



Hawkesbury City Council

extraordinary
meeting
minutes

date of meeting: 16 December 2008

location: council chambers

time: 7.00 p.m.

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Minutes of the Extraordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 16 December 2008, commencing at 7:00pm.

ATTENDANCE

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

ALSO PRESENT: Acting General Manager - Chris Daley, Director City Planning - Matt Owens, Director Support Services - Laurie Mifsud, Manager Corporate Services and Governance - Fausto Sut, and Administrative Support Team Leader - Kylie Wade-Ferrell.

APOLOGIES

Apologies for absence were received from Councillor B Bassett, Mayor and Councillor R Stubbs.

439 RESOLUTION:

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

Councillor Conolly left the meeting at 7:07pm and did not return.

Election of Acting Chairperson

In the absence of the Mayor and Deputy Mayor from the meeting for this item, it was necessary for an Acting Chairperson to be elected.

A nomination for Acting Chairperson was received for Councillor Paine for the position. Councillor Paine accepted the nomination for the position and as she was the only nomination received, the Acting General Manager declared Councillor Paine elected as Acting Chairperson for this item in the absence of the Mayor and Deputy Mayor.

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SECTION 4 - Reports for Determination

CITY PLANNING

Item: 275 CP - Development Application - Shop - Aldi Store with Associated Carparking, Signage and Landscaped Area - 5 Curtis Road and 230 Windsor Road, Vineyard NSW 2765 - (DA0603/08, 95498, 12831, 111131)

Previous Item: 238, Ordinary (25 November 2008)
272, Ordinary (9 December 2008)

Ms Bridget Jarvis and Ms Amanda Young, proponents, addressed Council.
Mr Bob Dunnet, Mr Tom Lonsdale and Mr Rob Senior, respondents, addressed Council.

Councillor Conolly declared a significant non-pecuniary conflict of interest in this matter as he was advised that his campaign for the State seat of Riverstone in March 2007 directly benefited from a donation to the Liberal Party made by a respondent to this matter. He left the Chamber and did not take part in voting or discussion on the matter.

Councillors Reardon, Tree and Whelan declared less than significant non-pecuniary conflicts of interest in this matter as donations were made from the objector, Pirasta Pty Ltd, to the Liberal State Election Campaign in 2007, and as they did not directly benefit from the donation they considered no further action was required.

MOTION:

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

Refer to RESOLUTION

440 RESOLUTION:

RESOLVED on the motion of Councillor Mackay, seconded by Councillor Tree

That Development Application No. DA0603/08 for a Shop - Aldi Store with Associated Car parking, Signage and Landscaped Area at Proposed Lot 6 in the subdivision of Lot 2 DP 270412, 5 Curtis Road and Lot 4 DP 270412, 230 Windsor Road Vineyard by granting a Deferred Commencement Consent subject to the conditions in Schedules 1 and 2:

1. Upon compliance with the condition appearing in Schedule 1, and with the issue of confirmation to that effect in writing from Council, this "Deferred Commencement" consent shall commence to operate as a development consent inclusive of all conditions appearing in Schedule 2 pursuant to Section 80(3) of the Act.
2. The "Deferred Commencement" consent will lapse in twelve months from the date of this consent unless all conditions appearing in Schedule 1 have been complied with.

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Schedule 1 - Deferred Commencement Condition

1. The following investigation/works are to be undertaken having regard to the findings contained in the *Proposed Aldi Store Development Preliminary Contamination & Acid Sulphate Soil Assessments* undertaken by Geotechnique Pty Limited Report No. 11688/2-AA, dated 2 April 2008.

- (a) A *Stage 2 Detailed Investigation* must be completed in accordance with Clause 3.4.1 of the SEPP 55 Guidelines and the Department of Environment and Climatic Change (DECC) *Guidelines for Consultants Reporting on Contaminated Sites (1997)* by an Accredited Site Auditor to define the nature, extent and degree of contamination; to assess potential risks posed by contaminants to health and the environment; and to obtain sufficient information to develop a remedial action plan (RAP), if required, to be submitted to Hawkesbury City Council with a site audit report.

