



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 11 March 2008
location: council chambers
time: 5:00 p.m.

MINUTES

- **WELCOME / EXPLANATIONS / PRAYER**
- **APOLOGIES**
- **DECLARATION OF INTERESTS**
- **SECTION 1 - Confirmation of Minutes**
- **MINUTES ITEMS SUBJECT TO PUBLIC ADDRESS**
- **SECTION 2 - Mayoral Minutes**
- **QUESTIONS WITH NOTICE**
- **SECTION 3 - Notices of Motion**
- **EXCEPTION REPORT - Adoption of Items Not Identified for Discussion and Decision**
- **SECTION 4 - Reports for Determination**

General Manager
City Planning
Infrastructure Services
Support Services

- **SECTION 5 - Reports of Committees**
- **QUESTIONS WITHOUT NOTICE**

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 11 March 2008, commencing at 5:00pm.

Rev John Gaunt of St James Anglican Church, Pitt Town, representing the Hawkesbury Minister's Association, gave the opening prayer at the commencement of the meeting.

ATTENDANCE

PRESENT: Councillor B Bassett, Mayor, Councillor T Books, Deputy Mayor and Councillors B Calvert, K Conolly, T Devine, D Finch, C Paine, B Porter, P Rasmussen, R Stubbs, N Wearne and L Williams

ALSO PRESENT: General Manager - Peter Jackson, Director City Planning - Matt Owens, Director Infrastructure Services - Chris Daley, Director Support Services - Laurie Mifsud, Acting Manager Corporate Services and Governance - Nicole Spies, Executive Manager - Community Partnerships - Joseph Litwin and Administrative Support Team Leader - Amy Dutch.

Councillor Rasmussen arrived at the meeting at 5:02pm.

SECTION 1: Confirmation of Minutes

57 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Books that the Minutes of the Ordinary held on the 26 February 2008, be confirmed.

SECTION 3 - Notices of Motion

NM1 - Illuminated Directional Signage on Road Name Posts - (90476)

MOTION:

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

Refer to RESOLUTION

58 RESOLUTION:

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

That a Policy be developed to permit the erection of limited, illuminated directional signage on road name posts. The signage is to be limited to use by licensed, "not for profit" clubs in order to direct the public to the club premises when located off main roads. The erection of the directional signage is to be limited to one per club premises, at no cost to Council and an agreement is to be entered into between the Council and the club in regards to maintenance costs and annual rental.

SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 42 **GM - 2008 Local Government Manager's Association National Congress & Business Expo - (74304, 79351)**

MOTION:

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

Refer to RESOLUTION

59 RESOLUTION:

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

That attendance by nominated Councillors, and staff considered appropriate by the General Manager, at the 2008 Local Government Manager's Association National Congress & Business Expo to be held 25-28 May 2008 at a cost of \$2,860.00 per delegate be approved.

Item: 43 **GM - Rural Fire Service Agreement - Extension of Proposal - (95496, 79016, 79351)**

Previous Item: 137, Ordinary (28 August, 2007)
 236, Ordinary (13 November, 2007)

Mr Frank Scharfe, respondent, addressed Council.

MOTION:

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

Refer to RESOLUTION

60 RESOLUTION:

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

That:

1. Council agree to the termination date of the current Service Level Agreement between the NSW Rural Fire Service and Council being extended until 31 March 2008.
 2. Pending the finalisation of the new Service Level Agreement, the General Manager be authorised to agree to further extension of the termination date of the current Service Level Agreement if necessary.
 3. The NSW Rural Fire Service be advised accordingly.
-

CITY PLANNING

Item: 44 **CP - Shed less than 170m2 - Proposed New Shed Plus Annex to Existing Shed, Lot 4 DP 244901, 3 Putland Place, Vineyard - (DA0697/07, 10203, 10204, 96329, 95498)**

Mr Robert Sinclair, proponent, addressed Council.
Mr Robert Montgomery and Mr John Hagar, respondents, addressed Council.

MOTION:

RESOLVED on the motion of Councillor Devine, seconded by Councillor Finch.

Refer to RESOLUTION

61 RESOLUTION:

RESOLVED on the motion of Councillor Devine, seconded by Councillor Finch

That a site inspection be carried out.

Item: 45 **CP - Review of Determination - Dual Occupancy - Lot 4 DP27204, 8 Campbell Street, South Windsor - (DA0056/06, 3284, 37769, 95498)**

MOTION:

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

Refer to RESOLUTION

62 RESOLUTION:

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

That Council review the determination in accordance with the provisions of section 82A of the Environmental Planning and Assessment Act 1979 and resolve to approve the application for multi unit housing (dual occupancy) at Lot 4 DP 27204, 8 Campbell Street, South Windsor, subject to the following conditions:

General

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

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3. The approved use shall not commence until all conditions of this Development Consent have been complied with.
4. The 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 at all times.
6. The development shall comply with the Environmental Planning and Assessment Act, 1979 at all times.
7. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within 7 (seven) days of issuing the certificate. A registration fee applies.
8. 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.
9. All vegetative debris (including felled trees) resulting from the approved clearing of the site for construction, is to be chipped or mulched. Tree trunks are to be recovered for posts, firewood or other appropriate use. No vegetative material is to be disposed of by burning.

Prior to Issue of Construction Certificate

10. 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 \$2,400 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 certifying authority.

11. A Traffic Guidance Scheme 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 Guidance Scheme is to be approved by the Roads and Traffic Authority before submission to Council.
12. Construction of the, access and drainage, including the on-site detention system, 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 \$423.00 and a Compliance Certificate inspection fee of \$765.00 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2008. Fees required if an Accredited Certifier is used will be provided on request.
14. Payment of a contribution of \$6093.70 towards sewer headworks. This sum will remain fixed until 30 June 2008 after which it will be recalculated at the rate applicable at the time of payment.

