



Hawkesbury City Council

ordinary meeting minutes

date of meeting: 12 April 2011
location: council chambers
time: 6:30 p.m.

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 12 April 2011, commencing at 6:33pm.

Ian Lobb, Assistant Minister from St Johns, representing the Hawkesbury Minister's Association, gave the opening prayer at the commencement of the meeting.

ATTENDANCE

PRESENT: Councillor B Bassett, Mayor, Councillor K Conolly, Deputy Mayor and Councillors B Calvert, K Ford, C Paine, B Porter, P Rasmussen, J Reardon, T Tree, W Whelan and L Williams.

ALSO PRESENT: General Manager - Peter Jackson, Director City Planning - Matt Owens, Director Infrastructure Services - Chris Daley, Director Support Services - Laurie Mifsud, Executive Manager - Community Partnerships - Joseph Litwin and Administrative Support Team Leader - Kylie Wade-Ferrell.

APOLOGIES

An apology for absence was received from Councillor W Mackay.

109 RESOLUTION:

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

SECTION 1: Confirmation of Minutes

110 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Reardon that the Minutes of the Ordinary Meeting held on the 29 March 2011, be confirmed.

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SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 68 **GM - Proposal to Include Flood Notation on the Back of Council Envelopes - (79351)**

Previous Item: 20, Ordinary (15 February 2011)

Mr John Miller and Mr Les Sheather, respondents, addressed Council.

MOTION:

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

Refer to RESOLUTION

An AMENDMENT was moved by Councillor Paine, seconded by Councillor Porter.

That further to its resolution of 15 February 2011, Council adopt the wording of Option 2 as detailed in the report as an appropriate flood awareness message to be included on the back of Council envelopes.

The amendment was lost.

The motion was put and carried.

111 RESOLUTION:

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

That, further to its resolution of 15 February 2011, Council adopt the following wording as a flood awareness message to be included on the back of Council envelopes:

“Does Your Family Have a Flood Plan?”

The Hawkesbury-Nepean Valley can be subjected to major flooding, sometimes with little warning. Be prepared by creating a plan for your family to use during floods.

Visit the Services/Emergency information tab at www.hawkesbury.nsw.gov.au or call (02) 4560 4444 to view Flood Extent maps.

For more information on how to create a family flood plan, visit www.floodsafe.nsw.gov.au or call 1800 635 663.”

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Item: 69 **GM - Australian Local Government Women's Association Conference (79351, 95655)**

MOTION:

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

Refer to RESOLUTION

112 RESOLUTION:

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

That the attendance of nominated Councillors, and staff members as considered appropriate by the General Manager, at the 2011 Australian Local Government Women's Association Diamond Jubilee State Conference at a cost of \$620.00 plus travel expenses per delegate be approved.

No Councillors were subsequently nominated to attend the conference.

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CITY PLANNING

Item: 70 CP - S96 Modification of Development Consent No. M0830/00A - 125 Cattai Road, Pitt Town - Reconfiguration of Proposed Lots 6, 7, 8, 9 and 10 into Four Allotments - (M0830/00A, 102260, 7976, 95498)

MOTION:

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

Refer to RESOLUTION

113 RESOLUTION:

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

That Development Consent MA0830/00 for 10 Lot Subdivision in Two Stages comprising Three Torrens Title Lots and Seven Lots under Community Title of Lot 1 DP 551960 and Lot 76 DP 1009124, 125 Cattai Road, Pitt Town be amended in the following manner:

Amend Stage 1 Heading to read:

A. Stage 1 - Three (3) lot Torrens Title Subdivision (Creation of Lots 8 & 9 and residual lot)

Amend Condition 1 to read:

1. To confirm and clarify the terms of this approval, the development shall be carried out in accordance with the stamped plan (Ref 09042-2) as it relates to Lots 8 and 9 (Proposed lots 1 to 7 to comprise residue lot), specifications and accompanying documentation submitted with s.96 Modification Application MA0830/00A except as modified by these further conditions.

Amend Condition 4 to read:

4. Payment of a Construction Certificate checking fee of \$572.00 and a Compliance Certificate inspection fee of \$1162.00 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2011. Fees required if an accredited certifier is used will be provided on request.

