



Hawkesbury City Council

ordinary meeting minutes

date of meeting: 29 November 2005

location: council chambers

time: 5:00 p.m.

ORDINARY MEETING

Table of Contents

MINUTES: 29 November 2005

MINUTES

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

General Manager

City Planning

Commercial Strategy

External Services

Infrastructure Services

Support Services

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

ORDINARY MEETING

Table of Contents

MINUTES: 29 November 2005

ORDINARY MEETING**Table of Contents****MINUTES: 29 November 2005****TABLE OF CONTENTS**

ITEM	SUBJECT	PAGE
ATTENDANCE		1
APOLOGIES		1
SECTION 1: Confirmation of Minutes		1
SECTION 4 - Reports for Determination		2
GENERAL MANAGER		2
Item: 363	GM - Sponsorship Support for the 2006 Rescue Expo - (79351, 79356)	2
CITY PLANNING		3
Item: 364	CP - Floodplain Risk Management Committee - (86589, 95498)	3
Item: 365	CP - Three Town Sewer Project - (95498)	3
Item: 366	CP - Growth Centres - (95498)	4
COMMERCIAL STRATEGY		5
Item: 367	CS - E-Commerce/Markets Advisory Committee - (95497, 91367)	5
EXTERNAL SERVICES		6
Item: 368	ES - Subdivision - Torrens Title - 2 Lot Subdivision, Lot B DP 416222 Vol 10354 Fol 243, 1027 Grose Vale Road, KURRAJONG NSW 2758 - (95494, 96329, 18850, DA0048/05)	6
Item: 369	ES - Change of Use - Additional Commercial Uses in Conjunction with Hawkesbury Gas - Lot 11 DP 621493 Vol 14808 Fol 46, 299 Castlereagh Road, Agnes Banks NSW 2753 - (95494, 96329, 88870, 88871, 24525)	6
Item: 370	ES - Application to Modify Development Consent 1150/04 - Demolish Existing Structures and Construct an 18 Hole Golf Course and Club House, Lot 1 DP 546915, Lot 2 DP 546915 , 329 Pitt Town Road, Pitt Town NSW 2756 - (DA1150/40, 95494, 96329, 87254, 88676)	10
Item: 371	ES - S.96 Modification Application - Removal of two internal walls, Lot 2, DP 844715, 35 Elizabeth Street, North Richmond NSW 2754 - (95494, 85027, DA0374/02)	28
INFRASTRUCTURE SERVICES		29
Item: 373	IS - War Memorials in the Hawkesbury - (79346)	29
Item: 374	IS - McMahon Park - (79346, 73564, 80247, 73611)	29
Item: 375	IS - Prohibiting Consumption of Alcohol in Public Parks (79346, 37608)	30

ORDINARY MEETING**Table of Contents****MINUTES: 29 November 2005**

ITEM	SUBJECT	PAGE
SUPPORT SERVICES		31
Item: 376	SS - Formalisation of Easement - Bowen Mountain - (95496, 95908, 95909, 73947)	31
Item: 377	SS - Monthly Investments Report - October 2005 - (96332)	31
SUPPLEMENTARY REPORTS		32
Item: 382	IS - Vegetation Mapping of the Hawkesbury LGA - Tender Evaluation Report - (95495, 96331)	32
CONFIDENTIAL REPORTS		33
Item: 378	ES - Land and Environment Court Appeal - 7 London Place, Grose Wold - (95494, DA0747/03) CONFIDENTIAL CONFIDENTIAL	34
Item: 379	IS - Supply and Lay Asphaltic Concrete - (79344) CONFIDENTIAL	34
Item: 380	SS - Lease to Dalby - Shop 5, Glossodia Shopping Centre - (95496, 90236, 90415) CONFIDENTIAL	35
Item: 381	SS - Lease to Mr Frank Taranto - Macquarie Park House, 1 Wilberforce Road, Windsor - (73642, 95496) CONFIDENTIAL	35
LATE SUPPLEMENTARY REPORTS		37
Item: 383	GM - Code of Conduct Matter - DA 1252/03 & DA 0903/04 - (79351) CONFIDENTIAL	37
Item: 384	GM - Report of Code of Conduct Committee - Kurrajong Tree Removal - (79351) CONFIDENTIAL	38
SECTION 5 - Reports of Committees		39
ROC - E-Commerce/Markets Advisory Committee Minutes - 10 November 2005 - (91367)		39
ROC - Local Traffic Committee Minutes - 16 November 2005 - (80245)		39
QUESTIONS WITHOUT NOTICE		40

ORDINARY MEETING
MINUTES: 29 November 2005

Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 29 November 2005, commencing at 5:02pm.

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, P Rasmussen, R Stubbs, N Wearne and L Williams

APOLOGIES

Apologies for absence were received from Councillors Porter and Devine

RESOLVED on the motion of Councillor Wearne and seconded by Councillor Rasmussen that the apologies be accepted.

Councillor Porter arrived at the meeting at 5:25pm
Councillor Devine arrived at the meeting at 5:25pm

SECTION 1: Confirmation of Minutes

521 RESOLUTION:

RESOLVED on the motion of Councillor Finch and seconded by Councillor Conolly that the Minutes of the Ordinary Meeting held on the 15 November 2005, be confirmed.

522 RESOLUTION:

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

That Items 364 and 365 in the Business Paper be deferred until later in the meeting to allow Councillors Porter and Devine to be present as they were running late due to Council business.

ORDINARY MEETING
MINUTES: 29 November 2005

SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 363 GM - Sponsorship Support for the 2006 Rescue Expo - (79351, 79356)

MOTION:

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

Refer to RESOLUTION

523 RESOLUTION:

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

That Hawkesbury City Council financially support the 2006 Rescue Expo, with up to \$10,000 in-kind goods and services to be provided to the organising committee for the event.

CITY PLANNING

Item: 364 **CP - Floodplain Risk Management Committee - (86589, 95498)**

Mr Frank Scharfe, respondent, addressed the Committee

MOTION:

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

Refer to RESOLUTION

524 RESOLUTION:

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

That:

1. The Floodplain Risk Management Committee be suspended, forthwith.
2. Council delegate responsibility of all functions of this Committee to the General Manager, pending:
 - a. Receipt of the approval of the Minister of Local Government authorising members of the Committee and Council, who have a pecuniary or conflict of interest to participate in voting on matters pertaining to floodplain management.
 - b. Reconstitution of the Committee, which should be, progressed as a matter of urgency, cognisant of the pecuniary of interest provisions of the Local Government Act, 1993.

