



Hawkesbury City Council

ordinary meeting minutes

date of meeting: 27 September 2005

location: council chambers

time: 5:00 p.m.

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 27 September 2005, commencing at 5:00pm.

Reverend John Gaunt of Pitt Town Anglican Church, representing the Hawkesbury Minister's Association, gave the opening prayer at the commencement of the meeting.

ATTENDANCE

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

SECTION 1: Confirmation of Minutes

410 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Finch that the Minutes of the Ordinary Meeting held on the 13 September 2005, be confirmed.

411 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Stubbs that the Minutes of the Special Meeting held on the 20 September 2005, be confirmed with one correction within Point 5 in Resolution 408 and that being to change the wording from "Floodplain Management Committee - Councillor Porter to be included as an additional representative" to "Floodplain Management Committee - Councillor Porter to be included as a current representative".

SECTION 3 - Notices of Motion

NM 1 - War Memorials in the Hawkesbury - (80104, 79351)

Ms Margaret Grinnings and Mr Frank Scharfe, proponents, addressed the Committee

MOTION:

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

Refer to RESOLUTION

412 RESOLUTION:

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

That:

1. Council liaise with relevant RSL Clubs to initiate steps to add the names of the fallen Hawkesbury Heroes from WW11 the Vietnam War, the Korean War and all other conflicts to the respective War Memorials in the Hawkesbury.
2. Costing and time frame to be further reported back to Council.

413 RESOLUTION:

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

That Council further workshop the upgrading to the Richmond War Memorial, in consultation with the Richmond RSL Sub-branch, as part of the Richmond Park Management Plan.

NM 2 - Improved Funding and Resources to the Richmond Office of the Department of Community Services - (80105, 79351)

This Notice of Motion was withdrawn by Councillor Williams

NM 3 - Reports From Outgoing and Incoming Mayors at Future Elections - (80093, 79351)

Mr Frank Scharfe, proponent, addressed the Committee

MOTION:

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

Refer to RESOLUTION

414 RESOLUTION:

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

That at all future meetings of Council involving the election of the Mayor, two requirements be added to the proceedings:

1. The outgoing Mayor be requested to deliver a report on the achievements of Council during the time of his or her term as Mayor, and
2. All Councillors nominating for the position of Mayor be invited to make a short statement on the directions they would be aiming to take Council if they were elected.

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SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 283 **GM - Local Government Association of NSW Annual Conference, Mudgee, NSW - (79351, 79633)**

Previous Item: 33, Ordinary (22 February 2005)
 92, Ordinary (12 April 2005)
 292, Ordinary (13 September 2005)

Mr Frank Scharfe, respondent, addressed the Committee

MOTION:

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

Refer to RESOLUTION

415 RESOLUTION:

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

That Councillors Finch, Paine, Wearne and Bassett be the nominated Councillors to represent Council at the 2005 Local Government Association of NSW Annual Conference.

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CITY PLANNING

Item: 284 **CP - Hawkesbury Development Control Plan - Pitt Town - Section 94 Plan and Water Management Plan - (95498)**

Previous Item: Ordinary (19 November 2003)
 Ordinary (2 December 2003)

Mr Peter Wilbow, respondent, addressed the Committee

MOTION:

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

Refer to RESOLUTION

416 RESOLUTION:

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

That:

1. The attached version of the Pitt Town DCP be deferred to the next Council meeting after the meeting is conducted with the Heritage Office.
2. A letter be forwarded to the Heritage Office requesting specific advice on heritage issues.
3. Councillors provide their heritage issues for discussion with the Heritage Office to the General Manager by 5:00pm on Tuesday, 4 October 2005.
4. The Heritage Office be invited to attend a Councillor briefing session to respond to Council's letter to the Heritage Office in person prior to the next Ordinary meeting of Council.
5. That amendment to the Management Plan - Revenue Pricing Policy in relation to the Section 64 matters for Water Management be placed on public exhibition for a period of 28 days in accordance with the provisions of the Local Government Act.
6. The Section 94 - Pitt Town amendments be placed on public exhibition for a period of 28 days in accordance with the Environmental Planning and Assessment Regulation 2000.

