent the depositing of any unauthorised material.
 - (b) Dust control measures, e.g. vegetative cover, mulches, irrigation, barriers and stone, shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
 - (c) Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
 - (d) 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.
 - (e) Building operations shall be undertaken only within the site.
43. All constructed batters are to be topsoiled and turfed and where batters exceed a ratio of three horizontal to one vertical, retaining walls, stone flagging or terracing shall be constructed.
44. 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; and
 - (b) if necessary, must underpin and support the building in an approved manner; and
 - (c) must, at least seven days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected 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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45. Compliance certificates (known as Part 4A Certificates) are to be issued for Critical Stage inspections by the nominated Principal Certifying Authority (PCA) as required by Section 109E(3)(d) of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000.
46. Off-street car parking spaces, together with access driveways and turning areas, shall be constructed, paved, line marked, signposted and maintained, as shown on the approved plan.
47. Vehicle entrances and exits shall be clearly signposted, including street number, and visible from both the street and site at all times.
48. Disabled parking shall be provided in accordance with AS2890.6.
49. Noise and acoustic measures are to be undertaken in accordance with Section 6 of the Environmental Noise Impact Report (5018-1 Rev 'B') prepared by Day Design Pty Ltd and dated 20 December 2012.
50. Tree removal and works are to be undertaken in accordance with the Arborist Report prepared by McArdle Arboricultural Pty Ltd and dated 17 December 2012. Tree Protection Zones (TPZ) are to be established and a qualified arborist shall be present to direct any excavation within the TPZ of trees to be retained.
51. The fuel tank, pump and decanting areas are to be bunded, graded and roofed so as to direct water and waste to a blind pit or tank.
52. Bunding is to be designed and installed in accordance with:
 - (a) Department of Environment and Conservation Guidelines 'Technical BU Bunding and Spill Management';
 - (b) Department of Environment and Conservation Guidelines 'Surface water management on the covered forecourt areas of service stations';
 - (c) Australian Standard AS1940:1993 'The storage and handling of flammable and combustible liquids'; and
 - (d) Australian Standard/New Zealand Standard AS/NZ4681:2000 'The storage and handling of Class 9 (miscellaneous) dangerous goods and articles'.
53. The forecourt area shall be bunded, by way of speed humps and the like, to prevent any contaminated water entering the stormwater system. This area shall be drained to a blind pit or tank.
54. The underground fuel tanks and the associated pipe works shall be installed in accordance with Australian Standard AS1940:1993 'Storage and Handling of Flammable and Combustible Liquids'.

A Compliance Certificate certifying that the tanks and pipe work have been appropriately installed is to be obtained prior to backfilling.
55. 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'.

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56. Portable fire extinguishers containing an extinguishing agent suitable for the risk being protected shall be installed in accordance with AS 2444 and Part E1.6 of the BCA in the following locations:
 - (a) Car and Truck Canopies;
 - (b) Retail Shop.
57. Landscaping shall be completed as shown on the approved landscaping plan.
58. 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.
59. 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.
60. Access driveways are to be designed and constructed in accordance with the relevant requirements of Section 3.4 of AS2890.2:2002.
61. Inspections and Compliance Certificates for sewer works can only be conducted and issued by Hawkesbury City Council.
 - In the case of any sewer work constructed under a Major/Minor Sewer Works application, the inspection must be conducted by Hawkesbury City Council's Waste Management Branch. A compliance certificate will not be issued until Works as Executed information has been received, assessed and approved by the Waste Management Branch. Please phone (02) 4560 4519 or 4529 to arrange inspections.
 - In the case of major sewer works where the contractor is allowed to use third party quality control, the third party must be approved by the branch manager of Hawkesbury City Council's Waste Management Branch.

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

62. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan – Appendix E Civil Works Specification.
63. Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the components of construction detailed in Hawkesbury Development Control Plan 2002 Appendix E – Civil Works Specification – Part II Table 1.1.

Prior to Issue of Occupation Certificate

64. The submission of a report by the Design Engineer stating the conformance or otherwise of the On Site Detention stormwater system in relation to the approved design is required.
65. 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.
66. Works-As-Executed drawings for the On Site Detention of stormwater system shall be submitted to and approved by Council. This is to indicate the following:
 - (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

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(f) Extent of inundation.

67. 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.

- 68. Retaining walls greater than one metre in height (where required) are to be certified on completion by a suitably qualified and experienced Structural Engineer.
- 69. A Compliance Certificate from Hawkesbury City Council's Waste Management Branch confirming sewer works constructed under a Major/Minor Sewer Works application must be submitted to the Principal Certifying Authority (PCA).
- 70. A Compliance Certificate confirming completion of internal and external drainage must be submitted to the Principal Certifying Authority (PCA).
- 71. A Trade Waste Agreement must be entered into with the Hawkesbury City Council for the discharge of trade waste to Council's sewer.
- 72. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. A copy of the Section 73 Certificate is to be provided to the Principal Certifying Authority (PCA).