This investigation is to be undertaken in order to ascertain the presence or otherwise of asbestos contamination, delineation of the lateral and vertical extent of contamination and determination of the quantity of soil requiring remediation.

- (b) A *Stage 3 Remedial Action Plan*, if required by the accredited site auditor, any site audit report or by Hawkesbury City Council, must be submitted to Hawkesbury City Council.
- (c) The site must be remediated in accordance with the *Stage 3 Remedial Action Plan*.

Any stockpiles of contaminated materials shall be stored in a secure position on the site so as not to be exposed to surface waters, pedestrian activity, or wind.

In the event that the surface topsoil/fill is confirmed as contaminated with asbestos, the soils are to be classified as "Asbestos Waste" according to the "Waste Classification Guidelines Part 1: Classifying Waste" by the NSW Department of Environment and Climate Change (DECC) 2008. The "Asbestos Waste" must be transported and disposed of in accordance with NSW DECC and WorkCover NSW requirements at an EPA licensed landfill facility.

- (d) A *Stage 4 Validation and Monitoring Report* must be submitted to Hawkesbury City Council together with notice of completion of remediation pursuant to clause 18 of SEPP 55.

Following disposal of asbestos contaminated soils, validation of residual soils within the site, by sampling and testing, must be carried out to ensure the success of remediation. A validation report in accordance with NSW EPA guidelines is to be forwarded to Hawkesbury City Council for approval within one month of completion of remediation works. The report is to include documents relevant to any soils brought onto the land.

Schedule 2

General Conditions

1. The development is to be carried out in compliance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of consent:

Architectural Drawing Number	Dated
P07017 DA 01A - Cover Sheet, Location Plan & Drawing List	11 August 2008
P07017 DA 02A - Site Plan & Signage Details	11 August 2008
P07017 DA 03A - Car Park Level Plan	11 August 2008
P07017 DA 04A - Ground Floor Plan	11 August 2008
P07017 DA 05A - Roof Plan	11 August 2008
P07017 DA 06A - South & East Elevations	11 August 2008
P07017 DA 07A - North & West Elevations	11 August 2008
P07017 DA 08a - Sections	11 August 2008

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Landscape Plan	
SS08-1777 101 C - Landscape Plan	11 July 2008
Civil Drawings	
06S017MLDA C01 01 of 02 Rev 0 - Siteworks Plan	8 August 2008
06S017MLDA C02 02 of 02 Rev 0 - Erosion & Sediment Control Concept Plan	8 August 2008

Document Name/Number	Dated
Statement of Environmental Effects - Proposed ALDI Store 5 Curtis Road Mulgrave	12 August 2008
Transport Report for proposed ALDI Store Mulgrave (Report No. 6941)	August 2008
Economic Impact Assessment (Project No. 7128A)	August 2008
Crime Prevention Through Environmental Design (CPTED) Assessment: ALDI Stores Winford Drive and Grier Crossing Mulgrave	August 2008
Waste Management Plan	8 August 2008
Preliminary Contamination & Acid Sulphate Soil Assessments: Proposed ALDI Store Development (Report No. 11688/2-AA)	2 April 2008

2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
3. The approved use shall not commence until all conditions of this Development Consent have been complied with.
4. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
5. The development shall comply with the provisions of the Building Code of Australia.
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. Hawkesbury City Council is the sewer authority for this development, inspection for compliance certification for internal and external sewer drainage shall be requested and approved prior to covering any pipe. An inspection fee applies.
8. The building design shall ensure that unimpeded access to the manhole labelled 1B on the sewer plan approved in conjunction with Development Consent No. DA0044/08 will be maintained for Council.

Prior to Issue of Construction Certificate

9. 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 \$34 370.00 shall be paid to Hawkesbury City Council.

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

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

10. 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.

