



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 09 December 2008

location: council chambers

time: 5:00 p.m.

ORDINARY MEETING

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 9 December 2008, commencing at 5.05pm

Reverend Andrew Mahaffey of St John's Anglican Church, Wilberforce, 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, W Mackay, C Paine, B Porter, P Rasmussen, J Reardon, R Stubbs, 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, Manager Corporate Services and Governance - Fausto Sut, Executive Manager - Community Partnerships - Joseph Litwin and Administrative Support Team Leader - Kylie Wade-Ferrell.

Councillor Williams arrived at the meeting at 5:10pm

Councillor Mackay arrived at the meeting at 5:12pm

Councillor Calvert left the meeting at 6:10pm

SECTION 1: Confirmation of Minutes

408 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Reardon that the Minutes of the Ordinary Meeting held on the 25 November 2008, be confirmed with the correction to the Mover of Resolution 395 (Item 243) on page 15 of the Minutes being changed from Councillor Rasmussen to Councillor Conolly.

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SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 252 **GM - Sister City Program - Annual Report 2007/2008 - (79351, 110165)**

Previous Item: 129, Ordinary (10 July 2007)

Councillor Paine declared a less than significant non-pecuniary conflict of interest in this matter as she is, as Council's nominated representative, Vice President of the Sister City Association and no further action is required.

MOTION:

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

Refer to RESOLUTION

409 RESOLUTION:

RESOLVED on the motion of Councillor Paine, seconded by Councillor Rasmussen

That the 2007/2008 annual report for the Sister City Program be received.

Item: 253 **GM - Community Representation on Council Committees - (79351, 79356)**

Councillor Stubbs declared a less than significant non-pecuniary conflict of interest in this matter as Dianne Finch, a nominee, ran on his ticket during the 2008 Local Government Elections and no further action is required.

Councillor Williams declared a less than significant non-pecuniary conflict of interest in this matter as Danielle Wheeler, a nominee, is a member of the Hawkesbury Greens and stood on the Greens Ticket at the September 2008 Local Government Elections and no further action is required.

MOTION:

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

Refer to RESOLUTION

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410 RESOLUTION:

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

That:

1. Mr Alan Aldrich, Mr Doug Bathersby, Mr Chris Cameron and Ms. Virginia Kruse be appointed as community representatives on the Hawkesbury Bicycle and Access Mobility Committee (HBAMC) in accordance with the Committee's Constitution.
2. Mr Geoffrey Bessell and Mr William Sneddon be appointed as Community representative on the Waste Management Advisory Committee in accordance with the Committee's Constitution.
3. Mr Chris McAlpine, Ms Vickie Shackley, Mr Nick Sabel, Ms Vesna Kapetanovic and Ms Virginia Kruse be appointed as community representatives on the Community Planning Advisory Committee in accordance with the Committee's Constitution.
4. Mr Jonathan Auld, Ms Deborah Hallam, Ms Jan Barkley Jack, Ms Virginia Kruse, Professor Ian Jack, Ms Danielle Wheeler, Mr Graham Edds, Ms Michelle Nichols be appointed as Community representatives on the Heritage Advisory Committee in accordance with the Committee's Constitution. The Constitution for this Committee be amended to specify eight community members.
5. Mr Geoffrey Bessell, Mr Ian Johnston, Mr Bill McMahan, Mr John Miller, Mr Alexander Windebank and Mr Les Sheather be appointed as community representatives on the Floodplain Risk Management Committee. The Constitution for this Committee be amended to specify six community members.
6. Mr Barry Adams, Mr David Bertenshaw, Mrs Dianne Finch, Mr Todd Miladinovic and Mrs Jean Peare be appointed as community representatives on the Hawkesbury Civics and Citizenship Committee. The Constitution for this Committee be amended to specify five community members.
7. Mr Robert Kellet, Ms Jacqui Menzies, Mr William Sneddon and Mr Neville Wearne be appointed to the Three Towns (and Agnes Banks) Sewerage Committee.
8. All those who nominated be thanked for offering their assistance.

