



Hawkesbury City Council

ordinary  
meeting  
minutes

date of meeting: 25 October 2016  
location: council chambers  
time: 6:30 p.m.



**ORDINARY MEETING**

**Minutes: 25 October 2016**

**MINUTES**

– **WELCOME**

**Prayer**

**Acknowledgement of Indigenous Heritage**

– **APOLOGIES AND LEAVE OF ABSENCE**

– **DECLARATION OF INTERESTS**

– **SECTION 1 - Confirmation of Minutes**

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

– **SECTION 2 - Mayoral Minutes**

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

– **SECTION 3 - Reports for Determination**

**Planning Decisions**

**General Manager**

**City Planning**

**Infrastructure Services**

**Support Services**

– **SECTION 4 - Reports of Committees**

– **SECTION 5 - Notices of Motion**

– **QUESTIONS FOR NEXT MEETING**

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

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## ORDINARY MEETING

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on 25 October 2016, commencing at 6:31pm.

### ATTENDANCE

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

**ALSO PRESENT:** 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, Strategic Planning Manager - Andrew Kearns, Senior Strategic Environmental Planner - Suzanne Stuart, Subdivision and Development Engineer - Ron Brears, Acting Manager Corporate Services and Governance – Linda Hewitt and Administrative Support Coordinator - Natasha Martin.

Councillor Rasmussen arrived at the meeting at 6:32pm.

Councillor Tree left the meeting at 11:02pm.

Councillor Conolly left the meeting at 12:42am on 26 October 2016.

Councillor Garrow left the meeting at 12:45am on 26 October 2016.

Councillor Richards left the meeting at 12:45am on 26 October 2016.

### SECTION 1 - Confirmation of Minutes

#### 348 RESOLUTION:

RESOLVED on the motion of Councillor Conolly and seconded by Councillor Rasmussen that the Minutes of the Ordinary Meeting held on the 11 October 2016, be confirmed.

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**SECTION 2 - Mayoral Minutes**

**MM**                                    **DA0095/16 to DA0104/16 - 86 Arthur Phillip Drive, North Richmond - Lot 342 DP 1199663 - (79351, 79353, 125612)**

**Previous Items:**            198 to 207, Ordinary (11 October 2016)

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Councillor Rasmussen declared a less than significant non-pecuniary conflict of interest in this matter as one of the resident objectors was on his electoral ticket for the 2016 Local Government Election and no further action is required.

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**349 RESOLUTION:**

RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Reynolds that standing orders be suspended in order to allow members of the public to speak on the item.

Mr John Thomas and Mr Neville Diamond addressed Council, speaking against the recommendation.

**350 RESOLUTION:**

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

**MOTION:**

RESOLVED on the motion of Councillor Lyons-Buckett.

***Refer to RESOLUTION***

**351 RESOLUTION:**

RESOLVED on the motion of Councillor Lyons-Buckett.

That:

1. Council rescind Resolution Numbers 308 to 317 from the Ordinary Council Meeting of 11 October 2016, regarding DA0095/16 to DA0104/16, inclusive, 86 Arthur Phillip Drive, North Richmond.
2. Council grant consent to DA0095/16 for a dwelling house on proposed Lot 104 in Lot 342 DP 1199663, known as Arthur Phillip Drive, North Richmond, subject to the conditions in Attachment 1 of this Mayoral Minute.
3. Council grant consent to DA0096/16 for a dwelling house on proposed Lot 105 in Lot 342 DP 1199663, known as Arthur Phillip Drive, North Richmond, subject to the conditions in Attachment 2 of this Mayoral Minute.



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4. Council grant consent to DA0097/16 for a dwelling house on proposed Lot 106 in Lot 342 DP 1199663, known as Arthur Phillip Drive, North Richmond, subject to the conditions in Attachment 3 of this Mayoral Minute.
5. Council grant consent to DA0098/16 for a dwelling house on proposed Lot 107 in Lot 342 DP 1199663, known as Arthur Phillip Drive, North Richmond, subject to the conditions in Attachment 4 of this Mayoral Minute.
6. Council grant consent to DA0099/16 for a dwelling house on proposed Lot 108 in Lot 342 DP 1199663, known as Arthur Phillip Drive, North Richmond, subject to the conditions in Attachment 5 of this Mayoral Minute.
7. Council grant consent to DA0100/16 for a dwelling house on proposed Lot 109 in Lot 342 DP 1199663, known as Arthur Phillip Drive, North Richmond, subject to the conditions in Attachment 6 of this Mayoral Minute.
8. Council grant consent to DA0101/16 for a dwelling house on proposed Lot 110 in Lot 342 DP 1199663, known as Arthur Phillip Drive, North Richmond, subject to the conditions in Attachment 7 of this Mayoral Minute.
9. Council grant consent to DA0102/16 for a dwelling house on proposed Lot 111 in Lot 342 DP 1199663, known as Arthur Phillip Drive, North Richmond, subject to the conditions in Attachment 8 of this Mayoral Minute.
10. Council grant consent to DA0103/16 for a dwelling house on proposed Lot 112 in Lot 342 DP 1199663, known as Arthur Phillip Drive, North Richmond, subject to the conditions in Attachment 9 of this Mayoral Minute.
11. Council grant consent to DA0104/16 for a dwelling house on proposed Lot 113 in Lot 342 DP 1199663, known as Arthur Phillip Drive, North Richmond, subject to the conditions in Attachment 10 of this Mayoral Minute.
12. Council's solicitors be advised of Council's position on these matters in order to provide them direction for the Court dealings.
13. Existing staff delegations be permitted to deal with these Court matters as the case proceeds and generally in accordance with Council's position as resolved.

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

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

**ORDINARY MEETING**

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**SECTION 3 - Reports for Determination**

**PLANNING DECISIONS**

**Item: 223**

**CP - DA0503/15 - 10 Beddek Street, McGraths Hill - Lot 1 DP 577614 - Place of Public Worship - (94598, 33648, 134000)**

Mr John Kechagias, Mr Muthu Ramatchandirin and Mr Alan Croker addressed Council, speaking for the recommendation.

Mr Peter Nicholson, Mr David Hinton and Ms Kim Maguire addressed Council, speaking against the recommendation.

**MOTION:**

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

***Refer to RESOLUTION***

**352 RESOLUTION:**

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

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. DA0503/15 for a place of public worship on Lot 13 DP 577614, known as 10 Beddek Street, McGraths Hill, subject to the following conditions:

***General Conditions***

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

<b>Document Number</b>	<b>Prepared By</b>	<b>Dated</b>
Drawing No. DA01 Rev 'G' 'Location Plan'	Opus Arch Pty Ltd	27 May 2016
Drawing No. DA04 Rev 'G' 'Site area and Schedule Analysis'	Opus Arch Pty Ltd	27 May 2016
Drawing No. DA06 Rev 'G' 'Upper Ground Floor and Site Plans'	Opus Arch Pty Ltd	27 May 2016
Drawing No. DA07 Rev 'G' 'Roof Plan'	Opus Arch Pty Ltd	27 May 2016
Drawing No. DA08 Rev 'G' 'Staged Development'	Opus Arch Pty Ltd	27 May 2016
Drawing No. DA08A Rev 'G' 'Staged Development'	Opus Arch Pty Ltd	27 May 2016
Drawing No. DA09 Rev 'G' 'Elevations'	Opus Arch Pty Ltd	27 May 2016
Drawing No. DA10 Rev 'G' 'Elevations'	Opus Arch Pty Ltd	27 May 2016
Drawing No. DA11 Rev 'G' 'Elevations'	Opus Arch Pty Ltd	27 May 2016
Drawing No. DA12 Rev 'G' 'Elevations'	Opus Arch Pty Ltd	27 May 2016
Drawing No. DA14 Rev 'G' 'Cut and Fill Plan and Details'	Opus Arch Pty Ltd	27 May 2016

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<b>Document Number</b>	<b>Prepared By</b>	<b>Dated</b>
Drawing No. 2626-2 'Site Landscape proposal'	Precinct Landscapes	3 February 2016
BASIX Certificate No. 647260S	Greenworld Architectural Drafting	30 July 2015

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

2. No excavation, site works or building works shall be commenced prior to the issue of a Construction Certificate and/or Design Compliance Certificate as appropriate.
3. The buildings shall not be used or occupied prior to the issue of an Occupation Certificate(s).
4. The development shall comply with the provisions of the Building Code of Australia (BCA) / National Construction Code.
5. The development is to comply with the Disability (Access to Premises – Buildings) Standards 2010.
6. The accredited certifier shall provide copies of all Part 4A Certificates issued under the Environmental Planning and Assessment Act 1979 relevant to this development to Hawkesbury City Council within seven days of issuing the certificate. A registration fee applies.
7. The commitments listed in the BASIX Certificate for this development must be fulfilled.
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.