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

11. A Construction Management Program shall be submitted and approved by Council prior to the issue of any Construction Certificate. Any use of Council property shall require appropriate approvals. The program shall detail:
 - (a) The proposed method of access to and egress from the site for construction vehicle, including the proposed method of traffic control, access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area.
 - (b) The proposed phases of construction works on the site, and the expected duration of each construction phase;
 - (c) The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken;
 - (d) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process;
 - (e) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site;
 - (f) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period;
 - (g) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer and shall not involve any permanent or temporary encroachment onto Councils property;
 - (h) Proposed protection for Council and adjoining properties. Details are to include site fencing and the provision of hoardings over footpaths and laneways;
 - (i) The location and operation of any on site crane;
 - (j) A "Works Zone", if required, is to be installed adjacent to the site frontage/s as part of the Construction Program;
 - (k) An application for a "Works Zone" is to be lodged with Council for approval; and
 - (l) Parking of workers vehicles during construction.
12. Construction of the drainage works, 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.
13. Payment of a Construction Certificate checking fee of \$267.00 and a Compliance Certificate inspection fee of \$445.00 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2009.
14. Details of any fill material removed from or imported to the site shall be submitted with the engineering plans. Details to include quantities, borrow sites or disposal sites.
15. Retaining walls are to be designed by a suitably qualified and experienced Structural Engineer.

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- 16. A minimum of sixty three (63) off-street car-parking spaces, together with access driveways, shall be constructed, paved, line marked and signposted in accordance with the approved development plans, Australian Standard AS2890.1 and AS2890.2 and industry best practice as appropriate. A certificate prepared and certified by an appropriately qualified and practising Civil Engineer for the construction of these areas in accordance with this requirement shall be submitted with the Construction Certificate.
- 17. The texture and substance of all external components of the building and hard surfaced areas being generally in accordance with following plans submitted in conjunction with the application:

Drawing Number	Dated
P07017 DA 01A - Cover Sheet, Location Plan & Drawing List	11 August 2008

External components/materials/finishes are to be selected so as to provide a suitable level of durability to withstand graffiti and damage through vandalism.

Final details of all external materials and colours are to be submitted to the Principal Certifying Authority prior to the release of the Construction Certificate.

- 18. The reflectivity index (expressed as a percentum of the reflected light falling upon any surface) of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20%. Written confirmation of the reflectivity index of materials is to be submitted with the Construction Certificate.

(Note: The reflectivity index of glazing elements can be obtained from glazing manufacturers. Glass with mirrored or reflective foil finishes is unlikely to achieve compliance with this requirement.
- 19. The roof shall utilise non reflective materials so as to limit interference with aircraft operations. Details being submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.
- 20. A certificate from an Acoustic Engineer is to be submitted with the Construction Certificate certifying that the development and all sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level during the day and evening and not exceeding the background level at night (10.00pm to 6.00 am) when measured at the boundary of the property, and will comply with the Environmental Protection Authority Industrial Noise Policy. Details being submitted with the Construction Certificate.
- 21. Details demonstrating the provision of high quality external lighting for security without adverse affects on public amenity due to excessive illumination levels/glare are to be submitted with the Construction Certificate.
- 22. Access/egress/services and facilities including external and interior access are required in accordance with the provisions of AS 1428.1 (2001) - Design for Access and Mobility.

The building being adequately adjusted where required complying with the provisions of the *Disability Discrimination Act (1992)*. Note that any approval granted by Council does not necessarily guarantee compliance or otherwise with the *Disability Discrimination Act (1992)* and the applicant should investigate their liability under the Act. You are directed to the following sources to achieve compliance with the DDA:

- a) AS 1428.1 (2001) - Design for Access and Mobility
- b) Advisory Notes on Access to Premises - Human Rights and Equal Opportunity Commission (1998)
- c) Disability Discrimination Act (1992)

Details being submitted and approved by Council/Accredited Certifier prior to the issue of the Construction Certificate.

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23. 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 mains 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 appropriate stamped the plans before the issue of any Construction Certificate; or
- If there is a combined Development/Construction Certificate application or Complying Development, include the above condition as one to be met prior to works commencing on site.

