



Hawkesbury City Council

ordinary meeting minutes

date of meeting: 15 November 2005

location: council chambers

time: 5:00 p.m.

ORDINARY MEETING

Table of Contents

MINUTES: 15 November 2005

MINUTES

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

General Manager

City Planning

Commercial Strategy

External Services

Infrastructure Services

Support Services

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

ORDINARY MEETING

Table of Contents

MINUTES: 15 November 2005

ORDINARY MEETING
Table of Contents
MINUTES: 15 November 2005

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE
ATTENDANCE		5
APOLOGIES		5
SECTION 1: Confirmation of Minutes		5
QUESTIONS WITH NOTICE		5
Questions With Notice - (96332, 73611, 107)		5
SECTION 3 - Notices of Motion		6
NM 1 - GST Revenue Paid by NSW Taxpayers Annually - (80093, 79351)		6
NM 2 - Briefing Session for All Councillors Regarding Code of Conduct - (90480, 79351)		6
SECTION 4 - Reports for Determination		7
GENERAL MANAGER		7
Item: 339	GM - Council's Current Financial Position and Possible Special Rate Variation - (79351)	7
CITY PLANNING		9
Item: 340	CP - Pitt Town Draft Development Control Plan - (95498)	9
Item: 341	CP - Heritage Advisory Committee - Constitution - (95498, 80242)	10
Item: 342	CP - Proposed Section 94A Developer Contributions Plan - (95498)	11
COMMERCIAL STRATEGY		12
Item: 343	CS - Public Private Partnerships - (95497)	12
Item: 344	CS - Mainstreet Program - Acquittal Report - (95497, 91811, 97939)	12
Item: 345	CS - 2005 Hawkesbury Excellence in Business Awards - (95497, 91811)	13
EXTERNAL SERVICES		14
Item: 346	ES - Removal of Street Trees - Buckett Place, Kurrajong - (95494)	14
Item: 347	ES - Long Form Funding Agreement - Hawkesbury Day Care Scheme - (96328, 95494)	14
Item: 348	ES - Educational Establishment - Childcare Centre, Lot 1 DP 783233, 208 Richmond Road, CLARENDON NSW 2756 - (95494, 96329, 81262, 35546, 27919, 27918)	15
Item: 349	ES - Community Donations Program - Variation to Adopted Budget Estimates - (95494, 96328)	28

ORDINARY MEETING**Table of Contents****MINUTES: 15 November 2005**

ITEM	SUBJECT	PAGE
INFRASTRUCTURE SERVICES		29
Item: 350	IS - Smith Park and Pughs Lagoon, Richmond - (95495, 79354, 85244)	29
Item: 351	IS - Richmond Park - Landscape Plan and Nomination for the State Heritage Register - (79354, 86386, 74141)	29
Item: 352	IS - Regional Weeds Committee Funding - (79354, 91143)	30
SUPPORT SERVICES		31
Item: 353	SS- September Quarterly Review - 2005-2006 Management Plan - (96332)	31
Item: 354	SS - General Purpose Financial Report and Special Purpose Financial Report for the period ended 30 June 2005 - (96332)	31
Item: 355	SS - Payment to Hawkesbury Sports Council Inc. - (107, 96332, 73611)	31
Item: 356	SS - Policy for Payment of Expenses and Provision of Facilities to Councillors - Review - (95496)	32
Item: 357	SS - Analysis of Grant Funding Received by Council - (96332)	32
SUPPLEMENTARY REPORTS		33
Item: 360	CP - Draft Local Environmental Plan 6/03 - Amendment 148 to Hawkesbury Local Environmental Plan 1989 - 6 Ham Street, South Windsor - (79339, LEP6/03)	33
Item: 361	IS - London Plane Trees in Chapel Street - (79346, 83026, 1955, 1953, 1954, 83234, 92490)	33
CONFIDENTIAL REPORTS		35
Item: 358	SS - Property Matter - 126 George Street, Windsor - (79337, 95496) CONFIDENTIAL	35
Item: 359	SS - Lease of Former Library Building - (79337) CONFIDENTIAL	36
SUPPLEMENTARY CONFIDENTIAL REPORTS		37
Item: 362	SS - Documents for Execution Under the Common Seal of Council - Clarendon Cafe - (1739, 96894, 95496)	37
SECTION 5 - Reports of Committees		38
ROC - Local Traffic Committee Minutes - 21 September 2005 - (80245)		38
ROC - Local Traffic Committee - 19 October 2005 - (80245)		38
QUESTIONS WITHOUT NOTICE		39

ORDINARY MEETING
MINUTES: 15 November 2005

Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 15 November 2005, commencing at 5:05pm.

Pastor Vangie VanEsch, Hawkesbury Church, Windsor, 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, C Paine, B Porter, R Stubbs, N Wearne and L Williams

APOLOGIES

An apology for absence was received from Councillor P Rasmussen

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

Councillor Williams left the meeting at 10:05pm.

SECTION 1: Confirmation of Minutes

487 RESOLUTION:

RESOLVED on the motion of Councillor Books and seconded by Councillor Porter that the Minutes of the Ordinary Meeting held on the 1 November 2005, be confirmed.

QUESTIONS WITH NOTICE

Questions With Notice - (96332, 73611, 107)

Noted.

SECTION 3 - Notices of Motion

NM 1 - GST Revenue Paid by NSW Taxpayers Annually - (80093, 79351)

MOTION:

A Motion was moved by of Councillor Calvert, seconded by Councillor Paine

That:

1. In view of the current poor financial situation of Hawkesbury City Council, we support the NSW Government in its campaign to have the full \$13billion of GST revenue paid by NSW taxpayers annually, returned by the Federal Government to NSW, and furthermore we request that the NSW Government earmark at least 30% of this money for distribution to Local Government.
2. This resolution be forwarded to WSROC and the Local Government Association requesting all Councils in NSW adopt a similar resolution.

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

Refer to RESOLUTION

The amendment was carried.

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

488 RESOLUTION:

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

That Hawkesbury City Council support the proposed Review of the Commonwealth Grants Commission formula to ensure NSW receives a fairer share of GST revenue.

NM 2 - Briefing Session for All Councillors Regarding Code of Conduct - (90480, 79351)

MOTION:

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

Refer to RESOLUTION

489 RESOLUTION:

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

That a Briefing Session by Council's solicitors be arranged for all Councillors in relation to the provisions and requirements of Council's recently adopted Code of Conduct, particularly in relation to the handling, processing and Councillor involvement with development applications.

SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 339 **GM - Council's Current Financial Position and Possible Special Rate Variation - (79351)**

Mr Frank Scharfe, respondent, addressed the Committee

MOTION:

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

Refer to RESOLUTION

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

1. Council receive the information contained within the report in relation to Council's current financial situation; significant issues in relation to Council's future requirements, including infrastructure, parks and facilities and civic enhancements; and options to achieve the suggested course of action.
2. Council pursue an Option E being the introduction of a Section 94A Levy of 1% on all developments excluding Class 10 applications and single dwellings with a value of less than \$150,000 and an application for a special rate variation under Section 508A and 548 of the *Local Government Act 1993* of 6.5% above rate pegging in 2006/07 and an increase of 5.5% above rate pegging in 2007/2008.
3. Council commence a community consultation process with regard to its proposals to apply to the Minister for a special rate variation under the provisions of Sections 508A and 548 of the *Local Government Act 1993* based upon point 2 above and that a further report be submitted to Council at the conclusion of such a consultation process in early March 2006 detailing the result of such process to enable Council to further consider the issue of applying for Ministerial consent for a special rate variation.
4. Council make representations to the relevant Minister proposing that the State Government take action to ensure that statutory fees charged by Local Government are increased annually in line with the rate pegging increases or the cost of providing the service.

