



Hawkesbury City Council

ordinary  
meeting  
minutes

date of meeting: 08 March 2016  
location: council chambers  
time: 6:30 p.m.



**ORDINARY MEETING**

**Minutes: 08 March 2016**

**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**

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on 8 March 2016, commencing at 6:30pm.

Pastor Roger Brewer of the Bridgewater 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 and J Reardon.

**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, Strategic Planning Manager - Andrew Kearns, Manager Corporate Services and Governance - Ian Roberts and Administrative Support Coordinator - Natasha Martin.

### APOLOGIES

Apologies for absence were received from Councillors T Tree and L Williams.

### 62 RESOLUTION:

RESOLVED on the motion of Councillor Porter and seconded by Councillor Reardon that the apologies be accepted and that leave of absence from the meeting be granted.

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

Councillor Rasmussen arrived at the meeting at 6:39pm.

Councillor Mackay arrived at the meeting at 6:41pm.

### SECTION 1 - Confirmation of Minutes

### 63 RESOLUTION:

RESOLVED on the motion of Councillor Creed and seconded by Councillor Reardon that the Minutes of the Ordinary Meeting held on the 23 February 2016, be confirmed.

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**SECTION 3 - Reports for Determination**

**PLANNING DECISIONS**

**Item: 41**                    **CP - DA0668/15 - 225 Sackville Road, Wilberforce - Lot A DP412944 - Dwelling Ancillary Development - Outbuilding - (94598, 92108, 113423)**

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Ms Fiona Phelps addressed Council, speaking against the recommendation.

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

That Development Application No. DA0668/15 at Lot A DP412944, 225 Sackville Road, Wilberforce for the construction of a new outbuilding ancillary to a dwelling be approved subject to the following conditions:

**General**

1. The development shall take place generally in accordance with the stamped plans and any other accompanying documentation submitted with the application except as modified by these further conditions. The plans are as listed:
  - Site plan and elevations by ICR Design Building Designers, drawing No. A01, job No. 15194, dated 8/2015.
  - Waste Management Plan.
2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
3. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
4. The development shall comply with the provisions of the National Construction Code/Building Code of Australia.
5. 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 Hawkesbury City Council within seven days of issuing the certificate. A registration fee applies.

**Prior to Issue of Construction Certificate**

6. 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 most Council's.
7. Landscape details are to be submitted with the application for construction certificate, for approval by the Certifying Authority. The landscape details are to include a species list that will reach a mature height of at least 4m with understorey plantings included to ensure screen landscaping from ground level to 4m.

**Prior to Commencement of Works**

8. 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.



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9. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council in accordance with the Environmental Planning and Assessment Regulation 2000.
10. 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](http://www.sydneywater.com.au), see Building Developing and Plumbing then Quick Check or telephone 13 20 92.
11. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.
12. A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 shall be supplied to the Principal Certifying Authority prior to commencement of works.
13. 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/seven days emergency numbers).
  - d) The name and contact number of the Principal Certifying Authority.

### During Construction

14. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
15. 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.
16. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
17. 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.
18. 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.
19. 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.
20. Roof water (including overflow from water storage vessels) shall be disposed of in such a way so as not to cause a nuisance to neighbours, public health or result in scour or erosion to public land.

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21. The landscaping required by condition 7 of this consent is to be completed prior to the completion of works or issue of an occupation certificate, whichever is earlier.

**Use of the Development**

22. The structure shall not be occupied for human habitation/residential, industrial, commercial or Home Business/Industry/Occupation purposes.
23. The structure is only to be used in conjunction with, or ancillary to, the domestic use of the land.
24. The applicant is to be responsible for the maintenance of the landscaping required by condition 7 and 21 of this consent until the plants reach maturity. Should any plants die prior to reaching maturity, the plants are to be replaced and maintained.

**Advisory Notes**

- \*\*\* Should any aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an aboriginal site or relic is liable under the National Parks and Wildlife Act 1974.
- \*\*\* 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 Instruments relevant to the property in order to prevent the possibility of legal proceedings against them.

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

That the matter be deferred pending 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:

<b>For the Amendment</b>	<b>Against the Amendment</b>
Councillor Conolly	Councillor Calvert
Councillor Creed	Councillor Ford
Councillor Rasmussen	Councillor Lyons-Buckett
	Councillor Mackay
	Councillor Paine
	Councillor Porter
	Councillor Reardon

Councillors Tree and Williams were absent from the meeting.

