



Hawkesbury City Council

ordinary  
meeting  
minutes

date of meeting: 12 May 2015

location: council chambers

time: 6:30 p.m.



**ORDINARY MEETING**

**Minutes: 12 May 2015**

**MINUTES**

– **WELCOME**

**Prayer**

**Acknowledgement of Indigenous Heritage**

– **APOLOGIES AND LEAVE OF ABSENCE**

– **DECLARATION OF INTERESTS**

– **SECTION 1 - Confirmation of Minutes**

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

– **SECTION 2 - Mayoral Minutes**

– **EXCEPTION REPORT - Adoption of Items Not Identified for Discussion and Decision**

– **SECTION 3 - Reports for Determination**

**Planning Decisions**

**General Manager**

**City Planning**

**Infrastructure Services**

**Support Services**

– **SECTION 4 - Reports of Committees**

– **SECTION 5 - Notices of Motion**

– **QUESTIONS FOR NEXT MEETING**

– **REPORTS TO BE DISCUSSED IN CONFIDENTIAL SESSION**

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## ORDINARY MEETING

Minutes: 12 May 2015

Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on 12 May 2015, commencing at 6:34pm.

Pastor Peter Goldstein of the Midway Community Church, representing the Hawkesbury Minister's Association, gave the opening prayer at the commencement of the meeting.

### ATTENDANCE

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

**ALSO PRESENT:** General Manager - Peter Jackson, Director City Planning - Matt Owens, Director Infrastructure Services - Jeff Organ, Director Support Services - Laurie Mifsud, Executive Manager - Community Partnerships - Joseph Litwin, Development Services Manager - Cristie Evenhuis, Strategic Planning Manager - Shari Hussein, Manager Corporate Services and Governance - Abbey Rouse and Administrative Support Coordinator - Natasha Martin.

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

Councillor Mackay arrived at the meeting at 6:46pm.

Councillor Tree left the meeting at 7:40pm.

### SECTION 1: Confirmation of Minutes

#### 108 RESOLUTION:

RESOLVED on the motion of Councillor Porter and seconded by Councillor Rasmussen that the Minutes of the Ordinary Meeting held on the 28 April 2015, be confirmed.

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**SECTION 3 - Reports for Determination**

**PLANNING DECISIONS**

**Item: 66**                    **CP - Development Report - DA0088/15 - Lot 7 DP 7571 - 89 Boundary Road, Glossodia - Landfill, construction of a farm building, erection of igloos and establishment of additional growing beds - (95498, 116927, 15110, 130392)**

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Ms Lorelle Fitzpatrick addressed Council, speaking for the item.  
Ms Dianne Lanham addressed Council, speaking against the item.

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

That:

1. Development Application No. DA0088/15 at Lot 7 DP 7571, 89 Boundary Road, Glossodia for landfilling, construction of a farm building, erection of igloos and the establishment of growing beds be approved subject to the following conditions:

***NSW Office of Water Conditions***

- A. These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA2015/0088 and provided by Council;
  - (i) Site Plan, map and/or surveys

Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.
- B. Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.
- C. The consent holder must prepare or commission the preparation of:
  - (i) Vegetation Management Plan
  - (ii) Erosion and Sediment Control Plan
  - (iii) Soil and Water Management Plan.
- D. All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water's guidelines located at [www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx](http://www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx).
  - (i) Vegetation Management Plans
  - (ii) Riparian Corridors
- E. The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.



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- F. The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.
- G. The consent holder must ensure that no materials of cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
- H. The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.
- I. The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.

### ***Hawkesbury City Council Conditions***

#### *General Conditions*

- i 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.
- ii No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate/Design Compliance Certificate.
- iii The development shall comply with the provisions of the Building Code of Australia/National Construction Code.
- iv The farm building and igloos shall not be used or occupied prior to the issue of an Occupation Certificate.
- v A works as executed plan and contour depth of fill plan prepared by a registered surveyor or the design engineer shall be submitted to finalise the earthworks.
- vi 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.
- vii No native vegetation shall be removed from the site, with the exception of the vegetation located within the approved growing beds, within the approved area of fill and within 10m of the growing beds.
- viii All fill work to be undertaken within two months of approval, with the adjoining owners to be notified 24-hours prior to the fill being delivered.

#### *Prior to Issue of Construction Certificate/Design Compliance Certificate*

- ix Evidence that a Works Approval has been obtained from the NSW Office of Water shall be provided to the Principal Certifying Authority (PCA) prior to the release of the Construction Certificate and/or Design Compliance Certificate.
- x A detailed landscaping plan shall be submitted to the Principal Certifying Authority for approval prior to the release of the Construction Certificate/Design Compliance Certificate.

