



Hawkesbury City Council

ordinary  
meeting  
minutes

date of meeting: 31 January 2017  
location: council chambers  
time: 6:30 p.m.



**ORDINARY MEETING**

**Minutes: 31 January 2017**

**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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## ORDINARY MEETING

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on 31 January 2017, commencing at 6:33pm.

### ATTENDANCE

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

**ALSO PRESENT:** Acting General Manager - Laurie Mifsud, Director City Planning - Matt Owens, Director Infrastructure Services - Jeff Organ, Acting Director Support Services - Emma Galea, Executive Manager - Community Partnerships - Joseph Litwin, Development Services Manager - Cristie Evenhuis, Strategic Planning Manager - Andrew Kearns, Building Coordinator - Greg Miles, Manager Corporate Services and Governance - Ian Roberts and Administrative Support Coordinator - Natasha Martin.

Councillor Kotlash left Chambers at 9:41pm and returned at 9:48pm.

### APOLOGIES

Apologies for absence were received from Councillors B Calvert (Deputy Mayor) and T Tree.

#### 1 RESOLUTION:

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

### IN MEMORIUM - Mr Garry McCully

The Mayor informed the general public of the passing of the former General Manager of Council, Mr Garry McCully. The Mayor extended sympathies on behalf of Council to Mr McCully's family.

Councillor Rasmussen noted the works of the former General Manager, recognising Mr McCully's service to the community, the passion with which he held the Hawkesbury and wished all the best to Mr McCully's family.

Council observed a minute's silence in memorium of Mr McCully.

### SECTION 1 - Confirmation of Minutes

#### 2 RESOLUTION:

RESOLVED on the motion of Councillor Reynolds and seconded by Councillor Kotlash that the Minutes of the Ordinary Meeting held on the 13 December 2016, be confirmed.

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**SECTION 3 - Reports for Determination**

**PLANNING DECISIONS**

**Item: 1**                    **CP - DA0455/15 - 31A Flinders Place, North Richmond - Lot 2 DP1010228 - Multi Dwelling Housing - (94598, 88858, 36645, 36644)**

**Previous Item:**        251, Ordinary (29 November 2016)

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Mr Garry Ryan, Ms Barbara Tarnawski and Mr Greg Hall addressed Council, speaking against the recommendation.

**MOTION:**

RESOLVED on the motion of Councillor Wheeler, seconded by Councillor Garrow.

***Refer to RESOLUTION***

**3 RESOLUTION:**

RESOLVED on the motion of Councillor Wheeler, seconded by Councillor Garrow.

That development application DA0455/15 at Lot 2 DP 1010228, 31A Flinders Place, North Richmond for Multi Dwelling Housing – Three Dwellings be refused for the following reasons:

1. The development is considered unacceptable having regard to Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River.
  - a) The proposal is unacceptable having regard to the matters for consideration contained within the following clauses:
    - (i) Clause 6 subclause (7) Riverine scenic quality: and
    - (ii) Clause 11 subclause (16) Land uses in riverine scenic areas.
2. The proposal is considered unacceptable having regard to the Hawkesbury Local Environmental Plan 2012.
  - a) The proposal is inconsistent with the overall aims and objectives of this plan and the R3 Medium Density Residential zone. The proposal does not provide for the orderly and economic development of land that is constrained by flooding and the application has not adequately taken into account the physical characteristics of the land with respect to flooding, earthworks and access.
  - b) An acid sulfate soils management plan is required to be submitted to consider the proposal in accordance with Clause 6.1 Acid Sulfate Soils.
  - c) The proposal is unacceptable having regard to the objectives and matters for consideration contained under Clause 6.2 Earthworks.



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- d) The proposal is considered unacceptable having regard to the matters of Clause 6.3 Flood Planning of the Hawkesbury Local Environmental Plan 2012 and Hawkesbury Council's Development of Flood Liabile Land Policy. The proposal is not compatible with the flood hazard of the land. Access and egress from the property will potentially result in a travel path through areas of higher flood hazard risk and proposed Dwelling One will be impacted by significant flood forces.
  - e) Access to the development is considered unsatisfactory and the proposal is not supported having regard to Clause 6.7 Essential Services.
3. The proposal is inconsistent having regard to Council's Development of Flood Liabile Land Policy in respect to the flood risk.
4. The development is considered unacceptable having regard to Hawkesbury Development Control Plan 2002.
- a) The proposed access is considered unacceptable having regard to the matters for consideration and requirements contained in Part C Chapter 2 – Car Parking and Access.
  - b) The proposal is inconsistent with the aims, objectives and rules of Part D: Chapter 1 Residential Development. In particular having regard to height, private open space, vehicle access and car parking, safety and security and recycling, garbage and mail collection areas.
5. Proposed Dwelling One is inconsistent with the established pattern of development fronting the Hawkesbury River, would have an adverse impact on the amenity of the locality, has the potential to set an undesirable precedent in approving the intensification of development of flood prone land and is not considered to be in the general public interest.

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 Garrow	Councillor Conolly
Councillor Kotlash	Councillor Richards
Councillor Lyons-Buckett	
Councillor Rasmussen	
Councillor Reynolds	
Councillor Ross	
Councillor Wheeler	
Councillor Zamprogno	

Councillors Calvert and Tree were absent from the meeting.

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**Item: 2**                    **CP - DA0642/15 - 1029 St Albans Road, Lower Macdonald - Lot 1 DP 605179 - Function Centre and Tourist Accommodation - (94598, 115319, 91795)**

**Previous Item:**        267, Ordinary (13 December 2016)

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Mr Camilo Castillo, Mr Stephen Kavanagh and Mr Ian Burns-Woods addressed Council, speaking for the recommendation.

Mr Brian McCabe, Mr Luke Hopping and Mr Harold Wall addressed Council, speaking against the recommendation.

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

- A. That Council as the consent authority pursuant to Clause 80(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended) approve Development Application No. DA0642/15 for tourist and visitor accommodation on Lot 1 in DP 605179, known as 1029 St Albans Road, Lower Macdonald, subject to the attached conditions; and
- B. That Council not support the function centre component of the development. An Order under Section 121B of the Environmental Planning and Assessment Act 1979 (as amended) is to be issued requiring the cessation of the unauthorised function centre use by 22 May 2017. That Order is to only permit existing event bookings (as at 31 January 2017) and include operational restrictions on noise, parking, operating hours, etc., so as to have minimal impacts on adjoining properties.

**Conditions**

**Development Description:** Tourist and Visitor Accommodation – Use of the premises as tourist and visitor accommodation

**General**

- 1. The development shall take place generally in accordance with the following stamped approved plans and documentation:

Document Number	Prepared By	Dated
Drawing No. DA-01 '1029 St Albans Road'	John Potts Architect	October 2015
Drawing No. DA-01 'Figure 1'	Blue Mountains Geological and Environmental Services Pty Ltd	13 November 2015

... except as modified by the conditions of this consent.

- 2. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
- 3. The development shall comply with the provisions of the Building Code of Australia (BCA)/National Construction Code.
- 4. The development shall comply with the Disability (Access to Premises – Buildings) Standards 2010.
- 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.

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

An 'Application to Amend a Sewage Management Facility' Form must be submitted to Council's Environment and Regulatory Services/Environmental Health Department for the alterations to the existing Aerated Wastewater Treatment System (AWTS) and associated land application area prior to any works being commenced in relation to the sewage management facility (Septic Licence No. S0050/10).

The land application area shall be a minimum of 900m<sup>2</sup>. A reserve area of 900m<sup>2</sup> shall be made available for expansion; for resting of the land application system or for duplication of the land application system if unforeseen circumstances require this at some future time.

The onsite sewage management facility shall be installed and commissioned in accordance with the 'Investigation and Assessment for On-site Effluent Management at St Josephs Guesthouse – Lot 1, DP 605179, No. 1029 St Albans Road, Central MacDonald' Report (Reference No. 151201) prepared by Blue Mountains Geological and Environmental Services Pty Ltd and dated December 2015 or as amended by the approval of the above application.

### ***Integrated Development – General Terms of Approval***

The General Terms of Approval from the following authority, as referred to under Section 93 of the Environmental Planning and Assessment Act 1979 and referenced below, are attached and form part of the consent conditions for this approval:

7. NSW Rural Fire Service – The General Terms of Approval (Reference No. D16/1007 DA16040401357 MA) prepared by the Rural Fire Service and dated 24 May 2016 are attached and form part of this consent.

### ***During Construction***

8. 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 and 6pm and on Saturdays between 8am and 4pm.
9. The site shall be secured to prevent unauthorised access and the depositing of unauthorised material.
10. 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.
11. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road. Any damage to the road surface or public infrastructure caused by construction works are the responsibility of the applicant.
12. A Traffic Management Plan must be implemented and all devices maintained for the duration of the proposed works in compliance with the approved Traffic Management Plan.
13. 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
  - d) all waste (including felled trees) must be contained and removed to a Waste Disposal Depot.

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

14. A Plan of Management shall be prepared for the tourist and visitor accommodation. This Plan of Management must be provided to Council for approval prior to the release of an Interim or Final Occupation Certificate.

The Plan of Management must be prepared to address but not be limited to the following:

- a) a maximum of 10 guests may be accommodated within the tourist and visitor accommodation building at any one time;
  - b) no tents, caravans or campervans are to be installed or used onsite in association with the tourist and visitor accommodation use;
  - c) flood evacuation procedures (including vehicular routes along public roads to the nearest place of refuge) and emergency telephone numbers are to be incorporated into the Plan of Management;
  - d) the Plan of Management is to include details of any 'house rules' and complaints handling procedures.
15. A Flood Emergency Evacuation and Management Plan is to be prepared for the development. The plan shall advise occupants of flood evacuation procedures (including vehicular routes along public roads to the nearest place of refuge) and emergency telephone numbers. The evacuation procedures shall be permanently fixed to the building in a prominent location and maintained at all times.
- The plan must outline that any functions, bookings and/or events are to be cancelled upon the issue by any appropriate Authority of a flood warning for the locality.
- A copy of this plan shall be provided to Council prior to the release of the Occupation Certificate.
- The plan shall also be incorporated in the Plan of Management for the tourist and visitor accommodation development.
16. An approval to operate the onsite septic system is required to be obtained from Council. The approval to operate is required to be submitted to the Principal Certifying Authority prior to the issue of an Interim or Final Occupation Certificate. Any required inspections may be organised by calling (02) 4560 4444.
17. A qualified Structural Engineer shall inspect and certify the mezzanine floor level as being capable of withstanding the loads likely to be imposed upon it. The certificate shall be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.
18. A Building Code of Australia (BCA) report from a suitably qualified and experienced person (e.g. a Building Regulation consultant or a Fire Safety Engineer) shall be provided to the Principal Certifying Authority demonstrating adequate provision has been made for fire safety and egress from the building in the event of fire.
- Should the report make recommendations for additional works to be carried out in order to address the Performance Provisions of the BCA, those works are to be carried out. Where it is intended not to carry out any such work, the owner is to obtain the written agreement of either Council or the author of the report. Suitable evidence (where necessary) shall be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.
19. A Final Fire Safety Certificate is required to be submitted for the new Fire Safety Measures listed in the Fire Safety Schedule attached to this consent.