The amendment was lost.

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### MOTION:

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

### *Refer to RESOLUTION*

### 64 RESOLUTION:

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

That Development Application No. DA0668/15 at Lot A DP412944, 225 Sackville Road, Wilberforce for the construction of a new outbuilding ancillary to a dwelling be approved subject to the following conditions:

#### General

1. The development shall take place generally in accordance with the stamped plans and any other accompanying documentation submitted with the application except as modified by these further conditions. The plans are as listed:
  - Site plan and elevations by ICR Design Building Designers, drawing No. A01, job No. 15194, dated 8/2015.
  - Waste Management Plan.
2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
3. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
4. The development shall comply with the provisions of the National Construction Code/Building Code of Australia.
5. 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 Hawkesbury City Council within seven days of issuing the certificate. A registration fee applies.

#### Prior to Issue of Construction Certificate

6. 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 most Council's.
7. Landscape details are to be submitted with the application for construction certificate, for approval by the Certifying Authority. The landscape details are to include a species list that will reach a mature height of at least 4m with understorey plantings included to ensure screen landscaping from ground level to 4m.

#### Prior to Commencement of Works

8. 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.
9. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council in accordance with the Environmental Planning and Assessment Regulation 2000.

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10. 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](http://www.sydneywater.com.au), see Building Developing and Plumbing then Quick Check or telephone 13 20 92.
11. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.
12. A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 shall be supplied to the Principal Certifying Authority prior to commencement of works.
13. 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/seven days emergency numbers).
  - d) The name and contact number of the Principal Certifying Authority.

### During Construction

14. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
15. 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.
16. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
17. 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.
18. 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.
19. 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.
20. Roof water (including overflow from water storage vessels) shall be disposed of in such a way so as not to cause a nuisance to neighbours, public health or result in scour or erosion to public land.
21. The landscaping required by condition 7 of this consent is to be completed prior to the completion of works or issue of an occupation certificate, whichever is earlier.

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**Use of the Development**

- 22. The structure shall not be occupied for human habitation/residential, industrial, commercial or Home Business/Industry/Occupation purposes.
- 23. The structure is only to be used in conjunction with, or ancillary to, the domestic use of the land.
- 24. The applicant is to be responsible for the maintenance of the landscaping required by condition 7 and 21 of this consent until the plants reach maturity. Should any plants die prior to reaching maturity, the plants are to be replaced and maintained.

**Advisory Notes**

- \*\*\* Should any aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an aboriginal site or relic is liable under the National Parks and Wildlife Act 1974.
- \*\*\* 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 Instruments relevant to the property in order to prevent the possibility of legal proceedings against them.

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 Creed	
Councillor Ford	
Councillor Lyons-Buckett	
Councillor Mackay	
Councillor Paine	
Councillor Porter	
Councillor Reardon	

Councillors Tree and Williams were absent from the meeting.

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**Item: 42**                    **CP - DA0702/15 - 1 Powells Lane, Richmond Lowlands - Lot 25 DP 66377 - Temporary Use of an Existing Building as a Function Centre- (94598, 78522)**

**Previous Item:**        87, Ordinary (30 June 2015)  
                              67, Ordinary (12 May 2015)  
                              3, Ordinary (3 February 2015)

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Mr Andrew Doyle, Mr Peter Higgins and Ms Julie Bindon addressed Council, speaking for the recommendation.

Mr Mark Wilson, Mr Andrew Minto and Mr Richard Haydon addressed Council, speaking against the recommendation.

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

That Council as the consent authority pursuant to Clause 80(1)(b) of the Environmental Planning and Assessment Act 1979 approve Development Application No. DA0702/15 at Lot 25 in DP663770, Lot 1 DP 997087, Lot 2 in DP 997087, Lot 1 in DP 659412, Lot 1 in DP797310 and Lot 1 in 120794 1 Powells Lane, Richmond Lowlands for the temporary use of the existing Polo Barn and Garden Pavilion as a function centre and surrounding land for associated wedding ceremonies 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. This consent is limited it being operated under the following dates:

<b>Month 2016</b>	<b>Day/date</b>
March	Saturday 12, Friday 18, Saturday 19
April	Saturday 2, Saturday 16, Sunday 17
May	Saturday 14, Saturday 21
June	Sunday 5, Saturday 11
July	Nil
August	Saturday 27
September	Friday 2, Saturday 3, Saturday 10, Saturday 24
October	Saturday 8, Wednesday 19, Saturday 22, Friday 28, Saturday 29
November	Saturday 5, Saturday 12, Saturday 26
December	Saturday 3

3. Wedding ceremonies associated with the function centre shall be limited to a total of 28 in accordance with the dates specified above.
4. The development shall comply with the provisions of the National Construction Code/Building Code of Australia.
5. The building shall not be used for functions prior to the issue of an appropriate Occupation Certificate.