Item: 365 **CP - Three Town Sewer Project - (95498)**

Previous Item: NM 2, Ordinary - (15 November 2005)

Mr Frank Scharfe, respondent, addressed the Committee

MOTION:

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

Refer to RESOLUTION

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

That:

1. Investigations into alternatives to replace the pump-out service, with new on-site systems be carried out.

ORDINARY MEETING
MINUTES: 29 November 2005

2. The current sullage contractors be asked to provide estimates of the likely cost of the pump-out service after the three towns sewerage system.
3. Council continue to pursue Sydney Water and the Minister to bring forward the commencement of the three towns sewerage system.
4. Council investigate the possibility of funding the construction of Three Towns Sewerage in the short-term until Council can seek reimbursement of the funds from the State Government.
5. Council seek the support of WSROC in relation to this matter.

The amendment was lost.

The motion was put and carried

525 RESOLUTION:

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

That:

1. Council refer this report to the Three Towns Sewerage Committee as a matter of urgency.
2. Council continue to pursue Sydney Water and the Minister to bring forward the commencement of the three towns sewerage system.

Item: 366 CP - Growth Centres - (95498)

MOTION:

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

Refer to RESOLUTION

526 RESOLUTION:

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

That Council nominate Councillor Bassett to be its representative on the North West Sector Growth Centres Commission Executive Committee, along with the General Manager.

COMMERCIAL STRATEGY

Item: 367 CS - E-Commerce/Markets Advisory Committee - (95497, 91367)

Mr Barry Crockford, proponent, addressed the Committee
Mr Frank Scharfe, respondent, addressed the Committee

MOTION:

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

Refer to RESOLUTION

527 RESOLUTION:

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

That:

1. The minutes of e-Commerce/Markets Advisory Committee of the meeting held on 10 November 2005 be received.
2. In-principle support for a local community loyalty program is given by Council through the facilitation of an information evening for local businesses.
3. A strategic alliance be sought with the University of Western Sydney (UWS) for the purpose of evaluating integrated working arrangements with the Department of Defence and to conduct a master plan for a possible technology park business precinct. Strategic alliances be also sought with the Department of Defence and with the private sector as appropriate for the purpose of facilitating workable arrangements arising under this initiative with amount of up to \$40,000 plus incidentals being set aside from the local economic development budget for the procurement of resources as necessary. Progress on this matter be further reported to Council via the Strategic Planning Committee.
4. Quotations be obtained for the purpose of conducting a detailed economic study to provide the information necessary for effective strategic planning and to assist Council in the development of local job opportunities with the matter to be reported further to Council and Council explore working with WSROC in relation to its proposals for attracting further businesses to Western Sydney.
5. Point 1.6.2 of Council's Signage Policy be amended to also permit the use of the word 'Historic' and the inclusion of the traditional Hawkesbury City Council Crest.
6. Implementation of Council's signage policy be continued. Respondents be advised of the outcome of the signage policy review and the available options for exploring history-heritage signs in the area in accordance with Council's signage program, in conjunction with the NSW Tourist Signposting Policy of the Road and Traffic Authority, and if it so wished, to pursue such options together with Council.

ORDINARY MEETING
MINUTES: 29 November 2005

EXTERNAL SERVICES

Item: 368 **ES - Subdivision - Torrens Title - 2 Lot Subdivision, Lot B DP 416222 Vol 10354 Fol 243, 1027 Grose Vale Road, KURRAJONG NSW 2758 - (95494, 96329, 18850, DA0048/05)**

MOTION:

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

Refer to RESOLUTION

528 RESOLUTION:

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

That the matter be deferred until the next meeting.

Item: 369 **ES - Change of Use - Additional Commercial Uses in Conjunction with Hawkesbury Gas - Lot 11 DP 621493 Vol 14808 Fol 46, 299 Castlereagh Road, Agnes Banks NSW 2753 - (95494, 96329, 88870, 88871, 24525)**

Mr Phillip Griffin, Mr Denis Grane and Ms Vicki Roberts, proponents, addressed the Committee
Mr Graham Zerk, respondent, addressed the Committee.

MOTION:

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

Refer to RESOLUTION

529 RESOLUTION:

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

That the application for the use of the premises for commercial offices, professional and commercial chambers and homemaker showroom be approved as a Deferred Commencement Consent subject to the following conditions:

1. Upon compliance with the condition 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 12 (twelve) months from the date of this consent unless all conditions appearing in Schedule 1 have been complied with.

ORDINARY MEETING

MINUTES: 29 November 2005

Schedule 1

1. The submission to and approval of a car parking plan by Hawkesbury City Council. The plan is to provide 24 (twenty four) car parking spaces in accordance with Hawkesbury Development Control Plan - Car Parking Chapter, including provision for no parking signs on the south-eastern portion of the site. Additional car parking is to be located along the northern boundary of the site and designed to retain the existing trees at the rear of the property. The car parking plan is to include the provision for no parking signs along the rear gravel area.
2. The submission and approval of a landscaping plan. The landscape plan shall include a variety of trees, shrubs and ground cover and include species native to the locality. This plan shall address screening of the development to adjacent properties.
3. The submission and approval of details demonstrating that the existing pump out septic system is adequate to cater for the intended maximum usage of the site. These details shall include, but not be limited to, the capacity of the existing tank.
4. The submission of evidence that an agreement has been entered into with respect to the disposal of wastewater by a private contractor.
5. The submission and approval of a report on the compliance or otherwise of the building with the Building Code of Australia, prepared by a suitably qualified person, and addressing essential services and sound transmission. This report shall also make recommendations as to what works (if any) are required to ensure persons are adequately protected in the event of a fire.

Schedule 2

General

6. This consent approves the use of the premises for offices, professional and commercial chambers and/or a homemakers showroom, but excluding a veterinary practice, only in accordance with the conditions included herewith.
7. 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.
8. The approved use shall not commence until all conditions of this Development Consent have been complied with.
9. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
10. The development shall comply with the provisions of the Building Code of Australia at all times.
11. The development shall comply with the Environmental Planning and Assessment Act, 1979 at all times.
12. 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.

Prior to Issue of Construction Certificate

13. Construction of the access, car park, drainage, filling and retaining walls are not to commence until three (3) copies of the plans and specifications of the proposed works are submitted to and approved by the Director of External Services or an Accredited Certifier.

ORDINARY MEETING
MINUTES: 29 November 2005

14. Payment of a Construction Certificate checking fee of \$154.00 and a Compliance Certificate inspection fee of \$277.00 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.

Prior to Commencement of Works

15. 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.
16. 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.
17. 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.
18. 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.
19. 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

20. 24 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.
21. Disabled parking shall be provided in accordance with AS2890.1-1993.
22. No trees are to be removed without the approval of Council.
23. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
24. 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.
25. 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.

ORDINARY MEETING
MINUTES: 29 November 2005

- (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.
26. 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.
27. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.

