



Hawkesbury City Council

ordinary  
meeting  
minutes

date of meeting: 31 May 2016

location: council chambers

time: 6:30 p.m.



**ORDINARY MEETING**

**Minutes: 31 May 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**

**ORDINARY MEETING**

**Minutes: 31 May 2016**

**ORDINARY MEETING**

Minutes: 31 May 2016

**TABLE OF CONTENTS**

<b>ITEM</b>	<b>SUBJECT</b>	<b>PAGE</b>
<b>SECTION 2 - Mayoral Minutes</b>		<b>7</b>
MM1	Merger Proposal - Hawkesbury City Council - (79351, 79353, 120428)	7
MM2	Possibility of Dividing the Hawkesbury Local Government Area into Wards - (79351, 79353, 120428)	7
<b>SECTION 3 - Reports for Determination</b>		<b>8</b>
<b>PLANNING DECISIONS</b>		<b>8</b>
Item: 90	CP - DA0284/15 - 421 Tennyson Road, Tennyson - Lot 21 DP 867467 - Construction and alterations to a shed, alterations to the car park and the operation of a poultry processing facility and hatchery - (95498, 27305, 132573)	8
Item: 91	CP - DA0469/15 - 271 Pitt Town Bottoms Road, Pitt Town Bottoms - Lot 7 DP1079633 - Dwelling House - Demolition of existing dwelling and construction of Dwelling House with Attached Garage and Boat Shed - (95498, 88858, 9161)	18
Item: 92	CP - DA0697/15 - 74 Bathurst Street, Pitt Town - Lot 74 DP1115117 - Four lot Torrens title subdivision - (94598, 73916, 89429, 135917, 130488)	24
Item: 93	CP - DA0730/15 - 216 Edwards Road, Richmond Lowlands - Lot 1 DP229549 - Rural Worker's Dwelling - Conversion and use of the building as a rural workers dwelling - (94598, 83531, 95411)	25
Item: 94	CP - DA0830/15 - 67 Kurrajong Road, Kurrajong - Lot 1 DP1185012 - Subdivision of one lot into 52 lots - (94598, 135051)	30
Item: 95	CP - DA0831/15 - 67 Kurrajong Road, Kurrajong - Lot 1 DP1185012 - Subdivision of one lot into eight lots - (94598, 135051)	32
Item: 96	CP - Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012 - 452 Greggs Road, Kurrajong - (95498, 124414)	34
Item: 97	CP - Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012 - Sydney Polo Club - Various properties Richmond Lowlands and Richmond - (95498, 124414)	35
<b>GENERAL MANAGER</b>		<b>38</b>
Item: 98	GM - 2016 Hawkesbury Local Business Awards - (79351, 80198)	38
Item: 99	GM - Hawkesbury City Council - Local Government Election - (79351)	38
Item: 100	GM - Sister City Program Policy - Student Exchange Donation, Kyotamba 2008 - (73610, 79351, 100474, 83530)	39

**ORDINARY MEETING**

Minutes: 31 May 2016

<b>ITEM</b>	<b>SUBJECT</b>	<b>PAGE</b>
<b>INFRASTRUCTURE SERVICES</b>		<b>40</b>
Item: 101	IS - Extension of Approval for Markets at Governor Phillip Reserve and Richmond Park - (95495, 79354, 127235, 129069, 75504)	40
<b>SUPPORT SERVICES</b>		<b>41</b>
Item: 102	SS - Monthly Investments Report - April 2016 - (95496, 96332)	41
Item: 103	SS - Local Government NSW - Request for Contribution to Legal Costs - Bathurst Regional Council - (95496, 112608, 81376)	41
Item: 104	SS - March 2016 Quarterly Budget Review Statement - (95496, 96332)	42
Item: 105	SS - Pecuniary Interest Returns - Designated Persons - (96596, 96333)	42
Item: 106	SS - Review of Council's Investment Policy and Appointment of Investment Advisor - (95496, 96332)	43
<b>SECTION 4 - Reports of Committees</b>		<b>44</b>
ROC	Hawkesbury Civic and Citizenship Committee - 6 April 2016 - (79351, 96972)	44
ROC	Floodplain Risk Management Advisory Committee - 14 April 2016 - (95498, 86589)	44
ROC	Sustainability Advisory Committee - 18 April 2016 - (126363)	45
ROC	Local Traffic Committee - 9 May 2016 - (80245)	45
<b>SECTION 5 - Notices of Motion</b>		<b>46</b>
NM1	Permissibility of Detached Dual Occupancy - (79351, 105109, 90477)	46
NM2	Council Merger Proposal Acknowledgements - (79351, 105109, 80105)	47
<b>QUESTIONS FOR NEXT MEETING</b>		<b>48</b>
Councillor Questions from Previous Meetings and Responses - (79351)		48
Questions for Next Meeting		49

**ORDINARY MEETING****Minutes: 31 May 2016**

<b>ITEM</b>	<b>SUBJECT</b>	<b>PAGE</b>
	<b>CONFIDENTIAL REPORTS</b>	<b>50</b>
MM3	Position of General Manager - (79351, 79353, 120428) CONFIDENTIAL	52
Item: 107	IS - Land Acquisition - Road Relocation - Parts 629, 669, 713 and 783 Upper Macdonald Road, St Albans - (95495, 75183, 125802, 27078, 27079) CONFIDENTIAL	53
Item: 108	IS - Tender No. 00971 - Construction of West Portland Road Bridge, Lower Portland - (95495, 79344) CONFIDENTIAL	54
Item: 109	IS - Tender No. 00974 - Collection, Transportation and Disposal of Biosolids from South Windsor and McGraths Hill Sewage Treatment Plants - (95495, 112179) CONFIDENTIAL	54
Item: 110	IS - Tender No. 00975 - Overhaul of the Lower Portland Ferry - (95495, 79344) CONFIDENTIAL	55
Item: 111	IS - Tender No. 00976 - Building Management Systems Upgrade - Various Sites - (95495, 79340) CONFIDENTIAL	55
Item: 112	IS - Tender No. 00977 - Additions and Refurbishment to Blaxlands Ridge Rural Fire Service Shed - (95495, 79340) CONFIDENTIAL	56

## ORDINARY MEETING

Minutes: 31 May 2016

Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on 31 May 2016, commencing at 6:32pm.

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

### ATTENDANCE

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

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

### APOLOGY

An apology for absence was received from Councillor M Lyons-Buckett.

#### 141 RESOLUTION:

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

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

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

### SECTION 1 - Confirmation of Minutes

#### 142 RESOLUTION:

RESOLVED on the motion of Councillor Mackay and seconded by Councillor Reardon that the Minutes of the Ordinary Meeting held on the 10 May 2016, be confirmed.



**ORDINARY MEETING**

**Minutes: 31 May 2016**

**SECTION 2 - Mayoral Minutes**

**MM1 Merger Proposal - Hawkesbury City Council - (79351, 79353, 120428)**

**Previous Item:** 72, Extraordinary (19 April 2016)  
54, Extraordinary (21 March 2016)  
17, Extraordinary (16 February 2016)  
2, Extraordinary (28 January 2016)  
1, Extraordinary (28 January 2016)  
226, Extraordinary (15 December 2015)

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**MOTION:**

RESOLVED on the motion of Councillor Ford.

*Refer to RESOLUTION*

**143 RESOLUTION:**

RESOLVED on the motion of Councillor Ford.

That the Mayoral Minute regarding the recent advice from the Minister for Local Government, the Hon. Paul Toole, MP, that he had decided not to proceed with the proposed merger of Hawkesbury City Council and part of The Hills Shire Council, be received and noted and that a request be made to the Local State Member The Hon. Dominic Perrottet for Council to have access to the \$10M that was available to merged councils.

**MM2 Possibility of Dividing the Hawkesbury Local Government Area into Wards - (79351, 79353, 120428)**

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**MOTION:**

RESOLVED on the motion of Councillor Ford.

*Refer to RESOLUTION*

**144 RESOLUTION:**

RESOLVED on the motion of Councillor Ford.

That a report be provided to the next Council Meeting on the practicality of holding a constitutional referendum at the Hawkesbury City Council Election on 10 September 2016 to determine the question of whether the Hawkesbury Local Government Area should be divided into wards.

**ORDINARY MEETING**

**Minutes: 31 May 2016**

**SECTION 3 - Reports for Determination**

**PLANNING DECISIONS**

**Item: 90** CP - DA0284/15 - 421 Tennyson Road, Tennyson - Lot 21 DP 867467 - Construction and alterations to a shed, alterations to the car park and the operation of a poultry processing facility and hatchery - (95498, 27305, 132573)

**Previous Item:** 56, Ordinary (12 April 2016)

Mr David Helmore and Ms Emma Hurst addressed Council, speaking against the recommendation.

Mr Gregory Jones addressed Council, speaking for the recommendation.

