



Hawkesbury City Council

ordinary meeting minutes

date of meeting: 28 June 2005

location: council chambers

time: 5:00 p.m.

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ORDINARY MEETING

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 28 June 2005, commencing at 5:00pm.

Reverend Mark Chapple of Hawkesbury Valley Baptist Church, representing the Hawkesbury Minister's Association, gave the opening prayer at the commencement of the meeting.

ATTENDANCE

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

APOLOGIES

An apology for absence was received from Councillor C Paine

RESOLVED on the motion of Councillor Finch and seconded by Councillor Rasmussen that the apology be accepted.

SECTION 1: Confirmation of Minutes

274 RESOLUTION:

RESOLVED on the motion of Councillor Stubbs and seconded by Councillor Books that the Minutes of the Ordinary Meeting held on the 14 June 2005, be confirmed.

MAYORAL MINUTE

275 RESOLUTION:

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

That a vote of thanks be given to all staff involved in the openings of the New Art Gallery/Library in the Deerubbin Centre and for the events organised for the Friday night opening of the New Art Gallery and Saturday opening of the Deerubbin Centre.

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SECTION 4 - Reports for Determination

COMMERCIAL STRATEGY - (CORPORATE RESPONSE UNIT)

Item: 193 RES B - Enterprise Panel - (73824)

Previous Item: 114, Ordinary (14 September 2004)
 22, Ordinary (8 February 2005)
 153, Ordinary (31 May 2005)

MOTION:

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

Refer to RESOLUTION

276 RESOLUTION:

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

That:

1. A Hawkesbury Customer Service Assurance Program be established in partnership with the Hawkesbury City Chamber of Commerce Inc (Chamber) at a cost of \$19,300 per annum.
2. A Hawkesbury Excellence in Business Awards Program be established in partnership with the Chamber at a cost of \$5,000 per annum.
3. A performance-based agreement be negotiated for a three year term with the option for Council to terminate part or all of the agreement after 12-months, if the performance of the contractor is unsatisfactory.
4. The General Manager be authorised to prepare and execute the necessary documents as appropriate (including the use of the Common Seal of Council as required), to give effect to this resolution.

Item: 194 RES B - Tourism Cooperative with Lithgow City Council (E-Commerce / Markets Advisory Committee) - (91367)

Previous Item: 115, Ordinary (14 September 2004)
 146, Ordinary (12 October 2004)
 167, Ordinary (9 November 2004)

MOTION:

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

Refer to RESOLUTION

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277 RESOLUTION:

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

That:

1. An amount of up to \$10,000 be allocated for the purpose of developing a gateway along the Bells Line of Road that incorporates the use of flagpoles, in conjunction with Lithgow City Council.
2. A Memorandum of Understanding be negotiated by the working parties for the development of and ongoing participation in, a Regional Tourism Cooperative, which includes reciprocal marketing of respective local government areas and tourism offerings.
3. Further progress reports be presented to Council via the E-Commerce/Markets Advisory Committee as need be.

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ENVIRONMENT AND DEVELOPMENT

Item: 195 ES B - Advertising Signs, Part Lot 2, Section K, 390-392 George Street, Windsor - DA0228/05 - (94870, 4499,4690)

Mr David Campbell, proponent, addressed the Committee
Mr Frank Scharfe, respondent, addressed the Committee

MOTION:

A MOTION of Councillor Devine, seconded by Councillor Calvert

That the application for advertising signs 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.
2. Only one A-frame sign shall be displayed for the business at any given time.
3. The sign shall be located adjacent to the premises gaining advantage from the sign, within a distance of 5 metres from the premises front wall.
4. The A-frame sign location shall not obstruct pedestrian access of the footpath area or line of sight for vehicle traffic.
5. the A-frame sign shall be registered with the Council. A registration plate issued by Council shall be permanently affixed to the sign for identification purposes.
6. The A-frame sign shall be covered by a \$5 million insurance indemnity, protecting both the owner of the sign and Council jointly. This shall be renewed annually with evidence of insurance to be provided on an annual basis.

Advisory Notes

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

An AMENDMENT was moved by Councillor Devine, seconded by Councillor Calvert.

Refer to RESOLUTION

The amendment was carried.

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

278 RESOLUTION:

RESOLVED on the AMENDMENT moved by Councillor Conolly, seconded by Councillor Rasmussen.

That the application for advertising signs 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.
2. The flush wall sign (Sign No. 6) is to be removed.
3. Only one A-frame sign shall be displayed for the business at any given time.
4. The sign shall be located adjacent to the premises gaining advantage from the sign, within a distance of 5 metres from the premises front wall.
5. The A-frame sign location shall not obstruct pedestrian access of the footpath area or line of sight for vehicle traffic.
6. the A-frame sign shall be registered with the Council. A registration plate issued by Council shall be permanently affixed to the sign for identification purposes.
7. The A-frame sign shall be covered by a \$5 million insurance indemnity, protecting both the owner of the sign and Council jointly. This shall be renewed annually with evidence of insurance to be provided on an annual basis.

Advisory Notes

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

279 RESOLUTION:

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

That, as soon as practical, Council workshop and review its Signage Policy for Commercial Zones.

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Item: 196 **ES B - Additions to Existing School, Lot 1, DP 811652, 22 Rifle Range Road, South Windsor - DA0268/05 - (32368)**

Councillor Conolly declared an interest in this matter as he is employed by Catholic Education, which administers the school, he left the meeting and did not take part in voting or discussion on the matter.

MOTION:

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

Refer to RESOLUTION

280 RESOLUTION:

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

That the application for additions to Bede Polding College be approved as a Deferred Commencement Consent subject to the following conditions:-

1. 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.
2. The "Deferred Commencement" consent will lapse in twelve months from the date of this consent unless all conditions appearing in Schedule 1 have been complied with.

Schedule 1

- Submission to and approval of a Landscaping Plan. Landscaping shall be a mix of trees, shrubs and ground cover and includes species native to the locality.
- The submission of an amended Schedule of External Colours and Finishes to replace zincalume with a less visually obtrusive material.

Schedule 2

General

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
3. The buildings shall not be used or occupied prior to the issue of an Occupation Certificate.
4. The development shall comply with the provisions of the Building Code of Australia at all times.
5. The development shall comply with the Environmental Planning and Assessment Act, 1979 at all times.

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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 seven days of issuing the certificate. A registration fee applies.
7. This consent covers the removal of trees and other vegetation for driveways and access and within a six metre radius from the building. No other trees or vegetation shall be removed without prior approval of Council.
8. Hawkesbury City Council is the sewer authority for this development, inspection for compliance certification for internal and external sewer drainage shall be requested and approved prior to covering any pipe. An inspection fee applies.

Prior to Issue of Construction Certificate

9. Construction of the access, car park, drainage and retaining walls are not to commence until three copies of the plans and specifications of the proposed works are submitted to and approved by the Director External Services or an Accredited Certifier.
10. Payment of a Construction Certificate checking fee of \$309.00 and a Compliance Certificate inspection fee of \$670.00 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2006. Fees required if an Accredited Certifier is used will be provided on request.
11. 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.

Prior to Commencement of Works

12. All traffic management devices shall be installed and maintained in accordance with the approved traffic management plan.
13. 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.
14. 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.
15. 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.
16. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
17. 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.

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18. 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.

During Construction

19. The development shall be completed in accordance with the approved colours and finishes and shall not be altered.
20. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded.
21. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am – 6pm and on Saturdays between 8am – 4pm.
22. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
- (a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - (b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
 - (c) Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
23. Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the following components of construction:
- piers;
 - foundations;
 - internal sewer or stormwater lines prior to covering;
 - steel reinforcement prior to pouring concrete;
 - external sewer or stormwater lines, prior to backfilling;
 - framework, after the installation of all plumbing, drainage and electrical fixtures, and after the external cladding and roof covering has been fixed prior to fixing of internal linings and insulation;
 - wet area flashing, after the installation of bath and shower fixtures;
 - prior to occupation of the building;
 - on completion of the works;
24. All materials used in the construction below the level of 17.3m AHD metres AHD shall be capable of withstanding prolonged immersion in water without swelling or deteriorating.
25. 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.
26. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.