24. The development shall be constructed of flood compatible materials in accordance with the NSW Government Flood Plain Manual. In this respect the following design precautions must be adhered to in all respects:

- (a) all electrical, heating and air conditioning service installations are to be located above the 2% AEP flood level of 15.7m AHD;
- (b) the building is to be constructed of flood compatible materials such as galvanised steel frame, galvanised zinc alum cladding doors and door frames; and
- (c) the structure and walls shall be strengthened to a level of 17.3m AHD to increase resistance to floodwater flow and debris impact.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

25. If required, the owner must dedicate to the applicable energy supplier, free of cost, an area of land within the development site, but not in any landscaped area, to enable an electricity substation to be installed. The size and location of the substation is to be submitted for approval of Council and Energy Australia, prior to a Construction Certificate being issued.
26. The applicant shall bear the cost of all restoration works to Council's property damaged during the course of this development. The applicant shall advise Council, in writing, of any existing damage to Council property before commencement of the development. A dilapidation survey of Council's assets, including photographs and written record, must be prepared by a suitably qualified person and submitted to Council prior to the issuing of any Construction Certificate.

Note: This documentation will be used to resolve any dispute over damage to infrastructure. It is in the applicant's interest for it to be as full and detailed as possible.

27. Service ducts shall be provided within the building to keep external walls free of plumbing or any other utility installations. Such service ducts are to be concealed from view from the street. Details demonstrating compliance are to be provided in the Construction Certificate.
28. An appropriate area shall be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises.

The following requirements shall be met:

- (a) The area is to be provided with a roof to prevent stormwater entering the sewer;
- (b) All internal walls of the storage area shall be rendered to a smooth surface, coved at the

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- floor/wall intersection, graded and appropriately drained into Council's sewer with a tap in close proximity to facilitate cleaning;
- (c) Include provision for the separation and storage in appropriate categories of material suitable for recycling;
 - (d) The storage area shall be adequately screened from the street and adjacent residential properties;
 - (e) Garbage enclosures serving non-residential uses are not to be located within areas designated for dining purposes.

Details of the storage area are to be provided to, and approved by the Council / Accredited Certifier prior to issuing of the Construction Certificate.

- 29. Plant and equipment (including but not limited to air conditioning equipment) is to be located within the basement. Where plan and equipment cannot be located within the basement, it is to be designed and located to ensure it is suitably screened from areas surrounding the subject site. Details demonstrating compliance are to be submitted with the Construction Certificate application.
- 30. 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 (3) copies of the plan submitted with a Major/Minor Sewer Works Application is submitted to Hawkesbury City Council's Waste Management Branch for assessment and approval.
- 31. The applicant must submit a copy of the approved plans associated with the major/Minor Sewer Works Application to the Principal Certifying Authority. This plan must be stamped *Sewer Works Approved for Design Only*.
- 32. The pylon sign situated on Lot 4 DP 270412 shall be consistent in height with the adjacent Hungry Jacks and Winford Motors pylon signs and not more than 10 metres.
- 33. A Traffic Management Plan prepared in accordance with AS 1742-3 (1996) by an appropriately qualified person shall be submitted to Council. Where the works affect Roads and Traffic Authority controlled roads, the Traffic Management Plan is to be approved by the Roads and Traffic Authority before submission to Council.
- 34. Council must be consulted regarding acceptable discharge limits to the sewage system. A trade waste agreement application if required, must be submitted and assessed by Council prior to the application for a Construction Certificate. Hawkesbury City Council's Trade Waste/Technical Officer should be consulted to determine if this is required.

Prior to Commencement of Works

- 35. 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.
- 36. 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.
- 37. All traffic management devices shall be installed and maintained in accordance with the approved traffic management plan.
- 38. A Waste Management Plan shall be submitted to and approved by Council. The plan shall address any builder's waste and waste generated during the day to day operation of the development. Particular attention shall be paid to type and quantity of waste, recycling, reuse, storage and disposal.

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39. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction. The enclosed warning sign shall be affixed to the sediment fence/erosion control device.
40. The building shall be set out by a Registered Surveyor. The Survey Certificate of the building showing the position of the external walls under construction and in compliance with the approved plans shall be lodged with the Principal Certifying Authority. Any easements must be shown on the Survey Certificate.
41. 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. Payments can be made at Long Service Corporation offices or most Councils.
42. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
43. 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.
44. 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.
45. Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$10 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Hawkesbury City Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

(Note: Applications for hoarding permits, vehicular crossings etc will require evidence of insurance upon lodgement of the application.)