**MOTION:**

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

***Refer to RESOLUTION***

**145 RESOLUTION:**

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

That:

- A. 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. DA0284/15 for the construction of a shed, alterations and additions to a shed, alterations to the car park and the operation of a poultry processing facility and hatchery at Lot 21 DP 867467, known as 421 Tennyson Road, Tennyson, 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. 45214 Sheet 1	RE and PA Collis Design	16 December 2014
Drawing No. 45214 Sheet 2	RE and PA Collis Design	16 December 2014
Drawing No. 45214 Sheet 3	RE and PA Collis Design	16 December 2014
Drawing No. 45214 Sheet 4	RE and PA Collis Design	16 December 2014
Drawing No. 45214 Sheet 5	RE and PA Collis Design	16 December 2014
Noise Impact Assessment Report (Reference No. 13858R2 Rev '1')	Rodney Stevens Acoustics	15 October 2015
Odour Assessment (Reference No. 5644/S24176/16)	Stephenson Environmental Management Australia	10 March 2016
Proposed Onsite Wastewater Treatment and Irrigation Management Plan (Reference No. 2580 Issue '2')	Aquadynamic Consultancy Services	31 March 2015

except as modified by the conditions of this consent.

## ORDINARY MEETING

Minutes: 31 May 2016

2. The processing capacity of the poultry processing facility shall be limited to no more than 3,000kg of live weight per day, 15,000kg of live weight per calendar week and 750 tonnes of live weight per calendar year.
3. No excavation, site works or building works shall be commenced prior to the issue of a Construction Certificate.
4. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
5. The development shall comply with the provisions of the Building Code of Australia (BCA)/National Construction Code.
6. The development shall comply with the Disability (Access to Premises – Buildings) Standards 2010.
7. The accredited certifier shall provide copies of all Part 4A Certificates issued under the Environmental Planning and Assessment Act 1979 relevant to this development to Hawkesbury City Council within seven days of issuing the certificate. A registration fee applies.
8. This development falls within the Sewerage Scheme controlled by Hawkesbury City Council. Therefore Hawkesbury City Council is the approving authority for all sewer works.

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

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

9. 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.
10. A contamination report shall be prepared to demonstrate that the land is suitable for the proposed livestock processing industry and intensive livestock agriculture uses. This report must be prepared by a suitably qualified person and be submitted to the Principal Certifying Authority prior to the release of the Construction Certificate.
11. All earthworks on the site must comply with the following:
  - a) topsoil shall only be stripped from approved areas and shall be stockpiled for re-use during site rehabilitation and landscaping
  - b) all disturbed areas are to be stabilised/revegetated, using a minimum 300mm surface layer of topsoil, as soon as practicable after the completion of the filling works
  - c) where batters exceed a ratio of three horizontal to one vertical, retaining walls, stone flagging or terracing shall be constructed
  - d) all fill within the site shall be placed in layers not exceeding 300mm thickness and compacted to achieve a minimum dry density ratio of 95% when tested in accordance with Australian Standard AS1289 'Methods of testing soils for engineering purposes' unless otherwise specified
  - e) filling shall comprise only uncontaminated Virgin Excavated Natural Material (VENM). Contamination certificates for all source material shall be provided to the Principal Certifying Authority prior to placing any fill on site.

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

## ORDINARY MEETING

Minutes: 31 May 2016

12. Any retaining walls having a height exceeding 600mm are required to be designed by a practicing structural engineer. The design must be submitted to the Principal Certifying Authority prior to issue of the Design Compliance Certificate.
13. The onsite waste water treatment plant shall be designed and constructed in accordance with the Proposed Onsite Wastewater Treatment and Irrigation Management Plan (Reference No. 2580 Issue '2') prepared by Aquadynamic Consultancy Services and dated 31 March 2015.

The waste water treatment plant and irrigation areas shall not be located within 100m of Howes Creek.

Details are to be provided in the plans and specifications for the Design Compliance Certificate.

14. The existing internal access road shall be upgraded to a 4m wide all-weather surface from the car park to the waste water treatment plant (anaerobic, aerobic, maturation and holding ponds). Details are to be provided in the plans and specifications for the Design Compliance Certificate.
15. Prior to the issue of the Design Compliance Certificate, the applicant must submit and obtain approval from the Certifying Authority for an Erosion and Sediment Control Plan (ESCP). The ESCP must be designed in accordance with Landcom's publication 'Managing Urban Stormwater – Soils and Construction (2004)' and show the location of site boundaries, adjoining roads, approximate grades, vegetation, site access, impervious areas, existing and proposed site drainage.

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

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

16. Pursuant to Section 80A(1) of the Environmental Planning and Assessment Act 1979 and Hawkesbury City Council's Section 94A Development Contributions Plan 2015 (as amended from time to time), a contribution of \$4,000 shall be paid to Hawkesbury City Council. This contribution is based on the supplied value-of-works of \$400,000.

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

The contribution is to be paid prior to the issue of the Construction Certificate and copies of receipts(s) confirming that the contribution has been fully paid are to be provided to the Principal Certifying Authority.

17. 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.
18. Hawkesbury City Council is the sewer authority for this development. As this development involves works in connection to onsite wastewater systems, a payment of the prescribed inspection fee for both internal and external sewer drainage work is required to be made prior to the issue of a Construction Certificate.
19. A Sewer Management Facility System application shall be submitted to Hawkesbury City Council. Evidence of the lodgement (or approval) of the application must be submitted to the Principal Certifying Authority (PCA) prior to the issue of a Construction Certificate.

## ORDINARY MEETING

Minutes: 31 May 2016

20. A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Principal Certifying Authority prior to the release of the Construction Certificate.
21. The development shall be constructed in accordance with the recommendations of the Noise Impact Assessment Report (Reference No. 13858R2 Rev '1') prepared by Rodney Stevens Acoustics and dated 15 October 2015, including:
- the wall construction in the freezer, refrigeration plant and cool room areas must consist of:
    - Colorbond steel outer layer on steel frame with glasswool infill with a density of no less than 12kg/m<sup>2</sup>
    - 13mm fibre cement sheeting as internal lining
    - No less than 75mm thick Metecno coolroom panels (or equivalent)
  - walls are to be acoustically treated and constructed in accordance with Appendix D of the Noise Impact Assessment Report
  - noise sources which are continuous (always on) shall be placed away from external doorways (which could allow sound to escape).

Details are to be provided in the plans and specifications for the Construction Certificate.

22. The poultry processing facility shall be designed and constructed in accordance with the Proposed Onsite Wastewater Treatment and Irrigation Management Plan (Reference No. 2580 Issue '2') prepared by Aquadynamic Consultancy Services and dated 31 March 2015.

The poultry processing facility shall be bunded in accordance with the recommendations of the Onsite Wastewater Treatment and Irrigation Management Plan.

Details are to be provided in the plans and specifications for the Construction Certificate.

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

23. 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.
24. 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.
25. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road:
- 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.

26. 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.
27. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.
28. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For quick Check agent details, please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au), see Building Developing and Plumbing then Quick Check or telephone 13 20 92.

## ORDINARY MEETING

Minutes: 31 May 2016

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

### ***During Construction***

30. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am and 6pm and on Saturdays between 8am and 4pm.
31. The site shall be secured to prevent unauthorised access and the depositing of unauthorised material.
32. Dust control measures (e.g. vegetative cover, mulches, irrigation, barriers and stone) shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
33. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
34. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
- a) stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site
  - b) building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site
  - c) builders waste must not be burnt or buried on site
  - d) all waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
35. Filling shall comprise of 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 the placing of any fill on site.
36. At all times during demolition, a competent person shall directly supervise work. It is the responsibility of the person to ensure that:
- a) all work shall be carried out in accordance with AS2601
  - b) adjoining owners are given 24 hours' notice, in writing, prior to commencing demolition
  - c) the site shall be secured at all times against the unauthorised entry of persons or vehicles
  - d) utility services within the structure not required to be maintained during the demolition work shall be properly disconnected and sealed before any demolition commences
  - e) safe access and egress from adjoining buildings is to be maintained at all times for the duration of the demolition work
  - f) precautions are taken to ensure that the stability of all parts of the structure and the safety of persons on and outside the site are maintained, particularly in the event of sudden and severe weather changes
  - g) the structure and all components shall be maintained in a stable and safe condition at all stages of the demolition work
  - h) demolition activity shall not cause damage to or adversely affect the structural integrity of adjoining buildings
  - i) removal of dangerous or hazardous materials shall be carried out in accordance with the provisions of all applicable State legislation and with any relevant recommendations published by the National Occupational Health and Safety Commission (Worksafe Australia)
  - j) unless otherwise permitted by Council, the structure is to be demolished in reverse order of construction, being progressive and having regard to the type of construction, to enable the maximum separation and recycling of demolished materials to take place
  - k) no material is to be burnt on site.

## ORDINARY MEETING

Minutes: 31 May 2016

37. The footings shall be pierced or shall penetrate through any fill or unstable foundation material to bear upon a structurally adequate foundation material of a uniform load-bearing value.
38. The floor of the internal WC shall be graded and drained to an approved floor waste.
39. The facilities must be constructed to comply with Australian Standard AS 4465:2005 'Construction of Premises and Hygienic Production of Poultry Meat for Human Consumption.
40. 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.
41. The car park shall be linemarked and signposted in accordance with AS2890.1 and AS2890.2. Disabled parking shall be provided in accordance with AS2890.6:2009.
42. Inspections and Compliance Certificates for sanitary drainage works can be conducted and issued by Hawkesbury City Council. Inspections must be conducted on the exposed pipes prior to covering.

In the case of internal and external drainage, the inspection must be conducted by Hawkesbury City Council's Building and Development Branch. Please phone (02) 4560-4565 to arrange inspections.

