



Hawkesbury City Council

ordinary meeting business paper minutes

date of meeting: 11 June 2002

location: Council Chambers

time: 7.00pm

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Minutes of the Meeting of the Council of the City of Hawkesbury held at the Council Chambers, Windsor, on 11 June 2002, commencing at 7.00pm.

PRESENT: Councillor R P Stubbs, Mayor and Councillor B J Calvert, K F Conolly, P F Davies, D Finch, G J Gilling, C A Paine, P R Rasmussen, L C Sheather, L A Williams, and C J Woods.

Reverend Wayne Timsley, of St Peters Anglican Church, representing Hawkesbury Ministers Association gave the opening prayer at the commencement of the meeting.

An apology for absence was received from Councillor Allan.

- 199 RESOLVED on the motion of Councillor Woods seconded by Councillor Davies that the apology be accepted.

Councillor Rasmussen arrived at 7.10pm
Councillor Gilling left at 10.00pm

SECTION 1 - CONFIRMATION OF MINUTES

- 200 RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Sheather that the Minutes of the Special Meeting of Council held on 6 May 2002 which have been circulated amongst members of the Council, be confirmed.
- 201 RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Sheather that the Minutes of the Ordinary Meeting of Council held on 7 May 2002 which have been circulated amongst members of the Council, be confirmed.

Mayoral Minutes

GREATER WESTERN SYDNEY STATEMENT - GM001/005 Pt 19

- 202 RESOLVED on the motion of Councillor Stubbs and seconded by Councillor Rasmussen

That Council endorses the position.

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SECTION 2 - NOTICES OF MOTION

Notices of Motion

Councillors B Calvert, K Conolly and L Sheather

Councillor Davies declared an interest as he acts on behalf of shop owners in George Street, Windsor

203 RESOLVED on the motion of Councillor Conolly seconded by Councillor Calvert

That, in relation to the Holland's Paddock site:

1. Council supports in town and integrated development.
2. Discussions continue between the proponent and Council about all options for the proposed development, including traffic access over Council land, to determine the best outcome for the development.
3. The traffic study agreed to at Council's Ordinary Meeting held on 12 March 2002 be enhanced to include all alternative options, including access over Council land, and the impact on residential amenity.
4. An Economic Development strategy agreed to at Council's Ordinary Meeting held on 12 March 2002 be carried out within this financial year and be confined to:
 - a supply and demand study including the impact and opportunity of the North West sector on Windsor town centre;
 - escape expenditure; and
 - displacement issues.

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An **amendment** was moved by Councillor Rasmussen and seconded by Councillor Paine

That, in relation to the Holland's Paddock site:

1. Council supports in town and integrated development.
2. Discussions continue between the proponent and Council about all options for the proposed development to determine the best outcome for the development.
3. The traffic study agreed to at Council's Ordinary Meeting held on 12 March 2002 be enhanced to include all alternative options and the impact on residential amenity.
4. An Economic Development strategy agreed to at Council's Ordinary Meeting held on 12 March 2002 be carried out within this financial year and be confined to:
 - a supply and demand study including the impact and opportunity of the North West sector on Windsor town centre;
 - escape expenditure; and
 - displacement issues.

The amendment was lost

The motion was put and carried.

Councillors D Finch, J Woods and C Paine

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

That Council investigate the possibility of having the Laurie Lawrence "Do the Five Save Lives" Campaign at a cost of \$3,300.00 (three thousand three hundred dollars) visit the Hawkesbury for the awareness of saving children's lives from drowning in backyard swimming pools.

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SECTION 3 - REPORT OF THE GENERAL PURPOSE COMMITTEE

Environment

43: Pitt Town - Possible Urban Development (LEP 003/00/GMA/ENE28NAX.G09)

205 RESOLVED on the motion of Councillor Sheather seconded by Councillor Rasmussen

That the information be received.

44: Section 96 Modification to Reduce Floor Area, Mezzanine and Awning - Lot 61 DP748779, 02 Macquarie Street, Windsor; Lot 19 DP1024573, 94 Macquarie Street, Windsor; Pt Lot 1 DP832585, Macquarie Street, Windsor; Lot 5 and 6 DP787880, 92 Macquarie Street, Windsor (Windsor Toyota) (MA1157/00/EVD/ENE28NAX.V03)

206 RESOLVED on the motion of Councillor Sheather seconded by Councillor Rasmussen

That the modification be approved subject to the following changes:

1. Amend Condition 1. to read:

“1. To confirm and clarify the terms of this approval, the development shall be carried out in accordance with the amended approved stamped plans (prepared by WD & BL Wilson, Drawing No.1034, Sheets, 1,2,3,4 and 5 dated October 2001) submitted with Development Application No. MA1157/00 and any supportive documentation, except as otherwise provided by the conditions of this consent.”

45: Use Existing Shed as Truck Depot, Lot 4 DP843500, 66 Canoona Avenue, Windsor Downs (DA0095/02/EVD/ENE28NAX.V02)

207 RESOLVED on the motion of Councillor Sheather seconded by Councillor Conolly

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- A. That the application for a truck depot at 66 Canoona Avenue, Windsor Downs be approved subject to the following conditions:

General

1. To confirm and clarify the terms of this approval, the development shall be carried out in accordance with the approved stamped plans submitted with Development Application No. DA95/02 and any supportive documentation, except as otherwise provided by the conditions of this consent.

Note: Modifications to the approved plans will require the lodgement and consideration by this organisation of a separate application pursuant to Section 96 of the Environmental Planning and Assessment Act, 1979.