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27. A surcharge path sufficient to carry the 1 in 100 year storm flow to be provided across the site and a drainage easement of adequate width to be created over the surcharge path.
28. On-site detention shall be provided to maintain all stormwater discharges from the 1:1 year storm up to the 1:100 year storm at pre-development levels.
29. 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.
30. 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.
31. A heavy duty layback and footway vehicular crossing a minimum of 3.0m wide shall be constructed to the entrance and exit to proposed car park one. A heavy duty layback and footway vehicular crossing a minimum 6.0m wide shall be constructed to the entrance/exit to proposed car park two. The crossings shall be constructed in accordance with Hawkesbury Development Control Plan Appendix E, Civil Works Specification. Inspection is required, a fee of \$62.00 is payable for the first inspection and \$31.00 for the subsequent inspections. Fees are valid until 30 June 2006. The adjacent footway area is to be restored and concrete footpath extended as required.

Prior to Issue of Occupation Certificate

32. 161 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.
33. Compliance with all conditions of this development consent.
34. 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.
35. A Section 73 Certificate from Sydney Water shall be submitted to the Principal Certifying Authority.
36. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
37. Creation of a Drainage Easement for overland flow over the proposed overland flow path through the site. Documentary evidence is to be submitted to Council prior to occupation of the building.
38. A Plan of Management for the on-site stormwater detention facilities shall be submitted to and approved by Council. The Plan of Management shall set out all design and operational parameters for the detention facilities including design levels, hydrology and hydraulics, inspection and maintenance requirements and time intervals for such inspection and maintenance.
39. The owner shall enter a positive covenant with Council which provides the following:
 - (a) The registered proprietors will at all times maintain, repair and keep the on-site stormwater detention facilities in a good and safe condition and state of repair, in accordance with the approved design to the reasonable satisfaction, at all times, of Council, having due regard to the Plan of Management for the operation and maintenance of the on-site stormwater detention facilities, and
 - (b) The liability under the Covenant will jointly and severally bind the registered proprietors of the proposed dwellings, and
 - (c) Council only will be entitled to release or modify the Covenant.

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

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40. Submission of a report by the Design Engineer stating the conformance or otherwise of the system in relation to the approved design.
41. Works-As-Executed drawings for the On Site Detention Stormwater System which indicate the following shall be submitted to and approved by Council:
 - (a) Invert levels of tanks, pits and pipes
 - (b) Surface levels of pits and surrounding ground levels
 - (c) Levels of surrounding kerb
 - (d) Floor levels of buildings
 - (e) Top of kerb levels at the front of the lot; and
 - (f) Extent of inundation

Use of the Development

42. No internal or external alterations shall be carried out without prior approval of Council.
43. All fire safety equipment and fixtures shall be regularly serviced and maintained. The owner or their agent shall certify annually that each of the fire safety measures specified in this statement has:
 - (a) been assessed by a properly qualified person, and
 - (b) found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the certificate issued.
44. 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) LA(eq) above background noise levels with respect to noise amenity of residential dwellings.
45. The subject development, including landscaping, is to be maintained in a clean and tidy manner.
46. All vehicles shall be driven in a forward direction at all times when entering and leaving the premises.
47. All waste materials shall be regularly removed from the property.
48. The stage sub-floor area is not to be used for the storage of combustible/flammable solids, liquids or gases.
49. Should the building be used as a 'place of public entertainment' (i.e. student performances where the audience pays for entry), then the means of egress shall be upgraded to minimum door widths as per the Building Code of Australia and a 'Place of Public Entertainment' Licence shall to be obtained from Council.
50. Provision shall be provided on site where necessary for overflow parking resulting from functions being held in the multi-purpose hall. This shall include appropriate signage directing vehicles to the overflow parking areas.
51. All activities associated with the multi-purpose hall are to cease by 12 midnight.

Advisory

- The land is within the Hawkesbury City Council Sewerage Catchment. A separate application shall be submitted to Council for any alterations or connections to the sewer mains. The applicant shall consult with Council regarding acceptable discharge limits to the sewerage system.

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- Inspections for Compliance Certificate shall be requested from Hawkesbury City Council for internal and external sewer drainage prior to covering any pipe. An inspection fee applies.
- 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.
- Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.
- The applicant is advised to consult with:
 - (a) Sydney Water Corporation Limited
 - (b) Integral Energy
 - (c) Natural Gas Company
 - (d) a local telecommunications carrier

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

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

Item: 197 **ES B - 16 Lot Community Title Subdivision, 57 Mill Road, Kurrajong NSW - (73916, 21488)**

Previous Item: 179, Ordinary (14 June 2005)

This Item was dealt with in conjunction with Item 204 in the Late Supplementary Business Paper.
Moved by Councillor Finch, seconded by Councillor Conolly

Councillor Stubbs declared an interest in this matter as his son is employed by the Life Adventure Site, he left the meeting and did not take part in voting or discussion on the matter.

Mr David Broughton and Mr Brian McKinlay, proponents, addressed the Committee
Mr Harry Konig, Mr Henry Evans and Mrs Bev Evans, respondents, addressed the Committee

MOTION:

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

Refer to RESOLUTION

An AMENDMENT was moved by Councillor Rasmussen, seconded by Councillor Williams.

That the matter be deferred until investigations can be carried out on the impact of relocating Lots 14, 15 and 16 onto Bells Line of Road.

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The amendment was lost.

The motion was put and carried

281 RESOLUTION:

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

That:

- A. That the information be received.
- B. The application for subdivision 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.
- 2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
- 3. The development shall comply with the Environmental Planning and Assessment Act, 1979 at all times.
- 4. 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.
- 5. 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.

NSW Rural Fire Service General Terms of Approval

- 6. Section 88B restriction as to user shall be placed on all lots within the subdivision requiring the provisions of asset protection zones identified on plans submitted in the Bushfire Threat Assessment dated 2 June 2004 by McKinlay Morgan and Associates P/L in accordance with Planning for Bushfire Protection 2001. These APZ's are to be based on AS36959 Level 3 Construction.

Department of Infrastructure Planning and Natural Resources General Terms of Approval (DIPNRGTA)

Requirement for Permit

- 7. Any work which requires a permit under Part 3A of the R&FI Act ("Part 3A permit") is not to commence until such time as a Part 3A permit has been applied for, and subsequently issued by DIPNR. Any work the subject of a Part 3A permit must be carried out in accordance with drawings and any other documents required by these conditions, and which are approved by DIPNR, and which will accompany the Part 3A permit.

Standard of Design, Documentation and Implementation

- 8. All works proposed must be designed, constructed and operated so that they result in NIL or minimal harm to aquatic and riparian environments and do not cause erosion, sedimentation, or increase flood levels of protected waters. Works that result in net positive outcomes for aquatic and riparian environments are encouraged.

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9. All designs and documentation required by these conditions are to be prepared and implemented by persons with relevant knowledge, qualifications and experience in current best practice, and to the satisfaction of Council and DIPNR, and approved by DIPNR, **prior to the issue of the Part 3A Permit.**
10. The **implementation** of any design or “plan”, or **carrying-out** of any activity at the Site, is to be undertaken by persons suitably experienced in that aspect of the work they are doing, and such persons must be under the direction and supervision of a person with knowledge, qualifications and experience in current best practice in the relevant aspect of the operations being undertaken.

Cessation of Works

11. If, in the opinion of a DIPNR officer, any work is being carried out in such a manner that it may damage or detrimentally affect protected waters or protected land, or damage or interfere in any way with any thing not authorized to be so affected, such work shall cease immediately upon oral or written direction of such officer.
12. Should any of the conditions of the Part 3A permit not be complied with, DIPNR may issue a Stop Order on Part 3A permit related operations at the Site until the conditions have been complied with.

Work as Executed Plans

13. If requested by DIPNR, work as executed survey plans of a professional standard, and including information required by DIPNR, shall be forwarded to DIPNR within 14 calendar days of such request. (NOTE: Apart from extractive industry operations, or large earthmoving projects, DIPNR usually only invokes this condition in matters of contention).