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20. The following certificate is to be provided to the Principal Certifying Authority prior to the issue of an Interim or Final Occupation Certificate. The certificate shall state the name of person or company carrying out the installation and the relevant Australian Standard to which installed:
- a) A system of lighting must be installed to assist evacuation of occupants in the event of fire. The lighting system must be activated by a smoke alarm in accordance with Clause 3.7.2.5 of the Building Code of Australia. A Certificate of Compliance from an electrician is required to be provided.
21. The swimming pool shall be surrounded by a suitable swimming pool barrier that is compliant with the Swimming Pools Act and AS1926. A warning notice (incorporating resuscitation techniques) complying with the requirements of Section 17(1) and Regulation 8 of the Swimming Pools Act 1992 shall also be provided and maintained in a prominent position in the immediate vicinity of the pool.
- These requirements shall be satisfied prior to the release of an Interim or Final Occupation Certificate.
22. Potable water shall be provided to the tourist and visitor accommodation building 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.
- A copy of the Water Supply Management Plan shall be submitted to Council prior to the release of the Occupation Certificate.
- The development must be registered with Council as a private water supplier.
23. Prior to the release of an Occupation Certificate, suitable evidence shall be provided to the Principal Certifying Authority to demonstrate that the General Terms of Approval (Reference No. D16/1007 DA16040401357 MA) issued by the Rural Fire Service and dated 24 May 2016 have been satisfied.
24. A flood warning sign is to be provided advising occupants that public roads used to access the site may be subject to inundation during times of flood. The sign shall be constructed of durable material and installed in a prominent location within the site.

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

25. A maximum of 10 guests shall be accommodated within the tourist and visitor accommodation component of the development at any time.
26. The tourist and visitor accommodation building shall not be used for permanent occupation as a residence and shall only be used for short term tourist accommodation. The building shall not be made available for long term accommodation. In this regard any continuous length of stay is to be restricted to no more than four consecutive weeks in any six month period.
27. A copy of the guest register for the tourist and visitor accommodation 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 at any time and a copy is to be forwarded to Council at six monthly periods.
28. The operation of the tourist and visitor accommodation must be undertaken in accordance with the approved Plan of Management, except where modified by the conditions of this consent.
- A copy of the Plan of Management must be kept and maintained in a register and made available for inspection by the Council or other relevant authorities upon request.
29. No tents, caravans or campervans shall be installed or used onsite unless otherwise allowed under Section 77 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

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30. Bookings 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.
31. 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.

The reasons for the imposition of these conditions are those matters specified under Section 79C(1) of the Environmental Planning and Assessment Act 1979 as are relevant to the subject development.

### **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 the date endorsed on this consent.
- Any activity carried out in accordance with this approval shall not give rise to offensive noise, air pollution (including odour) or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- Building work in close proximity to the boundary may be a sensitive matter for each property owner and can often end in an unsatisfactory relationship between neighbours. You are advised that the consent given to build in close proximity to the allotment boundary is in no way to be construed as permission to build on or encroach over the allotment boundary.

Your attention is directed to the provisions of the Dividing Fences Act 1991 that gives certain rights to adjoining owners, including use of the common boundary. In the absence of any structure standing well clear of the common boundary you need to make yourself aware of your legal position, which may involve a survey to identify allotment boundaries.

Note: This consent does not override your obligations under the Dividing Fences Act 1991.

- The sewage management facility must be operated in accordance with the relevant operating specifications and procedures for the component facilities, and so as to allow disposal of treated sewage in an environmentally safe and sanitary manner (Local Government [General] Regulation 2005).
- The installed system will be the subject of an approval to operate a system of sewage management in accordance with the provisions of Subdivision 6 and 7 of Division 4 of Part 2 of the Local Government (General) Regulation 2005 and for this purpose will be subject to inspection at annual frequency by Council's Environmental Health Officer or at such other frequency as may be determined according to the future operation or risk of the system.
- 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 development. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.

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- The applicant is advised to consult with the relevant:

- a) sewer provider;
- b) electricity provider; and
- c) telecommunications carrier

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

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

That Council as the consent authority pursuant to Clause 80(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended) approve Development Application No. DA0642/15 for a function centre and tourist and visitor accommodation on Lot 1 in DP 605179, known as 1029 St Albans Road, Lower Macdonald, subject to the following conditions;

**General**

1. The development shall take place generally in accordance with the following stamped approved plans and documentation:

Document Number	Prepared By	Dated
Drawing No. DA-01 '1029 St Albans Road'	John Potts Architect	October 2015
Drawing No. DA-01 'Figure 1'	Blue Mountains Geological and Environmental Services Pty Ltd	13 November 2015
'Plan of Management – St Joseph's – 1029 St Albans Road'	John Potts Architect	16 October 2015
'Noise Impact Assessment – Function Room – 1029 St Albans Road, Lower Macdonald' (Reference No. R160399R1 Rev '2')	Rodney Stevens Acoustics	18 January 2017
'Investigation and Assessment for On-site Effluent Management at St Joseph's Guesthouse – Lot 1, DP 605179, No. 1029 St Albans Road, Central MacDonald' Report (Reference No. 151201)	Blue Mountains Geological and Environmental Services Pty Ltd	December 2015

... except as modified by the conditions of this consent.

2. No excavation, site works or civil works shall be commenced prior to the issue of a Design Compliance Certificate.
3. A Design Compliance Certificate must be submitted to the Certifying Authority within three months from the determination date of this consent.
- 3A. A detailed long-term Costed Maintenance Plan shall be prepared for the former St Joseph's Church building and site and submitted to Council for approval within three months from the determination date of this consent. The Plan must detail what elements require or will require restoration and maintenance over the long term (a minimum 20 year period).

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The Costed Maintenance Plan shall be prepared in accordance with the NSW Heritage Council's 'Minimum Standard of Maintenance' Heritage Information Series. Each item under the headings 'Weather Protection', 'Fire Protection', 'Security' and 'Essential Maintenance and Repair' – including each of the headings' subclauses – must be addressed.

The Costed Maintenance Plan must be prepared by a heritage architect and costed by a quantity surveyor. The costs need to be detailed into a 20 year plan indicating the proposed financial inputs from the proprietor year by year.

4. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
5. The development shall comply with the provisions of the Building Code of Australia (BCA)/National Construction Code.
6. The development shall comply with the Disability (Access to Premises – Buildings) Standards 2010.
7. 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.
8. This development falls within the Sewerage Scheme controlled by Hawkesbury City Council. Therefore Hawkesbury City Council is the approving authority for all sewer works.

An 'Application to Amend a Sewage Management Facility' Form must be submitted to Council's Environment and Regulatory Services/Environmental Health Department for the alterations to the existing Aerated Wastewater Treatment System (AWTS) and associated land application area prior to any works being commenced in relation to the sewage management facility (Septic Licence No. S0050/10).

The land application area shall be a minimum of 900m<sup>2</sup>. A reserve area of 900m<sup>2</sup> shall be made available for expansion; for resting of the land application system or for duplication of the land application system if unforeseen circumstances require this at some future time.

The onsite sewage management facility shall be installed and commissioned in accordance with the 'Investigation and Assessment for On-site Effluent Management at St Josephs Guesthouse – Lot 1, DP 605179, No. 1029 St Albans Road, Central MacDonald' Report (Reference No. 151201) prepared by Blue Mountains Geological and Environmental Services Pty Ltd and dated December 2015 or as amended by the approval of the above application.

### ***Integrated Development – General Terms of Approval***

The General Terms of Approval from the following authority, as referred to under Section 93 of the Environmental Planning and Assessment Act 1979, and referenced below, are attached and form part of the consent conditions for this approval:

9. NSW Rural Fire Service – The General Terms of Approval (Reference No. D16/1007 DA16040401357 MA) prepared by the Rural Fire Service and dated 24 May 2016 are attached and form part of this consent.

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

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



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10. A Design Compliance Certificate shall be obtained for this development covering:

- a) Construction of the car park;
- b) Civil works for sight distance improvement within the road reserve;
- c) Construction of any retaining walls; and
- d) Civil drainage.

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

The applicant shall pay a Design Compliance Certificate Fee in accordance with Council's adopted fees and charges when submitting Civil Engineering Plans for approval.

11. The payment of a long service levy is required under Part 5 of the Building and Construction Industry Long Service Payments Act 1986 in respect to this building work. Proof that the levy has been paid is to be submitted to the Principal Certifying Authority prior to the issue of the Design Compliance 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.

12. All earthworks on the site must comply with the following:

- a) topsoil shall only be stripped from approved areas and shall be stockpiled for re-use during site rehabilitation and landscaping
- b) all disturbed areas are to be stabilised/revegetated, using a minimum 300mm surface layer of topsoil, as soon as practicable after the completion of the filling works
- c) once the topsoil has been removed the natural batter shall be suitably stepped, scarified or roughened to prevent slipping and the fill is to be keyed in to hold the top of the fill batter in place
- d) where batters exceed a ratio of three horizontal to one vertical, retaining walls, stone flagging or terracing shall be constructed
- e) all fill within the site shall be placed in layers not exceeding 300mm thickness and compacted to achieve a minimum dry density ratio of 95% when tested in accordance with Australian Standard AS1289 'Methods of testing soils for engineering purposes' unless otherwise specified
- f) filling shall comprise only uncontaminated Virgin Excavated Natural Material (VENM). Contamination certificates for all source material shall be provided to the Principal Certifying Authority prior to placing any fill on site.

Details satisfying the above requirements are to be submitted to the Certifying Authority prior to the issue of the Design Compliance Certificate.

13. Any retaining walls having a height exceeding 600mm are required to be designed by a practicing structural engineer. The design must be submitted to the Certifying Authority prior to issue of the Design Compliance Certificate.

14. Earthworks, vegetation removal and traffic measures are to be undertaken within the road reserve to ensure that sight distances for vehicles leaving the site are a minimum of 56 metres (in accordance with AUSTRROAD Absolute Minimum for 60km/hr) in both directions. Details demonstrating compliance with this requirement, such as the installation of additional measures such as convex mirrors, are to be included on the plans submitted to Council prior to issue of the Design Compliance Certificate.

15. Car parking spaces shall be provided in accordance with AS2890.1 'Parking facilities: Off-street parking'. The minimum number of sealed parking spaces provided shall be 24 spaces. The car parking spaces are to be identified onsite by line-marking.

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

16. The development shall not create adverse impacts to neighbouring properties in relation to overland flow of stormwater and must meet the following requirements:
- a) water flowing from the property must not be redirected or concentrated to adjoining properties
  - b) water flowing into the property from adjoining lots shall not be impeded or diverted
  - c) water flow shall follow the natural flow directions without increasing velocity.

Details are to be provided on the plans submitted to the Certifying Authority prior to issue of a Design Compliance Certificate.

