



Hawkesbury City Council

ordinary meeting minutes

date of meeting: 11 December 2007

location: council chambers

time: 5:00 p.m.

ORDINARY MEETING
MINUTES: 11 December 2007

MINUTES

- **WELCOME / EXPLANATIONS / PRAYER**
- **APOLOGIES**
- **DECLARATION OF INTERESTS**
- **SECTION 1 - Confirmation of Minutes**
- **MINUTES ITEMS SUBJECT TO PUBLIC ADDRESS**
- **INTRODUCTION OF SES MEMBERS**
- **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 December 2007, commencing at 5:03pm.

Reverend Andrew Mahaffey of the Anglican Church at Wilberforce, 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, R Stubbs, N Wearne and L Williams

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

APOLOGIES

An apology for absence was received from Councillor Rasmussen.

460 RESOLUTION:

RESOLVED on the motion of Councillor Books and seconded by Councillor Conolly that the apology be accepted.

Councillor Calvert left the meeting at 6.30pm.

Councillor Williams left the meeting at 6.55pm.

Councillor Wearne left the meeting at 7.25pm and returned at 8.37pm, during the discussion of item 284.

Councillor Paine left the meeting at 11.07pm.

SECTION 1: Confirmation of Minutes

461 RESOLUTION:

RESOLVED on the motion of Councillor Books and seconded by Councillor Porter that the Minutes of the Ordinary Meeting held on the 27 November 2007, be confirmed.

462 RESOLUTION:

RESOLVED on the motion of Councillor Finch, seconded by Councillor Books that Item MM2 be brought forward in the business paper to be dealt with in conjunction with the congratulations of the Hawkesbury State Emergency Service Team.

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SECTION 2 - Mayoral Minutes

MM1 - Congratulations to the Hawkesbury State Emergency Service (SES) following National Disaster Rescue Competition - (79353, 20239)

MOTION:

RESOLVED on the motion of Councillor Bassett, Mayor.

Refer to RESOLUTION

463 RESOLUTION:

RESOLVED on the motion of Councillor Bassett, Mayor.

That the Mayoral Minute regarding the success of the Hawkesbury SES Team at the National Disaster Rescue Competition held 3 & 4 November 2007 in Bunbury Western Australia be received and that a formal letter and certificate of congratulations be forwarded to the SES Local Controller, Mr Kevin Jones.

MM2 - Volunteer Recognition - Garden Area within Bicentennial Park - (79353)

MOTION:

RESOLVED on the motion of Councillor Bassett, Mayor.

Refer to RESOLUTION

464 RESOLUTION:

RESOLVED on the motion of Councillor Bassett, Mayor.

That the small garden area within the Bicentennial Park, to the west of the Visitor Information Centre and adjacent to the carpark exit, be suitably upgraded and signage provided to identify the area as "Volunteer Garden" in recognition of all those who undertake voluntary work to support the Hawkesbury Community.

SECTION 3 - Notices of Motion

NM1 - Provision of Skip Bins within the St Albans area - (80104, 95498)

Mr Anthony Simpson, proponent, addressed Council.

MOTION:

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

Refer to RESOLUTION

465 RESOLUTION:

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

That consideration be given during the 2008/2009 budget process to supplying skip bins, on a fee for service basis, within the St Albans area at six monthly intervals, one at St Alban's Village and one at Upper Macdonald Road, to facilitate the ready removal of accumulated rubbish.

NM2 - River Summit - (79351, 90480, 90476, 90477, 80108)

Mr Ian Johnston and Mr Bill Sneddon, proponents, addressed Council.
Ms Kim Smith, respondent, addressed Council.

MOTION:

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

Refer to RESOLUTION

466 RESOLUTION:

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

That:

1. Council endeavour to conduct a "River Summit" including all interested parties, such as relevant Ministers, local members of parliament, councils, the Catchment Management Authority, LGAG and commercial representatives, with a view to investigating actions that can be taken, such as appropriate dredging, to improve water quality, reduce and control weed infestation and enhance access to this most important community asset.
2. A Steering Group to facilitate the conduct of a "River Summit" be established comprising the Mayor, Councillors T Books, T Devine, B Porter, R Stubbs, N Wearne and staff as considered appropriate by the General Manager and that Baulkham Hills, Blacktown, Hawkesbury River County and Penrith Councils also be requested to nominate appropriate representatives for the Steering Group.

SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 276 GM - Meetings of Council - January and February 2008 - (79351)

MOTION:

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

Refer to RESOLUTION

467 RESOLUTION:

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

That the:

1. Meeting of Council normally scheduled for Tuesday, 29 January 2008 not be held.
2. Meeting of Council normally scheduled for Tuesday, 12 February 2008 be rescheduled to Tuesday, 5 February 2008.
3. Normal scheduling of meetings of Council resume from Tuesday, 26 February 2008.
4. First Councillor Briefing Session for 2008 be held on Tuesday, 12 February 2008.

Item: 277 GM - National Framework for Women in Local Government - (105808, 79356, 79351)

MOTION:

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

Refer to RESOLUTION

468 RESOLUTION:

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

That:

1. Council reply to the Australian Local Government Women's Association commending them on their review.
2. A review be undertaken of the Statement of Equity Principles in light of the *Review of the National Framework for Women in Local Government*.

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3. Using the Gender Matters Checklist as a guide, Council develop an Action Plan to investigate and allocate responsibilities for some of the strategies and initiatives that are suggested in the review, in order to increase access and representation of women in elected and senior professional roles within the organisation.

Item: 278 **GM - Former E-commerce / Markets Advisory Committee - Future of Working Groups - (91367, 91811, 79351)**

Previous Item: 30, Ordinary (27 February 2007)

MOTION:

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

Refer to RESOLUTION

469 RESOLUTION:

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

That:

1. Further to Council's resolution of 27 February 2007 the working parties of the former E-commerce/ Markets Advisory Committee continue as such, if necessary, and be reported to Council as required with the Bridge-to-Bridge working group being established as an Advisory Committee.
2. A further report regarding the composition, constitution, resourcing implications and operation of the Bridge-to-Bridge Advisory Committee be submitted to Council and in the intervening period the existing working group continue to operate.