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The plan shall detail the following:

- The identified remnant vegetation located in the southwest corner of the site shall be retained, with the exception of the vegetation located within the approved growing beds, within the approved area of fill and within 10m of the growing beds.
- A vegetation buffer with a minimum width of 5m shall be provided along the northern property boundary with 119 Boundary Road.
- A vegetation buffer with a minimum width of 20m shall be provided east of the dam (between the dam and the growing beds/igloos).
- A minimum 10m wide vegetation buffer zones shall be planted along the southern and western boundaries of the property. Existing native trees and shrubs within these buffer zones shall be retained.

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

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

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

- xii 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.
- xiii An Environmental Management and Rehabilitation Plan for the development site shall be prepared by an appropriately qualified person. The Plan shall address (without being limited to) the clearing of vegetation, lopping and removal of trees, earthworks, erosion control, site rehabilitation and landscaping.

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

- xiv Details of any fill material removed from or imported to the site shall be submitted with the engineering plans. Details to include quantities, borrow sites or disposal sites.

### *Prior to Commencement of Works*

- xv Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.
- xvi 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.
- xvii 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.
- xviii A copy of receipt of payment of Long Service Levy shall be provided to the Principal Certifying Authority prior to any works commencing on site. Payments can be made at Long Service Corporation offices or most Councils.

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- xix Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such a facility shall be located wholly within the property boundary.
- xx A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road:
- Unauthorised access to the site is prohibited.
  - The owner of the site.
  - The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
  - The name and contact number of the Principal Certifying Authority.

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

- xxi No excavated material, including soil, shall be removed from the site.

### *During Construction*

- xxii A two coat bitumen seal is to be applied to the access driveway for a distance of not less than 75 metres from the front (Boundary Road) boundary of the site so as to minimise dust generation from vehicular traffic.
- xxiii 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. Work is prohibited on Sundays and public holidays.
- xxiv The site shall be secured to prevent unauthorised access and the depositing of unauthorised material.
- xxv The site shall be kept clean and tidy and all unused building materials and rubbish shall be removed from the site upon completion of the project.
- xxvi 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.
- xxvii Compliance certificates (known as Part 4A Certificates) 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.
- xxviii Filling shall comprise only uncontaminated Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM). Contamination certificates for all source material shall be provided to the Principal Certifying Authority (and Council if a private certifier is used) prior to placing any fill on site.
- xxix A ticketing system is to accompany any material being brought to the site. A register is to be kept on site to cross reference against the source records.

An independent site auditor is to be engaged to undertake appropriate certification regarding the monitoring and validation of the fill material imported to the site as being sound, suitable for the use and free of contamination.

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- xxx 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.
- xxxi Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
- xxxii Dust control measures, e.g. water cart spraying shall be applied to suppress dust created by truck movements and filling activities that take place on site.
- xxxiii All trucks entering or leaving the site shall have their trays suitably covered to prevent spillage from the truck onto the road.
- xxxiv The igloos are to be located a minimum of 10m away from the northern property boundary with 119 Boundary Road.  
  
A vegetation buffer with a minimum width of 5m shall be provided within this setback, immediately adjoining the northern boundary as indicated in the approved plans. The vegetation to be planted within this buffer zone shall consist of a mixture of native and exotic trees, shrubs and groundcover species of local provenance.
- xxxv A vegetation buffer with a minimum width of 20m shall be provided east of the dam (between the dam and the growing beds/igloos). The vegetation to be planted within this buffer zone shall consist of a mixture of native and exotic trees, shrubs and groundcover species of local provenance.
- xxxvi Minimum 10m wide vegetation buffer zones shall be planted along the southern and western boundaries of the property. Existing native trees and shrubs within these buffer zones shall be retained.  
  
The vegetation to be planted within these buffer zones shall consist of a mixture of native and exotic trees, shrubs and groundcover species of local provenance and a landscape plan be submitted to Council prior to landscaping being commenced.
- xxxvii All natural and subsurface water-flow shall not be re-directed or concentrated to adjoining properties. Water flows shall follow the original flow direction without increased velocity or diversion of flows.
- xxxviii All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan 2002 – Appendix E – Civil Works Specification.
- xxxix Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the components of construction detailed in Hawkesbury Development Control Plan 2002 – Appendix E – Civil Works Specification, Part II, Table 1.1.