Remedial Works

14. The Part 3A permit holder shall carry out any instructions given by DIPNR with a view to preventing damage to the environment of protected waters or protected land.
15. If any Part 3A permit condition is breached, the permit holder shall follow DIPNR directions to address the breach and shall rehabilitate the Site as directed by, and to the satisfaction of, DIPNR. If any breach of the permit conditions requires a special site inspection by DIPNR, then the permit holder shall pay a supplementary permit fee for this inspection and for each and every subsequent inspection until the breach has been rectified.

Disposal of Vegetation

16. Any vegetation or other material removed from the area of operations shall be disposed of lawfully to an appropriate site where the material cannot be swept into protected waters during a flood. Burning must not be carried out unless an approval has been obtained from the relevant authority(ies).

Stormwater Outlets and Dam Spillway

17. Detailed designs of any stormwater outlets and any necessary scour protection works within the riparian zone or any protected waters are to be prepared. The designs must include one or more representative surveyed cross sections and a long section showing existing and proposed bed and bank profiles and water levels at the outlet point. The sections are to extend beyond the structure for a distance of 5m for the cross section, and for the long section, 5m beyond the landward extent of the riparian zone and 5m from the toe of the bank of the receiving protected waters. Any proposed stormwater outlets or spillways are to be designed in accordance with the DIPNR guideline: *Stormwater Outlet Structures to Streams (For pipes, culverts, drains and spillways - Version 1)* (**Attachment A**).

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18. Stormwater outlets must be designed, located and constructed to minimise any erosion or scour of riparian zones or the bed or banks of any protected waters. The construction methods adopted must ensure that disturbance to soil and vegetation in these areas is kept to an absolute minimum.

Scour Protection

19. Points of constriction or any other places where scour is likely within or near any protected waters or any part of the riparian zones on the Site, are to be suitably protected against scour. Designs of scour protection works, based on predicted velocities and scour potential, together with methods of construction, **are to be included in submitted plans.**
20. All permanent rock scour protection must consist of hard and durable run-of-quarry rock, sized to resist predicted scour velocities. Rock must be angular and blocky rather than flat, to ensure a good "bind" and to resist negative hydraulic pressure. Rock is to be placed over a bedding layer of angular cobbles with geotextile underneath to prevent erosion of underlying fine bed sediments and to facilitate placement.
21. All finished rock rip-rap surfaces are to be rough, and evenly aligned with the adjoining bed, bank and floodplain profile and must not reduce the capacity of protected waters in any way.
22. All rock and cobbles installed for scour protection are to be packed with topsoil and the crevasses in the rip-rap planted with local native sedges and rushes, to further stabilise the works and to increase riparian zone values and functions.
23. Wire mesh structures and concrete grouting are not permitted for use with rip rap scour protection unless specifically approved by DIPNR.

All Crossings – General Requirements

24. Any crossing design over protected waters and riparian zones must be sensitive to the ecology, wildlife corridor and geomorphic functions of protected waters and protected land. To achieve this, any crossing is to be designed and constructed in accordance with the principles in the *Draft Guidelines – Watercourse Crossing Design & Construction – Version 3 (Attachment B)*.

Accessways

25. All accessways, being cycleways, pedestrian pathways or other non-vehicular form of accessway that may be proposed for the Site, are to be designed and constructed in accordance with the *Draft Guidelines for the Design and Construction of Paths and Cycleways in Riparian Areas- Version 2 (Attachment C)*.
26. Any accessway, or accessway lighting, proposed to be located within any riparian zone or protected waters is not to be constructed without consultation with, and prior approval of, DIPNR.

Maintenance of Works within Protected Waters

27. All works within protected waters are to be monitored after each major storm event for the duration of any Part 3A permit issued by DIPNR. Stabilisation works consisting of soft-engineered designs are to be undertaken as required, after seeking advice and approval from DIPNR, if there are signs of erosion or instability of protected waters.

Works Within Protected Waters to Satisfy NSW Fisheries

28. Prior to the issue of the Part 3A permit, agreement in writing from NSW Fisheries is required for the designs of all proposed works located within, or connecting, any protected waters.

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Exclusion Fencing – prior to commencement of works

29. Prior to the commencement of any earthworks or vegetation clearing at the site, vegetation and habitat to be protected is to be fenced off with clearly visible, durable, and appropriately signposted exclusion fencing.

Designation of Riparian Zones

30. The extent of the riparian zones, is to be measured horizontally landward from the top of the bank or shore (as approved by DIPNR) and at right angles to the alignment of the bank or shore, of protected waters, including beneath any crossings, for their entirety within the Site,, unless otherwise approved by DIPNR, and shall be:
- a) Little Wheeny Creek
Of a width of 40m.
 - b) Watercourse A (draining from Derring Lane)
Of a width of 20m.
 - c) Watercourse B (draining from Mill Rd)
Of an average width of 20m minimum 15m.
31. Any reference to “riparian zones” in any condition in these General Terms of Approval is to be regarded as a reference to the “riparian zones” described within this section.

Preparation of a Vegetation Management Plan (VMP)

32. Site rehabilitation and maintenance is to be carried out in accordance with a VMP.
33. The VMP is to be prepared **prior to the issue of the Part 3A Permit**. The VMP is to be in accordance with the guideline: “*How to Prepare a Vegetation Management Plan – Version 4*” (**Attachment D**).
34. The VMP is to fully address all matters relating to riparian zone protection, vegetation to be retained, vegetation to be removed, obtaining plant material for rehabilitation, establishment methods, sequencing of tasks, maintenance and performance monitoring relating to the rehabilitation of the riparian zones. The VMP is to include drawings that clearly show the approved extent of the riparian zones. The VMP is to clearly state planting densities and the species mix for all areas to be rehabilitated. The VMP is to be cross-referenced to other “plans” required by these conditions, where appropriate.

Site Rehabilitation - Vegetation

35. Site rehabilitation must:
- a) protect any remnant local native riparian vegetation at the Site wherever it is reasonably possible to do so, and,
 - b) restore any riparian zones, including the area within protected waters, that are disturbed or otherwise affected by the development to a state that is reasonably representative of the natural ecotone of the protected waters and their environment.

The riparian zones so restored are to consist of a diverse range of native plant species local to the area and are to be fully structured (i.e. trees, shrubs and groundcovers), unless otherwise approved by DIPNR. The plants used are to consist of species and communities that emulate the original natural situation. Planting densities are to be at least **1 tree or**

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shrub (in approximately equal numbers) alternately planted at **1 plant per square metre** and in addition, **groundcover plants at 4 plants per square metre**, unless otherwise specified in the VMP.

36. The riparian zones may be rehabilitated using a combination of methods, such as natural bush regeneration, brush matting, hydro-seeding, direct seeding or tubestock planting, provided the required densities and clear evidence of the plants' ability to survive are achieved by the end of the maintenance period.
37. Revegetation must be carried out over all areas in the riparian zone affected by the works, including beneath crossings, and including all areas that are temporarily occupied by soil and water management controls, once those controls have been decommissioned and the ground surfaces restored to the correct profile and stabilised.
38. Bush regeneration, for weed control and to promote natural regeneration, is to be undertaken for a minimum distance of 10 metres beyond any disturbed areas in the riparian zones. Revegetation, in accordance with the standards required by these conditions, is to be undertaken in this 10 metre wide area if it is significantly degraded or is likely to give rise to weed invasion due to lack of native vegetation cover before or after weed control.

Maintenance of Rehabilitated Areas within Riparian Zones

39. The rehabilitated riparian zones must be maintained and monitored for a period of **at least two years** after final planting, or where other revegetation methods are used, **two years** after plants are at least of tubestock size and are at the densities required by these conditions and with species richness as described in the VMP. Maintenance must include sediment and erosion control, watering, weed control, replacement of plant losses, disease and insect control, mulching and any other requirements necessary for achieving successful vegetation establishment.