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Item: 285 **CP - North West Growth Centre Exhibition - (95498)**

Councillor Devine declared an interest in this matter as he owns property in Woods Road, South Windsor and had received correspondence from the Minister advising that he should make a submission. He left the meeting and did not take part in voting or discussion on the matter.

Councillor Conolly declared an interest in this matter as his employer owns land in South Windsor and this locality became involved in the discussion. He left the meeting and did not take part in voting or discussion on the matter.

MOTION:

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

Refer to RESOLUTION

417 RESOLUTION:

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

That a submission be prepared based on the information and comments identified in this report and other issues raised at this Ordinary meeting.

Item: 286 **CP - Draft Local Environmental Plan 1/04 - Amendment 149 to Hawkesbury Local Environmental Plan 1989 (Street Block Bounded by Dight, Macquarie and George Streets, Windsor) - (95498)**

Previous Item: 102, Ordinary (12 April 2005)

MOTION:

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

Refer to RESOLUTION

418 RESOLUTION:

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

That:

1. Council prepare the plan for finalisation and gazettal.
2. The draft plan to rezone the street block bounded by George Street, Macquarie Street and Dight Street, Windsor, from Zone 5(a)(Special Uses) to Zone 3(a)(Business General), be forwarded to the Department of Planning for finalisation and gazettal.
3. The Roads and Traffic Authority be provided with a copy of this report, and Council's resolution of this matter for their information.

COMMERCIAL STRATEGY

Item: 287 CS - Hawkesbury Undergraduate Scholarship Program - (95497)

Councillor Calvert declared an interest in this matter as he is employed by the Department of Education, he left the meeting and did not take part in voting or discussion on the matter.

MOTION:

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

Refer to RESOLUTION

419 RESOLUTION:

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

That:

1. The Hawkesbury Undergraduate Scholarship Program be renewed with the University of Western Sydney (UWS); to operate for a period of five calendar years (being 2006 to 2011), and that its purpose and criteria be amended to support the development of courses offered at the Hawkesbury Campus and the academic performance of eligible students.
2. An amount of \$5,500 per student be allocated for this purpose for up to three students at any one time.
3. Council liaise with the University with regard to executing a suitable Scholarship Donor Agreement.
4. Authority be given to prepare and execute all necessary documents (including the use of common seal of Council as required) to give effect to this resolution.
5. Further criteria be added to provide for:
 - a) The recipient to maintain a credit average to retain the scholarship.
 - b) Students who reside in the Hawkesbury, for at least one year prior to commencement of study.
6. A program be explored along similar lines with TAFE New South Wales.

Item: 288 CS - Enterprise Panel Projects - (95497)

Previous Item: Ordinary (14 September 2004)

This item was withdrawn.

EXTERNAL SERVICES

Item: 289 ES - Kellyville Country Club Limited - Demolish Existing Structures and Construct 18-Hole Golf Course - (95494, 88676)

Mr Charles Hill, proponent, addressed the Committee

MOTION:

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

Refer to RESOLUTION

420 RESOLUTION:

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

That the application for construction of a golf course and associated club house and facilities be approved as a deferred commencement consent subject to the conditions in the attached consent:-

Schedule 1

- (a) 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.
- (b) A Stabilisation Plan is to be prepared and submitted for Council approval of Lynwood with stabilisation works to be carried out prior to use of the golf course, clubhouse and facilities.
- (c) A Conservation Management Plan is to be prepared and submitted for Council approval of Lynwood. 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.
- (d) A Site Remediation Plan is to be prepared by a qualified person and the contaminated parts of the site are to be remediated in accordance with the SRP.

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.

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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.
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. All traffic guidance devices shall be installed and maintained in accordance with the approved traffic Guidance Scheme.
20. 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.

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21. 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.
22. 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.
23. 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.
24. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.
25. 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.
26. 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.
27. 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.