Prior to Commencement of Works

15. All traffic management devices shall be installed and maintained in accordance with the approved traffic management plan.
16. 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.

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Particular attention shall be paid to type and quantity of waste, recycling, reuse, storage and disposal.

17. Any structure/building constructed on this block MUST comply with Section 8 "Building adjacent to or over Council's Sewer mains" of Hawkesbury City Council Standard Specification Construction and Testing of Sewerage Works Revised December 2003.

The footings shall be designed and constructed in such a manner that their zone of influence shall fall a minimum of 900mm below the zone of influence of the trench taken from a point 600mm from the centre line at invert level of the adjacent sewer main. The angle of repose shall be assumed to be 1:1 (45 degrees) in undisturbed clay or similar material and 1:2 (30 degrees) from horizontal in sand or filled ground whether compacted or not. All supporting piers adjacent to the sewer main shall contain appropriate starter bars cast in them for subsequent tying into the strip footing or perimeter beam. Design of the proposed footings system shall be certified by a structural engineer and approved by Council. The applicant shall accurately locate the position of the main prior to work commencing, and shall request an inspection of the location and depth of any pier within the zone of influence by Council prior to the Principal Certifier authorising concrete pour to the piers.

18. Recent colour photographs of all elevations of the existing dwelling shall be submitted to Council. The photographs shall be labelled and cross referenced to a base plan drawn to scale.
19. 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.
20. A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 shall be supplied to the principal certifying authority prior to commencement of works.
21. 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.
22. 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.
23. 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.
24. 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.
25. 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.
26. 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.
27. The approved plans must be submitted to a Sydney Water Quick Check agent or customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater

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drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For quick Check agent details, please refer to the web site www.sydneywater.com.au, see Building Developing and Plumbing then Quick Check or telephone 13 20 92.

The consent authority or a private accredited certifier must either:

Ensure that Quick Check agent/Sydney Water has appropriately stamped the plans before the issue of any Construction Certificate; or

If there is a combine Development/Construction Certificate application or Complying Development, include the above condition as one to be met prior to works commencing on site.

During Construction

28. The development shall be completed in accordance with the approved colours and finishes and shall not be altered.
29. The driveway shall be finished with a decorative paving pattern in earth tones.
30. New boundary fences shall be provided. Fencing behind the building line shall be a height of 1.8m.
31. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
32. The site shall be secured to prevent the depositing of any unauthorised material.
33. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
34. 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.
35. 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.
36. At all times during demolition, a competent person shall directly supervise work. It is the responsibility of the person to ensure that:
 - a. Adjoining owners are given 24 (twenty four) hours notice, in writing, prior to commencing demolition.
 - b. Utility services within the structure not required to be maintained during the demolition work shall be properly disconnected and sealed before any demolition commences.
 - c. The site shall be secured at all times against the unauthorised entry of persons or vehicles.
 - d. Safe access and egress from adjoining buildings is to be maintained at all times for the duration of the demolition work.

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- e. Precautions are taken to ensure that the stability of all parts of the structure and the safety of persons on and outside the site are maintained, particularly in the event of sudden and severe weather changes.
 - f. The structure and all components shall be maintained in a stable and safe condition at all stages of the demolition work.
 - g. Demolition activity shall not cause damage to or adversely affect the structural integrity of adjoining buildings
 - h. Removal of dangerous or hazardous materials shall be carried out in accordance with the provisions of all applicable State legislation and with any relevant recommendations published by the National Occupational Health and Safety Commission (Worksafe Australia).
 - i. All work shall be carried out in accordance with AS2601 and the Work Plan submitted with the development application.
 - j. Unless otherwise permitted by Council, the structure is to be demolished in reverse order of construction, being progressive and having regard to the type of construction, to enable the maximum separation and recycling of demolished materials to take place.
 - k. No material is to be burnt on site.
37. 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.
38. Roof water (including overflow from water storage vessels) shall be drained to street gutters (formed or otherwise) or to stormwater drainage easements.
39. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
40. Removal of the existing redundant layback crossing and replacement with concrete kerb and gutter and the restoration of the footway area.
41. On-site detention shall be provided to maintain all stormwater discharges from the 1:1 year storm up to the 1:100 year storm at pre-development levels. Discharge from the system through positive fall to Campbell Street.
42. A heavy duty layback and footway vehicular crossing 3m wide shall be constructed to the development. The crossing shall be constructed in accordance with Hawkesbury Development Control Plan Appendix E, Civil Works Specification.

Prior to Issue of Occupation Certificate

- 43. Compliance with all conditions of this development consent.
- 44. Landscaping shall be carried out in accordance with the approved landscaping plan.
- 45. 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.
- 46. 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.

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

47. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
48. The following certificates are to be provided, stating the name of person or company carrying out the installation, type of material and the relevant Australian Standard to which installed:
 - a. The type and method of termite treatment (complying with AS 3660) provided to walls and floors, pipe penetrations, jointing of new work to existing and slab perimeters. A copy of the termite treatment and materials used shall also be securely fixed inside the meter box for future reference.
 - b. Glazing materials installed in the building in accordance with AS1288 and AS2047 - Glass in Buildings - Selection and Installation, e.g. windows, doors, footlights and showers.
 - c. The type of timber installed indicating both species and durability as required by AS 1684.
 - d. An automatic smoke detection system installed in residential development by a licensed electrician. Smoke alarms must comply with AS 3786 and be connected to the consumer mains power where supplied to the building.
 - e. A statement or other suitable evidence shall be submitted to the Principal Certifying Authority, certifying that all commitments made on the BASIX certificate have been implemented and installed as approved.
49. 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.
50. The owner shall enter a positive covenant with Council which provides the following:
 - a. The registered proprietors will at all times maintain, repair and keep the on-site stormwater detention facilities in a good and safe condition and state of repair, in accordance with the approved design to the reasonable satisfaction, at all times, of Council, having due regard to the Plan of Management for the operation and maintenance of the on-site stormwater detention facilities, and
 - b. The liability under the Covenant will jointly and severally bind the registered proprietors of the proposed dwellings, and
 - c. Council only will be entitled to release or modify the Covenant.