2. Compliance with the provisions of the Environmental Planning and Assessment (Amendment) Act 1979, and the Building Code of Australia.
3. An occupation certificate is to be obtained on completion of all works and prior to commencement of the approved use. The occupation certificate will not be issued if any conditions of this consent are outstanding.
4. The applicant shall make themselves aware of the Discrimination Against People with Disabilities Act (DDA) in order to assess their responsibilities and liabilities with regards to the provision of access for all people.
5. This consent only approves the storage three trucks that are to be parked within the nominated shed and adjoining area.
6. Landscaping is to be provided along the western boundary adjacent to the shed and rear parking area. Such landscaping shall adequately screen this area when viewed from adjoining properties. Plant used shall be endemic to the area.

Prior to Issue of Occupation Certificate

7. In order to ensure that the development complies with this consent, the approved use shall not commence until all conditions of this Development Consent have been complied with.
8. Submission of a Fire Safety Certificate.

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Use of the Site

9. Movement of vehicles associated with the truck depot, including employees vehicles, are to occur only between the hours of 6.30am and 7.00pm, 7 days a week. Truck movements on weekends are limited to 1 (one) on Saturday and 2 (two) on Sunday. Further, that truck movements be limited to 12 (twelve) movements per week as per the Development Application.
10. No washing, servicing or repairs of vehicles associated with the truck depot is to occur on site.
11. Lubricants, coolants, oils, etc. are to be stored within a bunded area and are not to exceed the following amounts at any time:

Engine Oil	25 litres
Coolant	4 litres
Brake Fluid	1 litre
Power Steering Fluid	1 litre
Tyre Shine	25 litres
Tar and Bug Remover	25 litres
12. Oil, lubricants, coolants and hydraulic fluid spills or stains are to be removed by an approved absorbent material and disposed of at an authorized waste depot. The absorbent material is to be kept in good supply at all times.
13. The development shall be conducted in such a manner so as not to interfere with the amenity of the neighbourhood with respect to noise, vibration, odour, dust, waste water, waste products or otherwise.
14. The development shall be conducted in such a manner that the LA(eq) noise levels, measured at any point in accordance with the NSW EPA's Industrial Noise Policy (2000), do not exceed 5dB(A) (LAeq) above background noise levels with respect to noise amenity of residential dwellings.
15. The subject development, including landscaping, is to be maintained in a clean and tidy manner.
16. All landscaping shall be permanently maintained in a good condition and in accordance with the intent of the landscaping plan.

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17. No loaded trucks are to be parked at or moved to or from the property.
18. No loading or unloading of trucks to take place on the property.
19. The applicant provide to Council, on each and every Monday for 12 (twelve) months, a truck schedule for the movements to and from the property.
- B. That the Windsor Downs Home Owners Association be advised of the proposed amendments to the Local Environmental Plan and their opportunity to comment during exhibition.

46: Enlarge Dam, Clear Trees and Use of Property for the Growing of Cut Flowers, Lot 7 DP7571, 89 Boundary Road, Glossodia (DA0054/02/EVD/ENE28NAX.V06)

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

- A. That the application for the establishment of intensive agriculture (cut flower farm), extensions to existing dam to 12 ML and removal of native vegetation be approved as a deferred commencement subject to the following:
 - (a) Upon compliance with the conditions appearing in Schedule 1, and with the issue of confirmation to that effect in writing from Council, this "Deferred Commencement" consent shall commence to operate as a development consent inclusive of all conditions appearing in Schedule 2 pursuant to Section 80(3) of the Act.
 - (b) This "Deferred Commencement" consent will lapse in six months from the date of this Consent unless all conditions appearing in Schedule 1 have been complied with.

Schedule 1

Submission of a Farm Management Plan as recommended and compiled by NSW Agriculture. The Farm Management Plan shall address (but not limited to):

- Spray drift
- Pesticides/herbicide management

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- Noise
- Traffic movement
- Complaints
- Relevant conditions of consent

Schedule 2

General

1. To confirm and clarify the terms of this approval, the development shall be carried out in accordance with the approved stamped plans (prepared by McKinlay Morgan and Associates Pty Ltd, numbered 90788:BP:1 dated 21 March 2002 and 90788:E:1 dated 16 January 2002) submitted with Development Application No. DA54/02 and any supportive documentation, except as otherwise provided by the conditions of this consent.

Note: Modifications to the approved plans will require the lodgement and consideration by this organisation of a separate application pursuant to Section 96 of the Environmental Planning and Assessment Act, 1979.

2. Compliance with the provisions of the Environmental Planning and Assessment (Amendment) Act 1979.
3. The dam shall be constructed such that the grades of the batters are consistent with Council's Dam DCP, being 3:1 (one in three) (v:h) on the downstream side. The upstream side shall be no steeper than 1:2.5 (v:h). All batters shall be revegetated using seeding or turf. No trees are to be placed on the structure.
4. The width of the dam crest is to be a minimum of 3m (three) for the first 3m (three) of a dam wall and is to increase in width by 0.5m for every metre above 3m (three).
5. A minimum of 1.0m is to be established for a freeboard and this is to increase by 10% (ten) for every metre over a 3m (three) high wall.
6. The material used to construct the embankment is to be sufficiently impervious to keep seepage low and to be stable. A soil with 25% (twenty five) clay content is ideal in this respect to form an impervious barrier.

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7. The width of the spillway outlet is to be not less than the inlet width. The spillway is not to direct flows onto the downstream toe. The spillway area is to be grassed, stable and able to accept runoff flow. It will be necessary to turf the spillway area. The spillway cut batter should have a maximum steepness of 1.5:1.
8. The dam is to be constructed with a waterproof clay lining and the depth is to be kept above the water table in order to minimise the threat of groundwater contamination.
9. The following soil types are not to be used in the construction of the dam:
 - (a) sand;
 - (b) gravels;
 - (c) organic soils; and
 - (d) peat.
10. The pump used on the eastern dam is to be enclosed in a suitably sound proofed structure.
11. The Vegetation Management Plan shall be implemented within 6 months of removal of the trees and commencement of the activity on the site.