During Construction

46. The site shall be secured to prevent the depositing of any unauthorised material.
47. Vehicle entrances and exits shall be clearly signposted and be visible from both the street and site at all times.
48. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
49. The applicant shall not enter or undertake any work within adjoining public lands (i.e. Parks, Reserves, Roads etc) without the prior written consent of Council. In this regard the applicant is to liaise with Council prior to the commencement of any design works or preparation of a Construction Management Plan.
50. 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.

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51. 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 7 (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.

52. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan Appendix E Civil Works Specification.
53. On-site detention shall be provided to maintain all stormwater discharges from the 1:1 up to the 1:100 year storm at pre-development levels.
54. 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.
55. A heavy duty layback and footway vehicular crossing minimum 12m wide shall be constructed to the development. The crossing shall be constructed in accordance with Hawkesbury Development Control Plan Appendix E, Civil Works Specification.
56. All necessary street signage and pavement markings shall be installed.
57. Disabled parking shall be provided in accordance with AS2890.1-1993.
58. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am – 6pm and on Saturdays between 8am – 4pm.
59. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
- (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.
60. Filling shall comprise only uncontaminated virgin excavated natural material. Contamination certificates for all source material shall be provided to the Principal Certifying Authority prior to placing any fill on site.
61. Council records indicate that the building site is at a level of approximately 15.5 metres AHD. All materials used in the construction below the level of 17.3 metres AHD shall be capable of withstanding prolonged immersion in water without swelling or deteriorating.

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62. Any sewer or stormwater main or manhole affected by the development, shall be repaired or altered in level as so directed at the applicant's expense.
63. Registered Surveyor's identification report indicating the finished ground floor levels to a nominated fixed datum point are in accordance with the levels indicated on the approved plans. Surveyor's report is to be submitted for confirmation to The Principal Certifying Authority prior to pouring of the slab or construction of the floor platform.
64. Should any Aboriginal site or relic or European relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service or the Heritage Office (European relic) consulted. Any person who knowingly disturbs an Aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974 and Heritage Act.
65. Vehicles entering and leaving the site with soil or fill material must be covered.
66. Dust suppression measures must be carried out to minimise wind-borne emissions in accordance with the NSW Department of Housing's 1998 guidelines - Managing Urban Stormwater: Soils and Construction. Odour suppression measures must be carried out so as to prevent nuisance occurring at adjoining properties. This Condition must be complied with during demolition and building work.
67. Inspections and Compliance Certificates for sewer works are only to be undertaken by Hawkesbury City Council.
 - In the case of internal and external (house service connection) drainage, the inspection must be conducted by Hawkesbury City Council's City Planning Branch. Contact details to arrange inspections: (02) 4560 4565 (fees are to be paid prior to inspection/s).
 - 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 Details have been received, assessed and approved by Council's Waste Management Branch. Contact details to arrange inspections: (02) 4560 4519 or (02) 4560 4529.
 - In the case of major sewer works where the contractor is permitted to independent quality control, the independent assessor shall 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.

It is advised that a statutory declaration will not be accepted in lieu of the compliance inspection.

68. Proposed tree planting within and adjacent to the car parking area is to utilise advanced species, appropriate protection measures and maintenance schedule are to be implemented so as to ensure long term viability of the landscape scheme.
69. Any part of the building to be used for food preparation shall comply with Council's Code for the Fitting out of Food Premises.
70. 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.
71. Ceilings throughout the premises are to be solid in food preparation areas 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 areas.

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72. 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.
73. 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.
74. All wall/floor junctions in the food preparation area(s), including any prefabricated low temperature rooms/freezer rooms, 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.
75. 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.
76. The premises is 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.
77. 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.
78. 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.
79. In food preparation areas, 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.
80. 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.
81. Equipment and appliances are to be installed on legs or castors as specified by Hawkesbury City Council's *Food Premises Fit Out Code*. Where plinths are to be used, the plinths shall be sealed to the floor, be covered in an equivalent finish to the floor, and the equipment/appliance effectively sealed to the plinth. Coving should also be provided to the plinth where necessary.
82. 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 with the exception of egress doors and air locks.
83. Provide toilet and washing facilities in accordance with part F2 of the Building Code of Australia relevant to class 3 to 9 buildings.