All costs associated with the Covenant, including any legal costs payable by Council, are to be paid by the owner or applicant.
51. Submission of a report by the Design Engineer stating the conformance or otherwise of the system in relation to the approved design.
52. Works-As-Executed drawings for the On Site Detention Stormwater System which indicate the following shall be submitted to and approved by Council:
 - a. Invert levels of tanks, pits and pipes
 - b. Surface levels of pits and surrounding ground levels
 - c. Levels of surrounding kerb

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- d. Floor levels of buildings
- e. Top of kerb levels at the front of the lot; and
- f. Extent of inundation

Prior to Issue of Subdivision Certificate

- 53. The development shall be completed in accordance with all conditions of this Consent (Development Consent No. 56/06).
- 54. The submission of a plan showing all existing services on the lots including septic tank and effluent disposal area, sewer connections, water connections and stormwater disposal, where applicable, and the correction of any encroachments or defects to the requirements of the Director of Environment and Development.
- 55. The submission of the plan of subdivision, together with 4 (four) exact copies thereof, suitable for lodgement with the Registrar General.
- 56. The submission of a Surveyor's Certificate stating that all pipelines are contained within the proposed/existing easements.
- 57. Payment of a Linen Release Fee in accordance with Council's Fees and Charges at the time of lodgement of the linen plan.

Use of the Development

- 58. No internal or external alterations shall be carried out without prior approval of Council.
- 59. The subject development, including landscaping, is to be maintained in a clean and tidy manner.

Advisory

- *** 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.
- *** Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.
- *** The applicant is advised to consult with:
 - (a) Sydney Water Corporation Limited
 - (b) Integral Energy
 - (c) Natural Gas Company
 - (d) a local telecommunications carrier

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

- *** The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed subdivision. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.
- *** The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.

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Item: 46 CP - Details of Guidelines, Reports and Recommendations made to Department of Planning for Subdivision at 34 Chaseling Rd, Wisemans Ferry - (DA1023/02, 27426, 95498)

Previous Item: 285, Ordinary (11 December 2007)

Councillor Paine declared an interest in this matter as her husband is a solicitor for the applicant. She left the meeting and did not take part in voting or discussion on the matter.

MOTION:

A MOTION was moved by Councillor Devine, seconded by Councillor Rasmussen.

That the:

1. Information be received and it be noted that Council cannot approve a development application accompanied by a SEPP 1 objection without the concurrence of the Director-General, Department of Planning.
2. Staff provide a full and comprehensive report regarding approvals and refusals of SEPP 1 concurrence applications to the Department of Planning over the last two years.

An AMENDMENT was moved by Councillor Conolly, seconded by Councillor Wearne.

Refer to RESOLUTION

The amendment was carried.

The amendment then became the motion which was put and carried.

63 RESOLUTION:

RESOLVED on the AMENDMENT moved by Councillor Conolly, seconded by Councillor Wearne

That the:

1. Information be received and it be noted that Council cannot approve a development application accompanied by a SEPP 1 objection without the concurrence of the Director-General, Department of Planning.
2. Determination of refusal for DA1023/02, dated 16 June 2003, for a two lot subdivision at Lot 1 DP 1028107, 34 Chaseling Road, Wisemans Ferry be upheld.
3. Staff provide a report regarding concurrence procedures for SEPP 1 applications as related to issues of lot severance.

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Item: 47 **CP - Proposed Restaurant at 246 Windsor Road, Vineyard - (95498, 96329, 107)**

MOTION:

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

Refer to RESOLUTION

64 RESOLUTION:

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

The application to demolish an existing restaurant building and construct a new restaurant building, that contains a KFC restaurant, administrative offices and staff training facilities, modified parking layout and associated signs, at Lot 2 DP 737483, 246 Windsor Road, Vineyard, be approved subject to the following conditions of consent:

General

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate construction certificate.
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 at all times.
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 days of issuing the certificate. A registration fee applies.
7. Where 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 development shall also incorporate the amendments made in red to the approved plans, specifications or documentation submitted.
9. All vegetative debris (including felled trees) resulting from the approved clearing of the site for construction, is to be chipped or mulched. Tree trunks are to be recovered for posts, firewood or other appropriate use. No vegetative material is to be disposed of by burning. The internal movements within the site are to be in accordance with the approved stamped plan as amended in red.
10. All food premises are to comply with Hawkesbury City Council's Food Premises Fit Out Code.
11. 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.

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12. The internal vehicle movements within the site are to be in accordance with the approved stamped plan as amended in red and shall also incorporate the following:
 - (a) Signage/line marking to direct traffic to the entrance of the drive-through via the second entrance and around the front of the restaurant.
 - (b) Give way signage and line marking at the exit of the drive-through. Signage to indicate that a right hand turn only is permissible when exiting.
 - (c) Line marking at the entrance driveway including a central dividing line and 2 exit lanes marked for left and right turns.
13. In accordance with the resolution of the Local Traffic Committee, the recommendations contained in the report by Christopher Hallam and Associates are to be incorporated, namely:
 - (a) Prohibiting kerb side parking near the site driveway to assist the free flow of both southbound and northbound traffic in Groves Avenue, subject to RTA approval.
 - (b) Line marking at the entrance involving a central dividing line and two exit lanes marked for left and right turns.
 - (c) Directional line marking and signage is to be provided to reduce the potential conflict between vehicles entering the site to utilise the fast food outlet and those entering the other restaurant on the adjoining property. Give way line marking and signage is to be provided at the exit to the drive through to avoid conflict with vehicles using the site.