Item: 254 GM - Joint 49th Annual Floodplain Management Authorities (NSW) and 6th Biennial Victoria Flood Conference - 17-20 February 2009 - (79351)

MOTION:

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

Refer to RESOLUTION

411 RESOLUTION:

RESOLVED on the motion of Councillor Porter, seconded by Councillor Stubbs

The attendance by nominated Councillors, and staff members as considered appropriate by the General Manager, at the "Joint" 49th Annual Floodplain Management Authorities (NSW) and 6th Biennial Victoria Flood Conference to be held 17–20 February 2009 at a cost of approximately \$1,830.00 plus travel expenses per delegate be approved.

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412 RESOLUTION:

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

That Councillors Conolly, Porter and Rasmussen, as the nominated Councillors, represent Council at the "Joint" 49th Annual Floodplain Management Authorities (NSW) and 6th Biennial Victoria Flood Conference to be held 17–20 February 2009.

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CITY PLANNING

**Item: 255 CP - Modification to Development Consent - Clarendon Tavern, Lot 1 DP730903
S/P 73508, 244 Richmond Road, Clarendon - (DA0341/91, 95498, 82728, 10517)**

Mr Frank Sanders, proponent, addressed the Council
Sergeant Shaun Gagan, Ms Ann Tocker and Mr Donald Sykes, respondents, addressed Council

MOTION:

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

Refer to RESOLUTION

413 RESOLUTION:

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

That the application be refused for the following reasons:

1. The likely negative impact on the amenity of the locality.
2. The occurrence of anti-social behaviour in the vicinity of these premises previously when this business operated for extended hours.
3. The concerns of Hawkesbury Local Area Command of the NSW Police that increased incidents of malicious damage, assaults and drink driving are foreseeable.
4. The lack of public transport in the area after midnight.
5. The absence of evidence of tourist demand for such facilities after midnight. The proposed "no new entry after midnight" restriction would preclude operation as a tourist-focussed facility.
6. The proposal is not in the public interest.

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

Item: 256 CP - River Summit Sunset Working Group - (95498)

Previous Item: NM2, Ordinary (11 December 2008)
211, Ordinary (21 October 2008)

MOTION:

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

Refer to RESOLUTION

414 RESOLUTION:

RESOLVED on the motion of Councillor Porter, seconded by Councillor Stubbs

That those persons nominated for the Working Group, as referred to in the report, be appointed to the Working Group and that Councillor Porter be the Councillor's representative on the Working Group.

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Item: 257 CP - Draft Section 64 Contribution Plan - Stormwater Infrastructure for Pitt Town - Bona Vista and Ferndall Precincts December 2008 - (95498)

MOTION:

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

Refer to RESOLUTION

415 RESOLUTION:

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

That the draft Section 64 Contribution Plan Stormwater Infrastructure for Pitt Town - Bona Vista and Fernadell Precincts, December 2008 be placed on public exhibition for a minimum period of 28 days.

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 Whelan
Councillor Conolly	
Councillor Mackay	
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Stubbs	
Councillor Tree	
Councillor Williams	

Councillor Calvert was absent from the meeting.

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Item: 258 CP - Hawkesbury Employment Lands Strategy 2008 - (95498)

Previous Item: 257, Ordinary (24 October 2006)

Mr Tom Lonsdale, proponent, addressed Council.
Mr Frank Scharfe and Mr Rob Senior, respondents, addressed Council.

MOTION:

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

Refer to RESOLUTION

416 RESOLUTION:

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Rasmussen

That:

1. The Hawkesbury Employment Lands Strategy be adopted by Council with the following amendments:
 - (a) A notation in relation to Strategy 4 that only minor and ancillary retail development be permitted in the Clarendon area; and
 - (b) An additional dot point within Strategy 8 to include land in South Windsor on the western side of George Street, between Blacktown Road and Colonial Drive, with an indicative timing of medium to long term.
2. A copy of the Employment Lands Strategy be forwarded to the Department of Planning.

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 Conolly	
Councillor Mackay	
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Stubbs	
Councillor Tree	
Councillor Whelan	
Councillor Williams	

Councillor Calvert was absent from the meeting.

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417 RESOLUTION:

RESOLVED on the FORESHADOWED motion moved by Councillor Stubbs, seconded by Councillor Porter.

That a report be brought to Council on the development of a Policy that aims to maintain and improve the economic importance of the principle commercial centres in the Hawkesbury.

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 Conolly	
Councillor Mackay	
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Stubbs	
Councillor Tree	
Councillor Whelan	
Councillor Williams	

Councillor Calvert was absent from the meeting.