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

Use of the Development

73. Hours of operation for the service station are to be limited to the following:

Sunday to Saturday (seven days a week): 5am to 10pm

74. Notwithstanding Condition 74 above, a 12 month trial period is granted for the operation of the service station 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 service station will revert back to the hours imposed under Condition 74 of the consent, i.e. the hours of operation will be 5am to 10pm, 7 days a week.

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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.

75. 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).
76. Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
77. 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.
78. In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.
79. 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.
80. The storage and handling of liquids associated with activities on the premises is to be carried out in accordance with the requirements of:
 - (a) NSW Workcover
 - (b) Environment Protection Authority Guidelines – 'Technical BU Bunding and Spill Management'.
81. No contaminated waste water or liquid waste shall be discharged into Council's stormwater system.
82. All vehicles being loaded or unloaded shall stand entirely within the property.
83. 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.

Advisory Notes

- This consent operates from the consent date shown on the top of this notice and will lapse unless the development is commenced within five years from the date endorsed on this consent.

ORDINARY MEETING

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- The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.
- Section 82A of the Environmental Planning and Assessment Act 1979 provides that the applicant may request the Council to review the determination. The request must be made in writing on Council's Application Form (refer to Council's website or customer service centre) within six months after receipt of this Notice of Determination, together with payment of the appropriate fees. It is recommended that the applicant discuss any request for a review of determination with Council staff before lodging such a request.

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

- If you are dissatisfied with this decision Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within six months after the date on which you receive this notice.
- Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.
- The land is within the Hawkesbury City Council Sewerage Catchment. A separate application shall be submitted to Council for any alterations or connections to the sewer mains. The applicant shall consult with Council regarding acceptable discharge limits to the sewerage system.
- The 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.
- Building work in close proximity to the boundary may be a sensitive matter for each property owner and can often end in an unsatisfactory relationship between the neighbours. You are advised that the consent given to undertake work in close proximity to the allotment boundary is in no way to be construed as permission to build on or encroach over the allotment boundary. Your attention is directed to the provisions of the Dividing Fences Act 1991 that gives certain rights to adjoining owners, including use of the common boundary. In the absence of any structure standing well clear of the common boundary you need to make yourself aware of your legal position, which may involve a survey to identify the allotment boundary.
- The Applicant is to make detailed enquiries as to whether any approvals from the Department of Sustainability, Environment, Water, Population and Communities are necessary under the Environment Protection and Biodiversity Conservation Act 1999.
- Endemic plants are available from Council's Community Nursery at 10 Mulgrave Road, Mulgrave (02) 4560 4525.

ORDINARY MEETING

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

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

Councillor Calvert was absent from the meeting.

ORDINARY MEETING

MINUTES: 10 September 2013

Item: 180 CP - Public Exhibition of Redbank and Jacaranda Ponds Planning Proposals - Request for Further Consultation with Respondents - (95498)

Ms Beatriz Insausti and Ms Colleen Turbull, speaking for the recommendation, addressed Council.

MOTION:

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

Refer to RESOLUTION

299 RESOLUTION:

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

That:

1. Upon preparation of the summary of submissions for the Redbank, North Richmond and Jacaranda Ponds, Glossodia planning proposals, Council staff forward the summary to respective respondents for comment.
2. Respondents be provided a seven working day timeframe to provide feedback to Council staff regarding the interpretation/summarisation of their submission.
3. Respondents be advised that in providing feedback it is not an opportunity to provide further/additional submissions or commentary regarding the proposals, but is an opportunity to respond to the summary of their submission to ensure that their submission has been appropriately understood and reflected by Council staff.

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

Councillor Calvert was absent from the meeting.

ORDINARY MEETING

MINUTES: 10 September 2013

CITY PLANNING

Item: 181 CP - Appointments to the Hawkesbury Access and Inclusion Committee - (95498)

MOTION:

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

Refer to RESOLUTION

300 RESOLUTION:

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

That:

1. The nomination and appointment of two Councillors to the Hawkesbury Access and Inclusion Advisory Committee be considered as part of the Extra Ordinary Meeting to be held on 17 September 2013.
2. Council appoint Desmond Crane, Alan Aldrich, Debbie Court, Ken Ferris, Robert Bosshard, Mary-Jo McDonnell and Carolyn Lucas as community representatives to the Hawkesbury Access and Inclusion Advisory Committee.
3. The Hawkesbury Access and Inclusion Advisory Committee seek Expressions of Interest from interested members of the community to fill the two casual vacancies on the Committee.

Item: 182 CP - Memorandum of Terms of Delegation - Peppercorn Services Inc - (95498, 96328, 80251)

MOTION:

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

Refer to RESOLUTION

301 RESOLUTION:

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

That the authority be given to execute a 'Memorandum of Terms of Delegation' between Council and Peppercorn Services Inc. for the management of externally funded community services delegated to Peppercorn Services Inc.

ORDINARY MEETING

MINUTES: 10 September 2013

INFRASTRUCTURE SERVICES

Item: 183 IS - Kurrajong Rural Fire Brigade - Extensions to Building - (95495, 79354)

Councillor Lyons-Buckett declared a less than significant non-pecuniary conflict of interest in this matter as her husband is a member of the brigade and no further action is required.