The amendment was lost.

The motion was put and carried

490 RESOLUTION:

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

That:

1. Council receive the information contained within the report in relation to Council's current financial situation; significant issues in relation to Council's future requirements, including infrastructure, parks and facilities and civic enhancements; and options to achieve the suggested course of action.

ORDINARY MEETING

MINUTES: 15 November 2005

2. Council pursue the course of action referred to in the report as Option A, namely the introduction of a Section 94A Levy of 1% on all developments excluding Class 10 applications and single dwellings with a value of less than \$150,000 and an application for a special rate variation under Section 508A and 548 of the *Local Government Act 1993* and also pursue, for public consultation purposes, and an Option E being the introduction of a Section 94A Levy of 1% on all developments excluding Class 10 applications and single dwelling with a value of less than \$150,000, and a rate increase of 6.5% above rate pegging in 2006/07 and a rate increase of 5.5% above rate pegging in 2007/2008.
3. Council commence a community consultation process with regard to its proposals to apply to the Minister for a special rate variation under the provisions of Sections 508A and 548 of the *Local Government Act 1993* based upon point 2 above and that a further report be submitted to Council at the conclusion of such a consultation process in early March 2006 detailing the result of such process to enable Council to further consider the issue of applying for Ministerial consent for a special rate variation.
4. Council make representations to the relevant Minister proposing that the State Government take action to ensure that statutory fees charged by Local Government are increased annually in line with the rate pegging increases or the cost of providing the service.

ORDINARY MEETING
MINUTES: 15 November 2005

CITY PLANNING

Item: 340 **CP - Pitt Town Draft Development Control Plan - (95498)**

Previous Item: 316, Ordinary (1 November 2005)
 284, Ordinary (27 September 2005)

MOTION:

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

Refer to RESOLUTION

491 RESOLUTION:

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

That:

1. The exhibited Pitt Town DCP be amended as detailed in (a) to (m) below:
 - (a) The sixth dot point of 4.5.1, relating to internal lots, is to be deleted.
 - (b) The eighth dot point is to read "approximately uniform".
 - (c) Part (a) of 4.5.2 is to read "Lot design is to generally comply with the Pitt Town Development Plan".
 - (d) Table E4.1 is to stipulate the following minimum frontage dimensions based on a 1:2.5 width to depth ratio: A - 18 metres, B - 40 metres, C - 28 metres, D - 25 metres, E - 38 metres, F - 30 metres.
 - (e) Table E4.2 relating to street design is to read:

Road Type	Carriageway	Footway	Road Reserve
Medium collector	11m	3.5m	18m
Minor Collector	9.6m	3.5m	16.6m
Local access road	8m	3.5m	15m

- (f) Figure E4.4 to show roads within the housing precinct as detailed:

Medium collectors:

- (i) those streets already designated as medium collectors in the exhibited DCP;
- (ii) all the streets around the block containing the school and community centre;
- (iii) the street between Bootles Lane and Buckingham Street alongside the recreation area.

Minor Collectors:

- (i) the streets oriented east-west which have housing lots accessing the street on both sides;

ORDINARY MEETING

MINUTES: 15 November 2005

- (ii) the street nearest to and parallel to Bathurst Street between Bootles Lane and Buckingham Street, other than for the portion noted as medium collector above.

Local Access Roads:

- (i) the streets oriented north-south, other than those identified above;
 - (ii) east-west streets which have housing lots accessing the street on one side only.
- (g) In 4.6.3 part (b) is to read "vehicle access to lots on the eastern side of Bathurst Street is to be provided either from the east or via a five metre service road between the lots and the windbreak trees".
 - (h) References to the widening of Bootles Lane are to be deleted from 4.6.5 and figures E4.10 and E4.10a.
 - (i) Item 4.6.6 (a) is to read "The flood evacuation route from Bathurst Street to Old Stock Route Road is to be at a minimum height of 17.3 metres AHD, the 1% AEP level. The route will be via Wells Street and / or Hall Street, Mitchell Place and Pitt Town Dural Road. Necessary works will be undertaken using contributions collected under the Section 94 Contributions Plan".
 - (j) Add to 4.9.4 (a): "Alternatively, a greater area of active recreation land and ancillary facilities may be provided at an alternative location within the Pitt Town locality subject to agreement being reached between Council and potential developers."
 - (k) Item 4.14.2 (a) is to read "The setback of dwellings from lot boundaries must substantially meet the requirements...".
 - (l) Item 4.14.2 (b) is to read: "Garages may be attached or separate. Garages must be at least two metres behind the front building line and designed to minimise visual prominence. Garages and outbuildings may be located in the rear and side setbacks."
 - (m) Item 4.14.2 (c) is to read: "Dwellings in all precincts are limited to two storeys" and (d) is deleted.
- 2. Part E, Chapter 4 (Pitt Town) of the Hawkesbury Development Control Plan be amended in accordance with Council's resolution 1 November 2005 and be adopted.
 - 3. Part E, Chapter 4 (Pitt Town) of the Hawkesbury Development Control Plan be made effective in accordance with the Environmental Planning and Assessment Regulations.

Item: 341 CP - Heritage Advisory Committee - Constitution - (95498, 80242)

MOTION:

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

Refer to RESOLUTION

492 RESOLUTION:

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

ORDINARY MEETING
MINUTES: 15 November 2005

That:

1. The resignations of Professor Max Hatherly, Mr Dennis Bradshaw and Dr Lucy Sullivan be accepted.
2. A letter of thanks be forwarded to Professor Max Hatherly, Mr Dennis Bradshaw and Dr Lucy Sullivan.
3. The revised Constitution for the Heritage Advisory Committee be adopted with clause 5(a)(i) being amended to provide for an alternate Councillor member and clause 7(h) being amended to provide for a quorum of 3 (three) members..
4. The Committee be re-established under the new Constitution.

493 RESOLUTION:

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

That Councillor Finch be elected as the alternate Councillor representative to the Heritage Advisory Committee.

Item: 342 CP - Proposed Section 94A Developer Contributions Plan - (95498)

MOTION:

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

Refer to RESOLUTION

494 RESOLUTION:

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

That:

1. A S94A plan with a levy of 1% applying to all types of development excluding applications solely for Building Class of Australia Class 10 structures and single dwellings with a value of less than \$150,000 be prepared for all of the Hawkesbury LGA except for land affected by HLEP 1989 – Amendment 145 and that this plan be exhibited concurrently in accordance with the Act and Regulations.
2. Projects identified in Council's current S94 which are yet to be completed and the associated S94 reserves be included in the new S94A plan.