***Prior to Issue of a Design Compliance Certificate (Stages 1, 2 and 3)***

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, retaining walls, car park, drainage, onsite detention (OSD) system and infrastructure works.

9. A Design Compliance Certificate must be obtained for this development covering:
  - a) Filling and grading of fill for the building platforms;
  - b) Construction of the car parks;
  - c) Construction of retaining walls;
  - d) Civil drainage;
  - e) Onsite detention (OSD); and
  - f) Infrastructure and road works.

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

Should Council be nominated as the Principal Certifying Authority for the Design Compliance Certificate, 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.

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10. All earthworks on site must comply with the following requirements:

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

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

11. Any retaining walls associated with the development that are to have a height exceeding 600mm are required to be designed by a practicing structural engineer. The design must be submitted to the Principal Certifying Authority prior to issue of the Design Compliance Certificate.

12. The minimum number of car parking spaces provided for the development shall be as follows:

- Visitor Spaces 50
- Staff/Caretaker Spaces 2
- Accessible Car Spaces 1
- Miscellaneous Spaces 2.

The provision of the required parking may be staged as detailed in the approved plans.

The parking spaces must be designed and constructed in accordance with AS2890.1, whilst the accessible parking space is to be designed and constructed in accordance with AS2890.6.

The car parking spaces are to be identified onsite by line-marking.

Plans detailing compliance with the above requirements shall be submitted to the Principal Certifying Authority prior to the issue of a Design Compliance Certificate.

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

The laybacks and crossings must be designed to accommodate expected traffic loadings. In this regard they must be constructed to a commercial standard with the work carried out at the Developer's expense, including all alterations to public infrastructure where necessary.

The above requirements must be incorporated into the plans for approval prior to the issue of the Design Compliance Certificate.

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14. Standard commercial vehicular sealed laybacks and crossings must be constructed to service the development. The laybacks and crossings must comply with the following requirements:
- have a minimum width of 6m within the road reserve and 6m within the property,
  - be constructed of concrete with a slip resistant finish, and
  - be designed and constructed in accordance with Hawkesbury Development Control Plan 2002 – Appendix E – Civil Works Specification.

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

15. A detailed drainage design for the site must be submitted and approved prior to the release of the Design Compliance Certificate. The detailed plan must:
- drain to Council's piped stormwater drainage system in Charles Street via upgrades made on drainage in Beddek Street,
  - indicate the method of disposal of all stormwater and must include existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines,
  - be to the satisfaction of the Certifying Authority,
  - be designed to cater for a 1 in 20 year Average Recurrence Interval (ARI) storm event,
  - show details of any overflow drainage paths and that they be designed to cater for the 1 in 100 year ARI storm event, and
  - comply with Hawkesbury Development Control Plan 2002 – Appendix E – Civil Works Specification – Part I and Chapter 8 and Australian Standard AS3500 'Plumbing and Drainage Code'.

16. Onsite detention (OSD) for stormwater is required to be provided for this development. This OSD must comply with the following:
- On-site detention shall be provided to maintain all stormwater discharges for storms up to the 1:100 Average Recurrence Interval (ARI) storm event at pre-development levels.
  - The on-site detention (OSD) system is to be designed in accordance with Hawkesbury Development Control Plan 2002 – Appendix E – Civil Works Specification – Part 1 'Design Specifications' and Part 2 'Construction Specification'.

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

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

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

18. All pits deeper than 900mm must be designed by a certified structural engineer and satisfy the requirements of AS3600:2009. Pits deeper than 1.2m must have step irons and pits deeper than 1.8m are to be reinforced concrete.

All pits must have flush fitting grates. All pits larger than 600mm x 600mm are to be grated galvanised steel grid hinged and be heavy duty type where traffic loading is expected.

Details satisfying these requirements shall be incorporated into the detailed drainage design that is to be submitted to the Principal Certifying Authority for the Design Compliance Certificate.

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19. Prior to the issue of a Construction Certificate, the Applicant must submit and obtain approval from the Principal Certifying Authority for a Soil and Water Management Plan (SWMP). The SWMP must take into account the requirements of Landcom's publication 'Managing Urban Stormwater – Soils and Construction' (2004) and shall contain but not be limited to:
- a) Clear identification of site features, constraints and soil types.
  - b) Management of the cumulative impacts of the development on the quality and quantity of surface water, including stormwater in storage and sedimentation basins.
  - c) Erosion and sediment control plans for each phase of construction that provide site-specific management measures, including details of short and long-term measures to be employed to minimise soil erosion and the discharge of sediment to land and/or waters including the locations and capacities of sediment fencing/straw bales, temporary storage ponds, sediment filters, filter barriers and other controls.
  - d) A strategy for the progressive revegetation and rehabilitation of disturbed areas of earth as rapidly as practicable after the completion of earthworks.
  - e) Procedures for the re-use, treatment and disposal of water from sedimentation basins.

### ***Prior to Issue of a Design Compliance Certificate (Stage 1)***

20. Stage 1 Infrastructure Upgrades: The following infrastructure works must be constructed at no cost to Council as part of Stage 1 of the development. Details of the infrastructure works must be included on the Design Compliance Certificate/Roads Act plans submitted to the Principal Certifying Authority:
- a) The road of High Street shall be reconstructed for the length of its unsealed section (approximately 120 metres). The reconstruction must include a 6m wide AC pavement with barrier kerb and laybacks constructed on both sides of the road.
  - b) The High Street road reserve footpath verge shall be adequately graded and turfed to allow safe pedestrian amenity for the length of works along the northern side of the road.
  - c) 'Give Way' line marking and signage is to be installed at the intersection of High Street and Charles Street.

### ***Prior to Issue of a Design Compliance Certificate (Stage 2)***

21. Stage 2 Infrastructure Upgrades: The following infrastructure works must be constructed at no cost to Council as part of Stage 2 of the development. Details of the infrastructure works must be included on the Design Compliance Certificate/Roads Act plans submitted to the Principal Certifying Authority:
- a) The road of Beddek Street shall be reconstructed for the length of its unsealed section from Charles Street to its dead end (approximately 185 metres). The reconstruction must include a six metres wide AC pavement with barrier kerb and laybacks constructed on the southern side of the road.
  - b) A turning head including AC pavement shall be constructed at the dead end of Beddek Street.
  - c) Road drainage on the southern side of Beddek Street shall be constructed from the lowest section of the road to the existing stormwater infrastructure in Charles Street.
  - d) The road reserve footpath verge shall be adequately graded and turfed to allow safe pedestrian amenity for the length of works along the southern side of the road.
  - e) 'Give Way' line marking and signage is to be installed at the intersection of Beddek Street and Charles Street.

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### ***Prior to Issue of a Design Compliance Certificate (Stages 3)***

22. Stage 3 Infrastructure Upgrades: The following infrastructure works must be constructed at no cost to Council as part of Stage 3 of the development. Details of the infrastructure works must be included on the Design Compliance Certificate/Roads Act plans submitted to the Principal Certifying Authority:
- a) Road widening and barrier kerb and gutter shall be constructed along the western side of Charles Street for the section of this road where there is currently no kerb and gutter (approximately 55 metres). The road widening is to be as close to 1m wide as is practical for the length of the upgrade.
  - b) The road reserve footpath verge shall be adequately graded and turfed to allow safe pedestrian amenity for the full length of Charles Street from High Street to Beddek Street along the western side of the road.

### ***Prior to Issue of a Construction Certificate (Stages 1, 2 and 3)***

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 building works.

23. 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 Construction Certificate. All building works in excess of \$25,000 are subject to the payment of a Long Service Levy at the rate of 0.35%. Payments can be made at Long Service Corporation offices or at most Councils.
24. Prior to the release of a 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 Waste Management Branch for the connection of the development to Council's sewer.

Advisory Note: The 'Windsor Sewerage Scheme – Development Servicing Plan for Sewerage Services – April 2011' outlines the methodology for calculating sewer headworks contributions required for the connection of the development to Council's reticulated sewer system.

25. Hawkesbury City Council is the sewer authority for this development. As this development involves connection to Council's reticulated sewer system, 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.
26. Construction of any mains sewer work or construction work within the Zone of Influence of a sewer main must not commence until three copies of the plans along with a 'Major/Minor Sewer Works' Application is submitted to Hawkesbury City Council's Waste Management Branch for assessment and approval.