Department of Land and Water Conservation Conditions

DLWC - General and Administrative Issues

12. The licensee shall allow the Department of Land and Water Conservation, or a person authorised by it, full and free access to the works, either during or after construction, for the purpose of carrying out inspection or test of the works and its fittings and shall carry out any work or alterations deemed necessary by the Department for the protection and proper maintenance of the works, or the control of the water to prevent wastage and for the protection of the quality and prevention from pollution or contamination of other waters.
13. The applicant shall not allow any tailwater drainage to discharge into or onto
 - any adjoining public or crown road;
 - any other persons land;
 - any Crown land;
 - any river, creek or watercourse;

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- any groundwater aquifer;
 - any area of native vegetation as described in Native Vegetation Conservation Act 1997;
 - any wetlands of environmental significance.
14. Works used for the purpose of conveying, distributing or storing water taken by means of the authorised work shall not be constructed or installed so as to obstruct the reasonable passage of floodwaters flowing into or from a river.
15. The pumping and ancillary equipment and pump site shall be, at all times, properly secured and/or sealed so as to prevent any leakage of petroleum based products, and/or noxious material from entering any river or lake. Typically, a bunding wall of hay bales or other approved material shall be installed around the pumping plant to avoid contamination of any river or lake through spills or leaks of oils, fuels, or greases.
16. The existing profile of the channel and bank of any watercourse or drainage depression must not be disturbed any more than is necessary in order to site and maintain the authorised work. Any area that is disturbed when carrying out such work shall be stabilised and maintained by vegetation cover, stone pitching or any other approved material as directed and to this Department's satisfaction so as to prevent the occurrence of erosion.
17. The size and location of the storage as shown on a plan at the time of licensing shall be retained in the Office of the Department of Land and Water Conservation shall not be altered, without prior written approval from the Department.
18. The work shall be constructed and maintained in such a manner as will ensure its safety and as will preclude the possibility of damage being occasioned by it, or resulting from it, to any public or private interest.
19. The level of the bywash crest shall be fixed so as to achieve the design storage capacity and safely pass excess flows. Levels shall be relative to a temporary bench mark established near the work. These particulars shall be provided to, and retained by, the Department of Land and Water Conservation.

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20. The land immediately surrounding each storage shall be revegetated with a range of suitable local native species to ensure that surface runoff entering the storage does so in a controlled manner. Planting of species shall include a range of grass, shrub and tree species.
21. Any planting shall be maintained and fenced off from grazing animals for a minimum of twelve months to facilitate establishment of all plants.

DLWC - Conditions Specific to DA0054/02

22. All inflow and outflow drainage lines shall be maintained with sufficient vegetation coverage to facilitate optimum water quality entering the dam.
23. All woodland at the eastern end of the property be retained and the dam wall be rebuilt in its current position. Selective removal of trees is appropriate where required for machinery access after an inventory of the existing trees has been undertaken.
24. The Silt Dam is to be located an adequate distance from the watercourse (to be determined prior to the issue of the Part 3A Permit). All water quality treatment for the site is to be addressed before discharge into the 12 Megalitre dam and the watercourse.
25. The By-Pass Channel is to be designed and implemented in a manner which allows for the continuity of natural stream processes. The Department requires the By-Pass Channel be stabilised and vegetated with a diverse range of native plant species local to the area.
26. The construction technique adopted to repair and enlarge the dam is to ensure that disturbance to the existing watercourse and native vegetation is kept to an absolute minimum.
27. All disturbed soil surfaces are to be stabilised and rehabilitated immediately it is possible to do so with sterile exotic cover crops or couch turf. Kikuyu is not permitted.
28. If disturbance is deemed to be excessive, the Department may require the preparation and implementation of a Vegetation Management Plan and remedial works.

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29. A *Rehabilitation Plan* is to be prepared by suitably qualified persons, with knowledge and experience in the preparation of such plans, in consultation with, and with the approval of DLWC **prior to the issue of the water licence**. The plan is to be in accordance with, but not limited to, the “Draft Guidelines for the preparation of a Vegetation Management Plan”.
30. The *Rehabilitation Plan* must detail how the existing vegetation in the watercourse and within 40m, measured horizontally from the top of the banks, will be protected and rehabilitated following any disturbance due to the approved works. The plan must include methods of stabilising and revegetating the By-Pass Channel. Rehabilitation of the area is to consist of a diverse range of native plant species local to the area and, where possible, to be grown from seeds from plants endemic to the area, and is to be densely planted and fully structured (ie. trees, shrubs and groundcovers). Trees and shrubs are to be planted at approximately equal numbers at an average density of one plant per square metre. Groundcover species are to be planted at an average density of at least four plants per square metre in addition to trees and shrubs.
31. The area covered by the *Rehabilitation Plan* must be maintained and monitored for a period of two years following final planting and primary bush regeneration works to ensure successful native vegetation establishment. Maintenance must include any watering, weed control, replacement of plant losses, disease and insect control, mulching etc., necessary for successful plant establishment.
32. A brief and concise report addressing the performance criteria as specified in the *Rehabilitation Plan* and any problems implementing the land and means to overcome these shall be forwarded to DLWC every six months for the duration of the maintenance period.
33. A *Soil and Water Management Plan* (S&WMP) for all site works is to be prepared by a suitably qualified person(s) with knowledge and experience in the preparation of such plans, in consultation with, and with the approval of DLWC **prior to the issue of the Part 3A Permit**. The S&WMP is to cover all aspects of soil and water management requirements for the site that could impact on the stream and must include details of staging, monitoring, management responsibilities, maintenance and decommissioning requirements. The S&WMP must meet the requirements outlined in the NSW Department of Housing’s “Managing Urban Stormwater: Soils and Construction” (1998) manual (the “Blue Book”).