Amend Condition 10 to read:

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

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Amend Condition 13 to read:

13. A pavement 4 metres wide shall be constructed across the footway and to a suitable building site on proposed lots 8 & 9 appropriate to the gradient of the land in accordance with the following table:

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

Driveway gradient shall not exceed 25% in any section.

The access to lots 8 & 9 are to be located so as to minimise tree removal and to avoid impacts on remnant vegetation, as identified in the flora and fauna report prepared by Blue Mountains Wilderness Trust. Access locations are to be located to provide for adequate site distance.

Amend Condition 16 to read:

16. Payment of a linen release fee in accordance with Council's Fees and Charges at the time of lodgement of the linen plan.

Amend Condition 17 to read:

17. The creation of a restriction on the use of land under section 88b of the Conveyancing Act, and/or positive covenants, requiring:
- The establishment of Principal Development Areas showing suitable envelopes for houses and effluent disposal areas, are to be sited as per the Plan of Constraints prepared by McKinlay Morgan and Associates numbered 89278 as amended.
 - Any on site effluent disposal system installed on the lots is to be designed, installed, certified and maintained in accordance with the report prepared by Toby Fiander and Associates titled 'Feasibility of On Site Disposal of Wastewater, Proposed Subdivision, lot 1 DP 551960 & Pt Portion 76 Cattai Road, Pitt Town numbered TFA 2513/01, dated 1/8/2000.
 - A weed control program to be undertaken to remove all weeds species from W1 to W4 categories, consistent with the provisions of the Noxious Weeds Act 1993, as recommended by the Flora and Fauna report prepared by Danny Wotherspoon dated 16 Feb 2001.
 - Retention of existing pine trees along the western boundary to lot 9.

Insert New Condition:

- 20a. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Amend Stage 2 Heading to read:

- B. Stage 2 – 7 lot community title subdivision of residual lot (Creation of lots 1 to 7)

Amend Condition 22 to read:

22. To confirm and clarify the terms of this approval, the development shall be carried out in accordance with the stamped plan (prepared by McKinlay Morgan & Associates numbered 89278, dated 8/11/2000, as amended 12/3/2001) as relates to lots 1 to 5 submitted with Development Application MA0830/00, and the stamped plan (Ref 09042-2) as relates to Lots 6 and 7, submitted with s.96 Modification Application MA0830/00A, and any supportive documentation, except as otherwise provided by the conditions of this consent.

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Amend Condition 25 to read:

25. Payment of a Construction Certificate checking fee of \$1586.90 and a Compliance Certificate inspection fee of \$3173.80 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2011. Fees required if an accredited certifier is used will be provided on request.

Amend Condition 31 to read:

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

Amend Condition 36 to read:

36. Payment of a linen release fee in accordance with Council's Fees and Charges at the time of lodgement of the linen plan.

Amend Condition 37 to read:

37. The creation of a restriction on the use of land under section 88b of the Conveyancing Act, and/or positive covenants, requiring:
- The establishment of Principal Development Areas showing suitable envelopes for houses and effluent disposal areas, are to be sited as per the Plan of Constraints prepared by McKinlay Morgan and Associates numbered 89278 as amended.
 - Any on site effluent disposal system installed on the lots is to be designed, installed, certified and maintained in accordance with the report prepared by Toby Fiander and Associates titled 'Feasibility of On Site Disposal of Wastewater, Proposed Subdivision, lot 1 DP 551960 & Pt Portion 76 Cattai Road, Pitt Town numbered TFA 2513/01, dated 1/8/2000.
 - A weed control program to be undertaken to remove all weeds species from W1 to W4 categories, consistent with the provisions of the Noxious Weeds Act 1993, as recommended by the Flora and Fauna report prepared by Danny Wotherspoon dated 16 Feb 2001.
 - Retention of existing pine trees along the western boundary to lots 5, 6 & 7 and the northern boundary to lots 3, 4 & 5.
 - Any application for construction over existing agricultural drains as shown on the Plan of Constraints prepared by McKinlay Morgan & Associates shall be supported by an engineering report and details regarding appropriate foundations and footing.

