



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 27 October 2015
location: council chambers
time: 6:30 p.m.

ORDINARY MEETING

Minutes: 27 October 2015

MINUTES

– **WELCOME**

Prayer

Acknowledgement of Indigenous Heritage

– **APOLOGIES AND LEAVE OF ABSENCE**

– **DECLARATION OF INTERESTS**

– **SECTION 1 - Confirmation of Minutes**

– **ACKNOWLEDGEMENT OF OFFICIAL VISITORS TO THE COUNCIL**

– **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**

ORDINARY MEETING

Minutes: 27 October 2015

ORDINARY MEETING

Minutes: 27 October 2015

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE
SECTION 2 - Mayoral Minutes		6
MM	Release of IPART Final Report - "Assessment of Council Fit for the Future Proposals" - (79351, 79353, 12048)	6
SECTION 3 - Reports for Determination		8
PLANNING DECISIONS		8
Item: 172	CP - DA0135/15 - 'Shalimar' 380 Grose Vale Road, Grose Vale - Lot 10 DP 531053 - Tourist and Visitor accommodation - (95498, 18885, 18886)	8
Item: 173	CP - DA0430/15 - 328 Windsor Street, Richmond - Lot L DP 163938 - Use of Shop 1 as a Food and Drink Premises - (79351, 134666, 134667, 13090, 13091)	19
Item: 174	CP - S960081/15 - 89 Boundary Road, Glossodia - Lot 7 DP 7571 - Modifications to the consent for landfilling, construction of a farm building, erection of igloos and growing beds - (95498, 116927, 15110, 130392)	23
CITY PLANNING		28
Item: 175	CP - Draft Business Case for the Dredging of Hawkesbury River between Windsor and Sackville Ferry - (95498, 124414, 113545)	28
Item: 176	CP - Request to Revoke Dangerous Dog Declaration - (95498, 96330, 89744)	29
INFRASTRUCTURE SERVICES		30
Item: 177	IS - Exclusive Use of Governor Phillip Reserve - USA vs Australia B.A.D. Power Boat Challenge Race - (95495, 79354, 73829)	30
Item: 178	IS - Rural Fire Service Bid and Estimates 2016/2017 - Hawkesbury District - (95495, 79016, 73835)	31
SUPPORT SERVICES		32
Item: 179	SS - Monthly Investments Report - September 2015 - (96332, 95496)	32
Item: 180	SS - Code of Conduct Complaints Statistics Report - 1 September 2014 to 31 August 2015 - (95496)	32
Item: 181	SS - Disclosure of Interest Returns - Councillors and Designated Persons - (95496, 96333)	33
Item: 182	SS - Exemption from Rating - 378 Windsor Street, Richmond, 55 Windsor Street, Richmond and 57 Windsor Street, Richmond - (96332, 95496, 22933)	33

ORDINARY MEETING

Minutes: 27 October 2015

SECTION 4 - Reports of Committees	34
ROC Hawkesbury Access and Inclusion Advisory Committee - 27 August 2015 - (124569, 96328)	34
ROC Development Application Monitoring Advisory Committee - 3 September 2015 - (79351, 127794)	34
ROC Local Traffic Committee - 12 October 2015 - (80245)	34
SECTION 5 - Notices of Motion	35
NM1 Infrastructure Issues and Windsor Bridge - (79351, 105109, 125612)	35
NM2 Proposed changes to Hawkesbury Earthcare Centre - (79351, 105109, 125612)	36
NM3 Report Outlining S94A Exemption Options - (79351, 105109, 80104)	36
QUESTIONS FOR NEXT MEETING	37
Councillor Questions from Previous Meetings and Responses - (79351)	37
Questions for Next Meeting	38
CONFIDENTIAL REPORTS	39
Item: 183 IS - Land Acquisition - Bridge Replacement - Part of 413 and 441 West Portland Road, Sackville/Lower Portland - (95495, 9157, 9158, 6377, 6378) CONFIDENTIAL	40
Item: 184 SS - Property Matter - Council Lease from Endeavour Energy of 18 Lieutenant Bowen Road, Bowen Mountain (being Lot 609 in Deposited Plan 222231) - (95496, 112106, 124575) CONFIDENTIAL	41
SUPPLEMENTARY CONFIDENTIAL REPORT	42
Item: 185 SS - Sale of 155 Colonial Drive, Bligh Park (Lot 9164 in DP 843382) - (95496, 112106, 83144) CONFIDENTIAL	42

ORDINARY MEETING

Minutes: 27 October 2015

Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on 27 October 2015, commencing at 6:31pm.

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

ATTENDANCE

PRESENT: Councillor K Ford, Mayor, Councillor Dr W Mackay (OAM), Deputy Mayor and Councillors B Calvert, P Conolly, M Creed, M Lyons-Buckett, C Paine, B Porter, P Rasmussen, J Reardon, T Tree and L Williams.

ALSO PRESENT: General Manager - Peter Jackson, Director City Planning - Matt Owens, Director Infrastructure Services - Jeff Organ, Director Support Services - Laurie Mifsud, Executive Manager - Community Partnerships - Joseph Litwin, Development Services Manager - Cristie Evenhuis, Chief Financial Officer – Emma Galea, Manager Corporate Services and Governance - Ian Roberts and Administrative Support Coordinator - Natasha Martin.

Councillor Rasmussen arrived at the meeting at 6:33pm.

Councillor Williams arrived at the meeting at 6: 34pm.

Councillor Conolly arrived at the meeting at 6:35pm.

290 RESOLUTION:

RESOLVED on the motion of Councillor Paine, seconded by Councillor Rasmussen that standing orders be suspended to allow a presentation by Councillor Paine.

Councillor Paine attended a book launch on Saturday, 17 October 2015 for MacDonal Valley Public School. The book, *'170 years, 170 stories: celebrating 170 years at Macdonald Valley Public School'*, celebrates 170 years of the Public School and was signed by all current students and presented to Council for inclusion in the Hawkesbury Regional Library catalogue.

291 RESOLUTION:

RESOLVED on the motion of Councillor Paine, seconded by Councillor Rasmussen that standing orders be resumed.

SECTION 1 - Confirmation of Minutes

292 RESOLUTION:

RESOLVED on the motion of Councillor Porter and seconded by Councillor Rasmussen that the Minutes of the Ordinary Meeting held on the 29 September 2015, be confirmed.

ORDINARY MEETING

Minutes: 27 October 2015

SECTION 2 - Mayoral Minutes

MM Release of IPART Final Report - "Assessment of Council Fit for the Future Proposals" - (79351, 79353, 12048)

A MOTION was moved by Councillor Rasmussen, seconded by Councillor Lyons-Buckett.

That Council suspend standing orders to allow members of the public to speak to the item.

The Motion was lost on the casting vote of the Mayor.

A MOTION was moved by Councillor Ford.

That:

1. Council respond to the NSW Government's request for comments from Council as a result of the recently released IPART report regarding the Assessment of Council Fit for the Future Proposals in the manner suggested by Option 1 as referred to in this Mayoral Minute.
2. A further report be submitted to Council regarding possible strategies to amend Council's Fit for the Future proposal so as to achieve the required operating performance ratio at an earlier date than specified in the original proposal.