COMMERCIAL STRATEGY

Item: 343 **CS - Public Private Partnerships - (95497)**

Previous Item: 120, Ordinary (26 April 2005)
 134, Special (9 May 2005)
 152, Ordinary (31 May 2005)

Mr Frank Scharfe, respondent, addressed the Committee

MOTION:

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

Refer to RESOLUTION

495 RESOLUTION:

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

That:

1. In addition to the resolution of Council of 31 May 2005, the Strategic Planning Committee identify those assets considered most suitable for operational use under a public-private partnership arrangement and report further to Council.
2. Consideration be given to the governance and management requirements of a public-private partnership project as stipulated by the Department of Local Government and how best to resource those requirements when contemplating the 2006/7 financial year budget for Council.

Item: 344 **CS - Mainstreet Program - Acquittal Report - (95497, 91811, 97939)**

MOTION:

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

Refer to RESOLUTION

496 RESOLUTION:

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

That the information be received.

ORDINARY MEETING
MINUTES: 15 November 2005

Item: 345 **CS - 2005 Hawkesbury Excellence in Business Awards - (95497, 91811)**

Previous Item: 193, Ordinary (28 June 2008)

MOTION:

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

Refer to RESOLUTION

497 RESOLUTION:

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

That:

1. The information be received.
2. Congratulations be extended to the winners of the 2005 Hawkesbury Excellence in Business Awards.
3. Negotiations be entered into with the Chamber in accordance with the terms of the contract for this program, with a view to incorporating new performance criteria for the 2006 Hawkesbury Excellence in Business Awards.
4. Authority be given to prepare and execute all necessary documents (including the use of common seal of Council as required) to give effect to this resolution, subject to satisfaction of the General Manager.

ORDINARY MEETING
MINUTES: 15 November 2005

EXTERNAL SERVICES

Item: 346 ES - Removal of Street Trees - Buckett Place, Kurrajong - (95494)

Councillor Finch advised that she did not intend to participate in any part of the discussion on this matter due to attacks in previous weeks on her own property.

MOTION:

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

Refer to RESOLUTION

498 RESOLUTION:

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

That the information be received.

499 RESOLUTION:

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

That Council take action to advise the community of the requirements for the planting of trees, and type of trees, on the footpath by property owners.

Item: 347 ES - Long Form Funding Agreement - Hawkesbury Day Care Scheme - (96328, 95494)

Mr Frank Scharfe, respondent, addressed the Committee

MOTION:

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

Refer to RESOLUTION

500 RESOLUTION:

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

That:

1. The Seal of Council be affixed to the following agreement:

ORDINARY MEETING
MINUTES: 15 November 2005

One year (1/10/05 to 30/6/06) funding agreement between the Department of Family and Community Services and Hawkesbury City Council for the operations of the Hawkesbury Family Day Care scheme.

2. Council write to the Minister of Family and Community Services and Mr Kerry Bartlett MP for Macquarie, to express concerns in relation to the reduction in Family Day Care Grant funding.

Item: 348 **ES - Educational Establishment - Childcare Centre, Lot 1 DP 783233, 208 Richmond Road, CLARENDON NSW 2756 - (95494, 96329, 81262, 35546, 27919, 27918)**

Previous Item: 322, Ordinary (15 November 2005)

Mr Roman Tobias, Ms Kristy Moss and Mr Lloyd Williams, proponents, addressed the Committee

MOTION:

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

Refer to RESOLUTION

501 RESOLUTION:

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

That the development application be approved as a deferred commencement consent (to be satisfied within 12 months of issue), subject to the following:

1. Plans are to be submitted to Council which demonstrate that the building complies with the following specific matters and the Building Code of Australia;

Façade	Minimum R_w Rating	Potential Construction Procedure and Materials
Walls	R _w 60	Double brick cavity construction, (preferably with resilient ties) or brick veneer with 110mm thick masonry; 140mm air gap with 75mm thick glasswool batts with steel stud framing; and internal lining consisting of 2 sheets of Powerscape Ultramesh Rocklining 13mm thick to provide appropriate airborne sound and impact resistance
Roof/Ceiling	R _w 60	Pitched roof frame with external 0.6mm corrugated powder-coated galvanised steel cladding overlying either a 16mm thick Powerscape Ultramesh Rocklining, or a 19mm thick flooring grade particle board with interposed layer of thermal/ acoustical lining at least 50mm thick (density 24kg/m ³). Ceiling to take the form of 2 layers of 13mm thick CSR Fyrchek or 2 layers of 13mm thick Powerscape Ultramesh Rocklining (stronger) with all joints taped and sealed, and all penetrations for duct work and/or other services effectively sealed.
Windows	R _w 50 minimum	Double-glazed sealed windows in aluminium framing with all interface junctions to masonry wall effectively sealed.

ORDINARY MEETING

MINUTES: 15 November 2005

		Glazing to take the form of 12.38mm laminated outer glass; 75mm airspace; and 10.38mm laminated inner glass.
Doors (northern, eastern and western facades)	R_w 50	Two widely spaced doors with interposed sound lock between the doors (with sound absorptive ceiling) each door to be at least a 45mm minimum thickness sound rated door (R_w 32), each door to incorporate a 12.38mm laminated glass viewing panel adjacent to the leading edge. The viewing panel shall extend from a minimum height of 900mm above floor level to a height of at least 1.5m above floor level. Each door shall be fitted with durable fully effective perimeter acoustic seals.
Doors (southern façade)	R_w 35	Single 50mm minimum thickness sound rated door with full perimeter seals and viewing panel as detailed above.
Ventilation system	Insertion loss >50 R_w	Each room to be supplied by a filtered silenced ventilation system for the supply path and a silenced ventilation system for the discharge path, with the air being drawn from the southern side of the building and discharged on the southern side. The ductwork for the ventilation system shall be incorporated in the ceiling void, utilising internally lined 16 gauge or heavier ductwork, - or alternatively lighter ductwork encapsulated in 16mm thick fire-rated plasterboard. All ceiling penetrations and interface elements required by the ventilation system shall be fully and effectively sealed.

2. The walls of the building that are within 1.5 metres to the property boundary must have a Fire Resistance Level (FRL) of 90/90/90. A structural engineer must certify the walls can achieve this when constructed.
3. The walls of the building that are greater than 1.5 metres and less than 3 metres from the boundary are required to have an FRL of 60/60/60. A structural engineer must certify the walls can achieve this when constructed.
4. Any openings, such as windows and doors, that are in any walls that are less than 3 metres to the boundary must be protected from the spread of fire in accordance with Clause C3.4 of the Building Code of Australia (BCA). Details are required to be submitted indicating how this is proposed to be achieved.
5. A statement of details on the operation of all door latches is required to be submitted. The operation of the latches shall comply with Clause D2.21 of the BCA.
6. A Fire Hydrant is required to be provided to service the development. Details are required in this regard.
7. The BCA requires 1 toilet and 1 washbasin for every 15 children that could potentially occupy the building. In addition to this, 1 additional toilet and washbasin is required to be provided to the front area of the proposed building.
8. An acoustic assessment is to be submitted to Council demonstrating how the proposed development will comply with RailCorp Interim Guidelines for Applicants in the consideration of rail noise and vibration from the adjacent rail corridor.
9. As the new building is within 20 metres from the main line, the Applicant is required to undertake and provide to RailCorp a risk assessment, carried out in accordance with RIC standard TS 30 000 3 01 SP Structures – Design Standards. The developer shall be required to include appropriate design standards in conjunction with the development if the assessment requires such measures to be undertaken.