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

43. 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.
44. The earthworks and waste water treatment plant must be completed in accordance with the approved Design Compliance Certificate plans and to the satisfaction of the certifying authority.

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

45. A detailed Plan of Management shall be prepared for the poultry processing facility and hatchery and provided to Council for approval prior to the release of the Occupation Certificate. This plan shall be prepared in accordance with the requirements of the Department of Primary Industries and best practice guidelines such as:
  - Department of Primary Industries' 'Best Practice Management for Meat Chicken Production in NSW (Manual 2 – Meat Chicken Growing Management)
  - Animal Health Australia's 'Farm Biosecurity Manual for the Duck Meat Industry'
  - CSIRO's 'Model Code of Practice for the Welfare of Animals (Domestic Poultry, 4th Edition)'
  - Rural Industries Research and Development Corporation's 'National Environmental Management System for the Meat Chicken Industry (2003)'
  - Department of Primary Industries' 'Odour Management Options for Meat Chicken Farms (2004)'.

The plan shall address, but not limited to, the following:

- poultry numbers and densities
- processing capacities
- the management of noise, odour and dust
- deliveries, collection and transportation
- shed and equipment maintenance
- animal welfare and treatment
- farm hygiene and biosecurity
- waste management
- sampling, monitoring and reporting of the waste water treatment plant (anaerobic, aerobic, maturation and holding ponds and irrigation areas) against the relevant environmental criteria

## ORDINARY MEETING

Minutes: 31 May 2016

- contingency plans for the failure of the waste water treatment system or periods of high rainfall
- pest management
- chemical management
- environmental monitoring
- complaints handling.

The plan must specify that the processing capacity of the poultry processing facility shall be limited to no more than 3,000kg of live weight per day, 15,000kg of live weight per calendar week and 750 tonnes of live weight per calendar year.

46. A written clearance from Hawkesbury City Council (as the local sewer authority) that the development is suitably connected to the onsite waste water management systems, is required to be submitted to the Principal Certifying Authority prior to the issue of an Interim or Final Occupation Certificate.
47. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
48. Written clearance from the relevant electricity supply authority shall be submitted to the Principal Certifying Authority.

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

49. Operating hours for the poultry processing facility (livestock processing industry) and hatchery (intensive livestock industry) shall be limited to the following:

Monday to Saturday: 7am to 5pm  
Sunday: Closed

The slaughter and processing of poultry shall be restricted to the hours of 9:00am to 5:00pm Monday to Saturday. Caretaker supervision for the Hatchery is permitted on a 24 hour basis.

50. The processing capacity of the poultry processing facility shall be limited to no more than 3,000kg of live weight per day, 15,000kg of live weight per calendar week and 750 tonnes of live weight per calendar year.
51. The operation of the poultry processing facility and hatchery shall be undertaken in accordance with the approved Plan of Management (as required by Condition 46 of this consent) and the requirements of the Department of Primary Industries.
52. Evidence of processing capacities for the poultry processing facility and sampling, monitoring and reporting results for the waste water treatment plant (anaerobic, aerobic, maturation and holding ponds and irrigation areas) shall be provided to Council on a six monthly basis or at the written request of Council.
53. The business must operate in accordance with the requirements of the Food Regulation 2004 under the NSW Food Act 2003 and be licensed with the NSW Food Authority.
54. The development shall operate in accordance with the recommendations of the Noise Impact Assessment Report (Reference No. 13858R2 Rev '1') prepared by Rodney Stevens Acoustics and dated 15 October 2015, including:
  - all external doors are to be fully closed during the evening and night time periods while mechanical plant and equipment are in operation
  - noise sources which are continuous (always on) shall be placed away from external doorways (which could allow sound to escape).



## ORDINARY MEETING

Minutes: 31 May 2016

55. 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 5 dB(A) (LAeq) above background noise levels at any property boundary in the day and evening (as defined by the NSW EPA Industrial Noise Policy).
56. 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.
57. The unloading, handling and processing of live ducks for slaughter shall be undertaken wholly within the poultry processing facility building. These operations shall not be undertaken externally of the building.
58. All deliveries, loading and unloading shall be undertaken within the approved operating hours and only within the areas approved for such operations.
59. All vehicles must be loaded and unloaded entirely within the property. Vehicles shall be driven in a forward direction at all times when entering and leaving the premises.
60. The poultry processing facility shall operate in accordance with the recommendations of the Odour Assessment (Reference No. 5644/S24176/16) prepared by Stephenson Environmental Management Australia and dated 10 March 2016 and the Proposed Onsite Wastewater Treatment and Irrigation Management Plan (Reference No. 2580 Issue '2') prepared by Aquadynamic Consultancy Services and dated 31 March 2015, including:
  - the holding area/loading dock and any other areas used in the handling of live ducks shall be cleaned of faeces and other waste immediately after the processing of each batch of ducks
  - waste material, such as blood, guts and feathers, is to be collected and disposed off-site immediately after the processing of poultry. No waste is to be stored overnight
  - waste gut material is to be stored on ice prior to collection to reduce odour emissions.
61. Odour mitigation measures are to be utilised to minimise the potential generation of odour from leaving the confines of the poultry processing facility and hatchery.
62. Dust mitigation measures are to be utilised to minimise the potential generation of dust, including the generation of feathers from leaving the confines of the poultry processing facility.
63. Any dead animals shall be regularly removed from the facilities in accordance with Section 3.3 of the Department of Primary Industries 'Best Practice Management for Meat Chicken Production in NSW (Manual 2 – Meat Chicken Growing Management)' to prevent odour nuisance and the spread of disease.
64. All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
65. The processing of poultry shall cease in the event that the waste water treatment system fails.
66. In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activities where material harm to the environment is caused or threatened.
67. The storage and handling of liquids associated with the onsite activities is to be carried out in accordance with the requirements of:
  - NSW WorkCover
  - Office of Environment and Heritage's 'Storing and Handling of Liquids: Environmental Protection Participant's Manual (2007)'.

## ORDINARY MEETING

Minutes: 31 May 2016

68. All chemicals, liquids, waste materials associated with the use of the site are to be stored within buildings, away from stormwater drains in appropriately covered and bunded areas.
69. An ongoing trapping and baiting regime for the control of rats and other pests is to be implemented and maintained.
70. Any lighting from the development is to be directed away from surrounding properties, at an angle of 45 degrees towards the ground and shielded if needed, to prevent any light spillage and nuisance onto adjoining properties.

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

### **Advisory Notes**

- \*\*\* This consent operates from the consent date shown on the top of this notice and will lapse unless the development is commenced within five years from the date endorsed on this consent.
- \*\*\* Private Accredited Certifiers do not have any authority to issue Engineering Approvals or carry out inspections for works on Public Roads under the Roads Act 1993.
- \*\*\* The sewage management facility must be operated in accordance with the relevant operating specifications and procedures for the component facilities, and so as to allow disposal of treated sewage in an environmentally safe and sanitary manner (Local Government [General] Regulation 2005).
- \*\*\* The installed system will be the subject of an approval to operate a system of sewage management in accordance with the provisions of Subdivision 6 and 7 of Division 4 of Part 2 of the Local Government (General) Regulation 2005 and for this purpose will be subject to inspection at annual frequency by Council's Environmental Health Officer or at such other frequency as may be determined according to the future operation or risk of the system. Please contact Council's Customer Service Staff to make an appointment so that Council officers may conduct your inspection.
- \*\*\* The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.
- \*\*\* Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.
- \*\*\* The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this development. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.
- \*\*\* The applicant is advised to consult with the relevant:
  - a) water supplier
  - b) sewer provide
  - c) electricity provider
  - d) telecommunications carrier

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

- B. The sewer management facility application be reported to Council for determination.

**ORDINARY MEETING**

**Minutes: 31 May 2016**

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

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

Councillor Lyons-Buckett was absent from the meeting.

**ORDINARY MEETING**

**Minutes: 31 May 2016**

**Item: 91**                    **CP - DA0469/15 - 271 Pitt Town Bottoms Road, Pitt Town Bottoms - Lot 7 DP1079633 - Dwelling House - Demolition of existing dwelling and construction of Dwelling House with Attached Garage and Boat Shed - (95498, 88858, 9161)**

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**MOTION:**

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

***Refer to RESOLUTION***

**146 RESOLUTION:**

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

That:

- A. A report proposing the issues for consideration of a review of the Development of Flood Liable Land Policy be made to Council in the second half of 2016. This report is not to weaken the provisions of that Policy but is to consider where the Policy could provide better clarity on the application of the provisions with that Policy.
- B. 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. DA0469/15 for demolition and construction of a new dwelling on Lot 7 DP 1079633 known as 271 Pitt Town Bottoms Road, Pitt Town Bottoms subject to the following conditions:

***General***

- 1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions or in red on the plans.  
  
Plans are listed as follows:
  - Drawing No 01, 02, 03, 04, 05, and 06
  - Waste Management Plan
  - Statement of Environmental Effects
  - BASIX Certificate number 648116S.
- 2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
- 3. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
- 4. The development shall comply with the provisions of the Building Code of Australia.
- 5. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within seven days of issuing the certificate. A registration fee applies.
- 6. The commitments listed in the BASIX certificate for this development must be fulfilled.