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

That:

1. Council respond to the NSW Government's request for comments from Council as a result of the recently released IPART report regarding the Assessment of Council Fit for the Future Proposals in the manner suggested by Option 1 as referred to in this Mayoral Minute.
2. A further report be submitted to Council regarding possible strategies to amend Council's FFF proposal; so as to achieve the required operating performance ratio, including the consideration of significant cost savings and a reduced SRV. The report will also include the effectiveness and logistics of any possible amalgamations.
3. The report options be presented to a Councillor Briefing Session prior to being reported to Council.

The Amendment was carried and became the Motion.

ORDINARY MEETING

Minutes: 27 October 2015

MOTION:

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

Refer to RESOLUTION

293 RESOLUTION:

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

That:

1. Council respond to the NSW Government's request for comments from Council as a result of the recently released IPART report regarding the Assessment of Council Fit for the Future Proposals in the manner suggested by Option 1 as referred to in this Mayoral Minute.
2. A further report be submitted to Council regarding possible strategies to amend Council's FFTF proposal; so as to achieve the required operating performance ratio, including the consideration of significant cost savings and a reduced SRV. The report will also include the effectiveness and logistics of any possible amalgamations.
3. The report options be presented to a Councillor Briefing Session prior to being reported to Council.

Councillor Rasmussen requested that his name be recorded as having voted against the motion.

ORDINARY MEETING

Minutes: 27 October 2015

SECTION 3 - Reports for Determination

PLANNING DECISIONS

Item: 172 **CP - DA0135/15 - 'Shalimar' 380 Grose Vale Road, Grose Vale - Lot 10 DP 531053 - Tourist and Visitor accommodation - (95498, 18885, 18886)**

Mr William Clark, Mrs Mary Clark and Ms Erica Dobbins addressed Council, speaking for the recommendation.

Mr Richard Steenbeeke, Ms Anita Steenbeeke and Ms Jessica Steenbeeke addressed Council, speaking against the recommendation

A MOTION was moved by Councillor Creed, seconded by Councillor Tree.

That development application DA0135/15 at Lot 10 in DP 531053, 380 Grose Wold Road, Grose Vale for Tourist and Visitor Accommodation - Use of three rail carriages as tourist and visitor accommodation be approved subject to the following conditions:

General Conditions

1. The development shall take place generally in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. The General Terms of Approval from the NSW Rural Fire Service dated 7 August 2015, 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.
3. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
4. The development is to comply with the National Construction Code/Building Code of Australia (BCA).
5. The cabins shall not be used or occupied prior to the issue of an Occupation Certificate.
6. 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. A registration fee applies.
7. Council is the sewer authority for this development. As this development involves connection to an onsite effluent disposal system, a 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.
8. Potable water shall be provided to the development in accordance with the NSW Health Private Water Supply Guidelines. A Water Supply Management Plan is to be developed and implemented in accordance with this Guideline. Submission of a copy of the Water Supply Management Plan shall be submitted to Council.

ORDINARY MEETING

Minutes: 27 October 2015

Prior to Issue of Construction Certificate

9. Pursuant to Section 80A(1) of the Environmental Planning and Assessment Act 1979 and Council's Section 94A Development Contributions Plan 2006 (as amended from time to time), a contribution of **\$1,050** shall be paid to Council. This contribution is based on the supplied estimated value-of-works of \$105,000.

The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of Council's Section 94A Development Contributions Plan 2006 (as amended from time to time).

The contribution is to be paid prior to the issue of the construction certificate and copies of receipts(s) confirming that the contribution has been fully paid are to be provided to the certifying authority.

10. The payment of a long service levy as required under Part 5 of the Building and Construction Industry Long Service Payments Act 1986, in respect to this building work, and in this regard, proof that the levy has been paid, is to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. All building works in excess of \$25,000 are subject to the payment of a Long Service Levy at the rate of 0.35%. Payments can be made at Long Service Corporation offices or at most councils.
11. Details demonstrating compliance with Australian Standard 1428.1 - Design for Access and Mobility and Disability (Access to Premises – Buildings) Standards 2010 in relation to the tourist and visitor accommodation building are to be submitted to the Principal Certifying Authority prior to issue of a Construction Certificate.

Prior to Commencement of Works

12. 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.
13. A Traffic Guidance Scheme prepared in accordance with AS1742-3 2002 by an appropriately qualified person shall be submitted to Council for approval. This plan shall specify the size and type of vehicles required to access the site to install the proposed cabins.
14. At least two days prior to the commencement of works, notice is to be given to Council in accordance with the Environmental Planning and Assessment Regulation 2000.
15. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
- Unauthorised access to the site is prohibited.
 - The owner of the site.
 - The person/company carrying out the site works and telephone number (including 24hour 7 days emergency numbers).
 - The name and contact number of the Principal Certifying Authority.
16. An 'Application to Install a Sewage Management Facility' for the new system must be lodged and approved with Council prior to any works being commenced in relation to the sewage management facility.

This application shall be supported by an effluent disposal report prepared by a suitably qualified and experienced person in accordance with the requirements of Hawkesbury Development Control Plan 2002 Part C Chapter 7 Effluent Disposal.

ORDINARY MEETING

Minutes: 27 October 2015

17. A qualified Structural Engineer's design for all reinforced concrete, structural steel or retaining walls shall be provided to the Principal Certifying Authority (PCA) prior to any works commencing on site.
18. An Environmental Management and Rehabilitation Plan for the development site shall be prepared by an appropriately qualified person. The Plan shall address (without being limited to) earthworks, erosion control, site rehabilitation, tree removal and landscaping.

All site works shall be carried out in accordance with the Plan. Implementation of the Plan shall be supervised by an appropriately qualified person.

19. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.
20. Toilet facilities (to the satisfaction of Council) shall be provided for workers throughout the course of building operations. Such facility shall be located wholly within the property boundary.

During Construction

21. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am-6pm and on Saturdays between 8am-4pm.
22. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
23. All traffic management devices shall be installed and maintained in accordance with the approved traffic guidance scheme.
24. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
25. Dust control measures (e.g. vegetative cover, mulches, irrigation, barriers and stone) shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
26. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
 - a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
 - c) Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
27. Compliance certificates (known as Part 4A Certificates) as are to be issued for critical stage inspections as detailed in the Environmental Planning and Assessment Regulation 2000 as required by Section 109E (3) (d) of the Environmental Planning and Assessment Act 1979 by the nominated Principal Certifying Authority.
28. Five off-street car parking spaces, together with access driveway and turning area, shall be constructed.

ORDINARY MEETING

Minutes: 27 October 2015

29. Access driveway pavements shall be constructed appropriate to the gradient of the land in accordance with the following table:

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

The driveway gradient shall not exceed 25% in any section.