Prior to issue of Construction Certificate

14. 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.

15. 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 \$14,000 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 confirming that the contribution has been fully paid are to be provided to the certifying authority.

16. A Traffic Guidance Scheme 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.

Prior to Commencement of Works

17. All traffic management devices shall be installed and maintained in accordance with the approved traffic guidance scheme.

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18. 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.
19. 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.
20. 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 of most Councils.
21. 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.
22. 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.
23. 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.
24. 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.
25. 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.

During Construction

26. The site shall be secured to prevent the depositing of any unauthorised material.
27. Dust control measures, eg vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
28. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
29. All trucks entering or leaving the site shall have their trays suitably covered to prevent spillage from the truck onto the road.
30. Off-street car parking spaces, together with access driveways and turning areas, shall be constructed, paved, line marked, signposted and maintained, as shown on the approved plan.
31. Disabled parking shall be provided in accordance with aS2890.0-1993.
32. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.

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33. 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 - 7pm.
34. The site shall be kept clean and tidy during the construction period and all unused building material sand rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
 - (a) Stockpiles of topsoil, sand, aggregated, 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.
35. At all times during demolition, a competent person shall directly supervise work. It is the responsibility of the person to ensure that:
 - (a) Adjoining owners are given 24 hours notice, in writing, prior to commencing demolition.
 - (b) Utility services within the structure not required to be maintained during the demolition work shall be properly disconnected and sealed before any demolition commences.
 - (c) The site shall be secured at all times against the unauthorised entry of persons or vehicles.
 - (d) Safe access and egress from adjoining buildings is to be maintained at all times for the duration of the demolition work.
 - (e) Precautions are taken to ensure that the stability of all parts of the structure and the safety of persons on and outside the site are maintained, particularly in the event of sudden and severe weather changes.
 - (f) The structure and all components shall be maintained in a stable and safe condition at all stages of the demolition work.
 - (g) Demolition activity shall not cause damage to or adversely affect the structural integrity of adjoining buildings.
 - (h) Removal of dangerous or hazardous materials shall be carried out in accordance with the provisions of all applicable State legislation and with any relevant recommendations published by the National Occupational Health and Safety Commission (Worksafe Australia).
 - (i) All work shall be carried out in accordance with s2601 and the Work Plan submitted with the development application.
 - (j) Unless otherwise permitted by Council, the structure is to be demolished in reverse order of construction, being progressive and having regard to the type of construction, to enable the maximum separation and recycling of demolished materials to take place.
 - (k) No material is to be burnt on site.
36. Mandatory inspections shall be carried out and Compliance Certificates issued only by Council or an accredited certifier for the following components or construction"

Note: Structural Engineer's Certificates, Drainage Diagrams and Wet Area Installation Certificates are NOT acceptable unless they are from an accredited person.

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- (a) Foundations
 - (b) Internal sewer or stormwater lines prior to covering
 - (c) Steel reinforcement prior to pouring concrete
 - (d) External sewer or stormwater lines, prior to backfilling
 - (e) Framework, after the installation of all plumbing, drainage and electrical fixtures, and after the external cladding and roof covering has been fixed prior to fixing of internal linings and insulation
 - (f) Prior to occupation of the building
 - (g) On completion of the works
37. The footings shall be piered or shall penetrate through any fill or unstable foundation material to bear upon a structurally adequate foundation material of a uniform load - bearing value.
38. Council records indicate that the building site is at a level of approximately 16 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.
39. All roofwater shall be drained to the street gutter. Where a ferrule has been provided in the kerb, such drainage shall be connected to it. Drainage across the footpath shall be 100mm sewer grade pipe.
40. 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.
41. The floor of the internal WC shall be graded and drained to an approved floor waste.
42. 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.
43. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
44. Arrangements are to be made for the provision of common drainage and the disposal of storm water from the site.
45. Erosion and sediment control devices are to be install and maintained until the site is fully stabilised in accordance with the approved plan and Hawkesbury Development Control Plan chapter on Soil Erosion and Sedimentation.
46. Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the components detailed in Hawkesbury Development Control Plan Appendix B civil Works Specification, Part II, Table 1.1.
47. Direction vehicle movements as shown on the approved stamped plan including the amendments in red are to be marked on the pavement.
48. The existing trees on site that are to be retained to be suitably protected during the construction stage in accordance with the relevant Australian Standard or where on standard exists an Industry standard.
49. The floors are to be covers with a durable, non-toxic, impervious surface, graded to trapped floor waste outlets, and connected to an approved drainage installation. The floor covering is to be free of protrusion or gaps.

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50. Where used, floor tiles are to be epoxy grouted.
51. All wall/floor junctions in the food preparation and storage area(s), including any prefabricated low temperature room wall and floor, shall be coved. 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 a tile type. "Stick on" coving is not permitted.
52. The premises is to be fitted with adequate hand washing facilities for the preparation of food. Hand washing 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. Hand washing 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 portable water.
 - (c) With a common spout delivering water of least 40° centigrade.
 - (d) To be easily accessible at all times.
53. A slop sink should be install 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 storm water drainage inlet.
54. The are used for storage of garbage receptacles is to be 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 rain water entering the garbage area should be adequately directed away from this drain.
55. 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.