Insert new Condition:

- 41a. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

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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 Bassett	Nil
Councillor Calvert	
Councillor Conolly	
Councillor Ford	
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Tree	
Councillor Whelan	
Councillor Williams	

Councillor Mackay was absent from the meeting.

Item: 71 CP - Refreshment Room - Reconstruction and Additions to Restaurant - 406 Bells Line of Road, Kurmond - (DA0293/10, 88858, 13798, 13800, 27901)

Ms Josephine Bondfield and Mr Adam Derwin, proponents, addressed Council.

MOTION:

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

Refer to RESOLUTION

114 RESOLUTION:

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

That development application DA0293/10 at Lot 1 DP 607906, 406 Bells Line Of Road Kurmond NSW 2757 for Refreshment Room be approved subject to the following conditions:

General

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.

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3. The approved use shall not commence until all conditions of this Development Consent have been complied with.
4. The development shall comply with the provisions of the Building Code of Australia.
5. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
6. 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 7 (seven) days of issuing the certificate. A registration fee applies.
7. This consent covers the removal of trees and other vegetation for driveways and access and within a 6 metre radius from the building. No other trees or vegetation shall be removed without prior approval of Council.
8. 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 the Construction Certificate

9. 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.
10. Construction of the road, access, car park, drainage, filling and retaining walls are not to commence until three (3) copies of the plans and specifications of the proposed works are submitted to and approved by the Director City Planning or an Accredited Certifier.
11. Payment of a Construction Certificate checking fee of \$772.00 and a Compliance Certificate inspection fee of \$449.00 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2011. Fees required if an Accredited Certifier is used will be provided on request.
12. 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 \$16,135.00 shall be paid to Hawkesbury City Council.

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

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.
13. A Sewer Management Facility System application shall be submitted to and approved by Council prior to the issue of any occupation certificate.

Prior to Commencement of Works

14. All traffic management devices shall be installed and maintained in accordance with the approved traffic management plan.
15. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.

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16. 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.
17. 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.
18. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.
19. Toilet facilities (to the satisfaction of the Principal Certifying Authority) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
20. 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.
21. 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 sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For quick Check agent details, please refer to the web site www.sydneywater.com.au, see Building Developing and Plumbing then Quick Check or telephone 13 20 92.

The consent authority or a private accredited certifier must either:

- Ensure that Quick Check agent/Sydney Water has appropriately stamped the plans before the issue of any Construction Certificate; or
 - If there is a combine Development/Construction Certificate application or Complying Development, include the above condition as one to be met prior to works commencing on site.
22. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
 - (a) Unauthorised access to the site is prohibited.
 - (b) The owner of the site.
 - (c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
 - (d) The name and contact number of the Principal Certifying Authority.

During Construction

23. Fifty 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.

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24. The development shall be completed in accordance with the approved colours and finishes and shall not be altered:
- | | | | | |
|---|--------------------------------|-----------------|---------|--|
| ▪ | Roof
Material: | Colourbond | Colour: | Windspray |
| ▪ | Walls
Material: | Blockwork Adbri | Colour: | "Fossil" smooth face to basement
"Fossil" rough face to basement
Render paint finish Dulux:
"Macchiato malt" to gable and
features
"Eco Chic" to main level
"Raw Onyx" to basement |
| ▪ | Doors/
Windows
Material: | Aluminium | Colour: | Charcoal |
25. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
26. Vehicle entrances and exits shall be clearly signposted, including street number, and visible from both the street and site at all times.
27. Disabled parking shall be provided in accordance with AS2890.1-1993. The disabled bays are to be safely linked to the café entry point.
28. 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.
29. Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the components of construction detailed in Hawkesbury Development Control Plan Appendix B Civil Works Specification, Part II, Table 1.1.
30. The site shall be secured to prevent the depositing of any unauthorised material.
31. 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.
32. 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.
33. 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.
34. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road. All trucks entering or leaving the site shall have their trays suitably covered to prevent spillage from the truck onto the road.