30. Vehicle entrances and exits shall be clearly signposted, including street number, and visible from both the street and site at all times.
31. Arrangements are to be made for the provision of common drainage and the disposal of storm water from the site.
32. 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 Specification Part II Table 1.1.
33. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan 2002 – Appendix E – Civil Works Specification.
34. Any external lighting shall be directed in such a manner so that no nuisance is caused to adjoining properties or to drivers on surrounding streets.
35. Landscaping shall be completed during construction of the development in accordance with the concept landscaping plan prepared by URBCO, dated 1 July 2015. All landscaping works shall be completed prior to the issue of an occupation certificate.

Prior to the Issue of the Occupation Certificate

36. The written clearance from Council (as the local sewer authority) that the development is suitably connected to the onsite sewerage management system is required to be submitted to the Principal Certifying Authority (PCA) prior to the issue of an Interim or Final Occupation Certificate.
37. A drinking water management system or a Quality Assurance Program is required to be developed in accordance with NSW Private Water Supply Guidelines.
38. Essential Fire Safety Measures shall be provided and installed by a suitably qualified person and a Certificate of Installation shall be provided to the owner/agent.

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

- a) has been installed and assessed by a properly qualified person
- b) was found, when it was assessed, to be capable of performing to at least the standard required by the current fire safety schedule for the building for which the certificate is issued.

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

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

ORDINARY MEETING

Minutes: 27 October 2015

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

Use of the Development

39. The tourist and visitor accommodation facility shall not be used for permanent occupation as a residence.
40. The tourist and visitor accommodation facility shall only be used for short term tourist accommodation and is not to be made available for long term accommodation. In this regard, any continuous length of stay is to be restricted to not more than four weeks.
41. No internal or external alterations shall be carried out without prior approval of Council.
42. The subject development, including landscaping, is to be maintained in a clean and tidy manner.
43. All waste materials shall be regularly removed from the property.
44. The tourist and visitor accommodation facility use shall be carried out in accordance with the Management Plan submitted with the application.
45. A copy of the guest register is to be kept from the date of the issue of an occupation certificate. This register is to be kept onsite and shall be made available at the request of Council Officers.
46. All fire safety equipment and fixtures shall be regularly serviced and maintained. The owner or their agent shall certify annually that each of the fire safety measures specified in this statement has:
 - a) been assessed by a properly qualified person, and
 - b) found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the certificate is issued.

Advisory Notes

- *** This consent operates from the *consent date* shown on the top of this notice and will lapse unless the development is commenced within five years from this date.
- *** 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.
- *** Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.
- *** The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed subdivision. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.

ORDINARY MEETING

Minutes: 27 October 2015

*** The applicant is advised to consult with the relevant:

- a) water and sewer provider
- b) electricity provider
- c) natural gas provider
- d) telecommunications carrier
- e) road authority.

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

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

That the matter be deferred for a site inspection.

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 amendment, the results of which were as follows:

For the Amendment	Against the Amendment
Councillor Calvert	Councillor Creed
Councillor Conolly	Councillor Ford
Councillor Lyons-Buckett	Councillor Porter
Councillor Mackay	Councillor Rasmussen
Councillor Paine	Councillor Reardon
Councillor Williams	Councillor Tree

The Amendment was lost on casting vote of Mayor.

MOTION:

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

Refer to RESOLUTION

294 RESOLUTION:

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

That development application DA0135/15 at Lot 10 in DP 531053, 380 Grose Wold Road, Grose Vale for Tourist and Visitor Accommodation - Use of three rail carriages as tourist and visitor accommodation be approved subject to the following conditions:

General Conditions

1. The development shall take place generally in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.

ORDINARY MEETING

Minutes: 27 October 2015

2. The General Terms of Approval from the NSW Rural Fire Service dated 7 August 2015, 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.
3. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
4. The development is to comply with the National Construction Code/Building Code of Australia (BCA).
5. The cabins shall not be used or occupied prior to the issue of an Occupation Certificate.
6. 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. A registration fee applies.
7. Council is the sewer authority for this development. As this development involves connection to an onsite effluent disposal system, a 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.
8. Potable water shall be provided to the development in accordance with the NSW Health Private Water Supply Guidelines. A Water Supply Management Plan is to be developed and implemented in accordance with this Guideline. Submission of a copy of the Water Supply Management Plan shall be submitted to Council.

Prior to Issue of Construction Certificate

9. Pursuant to Section 80A(1) of the Environmental Planning and Assessment Act 1979 and Council's Section 94A Development Contributions Plan 2006 (as amended from time to time), a contribution of **\$1,050** shall be paid to Council. This contribution is based on the supplied estimated value-of-works of \$105,000.

The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of Council's Section 94A Development Contributions Plan 2006 (as amended from time to time).

The contribution is to be paid prior to the issue of the construction certificate and copies of receipts(s) confirming that the contribution has been fully paid are to be provided to the certifying authority.

10. The payment of a long service levy as required under Part 5 of the Building and Construction Industry Long Service Payments Act 1986, in respect to this building work, and in this regard, proof that the levy has been paid, is to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. All building works in excess of \$25,000 are subject to the payment of a Long Service Levy at the rate of 0.35%. Payments can be made at Long Service Corporation offices or at most councils.
11. Details demonstrating compliance with Australian Standard 1428.1 - Design for Access and Mobility and Disability (Access to Premises – Buildings) Standards 2010 in relation to the tourist and visitor accommodation building are to be submitted to the Principal Certifying Authority prior to issue of a Construction Certificate.

Prior to Commencement of Works

12. 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.

ORDINARY MEETING

Minutes: 27 October 2015

13. A Traffic Guidance Scheme prepared in accordance with AS1742-3 2002 by an appropriately qualified person shall be submitted to Council for approval. This plan shall specify the size and type of vehicles required to access the site to install the proposed cabins.
14. At least two days prior to the commencement of works, notice is to be given to Council in accordance with the Environmental Planning and Assessment Regulation 2000.
15. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
 - a) Unauthorised access to the site is prohibited.
 - b) The owner of the site.
 - c) The person/company carrying out the site works and telephone number (including 24hour 7 days emergency numbers).
 - d) The name and contact number of the Principal Certifying Authority.
16. An 'Application to Install a Sewage Management Facility' for the new system must be lodged and approved with Council prior to any works being commenced in relation to the sewage management facility.

This application shall be supported by an effluent disposal report prepared by a suitably qualified and experienced person in accordance with the requirements of Hawkesbury Development Control Plan 2002 Part C Chapter 7 Effluent Disposal.

17. A qualified Structural Engineer's design for all reinforced concrete, structural steel or retaining walls shall be provided to the Principal Certifying Authority (PCA) prior to any works commencing on site.
18. An Environmental Management and Rehabilitation Plan for the development site shall be prepared by an appropriately qualified person. The Plan shall address (without being limited to) earthworks, erosion control, site rehabilitation, tree removal and landscaping.

All site works shall be carried out in accordance with the Plan. Implementation of the Plan shall be supervised by an appropriately qualified person.
19. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.
20. Toilet facilities (to the satisfaction of Council) shall be provided for workers throughout the course of building operations. Such facility shall be located wholly within the property boundary.