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### ***Prior to Commencement of Works***

6. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.
7. A waste management plan shall be submitted to and approved by Council. The plan shall address any builder's waste and waste generated during the day to day operation of the development. Particular attention shall be paid to type and quantity of waste, recycling, reuse, storage and disposal.
8. 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.
9. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.
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.

### ***During Construction***

12. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan Appendix E Civil Works Specification.
13. Forty car parking spaces to service the development, together with access driveways and turning areas, shall be constructed with an all-weather seal, signposted, line marked and maintained. The car park is to comply with AS2890.1 2004, as a minimum standard.
14. Vehicle entrances and exits shall be clearly signposted, including street number, and visible from both the street and site at all times.
15. Disabled parking shall be provided in accordance with AS2890.6 - 2009.
16. A servicing area with a minimum all-weather surface is to be provided in a suitable location adjacent to the development. The dimensions of the service area are to comply with the requirements of AS2890.2, 2002, for the largest vehicle required to regularly service the site.
17. During the construction period, the person responsible for the site is to retain records of waste disposal (waste receipts or dockets, recycling processor receipts etc.) in a Waste Data File. The Waste Data File must be provided to Council officers on request to demonstrate that the approved Waste Management Plan is being implemented.
18. 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.
19. 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.

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### ***Prior to operation***

20. A works as executed plan shall be submitted to Council on completion of the car park construction works. The plan shall demonstrate that the car parking and servicing areas have been provided in accordance with the conditions of consent.
21. An amended plan of management shall be prepared taking into consideration the operational conditions included in this consent. The management plan shall specifically refer to each condition of consent relating to the proposal and demonstrate how compliance would be achieved.
22. The applicant shall update the flood emergency evacuation and management plan for the site to refer to the cancellation of events during issue of a flood warning for the locality.
23. The applicant shall submit a report for the Garden Pavilion from a suitably qualified Engineer which verifies the following:
  - a) any damage to the proposed structure sustained in a flood will not generate debris capable of causing damage to downstream buildings or property
  - b) any part of the structure at or below the 1 in 100 year flood level will be able to withstand the force of floodwaters (including buoyancy forces) and the impact of debris
  - c) all finishes, plant fittings and equipment subject to inundation will be of materials and functional capability resistant to the effects of floodwaters.

### ***Use of the Development***

24. Operating hours shall be limited to:
  - a) Polo Barn Function centre use  
Monday – Sunday: 11am to 9:30pm  
All patrons must leave the premises by 10pm.
  - b) Garden Pavilion function centre use  
Monday – Sunday: 11am to 9:30pm  
Acoustic music only until 8pm, any microphone or music to finish at 8pm  
All patrons must leave the premises by 10 pm.
  - c) Outdoor locations for ceremonies  
Seven days a week: 11am to 8pm  
Acoustic music only up to 8pm, any use of microphone or music to finish at 8pm.
25. The use of the Polo Barn and Garden Pavilion function centre and associated wedding ceremonies shall be coordinated in a manner that does not result in the starting and finishing times coinciding with the proposed Sunnybrook Barn function centre and its associated wedding ceremonies as approved in DA0703/15.
26. No more than 200 guests are permitted at any function or wedding ceremonies at any given time.
27. No more than 67 vehicles associated with the function centre wedding ceremonies are permitted on the premises at any given time.
28. The operator shall keep a register detailing the date and times of when the premises is being used for a function and the number of guests attending. This register must be made available to Council officers on request and a copy is to be forwarded to Council by the end of each month of the approved operating period.