Prior to Issue of Occupation Certificate

28. Compliance with all conditions of this development consent.

Use of the Development

29. The site and premises shall be used only for:
- offices,
 - professional and commercial chambers, and
 - homemakers showroom limited to the display and/or sale of kitchens, bathrooms and home improvement products.

This consent does not give approval for manufacturing and excludes veterinary practices.

30. The use of Area 2 shall be limited to storage of vehicles and equipment only in conjunction with a tenant/s occupying Area 3. No manufacturing machinery is to be operated in Area 2.
31. No internal or external alterations shall be carried out without prior approval of Council.
32. 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
- 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.
33. Operating hours shall be limited to 7:00am to 6:00pm Monday to Saturday.
34. A maximum of 15 full time equivalent occupants/employees are to operate from the site.
35. 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.
36. No advertising signs or structures shall be erected, displayed or affixed on any building or land without prior approval.
37. The subject development, including landscaping, is to be maintained in a clean and tidy manner.
38. All work and the storage of goods or materials shall be confined within the building or approved areas at all times.
39. All vehicles shall be driven in a forward direction at all times when entering and leaving the premises.
40. All waste materials shall be regularly removed from the property.

ORDINARY MEETING

MINUTES: 29 November 2005

41. All receipts for the removal of wastewater from the approved wastewater management system by the private contractor are to be retained and copies presented on request by Council officers.
42. That development consent DA215/85 be surrendered.

Advisory Notes

- *** The applicant shall make themselves aware of the Discrimination Against People with Disabilities Act (DDA) and assess their responsibilities and liabilities with regards to the provision of access for all people.
- *** 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.

Item: 370 **ES - Application to Modify Development Consent 1150/04 - Demolish Existing Structures and Construct an 18 Hole Golf Course and Club House, Lot 1 DP 546915, Lot 2 DP 546915 , 329 Pitt Town Road, Pitt Town NSW 2756 - (DA1150/40, 95494, 96329, 87254, 88676)**

Previous Item: 289, Ordinary (27 September 2005)

MOTION:

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

Refer to RESOLUTION

530 RESOLUTION:

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

That Development Consent 1150/04 be amended by replacing all conditions in Schedules 1 and 2 with the following schedules:

Schedule 1

A Construction Management Plan (CMP) is to be provided and approved by Council. The CMP shall include matters relating to buildings, earthworks, roads, car parking, drainage, wetlands, effluent, dams, vegetation removal and retention, the requirements of Sydney Water and DIPNR and landscaping.

ORDINARY MEETING

MINUTES: 29 November 2005

Schedule 2

General Conditions

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
3. The approved use shall not commence until all conditions of this Development Consent have been complied with.
4. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
5. The development shall comply with the provisions of the Building Code of Australia at all times.
6. The development shall comply with the Environmental Planning and Assessment Act, 1979 at all times.
7. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within 7 (seven) days of issuing the certificate. A registration fee applies.
8. Hawkesbury City Council is the sewer authority for this development, inspection for compliance certification for internal and external sewer drainage shall be requested and approved prior to covering any pipe. An inspection fee applies.
9. All vegetative debris (including felled trees) resulting from the approved clearing of the site for construction, is to be chipped or mulched. Tree trunks are to be recovered for posts, firewood or other appropriate use. No vegetative material is to be disposed of by burning.
10. All the recommendations contained with the various reports that accompanied the application are to be implemented and undertaken.

Prior To Issue Of Construction Certificate

11. 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.
12. Construction of the road, access, car park, drainage, dam, filling 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 Council or an Accredited Certifier.
13. Details of any fill material removed from or imported to the site shall be submitted with the engineering plans. Details to include quantities, borrow sites or disposal sites.
14. A Traffic Guidance Scheme prepared in accordance with AS 1742-3 (1996) by an appropriately qualified person shall be submitted to Council. Where the works affect Roads and Traffic Authority controlled roads, the Traffic Management Plan is to be approved by the Roads and Traffic Authority before submission to Council.
15. A Sewer Management Facility System application shall be submitted to and approved by Council.
16. Submission of external finishes and colour for the proposed buildings.

ORDINARY MEETING

MINUTES: 29 November 2005

17. Submission of the necessary approvals as required by the Department of Infrastructure, Planning and Natural Resources.

Prior to Commencement of Works

18. The site including Lynwood and remnant silos and dairy buildings are to be photographically recorded to the levels specified by the NSW Heritage Office "Guidelines for Photographic Recording of Heritage Items". Two copies of this record shall be lodged with Council.
19. A stabilisation plan is to be prepared and submitted for Council approval of Lynwood prior to the commencement of works on the site. and Stabilisation works on Lynwood are to be carried out prior to the issue of the occupation certificate for the golf course, club house and facilities.
20. A site remediation plan (SRP) is to be prepared by a qualified person. The contaminated parts of the site are to be remediated in accordance with the SRP prior to the commencement of works.
21. All traffic guidance devices shall be installed and maintained in accordance with the approved traffic Guidance Scheme.
22. A waste management plan shall be submitted to and approved by Council. The plan shall address any builder's waste and waste generated during the day to day operation of the development. Particular attention shall be paid to type and quantity of waste, recycling, reuse, storage and disposal.
23. 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.
24. 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.
25. 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.
26. 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.
27. 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.
28. 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.
29. A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Principal Certifying Authority prior to any works commencing on site.

ORDINARY MEETING

MINUTES: 29 November 2005

During Construction

30. Dams shall be constructed in accordance with the Dam Construction chapter of Hawkesbury Development Control Plan.
31. 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.
32. A bund wall shall be provided around the site in order to help direct runoff away from the disturbed excavation/landfill areas. Design details are to be submitted to and approved by Council.
33. Screen walls or fences are to be complimentary in both colour and finish with the building on the site, plus any wire mesh fences required to contain golf balls adjacent to the boundaries of the site are to be incorporated into an approved landscaping plan.
34. Any water tanks, outbuildings or other ancillary structures shall be finished in colours and materials of earth tones of low reflective quality to blend in with the bushland.
35. Any part of the building to be used for food preparation shall comply with Council's Code for the Fitting out of Food Premises.
36. A physical barrier is to be provided between public spaces, vehicular accessways, parking areas and the surrounding landscaped area.
37. No excavated material, including soil, shall be removed from the site, except as required by the Site Remediation Plan at condition 20 of this consent.
38. The site shall be secured to prevent the depositing of any unauthorised material.
39. 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.
40. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
41. All trucks entering or leaving the site shall have their trays suitably covered to prevent spillage from the truck onto the road.
42. 204 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. The two car parks shall be linked so that each can be accessed from Pitt Town Bottoms Road. Details of this to be submitted to Council for approval. Access via Pitt Town Road is to be designed and signposted for service vehicles only.
43. Disabled parking shall be provided in accordance with AS2890.1-1993.
44. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
45. 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.
46. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:

ORDINARY MEETING

MINUTES: 29 November 2005

- (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.
47. At all times during demolition, a competent person shall directly supervise work. It is the responsibility of the person to ensure that:
- (a) Adjoining owners are given 24 (twenty four) hours notice, in writing, prior to commencing demolition.
 - (b) Utility services within the structure not required to be maintained during the demolition work shall be properly disconnected and sealed before any demolition commences.
 - (c) The site shall be secured at all times against the unauthorised entry of persons or vehicles.
 - (d) Safe access and egress from adjoining buildings is to be maintained at all times for the duration of the demolition work.
 - (e) Precautions are taken to ensure that the stability of all parts of the structure and the safety of persons on and outside the site are maintained, particularly in the event of sudden and severe weather changes.
 - (f) The structure and all components shall be maintained in a stable and safe condition at all stages of the demolition work.
 - (g) Demolition activity shall not cause damage to or adversely affect the structural integrity of adjoining buildings
 - (h) Removal of dangerous or hazardous materials shall be carried out in accordance with the provisions of all applicable State legislation and with any relevant recommendations published by the National Occupational Health and Safety Commission (Worksafe Australia).
 - (i) All work shall be carried out in accordance with AS2601 and the Work Plan submitted with the development application.
 - (j) Unless otherwise permitted by Council, the structure is to be demolished in reverse order of construction, being progressive and having regard to the type of construction, to enable the maximum separation and recycling of demolished materials to take place.
 - (k) No material is to be burnt on site.
48. 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;

ORDINARY MEETING

MINUTES: 29 November 2005

- 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;
49. Council records indicate that the building site is at a level of approximately 14.3 metres AHD. All materials used in the construction below the level of 17.3 metres AHD shall be capable of withstanding prolonged immersion in water without swelling or deteriorating.
50. Provision shall be made for access to the buildings with adequate aids provided for those with disabilities (i.e. mobility, hearing, site impaired) in accordance with the Discrimination Against People with Disabilities Act (DDA), Building Code of Australia and Council's Access Policy.
51. 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.
52. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification. In respect of intersection works plans are to be approved by the Roads and Traffic Authority before submission to Council.
53. 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.
54. All works shall be in accordance with the approved Construction Management Plan.
55. Topsoil shall be stripped and stockpiled and used to cover the landfill.
56. Filled areas, including batters, shall be grassed immediately after filling takes place.
57. All fill to be adequately compacted by track rolling or similar in layers not exceeding 300mm.
58. The landfill shall be completed in stages to minimise the area exposed at any one time. Each section is to be stabilised by grassing immediately prior to moving onto the next section.
59. Vehicle entrances and exits shall be clearly signposted, including street number, and visible from both the street and site at all times.
60. All natural and subsurface water-flows shall not be re-directed or concentrated to adjoining properties. Water flows shall generally follow the original flow direction without increased velocity.
61. Any sewer or stormwater main or manhole affected by the development, shall be repaired or altered in level as so directed at the applicant's expense.
62. 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.
63. Arrangements are to be made for the provision of common drainage and the disposal of storm water from the site.
64. Water quality control devices and energy dissipaters shall be constructed at the point of discharge of stormwater from the site.
65. Any fencing across the overland flow path shall be constructed so as not to impede the 1 in 100 year storm water flow.

ORDINARY MEETING

MINUTES: 29 November 2005

66. 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.
67. The road shoulders and full width sealed pavement of Pitt Town Bottoms Rd shall be constructed for a maximum width of 6 metres wide carriageway for a distance of 300 metres from the Pitt Town Rd intersection, where is not currently the case.
68. Existing watercourses within the property are to be generally maintained on their current alignment flowpath.
69. A dual heavy duty layback and footway vehicular crossing shall be constructed off Pitt Town Bottoms Road to service the proposed Clubhouse and carpark based on the following specification:
 - Separation of entry and exit driveways one to one to three metres.
 - Entry driveway width six metre.
 - Exit driveway width 4 metres.
70. A heavy duty layback and footway vehicular crossing six metres wide to be constructed off Pitt Town Road used for service vehicles.

Prior to Issue of Occupation Certificate

71. Noise from the excavation and construction should be managed so that offensive noise as defined by the Protection of the Environment Operations Act 1997 does not occur at any sensitive receiver (i.e, residential property boundary).
72. 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.
73. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
74. A conservation management plan is to be prepared and submitted to Council for approval of Lynwood prior to the issue of an occupation certificate.

This plan is to detail works required to conserve the building into the future and is to provide a list of appropriate uses that could be applied to the building.
75. The applicant shall submit a report from a suitably qualified Engineer which verifies the following:
 - (a) Any damage to the proposed structure sustained in a flood will not generate debris capable of causing damage to downstream buildings or property.
 - (b) Any part of the structure at or below the 1 in 100 year flood level will be able to withstand the force of floodwaters (including buoyancy forces) and the impact of debris.
 - (c) All finishes, plant fittings and equipment subject to inundation will be of materials and functional capability resistant to the effects of floodwaters.
76. A flood warning sign of durable material shall be permanently fixed in a prominent location within the site. The sign shall advise occupants that the site may subject to inundation during times of flood.
77. A copy of the suitable Fire Safety Statement shall be submitted to Council and the NSW Fire Brigade. In addition, the Fire Safety Statement along with the current Fire Safety Schedule shall be prominently displayed in all buildings.

ORDINARY MEETING
MINUTES: 29 November 2005

78. The creek crossing is to be certified on completion by a suitably qualified and experienced Structural Engineer.
79. Works as executed plans shall be submitted to Council on completion of the works for the Golf Course. The Plan is to include the location of the natural watercourses that traverse through the property.
80. The recommendations and works required in the reports submitted with the Development Application be undertaken. This is to include the stabilisation works for "Lynwood".
81. The works required by the approved Site Remediation Plan under schedule1 are to be undertaken, and a report from a suitably qualified reviewer in accordance with the Contaminated Land Management Act 1997 is to be submitted to confirm all the works have been carried out at the appropriate standard and the land is now suitable for the proposed use as a Golf Course.

Use of the Development

82. No internal or external alterations shall be carried out without prior approval of Council.
83. 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.
84. Any part of the building to be used for food preparation shall be registered with Council as Food Premises.
85. 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.
86. No advertising signs or structures shall be erected, displayed or affixed on any building or land without prior approval.
87. No advertising signs or structures shall be displayed on the footpaths, pedestrianways, roadways or on any land other than the approved development site.
88. The subject development, including landscaping, is to be maintained in a clean and tidy manner.
89. 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.
90. All waste materials shall be regularly removed from the property.
91. The hours of operation of the golf club house shall be between 10am and 10pm daily with the function room permitted to open until midnight on Friday and Saturday nights. The golf course shall operate between the hours of 7am to Sunset.
92. The access driveway in Pitt Town Road is only to be used by service vehicles and suitably sign posted.