During Construction

21. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am-6pm and on Saturdays between 8am-4pm.
22. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
23. All traffic management devices shall be installed and maintained in accordance with the approved traffic guidance scheme.
24. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.

ORDINARY MEETING

Minutes: 27 October 2015

- 25. Dust control measures (e.g. vegetative cover, mulches, irrigation, barriers and stone) shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
- 26. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
 - a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
 - c) Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
- 27. Compliance certificates (known as Part 4A Certificates) as are to be issued for critical stage inspections as detailed in the Environmental Planning and Assessment Regulation 2000 as required by Section 109E (3) (d) of the Environmental Planning and Assessment Act 1979 by the nominated Principal Certifying Authority.
- 28. Five off-street car parking spaces, together with access driveway and turning area, shall be constructed.
- 29. Access driveway pavements shall be constructed appropriate to the gradient of the land in accordance with the following table:

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

The driveway gradient shall not exceed 25% in any section.

- 30. Vehicle entrances and exits shall be clearly signposted, including street number, and visible from both the street and site at all times.
- 31. Arrangements are to be made for the provision of common drainage and the disposal of storm water from the site.
- 32. 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 Specification Part II Table 1.1.
- 33. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan 2002 – Appendix E – Civil Works Specification.
- 34. Any external lighting shall be directed in such a manner so that no nuisance is caused to adjoining properties or to drivers on surrounding streets.
- 35. Landscaping shall be completed during construction of the development in accordance with the concept landscaping plan prepared by URBCO, dated 1 July 2015. All landscaping works shall be completed prior to the issue of an occupation certificate.

ORDINARY MEETING

Minutes: 27 October 2015

Prior to the Issue of the Occupation Certificate

36. The written clearance from Council (as the local sewer authority) that the development is suitably connected to the onsite sewerage management system is required to be submitted to the Principal Certifying Authority (PCA) prior to the issue of an Interim or Final Occupation Certificate.
37. A drinking water management system or a Quality Assurance Program is required to be developed in accordance with NSW Private Water Supply Guidelines.
38. Essential Fire Safety Measures shall be provided and installed by a suitably qualified person and a Certificate of Installation shall be provided to the owner/agent.

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

- a) has been installed and assessed by a properly qualified person
- b) was found, when it was assessed, to be capable of performing to at least the standard required by the current fire safety schedule for the building for which the certificate is issued.

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

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

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

Use of the Development

39. The tourist and visitor accommodation facility shall not be used for permanent occupation as a residence.
40. The tourist and visitor accommodation facility shall only be used for short term tourist accommodation and is not to be made available for long term accommodation. In this regard, any continuous length of stay is to be restricted to not more than four weeks.
41. No internal or external alterations shall be carried out without prior approval of Council.
42. The subject development, including landscaping, is to be maintained in a clean and tidy manner.
43. All waste materials shall be regularly removed from the property.
44. The tourist and visitor accommodation facility use shall be carried out in accordance with the Management Plan submitted with the application.
45. A copy of the guest register is to be kept from the date of the issue of an occupation certificate. This register is to be kept onsite and shall be made available at the request of Council Officers.
46. All fire safety equipment and fixtures shall be regularly serviced and maintained. The owner or their agent shall certify annually that each of the fire safety measures specified in this statement has:
 - a) been assessed by a properly qualified person, and
 - b) found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the certificate is issued.

ORDINARY MEETING

Minutes: 27 October 2015

Advisory Notes

- *** This consent operates from the *consent date* shown on the top of this notice and will lapse unless the development is commenced within five years from this date.
- *** 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.
- *** Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.
- *** The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed subdivision. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.
- *** The applicant is advised to consult with the relevant:
 - a) water and sewer provider
 - b) electricity provider
 - c) natural gas provider
 - d) telecommunications carrier
 - e) road authority.

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

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:

For the Motion	Against the Motion
Councillor Creed	Councillor Calvert
Councillor Ford	Councillor Conolly
Councillor Lyons-Buckett	Councillor Mackay
Councillor Paine	Councillor Williams
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Tree	

ORDINARY MEETING

Minutes: 27 October 2015

Item: 173 CP - DA0430/15 - 328 Windsor Street, Richmond - Lot L DP 163938 - Use of Shop 1 as a Food and Drink Premises - (79351, 134666, 134667, 13090, 13091)

Councillor Lyons-Buckett declared a pecuniary interest in this matter as she is the joint owner of the premises although the application is submitted by the tenant and her only interest is as owner of the premises. She left the Chamber and did not take part in voting or discussion on the matter.

MOTION:

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

Refer to RESOLUTION

295 RESOLUTION:

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

That development application DA0430/15 at Lot L DP 163938, 328 Windsor Street, Richmond for use of Shop 1 as a Food and Drink Premises - Cafe be approved subject to the following conditions.

General Conditions

1. The development shall take place generally in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. The development shall comply with the provisions of the Building Code of Australia (BCA)/National Construction Code.
3. No building works shall be commenced prior to the issue of an appropriate construction certificate.
4. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
5. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act 1979 relevant to this development to Council within seven days of issuing the certificate. A registration fee applies.
6. All premises offering food, packaged or otherwise, are to be registered with Council and have inspections conducted by Council's officers as necessary/required. These premises are required to comply with the Food Act 2003, associated Regulations, and the Food Safety Standards 3.2.2 and 3.2.3. These are available on line at www.foodstandards.gov.au

Prior to Issue of Construction Certificate

7. A slop sink should be installed so that mop water does not contaminate the kitchen sinks. Mop water and water used for washing garbage receptacles must not be disposed of using a storm water drainage inlet. Details are to be provided to Principal Certifying Authority prior to issue Construction Certificate.
8. All food premises are to comply with Hawkesbury City Council's Food Premises Fit Out Code. Details are to be provided to Principal Certifying Authority prior to issue Construction Certificate.

ORDINARY MEETING

Minutes: 27 October 2015

Prior to Commencement of Works

9. At least two days prior to commencement of works, notice is to be given to Council, in accordance with the Environmental Planning and Assessment Regulation.
10. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
11. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
 - a) Unauthorised access to the site is prohibited.
 - b) The owner of the site.
 - c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
 - d) The name and contact number of the Principal Certifying Authority.
12. 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.

During Construction

13. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am-6pm and on Saturdays between 8am-4pm.
14. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details, please refer to the web site www.sydneywater.com.au, see Building Developing and Plumbing then Quick Check or telephone 132 092.
15. Any area used for storage of food or food appliances/equipment is to comply with the relevant section of Hawkesbury City Council's Food Premises Fit Out Code including Section 7.0 - Storerooms.
16. Ceilings throughout the premises are to be solid and are to comply with section 4.0 of Council's Food Premises Fit Out Code. 'Drop in' ceiling panels are not permitted over food preparation or food storage areas.
17. All walls, floors, benches, shelves, chairs, fittings and the like are to be constructed with materials that are smooth, durable, impervious to moisture, and capable of being easily cleaned with a disinfectant. Fittings and equipment should be constructed so as not to harbour food, insects or vermin.
18. The floors are to be covered with a durable, non-toxic, impervious surface, graded to trapped floor waste outlets (where necessary), and connected to an approved drainage installation. The floor covering is to be free of protrusions or gaps.
19. Where used, floor tiles are to be epoxy grouted.
20. All wall/floor junctions in the food preparation and storage area(s), including any prefabricated low temperature room wall and floor, shall be coved according to Council's Food Premises Fit Out Code. The coving is to be a minimum radius of 25mm using a smooth impervious material of a light colour. Where walls and floors are tiled, the coving is to be of a tile type. 'Stick on' coving is not permitted. Feather edge skirting is not permitted.