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29. Functions and associated wedding ceremonies shall not occur during flood warning periods or when access roads are inundated by water after rain events. Staff and guests shall be given advanced warning to not access the site during these periods.
30. The noise emitted from the development shall not exceed more than 5 dB above background in any Octave Band Frequency (31.5 Hz-8 kHz inclusive) at the boundary of any affected residence.
31. No noise after 10pm should be emitted from the approved land use.
32. Noise assessments are to be conducted for each of the first five events/functions/wedding ceremonies held at the premises. The noise assessment must be conducted by a suitably qualified acoustic consultant who is a member of the Association of Australian Acoustic Consultants (ACCC), and in accordance with Council directions. Upon completion of each noise assessment for each event, the assessment report that demonstrates compliance with this consent is to be submitted to Council for review. Each noise assessment carried out is to be completed at the owners' expense. For any non-compliances that occur during any of the noise assessments, the acoustic consultant is to make recommendations within the assessment and submit these recommendations for review by Council, prior to the next function. Following Council endorsing these recommendations, any changes are to be implemented prior to the next function.
33. Potable water shall be provided to the development in accordance with the NSW Health Private Water Supply Guidelines.
34. 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](http://www.foodstandards.gov.au). A plan showing the food preparation/serving area and details demonstrating compliance with the Food Act, 2003 and associated regulations and standards must be submitted with the registration form
35. A copy of this Development Consent shall be kept on the premises at all times and be made available to Council, Police or other authorised persons upon request.
36. Farewells to the bride and groom for functions at the Polo Barn must occur inside the barn or on the southern front side of the Polo Barn.
37. Signs must be placed in clearly visible positions within the building and in the car park areas requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area.
38. Service deliveries to and from the site shall be limited to 8am to 5pm Monday to Sunday.
39. The activity shall be carried out in accordance with the approved Patron Management Plan.
40. Portable toilets are to be provided to service each function. Amenities are required to be provided for a maximum number of people attending and at the following rates:
  - a) male facilities are to be provided at a rate of 3 water closets, 8 urinals and 2 hand basins per 200 people attending
  - b) female facilities are to be provided at a rate of 13 water closets and 2 hand basins per 200 people attending
  - c) hand washing facilities are required at a rate of one hand wash facility per 125 people attending.
41. All Portable toilets and amenities are to be removed from the site within 72 hours of the completion of each function.

## ORDINARY MEETING

Minutes: 08 March 2016

42. 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.
43. The subject development, including landscaping, is to be maintained in a clean and tidy manner.
44. The lighting from the development is to be directed away from surrounding properties, at an angle of 45 degrees towards the ground and shielded if needed to prevent any light spillage onto adjoining properties.
45. All work and the storage of goods, materials and waste shall be confined within the building or approved storage areas at all times.
46. All waste materials are to be stored in covered vermin proof waste storage bins and regularly removed from the property. Waste is to be separated where appropriate for re-use and recycling purposes. Waste is to be contained in such a manner to prevent it from being blown, moved or located around the property or surrounding properties.

### **Advisory Notes**

- \*\*\* The applicant shall make themselves aware of the Discrimination Against People with Disabilities Act (DDA) and assess their responsibilities and liabilities with regards to the provision of access for all people.
- \*\*\* Should any aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.
- \*\*\* The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed development. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.
- \*\*\* 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.
- \*\*\* Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- \*\*\* In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.

**ORDINARY MEETING**

**Minutes: 08 March 2016**

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 Conolly	Councillor Calvert
Councillor Creed	Councillor Ford
Councillor Rasmussen	Councillor Lyons-Buckett
Councillor Reardon	Councillor Mackay
	Councillor Paine
	Councillor Porter

Councillors Tree and Williams were absent from the meeting.

The Motion was lost.

**MOTION:**

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

*Refer to RESOLUTION*

**65 RESOLUTION:**

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

That Development Application No. DA0702/15 at Lot 25 in DP663770, Lot 1 DP 997087, Lot 2 in DP 997087, Lot 1 in DP 659412, Lot 1 in DP797310 and Lot 1 in 120794 1 Powells Lane, Richmond Lowlands for the temporary use of the existing Polo Barn and Garden Pavilion as a function centre and surrounding land for associated wedding ceremonies be refused for the following reasons:

1. The development does not satisfy the objectives of the RU2 Rural Landscape zone of Hawkesbury Local Environmental Plan 2012 as the application proposes a prohibited land use which is considered to be incompatible with surrounding land uses.
2. The development is inconsistent with Clause 2.8 – Temporary use of Hawkesbury Local Environmental Plan 2012 in that the application has not adequately demonstrated to Council as the consent authority that the proposed land use will not adversely impact on the amenity of the neighbourhood as required under Clause 2.8 (3)(b).
3. The proposal has the potential to have an adverse impact on the amenity of residents in the immediate locality in respect to noise, traffic and visual impacts.