Maintenance Report

40. A brief and concise report addressing the performance criteria as specified in the VMP, and any problems implementing the VMP, as well as means to overcome these, shall be forwarded to DIPNR **immediately after completion of initial planting/seeding**, and prior to the release of any cash bond or bank guarantee, and **every six months** thereafter for the duration of the maintenance period. The report must also comment on the stability and condition of any associated stream works. Implementation of the VMP will be considered incomplete without DIPNR sign-off of the final monitoring report at the end of the minimum two-year maintenance period.

Seed and Plant Material Collection, Propagation and Certification

41. The person responsible for implementing the VMP must certify in writing to DIPNR that plantings (including follow-up plantings) have been carried out using stock propagated from seed or plant material collected only from native plants from the **local botanical provenance**. This certification is to be provided with the first monitoring report, and prior to the release of any cash bond or bank guarantee, and for any supplementary plantings with the next monitoring report thereafter.
42. DIPNR is to be advised of the person responsible for any seed or vegetative propagation prior to the commencement of propagation.

Exotic Plant Species not to be Planted or Placed Within or Near the Riparian Zones

43. No exotic plant species, other than temporary sterile cover crops, are to be planted within, or within **10 metres** of, the riparian zones on the Site, unless otherwise approved by DIPNR.
44. Only certified weed free and contaminant free mulch is to be used on the Site. This is because mulch products imported onto the Site may contain weed seeds and viable vegetative matter and other contaminants, which could impact adversely on the vegetation, soil, water quality or ecology of the Site.

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Works and Activities not to Compromise Riparian Zones and Implementation of the VMP

45. The riparian zones are to function as ecological systems and as such, all works, access routes, roads, recreational areas, service easements and any other non-ecologically functioning work or activity are to be located beyond the riparian zones, unless detailed on plans approved by DIPNR, prior to the issue of the Part 3A permit.
46. Works and activities must not compromise the implementation of the VMP in any way.

Bushfire Asset Protection Zones not to Compromise Riparian Zones

47. Any requirements for bushfire asset protection zones are not to compromise in any way the extent, form or function of the riparian zones. Fuel reduced areas are to be located outside of riparian zones.

Council Requirements for Flooding, Drainage, Stormwater Detention and Water Quality

48. The development is to satisfy all requirements of Council in relation to flooding, drainage, stormwater detention and water quality, but in so doing, must not compromise in any way the form and function of any works, protected waters and riparian zones required by these conditions.
49. With regard to the previous condition, there is to be no permanent or temporary excavation of, or placement of material on, protected land, or anything done that may affect the flow of protected waters, other than as shown on the DA plans and associated documentation provided to DIPNR, and approved by DIPNR, without approval in writing from DIPNR and NSW Fisheries.

Soil Suitability

50. Wherever possible, riparian zone soils should be those naturally occurring at the Site. If this will not be the case for the final landform, approval from DIPNR must be obtained **prior to the issue of any Part 3A permit**. If importation of soil into the riparian zone is unavoidable, such soil must be tested and certified by a NATA registered soils laboratory to be:
 - a) similar to the naturally occurring local riparian zone soil
 - b) suitable for the establishment and on-going viability of riparian vegetation
 - c) free of any weed propagules
 - d) free of any contaminants
51. Documentation arising from this testing and certification must be provided to DIPNR prior to the placement of any soil.
52. Any fill material placed in a riparian zone that is inconsistent with the requirements of the previous condition must be removed and relocated beyond the riparian zone or taken off-Site and disposed of in a lawful manner.
53. The structure of the soils in the riparian zones must be suitable for the vegetative rehabilitation of the Site and are therefore not to be proof rolled or subjected to other unsuitable compaction unless otherwise approved by DIPNR.

Access to the Site to be Provided for the Purpose of Fully Implementing the VMP

54. Prior to the issue of any Part 3A Permit, documentation that demonstrates a right of access to the site for a sufficient time to enable the full implementation of the VMP is to be provided to DIPNR. Such documentation is to be legally binding upon the land and its present and future owners until such time as the implementation of the VMP is complete, and as approved by DIPNR.

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Water Quality and Environmental Protection

55. The Applicant must ensure that the amount of dirty water and sediment from the Site that enters protected waters or that is exposed to the flow of protected waters, or that is likely to detrimentally affect water quality, riparian vegetation or habitat or the environment, is minimised in a manner acceptable to DIPNR.

Soil and Water Management

56. The Applicant must submit a Soil and Water Management Plan (SWMP) indicating how the works at the Site will achieve the outcome required in the previous condition. The SWMP must cover all works on protected land and in protected waters, and staging and maintenance requirements. The SWMP must meet the requirements outlined in the Landcom publication *Managing Urban Stormwater: Soils and Construction – Volume 1, 4th Edition (2004)*. The SWMP is to be cross-referenced to other “plans” required by these conditions, where appropriate. The SWMP is also to meet any EPA licence requirements.
57. All works and activities at the Site are to satisfy all requirements of Council in relation to water pollution issues. Oils and greases, or any other contaminants, must not be permitted to pass to protected waters.
58. All Site drainage and sediment and erosion control works and measures as described in the SWMP, and any other pollution controls, as required by these conditions, shall be implemented prior to commencement of any other works at the Site.

Maintenance of Erosion and Sediment Control Measures

59. All erosion and sediment control measures at the Site are to be inspected and maintained as required on a weekly basis, and immediately following any rainfall events, to ensure their efficient operation. This obligation remains until the Site has been fully stabilised.

Decommissioning of All Erosion and Sediment Controls and Water Diversion Structures

60. Decommissioning of all erosion and sediment controls and any water diversion structures must be documented in detail to the satisfaction of DIPNR. Decommissioning must meet the requirements outlined in the Landcom publication *Managing Urban Stormwater: Soils and Construction – Volume 1, 4th Edition (2004)*. The timeframes for decommissioning are to be cross-referenced to the implementation of any riparian zone plantings. Decommissioning of sediment and erosion controls is not to detrimentally affect the implementation of the VMP.

Costing to be Provided

61. A costing based on current industry rates is to be provided for all works and activities that are associated with the DA and that are subject to these conditions. The costing is to identify each type of work or activity and is to present the costing in a break-down format that covers each aspect of that work or activity. Costings are to cover labour, equipment and materials and maintenance and reporting where these tasks are relevant. The costing is to cover, but may not be limited to, the following works and activities:
- a) construction of any stormwater outlets and their revegetation as described in the VMP
 - b) construction of any scour protection works and their revegetation as described in the VMP
 - c) construction of any vehicular crossings over protected waters and/or through any riparian zones
 - d) implementation of the VMP, including monitoring, reporting and maintenance for a period of not less than two years after the date of final planting
 - e) construction of any accessways in any riparian zones
 - f) decommissioning of any temporary works in any protected waters or any riparian zone, including sediment and erosion controls, or other pollution controls, and water diversion structures.

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Security Deposit

62. As a pre-condition to the granting of the Part 3A permit, the applicant for a Part 3A permit will be required to provide a security deposit. The security deposit can be in the form of either a cash bond or bank guarantee. The security deposit is to cover the cost, as approved by DIPNR, of completing the works and activities listed in the previous condition in accordance with the conditions of the Part 3A permit.
63. Any bank guarantee is to be provided from a bank licensed pursuant to the Banking Act 1959 (Cth) and is to be provided in favour of DIPNR and it must be drawn up in the format provided in **Attachment E**.
64. Any security deposit will be held until such time as the works and activities the subject of the cash bond or bank guarantee have been satisfactorily completed in accordance with the conditions of the Part 3A permit.
65. The sum held may be reduced on application to DIPNR, subject to the satisfactory completion of stages of works or activities required by the Part 3A permit.
66. DIPNR may at any time, and more than once and without notice to the Part 3A permit holder, utilise any cash provided or demand all or part of the moneys available under a bank guarantee, if in its opinion, the Part 3A permit holder has failed at any time to satisfactorily complete the works or activities in accordance with the requirements of the Part 3A permit.

Resolution of Inconsistencies

67. In the event that there is any inconsistency between the drawings, other documentation and the conditions herein, the interpretation that will result in the best outcome for the stabilisation of the Site, and the subsequent rehabilitation and maintenance of the Site and protected land and protected waters, is to prevail. Such interpretation is to be applied in consultation with, and with the approval of, DIPNR.