MOTION:

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

Refer to RESOLUTION

302 RESOLUTION:

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

That Council:

1. Note the information contained in the report on Kurrajong Rural Fire Brigade - Extensions to Building.
2. Include the project in the 2013/2014 Works Program for construction of the works, and the associated Brigade contribution of \$105,000 (GST Exclusive) be included in the 2013/2014 Operational Plan Quarterly Budget Review.

Item: 184 IS - Proposed Acquisition of Easement by Endeavour Energy - Pound Paddock Reserve, Richmond - Lot 1 in Deposited Plan 1041524 - (121224, 95495)

MOTION:

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

Refer to RESOLUTION

ORDINARY MEETING

MINUTES: 10 September 2013

303 RESOLUTION:

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

That:

1. Council provide concurrence to the acquisition of a 10 metre easement within Pound Paddock Reserve (Lot 1 in Deposited Plan 1041524) subject to:
 - a. Endeavour Energy paying Council compensation in the amount of \$2,000 plus GST;
 - b. Endeavour Energy paying all legal fees incurred by Council, necessary for the acquisition and creation of the easement.
2. Authority be given for any documentation in association with the matter to be executed under the Seal of Council.
3. Details of Council's resolution be conveyed to Endeavour Energy, together with the advice that Council is not, and will not, be bound by the terms of the 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
MINUTES: 10 September 2013

SUPPORT SERVICES

Item: 185 SS - Carryovers Report - 2012/2013 Operational Plan - (96332, 95496)

MOTION:

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

Refer to RESOLUTION

304 RESOLUTION:

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

That the funding for projects detailed within the Carryovers report for the financial year ended 30 June 2013, included as Attachment 2 to this report, be carried over into the 2013/2014 financial year.

Item: 186 SS - Pecuniary Interest Returns - Councillors and Designated Persons - (95496, 79337)

MOTION:

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

Refer to RESOLUTION

305 RESOLUTION:

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

That the information be received and noted.

ORDINARY MEETING

MINUTES: 10 September 2013

SECTION 4 - Reports of Committees

ROC - Hawkesbury Civic and Citizenship Committee - 10 July 2013 - (96972, 79356, 79351)

306 RESOLUTION:

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

That the minutes of the Hawkesbury Civic and Citizenship Committee held on 10 July 2013 as recorded on pages 73 to 75 of the Ordinary Business Paper be received.

ORDINARY MEETING

MINUTES: 10 September 2013

QUESTIONS FOR NEXT MEETING

Councillors Questions from Previous Meetings and Responses - (79351)

There were no responses to Questions in relation to previous Questions for Next Meeting.

ORDINARY MEETING

MINUTES: 10 September 2013

QUESTIONS FOR NEXT MEETING

#	Councillor	Question	Response
1	Williams	Requested that the accumulating dumped rubbish at Godolla Road near Creek Ridge Road be removed.	Director City Planning
2	Lyons-Buckett	Requested clarification regarding damage to the Mayoral car, and if there was damage, who was driving and what the repair costs were.	General Manager
3	Reardon	Requested that a Richmond Town Centre sign as approaching Richmond be erected.	Director Infrastructure Services

307 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Paine that standing orders be suspended to discuss current fire emergency situation in the Hawkesbury.

308 RESOLUTION:

RESOLVED on the motion of Councillor Mackay, seconded by Councillor Creed that standing orders be resumed.

ORDINARY MEETING

MINUTES: 10 September 2013

CONFIDENTIAL REPORTS

309 RESOLUTION:

RESOLVED on the motion of Councillor Creed, 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: 187 SS - 139 Colonial Drive, Bligh Park (Lot 1 in Deposited Plan 1135982) - (95496, 112106)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act, 1993 as it relates to the potential sale of a Council property 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, confer a commercial advantage on a competitor of the Council, or reveal a trade secret and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

Item: 188 MM - Staff Matter - General Manager Performance Review 2012-2013 - (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.

310 RESOLUTION:

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

ORDINARY MEETING

MINUTES: 10 September 2013

Item: 187 SS - 139 Colonial Drive, Bligh Park (Lot 1 in Deposited Plan 1135982) - (95496, 112106) CONFIDENTIAL

MOTION:

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

Refer to RESOLUTION

311 RESOLUTION:

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

That Council call tenders for the sale of Deposit Plan 1135982 based on the options and including conditions outlined in this report.

Item: 188 MM - Staff Matter - General Manager Performance Review 2012-2013 - (79353) CONFIDENTIAL

MOTION:

The Mayor advised that whilst in closed session, the Council RESOLVED on the motion of the Mayor in respect of the Mayoral Minute.

Refer to RESOLUTION

312 RESOLUTION:

The Mayor advised that whilst in closed session, the Council RESOLVED on the motion of the Mayor in respect of the Mayoral Minute.

That the Mayoral Minute regarding the 2012/2013 annual review of the General Manager's Performance Agreement by the General Manager's Performance Review Panel be received and noted.

ORDINARY MEETING

MINUTES: 10 September 2013

The meeting terminated at 7:37pm.

Submitted to and confirmed at the Ordinary meeting held on 24 September 2013.

.....
Mayor

ORDINARY MEETING

MINUTES: 10 September 2013