



Hawkesbury City Council

ordinary  
meeting  
minutes

date of meeting: 28 November 2017

location: council chambers

time: 6:30 p.m.



**ORDINARY MEETING**

**Minutes: 28 November 2017**

**MINUTES**

- **WELCOME**
  - Acknowledgement of Indigenous Heritage**
- **APOLOGIES AND LEAVE OF ABSENCE**
- **DECLARATION OF INTERESTS**
- **SECTION 1 - Confirmation of Minutes**
- **ACKNOWLEDGEMENT OF OFFICIAL VISITORS TO THE COUNCIL**
- **MINUTES ITEMS SUBJECT TO PUBLIC ADDRESS**
- **SECTION 2 - Mayoral Minutes**
- **EXCEPTION REPORT - Adoption of Items Not Identified for Discussion and Decision**
- **SECTION 3 - Reports for Determination**
  - Planning Decisions**
  - General Manager**
  - City Planning**
  - Infrastructure Services**
  - Support Services**
- **SECTION 4 - Reports of Committees**
- **SECTION 5 - Notices of Motion**
- **QUESTIONS FOR NEXT MEETING**
- **REPORTS TO BE DISCUSSED IN CONFIDENTIAL SESSION**

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## ORDINARY MEETING

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on 28 November 2017, commencing at 6:33pm.

### ATTENDANCE

**PRESENT:** Councillor M Lyons-Buckett, Mayor, Councillor B Calvert, Deputy Mayor and Councillors P Conolly, E-J Garrow, A Kotlash, P Rasmussen, P Reynolds, S Richards, J Ross, T Tree, D Wheeler and N Zamprogno.

**ALSO PRESENT:** General Manager - Peter Conroy, Director City Planning - Matt Owens, Acting Director Infrastructure Services – Richard Vaby, Director Support Services - Laurie Mifsud, Executive Manager - Community Partnerships - Joseph Litwin, Development Services Manager - Cristie Evenhuis, Strategic Planning Manager - Andrew Kearns, Manager Corporate Communication - Suzanne Stuart, Manager Corporate Services and Governance - Michael Wearne, Administrative Support Coordinator - Natasha Martin and Administrative Support Officer – Jodie Tillinghast.

### APOLOGIES AND LEAVE OF ABSENCE

No apologies for absence were received from Councillors.

Councillor Tree left the meeting at 1am, Wednesday, 29 November 2017.

### DECLARATIONS OF INTEREST

Councillor Garrow declared an interest on Item 209.

Councillor Lyons-Buckett declared an interest on Item 209.

Councillor Reynolds declared an interest on the Mayoral Minute.

Councillor Richards declared an interest on Item 210.

### SECTION 1 - Confirmation of Minutes

#### 368 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Zamprogno that the Minutes of the Ordinary Meeting held on the 14 November 2017, be confirmed.

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**SECTION 2 - Mayoral Minutes**

**MM Inquiry into the Windsor Bridge Replacement Project (79351, 79353)**

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Councillor Reynolds declared a pecuniary interest in this matter as he lives adjacent to the Windsor Bridge Project Area. He left the Chamber and did not take part in voting or discussion on the matter.

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Mr Harry Terry and Mr Graham Edds addressed Council, speaking for the recommendation.

**MOTION:**

RESOLVED on the motion of Councillor Lyons-Buckett.

***Refer to RESOLUTION***

**369 RESOLUTION:**

RESOLVED on the motion of Councillor Lyons-Buckett.

That:

1. Council authorise the Mayor and General Manager to lodge a submission responding to the Upper House Committee's Terms of Reference by Sunday, 28 January 2018.
2. Council's submission address the following points:
  - a) The expenditure, performance and effectiveness of the Roads & Maritime Services' Windsor Bridge replacement project, and in particular:
    - (i) The current Windsor Bridge, including its maintenance regime, renovation methods and justification for demolition.
    - (ii) The replacement bridge project, including:
      - options presented to the community
      - post construction strategic outcomes, including traffic benefits, transport and network service capacity
      - economic, social and heritage impacts
      - flood immunity benefits
      - project assessment process
      - planning and procurement strategies and associated project costs
      - cost benefit analysis process.
    - (iii) Any other related matters.
3. A copy of the submission be circulated to Councillors prior to its lodgement.



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4. Council write to the Premier of NSW, The Hon. Gladys Berejiklian, the Minister for Roads, Maritime and Freight, The Hon. Melinda Pavey, and the Member for Hawkesbury, The Hon. Dominic Perrottet.
  - a) Recommending that the RMS cease work on the Windsor Bridge Replacement Project until the findings of the Upper House Inquiry are known.
  - b) Advising that Council has engaged independent experts to prepare a Conservation Management Plan and a Heritage Impact Statement on Thompson Square and the current bridge.

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**SECTION 3 - Reports for Determination**

**PLANNING DECISIONS**

**Item: 209 CP - DA0765/16 - 19 Fitzgerald Street, Windsor - Lot 4 DP834919 - Boarding House - Alterations and Additions (95498, 137494)**

Councillor Lyons-Buckett declared a less than significant non-pecuniary conflict of interest in this matter as she is friends with a person who lives in a neighbouring property and no further action is required.

Councillor Garrow declared a less than significant non-pecuniary conflict of interest in this matter as she is friends with a person who lives in a neighbouring property and no further action is required.

Mr Kendal Mackay, Mr Peter Paltoo and Ms Sheryl Plunkett addressed Council, speaking for the recommendation.

**MOTION:**

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

***Refer to RESOLUTION***

**370 RESOLUTION:**

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

That Council as the consent authority pursuant to Clause 80(1)(b) of the Environmental Planning and Assessment Act 1979 (as amended) approve Development Application No. DA0765/16 for a boarding house and commercial premises on Lot 4 in DP 834919, known as 19 Fitzgerald Street, Windsor, subject to the conditions attached to this report:

***General Conditions***

**1. Approved Plans and Supporting Documentation**

The development must be carried out generally in accordance with the approved plans and supporting documentation listed below, except where amended by other conditions of consent:

a) Plans Reference:

<b>Drawing Number/Name</b>	<b>Prepared by</b>	<b>Issue No.</b>	<b>Date</b>
A001 'Site/Roof Plan'	4D Architecture	C	30 June 2017
A002 'Ground Floor Plan (4-Car Option)'	4D Architecture	C	30 June 2017
A003 'First Floor Plan'	4D Architecture	C	30 June 2017
A010 'Elevations'	4D Architecture	C	30 June 2017
A011 'Elevations'	4D Architecture	C	30 June 2017
A020 'Sections'	4D Architecture	C	30 June 2017

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b) Document Reference:

Document	Reference	Prepared By	Date
Plan of Management for Anglicare Supportive Accommodation	Revision A	Anglicare	25 June 2017
Preliminary Environmental Site Assessment	E29731Krpt	Environmental Investigation Services	30 September 2016
Finishes Schedule	A050	4D Architecture	21 October 2016

No works other than those approved are permitted by this consent.

**2. Appointment of a Principal Certifying Authority**

No work shall commence until:

- a) a Design Compliance Certificate or Building Construction Certificate is issued by:
  - (i) Council; or
  - (ii) An Accredited Certifier;
- b) a Principal Certifying Authority is appointed for the building/engineering works and the name and licence number of the builder undertaking the construction works is supplied.
- c) the Principal Certifying Authority has:
  - (i) provided a copy of the notice of its determination to the consent authority, and to Council (within two days after the date of the determination);
  - (ii) notified the person having benefit of the consent of any critical stage inspections and other inspections that it requires to be carried out in relation to the approved work;
  - (iii) notified Council of its appointment (not less than two days before commencement of building work);
- d) the person having benefit of the consent has:
  - (i) appointed a principal contractor who must hold a 'contractor licence' if any residential building work is involved;
  - (ii) notified the Principal Certifying Authority of the appointment of the principal contractor;
  - (iii) notified the principal contractor of any critical stage inspections or any other inspections that are required to be carried out in relation to the approved work;
- e) at least two days' notice is to be provided to Council of the date on which it is proposed to commence work associated with this development consent.

**3. Compliance with National Construction Code**

All building works must be carried out in accordance with the requirements of the National Construction Code/Building Code of Australia (BCA).

**4. Civil Works Specification Compliance**

All civil construction works required by this consent shall be undertaken in accordance with Hawkesbury Development Control Plan 2002 – Appendix E – Civil Works Specification. Inspections shall be carried out and compliance certificates issued by Council or an Accredited Certifier.

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### 5. Works on Public Land – Not Permitted Without Approval

No work can be undertaken within adjoining public lands (i.e. roads reserves, parks and reserves etc.) without the prior written consent of Council or other relevant authority. In this regard the person having benefit of the consent is to contact Council prior to the commencement of any design works or preparation of a Construction and Traffic Management Plan.

The developer must bear the cost of all works associated with the development that occurs on public land, including the restoration of damaged areas.

### 6. Maximum Number of Boarders

A maximum of 19 boarders may be accommodated within the boarding house.

The boarding rooms may accommodate single boarders only.

### 7. Use of Commercial Tenancy

This consent does not approve the use of the ground floor proposed commercial tenancy. The determination of a future Development Application or Complying Development Certificate will be required for the occupation and use of the ground floor commercial tenancy.

### 8. Sewer Authority – Hawkesbury City Council

This development falls within the Sewerage Scheme controlled by Hawkesbury City Council. Therefore Hawkesbury City Council is the approving authority for all sewer works.

The development impedes upon the Zone of Influence of a Council owned sewer main. The Applicant should seek advice from Council's Waste Management Branch prior to applying for a Design Compliance Certificate or Construction Certificate as there may be variations required in the design of the foundations of the development.

### 9. Site Remediation Action Plan

A Remediation Action Plan shall be prepared and submitted to Council in accordance with:

- a) 'Managing Contaminated Land Planning Guidelines' under *State Environmental Planning Policy No. 55 - Remediation of Land*,
- b) *Contaminated Land Management Act 1997* and
- c) relevant NSW Office of Environment and Heritage guidelines.

The Site Remediation Action Plan shall be carried out by a suitably qualified environmental consultant and shall:

- a) set remediation goals that ensure the remediated site will be suitable for the proposed use and will pose no unacceptable risk to human health or the environment;
- b) document in detail all procedures and plans to be implemented to reduce risks to acceptable levels for the proposed site use;
- c) establish the environmental safeguards required to complete the remediation in an environmentally acceptable manner, and
- d) identify and include proof of the necessary approvals and licences required by other regulatory authorities.