ORDINARY MEETING

Minutes: 27 October 2015

21. The premises is to be fitted with adequate hand washing facilities for the preparation of food. Hand washing basins are required in addition to other basins and sinks in any toilet, and in any food preparation area. Where separate additional food preparation areas are provided, an additional hand washing basin is needed. Hand washing basins are required:
 - a) to be fitted with hand's free taps such as knee or foot operated devices
 - b) with hot and cold running potable water
 - c) with a common spout delivering water of at least 40° Centigrade
 - d) to be easily accessible at all times.
22. The exhaust hood, filters and flue are to be installed and maintained as per Australian Standard AS 1668. The system should be adequate so that a smoke or odour emission nuisance does not occur as a result of the development.
23. Equipment and appliances are to be installed on legs or castors as specified by Council's Food Premises Fit Out Code. Where plinths are to be used, the plinths shall be sealed to the floor, be covered in an equivalent finish to the floor, and the equipment/appliance effectively sealed to the plinth. Coving should also be provided to the plinth where necessary.
24. Mandatory inspections shall be carried out and compliance certificates issued only by Council or an accredited certifier for the following components or construction:
 - a) on completion of fit out of the premises prior to the use commencing.

Prior to Issue of Interim Occupation Certificate

25. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Use of the Development

26. No internal or external alterations shall be carried out without prior approval of Council.
27. All fire safety equipment and fixtures shall be regularly serviced and maintained. The owner or their agent shall certify annually that each of the fire safety measures specified in this statement has:
 - a) been assessed by a properly qualified person
 - b) found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the certificate is issued.
28. Operating hours shall be limited to 7am to 7pm, seven days a week.
29. The signs shall not be illuminated.
30. All work and the storage of goods or materials or waste shall be confined within the building or approved areas at all times.
31. A portable thermometer accurate to $\pm 1^{\circ}\text{C}$ is to be available at the premises at all times for the purposes of checking cold and hot foods for compliance temperatures.
32. Potentially hazardous foods should be stored below 5°C , or above 60°C at all times in accordance with The Food Act 2003.

ORDINARY MEETING

Minutes: 27 October 2015

Advisory Notes

*** 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.

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

*** The applicant is advised to consult with the relevant:

- a) water and sewer provider
- b) electricity provider
- c) natural gas provider
- d) telecommunications carrier
- e) road authority

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

*** The 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.

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:

For the Motion	Against the Motion
Councillor Calvert	NIL
Councillor Conolly	
Councillor Creed	
Councillor Ford	
Councillor Mackay	
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Tree	
Councillor Williams	

Councillor Lyons-Buckett was not in the Chamber when the vote was taken.

ORDINARY MEETING

Minutes: 27 October 2015

Item: 174 CP - S960081/15 - 89 Boundary Road, Glossodia - Lot 7 DP 7571 - Modifications to the consent for landfilling, construction of a farm building, erection of igloos and growing beds - (95498, 116927, 15110, 130392)

Mrs Dianne Lanham addressed Council, speaking for the recommendation.

Mr Brent Bugeja addressed Council, speaking against the recommendation.

A MOTION was moved by Councillor Creed, seconded by Councillor Paine.

That Council, as the consent authority pursuant to Clause 80(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended) modify Development Consent No. DA0088/15 for landfilling, construction of a farm building, erection of igloos and the establishment of additional growing beds for horticulture on Lot 7 DP 7571, known as 89 Boundary Road, Glossodia, in the following manner:

1. Condition 7 is to be modified as follows:

7. No native vegetation shall be removed from the site except as shown on Drawing No. 90788FILE:E:2 Sheet 1 prepared by McKinlay Morgan and Associates and dated 15 July 2015.

2. Condition 8 is to be modified as follows:

8. All fill work is to be carried out and completed within 60 days of the Applicant advising Council of the activity. Adjoining owners and Council shall be notified in writing a minimum of 24 hours prior to fill being delivered.

3. Condition 10 is to be modified as follows:

10. A detailed landscaping plan shall be submitted to the Principal Certifying Authority for approval prior to the release of the Construction Certificate/Design Compliance Certificate.

The detailed landscaping plan shall be prepared generally in accordance with Drawing No. 90788FILE:E:2 Sheet 1 prepared by McKinlay Morgan and Associates and dated 15 July 2015.

The vegetation to be planted within the buffer zones shall consist of a mixture of native and/or exotic trees and shrubs.

4. Condition 11 is to be deleted:

11. The igloos are to be located a minimum of 10m from the northern property boundary with 119 Boundary Road. Amended plans demonstrating compliance with this requirement are to be provided prior to the release of the relevant Construction Certificate.

The igloos or the growing beds are to be reduced in size to achieve this requirement. The growing beds shall not be moved further to the south.

ORDINARY MEETING

Minutes: 27 October 2015

5. Condition 22 is to be deleted:

22. A two coat bitumen seal is to be applied to the access driveway for a distance of not less than 75 metres from the front (Boundary Road) boundary of the site so as to minimise dust generation from vehicular traffic.

and replaced with:

22. A layer of asphalt profiling or similar to be laid to the driveway (75 metres from the Boundary Road frontage) and to be maintained to a suitable level to suppress dust from vehicle movements during operations of the farm.

6. Condition 34 is to be deleted:

34. The igloos are to be located a minimum of 10m away from the northern property boundary with 119 Boundary Road.

A vegetation buffer with a minimum width of 5m shall be provided within this setback, immediately adjoining the northern boundary as indicated in the approved plans. The vegetation to be planted within this buffer zone shall consist of a mixture of native and exotic trees, shrubs and groundcover species of local provenance.

7. Condition 36 is to be deleted:

36. Minimum 10m wide vegetation buffer zones shall be planted along the southern and western boundaries of the property. Existing native trees and shrubs within these buffer zones shall be retained.

The vegetation to be planted within these buffer zones shall consist of a mixture of native and exotic trees, shrubs and groundcover species of local provenance and a landscape plan be submitted to Council prior to landscaping being commenced.

8. Condition 41 is to be deleted:

41. The landscaping works shall be completed before the cultivation of the growing beds.

An AMENDMENT was moved by Councillor Williams, seconded by Councillor Lyons-Buckett.