During Construction

28. Dams shall be constructed in accordance with the Dam Construction chapter of Hawkesbury Development Control Plan.
29. 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.
30. 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.
31. 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.
32. 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.
33. Any part of the building to be used for food preparation shall comply with Council's Code for the Fitting out of Food Premises.
34. A physical barrier is to be provided between public spaces, vehicular accessways, parking areas and the surrounding landscaped area.
35. No excavated material, including soil, shall be removed from the site.

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36. The site shall be secured to prevent the depositing of any unauthorised material.
37. Dust control measures, eg vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
38. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
39. All trucks entering or leaving the site shall have their trays suitably covered to prevent spillage from the truck onto the road.
40. 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.
41. Disabled parking shall be provided in accordance with AS2890.1-1993.
42. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
43. 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.
44. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
 - (a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - (b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
 - (c) Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
45. 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.

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- (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.
46. Mandatory inspections shall be carried out and Compliance Certificates issued only by Council or an accredited certifier for the following components of construction:
- Note: Structural Engineer's Certificates, Drainage Diagrams and Wet Area Installation Certificates are NOT acceptable unless they are from an accredited person.**
- commencement of work (including erosion controls, site works and site set out);
 - piers;
 - internal sewer or stormwater lines prior to covering;
 - steel reinforcement prior to pouring concrete;
 - external sewer or stormwater lines, prior to backfilling;
 - framework, after the installation of all plumbing, drainage and electrical fixtures, and after the external cladding and roof covering has been fixed prior to fixing of internal linings and insulation;
 - wet area flashing, after the installation of bath and shower fixtures;
 - prior to occupation of the building;
47. 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.
48. 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.
49. 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.
50. 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.
51. 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.
52. All works shall be in accordance with the approved Construction Management Plan.

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53. Topsoil shall be stripped and stockpiled and used to cover the landfill.
54. Filled areas, including batters, shall be grassed immediately after filling takes place.
55. All fill to be adequately compacted by track rolling or similar in layers not exceeding 300mm.
56. 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.
57. Vehicle entrances and exits shall be clearly signposted, including street number, and visible from both the street and site at all times.
58. 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.
59. 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.
60. 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.
61. Arrangements are to be made for the provision of common drainage and the disposal of storm water from the site.
62. Water quality control devices and energy dissipaters shall be constructed at the point of discharge of stormwater from the site.
63. Any fencing across the overland flow path shall be constructed so as not to impede the 1 in 100 year storm water flow.
64. 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.
65. The road shoulders and full width sealed pavement of Pitt Town Bottoms Road shall be constructed for a distance of 300 metres from the Pitt Town Road intersection.
66. Existing watercourses within the property are to be maintained on their current alignment flowpath.
67. 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.
68. 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

69. 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).
70. 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.

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71. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
72. 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.
73. 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 be subject to inundation during times of flood.
74. 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.
75. The creek crossing is to be certified on completion by a suitably qualified and experienced Structural Engineer.
76. 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.
77. The recommendations and works required in the reports submitted with the Development Application be undertaken. This is to include the stabilisation works for "Lynwood".
78. The works required by the approved Site Remediation Plan under Schedule 1 are to be undertaken and a report from an authorised EPA site auditor 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

79. No internal or external alterations shall be carried out without prior approval of Council.
80. 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.
81. Any part of the building to be used for food preparation shall be registered with Council as Food Premises.
82. 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.
83. No advertising signs or structures shall be erected, displayed or affixed on any building or land without prior approval.

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84. No advertising signs or structures shall be displayed on the footpaths, pedestrianways, roadways or on any land other than the approved development site.
85. The subject development, including landscaping, is to be maintained in a clean and tidy manner.
86. 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.
87. All waste materials shall be regularly removed from the property.
88. 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.
89. The access driveway in Pitt Town Road is only to be used by service vehicles and suitably sign posted.

Roads and Traffic Authority

90. A northbound left turn lane is to be provided on Pitt Town Road for vehicles turning into Pitt Town Bottoms Road.
91. 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.
92. 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.
93. The design and construction of the roadworks to be in accordance with RTA requirements.