The applicant must submit a copy of the approved plans associated with the 'Major/Minor Sewer Works' Application to the Principal Certifying Authority prior to the release of a Construction Certificate.

The approved plans will be marked with a green stamp and be signed and dated.



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27. The 100 year Average Recurrence Interval (ARI) flood level for this site is RL 17.3m AHD.

A report from a suitably qualified engineer shall be submitted to the Principal Certifying Authority to demonstrate the following requirements will be satisfied during the 100 year ARI flood event:

- a) Habitable Floor Levels: The habitable floor level of the caretaker's residence shall be equal to or greater than the 100 year ARI flood Level of 17.3m AHD.
- b) Debris: Damage to structures sustained in a flood shall not generate debris capable of causing damage to downstream buildings or property. This includes the securing of utilities and equipment including tanks, air conditioning units and the like.
- c) Structural Soundness: Any part of the structures shall be able to withstand the force of floodwaters, lateral forces due to flowing water, unbalanced hydrostatic forces, buoyancy forces and impact forces from debris.
- d) Foundations: The footing systems must be structurally stable during flooding and must consider the soil properties when wet, possible erosion and scouring or liquefaction, subsidence or collapse due to saturation.

The engineer's certificate must be submitted to the Principal Certifying Authority prior to the release of the relevant Construction Certificate.

28. 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 onsite.

29. Access to the development for people with disabilities shall be provided in accordance with the Disability (Access to Premises – Buildings) Standards 2010. Details shall be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate for building work.

Provision shall be made for access to the buildings with adequate aids provided for those with disabilities (i.e. mobility, hearing, site impaired) in accordance with the Disability Discrimination Act 1992, the Disability (Access to Premises – Buildings) Standards 2010 and the Building Code of Australia (BCA).

30. All materials and components used in the buildings shall comply with the early fire hazard indices stipulated in Specification C1.10 of the Building Code of Australia (BCA). Details of materials and their respective indices shall be provided to the Principal Certifying Authority prior to the release of a relevant Construction Certificate.

31. Any parts of the building to be used for food preparation shall comply with Council's 'Food Premises Fit Out Code', Australian Standard AS4674:2006 'Design, construction and fitout of food premises' and Chapter 3 of the National Food Standards Code.

A specification or detailed plans indicating compliance with these requirements shall be provided to the Principal Certifying Authority prior to the issue of a relevant Construction Certificate.

32. The development shall be designed in accordance with the 'Noise Impact Assessment Report' (Ref No. 151080\_Noise\_Rev3) prepared by Benbow Environmental and dated December 2015.

At a minimum the place of public worship and function hall (Stages 2 and 3) shall be designed to achieve a sound reduction index Rw of 46dB as detailed in the Noise Impact Assessment Report.

Any air conditioning units shall be located away from residences.

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33. The roof top terrace of the function hall (Stages 2 and 3) shall not be used for events or religious activities.

The design of the function hall's roof top terrace shall therefore be amended to prevent access by worshippers and patrons. Access to this area may be provided to facilitate the installation of plant equipment and storage only.

Amended plans detailing compliance with this requirement shall be provided to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

34. A Temporary Protection Plan for the adjoining cemetery is to be prepared and submitted to Council for approval prior to the issue of a Construction Certificate. This Plan is to address the following:

Stage 1: The Temporary Protection Plan must consider vibrations and impacts associated with increased traffic movements during the Stage 1 construction works and identify potential risks and outline measures to reduce the potential for damage to the McGraths Hill Cemetery at 5 Charles Street. The Plan shall identify precautionary measures to be used to safeguard the boundary of the cemetery, as well as identify methods to monitor the condition of the cemetery.

Stage 2: The Temporary Protection Plan must consider vibrations and impacts associated with increased traffic movements during the Stage 2 and 3 construction works and identify potential risks and outline measures to reduce the potential for damage to the McGraths Hill Cemetery at 5 Charles Street. The Plan shall identify precautionary measures to be used to safeguard the boundary of the cemetery, as well as identify methods to monitor the condition of the cemetery.

35. A Detailed Landscaping Plan shall be submitted and approved for the development prior to the release of a Construction Certificate. The landscaping plan must indicate the use of native vegetation only and address the following:
- a) A combination of native trees, shrubs and groundcovers are to be used along the eastern and western boundaries of the property to soften and screen the development, as well as to provide privacy for the adjoining residential property at 20 High Street. The trees and shrubs used in these areas are to be advanced specimens.
  - b) The landscaping of the caretaker's courtyard shall be designed to allow for its recreational use.
  - c) Fencing on the property shall be restricted to rural-style fencing such as post and rail or post and wire.
36. Details of the garbage storage areas and mailboxes are to be provided with the plans for the Construction Certificate. The garbage storage areas are to be screened and located behind the front building line.

37. A Section 73 Compliance Certificate 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 website [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 infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

### ***Prior to the Commencement of Works (Stages 1, 2 and 3)***

38. The applicant shall advise Council of the name, address and contact number of the principal certifier in accordance with Section 81A(2)(b) of the Environmental Planning and Assessment Act 1979.

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39. 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.
40. 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.

41. 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.
42. A Traffic Control Plan prepared in accordance with the Roads and Maritime Services' publication 'Traffic Control at Worksites' is to be prepared by an appropriately qualified person and submitted to Council for approval prior to the commencement of any works.

The Traffic Control Plan shall incorporate the recommendations of the Temporary Protection Plan.

43. 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 Sydney Water website <http://www.sydneywater.com.au/tapin/index.htm> or telephone 1300 082 746, Monday to Friday 8:30am to 5:30pm.

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

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

### ***During Construction (Stages 1, 2 and 3)***

45. 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.
46. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, including a public road or place, the person causing the excavation to be made:
- a) must preserve and protect the building from damage
  - b) if necessary, must underpin and support the building in an approved manner
  - c) must, at least seven days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The person acting in accordance with this Consent is liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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47. The property's 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.
48. The measures required in the Soil and Water Management Plan (SWMP) approved by the Certifying Authority must be implemented as a priority over general construction works. The controls must be maintained at all times during each stage of the development and checked for adequacy daily. The controls must not be removed until the development is completed and the disturbed areas have been stabilised.

The controls are to be maintained to ensure:

- a) all sediment fences, sediment traps and socks are properly placed and are working effectively
- b) drains, gutters and roads are maintained clear of sediment at all times.

Note: It is an offence under the Protection of the Environment Operations Act 1997 to allow soil or other pollutants to fall or be washed into any waters or be placed where it is likely to fall or be washed into any waters. Substantial penalties may be issued for any offence.

49. Topsoil shall only be stripped from approved areas and shall be stockpiled for re-use during site rehabilitation and landscaping.

Stockpiles of topsoil, sand, aggregate, spoil or other material stored on the site that is capable of being moved by running water shall be stored clear of any drainage line or easement, natural watercourse, footpath, kerb and/or road surface.

Suitable sediment and erosion control devices shall be installed prior to the stockpile being created. The stockpile shall be treated so its surface is erosion resistant to wind and water action.

50. 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.
51. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
52. The site shall be kept clean and tidy during the construction periods 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.
53. Vegetation waste resulting from the approved clearing of the site shall be salvaged for re-use, either in log form, or as a 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.

54. The Traffic Control Plan and Temporary Protection Plan must be implemented and all devices maintained for the duration of the works in compliance with the approved plan.

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55. The buildings shall be set out by a Registered Surveyor for each stage of the development.

A survey certificate shall be provided to the Principal Certifying Authority at an early stage of each phase of construction which indicates the following:

- The position of external walls under construction and in compliance with the approved plans.
- The level of the top of the concrete slab formwork/floor joists of the buildings under construction and in compliance with the approved plans.
- The level of the top of the concrete slab formwork/floor joists for the lowest habitable floor of the caretaker's residence is at or above 17.3m AHD.
- Any easements must be shown.

All levels are to be provided to Australian Height Datum (AHD).

The surveyor's certificates shall be provided to the Principal Certifying Authority prior to any structure being constructed in concrete.

56. Compliance Certificates (known as Part 4A Certificates) as are to be issued by the nominated Principal Certifying Authority 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.
57. The footings shall be piered or shall penetrate through any fill or unstable foundation material to bear upon a structurally adequate foundation material of a uniform load-bearing value.
58. The floors of any internal WC shall be graded and drained to an approved floor waste.
59. Any connection to a Council pit and/or pipe must:
- a) be made at the pipe obvert (pipe only)
  - b) be through a hole that is neatly made by cutting or drilling with any reinforcement encountered cut away
  - c) not protrude past the inner surface of the pit and/or pipe
  - d) have all junctions finished with 2:1 cement mortar
  - e) have a minimum pipe size of 150mm in diameter and either sewer grade PVC or concrete
  - f) when the diameter of the connection is more than 1/3 the diameter of the Council pipe, connection is to be made by construction of a standard pit.