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DLWC - Formal Application Issues

- 34. It is anticipated that a fee would apply to any licence issued.
- 35. Licences under Part 2 of the Water Act generally fall due for renewal every five years.
- 36. Design plans/survey of the licensable works will be required.

Prior to Commencing Works

- 37. Submission of a revised Vegetation Management Plan incorporating the requirements of this consent and the conditions imposed by the Department of Land and Water Conservation. The area nominated for the cut flower farm on the southeast boundary is to be deleted incorporated into the replacement planting.
- 37A. That an amended plan incorporating the requirement of the DLWC and retention of the trees along the south of the boundary be submitted in relation to the construction of the dam.
- 38. To prevent stormwater from the development causing a nuisance to downstream properties, sediment control measures shall be installed in accordance with Council's development control plan titled "Soil Erosion Sediment Control" prior to the commencement of site works.

Note: Measures may include the installation of geofabric fencing, staked straw bale walls located on the contour down-slope of the construction, sediment detention basins, earthen contour banks and the like.

- 39. In order to avoid pollution and sedimentation of the Hawkesbury-Nepean River Catchment, the following erosion and sedimentation controls will apply:
 - (a) runoff and erosion controls shall be installed prior to clearing of site vegetation in accordance with Council's development control plan titled "Soil Erosion Sediment Control";
 - (b) topsoil shall only be stripped from approved areas and shall be stockpiled for re-use during site rehabilitation and landscaping;

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- (c) the capacity and effectiveness of runoff and erosion control measures shall be maintained at all times;
- (d) pollution control devices shall be installed and maintained to ensure there is no increase in the downstream levels of nutrients, litter, vegetative debris, and other water borne pollutants;
- (e) measures shall be applied to prevent site vehicles tracking sediment and other pollutants onto any sealed roads serving the development; and
- (f) an erosion control plan showing detailed runoff and erosion control measures shall be prepared by a qualified engineer prior to any works commencing on-site. This plan shall incorporate (without being limited to):
 - (i) upslope interception of uncontaminated runoff and diversion of it around disturbed areas;
 - (ii) sediment interception measures (catch drains, contour banks, detention basins, settling ponds, haybale or gabion barriers, sediment traps, silt fences, etc) sufficient to prevent sediment and other debris leaving the site or entering downstream drainage lines;
 - (iii) regular maintenance of erosion control works; and

satisfactory disposal of intercepted sediment.

- 40. The applicant or person having the benefit of this development consent must give at least two days notice prior to commencement of works to Council of the intention to commence works. This notice is to be given in accordance with form 7 of the Environmental Planning and Assessment Regulation 1998.
- 40A. The operator of the farm or contractor constructing the dam is to provide twenty-four hours notice to the neighbouring residences prior to the construction works relating to the dam.

During Construction

- 41. The cattle grid is to either be removed or satisfactorily dampened so it does not cause vibration travelling from the grid, following completion of the dam rebuilding works.
- 42. To ensure that site works do not cause soil erosion, site works involving construction of batters, embankments, cuts, mounds, and the like, shall incorporate measures for their restraint and stabilisation, with the use of physical barriers and planting of suitable vegetative cover.

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- 43. All trucks entering or leaving the site shall have their trays suitably covered to prevent spillage from the truck onto the road.
- 44. All fill to be adequately compacted by track rolling or similar.
- 45. 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.
- 46. All demolition, construction and associated work necessary for the carrying out of the development being restricted to between the hours of 7.00am and 6.00pm on Mondays to Fridays and between 8.00am and 4.00pm on Saturdays.
- 47. No burning of demolition or construction material being carried out on the site.
- 48. To reduce nuisance to the surrounding properties, all demolished material and excess spoil from the site shall be disposed of to a location and in a manner to the approval of this office (Note: no material shall be burnt or buried on the site).
- 49. The site shall be kept clean and tidy during the construction period and all rubbish shall be removed from the site upon completion of the project to the satisfaction of this office.
- 50. Any overflow from the proposed dam must not concentrate water on any adjoining property.
- 51. All necessary works being carried out to ensure that “any water” flow from adjoining properties is not impeded.

Use of the Site

- 52. The activity is to operate in accordance with the details contained within the approved Farm Management Plan.
- 53. The development shall be conducted in such a manner that the LA(eq) noise levels, measured at any point in accordance with the NSW EPA's Industrial Noise Policy (2000), do not exceed 5dB(A) (LAeq) above background noise levels with respect to noise amenity of residential dwellings.

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54. Outdoor activity associated with the cut flower farm is to be carried out only during daylight hours.

55. Any cutting of cabbage gum tree species is to be done by hand only.

B. The Traffic Committee be requested to consider installing 80km per hour signs on Boundary Road in the vicinity of the property.

47: Intensive Agriculture (Market Garden), Lot 1, DP432723, 95 Godalla Road, Freemans Reach (MA1224/01/EVD/ENE28NAX.V01)

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

That:

A. The application for the establishment of intense agriculture (market garden), 7 (seven) mL dam and removal of native vegetation be approved subject to the following conditions:

General

1. To confirm and clarify the terms of this approval, the development shall be carried out in accordance with the approved stamped plans submitted with Development Application No. MA1224/01 dated 8/10/01 and any supportive documentation, except as otherwise provided by the conditions of this consent.

Note: modifications to the approved plans will require the lodgement and consideration by this organisation of a separate application pursuant to Section 96 of the Environmental Planning and Assessment Act, 1979.

2. Separate approvals are required for any structures proposed for the site which are not included in this approval.

3. Compliance with the provisions of the Environmental Planning and Assessment (Amendment) Act 1979, and the Building Code of Australia.