ORDINARY MEETING

MINUTES: 15 November 2005

10. An acoustic assessment is to be submitted to council demonstrating compliance with the following internal noise objectives for all habitable rooms under ventilated conditions complying with the requirements of the Building Code of Australia in relation to road noise.

All habitable rooms other than sleeping rooms: 45 dB(A) Leq(15hr) and 40 dB(A) Leq(9hr) and
Sleeping rooms: 35 dB(A) Leq(9hr)

Operational Conditions

11. The building shall be constructed in accordance with Australian Standard AS2021-2000 and Renzo Tonin & Associates Pty Ltd Report Reference TB959-01F03 (REV 3) DA REPORT.DOC dated 14 June 2005. Notwithstanding compliance with the above, the Aircraft Noise Reduction (ANR) of the forms of construction utilised in the building shall be selected on the basis that the external aircraft noise level is 86dB(A).

12. The building shall be detailed and constructed so that the Aircraft Noise Reduction (ANR) of the forms of construction utilised in the building are capable of being increased to accommodate any likely future changes to flight operations at Richmond RAAF Base which cause the ANEF at the site to increase.

In the event that Air Services Australia publish an ANEF chart depicting that the ANEF at the site attributable to Richmond RAAF Base operations increases above the current level depicted in the 2014 ANEF chart, the applicant shall at its own cost engage the services of an experienced acoustic consultant to re-assess noise levels within all habitable building spaces of the building and recommend any upgrading works to the building necessary to comply with Australian Standard AS2021-2000.

The applicant shall submit the report to Council and shall effect all reasonable upgrading works recommended by the acoustic consultant.

13. 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.
14. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
15. The approved use shall not commence until all conditions of this Development Consent have been complied with.
16. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
17. The development shall comply with the provisions of the Building Code of Australia at all times.
18. The development shall comply with the Environmental Planning and Assessment Act, 1979 at all times.
19. This consent covers the removal of trees and other vegetation for driveways and access and within a 6 metre radius from the building. No other trees or vegetation shall be removed without prior approval of Council.
20. The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.
21. 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.

ORDINARY MEETING

MINUTES: 15 November 2005

Prior To The Issue Of The Construction Certificate

22. 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.
23. All site works shall be carried out in accordance with the Plan. Implementation of the Plan shall be supervised by an appropriately qualified person.
24. Payment of a Construction Certificate checking fee of \$543.00 and a Compliance Certificate inspection fee of \$982.24 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.
25. Payment of a contribution of \$56,114.00 towards sewer headworks. This sum will remain fixed until 30 June 2006 after which it will be recalculated at the rate applicable at the time of payment.
26. Owners authority is to be provided to the Principal Certifying Authority from RailCorp for the discharge of stormwater onto the rail corridor.
27. Mechanical ventilation is required to all internal toilets. Details are required to be provided.

RailCorp Conditions (prior to issue of construction certificate)

28. The applicant is to provide an accurate survey locating the development with respect to the rail boundary and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of RailCorp's representative.
29. The applicant shall request service searches from RailCorp, to establish the existence and location of any RailCorp services and structures. Where RailCorp Services are identified the Applicant must discuss and agree with RailCorp how these services are to be accommodated in the development.
30. The Applicant is to procure a report on the Electrolysis Risk to the development from stray currents, and the measures that will be taken to control the risk. The Applicant is advised to consult an Electrolysis expert. The expert's report must be submitted to RailCorp for review by the Senior Electrolysis Engineer or nominated Electrolysis Section personnel. Given the possible likelihood of objects being thrown onto the rail corridor the Applicant is required to install adequate measures which prevent the throwing of objects onto the rail corridor.
31. A Risk Assessment/Management Plan and detailed Work Method Statements (WMS) for the proposed works are to be submitted to the RailCorp for review and comment prior to the works commencing on site. It should be noted that RailCorp's representative may impose conditions on the methods to be used and require the provision of on-site Safe Working supervision for certain aspects of the works.

RailCorp Conditions (during construction)

32. Should, according to RailCorp's Representative, any unforeseen risks to rail infrastructure become apparent (eg falling material) the Applicant/Contractor will be required to submit information relating to the attenuation of that risk for approval by RailCorp's Representative.
33. The use of any crane, plant or machinery shall comply with the RIC Electrical Safety Manual and all relevant RIC Standards and Guidelines/ Construction equipment such as scaffolding shall not impinge over the rail corridor.
34. No metal ladders, tapes, scaffolding and plant machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial

ORDINARY MEETING

MINUTES: 15 November 2005

supplies within or adjacent to the rail corridor. No metal ladders are to be used within the rail corridor.

35. No excavation or boring is permitted within 2.0 metres (measured horizontally) of high voltage underground cable and 1 metre (measured horizontally) for low voltage cables.
36. No plant or vehicle is permitted to encroach the ballast shoulder or track without prior arrangements being made to certify the track for the effects of disturbance.
37. No infrastructure or equipment is to be placed or installed on the rail corridor without proper assessment by authorized persons to ensure no impact will occur to rail infrastructure. eg signal sighting, safety signage, emergency access.
38. As large-scale excavation is involved, the Applicant is required to put in place a vibration monitoring system to monitor vibration levels on the adjoining rail corridor for the duration of the works. The plan for this is to be submitted to RailCorp for review prior to the commencement of works. Details of any proposed piling, sheet piling, batter and anchors should be provided to RailCorp for review and comment prior to work commencing. RailCorp may require the removal of such construction aids.
39. During all stages of the development extreme care shall be taken to prevent environmental harm within the railway corridor. Any form of environmental harm to areas within the railway corridor or legislative non-compliance that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.
40. During all stages of the development extreme care shall be taken to prevent any form of pollution entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.
41. To ensure that graffiti can easily be removed, the Applicant is to ensure that fencing along the rail corridor is coated with anti-graffiti paint or other coating.
42. The existing common boundary fence is to be considered adequate and must remain intact throughout the construction works and thereafter. Should enhancements be desired RailCorp must be contacted to ensure adequate safety measures are taken whilst work is carried out.

Roads & Traffic Authority Conditions

43. The two (2) vehicular crossings off Richmond Road shall be designed in accordance with Australian Standard AS2890.1 – 2004. The entry and exit driveways are to be clearly demarcated and signposted.
44. Based on the projected peak traffic generation by the proposed development and the existing traffic flows on Richmond Road, the AUSTROADS guidelines suggest that at least a "Type B" intersection layout should be provided at this access location. However, Section 4 of the RTA's current Road Design Guide states that "where a shoulder must be sealed, a type 'AUR' (Auxiliary Right turn lane) layout should be used". This 'AUR' intersection treatment is similar to the 'Type B' intersection specified in AUSTROADS.

Therefore, in accordance with the RTA's Road Design Guide, a Type 'AUR' intersection layout shall be constructed in Richmond Road in front of the proposed vehicular entry point.