**ORDINARY MEETING**

**Minutes:** 08 March 2016

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 Conolly
Councillor Ford	Councillor Creed
Councillor Lyons-Buckett	Councillor Rasmussen
Councillor Mackay	Councillor Reardon
Councillor Paine	
Councillor Porter	

Councillors Tree and Williams were absent from the meeting.

Note: A rescission motion was subsequently lodged in respect of this matter.

**ORDINARY MEETING**

**Minutes:** 08 March 2016

**Item: 43**                    **CP - DA0703/15 - 106 Ridges Lane, Richmond Lowlands - Lot 27 DP 56634 - Temporary use of and Existing Building as a Function Centre - (94598, 78522)**

**Previous Item:**        88, Ordinary (30 June 2015)  
                              68, Ordinary (12 May 2015)  
                              4, Ordinary (3 February 2015)

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Mr Andrew Doyle, Mr Peter Higgins and Ms Julie Bindon addressed Council, speaking for the recommendation.

Mr Mark Wilson, Mr Andrew Minto and Mr Richard Haydon addressed Council, speaking against the recommendation.

**MOTION:**

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

*Refer to RESOLUTION*

**66 RESOLUTION:**

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

That Development Application No. DA0703/15 at Lot 27 in DP 566434 and part Lot 1 in DP797310, 106 Ridges Lane, Richmond Lowlands for the temporary use of the existing Sunnybrook Barn as a function centre and surrounding land for associated wedding ceremonies be refused for the following reasons:

1. The development does not satisfy the objectives of the RU2 Rural Landscape zone of Hawkesbury Local Environmental Plan 2012 as the application proposes a prohibited land use which is considered to be incompatible with surrounding land uses.
2. The development is inconsistent with Clause 2.8 – Temporary use of Hawkesbury Local Environmental Plan 2012 in that the application has not adequately demonstrated to Council as the consent authority that the proposed land use will not adversely impact on the amenity of the neighbourhood as required under Clause 2.8 (3)(b).
3. The proposal has the potential to have an adverse impact on the amenity of residents in the immediate locality in respect to noise, traffic and visual impacts.

**ORDINARY MEETING**

**Minutes:** 08 March 2016

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 Conolly
Councillor Ford	Councillor Creed
Councillor Lyons-Buckett	Councillor Rasmussen
Councillor Mackay	Councillor Reardon
Councillor Paine	
Councillor Porter	

Councillors Tree and Williams were absent from the meeting.

Note: A rescission motion was subsequently lodged in respect of this matter.

**ORDINARY MEETING**

**Minutes: 08 March 2016**

**GENERAL MANAGER**

**Item: 44**                    **GM - Amendment to Council's Code of Conduct - (79351)**

**Previous Item:**        3, Ordinary (5 February 2013)

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**MOTION:**

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

*Refer to RESOLUTION*

**67 RESOLUTION:**

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

That Council adopt the amended Code of Conduct attached as Attachment 2 to this report.

**Item: 45**                    **GM - 56th Floodplain Management Australia Conference - (79351)**

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**MOTION:**

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

*Refer to RESOLUTION*

**68 RESOLUTION:**

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

That attendance of nominated Councillors and staff as considered appropriate by the General Manager, at the 56th Floodplain Management Australia Conference at an approximate cost of \$1,780, plus travel expenses per delegate be approved and that Councillors Porter and Reardon attend the Conference as Council's nominated delegates.

**ORDINARY MEETING**

**Minutes: 08 March 2016**

**Item: 46**                      **GM - Waste 2016 Conference - (79351)**

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**MOTION:**

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

*Refer to RESOLUTION*

**69 RESOLUTION:**

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

That attendance of nominated Councillors and staff as considered appropriate by the General Manager, at the Waste 2016 Conference at an approximate cost of \$2,800 per delegate be approved and that Councillor Porter attend the Conference as Council's nominated delegate.

**Item: 47**                      **GM - Sister City and City-Country Alliance Program - Annual Report 2014/2015 (79351, 73610k 85814, 90568)**

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**MOTION:**

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

*Refer to RESOLUTION*

**70 RESOLUTION:**

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

That the 2014/2015 annual report for the Sister City Program be received.