Item: 279 **GM - City - Country Alliances with Weddin and Cabonne Councils - Memorandums of Understanding - (79351, 85814, 95497)**

Previous Item: MM, Ordinary (24 April 2007)
MM, Ordinary (8 May 2007)

Mr Doug Bathersby, Ms Marie Bowyer and Mr Frank Scharfe, respondents, addressed Council.

MOTION:

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

Refer to RESOLUTION

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470 RESOLUTION:

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

That:

1. The City-Country Alliance Memorandum of Understanding between Weddin Shire Council and Council be adopted.
2. The draft City-Country Alliance Memorandum of Understanding between Cabonne Council and Council be adopted and referred to Cabonne Shire Council for its consideration.
3. Events for the signing of the Memorandums of Understanding referred to in (1) and (2) above be organised for the first quarter of 2008.
4. Council representatives, as considered appropriate, meet in the first quarter of 2008 to discuss a plan-of-action for the City-Country Alliance.
5. Any funding that may be required in support of the two City – Country Alliances be considered as part of the 2008/2009 Budget process.

Item: 280 GM - Review of Council's Strategic Plan - (79351)

Mr Frank Scharfe, proponent, addressed Council.

MOTION:

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

Refer to RESOLUTION

471 RESOLUTION:

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

That Council commence the process to review its current Strategic Plan on the basis outlined in the report in this regard, having noted the proposals contained within Option 3 of the Options Paper entitled "Integrated Planning and Reporting for NSW Local Councils" issued by the Department of Local Government in November 2006.

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CITY PLANNING

Item: 281 **CP - Modification to Development Consent - Existing Poultry Farm - Lot 1 DP 564277, 412 Stannix Park Road, Ebenezer - (MA0906/99, 95498, 23330)**

Councillor Books requested it be noted he completed work on the property in 2002 but has had no dealings with the property since, therefore did not have an interest.

Mr Garry Jennings and Mr Neville Diamond, proponents, addressed Council.
Ms Kim Smith and Ms Jackie Verzi, respondents, addressed Council.

MOTION:

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

Refer to RESOLUTION

472 RESOLUTION:

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

That the Section 96(2) modification MA0906/99, for an Existing Poultry Farm at Lot 1 DP564277, 412 Stannix Park Road, Ebenezer be approved subject to the following amendments:

Condition 1 now to read:

To conform and clarify the terms of this approval, the development shall be carried out in accordance with the approved stamped plans (Drawing No. 27197/3 Issue "E" dated 4/11/00) submitted with Development Application No MA0906/99 dated 25/06/99 and any supportive documentation, except as otherwise provided by the conditions of this consent or as amended in red on the plans and the plans Ref93707 Revision dated 26/06/07 plans prepared by Pooled Resources submitted with the S96 application MA0906/99A and any supporting documentation.

Condition 17 now to read:

All sheds are required to have complying guttering with roof water drained to the existing dam for recirculation. This is to ensure that no unnecessary erosion of the land, pooling of water, or pollution of the dam water will occur.

Condition 48 now to read:

Waste products are to be disposed of to the satisfaction of the Manager Environment and Waste, and should be directed to NSW EPA/DEC approved waste management facilities. Receipts for disposal are to be retained by the operation at all times and are to be made available upon request from an authorised officer undertaking inspections.

ADDITIONAL CONDITIONS

Condition 28 (a) to read:

Raise the earthen berm on the south-eastern side of the proposed poultry sheds to provide a minimum of 3.5 metres of effective height along the entire side. Engage the services of a geotechnical engineer to certify the stability and suitability of the proposed earth berm prior to construction, with the report provided to Hawkesbury City Council upon request. The height is to be taken from the slab floor as 0 metres and the berm raised 3.5 metres above this height. The fill is to be virgin excavated natural material with receipts retained and provided to Hawkesbury City Council upon request. Provide suitable trees and vegetation to the berm to prevent erosion and maintain aesthetics.

Condition 28 (b) to read:

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The berms surrounding the proposed poultry sheds are required to be stabilized with vegetation to prevent dust and sedimentation.

Condition 28 (c) to read:

The height of the shed at the ridge is to be a maximum of 6.1m measured from the base of the building and the height is to be confirmed by a qualified person upon completion of the frame and prior to cladding.

Additional Condition 49 to read:

The poultry farm shall operate so as not to produce an offensive odour, to a reasonable person, at the property boundaries of DP 564227 Lot 2, DP 1100742 Lots 21 and 22, DP 523123 Lots 1 and 2, DP 751665 Lots 257 and 295 and DP 580083 Lot 62, and any other nearby properties.

Additional Condition 50 to read:

The poultry farm shall operate such that dust particles do not exceed the prescribed standards under the Protection of the Environment Operations Act 1997 and associated regulations at the property boundaries of DP 564227 Lot 2, DP 1100742 Lots 21 and 22, DP 523123 Lots 1 and 2, DP 751665 Lots 257 and 295 and DP 580083 Lot 62, and any other nearby properties.

Additional Condition 51 to read:

Manure and manure cones located within the sheds are to be kept in a dry condition.

Additional Condition 52 to read:

Manure that is identified as supporting excessive fly breeding (identification of larvae or maggots) is required to be immediately removed from the property.

Additional Condition 53 to read:

Comply with the New South Wales Meat Chicken Farming Guidelines (managing planning and environmental issues) developed by NSW Agriculture 2004.