This 'AUR' intersection treatment shall be fully constructed prior to the occupation certificate being issued for the proposed child care centre.

The design requirements of the 'AUR' intersection treatment shall be in accordance with the RTA's Road Design Guide and other Australian Codes of Practice. The certified copies of design plans shall be submitted to the RTA for consideration and approval prior to the release of the construction certificate and commencement of road works.

ORDINARY MEETING
MINUTES: 15 November 2005

45. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
46. The RTA fees for administration, plan checking, civil and signal works inspections and project management shall be paid by the developer prior to the release of the approved road design plans.
47. All works associated with the proposed development shall be at no cost to the RTA.

Prior To The Commencement Of Works

48. All traffic management devices shall be installed and maintained in accordance with a traffic management plan approved by the RTA.
49. 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.
50. The building shall be set out by a Registered Surveyor. The Survey Certificate of the building showing the position of the external walls under construction and in compliance with the approved plans shall be lodged with the principal certifying authority. Any easements must be shown on the Survey Certificate.
51. 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.
52. 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.
53. 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.
54. 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.

During Construction

55. The development shall be completed in accordance with the approved colours and finishes and shall not be altered.

Roof Material:	Colourbond	Colour:	Slate Grey
Walls Material:	Bagged Brickwork	Colour:	Sandstone
56. The habitable floor levels shall be at or above the 1% AEP flood level of 17.3m AHD.
57. Any part of the building to be used for food preparation shall comply with Council's Code for the Fitting out of Food Premises.

ORDINARY MEETING
MINUTES: 15 November 2005

58. The site shall be secured to prevent the depositing of any unauthorised material.
59. Dust control measures, eg vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
60. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
61. 29 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.
62. Vehicle entrances and exits shall be clearly signposted, including street number, and visible from both the street and site at all times.
63. Disabled parking shall be provided in accordance with AS2890.1-1993.
64. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
65. 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.
66. 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:
67. 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.
68. Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
69. 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.
70. 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

ORDINARY MEETING

MINUTES: 15 November 2005

- 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.
69. Mandatory inspections shall be carried out and Compliance Certificates issued only by Council or an accredited certifier for the following components of construction:

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

- commencement of work (including erosion controls, site works and site set out);
 - piers;
 - 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;
70. Filling shall comprise only of uncontaminated virgin excavated natural material. Contamination certificates for all source material shall be provided to the Principal Certifying Authority prior to placing any fill on site.
71. A registered surveyor's certificate indicating that the level of the top of the concrete slab formwork/floor joists for the lowest habitable floor is at or above 17.3 metres Australian Height Datum shall be obtained prior to placement of concrete.
- Alternatively, a defined bench mark AHD level shall be identified by survey report on a fixed location immediately adjacent to the building (eg. top of concrete strip footing, top of poured concrete pier).
- The surveyor's certificate shall be provided to both Hawkesbury City Council and the Accredited Certifier (if not HCC) prior to any structure being erected on the concrete.
72. 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.
73. The development shall be treated for termites in accordance with the Building Code of Australia and AS 3660 as amended by a suitably qualified person with particular attention to timber floors, slab penetrations, joints between slabs, additions to existing buildings.
74. Details of the type and method of treatment are to be provided to the Principal Certifying Authority and a copy of durable material to be located in the meter box and at the entrance to any crawl space if chemicals are sprayed or pressurised into the soils.

ORDINARY MEETING
MINUTES: 15 November 2005

75. Access to the building and facilities for people with disabilities shall be provided in accordance with the requirements of Parts D3 and F2.4 of the BCA. The door to the WC shall open outwards or be fitted with suitable hinges to allow for emergency access into the WC or the door to open out.
76. All materials and components used in the building shall comply with the early fire hazard indices stipulated in Specification C1.10 of the BCA. A separate schedule detailing such materials and their respective indices and approved in writing prior to the acquisition, installation or fitting of such materials.
77. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
78. All necessary drainage works shall be constructed along the access strip and across the footway as required.
79. 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.
80. Two (2) heavy duty Asphaltic Concrete or rigid pavement footway vehicular crossings, minimum 4 metres wide, shall be constructed to the development. The crossings shall be constructed in accordance with Hawkesbury Development Control Plan, Appendix E – Civil Works Specification.

Prior To The Issue Of The Occupation Certificate

81. Independent testing is to be carried out by a competent acoustical consultant to confirm that all requirements of the Deferred Commencement conditions have been incorporated into the building. A signed report shall be provided to the Principal Certifying Authority.
82. Compliance with all conditions of this development consent.
83. 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.
84. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Coordinator.

Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

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

85. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
86. The following certificates are to be provided, stating the name of person or company carrying out the installation, type of material and the relevant Australian Standard to which installed:
 - (a) The type and method of termite treatment (complying with AS 3660) provided to walls and floors, pipe penetrations, jointing of new work to existing and slab perimeters. A copy of the termite treatment and materials used shall also be securely fixed inside the meter box for future reference.
 - (b) Glazing materials installed in the building in accordance with AS1288 and AS2047 - Glass in Buildings - Selection and Installation, e.g. windows, doors, footlights and showers.

ORDINARY MEETING
MINUTES: 15 November 2005

87. The following Fire Safety Measures shall be provided and installed in the building/property by a suitably qualified person and a Certificate of Installation shall be provided to the owner/agent:

Fire Blanket

- FSM1i Installation
Compliance with the following, as appropriate:
Manufactured in accordance with AS3504.
Installed near proximity of hazard (kitchen area, sleep area, etc)
- FSM1m Maintenance
Visual, locality, acceptable standard of dispenser and fire blanket (not damaged)

Portable Fire Extinguishers

- FSM2i Installation
Compliance with:
Performance requirements and deemed-to-satisfy provisions of Section E of the BCA.
AS 2444 "Portable Fire Extinguishers and Fire Blankets - Selections and Locations".
AS 1841 "Portable Fire Extinguishers".
AS 1850 "Portable Fire Extinguisher - Classification Rating and Performance Testing".
AS 4265 "Wheeled Fire Extinguishers".
- FSM2m Maintenance
Compliance with the following, as appropriate:
AS 1851.1 "Maintenance of Fire Protection Equipment, Portable Fire Extinguishers and Fire Blankets".
AS/NZS 1851.13 "Maintenance of Fire Protection Equipment - Wheeled Fire Extinguishers".

Hose Reel Systems

- FSM3i Installation
Compliance with the following, as appropriate:
Performance requirements and deemed-to-satisfy provisions of Section E of the BCA.
AS 1221 "Fire Hose Reels".
AS 2441 "Installation of Fire Hose Reels".
- FSM3m Maintenance
Compliance with:
AS 1851.2 "Maintenance of Fire Protection Equipment - Fire Hose Reels".

Fire Hydrant Systems

- FSM4i Installation
Compliance with the following, as appropriate:
Performance requirements and deemed-to-satisfy provisions of Section E of the BCA.
AS 2419 "Fire Hydrant Installations".
- FSM4m Maintenance
Compliance with:
AS 1851.4 "Maintenance of Fire Protection Equipment - Fire Hydrant Installations".