Item: 259 CP - Confirmation of Membership Hawkesbury Macquarie 2010 Committee - (95498)

Previous Item: 168, Ordinary (12 August 2008)

Councillors Bassett, Conolly, Reardon, Tree and Whelan all declared less than significant non-pecuniary conflict of interest in this matter as one of the nominees was a candidate for election to Council on behalf of the Liberal Party and no further action is required.

Councillor Williams declared a less than significant non-pecuniary conflict of interest in this matter as Danielle Wheeler is a member of the Hawkesbury Greens and stood on the Greens Ticket at the September 2008 Local Government Elections and no further action is required.

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MOTION:

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

Refer to RESOLUTION

418 RESOLUTION:

RESOLVED on the motion of Councillor Paine, seconded by Councillor Rasmussen

That:

1. Council ratify the draft constitution for the *Hawkesbury Macquarie 2010 Committee*.
2. Council appoint all eighteen community representatives as outlined in the report and one Councillor to sit on the *Hawkesbury Macquarie 2010 Committee*.
3. The General Manager be given delegated authority to alter the constitution of the Hawkesbury Macquarie 2010 Committee, if necessary, following consultation with the Committee.

419 RESOLUTION:

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

That Councillor Stubbs, as the nominated representative, sit on the Hawkesbury Macquarie 2010 Committee.

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INFRASTRUCTURE SERVICES

**Item: 260 IS - Compulsory Acquisition of an Easement for Drainage Purposes - 149
Longleat Lane, Kurmond - (79344, 21018, 21020)**

Ms Kim Jarvis, proponent, addressed Council.
Ms Robyn Cullen, respondent, addressed Council.

MOTION:

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

Refer to RESOLUTION

420 RESOLUTION:

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

That:

1. A site inspection be organised and carried out.
2. Any further drainage options be investigated by staff and reported back to Council.

Item: 261 IS - Document for Execution Under the Common Seal of Council - (95495, 79346)

Previous Item: 86, Ordinary (29 April 2008)

Councillor Paine declared a pecuniary interest in this matter as Lot 20, DP603166 is her residential address. She left the Chamber and did not take part in voting or discussion on the matter.

MOTION:

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

Refer to RESOLUTION

421 RESOLUTION:

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

That authority be given for any documentation in association with the encroachment on the Kable Street Carpark to be executed under the Seal of Council.

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Item: 262 IS - Regional and Local Community Infrastructure Program - (95494)

Ms Yvonne Impiombato, proponent, addressed Council.

MOTION:

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

Refer to RESOLUTION

An AMENDMENT was moved by Councillor Mackay, seconded by Councillor Reardon.

That:

1. The program of works outlined in the report in relation to the \$834,000 offered under the Regional and Local Community Infrastructure Program be submitted to the Department of Infrastructure Transport and Regional Development and Local Government for approval.
2. Council make application on behalf of the Hawkesbury District Agricultural Association in relation to the completion of the grandstand complex at the Hawkesbury Showground under the Regional and Local Community Infrastructure Program – Strategic Projects.

The amendment was lost.

The motion was put and carried.

422 RESOLUTION:

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Williams

That:

1. (a) The program of works outlined in the report in relation to the \$834,000 offered under the Regional and Local Community Infrastructure program, as amended in part 1(b) of this resolution, be submitted to the Department of Infrastructure, Transport and Regional Development and Local Government for approval.
 - (b) (i) The Streeton Lookout fencing proposal be deleted from this submission.
 - (ii) \$50,000 be allocated to construction of pathways for cyclists and pedestrians preferably between Windsor Station and the Bligh Park / South Windsor area or a link between the Clarendon Cycleway and the Windsor Cycleway, subject to specific locations to be determined by the Hawkesbury Bicycle and Access Mobility Committee.
 - (iii) An additional \$10,000 be allocated to the community buildings security systems item.
2. Council make application on behalf of the Hawkesbury District Agricultural Association in relation to the completion of the grandstand complex at the Hawkesbury Showground under the Regional and Local Community Infrastructure Program – Strategic Projects.
3. The Federal Government be thanked and asked if this funding arrangement is to continue next year, a greater timeframe be allowed to facilitate other community groups with time to put suggested projects forward.