Roads and Traffic Authority

93. A northbound left turn lane is to be provided on Pitt Town Road for vehicles turning into Pitt Town Bottoms Road.

ORDINARY MEETING
MINUTES: 29 November 2005

94. An auxiliary right turn lane is to be provided in Pitt Town Road on the southbound carriageway for cars turning into Pitt Town Bottoms Road.
95. The secondary access of Pitt Town Road is for service vehicles only and not for traffic associated with the golf driving range unless further auxiliary lanes are constructed in this section of Pitt Town Road. (Note: the recommendation for the development consent requires the driving range access to be incorporated into the main Pitt Town Bottoms Road access.
96. The design and construction of the roadworks to be in accordance with RTA requirements.

Department of Planning Infrastructure and Natural Resources

97. In accordance with the Environmental Planning and Assessment Act 1979 and Regulation 1994 (as amended) the Department of Infrastructure, Planning and Natural Resources (DIPNR) has an approval role in relation to Development Application 1150/04 (the DA) lodged with Hawkesbury City Council (Council).
98. A permit issued under Part 3A of the Rivers and Foreshores Improvement Act 1948 (R&FI Act) is required to carry out certain works, including **excavations**, on in or under "protected land". "Protected land", for the purposes of this DA, is land and material that is in, or within 40 metres of the top of the bank or shore of, "protected waters", and within land referred to hereinafter as "**the site**", being: **Lots 1 - 3, DP 546915, otherwise known as 329 Pitt Town Rd, Pitt Town, NSW, 2756.**
99. "Protected waters" include the watercourses within the Site, known as;
 - Pitt Town Lagoon - the agreed lagoon extent as described by Aerial Photograph Interpretation (API) supplied to DIPNR on 28 May 2004; and,
 - An unnamed tributary of Pitt Town Lagoon located in the north-eastern area of the Site and described as "Stream One".

Pursuant to Part 3A of the R&FI Act, DIPNR, having reviewed the documentation associated with the DA, proposes to grant an approval for the DA, subject to conditions. DIPNR's General Terms of Approval, for inclusion as conditions of consent, are set out below:

Requirement for Permit

100. 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

101. 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.
102. 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.**
103. 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

ORDINARY MEETING
MINUTES: 29 November 2005

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

104. 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 authorised to be so affected, such work shall cease immediately upon oral or written direction of such officer.
105. 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

106. 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

107. 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.
108. 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

109. 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).

Bulk Earthworks – Protected Waters

110. A *Works Plan* (WP) for bulk earthworks is to be prepared, based on an understanding of stream dynamics and environmentally sensitive stream rehabilitation practices.

The WP is to include:

- a) Plan(s) showing details on the following: existing and proposed protected waters,, riparian zones, vegetation, geomorphic features (including top of bank, bank and toe of bank) and any other relevant feature (structures, services, utilities, etc.)
- b) Representative cross-sections of protected land and protected waters and riparian zones, showing both existing and proposed ground surface levels. The cross sections must fully represent the variety of landforms associated with the proposal. The locations of the cross sections are to be shown on the above-required plan(s)
- c) A longitudinal section of existing and all proposed protected waters in sufficient detail to identify any changes in bed level and hydraulic features (i.e. pools, riffles, shallows, headcuts, etc.).

ORDINARY MEETING

MINUTES: 29 November 2005

- d) Detailed designs of any stabilisation works and how they are to be undertaken. All proposed stabilisation works are to be of soft engineering design and must incorporate natural stream features (eg pools, riffles, shallows, meanders, low flow channel) commensurate with the local geomorphic, hydrologic and hydraulic conditions
 - e) Details on the staging or sequencing of the proposed works
 - f) Contingency measures in the event of flooding during construction
 - g) Cross-referencing to other "plans" required by these conditions, where appropriate
111. The surface of all excavated areas shall be progressively graded to a smooth and even slope free from holes or ridges. Slope drainage and grades are to be as shown on the plans accompanying the Part 3A permit. Batter slopes are not to be steeper than a grade of 1V:3H, unless indicated otherwise on the plans accompanying the Part 3A permit. Slopes are not to be at grades steeper than those satisfactory to Council in relation to public safety.

"Stream One" – Re-alignment and Rehabilitation

112. Due to the presently degraded state of the watercourse described as "Stream one", DIPNR will accept the re-alignment and rehabilitation of this watercourse in accordance with *Draft Guidelines for Watercourse and Riparian Area Planning and Design – Version 3* (Attachment A).
113. The design of the watercourse must incorporate the natural watercourse and riparian area form and match the local hydrologic and hydraulic conditions. The downstream end of the watercourse, prior to its entry into the lagoon, must be maintained as an overland flow path to emulate the natural situation and must not be defined or channelised. Any re-alignment must not split the stream into two paths. The designs and methods of construction are to be included in the WP.

Water Quality Treatment Basins

114. Any water quality treatment basins are to be designed and constructed to ensure minimal impact on the watercourses, identified riparian zones and natural flow regimes. For any part of such basins located on protected land, the designs and methods of construction are to be included in the WP and the rehabilitation of any affected riparian zones is to be included in the VMP.

Stormwater Outlet

115. 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 are to be designed in accordance with the DIPNR guideline: *Stormwater Outlet Structures to Streams (For pipes, culverts, drains and spillways - Version 1)* (Attachment B).
116. 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. The designs and methods of construction are to be included in the WP.

Scour Protection

117. 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 the WP.

ORDINARY MEETING

MINUTES: 29 November 2005

118. 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.
119. 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.
120. 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.
121. Wire mesh structures and concrete grouting are not permitted for use with rip rap scour protection unless specifically approved by DIPNR.

Crossings – General Requirements

122. 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 C).

"Stream One" - Crossings

123. Detailed designs of the proposed "Stream One" watercourse crossings and any necessary scour protection works within the riparian zones, and the bed and banks of protected waters are to be prepared. The designs must include a surveyed representative cross section and long section of each structure showing existing and proposed ground surface and water levels. The sections are to extend 10m beyond each structure. The designs and methods of construction are to be included in the WP and rehabilitation in the VMP.

Accessways

124. 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 1* (Attachment D).
125. 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

126. 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

127. 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.