The Site Remediation Action Plan shall be reviewed by a Site Auditor, accredited by the NSW Environmental Protection Authority under the *Contaminated Land Management Act 1997*, and written confirmation provided by the Site Auditor to Council that the Remediation Action Plan, if followed, is adequate when implemented to render the site suitable for its proposed use.

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### ***Prior to the Issue of a Design Compliance Certificate***

#### **10. Design Compliance Certificate – Works Covered**

The obtainment of a Design Compliance Certificate is required for this development. The Design Compliance Certificate is to cover the design of:

- a) The car parking area and footpaths; and
- b) On site detention (OSD).

Prior to Issue of a Design Compliance Certificate plans showing finished levels, any associated drainage, any structural details, batter grades and finished surfaces must be submitted to the Certifying Authority for approval.

#### **11. Security Bond**

Prior to issue of a Design Compliance Certificate or an approval under the Roads Act 1993 or Local Government Act 1993, a security bond of **\$20,000.00** is to be submitted to Council to guarantee the protection of the road pavement and other public assets in the vicinity of the site.

The Bond is recoverable upon written application to Council at completion of the works, subject to satisfactory restoration as required. Fees for the lodgement of the bond apply.

#### **12. Parking and Pedestrian Footpath adjoining Union Lane**

The development must provide:

- a) a total of four car parking spaces (including one accessible parking space); and
- b) a footpath with a minimum width of 1.2m for the length of Union Lane along the frontage of Lot 4 in DP 834919. The footpath must be located between the car parking spaces and the boundary of Lot 4 in DP 834919.

The car parking spaces and footpath must be constructed in accordance with Hawkesbury Development Control Plan 2002 – Appendix E – Civil Works Specification, AS 2890.1:2004, AS2890.5:1993 and AS2890.6:2009. The installation of bollards and wheel stops shall also be employed to the southern end of the parking spaces to protect the building and pedestrians.

Details demonstrating compliance with these requirements are to be incorporated into the plans to be submitted to the Certifying Authority prior to the issue of the Design Compliance Certificate.

Note: The car parking areas and footpath are to be dedicated to Council for public use prior to the issue of any Occupation Certificate.

#### **13. Sight Distance**

Clear sight lines must be provided for parked vehicles to safely exit parked spaces. Details demonstrating compliance with this requirement are to be submitted to the Certifying Authority prior to the issue of the Design Compliance Certificate.

#### **14. Engineer Designed Pavement**

All car parking areas, manoeuvring areas and the access aisles must be paved, drained and line marked. The pavement must be designed by a qualified civil engineer and certified to be satisfactory for the expected traffic loadings. AUSTRROADS 'Guide to Pavement Technology' can be used as the design guideline for the pavement design.

Details demonstrating compliance with this requirement are to be submitted to the Certifying Authority prior to the issue of the Design Compliance Certificate.

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### 15. Infrastructure Upgrades

The verge along Johnston Street must be constructed of concrete along the road frontage of Lot 4 in DP 834919. This work must be carried out at the developer's expense, including all alterations of public infrastructure where necessary.

Details demonstrating compliance with this requirement are to be submitted to the Certifying Authority prior to the issue of the Design Compliance Certificate.

### 16. Stormwater – On Site Detention

On site detention (OSD) for stormwater is required to be provided for this development. Details, including calculations, are to be provided with the plans submitted for the Design Compliance Certificate to the satisfaction of the Certifying Authority prior to the issue of the Design Compliance Certificate. The OSD must comply with the following:

- a) OSD shall be provided to maintain all stormwater discharges for storms up to the 1:100 ARI storm event at pre-development levels; and
- b) The OSD system is to be designed in accordance with Hawkesbury Development Control Plan 2002 – Appendix E – Civil Works Specification, Part 1 – Design Specifications and Part 2 – Construction Specifications.

### 17. Pit Grates

All pits must have flush fitting grates. All pit grates larger than 600mm by 600mm are to be grated galvanised steel grid hinged and be heavy duty-type where traffic loading is expected. Details demonstrating compliance with these requirements are to be submitted to the Certifying Authority prior to the issue of the Design Compliance Certificate.

### 18. Council Sewer Authority – Construction Requirements

Construction of any mains sewer work or any structure to be constructed within the Zone of Influence of a sewer main must not commence until a Section 305 Application under the *Water Management Act 2000* is submitted to Council's Waste Management Branch for assessment and approval. The approved plans will accompany a Section 306 Response under the *Water Management Act 2000* detailing the work to be done and any fees or developer contributions that must be paid.

The applicant must submit a copy of the Section 306 Response and the associated plans to the Certifying Authority prior to Issue of the Design Compliance Certificate.

### 19. Council Sewer Authority – Section 307 Certificate

A Section 307 Certificate of Compliance with regard to Council's sewer infrastructure must be obtained from Council's Waste Management Branch prior to release of a Design Compliance Certificate. Fees apply for this certificate.

### 20. Permission from Beneficiary of Electrical Easement

Evidence in the form of written permission must be sought from the beneficiary of the electrical easement to construct the parking over the electrical easement denoted as Item 2 on Deposited Plan DP 834919. Evidence of this permission shall be provided to the Certifying authority prior to the issue of a Design Compliance Certificate.

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### **Prior to the Issue of a Construction Certificate**

#### **21. Long Service Levy Payment**

The payment of a long service levy as required under Part 5 of the *Building and Construction Industry Long Service Payments Act 1986* is required. Evidence that the levy has been paid is to be submitted to the Certifying Authority prior to the issue of any Construction Certificate.

Note: All building works valued at \$25,000 or above are subject to the payment of a Long Service Levy at the rate of 0.35%. Payments can be made at Long Service Payments Corporation offices or most councils.

#### **22. Council Sewer Authority – Inspection Fees**

Hawkesbury City Council is the sewer authority for this development. As this development involves connection to the existing sewer system, the payment of the prescribed inspection fee for both internal and external sewer drainage work is required to be made prior to the issue of a Construction Certificate.

#### **23. Design Compliance Certificate – Required prior to Construction Certificate**

An approved Part 4A Design Compliance Certificate as specified in this consent is to be provided to the Certifying Authority prior to the issue of a Construction Certificate.

#### **24. Access and Facilities for Persons with a Disability**

The development must comply with the Disability (Access to Premises – Buildings) Standards 2010, Australian Standard AS1428.1 'Design for Access and Mobility' and Australian Standard AS4299 'Adaptable Housing'. Units 8 and 16 are to be designed as Class C units in accordance with AS4299.

Details demonstrating compliance with these requirements are to be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

#### **25. Section J Energy Efficiency Assessment**

An Energy Efficiency Assessment must be prepared for the development under Section J of the Building Code of Australia and submitted to the Certifying Authority prior to the release of the Construction Certificate. Any requirements or measures required under the Section J Assessment are to be detailed in the plans for approval.

#### **26. Detailed Drainage Design**

A detailed drainage design of the site must be submitted to and approved by the Certifying Authority prior to the release of the Construction Certificate. The detailed plan must:

- a) drain to the street;
- b) indicate the method of disposal of all stormwater and must include existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines;
- c) be to the satisfaction of the Certifying Authority;
- d) be designed to cater for a 1 in 5 year Average Recurrence Interval (ARI) storm event;
- e) show details of any overflow drainage paths and that they be designed to cater for the 1 in 100 year ARI storm event; and
- f) comply with Council's Hawkesbury Development Control Plan 2002 – Appendix E and Australian Standard AS3500 'Plumbing and Drainage'.

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### 27. Overland Flow

The development shall not create adverse impacts to neighbouring properties in relation to overland flow and must meet the following requirements:

- a) water flowing from the property must not be redirected or concentrated to adjoining properties;
- b) water flowing into the property from adjoining lots shall not be impeded or diverted; and
- c) water flow shall follow the natural flow directions without increasing velocity.

Details demonstrating compliance with the above requirements shall be provided to the Certifying Authority prior to the issue of a Construction Certificate.

### 28. Earthworks – Cut, Fill and Grading

All earthworks on site must comply with the following:

- a) Topsoil shall only be stripped from approved areas and shall be stockpiled for re-use during site rehabilitation and landscaping;
- b) All disturbed areas are to be stabilised/revegetated, using a minimum 300mm surface layer of topsoil, as soon as practicable after the completion of filling works;
- c) Once the topsoil has been removed the natural batter should be suitably stepped, scarified or roughened to prevent slipping and the fill is to be keyed in to hold the toe of the fill batter in place;
- d) Where batters exceed a ratio of three horizontal to one vertical (3:1), retaining walls, stoneflagging or terracing shall be constructed;
- e) All fill within the site shall be placed in layers not exceeding 300mm thickness and compacted to achieve a minimum dry density ratio of 98% when tested in accordance with Australian Standard AS1289 'Methods of testing soils for engineering purposes' unless otherwise specified;
- f) Filling shall comprise only uncontaminated Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM). Contamination certificates for all source material shall be provided to the Certifying Authority prior to placing any fill on site.

Details demonstrating compliance with the above requirements shall be provided to the Certifying Authority prior to the issue of a Construction Certificate.

### 29. Retaining Walls Along Boundaries

The submitted plans must clearly demonstrate that all retaining walls are located wholly within the property, including any footings and agricultural drainage lines. Construction of retaining walls or associated drainage work along common boundaries must not compromise the structural integrity of any existing structures.

Details demonstrating compliance with these requirements shall be provided to the Certifying Authority prior to the issue of a Construction Certificate.

### 30. Retaining Wall – Structural Engineer's Design

Any retaining walls having a height exceeding 600mm associated with the development are required to be designed by a practicing structural engineer. The design must be included on the plans submitted to the Certifying Authority prior to issue of the Construction Certificate.

### 31. Structural Engineer's Design

A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Certifying Authority prior to issue of Construction Certificate.



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### 32. Traffic Control Plan

A Traffic Control Plan prepared in accordance with the Roads and Traffic Authority publication 'Traffic Control at Worksites' is to be prepared by an appropriately qualified person and submitted to Council for approval prior to commencement of any works.

### 33. Dilapidation Report and Survey – Private Property (Neighbouring Buildings)

A Dilapidation Report and Survey of the adjoining property at 21 Fitzgerald Street detailing the physical condition of the buildings on this property, both internally and externally (including, but not limited to, such items as walls, ceilings, roof, structural members and other similar items) must be prepared. The report and survey is to be prepared by an appropriately qualified person agreed to by both the Applicant and the owner of the adjoining property.

All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent.

In the event that access for undertaking the dilapidation report is denied by the adjoining owner, the applicant must demonstrate in writing to the satisfaction of the Certifying Authority that all reasonable steps have been taken to obtain access and the affected property owner has been advised of the reason for the survey and that these steps have failed. Written concurrence must be obtained from the consent authority in such circumstances.