## ORDINARY MEETING

Minutes: 31 May 2016

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

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

7. Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979 and Hawkesbury City Council's Section 94A Development Contributions Plan 2006 (as amended from time to time), a contribution of \$8,500.00 shall be paid to Hawkesbury City Council.

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

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

8. A Sewer Management Facility System application shall be submitted to Hawkesbury City Council. For approval. Due to the nature and limitations of the site a detailed wastewater report is required to accompany your application so that the most appropriate on-site sewage management system can be designed for the proposed development
9. The applicant shall submit a report from a suitably qualified Engineer which verifies the following:
  - a) Any damage to the proposed structure sustained in a flood will not generate debris capable of causing damage to downstream buildings or property.
  - b) Any part of the structure at or below the 1 in 100 year flood level will be able to withstand the force of floodwaters (including buoyancy forces) and the impact of debris.
  - c) All finishes, plant fittings and equipment subject to inundation will be of materials and functional capability resistant to the effects of floodwaters.
10. A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Principal Certifying Authority prior to any works commencing on site.
11. A copy of receipt of payment of Long Service levy shall be provided to the Principal Certifying Authority prior to any works commencing on site. Payments can be made at Long Service Corporation offices or most Councils.

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

12. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction. The enclosed warning sign shall be affixed to the sediment fence/erosion control device.
13. Access to the existing pool (both during the course of construction and afterwards), shall be restricted to comply with the Swimming Pools Act and AS 1926.
14. The building shall be set out by a Registered Surveyor. The Survey Certificate of the building showing the position of the external walls under construction and in compliance with the approved plans shall be lodged with the principal certifying authority. Any easements must be shown on the Survey Certificate.
15. A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 shall be supplied to the principal certifying authority prior to commencement of works.

## ORDINARY MEETING

Minutes: 31 May 2016

16. 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.
17. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.
18. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
19. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
  - a) Unauthorised access to the site is prohibited.
  - b) The owner of the site.
  - c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
  - d) The name and contact number of the Principal Certifying Authority.
20. A qualified Structural Engineer shall inspect and certify the adequacy of the existing footings/slab as being capable of supporting the anticipated loads.

### ***During Construction***

21. 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.
22. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
23. The site shall be secured to prevent unauthorised access and the depositing of unauthorised material.
24. All necessary works shall be carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
25. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am–6pm and on Saturdays between 8am–4pm.
26. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
27. 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.
  - a) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
  - b) Builders waste must not be burnt or buried on site.
  - c) All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
28. At all times during demolition, a competent person shall directly supervise work. It is the responsibility of the person to ensure that:
  - a) adjoining owners are given 24 hours' notice, in writing, prior to commencing demolition
  - b) utility services within the structure not required to be maintained during the demolition work shall be properly disconnected and sealed before any demolition commences
  - c) the site shall be secured at all times against the unauthorised entry of persons or vehicles

## ORDINARY MEETING

Minutes: 31 May 2016

- d) safe access and egress from adjoining buildings is to be maintained at all times for the duration of the demolition work
  - e) precautions are taken to ensure that the stability of all parts of the structure and the safety of persons on and outside the site are maintained, particularly in the event of sudden and severe weather changes
  - f) the structure and all components shall be maintained in a stable and safe condition at all stages of the demolition work
  - g) demolition activity shall not cause damage to or adversely affect the structural integrity of adjoining buildings
  - h) removal of dangerous or hazardous materials shall be carried out in accordance with the provisions of all applicable State legislation and with any relevant recommendations published by the National Occupational Health and Safety Commission (Worksafe Australia)
  - i) all work shall be carried out in accordance with AS2601 and the Work Plan submitted with the development application
  - j) unless otherwise permitted by Council, the structure is to be demolished in reverse order of construction, being progressive and having regard to the type of construction, to enable the maximum separation and recycling of demolished materials to take place
  - k) no material is to be burnt on site.
29. The floor of the internal WC shall be graded and drained to an approved floor waste.
30. The dwelling shall be provided with on-site, non-combustible, water storage vessels of minimum 100,000 litres capacity, which incorporates the following:
- A draw off line with a 65mm Storz fitting and metal ball valve which extends to the base of the water tank for Rural Fire Service access.
  - The domestic line shall terminate so as to retain a minimum of 20,000 litres permanently in the tank.
  - All tanks shall have an access hatch, minimum 800mm in diameter, to gain entry directly through the lid.
  - A 3kW (5hp) petrol or diesel powered pump shall be installed and maintained.
  - A 19mm hose capable of reaching the entire perimeter of the dwelling shall be provided and maintained.
- The tank shall, where practical, be positioned no closer than 10 metres and no further than 20 metres from the dwelling. Adequate access to within 6 metres of the water supply for a Category 1 heavy bushfire tanker shall also be provided.
31. Council records indicate that the building site is at a level of approximately 11.49 metres AHD. All materials used in the construction below the level of 17.3 metres AHD shall be capable of withstanding prolonged immersion in water without swelling or deteriorating.
32. Inspections and Compliance Certificates for sanitary drainage works can be conducted and issued by Hawkesbury City Council. Inspections must be conducted on the exposed pipes prior to covering.
- 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.
33. The development shall be treated for termites in accordance with the Building Code of Australia and AS 3660.1 – 2000 by a suitably qualified, licenced person. A Certificate of Compliance is to be provided to the Principal Certifying Authority and a Notice of treatment is to be provided to the metre box.
34. An automatic fire detection and alarm system shall be installed in the building in accordance with the Building Code of Australia for Class 1a structures. Alarms and detectors shall be installed by a licenced electrician and multiple alarms shall be interconnected. A Certificate of Compliance shall be provided to the Principal Certifying Authority prior to the occupation of the development.

## ORDINARY MEETING

Minutes: 31 May 2016

### ***Prior to Issue of Interim or Final Occupation Certificate***

35. The following certificates are to be provided, stating the name of person or company carrying out the installation, type of material and the relevant Australian Standard to which installed:
- a) The type and method of termite treatment (complying with AS 3660) provided to walls and floors, pipe penetrations, jointing of new work to existing and slab perimeters. A copy of the termite treatment and materials used shall also be securely fixed inside the meter box for future reference.
  - b) A Certificate for glazing used in the development:
    - a. Glazing materials installed in the building in accordance with AS1288 and AS2047 - Glass in Buildings - Selection and Installation, e.g. windows, doors, footlights, balustrades and shower screens. (Note: The certificate is required to be signed by the manufacturer and installer).
    - b. Engineering certification must be provided to the Principal Certifying Authority for glass balustrading used in the development. The balustrade must be designed and installed in accordance with AS/NZS 1170.1.
    - c) The type of timber installed indicating both species and durability as required by AS 1684.
    - d) An automatic smoke detection system installed in residential development by a licensed electrician. Smoke alarms must comply with AS 3786 and be connected to the consumer mains power where supplied to the building.
    - e) A statement or other suitable evidence shall be submitted to the Principal Certifying Authority, certifying that all commitments made on the BASIX certificate have been implemented and installed as approved
36. A written clearance from Hawkesbury City Council (as the local sewer authority) that the development is suitably connected to the on-site sewerage management system, is required to be submitted to the Principal Certifying Authority prior to the issue of an interim occupation certificate.
37. A final Survey Certificate of the building, prepared by a Registered Surveyor, showing the floor levels of each floor, to AHD levels, and position of the external walls as constructed shall be lodged with Council. Any easements must be shown on the Survey Certificate.

### ***Advisory Notes***

- \*\*\* This consent operates from the consent date shown on the top of this notice and will lapse unless the development is commenced within five years from this date.
- \*\*\* The sewage management facility must be operated in accordance with the relevant operating specifications and procedures for the component facilities, and so as to allow disposal of treated sewage in an environmentally safe and sanitary manner (Local Government [General] Regulation 2005).
- \*\*\* The installed system will be the subject of an approval to operate a system of sewage management in accordance with the provisions of Subdivision 6 & 7 of Division 4 of Part 2 of the Local Government (General) Regulation 2005 and for this purpose will be subject to inspection at annual frequency by Council's Environmental Health Officer or at such other frequency as may be determined according to the future operation or risk of the system.
- \*\*\* The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.



**ORDINARY MEETING**

**Minutes: 31 May 2016**

\*\*\* 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 (6) 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, Crown or 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.

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

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

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

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 Porter
Councillor Conolly	Councillor Williams
Councillor Creed	
Councillor Ford	
Councillor Mackay	
Councillor Paine	
Councillor Rasmussen	
Councillor Reardon	
Councillor Tree	

Councillor Lyons-Buckett was absent from the meeting.

**ORDINARY MEETING**

**Minutes: 31 May 2016**

**Item: 92 CP - DA0697/15 - 74 Bathurst Street, Pitt Town - Lot 74 DP1115117 - Four lot Torrens title subdivision - (94598, 73916, 89429, 135917, 130488)**

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Mr Glen Falson addressed Council, speaking against the recommendation.

**MOTION:**

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

***Refer to RESOLUTION***

**147 RESOLUTION:**

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

That consideration of the matter be deferred to a future Councillor Briefing Session, with the issues raised by Mr Falson in his presentation being addressed in a further report to Council.