ORDINARY MEETING

MINUTES: 29 November 2005

Peg Out Survey and Exclusion Fencing – after completion of bulk earthworks

128. Following the completion of bulk earthworks at the Site, a registered surveyor must undertake a "peg out survey". The survey must clearly show on the ground the location and extent of the riparian zones described in these conditions, via the use of pegs and clearly visible, durable and appropriately signposted exclusion fencing. DIPNR must inspect and approve the "peg out survey" and fencing prior to the release of any cash bond or bank guarantee associated with the earthworks or structures at the Site.

Designation of Riparian Zones

129. 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) **Pitt Town Lagoon** - 40 metres measured from the edge of the agreed lagoon extent, and in accordance with the footprint shown on the Proposed Revegetation Plan, by Marten and Associates Pty Ltd, dated 7/2/05, or similar plan, provided it is approved by DIPNR prior to the issue of the Part 3A Permit.
 - b) **"Stream One"** - minimum total width of 20 metres.
130. 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)

131. Site rehabilitation and maintenance is to be carried out in accordance with a VMP.
132. 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 E).
133. 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

134. 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.

ORDINARY MEETING

MINUTES: 29 November 2005

135. The riparian zones so restored are to consist of a diverse range of native plant species local to the area and are to consist of species and communities that emulate the original natural situation. Planting structure and densities are to be as follows:

a) **Pitt Town Lagoon**

Vegetation structure, design, and densities appropriate to restore the natural wetland and terrestrial ecotone of the lagoon. To be finalised in consultation with, and with the approval of, DIPNR prior to the issue of the Part 3A Permit.

b) **“Stream One”**

Fully structured vegetation (i.e trees, shrubs and groundcovers). Densities of at least 1 tree or 1 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.

136. 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.

Physical Barrier to be placed at Landward Edge of Riparian Zones

137. To prevent inadvertent damage to riparian zones, a physical barrier is to be placed at their landward extent in all locations where mowing or slashing of adjacent areas is likely.

Maintenance of Rehabilitated Areas within Riparian Zones

138. 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

139. 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

140. 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.
141. DIPNR is to be advised of the person responsible for any seed or vegetative propagation prior to the commencement of propagation.

ORDINARY MEETING

MINUTES: 29 November 2005

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

142. 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.
143. 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.

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

144. 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.
145. Works and activities must not compromise the implementation of the VMP in any way.

Bushfire Asset Protection Zones not to Compromise Riparian Zones

146. 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

147. 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.
148. 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

149. 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

Documentation arising from this testing and certification must be provided to DIPNR prior to the placement of any soil.

150. 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.
151. 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.

ORDINARY MEETING

MINUTES: 29 November 2005

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

152. 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.

Water Quality and Environmental Protection

153. 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

154. 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.
155. 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.
156. 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

157. 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

158. 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

159. 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) complete implementation of all stages of all works within protected waters and riparian zones, including maintenance requirements and decommissioning of any temporary works, as described in the WP

ORDINARY MEETING
MINUTES: 29 November 2005

- b) construction of "Stream One" watercourse crossings as described in the WP.
- c) construction of any stormwater outlets and their revegetation as described in the WP and VMP
- d) construction of any scour protection works and their revegetation as described in the WP and VMP
- e) implementation of the VMP, including monitoring, reporting and maintenance for a period of not less than two years after the date of final planting
- f) construction of any accessways in any riparian zones

Security Deposit

- 160. 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.
- 161. 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 F**.
- 162. 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.
- 163. 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.
- 164. 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

- 165. 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

- 166. 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

- a) A Part 3A permit, subject to conditions, will be issued for the proposed works upon application.

ORDINARY MEETING

MINUTES: 29 November 2005

- b) 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.
- 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
- c) 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.
- d) 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.
- e) 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.
- f) 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.
- g) 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.
- h) 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.

Sydney Water

167. Any works being undertaken near the water main is to comply with Sydney Water's Guidelines for Building over/adjacent to Sydney Water Sewers.

Advisory Notes

- The applicant shall make themselves aware of the Discrimination Against People with Disabilities Act (DDA) and assess their responsibilities and liabilities with regards to the provision of access for all people.
- Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.
- 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.
- The applicant is advised to consult with:

ORDINARY MEETING

MINUTES: 29 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 development. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.

Item: 371 ES - S.96 Modification Application - Removal of two internal walls, Lot 2, DP 844715, 35 Elizabeth Street, North Richmond NSW 2754 - (95494, 85027, DA0374/02)

Mr Peter Hanns, proponent, addressed the Committee

MOTION:

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

Refer to RESOLUTION

531 RESOLUTION:

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

That Development Consent DA 374/02 be amended in the following manner:

Amend Condition 1 to read:

1. To confirm and clarify the terms of this approval, the development shall be carried out in accordance with the approved stamped plans submitted with Development Application No. 0374/02, s.96 Modification Application No. DA 0374/02AA, s.96 Modification Application No. DA 0374/02B and any supportive documentation, except as otherwise provided by the conditions of this consent

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

Insert New Condition:

- 38a. The existing front façade is to be suitably protected and stabilised with the works associated with the demolition of the two (2) internal walls located adjacent to the entry of Unit 2. This is to be carried out in accordance with the recommendation of the report by "Residential Engineering - Consulting Engineers" dated 1 November 2005.

INFRASTRUCTURE SERVICES

Item: 373 **IS - War Memorials in the Hawkesbury - (79346)**

Previous Item: NM1, Ordinary (27 September 2005)

MOTION:

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

Refer to RESOLUTION

532 RESOLUTION:

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

That:

1. The criteria for names be added to a war memorial, identified by the sub branches and outlined within the report, be adopted as a Council policy.
2. The Sub branches continue the role of filtering through potential names and once confirmed a letter be forward to Council requesting that the name/s be added to a memorial.
3. The costs of adding any new name to a memorial to be shared equally between the appropriate sub branch and Council.

Item: 374 **IS - McMahon Park - (79346, 73564, 80247, 73611)**

Previous Item: Ordinary (11 June 2002)

Mr Colin Tindale and Mr Craig Wallace, respondents, addressed the Committee

MOTION:

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

Refer to RESOLUTION

533 RESOLUTION:

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

That:

1. The information be received.

ORDINARY MEETING
MINUTES: 29 November 2005

2. Any Council funded capital works for McMahon Park is to be prioritised by the Hawkesbury Sports Council and then funded from the Hawkesbury Sports Council capital works budget.
3. Discussion be held between all stakeholders and Council to clarify point 2 of the Memorandum of Understanding.
4. Council recognise the hard work and dedication of the volunteers that comprise the McMahon Park Management Association and the volunteers of the Hawkesbury Sports Council.

Item: 375 IS - Prohibiting Consumption of Alcohol in Public Parks (79346, 37608)

MOTION:

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

Refer to RESOLUTION

534 RESOLUTION:

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

That:

1. That the consumption of alcohol be prohibited at Memorial Park Windsor, in accordance with Section 632 of the Local Government Act.
2. Appropriate signage be placed at Memorial Park.
3. Windsor Police be informed of Council's decision.