Details demonstrating compliance with the above requirements must be submitted to the Certifying Authority prior to issue of the Construction Certificate.

Note: This documentation is for record keeping purposes only, and may be used by an Applicant or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the Applicant's and adjoining owner's interest for it to be as full and detailed as possible.

### 34. Dilapidation Report and Survey – Damage to Public Infrastructure

A Dilapidation Report and Survey (including photographic record) must be prepared by a suitably qualified consultant detailing the pre-developed condition of the surrounding road reserve. Particular attention must be paid to accurately recording any pre-developed damaged areas so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development.

The developer may be held liable for all damage to public infrastructure in the vicinity of the site where such damage is not accurately recorded and demonstrated as pre-existing under the requirements of this condition.

The developer shall bear the cost of carrying out works to restore all public infrastructure damaged as a result of the carrying out of the development.

A copy of the dilapidation survey and report must be lodged with Council and the Certifying Authority prior to the issue of any Construction Certificate.

### 35. Erosion and Sediment Control Plan

Prior to the issue of the Construction Certificate, the applicant must submit to and obtain the Certifying Authority approval of an Erosion and Sediment Control Plan (ESCP). The ESCP must show the location of site boundaries, adjoining roads, approximate grades, vegetation, site access, impervious areas, existing and proposed site drainage and a north point.

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The ESCP must take into account the requirements of Landcom's publication 'Managing Urban Stormwater - Soils and Construction' (2004). The plan shall show the following:

- a) timing of works;
- b) nature and extent of earthworks, including the amount of any cut and fill;
- c) where applicable the diversion of runoff from upslope lands around the disturbed areas;
- d) location of all soil and other material stockpiles including topsoil storage;
- e) location and type of proposed erosion and sediment control measures;
- f) site rehabilitation proposals; and
- g) frequency and nature of maintenance program.

### 36. Sydney Water – Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained.

An application must be made through an authorised Water Servicing Coordinator. For details refer to Sydney Water's website [www.sydneywater.com.au](http://www.sydneywater.com.au)

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

The 'Notice of Requirements' must be submitted to the Certifying Authority before the commencement of works.

### *Prior to Any Works Commencing*

### 37. Notice of Commencement

No work shall commence until a notice of commencement has been provided to Council. This notice is to be provided not less than two days from the date on which it is proposed to commence work associated with this Development Consent. The notice must also contain:

- a) details of the appointment of a Principal Certifying Authority (PCA) providing name, address and telephone number in accordance with Section 81A(2)(b) of the *Environmental Planning and Assessment Act 1979*; and
- b) details of the name, address and licence details of the Builder.

### 38. Principal Certifying Authority Site Sign

A sign must be erected in a prominent position on any site on which building or demolition work is being carried out:

- a) showing the name, address and telephone number of the Principal Certifying Authority for the work;
- b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
- c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building or demolition work is being carried out, but must be removed when the work has been completed.

### 39. Toilet Facilities

Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

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Each toilet must:

- a) be a standard flushing toilet connected to a public sewer; or
- b) be attached to an approved on-site effluent disposal system; or
- c) be a temporary chemical closet that is regularly maintained; and
- d) appropriate facilities for the disposal of sanitary items are to be provided within the toilet.

### 40. Prescribed Conditions – Shoring and Adequacy of Adjoining Property and Road Reserve

Development that involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- a) protect and support the building, structure or work from possible damage from the excavation; and
- b) where necessary, underpin the building, structure or work to prevent any such damage.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

### 41. Safety Fencing

The site is to be secured by a fence in accordance with NSW WorkCover requirements to prevent unauthorised access during the period of all works.

### 42. Demolition – Work Plans

The demolition work shall comply with the provisions of Australian Standard AS2601 'The Demolition of Structures'. The work plans required by AS2601 shall be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance shall be submitted and prepared to the satisfaction of the Principal Certifying Authority prior to the commencement of works.

### 43. Demolition – Notice

- a) Notice is to be given to Council of the date on which it is proposed to commence demolition. This notice shall:
  - (i) be given not less than two days before the date on which it is proposed to commence demolition work;
  - (ii) provide details of the name, contact details of the demolisher/contractor undertaking the work;
  - (iii) provide the relevant WorkCover license details of the demolisher/contractor; and
  - (iv) details of the demolisher/contractors current Public Liability/Risk Insurance Policy providing for a minimum cover of \$10 million.
- b) Notice is to be given to adjoining property owners of the date on which it is proposed to commence demolition. This notice shall:
  - (i) be given not less than two days before the date on which it is proposed to commence demolition work;
  - (ii) provide details of the name, contact details of the demolisher/contractor undertaking the work; and
  - (iii) provide the telephone number of WorkCover's Asbestos/Demolition Hotline - 1800 672 718.

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### 44. Asbestos Material Handling

Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under Clause 458 of the *Work Health and Safety Regulation 2011*.

In addition to the above, the following shall be satisfied:

- a) the person having the benefit of this consent must provide the Principal Certifying Authority with a copy of a signed contract with such a person before any development or works commence;
- b) any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the bonded asbestos material or friable asbestos material is to be delivered;
- c) if the contract indicates that bonded asbestos material or friable asbestos material will be removed to a specified landfill site, the person having the benefit of the complying development certificate must give the Principal Certifying Authority a copy of a receipt from the operator of the landfill site stating that all the asbestos material referred to in the contract has been received by the operator.

### 45. Archival Recording

No works shall commence until an archival record of the existing buildings on the site has been prepared and submitted to Council. This shall include measured drawings and an archival photographic record. The archival record shall be prepared in accordance with the Heritage Office's guideline 'Photographic Recording of Heritage Items using Film or Digital Capture'.

### 46. Sydney Water – Endorsement of Approved Plans

The approved plans must be submitted to and endorsed by Sydney Water via the 'Sydney Water Tap-in' website to determine whether the development will affect Sydney Water's water mains, stormwater drains and/or easements, or if any further requirements need to be met. Plans will be appropriately stamped.

Please refer to Sydney Water's website [www.sydneywater.com.au](http://www.sydneywater.com.au)

Evidence of the building plan approval must be forwarded to the Principal Certifying Authority prior to the commencement of works.

### *During Construction*

### 47. Construction Hours

The clearing of land, running of machinery, excavation, earthworks, demolition, building works and the delivery of building materials shall be carried out between the following hours:

- a) between 7am and 6pm, Mondays to Fridays inclusive;
- b) between 8am and 4pm Saturdays;
- c) no work on Sundays and public holidays; and
- d) works may be undertaken outside these hours where:
  - (i) the delivery of vehicles, plant or materials is required outside these hours by the Police or other authorities;

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- (ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; and
- (iii) a variation is approved in advance in writing by Council.

### 48. Site Management During Construction

- a) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- b) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
- c) Copies of receipts stating the following must be given to the Principal Certifying Authority:
  - (i) the place to which waste materials were transported;
  - (ii) the name of the contractor transporting the materials; and
  - (iii) the quantity of materials transported off-site and recycled or disposed of.
- d) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.
- e) During construction:
  - (i) all vehicles entering or leaving the site must have their loads covered;
  - (ii) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads; and
  - (iii) any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to the public.
- f) At the completion of the works, the work site must be left clear of waste and debris.

Note: In the event it is not possible to keep the footpath or road reserve clear during construction works written approval from Council shall be obtained prior to any closing of the road reserve or footpath area. The closure shall take place in accordance with Council's written approval. The area shall be signposted and such signposting be maintained in a way that ensures public safety at all times.

### 49. Loading and Unloading During Construction

The following requirements apply.

- a) All loading and unloading associated with construction activity must be accommodated onsite.
- b) If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least eight weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- d) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval must be obtained from Council.

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### 50. Earthworks – Removal, Management and Transportation of Fill

Any excavated fill material that is to be removed from the site shall only be sent to:

- a) a NSW Office of Environment and Heritage licensed waste disposal facility. A copy of the receipts from the waste disposal facility shall be kept and shall be provided to the Principal Certifying Authority prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first, or an authorised officer of Council upon request; or
- b) a site which has a current development consent for the importation of fill material. A copy of the current development consent for the site to which the material is proposed to be distributed must be provided to the Principal Certifying Authority prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first, or an authorised officer of Council upon request.

All removed excavated material shall be transported and disposed of in accordance with the NSW Office of Environment and Heritage guidelines applicable at the time of removal.

### 51. Implementation of Erosion and Sediment Control Plan

Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with the approved Erosion and Sediment Control Plan (ESCP).

### 52. Implementation of Traffic Management Plan

Traffic management devices must be installed and maintained for the duration of the construction works in compliance with the approved Traffic Management Plan.

### 53. Demolition – General

All demolition works must be carried out in accordance with the following:

- a) all demolition work shall be carried out strictly in accordance with Australian Standard AS2601 'The Demolition of Structures';
- b) demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover 'Demolition License' and WorkCover 'Class 2' (Restricted) Asbestos License and comply with WorkCover's 'Guide to Working with Asbestos';
- c) site safety/security fencing shall be provided prior to commencement of any work onsite and shall be removed only when all hazards, including site waste, have been removed. The site safety/security fencing shall comply with the following Australian Standards:
  - (i) Demolition Sites - Australian Standard AS2601 'Demolition of structures';
  - (ii) Construction Sites - Australian Standard AS 4687 'Temporary fencing and hoardings';
  - (iii) Ongoing Site Safety/Security - Australian Standard AS1725 'Chain-link fabric security fencing and gates';
- d) demolition work shall be carried out only between the hours of 7am to 6pm Mondays to Fridays and 8am to 4pm Saturdays. No work is to be carried out on Sundays or public holidays;
- e) all waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water;
- f) public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction. No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council;

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- g) any materials stored on site must be stored away from any drainage path or easement, natural watercourse;
- h) demolition activity shall not cause damage to or adversely affect the structural integrity of adjoining buildings;
- i) waste must be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation;
- j) no material is to be burnt on site;
- k) details as to the method and location of disposal of demolition materials (weight docket, receipts, etc.) should be kept on site as evidence of approved methods of disposal and recycling; and
- l) the site shall be grassed or otherwise rendered erosion resistant immediately upon completion of demolition.

### 54. Critical Stage Inspections

Prior to the commencement of building work and at nominated stages during the construction of the building, a minimum of 48 hours notice is required to be provided to allow the Principal Certifying Authority to ensure that the critical stage inspections are undertaken.

Note: Critical stage inspections are required to be carried out in accordance with Clause 162A of the *Environmental Planning & Assessment Regulation 2000*.