That Council, as the consent authority pursuant to Clause 80(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended) modify Development Consent No. DA0088/15 for landfilling, construction of a farm building, erection of igloos and the establishment of additional growing beds for horticulture on Lot 7 DP 7571, known as 89 Boundary Road, Glossodia, in the following manner:

Condition 8 is to be modified as follows:

8. All fill work is to be carried out and completed within 60 days from the approval of the relevant Design Compliance Certificate/Construction Certificate. Adjoining owners and Council shall be notified in writing a minimum of 24 hours prior to fill being delivered.

ORDINARY MEETING

Minutes: 27 October 2015

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 amendment, the results of which were as follows:

For the Amendment	Against the Amendment
Councillor Calvert	Councillor Conolly
Councillor Lyons-Buckett	Councillor Creed
Councillor Mackay	Councillor Ford
Councillor Williams	Councillor Paine
	Councillor Porter
	Councillor Rasmussen
	Councillor Reardon
	Councillor Tree

The Amendment was lost.

MOTION:

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

Refer to RESOLUTION

296 RESOLUTION:

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

That Council, as the consent authority pursuant to Clause 80(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended) modify Development Consent No. DA0088/15 for landfilling, construction of a farm building, erection of igloos and the establishment of additional growing beds for horticulture on Lot 7 DP 7571, known as 89 Boundary Road, Glossodia, in the following manner:

1. Condition 7 is to be modified as follows:
 7. No native vegetation shall be removed from the site except as shown on Drawing No. 90788FILE:E:2 Sheet 1 prepared by McKinlay Morgan and Associates and dated 15 July 2015.
2. Condition 8 is to be modified as follows:
 8. All fill work is to be carried out and completed within 60 days of the Applicant advising Council of the activity. Adjoining owners and Council shall be notified in writing a minimum of 24 hours prior to fill being delivered.

ORDINARY MEETING

Minutes: 27 October 2015

3. Condition 10 is to be modified as follows:

10. A detailed landscaping plan shall be submitted to the Principal Certifying Authority for approval prior to the release of the Construction Certificate/Design Compliance Certificate.

The detailed landscaping plan shall be prepared generally in accordance with Drawing No. 90788FILE:E:2 Sheet 1 prepared by McKinlay Morgan and Associates and dated 15 July 2015.

The vegetation to be planted within the buffer zones shall consist of a mixture of native and/or exotic trees and shrubs.

4. Condition 11 is to be deleted:

11. The igloos are to be located a minimum of 10m from the northern property boundary with 119 Boundary Road. Amended plans demonstrating compliance with this requirement are to be provided prior to the release of the relevant Construction Certificate.

The igloos or the growing beds are to be reduced in size to achieve this requirement. The growing beds shall not be moved further to the south.

5. Condition 22 is to be deleted:

22. A two coat bitumen seal is to be applied to the access driveway for a distance of not less than 75 metres from the front (Boundary Road) boundary of the site so as to minimise dust generation from vehicular traffic.

and replaced with:

22. A layer of asphalt profiling or similar to be laid to the driveway (75 metres from the Boundary Road frontage) and to be maintained to a suitable level to suppress dust from vehicle movements during operations of the farm.

6. Condition 34 is to be deleted:

34. The igloos are to be located a minimum of 10m away from the northern property boundary with 119 Boundary Road.

A vegetation buffer with a minimum width of 5m shall be provided within this setback, immediately adjoining the northern boundary as indicated in the approved plans. The vegetation to be planted within this buffer zone shall consist of a mixture of native and exotic trees, shrubs and groundcover species of local provenance.

7. Condition 36 is to be deleted:

36. Minimum 10m wide vegetation buffer zones shall be planted along the southern and western boundaries of the property. Existing native trees and shrubs within these buffer zones shall be retained.

The vegetation to be planted within these buffer zones shall consist of a mixture of native and exotic trees, shrubs and groundcover species of local provenance and a landscape plan be submitted to Council prior to landscaping being commenced.

8. Condition 41 is to be deleted:

41. The landscaping works shall be completed before the cultivation of the growing beds.

ORDINARY MEETING

Minutes: 27 October 2015

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:

For the Motion	Against the Motion
Councillor Calvert	Councillor Conolly
Councillor Creed	Councillor Lyons-Buckett
Councillor Ford	
Councillor Mackay	
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Tree	
Councillor Williams	

ORDINARY MEETING

Minutes: 27 October 2015

CITY PLANNING

Item: 175 **CP - Draft Business Case for the Dredging of Hawkesbury River between Windsor and Sackville Ferry - (95498, 124414, 113545)**

Previous Item: NM, Ordinary (30 March 2010)
 152, Ordinary (28 August 2012)
 NM3, Ordinary (13 November 2012)
 168, Ordinary (27 August 2013)
 87, Ordinary (13 May 2014)
 168, Ordinary (29 September 2015)

Mr Les Sheather addressed Council, speaking for the recommendation.

A MOTION was moved by Councillor Porter, seconded by Councillor Mackay.

That the report be received.

An AMENDMENT was moved by Councillor Creed, seconded by Councillor Reardon.

That Council:

1. Receive and note the *Navigation Dredging of the Hawkesbury River between 'The Breakaway' and Sackville Ferry Business Case - Draft Report* by WorleyParsons dated 31 July 2015.
2. Call for expressions of interest for undertaking the requirements for and ultimate dredging of the Hawkesbury River in the seven locations referred to in the report, including any return or royalties to Council for dredge material.

The Amendment was carried and became the Motion.

MOTION:

RESOLVED on the motion of Councillor Creed, seconded by Councillor Reardon.

Refer to RESOLUTION

297 RESOLUTION:

RESOLVED on the motion of Councillor Creed, seconded by Councillor Reardon.

That Council:

1. Receive and note the *Navigation Dredging of the Hawkesbury River between 'The Breakaway' and Sackville Ferry Business Case - Draft Report* by WorleyParsons dated 31 July 2015.
2. Call for expressions of interest for undertaking the requirements for and ultimate dredging of the Hawkesbury River in the seven locations referred to in the report, including any return or royalties to Council for dredge material.

ORDINARY MEETING

Minutes: 27 October 2015

Item: 176 CP - Request to Revoke Dangerous Dog Declaration - (95498, 96330, 89744)

MOTION:

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

Refer to RESOLUTION

298 RESOLUTION:

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

That:

1. The Dangerous Dog Declaration placed on the dog (a Great Dane) owned by Ms Annette Sinclair, be revoked.
2. In accordance with the requirements of the Companion Animals Act, Council will notify the Deputy Director General of the revocation within seven days of its decision.
3. The applicant be notified in writing of the revocation of the Dangerous Dog Order.