Additional Condition 54 to read:

The Council is to be requested to undertake the following additional inspections:

- (a) Use of the building for rearing of poultry (once occupied)
- (b) 3 months after occupation of the sheds
- (c) 6 months after occupation of the sheds
- (d) 9 months after occupation of the sheds
- (e) 12 months after occupation of the sheds

Item: 282 **CP - Development Application - 2 Lot Torrens Title Subdivision - Lot 1 DP 874920, 34 Inalls Lane, Richmond - (DA0185/07, 74563, 95498)**

Previous Item: 260, Ordinary (27 November 2007)

Mr Glenn Falson, proponent, addressed Council.

MOTION:

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

Refer to RESOLUTION

473 RESOLUTION:

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

That the Development Application No. DA0185/07 for a Two Lot Torrens Title Subdivision of Lot 1, DP874920, 34 Inalls Lane, Richmond be approved subject to the conditions in the attached consent:

General Conditions

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.

Prior To Issue Of Construction Certificate

3. 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.
4. Construction of the access is 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.
5. Payment of a Construction certificate checking fee of \$165.00 and a Compliance Certificate inspection fee of \$335.00 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2007. Fees required if an Accredited is used will be provided on request.

Prior To Commencement Of Works

6. 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.
7. 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.
8. 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.
9. No excavated material, including soil, shall be removed from the site.
10. The site shall be secured to prevent the depositing of any unauthorised material.
11. 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.
12. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
13. Vehicle entrances and exits shall be clearly signposted, including street number, and visible from both the street and site at all times.

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14. No trees are to be removed without the approval of Council.

During Construction

15. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
16. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
17. 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.
18. A centrally located concrete driveway, minimum 2.5 metres wide, shall be constructed along the full length of the access handle to Lot 2. The driveway shall be a minimum thickness of 150mm and be reinforced with F82 mesh.
19. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.

Prior To Issue Of Subdivision Certificate

20. 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.
21. 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 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.

22. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
23. A plan of subdivision prepared to the requirements of the Land Titles Office, shall be submitted to Council, with four copies.
24. A survey plan showing all existing services on the lots including septic tank and effluent disposal area, sewer connections, water connections and stormwater disposal shall be submitted. The plan shall demonstrate that there are no encroachments over remaining or proposed boundaries.
25. Payment of a linen release Fee in accordance with Council's Fees and Charges at the time of lodgement of the linen plan.

Advisory Notes

- *** Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.

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*** 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.

Item: 283 CP - Modification to Development Consent - Approval Sought in Retrospect - Shed >170m² - Lot 1 DP 226968 , 119 Pitt Town - Dural Road, Pitt Town - (DA0965/05A, 93117, 95498)

MOTION:

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

Refer to RESOLUTION

474 RESOLUTION:

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

That the modification application DA0965/05A for a Shed at Lot 1 DP 226968, 119 Pitt Town - Dural Road, Pitt Town be approved subject to the following amendments:

Condition 5a. A Section 149A Building Certificate Application is to be lodged with Council for the structure.

Condition 5b. A structural engineer shall inspect, certify and provide a certificate, which is to be submitted to Hawkesbury City Council certifying that the structure is capable of withstanding the loads likely to be imposed upon it, including wind loadings.

Condition 25 to be amended to read:

The shed shall not be occupied for human habitation / residential, industrial or commercial purposes **and is not approved for overnight accommodation.**

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Item: 284 **CP - Approval Sought in Retrospect - Conversion of a Stable into a Shed - Lot 1 DP 773543, 236 Bells Road, Grose Vale - (DA0539/07, 13872, 13871, 96329, 95498)**

Melissa Ryan, respondent, addressed Council.

Councillor Wearne entered and left the meeting during discussion of this item and did not take part in the voting.

MOTION:

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

That the application for the enclosing of the stable at Lot 1, DP773543, 236 Bells Road, Grose Vale be approved subject to the following conditions:

General

1. The Development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.

Use of the Site

2. The shed shall be used for the storage of motor vehicles and other machinery associated with the maintenance of the real property only. The shed shall not be used for purposes of spray painting or for commercial purposes.
3. The development shall be conducted in such a manner that the noise levels measured at any residential boundary do not exceed 5dB(A) above the background noise levels.
4. All noise generating equipment shall be acoustically designed so as not to exceed 5dB (A) above the background noise level at any boundary.
5. Any external / internal lighting shall be directed in such a manner so as not to cause a nuisance to adjoining properties.
6. Any noise generating activity in, or around, the shed is to be limited to the hours of 7.00 am and 6.00 pm.

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

Refer to RESOLUTION

The amendment was carried on the casting vote of the Mayor.

The amendment then became the motion which was put and carried on the casting vote of the Mayor.

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475 RESOLUTION:

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

That Council defer consideration of the application to enclose an existing stable at Lot 1, DP773543, 236 Bells Road, Grose Vale pending the following:

1. Receipt of further data on noise recorded.
2. Receipt of clarification on the proposed use the applicant is seeking.
3. Receipt of possible reasons for refusal if Council were to refuse the application.
4. A site inspection be conducted prior to the next Council meeting.

Councillors Books, Devine and Porter requested that they be recorded as having voted against the amendment.

Item: 285 **CP - Review of Determination Under Section 82A of the Environmental Planning and Assessment Act 1979 - Lot 1 DP 1028107, 34 Chaseling Road, Wisemans Ferry - (DA1023/02, 27426, 95498)**

Previous Item: 271, Ordinary (13 November 2007)
 47, GPC (28 September 2004)
 175, Ordinary (14 October 2003)
 53, GPC Environment (26 August 2003)
 53, GPC Environment (26 August 1999)

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

Mr Glenn Falson, proponent, addressed Council.

MOTION:

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

Refer to RESOLUTION

476 RESOLUTION:

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

That:

1. Management provide a report regarding guidelines, reports and recommendations made to State Planning on subdivision by road severance and by natural features by using the provisions of SEPP1.
2. This matter be deferred pending Council receiving the report.