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35. 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.
36. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
37. All landscaping shall be completed in accordance with the approved landscaping plan.
38. All food premises are to comply with Hawkesbury City Council's *Food Premises Fit Out Code*.
39. Any area used for storage of food or food appliances/equipment is to comply with the relevant section of Hawkesbury City Council's *Food Premises Fit Out Code* including Section 7.0 - Storerooms.
40. Prior to occupation of the development, a grease trap of an appropriate size shall be installed on the drainage line at a location approved by the Manager of Regulatory Services. Alternatively, details of an existing trap are to be supplied to Council prior to occupation of the development.
41. Ceilings throughout the premises are to be solid and are to comply with section 4.0 of Hawkesbury City Council's *Food Premises Fit Out Code*. "Drop in" ceiling panels are not permitted over food preparation or food storage areas.
42. All walls, floors, benches, shelves, chairs, fittings and the like are to be constructed with materials that are smooth, durable, impervious to moisture, and capable of being easily cleaned with a disinfectant. Fittings and equipment should be constructed so as not to harbour food, insects or vermin.
43. The floors are to be covered with a durable, non-toxic, impervious surface, graded to trapped floor waste outlets (where necessary), and connected to an approved drainage installation. The floor covering is to be free of protrusions or gaps.
44. Where used, floor tiles are to be epoxy grouted.
45. All wall/floor junctions in the food preparation and storage area(s), including any prefabricated low temperature room wall and floor, shall be covered according to Hawkesbury City Council's *Food Premises Fit Out Code*. The coving is to be a minimum radius of 25mm using a smooth impervious material of a light colour. Where walls and floors are tiled, the coving is to be of a tile type. "Stick on" coving is not permitted. Feather edge skirting is not permitted.
46. Any additional internal walls should be durable and of solid construction with no internal cavities. The wall should be sealed to the floor, and should comply with Hawkesbury City Council's *Food Premises Fit Out Code*, and the Building Code of Australia.
47. The premises are to be fitted with adequate hand washing facilities for the preparation of food. Handwashing basins are required in addition to other basins and sinks in any toilet, AND in any food preparation area. Where separate additional food preparation areas are provided, an additional hand washing basin is needed. Handwashing basins are required;
 - a) to be fitted with hand's free taps such as knee or foot operated devices;
 - b) with hot and cold running potable water;
 - c) with a common spout delivering water of at least 40° Centigrade.
 - d) to be easily accessible at all times.
48. A slop sink should be installed so that mop water does not contaminate the kitchen sinks. Mop water and water used for washing garbage receptacles must not be disposed of using a storm water drainage inlet.

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49. The area used for storage of garbage receptacles is to be undercover, graded to a drain connected to the sewer, constructed with a surface that is easily cleaned, and shall have a supply of water under pressure available within the enclosure. Any stormwater or rainwater entering the garbage area should be adequately directed away from this drain.
50. The exhaust hood, filters and flue are to be installed and maintained as per Australian Standard AS 1668. The system should be adequate so that a smoke or odour emission nuisance does not occur as a result of the development.
51. Wood fired or wood/gas ovens and flues are to be installed and maintained as per the manufacturer's recommendations and in such a manner as to minimise potential impacts from odour and/or emissions. They should be fuelled and operated so that an odour or smoke emission nuisance does not occur.
52. A supply of soap and single use paper hand towels should be fitted to the wall in an appropriate and durable dispenser adjacent to any hand washing basin.
53. Provide toilet and washing facilities in accordance with part F2 of the Building Code of Australia relevant to class 3 to 9 buildings.
54. A separate area should be made available for the purposes of storing personal items. A locker or cupboard is to be provided away from any food preparation or storage area.
55. Refrigerators and frozen food cabinets should be installed so as to comply with Hawkesbury City Council's *Food Premises Fit Out Code*.
56. The inaccessible cavities formed between the low temperature room and the ceiling, and the low temperature room and a wall are to be made vermin proof, and are to comply with Section 9.0 of Hawkesbury City Council's *Food Premises Fit Out Code*.
57. An appropriate temperature gauge is to be provided externally to each low temperature room, refrigerated display unit, and refrigeration device.
58. All panels of the low temperature room are to be neatly cut and finished smooth to eliminate any cracks, crevices, or imperfections which may provide access for food, vermin or insects.
59. Storage racks for the low temperature room shall be constructed of pipe, angle iron, "T" iron, channel iron, flat metal or other approved materials. The material should be galvanised and/or adequately treated to prevent corrosion.