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4. The dam shall be constructed such that the grades of the batters are consistent with Council's Dam DCP, being 3:1 (one in three) (v:h) on the downstream side. The upstream side shall be no steeper than 1:2.5 (v:h). All batters shall be revegetated using seeding or turf. No trees are to be placed on the structure.
5. The width of the dam crest is to be a minimum of 3m (three) for the first 3m (three) of a dam wall and is to increase in width by 0.5m for every metre above 3m (three).
6. A minimum of 1.0m is to be established for a freeboard and this is to increase by 10% (ten) for every metre over a 3m (three) high wall.
7. The material used to construct the embankment is to be sufficiently impervious to keep seepage low and to be stable. A soil with 25% (twenty five) clay content is ideal in this respect to form an impervious barrier.
8. The width of the spillway outlet is to be not less than the inlet width. The spillway is not to direct flows onto the downstream toe. The spillway area is to be grassed, stable and able to accept runoff flow. It will be necessary to turf the spillway area. The spillway cut batter should have a maximum steepness of 1.5:1.
9. The dam is to be constructed with a waterproof clay lining and the depth is to be kept above the water table in order to minimise the threat of ground water contamination.
10. The following soil types are not to be used in the construction of the dam:
 - sand;
 - gravels;
 - organic soils; and
 - peat.

Prior to Commencement of Works

11. In order to avoid pollution and sedimentation of the Hawkesbury-Nepean River Catchment, the following erosion and sedimentation controls will apply:
 - (a) runoff and erosion controls shall be installed prior to clearing of site vegetation in accordance with Draft Hawkesbury development control plan;

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- (b) topsoil shall only be stripped from approved areas and shall be stockpiled for re-use during site rehabilitation and landscaping;
 - (c) the capacity and effectiveness of runoff and erosion control measures shall be maintained at all times;
 - (d) pollution control devices shall be installed and maintained to ensure there is no increase in the downstream levels of nutrients, litter, vegetative debris, and other water borne pollutants;
 - (e) measures shall be applied to prevent site vehicles tracking sediment and other pollutants onto any sealed roads serving the development; and
 - (f) an erosion control plan showing detailed runoff and erosion control measures shall be prepared by a qualified engineer prior to any works commencing on-site. This plan shall incorporate (without being limited to):
 - (i) upsite interception of uncontaminated runoff and diversion of it around disturbed areas;
 - (ii) sediment interception measures (catch drains, contour banks, detention basins, settling ponds, haybale or gabion barriers, sediment traps, silt fences, etc) sufficient to prevent sediment and other debris leaving the site or entering downstream drainage lines;
 - (iii) regular maintenance of erosion control works; and
 - (iv) satisfactory disposal of intercepted sediment.
12. The applicant or person having the benefit of this development consent must give at least two days notice prior to commencement of works to Council of the intention to commence works. This notice is to be given in accordance with form 7 of the Environmental Planning and Assessment Regulation 1998.
13. Submission of a detailed landscape plan for approval for the plantings proposed in the buffer areas identified on the approved stamped plan.
14. The buffer zone is to maintain a distance as depicted on the “Amended Buffer Zones” plan displayed on Page 35.

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15. Provision shall be made within the buffer zones of a bypass channel to divert uncontaminated runoff into neighbouring dams. Details to be submitted and approved by Council prior to works commencing on the site.
16. A suitable swale/mound is to be provided around the area used for market gardening to divert runoff from this area to the dam to ensure contaminated runoff is not allowed to escape the site and into neighbouring dams and properties. Details to be submitted and approved by Council prior to works commencing.
17. The approved buffer zones are to be planted out in the form of a hedgerow containing tall, medium and small vegetation to completely block any line of sight. Species are to be indigenous to the surrounding environment. Care is to be taken at all times not to interfere or damage the root structure of this zone with the operations of the proposed activity and maintained in a healthy condition. Details of the planting to be submitted and approved by Council prior to the commencement of works.

During Construction

18. To ensure that site works do not cause soil erosion, site works involving construction of batters, embankments, cuts, mounds, and the like, shall incorporate measures for their restraint and stabilisation, with the use of physical barriers and planting of suitable vegetative cover.
19. All trucks entering or leaving the site shall have their trays suitably covered to prevent spillage from the truck onto the road.
20. All fill to be adequately compacted by track rolling or similar.
21. 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.
22. All demolition, construction and associated work necessary for the carrying out of the development being restricted to between the hours of 7.00am and 6.00pm on Mondays to Fridays and between 8.00am and 4.00pm on Saturdays.
23. No burning of demolition or construction material being carried out on the site.

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24. To reduce nuisance to the surrounding properties, all demolished material and excess spoil from the site shall be disposed of to a location and in a manner to the approval of this office (Note: no material shall be burnt or buried on the site).
25. The site shall be kept clean and tidy during the construction period and all rubbish shall be removed from the site upon completion of the project to the satisfaction of this office.
26. Any overflow from the proposed dam must not concentrate water on any adjoining property.
27. All necessary works being carried out to ensure that “any water” flow from adjoining properties is not impeded.
28. Any excavated material removed from the site is to be deposited at a suitable approved landfill site. Details to be provided to Council.

Use of Site

29. The activity is to operate in accordance with the details contained in the Farm Management Plan that accompanied the Development Application MA1224/01.
30. The development shall be conducted in such a manner that the LA(eq) noise levels, measured at any point in accordance with the NSW EPA’s Industrial Noise Policy (2000), do not exceed 5dB(A) (LAeq) above background noise levels with respect to noise amenity of residential dwellings.
31. The landscape buffer areas are to be planted and established prior to the commencement of the market garden operation.
32. The landscape buffer areas are to be maintained at all times and replacements are to occur when necessary.
33. A complaints register is to be established to records the complaints received and actions taken in accordance with the Farm Management Plan.
34. Stock piles of any organic animal manures are to be covered with tarpaulin and banded by an earth mound immediately upon delivery. Stock piles of this type of material must be limited to thirty tonnes at any one time and completely used within fourteen days from delivery and prior to any further loads arriving on the premises.