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Item: 286 CP - Development Application - Educational Establishment - Lot 100 DP 1011861, 99 Slopes Rd & Lot 1005 DP 1042592, 83 Slopes Rd, North Richmond - (DA0213/07, 91718, 38639, 99725, 95498)

Mr John Lambert, proponent, addressed Council.
Mr Christopher Stone, respondent, addressed Council.

MOTION:

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

Refer to RESOLUTION

477 RESOLUTION:

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

That the application for an Educational Establishment - Alterations and Additions to an existing residence to provide primary school facilities, caretakers residence, onsite car parking and access driveway at Lot 100 DP 1011861 No. 99 Slopes Road and Lot 1005 DP 1042592 No. 83 Slopes Road North Richmond be granted a Deferred Commencement Consent. The conditions required to be satisfied for the Deferred Commencement Consent are listed in Schedule 1. Upon satisfying the conditions listed in Schedule 1 the likely development consent conditions that will apply are listed in Schedule 2:

SCHEDULE 1

Deferred Commencement Conditions

1. The following investigation/works are to be undertaken having regard to the findings contained in the *Report on Phase 1 Contamination Assessment* undertaken by Douglas Partners Report No. 44846, dated June 2007.
 - (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 Conservation's (DEC) *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.
 - (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*.
 - (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.
2. Design details for the access roads and car parking areas are to be submitted for approval by Hawkesbury City Council.

The access driveway is to be designed in accordance with the requirements of AS2890.2 2002 and permit a heavy rigid vehicle to enter the site, access the drop off zone and turn and exit the site in a forward direction. Turning paths, sufficient to demonstrate that the final design complies with these requirements are to be included with the design. The design is also to demonstrate that gradings required by AS2890.2 2002 can be achieved and show the extent of cut and fill.

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As a minimum, the car parking area is to comply with the requirements of AS2890.1 2004 for the relevant classification.

3. An on-site stormwater drainage plan for disposal of stormwater runoff from all hardstand areas is to be submitted for approval by Hawkesbury City Council. The design is to incorporate water sensitive urban design (WSUD) principals. This design is to provide for stormwater runoff being treated by water sensitive elements prior to discharge into the dams situated on the site.
4. A landscape plan, drawn to scale, by a landscape architect or suitably qualified landscape consultant, must be submitted to and approved by Hawkesbury City Council. The plan is to detail the following:
 - (a) Location of existing and proposed structures on the site including existing trees (if applicable);
 - (b) Details of earthworks including mounding and retaining walls and planter boxes (if applicable);
 - (c) Location, numbers and type of plant species;
 - (d) Details of planting procedure and maintenance;
 - (e) Details of drainage and watering systems.
 - (f) Dense landscape planting along the front boundary of the site and adjacent to the proposed access driveways and car parking areas utilising planting having a broad height range so as to screen these areas from Slopes Road.
 - (g) Provision of screen planting adjacent to the north western (side) boundary of the site from the front boundary to a point equal to the southern end of the proposed acoustic fence utilising species having a broad height range so as to provide an additional landscape buffer to the adjoining property to the north west.
 - (h) Planting design associated with water sensitive urban design (WSUD) principals required by Condition No. 3.
5. Full details of all fencing proposed in conjunction with the proposed school are to be provided. All fencing situated along the front boundary of the site and within 10 metres from the front boundary shall not exceed 2100mm in height and is to utilise dark tones so as to minimise impact upon the rural character of the area.
6. Details of the finished colour of all external components of the building are to be provided for approval by Hawkesbury City Council. The colours to be utilised are to comprise largely of earth tones so as to assist in blending the built form with the natural landscape of the area.

SCHEDULE 2

Proposed conditions of consent subject to satisfying the conditions in Schedule 1.

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:

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Architectural Plans	
Drawing Numbers	Dated
971.05 A100 Issue 3	8 August 2007
971.05 A200 Issue 1	24 April 2007
971.05 A210 Issue 1	24 April 2007
971.05 A300 Issue 2	8 August 2007

Document Number	Dated
Statement of Environmental Effects – Arndell Anglican College North Richmond Campus	23 April 2007 as amended 14 August 2007
Bushfire Hazard Assessment Report – Proposed Primary School 99 Slopes Road North Richmond (Ref: 60254)	November 2006
Acoustic Report - Stage 1 North Richmond Anglican Primary School (Ref: 2006680/1511A/R3/GW)	20 November 2006
Draft Wastewater Site Assessment – Proposed New School 99 Slopes Road North Richmond	3 August 2007
Phase 1 Contamination Assessment – 83 and 99 Slopes Road North Richmond (Ref: 44846)	June 2007

2. No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.
3. The approved use shall not commence until all conditions of this Development Consent have been complied with.
4. The buildings 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. 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.
8. A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) shall be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

Prior To Issue of Construction Certificate

9. A certificate prepared by an appropriately qualified and practising Structural Engineer, certifying the structural adequacy of the building and its ability to withstand the proposed additional, or altered structural loads shall be submitted with the Construction Certificate application.
10. A minimum of one (1) car-parking space for use by persons with a disability shall be provided as part of the total car-parking requirements. All details shall be prepared in consideration of, and construction completed in accordance with Australian Standard AS2890.1 to achieve compliance with the Disability Discrimination Act, and the relevant provisions of AS1428.1 and AS1428.4
11. An all weather access driveway extending from the proposed driveway from Slopes Road is to be provided to the Sewage Management Plant. This driveway is to be designed to enable use by

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service vehicles and incorporate suitable turning area. Details demonstrating compliance are to be submitted and approved by the Director City Planning or an Accredited Certifier.

12. 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.

13. In relation to the demolition of the existing building (or part of a building) on the site:

- (a) A report prepared by a WorkCover licensed asbestos removalist is to be submitted to the Council / Accredited Certifier, with the Construction Certificate application, detailing whether any hazardous materials exist on the site (eg lead in paints and ceiling dust or asbestos).