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 Ford
Councillor Conolly	
Councillor Creed	
Councillor Mackay	
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Tree	
Councillor Williams	

Councillor Lyons-Buckett was absent from the meeting.

**ORDINARY MEETING**

**Minutes: 31 May 2016**

**Item: 93**                    **CP - DA0730/15 - 216 Edwards Road, Richmond Lowlands - Lot 1 DP229549 - Rural Worker's Dwelling - Conversion and use of the building as a rural workers dwelling - (94598, 83531, 95411)**

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**MOTION:**

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

***Refer to RESOLUTION***

**148 RESOLUTION:**

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

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. DA0703/15 for ancillary workers' accommodation on Lot 1 in DP 229549, known as 216 Edwards Road, Richmond Lowlands, subject to the following conditions:

Development Description: Animal Boarding and Training Establishment – Conversion and use of the tourist and visitor accommodation portion of the building as workers' accommodation ancillary to the Animal Boarding and Training Establishment.

***General Conditions***

1. The development shall take place in accordance with the following approved plans and documentation:
  - Drawing No. 481/1 'Site Plan' prepared by David Jones Building and Landscape Design and dated September 2015;
  - Drawing No. 481/2 'Floor Plans' prepared by David Jones Building and Landscape Design and dated September 2015;
  - Drawing No. 481/3 'Elevations and Section A-A' prepared by David Jones Building and Landscape Design and dated September 2015;
  - Drawing No. 481/4 'Existing Carport Plan' prepared by David Jones Building and Landscape Design and dated September 2015;
  - BASIX Certificate No. 243854S prepared by David Jones Building and Landscape Design and dated 17 April 2009; and
  - 'Flood Evacuation Plan for Kurri Burri' prepared by Stefani Group and dated January 2010,

except as modified by these further conditions.

Note: The ground floor rooms shall not be used for habitable purposes. As such kitchens or dining rooms must not be installed or remain in this area.

2. No excavation, site works or building works shall be commenced prior to the issue of a Construction Certificate.
3. The first floor workers' accommodation shall not be used or occupied prior to the issue of an Occupation Certificate.
4. The development is to comply with the National Construction Code/Building Code of Australia (BCA).

## ORDINARY MEETING

Minutes: 31 May 2016

5. The accredited certifier shall provide copies of all Part 4A Certificates issued under the Environmental Planning and Assessment Act 1979 relevant to this development to Hawkesbury City Council within seven days of issuing the certificate.

A registration fee applies.

6. Hawkesbury City Council is the sewer authority for this development. Council is the approving authority for all sewer works.

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

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

7. Compliance with Section 109F of the Environmental Planning and Assessment Act 1979 – payment of the long service levy under Section 34 of the Building and Construction Industry Long Service Payments Acts 1986 – is required. All building works in excess of \$25,000 are subject to the payment of a Long Service Levy fee. A copy of the receipt for the payment of the Long Service Levy shall be provided to the Principal Certifying Authority (PCA) prior to the issue of a Construction Certificate.

Payments can be made at Long Service Payments Corporation offices or most Councils.

8. A report from a suitably qualified and experienced fire engineer shall be provided to the Principal Certifying Authority with recommendations for the upgrading work to the existing building to ensure there is adequate provision for fire safety to the occupants of the building.
9. The ground floor kitchen and kitchenettes are to be deleted from the plans for the Construction Certificate and are not to be located on this level. The ground floor rooms are to be used for non-habitable purposes only.
10. The 'Flood Evacuation Plan for Kurri Burri' prepared by Stefani Group and dated January 2010 shall be updated to include reference to the ancillary workers' accommodation building. The amended plans shall be submitted to the Principal Certifying Authority for approval prior to the release of the Construction Certificate.

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

11. 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.
12. 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.
13. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
  - a) Unauthorised access to the site is prohibited.
  - b) The owner of the site.
  - c) The person/company carrying out the site works and telephone number (including 24 hour seven days' emergency numbers).
  - d) The name and contact number of the Principal Certifying Authority.
14. Toilet facilities (to the satisfaction of Council) shall be provided for workers throughout the course of building operations. Such facility shall be located wholly within the property boundary.

## ORDINARY MEETING

Minutes: 31 May 2016

### ***During Construction***

15. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am - 6pm and on Saturdays between 8am - 4pm.
16. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
  - a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
  - b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
  - c) Builders waste must not be burnt or buried onsite.
  - d) All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
17. 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 and as required by Section 109E(3)(d) of the Environmental Planning and Assessment Act 1979.

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

18. An approval to operate the on-site septic system must be obtained from the Environment and Regulatory Services Department of Hawkesbury City Council. The approval to operate is required to be submitted to the Principal Certifying Authority prior to the issue of an Interim or Final Occupation Certificate.
19. Evidence shall be provided that the Flood Evacuation Plan and Early Warning System have been implemented/installed in accordance with the 'Flood Evacuation Plan for Kurri Burri' prepared by Stefani Group and dated January 2010. With respect to the workers accommodation building this shall include:
  - a) Flood warning signs of durable material shall be permanently fixed in prominent locations internally and externally of the workers' accommodation. The signs shall advise occupants that the site may subject to inundation during times of flood.
  - b) The evacuation procedures shall be permanently fixed in a prominent location(s) within the building and maintained at all times.
20. A Final Fire Safety Certificate shall be provided to the Principal Certifying Authority for all new or augmented fire safety measures prior to the issue of an Interim or Final Occupation Certificate.
21. A statement or other suitable evidence shall be submitted to the Principal Certifying Authority certifying that all commitments made on the BASIX Certificate have been implemented and installed as approved.

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

22. The ancillary workers' accommodation shall only be used to accommodate people employed/associated with the animal boarding and training establishment at 216 Edwards Road and 2 Powells Lane.

Should the properties at 216 Edwards Road and 2 Powells Lane cease being used as an animal boarding and training establishment, the use of the subject building to provide accommodation for workers or any other person must also cease and the building is to be rendered uninhabitable.

## ORDINARY MEETING

Minutes: 31 May 2016

23. All fire safety equipment and fixtures shall be regularly serviced and maintained. The owner or their agent shall certify annually that each of the fire safety measures specified in this statement has:
- a) been assessed by a properly qualified person, and
  - b) found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the certificate is issued.

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

### **Advisory Notes**

- \*\*\* This consent operates from the consent date shown on the top of this notice and will lapse unless the development is commenced within five years from this date.
- \*\*\* The sewage management facility must be operated in accordance with the relevant operating specifications and procedures for the component facilities so as to allow disposal of treated sewage in an environmentally safe and sanitary manner (Local Government [General] Regulation 2005).
- \*\*\* The installed system will be the subject of an approval to operate a system of sewage management in accordance with the provisions of Subdivision 6 & 7 of Division 4 of Part 2 of the Local Government (General) Regulation 2005 and for this purpose will be subject to inspection at annual frequency by Council's Environmental Health Officer or at such other frequency as may be determined according to the future operation or risk of the system.
- \*\*\* The owner shall enter into a Service Contract with a suitably qualified service operative for the servicing of the aerated wastewater treatment system (15NR Econocycle) at quarterly intervals, and a copy of the Service Record Sheet shall be forwarded by the owner to Council after each service. Copies of recent service report sheets are required to be submitted to Council also.
- \*\*\* 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.
- \*\*\* 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.
- \*\*\* Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.
- \*\*\* The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this development. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.

**ORDINARY MEETING**

**Minutes:** 31 May 2016

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

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

Councillor Lyons-Buckett was absent from the meeting.

**ORDINARY MEETING**

**Minutes: 31 May 2016**

**Item: 94**                      **CP - DA0830/15 - 67 Kurrajong Road, Kurrajong - Lot 1 DP1185012 - Subdivision of one lot into 52 lots - (94598, 135051)**

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Ms Tracey Hawkins, Mr John Street, Mr Chris Hallam, Ms Jennifer Buckett and Mr Jim Vaughn addressed Council, speaking for the recommendation.

**MOTION:**

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

***Refer to RESOLUTION***

**149 RESOLUTION:**

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

That Council as the consent authority pursuant to Clause 80(1)(b) of the Environmental Planning and Assessment Act 1979 refuse Development Application No. DA0830/15 for Subdivision of one lot into 52 lots at Lot 1 DP 1185012, 67 Kurrajong Road, Kurrajong for the following reasons:

1. The application has been unable to demonstrate that the development is consistent with the matters of consideration and requirements of Section 5A of the Environmental Planning and Assessment Act 1979, Sydney Regional Environmental Plan No. 20 Hawkesbury Nepean River (No 2 - 1997), Hawkesbury Local Environmental Plan 2012 and Hawkesbury Development Control Plan 2002.
  - a) The removal or modification of all native vegetation on site is considered significant and a species impact statement is required to be prepared for all potentially occurring threatened species to determine if approval is required for the development under Section 5A of the Environmental Planning and Assessment Act 1979.
  - b) The proposal does not comply with the overall aims of Sydney Regional Environmental Plan No. 20 Hawkesbury Nepean River, nor has the application satisfactorily addressed the specific planning policies and recommended strategies of Clause 6 and the matters for consideration for development controls contained under Clause 11 subclause (17) of this plan.
  - c) The proposal is contrary to the aims, objectives of the R2 Low density zone and requirements of Hawkesbury Local Environmental Plan 2012. In particular Clause 4.1 Minimum subdivision lot size, Clause 4.1D Exceptions to minimum subdivision lot size for certain land, Clause 5.10 Heritage conservation, Clause 6.4 Terrestrial biodiversity and Clause 6.7 Essential services.
  - d) The proposal is contrary to the aims and requirements of Hawkesbury Development Control Plan 2002. In particular, the rules for subdivision contained in Part C Chapter 7 – Effluent disposal and Part D Chapter 3 – Subdivision.
2. The proposal would have an adverse impact on the flora and fauna communities located on the land and within the surrounding locality.
3. The development application has been unable to demonstrate that the lots would provide appropriate and convenient access to services such as sewer, stormwater, water and commercial areas.
4. The proposal is contrary to the public interest as the subdivision would have an adverse impact on the amenity of the neighbourhood in respect to character, odour, traffic and flora and fauna.
5. Insufficient information has been submitted to consider the impacts the development would have on the surrounding locality with respect to heritage, traffic and native vegetation communities.