### *Use of the Development*

- xl The development shall be limited to the area shown on the stamped plans and as amended by the conditions of this consent.
- xli The landscaping works shall be completed before the cultivation of the growing beds.
- xlii The operation of the development is to be carried out in accordance with the Farm Management Plan prepared for Mr B Bugeja and dated 20 July 2012.  
  
The farm activities shall be limited to the hours of 7am to 6pm seven days a week.
- xliii The subject development, including the farm building and igloos, are to be maintained in a clean and tidy manner.
- xliv The plastic linings of the igloos are to be maintained and to be kept in a tidy manner. Any damaged igloo plastic coverings are not to be left on site and are to be disposed of off-site appropriately.

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- xlv The development shall be conducted in such a manner that the LA(eq) noise levels, measured at any point in accordance with the NSW EPA's Industrial Noise Policy (2000), do not exceed 5dB(A) LA(eq) above background noise levels with respect to noise amenity of residential dwellings.
- xlvi Potential dust sources on the land shall be minimised through the maintenance of vegetation cover and the use of water sprays to suppress dust from exposed areas during periods of dry and/or windy weather.
- xlvii Tilling and harvesting shall not be undertaken on extremely windy days.
- xlviii Manure and compost are to be mixed into the soil directly following application to prevent odour or dust being blown onto surrounding properties. There is to be no spray drift of chemicals onto surrounding properties. Spraying is not to be conducted on windy days or when humidity is very high.
- xlix The farm building shall not be occupied for human habitation/residential purposes.

### Advisory Notes

- \*\*\* The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.
  - \*\*\* The applicant is advised to make detailed inquiries as to whether approval by the Australian Government Minister for the Environment and Heritage is necessary under the Environment Protection and Biodiversity Conservation Act 1999.
  - \*\*\* 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.
  - \*\*\* Should any Aboriginal site or relic or European relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service or the Heritage Office (European relic) consulted. Any person who knowingly disturbs an Aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974 and Heritage Act.
2. Council officers conduct regular inspections of the site to ensure compliance with the development consent conditions.

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

That:

1. Development Application No. DA0088/15 at Lot 7 DP 7571, 89 Boundary Road, Glossodia for construction of a farm building, erection of igloos and the establishment of growing beds be approved subject to the following conditions:

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### **NSW Office of Water Conditions**

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- B. Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.
- C. The consent holder must prepare or commission the preparation of:
- (i) Vegetation Management Plan  
(ii) Erosion and Sediment Control Plan  
(iii) Soil and Water Management Plan.
- D. All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water's guidelines located at [www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx](http://www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx).
- (i) Vegetation Management Plans  
(ii) Riparian Corridors
- E. The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.
- F. The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.
- G. The consent holder must ensure that no materials of cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
- H. The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.
- I. The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.

### **Hawkesbury City Council Conditions**

#### *General Conditions*

- i. 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.
- ii. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate/Design Compliance Certificate.

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- iii. The development shall comply with the provisions of the Building Code of Australia/National Construction Code.
- iv. The farm building and igloos shall not be used or occupied prior to the issue of an Occupation Certificate.
- v. 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.
- vi. No native vegetation shall be removed from the site, with the exception of the vegetation located within the approved growing beds and within 10m of the growing beds.

### *Prior to Issue of Construction Certificate/Design Compliance Certificate*

- vii. Evidence that a Works Approval has been obtained from the NSW Office of Water shall be provided to the Principal Certifying Authority (PCA) prior to the release of the Construction Certificate and/or Design Compliance Certificate.
- viii. A detailed landscaping plan shall be submitted to the Principal Certifying Authority for approval prior to the release of the Construction Certificate/Design Compliance Certificate.

The plan shall detail the following:

- The identified remnant vegetation located in the southwest corner of the site shall be retained, with the exception of the vegetation located within the approved growing beds, within the approved area of fill and within 10m of the growing beds.
- A vegetation buffer with a minimum width of 5m shall be provided along the northern property boundary with 119 Boundary Road.
- A vegetation buffer with a minimum width of 20m shall be provided east of the dam (between the dam and the growing beds/igloos).
- A minimum 10m wide vegetation buffer zones shall be planted along the southern and western boundaries of the property. Existing native trees and shrubs within these buffer zones shall be retained.

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

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

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

- x. 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.
- xi. An Environmental Management and Rehabilitation Plan for the development site shall be prepared by an appropriately qualified person. The Plan shall address (without being limited to) the clearing of vegetation, lopping and removal of trees, earthworks, erosion control, site rehabilitation and landscaping.