Prior to Occupational Certificate

56. Compliance with all conditions of this development consent.
57. 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.
58. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
59. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
60. A Trade Waste Agreement must be entered into with the Hawkesbury City Council for the discharge of trade waste to Council's sewer.
61. The following Fire Safety Measures shall be provided and installed in the building/property by a suitably qualified person and a Certificate of Installation shall be provide to the owner/agent:

Fire Blanket

FSM1i Installation

Compliance with the following, as appropriate:

- Manufactured in accordance with AS3504.
- Installed near proximity of hazard (kitchen area, sleep area, etc)

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FSM1m Maintenance

- Visual, locality, acceptable standard of dispenser and fire blanket (not damaged)

Portable Fire Extinguishers

FSM2i Installation

Compliance with:

- Performance requirements and deemed-to-satisfy provisions of Section E of the BCA.
- AS 2444 "Portable Fire Extinguishers and Fire Blankets - Selections and Locations".
- AS 1841 "Portable Fire Extinguishers".
- AS 1850 "Portable Fire Extinguisher - Classification Rating and Performance Testing."
- AS 4265 "Wheeled Fire Extinguishers".

FSM2m Maintenance

Compliance with the following, as appropriate:

- AS 1851.1 "Maintenance of Fire Protection Equipment, Portable Fire Extinguishers and Fire Blankets".
- AS/NZS 1851.13 "Maintenance of Fire Protection Equipment - Wheeled Fire Extinguishers".

Exit Signs

FSM5i Installation

Compliance with the following, as appropriate:

- Performance requirements and deemed-to-satisfy provisions including NSW State variations of Sections E and G of the BCA.
- AS/NZS 2293.1 "Emergency Evacuation Lighting for Buildings - System Design, Installation and Operation".
- AS/NZS 2293.3 "Emergency Evacuation Lighting for Buildings - Emergency Luminaries and Exit Signs".

FSM5m Maintenance

Compliance with:

- AS/NZS 2293.2 "Emergency Evacuation Lighting for Buildings - Inspection and Maintenance.

Emergency Lighting

FSM6i Installation

Compliance with the following, as appropriate:

- Performance requirements and deemed-to-satisfy provisions including NSW State variations of Sections E and G of the BCA.
- AS/NZS 2293.1 "Emergency Evacuation Lighting for Buildings - System Design, Installation and Operation".
- AS/NZS 2293.3 "Emergency Evacuation Lighting for Buildings - Emergency Luminaries and Exit Signs".

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FSM6m Maintenance
Compliance with:

- AS/NZS 2293.2 "Emergency Evacuation Lighting for Buildings - Inspection and Maintenance.

62. Prior to occupation of the development , a grease trap of an appropriate size shall be installed on the drainage line at a location approved by the Manager of Regulatory Services. Alternatively, details of an existing trap are to be supplied to Council prior to occupation of the development

Use of Site

63. No internal or external alterations shall be carried out without prior approval of Council.

64. All fire safety equipment and fixtures shall be regularly serviced and maintained. The owner or their agent shall certify annually that each of the fire safety measures specified in this statement has:

- (a) Been assessed by a properly qualified person, and
- (b) Found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the certificate is issued.

65. Any part of the building to be used for food preparation shall be registered with Council as food Premises.

66. The development shall be conducted in such a manner that the LA(eq) noise levels, measure at any point in accordance with the NSW EPA's Industrial Noise Policy (2000), do not exceed 5dBA) LA(eq) above background noised levels with respect to noise amenity of residential dwellings.

67. No advertising signs or structures shall be erected, displayed or affixed on any building or land without prior approval.

68. No advertising sign or structures shall be displayed on the footpaths, pedestrianways, roadways or on any land other than the approved development site.

69. The development shall be limited to the area shown on the submitted plans.

70. The subject development, including landscaping, is to be maintain in a clean and tidy manner.

71. Operating hours shall be limited to 10am to 12 midnight Mondays to Sunday.

72. Any external lighting shall ve directed in such a manner so that no nuisance ls caused to adjoining properties or to drivers on surrounding streets.

73. All vehicles being loaded or unloaded shall stand entirely within the property.

74. All vehicles shall be driven in a forward direction at all times when entering and leaving the premises.

75. All waste materials shall be regularly removed from the property.

76. A supply 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.

77. 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.

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78. A portable thermometer accurate to +1°C is to be available at the premises at all times for the purposes of checking cold and hot foods doe compliance temperatures.
79. Potentially hazardous foods should be stored below 5°C, or above 60°C at all times in accordance with The Food Act 2003.
80. 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.
81. The operations of the development shall be conducted in such a manner so as not to interfere with the amenity of the neighbourhood in respect to noise, vibration, odour, dust, wastewater, waste products or otherwise.

Item: 48 CP - NSW Department Planning Exhibition of North West Subregional Strategy - (100762, 95498)

Mr John Mahaffy and Mr Frank Scharfe, proponents, addressed Council.

MOTION:

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

Refer to RESOLUTION

65 RESOLUTION:

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

That:

1. The information be received.
2. A submission be prepared based on the issues raised in this report.
3. Council continue to lobby for the upgrading of the Blacktown-Richmond Road and its capacity for Regional Flood Evacuation.
4. Council continue to lobby for the preservation of the rail corridor to provide for the future extension of the North West Rail line to the Richmond Line.
5. Council continue to participate in subregional planning work.
6. Council request the Department of Planning to establish the Rural Resource Lands Working Party as a matter of urgency.
7. Council make representations to the Growth Centres Commission to bring forward development in Vineyard.
8. A Councillor Briefing Session be held once a submission has been prepared and prior to it being forwarded to the NSW Department of Planning.
9. A community forum be held to inform residents of the North West Subregional Strategy once the State Government has adopted its objectives.

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Item: 49 **CP - Review of the Hawkesbury District Eisteddfod Society (Sponsorship) Policy - (82265, 95498)**

Previous Item: 217, Ordinary (30 October 2007)
 288, Ordinary (11 December 2007)

Ms Carolyn McKenzie and Mr Frank Scharfe, respondents, addressed Council.