Any Part 3A permit issued to be kept current

68. Any Part 3A permit issued for works proposed under the DA, and as required by these conditions, must be kept current by payment of the appropriate fee until such time as the Site has been fully stabilised and rehabilitated, and any required maintenance satisfactorily completed and reported on, in accordance with these conditions. Any application for renewal is to be lodged at least 1 month prior to the expiry date of the Part 3A permit.

General Advice

69. A Part 3A permit, subject to conditions, will be issued for the proposed works upon application.
70. Any Part 3A permit granted for works the subject of the DA will be for a period of one year, and renewable thereafter on an annual basis.
71. Prior to the issue of the Part 3A permit the applicant must provide DIPNR with the following:
 - A copy of Council's development consent including all conditions of approval
 - Any approval from NSW Fisheries required by these conditions
 - Sufficient number of sets of plans and other documentation that satisfy DIPNR's General Terms of Approval, and any associated recommendations, for distribution to: the proponent, Council, DIPNR and any other approval body likely to be affected by DIPNR requirements
 - The appropriate Part 3A permit fee and any required bond
 - Full details on land ownership of all areas affected by the proposed works, and written authorisation for the works by the relevant land owners

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72. The rehabilitation of the Site in accordance with the Part 3A permit conditions, as determined by DIPNR, is the responsibility of the Part 3A permit holder and the owner or occupier of the land.
73. The Part 3A permit holder and the owner or occupier of the land are responsible for construction of works or any excavation or removal of material undertaken by any other person or company at the Site.
74. Any Part 3A permit granted is not transferable to any other person or company without written approval from DIPNR and does not allow operations at any other site.
75. Any Part 3A permit granted does not give the holder the right to occupy any land without the consent from the owner(s), nor does it relieve the Part 3A permit holder of any obligation which may exist to also obtain permission from local government and other authorities who may have some form of control over the Site of the work and/or the activities proposed to be undertaken.
76. A "person" for the purposes of these GTAs, means a person, persons or organisation authorised by the recipient of the consent for the DA, or their agent, should such consent be issued, to undertake any of the requirements of these GTAs.
77. These GTAs are issued with the proviso that operations shall be carried out on freehold land. Should operations be on Crown Land, any Part 3A permit is rendered invalid for such Crown Land and has no force or effect on the same, and the occupier of Crown Land should contact the Department of Lands for their requirements.

COUNCIL CONDITIONS

Prior to Issue of a Construction Certificate

78. The Construction Certificate will not be issued until a copy of the Part 3A Permit, issued by the Department of Infrastructure, Planning and Natural Resources (DIPNR) has been provided to Council
79. Construction of the road, access and drainage works are not to commence until three (3) copies of the plans and specifications of the proposed works are to be submitted to and approved by Council or an Accredited Certifier.
80. Where appropriate, payment of Construction Certificate and Compliance fees to Council is accordance with Council's Revenue Pricing Policy
81. 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.
82. A Traffic Management Plan prepared in accordance with AS 1742-3 (1996) by an appropriately qualified person shall be submitted to Council.
83. A report from a suitably qualified and experienced Geotechnical Engineer on the dam wall is to be submitted. The report shall assess the adequacy of the dam wall for use as an access road including a detailed layout of the proposed road and existing and proposed ground levels, and any spillway(s) in the vicinity of the crossing. The report shall detail any works necessary to upgrade the dam wall for the proposed use as an access road. This report shall be submitted prior to the release of the Construction Certificate for the access to proposed lots 11 and 12.

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84. Submission to Council for approval of a vegetation management plan in accordance with the recommendations of the flora and fauna assessment prepared Conacher Travers and dated 2004.
85. Submission of proof of the payment of the Building Industry Long Service Levy where the value of civil works exceeds \$25,000.00.

Prior to Commencement of Work

86. All traffic management devices shall be installed and maintained in accordance with the approved traffic management plan.
87. Recent colour photographs of all elevations of the existing dwelling on proposed Lot 3 shall be submitted to Council. The photographs shall be labelled and cross referenced to a base plan drawn to scale.
88. 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.
89. 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.
90. 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.
91. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of construction works. Such facility shall be located wholly within the property boundary.
92. 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.
93. Submission to and approval by Hawkesbury City Council of an "Application to Install a Sewage Management Facility" for the proposed centralised sewage management facility.

During Construction

94. Dust control measures, e.g. vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
95. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
96. Boundary fence lines shall be hand cleared only, with no topsoil disturbance, to a maximum width of 1m.
97. 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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98. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7:00am – 6:00pm and on Saturdays between 8:00am – 4:00pm.
99. 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.
100. 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.
101. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
102. Table drains and associated drainage shall be constructed along the road frontage for lots 2, 13 to 16 in Derring Lane.
103. All necessary drainage works shall be constructed along the access strip and across the footway to the proposed lots 11 and 12 as required.

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104. 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.
105. 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.
106. The road shoulders and full width sealed pavement of Derring Lane Road shall be constructed for the length of proposed lots 2, 13 to 16.
- 106a. The turning area adjacent to Lot 16 shall be constructed with a 7m wide asphaltic concrete pavement with any necessary drainage from the edge of the seal in Derring lane for a distance of 15 metres. The manoeuvre path shall satisfy the minimum Austroad requirements for an 8,8metre service vehicle.
107. Subject to endorsement by the Local Traffic Committee, a "stop" or "give way" sign shall be erected in Derring Lane at the intersection of Mill Road, as appropriate.
108. A pavement with a bitumen seal 4.5m wide shall be constructed along the Private Accessway and across the footway to lots 11 and 12 a passing bay with a total carriageway width of 7 metres wide and 20 metres long is to be constructed on the "Private Accessway" on the northern side of the watercourse. The bitumen sealed crossing is to have a minimum width of 6m.
109. A pavement 3.5m wide shall be constructed along the access strip and to the existing dwelling on proposed lot 11 and the proposed STP appropriate to the gradient of the land in accordance with the following table:

Gradient	Surface Construction
0-16%	Compacted crushed rock
17-20%	Bitumen seal
21-25%	Reinforced concrete

Driveway gradient shall not exceed 25% in any section.

110. A bitumen sealed rural footway crossing 3m wide shall be constructed to lots 8, 9 and 15 in accordance with Hawkesbury Development Control Plan Appendix E, Civil Works Specification.
111. All necessary street signage and pavement markings shall be installed.
112. A 4 metre wide fire trail is to be constructed at the rear of the proposed lots 3 to 12 as shown on the "Plan of Proposed Bushfire Protection and Effluent Disposal". Passing bays 7 metres wide and 20 metres long are to be constructed every 200 metres. Works are to be in accordance with the documents, "Planning for Bushfire Protection" dated 2001 by Planning NSW.
113. The spillway and dam wall crossing is to be a minimum of four (4) metres wide and able to carry a fully loaded fire truck, which is 28 tonnes or 9 tonnes per axle. The spillway crossing is to be able to withstand the forces of flowing water (including buoyancy forces) and the impact of debris for up to a 1 in 100 year ARI storm event. Flood warning signage, depth indicators and reflective guideposts are to be in accordance with AS 1743.

Prior to Issue of Subdivision Certificate

114. Compliance with all conditions of this development consent to the satisfaction of Council.
115. Confirmation is to be provided to Council by way of detailed survey and certification from an appropriately qualified and experienced flora and fauna consultant showing that Lots 2 - 16 do not contain any endangered ecological communities.