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

17. The Applicant shall advise Council of the name, address and contact number of the principal certifier in accordance with Section 81A(2)(b) of the Environmental Planning and Assessment Act 1979.
18. At least two days prior to the commencement of works, notice is to be given to Hawkesbury City Council in accordance with the Environmental Planning and Assessment Regulation 2000.
19. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road:
- 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.

The sign is to be maintained for the duration of works.

20. Toilet facilities (to the satisfaction of Council) shall be provided for workers throughout the course of building operations. Such a facility shall be located wholly within the property boundary.
21. Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with Landcom's publication 'Managing Urban Stormwater – Soils and Construction (2004)'.
22. A Traffic Management Plan prepared in accordance with the Roads and Maritime Services' (formerly the Roads and Traffic Authority) publication 'Traffic Control at Worksites' is to be prepared by an appropriately qualified person and submitted to Council for approval prior to commencement of any works.
23. The works shall be set out by a Registered Surveyor to ensure that no work is undertaken on adjoining properties as part of this consent. A Survey Certificate for the site showing the location of the car park, fencing and other structures under construction and in compliance with the approved plans shall be lodged with the Principal Certifying Authority during an early stage of construction. Any easements must be shown on the Survey Certificate.
24. All civil construction works required by this consent shall be undertaken in accordance with Hawkesbury Development Control Plan 2002 – Appendix E – Civil Works Specification. Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier.

### ***During Construction***

25. 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 and 6pm and on Saturdays between 8am and 4pm.

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26. The site shall be secured to prevent unauthorised access and the depositing of unauthorised material.

The property entry and exit points shall be secured at all times to prevent the unauthorised entry of vehicles, and to ensure that the site manager can control and prevent dumping of waste and potentially contaminated material whilst fill material is being imported or managed on site.

27. 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.
28. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road. Any damage to the road surface or public infrastructure caused by construction works are the responsibility of the applicant.
29. A Traffic Management Plan must be implemented and all devices maintained for the duration of the proposed works in compliance with the approved Traffic Management Plan.
30. 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:
- 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
  - building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site
  - 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.
31. Vegetation waste resulting from the approved clearing of the site shall be salvaged for re-use either in log form or as woodchip mulch for erosion control and/or site rehabilitation. Non-salvageable material such as roots, stumps or declared weed species shall be disposed of to an appropriate waste facility.

No vegetative material is to be disposed of by burning onsite other than in an approved heating or cooking device.

32. All works associated with the storage, preparation and cooking of food shall be undertaken in accordance with the requirements of:

- Food Act 2003 and Regulations thereunder
- Australian Standard AS4674:2004 'Design, construction and fit-out of food premises'
- Australian Standard AS1668.2:2002 'The use of ventilation and air conditioning in buildings – Ventilation design for indoor air contaminant control'
- Hawkesbury Council's 'Food Premises Fit Out Code'.

Any food premises must comply with the following requirements:

- finishes, fittings and appliances must be fit for purpose, and should generally be smooth and impervious to moisture
- all gaps inside and outside the premises that may allow the entrance of vermin and insects to the kitchen shall be eliminated
- hand washing facilities, with hot and cold running water mixed through a common spout, hand wash soap and hand drying facilities must be provided in the kitchen. A constant supply of soap and paper towel delivered through a dispenser must be located next to the hand washing facilities

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- d) where fittings are butt joined together they must be sealed to eliminate any cavities or crevices. Alternatively, a clear space of at least 75mm is to be provided between fittings. The following requirements apply to clearances and supports of equipment:
  - (i) all refrigerators, freestanding cupboards and similar fittings must have metal legs made of non-corrosive metal or moulded plastic at a minimum height of 150mm above the floor. If placed flush on solid plinths the solid plinth is to be a minimum of 75 mm high
  - (ii) where the above fittings do not comply with these clearances, the fittings shall be provided with wheels to enable easy cleaning, and eliminate inaccessible cavity.

33. All civil construction works required by this consent shall be undertaken in accordance with Hawkesbury Development Control Plan 2002 – Appendix E – Civil Works Specification. Inspections shall be carried out and Compliance Certificates issued by Council or an accredited certifier.

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

- 34. The applicant shall pay a Construction Compliance Certificate fee in accordance with Council's adopted fees and charges when submitting Civil Engineering Plans for approval.
- 35. All works must be completed in accordance with the approved Design Compliance Certificate Plans, approved supporting documentation and to the satisfaction of the Principal Certifying Authority prior to the issue of a Construction Compliance Certificate.

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

36. A consolidated Plan of Management shall be prepared for the function centre and the tourist and visitor accommodation. This Plan of Management must be provided to Council for approval prior to the release of an interim or Final Occupation Certificate.

The Plan of Management must be prepared to address but not be limited to the following:

- a) hours of operation for the function centre are to be limited to 12pm (midday) to 10pm Friday to Sunday. The operation of the function centre is prohibited Monday to Thursday,
- b) The departure of patrons from the function centre (exclusive of any guests of the tourist and visitor accommodation) must commence at 10pm, with all function centre patrons removed from the site by 11pm,
- c) the function centre may be used for a maximum of one function or event per calendar week,
- d) a maximum of 100 patrons (including any guests of the tourist and visitor accommodation component of the development) may be accommodated within the function centre and the property at any one time,
- e) a maximum of 10 guests may be accommodated within the tourist and visitor accommodation component of the development at any one time,
- f) an onsite manager must be present to oversee and manage the operation of the function centre during all functions and events,
- g) no tents, caravans or campervans are to be installed or used onsite in association with the function centre use or the tourist and visitor accommodation use,
- h) the recommendations of the 'Noise Impact Assessment – Function Room – 1029 St Albans Road, Lower Macdonald' Report (Reference No. R160399R1 Rev '2') prepared by Rodney Stevens Acoustics and dated 18 January 2017 are to be incorporated into the Plan of Management,
- i) flood evacuation procedures (including vehicular routes along public roads to the nearest place of refuge) and emergency telephone numbers are to be incorporated into the Plan of Management,
- j) the Plan of Management is to include details of any 'house rules' and complaints handling procedures.

36A. An Interim or Final Occupation Certificate shall not be released until evidence has been provided from Council that the Costed Maintenance Plan has been approved.

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37. A Flood Emergency Evacuation and Management Plan is to be prepared for the development. The plan shall advise occupants of flood evacuation procedures (including vehicular routes along public roads to the nearest place of refuge) and emergency telephone numbers. The evacuation procedures shall be permanently fixed to the building in a prominent location and maintained at all times.

The plan must outline that any functions, bookings and/or events are to be cancelled upon the issue by any appropriate Authority of a flood warning for the locality.

A copy of this plan shall be provided to Council prior to the release of the Occupation Certificate.

The plan shall also be incorporated in the Plan of Management for the function centre and tourist and visitor accommodation development.

38. An approval to operate the onsite septic system is required to be obtained from Council. The approval to operate is required to be submitted to the Principal Certifying Authority prior to the issue of an Interim or Final Occupation Certificate. Any required inspections may be organised by calling (02) 4560 4444.
39. A qualified Structural Engineer shall inspect and certify the mezzanine floor level as being capable of withstanding the loads likely to be imposed upon it from a large gathering of people. The certificate shall be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.
40. A Building Code of Australia (BCA) report from a suitably qualified and experienced person (e.g. a Building Regulation consultant or a Fire Safety Engineer) shall be provided to the Principal Certifying Authority demonstrating adequate provision has been made for fire safety and egress from the building in the event of fire.

Should the report make recommendations for additional works to be carried out in order to address the Performance Provisions of the BCA, those works are to be carried out. Where it is intended not to carry out any such work, the owner is to obtain the written agreement of either Council or the author of the report. Suitable evidence (where necessary) shall be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

41. A Final Fire Safety Certificate is required to be submitted for the new Fire Safety Measures listed in the Fire Safety Schedule attached to this consent.
42. The following certificate is to be provided to the Principal Certifying Authority prior to the issue of an Interim or Final Occupation Certificate. The certificate shall state the name of person or company carrying out the installation and the relevant Australian Standard to which installed:
- a) A system of lighting must be installed to assist evacuation of occupants in the event of fire. The lighting system must be activated by a smoke alarm in accordance with Clause 3.7.2.5 of the Building Code of Australia. A Certificate of Compliance from an electrician is required to be provided.
43. Rural fencing (post and rail or post and wire) shall be installed to define the property's eastern and southern boundaries with 937 St Albans Road. The fencing shall be installed wholly within the subject property and clear of any headstones and monuments.

The installation of the fencing shall be completed prior to the release of an Occupation Certificate.

Note: Building work in close proximity to the boundary may be a sensitive matter for each property owner and can often end in an unsatisfactory relationship between neighbours. You are advised that the consent given to build in close proximity to the allotment boundary is in no way to be construed as permission to build on or encroach over the allotment boundary.

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44. The swimming pool shall be surrounded by a suitable swimming pool barrier that is compliant with the Swimming Pools Act and AS1926. A warning notice (incorporating resuscitation techniques) complying with the requirements of Section 17(1) and Regulation 8 of the Swimming Pools Act 1992 shall also be provided and maintained in a prominent position in the immediate vicinity of the pool.

These requirements shall be satisfied prior to the release of an Interim or Final Occupation Certificate.

45. Potable water shall be provided to the function centre and tourist and visitor accommodation building 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.

A copy of the Water Supply Management Plan shall be submitted to Council prior to the release of the Occupation Certificate.

The development must be registered with Council as a private water supplier.

46. Prior to the release of an Occupation Certificate, suitable evidence shall be provided to the Principal Certifying Authority to demonstrate that the General Terms of Approval (Reference No. D16/1007 DA16040401357 MA) issued by the Rural Fire Service and dated 24 May 2016 have been satisfied.
47. A flood warning sign is to be provided advising occupants that public roads used to access the site may be subject to inundation during times of flood. The sign shall be constructed of durable material and installed in a prominent location within the site.

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

48. Hours of operation for the function centre are to be limited to the following:

Friday to Sunday: 12pm (midday) to 10pm  
Monday to Thursday: Closed

The orderly departure of patrons from the function centre (exclusive of any guests of the tourist and visitor accommodation) must commence at 10pm, with all function centre patrons removed from the site by 11pm.

49. The function centre may be used for a maximum of one function or event per calendar week.
50. A maximum of 100 patrons (including any guests of the tourist and visitor accommodation component of the development) may be accommodated within the function centre and the property at any time.
51. A maximum of 10 guests be accommodated within the tourist and visitor accommodation component of the development at any time.
52. The tourist and visitor accommodation building shall not be used for permanent occupation as a residence and shall only be used for short term tourist accommodation. The building shall not be made available for long term accommodation. In this regard any continuous length of stay is to be restricted to no more than four consecutive weeks in any six month period.
53. A copy of the guest register for the tourist and visitor accommodation 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 at any time and a copy is to be forwarded to Council at six monthly periods.
54. An onsite manager must be present to oversee and manage the operation of the function centre at all times during all functions and events.