Prior to Issue of Occupation Certificate

60. 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.
61. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
62. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
63. 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.
64. 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

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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 premises, 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.

- 65. Submission of a report by the Design Engineer stating the conformance or otherwise of the system in relation to the approved design.
- 66. Works-as-Executed drawings for the One Site Detention Stormwater System which indicate the following shall be submitted to and approved by Council:
 - (a) Invert levels of tanks, pits and pipes
 - (b) Surface levels of pits and surrounding ground levels
 - (c) Levels of surrounding kerb
 - (d) Floor levels of buildings
 - (e) Top of kerb levels at the front of the lot; and
 - (f) Extent of inundation
- 67. A survey plan showing all existing services on the property including septic tank and effluent disposal area, sewer connections, water connections and stormwater disposal shall be submitted. The plan shall demonstrate that there are no encroachments over remaining or proposed boundaries.

Use of the Development

- 68. Operating hours shall be limited to Monday to Saturday 10am to 12 midnight, and Sunday 10am to 10pm.
- 69. The restaurant shall cater to a maximum of 146 patrons at any one time
- 70. The activity shall be carried out in accordance with the Patron Management Plan.
- 71. A copy of this Development Consent shall be kept on the premises at all times and be made available to Council, Police or other authorised persons upon request.
- 72. No internal or external alterations shall be carried out without prior approval of Council
- 73. The subject development, including landscaping, is to be maintained in a clean and tidy manner.
- 74. 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.
- 75. All vehicles loaded or unloaded shall stand entirely within the property.
- 76. All vehicles shall be driven in a forward direction at all times when entering and leaving the premises.
- 77. The proposed development shall be conducted in accordance with recommendations outlined with the report entitled, '*Kurmond Wine Bar and Grill, 406 Bells Line of Road, Kurmond, Acoustical Assessment. Report Number 4878 – R1, Revision 0, dated 7 July 2010. Prepared for Wayne Attard Group, PO Box 310, Seven Hills NSW 2147. Prepared by Lee Hudson, Project Consultant, RSA Acoustics*'.

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The proposed development is to be conducted in accordance with acoustic fixture recommendations outlined in correspondence dated 9 November 2010, which include but are not limited to the following:

- *A minimum of **10.76 mm laminate glazing** is required to enable a **typical house music system** to operate within acceptable limits. The restaurant and function room shall be fitted with set 13 mm firegrade plasterboard ceilings.*
 - *To enable live bands to perform in the venue the ceiling construction should be upgraded to comprise two layers of 16 mm firegrade plasterboard. A layer of 75 mm mineral wool blanket is required to the underside of the sheet metal roofing.*
 - *To enable **live bands** to perform in the venue **double glazing** will be required. A system incorporating 10 mm and 6 mm monolithic glass panels separated by nominal 75 mm airspace will provide adequate sound insulation. Window and door frames shall be of heavy duty construction and fitted with Q-Lon or other appropriate acoustical seals.*
78. 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.
79. 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.
80. 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.
81. Noise generated as a result of the development shall be managed so that the L_{Aeq} noise levels, measured at any point in accordance with the NSW DECs' *Industrial Noise Source Policy*, do not exceed 5dB(A) (L_{Aeq}) above background levels (L_{A90}) with respect to noise amenity of other properties and associated outdoor areas.
82. All premises offering food, packaged or otherwise, are to be registered with Council and have inspections conducted by Council's officers as necessary/required. These premises are required to comply with the Food Act 2003, associated Regulations, and the Food Safety Standards 3.2.2 and 3.2.3. These are available on line at www.foodstandards.gov.au
83. Food preparation and storage areas are to be adequately protected from flies, insects, and vermin. Windows are to be screened, and doorways are to be provided with self closing doors. External doors are to be provided with self-closing screen doors.
84. All waste materials are to be stored adequately, away from food areas, and disposed of at regular intervals to the satisfaction of the Manager Regulatory Services.
85. All packaged foods prepared for presentation at a different premises, are to be packed and labelled in compliance with the current Food Standards Code. Hawkesbury City Councils' environmental health officers can assist with this requirement.
86. All food and food handling equipment is to be stored at least 300mm clear of the floor on an approved shelf or appliance. No food is to be stored on the floor in a low temperature room or freezer.
87. A portable thermometer accurate to $\pm 1^{\circ}\text{C}$ is to be available at the premises at all times for the purposes of checking cold and hot foods for compliance temperatures.