**ORDINARY MEETING**

**Minutes: 31 May 2016**

6. Approval of the proposal will create an undesirable precedent for similar inappropriate development in the area.

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

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

Councillor Lyons-Buckett was absent from the meeting.

**ORDINARY MEETING**

**Minutes: 31 May 2016**

tem: 95

**CP - DA0831/15 - 67 Kurrajong Road, Kurrajong - Lot 1 DP1185012 -  
Subdivision of one lot into eight lots - (94598, 135051)**

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**MOTION:**

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

***Refer to RESOLUTION***

**150 RESOLUTION:**

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

That Council as the consent authority pursuant to Clause 80(1) (b) of the Environmental Planning and Assessment Act 1979 refuse Development Application No. DA0831/15 for Subdivision of one lot into eight lots at Lot 1 DP 1185012, 67 Kurrajong Road, Kurrajong for the following reasons:

1. The application has been unable to demonstrate that the development is consistent with the matters of consideration and requirements of Section 5A of the Environmental Planning and Assessment Act 1979, Sydney Regional Environmental Plan No. 20 Hawkesbury Nepean River (No 2 - 1997), Hawkesbury Local Environmental Plan 2012 and Hawkesbury Development Control Plan 2002.
  - a) The removal or modification of all native vegetation on site is considered significant and a species impact statement is required to be prepared for all potentially occurring threatened species to determine if approval is required for the development under Section 5A of the Environmental Planning and Assessment Act 1979.
  - b) The proposal does not comply with the overall aims of Sydney Regional Environmental Plan No. 20 Hawkesbury Nepean River, nor has the application satisfactorily addressed the specific planning policies and recommended strategies of Clause 6.
  - c) The proposal is contrary to the aims, objectives of the R2 Low density zone and requirements of Hawkesbury Local Environmental Plan 2012. In particular Clause 4.1 Minimum subdivision lot size, Clause 4.1D Exceptions to minimum subdivision lot size for certain land and Clause 6.4 Terrestrial biodiversity.
  - d) The proposal is contrary to the aims and requirements of Hawkesbury Development Control Plan 2002. In particular the rules for subdivision contained in Part C Chapter 7 – Effluent disposal and Part D Chapter 3 – Subdivision.
2. The proposal would have an adverse impact on the flora and fauna communities located on the land and within the surrounding locality.
3. The proposal is contrary to the public interest as the subdivision would have an adverse impact on the amenity of the neighbourhood in respect to character and flora and fauna.
4. Insufficient information has been submitted to consider the impacts the development would have on the surrounding locality with respect native vegetation communities.
5. Approval of the proposal will create an undesirable precedent for similar inappropriate development in the area.

**ORDINARY MEETING**

**Minutes: 31 May 2016**

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

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

Councillor Lyons-Buckett was absent from the meeting.

**ORDINARY MEETING**

**Minutes: 31 May 2016**

**Item: 96 CP - Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012 - 452 Greggs Road, Kurrajong - (95498, 124414)**

---

Mr Glen Falson addressed Council, speaking for the recommendation.

**MOTION:**

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

***Refer to RESOLUTION***

**151 RESOLUTION:**

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

That:

1. Council support the planning proposal for Lot E DP 373372, 452 Greggs Road, Kurrajong to allow development of the land for a large lot rural residential development with a minimum lot size of not less than 4,000m<sup>2</sup>.
2. The planning proposal be forwarded to the Department of Planning and Environment for a "Gateway" determination.
3. The Department of Planning and Environment be advised that Council wishes to request a Written Authorisation to Exercise Delegation to make the Plan.
4. The Department of Planning and Environment and the applicant be advised that in addition to all other relevant planning considerations being addressed, final Council support for the proposal will only be provided if Council is satisfied that satisfactory progress has been made towards resolving infrastructure provision for this planning proposal by way of either completion of the Section 94 Developer Contributions Plan or a Voluntary Planning Agreement,.

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 Williams
Councillor Creed	
Councillor Ford	
Councillor Mackay	
Councillor Paine	
Councillor Porter	
Councillor Reardon	
Councillor Tree	

Councillor Lyons-Buckett was absent from the meeting.

**ORDINARY MEETING**

**Minutes: 31 May 2016**

**Item: 97 CP - Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012 - Sydney Polo Club - Various properties Richmond Lowlands and Richmond - (95498, 124414)**

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Ms Kim Schmucl and Ms Rececca Higgins addressed Council, speaking for the recommendation.

Mr Mark Wilson addressed Council, speaking against the recommendation.

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

That:

1. Council support the preparation of an amended planning proposal to permit additional uses of certain land at Cornwells Lane, Edwards Road, Powells Lane, Ridges Lane, and Triangle Lane, Richmond Lowlands and Old Kurrajong Road, Richmond, being Lots 1 and 2 DP 206104, Lot 1 DP 70128, Lot 25 DP 1100252, Lot 25 DP 663770, Lot 27 DP 566434, Lots 1 and 2 DP 1168610, Lot 1 DP 659412, Lot 1 DP 972649, Lot 1 DP 120794, Lots 1 – 3 DP 997087, Lot 1 DP 797310, Lot 1 DP 77207, Lot 1 DP 997086, Lots 4 and 5 DP1120860, Lot A DP 365391, Lots 128 and 129 DP 1151145, and Lots A and B DP 89087; under the provisions of Schedule 1 of the Hawkesbury Local Environmental Plan 2012, for the following purposes are permitted with consent:
  - a) advertisements, advertising structures, eco-tourist facilities, food and drink premises, function centres, kiosks, industrial retail outlets, markets, veterinary hospitals
  - b) recreation facilities (major) and recreation facilities (outdoor) for the purposes of polo and equine related activities and events only
  - c) not more than one light industry for the purposes of a micro-brewery and with the gross floor area of the light industry being not more than 1000m<sup>2</sup>
  - d) medical centre with the gross floor area of any medical centre being not more than 300m<sup>2</sup>
  - e) not more than one shop and with the gross floor area of the shop being not more than 200m<sup>2</sup>
  - f) car parks, sewage reticulation systems, sewerage systems, sewage treatment plants , and water supply systems provided these uses are ancillary to the other permitted uses on the site.
2. The amended planning proposal be forwarded to the Department of Planning and Environment for a "Gateway" determination.

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

That the matter be deferred to a Councillor Briefing Session.

**ORDINARY MEETING**

**Minutes: 31 May 2016**

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

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

Councillor Lyons-Buckett was absent from the meeting.

The Amendment was lost.

**MOTION:**

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

***Refer to RESOLUTION***

**152 RESOLUTION:**

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

That:

1. Council support the preparation of an amended planning proposal to permit additional uses of certain land at Cornwells Lane, Edwards Road, Powells Lane, Ridges Lane, and Triangle Lane, Richmond Lowlands and Old Kurrajong Road, Richmond, being Lots 1 and 2 DP 206104, Lot 1 DP 70128, Lot 25 DP 1100252, Lot 25 DP 663770, Lot 27 DP 566434, Lots 1 and 2 DP 1168610, Lot 1 DP 659412, Lot 1 DP 972649, Lot 1 DP 120794, Lots 1 – 3 DP 997087, Lot 1 DP 797310, Lot 1 DP 77207, Lot 1 DP 997086, Lots 4 and 5 DP 1120860, Lot A DP 365391, Lots 128 and 129 DP 1151145, and Lots A and B DP 89087; under the provisions of Schedule 1 of the Hawkesbury Local Environmental Plan 2012, for the following purposes are permitted with consent:
  - a) advertisements, advertising structures, eco-tourist facilities, food and drink premises, function centres, kiosks, industrial retail outlets, markets, veterinary hospitals
  - b) recreation facilities (major) and recreation facilities (outdoor) for the purposes of polo and equine related activities and events only
  - c) not more than one light industry for the purposes of a micro-brewery and with the gross floor area of the light industry being not more than 1000m<sup>2</sup>
  - d) medical centre with the gross floor area of any medical centre being not more than 300m<sup>2</sup>
  - e) not more than one shop and with the gross floor area of the shop being not more than 200m<sup>2</sup>
  - f) car parks, sewage reticulation systems, sewerage systems, sewage treatment plants , and water supply systems provided these uses are ancillary to the other permitted uses on the site.
2. The amended planning proposal be forwarded to the Department of Planning and Environment for a "Gateway" determination.