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

### *Prior to Commencement of Works*

- xii. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.
- xiii. 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.
- xiv. 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.
- xv. A copy of receipt of payment of Long Service Levy shall be provided to the Principal Certifying Authority prior to any works commencing on site. Payments can be made at Long Service Corporation offices or most Councils.
- xvi. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such a facility shall be located wholly within the property boundary.
- xvii. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road:
  - Unauthorised access to the site is prohibited.
  - The owner of the site.
  - The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
  - The name and contact number of the Principal Certifying Authority.

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

### *During Construction*

- xviii. A two coat bitumen seal is to be applied to the access driveway for a distance of not less than 75 metres from the front (Boundary Road) boundary of the site so as to minimise dust generation from vehicular traffic.
- xix. 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. Work is prohibited on Sundays and public holidays.
- xx. The site shall be secured to prevent unauthorised access and the depositing of unauthorised material.
- xxi. The site shall be kept clean and tidy and all unused building materials and rubbish shall be removed from the site upon completion of the project.
- xxii. 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.



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- xxiii. Compliance certificates (known as Part 4A Certificates) 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.
- xxiv. 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.
- xxv. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
- xxvi. The igloos are to be located a minimum of 10m away from the northern property boundary with 119 Boundary Road.

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

- xxvii. A vegetation buffer with a minimum width of 20m shall be provided east of the dam (between the dam and the growing beds/igloos). The vegetation to be planted within this buffer zone shall consist of a mixture of native and exotic trees, shrubs and groundcover species of local provenance.
- xxviii. Minimum 10m wide vegetation buffer zones shall be planted along the southern and western boundaries of the property. Existing native trees and shrubs within these buffer zones shall be retained.

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

- xxix. All natural and subsurface water-flow shall not be re-directed or concentrated to adjoining properties. Water flows shall follow the original flow direction without increased velocity or diversion of flows.
- xxx. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan 2002 – Appendix E – Civil Works Specification.
- xxxi. Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the components of construction detailed in Hawkesbury Development Control Plan 2002 – Appendix E – Civil Works Specification, Part II, Table 1.1.

### *Use of the Development*

- xxxii. The development shall be limited to the area shown on the stamped plans and as amended by the conditions of this consent.
- xxxiii. The landscaping works shall be completed before the cultivation of the growing beds.
- xxxiv. The operation of the development is to be carried out in accordance with the Farm Management Plan prepared for Mr B Bugeja and dated 20 July 2012.  
  
The farm activities shall be limited to the hours of 7am to 6pm seven days a week.
- xxxv. The subject development, including the farm building and igloos, are to be maintained in a clean and tidy manner.
- xxxvi. The plastic linings of the igloos are to be maintained and to be kept in a tidy manner. Any damaged igloo plastic coverings are not to be left on site and are to be disposed of off-site appropriately.

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- xxxvii. The development shall be conducted in such a manner that the LA(eq) noise levels, measured at any point in accordance with the NSW EPA's Industrial Noise Policy (2000), do not exceed 5dB(A) LA(eq) above background noise levels with respect to noise amenity of residential dwellings.
- xxxviii. Potential dust sources on the land shall be minimised through the maintenance of vegetation cover and the use of water sprays to suppress dust from exposed areas during periods of dry and/or windy weather.
- xxxix. Tilling and harvesting shall not be undertaken on extremely windy days.
- xl. Manure and compost are to be mixed into the soil directly following application to prevent odour or dust being blown onto surrounding properties. There is to be no spray drift of chemicals onto surrounding properties. Spraying is not to be conducted on windy days or when humidity is very high.
- xli. The farm building shall not be occupied for human habitation/residential purposes.

**Advisory Notes**

- \*\*\* The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.
- \*\*\* The applicant is advised to make detailed inquiries as to whether approval by the Australian Government Minister for the Environment and Heritage is necessary under the Environment Protection and Biodiversity Conservation Act 1999.
- \*\*\* 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.
- \*\*\* Should any Aboriginal site or relic or European relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service or the Heritage Office (European relic) consulted. Any person who knowingly disturbs an Aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974 and Heritage Act.
2. Council officers conduct regular inspections of the site to ensure compliance with the development consent conditions.

**MOTION:**

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

***Refer to RESOLUTION***

**109 RESOLUTION:**

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

That the applicant receive an additional two minutes to speak on the item in relation to fill proposed to be used on the site.

The Motion was carried.