SUPPORT SERVICES

Item: 263 **SS - Rating Options - Differential Rates for Business Category - (95496)**

Previous Item: 12, Ordinary (5 February 2008)
 65, Special (17 April 2007)
 85, Special (2 May 2006)

Mr Frank Scharfe, proponent, addressed the Council.
Mr Max Jarman, respondent, addressed the Council.

MOTION:

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

Refer to RESOLUTION

423 RESOLUTION:

RESOLVED on the motion of Councillor Stubbs, seconded by Councillor Rasmussen

That the information concerning rating options available to Council in regard to differential rates for business be noted.

CONFIDENTIAL REPORTS

424 RESOLUTION:

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

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

425 RESOLUTION:

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

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: 264 IS - Hawkesbury Nepean River Recovery Project

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act, 1993 as it relates to the possibility of receiving funding which is yet to be announced and the information is regarded as being commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, confer a commercial advantage on a competitor of the Council, or reveal a trade secret and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

Item: 265 SS - Property Matter - Lease to Gollan - Public Road Adjacent to 501 Bells Line of Road, Kurmond (BP Service Station)

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

Item: 266 SS - Property Matter - New Lease to Yum Restaurants Australia Pty Limited (Operating as KFC) - 35 Macquarie Street, Windsor

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

Item: 267 SS - Property Matter - New Lease to Yum Restaurants Australia Pty Limited (Operating as Pizza Hut) - 69 Macquarie Street, Windsor

*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.*

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Item: 268 SS - Hawkesbury Heritage Farm (Former Australiana Pioneer Village)

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

Item: 269 SS - YMCA of Sydney - Management of the Hawkesbury Leisure Centres

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it relates to details concerning the management of Council assets 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: 270 SS - Hawkesbury City Council ats Urban City Consulting Pty Ltd - 47 Bells Line of Road, North Richmond

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(g) of the Local Government Act, 1993 as it relates to legal advice concerning the current legal proceedings in the Land and Environment Court and as such is advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

Item: 271 SS - Joint SSROC/WSROC Tender No: 0820 - Tender for the Provision of General Hardware Products - (95496, 74251) CONFIDENTIAL

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(g) 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: 273 IS - Tender No. 003/FY09 - Provision of Repainting Various Sites

*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.*

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

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

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

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426 RESOLUTION:

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

Item: 264 IS - Hawkesbury Nepean River Recovery Project - (95495, 79357) CONFIDENTIAL

Councillor Conolly declared a less than significant non-pecuniary conflict of interest in this matter as local schools may be involved in the project and he is an employee of the Catholic Education Office, which runs Catholic Schools and no further action is required.

MOTION:

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

Refer to RESOLUTION

427 RESOLUTION:

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

That:

1. In the event of a funding offer being received, the General Manager be given delegated authority to accept a funding offer from the Federal Government for a recycled water scheme in the South Windsor/Bligh Park area at an estimated cost and involving a Council contribution as generally outlined in the report, subject to a favourable outcome to negotiations relating to Council's contribution to 'avoided costs'.
2. Authority be given for the funding agreement, together with any other necessary documentation in association with this matter to be executed under the Seal of Council.

Item: 265 SS - Property Matter - Lease to Gollan - Public Road Adjacent to 501 Bells Line of Road Kurmond (BP Service Station) - (95496) CONFIDENTIAL

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

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428 RESOLUTION:

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

That:

1. Council agree to enter into a new lease with Mr J and Mrs J Gollan in regard to the public road adjacent to 501 Bells Line of Road, Kurmond, in accordance with the proposal outlined in the report.
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 Lessees, together with the advice that Council is not, and will not, be bound by the terms of its resolution, until such time as appropriate legal documentation to put such resolution into effect has been agreed to and executed by all parties.

**Item: 266 SS - Property Matter - New Lease to Yum Restaurants Australia Pty Limited
(Operating as KFC) - 35 Macquarie Street, Windsor - (95496, 74060)
CONFIDENTIAL**

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

Refer to RESOLUTION

429 RESOLUTION:

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

That:

1. Council agree to enter into a new lease with Yum Restaurants Australia Pty Limited (operating as KFC) in regard to 35 Macquarie Street, Windsor, in accordance with the proposal outlined in the report subject to the Rental being altered as follows:
 - \$29,700.00 or 3% of Turnover (whichever is greater), plus GST.
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 Lessees, together with the advice that Council is not, and will not, be bound by the terms of its resolution, until such time as appropriate legal documentation to put such resolution into effect has been agreed to and executed by all parties.