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88. Materials and equipment for cleaning are to be stored in a place physically separated from any food storage, display, or preparation area. Separate cleaning equipment is required for cleaning of toilets.
89. Non-commercial refrigeration is not permitted in new food premises.
90. Potentially hazardous foods should be stored below 5°C, or above 60°C at all times in accordance with The Food Act 2003.

New South Wales Roads and Traffic Authority Conditions

91. *All new buildings or structures must be constructed clear of the land required for road widening.*

Reason: The subject property is affected in the manner shown by pink colour on the attached plan by a Road Widening Order under Section 25 of the Roads Act 1993, as published in Government Gazette No. 39 dated 22 April 1955; folio 1074-DP 448216.

Advisory

- *** 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.
- *** 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.
- *** 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 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 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 roads.

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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 Bassett	Nil
Councillor Calvert	
Councillor Conolly	
Councillor Ford	
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Tree	
Councillor Whelan	
Councillor Williams	

Councillor Mackay was absent from the meeting.

Item: 72 **CP - Development Application - Torrens Title Subdivision into Two Lots - Lot 2 DP 846501, 533 Wilberforce Road, Wilberforce - (DA0029/10, 817, 35757, 95498)**

Previous Item: 231, Ordinary (12 October 2010)

Mr Glenn Falson, respondent, addressed Council.

MOTION:

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

Refer to RESOLUTION

115 RESOLUTION:

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

That:

1. The objection under SEPP No. 1:
 - a) To the minimum lot size is supported.
 - b) To the minimum levels for development on land inundated by the 1 in 100 year flood level not be supported.
2. Development application DA0602/09 at Lot 2 DP 846501, 533 Wilberforce Road, WILBERFORCE NSW 2756 for Torrens title subdivision into two lots be refused for the following reasons:

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- a) Failure to comply with the aims and objectives of Hawkesbury Local Environmental Plan 1989.
- b) The development fails to satisfy flood provisions under Clause 11(6) of Hawkesbury Local Environmental Plan 1989.
- c) The development is inconsistent with the flood planning requirements of Clause 6.7(3) of Draft Hawkesbury Local Environmental Plan 2009.
- d) The development does not comply with Hawkesbury Development Control Plan 2002 Part D Chapter 3 – Subdivision in respect to flooding and access and rural allotment size.
- e) The repeated cumulative impact of subdivision upon land below the 1 in 100 year flood level will increase the number of future occupants upon land subject to the risk of flooding.
- f) The site is considered unsuitable for increased residential development given its flood affectation.
- g) Due to the above reasons, and the objections received, the proposal is considered to not be in the general public interest.

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

For the Motion	Against the Motion
Councillor Bassett	Councillor Porter
Councillor Calvert	Councillor Rasmussen
Councillor Conolly	
Councillor Ford	
Councillor Paine	
Councillor Reardon	
Councillor Tree	
Councillor Whelan	
Councillor Williams	

Councillor Mackay was absent from the meeting.

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Item: 73 **CP - Notice of Intention to Apply for a Packaged Liquor Licence - ALDI Foods Pty Limited - 5A Curtis Road, Vineyard - ALDI McGraths Hill - 128 Windsor Street, Richmond - ALDI Richmond - (95498, 9378)**

Previous Item: NM1 - Ordinary (30 June 2009)

MOTION:

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

Refer to RESOLUTION

116 RESOLUTION:

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

That a response be provided to the applicant - ALDI Foods Pty Limited, advising that, subject to operators of similar businesses in the locale of the sites having being appropriately notified of the proposals, and the operation being conditional to the details submitted in the attached "Notice of Intention" documents, Council raises no objection to the issue of a Liquor Licence for a bottle shop to be located within the ALDI supermarket premises at both Richmond and McGraths Hill.