**ORDINARY MEETING**

**Meeting Date: 12 May 2015**

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

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

The amendment was lost

**MOTION:**

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

***Refer to RESOLUTION***

**110 RESOLUTION:**

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

That:

1. Development Application No. DA0088/15 at Lot 7 DP 7571, 89 Boundary Road, Glossodia for landfilling, construction of a farm building, erection of igloos and the establishment of growing beds be approved subject to the following conditions:

***NSW Office of Water Conditions***

- A. These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA2015/0088 and provided by Council;

- (i) Site Plan, map and/or surveys

Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.

- B. Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.

**ORDINARY MEETING**

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- C. The consent holder must prepare or commission the preparation of:
- (i) Vegetation Management Plan
  - (ii) Erosion and Sediment Control Plan
  - (iii) Soil and Water Management Plan.
- D. All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water's guidelines located at [www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx](http://www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx).
- (i) Vegetation Management Plans
  - (ii) Riparian Corridors
- E. The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.
- F. The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.
- G. The consent holder must ensure that no materials of cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
- H. The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.
- I. The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.

***Hawkesbury City Council Conditions***

*General Conditions*

- i 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.
- ii No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate/Design Compliance Certificate.
- iii The development shall comply with the provisions of the Building Code of Australia/National Construction Code.
- iv The farm building and igloos shall not be used or occupied prior to the issue of an Occupation Certificate.
- v A works as executed plan and contour depth of fill plan prepared by a registered surveyor or the design engineer shall be submitted to finalise the earthworks.
- vi 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.

## ORDINARY MEETING

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- vii No native vegetation shall be removed from the site, with the exception of the vegetation located within the approved growing beds, within the approved area of fill and within 10m of the growing beds.
- viii All fill work to be undertaken within two months of approval, with the adjoining owners to be notified 24-hours prior to the fill being delivered.

### *Prior to Issue of Construction Certificate/Design Compliance Certificate*

- ix Evidence that a Works Approval has been obtained from the NSW Office of Water shall be provided to the Principal Certifying Authority (PCA) prior to the release of the Construction Certificate and/or Design Compliance Certificate.
- x A detailed landscaping plan shall be submitted to the Principal Certifying Authority for approval prior to the release of the Construction Certificate/Design Compliance Certificate.

The plan shall detail the following:

- The identified remnant vegetation located in the southwest corner of the site shall be retained, with the exception of the vegetation located within the approved growing beds, within the approved area of fill and within 10m of the growing beds.
- A vegetation buffer with a minimum width of 5m shall be provided along the northern property boundary with 119 Boundary Road.
- A vegetation buffer with a minimum width of 20m shall be provided east of the dam (between the dam and the growing beds/igloos).
- A minimum 10m wide vegetation buffer zones shall be planted along the southern and western boundaries of the property. Existing native trees and shrubs within these buffer zones shall be retained.

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

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

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

- xii 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.
- xiii An Environmental Management and Rehabilitation Plan for the development site shall be prepared by an appropriately qualified person. The Plan shall address (without being limited to) the clearing of vegetation, lopping and removal of trees, earthworks, erosion control, site rehabilitation and landscaping.

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

- xiv Details of any fill material removed from or imported to the site shall be submitted with the engineering plans. Details to include quantities, borrow sites or disposal sites.

## ORDINARY MEETING

Meeting Date: 12 May 2015

### *Prior to Commencement of Works*

- xv Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.
- xvi 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.
- xvii 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.
- xviii A copy of receipt of payment of Long Service Levy shall be provided to the Principal Certifying Authority prior to any works commencing on site. Payments can be made at Long Service Corporation offices or most Councils.
- xix Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such a facility shall be located wholly within the property boundary.
- xx A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road:
  - Unauthorised access to the site is prohibited.
  - The owner of the site.
  - The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
  - The name and contact number of the Principal Certifying Authority.

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

- xxi No excavated material, including soil, shall be removed from the site.

### *During Construction*

- xxii A two coat bitumen seal is to be applied to the access driveway for a distance of not less than 75 metres from the front (Boundary Road) boundary of the site so as to minimise dust generation from vehicular traffic.
- xxiii 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. Work is prohibited on Sundays and public holidays.
- xxiv The site shall be secured to prevent unauthorised access and the depositing of unauthorised material.
- xxv The site shall be kept clean and tidy and all unused building materials and rubbish shall be removed from the site upon completion of the project.
- xxvi 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.