### 55. Survey Certificate – Location of Structures

The building and works shall be set out by a Registered Surveyor. A Survey Certificate showing the position of the external walls and structures under construction and in compliance with the approved plans shall be lodged with the Principal Certifying Authority prior to any stage of the development progressing beyond the ground floor level.

### 56. Smoke Detection and Alarm System

An automatic fire detection and alarm system shall be installed in the building in accordance with the National Construction Code (Building Code of Australia). Alarms and detectors shall be installed by a licenced electrician and multiple alarms shall be interconnected.

A Certificate of Compliance shall be provided to the Principal Certifying Authority prior to the occupation of the development.

### 57. Heritage – Archaeological Discovery During Works

Should any Aboriginal relics or European historical relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the following agencies are to be informed of the discovery:

- a) Council;
- b) the Heritage Council of NSW in accordance with Section 146 of the *Heritage Act 197*; and/or
- c) the National Parks and Wildlife Service is to be informed in accordance with Section 91 of the *National Parks and Wildlife Act 1974*.

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### 58. Civil Works Specifications and Inspections by Certifying Authority

All civil construction works required by this consent shall be undertaken in accordance with Hawkesbury Development Control Plan 2002 – Appendix E – Civil Works Specification.

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 2002 – Appendix E – Civil Works Specifications – Part II Table 1.1.

#### *Prior to Issue of a Construction Compliance Certificate*

### 59. Construction Compliance Certificate – Works Completed

Prior to the issue of a Construction Compliance Certificate all works must be completed in accordance with the approved Design Compliance Certificate Plans, approved supporting documentation and to the satisfaction of the Certifying Authority.

### 60. Detailed Works As Executed Plans – On Site Detention

'Works As Executed' plans prepared by a registered surveyor and certifying compliance with the approved stormwater design plans must be submitted to the Certifying Authority prior to issue of an Interim or Final Occupation Certificate. The Works As Executed dimensions and levels must be shown in red on a copy of the approved plans. The plans must verify:

- a) surface levels of constructed paved areas;
- b) surface and invert levels of any pits;
- c) invert levels and sizes of any pipelines; and
- d) on site detention (OSD) tank location, dimensions, orifice plate and volume.

All levels must relate to Australian Height Datum (AHD).

### 61. Detailed Works As Executed Plans for Works to be Dedicated to Council

'Works As Executed' plans prepared by a registered surveyor and certifying compliance with the approved design plans must be submitted to the Certifying Authority prior to issue of a Construction Compliance Certificate for the works to be dedicated to Council. The Works As Executed dimensions and levels must be shown in red on a copy of the approved Design Compliance Certificate plans. The plans must verify:

- a) finished surface levels;
- b) dimensions of carparking spaces;
- c) location and level of kerbs; and
- d) location and levels of footpath.

All levels must relate to Australian Height Datum (AHD).

#### *Prior to Issue of an Occupation Certificate*

### 62. Occupation Certificate – Prior to Commencement of Use

The development shall not be occupied or used prior to the issuing of a Final Occupation Certificate or Interim Occupation Certificate by the Principal Certifying Authority. Where an Interim Occupation Certificate has been issued, only that part of the building to which the Certificate applies may be occupied or used.

A copy of the Occupation Certificate shall be submitted to Council within two days of issue.



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### 63. Boarding House – Restrictions on Title

Prior to the issue of an Occupation Certificate, the following restrictions must be registered against the title of the property in accordance with Section 88E of the *Conveyancing Act 1919* stating that:

- a) The boarding house is to be used for the purposes of affordable housing, being accommodation for persons over 60 years of age with a gross household income that is less than 120 per cent of the median household income for the time being of Greater Sydney Statistical Division (according to the Australian Bureau of Statistics) and that pay no more than 30% of that gross income in rent.
- b) The boarding house is to be used for the purposes of affordable housing and that boarders/residents of the boarding house must enter into a Residential Tenancy Agreement with special conditions stating that they do not own a motor vehicle.
- c) The boarding house must be operated by a not-for-profit organisation that is a direct provider of rental housing to tenants.

### 64. Council Sewer Authority – Section 307 Compliance Certificate

A Section 307 Compliance Certificate from Council's Waste Management Branch confirming that the sewer works constructed and applicable fees under the Section 306 Response have been completed and paid must be submitted to the Principal Certifying Authority prior to the issue of an Interim or Final Occupation Certificate.

### 65. Infrastructure Upgrades – Completed

The infrastructure upgrades required as part of this consent must be completed prior to issue of an Interim or Final Occupation Certificate.

### 66. Dedication of Parking and Pedestrian Footpath as Road Reserve

The four car parking spaces and the pedestrian footpath, including all associated infrastructure, must be dedicated as public road reserve at no cost to Council prior to the issue of an Interim or Final Occupation Certificate.

### 67. Dilapidation Report – Completion of Works

On completion of the development and prior to the issue of an Interim or Final Occupation Certificate, a final Dilapidation Report is to be prepared by an appropriately qualified person and is to be provided to the Principal Certifying Authority and Council identifying:

- a) whether any damage to surrounding public infrastructure has occurred as a result of the development;
- b) the nature and extent of any damage caused to the public infrastructure as a result of the development;
- c) the nature and extent of works required to rectify any damage caused to the public infrastructure as a result of the development; and
- d) the nature and extent of works carried out to rectify any damage caused to the public infrastructure as a result of the development.

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This report must reference the original Dilapidation Report and Survey that were required to be provided to the Principal Certifying Authority and Council in accordance with this consent.

The developer shall bear the cost of carrying out works to restore all damage to public infrastructure as a result of the carrying out of the development, and no occupation of the development shall occur until damage caused as a result of the carrying out of the development is rectified.

### **68. Survey Certificate at Completion**

A Survey Certificate prepared by a Registered Surveyor shall be prepared to certify the location of the building in relation to the boundaries of the allotment. The certificate is to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

### **69. Section J Energy Efficiency Assessment**

Suitable evidence that the commitments identified in the Section J Energy Efficiency Assessment and on the plans or specifications have been fulfilled shall be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

### **70. Suitability of Glazing – Windows and Doors**

Glazing materials (e.g. windows, doors, footlights, balustrades and shower screens) are to be installed within the building in accordance with Australian Standards AS1288 'Glass in Buildings – Selection and Installation' and AS2047 'Windows and external glazed doors in buildings'. A Certificate of Compliance is required to be provided to the Principal Certifying Authority prior to the issue of an Interim or Final Occupation Certificate.

Note: The certificate is required to be signed by the manufacturer and the installer.

### **71. Suitability of Glazing – Balustrades**

Glass balustrades must be designed and installed in accordance with Australian/New Zealand Standard AS/NZS 1170.1 'Structural design actions – Permanent, imposed and other actions'.

Engineering certification must be provided to the Principal Certifying Authority for glass balustrading used in the development prior to the issue of an Interim Occupation Certificate.

### **72. Certification of Smoke Detection and Alarm System**

An automatic smoke detection and alarm system shall be installed in residential development by a licensed electrician. Smoke alarms must comply with the Building Code of Australia and relevant Australian Standards and be connected to the consumer mains power where supplied to the building. A Certificate from a licenced electrician shall be provided to the Principal Certifying Authority prior to the issue of an Interim or Final Occupation Certificate.

### **73. Termite Protection – Certificate of Treatment**

The type and method of termite treatment (complying with Australian Standard AS3660.1:2014 'Termite Management - New Building Work') provided to walls and floors, pipe penetrations and jointing of new work to existing and slab perimeters shall be certified prior to the release of an Occupation Certificate. A copy of the termite treatment and materials used shall also be securely fixed inside the meter box for future reference.

### **74. Termite Protection – Notice**

A Termite Protection Notice, printed on durable material, shall be affixed in the meter box in accordance with Australian Standard AS 3660.1 'Termite Management – New building work' prior to a final inspection being carried out. The notice shall include information on the form of termite protection employed and the expected service life of the barrier before maintenance is required.

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### 75. Sydney Water Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate. For details refer to Sydney Water's website [www.sydneywater.com.au](http://www.sydneywater.com.au)

### 76. Telecommunications Provider Certificate

Documentary evidence from a telecommunications carrier confirming that services are available for the development shall be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

### 77. Energy Provider Certificate

Documentary evidence from an energy provider confirming that satisfactory arrangements have been made to serve the proposed development shall be provided to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

### *Operational Conditions*

### 78. Maximum Number of Boarders

A maximum of 19 boarders may be accommodated within the boarding house.

The boarding rooms may accommodate single boarders only.

### 79. Operation of Boarding House – Plan of Management

The boarding house must be operated and managed in accordance with the approved Plan of Management.

A copy of the approved Plan of Management, development consent, Incident Register and Register of Complaints must be kept onsite and made available to any Council or Police officer upon request.

The Plan of Management should be reviewed and updated every 12 months to reflect and respond to operational performance and incidents.

### 80. Noise Generating Activities – Daytime and Evening Hours

During the hours of 7am to 10pm, the development shall be managed so that the LAeq noise levels, measured at any point in accordance with the NSW Industrial Noise Policy, do not exceed 5dB(A) (LAeq) above background levels (LA90) with respect to noise amenity of residential properties and associated outdoor areas.

Between the hours of 10pm to 7am, the development shall be managed so that the noise level does not create offensive noise when assessed against the NSW EPA Noise Guide for Local Government (2013).

### 81. Annual Fire Safety Statement

The owner of the building is responsible for the lodgement with Council of an Annual Fire Safety Statement from a competent person so as to confirm the essential fire safety measures required to be provided in the building exist and are being maintained. The Annual Fire Safety Statement shall be issued within 12 months of the issue of the Final Fire Safety Certificate, and then on an annual basis thereafter.

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A copy of the Fire Safety Statement obtained and Fire Safety Schedule shall also be:

- a) Forwarded to the Commissioner of Fire and Rescue New South Wales by email to [afss@fire.nsw.gov.au](mailto:afss@fire.nsw.gov.au); and
- b) Prominently displayed in the building.

### 82. Lighting

Any lighting shall be managed to minimise glare and light spill onto adjoining properties or roadways. Lighting installations shall comply with Australian Standard AS 4282 'Control of the obtrusive effects of outdoor lighting'.

No flashing, moving or intermittent lighting, visible from any public place may be installed on the premises.

### *Advisory Notes*

#### (i) Site Contamination Discovered During Demolition or Construction

Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about contamination, then Council must be immediately notified and works must cease. Works must not recommence on site until consultation is made with Council.