MOTION:

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

Refer to RESOLUTION

66 RESOLUTION:

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

That:

1. Council acknowledge the importance of the Hawkesbury District Eisteddfod Society's activities within the Hawkesbury City Council area.
2. A report be submitted to Council outlining if a structure similar to the structure of the Hawkesbury Sports Council could be established regarding cultural activities.

INFRASTRUCTURE SERVICES

Item: 50 **IS - Governor Phillip Reserve - Noise Policy - (79354, 95495)**

MOTION:

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

Refer to RESOLUTION

67 **RESOLUTION:**

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

That:

1. The amendment to the noise limits for specific events, as outlined within the report, be adopted.
2. All other users of the River, within the Hawkesbury LGA, are to observe the noise limits set by NSW Maritime.
3. The noise limits continue to be reviewed every two years or following any changes to the noise limits by NSW Maritime.

Item: 51 **IS - Exclusive Use of Governor Phillip Reserve - Upper Hawkesbury Power Boat Club - (79354, 73829)**

MOTION:

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

Refer to RESOLUTION

68 **RESOLUTION:**

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

That:

1. That approval be granted to the Upper Hawkesbury Power Boat Club for "Exclusive Use" of Governor Phillip Reserve for the following events:
 - a. Bridge to Bridge Power Boat Race - 4 May 2008, with an alternate date of 18 May 2008.
 - b. The Windsor Spectacular - 20 & 21 September 2008.

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2. Both events are subject to the following conditions:
- a. Prior to dates of exclusive use a letter box drop be undertaken by the applicants to all affected residents in proximity to the event with that letter advising full details of the function;
 - b. The reserve is to be left clean and tidy with the organisation being responsible for collection and disposal of all waste. The applicant is to lodge with Council a damage bond of \$800.00* in relation to each date, which is refundable less any costs incurred by Council, administrative or otherwise, to clean or restore the area;
 - c. The applicant paying to Council such fees as may be applicable at the time for exclusive use of the reserve being \$1.40* per person or \$830.20* per day (whichever is the greater);
 - d. A fee of \$58.20* is payable for the cleaning of the toilets prior to the exclusive use;
*(*The above fees/amounts apply to the current financial year only; these fees/amounts are subject to change in subsequent financial years, as determined by Council.)*
 - e. A copy of a Public Liability Policy for \$10,000,000 and indemnifying Hawkesbury City Council is to be submitted prior to the first event; in the event of renewal of that policy occurring at some time during the course of the 2008 Racing Calendar, a Certificate of Currency is to be submitted within one week of renewal - this Public Liability Policy is to cover all events conducted as part of the applicant's 2008 Racing Calendar.
 - f. Any building, vehicle or stall that is preparing food for public consumption is to comply with Council's "Food Safety Guidelines for Charities and Community Organisations" brochure; this information and any related food/public health information can be obtained by contacting Council's Environmental Health Officer.
 - g. If required, the applicant obtaining all necessary permits/approvals in relation to amusement devices/rides and liaising with Integral Energy regarding the supply of power and their proximity to power supply lines.
 - h. If required, the applicant to obtain appropriate licence from the Licensing Branch of the NSW Police Service for the sale of alcoholic beverages at the proposed event.
 - i. The applicant is to notify details of the 2008 Racing Calendar to the Hawkesbury Local Area Command at Windsor Police Station, telephone: 4560 6999.
 - j. The applicant obtaining appropriate licence from NSW Maritime Authority regarding the conduct of the 2008 Racing Calendar.
 - k. The event manager/applicant must undertake a Risk Assessment of the event to be conducted including pre-event preparations. This assessment must identify potential hazards and the procedures that need to be implemented to eliminate or control those hazards. The event manager/applicant is responsible for ensuring that procedures are followed and that they comply with the requirements of the Occupational Health and Safety Regulations 2001.
 - l. The Upper Hawkesbury Power Boat Club is to comply with Council's current policy in regard to noise levels, as listed below.

No competing vessel shall be permitted to emit noise in excess of:

- i. Club Days - 105dB(A) for more than 40 minutes per day;
- ii. NSW State Titles - 105dB(A);
- iii. Bridge to Bridge Boat Race - 105dB(A);

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- iv. Unlimited Boat Race (Blown Boats) - 115dB(A). This event is held directly after the Bridge to Bridge Boat Race;
 - v. Noise Test - (prior to the Two Day Spectacular) - 115dB(A) for more than 15 minutes in total through the day;
 - vi. Two Day Spectacular - 115dB(A) for more than 10 minutes in total per day.
3. A Traffic Management Plan be submitted as part of the Special Event Application.

SUPPORT SERVICES

Item: 52 SS - Classification of Land - Properties at Londonderry - (95496)

MOTION:

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

Refer to RESOLUTION

69 RESOLUTION:

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

That a submission be lodged with Penrith City Council for the following properties to be reclassified from "Community" land to "Operational" land in accordance with the Local Government Act, 1993:

1 Reynolds Road, Londonderry	(Lot 24 in Deposited Plan 25020)
2 Reynolds Road, Londonderry	(Lot 1 in Deposited Plan 25981)
50-56 The Driftway, Londonderry	(Lot 18 in Deposited Plan 25020)
42 The Driftway, Londonderry	(Lot 19 in Deposited Plan 25020)
34-40 The Driftway, Londonderry	(Lot 20 in Deposited Plan 25020)
26-32 The Driftway, Londonderry	(Lot 21 in Deposited Plan 25020)
18-24 The Driftway, Londonderry	(Lot 22 in Deposited Plan 25020)