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55. The operation of the function centre and tourist and visitor accommodation must be undertaken in accordance with the approved Plan of Management, except where modified by the conditions of this consent or the requirements of the Department of Liquor and Gaming and/or Police.

A copy of the Plan of Management must be kept and maintained in a register and made available for inspection by the Police, Department of Liquor and Gaming and/or authorised Council inspectors/officers upon request.

The Plan of Management may be altered with the consultation and consent of Local Licensing Police, Department of Liquor and Gaming and/or Council.

56. No tents, caravans or campervans shall be installed or used onsite unless otherwise allowed under Section 77 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.
57. Functions, bookings and events 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.
58. Functions and events shall be managed to ensure that adequate parking is available to accommodate all patron, guest and staff/caterer vehicles within the subject property. No loading, unloading or parking of vehicles is permitted on the public road.
59. 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 at six monthly periods.
60. The operation of the development shall incorporate the recommendations of the 'Noise Impact Assessment – Function Room – 1029 St Albans Road, Lower Macdonald' Report (Reference No. R160399R1 Rev '2') prepared by Rodney Stevens Acoustics and dated 18 January 2017. All recommendations contained within the Acoustic Report are to be implemented, including but not limited to the following:
- a) All activities on the site shall comply with the submitted Acoustic Management Plan.
  - b) Power to all audio or audio-visual equipment shall be controlled by a noise limiting device that is set to 85dB(A) (internal). The noise limiter device must only be accessible by management and must not be used by third parties.
  - c) All outdoor activities/congregations/events/functions shall be conducted on the western side of the building only.
  - d) No personal stereos and/or public address (PA) systems are to be used onsite.
  - e) Outdoor background music may only be played outside until 7:00pm. The external outdoor background music is not to be audible within neighbouring dwellings.
  - f) Any music after 7:00pm must be connected to the noise limiter installed within the building. The playing of amplified or live music inside the function centre shall cease by 9:45pm.
  - g) Musicians are to consist of a maximum two piece band (acoustic string instruments only) or a disc jockey (DJ). No amplified or percussion instruments are allowed to perform. Musicians are only allowed to perform within the ground floor of the building; they must not perform outside the building.
  - h) Patrons and guests must be instructed to not cause unnecessary noise and to be mindful of neighbours. Signs are to be placed on the balcony area to advise patrons to keep noise to a minimum.
  - i) A maximum of 10 guests be accommodated within the tourist and visitor accommodation component of the development at any time.

Where requested certification and/or evidence must be provided to demonstrate that the development is operating in accordance with 'Noise Impact Assessment – Function Room – 1029 St Albans Road, Lower Macdonald' Report (Reference No. R160399R1 Rev '2') prepared by Rodney Stevens Acoustics and dated 18 January 2017 and the conditions of this consent.

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If, during the on-going use of the premises, substantiated complaints of breaches of noise occur, the applicant must arrange for further acoustic testing to be undertaken by a suitably qualified acoustic consultant. Any recommendations made by the consultant to ensure the premises complies with the noise criteria specified in the Noise Impact Assessment Report must be immediately implemented.

61. Noise generated as a result of the mechanical plant or equipment during hours of operation shall be managed so that the LAeq noise levels, measured at any point in accordance with the NSW DECs' Industrial Noise Source Policy, does not exceed 5dB(A) (LAeq) above background levels (LA90) with respect to noise amenity of other residential properties and associated outdoor areas. Outside of the hours of operation, the noise from any mechanical plant or equipment should not be significantly audible at any residence.
62. Signs must be placed in clearly visible positions within the building and in the car park area requesting that patrons leaving the premises are to do so quickly and quietly, having regard to maintaining the amenity of the area.
63. 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.
64. All vehicles being loaded or unloaded shall stand entirely within the property.
65. Any part of the building used for food preparation shall be registered with Council as a Food Premises and have inspections conducted by Council officers as necessary/required.
66. The food premises shall be maintained in accordance with the requirements of:
  - Food Act 2003 and Regulations there under.
  - Australian Standard 4674:2004 'Design, construction and fit-out of food premises'.

Hand washing facilities, with hot and cold running water mixed through a common spout, hand wash soap and hand drying facilities must be provided in the kitchen. A constant supply of soap and paper towel delivered through a dispenser must be located next to the hand washing facilities.

Any refrigeration used to store potentially hazardous food must have a capacity to keep food colder than 5°C and be provided with a thermometer, accurate to ±1°C.
67. All food is to be transported, stored and displayed in a manner that protects the food from likely contamination in accordance with the provisions of Standard 3.2.2 of the Food Standards Code under the Food Act 2003.
68. All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
69. 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.
70. 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.



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71. Any 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 and nuisance onto adjoining properties.

The reasons for the imposition of these conditions are those matters specified under Section 79C(1) of the Environmental Planning and Assessment Act 1979 as are relevant to the subject development.

### **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 the date endorsed on this consent.
- Private Accredited Certifiers do not have any authority to issue Engineering Approvals or carry out inspections for works on Public Roads under the Roads Act 1993.
- Any activity carried out in accordance with this approval shall not give rise to offensive noise, air pollution (including odour) or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- Building work in close proximity to the boundary may be a sensitive matter for each property owner and can often end in an unsatisfactory relationship between neighbours. You are advised that the consent given to build in close proximity to the allotment boundary is in no way to be construed as permission to build on or encroach over the allotment boundary.

Your attention is directed to the provisions of the Dividing Fences Act 1991 that gives certain rights to adjoining owners, including use of the common boundary. In the absence of any structure standing well clear of the common boundary you need to make yourself aware of your legal position, which may involve a survey to identify allotment boundaries.

Note: This consent does not override your obligations under the Dividing Fences Act 1991.

- The sewage management facility must be operated in accordance with the relevant operating specifications and procedures for the component facilities, and so as to allow disposal of treated sewage in an environmentally safe and sanitary manner (Local Government [General] Regulation 2005).
- The installed system will be the subject of an approval to operate a system of sewage management in accordance with the provisions of Subdivision 6 and 7 of Division 4 of Part 2 of the Local Government (General) Regulation 2005 and for this purpose will be subject to inspection at annual frequency by Council's Environmental Health Officer or at such other frequency as may be determined according to the future operation or risk of the system.
- 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 development. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.

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- The applicant is advised to consult with the relevant:

- a) sewer provider;
- b) electricity provider; and
- c) telecommunications carrier

... regarding their requirements for the provision of services to the development and the location of existing services that may be affected by the works, either onsite 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 amendment, the results of which were as follows:

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

Councillors Calvert and Tree were absent from the meeting.

The Amendment was lost.

**MOTION:**

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

***Refer to RESOLUTION***

**4 RESOLUTION:**

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

- A. That Council as the consent authority pursuant to Clause 80(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended) approve Development Application No. DA0642/15 for tourist and visitor accommodation on Lot 1 in DP 605179, known as 1029 St Albans Road, Lower Macdonald, subject to the attached conditions; and
- B. That Council not support the function centre component of the development. An Order under Section 121B of the Environmental Planning and Assessment Act 1979 (as amended) is to be issued requiring the cessation of the unauthorised function centre use by 22 May 2017. That Order is to only permit existing event bookings (as at 31 January 2017) and include operational restrictions on noise, parking, operating hours, etc., so as to have minimal impacts on adjoining properties.

**ORDINARY MEETING**

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**Conditions**

**Development Description:** Tourist and Visitor Accommodation – Use of the premises as tourist and visitor accommodation

**General**

1. The development shall take place generally in accordance with the following stamped approved plans and documentation:

Document Number	Prepared By	Dated
Drawing No. DA-01 '1029 St Albans Road'	John Potts Architect	October 2015
Drawing No. DA-01 'Figure 1'	Blue Mountains Geological and Environmental Services Pty Ltd	13 November 2015

... except as modified by the conditions of this consent.

2. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
3. The development shall comply with the provisions of the Building Code of Australia (BCA)/National Construction Code.
4. The development shall comply with the Disability (Access to Premises – Buildings) Standards 2010.
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.
6. This development falls within the Sewerage Scheme controlled by Hawkesbury City Council. Therefore Hawkesbury City Council is the approving authority for all sewer works.

An 'Application to Amend a Sewage Management Facility' Form must be submitted to Council's Environment and Regulatory Services/Environmental Health Department for the alterations to the existing Aerated Wastewater Treatment System (AWTS) and associated land application area prior to any works being commenced in relation to the sewage management facility (Septic Licence No. S0050/10).

The land application area shall be a minimum of 900m<sup>2</sup>. A reserve area of 900m<sup>2</sup> shall be made available for expansion; for resting of the land application system or for duplication of the land application system if unforeseen circumstances require this at some future time.

The onsite sewage management facility shall be installed and commissioned in accordance with the 'Investigation and Assessment for On-site Effluent Management at St Josephs Guesthouse – Lot 1, DP 605179, No. 1029 St Albans Road, Central MacDonald' Report (Reference No. 151201) prepared by Blue Mountains Geological and Environmental Services Pty Ltd and dated December 2015 or as amended by the approval of the above application.

**Integrated Development – General Terms of Approval**

The General Terms of Approval from the following authority, as referred to under Section 93 of the Environmental Planning and Assessment Act 1979 and referenced below, are attached and form part of the consent conditions for this approval:

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7. NSW Rural Fire Service – The General Terms of Approval (Reference No. D16/1007 DA16040401357 MA) prepared by the Rural Fire Service and dated 24 May 2016 are attached and form part of this consent.

### ***During Construction***

8. 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 and 6pm and on Saturdays between 8am and 4pm.
9. The site shall be secured to prevent unauthorised access and the depositing of unauthorised material.
10. 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.
11. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road. Any damage to the road surface or public infrastructure caused by construction works are the responsibility of the applicant.
12. A Traffic Management Plan must be implemented and all devices maintained for the duration of the proposed works in compliance with the approved Traffic Management Plan.
13. 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
  - d) all waste (including felled trees) must be contained and removed to a Waste Disposal Depot.

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

14. A Plan of Management shall be prepared for the tourist and visitor accommodation. This Plan of Management must be provided to Council for approval prior to the release of an Interim or Final Occupation Certificate.

The Plan of Management must be prepared to address but not be limited to the following:

- a) a maximum of 10 guests may be accommodated within the tourist and visitor accommodation building at any one time;
  - b) no tents, caravans or campervans are to be installed or used onsite in association with the tourist and visitor accommodation use;
  - c) flood evacuation procedures (including vehicular routes along public roads to the nearest place of refuge) and emergency telephone numbers are to be incorporated into the Plan of Management;
  - d) the Plan of Management is to include details of any 'house rules' and complaints handling procedures.
15. A Flood Emergency Evacuation and Management Plan is to be prepared for the development. The plan shall advise occupants of flood evacuation procedures (including vehicular routes along public roads to the nearest place of refuge) and emergency telephone numbers. The evacuation procedures shall be permanently fixed to the building in a prominent location and maintained at all times.

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The plan must outline that any functions, bookings and/or events are to be cancelled upon the issue by any appropriate Authority of a flood warning for the locality.