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MINUTES: 9 December 2008

**Item: 267 SS - Property Matter - New lease to Yum Restaurants Australia Pty Limited
(Operating as Pizza Hut) - 69 Macquarie Street, Windsor - (95496, 74060)
CONFIDENTIAL**

MOTION:

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

Refer to RESOLUTION

430 RESOLUTION:

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

That:

1. Council agree to enter into a new lease with Yum Restaurants Australia Pty Limited (operating as Pizza Hut) in regard to 69 Macquarie Street, Windsor, in accordance with the proposal outlined in the report.
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 Lessees, together with the advice that Council is not, and will not, be bound by the terms of its resolution, until such time as appropriate legal documentation to put such resolution into effect has been agreed to and executed by all parties.

**Item: 268 SS - Hawkesbury Heritage Farm (Former Australiana Pioneer Village) - (95496,
79351) CONFIDENTIAL**

Previous Item: 90, Ordinary (29 April 2008)
 400, Ordinary (13 December 2005)
 16, General Purpose Committee (24 February 2004)

Councillor Paine declared a less than significant non-pecuniary conflict of interest in this matter as she is good friends with a representative of The Friends of the Australiana Pioneer Village Society Inc. and no further action is required.

MOTION:

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

Refer to RESOLUTION

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The General Manager advised that whilst in Closed Session, an AMENDMENT was moved by Councillor Mackay, seconded by Councillor Porter.

That the lease be given to the Friends of The Australiana Pioneer Village Society Inc. with appropriate provisions to protect Council's interest to be formulated by the General Manager on the basis of no additional costs being incurred by Council.

The amendment was lost.

The motion was put and carried

431 RESOLUTION:

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

That the matter deferred until the second Ordinary Meeting in February 2009 and that three representatives of the Friends of The Australiana Pioneer Village Society Inc. be invited to attend the Councillor Briefing Session on Tuesday, 10 February 2009 to present their proposal to Councillors.

Item: 269 SS - YMCA of Sydney - Management of the Hawkesbury Leisure Centres - (95496, 93487, 34584, 73685) CONFIDENTIAL

Previous Item: 31, Ordinary (9 March 2004)

MOTION:

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

Refer to RESOLUTION

432 RESOLUTION:

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

That:

1. Council agree to take up the option for a further term of (5) five years with the YMCA of Sydney commencing from 1 July 2009 for the operation and management of the Hawkesbury Leisure Centres, being the Oasis Aquatic Centre and the Hawkesbury Indoor Stadium.
2. The appropriate documentation be in accordance with the provisions of the existing Deed of Management and authority be given for any documentation in this matter to be executed under the Seal of Council.
3. Details of Council's resolution be conveyed to YMCA of Sydney, together with advice that Council is not and will not be bound by the terms of its resolution until such time as appropriate legal documentation, to put such resolution into effect, has been agreed to and executed by all parties.

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Item: 270 SS - Hawkesbury City Council ats Urban City Consulting Pty Ltd - 47 Bells Line Of Road North Richmond - (85782, 95498, 112106, 95496) CONFIDENTIAL

Previous Item: 169, Ordinary (12 August 2008)

MOTION:

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

Refer to RESOLUTION

433 RESOLUTION:

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

That Council grant delegated authority to the General Manager to negotiate and accept a settlement offer, subject to consensus with Council’s Solicitor and Valuer, in the Land and Environment Court proceedings no 30893 of 2008, relating to the easement associated with the development at 47 Bells Line of Road, North Richmond.

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 Conolly	
Councillor Mackay	
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Stubbs	
Councillor Tree	
Councillor Whelan	
Councillor Williams	

Councillor Calvert was absent from the meeting.

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Item: 271 SS - Joint SSROC/WSROC Tender No: 0820 - Tender for the Provision of General Hardware Products - (95496, 74251) CONFIDENTIAL

MOTION:

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

Refer to RESOLUTION

434 RESOLUTION:

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

That:

1. Council accept the standing offer from J Blackwood & Son Ltd for the supply of general hardware products at an approximate annual GST exclusive price of \$114,000 in accordance with the Joint SSROC/WSROC Tender No. 0820.
2. The necessary documents in this matter be executed under the Seal of the Council.