CONFIDENTIAL REPORTS

70 RESOLUTION:

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

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

71 RESOLUTION:

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

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: 53 SS - Property Matter - Lease to Haber - Shop 11 Glossodia Shopping Centre

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

Item: 54 SS - Property Matter - Lease to Lao & Tran - Shop 10 Wilberforce Shopping Centre

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

Item: 55 SS - Sale of 28 Boomerang Drive, Glossodia

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

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

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

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

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Item: 53 SS - Property Matter - Lease to Haber - Shop 11 Glossodia Shopping Centre - (19858, 19859, 95496) CONFIDENTIAL

MOTION:

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

Refer to RESOLUTION

72 RESOLUTION:

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

That:

1. Council agree to enter into a new lease with Mr Michael Haber & Mrs Marion Haber (trading as Glossodia Hair Flair) 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: 54 SS - Property Matter - Lease to Lao & Tran - Shop 10 Wilberforce Shopping Centre - (73565, 74069, 76755, 95496) CONFIDENTIAL

MOTION:

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

Refer to RESOLUTION

73 RESOLUTION:

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

That:

1. Council agree to enter into a new lease with Messer's Lao & Tran (trading as Wilberforce IGA) 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.

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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: 55 **SS - Sale of 28 Boomerang Drive, Glossodia (Lot 42, DP217499) - (107, 11747, 95496) CONFIDENTIAL**

Previous Item: 217, Ordinary (12 July 2005)

MOTION:

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

Refer to RESOLUTION

74 RESOLUTION:

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

That:

1. Council accept the offer from NC, DA & MC Mitchell Pty as outlined in the report for the purchase of 28 Boomerang Drive, Glossodia (Lot 42 in DP 217499) in the amount of \$165,000 (inclusive of 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 Council's agent, Bennett Property NSW Pty Limited to then advise the proposed purchasers 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.

75 RESOLUTION:

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

SUPPLEMENTARY REPORTS

Item: 56 **IS - Dakota Media - Filming Applications - (95495, 105512)**

MOTION:

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

Refer to RESOLUTION

76 RESOLUTION:

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

That the application by Dakota Films for waiving of filming fees be approved on this occasion.

SECTION 5 - Reports of Committees

ROC - Floodplain Risk Management Advisory Committee Minutes - 4 February 2008 - (86589)

77 RESOLUTION:

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

That the minutes of the Floodplain Risk Management Advisory Committee held on 4 February 2008 as recorded on pages 99 to 103 of the Ordinary Business Paper be received.

ROC - Community Planning Advisory Committee Minutes - 14 February 2008 - (96737, 95498)

78 RESOLUTION:

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

That the minutes of the Community Planning Advisory Committee held on 14 February 2008 as recorded on pages 104 to 106 of the Ordinary Business Paper be received.

ROC - Local Traffic Committee - 20 February 2008 - (80245)

79 RESOLUTION:

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

That the minutes of the Local Traffic Committee held on 20 February 2008 as recorded on pages 107 to 122 of the Ordinary Business Paper be adopted.

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QUESTIONS WITHOUT NOTICE

1. Councillor Finch requested that the Pipe Band's request for funding be considered.

The Mayor advised that the matter is currently being investigated.

2. Councillor Finch enquired about the progress of the playground equipment that is to be installed at Bilpin.

The Director Infrastructure Services advised that a meeting has been held with the Bilpin community group and Council are investigating some aspects of the playground while members of the Bilpin community group are investigating other parts and conducting some earth works in kind.

3. Councillor Paine enquired if residents of Kurrajong were informed about the traffic lights that are to be installed and advised that the matter was coming to Council as she has been contacted by several residents who stated that they were not aware.

The Director Infrastructure Services advised that specific correspondence was sent to all residents within half a kilometre radius of the site and a notice was placed in the newspaper advertising the project. Members of the public who made submissions regarding the project were advised of the report going to Council.

4. Councillor Paine enquired what stage the traffic lights at Kurrajong are up to and the expected timeframe for completion.

The Director Infrastructure Services advised that the final design for the intersection is currently being completed and will be sent to the RTA for the approval. The construction is required to go through the tender process so it will be a few months before the works are complete.

5. Councillor Paine referred to letters that had been circulated in the Kurrajong area regarding the traffic lights.

The Mayor advised that he is aware of a letter that was circulated at Kurrajong Shops regarding the matter and had heard that it contained wording that was inappropriate about Councillors. He also stated that illegal signage had been placed on posts in the area on Monday afternoon however it had been removed by Tuesday morning.

6. Councillor Paine enquired about the processing time for Section 149 Certificates and asked if there are a large number being processed or a back log at present.

The Director City Planning advised that he could not provide the details of the number of certificates in the system at present. He advised that the average processing time for Section 149 Certificates is 8 days with most being issued within 10 days and urgency certificates being processed the same day or the day after the request. The Director City Planning also advised that there are a few cases in particular areas where the processing time may be longer due to flooding notifications however staff try to keep processing time to a minimum.

7. Councillor Paine enquired if Council has a Restriction of Access Policy that can restrict a person's access to Councillors in the Chambers.

The General Manager advised that he is not aware of a Restriction of Access Policy that would relate to the context that Councillor Paine was referring.

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8. Councillor Paine referred to a shed that was built on Old Stock Route Road some time ago and problems that Council had to deal with. She requested a list of the total cost to Council.

The General Manager advised that the information will be provided.

9. Councillor Paine enquired if the building that Peppercorn Place is in is running at a loss.

The Executive Manager - Community Partnerships advised that the current arrangement is that Council calculates the outgoings of the building each year and then charges each tenant according to the space that they occupy. The outgoings cover all the day to day running expenses but they do not cover the depreciation of the building.