Exit Signs

- FSM5i Installation
Compliance with the following, as appropriate:
Performance requirements and deemed-to-satisfy provisions including NSW State variations of Sections E and G of the BCA.

ORDINARY MEETING

MINUTES: 15 November 2005

AS/NZS 2293.1 "Emergency Evacuation Lighting for Buildings - System Design, Installation and Operation".

AS/NZS 2293.3 "Emergency Evacuation Lighting for Buildings - Emergency Luminaries and Exit Signs".

FSM5m Maintenance

Compliance with:

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

Emergency Lighting

FSM6i Installation

Compliance with the following, as appropriate:

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

AS/NZS 2293.3 "Emergency Evacuation Lighting for Buildings - Emergency Luminaries and Exit Signs".

FSM6m Maintenance

Compliance with:

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

Automatic Fire Detection and Alarm System

FSM7i Installation

Compliance with the following, as appropriate:

Definition of "Automatic" in Part A1 of the BCA.

AS 4214 "Gaseous Fire Extinguishing Systems".

AS 3689 "Automatic Fire Extinguishing Systems Using Halogenated Hydrocarbons".

AS 2118 "Automatic Fire Sprinkler Systems".

Performance requirements or deemed-to-satisfy provisions of Sections E and G of the BCA.

Approved manufacturer's specifications.

Relevant evidence of suitability as detailed in Section A of the BCA.

Approved manufacturer's specifications.

Relevant evidence of suitability, as detailed in Section A of the BCA.

FSM7m Maintenance

Compliance with the following, as appropriate:

Definition of "Automatic" in Part A1 of the BCA.

AS 1851.3 "Maintenance of Fire Protection Equipment - Automatic Fire Sprinkler Systems".

AS 1851.11 "Maintenance of Fire Protection Equipment - Halon 1301 Total Flooding System". AS 1851.12 "Maintenance of Fire Protection Equipment - Gaseous Fire Extinguishing Systems".

Maintenance requirements of a report accepted as evidence of suitability in accordance with Section A of the BCA.

Approved manufacturer's specifications for maintenance and procedures that ensure that the fire performance of the system is not less than that to which it was originally designed and installed.

Prior to requesting an occupation certificate the owner/agent shall certify that each of the essential fire safety measures specified in this statement:

- has been installed and assessed by a properly qualified person, and

ORDINARY MEETING
MINUTES: 15 November 2005

- was found, when it was assessed, to be capable of performing to at least the standard required by the current fire safety schedule for the building for which the certificate is issued.

A copy of the Fire Safety Certificate to be completed is available from Council.

(This Certificate cannot be signed by persons who inspected and/or tested the installed services)

A copy of the Initial Certificate and the Annual Certificate, together with the relevant Fire Safety Schedule must be forwarded to the Council and the Commissioner of the New South Wales Fire Brigades. A copy of this Certificate, together with the relevant Fire Safety Schedule must be prominently displayed in the building.

Annually:

The Fire Safety Measures are to be regularly serviced/maintained and the owner/agent (including subsequent owners) shall certify annually that each of the fire safety measures specified in this statement has:

Been assessed by a properly qualified person, and

Found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the certificate is issued.

88. The applicant shall prepare a flood emergency evacuation and management plan for the development. The plan shall advise occupants of flood evacuation procedures and emergency telephone numbers. The applicant shall contact Council and the NSW State Emergency Service for advice in the preparation of the plan. The evacuation procedures shall be permanently fixed to the building in a prominent location and maintained at all times.
89. A Trade Waste Agreement must be entered into with the Hawkesbury City Council for the discharge of trade waste to Council's sewer.
90. 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.
91. 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) 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.
92. Submission of a report by the Design Engineer stating the conformance or otherwise of the system in relation to the approved design.
93. Works-As-Executed drawings for the One Site Detention Stormwater System which indicate the following shall be submitted to and approved by Council:
 - (a) Invert levels of tanks, pits and pipes

ORDINARY MEETING
MINUTES: 15 November 2005

- (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 Development

94. The maximum number of children on the premises at any given time is to be restricted as follows:

Long day care	90 children
Before & after school care	45 children

The operating hours are limited to 6:30am to 6:30pm Monday to Friday.

95. No internal or external alterations shall be carried out without prior approval of Council.
96. 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.
97. All fire safety equipment and fixtures shall be regularly serviced and maintained. The owner or their agent shall certify annually that each of the fire safety measures specified in this statement has:
- (a) been assessed by a properly qualified person, and
 - (b) found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the certificate is issued.
98. Any part of the building to be used for food preparation shall be registered with Council as Food Premises.
99. No advertising signs or structures shall be erected, displayed or affixed on any building or land without prior approval.
100. No advertising signs or structures shall be displayed on the footpaths, pedestrianways, roadways or on any land other than the approved development site.
101. The subject development, including landscaping, is to be maintained in a clean and tidy manner.
102. Any external lighting shall be directed in such a manner so that no nuisance is caused to adjoining properties or to drivers on surrounding streets.
103. Compliance with licensing requirements of the NSW Department of Community Services.

Advisory Notes

- *** The land is within the Hawkesbury City Council Sewerage Catchment. A separate application shall be submitted to Council for any alterations or connections to the sewer mains. The applicant shall consult with Council regarding acceptable discharge limits to the sewerage system.
- *** The applicant shall make themselves aware of the Discrimination Against People with Disabilities Act (DDA) and assess their responsibilities and liabilities with regards to the provision of access for all people.
- *** 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:

ORDINARY MEETING

MINUTES: 15 November 2005

- (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.

*** 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.

Councillors Williams and Paine requested that their names be recorded as having voted against the motion.

Item: 349 ES - Community Donations Program - Variation to Adopted Budget Estimates - (95494,96328)

MOTION:

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

Refer to RESOLUTION

502 RESOLUTION:

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

That the sum of \$3,953 be reallocated from the Cultural Diversity and Community Harmony Program to meet the projected shortfall of \$3,953 in the Community Donations Program.

INFRASTRUCTURE SERVICES

Item: 350 IS - Smith Park and Pughs Lagoon, Richmond - (95495, 79354, 85244)

MOTION:

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

Refer to RESOLUTION

503 RESOLUTION:

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

That:

1. Council notify the Department of Lands that it is willing to become Reserve Trust Manager of lots 7008 and 7009 DP93269.
2. The name of the reserve trust be Smith Park Reserve Trust.

Item: 351 IS - Richmond Park - Landscape Plan and Nomination for the State Heritage Register - (79354, 86386, 74141)

MOTION:

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

Refer to RESOLUTION

504 RESOLUTION:

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

That:

1. Richmond Park be nominated for listing on the State Heritage Register; and,
2. An application to the Heritage Office (NSW) be submitted to fund components of the Richmond Park Landscape Plan.

ORDINARY MEETING
MINUTES: 15 November 2005

Item: 352 **IS - Regional Weeds Committee Funding - (79354, 91143)**

MOTION:

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

Refer to RESOLUTION

505 RESOLUTION:

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

That \$1,250 be provided from the Bushcare Operations Budget as Council's contribution to partly fund the part-time Regional Weed Committee Project Officer.