All construction is to be carried out as per the requirements of Hawkesbury Development Control Plan 2002 – Appendix E – Civil Works Specification.

60. Inspections and Compliance Certificates for sanitary drainage works can be conducted and issued by Hawkesbury City Council:
- 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 4565 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 4519 or 4560 4529 to arrange inspections.

Inspections must be conducted on the exposed pipes prior to covering.

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### ***Prior to the Issue of a Construction Compliance Certificate (Stages 1, 2 and 3)***

61. 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.
62. Prior to the issue of a Construction Compliance Certificate all works must be completed in accordance with the approved Design Compliance Certificate Plans, approved supporting documentation and to the satisfaction of the Principal Certifying Authority.
63. Works As Executed plans must be submitted to the Certifying Authority by a registered surveyor certifying compliance with the approved design plans. The Works As Executed dimensions and levels must be shown in red on a copy of the approved Design Compliance Certificate plans. The plans must verify:
  - a) surface level of constructed paved areas
  - b) surface and invert levels on all pits
  - c) invert levels and sizes of all pipelines
  - d) Onsite detention (OSD) volume and orifice plate details
  - e) floor levels of all buildings
  - f) top of kerb levels at the front of the lot.

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

### ***Prior to the Issue of a Construction Compliance Certificate (Stage 1)***

64. Stage 1 Infrastructure Upgrade Completion: All road and drainage infrastructure upgrades required as a part of the development under Stage 1 must be completed to the satisfaction of Council prior to the issue of the Stage 1 Construction Compliance Certificate.

### ***Prior to the Issue of a Construction Compliance Certificate (Stage 2)***

65. Stage 2 Infrastructure Upgrade Completion: All road and drainage infrastructure upgrades required as a part of the development under Stage 2 must be completed to the satisfaction of Council prior to the issue of the Stage 2 Construction Compliance Certificate.

### ***Prior to the Issue of a Construction Compliance Certificate (Stage 3)***

66. Stage 3 Infrastructure Upgrade Completion: All road and drainage infrastructure upgrades required as a part of the development under Stage 3 must be completed to the satisfaction of Council prior to the issue of the Stage 3 Construction Compliance Certificate.

### ***Prior to the Issue of an Occupation Certificate (Stages 1, 2 and 3)***

67. 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 or Final Occupation Certificate.
68. A Compliance Certificate from Hawkesbury City Council's Waste Management Branch confirming that the sewer works constructed under the 'Major/Minor Sewer Works' Application must be submitted to the Principal Certifying Authority.
69. A Construction Compliance Certificate for the relevant staged works approved under the Design Compliance Certificate is required prior to the issue of an Occupation Certificate.
70. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation and provided to the Principal Certifying Authority.

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***Prior to the Issue of an Occupation Certificate (Stage 1)***

71. A flood warning sign is to be provided advising any visitors that 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.

***Prior to the Issue of an Occupation Certificate (Stage 2)***

72. The owner shall enter a positive covenant with Council which provides the following:
- a) the registered proprietors will at all times maintain, repair and keep the on-site stormwater detention facilities in a good and safe condition and state of repair, in accordance with the approved design to the reasonable satisfaction, at all times, of Council, having due regard to the Plan of Management for the operation and maintenance of the onsite stormwater detention facilities
  - b) the liability under the Covenant will jointly and severally bind the registered proprietors of the development
  - c) Council only will be entitled to release or modify the Covenant.

All costs associated with the Covenant, including any legal costs payable by Council, are to be paid by the owner or applicant.

73. The submission of a report by the Design Engineer stating the conformance or otherwise of the onsite detention (OSD) of stormwater system in relation to the approved design shall be provided prior to the issue of the Occupation Certificate.
74. A Plan of Management for the on-site stormwater detention facilities shall be submitted to and approved by Council. The Plan of Management shall set out all design and operational parameters for the detention facilities including design levels, hydrology and hydraulics, inspection and maintenance requirements and time intervals for such inspection and maintenance.
75. Written clearance from the relevant energy provider shall be submitted to the Principal Certifying Authority.
76. 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.
77. The following requirements are to be prepared and installed prior to the issue of a Stage 2 Occupation Certificate:
- a) A flood emergency evacuation and management plan is to be prepared for Stage 2 of the development. The plan shall advise visitors of flood evacuation procedures and emergency telephone numbers. The evacuation procedures shall be permanently fixed to the function hall building in a prominent location and maintained at all times.
  - b) Flood warning signs are to be provided advising visitors that the site may be subject to inundation during times of flood. The signs shall be constructed of durable material and installed in prominent locations within the site.

***Prior to the Issue of an Occupation Certificate (Stage 3)***

78. Written clearance from the relevant energy provider shall be submitted to the Principal Certifying Authority.
79. 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.

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80. The following requirements are to be prepared and installed prior to the issue of a Stage 3 Occupation Certificate:
- a) A flood emergency evacuation and management plan is to be prepared for Stage 3 of the development. The plan shall advise visitors and occupants of flood evacuation procedures and emergency telephone numbers. The evacuation procedures shall be permanently fixed to the place of public worship, function hall and caretaker's residence buildings in a prominent location and maintained at all times.
  - b) Flood warning signs are to be provided advising visitors that the site may be subject to inundation during times of flood. The signs shall be constructed of durable material and installed in prominent locations within the site.
81. The following certificates are to be provided, stating the name of the person or company carrying out the installation, type of material and the relevant Australian Standard to which installed:
- a) The type and method of termite treatment (complying with AS3660) provided to walls and floors, pipe penetrations, slab perimeters and the jointing of new work to existing. A copy of the termite treatment and materials used shall also be securely fixed inside the meter box for future reference.
  - b) A certificate for the glazing used in the development:
    - (i) Glazing materials installed in the building have been installed in accordance with AS1288 'Glass in Buildings - Selection and Installation' and manufactured in accordance with AS2047 'Windows and external glazed doors in buildings', e.g. windows, doors, footlights, balustrades and shower screens. Note: The certificate is required to be signed by the manufacturer and installer).
    - (ii) Engineering certification to confirm glass balustrades are designed and installed in accordance with AS/NZS1170.1.
  - c) An automatic smoke detection system installed in residential development by a licensed electrician. Smoke alarms must comply with AS3786 and be connected to the consumer mains power.
  - d) A statement or other suitable evidence shall be submitted certifying that all commitments made on the BASIX Certificate have been implemented and installed as approved.

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

82. The use and operation of the function hall, including any associated events and religious activities, shall not occur until such time that a Stage 2 Occupation Certificate has been issued.
83. The use and operation of the place of public worship, including any associated events and religious activities, shall not occur until such time that a Stage 3 Occupation Certificate has been issued.
84. The place of public worship shall operate between the following hours only:
- Monday to Friday Mornings: 7am to 11:30am
  - Monday to Thursday Evenings: 5pm to 8:30pm
  - Friday Evenings: 5pm to 9pm
  - Saturday, Sunday and Public Holiday Mornings: 8am to 1pm
  - Saturday Evenings: 5pm to 9pm
  - Sunday and Public Holiday Evenings: 5pm to 8pm
85. The place of public worship shall be managed to ensure that worshipper numbers do not exceed 75 worshippers at any one time.
86. The use of the function hall (ground floor) by community groups or for religious classes shall be limited to the hours of 9am to 5pm Monday to Saturday. A maximum of 20 people may use and attend the function centre at any one time during these hours.



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87. A maximum of 12 events catering for up to 120 people (inclusive of any other activities being undertaken onsite) may be held per calendar year. These events are to be limited to a maximum of one event per calendar month, are to be held on a Saturday only and are to be undertaken between 9:30am to 3:30pm or 3:30pm to 9:30pm.

Such events may only be undertaken after the release of the Stage 2 or Stage 3 Occupation Certificates.

88. A 12 month trial period is granted for the operation of up to four events catering for up to 225 people. This trial period will commence from the release of an Occupation Certificate for Stage 3 of the development and will lapse twelve months after the release of this Occupation Certificate.

These events are to be limited to a maximum of four events per calendar year and are to be undertaken between 9:30am to 3:30pm or 3:30pm to 9:30pm.