A copy of this plan shall be provided to Council prior to the release of the Occupation Certificate.

The plan shall also be incorporated in the Plan of Management for the tourist and visitor accommodation development.

16. An approval to operate the onsite septic system is required to be obtained from Council. The approval to operate is required to be submitted to the Principal Certifying Authority prior to the issue of an Interim or Final Occupation Certificate. Any required inspections may be organised by calling (02) 4560 4444.
17. A qualified Structural Engineer shall inspect and certify the mezzanine floor level as being capable of withstanding the loads likely to be imposed upon it. The certificate shall be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.
18. A Building Code of Australia (BCA) report from a suitably qualified and experienced person (e.g. a Building Regulation consultant or a Fire Safety Engineer) shall be provided to the Principal Certifying Authority demonstrating adequate provision has been made for fire safety and egress from the building in the event of fire.

Should the report make recommendations for additional works to be carried out in order to address the Performance Provisions of the BCA, those works are to be carried out. Where it is intended not to carry out any such work, the owner is to obtain the written agreement of either Council or the author of the report. Suitable evidence (where necessary) shall be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

19. A Final Fire Safety Certificate is required to be submitted for the new Fire Safety Measures listed in the Fire Safety Schedule attached to this consent.
20. The following certificate is to be provided to the Principal Certifying Authority prior to the issue of an Interim or Final Occupation Certificate. The certificate shall state the name of person or company carrying out the installation and the relevant Australian Standard to which installed:
  - a) A system of lighting must be installed to assist evacuation of occupants in the event of fire. The lighting system must be activated by a smoke alarm in accordance with Clause 3.7.2.5 of the Building Code of Australia. A Certificate of Compliance from an electrician is required to be provided.
21. The swimming pool shall be surrounded by a suitable swimming pool barrier that is compliant with the Swimming Pools Act and AS1926. A warning notice (incorporating resuscitation techniques) complying with the requirements of Section 17(1) and Regulation 8 of the Swimming Pools Act 1992 shall also be provided and maintained in a prominent position in the immediate vicinity of the pool.

These requirements shall be satisfied prior to the release of an Interim or Final Occupation Certificate.

22. Potable water shall be provided to the tourist and visitor accommodation building 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.

A copy of the Water Supply Management Plan shall be submitted to Council prior to the release of the Occupation Certificate.

The development must be registered with Council as a private water supplier.

## ORDINARY MEETING

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23. Prior to the release of an Occupation Certificate, suitable evidence shall be provided to the Principal Certifying Authority to demonstrate that the General Terms of Approval (Reference No. D16/1007 DA16040401357 MA) issued by the Rural Fire Service and dated 24 May 2016 have been satisfied.
24. A flood warning sign is to be provided advising occupants that public roads used to access the site may be subject to inundation during times of flood. The sign shall be constructed of durable material and installed in a prominent location within the site.

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

25. A maximum of 10 guests shall be accommodated within the tourist and visitor accommodation component of the development at any time.
26. The tourist and visitor accommodation building shall not be used for permanent occupation as a residence and shall only be used for short term tourist accommodation. The building shall not be made available for long term accommodation. In this regard any continuous length of stay is to be restricted to no more than four consecutive weeks in any six month period.
27. A copy of the guest register for the tourist and visitor accommodation 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 at any time and a copy is to be forwarded to Council at six monthly periods.
28. The operation of the tourist and visitor accommodation must be undertaken in accordance with the approved Plan of Management, except where modified by the conditions of this consent.  
  
A copy of the Plan of Management must be kept and maintained in a register and made available for inspection by the Council or other relevant authorities upon request.
29. No tents, caravans or campervans shall be installed or used onsite unless otherwise allowed under Section 77 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.
30. Bookings 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.
31. 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.

The reasons for the imposition of these conditions are those matters specified under Section 79C(1) of the Environmental Planning and Assessment Act 1979 as are relevant to the subject development.

### ***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 the date endorsed on this consent.
- Any activity carried out in accordance with this approval shall not give rise to offensive noise, air pollution (including odour) or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.

## ORDINARY MEETING

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- Building work in close proximity to the boundary may be a sensitive matter for each property owner and can often end in an unsatisfactory relationship between neighbours. You are advised that the consent given to build in close proximity to the allotment boundary is in no way to be construed as permission to build on or encroach over the allotment boundary.

Your attention is directed to the provisions of the Dividing Fences Act 1991 that gives certain rights to adjoining owners, including use of the common boundary. In the absence of any structure standing well clear of the common boundary you need to make yourself aware of your legal position, which may involve a survey to identify allotment boundaries.

Note: This consent does not override your obligations under the Dividing Fences Act 1991.

- The sewage management facility must be operated in accordance with the relevant operating specifications and procedures for the component facilities, and so as to allow disposal of treated sewage in an environmentally safe and sanitary manner (Local Government [General] Regulation 2005).
- The installed system will be the subject of an approval to operate a system of sewage management in accordance with the provisions of Subdivision 6 and 7 of Division 4 of Part 2 of the Local Government (General) Regulation 2005 and for this purpose will be subject to inspection at annual frequency by Council's Environmental Health Officer or at such other frequency as may be determined according to the future operation or risk of the system.
- 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 development. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.
- The applicant is advised to consult with the relevant:
  - a) sewer provider;
  - b) electricity provider; and
  - c) telecommunications carrier

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

**ORDINARY MEETING**

**Minutes: 31 January 2017**

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

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

Councillors Calvert and Tree were absent from the meeting.

NOTE: A Rescission Motion was lodged in respect of this matter.



**ORDINARY MEETING**

**Minutes: 31 January 2017**

**Item: 3** CP - DA0685/15 - 64 Grandview Lane, Bowen Mountain - Lot A DP416762 - Dual Occupancy - (94598, 120744)

**Previous Item:** 268, Ordinary (13 December 2016)  
252, Ordinary (29 November 2016)

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Mr Philip Suvakov addressed Council, speaking for the recommendation.

Mr Daniel Lee and Mr Colin McFadzean addressed Council, speaking against the recommendation.

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

That:

- A. Development application DA0685/15 at Lot A DP 416762, 64 Grandview Lane, Bowen Mountain for Dual Occupancy - Attached be approved by deferred commencement subject to the approval of the application of an additional on-site sewerage disposal system and associated effluent disposal area.
- B. On approval of this system, the development application DA0685/15 at Lot A DP 416762, 64 Grandview Lane, Bowen Mountain for Dual Occupancy - Attached be approved subject to the following conditions:

**General**

- 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 or in red on the plans.

Plans are listed as follows:

<b>Architectural Drawing Number</b>	<b>Prepared by</b>	<b>Dated</b>
Dwg No. 1142 - 12	Michael Weigman Design Service	5 August 2016

- 2. A Building Certificate must be issued for the works carried out without prior approval. An application for such a certificate must be lodged with Council. The Building Certificate must be issued within a period of 60 days of the date of this consent.
- 3. The development shall comply with the provisions of the Building Code of Australia.
- 4. The sewage management facility must be operated in accordance with the relevant operating specifications and procedures for the component facilities and so as to allow disposal of treated sewage in an environmentally safe and sanitary manner (Local Government (General) Regulation 2005).
- 5. The installed system will be the subject of an approval to operate a system of sewage management in accordance with the provisions of Subdivision 6 & 7 of Division 4 of Part 2 of the Local Government (General) Regulation 2005 and for this purpose will be subject to inspection at annual frequency by Council's Environmental Health officer or at such other frequency as may be determined according to the future operation or risk of the system.
- 6. The previously approved reserve area of 1,000m<sup>2</sup> shall be available for the expansion, or resting of the land application area or for duplication of the land application area, in the event of unforeseen circumstances at a future point in time.

**ORDINARY MEETING**

**Minutes: 31 January 2017**

***Prior to Issue of a Building Certificate***

7. A Structural Engineer shall inspect and certify the building as being capable of withstanding the loads likely to be imposed upon it prior to the issue of a Building Certificate.
8. Evidence that the recent building works carried out without prior approval, comply with the requirements of BAL40 construction under AS 3959 - 2009 Construction of Buildings in Bush Fire Prone Areas, is required to be submitted to Council prior to the issue of a Building Certificate.
9. A compliant automatic fire detection and alarm system shall be installed in the building in accordance with the Building Code of Australia for Class 1a structures. Alarms and detectors shall be installed by a licensed electrician in accordance with the provisions of Part 3.7.2 of the Building Code of Australia. Multiple alarms shall be interconnected. A Certificate of Compliance shall be provided to Council prior to the issue of a Building Certificate.
10. The following certificates are to be provided, stating the name of person or company carrying out the installation, type of material and the relevant Australian Standard to which installed:
  - a) A Certificate for glazing used in the development:
    - (i) Glazing materials installed in the building in accordance with AS1288 and AS2047 - Glass in Buildings - Selection and Installation, e.g. windows, doors, footlights, balustrades and shower screens.

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

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

That development application DA0685/15 at Lot A DP 416762, 64 Grandview Lane, Bowen Mountain for Dual Occupancy - Attached be approved subject to the following conditions:

***General***

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 or in red on the plans.

Plans are listed as follows:

<b>Architectural Drawing Number</b>	<b>Prepared by</b>	<b>Dated</b>
Dwg No. 1142 - 12	Michael Weigman Design Service	5 August 2016

2. A Building Certificate must be issued for the works carried out without prior approval. An application for such a certificate must be lodged with Council. The Building Certificate must be issued within a period of 60 days of the date of this consent.
3. The development shall comply with the provisions of the Building Code of Australia.
4. The sewage management facility must be operated in accordance with the relevant operating specifications and procedures for the component facilities and so as to allow disposal of treated sewage in an environmentally safe and sanitary manner (Local Government (General) Regulation 2005).

**ORDINARY MEETING**

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- 5. The installed system will be the subject of an approval to operate a system of sewage management in accordance with the provisions of Subdivision 6 & 7 of Division 4 of Part 2 of the Local Government (General) Regulation 2005 and for this purpose will be subject to inspection at annual frequency by Council's Environmental Health officer or at such other frequency as may be determined according to the future operation or risk of the system.
- 6. The previously approved reserve area of 1,000m<sup>2</sup> shall be available for the expansion, or resting of the land application area or for duplication of the land application area, in the event of unforeseen circumstances at a future point in time.

**Prior to Issue of a Building Certificate**

- 7. A Structural Engineer shall inspect and certify the building as being capable of withstanding the loads likely to be imposed upon it prior to the issue of a Building Certificate.
- 8. Evidence that the recent building works carried out without prior approval, comply with the requirements of BAL40 construction under AS 3959 - 2009 Construction of Buildings in Bush Fire Prone Areas, is required to be submitted to Council prior to the issue of a Building Certificate.
- 9. A compliant automatic fire detection and alarm system shall be installed in the building in accordance with the Building Code of Australia for Class 1a structures. Alarms and detectors shall be installed by a licensed electrician in accordance with the provisions of Part 3.7.2 of the Building Code of Australia. Multiple alarms shall be interconnected. A Certificate of Compliance shall be provided to Council prior to the issue of a Building Certificate.
- 10. The following certificates are to be provided, stating the name of person or company carrying out the installation, type of material and the relevant Australian Standard to which installed:
  - a) A Certificate for glazing used in the development:
    - (i) Glazing materials installed in the building in accordance with AS1288 and AS2047 - Glass in Buildings - Selection and Installation, e.g. windows, doors, footlights, balustrades and shower screens.