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84. Refrigerators and frozen food cabinets should be installed so as to comply with Hawkesbury City Council's *Food Premises Fit Out Code* .
85. Non-commercial refrigeration is not permitted in new food premises.
86. 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*.
87. Adequate provision for the disposal of condensation from low temperature rooms and refrigeration shall be provided. Condensation waste is to be disposed of to the sewer in accordance with the requirements of Hawkesbury City Councils' Water Management branch.
88. An appropriate temperature gauge is to be provided externally to each low temperature room, refrigerated display unit, and refrigeration device.
89. 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.
90. Storage racks, where required, 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.
91. The refrigeration equipment and all associated fittings are to be installed in such a manner that it is capable of operating without causing a noise or vibration nuisance for adjoining property holders.
92. An appropriately qualified person is to monitor excavation or similar activities, as per the 'Preliminary Contamination and Acid Sulphate Soil Assessment' report number 11688/2-AA prepared by Geotechnique Pty Ltd, regarding the potential presence of acid sulphate soils on the site or in any fill material imported to the site. Further testing/assessment is to be undertaken if required by the geotechnical engineer and results are to be submitted to the Principal Certifying Authority.

Appropriate measures shall be incorporated in the conjunction with the construction of the building relating to the presence or otherwise of acid sulphate soil.

93. Noise from the proposed machinery and excavation activities should be managed so that *offensive noise* as defined by the Protection of the Environment Operations Act does not occur at any sensitive receiver such as a residential property boundary.

Prior to Issue of the Occupation Certificate

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

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 infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

95. 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.
96. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.

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97. 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.
 98. A Compliance Certificate issued by Hawkesbury City Council's City Planning Branch confirming completion of internal and external drainage must be submitted to the Principal Certifying Authority.
 99. A Trade Waste Agreement may be required to be entered into with the Hawkesbury City Council for the discharge of trade waste to Council's sewer. Consultation with Council's Waste Management Branch is to be undertaken to determine whether such an agreement will be required.
 100. The applicant shall prepare a flood emergency evacuation and management plan for the development. The plan shall advise occupants of flood evacuation procedures and emergency telephone numbers. The applicant shall contact Council and the NSW State Emergency Service for advice in the preparation of the plan. The evacuation procedures shall be permanently fixed to the building in a prominent location and maintained at all times.
 101. Prior to occupation provision shall be made for access to and within the building on the site for persons with a disability in accordance with the provisions of AS 1428 Parts 1 and 4. Particular attention should be given to tactile ground surface indicators for the orientation of people with vision impairment (AS 1428.4).
 102. To ensure that adequate provision is made for ventilation of the building all mechanical and/or natural ventilation systems shall be designed, constructed and installed in accordance with the provisions of:
 - (a) The Building Code of Australia,
 - (b) AS 1668 Part 1 & 2,
 - (c) The Public Health Act,
 - (d) Public Health (Microbial Control) Regulation,
 - (e) Work Cover Authority,
 - (f) AS 3666 Air Handling and water system of building microbial control:
 - Part 1 - Design installation and commissioning
 - Part 2 - Operation and maintenance
 - Part 3 - Performance based maintenance of cooling water systems
- An application to register any regulated system installed must be made to Council prior to commissioning of the system and the issuing of any Occupation Certificate.
103. 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.
 104. 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.

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All costs associated with the Covenant, including any legal costs payable by Council, are to be paid by the owner or applicant.

105. Submission of a report by the Design Engineer stating the conformance or otherwise of the On Site Stormwater Detention System in relation to the approved design.
106. Prior to occupation of the development, a grease trap of an appropriate size may be required to be installed on the drainage line at a location approved by the Manager of Regulatory Services. Hawkesbury City Council's Trade Waste/Technical Officer should be consulted to determine if this is required.