#### (ii) Police Comments

Comments received from the Hawkesbury Local Area Command (Police) dated 18 December 2016 should be reviewed and incorporated in the Plan of Management as required.

#### (iii) Dial Before You Dig

Prior to commencement of work, the free national community service 'Dial Before You Dig' shall be contacted on 1100 regarding the location of any underground services in order to prevent injury, personal liability and even death. Enquiries should provide the property details and the nearest cross street/road.

#### (iv) Requirements of 88B Instrument

The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.

#### (v) Works on Public Land – Public Liability Insurance

Any person or contractor undertaking works on public land must take out a Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of public land and the undertaking of approved works within Council's road reserve or public land, as approved by this consent.

The Policy is to note, and provide protection/full indemnification for Council, as an interested party. A copy of the Policy must be submitted to Council prior to commencement of any works. The Policy must be valid for the entire period that the works are being undertaken.

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**(vi) Utilities and Services**

Utilities, services and other infrastructure potentially affected by construction and operation shall be identified prior to construction to determine requirements for access to, diversion, protection, and/or support. Consultation with the relevant owner and/or provider of services that are likely to be affected by the development shall be undertaken to make suitable arrangements for access to, diversion, protection, and/or support of the affected infrastructure as required. The cost of any such arrangements shall be borne by the developer.

In accordance with Section 375A of the Local Government Act 1993 a division is required to be called whenever a planning decision is put at a council or committee meeting. Accordingly, the Chairperson called for a division in respect of the motion, the results of which were as follows:

<b>For the Motion</b>	<b>Against the Motion</b>
Councillor Calvert	Councillor Garrow
Councillor Conolly	Councillor Lyons-Buckett
Councillor Kotlash	Councillor Rasmussen
Councillor Reynolds	Councillor Ross
Councillor Richards	Councillor Wheeler
Councillor Tree	Councillor Zamprogno

The Motion was carried on the Casting Vote of the Mayor.

**371 RESOLUTION:**

RESOLVED on the Motion of Councillor Zamprogno, seconded by Councillor Conolly.

That Item 212 be heard as the following item.

**ORDINARY MEETING**

**Minutes: 28 November 2017**

**GENERAL MANAGER**

**Item: 212**                    **GM - Outcome of Public Exhibition of Supplementary Resourcing Strategy - (79351, 95496, 79356)**

**Previous Item:**        186, Ordinary (10 October 2017)  
                              175, Ordinary (26 September 2017)  
                              170, Ordinary (26 September 2017)  
                              159, Ordinary (12 September 2017)  
                              60, Ordinary (28 March 2018)  
                              273, Ordinary (13 December 2016)  
                              241, Ordinary (8 November 2016)  
                              211, Ordinary (11 October 2016)  
                              146, Ordinary (26 July 2016)  
                              138, Ordinary (12 July 2016)  
                              4, Ordinary (02 February 2016)  
                              85, Extraordinary (23 June 2015)  
                              RM, Ordinary (30 June 2015)  
                              MM, Ordinary (27 October 2015)

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Mr Peter Nicolson, Mr Bill Sneddon and Mr Michael Want addressed Council, speaking for the recommendation.

The Mayor adjourned the meeting at 8:45pm and resumed the meeting at 8:58pm.

Mr John Cupit, Ms Robyn Laurenson and Ms Lorraine Charnas addressed Council, speaking against the recommendation.

**MOTION:**

RESOLVED on the motion of Councillor Lyons-Buckett, seconded by Councillor Rasmussen.

***Refer to RESOLUTION***

**372 RESOLUTION:**

RESOLVED on the motion of Councillor Lyons-Buckett, seconded by Councillor Rasmussen.

That:

1. Council adopt the Draft Supplementary Resourcing Strategy 2017-2027 and Draft Supplementary Delivery Program 2017-2021 as amended with the inclusion of additional paragraphs in the Introductory section of the draft document confirming its preferred Fit for the Future investment option.
2. Council confirm Option 3 as its preferred Fit for the Future investment option and notify the Independent Pricing and Regulatory Tribunal (IPART) of its intention to prepare an Application for a Special Rate Variation based on the following elements:

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<b>Information Required</b>	<b>Council Response</b>
Type of special rate application	Application under Section 508A of the NSW Local Government Act – being a special rate variation over a period of three years
Percentage increases each year	As per Option 3 – 9.5% in 2018/2019, 9.5% in 2019/2020, 9.5% in 2020/2021
Permanent or temporary increase	A permanent increase which is retained within the rate base.
Purpose of the special variation	Primary purposes (based on IPART categories): <ul style="list-style-type: none"><li>• maintain existing services</li><li>• enhance financial sustainability</li><li>• infrastructure maintenance/renewal.</li></ul>
Principal contact	Executive Manager Community Partnerships

3. Council staff prepare an Application for a Special Rate Variation and submit the draft application for Council's consideration to the Ordinary Meeting on 30 January 2018.
4. Council adopt the draft Asset Management Policy as outlined in the Draft Supplementary Resourcing Strategy 2017-2027 and Draft Supplementary Delivery Program 2017-2021.

Councillors Conolly, Richards, Tree and Zamprogno requested that their names be recorded as having voted against the motion.

The Mayor adjourned the meeting at 10:48pm and resumed the meeting at 10:57pm

**373 RESOLUTION:**

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

That the meeting continue past 11pm to allow the Business Paper to be completed.

**374 RESOLUTION:**

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

That Item 214 be heard as the following item.

**ORDINARY MEETING**

**Minutes: 28 November 2017**

**CITY PLANNING**

**Item: 214 CP - Conservation Management Plan - 1029 St Albans Road, Lower Macdonald  
- Lot 1 DP 605179 - (95498, 124414)**

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Mr Stephen Kavanagh and Mr George Burns-Woods addressed Council, speaking for the recommendation.

**MOTION:**

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

***Refer to RESOLUTION***

**375 RESOLUTION:**

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

That:

1. Council as the consent authority approve the 'Conservation Management Plan for St Joseph's Catholic Church (Former) prepared by Edwards Planning and dated July 2017 for Lot 1 DP 605179, known as 1029 St Albans Road, Lower Macdonald.
2. The applicant be advised that the approval of the Conservation Management Plan does not approve any change of use or works to the property that require a separate planning approval. Any future application for change of use or works will be subject to the full merit assessment criteria, such as parking, traffic, noise, operating hours, number of persons at the site, etc., that is relevant to that application.



**ORDINARY MEETING**

**Minutes: 28 November 2017**

**PLANNING DECISIONS**

**Item: 210 CP - DA0317/17 - 539 Kurmond Road, Freemans Reach - Lot 8 DP 544000 - Intensive Plant Agriculture - (95498, 135615, 135616)**

**Previous Item:** 199, Ordinary (14 November 2017)

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Councillor Richards declared a less than significant non-pecuniary conflict of interest in this matter as she lives in Freemans Reach and no further action is required.

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Ms Anne Goddard, Mr Charlie Horder and Mr Mitchell Brown addressed Council, speaking for the recommendation.

Ms Stephanie Pratt and Ms Betrice Lynch addressed Council, speaking against the recommendation.

**MOTION:**

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

***Refer to RESOLUTION***

**376 RESOLUTION:**

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

That determination of Development Application No. DA0317/17 at Lot 8 DP 544000, 539 Kurmond Road Freemans Reach NSW 2756 for Intensive Plant Agriculture – Proposed Use for Intensive Plant Agriculture, Construction of Two Farm Buildings and Access Road and Associated Earthworks and Tree Removal be delegated to the General Manager following mediation between the applicant and the adjoining owners and occupiers.

In accordance with Section 375A of the Local Government Act 1993 a division is required to be called whenever a planning decision is put at a council or committee meeting. Accordingly, the Chairperson called for a division in respect of the motion, the results of which were as follows:

<b>For the Motion</b>	<b>Against the Motion</b>
Councillor Calvert	NIL
Councillor Conolly	
Councillor Garrow	
Councillor Kotlash	
Councillor Lyons-Buckett	
Councillor Rasmussen	
Councillor Reynolds	
Councillor Richards	
Councillor Ross	
Councillor Tree	
Councillor Wheeler	
Councillor Zamprogno	

**ORDINARY MEETING**

**Minutes: 28 November 2017**

**Item: 211 CP - DA0380/17 - 617 Bells Line of Road, Kurmond - Lot 1 DP794338 - Change of Use to Transitional Group Home - (95498, 92999, 138238, 135509)**

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Ms Meg Levy, Mr Paul Hutchinson and Ms Lyn Doering addressed Council, speaking for the recommendation.

Mr John Casserly and Mr James Benzie addressed Council, speaking against the recommendation.

A MOTION was moved by Councillor Wheeler, seconded by Councillor Ross.

That Development Application No. DA0380/17 at Lot 1 DP 794338, 617 Bells Line of Road, Kurmond NSW for change of use to a Transitional Group Home be refused for the following reasons:

1. The approval of the development will not be in the public interest.
2. The development is inconsistent with Clause 46 of the Affordable Housing SEPP.

In accordance with Section 375A of the Local Government Act 1993 a division is required to be called whenever a planning decision is put at a council or committee meeting. Accordingly, the Chairperson called for a division in respect of the motion, the results of which were as follows:

<b>For the Motion</b>	<b>Against the Motion</b>
Councillor Lyons-Buckett	Councillor Calvert
Councillor Rasmussen	Councillor Conolly
Councillor Ross	Councillor Garrow
Councillor Wheeler	Councillor Kotlash
Councillor Zamprogno	Councillor Reynolds
	Councillor Richards
	Councillor Tree

The Motion was lost.

**MOTION:**

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

***Refer to RESOLUTION***

**ORDINARY MEETING**

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**377 RESOLUTION:**

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

That Development Application No. DA0380/17 at Lot 1 DP 794338, 617 Bells Line of Road, Kurmond NSW for change of use to a Transitional Group Home be approved subject to the following conditions:

**General Conditions****1. Integrated Development - General Terms of Approval**

The general terms of approval from the NSW Rural Fire Service, Reference No. D17/2198 dated 28 July 2017, as referred to in Section 93 of the Environmental Planning and Assessment Act 1979, are attached and form part of the consent conditions for this approval.