ORDINARY MEETING

Minutes: 27 October 2015

INFRASTRUCTURE SERVICES

Item: 177 **IS - Exclusive Use of Governor Phillip Reserve - USA vs Australia B.A.D. Power Boat Challenge Race - (95495, 79354, 73829)**

MOTION:

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

Refer to RESOLUTION

299 RESOLUTION:

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

That:

1. Approval be granted to the Upper Hawkesbury Power Boat Club for "exclusive use" of Governor Phillip Reserve for the 2016 USA vs Australia B.A.D. Power Boat Challenge Race to be held on Saturday, 16 January and Sunday, 17 January 2016.
2. The approvals be subject to the following conditions/documents:
 - a) Council's general park conditions
 - b) Council's fees and charges
 - c) the Windsor Foreshore Plan of Management
 - d) the Governor Phillip Exclusive Use Policy
 - e) the Governor Phillip Noise Policy
 - f) a Traffic Management Plan which has been approved as part of the Special Event Application.
3. As the applicant has not advised alternative dates in the event of inclement weather, the General Manager be given authority to negotiate exclusive use on an alternate date, if required by the applicant.

ORDINARY MEETING

Minutes: 27 October 2015

Item: 178 **IS - Rural Fire Service Bid and Estimates 2016/2017 - Hawkesbury District - (95495, 79016, 73835)**

MOTION:

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

Refer to RESOLUTION

300 RESOLUTION:

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

That:

1. The 2016/2017 Rural Fire Fighting Fund estimates as submitted by the Hawkesbury Rural Fire Service be endorsed in principle to enable submission to the NSW RFS for consideration.
2. Council approach the local State member to lobby the State Government to change legislation to either eliminate or reduce Council's contribution to the Rural Fire Fighting Fund.

ORDINARY MEETING

Minutes: 27 October 2015

SUPPORT SERVICES

Item: 179 SS - Monthly Investments Report - September 2015 - (96332, 95496)

MOTION:

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

Refer to RESOLUTION

301 RESOLUTION:

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

The report regarding the monthly investments for September 2015 be received and noted.

Item: 180 SS - Code of Conduct Complaints Statistics Report - 1 September 2014 to 31 August 2015 - (95496)

Previous Item: 3, Ordinary (5 February 2013)

MOTION:

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

Refer to RESOLUTION

302 RESOLUTION:

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

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 2014 to 31 August 2015, be noted.

ORDINARY MEETING

Minutes: 27 October 2015

Item: 181 SS - Disclosure of Interest Returns - Councillors and Designated Persons - (95496, 96333)

MOTION:

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

Refer to RESOLUTION

303 RESOLUTION:

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

Refer to RESOLUTION

That the information be received and noted.

Item: 182 SS - Exemption from Rating - 378 Windsor Street, Richmond, 55 Windsor Street, Richmond and 57 Windsor Street, Richmond - (96332, 95496, 22933)

MOTION:

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

Refer to RESOLUTION

304 RESOLUTION:

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

That:

1. New Haven Farm Home Ltd be granted an exemption from rating, in accordance with Section 556(1)(h) of the Local Government Act 1993, for the property known as 378 Windsor Street, Richmond (Lot 1 DP 626775). The exemption to apply, commencing from 1 July 2015, and the amount of \$1,644.94, be abandoned in respect of rates for the 2015/2016 rating year.
2. New Haven Farm Home Ltd be granted an exemption from rating, in accordance with Section 556(1)(h) of the Local Government Act 1993, for the property known as 55 Windsor Street, Richmond (Lot Y DP 383922). The exemption to apply commencing from 1 October 2015, and the amount of \$729.34, be abandoned in respect of rates for the 2015/2016 rating year.
3. New Haven Farm Home Ltd be granted an exemption from rating, in accordance with Section 556(1)(h) of the Local Government Act 1993, for the property known as 57 Windsor Street, Richmond (Lot X DP 383922). The exemption to apply commencing from 1 October 2015, and the amount of \$729.34, be abandoned in respect of rates for the 2015/2016 rating year.

ORDINARY MEETING

Minutes: 27 October 2015

SECTION 4 - Reports of Committees

**ROC Hawkesbury Access and Inclusion Advisory Committee - 27 August 2015 -
(124569, 96328)**

305 RESOLUTION:

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

That the minutes of the Hawkesbury Access and Inclusion Committee held on 27 August 2015 as recorded on pages 87 to 94 of the Ordinary Business Paper be received.

**ROC Development Application Monitoring Advisory Committee - 3 September 2015
- (79351, 127794)**

306 RESOLUTION:

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

That the minutes of the Development Application Monitoring Advisory Committee held on 3 September 2015 as recorded on pages 95 to 98 of the Ordinary Business Paper be received.

ROC Local Traffic Committee - 12 October 2015 - (80245)

307 RESOLUTION:

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

That the minutes of the Local Traffic Committee held on 12 October 2015 as recorded on pages 99 to 104 of the Ordinary Business Paper be adopted.

ORDINARY MEETING

Minutes: 27 October 2015

SECTION 5 - Notices of Motion

NM1 Infrastructure Issues and Windsor Bridge - (79351, 105109, 125612)

A MOTION was moved by Councillor Lyons-Buckett, seconded by Councillor Paine.

That Council:

1. Seek a meeting between the Member for Hawkesbury, Hon. Dominic Perrottet MP, Councillors, Council representatives and community representatives to discuss infrastructure issues in the Hawkesbury LGA.
2. Congratulate CAWB on their commitment to heritage protection and their recent award for community advocacy from the National Trust.

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

That Council seek a meeting between the Member for Hawkesbury, Hon. Dominic Perrottet MP, Councillors, Council representatives and community representatives to discuss infrastructure issues in the Hawkesbury LGA.

The Amendment was carried on the casting vote of the Mayor and became the Motion.

MOTION:

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

Refer to RESOLUTION

308 RESOLUTION:

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

That Council seek a meeting between the Member for Hawkesbury, Hon. Dominic Perrottet MP, Councillors, Council representatives and community representatives to discuss infrastructure issues in the Hawkesbury LGA.

ORDINARY MEETING

Minutes: 27 October 2015

NM2 Proposed changes to Hawkesbury Earthcare Centre - (79351, 105109, 125612)

309 RESOLUTION:

RESOLVED on the motion of Councillor Mackay, seconded by Councillor Creed that the meeting continue past 11pm to allow the Business Paper to be completed.

MOTION:

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

Refer to RESOLUTION

310 RESOLUTION:

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

That Council write to the Vice Chancellor of Western Sydney University and our local Member, Louise Markus expressing our concern at the proposed changes to the Hawkesbury EarthCare Centre at Western Sydney University Hawkesbury Campus.

NM3 Report Outlining S94A Exemption Options - (79351, 105109, 80104)

MOTION:

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

Refer to RESOLUTION

311 RESOLUTION:

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

That Council gives the required 28 days-notice of its intention to provide Narelle Robertson of 227 Spinks Road, Glossodia with a donation under Section 356 of the Local Government Act of \$2,572 the payment of the S94A contributions that Council has requested and the matter be reported to Council at the conclusion of the advertising period.