## ORDINARY MEETING

Meeting Date: 12 May 2015

xxvii Compliance certificates (known as Part 4A Certificates) 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.

xxviii Filling shall comprise only uncontaminated Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM). Contamination certificates for all source material shall be provided to the Principal Certifying Authority (and Council if a private certifier is used) prior to placing any fill on site.

xxix A ticketing system is to accompany any material being brought to the site. A register is to be kept on site to cross reference against the source records.

An independent site auditor is to be engaged to undertake appropriate certification regarding the monitoring and validation of the fill material imported to the site as being sound, suitable for the use and free of contamination.

xxx 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.

xxxi Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.

xxxii Dust control measures, e.g. water cart spraying shall be applied to suppress dust created by truck movements and filling activities that take place on site.

xxxiii All trucks entering or leaving the site shall have their trays suitably covered to prevent spillage from the truck onto the road.

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

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

xxxv A vegetation buffer with a minimum width of 20m shall be provided east of the dam (between the dam and the growing beds/igloos). The vegetation to be planted within this buffer zone shall consist of a mixture of native and exotic trees, shrubs and groundcover species of local provenance.

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

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

xxxvii All natural and subsurface water-flow shall not be re-directed or concentrated to adjoining properties. Water flows shall follow the original flow direction without increased velocity or diversion of flows.

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

xxxix Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the components of construction detailed in Hawkesbury Development Control Plan 2002 – Appendix E – Civil Works Specification, Part II, Table 1.1.

## ORDINARY MEETING

Meeting Date: 12 May 2015

### *Use of the Development*

- xi The development shall be limited to the area shown on the stamped plans and as amended by the conditions of this consent.
- xli The landscaping works shall be completed before the cultivation of the growing beds.
- xlii The operation of the development is to be carried out in accordance with the Farm Management Plan prepared for Mr B Bugeja and dated 20 July 2012.  
  
The farm activities shall be limited to the hours of 7am to 6pm seven days a week.
- xliii The subject development, including the farm building and igloos, are to be maintained in a clean and tidy manner.
- xliv The plastic linings of the igloos are to be maintained and to be kept in a tidy manner. Any damaged igloo plastic coverings are not to be left on site and are to be disposed of off-site appropriately.
- xlv The development shall be conducted in such a manner that the LA(eq) noise levels, measured at any point in accordance with the NSW EPA's Industrial Noise Policy (2000), do not exceed 5dB(A) LA(eq) above background noise levels with respect to noise amenity of residential dwellings.
- xlvi Potential dust sources on the land shall be minimised through the maintenance of vegetation cover and the use of water sprays to suppress dust from exposed areas during periods of dry and/or windy weather.
- xlvii Tilling and harvesting shall not be undertaken on extremely windy days.
- xlviii Manure and compost are to be mixed into the soil directly following application to prevent odour or dust being blown onto surrounding properties. There is to be no spray drift of chemicals onto surrounding properties. Spraying is not to be conducted on windy days or when humidity is very high.
- xlix The farm building shall not be occupied for human habitation/residential purposes.

### **Advisory Notes**

- \*\*\* The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.
  - \*\*\* The applicant is advised to make detailed inquiries as to whether approval by the Australian Government Minister for the Environment and Heritage is necessary under the Environment Protection and Biodiversity Conservation Act 1999.
  - \*\*\* 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.
  - \*\*\* Should any Aboriginal site or relic or European relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service or the Heritage Office (European relic) consulted. Any person who knowingly disturbs an Aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974 and Heritage Act.
2. Council officers conduct regular inspections of the site to ensure compliance with the development consent conditions.



**ORDINARY MEETING**

**Meeting Date:** 12 May 2015

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

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

**ORDINARY MEETING**

**Meeting Date:** 12 May 2015

**Item: 67**                    **CP - Development Report - DA0156/15 - Lot 25 DP 663770 - 1 Powells Lane, Richmond Lowlands - Temporary use of an existing building - (95498, 102260, 78522)**

**Previous Item:**        3, Ordinary (3 February 2015)

**Item: 68**                    **CP - Development Report - DA0157/15 - Lot 27 DP 566434 - 106 Ridges Lane, Richmond Lowlands - Temporary use of an existing building - (95498, 102260, 78522)**

**Previous Item:**        4, Ordinary (3 February 2015)

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Councillor Ford declared a pecuniary interest in these matters as he may have a potential pecuniary conflict of interest in view of a possible future property dealing not related to the properties subject of these applications but in respect of a property owned by a self-managed superannuation fund of which he is a trustee. He left the Chamber and did not take part in voting or discussion on the matters.