Note: If no hazardous materials are identified, the demolition may proceed in accordance with AS2601 and the following conditions, including dust control and WorkCover requirements.

- (b) Should any hazardous materials be identified as per item (i), a Work Plan shall be submitted to Council in accordance with AS2601 - Demolition of Buildings. The report shall contain details regarding:

- (i) The type of hazardous material
- (ii) The level or measurement of the hazardous material in comparison to National Guidelines;
- (iii) Proposed methods of containment; and
- (iv) Proposed methods of disposal.

- (c) Where unacceptably high levels of lead are found in a premises to be demolished, item (ii) is to be followed, and the soil sample from site is to be tested by a NATA Registered laboratory before and after demolition. This will determine whether remediation of the site is necessary.

- (d) The demolition must be undertaken in accordance with AS2601.

- (e) Any works involving asbestos cement sheeting must be undertaken in accordance with the requirements of the WorkCover Authority in relation to removal, handling and disposing of material, and the Work Safe Australia Asbestos Code of Practice.

- (f) All work involving lead paint removal must not cause lead contamination of air or ground. Particular attention must be given to the control of dust levels on the site.

- (g) Submission of a waste plan addressing builder's waste, type and quantity, recycling, reuse, storage and disposal.

Details demonstrating compliance with these requirements are to be approved by the Council / Accredited Certifier and submitted with the Construction Certificate.

(Note: Further details regarding requirements for removal of hazardous materials can be obtained from the WorkCover website or at www.lead.org.au)

14. Appropriate areas shall be provided for the storage of garbage/waste material and recycling material and all waste and recyclable material generated by this premises. The following requirements shall be met:

- (a) The storage areas shall be designed to prevent entry of vermin/insects and are to incorporate a smooth surface, graded and appropriately drained with a tap in close proximity to facilitate cleaning; and

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(b) The storage areas shall be adequately screened from the street/adjacent property boundaries;

Details of the storage area/s are to be provided to, and approved by the Certifying Authority prior to issuing of the Construction Certificate.

15. Details demonstrating high quality external lighting without adverse affects on public amenity from excessive illumination levels and glare are to be submitted with the Construction Certificate. Lighting for security purposes is not permitted.
16. Prior to the issue of the Construction Certificate the applicant shall consult with the New South Wales Fire Brigade regarding the satisfactory provision of the following:
 - (a) Access onto and within the property including standing areas for fire fighting vehicles.
 - (b) The provision of, location and quantity of fire hydrants to be used by and to support emergency services.
 - (c) Emergency access and egress into/from the school by fire fighting personnel.

Any specific design requirements following consultation are to be incorporated in conjunction with the proposed works.

17. 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.

Details are to be submitted to the Principal Certifying Authority satisfying the above prior to the issue of the Construction Certificate.

18. Payment of a Construction Certificate checking fee of \$2240.00 and a Compliance Certificate inspection fee of \$4480.00 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.

Where Council is engaged to certify the internal site works, fees will be provided on request and are additional to those noted above.

19. 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.
20. The submission of engineering designs and calculations covering all works required by this consent.
21. 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 \$7 000.00 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).

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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.

22. Under the provision of the Roads Act 1993, the works within the road reserve are to approved by Hawkesbury City Council prior to the issue of a construction certificate for the development.

In this regard, an engineering construction certificate and inspection fees are to be lodged for the construction of widening and upgrading of Slopes Road at the property frontage.

- The works are to be generally in accordance with the layout shown on the plan prepared by Stanton Dahl Architects, 971.05 A100/3, rev 3 8/8/07 and in accordance with the RTA Design Guide.
- The design is to incorporate a new left hand and right hand turn lanes and a holding lane in Slopes Road for vehicles turning right out of the school access road and include any additional works to make construction effective.
- Kerb and gutter is to be provided for the full property frontage.
- Pedestrian access is to be maintained along the full property frontage and provision of a footpath may be considered in subsequent stages of this development.

Prior to Commencement of Works

23. A Construction Certificate is required to be approved and issued by either Council or an Accredited Certifier, prior to the commencement of any works on the site.
24. 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.
25. Your attention is directed to the need to seek advice of your obligations from the WorkCover Authority prior to the commencement of any works on the site.
26. Construction of civil works including road, drainage and access works 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.
27. All trees that are to be specifically nominated to be retained by notation or condition as a requirement of development consent shall be maintained and protected during demolition, excavation and construction on the site. Protection methods shall be provided to the Principal Certifying Authority by an appropriately qualified person prior to commencement of any works on the site.
28. All protected trees on-site situated within 20 metres of any work areas shall be tagged with luminous tape or the like for purposes of identification prior to excavation or construction, and no materials or builder's waste are to be stored in the vicinity of these trees.
29. Separate application is to be lodged with Council for approval under Section 68 (Part C) and Section 68A of the Local Government Act 1993 for the installation of a Centralised Sewage Management Facility at the premises to receive, treat, and dispose of all wastewaters from all sources in the proposed development. The design of the system is to incorporate the following requirements:
- (a) Sub-surface irrigation system to be installed in conjunction with the wastewater disposal system;
 - (b) A Wastewater Management Plan is to be prepared for the site addressing individual tasks within the operation of the wastewater management system, identification of persons responsible for each task, the reporting/monitoring period, contingencies for

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system component failures and generation of annual operating reports by suitably qualified independent person.