**ORDINARY MEETING**

**Minutes: 31 May 2016**

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

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

Councillor Lyons-Buckett was absent from the meeting.

**ORDINARY MEETING**

**Minutes: 31 May 2016**

**GENERAL MANAGER**

**Item: 98**                    **GM - 2016 Hawkesbury Local Business Awards - (79351, 80198)**

**Previous Item:**        77, Ordinary (26 May 2015)  
                              101, Ordinary (24 June 2014)  
                              65, Ordinary (30 April 2013)

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**MOTION:**

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

***Refer to RESOLUTION***

**153 RESOLUTION:**

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

That:

1. Council sponsor the 2016 Local Business Awards to the value of \$5,000 (excluding GST).
2. A Sponsorship Agreement be entered into with Precedent Productions Pty Ltd for the 2016 Local Business Awards.

**Item: 99**                    **GM - Hawkesbury City Council - Local Government Election - (79351)**

---

**MOTION:**

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

***Refer to RESOLUTION***

**154 RESOLUTION:**

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

That the report regarding the Hawkesbury City Council Local Government Election be received and noted.



**ORDINARY MEETING**

**Minutes: 31 May 2016**

**Item: 100**                    **GM - Sister City Program Policy - Student Exchange Donation, Kyotamba 2008 - (73610, 79351, 100474, 83530)**

**Previous Item:**        47, Ordinary (31 March 2015)  
                              86, Ordinary (13 May 2014)  
                              94, Ordinary (28 May 2013)

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Councillor Paine declared a less than significant non-pecuniary conflict of interest in this matter as her grandson is going on exchange to Temple City and no further action is required.

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**MOTION:**

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

***Refer to RESOLUTION***

**155 RESOLUTION:**

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

That:

1. Under the provisions of Section 356 of the Local Government Act, 1993, and in accordance with Council's Sister City Program Policy, Council donate \$500 to each of the following students participating in the 2016 student exchange program visit to Kyotamba and Temple City being:
  - a) Ms C. Bennett
  - b) Ms O. Richards
  - c) Mr C. Collier
  - d) Ms C. Kelly
  - e) Ms H. Binskin
  - f) Ms B. Harris
  - g) Ms M. Barbeitos
  - h) Ms T. Foster
  - i) Ms S. Turner
  - j) Mr D. Ryan
  - k) Ms L. Holman
  
2. The Hawkesbury Sister City Association be requested to address issues surrounding the 2011 disasters in Japan, with parents and guardians of students travelling to Kyotamba, utilising Federal Government travel advice.

**ORDINARY MEETING**

**Minutes: 31 May 2016**

**INFRASTRUCTURE SERVICES**

**Item: 101**                    **IS - Extension of Approval for Markets at Governor Phillip Reserve and Richmond Park - (95495, 79354, 127235, 129069, 75504)**

**Previous Item:**        68, Ordinary (11 March 2014)  
                              282, Ordinary (27 August 2013)

---

**MOTION:**

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

***Refer to RESOLUTION***

**156 RESOLUTION:**

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

That:

1. Richmond Fresh Food be given approval to hold a weekly growers market on Saturdays at Richmond Park within the area identified in the plan attached as Attachment 1 to this report for a period up to 30 June 2017.
2. AMA Event Management, trading as Eclectic Markets and Events, be given approval to hold a monthly market at Governor Phillip Park within the area identified in the plan as attached as Attachment 2 to this report, for a period up to 30 June 2017.
3. Rotary Club of Richmond be given approval to hold a monthly market at McQuade Park for a period up to 30 June 2017.
4. The General Manager be given authority to negotiate additional markets, if required by each applicant.
5. The approvals be subject to the following:
  - a) Council's general park conditions.
  - b) Council's fees and charges.
  - c) The Richmond Park and Windsor Foreshore Plans of Management.
  - d) Satisfactory management of conflict with other users.
  - e) Council reserve the right to suspend the use where conflicts of use arise.
6. The Richmond Fresh Food Markets and AMA Event Management, trading as Eclectic Markets and Events be charged \$600 per market at Richmond Park and Governor Phillip Park respectively in 2016/2017.

**ORDINARY MEETING**

**Minutes: 31 May 2016**

**SUPPORT SERVICES**

**Item: 102                    SS - Monthly Investments Report - April 2016 - (95496, 96332)**

---

**MOTION:**

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

***Refer to RESOLUTION***

**157 RESOLUTION:**

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

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

**Item: 103                    SS - Local Government NSW - Request for Contribution to Legal Costs -  
Bathurst Regional Council - (95496, 112608, 81376)**

---

**MOTION:**

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

***Refer to RESOLUTION***

**158 RESOLUTION:**

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

That Council contribute the amount of \$1,119.37, as outlined in the correspondence dated 6 May 2016 from Local Government NSW, towards legal costs incurred by Bathurst Regional Council, in a matter before the NSW Court of Appeal regarding the ability of councils to enter into contracts that include fees for services.

**ORDINARY MEETING**

**Minutes: 31 May 2016**

**Item: 104**                    **SS - March 2016 Quarterly Budget Review Statement - (95496, 96332)**

**Previous Item:**        83, Extraordinary (23 June 2015)

---

**MOTION:**

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

*Refer to RESOLUTION*

**159 RESOLUTION:**

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

That:

1. The information contained in the report be received.
2. The Quarterly Budget Review Statement – March 2016 be adopted.

**Item: 105**                    **SS - Pecuniary Interest Returns - Designated Persons - (96596, 96333)**

---

**MOTION:**

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

*Refer to RESOLUTION*

**160 RESOLUTION:**

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

That the information be received and noted.

**ORDINARY MEETING**

**Minutes: 31 May 2016**

**Item: 106**                    **SS - Review of Council's Investment Policy and Appointment of Investment Advisor - (95496, 96332)**

**Previous Item:**        94, Ordinary (30 June 2015)

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**MOTION:**

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

*Refer to RESOLUTION*

**161 RESOLUTION:**

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

That Council:

1. Adopt the Investment Policy attached as Attachment 1 to the report.
2. Appoint Spectra Financial Services Pty Ltd. as its Independent Investment Advisor for the financial year ending 30 June 2017.

**ORDINARY MEETING**

**Minutes: 31 May 2016**

**SECTION 4 - Reports of Committees**

**ROC                                      Hawkesbury Civic and Citizenship Committee - 6 April 2016 - (79351, 96972)**

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**MOTION:**

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

***Refer to RESOLUTION***

**162 RESOLUTION:**

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

That the minutes of the Hawkesbury Civic and Citizenship Committee held on 6 April 2016 as recorded on pages 249 to 252 of the Ordinary Business Paper be received with amendments to show that Elizabeth Hitches was present at the meeting.

**ROC                                      Floodplain Risk Management Advisory Committee - 14 April 2016 - (95498, 86589)**

---

**MOTION:**

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

***Refer to RESOLUTION***

**163 RESOLUTION:**

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

That the minutes of the Floodplain Risk Management Committee held on 14 April 2016 as recorded on pages 253 to 256 of the Ordinary Business Paper be received.

**ORDINARY MEETING**

**Minutes: 31 May 2016**

**ROC Sustainability Advisory Committee - 18 April 2016 - (126363)**

---

**MOTION:**

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

*Refer to RESOLUTION*

**164 RESOLUTION:**

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

That the minutes of the Sustainability Advisory Committee held on 18 April 2016 as recorded on pages 257 to 260 of the Ordinary Business Paper be received.

**ROC Local Traffic Committee - 9 May 2016 - (80245)**

---

**165 RESOLUTION:**

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

That the minutes of the Local Traffic Committee held on 9 May 2016 as recorded on pages 261 to 292 of the Ordinary Business Paper be adopted.

**ORDINARY MEETING**

**Minutes: 31 May 2016**

**SECTION 5 - Notices of Motion**

**NM1 Permissibility of Detached Dual Occupancy - (79351, 105109, 90477)**

---

**MOTION:**

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

*Refer to RESOLUTION*

**166 RESOLUTION:**

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

That:

1. The Acting General Manager expedite a request for a review of the Gateway Determination for the "*Hawkesbury Local Environmental Plan 2012 General Amendments*" planning proposal (Department Ref: PP\_2015\_HAWKE\_007-00 (15/12048) and Council Ref: LEP003/15) in relation to the Council resolution of the Ordinary Meeting, 9 December 2014 and include in that request all the relevant information to the NSW Department of Planning and Environment on detached dual occupancy in rural zones within the Hawkesbury LGA. This will include:
  - a) the report and resolution of 9 December 2014
  - b) the letter dated 21 August 2015 from Ms Maree Abood on behalf of the Chairman of Hawkesbury Nepean Floodplain Taskforce
  - c) the letter dated 19 February 2016 from the Department of Planning and Environment to Hawkesbury City Council.
2. Should the review required by point 1 above not be determined by 31 July 2016, a planning proposal be prepared as resolved by Council on 9 December 2014, amending the Hawkesbury Local Environmental Plan 2012 to permit Detached Dual Occupancy and Secondary Dwellings in all rural zones and E3 and E4 Environmental Zones and it be forwarded to the Department of Planning and Environment to obtain a Gateway Determination.
3. Council staff pursue the action required by point 2 above as a priority planning proposal and be completed and forwarded to the Department of Planning and Environment no later than Monday, 22 August 2016.