Department of Planning Infrastructure and Natural Resources

94. 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).
95. 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.**
96. "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:

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Requirement for Permit

97. 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

98. 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.
99. 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.**
100. The **implementation** of any design or "plan", or **carrying-out** of any activity at the Site, is to be undertaken by persons suitably experienced in that aspect of the work they are doing, and such persons must be under the direction and supervision of a person with knowledge, qualifications and experience in current best practice in the relevant aspect of the operations being undertaken.

Cessation of Works

101. 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.
102. 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

103. 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

104. 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.
105. 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

106. 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).

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Bulk Earthworks – Protected Waters

107. 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.).
 - 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
108. 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

109. 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).
110. 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

111. 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

112. 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).
113. 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

114. 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.
115. 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.
116. 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.
117. 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.
118. Wire mesh structures and concrete grouting are not permitted for use with rip rap scour protection unless specifically approved by DIPNR.

Crossings – General Requirements

119. 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

120. 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

121. 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)*.
122. 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

123. 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

124. 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.

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

125. 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

126. 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.
127. 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)

128. Site rehabilitation and maintenance is to be carried out in accordance with a VMP.
129. 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).
130. 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

131. 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.

132. 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.

133. 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

134. 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

135. 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

136. 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

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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

137. 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.
138. DIPNR is to be advised of the person responsible for any seed or vegetative propagation prior to the commencement of propagation.

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

139. 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.
140. 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

141. 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.
142. Works and activities must not compromise the implementation of the VMP in any way.

Bushfire Asset Protection Zones not to Compromise Riparian Zones

143. 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

144. 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.
145. 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

146. 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

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- 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.

- 147. 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.
- 148. The structure of the soils in the riparian zones must be suitable for the vegetative rehabilitation of the Site and are therefore not to be proof rolled or subjected to other unsuitable compaction unless otherwise approved by DIPNR.

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

- 149. 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

- 150. 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

- 151. 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.
- 152. 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.
- 153. 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

- 154. 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

- 155. 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

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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

156. 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
 - 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

157. 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.
158. 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**.
159. 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.
160. 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.
161. 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

162. 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

163. 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.
- 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

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

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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:
 - (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.

INFRASTRUCTURE SERVICES

Item: 290 **IS - Windsor Kentucky Fried Chicken Request for Extra Parking Allocation 9 October 2005 - (79344, 73749)**

MOTION:

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

Refer to RESOLUTION

421 RESOLUTION:

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

That the proposed occupation of nine car spaces adjacent to the Windsor KFC building in the Kable and Macquarie Streets carpark from 6:00am to 2:00pm on Saturday, 9 October 2005 be approved subject to Windsor KFC submitting a copy of a current Public Liability Policy in an amount of \$20,000,000 with Council's interests noted on that Policy.

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SUPPORT SERVICES

Item: 291 SS - General Purpose Financial Report and Special Purpose Financial Report for 2004/2005 - (79350)

MOTION:

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

Refer to RESOLUTION

422 RESOLUTION:

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

That the Statement in the approved form on the General Purpose Financial Report and the Special Purpose Financial Report for the period ended 30 June 2005 be endorsed in accordance with Section 413(2) of the Local Government Act 1993 (as amended) and the Local Government Code of Accounting Practice and Financial Reporting.

Item: 292 SS - Local Government Association of NSW - Request for Financial Assistance - Section 611 Telstra and Optus - (95496)

Previous Item: 42, Ordinary (7 May 2002)

MOTION:

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

Refer to RESOLUTION

423 RESOLUTION:

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

That the matter be deferred until the next Ordinary Meeting.