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

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 Garrow
Councillor Kotlash	Councillor Lyons-Buckett
Councillor Richards	Councillor Rasmussen
Councillor Zamprogno	Councillor Reynolds
	Councillor Ross
	Councillor Wheeler

Councillors Calvert and Tree were absent from the meeting.

The Amendment was lost.

**ORDINARY MEETING**

**Minutes: 31 January 2017**

**MOTION:**

RESOLVED on the motion of Councillor Reynolds, seconded by Councillor Wheeler.

***Refer to RESOLUTION***

**5 RESOLUTION:**

RESOLVED on the motion of Councillor Reynolds, seconded by Councillor Wheeler.

That:

- A. Development application DA0685/15 at Lot A DP 416762, 64 Grandview Lane, Bowen Mountain for Dual Occupancy - Attached be approved by deferred commencement subject to the approval of the application of an additional on-site sewerage disposal system and associated effluent disposal area.
- B. On approval of this system, the development application DA0685/15 at Lot A DP 416762, 64 Grandview Lane, Bowen Mountain for Dual Occupancy - Attached be approved subject to the following conditions:

***General***

- 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 or in red on the plans.

Plans are listed as follows:

<b>Architectural Drawing Number</b>	<b>Prepared by</b>	<b>Dated</b>
Dwg No. 1142 - 12	Michael Weigman Design Service	5 August 2016

- 2. A Building Certificate must be issued for the works carried out without prior approval. An application for such a certificate must be lodged with Council. The Building Certificate must be issued within a period of 60 days of the date of this consent.
- 3. The development shall comply with the provisions of the Building Code of Australia.
- 4. The sewage management facility must be operated in accordance with the relevant operating specifications and procedures for the component facilities and so as to allow disposal of treated sewage in an environmentally safe and sanitary manner (Local Government (General) Regulation 2005).
- 5. The installed system will be the subject of an approval to operate a system of sewage management in accordance with the provisions of Subdivision 6 & 7 of Division 4 of Part 2 of the Local Government (General) Regulation 2005 and for this purpose will be subject to inspection at annual frequency by Council's Environmental Health officer or at such other frequency as may be determined according to the future operation or risk of the system.
- 6. The previously approved reserve area of 1,000m<sup>2</sup> shall be available for the expansion, or resting of the land application area or for duplication of the land application area, in the event of unforeseen circumstances at a future point in time.

***Prior to Issue of a Building Certificate***

- 7. A Structural Engineer shall inspect and certify the building as being capable of withstanding the loads likely to be imposed upon it prior to the issue of a Building Certificate.

**ORDINARY MEETING**

**Minutes: 31 January 2017**

8. Evidence that the recent building works carried out without prior approval, comply with the requirements of BAL40 construction under AS 3959 - 2009 Construction of Buildings in Bush Fire Prone Areas, is required to be submitted to Council prior to the issue of a Building Certificate.
9. A compliant automatic fire detection and alarm system shall be installed in the building in accordance with the Building Code of Australia for Class 1a structures. Alarms and detectors shall be installed by a licensed electrician in accordance with the provisions of Part 3.7.2 of the Building Code of Australia. Multiple alarms shall be interconnected. A Certificate of Compliance shall be provided to Council prior to the issue of a Building Certificate.
10. The following certificates are to be provided, stating the name of person or company carrying out the installation, type of material and the relevant Australian Standard to which installed:
  - a) A Certificate for glazing used in the development:
    - (i) Glazing materials installed in the building in accordance with AS1288 and AS2047 - Glass in Buildings - Selection and Installation, e.g. windows, doors, footlights, balustrades and shower screens.

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

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 Garrow	Councillor Conolly
Councillor Lyons-Buckett	Councillor Rasmussen
Councillor Reynolds	Councillor Zamprogno
Councillor Richards	
Councillor Ross	
Councillor Wheeler	

Councillors Calvert and Tree were absent from the meeting.

Councillor Kotlash was not in the Chamber when the vote was taken.

**ORDINARY MEETING**

**Minutes:** 31 January 2017

**Item: 4** CP - DA0308/16 - 221 Hawkesbury Valley Way, Clarendon - Lot 1 DP1017298 - Secondary Dwelling - (95498, 124073, 124074)

**Previous Item:** 208, Ordinary (11 October 2016)

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Mr Greg Hall and Mr Tony Antonioli addressed Council, speaking against the recommendation.

**MOTION:**

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

***Refer to RESOLUTION***

**6 RESOLUTION:**

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

That development application DA0308/16 at Lot 1 DP 1017298, 221 Hawkesbury Valley Way, Clarendon for Secondary Dwelling be granted a "Deferred Commencement" consent.

This consent shall not operate until the applicant satisfies the consent authority by producing satisfactory evidence relating to the matters set out in Schedule "1" within one year of the issue of this consent.

It should be noted that the consent will lapse if the matters set out in Schedule "1" are not satisfied within this period.

Upon the consent authority being satisfied as to compliance with the matters set out in Schedule "1". The consent shall become operative and take effect from the date of notification under Section 95 of the Environmental Planning and Assessment Regulations subject to the conditions set out in Schedule "2".

**Schedule "1"**

Conditions imposed pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979 and Section 95 of the Regulations as amended.

1. The secondary dwelling shall be redesigned to appear as a freestanding pavilion with pitched roofs to match the main building. Landscaping shall be provided between the existing heritage item and proposed secondary dwelling which must appear more as a garden element as opposed to a separate development.

Amended plans, acoustic report and BASIX certificate shall be submitted to Council for approval.

**Schedule "2"**

Note: This part of the consent is draft only and will not become operable until Council advises that the matters contained in Schedule "1" are satisfied.

**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 National Construction Code - Building Code of Australia and relevant Australian Standards.

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3. No excavation, site works or 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 commitments listed in the BASIX certificate for this development must be fulfilled.
6. The accredited certifier shall provide copies of all Part 4 certificates issued under the *Environmental Planning and Assessment Act 1979* relevant to this development to Hawkesbury City Council within 7 days of issuing the certificate. A registration fee applies.
7. Development consent may not be granted for the subdivision of the land into two separate lots for the purpose of the secondary dwelling.
8. The gross floor area of the secondary dwelling is restricted to an area not greater than 60 square meters.
9. This development falls within the Sewerage Scheme controlled by Hawkesbury City Council. Therefore Hawkesbury City Council is the approving authority for all sewer works.

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

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Construction Certificate relating to the approved development, whether by Council or an appropriately accredited certifier. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Construction Certificate. **The Construction Certificate shall be obtained prior to the commencement of any earth works or building works.**

10. Pursuant to section 80A(1) of the *Environmental Planning and Assessment Act 1979* and Hawkesbury City Council's Section 94A Development Contributions Plan 2015 (as amended from time to time), a contribution of \$900.00 shall be paid to Hawkesbury City Council.

The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of Hawkesbury City Council's Section 94A Development Contributions Plan 2015 (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.

11. The acoustic measures recommended in the acoustic report endorsed for the secondary dwelling shall be detailed on the plans or specifications prior to the issue of a Construction Certificate.
12. The habitable floor levels shall be at or above the 1% AEP flood level of 17.3 metres AHD.
13. The applicant shall submit a report from a suitably qualified Engineer which verifies the following:
  - a) Any damage to the proposed structure sustained in a flood will not generate debris capable of causing damage to downstream buildings or property.
  - b) Any part of the structure at or below the 1 in 100 year flood level will be able to withstand the force of floodwaters (including buoyancy forces) and the impact of debris.
  - c) All finishes, plant fittings and equipment subject to inundation will be of materials and functional capability resistant to the effects of floodwaters.

## ORDINARY MEETING

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14. Hawkesbury City Council is the sewer authority for this development. As this development involves connection to the existing sewer 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.
15. Construction of any mains sewer work must not commence until three copies of the plan along with a Major Sewer Works application is submitted to Hawkesbury City Council's Waste Management Branch for assessment and approval. Fees apply.
16. The applicant must submit a copy of the approved plans associated with the *Major/Minor Sewer Works* application to the Principal Certifying Authority. (This plan will be marked with a green stamp and be signed and dated).
17. Prior to the release of the Construction Certificate, a Compliance Certificate under Part 2 Division 5 of Chapter 6 of the Water Management Act 2000 and Section 64 of the Local Government Act 1993 shall be obtained from Council's Infrastructure Section for sewer headworks and the servicing of the development.
18. A Section 73 "Notice of Requirements" under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

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

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

19. 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.
20. 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.
21. 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.
22. The building shall be set out by a Registered Surveyor. The Survey Certificate of the building showing the position of the external walls under construction and in compliance with the approved plans shall be lodged with the principal certifying authority. Any easements must be shown on the Survey Certificate.
23. 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.
24. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.
25. 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.



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- 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.
26. The approved plans must be submitted to Sydney Water for approval. Following this assessment, the approved plans are to be appropriately stamped. The approved stamped plans must be provided to the Principal Certifying Authority prior to the commencement of works.

Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> or telephone 1300 082 746 Monday to Friday 8.30am to 5.30pm.

27. A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Principal Certifying Authority prior to any works commencing on site.

### ***During Construction***

28. The site shall be secured to prevent unauthorised access and the depositing of unauthorised material.
29. All necessary works shall be carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
30. 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.
31. 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.
  - d) All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
32. 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.
33. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
34. All necessary works shall be carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
35. 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 .
36. Roofwater (including overflow from water storage vessels) shall be drained to the existing roofwater drains or dispersed over the site via a level spreader/absorption trench or similar.

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37. All materials used in the construction below the level of 17.3 metres AHD shall be capable of withstanding prolonged immersion in water without swelling or deteriorating.
38. A registered surveyor's certificate indicating that the level of the top of the concrete slab formwork/floor joists for the lowest habitable floor is at or above 17.3 metres AHD shall be obtained prior to placement of concrete.
- Alternatively, a defined bench mark AHD level shall be identified by survey report on a fixed location immediately adjacent to the building (e.g. top of concrete strip footing, top of poured concrete pier).
- The surveyor's certificate shall be provided to the Principal Certifying Authority prior to any structure being erected on the concrete.
39. Inspections and Compliance Certificates for **sanitary drainage works** shall be conducted and issued by Hawkesbury City Council. Inspections must be conducted on the exposed pipes prior to covering.
- a) In the case of internal and external (house service connection) drainage, the inspection must be conducted by Hawkesbury City Council's Building and Development Branch. Please phone (02) 4560 4444 to arrange inspections.
- b) In the case of any sewer work constructed under a Major/Minor Sewer Works application, the inspection must be conducted by Hawkesbury City Council's Waste Management Branch. A compliance certificate will not be issued until Works-As-Executed information has been received, assessed and approved by the Waste Management Branch. Please phone (02) 4560 4444 to arrange inspections.
40. An automatic fire detection and alarm system shall be installed in the building in accordance with the Building Code of Australia for Class 1a structures. Alarms and detectors shall be installed by a licenced electrician and multiple alarms shall be interconnected. A Certificate of Compliance shall be provided to the Principal Certifying Authority prior to the occupation of the development.