Use of the Development

107. No internal or external alterations shall be carried out without prior approval of Council.
108. 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, andfound, 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.
109. 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
110. 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.
111. 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.
112. All unpackaged food and unpackaged food handling equipment is to be stored at least 300mm clear of the floor on an approved shelf or appliance. No unpackaged food is to be stored on the floor in a low temperature room or freezer.
113. 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.
114. 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.
115. 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.
116. Potentially hazardous foods should be stored below 5°C , or above 60°C at all times in accordance with The Food Act 2003.
117. 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 DECC's *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.

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118. The owner/manager of the site must be responsible for the removal of all graffiti from the building within 48 hours of its application.
119. Security cameras must be installed and maintained in good operational order and placed in strategic places such as the external entrance, exit doors and secluded accessways. The DVDs/tapes/discs must have the time and date automatically recorded and be kept in a secure place to ensure their integrity for a minimum period of 14 days before being reused or destroyed. The DVDs/video tapes/discs are to be made available to the Police upon request.
120. No advertising signs or structures shall be erected, displayed or affixed on any building or land without prior approval.
121. The level of illumination and/or lighting intensity used to illuminate the signage is to be minimised to ensure that excessive light spill or nuisance is not caused to any nearby premises or public road.
122. Illumination to the approved signage associated with the subject premises shall be extinguished no later than 90 minutes after the store closing (as detailed in the approved hours of operation), and not before store opening (as detailed in the approved hours of operation).
123. The trading hours of the premises shall be limited to:
- | | |
|----------------------|-----------------|
| Monday to Wednesday: | 9.00am - 7.00pm |
| Thursday: | 9.00am - 9.00pm |
| Friday: | 9.00am - 8.00pm |
| Saturday: | 8.30am - 6.00pm |
| Sunday: | 9.00am - 6.00pm |
124. The following activities shall not occur between the hours of 4.00pm to 6.00pm:
- (a) Delivery or loading of goods;
 - (b) Stock movement within the loading area; and
 - (c) Garbage Collection.
125. All cooling towers and cooling and warm water systems must be operated and maintained in accordance with AS 3666.2:1995, (or AS 3666.3:2000 subject to prior notification to Council) the *Public Health Act 1991*, and *Public Health (Microbial Control) Regulation 2000*.
- A true copy of the annual certificate as stipulated in clause 9(2) of the *Public Health (Microbial) Regulation 2000* which certifies the effectiveness of the process of disinfection used for the water cooling system, must be submitted to Council prior to the period ending 30 June each year.
- Prior to commencement of the use the owner or occupier of the premises must apply to Council for the registration of water cooling systems warm water systems installed on the premises in accordance with the *Public Health (Microbial Control) Regulation 2000*.
126. The subject development, including landscaping, is to be maintained in a clean and tidy manner.

Roads and Traffic Authority Conditions

127. Deleted
128. A traffic management plan is to be prepared to control the servicing of the site.
129. The design of the car parking area including parking space dimensions, access driveway, aisle widths, manoeuvring areas, sight distances, ramp grades and loading areas, etc are to conform to AS 2890.1-2004 and AS 2890.2-2002 for loading areas.
130. All vehicles are to enter/exit the premises in a forward direction.

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131. All vehicles are to be wholly contained within the property before being required to stop.

132. All works associated with the development are to be at no cost to the RTA.

Advisory Notes

*** 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 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 is advised to consult with:

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

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

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

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

*** The development falls within the Zone of Influence of a Council owned sewer main. The applicant is required to seek advice from the Waste Management Branch prior to an application for a Construction Certificate being made given that a specific foundation design will be required to be provided to the proposed building.

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 Calvert	Councillor Porter
Councillor Mackay	Councillor Rasmussen
Councillor Paine	Councillor Williams
Councillor Reardon	
Councillor Tree	
Councillor Whelan	

Councillors Bassett and Stubbs were absent from the meeting.
Councillor Conolly was not in the Chamber when the vote was taken.

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The meeting terminated at 8:11pm

Submitted to and confirmed at the Ordinary meeting held on Tuesday, 3 February 2009.

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Mayor