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Item: 293 **SS - Policy for Payment of Expenses and Provision of Facilities to Councillors - Review - (95496)**

Previous Item: 138, Ordinary (12 October 2004)

MOTION:

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

Refer to RESOLUTION

424 RESOLUTION:

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

That the revised Policy for Payment of Expenses and Provision of Facilities to Councillors be placed on public exhibition for a period of 28 days with the following amendments:

1. The total for the Mayor's telephone call expenses be \$300.00 per month for both mobile and home phone/fax line.
2. The total for the Deputy Mayor telephone call expenses be \$225.00 per month for both mobile and home phone/fax line.
3. The total for the Councillors telephone call expenses be \$150.00 per month for both mobile and home phone/fax line.
4. References in part 2(a)(x) and c(v) of the Policy to a "multi function printer/fax/copier machine" be amended to read "multi function printer/fax/copier/answering machine".

CONFIDENTIAL REPORTS

425 RESOLUTION:

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

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

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -*

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*
2. In accordance with the relevant provisions of the Act, the reports, correspondence and other relevant documentation associated with this matter 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 this confidential matter.

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

426 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Calvert that open meeting be resumed.

ORDINARY MEETING
MINUTES: 27 September 2005

Item: 294 **IS - Vegetation Mapping of the Hawkesbury LGA - Tender Evaluation Report - (95495, 96331) CONFIDENTIAL**

MOTION:

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

Refer to RESOLUTION

427 RESOLUTION:

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

That this matter be deferred.

Councillor Williams requested that his name be recorded as having voted against the Motion.

ORDINARY MEETING
MINUTES: 27 September 2005

QUESTIONS WITHOUT NOTICE

1. Councillor Conolly asked about the progress on the Bligh Park Laneways.

The Director Infrastructure Services advised that there was no further progress since the last meeting, but added it was coming.

2. Councillor Rasmussen asked who was the author of the Kurrajong Tree Investigations Report.

The General Manager advised that it understood that Dr Lindsay Taylor was the author and he was assisted by one of his Senior Solicitors.

3. Councillor Finch referred to the parking situation in the Woodhill's Carpark, Richmond and asked if Council could do anything to meet with the operator of Richmond Fruit Market, as he is very concerned about the businesses as are other shopkeepers in the Mall.

The Mayor advised that the matter was raised at the Traffic Committee meeting and it was assured that staff were going to deal with it urgently.

The Director Infrastructure Services advised that staff had been meeting with a number of shop owners in that area over the last few weeks. He advised that meeting was scheduled for in the very near future to.

Councillor Finch asked if the operator could be advised that a meeting was going to take place in the week as their business is very severely suffering from what has been going on.

The General Manager asked if he could investigate Councillor Finch's comments and come back to her as well as copying in all other Councillors what is happening as this matter has exercised all of management's time this week and last. He commented that he was surprised to hear that the operator has indicated that there is no meeting because there is any number of Directors involved and he would like to know what has gone on as Management are under a different impression.

4. Councillor Williams advised that he had received a request from the Wilberforce Hall Committee as they have a few outstanding issues to be done that they have been waiting 18 months for i.e.. Fire Door at the rear of the hall, windows to be painted and gutters to be sealed as well as a final inspection to occur by Council staff. He asked if there was anything happening in regard to Wilberforce Hall.

The Director Infrastructure Services advised the matter would be investigated.

5. Councillor Williams commented that at 634 Sackville Road, Ebenezer there use to be landscaping/stockpiling of materials and he advised that he had received some complaints about the trucks going in from the site and then charging out onto Sackville Road. He asked if Council could investigate what was happening there and if they have approval to do what they are doing.

The Mayor advised the issue would be investigated.

6. Councillor Williams commented that a report on the Museum wasn't provided as part of the business paper, where they were told it would be. He requested advice in regard to the current position.

The Director Infrastructure Services commented that he said he would endeavour to get the report to this meeting, however, he was unable to and once all the figure are together it will come to the next meeting.

ORDINARY MEETING
MINUTES: 27 September 2005

7. Councillor Williams asked for an update on Richmond Pool.

The Director City Planning advised it would be reported to the next meeting.

8. Councillor Williams asked if there was still anything owing to Council from Leisure Co. Australia regarding the Oasis or had it all been finalised.