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In the absence of the Mayor, the Deputy Mayor, Councillor Porter, in accordance with Section 369 (1) of the *Local Government Act 1993*, acted as Chairperson.

The Deputy Mayor advised that Items 67 and 68 were to be dealt with concurrently and requested the General Manager read to the meeting a letter that had been received from the applicant requesting that the applications be deferred.

**MOTION:**

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

***Refer to RESOLUTION***

**111 RESOLUTION:**

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

That Items 67 and 68 be deferred to a Councillor Briefing Session.

**ORDINARY MEETING**

**Meeting Date:** 12 May 2015

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

<b>For the Motion</b>	<b>Against the Motion</b>
Councillor Calvert	NIL
Councillor Conolly	
Councillor Creed	
Councillor Lyons-Buckett	
Councillor Mackay	
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Tree	
Councillor Williams	

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

**ORDINARY MEETING**

**Meeting Date: 12 May 2015**

**Item: 69 CP - LEP006/14 - Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012 - 631 Bells Line of Road, Kurrajong - (95498, 124414)**

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Mr Glen Falson and Mr Wally Karam addressed Council, speaking for the item.  
Mr Michael Want addressed Council, speaking against the item.

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

That:

1. Council support the preparation of a planning proposal for Lot 1 DP 120436, 631 Bells Line of Road, Kurrajong to amend the Lot Size Map of Hawkesbury Local Environmental Plan 2012 to permit minimum lot sizes of not less than 4,000m<sup>2</sup> and 1ha on the land as shown in Attachment 1 to this report.
2. Council does not endorse any proposed subdivision layout/plan submitted with the planning proposal as this will need to be subject to a development application should the planning proposal result in making the plan.
3. The planning proposal be forwarded to the Department of Planning and Environment for a "Gateway" determination.
4. The Department of Planning and Environment be advised that Council wishes to request a Written Authorisation to Exercise Delegation to make the Plan.
5. 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 Calvert
Councillor Ford	Councillor Creed
Councillor Mackay	Councillor Lyons-Buckett
Councillor Reardon	Councillor Paine
	Councillor Porter
	Councillor Rasmussen
	Councillor Williams

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

The motion was lost.

**ORDINARY MEETING**

**Meeting Date:** 12 May 2015

**MOTION:**

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

*Refer to RESOLUTION*

**112 RESOLUTION:**

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

That Council not support the 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 Calvert	Councillor Conolly
Councillor Creed	Councillor Ford
Councillor Lyons-Buckett	Councillor Mackay
Councillor Paine	Councillor Reardon
Councillor Porter	
Councillor Rasmussen	
Councillor Williams	

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

**ORDINARY MEETING**

**Meeting Date: 12 May 2015**

**CITY PLANNING**

**Item: 70**                    **CP - Sustainability Indicators - (95498, 124414)**

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**MOTION:**

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

*Refer to RESOLUTION*

**113 RESOLUTION:**

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

That the Community Indicators adopted by Council on 29 July 2014 also be adopted as Council's Sustainability Indicators to be used in relevant reports.

**ORDINARY MEETING**

**Meeting Date: 12 May 2015**

**INFRASTRUCTURE SERVICES**

**Item: 71**                      **IS - Exclusive Use of Governor Phillip Reserve - The Hawkesbury 120 Ski Race Classic 2015 - (95495, 79354, 92138)**

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**MOTION:**

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

*Refer to RESOLUTION*

**114 RESOLUTION:**

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

That:

1. Approval be granted to Ski Racing NSW Inc for "exclusive use" of Governor Phillip Reserve for the 2015 Hawkesbury 120 Ski Race Classic to be held on Saturday, 29 and Sunday, 30 August 2015.
2. The approval be subject to the following conditions/documents:
  - a) Council's General Park Conditions.
  - b) Council's Fees and Charges.
  - c) The Windsor Foreshore Plan of Management.
  - d) The Governor Phillip Exclusive Use Policy.
  - e) The Governor Phillip Noise Policy.
  - f) A Traffic Management Plan which has been approved as part of the Special Event Application.
3. As the applicant has not advised alternative dates in the event of inclement weather or other circumstances, the General Manager be given authority to negotiate exclusive use on an alternate date, if required by the applicant.

**ORDINARY MEETING**

**Meeting Date: 12 May 2015**

**SECTION 4 - Reports of Committees**

**ROC                      Development Application Monitoring Advisory Committee Minutes - 26 March 2015 - (95496, 91369)**

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**115 RESOLUTION:**

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

That the minutes of the Development Application Monitoring Advisory Committee held on 26 March 2015 as recorded on pages 105 to 107 of the Ordinary Business Paper be received.

