



Hawkesbury City Council

ordinary  
meeting  
minutes

date of meeting: 30 January 2018  
location: council chambers  
time: 6:30 p.m.

**ORDINARY MEETING**

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## ORDINARY MEETING

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on 30 January 2018, commencing at 6:38pm.

### Welcome

The General Manager addressed the Council meeting, mentioning:

- Acknowledgement of Indigenous Heritage
- Emergency Procedures
- Recording of the Council Meeting
- Statement regarding people addressing the Meeting
- Mobile phones.

### ATTENDANCE

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

**ALSO PRESENT:** General Manager - Peter Conroy, Director City Planning - Matt Owens, Director Infrastructure Services - Jeff Organ, Director Support Services - Laurie Mifsud, Chief Financial Officer – Emma Galea, Executive Manager - Community Partnerships - Joseph Litwin, Manager Corporate Communication - Suzanne Stuart, Manager Corporate Services and Governance - Michael Wearne and Acting Administrative Support Coordinator - Jodie Tillinghast.

### APOLOGIES AND LEAVE OF ABSENCE

No apologies for absence were received from Councillors.

Councillor Tree left the meeting at 11:20pm.

Councillors Conolly left the meeting at 11:58pm.

Councillors Richards left the meeting at 11:58pm.

### DECLARATIONS OF INTEREST

Councillor Calvert declared an interest in Item 022.

Councillor Garrow declared an interest on Item 022.

Councillor Reynolds declared an interest on Items 001 and 008.

### Acknowledgement of Official Visitors to the Council

There were no official visitors to the Council.

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**SECTION 1 - Confirmation of Minutes**

**1 RESOLUTION:**

RESOLVED on the motion of Councillor Zamprogno and seconded by Councillor Reynolds that the Minutes of the Ordinary Meeting held on the 12 December 2017, be confirmed.

**ITEMS BROUGHT FORWARD FOR CONSIDERATION**

**2 RESOLUTION:**

RESOLVED on the motion of Councillor Reynolds, seconded by Councillor Rasmussen that Item 15 - ROC - Floodplain Risk Management Advisory Committee, be brought forward for consideration at this point in the meeting.

Note: Item 15 was considered at this point in the meeting, but for the sake of clarity in the Minutes, the item is listed its original sequence as per the Business Paper.

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**SECTION 2 – Mayoral Minutes**

**Item: 001**                      **MM1 - Archaeological Discoveries - Thompson Square Precinct - (79351, 79353, 125612)**

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Councillor Reynolds declared a significant non-pecuniary conflict of interest in this matter as he lives adjacent to the area under discussion. He left the Chamber and did not take part in voting or discussion on the matter.

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Mr Graham Edds, Mr Harry Terry and Ms Jan Sparkes addressed Council speaking for the recommendation.

Ms Kim Smith addressed Council speaking against the recommendation.

**MOTION:**

RESOLVED on the motions of Councillor Lyons-Buckett.

***Refer to RESOLUTIONS***

**3 RESOLUTION:**

RESOLVED on the motion of Councillor Lyons-Buckett.

That Council write to the NSW Government and RMS, requesting a delay in the tendering process for the bridge replacement until all investigations into the archaeological discoveries within the project area are complete.

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

**4 RESOLUTION:**

RESOLVED on the motion of Councillor Lyons-Buckett.

That Council write to the Premier and the RMS urging all regular practices and procedures be adhered to with regard to archaeological discovery of heritage items and no items to be removed from the site.

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

**5 RESOLUTION:**

RESOLVED on the motion of Councillor Lyons-Buckett.

That Council, following on from Council's earlier letter, advise the Federal Minister for Environment and Energy, Hon. Josh Frydenberg, MP of the discovery of brick barrel drains, as a potential item of National significance.

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**6 RESOLUTION:**

RESOLVED on the motion of Councillor Lyons-Buckett.

That Council invite the Premier of NSW and the Local Member the Hon. Dominic Perrottet, MP to visit the archaeological site and request that Mr Perrottet support the delay and support Hawkesbury City Council in its opposition to Windsor Bridge Replacement Project.

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

**7 RESOLUTION:**

RESOLVED on the motion of Councillor Lyons-Buckett.

That Council express again to the Local Member the Hon. Dominic Perrottet, MP its deep concern over the State Government and RMS proceeding with this project against the recommendations of its own heritage advisers, our grave fears for the wealth of archaeological relics known at the site, and the long lasting detriment such a bridge and the resultant heavy traffic will impose on Windsor's historic Thompson Square and Windsor's tourism potential.

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

**8 RESOLUTION:**

RESOLVED on the motion of Councillor Lyons-Buckett.

That Council request that Lucas Stapleton Johnson and Partners who are compiling the CMP for Council, and the Heritage Advisory Committee, be able to inspect and document the findings on the site, including the barrel drains.

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

**Item: 002                    MM2 - Urban Resilience - (79351, 79353, 125612)**

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Mr Bill Sneddon addressed Council speaking for the recommendation.

**MOTION:**

RESOLVED on the motion of Councillor Lyons-Buckett.

***Refer to RESOLUTION***



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**9 RESOLUTION:**

RESOLVED on the motion of Councillor Lyons-Buckett.