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CONFIDENTIAL SUPPLEMENTARY REPORTS

Item: 273 **IS - Tender No. 003/FY09 - Provision of Repainting Various Sites - (95495, 79340)**
CONFIDENTIAL

Previous Item: 235, Ordinary (11 November 2008)

MOTION:

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

Refer to RESOLUTION

435 RESOLUTION:

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

That the tender of Rapid Constructions Pty Ltd for the provision of painting various sites, in the sum of \$106,140.00 (including GST), be accepted and the necessary documents be executed under the Seal of Council.

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SUPPLEMENTARY REPORTS

Item: 272 **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)

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

Councillor Bassett, Mayor declared a significant non-pecuniary conflict of interest in this matter as the objector, Pirasta Pty Ltd, made donations to his March 2007 State Election campaign for the seat of Londonderry. The donations made were under the State Election threshold of \$1,500 limit for the 2007 Election, however, the amount would now be considered over the Local Government Election threshold of \$1,000. He left the Chamber and did not take part in voting or discussion on the matter.

Councillor Conolly declared a significant non-pecuniary conflict of interest in this matter as 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 the respondent. 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.

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 Councillors Stubbs for the position. The General Manager declared Councillor Stubbs elected as Acting Chairperson for this item in the absence of the Mayor and Deputy Mayor.

MOTION:

A MOTION was moved by 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.

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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.

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

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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
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.

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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.

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.

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- 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.
- 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

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- 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.

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 appropriately 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.

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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 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.

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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.
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

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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.
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.

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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.
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.

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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.
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.

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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.
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

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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.
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

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the Plan of Management for the operation and maintenance of the on-site stormwater detention facilities, and

- (b) The liability under the Covenant will jointly and severally bind the registered proprietors of the proposed dwellings, and
- (c) Council only will be entitled to release or modify the Covenant.

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

- 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.

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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.
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

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128. A traffic management plan is to be prepared to control the servicing of the site so as to ensure that all associated activities are undertaken outside of normal store trading hours.
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.
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 carrierregarding 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.

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

Councillor Calvert was absent from the meeting.

Councillor Bassett and Councillor Conolly were not in the Chamber when the vote was taken

The motion was LOST.

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

That the application be refused as it is not in the public interest and would be detrimental to the viability of the Windsor Town Centre.

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

Councillor Calvert was absent from the meeting.

Councillor Bassett and Councillor Conolly were not in the Chamber when the vote was taken

The motion of LOST.

At this stage the General Manager advised that in accordance with Clause 3.1.5(3) of the Council's Code of Meeting Practice that a motion to the same effect of the two previously lost motions could not be considered unless notice was duly given in accordance with the provisions of the Code.

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MOTION:

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

Refer to RESOLUTION

436 RESOLUTION:

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

That the matter be deferred and reported to a Extraordinary Meeting to be held on Tuesday, 16 December 2008 commencing at 7:00pm.

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 Mackay	Nil
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Stubbs	
Councillor Tree	
Councillor Whelan	
Councillor Williams	

Councillor Calvert was absent from the meeting.

Councillor Bassett and Councillor Conolly were not in the Chamber when the vote was taken

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LATE SUPPLEMENTARY REPORTS

Item: 274 CP - Proposed Mushroom Farm and Substrate Plant Project, Londonderry and Mulgrave - (95498)

MOTION:

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

Refer to RESOLUTION

437 RESOLUTION:

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

That:

1. A submission be prepared and sent to the Department of Planning identifying the key environmental issues, as stated in this report, that Council wishes to have included in the Director General's requirements for the mushroom substrate plant project.
2. A copy of that submission be forwarded to all Councillors.

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 Conolly	
Councillor Mackay	
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Stubbs	
Councillor Tree	
Councillor Whelan	
Councillor Williams	

Councillor Calvert was or absent from the meeting.

SECTION 5 - Reports of Committees

ROC - Local Traffic Committee - 19 November 2008 - (80245, 95494)

438 RESOLUTION:

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

That the minutes of the Local Traffic Committee held on 19 November 2008 as recorded on pages 109 to 115 of the Ordinary Business Paper be adopted with the exception of Item 2.1 in respect of the proposed Taxi Zone in George Street, South Windsor which is to be referred back to the Committee for further consideration.