- (c) A soil monitoring regime is to be undertaken on an annual basis and is to consider an analysis for total nitrogen, plant available phosphorous, electrical conductivity, pH, cations (sodium, calcium, potassium, magnesium and calculation of exchangeable sodium percentage) and organic carbon.
- 30. 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.
- 31. 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.
- 32. Toilet facilities shall be provided for workers throughout the course of building operations. Such facility shall be located wholly within the property boundary.
- 33. Erosion and sediment control devices are to be installed 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.
- 34. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works.
 - (a) Unauthorised access to the site is prohibited.
 - (b) The owner of the site.
 - (c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
 - (d) The name and contact number of the Principal Certifying Authority.
- 35. All traffic management devices shall be installed and maintained in accordance with the approved traffic management plan.

During Construction/Demolition

- 36. Any water tanks, outbuildings or other ancillary structures shall be finished in colours and materials of earth tones of low reflective quality to blend in with the landscape.
- 37. 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.
- 38. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
- 39. A minimum of fifteen (15) off-street car parking spaces in conjunction with the school use and two (2) undercover off-street car parking spaces in conjunction with the residential (caretaker) use, together with access driveways and turning areas, shall be constructed, paved, line marked, signposted and maintained, as shown on the approved plan.
- 40. 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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41. Building construction (including the delivery of materials to and from the property) shall be restricted to within the hours of 7.00 am to 6.00 pm Monday to Friday and on Saturday to within the hours of 8.00 am to 4.00 pm inclusive, with no work on Sundays and Public Holidays.
42. Demolition and excavation works shall be restricted to within the hours of 7.00 am to 6.00 pm Monday to Friday only. (Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).
43. During the construction period the applicant is responsible for ensuring all protected trees are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to. In this regard all protected plants on this site shall not exhibit:
 - (a) A general decline in health and vigour.
 - (b) Damaged, crushed or dying roots due to poor pruning techniques.
 - (c) More than 10% loss or dieback of roots, branches and foliage.
 - (d) Mechanical damage or bruising of bark and timber of roots, trunk and branches.
 - (e) Yellowing of foliage or a thinning of the canopy untypical of its species.
 - (f) An increase in the amount of deadwood not associated with normal growth.
 - (g) An increase in kino or gum exudation.
 - (h) Inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition.
 - (i) Branch drop, torn branches and stripped bark not associated with natural climatic conditions.

The presence of any of these symptoms or signs may be considered by Council as a breach of the Conditions of Development Approval.

44. All recommendations contained in the Acoustic Report prepared by Acoustic Logic Consultancy, dated 20 November 2006, must be implemented during construction and use of the premises, including the following:
 - (a) Install a 1.8 metre high imperforate fence along the north boundary adjacent to the residential building at No. 115 Slopes Road. The length of the barrier fence shall be equal to the front of the building at No. 115 Slopes Road to the rear boundary of this property.
 - (b) Minimum 4mm acoustically sealed glazing (RW not less than 27)(fixed or openable sashes) with acoustic seals will be installed for the classroom facades.
 - (c) The new roof would need to be constructed of 0.4mm metal sheet with a 10mm plasterboard ceiling with 75mm 1 kg/m³ density glasswool insulation in the minimum 100mm high cavity.
 - (d) The existing brick walls are sufficient and will not require upgrading.
 - (e) The finish inside the classrooms was assumed to be acoustically "hard" with a design indoor noise level of 75 dB(A) Leq.

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45. Noise emissions and vibration must be minimised where possible and work is to be carried out in accordance with Environment Protection Authority guidelines for noise emissions from construction/demolition works and must also comply with the provisions of the Protection of the Environment Operations Act 1997. This Condition must be complied with during demolition and building work.
46. 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) Builder's waste must not be burnt or buried on site. All waste must be contained and removed to a Waste Disposal Depot.
47. 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.
 - (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.
48. All roof water shall be drained to appropriate water storage vessel/s.

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49. 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.
50. Provision shall be made for access to the buildings with adequate aids provided for those with disabilities (i.e. mobility, hearing, site impaired) in accordance with the Discrimination Against People with Disabilities Act (DDA), Building Code of Australia and Council's Access Policy.
51. The existing sewage management facility is to be decommissioned in accordance with the requirements of the Department of Health and of Hawkesbury City Council.
52. Exit/entrance points are to be clearly signposted and visible from both the street and site at all times.
53. Appropriate sign(s) must be provided and maintained within the site at the point(s) of vehicular egress, compelling drivers to stop before proceeding onto the public way.
54. All constructed batters are to be topsoiled and turfed and where batters exceed a ratio of 3 (three) horizontal to 1 (one) vertical, retaining walls, stoneflagging or terracing shall be constructed.
55. The site shall be secured to prevent the depositing of any unauthorised material.
56. The construction of a new access driveway, 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.
57. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
58. On completion of the new site entrance, the use of existing site access is to be permanently discontinued. The sealed rural crossing is to be removed and the footpath area restored.
59. 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.
60. The dwelling shall be provided with on-site water storage vessels of minimum 100,000 (one hundred thousand) litres capacity, which incorporate the following:
 - A draw off line with a 65mm Storz fitting and non-return foot valve which extends to the base of the water tank for Rural Fire Service access.
 - The domestic line shall terminate so as to retain a minimum of 10,000 litres permanently in the tank. If an emergency sprinkler system is installed a minimum of 22,000 litres will be required.
 - All tanks shall have an access hatch, minimum 800mm in diameter, to gain entry directly through the lid.
 - In recognition that no reticulated water supply exists, a 3kw (5hp) petrol or diesel powered pump shall be installed and maintained.
61. Additional on-site water storage shall be provided in conjunction with the school use with capacity being determined by a water balance assessment to be developed for the anticipated demand associated with the use.

Prior to Issue of Occupation Certificate

62. Compliance with all conditions of this development consent.

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63. 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 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.

64. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
65. All sound-producing plant, equipment, machinery or fittings associated with or forming part of the mechanical ventilation system and/or the refrigeration system shall be sound insulated and/or isolated so that the noise emitted does not exceed 5dB(A) above the ambient background noise level measured at the nearest residential property boundary.
66. All land titles within the site must be consolidated into one lot. A plan of consolidation must be registered with the Land and Property Information Division of the Department of Lands.
67. Works as executed drawings for the road works within Slopes Road are to be prepared by a registered surveyor and submitted to Council on completion of the works and prior to the issue of any Occupation Certificate.
68. The upgrading works within Slopes Road are to be certified as having been satisfactorily completed by Council prior to the issue of any Occupation Certificate.
69. Signage for a 40km per hour school zone is to be installed in Slopes Road in accordance with current RTA practice prior to the issue of any occupation certificate. The extent of the 40kph school zone speed limit in Slopes Road is to correspond with the length of the site frontage, from a point approximately 50 metres west of Branders Lane to a point approximately 50 metres west of Maddens Road.
70. Signage to restrict parking in Slopes Road, with the provision of "No Stopping" zones for a distance that corresponds with the extent of the school zone. Adjoining owners are to be notified of the restriction in writing
71. If required, easements to Councils requirements shall be created over the site for drainage discharge from roads (at no cost to Council).

Use of the Development

72. Stage 1 of the school is to accommodate a maximum of forty (40) students and four (4) staff at any given time.
73. Waste and recyclable material, generated by this premises, must not be collected by private contractors between the hours of 5pm and 7am on any day.
74. A certificate from an appropriately qualified Acoustic Engineer is to be submitted with the Construction Certificate certifying that 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 – 6.00 am) when measured at the boundary of the property, and will comply with the Environment Protection Authority Industrial Noise Policy.
75. No internal or external alterations shall be carried out without prior approval of Council.
76. Speakers must not be installed in any of the outdoor areas associated with the school.

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77. The signage associated with the proposal shall not be illuminated.
78. The effects of the expected increase in delays on the road network capacity are to be monitored at the intersection of Maddens Road, Slopes Road and Crooked Lane, of Branders Lane and Slopes Road and at the single lane Bridge at Crooked Lane.

Monitoring to be undertaken during the school zone hours (8.00-9.30am and 2.30-4.00pm) and occur when the school numbers have reached or are close to the full approved capacity , with a report to be submitted to Council.

Should a future application be lodged to increase the school numbers, monitoring as above is to be undertaken regardless of the number of pupils attending the school, and submitted with the development application.

The monitoring is required to confirm the projected figures and determine if any future upgrading of these locations will be required as part of any proposed future school expansion. All monitoring is to be at the applicants expense.

NSW Rural Fire Service General Terms of Approval

79. At the commencement of building works and in perpetuity the property around the building to a distance of 20 metres, shall be maintained as an 'Inner Protection Area' (IPA) as outlined within Planning for Bush Fire Protection 2006 and the Services document 'Standards for Asset Protection Zones'.

Advisory Notes

- 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 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.

Item: 287 **CP - Conversion of Hawkesbury Local Environmental Plan 1989 to the NSW Government's Standard LEP Template – Progress Report - (95498)**

Previous Item: 21, Ordinary (13 February 2007)

Mr Frank Scharfe, respondent, addressed Council.

MOTION:

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

Refer to RESOLUTION

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478 RESOLUTION:

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

That the proposed LEP changes contained in this report be endorsed and that the tasks identified in this report for inclusion in the new template LEP be undertaken.

Item: 288 **CP - Review of Hawkesbury District Eisteddfod Society (Sponsorship) Policy - (82265, 95498)**

Previous Item: 217, Ordinary (30 October 2007)

Ms Carolyn McKenzie, respondent, addressed Council.

MOTION:

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

Refer to RESOLUTION

479 RESOLUTION:

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

That:

1. The Hawkesbury District Eisteddfod Society Policy adopted by Council on 27 July 1999 be archived.
2. Council note that Council resolved on 14 August 2007 to provide \$18,000.00 to the Hawkesbury City Eisteddfod Society to support the staging of the Hawkesbury City Eisteddfod 2007.
3. The Hawkesbury City Eisteddfod Society be invited and assisted by Council staff to submit an application under the Community Sponsorship Program within the Program's three year event sponsorship category on the basis that subject to completion of the application and satisfactorily meeting reporting requirements under the Program funding to enable the use of the Windsor Function Centre by the Society to continue.
4. A further report on options for future long term funding of the Hawkesbury District Eisteddfod Society be submitted in early 2008.

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Item: 289 **CP - Community Sponsorship Program - (2007 - 2008 - Round 2) - (96328, 95498)**

Previous Item: 155, Ordinary (14 August 2007)

MOTION:

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

Refer to RESOLUTION

480 RESOLUTION:

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

That Council:

1. Approve payments of Section 356 Financial Assistance to the organisations listed, and at the level recommended in Table 1 of this report.
2. Approve the execution of Council's standard Sponsorship Agreement for applications 7, 8 and 16 as identified in Table 1 of this report.
3. Note the Special Conditions recommended for Applications 3 and 16 as detailed in Attachment 1 appended to this report.
4. Approve the proposed timing and process for inviting applications under the Community Sponsorship Program for the 2008/2009 financial year and beyond as outlined in this report.

Item: 290 **CP - Western Sydney Area Assistance Scheme (WSAAS) - Concerns about the future of the WSAAS - (80257)**

MOTION:

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

Refer to RESOLUTION

481 RESOLUTION:

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

That Council raise concerns through WSROC and to the NSW Minister of Community Services, the Hon. Kevin Green MP and the Minister for Western Sydney, the Hon. Barbara Perry, as well as local members the Hon. Alan Shearan and Hon. John Aquilina. Specific concerns to be raised are the:

- Loss of 'Pick-Up' funding and the decline of funding in real terms;
- Decline in support for, and focus on, the identified needs of local communities (as resourced and supported by Local Council Project Officers);
- Criteria of the scheme be reviewed in consultation with stakeholders to ensure that it is relevant to the current needs of Western Sydney and local council areas.