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INFRASTRUCTURE SERVICES

Item: 74 IS - Development Servicing Plan - Windsor Sewerage Scheme - (95494, 79357)

Mr Trevor Devine, respondent, addressed Council.

MOTION:

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

Refer to RESOLUTION

117 RESOLUTION:

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

That the matter be deferred to a Councillor Briefing Session.

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

For the Motion	Against the Motion
Councillor Bassett	Nil
Councillor Calvert	
Councillor Conolly	
Councillor Ford	
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Tree	
Councillor Whelan	
Councillor Williams	

Councillor Mackay was absent from the meeting.

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Item: 75 **IS - Wilberforce Cemetery - Re-opening for Interments - (95495, 79354, 90781)**

Previous Item: 22, Ordinary (15 February 2011)
 401, Ordinary (9 November 2010)

MOTION:

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

Refer to RESOLUTION

118 RESOLUTION:

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

That the proposed fees and charges for Wilberforce Cemetery as detailed in the report be adopted.

Item: 76 **IS - Community Banner Poles Policy - (79354, 95495)**

Previous Item: 23, Ordinary (15 February 2011)

Ms Gae Kelly, proponent, addressed Council.

MOTION:

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

Refer to RESOLUTION

119 RESOLUTION:

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

That the Draft Community Banner Poles Policy as attached to the report be adopted.

Item: 77 **IS - Reconstruction of Yarramundi Lane - (95495)**

MOTION:

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

Refer to RESOLUTION

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120 RESOLUTION:

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

That:

1. The proposal to rehabilitate Yarramundi Lane between Inalls Lane and Crowleys Lane be approved.
2. Funding for the project in the amount of \$219,000 be reallocated from the unexpended component of the 2010/2011 Reseal Program.

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CONFIDENTIAL REPORTS

121 RESOLUTION:

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

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

122 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen, 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: 78 IS - Tender No. 00911 - Construction of a Pedestrian/Cycle Bridge over Rickaby Creek.

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

Item: 79 IS - Tender No.01111 - Tender for Hire of Plant at the Hawkesbury City Waste Management Facility.

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

Item: 80 Property Matter - Lease to Jud Sebastian Haines - Shop 4 Glossodia Shopping Centre

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

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

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

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

123 RESOLUTION:

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

Item: 78 **IS - Tender No. 00911 - Construction of a Pedestrian /Cycle Bridge over Rickaby Creek - (95495, 79344)**

Previous Item: 70, Ordinary (8 April 2008)
 206, (9 October 2007)

Councillor Calvert declared a significant non-pecuniary conflict of interest in this matter as he is friends with a Director of one of the tendering companies. He left the Chamber and did not take part in voting or discussion on the matter.

MOTION:

The General Manager advised that whilst in Closed Session, Council RESOLVED on the motion of Councillor Williams, seconded by Councillor Rasmussen.

Refer to RESOLUTION

124 RESOLUTION:

The General Manager advised that whilst in Closed Session, Council RESOLVED on the motion of Councillor Williams, seconded by Councillor Rasmussen.

That:

1. The tender submitted by Delaney Civil Pty Ltd in the amount of \$541,316.00 (GST exclusive) for the Construction of a Pedestrian/Cycleway Bridge over Rickaby Creek (Option 1), be accepted.
2. Any required documentation be executed under the seal of Council.

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Item: 79 **IS - Tender No.01111 - Tender for Hire of Plant at the Hawkesbury City Waste Management Facility - (112179)**

MOTION:

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

Refer to RESOLUTION

125 RESOLUTION:

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

That:

1. The tender of R.T.R. (NSW) Services Pty Ltd to supply one landfill compactor, one loader, and one excavator at the rates as detailed in the report be accepted, subject to further plant information and OH&S documentation to Council's satisfaction being supplied to demonstrate compliance with Councils OH&S requirements.
2. The tender of Gent Industries Pty Ltd to supply one watercart at the rates as detailed in the report be accepted, subject to further plant information and OH&S documentation to Council's satisfaction being supplied to demonstrate compliance with Councils OH&S requirements.
3. In the event satisfactory plant information and OH&S documentation is not provided, the matter be further reported to Council.