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116. The creek crossing and dam wall upgrading works if necessary are to be certified on completion by a suitably qualified and experienced Engineer.
117. All works for the installation of the proposed centralised sewage management system are to be completed and a works as executed plan submitted to Hawkesbury City Council.
118. Confirmation is to be provided to Council by way of detailed survey showing that the location of proposed disposal areas on Lot 2, 10 and 15 are in accordance with the recommended buffer distances contained within Environment & Heath Protection Guidelines On Site Sewage Management for Single Dwelling, January 1998
119. A report from a suitably qualified and experienced consultant shall be provided to Council for approval which:
 - i. investigates the operation of the existing on-site sewage management facilities; and
 - ii. confirms that the systems are functioning appropriately and the system and irrigation areas comply with recommended buffer distance of Environment & Heath Protection Guidelines On Site Sewage Management for Single Dwelling, January 1998 with respect to the location of driveways, dwellings and property boundaries, or
 - iii. makes appropriate recommendations for the augmentation, relocation, repair or replacement of these systems. Any such works are to be completed to the satisfaction of Council prior to the release of the subdivision certificate for the respective stage of subdivision
120. All required Asset Protection Zones are to be established on site.
121. Completion of relevant works required by the approved vegetation management plan.
122. Dedication of road widening in Mill Road as public road.
- 122a. Dedication of road widening for vehicle turning and manoeuvring in Derring Lane adjacent to Lot 16
123. 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.
124. A Section 73 Certificate from Sydney Water shall be submitted to the Principal Certifying Authority.
125. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
126. Easements 4m wide and 10m long shall be created over the site for drainage discharge from roads (at no cost to Council).
127. A plan of subdivision prepared to the requirements of the Land Titles Office, shall be submitted to Council, with four copies.
128. Reciprocal rights of carriageway and easements for services shall be created over the access handles to lots 11 - 12 and 13 - 14.
129. 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.
130. A Management Statement complying with Schedule III of the Community Land Development Act, 1989, shall be lodged with and approved by Council. This statement shall include a provision that no dwelling shall be erected on the neighbourhood lot.
131. Submission to Council of an amended Plan of Subdivision and Plan of Constraints demonstrating compliance with conditions of consent, provision for the dedication to Council as public reserve the generally 1.7ha part of proposed Lot 1 adjacent to Little Wheeny Creek, and showing Lots 11 and 12

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having a minimum area of 1ha exclusive of any future road widening by the Roads and Traffic Authority.

132. The creation of a restriction on the use of the land under section 88b of the Conveyancing Act requiring:

- Any future development is to occur in accordance with the approved plan of constraints.
- Access to Lot 11 and 12 is prohibited from Bells Line of Road.
- Further subdivision of lot 2, other than by boundary adjustment, is prohibited.
- Any on site effluent disposal system installed on the lots is to be designed, installed, certified and maintained in accordance with the report prepared by Toby Fiander and Associates titled feasibility of On-Site Wastewater Treatment & Disposal Study at Proposed Subdivision Lots 1 - 16 Mill Road, Kurrajong dated 5 July 2004 and any supplementary reports/plans required by conditions of this consent. This restriction is to advise that any development application for development which will generate more than 5 equivalent persons of waste water is to be accompanied by a feasibility study examining the capacity of the sewage management facilities to cater for the increased loading.
- Asset Protection Zones are to be maintained in accordance with the provisions of Planning for Bushfire Protection, January 2001. (This is to include any necessary legal mechanism to allow for maintenance of Asset Protection Zones on adjacent land lots within the development.)
- Where relevant, lots are to be managed in accordance with the approved vegetation management plan
- Compliance with relevant conditions of consent required by the NSW Rural Fire Service and Department of Infrastructure Planning and Natural Resources.
- No building shall be constructed near the road frontage of Lot 2 as shown in the approval plans.
- Any dwelling to be constructed on Lot 16 shall be single storey only when viewed from Derring Lane.

133. Payment of a linen release fee of \$2,100. This amount is valid until 30 June 2005.

134. A monetary contribution is to be paid to Council, pursuant to Section 94 of the Environmental Planning and Assessment Act 1979, towards the provision of the following public facilities in the locality:

(a)	Open Space and Recreation	(\$25,138)
(b)	Community Facilities	(\$17,774)

Contributions are to be paid prior to issue of the Construction Certificate. The amount has been determined in accordance with Hawkesbury Section 94 Contribution Plan. A copy of the Contributions Plan may be inspected at Council's Offices, George Street, Windsor.

The amount of contribution payable under this condition has been calculated on the basis of costs as at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be INDEXED at the time of actual payment in accordance with movement in the Consumer Price Index as published by the Australian Bureau of Statistics. The attached fee schedule is valid for 3 (three) months.

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Advisory

135. Persons acting upon this consent are required to advise the Department of Infrastructure Planning and Natural Resources if any plans or documents are amended and these amendments change or result in additional "works" in or within 40 metres of a watercourse/foreshore to ascertain if the new plans require review and variations to the Department's General Terms of Approval. This applies even if the proposed works are as a result of conditions of consent and the "works" do not appear in the original/approved documentation.
136. Should any aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.
137. 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.
138. 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.
139. The applicant shall provide a formed bridal trail along Mill Road from Bells Line of Road to Wheeny Creek. The applicant shall also provide a formed bridal trail beyond Wheeny Creek, subject to satisfactory flora and fauna investigations.

ORDINARY MEETING

MINUTES: 28 June 2005

ASSET MANAGEMENT

Item: 198 **IS B - Laneways in Bligh Park - Police Safety Audit - (79346,74000)**

Previous Item: 23, General Purpose Committee (1/6/04)
 23, Ordinary (8/6/04)

Councillor Devine declared an interest in this matter as he is a part owner of a property adjoining the laneway referred to in the report, he left the meeting and did not take part in voting or discussion on the matter.

Mr Frank Scharfe, respondent, addressed the Committee

MOTION:

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

Refer to RESOLUTION

282 RESOLUTION:

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

That:

1. Detailed public comment be invited from all adjoining Residents and Property Owners surrounding the 17 Laneways identified in the Police Audit as High Priority - Best Option to Close, as well as the general Bligh Park community, in relation to their support for the closure and purchase of the Laneways or part thereof.
2. Detailed investigation be undertaken of all existing Services and Function of the 17 Laneways identified as High Priority - Best Option to Close.
3. Options for the future of Youl Place Reserve be investigated, including the potential to rezone and subdivide the land to provide for residential development. Should any sale occur, funds should be directed in the first instance to addressing safety issues relating to remaining pathways in Bligh Park or to footpaths or parks within Bligh Park.

Item: 199 **IS B - State Emergency Services (SES) Controller - Re-appointment (95495, 80520, 20239)**

Mr Frank Scharfe, respondent, addressed the Committee

MOTION:

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

Refer to RESOLUTION

283 RESOLUTION:

This is Page 31 of the Minutes of the ORDINARY MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor, on Tuesday, 28 June 2005

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

That:

1. Council advise the Director General of the State Emergency Service that it recommends Mr Kevin Jones continue as Hawkesbury State Emergency Services Local Controller.
2. A letter of appreciation be sent to Mr Kevin Jones in recognition for all time and effort he has contributed to the Hawkesbury State Emergency Service over the years.

Item: 200 **IS B - Progress of the Hawkesbury Weedbuster Program - (95495, 94272, 94702, 935, 74251)**

Previous Item: 63, Ordinary (9 November 2004)

MOTION:

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

Refer to RESOLUTION

284 RESOLUTION:

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

That:

1. Council endorse the progress of the Hawkesbury Weedbuster program and, in particular, the approach to the HNCMA, HRCC member Councils and NSW Maritime for an appropriate management and resourcing arrangement for the "middle" Hawkesbury River Keeper.
2. Council congratulate the State Government on its response to the concerns raised in regard to the health of the river.
3. Council continue to pursue the Federal Government for ongoing funding in regard to the health of the River.

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MINUTES: 28 June 2005

CORPORATE AND COMMUNITY

Item: 201 SS B - Review of Council's Code of Meeting Practice - (79337)

Previous Item: 85, Ordinary (29 March 2005)

Ms Marie Noble and Ms Kim Smith, respondents, addressed the Committee

MOTION:

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

Refer to RESOLUTION

An AMENDMENT was moved by Councillor Williams, seconded by Councillor Rasmussen.