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- 35. The management, recording and keeping of pesticides on the site must comply with the following legislation, Pesticides Act 1999, WorkCover NSW 1998, "Code of Practice for the Safe Use of Pesticides and Storage of Chemicals in Agriculture" and NSW Agriculture 1998, "Principles of Spray Drift Management". Only chemicals that have been assessed and registered with the National Registration Authority for Agricultural and Veterinary Chemicals (NRA) are permitted on the premises.
- 36. Chemical containers are to be disposed of through the Drum Muster program conducted at the Hawkesbury City Waste Management Facility, The Driftway, South Windsor or an authorised disposal facility.
- 37. Oil, lubricant, coolant and hydraulic fluid spills or stains shall be recycled where appropriately or removed by an approved absorbent material and disposed of at an authorised waste depot. The absorbent material should be kept in good supply at all times.
- 38. Any fuel storage vessels shall be kept on the premises in accordance with WorkCover's specification and approval.
- 39. The irrigation pump is to be housed in an enclosure acoustically designed that significantly reduces noise emissions to achieve a reading of not more than 5dbA above background at any boundary.
- 40. Dust control measures, eg, water shall be applied to reduce surface and airborne movement of sediment blown from exposed areas. 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.
- 41. The Farm Management Plan is to be updated annually and submitted to Hawkesbury City Council for review.

- 48: Draft Local Environmental Plan 4/01 (Amendment 134) - 77 and 79 Old Bells Line of Road, Kurrajong (LEP4/01/EVD/ENE28NBX.V05)**

210 RESOLVED on the motion of Councillor Sheather seconded by Councillor Rasmussen

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That:

1. Council proceed with the draft local environmental plan to allow 77 and 79 Old Bells Line of Road, Kurrajong to be used for the purposes of a shop and refreshment room.
2. Council exercise its delegation in respect of the Section 69 report to the Minister.
3. Council forward the Draft Local Environmental Plan to the Department of Planning for finalisation and gazettal.

49: Draft Local Environmental Plan 7/01 (Amendment 137) - Change of Definition for General Store (LEP7/01/EVD/ENE28NBX.V04)

211 RESOLVED on the motion of Councillor Sheather seconded by Councillor Rasmussen

That:

1. Council proceed with the draft local environmental plan to change the definition of general store.
2. Council exercise its delegation in respect of the Section 69 report to the Minister.
3. Council forward the Draft Local Environmental Plan to the Department of Planning for finalisation and gazettal.

50: Poultry Farm - 412 Stannix Park Road, Ebenezer - Result of Court Hearing (DA68/97/EVD/ENE28NBX.V08)

212 RESOLVED on the motion of Councillor Sheather seconded by Councillor Rasmussen

That:

1. Council write to the New South Wales Attorney General concerning this matter.
2. Council seek the assistance of the local State member.

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3. Council write to the Department of Local Government expressing concern.

51: Request for Rezoning - Lot 3 DP749638, 476 Hawkesbury Road, Yarramundi, Owners - Mr GJ and Mrs D Williams and Lederer & Fisher Investments Pty Limited (P1928/320/EVD/ENE28NBX.V07)

- 213 RESOLVED on the motion of Councillor Sheather seconded by Councillor Rasmussen

That this matter be deferred, pending a site inspection at the next General Purpose Committee meeting.

Supplementary

52: Housing of Penrith Council's Companion Animals at the Hawkesbury City Animal Shelter (GE020/081/EVD/ENE28LBX.V10)

- 214 RESOLVED on the motion of Councillor Paine seconded by Councillor Sheather

That:

1. Council enter into an agreement for a period of 5 (five) years with an option of an additional 3 (three) by 1 (one) year extensions, to house Penrith City Council's companion animals in accordance with the conditions of the agreement.
2. Council construct additional kennels and infrastructure to accommodate the increased number of animals to be housed, subject to development/building approvals.
3. An internal loan be arranged to finance the project with repayments over 5 (five) years.
4. Documents to be completed with the seal of Council.

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Organisation and Resources

44: Monthly Financial Report - April 2002 (GF011/005/FNC/OGE28NAX.F02)

215 RESOLVED on the motion of Councillor Sheather seconded by Councillor Rasmussen

That the information be received.

45: Rate Pegging (GR010/006 Pt7/GMA/OGE28NAX.G01)

216 RESOLVED on the motion of Councillor Sheather seconded by Councillor Rasmussen

That Council donate to the Local Government and Shires Associations the amount of \$615 (six hundred and fifteen dollars).

46: McMahons Park (PK/007 Pt 5/GMA/OGE28NAX.G03)

217 RESOLVED on the motion of Councillor Calvert seconded by Councillor Rasmussen

A. That:

1. The McMahons Park Management Association be advised that Council respects their choice to either join Hawkesbury Sports Council or remain an independent management group for McMahons Park.
2. The Association be advised that the Council in the 2002/2003 budget will provide a one-off capital funding through the Sports Council to fund the improvements to the ground involving earthworks, extension to the irrigation, turfing and adjustments to the lighting, estimated in February of this year at \$104,300 (one hundred and four thousand three hundred dollars). That the funds be provided on the basis of the actual costs and, in this regard, it is noted that a saving is likely in the irrigation item.
3. The funds come from the Parks' Capital Works area.

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4. Negotiations take place with the Sports Council to have the ground's mowing undertaken by their contractor at the end of the current Council contract for the park, and that the funding for this be provided to the Sports Council, and in doing so the Park Association be advised that this will bring the area under the same maintenance regime as other sporting fields managed by the Sports Council in the area.
5. The Management Association be advised that future capital works in the area would need to be prioritised and funded through the Sports Council.
6. A meeting be convened with the Sports Council and the McMahons Park Association to address the high usage of McMahons Park with the purpose of ascertaining if other less used venues can be used, in order to maintain the McMahons Park ground at a higher level.
- B. That a Sub-Committee of 4 (four) councillors negotiate with McMahons Park Management Association and the Sports Council to determine a direction for the future.