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

41. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
42. A Certificate from a telecommunications carrier confirming that provision has been made for services to the development shall be submitted to the Principal Certifying Authority.
43. Written clearance from the relevant Energy provider shall be submitted to the Principal Certifying Authority.
44. A written clearance from Hawkesbury City Council (as the local sewer authority) that the development is suitably connected to the reticulated sewerage system, is required to be submitted to the Principal Certifying Authority prior to the issue of an Interim Occupation Certificate.
45. The following certificates are to be provided, stating the name of person or company carrying out the installation, type of material and the relevant Australian Standard to which installed:
- a) A Certificate for glazing used in the development:
- Glazing materials installed in the building in accordance with AS1288 and AS2047 - Glass in Buildings - Selection and Installation, e.g. windows, doors, footlights, balustrades and shower screens. **(Note: The certificate is required to be signed by the manufacturer and installer).**

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- b) A statement or other suitable evidence shall be submitted to the Principal Certifying Authority, certifying that all commitments made on the BASIX certificate have been implemented and installed as approved.
- c) The type and method of termite treatment (complying with AS 3660) provided to walls and floors, pipe penetrations, jointing of new work to existing and slab perimeters. A copy of the termite treatment and materials used shall also be securely fixed inside the meter box for future reference.

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

- 46. No internal or external alterations shall be carried out without prior approval of Council.
- 47. The subject development, including landscaping, is to be maintained in a clean and tidy manner.
- 48. 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.

### **Notes**

- i. 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.
- ii. 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 authorityregarding 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.
- iii. 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.

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 Garrow	Councillor Conolly
Councillor Kotlash	Councillor Lyons-Buckett
Councillor Reynolds	Councillor Rasmussen
Councillor Richards	
Councillor Ross	
Councillor Wheeler	
Councillor Zamprogno	

Councillors Calvert and Tree were absent from the meeting.

**ORDINARY MEETING**

**Minutes: 31 January 2017**

**Item: 5 CP - Planning Proposal to Amend the Hawkesbury Local Environmental Plan 2012 - 42 Bells Lane, Kurmond - (95498, 124414)**

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Mr Glen Falson and Mr Keith Michael addressed Council, speaking for the recommendation.

Mr Michael Want addressed Council, speaking against the recommendation.

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

That:

1. Council support the preparation of a planning proposal for Lot 40 DP 7565, 42 Bells Lane, Kurmond to allow development of the subject site for rural residential development with a minimum lot size of not less than 4,000m<sup>2</sup> and a maximum lot yield from subdivision of five lots subject to the submission of further studies for consideration in relation to flora and fauna, bushfire protection, and on-site effluent disposal following a 'Gateway' determination.
2. The planning proposal be forwarded to the Department of Planning and Environment for a 'Gateway' determination.
3. The Department of Planning and Environment be advised that Council wishes to request a Written Authorisation to Exercise Delegation to make the Plan.
4. The Department of Planning and Environment and the Applicant be advised that in addition to all other relevant planning considerations being addressed, final Council support for the proposal will only be given if Council is satisfied that satisfactory progress, either completion of the Section 94 Developer Contributions Plan or a Voluntary Planning Agreement has been made towards resolving infrastructure provision for this planning proposal.

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 Garrow
Councillor Kotlash	Councillor Lyons-Buckett
Councillor Richards	Councillor Rasmussen
Councillor Zamprogno	Councillor Reynolds
	Councillor Ross
	Councillor Wheeler

Councillors Calvert and Tree were absent from the meeting.

The Motion was lost.

**ORDINARY MEETING**

**Minutes: 31 January 2017**

**MOTION:**

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

***Refer to RESOLUTION***

**7 RESOLUTION:**

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

That Council refuse the preparation of the planning proposal for Lot 40 DP 7565, 42 Bells Lane, Kurmond as:

1. There is insufficient infrastructure to support this proposal.
2. The proposal is inconsistent with SREP 20 as development should not reduce the viability of agricultural land or contribute to suburban sprawl.

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 Garrow	Councillor Conolly
Councillor Lyons-Buckett	Councillor Kotlash
Councillor Rasmussen	Councillor Richards
Councillor Reynolds	Councillor Zamprogno
Councillor Ross	
Councillor Wheeler	

Councillors Calvert and Tree were absent from the meeting.

NOTE: A Rescission Motion was lodged in respect of this matter.

**8 RESOLUTION:**

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

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

**ORDINARY MEETING**

**Minutes: 31 January 2017**

**Item: 6 CP - Planning Proposal to Amend the Hawkesbury Local Environmental Plan 2012 - 98 Bells Lane, Kurmond - (95498, 124414)**

---

Mr Glenn Falson addressed Council, speaking for the recommendation.

Mr Michael Want addressed Council, speaking against the recommendation.

**MOTION:**

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

***Refer to RESOLUTION***

**9 RESOLUTION:**

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

That Council refuse the preparation of the planning proposal for Lot 49 DP 7565, 98 Bells Lane, Kurmond as:

1. There is insufficient infrastructure to support this proposal.
2. The proposal is inconsistent with SREP 20 as development should not reduce the viability of agricultural land or contribute to suburban sprawl.

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 Garrow	Councillor Conolly
Councillor Lyons-Buckett	Councillor Kotlash
Councillor Rasmussen	Councillor Richards
Councillor Reynolds	Councillor Zamprogno
Councillor Ross	
Councillor Wheeler	

Councillors Calvert and Tree were absent from the meeting.

NOTE: A Rescission Motion was lodged in respect of this matter.

The recessed at 11:13pm and resumed at 11:23pm.

**ORDINARY MEETING**

**Minutes:** 31 January 2017

**GENERAL MANAGER**

**Item: 7**                    **GM - Establishment of a Hawkesbury Tourism Advisory Committee - (79351, 111215)**

**Previous Item:**        NM1, Ordinary (25 October 2016)  
89, Ordinary (10 May 2016)  
67, Ordinary (12 April 2016)  
200, Ordinary (24 November 2015)  
136, Ordinary (25 August 2015)

---

**MOTION:**

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

*Refer to RESOLUTION*

**10 RESOLUTION:**

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

That:

1. Council establish the Hawkesbury Tourism Advisory Committee as a new Committee of Council with delegations under Section 377 of the Local Government Act 1993.
2. Council discontinue the Tourism Working Group.
3. Council adopt the Draft Hawkesbury Tourism Advisory Committee Constitution, attached as Attachment 1 of the report.
4. The three Councillors of the Tourism Working Group be re-appointed to the Tourism Committee in accordance with its Constitution, being Councillor Garrow, Councillor Rasmussen and Councillor Richards.
5. The eight community members of the Tourism Working Group be re-appointed to the Hawkesbury Tourism Advisory Committee in accordance with its Constitution, being Martin Boetz, Sophie Devine, Vanessa Hanna, Tony Jeffcott, Ian Knowd, Declan O'Connor, Sarah Rieger and Venecia Wilson.
6. Expressions of Interest be sought for community members on the Hawkesbury Tourism Advisory Committee, by way of advertising in the local newspaper and on Council's website, if any members decline to continue on the Hawkesbury Tourism Advisory Committee.

**ORDINARY MEETING**

**Minutes: 31 January 2017**

**Item: 8                      GM - Local Government NSW Tourism Conference 2017 - (79351, 79633)**

---

**MOTION:**

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

*Refer to RESOLUTION*

**11 RESOLUTION:**

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

That:

1. Attendance of nominated Councillors and staff as considered appropriate by the General Manager, at the Local Government NSW 2017 Tourism Conference at an approximate cost of \$2,600 delegate be approved.
2. Councillors Rasmussen and Richards attend the Local Government NSW 2017 Tourism Conference as Council's nominated delegates.



**ORDINARY MEETING**

**Minutes: 31 January 2017**

**INFRASTRUCTURE SERVICES**

**Item: 9**                    **IS - Establishment of a Committee to Discuss a Comprehensive Traffic Study Draft Brief - (95495)**

**Previous Item:**        274, Ordinary (13 December 2016)

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**MOTION:**

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

***Refer to RESOLUTION***

**12 RESOLUTION:**

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

That:

1. Council note the report outlining the draft brief for a comprehensive Regional Traffic Study.
2. Council consider funding provision of stage 1 of the study in the next quarterly review of the 2016/2017 Adopted Operational Plan.

**Item: 10**                    **IS - Establishment of an Infrastructure Committee - (79351, 95495, 105109, 80106)**

**Previous Item:**        NM4, Ordinary (25 October 2016)

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**MOTION:**

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

***Refer to RESOLUTION***

**13 RESOLUTION:**

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

That:

1. Council establish a Working Party consisting of the Mayor and two Councillors, General Manager and Director Infrastructure Services, to determine a detailed charter and objectives and actions for an Infrastructure Committee.
2. Councillors Rasmussen and Wheeler be appointed to the Working Party.
3. The Working Party report back to Council with the recommended charter, structure and actions for Council consideration.

**ORDINARY MEETING**

**Minutes: 31 January 2017**

**SUPPORT SERVICES**

**Item: 11                    SS - Monthly Investments Report - November 2016 - (95496, 96332)**

---

**MOTION:**

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

*Refer to RESOLUTION*

**14 RESOLUTION:**

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

The report regarding the monthly investments for November 2016 be received and noted.

**Item: 12                    SS - Monthly Investments Report - December 2016 - (95496, 96332)**

---

**MOTION:**

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

*Refer to RESOLUTION*

**15 RESOLUTION:**

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

The report regarding the monthly investments for December 2016 be received and noted.

**ORDINARY MEETING**

**Minutes:** 31 January 2017

**Item: 13**                    **SS - Code of Meeting Practice - (95496, 96333)**

**Previous Item:**        230, Ordinary (25 October 2016)  
                              179, Ordinary (9 August 2016)  
                              65, Ordinary (12 April 2016)  
                              21, Ordinary (2 February 2016)  
                              174, Ordinary (27 August 2013)

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Mr Neville Diamond addressed Council, speaking against the recommendation.

**MOTION:**

RESOLVED on the motion of Councillor Wheeler, seconded by Councillor Garrow.

*Refer to RESOLUTION*

**16 RESOLUTION:**

RESOLVED on the motion of Councillor Wheeler, seconded by Councillor Garrow.

That Council:

1. Determine the amendments to the exhibited Code of Meeting Practice, made following the consideration of submissions received are not substantial.
2. Adopt the Draft Code of Meeting Practice (Revised January 2017) included as Attachment 1 to this report, with the exception of the following:
  - a) the amendment to Clause 2.3.2 – Notices of Motion, on page 5 of the Attachment, regarding the timeframe associated with lodgement of Notices of Motion by Councillors.
  - b) the amendment to Clause 3.3.7 – Mode of addressing Council by the Public, Part 8, on page 16 of the Attachment, regarding time limits for public speakers in the case of an Extraordinary Meeting. The word "three" is to be changed to "five", and the words "with a possible two minute extension" to be deleted.