ORDINARY MEETING
MINUTES: 11 December 2007

INFRASTRUCTURE SERVICES

Item: 291 **IS - Environmental Stormwater Levy - (95495, 79357)**

Previous Item: 272, Ordinary (14 November 2006)

Councillor Conolly declared an interest in this matter as he is an employee of the Catholic Education Office. He left the meeting and did not take part in voting or discussion on the matter.

Mr Anthony Simpson, proponent, addressed Council.

MOTION:

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

Refer to RESOLUTION

482 RESOLUTION:

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

That the funds remaining within the Environmental Levy be utilised within the following programs:

Gross Pollutant Trap operation and maintenance over an estimated 26 year period.	\$1,515,100
Mechanical Street Sweeper Operation (Part Funding) over an estimated 14 year period.	\$682,990
Integrated Weed Control funds to be utilised as matching funding for successful grants for weed control on Council owned/controlled land. (\$50,000 matching funding to MacDonald Valley Association grant included).	\$183,415
Road Reserve Management Planning.	\$60,000
Community monitoring of water quality.	\$37,000
Environmental Stormwater Coordinator for 6 months implementation period.	\$41,495
Total	\$2,520,000

ORDINARY MEETING
MINUTES: 11 December 2007

SUPPORT SERVICES

Item: 292 SS - Pecuniary Interest Returns - (79337, 95496)

MOTION:

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

Refer to RESOLUTION

483 RESOLUTION:

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

That the information be received and noted.

ORDINARY MEETING
MINUTES: 11 December 2007

CONFIDENTIAL REPORTS

484 RESOLUTION:

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

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

485 RESOLUTION:

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

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: 293 IS - Tender No. 010/FY08 - Full Depth Asphalt Pavement at the Fiveways Roundabout at the intersection of Oakville, Smith, Stahls and Broos Road, Oakville

*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 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.

SUPPLEMENTARY REPORTS

Item: 293 IS - Tender No. 010/FY08 - Full Depth Asphalt Pavement at the Fiveways Roundabout at the intersection of Oakville, Smith, Stahls and Broos Road, Oakville - (95495) CONFIDENTIAL

MOTION:

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

Refer to RESOLUTION

ORDINARY MEETING
MINUTES: 11 December 2007

486 RESOLUTION:

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

That the:

1. Tendered rates submitted by Bernipave P/L for the Full Depth Asphalt Pavement of the Fiveways Roundabout, at the intersection of Oakville, Smith, Stahls and Broos Roads, Oakville, be accepted.
2. Seal of Council be affixed to any necessary documentation in connection to this matter.

487 RESOLUTION:

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

LATE SUPPLEMENTARY REPORTS

Item: 294 IS - Water Recycling - Pitt Town - (95495, 87959)

MOTION:

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

Refer to RESOLUTION

488 RESOLUTION:

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

That subject to the Johnson Property Group obtaining necessary approvals and conducting appropriate investigations, the proposal to provide additional capacity at the McGraths Hill Treatment Plant including the implementation of a water recycling scheme to Pitt Town be supported in principle and that a further report in connection with this matter be submitted to Council at the appropriate time.

SECTION 5 - Reports of Committees

ROC - Floodplain Risk Management Advisory Committee Minutes - 19 November 2007 - (86589)

489 RESOLUTION:

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

That the minutes of the Floodplain Risk Management Advisory Committee held on 19 November 2007 as recorded on pages 169 to 173 of the Ordinary Business Paper be received.

ROC - Local Traffic Committee - 21 November 2007 - (80245)

490 RESOLUTION:

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

That the minutes of the Local Traffic Committee held on 21 November 2007 as recorded on pages 174 to 192 of the Ordinary Business Paper be adopted.

ORDINARY MEETING
MINUTES: 11 December 2007

QUESTIONS WITHOUT NOTICE

1. Councillor Wearne asked why the public bins have been removed from the Wilberforce Shopping Centre.

The Director Infrastructure Services advised that the matter will be investigated.

2. Councillor Porter enquired if he is able to bring a member of the community to a Councillor function.

The General Manager advised if the invitation is addressed to a Councillor and Guest he/she is able to bring along any guest at his/her invitation. If it is addressed to a Councillor and Partner he/she would usually be expected to bring along his/her partner.

3. Councillor Devine enquired if Council has appealed to the Land and Environment Court against a decision made in the Local Court over a fine and if so, why were Councillors not notified.

The Director City Planning advised that there was a court hearing regarding a fine and Council's Solicitor did not agree with the ruling so appealed the case on a pro-bono basis and that additional information will be provided.

4. Councillor Books advised that the footpath leading from the Hospital area towards Windsor Toyota requires attention.

5. Councillor Books enquired about the fence encroachment issue in the Kable Street Carpark.

The Director Infrastructure Services advised that discussions have been held with the owners who have agreed to remove the encroachments on the carpark and the matter regarding the fence will be reported on early in the New Year.

6. Councillor Paine requested that all Councillors be provided with the additional information referred to in response to question 3 above.

The Director City Planning advised that the additional information will be provided to all Councillors.

7. Councillor Paine enquired when the work on Racecourse Road will commence.

The Director Infrastructure Services advised that survey work has recently been completed and the tender process will commence in January 2008.

8. Councillor Paine enquired if the lease on the Black Stump has been finalised.

The Director Support Services advised that the assignment is currently being processed and Council's Solicitor expects to finalise it within the next few days.

9. Councillor Finch referred to her previous question regarding Sister City information being added to the entrance signs into the Hawkesbury and enquired of the progress in this matter.

The General Manager advised that the matter is being investigated and a report will come to Council in early 2008.

ORDINARY MEETING
MINUTES: 11 December 2007

The meeting terminated at 11.15pm.

Submitted to and confirmed at the Ordinary meeting held on 5 February 2008.

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Mayor