**ORDINARY MEETING**

**Minutes: 08 March 2016**

**INFRASTRUCTURE SERVICES**

**Item: 48**

**IS - Proposed Closure of Part of St Albans Road, St Albans - (95495, 112106, 99070, 105324)**

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**MOTION:**

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

*Refer to RESOLUTION*

**71 RESOLUTION:**

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

That Council approve the proposed closure of the unformed portions of the Road Reserve bisecting Lots 4 and 6 in DP 1079629 as outlined in this report and shown on the attached plan.

**ORDINARY MEETING**

**Minutes: 08 March 2016**

**SUPPORT SERVICES**

**Item: 49**                    **SS - Deed of Agreement between Council and Bay Lake Investments Pty Limited - Laneway adjoining 156 George Street, Windsor - (95496, 112106, 131177)**

---

**MOTION:**

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

***Refer to RESOLUTION***

**72 RESOLUTION:**

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

That:

1. Council agree to enter into an agreement with Bay Lake Investments Pty Limited as outlined in the report, pertaining to an exchange of land wherein Council maintains and utilises the laneway beside 156 George Street, Windsor in exchange for five car spaces at the rear of the property, within the existing Macquarie Street Car Park.
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 Bay Lake Investments Pty Limited, together with advice that Council is not, and will not, be bound by the terms of its resolution, until such time as appropriate legal documentation to put such resolution into effect has been executed by all parties.

**Item: 50**                    **SS - Pecuniary Interest Return - Designated Person - (95496, 96333)**

---

**MOTION:**

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

***Refer to RESOLUTION***

**73 RESOLUTION:**

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

That the information be received and noted.

**ORDINARY MEETING**

**Minutes: 08 March 2016**

**SUPPLEMENTARY REPORTS**

**Item: 54**                      **GM - 2016 Hawkesbury Sports Awards - Sponsorship by Vintage FM - (79351, 96972)**

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**MOTION:**

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

*Refer to RESOLUTION*

**74 RESOLUTION:**

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

That:

1. Council endorse the sponsorship of the 2016 Hawkesbury Sports Awards by Vintage FM as the media partner.
2. The General Manager be authorised to finalise arrangements and to execute an appropriate sponsorship agreement.

**ORDINARY MEETING**

**Minutes: 08 March 2016**

**SECTION 4 - Reports of Committees**

**ROC                      Audit Committee - 25 November 2015 - (95496, 91369)**

---

**75    RESOLUTION:**

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

That the minutes of the Audit Committee held on 25 November 2015 as recorded on pages 137 to 142 of the Ordinary Business Paper be received.

**ROC                      Human Services Advisory Committee - 11 February 2016 - (123486, 95498)**

---

**76    RESOLUTION:**

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

That the minutes of the Human Services Advisory Committee held on 11 February 2016 as recorded on pages 143 to 145 of the Ordinary Business Paper be received.

**ROC                      Floodplain Risk Management Advisory Committee - 18 February 2016 - (86589, 95498)**

---

**77    RESOLUTION:**

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

That the minutes of the floodplain Risk Management Advisory Committee held on 18 February 2016 as recorded on pages 146 to 148 of the Ordinary Business Paper be received.

**ORDINARY MEETING**

**Minutes:** 08 March 2016

**SECTION 5 - Notices of Motion**

**NM**                      **Audit of Rural Fire Service Infrastructure - (79351, 105109, 125612, 80104)**

**Previous Item:**        NM, Ordinary (23 February 2016)

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Councillor Ford declared a less than significant non-pecuniary conflict of interest in this matter as he is life member of the Yarramundi Fire Brigade but has no involvement in the running of the Brigade or in the running of the Hawkesbury Rural Fire Service and no further action is required.

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**MOTION:**

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

*Refer to RESOLUTION*

**78 RESOLUTION:**

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

That Council request the RFS Superintendent Karen Hodges to attend a Councillor Briefing Session, after the 2016 fire season, to explain the allocation of funds and RAPS system.