The Director Support Services advised that an agreement was entered into between Leisure Co. and Council in 2003 as a result of a Council resolution that provided for Leisure Co. making certain payments to Council over a period of three years by instalments. He advised that Leisure Co. has paid the instalments required to date and added that there were two instalments outstanding.

9. Councillor Williams commented works at the quarry on Wilbow Ridge and asked if there was some rehabilitation going on or was it something else.

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

10. Councillor Paine referred to Fairfield House and asked if Council could do anything about getting the Heritage Council to chase up the owners of Fairfield House to fix it up as it is becoming very neglected and sad.

The Mayor asked if it was Private Property.

Councillor Paine advised that it was a neglected Private Property.

The Mayor advised it would be followed up.

11. Councillor Paine commented that she had received another letter and photos from Mr George Rogues and he was stating that he hadn't received a response from his last letter. Councillor Paine asked if Council could respond to his correspondence.

The Director Infrastructure Services advised that he hadn't had a chance to respond to Mr Rogues, but he will write to him.

12. Councillor Paine asked if there had been any progress on the facilities from McQuade Park as the Rugby Union season has come to an end and they really want to get started on the project.

The Director Infrastructure Services advised he was aware the DA had been lodged and will investigate where that was at

Councillor Paine asked if she could have some feedback by end of week.

13. Councillor Paine made reference to comments made early in the evening that related to the members of the press and wanted to make it clear that she appreciated the media for the work that they do and thanked them.

14. Councillor Paine commented that she had a note on Peel Parade and asked if this meant it was going to go ahead.

Councillor Bassett declared an interest in this matter as he owns a house at the intersection of Peel Parade and Overton Road; he left the meeting and did not take part in discussion on the matter. Councillor Finch, Deputy Mayor, took over as Chairperson.

ORDINARY MEETING

MINUTES: 27 September 2005

The Director External Services confirmed that Councillors were sent a memo regarding the recent Court action and the recent consent orders that have been issued in respect to that development that will be going ahead.

Councillor Rasmussen asked what this Court hearing cost Council.

The Director External Services advised that would be investigated and provided to the Councillors.

Councillor Bassett, Mayor resumed as Chairperson.

15. Councillor Calvert wanted to thank the staff for the work that was done on McMahon's Park recently and commented that the road is no longer the very dangerous track that it used to be. He referred to the Memorandum of Understanding for McMahon's Park that is with the Sports Council and commented that there was a lot of confusion about who exactly does what, when and with who. He asked if Council could prepare a short report on where the Memorandum of Understanding was at and if it will proceed.

The Director Infrastructure Services advised that Council was currently undertaking some background research on the matter and the outcomes will be reported to Council.

16. Councillor Calvert advised that he had received a letter about the proposed cycleway on Bells Line of Road through Kurmond and asked where the proposed extension would go. He advised that the Kurmond Primary School P&C had provided information on the extension and where they would like the extension to go.

The Mayor noted the request.

17. Councillor Books advised that he had received an e-mail from Ms Kim Smith regarding a trailer loaded with rubbish and her request for a footpath committee. He advised that the e-mail had been provided to the General Manager's Secretary.
18. Councillor Books advised that he had received a e-mail from Ms Kim Smith regarding a very dangerous footpath out the front of Video-Ezy on George Street, near the railway in Windsor as the pavers are lifting, which is being caused by the paperbark next door. He advised that the e-mail had been provided to the General Manager's Secretary.
19. Councillor Books referred to his comments made earlier in the meeting regarding the Courier and stated that he was justified in making his comments.
20. Councillor Williams referred to Question 12 from the Ordinary Meeting held on 13 September 2005 in relation to new saplings being cut down and wanted to make the correction that it was not replanting of saplings being cut down, but the regrowth of saplings being cut back.
21. Councillor Williams referred to his notice of motion from tonight's meeting and wanted to request a report from Council investigating the operation of DoCS at Richmond and their funding and resources.

The Mayor advised that the matter would be reported on.

ORDINARY MEETING
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The meeting terminated at 9:32pm

Submitted to and confirmed at the Ordinary meeting held on 11 October 2005

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Mayor