**2. Approved Plans and Supporting Documentation**

The development must be carried out generally in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where amended in red on the plans and/or amended by other conditions of consent:

## a) Plans Reference:

Drawing Number/Name	Prepared by	Date
Ground Floor Plan	Thomson Adsett	6 June 2017
Lower Ground Floor Plan	Thomson Adsett	6 June 2017
Front Fence Plan and Elevation	Rolling Stone Landscapes	13 April 2017

## b) Document Reference:

Document	Reference	Prepared By	Date
Statement of Environmental Effects	-	Smyth Planning	20 June 2017
Plan of Management	Bellbird Manor (Womens) Group Home Management Plan	Christ Mission Possible and One80tc	28 April 2017
Bellbird Manor House Rules	-	Christ Mission Possible and One80tc	28 April 2017
Targeted Contaminated Land Assessment	2364CL	Harris environmental	15 June 2017
Waste Management Plan	-	Applicant	4 April 2017
Hazardous Building Materials Survey	S9775	Hibbs and Associates	August 2017
Asbestos Clearance Inspection	-	Hibbs and Associates	22 August 2017
Asbestos Management Plan	S9775	Hibbs and Associates	September 2017

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No works, other than those approved (including raising or lowering of ground levels on the site, or construction of retaining walls on any property boundary) are permitted by this consent.

**Note:** Details of the development shown in the approved plans and documents referenced are altered in the manner indicated by:

- (i) any amendments made by Council on the approved plans or documents;
- (ii) any notes, markings, or stamps on approved plans or documents; and
- (iii) any conditions contained in this consent.

### 3. Part 4A Certificates Required

The accredited certifier shall provide copies of all Part 4A certificates issued under the Environmental Planning and Assessment Act 1979 relevant to this development to Council within seven days of issuing the certificate.

Note: A registration fee applies.

### 4. Prior to Commencement of Works

No excavation, site works or building works shall be commenced prior to the issue of a Design Compliance Certificate and Construction Certificate as appropriate

### 5. Design Compliance Certificate Required

A Part 4A Design Compliance Certificate must be obtained for this development covering the:

- a) civil drainage
- b) overland swale.

Note: Should Council be nominated as the Certifying Authority for the Design Compliance Certificate, the Applicant shall pay a Design Compliance Certificate Fee and a Construction Compliance Certificate Fee in accordance with Council's adopted fees and charges when submitting Civil Engineering Plans for approval.

### 6. Occupation Certificate Required Prior to The Use Of The Building

The building/structure shall not be occupied or used prior to the issuing of an Interim or Final Occupation Certificate by the Principal Certifying Authority. Where an Interim Occupation Certificate has been issued, only that part of the building to which the Certificate applies may be occupied or used.

A copy of the Occupation Certificate shall be submitted to Council within two days of its issue.

### 7. Civil Works Specification Compliance

All civil construction works required by this consent shall be undertaken in accordance with Hawkesbury Development Control Plan Appendix E Civil Works Specification. Inspections shall be carried out and compliance certificates issued by Council or an Accredited Certifier.

### 8. Sewer Authority - Hawkesbury City Council

This development falls within the Sewerage Scheme controlled by Council. Therefore Council is the approving authority for all sewer works.

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### 9. Commencement of the Use of the Land

The approved use of the land shall not commence until all relevant conditions of this consent have been complied with and an Interim or Final Occupation Certificate has been issued. Where an Interim Occupation Certificate has been issued, only that part of the building to which the Certificate applies may be occupied or used.

### 10. Works on Public Land - Not Permitted Without Approval

No work can be undertaken within adjoining public lands (i.e. Parks, Reserves, Roads etc.) without the prior written consent of Council or other relevant authority. In this regard the person having benefit of the consent is to contact Council prior to the commencement of any design works or preparation of a Construction and Traffic Management Plan.

The developer must bear the cost of all works associated with the development that occurs on public land, including the restoration of damaged areas.

### 11. Asbestos Removal

If asbestos is encountered during construction or demolition work; measures must be in place in accordance with WorkCover NSW guidelines and the Occupational Health & Safety Regulation 2001. Work shall not commence or continue until all the necessary safeguards required by WorkCover NSW are fully in place.

Only contractors who are appropriately licensed for asbestos disposal by WorkCover NSW may carry out the removal and disposal of asbestos from demolition and construction sites.

Prior to commencing demolition of buildings containing asbestos, a commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring 400mm x 300mm shall be erected in a prominent visible position on the site in accordance with Australian Standard AS 1319 - 'Safety Signs for the Occupational Environment'.

The person entitled to act on this consent shall notify adjoining residents in writing five working days prior to the demolition.

Asbestos waste must only be disposed of at a landfill site authorised to receive such waste. All receipts and supporting documentation must be retained in order to verify lawful disposal and are to be made available to Council on request.

### 12. Prescribed Conditions - Compliance with National Construction Code

All building works must be carried out in accordance with the requirements of the National Construction Code (Building Code of Australia).

### 13. Roads Act 1993 Approval Required

A separate approval is required from Council (for local roads) or Roads and Maritime Services (for State Roads) under Section 138 of the Roads Act 1993 to undertake any of the following:

- a) erect a structure or carry out a work in, on or over a public road; or
- b) dig up or disturb the surface of a public road; or
- c) remove or interfere with a structure, work or tree on a public road; or
- d) pump water into a public road from any land adjoining the road; or
- e) connect a road (whether public or private) to a public road.

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### 14. Plan of Management

The plan of management for the facility must be updated to take into account the recommendations of the NSW Police in the Crime Risk Assessment dated 25 July 2017.

Any works required in respect to street numbering, signs, landscaping, lighting, car park areas, doors, windows, telephones, key and valuables control, alarm systems, Closed Circuit Television, fire safety, emergency plans and work, health and safety must be shown on the plans and provided to the Principal Certifying Authority Prior to the Issue of a Construction Certificate.

### Prior to the Issue of Design Compliance Certificate

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Design Compliance Certificate relating to the approved development, whether by Council or an appropriately accredited certifier. In many cases, the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Design Compliance Certificate. The Design Compliance Certificate shall be obtained for the civil drainage and overland swale.

### 15. Drainage - Works

Prior to the issue of a Design Compliance Certificate, plans showing finished levels, any associated drainage, any structural details, batter grades and finished surfaces must be submitted to the Certifying Authority.

### 16. Drainage - Details

A basic drainage design covering stormwater leaving the pit located on the Eastern boundary and how both overland and piped drainage shall be dealt with must be submitted and approved prior to the release of the Design Compliance Certificate. The plan must:

- a) Clearly address overland flow issues by directing water away from the property boundary via a swale prior to being dispersed,
- b) Clearly address how piped drainage is to be discharged in a manner that does not adversely affect neighbours nor create erosion issues,
- c) be to the satisfaction of the Certifying Authority,
- d) comply with Council's Hawkesbury Development Control Plan (Part I & Chapter 8) and Australian Standard AS3500 - Plumbing and Drainage unless variation is specifically noted and approved on DA concept drainage plan

The development shall not create adverse impacts to neighbouring properties in relation to overland flow and must meet the following requirements:

- a) Water flowing from the property must not be redirected or concentrated to adjoining properties,
- b) Water flowing into the property from adjoining lots shall not be impeded or diverted.
- c) Water flow shall follow the natural flow directions without increasing velocity.

### 17. Driveway - Construction Works

The Western driveway crossing must be removed and re-constructed. The sealed crossing must be constructed so that it complies with the following requirements:

- a) must as a minimum maintain the same dimensions as the existing crossing.
- b) be constructed so as to have either a concrete or a bitumen sealed finish, and
- c) be in accordance with Hawkesbury Council's Driveway Specifications and Development Control Plan Appendix E.

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Evidence confirming that a driveway application has been submitted shall be provided to the certifying authority prior to issue of a Design Compliance Certificate.

### **Prior to the Issue of Construction Certificate**

#### **18. Long Service Levy Payment**

The payment of a long service levy as required under Part 5 of the Building and Construction Industry Long Service Payments Act 1986 is required. Evidence that the levy has been paid, is to be submitted to the Principal Certifying Authority prior to the issue of any Construction Certificate.

Note: All building works valued at \$25,000 or above are subject to the payment of a Long Service Levy at the rate of 0.35%. Payments can be made at Long Service Payments Corporation offices or most councils.

#### **19. Disability Access Design Audit**

Certification by an accredited access consultant shall be submitted, certifying the development's compliance with the National Construction Code (Building Code of Australia) and Disability (Access to Premises - Buildings) Standards 2010.

This certification shall be submitted to the Certifying Authority with the application for a Construction Certificate.

#### **20. Building - Upgrade Works**

The building is required to be upgraded so as to comply with the Performance Provisions of the Building Code of Australia. In this regard, a report from a suitably qualified and experienced A1 accredited certifier or a Fire Safety Consultant is required to identify the extent of upgrading works necessary to ensure the building has adequate provision for fire safety and is safe and suitable for occupation.

These proposed upgrading works are then to be detailed in the documentation to the Certifying Authority for approval as part of the construction certificate.

The following clauses of the Building Code of Australia will require particular attention; however the report should not be limited to these matters:

- a) C3.11 - Bounding Construction;
- b) D1.10 - Discharge from exits;
- c) D2.20 - Swinging Doors;
- d) D2.21 - Operation of Latch;
- e) D3 - Access for people with a Disability;
- f) E1.3 - Fire Hydrants;
- g) E1.6 - Portable Fire Extinguishers;
- h) E2.3 - Automatic Smoke Detection and Alarm System complying with Specification E2.2a;
- i) E4.2 - Emergency Lighting;
- j) E4.5 - Exit Signage;

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- k) Part F4 - Light and ventilation;
- l) F3.1 - Room heights (Laundry and access to laundry);

In addition to the above, the swimming pool barrier and gate are non-compliant with the requirements of the Swimming Pools Act. Works required to bring the barrier into compliance are required to be identified and documented and carried out as part of the upgrade works.

### 21. Food Preparation Areas - Works

The kitchen is to comply with Australian Standard AS4674 - 2004 Design, Construction and Fit-out of Food Premises. A specification or detailed plans indicating compliance with the above shall be provided to the Certifying Authority prior to the issue of a Construction Certificate.

### 22. Design Compliance Certificate

A Design Compliance Certificate is required to be obtained for the design of the stormwater drainage and overland swale. The Design Compliance Certificate is to be provided to the Certifying Authority prior to the issue of any Construction Certificate.

### 23. Sewerage

A Sewerage Management Facility System application shall be submitted to Hawkesbury City Council for a new tanker pump-out system. This will need to be sized accordingly, based on potential hydraulic load. Evidence of the approval of the application must be submitted to the Principal Certifying Authority prior to the issue of a construction certificate.

### Prior to Any Works Commencing on Site

### 24. Principal Certifying Authority - Details

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.

### 25. Toilet Facilities

Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet must:

- a) be a standard flushing toilet connected to a public sewer;
- b) be attached to an approved on-site effluent disposal system;
- c) be a temporary chemical closet that is regularly maintained; and
- d) appropriate facilities for the disposal of sanitary items are to be provided within the toilet.