SUPPORT SERVICES

Item: 376 SS - Formalisation of Easement - Bowen Mountain - (95496, 95908, 95909, 73947)

MOTION:

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

Refer to RESOLUTION

535 RESOLUTION:

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

That:

1. Council proceed with the proposal to formalise the easement to drain water across Lots 413, 414, 429 and 430 in Deposited Plan 210304.
2. The width of the easement remain at 3.66 metres wide as originally proposed.
3. All costs associated with the formalisation of the easement be borne by Council.
4. The owners of the affected properties be required to execute the Section 88b Instrument in accordance with the Conveyancing Act, 1919.
5. Authority be given for any documentation in association with this matter be executed under the Common Seal of Council.

Item: 377 SS - Monthly Investments Report - October 2005 - (96332)

MOTION:

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

Refer to RESOLUTION

536 RESOLUTION:

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

That the information be received.

ORDINARY MEETING

MINUTES: 29 November 2005

SUPPLEMENTARY REPORTS

Item: 382 **IS - Vegetation Mapping of the Hawkesbury LGA - Tender Evaluation Report - (95495, 96331)**

Previous Item: 294, Ordinary (27 September 2005)

Ms Robyn Woods, respondent, addressed the Committee only on the matter of going into confidential session or not, before it went into Closed Session.

MOTION:

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

Refer to RESOLUTION

537 RESOLUTION:

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

That the matter be deferred to the next meeting.

CONFIDENTIAL REPORTS

538 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen, 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: 378 ES - Land and Environment Court Appeal - 7 London Place, Grose Wold
Item: 379 IS - Supply and Lay Asphaltic Concrete
Item: 380 SS - Lease to Dalby - Shop 5, Glossodia Shopping Centre
Item: 381 SS - Lease to Mr Frank Taranto - Macquarie Park House, 1 Wilberforce Road, Windsor
Item: 383 GM - Code of Conduct Matter
Item: 384 GM - Report of Code of Conduct Committee - Kurrajong Tree Removal

*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*
 - (e) information that would, if disclosed, prejudice the maintenance of law*
 - (f) matters affecting the security of the Council, Councillors, Council staff or Council property.*
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*
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.

539 RESOLUTION:

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

ORDINARY MEETING
MINUTES: 29 November 2005

Item: 378 **ES - Land and Environment Court Appeal - 7 London Place, Grose Wold - (95494, DA0747/03) CONFIDENTIAL CONFIDENTIAL**

Councillor Books declared an interest in this matter as he worked on the road for the original subdivision, he left the meeting and did not take part in voting or discussion on the matter.

MOTION:

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

Refer to RESOLUTION

540 RESOLUTION:

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

That Council's solicitors be instructed:

1. To agree to Consent Orders in the land Environment Court to approve the modification subject to additional conditions recommended by Council's consultants and negotiated by the parties.
2. That either the applicant agree to pay Council's costs or a Motion be filed with the Court for costs.

Item: 379 **IS - Supply and Lay Asphaltic Concrete - (79344) CONFIDENTIAL**

MOTION:

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

Refer to RESOLUTION

541 RESOLUTION:

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

That:

1. The schedule of rate tender submitted by Bernipave for the supply and placement of Asphaltic Concrete for Pothole Patching, Part A at \$203.00 per hour be accepted and be executed under the seal of council.
2. The schedule of rate tender submitted by Bernipave for the supply and placement of Asphaltic Concrete deep lift patching, Part B be accepted and be executed under the seal of council.
3. The schedule of rate tender submitted by Bernipave for the supply and placement of Asphaltic Concrete for Re-sheeting, Part C be accepted and be executed under the seal of council.

ORDINARY MEETING

MINUTES: 29 November 2005

Item: 380 SS - Lease to Dalby - Shop 5, Glossodia Shopping Centre - (95496, 90236, 90415)
CONFIDENTIAL

MOTION:

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

Refer to RESOLUTION

542 RESOLUTION:

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

That:

1. Council agree to enter into a new lease with Mr Tim Dalby, trading as Leading Edge Video, Glossodia, in regard to Shop 5 Glossodia Shopping Centre, for a period of two years with a two year option based on the details outlined within the report.
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 lessee together with the advice that Council is not and will not be bound by the terms of its resolution until such time as appropriate legal documentation to put such resolution into effect has been agreed to and executed by all parties.

Item: 381 SS - Lease to Mr Frank Taranto - Macquarie Park House, 1 Wilberforce Road, Windsor - (73642, 95496) CONFIDENTIAL

MOTION:

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

Refer to RESOLUTION

543 RESOLUTION:

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

That:

1. In view of the information contained in the report, Council not proceed with the proposal to construct an extension of Macquarie Park House at this stage.
2. Council enter a five year lease with a five year option of Macquarie Park House (1 Wilberforce Road, Windsor being Lot 1 in DP 883806) with Mr Frank Taranto at a commencing rental of \$14,500 per annum plus GST to be reviewed annually by CPI and by market rent review at the commencement

This is Page 35 of the Minutes of the ORDINARY MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor, on Tuesday, 29 November 2005

ORDINARY MEETING

MINUTES: 29 November 2005

of the option. The tenant would be required to lodge a Bank Guarantee or bond equivalent to three months rent and hold public liability insurance in the sum of \$10 Million and plate glass insurance.

3. The tenant is to be responsible for all outgoings, including but not limited to electricity, water, garbage disposal, rates, maintenance, not including structural maintenance. The tenant and Council would also be responsible for costs associated with the lease in accordance with the Retail Leases Act if applicable, otherwise the tenant will be responsible for this cost.
4. The lease also contain any other conditions considered appropriate by Council's solicitors.
5. The lease is subject to the final approval of the Minister for Lands.
6. Authority be given for any documentation in association with the matter to be executed under the common seal of Council.
7. Details of Council's resolution be conveyed to the proposed tenant 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.

LATE SUPPLEMENTARY REPORTS

Item: 383 GM - Code of Conduct Matter - DA 1252/03 & DA 0903/04 - (79351)
CONFIDENTIAL

Councillor Books declared an interest in this matter and left the meeting and did not take part in voting or discussion on the matter.

MOTION:

A MOTION was moved by Councillor Williams, seconded by Councillor Conolly.

That Council adopt the findings of the Conduct Committee and that the Councillor, who is the subject of the report, be counselled.

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

Refer to RESOLUTION

The amendment was carried.

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

544 RESOLUTION:

The General Manager advised that whilst in Closed Council, Council resolved on the motion by Councillor Stubbs, seconded by Councillor Calvert.