The submission of a Section 96 Application or Development Application is required to be submitted prior to the expiration of the trial period – but no sooner than nine months into the operation of these events – should the Applicant wish to continue such events beyond this 12-month trial period.

Note: The purpose of this trial period is to allow a review of events in relation to neighbourhood amenity and operational performance, and allow management to demonstrate successful practices in relation to the above. Council's consideration of the events will be based on, amongst other things, the performance of the operator in relation to compliance with development consent conditions, any substantiated complaints received and any views expressed during public consultation or from other relevant stakeholders such as the Police.

89. Events and religious activities shall be undertaken within the place of public worship and function hall only. No such events or activities shall occur externally of these buildings.
90. The roof top terrace of the function hall shall not be used for events or religious activities.
91. No amplified noise, music, equipment or instruments are to be used externally of the buildings.
92. 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 at the boundary of any residential properties.
93. All lights are to be directed away from surrounding properties to prevent any light spillage onto neighbouring properties.
94. All fire safety equipment and fixtures shall be regularly serviced and maintained. The owner or their agent shall certify annually that each of the fire safety measures specified in this statement has:
- a) been assessed by a properly qualified person
  - b) found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the certificate is issued.

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 this date.

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\*\*\* Section 82A of the Environmental Planning and Assessment Act 1979 provides that the applicant may request the Council to review the determination. The request must be made in writing on Council's Application Form (refer to Council's website or customer service centre) within six months after receipt of this Notice of Determination, together with payment of the appropriate fees. It is recommended that the applicant discuss any request for a review of determination with Council staff before lodging such a request.

Note: This clause does not relate to Designated, Integrated or Crown Development, applications determined by the Joint Regional Planning Panel or applications previously considered under Section 82A of the Environmental Planning and Assessment Act 1979.

\*\*\* If you are dissatisfied with this decision Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within six months after the date on which you receive this notice.

\*\*\* 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 events requiring alterations to traffic arrangements will be subject to the submission and approval of a Traffic Management Plan by the Local Traffic Committee.

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

\*\*\* The developer is responsible for all costs associated with any damage, 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:

- Sydney Water
- the relevant electricity supply authority
- the local telecommunications carrier
- Hawkesbury City Council's Waste Management Branch

... regarding their requirements for the provision of services to the development and the location of existing services that may be affected by the works.

\*\*\* 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.

\*\*\* Should any Aboriginal or European site/relics be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service and/or Office of Environment and Heritage be consulted. Any person who knowingly disturbs an Aboriginal or European site/relic may be liable to prosecution under the National Parks and Wildlife Act 1974 or Heritage Act 1977.

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- \*\*\* Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.
- \*\*\* 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.

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

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

The motion was carried on the casting vote of the Mayor.

## ORDINARY MEETING

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**Item: 224**                    **CP - DA0129/16 - 699C George Street, South Windsor - Lot 1 DP 1168786 - Church, Community and Associated Car Parking - (95498, 136983, 134588)**

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Ms Jessey Pope and Mr Phillip Pope addressed Council, speaking for the recommendation.

Ms Euginia Lungu addressed Council, speaking against the recommendation.

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

That development application DA0129/16 at Lot 1 DP 1168786, 699C George Street, South Windsor for Place of Public Worship - Church, Community Hall, associated Car Parking, Access Driveway and Landscaping be refused for the following reasons:

1. Owners consent has not been provided in accordance with the Environmental Planning and Assessment Regulation 2000 for the portion of the shared right of carriageway over Lot 10 in DP 1170878 which is required to be upgraded and used to service the proposed development.
2. The use of the existing access for the proposal is not considered acceptable for the proposed development and insufficient information in respect to access construction requirements has been submitted to consider the proposal in accordance with the requirements of State Environmental Planning Policy (Infrastructure) 2007.
3. The proposed development is inconsistent with the stated objectives of the R2 Low Density Residential zone in Hawkesbury Local Environmental Plan 2012 in that:
  - a) the proposal does not protect the character of traditional residential development and streetscapes; and
  - b) the proposal does not satisfy the requirement whereby development for purposes other than for residential purposes may be carried out if it is compatible with the character of the living area and has a domestic scale.
4. The proposed development is inconsistent with the objectives of Clause 4.3 Height of Buildings in Hawkesbury Local Environmental Plan 2012 and the request to vary the building height requirement under Clause 4.6 is not supported in that:
  - a) the bulk of development is considered excessive and does not relate well to the local context
  - b) the proposal has not provided a suitable transition in built form between adjoining development
  - c) that compliance with the development standard is not unreasonable or unnecessary in the circumstances of the case
  - d) the proposal is not supported by sufficient environmental planning grounds to justify contravening the development standard
  - e) it is not in the public interest to contravene the building height development standard as the proposal is inconsistent with the objectives for building height and the objectives for development within the R2 Low Density Residential zone.
5. The proposed development is inconsistent with the objectives and requirements of Clause 6.3 Flood planning of Hawkesbury Local Environmental Plan 2012 in that:
  - a) the proposal does not seek to minimise the flood risk to life and property associated with the use of land
  - b) the proposal does not provide for development on land that is compatible with the land's flood hazard
  - c) support of the proposal would result in unsustainable social and economic costs to the community as a consequence of flooding

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6. The proposed development is inconsistent with the objectives and requirements of Clause 6.7 Essential services of Hawkesbury Local Environmental Plan 2012 in that the application is unable to demonstrate that adequate arrangements have been made to provide the development with appropriate stormwater drainage or suitable road access.
7. The proposed development does not comply with the overall objectives for development in residential areas and requirements of the Hawkesbury Development Control Plan 2002, in particular with regard to Car Parking and Access.
8. The proposal would have a direct impact on adjoining residential properties that front the shared right of way servicing the proposed development and would result in impacts in terms of noise traffic and amenity.
9. In the circumstances, approval of the development would not be in the public interest.

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

That the matter be deferred to a future meeting pending further investigations by Council staff and discussions with the applicant.

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

The Amendment was lost.

**ORDINARY MEETING**

**Minutes: 25 October 2016**

**MOTION:**

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

***Refer to RESOLUTION***

**353 RESOLUTION:**

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

That development application DA0129/16 at Lot 1 DP 1168786, 699C George Street, South Windsor for Place of Public Worship - Church, Community Hall, associated Car Parking, Access Driveway and Landscaping be refused for the following reasons:

1. Owners consent has not been provided in accordance with the Environmental Planning and Assessment Regulation 2000 for the portion of the shared right of carriageway over Lot 10 in DP 1170878 which is required to be upgraded and used to service the proposed development.
2. The use of the existing access for the proposal is not considered acceptable for the proposed development and insufficient information in respect to access construction requirements has been submitted to consider the proposal in accordance with the requirements of State Environmental Planning Policy (Infrastructure) 2007.
3. The proposed development is inconsistent with the stated objectives of the R2 Low Density Residential zone in Hawkesbury Local Environmental Plan 2012 in that:
  - a) the proposal does not protect the character of traditional residential development and streetscapes; and
  - b) the proposal does not satisfy the requirement whereby development for purposes other than for residential purposes may be carried out if it is compatible with the character of the living area and has a domestic scale.
4. The proposed development is inconsistent with the objectives of Clause 4.3 Height of Buildings in Hawkesbury Local Environmental Plan 2012 and the request to vary the building height requirement under Clause 4.6 is not supported in that:
  - a) the bulk of development is considered excessive and does not relate well to the local context
  - b) the proposal has not provided a suitable transition in built form between adjoining development
  - c) that compliance with the development standard is not unreasonable or unnecessary in the circumstances of the case
  - d) the proposal is not supported by sufficient environmental planning grounds to justify contravening the development standard
  - e) it is not in the public interest to contravene the building height development standard as the proposal is inconsistent with the objectives for building height and the objectives for development within the R2 Low Density Residential zone.
5. The proposed development is inconsistent with the objectives and requirements of Clause 6.3 Flood planning of Hawkesbury Local Environmental Plan 2012 in that:
  - a) the proposal does not seek to minimise the flood risk to life and property associated with the use of land
  - b) the proposal does not provide for development on land that is compatible with the land's flood hazard
  - c) support of the proposal would result in unsustainable social and economic costs to the community as a consequence of flooding

**ORDINARY MEETING**

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6. The proposed development is inconsistent with the objectives and requirements of Clause 6.7 Essential services of Hawkesbury Local Environmental Plan 2012 in that the application is unable to demonstrate that adequate arrangements have been made to provide the development with appropriate stormwater drainage or suitable road access.
7. The proposed development does not comply with the overall objectives for development in residential areas and requirements of the Hawkesbury Development Control Plan 2002, in particular with regard to Car Parking and Access.
8. The proposal would have a direct impact on adjoining residential properties that front the shared right of way servicing the proposed development and would result in impacts in terms of noise traffic and amenity.
9. In the circumstances, approval of the development would not be in the 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 Calvert	Councillor Conolly
Councillor Garrow	
Councillor Kotlash	
Councillor Lyons-Buckett	
Councillor Rasmussen	
Councillor Reynolds	
Councillor Richards	
Councillor Ross	
Councillor Tree	
Councillor Wheeler	
Councillor Zamprogno	

**ORDINARY MEETING**

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**Item: 225 CP - Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012 - 43 Bootles Lane, Pitt Town - (95498, 124414)**

Mr Ian Johnston, Mr Michael Roberts and Mr Peter Ryan addressed Council, speaking against the recommendation.