### 26. Notice of Commencement

No work shall commence until a notice of commencement has been provided to Council. This notice is to be provided not less than two days from the date on which it is proposed to commence work associated with this Development Consent. The notice must also contain:

- a) details of the appointment of a Principal Certifying Authority (PCA) providing name, address and telephone number; and
- b) details of the name, address and licence details of the Builder.



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### 27. Principal Certifying Authority (PCA) Site Sign

A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- a) showing the name, address and telephone number of the Principal Certifying Authority for the work;
- b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
- c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

### 28. Asbestos Material Handling

Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under Clause 458 of the Work Health and Safety Regulation 2011.

In addition to the above, the following shall be satisfied:

- a) the person having the benefit of this consent must provide the Principal Certifying Authority with a copy of a signed contract with such a person before any development or works commence;
- b) any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the bonded asbestos material or friable asbestos material is to be delivered;
- c) if the contract indicates that bonded asbestos material or friable asbestos material will be removed to a specified landfill site, the person having the benefit of the complying development certificate must give the Principal Certifying Authority a copy of a receipt from the operator of the landfill site stating that all the asbestos material referred to in the contract has been received by the operator.

### 29. Erosion and Sediment Control for Minor Development

Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with Landcom's publication 'Managing Urban Stormwater - Soils and Construction (2004)'.

### 30. Sydney Water - Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. For details refer to Sydney Water's website.

Following application, a 'Notice of Requirements' will be forwarded detailing water and/or sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. The 'Notice of Requirements' must be submitted to the Principal Certifying Authority before the commencement of works

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### During Construction

#### 31. Construction Hours

Clearing of land, running of machinery, excavation, and/or earthworks, building works and the delivery of building materials shall be carried out between the following hours:

- a) between 7am and 6pm, Mondays to Fridays inclusive;
- b) between 8am and 4pm, Saturdays;
- c) no work on Sundays and public holidays; and
- d) works may be undertaken outside these hours where:
  - (i) the delivery of vehicles, plant or materials is required outside these hours by the Police or other authorities;
  - (ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; and
  - (iii) a variation is approved in advance in writing by Council.

#### 32. Site Management During Construction

- a) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- b) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
- c) Copies of receipts stating the following must be given to the principal certifying authority:
  - (i) the place to which waste materials were transported;
  - (ii) the name of the contractor transporting the materials; and
  - (iii) the quantity of materials transported off-site and recycled or disposed of.
- d) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.
- e) During construction:
  - (i) all vehicles entering or leaving the site must have their loads covered;
  - (ii) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads; and
  - (iii) any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to the public.
- f) At the completion of the works, the work site must be left clear of waste and debris.

Note: In the event it is not possible to keep the footpath or road reserve clear during construction works written approval from Council shall be obtained prior to any closing of the road reserve or footpath area. The closure shall take place in accordance with Council's written approval. The area shall be signposted and such signposting be maintained in a way that ensures public safety at all times.

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### 33. Loading and Unloading During Construction

The following requirements apply.

- a) All loading and unloading associated with construction activity must be accommodated on site.
- b) If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- d) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval must be obtained from Council.

### 34. Critical Stage Inspections

Prior to the commencement of building work and at nominated stages during the construction of the building, a minimum of 48 hours' notice is required to be provided to allow the Principal Certifying Authority to ensure that the critical stage inspections are undertaken.

Note: Critical stage inspections are required to be carried out in accordance with Clause 162A of the Environmental Planning & Assessment Regulation 2000.

### 35. Inspections - Sewerage

Inspections for sanitary drainage works are to be carried out by Hawkesbury City Council. Inspections must be conducted on the exposed pipes prior to covering. In the case of internal and external (house service connection) drainage, the inspection must be conducted by Hawkesbury City Council's Regulatory Services Branch. Please phone (02) 4560-4444 to arrange inspections.

### 36. Asbestos Handling

If asbestos is encountered during any work, measures must be in place in accordance with WorkCover NSW Guidelines and the Occupational Health and Safety Regulation 2001. Work shall not commence or continue until all the necessary safeguards required by WorkCover NSW are fully in place.

Only contractors who are appropriately licensed for asbestos disposal by WorkCover NSW may carry out the removal and disposal of asbestos from demolition and construction sites.

Prior to commencing the removal of any structures containing asbestos, a commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring 400mm x 300mm shall be erected in a prominent visible position on the site in accordance with Australian Standard AS 1319 - 'Safety Signs for the Occupational Environment'.

The person entitled to act on this consent shall notify adjoining residents in writing five working days prior to the demolition.

Asbestos waste must only be disposed of at a landfill site authorised to receive such waste. All receipts and supporting documentation must be retained in order to verify lawful disposal and are to be made available to Council on request.

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### 37. Heritage - Archaeological Discovery During Works

Should any Aboriginal relics or European historical relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the following agencies are to be informed of the discovery:

- a) Council;
- b) the Heritage Council of NSW in accordance with Section 146 of the Heritage Act 1977, and/or
- c) the National Parks and Wildlife Service is to be informed in accordance with Section 91 of the National Parks and Wildlife Act 1974.

### Prior to Issue of Occupation Certificate

### 38. Occupation Certificate - Prior to Commencement of Use

The development shall not be occupied or used prior to the issuing of a Final Occupation Certificate or Interim Occupation Certificate by the Principal Certifying Authority. Where an Interim Occupation Certificate has been issued, only that part of the building to which the Certificate applies may be occupied or used.

A copy of the Occupation Certificate shall be submitted to Council within two days of issue.

### 39. On-site Sewage Management - Approval to Operate

An Approval to Operate the on-site sewage management system shall be obtained prior to the issue of any Occupation Certificate.

### 40. Swimming Pools - Pool Warning Notice (Resuscitation Chart) and External Cardiac Compression Chart (move to Prior to the Issue Of Occupation Certificate)

A warning notice (resuscitation chart) and External Cardiac Compression Chart is to be affixed and maintained in a prominent location adjacent to the pool/spa prior to the issue of an Occupation Certificate.

#### Notes:

- a) The warning notice (i.e. sign) must contain all of the following words:
  - (i) YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL; and
  - (ii) POOL GATES MUST BE KEPT CLOSED AT ALL TIMES; and
  - (iii) KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES.
- b) In addition, the notice must contain a simple flow sequence (which may be the flow sequence depicted in the Cardiopulmonary Resuscitation Guideline) containing details of resuscitation techniques (for infants, children and adults):
  - (i) That are set out in accordance with the relevant provisions of that Guideline;
  - (ii) That comply with the other relevant guidelines of the Australian Resuscitation Council; and
  - (iii) That are illustrated by drawings with key words only in bold print.
- c) A statement to the effect that formal instruction in resuscitation is essential.
- d) The name of the teaching organisation or other body that published the sign and the date of its publication.

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### 41. Telecommunications Provider Certificate

Documentary evidence from a telecommunications carrier confirming that services are available for the development shall be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

### 42. Sydney Water Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate. For details refer to Sydney Water's website.

### 43. Fencing

The fencing required under this consent must be installed prior to the release of an Interim or Final Occupation Certificate.

### 44. Rural Fire Service's General Terms of Approval

Evidence of compliance with the Rural Fire Service's General Terms of Approval (Reference No. D17/2198) dated 28 July 2017 is to be provided to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

### 45. Construction Compliance Certificate

A Construction Compliance Certificate for works approved under the Design Compliance Certificate is required prior to the issue of an Occupation Certificate.

### 46. Driveway

The western driveway crossing construction required as part of this consent must be completed prior to the issue of any Occupation Certificate.

### 47. Sewerage

A written clearance from Hawkesbury City Council (as the local sewer authority) that the development is suitably connected to the on-site sewerage management system, is required to be submitted to the Principal Certifying Authority prior to the issue of an interim occupation certificate.

## Operational Conditions

### 48. Maintenance of Landscaping

All trees and plants forming part of the approved landscape design must be maintained on an ongoing basis. Maintenance includes watering, weeding, fertilizing, pest and disease control and any other activity required to maintain healthy trees, plants and turfed areas.

### 49. Plan of Management

- a) The approved use of the premises must always be operated / managed in accordance with the Plan of Management approved with this consent.
- b) A copy of the approved Plan of Management and this development consent must be kept on site and made available to any Council or Police officer upon request.
- c) Access to the Incident Register and register of complaints must be made available for viewing on the request of Council officers and/or the Police.

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- d) The live-in manager shall be present onsite to manage and oversee the operation of the transitional group home.
- e) A maximum of 12 residents may be accommodated on site.
- f) Alcohol and/or drug detox rehabilitation must not be undertaken on the site.

### 50. Swimming Pool

The swimming pool may be required to be registered with Council under the Public Health Act, if the pool meets NSW Health's definition of a public swimming pool.

### 51. Noise Generating Activities - Daytime and evening hours

During the hours of 7am to 10pm, the development shall be managed so that the LAeq noise levels, measured at any point in accordance with the NSW Industrial Noise Policy, do not exceed 5dB(A) (LAeq) above background levels (LA90) with respect to noise amenity of residential properties and associated outdoor areas.

### 52. Noise Generating Activities - Night hours

Between the hours of 10pm to 7am, the development shall be managed so that the noise level does not create offensive noise when assessed against the NSW EPA Noise Guide for Local Government (2013).

### 53. Lighting

Any lighting shall be managed to minimise glare and light spill onto adjoining properties or roadways. Lighting installations shall comply with Australian Standard AS 4282 - 'Control of the obtrusive effects of outdoor lighting'.

No flashing, moving or intermittent lighting, visible from any public place may be installed on the premises or external sign associated with the development.

### 54. Bushfire Protection - Maintenance of Asset Protection Zones

Asset Protection Zones are to be maintained at all times in accordance with Section 4.2.2 of 'Planning for Bushfire Protection 2006'.

### 55. Annual Fire Safety Statement

The owner of the building is responsible for the lodgement with Council of an Annual Fire Safety Statement from a competent person so as to confirm the essential fire safety measures required to be provided in the building exist and are being maintained. The Annual Fire Safety Statement shall be issued within 12 months of the issue of the Final Fire Safety Certificate, and then on an annual basis thereafter.

A copy of the Fire Safety Statement obtained and Fire Safety Schedule shall also be:

- a) Forwarded to the Commissioner of Fire and Rescue New South Wales by email to [afss@fire.nsw.gov.au](mailto:afss@fire.nsw.gov.au); and
- b) Prominently displayed in the building.