That:

1. Council adopt the findings of the Conduct Committee.
2. Council note that a briefing session will be organised in relation to the Code of Conduct and that the Councillor, who is the subject of the report, must attend the session.

545 RESOLUTION:

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

That the meeting continue past 11:00pm to complete the business paper.

ORDINARY MEETING
MINUTES: 29 November 2005

Item: 384 **GM - Report of Code of Conduct Committee - Kurrajong Tree Removal - (79351)**
CONFIDENTIAL

Councillor Paine declared an interest in this matter and left the meeting and did not take part in voting or discussion on the matter.

MOTION:

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

Refer to RESOLUTION

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

That the information be received.

The amendment was lost.

The motion was put and carried

546 RESOLUTION:

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

That

1. Council adopt the findings of the Conduct Committee
2. The Councillor referred to in the report be requested to attend a Counselling session as organised by the General Manager, by the end of February 2006.
3. The Councillor referred to in the report be required to submit a written apology to the Mayor and General Manager receiving it on behalf of the Councillors and/or staff adversely affected by the implications, prior to the next Ordinary Council meeting.

SECTION 5 - Reports of Committees

ROC - E-Commerce/Markets Advisory Committee Minutes - 10 November 2005 - (91367)

547 RESOLUTION:

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

That the minutes of the E Advisory Committee held on 10 November 2005 as recorded on pages 93 to 103 of the Ordinary Business Paper be received.

ROC - Local Traffic Committee Minutes - 16 November 2005 - (80245)

548 RESOLUTION:

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

That the minutes of the Local Traffic Committee held on 16 November 2005 as recorded on pages 104 to 112 of the Ordinary Business Paper be adopted.

549 RESOLUTION:

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

That a pedestrian refuge be placed on King Road, Wilberforce and added to Council's Works Program.

ORDINARY MEETING
MINUTES: 29 November 2005

QUESTIONS WITHOUT NOTICE

1. Councillor Paine referred to the Oasis Centre and asked what problems had been experienced with vandalism at the Centre.

The Director Infrastructure Services advised that there had been some problems and commented on an incident where ball-bearings had been flung through the windows, but other than that he wasn't aware of specifics.

2. Councillor Paine asked for a report to come back to Council on the total cost in relation to vandalism throughout the City.

The Director Infrastructure Services advised that a report would be provided to Council.

3. Councillor Paine referred to a brochure from Sid Kelly regarding 'Celebrate the West'. She advised that they were expecting 400 people at a celebratory lunch and this year they wanted to come to Hawkesbury to talk to the Council and to have some sort of video on what is going on in the Hawkesbury. The group has also asked if Council could nominate some people, in the Hawkesbury, who should be up there. Councillor Paine asked who the best person would be to follow this matter up with.

The General Manager advised he would follow up.

4. Councillor Williams asked when the work on Tennison Road would be complete, between Valley Way and the crossing.

The Director Infrastructure Services advised that there had been some work done previously when it was brought up to Council and there is more work to be done in this week. He advised that there is a report that will be coming back to Council in relation to extractive industry levy funds that were proposed to be utilised to reconstruct that part of the road.

5. Councillor Williams asked about a Service Station proposed for Kurrajong Heights.

The Director External Services advised she was not aware of any applications, but would investigate the matter.

6. Councillor Williams referred to the new 'No Stopping' signs in Baker Street, Windsor, next to Macquarie Arms and asked what the logic was for erecting these signs.

The Director Infrastructure Services advised the signs had been up for a few months and they were erected as the required site distance from the pedestrian crossing.

7. Councillor Williams referred to the sandwiches that are provided for the public at meeting break and asked if the number catered for could be increased from 20 as there were 36 people present.

The General Manager advised the matter would be investigated.

8. Councillor Finch referred to Question Without Notice number 8 from the Ordinary Meeting of 15 November 2005 and advised that she referred to Camp Baringa, not Camp Ingrid and asked for this to be changed.

ORDINARY MEETING

MINUTES: 29 November 2005

9. Councillor Finch referred to the cars that had been for sale and had noted that they were on the decrease at Kurmond, but there had been one Range Rover with painting on it that had been there for three weeks and asked if it could be investigated.

10. Councillor Rasmussen referred to Item 370 in the Business Paper and advised that there was a lagoon in the development and asked if we had to be listed or notified to the Department of Environment for migrating birds.

The Director External Services advised that this is a Federal Government matter.

11. Councillor Rasmussen referred to the Richmond Park proposal for upgrading, etc and asked if there was any idea on a timeframe for that.

The Director Infrastructure Services advised that the landscaping plans were on exhibition now and if there are no comments, it would be reported back to Council for adoption and it will then be up to funding.

Councillor Rasmussen asked if the expectation was for next year, if the funding was there.

The Director Infrastructure Services advised he wasn't sure when the closing date was for the exhibition period, if it was closed or about it to close, a report may be able to come to the next meeting, otherwise it will have to go to next year.

12. Councillor Conolly referred to the presentation given by the Local Government Grants Commission and commented on the much higher per capita grants that Blue Mountains receive and asked if details could be provided giving comparison of the differential between Blue Mountains City Council and Hawkesbury. Councillor Conolly asked if a full copy of the slide presentation given by the Commission could be provided to all Councillors

The General Manager advised that this would be done.

13. Councillor Conolly referred to the correspondence in relation to a Rodeo held at Vineyard recently and the number of complaints that been received. He asked if the correspondence had been received by staff and asked if any action is proposed.

The Director External Services advised that the information was received, and will be investigated.

14. Councillor Conolly referred to correspondence he had received in relation to a petition relating to a large number of dogs and cats being kept at Oakville, apparently unapproved.

The Director External Services advised the matter had been received and investigations had been initiated.

15. Councillor Porter requested a copy of the application that went to the Minister on what the Stormwater Levy could be used for.

The Director Infrastructure Services will follow up.

16. Councillor Porter referred to the speed limit on the river and how it was suppose to be implemented in January, yet nobody seems to know what the speed limit is going to be.

The Director Infrastructure Services advise the matter would be investigated.

ORDINARY MEETING

MINUTES: 29 November 2005

17. Councillor Wearne advised that both the sign and the pole for Ascot Place, Wilberforce had been stolen.

The Director Infrastructure Services noted this.

18. Councillor Wearne commented that between Wilberforce Fire Brigade and the concrete footpath for the school, there is an unsealed/deeply recessed dirt section on the lower side, where there have been some falls and trips and asked if this could be fixed up with some concrete.
19. Councillor Bassett requested a report regarding the impost on Council ratepayers and consumers regarding the proposed desalination plant and how the cost of the plant is going to be spread through the NSW community.

The meeting terminated at 12:12am

Submitted to and confirmed at the Ordinary meeting held on 13 December 2005.

.....
Mayor