ORDINARY MEETING
MINUTES: 15 November 2005

SUPPORT SERVICES

Item: 353 SS- September Quarterly Review - 2005-2006 Management Plan - (96332)

MOTION:

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

Refer to RESOLUTION

506 RESOLUTION:

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

The quarterly review of the 2005-2006 Management Plan and Financial Statement for the period ending 30 September 2005 be adopted.

Item: 354 SS - General Purpose Financial Report and Special Purpose Financial Report for the period ended 30 June 2005 - (96332)

MOTION:

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

Refer to RESOLUTION

507 RESOLUTION:

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

That Council resolve to adopt the General Purpose and Special Purpose Financial Reports and Special Schedules for the period ended 30 June 2005 as presented.

Item: 355 SS - Payment to Hawkesbury Sports Council Inc. - (107, 96332, 73611)

MOTION:

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

Refer to RESOLUTION

ORDINARY MEETING
MINUTES: 15 November 2005

508 RESOLUTION:

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

That the information be received.

Item: 356 **SS - Policy for Payment of Expenses and Provision of Facilities to Councillors - Review - (95496)**

Previous Item: 293, Ordinary (27 September 2005)
 138, Ordinary (12 October 2004)

MOTION:

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

Refer to RESOLUTION

509 RESOLUTION:

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

That:

1. The revised Policy for Payment of Expenses and Provision of Facilities for Councillors be adopted.
2. As required by Section 253(4) of the *Local Government Act 1993* appropriate advice regarding the adoption of the revised policy be forwarded to the Director-General of the Department of Local Government.

Item: 357 **SS - Analysis of Grant Funding Received by Council - (96332)**

MOTION:

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

Refer to RESOLUTION

510 RESOLUTION:

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

That the report on the Analysis of grant funding received by Council be received.

ORDINARY MEETING
MINUTES: 15 November 2005

511 RESOLUTION:

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

That the confidential reports be moved to the back of the business paper and dealt with last.

SUPPLEMENTARY REPORTS

Item: 360 **CP - Draft Local Environmental Plan 6/03 - Amendment 148 to Hawkesbury Local Environmental Plan 1989 - 6 Ham Street, South Windsor - (79339, LEP6/03)**

Previous Item: 23, Ordinary (8 February 2005)

MOTION:

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

Refer to RESOLUTION

512 RESOLUTION:

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

That:

1. The draft Local Environmental Plan (Amendment 148) to rezone Lot 11, DP 759096, No.6 Ham Street, South Windsor from Special Uses 5(a) - Community Purposes to Housing proceed.
2. Council exercise its delegation in respect of Section 69 of the Environmental Planning and Assessment Act 1979.
3. The draft Local Environmental Plan be forwarded to the Department of Planning for finalisation and gazettal

Item: 361 **IS - London Plane Trees in Chapel Street - (79346, 83026, 1955, 1953, 1954, 83234, 92490)**

Mr Peter Rukin, proponent, addressed the Committee

Mr Mark Baker, Mr Ron Knott and Mr Graham Paull, respondents, addressed the Committee

MOTION:

A MOTION was moved by Councillor Williams, seconded by Councillor Calvert

That:

1. Major pruning be undertaken immediately on the four trees adjacent to N^{os} 12 and 14 Chapel Street.

ORDINARY MEETING
MINUTES: 15 November 2005

2. A further report be provided to Council regarding replacing the missing trees in Chapel Street.
3. A further report be provided to Council in relation to establishing a Tree Committee.

The motion was lost.

RESOLVED on a FORESHADOWED motion moved by Councillor Conolly, seconded by Councillor Devine.

Refer to RESOLUTION

513 RESOLUTION:

RESOLVED on a FORESHADOWED motion moved by Councillor Conolly, seconded by Councillor Devine.

That:

1. In accordance with the Consulting Arborist's report in relation to the four trees adjacent to N^{os} 12 and 14 Chapel Street, Richmond, trees 1 and 3 be removed and replaced with semi advanced London Plane trees with an appropriate root barriers being installed as part of the planting process and trees 2 and 4 be lopped and managed in accordance with the Arborist's recommendation.
2. The replacement of missing trees in Chapel Street, Richmond be considered in conjunction with the 2006/2007 draft budget.

CONFIDENTIAL REPORTS

514 RESOLUTION:

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

That:

1. The Council meeting be closed to deal with confidential matters and in accordance with Section 10A of the Local Government Act, 1993, members of the Press and the public be excluded from the Council Chamber during consideration of the following items:

Item: 358 SS - Property Matter - 126 George Street, Windsor - (79337, 95496)

Item: 359 SS - Lease of Former Library Building - (79337)

Item: 362 SS - Documents for Execution Under the Common Seal of Council - Clarendon Café - (1739, 96894, 95496)

*These reports are **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:*

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*
2. In accordance with the relevant provisions of the Act, the reports, correspondence and other relevant documentation associated with these matters be withheld from the Press and the public.
3. The Mayor asked for representation from members of the public as to why Council should not go into closed Council to deal with these confidential matters.

There was no response, therefore, the public left the gallery.

515 RESOLUTION:

RESOLVED on the motion of Councillor Stubbs, seconded by Councillor Books that open meeting be resumed.

Item: 358 SS - Property Matter - 126 George Street, Windsor - (79337, 95496)
CONFIDENTIAL

MOTION:

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

Refer to RESOLUTION

ORDINARY MEETING
MINUTES: 15 November 2005

516 RESOLUTION:

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

That:

1. The Department of Infrastructure and Planning be advised that Council would be prepared to proceed with the purchase of 126 George Street, Windsor for the sum of \$204,000.
2. Upon acquisition, the property be classified as operational land and subsequently be offered for sale in accordance with Council's resolution of 13 July 2004.
3. Authority be given for all necessary documents in association with this matter to be executed under the Common Seal of Council if necessary.

Item: 359 SS - Lease of Former Library Building - (79337) CONFIDENTIAL

Previous Item: 270, Ordinary (30 August 2005)

Councillor Wearne declared an interest in this matter as he is represented by A R Walmsley as his solicitor, 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 Books.

Refer to RESOLUTION

517 RESOLUTION:

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

That in regard to the lease of the former Windsor Library Building:

1. It be noted that the Lessee's name has changed from A R Walmsley & Co to HPBC Pty Limited and that the personal guarantees of Adrian Richard Walmsley and Joanna Margaret Walmsley have been added.
2. Council agree to the request to amend the provision of a cash bond or bank guarantee equivalent from five months rent to three months rent.
3. Council's Solicitors, Pike Pike & Fenwick be advised of Council's decision in regard to this matter.

ORDINARY MEETING
MINUTES: 15 November 2005

SUPPLEMENTARY CONFIDENTIAL REPORTS

Item: 362 **SS - Documents for Execution Under the Common Seal of Council - Clarendon Cafe - (1739, 96894, 95496)**

Previous Item: 266, Ordinary (30 August 2005)

MOTION:

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

Refer to RESOLUTION

518 RESOLUTION:

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

That:

1. Council agree to the assignment of the lease of the Clarendon Café from White to Baker and Chester subject to the proposed lessees being responsible for costs relating to the assignment of the lease in accordance with the Retail Leases Act.
2. Authority be given for any documentation in association with the matter to be executed under the common seal of Council.
3. Details of Council's resolution be conveyed to the proposed lessees together with the advice that Council is not and will not be bound by the terms of its resolution until such time as appropriate legal documentation to put such resolution into effect has been agreed to and executed by all parties.