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

That:

1. Council support the planning proposal for Lot 61 DP 1206587, 43 Bootles Lane, Pitt Town seeking an amendment to *Hawkesbury Local Environmental Plan 2012* to allow development of the subject site as detailed in this report.
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.

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

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

The Motion was lost.

**MOTION:**

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

***Refer to RESOLUTION***

**354 RESOLUTION:**

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

That the Meeting be adjourned at 9:16pm.

The Meeting resumed at 9:30pm.



**ORDINARY MEETING**

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**MOTION:**

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

***Refer to RESOLUTION***

**355 RESOLUTION:**

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

That Council:

1. Support the objective of conservation of the Cumberland Plain Woodland.
2. Not support the potential for multiple dwellings.
3. Defer the matter to a future meeting to allow discussions with the applicant regarding a reduction in the potential lot yield.

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

**ORDINARY MEETING**

**Minutes: 25 October 2016**

**GENERAL MANAGER**

**Item: 226**                    **GM - 2016 Christmas Program - Request for Funds and Project Proposal - (79351, 79356, 127800, 94012, 79356)**

**Previous Item:**        421, Ordinary (30 November 2010)  
                              243, Ordinary (8 November 2011)  
                              286, Ordinary (9 October 2012)  
                              68, Ordinary (12 March 2013)  
                              324 Ordinary (24 September 2013)  
                              139, Ordinary (8 April 2014)  
                              95; Ordinary (30 June 2015)

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Councillor Lyons-Buckett declared a less than significant non-pecuniary conflict of interest in this matter as she is a Public Officer for the Kurrajong Community Forum and no further action is required.

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Ms Gae Kelly addressed Council, speaking for the recommendation.

**MOTION:**

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

***Refer to RESOLUTION***

**356 RESOLUTION:**

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

That Council:

1. Approve the payment of \$1,500 of funding to the Windsor Business Group and approve the payment of \$1,000 of funding to the Kurrajong Community Forum, to support Christmas Lights displays and associated activities for Christmas 2016 in town centres, subject to the business groups providing details on the proposed expenditure of any allocated funds to the satisfaction of the General Manager.
2. Waive the \$500 hire fee applicable to the hire of Windsor Mall for the Windsor Business Group.
3. Approve the execution of the Council's standard Sponsorship Agreement for the above projects.
4. Support the implementation of banner infrastructure program on Council owned property as outlined in the report.

**ORDINARY MEETING**

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**Item: 227**                    **GM - Freedom of Entry to the City of Hawkesbury - Australian Air Force Cadets Richmond 336 SQN - (79351, 77675)**

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**MOTION:**

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

*Refer to RESOLUTION*

**357 RESOLUTION:**

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

That:

1. The Australian Air Force Cadet - 336 Squadron (Richmond) be granted the ceremonial privilege of Freedom of Entry to the City of Hawkesbury.
2. The Seal of Council be affixed to the proclamation scroll.

**Item: 228**                    **GM - Request for Sponsorship - 2017 St Matthews Anglican Church - 200th Birthday Bash - (79351, 8624)**

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Mr Christopher Jones addressed Council, speaking for the recommendation.

**MOTION:**

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

*Refer to RESOLUTION*

**358 RESOLUTION:**

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

That:

1. Council support the 2017 St Matthews 200<sup>th</sup> Birthday Bash with an allocation of funding in its 2017/2018 Operational Plan within the Corporate Communication budget for Civic and Community Events – flagship events budget for sponsorship of \$4,200 in cash and in-kind contribution as outlined in the report.
2. Council's standard Sponsorship agreement be executed.

**ORDINARY MEETING**

**Minutes: 25 October 2016**

**SUPPORT SERVICES**

**Item: 229                    SS - Monthly Investments Report - September 2016 - (95496, 96332)**

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**MOTION:**

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

*Refer to RESOLUTION*

**359 RESOLUTION:**

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

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

**Item: 230                    SS - Code of Meeting Practice - (95496, 96333)**

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

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**MOTION:**

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

*Refer to RESOLUTION*

**360 RESOLUTION:**

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

That the Meeting be adjourned at 10:17pm.

The Meeting resumed at 10.30pm.

**ORDINARY MEETING**

**Minutes: 25 October 2016**

**MOTION:**

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

***Refer to RESOLUTION***

**361 RESOLUTION:**

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

1. That Council's Code of Meeting Practice be amended as follows:

a) Clause 2.3.6 be as follows:

**2.3.6 Order of Business**

The order of business for Ordinary Meetings shall be as follows:

- 1) Welcome
  - a) Acknowledgement of Indigenous Heritage
- 2) Apologies and Leave of Absence
- 3) Declaration of Interests
- 4) Confirmation of Minutes
- 5) Acknowledgement of Official Visitors to the Council
- 6) Agenda Items Subject to Public Address
- 7) Mayoral Minutes
- 8) Exception Reports – Adoption of Items Not Identified for Discussion and Decision
- 9) Reports for Determination
  - Planning Decisions
  - General Manager
  - City Planning
  - Infrastructure Services
  - Support Services
- 10) Receipt of Minutes of Other Committees
- 11) Notices of Motion
- 12) Responses to Questions from Previous Meeting
- 13) Questions for Next Meeting
- 14) Reports Proposed to be discussed in Confidential Session

b) Clause 3.3.7 be as follows:

**3.3.7 Mode of Addressing Council by the Public**

Hawkesbury City Council actively encourages participation of residents in the decision making process and is happy to hear from people regarding matters raised in the Business Paper.

Members of the public may address Council on any items in the business paper other than the Confirmation of Minutes; Responses to Questions from Previous Meeting; Mayoral Elections; Deputy Mayoral Elections and Committee Elections.

The procedure for addressing Council is as follows:

1. All persons wishing to speak on an item in the business paper must make an application to do so. Each speaker is required to complete an application form by 3pm on the day of the meeting.

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The application form will include an undertaking, signed by the person wishing to speak, to refrain from any insult, allegation or personal reflection against any person, present or not, during the course of their address to Council and any answers they give to questions from Councillors.

Persons intending to apply for approval to address Council must lodge an application form online/email, in person, or by facsimile, by 3pm on the day of the meeting to enable scheduling of items. Persons without access to online or facsimile facilities may contact Council by telephone to discuss their application to speak at the meeting.

Notwithstanding the above, the applicant/owner or nominated representative is entitled to speak if an application is made in accordance with this Code and will be granted permission as one of the six positions allocated.

2. A maximum of 30 minutes per item for all speakers and a maximum of five minutes per speaker.
3. All speakers must state their name, organisation if applicable and their interest in the matter before speaking.
4. Items subject to public address will be heard in the order as outlined in Clause 2.3.6.
5. An applicant to a Planning Decision Item is given the right to respond to any new material raised only, for a period of two minutes.
6. At meetings where applications for more than 20 speakers to Council have been received, a person should speak only on one item unless granted permission by the Chairperson who will have regard to the circumstances of each case taking into account such factors as the nature of the interest in the matter e.g. applicant, neighbour, and the number of speakers on the item or collectively on the agenda.
7. At the conclusion of an address by a member or members of the public on an item on the agenda, the Council will then proceed to discuss and determine that item and this procedure shall be repeated for each of these items that are subject to an address by a member or members of the public, unless determined otherwise by Council
8. In the case of Extraordinary Meetings (but for the exceptions outlined previously in this Section), Council may resolve to increase the number of speakers permitted to address Council and to amend the normal three minute maximum speaking time with a possible two minute extension, provided that the total amount of time allocated for speakers does not exceed 60 minutes for each item, in addition to no more than 20 minutes provided for speakers, to answer questions from Councillors and no more than ten minutes for a right of reply.
9. The Chairperson may deal with issues concerning the relevance in debate in accordance with 4.3.2.
10. Councillors may ask questions of members of the public who address Council in order to clarify their understanding of the speaker's view or to seek specific additional information. All Councillor questions to, and answers from speakers, are limited to a total time of two minutes per speaker.