**ORDINARY MEETING**

**Minutes: 31 January 2017**

**Item: 14**                    **SS - Council Resolution Summary - July to December 2016 - (95496, 96333)**

**Previous Item:**        NM2, Ordinary (24 June 2014)

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**MOTION:**

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

*Refer to RESOLUTION*

**17 RESOLUTION:**

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

That the report regarding Council resolutions for the period of 1 July 2016 to 31 December 2016 be received and noted.

**Item: 15**                    **SS - Pecuniary Interest Returns - Councillors and Designated Persons - (95496, 96333)**

---

**MOTION:**

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

*Refer to RESOLUTION*

**18 RESOLUTION:**

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

That the information be received and noted.

**ORDINARY MEETING**

**Minutes: 31 January 2017**

**Item: 16**                    **SS - Proposal to Install Pedestrian Crossing Point - Kable Street, Windsor - (95496)**

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**MOTION:**

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

*Refer to RESOLUTION*

**19 RESOLUTION:**

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

That:

1. The information be received
2. Council make provision within its 2017/2018 Operational Plan for the proposed installation of a pedestrian crossing point in Kable Street and upgrades to accessible parking within the Kable Street car park at a cost of \$25,000 as outlined in this report.

**Item: 17**                    **SS - Rating Strategy for the 2017/2018 Financial Year - (95496, 96332)**

**Previous Item:**        221, Ordinary (11 October 2016)

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**MOTION:**

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

*Refer to RESOLUTION*

**20 RESOLUTION:**

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

That:

1. The information concerning the possible rating structure that could be implemented for the 2017/2018 rating year be received and noted.
2. The Draft 2017/2018 Operational Plan be prepared on the basis of a rating structure commencing from 1 July 2017 in accordance with Option 3 Amended as detailed in the report.

**ORDINARY MEETING**

**Minutes: 31 January 2017**

**Item: 18**                    **SS - Strategies for Reducing Family and Domestic Violence within the Hawkesbury - (95496, 96328)**

**Previous Item:**        NM1, Ordinary (26 May 2015)

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**MOTION:**

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

*Refer to RESOLUTION*

**21 RESOLUTION:**

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

That:

1. The information be received.
2. Council prepare a draft Family and Domestic Violence Action Plan to give effect to the findings and recommendations of the Hawkesbury Family and Domestic Violence Forum held on 10 November 2016.
3. The draft Family and Domestic Violence Action Plan be referred for review by the Hawkesbury Action and Domestic Violence Network prior to its reporting to Council for its consideration and public exhibition.

**Item: 19**                    **SS - Support for Mental Health Activities - (95496)**

**Previous Item:**        NM6 Ordinary (11 October 2016)

---

**MOTION:**

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

*Refer to RESOLUTION*

**22 RESOLUTION:**

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

That:

1. The information be received.
2. To support Mental Health Month 2017, Council commit to stage the Green Health Zone event as outlined in this report.

**ORDINARY MEETING**

**Minutes: 31 January 2017**

**SECTION 4 - Reports of Committees**

**ROC                      Development Application Monitoring Advisory Committee Agenda Minutes -  
25 August 2016 - (79351, 1227794)**

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**23    RESOLUTION:**

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

That the minutes of the Development Application Monitoring Advisory Committee held on 25 August 2016 as recorded on pages 213 to 215 of the Ordinary Business Paper be received.

**ROC                      Local Traffic Committee - 09 January 2017 - (80245)**

---

**24    RESOLUTION:**

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

That the minutes of the Local Traffic Committee held on 9 January 2017 as recorded on pages 216 to 230 of the Ordinary Business Paper be adopted.

**ORDINARY MEETING**

**Minutes: 31 January 2017**

**SECTION 5 - Notices of Motion**

**NM1 Feasibility of Webcasting Council Meetings - (79351, 105109, 80106)**

---

**MOTION:**

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

*Refer to RESOLUTION*

**25 RESOLUTION:**

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

That:

1. A report be submitted to Council regarding the feasibility of, and associated requirements to enable the webcasting and/or podcasting of all future Council ordinary meetings.
2. The report also address related issues such as costs involved, funding sources and amendments required to Council's Code of Meeting Practice, requirements arising from the Privacy and Personal Information Protection Act, the Government Information (Public Access) Act and other related legislation.

**NM2 Short Term Rental Accommodation - (79351, 105109, 138882)**

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**MOTION:**

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

*Refer to RESOLUTION*

**26 RESOLUTION:**

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

That Council requests a report on the issue of such rentals including but not limited to potential restrictions on the number of days properties may be let, number of people accommodated, approvals and compliance issues and cost to Council, facilities required, insurance, developments on bushfire and flood prone land, and impact on neighbours and existing businesses who have sought approval through Council's standard processes.



**ORDINARY MEETING**

**Minutes: 31 January 2017**

**QUESTIONS FOR NEXT MEETING**

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

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

**ORDINARY MEETING****Minutes: 31 January 2017****Questions for Next Meeting**

#	Councillor	Question	Response
1	Garrow	Requested an investigation into the number of registered brothels in the Hawkesbury LGA and also into the illegally operating brothels in the area, mainly in Windsor.	Director City Planning
2	Reynolds	Enquired as to what would need to occur for the compulsory acquisition of part of Thompson Square, Windsor by the RMS as detailed at the Ordinary meeting of 23 February 2016 to be finalised.	Director Infrastructure Services
3	Wheeler	Requested that Packer Road, Blaxlands Ridge and Roberts Creek Road, East Kurrajong be investigated for poor condition.	Director Infrastructure Services
4	Wheeler	Requested that King Road, Wilberforce be investigated for poor condition.	Director Infrastructure Services
5	Kotlash	Requested an indication of when the report regarding the solar farm would be provided to Council, and whether a preliminary report would be available to correspond with the first meeting of the Sustainability Committee.	Director Infrastructure Services
6	Conolly	Enquired if the CWA Richmond could be provided with a loading zone near the CWA store on Windsor Street, Richmond.	Director Infrastructure Services
7	Richards	Requested an indication of when the repairs to Freemans Reach Road would be completed.	Director Infrastructure Services
8	Lyons-Buckett	Enquired if the proposed changes to the Voluntary Planning Agreement for Pitt Town affects the delivery of infrastructure and the local contributions collected by Local Government as opposed to State Government.	Director City Planning
9	Kotlash	Requested an enquiry into the condition of Tennyson Road, Tennyson near the duck processing facility.	Director Infrastructure Services

**ORDINARY MEETING**

**Minutes:** 31 January 2017

**CONFIDENTIAL REPORTS**

**27 RESOLUTION:**

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

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: 20 GM - Community Representation on Council Committees**

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(a) of the Local Government Act, 1993 as it relates to personnel matters concerning particular individuals (other than councillors)*

**Item: 21 IS - Easement Acquisition - Extension of Easement - Part of 45 Bowen Mountain Road, Bowen Mountain - (95495, 35135)**

*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 proposed to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

**Item: 22 IS - Tender No. T00049 - Reconstruction of Failed Sealed Pavement Sections of Blaxlands Ridge, Dollins and Maddens Roads - (95495, 79344)**

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) as it relates to tender information regarding the reconstruction of failed sealed pavement sections of various roads 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.*

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.

**28 RESOLUTION:**

RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Richards that 9open meeting be resumed.

**ORDINARY MEETING**

**Minutes:** 31 January 2017

**Item: 20**                      **GM - Community Representation on Council Committees - (79351, 79356)**  
**CONFIDENTIAL**

**Previous Item:**            275, Ordinary (13 December 2016)

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Councillor Garrow declared a significant non-pecuniary conflict of interest in this matter as her father is a member of one of the Floodplain Risk Management Advisory Committee. She left the Chamber and did not take part in voting or discussion on the matter.

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**MOTION:**

The Acting General Manager advised that whilst in closed session, the Council **RESOLVED** on the motion of Councillor Rasmussen, seconded by Councillor Reynolds.

***Refer to RESOLUTION***

**29 RESOLUTION:**

The Acting General Manager advised that whilst in closed session, the Council **RESOLVED** on the motion of Councillor Rasmussen, seconded by Councillor Reynolds.

That:

1. Council confirm the appointment of Mr Eric Brocken as a community representative of the Waste Management Advisory Committee in accordance with the Committee's constitution.
2. Council considered the membership of the Floodplain Risk Management Committee and appointed Ms Carol Edds, Mr Harry Terry, Ms Margaret Mackisack, Mr Kim Ford and Mr Maurice Smith as community representatives to the Committee in accordance with the Committee's constitution.
3.
  - a) Council considered the membership of the Heritage Advisory Committee and appointed Mr Graham Edds, Ms Helen Mackay, Ms Michelle Nichols, Ms Venecia Wilson, Ms Janice Hart, Mr Michael Edwards, Mr Robert Jack, Ms Judy Newland, Mr Steve Rawling, Ms Abigail Ball and Ms Deborah Hallam as community representatives to the Committee in accordance with the Committee's constitution.
  - b) The constitution of the Heritage Advisory Committee be amended to specify 11 community members.

**ORDINARY MEETING**

**Minutes:** 31 January 2017

**Item: 21**                    **IS - Easement Acquisition - Extension of Easement - Part of 45 Bowen Mountain Road, Bowen Mountain - (95495, 35135) CONFIDENTIAL**

**Previous Item:**        233, Ordinary (25 October 2016)

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**MOTION:**

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

***Refer to RESOLUTION***

**30 RESOLUTION:**

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

That:

1. The acquisition of an easement of an area, in the order of 60m<sup>2</sup> within 45 Bowen Mountain Road, Bowen Mountain (Lot 3 DP 836471) proceed and compensation in the amount detailed in this report be paid to the property owner.
2. Council bear all the costs associated with the process of acquiring the easement within the subject portion of land.
3. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.
4. Details of the resolution be conveyed to the affected landowner 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.

**ORDINARY MEETING**

**Minutes: 31 January 2017**

**Item: 22                    IS - Tender No. T00049 - Reconstruction of Failed Sealed Pavement Sections of Blaxlands Ridge, Dollins and Maddens Roads - (95495, 79344)**  
**CONFIDENTIAL**

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**MOTION:**

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

*Refer to RESOLUTION*

**31 RESOLUTION:**

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

That Council:

1. Council accept the tender submitted by MJ & MD Skinner Earthmoving Pty Ltd to undertake reconstruction of Blaxland Ridge, Dollins and Maddens Roads, at a cost of \$394,351.25 excluding GST.
2. The Seal of Council be affixed to any necessary documentation.

The meeting terminated at 12:01am, Wednesday, 1 February 2017.

Submitted to and confirmed at the Ordinary meeting held on 14 February 2017.

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Mayor