That having complied with the requirements of Division 1, Part 2 of Chapter 12 of the *Local Government Act 1993* and, in the terms of section 362(2) of the Act, Council is of the opinion that the proposed amendments to the Code are not substantial and therefore do not require further public exhibition, the draft Code of Meeting Practice dated 2 May 2005 be adopted as Council's Code of Meeting Practice subject to the following further amendments:

1) Clause 2.3.1

The first paragraph of this clause to read as follows:

"Hawkesbury City Council shall hold Ordinary Meetings on the second Tuesday of every month except January and on the last Tuesday of every month except December at the Council Chambers, George Street, Windsor, except that where a meeting would normally be held on a Tuesday directly following a public holiday (based on this scheduling) a meeting shall not be held on that day. Ordinary Meetings shall commence at 5:00 pm and finishing at 11:00 pm, unless otherwise resolved by Council and Council will adjourn as close as possible to 7:00 pm and recommence as close as possible to 7:30 pm.

2) Clause 3.3.8

This clause to read as follows:

"Hawkesbury City Council actively encourages participation of residents in the decision making process and is happy to hear from people regarding matters raised in the Business Paper. The provisions of this clause shall apply to Ordinary and, subject to resolution of Council as referred to in (7) below, to Extra Ordinary (Special) Meetings of the Council.

The procedure for addressing Council is as follows:

- 1) All proponents and respondents wishing to speak must make application on the relevant form indicating whether they are for or against the item prior to the commencement of the meeting. The application form will include a detailed explanation of the provisions of this code relating to maintaining order at meetings. The application form will include an undertaking, to be signed by the person wishing to speak, to comply with these provisions and to refrain from any insult, allegation or personal reflection against any person, present or not, during the course of their address to Council and any answers they give to questions from councillors. Persons intending to apply for approval to address Council must contact the Council by telephone, email, facsimile or in person to indicate their intention prior to 3pm on the day of the meeting to enable appropriate scheduling of items. Where possible persons wishing to address Council are requested to lodge their completed application form with the General Manager by this time.*

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- 2) *The proponent or applicant, supporters or other interested parties are given five minutes to address Council to support their position. At meetings where applications for fewer than 20 addresses to Council have been received, the Mayor may, with the consent of the members, grant a two minute extension.*
- 3) *Respondents are given the opportunity to address Council and are given up to a maximum of five minutes speaking time each. At meetings where applications for fewer than 20 addresses to Council have been received, the Mayor may, with the consent of the members, grant a two minute extension.*
- 4) *The proponent or applicant is given the right to respond to any new material raised only, for a period of two minutes.*
- 5) *At meetings where applications for more than 20 addresses to Council have been received, the number of items to be addressed by that person shall be limited to three except in exceptional circumstances and then only with the leave of the Chairperson whose decision on the matter will be final.*
- 6) *At the conclusion of an address by a member or members of the public on an item on the agenda, the Council will then proceed to discuss and determine that item and this procedure shall be repeated for each of these items that are subject to an address by a member or members of the public, unless determined otherwise by Council*
- 7) *In the case of Extra Ordinary (Special) Meetings, Council may resolve to increase the number of speakers permitted to address Council and to amend the normal five minute maximum speaking time, provided that the total amount of time allocated for speakers does not exceed 30 minutes for speakers in favour and 30 minutes for speakers against, in addition to no more than 10 minutes provided for speakers on each side to answer questions from Councillors and no more than five minutes for a right of reply from each side.*

Council may wish to deal with the matters that involve speakers prior to dealing with other matters on the agenda for the convenience of interested parties.

The amendment was lost.

The motion was put and carried

285 RESOLUTION:

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

That having complied with the requirements of Division 1, Part 2 of Chapter 12 of the *Local Government Act 1993* and, in the terms of section 362(2) of the Act, Council is of the opinion that the proposed amendments to the Code are not substantial and therefore do not required further public exhibition, the draft Code of Meeting Practice dated 2 May 2005 be adopted as Council's Code of Meeting Practice subject to the following further amendments:

1) **Clause 2.3.1**

The first paragraph of this clause to read as follows:

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by Council and Council will adjourn as close as possible to 7:00 pm and recommence as close as possible to 7:30 pm.

2) **Clause 3.3.8**

This clause to read as follows:

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The procedure for addressing Council is as follows:

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- 2) The proponent or applicant, supporters or other interested parties to a maximum of three are given five minutes to address Council to support their position. At meetings where applications for fewer than 20 addresses to Council have been received, the Mayor may, with the consent of the members, grant a two minute extension.*
- 3) Respondents are given the opportunity to address Council and are allowed a maximum of three speakers each, who are given up to a maximum of five minutes speaking time each. At meetings where applications for fewer than 20 addresses to Council have been received, the Mayor may, with the consent of the members, grant a two minute extension.*
- 4) The proponent or applicant is given the right to respond to any new material raised only, for a period of two minutes.*
- 5) At meetings where applications for more than 20 addresses to Council have been received, the number of items to be addressed by that person shall be limited to three except in exceptional circumstances and then only with the leave of the Chairperson whose decision on the matter will be final.*
- 6) At the conclusion of an address by a member or members of the public on an item on the agenda, the Council will then proceed to discuss and determine that item and this procedure shall be repeated for each of these items that are subject to an address by a member or members of the public, unless determined otherwise by Council*
- 7) In the case of Extra Ordinary (Special) Meetings, Council may resolve to increase the number of speakers permitted to address Council and to amend the normal five minute maximum speaking time, provided that the total amount of time allocated for speakers does not exceed 30 minutes for speakers in favour and 30 minutes for speakers against, in addition to no more than 10 minutes provided for speakers on each side to answer questions from Councillors and no more than five minutes for a right of reply from each side.*

Council may wish to deal with the matters that involve speakers prior to dealing with other matters on the agenda for the convenience of interested parties.

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Item: 202 SS B - Expression of Interest (EOI) for the Provision of Motor Vehicle Leasing Services - (96334)

MOTION:

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

Refer to RESOLUTION

286 RESOLUTION:

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

That the information be received.

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MINUTES: 28 June 2005

SUPPLEMENTARY REPORTS

Item: 203 **ES A - Proposed Shop-Top Housing, Lot 121 DP 771719, Lots 1 & 2 DP 577444, Lots 100 & 103 DP 776172, Lot 3 DP 748866, 47 Bells Line of Road, NORTH RICHMOND - (25938, 96329, P-21784, DA0488/04)**

This item was withdrawn.

LATE SUPPLEMENTARY REPORTS

Item: 204 **ES B - Additional Information - 16 Lot Community Title Subdivision, 57 Mill Road, Kurrajong NSW - (73916, 21488)**

Previous Item: 179, Ordinary (14 June 2005)
 197, Ordinary (28 June 2005)

This Item was dealt with in conjunction with Item 197 in the Ordinary Business Paper.
Moved by Councillor Finch, seconded by Councillor Conolly

Councillor Stubbs declared an interest in this matter as his son is employed by the Life Adventure Site, he left the meeting and did not take part in voting or discussion on the matter.

Mr David Broughton and Mr Brian McKinlay, proponents, addressed the Committee
Mr Harry Konig, Mr Henry Evans and Mrs Bev Evans, respondents, addressed the Committee

Refer to Item 197, Resolution No. 281

SECTION 5 - Reports of Committees

ROC - Floodplain Risk Management Committee - 18 April 2005 - (86589, 95498)

287 RESOLUTION:

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

That the minutes of the Floodplain Risk Management Committee held on 18 April 2005 as recorded on pages 87 to 91 of the Ordinary Business Paper be received.

ROC - Heritage Advisory Committee - 19 May 2005 - (95498, 80242)

288 RESOLUTION:

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

That the minutes of the Heritage Advisory Committee held on 19 May 2005 as recorded on pages 92 to 95 of the Ordinary Business Paper be received.

ROC - Local Traffic Committee - 15 June 2005 - (80245)

289 RESOLUTION:

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

That the minutes of the Local Traffic Committee held on 15 June 2005 as recorded on pages 96 to 111 of the Ordinary Business Paper be adopted.

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QUESTIONS WITHOUT NOTICE

1. Councillor Books referred to correspondence he had received from Ms Kim Smith in relation to rubbish on footpaths, and milk crates on Cox Street and asked if Council could investigate the matter.

The Director City Planning advised that the matter would be investigated.