Item: 80 **SS- Property Matter - Lease to Jud Sebastian Haines - Shop 4 Glossodia Shopping Centre - (112106, 95496, 89337, 105494)**

MOTION:

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

Refer to RESOLUTION

126 RESOLUTION:

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

That:

1. Council agree to enter into a new lease of Shop 4 Glossodia Shopping Centre, with Jud Sebastian Haines as outlined in the report.

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2. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.
3. Details of Council's resolution be conveyed to the proposed Lessee, 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.

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SECTION 5 - Reports of Committees

ROC - Local Traffic Committee - 16 March 2011 - (80245, 95495)

127 RESOLUTION:

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

That the minutes of the Local Traffic Committee held on 16 March 2011 as recorded on pages 109 to 145 of the Ordinary Business Paper be adopted.

ROC - Community Planning Advisory Committee Minutes - 17 March 2011 - (96737)

128 RESOLUTION:

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

That the minutes of the Community Planning Advisory Committee held on 17 March 2011 as recorded on pages 146 to 152 of the Ordinary Business Paper be received.

ROC - Waste Management Advisory Committee - 30 March 2011 - (95249)

129 RESOLUTION:

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

That the minutes of the Waste Management Advisory Committee held on 30 March 2011 as recorded on pages 153 to 158 of the Ordinary Business Paper be received.

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QUESTIONS FOR NEXT MEETING

Councillor Questions From Previous Meetings and Responses - (105109)

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

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#	Councillor	Question	Response
1	Paine	Enquired what Council could do about the Heavy Vehicles, who would be over the tonnage limit, coming along the Terrace.	Director Infrastructure Services
2	Paine	Enquired about the status of the Windsor Traffic Study.	Director Infrastructure Services
3	Paine	Enquired as to the outcome of the meeting held by the Hawkesbury Tourism Group last month.	General Manager
4	Paine	Enquired as to what the Windsor Business Group did with Council's \$2,000 donation towards Christmas lights. She asked where the lights went, how many there were, where the lights are now and if they are ok to be reused this year.	General Manager
5	Paine	Enquired to what Council could do in relation to an ongoing problem with used syringes and needles in Deerubbin Park. She advised the needles are quite often around the toilet blocks, but they are now appearing on the playing fields.	Director Infrastructure Services
6	Williams	Enquired if the Richmond Markets were allowed back on the oval at Richmond Park.	Director Infrastructure Services
7	Williams	Enquired if Council could investigate creating truck parking bays/vehicles with trailers at the Wilberforce shops as the trucks are currently parking on the grassed areas.	Director Infrastructure Services
8	Rasmussen	Enquired if Council could investigate the drainage issues on Yarramundi Lane as the water sits on the side in steep ditches and doesn't drain away.	Director Infrastructure Services
9	Rasmussen	Enquired if there were any limits on truck sizes or length of trucks negotiating the corner on East Market and Windsor Roads, near the Commonwealth Bank.	Director Infrastructure Services
10	Williams	Enquired if the park bench out the front of North Richmond shops, towards the lights and fronting Bells Line of Road could be repaired or replaced, but not removed permanently.	Director Infrastructure Services

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#	Councillor	Question	Response
11	Reardon	Referred to the carpark at Kurrajong between the CWA and the Post Office and enquired if Council can assist in expediting the relocation of the charity bins, which have been an issue for some time.	Director City Planning
12	Whelan	Enquired if the Glossodia Poultry proposal would still be considered by the Joint Regional Planning Panel or will it be referred to Council.	Director City Planning
13	Paine	Enquired if the group of bins (including skip bins) opposite Windsor Railway Station near the viaduct could be cleaned up.	Director Infrastructure Services
14	Porter	Enquired if the planter boxes in South Windsor Shopping Centre could be cleaned up as they are full of cigarette butts.	Director Infrastructure Services

The meeting terminated at 9:32pm.

Submitted to and confirmed at the Ordinary meeting held on Tuesday, 10 May 2011.

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Mayor