**ROC                      Sustainability Advisory Committee - 30 March 2015 - (126363)**

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**116 RESOLUTION:**

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

That the minutes of the Sustainability Advisory Committee held on 30 March 2015 as recorded on pages 108 to 113 of the Ordinary Business Paper be received.

**ROC                      Human Services Advisory Committee - 23 April 2015 - (123486)**

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**117 RESOLUTION:**

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

That the minutes of the Human Services Advisory Committee held on 23 April 2015 as recorded on pages 114 to 118 of the Ordinary Business Paper be received.



**ORDINARY MEETING**

**Meeting Date:** 12 May 2015

**QUESTIONS FOR NEXT MEETING**

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

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There were no responses to Questions in relation to previous Questions for Next Meeting.

**ORDINARY MEETING****Meeting Date:** 12 May 2015**Questions for Next Meeting**

#	Councillor	Question	Response
1	Rasmussen	Enquired if it is possible to contact the RMS and request that action be taken to alleviate the traffic congestion at the intersection of Yarramundi Lane and Old Kurrajong Road and any impact on signals at Bosworth Street and March Street, Richmond.	Director Infrastructure Services
2	Paine	Requested an update on progress on retaining the historic building, the Jolly Frog Hotel.	Director City Planning
3	Paine	Enquired if the massage parlour in Baker Street, Windsor is operating legally and expressed concerns on behalf adjoining shop keepers that there is a large amount of rubbish being put into the Mall's rubbish bins.	Director City Planning
4	Williams	Enquired if the dumped rubbish at the Heavy Vehicle Inspection pull over on Putty Road (near Packer Road), is the responsibility of Council or the RMS.	Director City Planning
5	Williams	Referred to the removal of trees along Creek Ridge Road, near Geakes Road, Freemans Reach and asked if consent had been issued for their removal.	Director City Planning
6	Reardon	Enquired on behalf of Friends of Wilberforce Cemetery as to when the two columbariums are going to be constructed and if they are to be made of sandstone and asked if the tree that has fallen in the Wesleyan Section could be removed.	Director Infrastructure Services

**ORDINARY MEETING**

**Meeting Date:** 12 May 2015

**CONFIDENTIAL REPORTS**

**118 RESOLUTION:**

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

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: 72 SS - Property Matter - Lease to Danielle Dibley and Shanon Bryan-Hojel - Clarendon Parkside Cafe (Part of Lot 3 in Deposited Plan 1062683) - (95496, 112106, 74459)**

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

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.

**119 RESOLUTION:**

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

**ORDINARY MEETING**

**Meeting Date: 12 May 2015**

**Item: 72                      SS - Property Matter - Lease to Danielle Dibley and Shanon Bryan-Hojel - Clarendon Parkside Cafe (Part of Lot 3 in Deposited Plan 1062683) - (95496, 112106, 74459) CONFIDENTIAL**

---

**MOTION:**

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

***Refer to RESOLUTION***

**120 RESOLUTION:**

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

That:

1. Council proceed to publicly exhibit and notify the proposed lease to Danielle Dibley and Shanon Bryan-Hojel of the Clarendon Parkside Café, being Part of Lot 3 in Deposited Plan 1062683 (part of "Ham Common"), as outlined in the report, in accordance with Sections 47 and 47A of the Local Government Act 1993.
2. At the expiration of the public notification exhibition period outlined in Part 1 above, the following action be taken:
  - a) Should any submissions be received regarding the proposed lease to Danielle Dibley and Shanon Bryan-Hojel, a further report be submitted to Council, or
  - b)
    - (i) Should no submissions be received, Council enter into a new lease with Danielle Dibley and Shanon Bryan-Hojel of the Clarendon Parkside Café, being Part of Lot 3 in Deposited Plan 1062683 (Part of "Ham Common"), as outlined in the report.
    - (ii) Authority be given for any documentation in association with the matter to be executed under the Seal of Council.
    - (iii) Details of Council's resolution be conveyed to the proposed Lessees, together with the advice that Council is not, and will not, be bound by the terms of the resolution, until such time as appropriate legal documentation to put such resolution into effect has been agreed to and executed by all parties.

The meeting terminated at 8:10pm.

Submitted to and confirmed at the Ordinary meeting held on 26 May 2015.

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Mayor