218 RESOLVED on the motion of Councillor Sheather seconded by Councillor Rasmussen

That Councillors L C Sheather, K F Conolly, P R Rasmussen and D Finch be nominated to form the Sub-Committee.

47: Hawkesbury Regional Museum - Functional Brief
(GM030/001/CSV/OGE28NBX.C09)

219 RESOLVED on the motion of Councillor Sheather seconded by Councillor Rasmussen

That the mission statement and functional brief for the Hawkesbury Regional Museum be endorsed.

48: Proposed Leasing of the Johnston Wing, Christie Street, Windsor (GC283/163
Pt3/CSV/OGE28NBX.F10)

220 RESOLVED on the motion of Councillor Sheather seconded by Councillor Rasmussen

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That:

1. A 3 (three) year plus 2 (two) year lease be offered to Mr Stack on \$35,000.00 (thirty five thousand dollars) per annum for the first 3 (three) years with the remaining 2 (two) years on a commercial basis determined by a valuation at that time.
2. Eight carparking spots be made available to Mr Stack in the 5 (five) year leasing period.
3. All outgoings are the responsibility of Mr Stack (tenant) and maintenance of the building will be the responsibility of the owner (Council) for the period of the lease.
4. All necessary documents to be executed under the Common Seal of Council.

49: Hawkesbury Heritage Farm (GC283/107 Pt9/CSV/OGE28NCX.C06)

A **motion** was moved by Councillor Williams seconded by Councillor Calvert

That the land known as Lot 22 in DP 829589 being 496 Wilberforce Road, Wilberforce, not be reclassified from Community to Operational land.

The motion was lost.

221 RESOLVED on the FORESHADOWED motion of Councillor Conolly and seconded by Councillor Gilling

1. A draft local environmental plan be prepared in accordance with the NSW Planning Guidelines to reclassify the following lots from Community to Operational land.
 - Lot 22 in DP 829589 being 496 Wilberforce Road, Wilberforce.
2. A local environmental study not be prepared.
3. Council exercise its delegation in respect of Sections 65 and 69 of the Environmental Planning and Assessment Act 1979.

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4. A public hearing under section 68 of the Environmental Planning and Assessment Act 1979 in respect of the proposed reclassification in the draft local environmental plan be advertised and arranged.
5. It is recommended that consideration be given to an allocation of \$65,000 (sixty five thousand) for the maintenance of grounds and buildings at Hawkesbury Heritage Farm in 2002/2003 Estimates.

50: Accommodation Services for Victims of Domestic Violence (GC130/014 Pt2/CSV/OGE28NCX.C07)

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

That:

1. The information be received.
2. The support for accommodation services for victims of domestic violence be considered for inclusion in Council's Management Plan.

51: Support for Vulnerable Families - Update (GC150/002/CSV/OGE28NCX.C05)

223 RESOLVED on the motion of Councillor Sheather seconded by Councillor Rasmussen

That the information be received.

52: Hawkesbury City Art Gallery "Significance/Impact/Management" Report (GC130/032/CSV/OGE28NCX.C08)

224 RESOLVED on the motion of Councillor Rasmussen seconded by Councillor Sheather

The 'Hawkesbury City Art Gallery Significance / Impact / Management Report' be received.

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**53: Council Support for Equity and Access Initiatives in the Hawkesbury
(GG021/216/CSV/OGE28NCX.C04)**

225 RESOLVED on the motion of Councillor Sheather seconded by Councillor Rasmussen

That the information be received.

SECTION 4 - REPORTS FOR DETERMINATION

**44: Documents for Execution Under Seal (GC283/138, GC283/139 Pt
1/CSV/ORF11NBX.C03)**

226 RESOLVED on the motion of Councillor Paine seconded by Councillor Sheather

That the seal of Council be affixed to the following documents:

1. Retail lease for Shop 11 Wilberforce Shopping Centre to Mr Ahmad Issa.
2. Retail lease for Shop 1 Wilberforce Shopping Centre to Mrs Ann Cameron.

45: Youth Streetbeat Project - Update (GC210/014//ORF11NBX.C04)

227 RESOLVED on the motion of Councillor Paine seconded by Councillor Davies

That Hawkesbury City Council forward the \$15,500 (fifteen thousand five hundred), which has been included in the 2001/2002 budget estimates as a contribution to the Youth Streetbeat Project, to Hawkesbury District Health Service Ltd. to support the continued operation of the project.

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46: Tenders for the Hire of Plant (GT020/357 Pt8 & 9/ENG/ORF11NBX.E09)

228 RESOLVED on the motion of Councillor Sheather seconded by Councillor Paine

That the tender list be adopted for the selection of plant for the 2002/2003 financial year.

SECTION 5 - REPORTS FOR INFORMATION

47: Reports Requested by Council - Status as at 11 June 2002 (GC280/005 PT04/CSV/ORF11NCX.C02)

229 RESOLVED on the motion of Councillor Rasmussen seconded by Councillor Calvert

That the information be received.

48: Payment of External Organisations (GC210/014 PT3, GC155/001 PT3, GM001/021 PT14, GT070/018/FNC/ORF11NCX.F06)

230 RESOLVED on the motion of Councillor Rasmussen seconded by Councillor Sheather

That the information be received.

49: Ferry Interruption Report - May 2002 (GT240/017/ENG/ORF11NCX.E07)

231 RESOLVED on the motion of Councillor Rasmussen seconded by Councillor Calvert

That the information be received.