2. Councillor Books referred to correspondence he had received from Ms Kim Smith in relation to the corner of Brabyn and Cox Street, Windsor and the huge pile of cuttings on the footpath that could be very dangerous to pedestrians. The second was opposite the school in Church Street, South Windsor where there is another huge pile and there is no warning to people advising that the path is blocked. Councillor Books asked advised that the rubbish was out for kerb side clean up, but asked how long the rubbish was aloud to sit before they are actually picked up.

The Director City Planning advised that the contractor guarantees that it will be picked up within three days.

Councillor Books advised that it had been more than three days and asked if there was any provision to put tape around them.

The Director City Planning advised that the matter would be investigated.

Councillor Books asked if Mrs Smith could be advised when it is cleaned up.

3. Councillor Calvert asked if there was some way that a header and footer could be placed on the page that is being screened to the gallery so members of the public and Councillors can follow what item is being discussed.

The General Manager advised that the matter would be investigated.

4. Councillor Calvert referred to the motor vehicles being for sale at various places around the Hawkesbury area and asked if Council had started to enforce that matter and how was it going.

The Acting Director External Services advised that Council resolved to do the McGraths Hill site as a trial only and also resolved to investigate a local car market. He advised that the signs hadn't been installed as Council was waiting for the start of the new financial year so the signs can be installed so should be going up soon.

5. Councillor Calvert referred to some questions he had received from local residents regarding the operation of the tourist centre. He advised that he wasn't in a position to answer those questions and he also wasn't in a position to restate the questions, but wanted to point out that there were a number of people out in the community who think something had gone wrong recently with the procedures Council is using to operate the tourist centre. Councillor Calvert asked if this was the case and is it being looked into.

The General Manager advised that it wasn't the case. He advised that Council was very careful with any comment that is being made on that matter at the moment because Council is engaged in a tender process for Tourism services.

6. Councillor Books referred to a request that he had received to speak to Council regarding Brennan's Dam, Old Stock Route Road as there is a slip run through there, a lot of people in Oakville are now using that to get out on Windsor Road as it is virtually impossible down where the road works are

ORDINARY MEETING

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being carried out. Could Council investigate putting some non-slip material or gravel, etc to reduce the slippiness.

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

7. Councillor Williams advised that Robert Creeks Road was badly in need of a grade and asked if Council could carry out the work.

The Director Infrastructure Services acknowledged the request.

8. Councillor Williams made reference to the Mayor's speech, at the opening of the Deerubbin Centre and referred to the comment of the centre costing \$14.8 million. Councillor Williams commented that he thought it cost \$22 million

The Mayor advised that he was referring to the cost of the building only, not the whole complex.

9. Councillor Williams referred to the sign on Macquarie Street directing people to the café, which is a little way off, and that it was rather optimistic and asked if the sign could be brought down until the café was ready for business.

The Director Infrastructure Services advised that it does indicate that the Library and Gallery as well, so perhaps the Café part of the sign could be covered for a short time.

10. Councillor Williams referred to Council's Revenue Pricing Policy on page 24 regarding the pensioners subsidy available for those on pump-out and asked if the wording could be reviewed as it is not funded by Council, but by the other participants in the Sullage Scheme.

The Director Support Services acknowledged the request.

11. Councillor Finch referred to a telephone call she had received from resident in Ebenezer in relation to a letter that had received from Council referring to an aircraft that has been flying over checking the state of their property. They then received a letter as a result requesting that they clean up their property. Councillor Finch asked who was doing this.

The General Manager advised that Council knows of no such incidences, but would investigate.

The Mayor advised that it was believed it was the RID Squad.

Councillor Finch asked why the residents would have received the letter from Council.

The Director City Planning advised that the RID Squad people are technically employees of this Council, therefore, if they are taking action in this Council area, then the letters come from this Council. He advised that the matter would be discussed with staff.

12. Councillor Rasmussen asked if the Tree Investigation Report had been released and if so, he must have missed a copy.

The Mayor advised that he hadn't missed a copy

The General Manager advised that there had been correspondence received from the investigator that indicates a draft report will be available to select persons for comment this Friday. Those persons then have three weeks to provide comment back to the investigator and then the final report is sent.

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13. Councillor Rasmussen referred to the relocation of the 33 squadron from the RAAF Base to Amberley and all the associated personnel and equipment. Councillor Rasmussen asked if Council had yet received an update on the Economic Impact Study phases 1 and 2 or any indication on what the force disposition review is going to look like and does Council have any idea of what the social and economic impact is going to be from the relocation of some 800 personnel from RAAF Base Richmond in the next year or two.

The Mayor advised that he had spoken with the Federal Member, Kerry Bartlett, regarding this matter and had also spoken with Ministers and the Prime Minister's Office last week. The reports have not been finalised as yet by cabinet, the decision has not been made regarding the reports referred to. He advised the Federal Member is still working very hard at a political level to point out the importance of the RAAF Base as it is and growing rather than being reduced. It is also a defence issue that they are attempting to change their position on that and this is ongoing, therefore, Council has no date at this stage.

14. Councillor Rasmussen thanked the Mayor for raising the congratulatory Notice of Motion about the opening of the Deerubbin Centre as he thought the opening and the gallery was fantastic on Friday night.
15. Councillor Rasmussen commented that whilst at the opening, he noticed that Council has planned for 20 public PCs available within the IT section of the new Library, but there was only 12 on the night. He asked if there was another eight to come.

The General Manager advised that it will be taken on notice.

16. Councillor Rasmussen referred to the report in the Gazette about Minister Beamer protecting agricultural lands and asked if Council followed that up and asked what the impact for the future planning of this city i.e. does it impact Pitt Town, etc.

The Mayor advised that he was aware of the Minister's comments regarding the protection of rural lands and he thought that was the State Government's position following their Metropolitan Strategy on what agricultural lands they want to protect in the Sydney basin, but it doesn't impact on any proposals that are currently in the system.

17. Councillor Devine commented that he understood the Sports Council had written to Council requesting that the Cancer Council's Relay for Life be transferred to another venue other than Turnbull Oval because of the drought. He asked if Council had responded to the Sports Council.

The Director Infrastructure Services advised that he wasn't aware of a letter coming in, but he had spoken with the Sports Council representative, Lorna Allen, who was going to take the matter up with the Sports Council and he hadn't heard the results of that discussion at this stage.

18. Councillor Conolly commented that he had past some comments onto a staff member about signage at the Deerubbin Centre for out of hour users who hire the Tebbut Room, etc and the need for some directional signage and some instructions on how the place works for out of hours access and when the carpark closes so you don't get your car locked overnight. Councillor Conolly asked if there had been any adjustments made to those issues.

The Director Infrastructure Services advised he would take the matter up with the staff member.

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19. Councillor Wearne referred to correspondence received from residents in Wilberforce regarding sewerage pump-out approvals and the harshness of correspondence left by Council in relation to final inspections before approval and that fact that Council had missed residents being at home, therefore, the residents had 14 days to contact Council to organise a final inspection otherwise the residents would be penalised. He commented that it wasn't the residents fault that Council missed the inspection.

The Acting Director External Services advised that the matter would be investigated.

20. Councillor Wearne asked if there was any ruling for trees that are on the road verge and gutter that impede the views of exiting driveways to oncoming traffic.

The Director Infrastructure Services advised that an inspection could take place to see if the tree warrants removal and if that was the case, we can give approval to the residents to remove the tree, but if it doesn't, the resident usually has an option to relocate the driveway, but is subject to an inspection.

21. Councillor Wearne asked if there was any advance on the leasing of Francescos Restaurant at Macquarie Park.

The General Manager advised that it was subject to the Plan of Management, ruled from the Lands Department.

The Director Support Services advised that the Plan of Management still hasn't been finalised and once this is done, Council will be able to move on the question of the lease. He advised that the lessee had been kept advised of problems that have been encountered, but as soon as that has been finalised, action will be taken.

22. Councillor Wearne referred to the new Deerubbin Centre and the Tebbut Room and the fact that the card doesn't gain entry to the carpark.

The Director Infrastructure advised that the matter will be followed up.

The meeting terminated at 10:25pm

Submitted to and confirmed at the Ordinary meeting held on 12 July 2005

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Mayor