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- c) Clause 3.3.12 be as follows:

### **3.3.12 Communication between Councillors and Public**

During Council meetings, members of the public are not permitted to approach Councillors or Council staff whilst around the Council tables. Any discussions between Councillors and members of the public during Council meetings must be held outside the Council Chambers. No communication between Councillors and members of the public is permitted within the Council Chambers, once the meeting has commenced.

- d) An additional Clause 3.3.13, be as follows:

### **3.3.13 Reporting of Development Applications to Council**

Councillors can request any development application currently with Council but not yet determined, to be reported to Council for consideration. Councillors must forward a request in writing to the Director City Planning that the particular development application be reported to Council.

- e) Clause 4.3.2 be as follows:

### **4.3.2 Relevance in Debate**

- 1) Councillors, in the course of debate, should not introduce material that is irrelevant to the item under discussion. If a Councillor is called to order for a second time in a single speech for introducing irrelevant material, he or she shall immediately cease speaking.
- 2) Members of the public who address Council also have an obligation to ensure relevance to the item under discussion. The Chairperson has the discretion, including action similar to (1) above, to deal with members of the public who introduce irrelevant material.

- f) Annexure A regarding Principles for Local Government be amended to read as outlined in Chapter 3 of the Local Government Act 1993.

2. The Amended Code of Meeting Practice be placed on public exhibition in accordance with Section 361 of the Local Government Act 1993.
3. A further report be provided to Council at the conclusion of the public exhibition period.

**ORDINARY MEETING**

**Minutes: 25 October 2016**

**Item: 231                    SS - Pecuniary Interest Return - Designated Person - (95496, 96333)**

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**MOTION:**

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

*Refer to RESOLUTION*

**362 RESOLUTION:**

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

That the information be received and noted.



**ORDINARY MEETING**

**Minutes: 25 October 2016**

**SECTION 4 - Reports of Committees**

**ROC**

**Local Traffic Committee Meeting Minutes - 10 October 2016 - (80245)**

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**363 RESOLUTION:**

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

That the minutes of the Local Traffic Committee held on 10 October 2016 as recorded on pages 155 to 180 of the Ordinary Business Paper be adopted.

**ORDINARY MEETING**

**Minutes: 25 October 2016**

**SECTION 5 - Notices of Motion**

**NM1                      Establishing a Hawkesbury Tourism Committee - (79351, 105109, 80106)**

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**MOTION:**

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

*Refer to RESOLUTION*

**364 RESOLUTION:**

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

That:

1. A report be provided to Council on establishing a Hawkesbury Tourism Committee of Council, with the intention of incorporating the purpose and members of the extant Hawkesbury Tourism Working Group into that Committee.
2. The report address matters relevant to the set up and operation of the Committee, such as the Council's intention, corporate strategic planning, best-practice approach, governance, purpose, scope, membership, resources and budget.
3. An additional Councillor, Councillor Richards, be added to the extant Tourism Working Group.

**ORDINARY MEETING**

**Minutes: 25 October 2016**

**NM2**

**Comprehensive Hawkesbury Traffic Study - (79351, 105109, 138880)**

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**MOTION:**

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

*Refer to RESOLUTION*

**365 RESOLUTION:**

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

That:

1. A report be brought to Council regarding the establishment of a committee to discuss the establishment of a comprehensive regional traffic study of river crossings and road links including options for funding such a study, with specific instructions to draw up a brief and seek submissions from a selected short list of companies. The proposed committee to consist of the Directors of Planning and Infrastructure, two Councillors and one qualified community representative.
2. The Committee request an urgent meeting with the Member for Hawkesbury, The Hon. Dominic Perrottet and the Member for Macquarie, Susan Templeman to discuss the establishment of a comprehensive regional traffic study of river crossings and road links including options for funding such a study.

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

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

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

That the meeting be adjourned at the completion of NM2 – Comprehensive Traffic Study – (79351, 105109, 138880).

The Amendment was lost.

**366 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: 25 October 2016**

**NM3**

**Windsor Bridge - (79351, 105109, 138885)**

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Councillor Reynolds declared a less than significant non-pecuniary conflict of interest in this matter as he lives 130 metres from the Windsor Bridge and no further action is required.

Councillor Ross declared a less than significant non-pecuniary conflict of interest in this matter as he is a permanent part-time employee for Transport for NSW - Roads and Maritime Element and no further action is required.

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**MOTION:**

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

*Refer to RESOLUTION*

**367 RESOLUTION:**

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

That:

1. Council request the Premier urgently order the cessation of the project known as the Option 1 replacement bridge at Windsor.
2. Council request allocated funding be committed to the renovation of historic Windsor Bridge for light and local traffic and the construction of an additional river crossing near Windsor which can appropriately meet current and future traffic needs of the wider community while allowing preservation and enhancement of the natural and heritage landmarks of Windsor.
3. The location of the new, additional river crossing on a town bypass be determined in consultation with Council and the Community; and recognise and integrate with the Government's longer term plans for another bridge and associated road corridor connecting to the Motorway network.

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

**ORDINARY MEETING**

**Minutes: 25 October 2016**

**NM4**                      **Establishment of an Infrastructure Committee - (79351, 105109, 80106)**

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**MOTION:**

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

*Refer to RESOLUTION*

**368 RESOLUTION:**

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

That a report be prepared regarding the establishment of a committee of Council to support and advance at a strategic level the planning and delivery of key infrastructure for the community.

**ORDINARY MEETING**

**Minutes: 25 October 2016**

**QUESTIONS FOR NEXT MEETING**

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

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

**ORDINARY MEETING****Minutes: 25 October 2016****Questions for Next Meeting**

#	Councillor	Question	Response
1	Zamprogno	Enquired in regard to Council's actions concerning long term squatters at the boat ramp at Governor Phillip Park, Windsor.	Director City Planning
2	Calvert	Requested an investigation into the lighting standard in the vicinity of South Windsor Public School.	Director Infrastructure Services
3	Wheeler	Requested that Council investigate the condition and safety of the timber bridge located at Berger Lake Reserve.	Director Infrastructure Services
4	Wheeler	Enquired in regard to the complaints handling process applicable to complaints regarding the odour at McGraths Hill.	Director City Planning
5	Reynolds	Enquired whether action could be taken by Council to improve the pedestrian underpass at Windsor Bridge.	Director Infrastructure Services
6	Garrow	Requested that the issue of syringes being left at Deerubbin Park be addressed.	Director City Planning
7	Ross	Enquired whether the project of upgrading of playground equipment at McLeod Park, South Windsor included public amenities.	Director Infrastructure Services
8	Lyons-Buckett	Enquired about the removal of the no parking signage at the Oasis Aquatic and Leisure Centre.	Director City Planning
9	Conolly	Enquired about the expected completion of the construction works at the Oasis Aquatic and Leisure Centre.	Director Infrastructure Services

**ORDINARY MEETING**

**Minutes: 25 October 2016**

**CONFIDENTIAL REPORTS**

**369 RESOLUTION:**

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

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: 232 CP - Acquisition - Drainage Purposes - 44 Mitchell Road, Pitt Town - (95498, 39070)**

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 232as it relates to details concerning the acquisition of property by the Council and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the Council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

**Item: 233 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 proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

**Item: 234 IS - Hawkesbury City Waste Management Facility Lease from Western Sydney University - (95495, 112179)**

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act, 1993 as it relates to the currently leased parcel of Crown land for which part of the waste management facility sits (Lot 192, DP 729625), under the care and control of the Western Sydney University (WSU) specifically the 2013 / 14 Landfill Rent payable to Western Sydney University in accordance with the lease and the information is regarded as being commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, confer a commercial advantage on a competitor of the Council, or reveal a trade secret and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

**Item: 235 SS - Property Matter - Lease to Hawkesbury Area Women's and Kids Services Inc. - 22 Bosworth Street, Richmond - (95496, 112106, 73506, 80358)**

*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.*



**ORDINARY MEETING**

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**Item: 236 SS - Property Matter - Lease of 496 Wilberforce Road, Wilberforce - Australiana Pioneer Village - (95496, 112106, 80175, 118860)**

*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.*

**Item: 237 SS - Property Matter - Offer for Purchase - 246 Windsor Road, Vineyard - (95496, 112106, 105560)**

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

**Item: 238 SS - Property Matter - Lease of 1a Wilberforce Road, Freemans Reach - (95496, 112106, 130186, 130695)**

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(\*) 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.*

**Item: 239 SS - Property Matter - Lease of 325 George Street, Windsor - (95496, 112106, 73916, 80476, 74199)**

*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.