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**50: Gaming Machines Act 2001 - Proposed Control of Gaming Machines
(GT160/001Pt3/EVD/ORF11NCX.V01)**

232 RESOLVED on the motion of Councillor Rasmussen seconded by Councillor Sheather

That the information be received.

SECTION 6 - REPORTS OF COMMITTEES

Hawkesbury Healthy City - 14 March 2002

233 RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Paine that the Minutes of the Hawkesbury Healthy City meeting held on 14 March 2002 as recorded on Pages 61 to 63 be received.

Hawkesbury Healthy City - 11 April 2002

234 RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Finch that the Minutes of the Hawkesbury Healthy City meeting held on 11 April 2002 as recorded on Pages 64 to 66 be received.

Hawkesbury Equity and Access Planning Committee - 17 April 2002

235 RESOLVED on the motion of Councillor Paine and seconded by Councillor Finch that the Minutes of the Hawkesbury Equity and Access Planning Committee meeting held on 17 April 2002 as recorded on Pages 67 to 70 be received.

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Hawkesbury Economic Development Advisory Committee - 9 May 2002

- 236 RESOLVED on the motion of Councillor Conolly and seconded by Councillor Rasmussen that the Minutes of the Hawkesbury Economic Development Advisory Committee meeting held on 9 May 2002 as recorded on Pages 71 to 74 be received.

Heritage Advisory Committee - 9 May 2002

- 237 RESOLVED on the motion of Councillor Finch and seconded by Councillor Rasmussen that the Minutes of the Heritage Advisory Committee meeting held on 9 May 2002 as recorded on Pages 75 to 76 be received.

Bicycle Steering Committee - 15 May 2002

- 238 RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Williams that the Minutes of the Bicycle Steering Committee meeting held on 15 May 2002 as recorded on Pages 77 to 79 be received.

Local Traffic Committee - 24 May 2002

Mayor Stubbs advised that he is president of the Hawkesbury Historical Society

- 239 RESOLVED on the motion of Councillor Davies and seconded by Councillor Rasmussen that the Minutes of the Local Traffic Committee meeting held on 24 May 2002 as recorded on Pages 80 to 86 be adopted.

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QUESTIONS WITHOUT NOTICE

1. Councillor Finch tabled correspondence relative to parking at the Kable Street General Practice and a Development Application at 481 Creek Ridge Road, Glossodia.

The General Manager acknowledged receipt of the correspondence.

2. Councillor Finch enquired if the toilets at the Museum in Thompson Square were public toilets and, if so, requested that a sign be erected on the street indicating that there were public toilets.

The Mayor advised that they were public toilets and, as he understood the situation, the key was kept within the Museum. The General Manager advised that there was a sign.

3. Councillor Paine tabled correspondence from Chisholm Catholic School relative to kerb, guttering and footpath on the Northern frontage of the school up to Woods Road.

The General Manager acknowledged receipt of the correspondence.

4. Councillor Paine referred to a recent newspaper article relative to an award presented to Council's Fire Control Officer, Karen Hodges, in recognition of her efforts during the December 2001 fires and requested that Council write and convey congratulations.

The Mayor advised that congratulations had been conveyed verbally on behalf of Council and a letter would follow.

5. Councillor Williams referred to advice he had received that Council had placed large concrete blocks at the entrance to Sargents Road, beside Ebenezer poultry farm, which were allegedly denying access to fire trucks.

The General Manager advised that there was a situation wherein discussions were taking place as to the road remaining open or being closed and advised that he would make enquiries.

Councillor Williams further enquired if a locked gate could be installed, with access being granted to the Rural Fire Service.

The General Manager advised that the matter would be investigated.

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6. Councillor Rasmussen referred to an offer made by Mr Weller in relation to McMahons Park and enquired if a response was to be forwarded to Mr Weller.

The Mayor advised that a response would be provided.

7. Councillor Rasmussen referred to a major breach of the cable fence at Yarramundi Reserve and advised that large trucks had been sighted moving in and out of the Reserve.

The Director of Asset Services and Recreation advised that the fence would be repaired.

8. Councillor Calvert referred to correspondence from Mr Wellington of Douglas Street, North Richmond, relative to the possibility of tarring Douglas Street and enquired if a response had been forwarded to Mr Wellington.

The Director of Asset Services and Recreation advised that a response was being prepared.

9. Councillor Calvert requested an update relative to Council's approach to the National Parks and Wildlife Service as to the possibility of the information centre becoming an adjunct to the Kurrajong Heights Lookout facility.

The General Manager advised that a verbal discussion had taken place and the National Parks and Wildlife Service were not interested in this option however, were interested in working with Council and all facilities in the locality jointly.

10. Councillor Calvert referred to the "Roads to Recovery" funds which had been reduced in the Federal Budget and enquired as to the impact on the Hawkesbury.

The General Manager advised that it did not affect the quantum however, it lengthened the program from three years to four years.

11. Councillor Sheather requested the replacement of the hot water system at Wilberforce School of Arts.

The Director of Asset Services and Recreation advised this would be done.

12. Councillor Sheather advised that the County Council had not been approached relative to their involvement in describing "Noxious Weeds" as per a recent resolution.

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13. Councillor Sheather advised that the County Council has available, a colour brochure which indicates the locality of various weeds in the State and their categories, which was put out by Penrith City Council and suggested this document may assist Council staff.
14. Councillor Sheather referred to Roberts Creek Road and asked that the area be assessed for use a fire break.
15. Councillor Sheather tabled "Western Sydney Academy of Sport - Year in Review" advising that it was an overview of Councils involved.
16. Councillor Sheather advised that he had available, for interested Councillors and staff, a CD prepared by a representative of the American President who had addressed the Flood Mitigation Conference.

The meeting terminated at 10.35pm.

Submitted to and confirmed at the meeting of Council on 9 July 2002.

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Mayor