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### Advisory Notes (if applicable)

#### (i) Approval Authority

This development falls within the Sewerage Scheme controlled by Council, therefore Council is the approval authority for all sewer works.

The applicant must consult with the Waste Management Branch regarding any possible new work or upgrades to existing Council sewer mains related to this application.

#### (ii) Equitable Access

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.

#### (iii) Dial Before You Dig

Prior to commencement of work, the free national community service 'Dial Before You Dig' shall be contacted on 1100 regarding the location of underground services in order to prevent injury, personal liability and even death. Enquiries should provide the property details and the nearest cross street/road.

#### (iv) Works on Public Land - Public Liability Insurance

Any person or contractor undertaking works on public land must take out a Public Risk Insurance policy with a minimum cover of \$10 million in relation to the occupation of public land and the undertaking of approved works within Council's road reserve or public land, as approved by this consent.

The policy is to note, and provide protection/full indemnification for Council, as an interested party. A copy of the policy must be submitted to Council prior to commencement of any works. The policy must be valid for the entire period that the works are being undertaken.

#### (v) Utilities and Services

Utilities, services and other infrastructure potentially affected by construction and operation shall be identified prior to construction to determine requirements for access to, diversion, protection, and/or support. Consultation with the relevant owner and/or provider of services that are likely to be affected by the proposed development shall be undertaken to make suitable arrangements for access to, diversion, protection, and/or support of the affected infrastructure as required. The cost of any such arrangements shall be borne by the developer.

#### (vi) Disability Discrimination Act - Indemnity

This approval does not provide any indemnity to the owner or applicant under the *Disability Discrimination Act 1992* with respect to the provision of access and facilities for people with disabilities.

**ORDINARY MEETING**

**Minutes: 28 November 2017**

In accordance with Section 375A of the Local Government Act 1993 a division is required to be called whenever a planning decision is put at a council or committee meeting. Accordingly, the Chairperson called for a division in respect of the motion, the results of which were as follows:

<b>For the Motion</b>	<b>Against the Motion</b>
Councillor Calvert	Councillor Rasmussen
Councillor Conolly	Councillor Ross
Councillor Garrow	Councillor Wheeler
Councillor Kotlash	Councillor Zamprogno
Councillor Lyons-Buckett	
Councillor Reynolds	
Councillor Richards	
Councillor Tree	



**ORDINARY MEETING**

**Minutes: 28 November 2017**

**GENERAL MANAGER**

**Item: 213**                    **GM - Submission - Consultation Drafts for the updated Model Code of Conduct and Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW - (79351, 79353, 125612)**

**Previous Item:**        NM, Ordinary (29 August 2017)

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**MOTION:**

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

*Refer to RESOLUTION*

**378 RESOLUTION:**

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

That the Submission – Consultation Drafts for the updated Model Code of Conduct and Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW, as attached as Attachment 1 to this report, be forwarded to the Office of Local Government before the end of the consultation period on 4 December 2017.

**ORDINARY MEETING**

**Minutes: 28 November 2017**

**CITY PLANNING**

**Item: 215**                    **CP - Minutes of Town Centres Master Plan Project Group - 19 September 2017 - (95498, 124414)**

**Previous Item:**        116, Ordinary (27 June 2017)  
                              52, Ordinary (14 March 2017)  
                              37, Ordinary (28 February 2017)  
                              NM5, Ordinary (11 October 2016)

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**MOTION:**

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

*Refer to RESOLUTION*

**379 RESOLUTION:**

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

That the minutes of the Town Centres Master Plan Project Group of 19 September 2017 be received and noted.

**Item: 216**                    **CP - Minutes of Town Centres Master Plan Project Group - 8 November 2017 - (95498, 124414)**

**Previous Item:**        116, Ordinary (27 June 2017)  
                              52, Ordinary (14 March 2017)  
                              37, Ordinary (28 February 2017)  
                              NM5, Ordinary (11 October 2016)

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**MOTION:**

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

*Refer to RESOLUTION*

**380 RESOLUTION:**

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

That the minutes of the Town Centres Master Plan Project Group of 8 November 2017 be received and noted.

**ORDINARY MEETING**

**Minutes: 28 November 2017**

**Item: 217 CP - Submission to Draft Future Transport Strategy 2056 - (95498, 124414)**

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**MOTION:**

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

*Refer to RESOLUTION*

**381 RESOLUTION:**

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

That Council prepare and forward a submission to the NSW State Government addressing the key issues and directions listed in this report to the Draft Future Transport 2056 suite of documentation which is currently on exhibition prior to the end of the consultation period on 3 December 2017.

**Item: 218 CP - Submission to Proposed Changes to the Environmental Planning and Assessment Act - (95498, 124414) and Proposed Amendment to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 - (95498, 124414)**

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**MOTION:**

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

*Refer to RESOLUTION*

**382 RESOLUTION:**

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

That Council endorse the forwarding of submissions, addressing the key issues and directions listed in this report, to the review of the Environmental Planning and Assessment Regulation 2000 and proposed amendment to the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

**ORDINARY MEETING**

**Minutes: 28 November 2017**

**INFRASTRUCTURE SERVICES**

**Item: 219**                    **IS - Sustainable Energy Strategy - (95495, 79340)**

**Previous Item:**        NM1, Ordinary (29 August 2017)  
                              MM2, Ordinary (30 May 2017)  
                              NM3, Ordinary (13 December 2016)

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**MOTION:**

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

*Refer to RESOLUTION*

**383 RESOLUTION:**

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

That the matter be deferred to the next Council meeting.

**ORDINARY MEETING**

**Minutes: 28 November 2017**

**SUPPORT SERVICES**

**Item: 220                    SS - Monthly Investments Report - October 2017 - (95496, 96332)**

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**MOTION:**

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

*Refer to RESOLUTION*

**384 RESOLUTION:**

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

The report regarding the monthly investments for October 2017 be received and noted.

**Item: 221                    SS - Code of Conduct Complaints Statistics Report - 1 September 2016 to 31 August 2017 - (95496)**

**Previous Item:**        128, Ordinary (25 July 2017)

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**MOTION:**

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

*Refer to RESOLUTION*

**385 RESOLUTION:**

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

That the report under Clause 12.1 of the Council's Procedures for the Administration of the Code of Conduct, in respect of the Code of Conduct complaints statistics for the period from 1 September 2016 to 31 August 2017, be noted.

**ORDINARY MEETING**

**Minutes: 28 November 2017**

**Item: 222**                    **SS - Debt Recovery, Pensioner Concession and Hardship Policy - (95496, 96332)**

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**MOTION:**

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

*Refer to RESOLUTION*

**386 RESOLUTION:**

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

That:

1. The Debt Recovery, Pensioner Concession and Hardship Policy, attached as Attachment 1 to the report, be adopted.
2. The following Policies be archived and superseded by the Debt Recovery, Pensioner Concession and Hardship Policy:
  - a) Debt Recovery Policy (2010)
  - b) Pensioner Rating Concessions Policy (1999)
  - c) Writing Off of Rates and Charges and Other Receivables Policy (1999).

**Item: 223**                    **SS - Pecuniary Interest Return - Designated Person - (95496, 96333)**

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**MOTION:**

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

*Refer to RESOLUTION*

**387 RESOLUTION:**

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

That the information be received and noted.

**ORDINARY MEETING**

**Minutes: 28 November 2017**

**Item: 224**                    **SS - September 2017 Quarterly Budget Review Statement - (95496, 96332)**

**Previous Item:**        100, Extraordinary (13 June 2017)

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**MOTION:**

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

*Refer to RESOLUTION*

**388 RESOLUTION:**

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

That:

1. The information contained in the report be received.
2. The Quarterly Budget Review Statement – September 2017, attached as Attachment 1 to the report be adopted.

**ORDINARY MEETING**

**Minutes: 28 November 2017**

**SECTION 4 - Reports of Committees**

**ROC**

**Local Traffic Committee - 13 November 2017 - (80245)**

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**389 RESOLUTION:**

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

That the minutes of the Local Traffic Committee held on 13 November 2017 as recorded on pages 291 to 309 of the Ordinary Business Paper be adopted.



**ORDINARY MEETING**

**Minutes: 28 November 2017**

**QUESTIONS FOR NEXT MEETING**

**Councillor Questions from Previous Meeting and Responses - (79351)**

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**Raised at the Ordinary Meeting held – 14 November 2017**

Responses to Questions in relation to previous Questions for Next Meeting were provided and discussed.

**ORDINARY MEETING****Minutes: 28 November 2017****Questions for Next Meeting**

#	Councillor	Question	Response
1	Calvert	Enquired if any protection measures have been put in place in relation to the change of ownership of Tebbutts Observatory, in relation to the heritage conservation.	Director City Planning
2	Calvert	Enquired if any protection measures have been put in place in relation to the change of ownership of Tebbutts Observatory and Council's telescope.	Director Support Services
3	Zamprogno	Requested that Council confirm the details of the terms under which Relay for Life used the Hawkesbury Showgrounds for the 2017 Relay for Life event.	General Manager
4	Zamprogno	Requested that Council's arborist tend to the London Plain trees lining the boulevard of Hawkesbury Valley Way, alongside the RAAF Base.	Director Infrastructure Services
5	Zamprogno	Requested that Council enquire of the Office the NSW Valuer General and obtain statistical information on the number of properties in the Hawkesbury LGA that have made an application for a review of their land valuation in the current round, and that the enquiry include the number of such applications ongoing and concluded, and the outcome of those reviews in regard to success or the quantum of the revised valuation.	Director Support Services
6	Zamprogno	Requested comments on the status of the development at 24 Bridge Street, Windsor, and a claim that an apprehension of heritage issue caused a 'stop work' order to be made, which necessitated the commission of a report that has cost the applicant an additional \$60,000.	Director City Planning

**ORDINARY MEETING**

**Minutes: 28 November 2017**

#	Councillor	Question	Response
7	Zamprogno	Requested comments relating to the challenges faced for vehicle egress of 24 Bridge Street, Windsor in respect of: <ul style="list-style-type: none"><li>• the legality of vehicles turning right towards Thompson Square intersection</li><li>• the potential for the issue of a permit to allow to turn left and left again into Court Street, which is currently illegal during certain hours</li><li>• the absence of this permit necessitates a journey to McGraths Hill and back to Windsor during peak hour.</li></ul>	Director Infrastructure Services
8	Richards	Requested an update on the survey in relation to Argyle Reach Road, Freemans Reach.	Director Infrastructure Services

The meeting terminated at 1:05am Wednesday, 29 November 2017.

Submitted to and confirmed at the Ordinary meeting held on 12 December 2017.

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Mayor