**ORDINARY MEETING**

**Minutes: 31 May 2016**

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

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

Councillor Lyons-Buckett was absent from the meeting.

**NM2 Council Merger Proposal Acknowledgements - (79351, 105109, 80105)**

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**MOTION:**

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

*Refer to RESOLUTION*

**167 RESOLUTION:**

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

That Council:

1. Acknowledge the hard work and excellent submission by Council staff to the Delegate of the Boundaries Commission against forced amalgamation. The submission was well received and portrayed Council in the very best light.
2. Also acknowledges and thanks the many community members and groups who spoke out against amalgamation in such a unified and dignified manner. Submissions were well researched, covered a very wide range of community views and showed just how passionate our community is. They did us proud.

**ORDINARY MEETING**

**Minutes: 31 May 2016**

**QUESTIONS FOR NEXT MEETING**

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

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

**ORDINARY MEETING****Minutes: 31 May 2016****Questions for Next Meeting**

#	Councillor	Question	Response
1	Paine	Requested an update on the development of a caravan park in Glossodia.	Director City Planning
2	Mackay	Requested that the RMS be contacted to review the sign markings at the George Street/Richmond Road, Windsor round-about, to reduce confusion.	Director Infrastructure Services
3	Paine	Requested an update on the works timetable and expected completion date for road works at the Bells Line of Road and The Terrace, North Richmond intersection and at the Bosworth Street and March Street, Richmond intersection and enquired if it is correct that the project requires \$20M to complete, but will fall short by \$10M and asked if the RMS will bridge the funding shortfall.	Director Infrastructure Services
4	Reardon	Enquired if maintenance issues that arose with the recent Boer War Service at the Windsor War Memorial area could be addressed, to avoid conflict with future memorial services.	Director Infrastructure Services
5	Reardon	Requested a barbeque structure be installed at Streeton Lookout, Freemans Reach.	Director Infrastructure Services
6	Creed	Requested that the traffic staff review the intersection at Cameron Street and Londonderry Road, to provide a report to the Local Traffic Committee, with a view to improve traffic safety.	Director Infrastructure Services

**ORDINARY MEETING**

**Minutes: 31 May 2016**

**CONFIDENTIAL REPORTS**

**168 RESOLUTION:**

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

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:

**MM3 Position of General Manager - (79351, 79353, 120428)**

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

**Item: 107 IS - Land Acquisition - Road Relocation - Parts 629, 669, 713 and 783 Upper Macdonald Road, St Albans - (95495, 75183, 125802, 27078, 27079)**

*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: 108 IS - Tender No. 00971 - Construction of West Portland Road Bridge, Lower Portland - (95495, 79344)**

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act, 1993 as it relates to details concerning tenders for the supply of goods and/or services to Council and 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: 109 IS - Tender No. 00974 - Collection, Transportation and Disposal of Biosolids from South Windsor and McGraths Hill Sewage Treatment Plants - (95495, 112179)**

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act, 1993 as it relates to details concerning tenders for the supply of goods and/or services to Council and 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: 110 IS - Tender No. 00975 - Overhaul of the Lower Portland Ferry - (95495, 79344)**

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

**ORDINARY MEETING**

**Minutes: 31 May 2016**

**Item: 111 IS - Tender No. 00976 - Building Management Systems Upgrade - Various Sites - (95495, 79340)**

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act, 1993 as it relates to details concerning tenders for the supply of goods and/or services to Council and 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: 112 IS - Tender No. 00977 - Additions and Refurbishment to Blaxlands Ridge Rural Fire Service Shed - (95495, 79340)**

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

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

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

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

**169 RESOLUTION:**

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

**ORDINARY MEETING**

**Minutes: 31 May 2016**

**MM3                      Position of General Manager - (79351, 79353, 120428)    CONFIDENTIAL**

**Previous Item:**        73, Extraordinary (19 April 2016)

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**MOTION:**

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

***Refer to RESOLUTION***

**170 RESOLUTION:**

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

That:

1. Council delay the recruitment and appointment of a General Manager of Council until after the Hawkesbury City Council Election is held on Saturday, 10 September 2016.
2. A further Mayoral Minute regarding the recruitment and appointment of a General Manager of Council be submitted to the first Ordinary Meeting of Council following the Council Election on Saturday, 10 September 2016.
3. Council confirm the appointment of Mr Laurie Mifsud as Council's Acting General Manager until a General Manager is appointed by Council.

**ORDINARY MEETING**

**Minutes: 31 May 2016**

**Item: 107**                    **IS - Land Acquisition - Road Relocation - Parts 629, 669, 713 and 783 Upper Macdonald Road, St Albans - (95495, 75183, 125802, 27078, 27079)**  
**CONFIDENTIAL**

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**MOTION:**

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

***Refer to RESOLUTION***

**171 RESOLUTION:**

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

That:

1. The acquisition of an area, in the order of 557m<sup>2</sup> within 783 Upper Macdonald Road, St Albans (Lot 2 in DP 896010) proceed and compensation in the amount detailed in this report be paid to the property owner.
2. The acquisition of an area, in the order of 8,819m<sup>2</sup> within 713 Upper Macdonald Road, St Albans (Lot 40 in DP 753793) proceed and compensation in the amount detailed in this report be paid to the property owners.
3. The acquisition of an area, in the order of 6,155m<sup>2</sup> within 629 and 669 Upper Macdonald Road, St Albans (Lot 2 in DP 1104141 and Lot 1 in DP 154934) proceed.
4. Following completion of the road reserve acquisition Council attend to the road closure and land swap with the property owner of 629 Upper Macdonald Road, St Albans (Lot 2 DP 1104141) as detailed in this report. The closed road is to be transferred to the property owner of 629 Upper Macdonald Road, St Albans (Lot 2 DP 1104141) at no cost. Council is to bear all costs associated in the closure of the former road and transfer same to the said property owner.
5. Council bear all costs associated with the process of acquiring the subject portions of land including, if applicable, the replacement of any fencing by the acquisition.
6. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.
7. Details of the resolution be conveyed to the affected landowners together with the advice that Council is not and will not be bound by the terms of its resolution until such time as appropriate documentation to put such resolution into effect has been agreed to and executed by all parties.

**ORDINARY MEETING**

**Minutes: 31 May 2016**

**Item: 108**                    **IS - Tender No. 00971 - Construction of West Portland Road Bridge, Lower Portland - (95495, 79344) CONFIDENTIAL**

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**MOTION:**

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

***Refer to RESOLUTION***

**172 RESOLUTION:**

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

That:

1. The tender submitted by Delaney Civil Pty Ltd in the lump sum amount of \$1,616,698 (excl. GST) and schedule of rates, for the construction of concrete bridge on West Portland Road, Lower Portland, be accepted.
2. Any required documentation be executed under the Seal of Council.

**Item: 109**                    **IS - Tender No. 00974 - Collection, Transportation and Disposal of Biosolids from South Windsor and McGraths Hill Sewage Treatment Plants - (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 Mackay, seconded by Councillor Reardon.

***Refer to RESOLUTION***

**173 RESOLUTION:**

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

That:

1. The Schedule of Rates tender submitted by Bettergrow Pty Ltd for Tender No. 00974 - Collection, Transportation and Disposal of Biosolids from South Windsor and McGraths Hill Sewage Treatment Plants in the amount of \$240,012.50 per annum (GST exclusive) be accepted.
2. Any required documentation be executed under the Seal of Council.



**ORDINARY MEETING**

**Minutes: 31 May 2016**

**Item: 110**                    **IS - Tender No. 00975 - Overhaul of the Lower Portland Ferry - (95495, 79344)**  
**CONFIDENTIAL**

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**MOTION:**

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

*Refer to RESOLUTION*

**174 RESOLUTION:**

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

That Council adopt the recommendation contained in the report for Tender no. 00975 Overhaul of the Lower Portland Ferry, and that the resolution be made publically available following consideration and acceptance of the tender by The Hills Shire Council.

**Item: 111**                    **IS - Tender No. 00976 - Building Management Systems Upgrade - Various Sites**  
**- (95495, 79340) CONFIDENTIAL**

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**MOTION:**

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

*Refer to RESOLUTION*

**175 RESOLUTION:**

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

That:

1. The tender of Doust Automation Pty Ltd in the amount of \$213,860 (excl GST) for Tender No. 00976 Building Management Systems Upgrade - Various Sites be accepted.
2. Any required documentation be executed under the Seal of Council.

**ORDINARY MEETING**

**Minutes: 31 May 2016**

**Item: 112**                    **IS - Tender No. 00977 - Additions and Refurbishment to Blaxlands Ridge Rural Fire Service Shed - (95495, 79340) CONFIDENTIAL**

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**MOTION:**

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

*Refer to RESOLUTION*

**176 RESOLUTION:**

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

That:

1. The tender of ARCS Building Group Pty Ltd for additions and refurbishment of Blaxlands Ridge Rural Fire Service Shed in the amount of \$105,804.00 (excl GST) be accepted.
2. Any required documentation be executed under the Seal of Council.

The meeting terminated at 10:17pm.

Submitted to and confirmed at the Ordinary meeting held on 28 June 2016.

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Mayor