SECTION 5 - Reports of Committees

ROC - Local Traffic Committee Minutes - 21 September 2005 - (80245)

519 RESOLUTION:

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

That the minutes of the Local Traffic Committee held on 21 September 2005 as recorded on pages 139 to 153 of the Ordinary Business Paper be adopted.

ROC - Local Traffic Committee - 19 October 2005 - (80245)

520 RESOLUTION:

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

That the minutes of the Local Traffic Committee held on 19 October 2005 as recorded on pages 154 to 165 of the Ordinary Business Paper be adopted.

ORDINARY MEETING

MINUTES: 15 November 2005

QUESTIONS WITHOUT NOTICE

1. Councillor Wearne asked what meeting the Wilberforce Fire Shed report would be presented to Council.

The Director Infrastructure Services advised that a plan had been prepared and this was going to be sent to Fire Control for their comments before presenting to Council.

2. Councillor Porter advised that work had commenced on the joints on Windsor Bridge.
3. Councillor Conolly asked if there had been any progress since Council's resolution regarding the Museum and finding other sources of funding that might allow that project to proceed.

The General Manager advised there had been a number of issues. He commented that Councillor Conolly identified two areas where meetings were being arranged. One was with Macquarie Bank and the other with Arts Support Australia and these meetings are to be held either at the end of this week or early next week. He advised that the Historical Society have also been addressing some of the issues and have been looking at some possible fund-raising as well. The General Manager advised that Council has made an application to GROW, who have been very facilitative in relation to this and the application is for around \$550,000.

The Director Infrastructure Services confirmed that the application was for an amount of \$570,000 and has already gone through the local Board and has been recommended to be sent to the Regional Board.

Councillor Conolly wanted confirmation that there was a real chance of that much money.

The Director Infrastructure Services advised that GROW were positive.

4. Councillor Devine requested a report on Noise Standard AS2014 and the difficulties Council is having in adopting that Standard.

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

5. Councillor Devine asked if Dr Renzo Tonin could be asked to review the noise report, which was accepted for the Bosworth Street development and obtain his opinion as to its suitability under AS2021.

The Director External Services advised this matter would be investigated.

6. Councillor Finch asked if there was any further information on the parking in Woodhill's Carpark, Richmond.

The Director Infrastructure Services that Council had prepared a plan and was going to consult with shop owners to try and satisfy everybody's needs.

7. Councillor Finch advised that the Historical Society had contacted her in regard to having somewhere they could store their many archives. Councillor Finch asked if there was anywhere in Council that could be used as most of Council's artwork was now in the new Library/Gallery.

The Director Infrastructure Services advised that Council stores are archived at Penrith's State Archives and there is no spare room in Council or the new building.

ORDINARY MEETING

MINUTES: 15 November 2005

Councillor Finch asked when the Kurrajong Village Hall is finally built will there be any provisions there for organisations to store there.

The Mayor advised that one of the issues that had been through the consultation process was that there had been a lot about storage, the cost of the building, and the amount of people who want access to the building who want their own space and there's not really enough space. To provide the storage, that would be quite expensive and that money needs to go into actually providing the building. The Mayor advised that the issues are being addressed and people in the community are well aware that there is a difficulty to try and accommodate storage in that building and it is an ongoing issue.

8. Councillor Finch referred to Camp Baringa at Grose Vale and the noise of drums complained about on the long weekend in June. She commented that she had received a telephone call from Mrs Chris Coffee to say that either a Council Officer or a Councillor had been around there with the owner. She asked if there had been a new development application been put in or any sort of movement on that.

The General Manager advised that a fine was issued to the owner who then protested the fine, but it was implemented. He advised that the matter would be investigated.

9. Councillor Paine referred to the Butcher shop in South Windsor and the problem they have when parking the trucks to unload. She advised the vehicles have to park with the rear of the vehicle up against fence, but then can't open the back to unload the meat. If they park the other way around, the parking officer comes along and issues a fine. She asked if there was anything that could be done for them i.e. a loading zone or some kind of exemption so they can park with the front of the vehicle to the fence.

The Director Infrastructure Services advised that he would be hesitant to put a loading zone out the front of the shop due to the restriction on parking and the back is a one-way street with angle parking. He commented that as long as they weren't there for very long, and that is an issue that could be worked through with the Butchers, a loading zone might be able to be put in.

Councillor Paine asked if the Director Infrastructure Services could organise to meet with them.

The Director Infrastructure Services advised this would be organised.

10. Councillor Paine referred to people with disabilities and asked what Council was doing for these people so they have a voice.

The Director External Services advised Council had resolved to set up a Access, Mobility and Bicycle Committee and advised that there had been no meetings of the Committee as yet, but would investigate to see what stage they were at.

11. Councillor Calvert referred to the sign as you come into Richmond on the Flats that had been missing for some time and asked for an update.

The Acting Director Commercial Strategy advised that the town entry sign panel had been removed to be refreshed under the new signage strategy. She advised in the interim, Council requested an additional report on the use of the word 'Historical Macquarie' for the use on our signage. This had been put through Council's E-commerce and Markets Advisory Committee this week and would be reported to the next round of Council to allow the signage policy to move forward again. It was only delayed to deal with the arising issue of the use of 'Historical Macquarie' on those signs.

ORDINARY MEETING

MINUTES: 15 November 2005

12. Councillor Calvert advised that some of the local high schools had asked him if Council was continuing with our system of providing prizes at Speech Nights this year as nobody had heard anything at this stage.

The Mayor advised the matter would be taken on notice.

13. Councillor Calvert advised that students from Windsor High School created a series of posters about bullying and asked if Council would be able to display them somewhere as they are very good posters and the students designed them themselves and have won competitions with them.

The Mayor asked he was thinking of the Library and Community Building.

Councillor Calvert advised that wherever was best.

14. Councillor Books referred to the block of land that the old CWA building was on in George Street, Wilberforce and asked if it belonged to Council.

It was advised that Council did not own the land referred to.

15. Councillor Stubbs referred to Londonderry Road and the transition from a 60km/h to 80km/h speed zones, which is immediately adjoining the entry point to Tresillar Nursing Home, which has an interesting driveway, particularly when it rains. He asked if Council could have a look at the location of the speed sign.

16. Councillor Stubbs referred to the proposal to relocate the Interpretative Centre for the Wollemi National Park into the City of Hawkesbury, where to relocate it has changed a couple of times and it is currently being considered for Mt Tomah. Councillor Stubbs asked if some lateral thinking could be applied and provide the opportunity for National Parks and Wildlife Service to reduce their costs by offering to sell them APV for not only the Interpretative Centre for the Wollemi National Park, but also the Hawkesbury River, which could also include the promotion of agriculture, Indigenous heritage and a major feature back into the Hawkesbury.

The General Manager advised he would be happy to investigate.

The meeting terminated at 10:35pm

Submitted to and confirmed at the Ordinary meeting held on 29 November 2005

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Mayor