10. Councillor Paine enquired if Racecourse Road has gone to tender.

The Director Infrastructure Services advised that the works have not gone to tender as endangered species were discovered when the review of environmental factors report was completed. Ways in which to work around the endangered species are currently being investigated.

11. Councillor Books referred to the concrete bollards that the RAAF have been placing around the inside of their fences and asked what they are for.

The Mayor advised that the bollards are being installed in RAAF establishments around the country as an anti-terrorism measure.

12. Councillor Williams referred to the alleged problem in the swimming pool at the Oasis Centre and enquired if Council is having their own tests conducted. He also enquired if the pool is vacuumed on a regular basis.

The General Manager advised that there has been an ongoing issue with algae in the pool for some time. He advised he was made aware of the test results that the Councillors have been provided with on Friday morning and following receipt of the report he arranged for water samples to be taken from a number of locations in the pool and forwarded to an appropriate NATA registered laboratory for testing.

The urgency of the matter was indicated to the testing laboratory and they have been contacted on a number of occasions to follow up the results however, at present the results have not been received. The laboratory has advised that the results should be available on Wednesday afternoon and will be both a biological and microscopic testing of the samples.

A representative from the Department of Health contacted the Council advising that they are aware of the report. The representative discussed the matter with Council's Officers who informed him of the actions that Council has taken and the representative indicated he was happy with the actions that have been taken and arrangements were made for the Department of Health to inspect the pool in the company of the Council's Officers.

The General Manager advised that maintenance people responsible for the pool have certain functions to undertake which include looking after the cleanliness of the facility, vacuuming of the pool and regular taking of water samples throughout the day, Council staff have reviewed these processes and indicated that they are generally happy with them.

The General Manager advised that he will be contacting the Manager of the Centre on Wednesday and requesting a report on what has occurred and the steps taken in relation to this issue over the last couple of months.

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13. Councillor Books advised that he inspected the pool at the Oasis Centre several weeks ago and the manager at the pool advised they were purchasing a new type of scrubber that can be used to vacuum the pool and assist with the algae problem. He also advised that he inspected the rest of the Centre while he was there and advised that the only other problem he saw was the with the canopy near the large pool and the posts on it rusting through.

The General Manager advised that the canopy structure has been inspected and at present is still safe, work will be carried out to rectify any ongoing problems with the posts.

14. Councillor Rasmussen asked if Oasis management is aware of the actions that Council is taking regarding the testing of the pool. He also enquired if the algae is still present and if there is a problem with the pool's filtering system.

The General Manager advised that the Oasis management is aware of Council's actions regarding the algae in the pool and is aware that samples were taken for testing on Friday. The General Manager advised that although the Oasis management are aware of what has occurred Council is within its rights to take tests of the pool water at any time it so wishes without consulting the Oasis management.

The General Manager advised that he inspected the pool Friday, Monday and Tuesday and a small amount of algae had occurred on one of those days however it is being attended to everyday. The General Manager also advised that the filtering system at the Oasis Centre is being investigated.

15. Councillor Rasmussen referred to an on air conversation between the Minister for Planning, Frank Sartor and Ray Hadley from 2GB regarding the Pitt Town development on 14 February 2008. He requested that a transcript of the conversation be obtained.

The General Manager advised that the matter will be investigated.

16. Councillor Devine referred to his request at the previous meeting regarding negotiations with Correctional Services to help clean up the nature areas between George Street and the Bligh Park houses and the fire station and football grounds and asked if any action has been taken.

The Director Infrastructure Services advised that no approach has been made to Correctional Services as yet.

17. Councillor Devine advised that there are three derelict houses in the South Windsor and Bligh Park area that are owned by the Department of Housing and requested that Council take action to have the houses either demolished or brought back to order.

The Director City Planning advised that Council has the power to issue a clean up notice to the property owners, the problem is that if it is a Crown owner, Council can not issue an order without their approval. He requested that Councillor Devine provide the specific addresses for the properties and advised that the matter will be discussed with the Department of Housing.

18. Councillor Porter requested an update on the progress at the Grono Farm Road washout site.

The Director City Planning advised that he will investigate the progress and advise Councillor Porter.

19. Councillor Porter referred to the building material that was dumped on the Grono Farm Road property prior to the washout and enquired what action is being taken to clean it up and prevent it from washing into the river.

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The Director City Planning stated, as advised to Councillors previously, that the washout issue is being concentrated on primarily as the owner is acting voluntarily rather than the Council issuing orders for works to be carried out. Council is reluctant to issue an order regarding the dumped building materials while they are negotiating a voluntary agreement with the owner regarding the washout.

The Director City Planning also advised that the washout matter is being dealt with first as it is considered more environmentally hazardous however the dumped building material has not been forgotten.

- 20. Councillor Wearne advised he will provide the Director Infrastructure Services with the details of a letter received from a resident who is concerned about the sewerage situation at Hawkesbury Waters.

- 21. Councillor Wearne enquired about trucks heading to the quarry on Old Tizzana Road and asked if the filling is complete.

The Director City Planning advised that a Development Application to rehabilitate the quarry is currently being assessed and on last inspection no trucks have been entering the quarry for quite sometime.

- 22. Councillor Porter asked if a Councillor is threatened in the Chamber, there are witnesses to the threat and the alleged person can be identified, is Council in a position to not allow the person to enter the Chamber if they have other applications before Council.

The General Manager advised that it would depend on the circumstances and if any action was taken in relation to the threat. He stated it must be remembered that the meetings are a public forum and must be open to the public at all times as the public have a right to enter. If a threat has been made but no action has been taken or concluded it may be difficult to try and exclude them from the room.

The meeting terminated at 9:26pm.

Submitted to and confirmed at the Ordinary meeting held on 8 April 2008.

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Mayor