**370 RESOLUTION:**

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

**ORDINARY MEETING**

**Minutes: 25 October 2016**

**Item: 232 CP - Acquisition - Drainage Purposes - 44 Mitchell Road, Pitt Town - (95498, 39070) CONFIDENTIAL**

**Previous Item:** 19, Ordinary 23 February 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***

**371 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 the entire property at 44 Mitchell Road, Pitt Town (Lot 22 in DP 1005861) to proceed and compensation in the amount detailed in the report be paid to Mr K Rowlinson.
2. Council bear all costs including disturbances where applicable, associated with the process of acquiring the subject portions of the land.
3. Authority be given for any documentation in association with this matter 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 the resolution until such time as appropriate documentation to put such a resolution into effect has been agreed to and executed by all parties.

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

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

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

**ORDINARY MEETING**

**Minutes: 25 October 2016**

**Item: 233**                    **IS - Easement Acquisition - Extension of Easement - Part of 45 Bowen Mountain Road, Bowen Mountain - (95495, 35135) 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*

**372 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 the report be paid to the property owner.
2. Council bear all 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: 25 October 2016**

**Item: 234**                    **IS - Hawkesbury City Waste Management Facility Lease from Western Sydney University - (95495, 112179) CONFIDENTIAL**

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**MOTION:**

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

*Refer to RESOLUTION*

**373 RESOLUTION:**

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

That:

1. Council note the information contained within the report on the lease of land from the Western Sydney University, for the Hawkesbury City Waste Management Facility and adopt the confidential recommendations contained in that report.
2. Council enter into negotiations with the Western Sydney University to prepare a new lease on Lot 192 DP729625 on mutually agreeable terms, and the matter be reported back to Council for consideration.

**ORDINARY MEETING**

**Minutes: 25 October 2016**

**Item: 235**                    **SS - Property Matter - Lease to Hawkesbury Area Women's and Kids Services Inc. - 22 Bosworth Street, Richmond - (95496, 112106, 73506, 80358)**  
**CONFIDENTIAL**

**Previous Item:**        204, Ordinary (29 August 2006)  
                              349, Ordinary (15 November 2005)  
                              319, Ordinary (1 November 2005)

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**MOTION:**

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

***Refer to RESOLUTION***

**374 RESOLUTION:**

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

That:

1. Council agree to enter into a new lease with Hawkesbury Area Women's and Kids Services Inc. in regard to 22 Bosworth Street, Richmond, in accordance with the proposal outlined in the report, with the exception of the Condition relating to credits and capital works and that the lease term be ten years with two options of ten years.
2. Council identify financial assistance to the Women's Cottage as a 'special' category under the Community Sponsorship Program and enter into a five year Sponsorship Agreement based on quarantining \$22,399 per year from within the Section 356 Financial Assistance annual budget allocation.
3. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.
4. Details of Council's resolution be conveyed to the proposed Lessee, together with the advice that Council is not, and will not be, bound by the terms of its resolution, until such time as appropriate legal documentation to put such resolution into effect has been agreed to and executed by all parties.
5. Council acknowledge the valuable work the Women's Cottage do for the Hawkesbury community members falling victims to domestic violence, sexual assault and other related family matters; and write to the Minister for Mental Health, Minister for Medical Research, Assistant Minister for Health, Minister for Women, and Minister for the Prevention of Domestic Violence and Sexual Assault, The Hon. Pru Goward, MP, requesting the consideration of additional funding being allocated to the Women's Cottage to support an effective operation of their programs.

**ORDINARY MEETING**

**Minutes: 25 October 2016**

**Item: 236                    SS - Property Matter - Lease of 496 Wilberforce Road, Wilberforce -  
Australiana Pioneer Village - (95496, 112106, 80175, 118860)    CONFIDENTIAL**

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Councillor Wheeler declared a pecuniary interest in this matter as she is a Director of the Australiana Pioneer Village Ltd, the lessee. 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 Calvert, seconded by Councillor Kotlash.

***Refer to RESOLUTION***

**375 RESOLUTION:**

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

That:

1. Council agree to enter into a new lease with Australiana Pioneer Village Limited in regard to 496 Wilberforce Road, Wilberforce, in accordance with the proposal outlined in the report, with the exception that the term be ten years and Australiana Pioneer Village Ltd be advised that they may apply for financial assistance to the equivalent of the Council Rates under Council's Community Sponsorship Program.
2. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.
3. Details of Council's resolution be conveyed to the proposed Lessee, together with the advice that Council is not, and will not, be bound by the terms of its resolution, until such time as appropriate legal documentation to put such resolution into effect has been agreed to and executed by all parties.

**ORDINARY MEETING**

**Minutes: 25 October 2016**

**Item: 237                    SS - Property Matter - Offer for Purchase - 246 Windsor Road, Vineyard -  
(95496, 112106, 105560)    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*

**376 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. Council not accept the unsolicited offer to purchase 246 Windsor Road, Vineyard, on the basis of inadequate price and having regard for current rental income and long-term capital growth.
2. Fishfood Trading Pty Ltd. be advised of Council's decision and be thanked for their offer.

**ORDINARY MEETING**

**Minutes: 25 October 2016**

**Item: 238                    SS - Property Matter - Lease of 1a Wilberforce Road, Freemans Reach - (95496, 112106, 130186, 130695)    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***

**377 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. Council proceed to publicly exhibit and notify the proposed lease to Wayne Edwards Holdings Pty Ltd of Macquarie Park House, Lot 1 in Deposited Plan 883806 (1a Wilberforce Road, Freemans Reach), as outlined in the report and in accordance with Sections 47 and 47A of the Local Government Act 1993.
2. The granting of the lease is subject to the consent of the relevant Minister in accordance with the applicable provision of the Local Government Act 1993, if applicable.
3. At the expiration of the public notification exhibition period outlined in Part 1 above, the following action should be taken:
  - a) Should any submissions be received regarding the proposed lease to Wayne Edwards Holdings Pty Ltd, a further report be submitted to Council, or
  - b)
    - (i) Should no submissions be received, Council enter into a new lease with Wayne Edwards Holding Pty Ltd for Macquarie Park House, Lot 1 in Deposited Plan 883806 (1a Wilberforce Road, Freemans Reach), as outlined in the report.
    - (ii) Authority be given for any documentation in association with the matter to be executed under 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 a resolution into effect has been agreed to and executed by all parties.



**ORDINARY MEETING**

**Minutes: 25 October 2016**

**Item: 239                    SS - Property Matter - Lease of 325 George Street, Windsor - (95496, 112106, 73916, 80476, 74199)    CONFIDENTIAL**

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Councillor Garrow declared a significant non-pecuniary conflict of interest in this matter as her mother-in-law is employed by Wendy's Home Services Pty Ltd. She left the Chamber and did not take part in voting or discussion on the matter.

Councillor Richards declared a significant non-pecuniary conflict of interest in this matter as her mother-in-law is employed by Wendy's Home Services Pty Ltd. 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 Conolly.

***Refer to RESOLUTION***

**378 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. Council proceed to publicly exhibit and notify the proposed lease to Wendy's Home Services Pty Ltd of the 'Windsor Town Hall', Lot 4 Section 12 in Deposited Plan 759096 (325 George Street, Windsor), as outlined in the report and in accordance with Sections 47 and 47A of the Local Government Act 1993.
2. The granting of the lease is subject to the consent of the relevant Minister in accordance with the applicable provisions within the Local Government Act 1993.
3. At the expiration of the public notification exhibition period outlined in Part 1 above, the following action should be taken:
  - a) Should any submissions be received regarding the proposed lease to Wendy's Home Care Pty Ltd, a further report be submitted to Council, or
  - b)
    - (i) Should no submissions be received, Council enter into a new lease with Wendy's Home Services for the Windsor Town Hall, being Lot 4 Section 12 in Deposited Plan 759096 (325 George Street, Windsor), as outlined in the report.
    - (ii) Authority be given for any documentation in association with the matter to be executed under 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 a resolution into effect has been agreed to and executed by all parties.

**ORDINARY MEETING**

**Minutes: 25 October 2016**

The meeting terminated at 12:52am on 26 October 2016.

Submitted to and confirmed at the Ordinary meeting held on 8 November 2016.

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Mayor