ORDINARY MEETING

Minutes: 27 October 2015

QUESTIONS FOR NEXT MEETING

Councillor Questions from Previous Meetings and Responses - (79351)

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

ORDINARY MEETING

Minutes: 27 October 2015

Questions for Next Meeting

#	Councillor	Question	Response
1	Reardon	Enquired if the rough patch of road near Grose Vale Road/Duffy Avenue intersection could be investigated for repairs.	Director Infrastructure Services
2	Mackay	Requested that the vacant, former Wilberforce Nursery be cleaned up as it is becoming very overgrown.	Director Infrastructure Services
3	Mackay	Enquired if there is a lease agreement in place for the former Wilberforce Nursery site.	Director Support Services
4	Williams	Requested that potholes on Sackville Road and West Portland Road be repaired.	Director Infrastructure Services
5	Paine	Requested that the bike path that runs past the Jolly Frog Hotel be reviewed for maintenance of vegetation overgrowth.	Director Infrastructure Services
6	Paine	Requested testing of South Creek, McGraths Hill for contaminants and a health check.	Director City Planning
7	Calvert	Enquired about the status of proposed signs that explain the history of the Hawkesbury area and important persons or events that were to be in addition to the 'Welcome to Hawkesbury' signs and asked about a proposal at Wilberforce.	General Manager
8	Rasmussen	Enquired why the applicant of the proposed truck depot at 135 Mountain Avenue, Yarramundi was advised in error that the item would be presented to Council at this meeting.	Director City Planning
9	Rasmussen	Requested that Council write to RMS regarding Stage 2 of the development at North Richmond, in relation to the removal of parking at front of Post Office and Veterinary Surgery and for Council to ensure that the parking remains.	Director Infrastructure Services

ORDINARY MEETING

Minutes: 27 October 2015

CONFIDENTIAL REPORTS

312 RESOLUTION:

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

That:

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

Item: 183 IS - Land Acquisition - Bridge Replacement - Part of 413 and 441 West Portland Road, Sackville/Lower Portland - (95495, 9157, 9158, 6377, 6378)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it relates to details concerning the acquisition of property by the Council and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

Item: 184 SS - Property Matter - Council Lease from Endeavour Energy of 18 Lieutenant Bowen Road, Bowen Mountain (being Lot 609 in Deposited Plan 222231) - (95496, 112106, 124575)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it relates to details concerning the leasing of a Council property and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the Council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

SUPPLEMENTARY CONFIDENTIAL REPORT

Item: 185 SS - Sale of 155 Colonial Drive, Bligh Park (Lot 9164 in DP 843382) - (95496, 112106, 83144)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it relates to details concerning the sale and/or purchase of property by the Council and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

2. In accordance with the provisions of Section 11(2) & (3) of the Local Government Act, 1993 the reports, correspondence and other relevant documentation relating to these matters be withheld from the Press and public.

The Mayor asked for representation from members of the public as to why Council should not go into closed Council to deal with these confidential matters.

There was no response, therefore, the Press and the public left the Council Chambers.

313 RESOLUTION:

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

ORDINARY MEETING

Minutes: 27 October 2015

Item: 183

**IS - Land Acquisition - Bridge Replacement - Part of 413 and 441 West
Portland Road, Sackville/Lower Portland - (95495, 9157, 9158, 6377, 6378)
CONFIDENTIAL**

MOTION:

The General Manager advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Mackay, seconded by Councillor Creed.

Refer to RESOLUTION

314 RESOLUTION:

The General Manager advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Mackay, seconded by Councillor Creed.

That:

1. The acquisition of an area of land, in the order of 1,080m² within 413 West Portland Road, Sackville (Lot 18 in DP 1096890) proceed.
2. The acquisition of an area of land, in the order of 2,126m² within 441 West Portland Road, Lower Portland (Lot 2 in DP 835800) proceed.
3. Compensation in the amount detailed in this report be paid to Anthony and Deborah Cotter in respect of the acquisition of part of 413 West Portland Road, Sackville (Lot 18 in DP 1096890).
4. Compensation in the amount detailed in this report be paid to Kieran and Audrey McGeown in respect of the acquisition of part of 441 West Portland Road, Lower Portland (Lot 2 in DP 835800).
5. Council bear all costs associated with the process of acquiring the subject portions of land including, if applicable, the replacement of any fencing affected by the acquisition.
6. Should either party fail to execute the necessary legal documentation, within 90 days of it being issued to them by Council's solicitors:
 - a) Council undertake compulsory acquisition (under sections 177 and 178 of the Roads Act 1993 (NSW) and sections 196 and 187 of the Local Government Act 1993 (NSW)) of the subject properties (in part) for the purposes of dedication as a public road.
 - b) Council approve the making of an application to the Minister for Local Government for the issue of a Proposed Acquisition Notice (PAN) under the Land Acquisition (Just Terms Compensation) Act 1991 with respect to the subject land.
 - c) Council approve the making of an application to the Governor for the publication of an Acquisition Notice in the NSW Government gazette under the land Acquisition (Just Terms Compensation) Act 1991 (NSW) with respect to the subject land.
 - d) Grant delegation to the General Manager to execute any documents on behalf of Council, associated with the compulsory acquisition process, which do not require the Seal of Council to be affixed.

ORDINARY MEETING

Minutes: 27 October 2015

7. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.
8. Details of Council's resolution be conveyed to the affected landowners together with the advice that Council is not and will not be bound by the terms of its resolution until such time as appropriate documentation to put such resolution into effect has been agreed to and executed by all parties.

Item: 184 SS - Property Matter - Council Lease from Endeavour Energy of 18 Lieutenant Bowen Road, Bowen Mountain (being Lot 609 in Deposited Plan 222231) - (95496, 112106, 124575) CONFIDENTIAL

MOTION:

The General Manager advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Mackay, seconded by Councillor Reardon.

Refer to RESOLUTION

315 RESOLUTION:

The General Manager advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Mackay, seconded by Councillor Reardon.

That:

1. Council agree to enter into a new lease with Endeavour Energy regarding 18 Lieutenant Bowen Road, Bowen Mountain (being Lot 609 in Deposited Plan 222231), in accordance with the proposal outlined in the report.
2. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.

ORDINARY MEETING

Minutes: 27 October 2015

SUPPLEMENTARY CONFIDENTIAL REPORT

Item: 185 **SS - Sale of 155 Colonial Drive, Bligh Park (Lot 9164 in DP 843382) - (95496, 112106, 83144) CONFIDENTIAL**

Previous Item: 85, Ordinary (13 July 2004)

MOTION:

The General Manager advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Reardon, seconded by Councillor Creed.

Refer to RESOLUTION

316 RESOLUTION:

The General Manager advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Reardon, seconded by Councillor Creed.

That:

1. Council accept the offer from Rebecca Tutill via Bennett Property as outlined in the report for the purchase of 155 Colonial Drive, Bligh Park (Lot 9164 in Deposited Plan 843382) in the amount of \$340,000 (inclusive of any GST payable).
2. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.
3. Details of Council's resolution be conveyed to Ms Rebecca Tutill via Bennett Property, that Council is not and will not be bound by the terms of its resolution, until such time as appropriate legal documentation to put such resolution into effect has been agreed to and executed by all parties.

The meeting terminated at 11:36pm.

Submitted to and confirmed at the Ordinary meeting held on 10 November 2015.

.....
Mayor