**ORDINARY MEETING**

**Minutes: 08 March 2016**

**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: 08 March 2016

**Questions for Next Meeting**

#	Councillor	Question	Response
1	Rasmussen	Requested a map indicating the number of trees and their locations for Redbank, North Richmond development applications that are currently submitted to Council.	Director City Planning
2	Rasmussen	Enquired if it is possible for all development applications for the Redbank, North Richmond development be brought to Council for determination.	Director City Planning
3	Rasmussen	Enquired if the JRPP decision regarding the Redbank, North Richmond development was unanimous.	Director City Planning
4	Rasmussen	Enquired if Council has a biodiversity offset plan in place.	Director City Planning
5	Paine	Enquired if a clean-up program for South Windsor could be instigated.	Director Infrastructure Services
6	Reardon	Enquired if Council could install row markers for Wilberforce Cemetery as part of the Plan of Management.	Director Infrastructure Services

**ORDINARY MEETING**

Minutes: 08 March 2016

**CONFIDENTIAL REPORTS**

**79 RESOLUTION:**

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

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: 51 IS - Tender No. 00969 - Cleaning of Council Buildings - (95495, 79340)**

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act, 1993 as it relates to tenders for the provision of cleaning of various Council buildings and the information is regarded as being commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, confer a commercial advantage on a competitor of the Council, or reveal a trade secret and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

**Item: 52 IS - Tender No. 00972 - Floor Coverings to Various Council Sites - (95495, 79340)**

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act, 1993 as it relates to details concerning tenders for the supply of goods and/or services to Council and it is considered that the information is regarded as being commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, confer a commercial advantage on a competitor of the Council, or reveal a trade secret and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

**Item: 53 IS - Tender No. 00973 - Modifications to Hawkesbury Oasis Aquatic and Leisure Centre and Various Child Care Centres - (95495, 79340, 93487, 73685, 34584, 97505, 73510, 78578)**

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act, 1993 as it relates to details concerning tenders for the supply of goods and/or services to Council and it is considered that the release of the information would, if disclosed, prejudice the commercial position of the person who supplied it, confer a commercial advantage on a competitor of the Council, or reveal a trade secret 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.

**80 RESOLUTION:**

RESOLVED on the motion of Councillor Creed, seconded by Councillor Conolly that open meeting be resumed.



**ORDINARY MEETING**

**Minutes: 08 March 2016**

**Item: 51**                    **IS - Tender No. 00969 - Cleaning of Council Buildings - (95495, 79340)**  
**CONFIDENTIAL**

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**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*

**81 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. Council accept the tender of Storm International Pty Ltd, for the provision of Cleaning of Various Council Buildings under Tender No. 00969 for a period of five years.
2. Authority be given for documentation in association with the tender to be executed under the Seal of Council.
3. The unsuccessful tenderers be advised of Council's decision in this matter and be thanked for their submissions.

**ORDINARY MEETING**

**Minutes: 08 March 2016**

**Item: 52**                    **IS - Tender No. 00972 - Floor Coverings to Various Council Sites - (95495, 79340) CONFIDENTIAL**

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**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*

**82 RESOLUTION:**

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

That Council:

1. Decline to accept any tender for the proposed contract for the Provision of Floor Coverings to Various Council Sites (Tender No. 00972).
2. In accordance with Section 178(3) of the Local Government (General) Regulation 2005, the proposal for the contract for Tender No. 00972 be cancelled.
3. The provision of Floor coverings to Various Council Sites be undertaken through individual quotations, in accordance with Council's Procurement Procedures.

**ORDINARY MEETING**

**Minutes: 08 March 2016**

**Item: 53**                    **IS - Tender No. 00973 - Modifications to Hawkesbury Oasis Aquatic and Leisure Centre and Various Child Care Centres - (95495, 79340, 93487, 73685, 34584, 97505, 73510, 78578) 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***

**83 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. Council accept the combined tender of Kellyville Building Pty Ltd in the total amount of \$1,281,045 (exclusive of GST) for the following projects:
  - a) Hawkesbury Oasis Aquatic and Leisure Centre Refurbishment and Amenities upgrade – (option 2 existing building footprint/size)
  - b) Extensions to McGraths Hills Long Day care Centre – (option 1 - pitched roof)
  - c) Extensions to Wilberforce Long Day Care Centre
  - d) Extensions to Windsor Pre School.
2. The Seal of Council be affixed to any necessary documentation.
3. The proposed budget adjustments totalling \$71,045 arising from project savings as detailed in the report be incorporated into the March 2016 Quarterly Budget Review.
4. The Mayor write to YMCA NSW, McGraths Hill Long Day Care Centre, Wilberforce Long Day Care Centre and Windsor Pre School expressing Council's appreciation of their contributions to these projects.

The meeting terminated at 9:09pm.

Submitted to and confirmed at the Ordinary meeting held on 12 April 2016.

.....  
Mayor