ORDINARY MEETING**MINUTES: 9 December 2008****QUESTIONS WITHOUT NOTICE**

#	Councillor	Question	Response
1	Mackay	Referred to Brickfield Road and advised that it requires maintenance.	The Director Infrastructure Services advised that the matter would be investigated.
2	Tree	Referred to a mediation that will be held next Wednesday evening and asked if there were any Councillors who had not already seen the site to organise an inspection to make a better informed decision.	The Mayor advised that it would be a good idea.
3	Williams	<p>Referred to Coromandel Road and asked if Council has an answer as to what has happened with the application to modify the development consent regarding the wall that was suppose to be a glass railing and now is a brick wall.</p> <p>Councillor Williams also referred to the neighbours view being blocked by what is meant to be a glass railing on the rear balcony and has now been built as a brick wall.</p>	<p>The Director City Planning advised original application was for a small shed in the location and a significant amount of excavation occurred without approval. After discussions and investigations with the Department, a wall has been built to stabilise the back because without it the bank will continue to erode away. Therefore, it was discussed and approved by the Department that under orders, that the wall was constructed. He advised that the matter is still being investigated to resolve other remaining issues on the property.</p> <p>The Directory City Planning advised that he had to investigate to see if the development application to the rear balcony had been resolved and would advise all Councillors.</p>

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#	Councillor	Question	Response
4	Paine	<p>Referred to the Preschool at Wisemans Ferry and asked if Council had heard back from the other Councils regarding if they would be prepared to contributed to this.</p> <p>Councillor Paine asked if this would happen before the end of the month before time runs out for that Pre-school.</p> <p>Councillor Paine asked if the Pre-school, on 30 December 2008, if it will automatically change.</p>	<p>The Executive Manager Community Partnerships advised that there had been informal discussions with Council staff, but the decision was not to actually write formally to Council until the Department had responded to our representations. The advice was that this would be unlikely to fund the preschool on an ongoing basis, but Council was advised that they would formally have to write to the Mayor and General Manager to each of the Councils.</p> <p>The Executive Manager Community Partnerships advised that if Council desires, a letter be forwarded to the three Councils.</p> <p>The General Manager commented that in August, the Council considered a Notice of Motion from former Councillor Devine and Council made representations to the Minister at the time and were sent a response that effectively told us that we should discuss it with the Local Office. Subsequent to that, Council made representations to the new Minister and subsequently, the Mayor also made representations to the Minister requesting a meeting. Recently, Council received a response to the General Manager's representations, once again, suggesting Council should put a further submission to the DoCS, that was done last week. He added that Council still hadn't received a response to the Mayor's request for a meeting to discuss the meeting and this is being followed up on a regular basis.</p> <p>The Executive Manager Community Partnerships advised Peppercorn Services Inc. are running the operations of the pre-school and it has advised Council of its position beyond 30 December 2008. In simple terms saying that it doesn't have the funds to continue to fund the operating loss of the pre-school, therefore, if the other three Councils wish for the pre-school to continue, there would have to be some decision to underwrite the operating losses of the pre-school beyond 30 December 2008.</p>

ORDINARY MEETING**MINUTES: 9 December 2008**

#	Councillor	Question	Response
5	Paine	Referred to 22 Kable Street, Windsor, which was the site of the old Masonic building and commented that it had applied and been given a licence for a restaurant for around 100 seat and asked if it was also going to be a 3:00am licence like the Westpac building and had it been approved.	The Directory City Planning advised it will be investigated and information provided back to Councillor Paine.
6	Paine	Commented that she was at a Bridges meeting and advised that some gates had been put on the building to keep kids with disabilities in and contained, all of which started in April 2008. She advised that the gates went up and one of the locks wasn't suitable. She asked if a lock could go in as soon as possible and not have the Bridges Group to wait another eight months for the lock to go in.	The Executive Manager Community Partnerships advised the matter would be investigated.
7	Porter	Advised that the Weed Harvester has arrived from Brisbane and is currently working in the Lagoon on Grono Road. He commented that Councillors and staff should go and investigate and that the County Council staff are currently being trained in its use.	The Mayor acknowledged this comment.

The meeting terminated at 10:45pm

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

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Mayor