That Council:

1. Hold a workshop in July 2018 to investigate developing a comprehensive Resilience Plan for the city building on the 'Adaptation Action Plan - Planning for Climate Change and Natural Hazards' dated February 2016 and encompassing the impacts of climate change, urban heat islands and natural disasters, on critical infrastructure, communications, health services, the local economy and the natural environment.
2. In the interim period until a plan is in place, Council take the following steps:
  - a) In preparing the upcoming budget, staff develop options and protocols to support and assist vulnerable members of our community to deal with the consequences of extreme weather events, for example:
    - increasing the hours of our pool operations
    - keeping some of our air conditioned venues open for longer periods of time
    - ensuring adequate signage warning of the dangers of swimming in the river are in place at known swimming spots on the river
    - investigate increasing the number of water bubbler/filling stations in public areas
    - investigate the introduction of free transport to allow people access to facilities where they can seek refuge from extreme weather.
  - b) Accelerate efforts to identify and provide an integrated range of permanent support services in a single location for homeless people including medical, food, personal washing, clothes washing, counselling etc. by working in conjunction with existing service providers and other levels of government to deliver this.

**Item: 003**

**MM3 - Special Rate Variation - (79351, 79353, 125612)**

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Mr Michael Want addressed Council speaking for the recommendation.

**MOTION:**

RESOLVED on the motion of Councillor Lyons-Buckett.

***Refer to RESOLUTION***

**10 RESOLUTION:**

RESOLVED on the motion of Councillor Lyons-Buckett.

That Council:

1. Write to the Oakville Progress Association to restate its offer to address the Association about their concerns and issues.
2. Information prepared for posting on Council's Facebook page and website, attached as Attachment 1 and 2 to the report, to provide residents with the facts and issues relevant to Council's application for a special rate increase, be circulated by social media and email.

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3. Reaffirm its commitment to reviewing the rating structure through a series of workshops, the first to be held on 1 February 2018.

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

The Meeting was adjourned at 10:25pm.

The Meeting resumed at 10:35pm.

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**SECTION 3 – Reports for Determination**

**PLANNING DECISIONS**

**Item: 004**                    **CP - DA0603/16 - 507 Pitt Town Bottoms Road, Pitt Town Bottoms - Lot 32 DP 830830 - Dwelling House - Alterations and Additions - (95498, 100090)**

**Directorate:**                City Planning

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**MOTION:**

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

***Refer to RESOLUTION***

**11 RESOLUTION:**

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

That Council defer consideration of the matter to the next Ordinary Council Meeting.

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

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**Item: 005** CP - DA0107/17 - 7 Smith Road, Oakville - Lot 7 DP532334 - Child Care Centre - Construction and Operation of a Child Care Centre - (95498, 140352, 78471, 78472)

**Previous Item:** 143, Ordinary (29 August 2017)

**Directorate:** City Planning

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Mr Elias Saleh addressed Council speaking for the recommendation.

Ms Maree Slaats addressed Council speaking against the recommendation.

**MOTION:**

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

*Refer to RESOLUTION*

**12 RESOLUTION:**

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

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. DA0107/17 for the construction and operation of a child care centre on Lot 7 in DP 532334, known as 7 Smith Road, Oakville, subject to the following conditions as detailed in report to Council, an amendment to condition No. 75 and an additional condition No. 81:

**Conditions**

**General Conditions**

**1. Integrated Development – General Terms of Approval**

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

- a) NSW Rural Fire Service – The General Terms of Approval (Reference No. D17/728 DA17031406417 GB) dated 3 April 2017 are attached and form part of this consent.

**2. Approved Plans and Supporting Documentation**

The development must be carried out generally in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where amended by other conditions of the consent:

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## a) Plans Reference:

Drawing Number/Name	Prepared by	Issue No.	Date
Drawing No. DA101 'Site Plan'	Damour Design	B	December 2017
Drawing No. DA102 'Ground Floor Plan'	Damour Design	B	December 2017
Drawing No. DA103 'Roof Plan'	Damour Design	B	December 2017
Drawing No. DA104 'Elevations and Section Plan'	Damour Design	B	December 2017
Drawing No. DA105 'Colour and Material Schedule'	Damour Design	A	January 2017
Drawing No. 2016.1108DA1-1 'Landscape Plan'	TGS Landscape Architects	A	22 November 2016
Drawing No. 2016.1108DA1-1 'Landscape Plan'	TGS Landscape Architects	A	22 November 2016
Drawing No. 16MB7191/D01 'Site and Roof Drainage Plan'	United Consulting Engineers Pty Ltd	A	14 September 2016

## b) Document Reference:

Document/Reference	Prepared By	Date
'Plan of Management'		15 December 2016
'Acoustical Assessment' Report (Reference No. CC003-01)	Sound Acoustic Consultants	22 September 2016
'Acoustic Statement' Letter (Reference No. CC003/02/A)	Sound Acoustic Consultants	6 December 2017
'Acoustic Statement' Email	Sound Acoustic Consultants	12 January 2018
'Bushfire Protection Assessment' Report (Reference No. B162796)	Australian Bushfire Protection Planner Pty Limited	17 October 2016

No works other than those approved (including raising or lowering of ground levels on the site or the construction of retaining walls on any property boundary) are permitted by this consent.

**3. Design Amendments Required – Demolition of Greenhouse Structure**

The existing greenhouse structure located to the rear of the existing dwelling house shall be demolished as required to provide sufficient area for the onsite disposal of effluent.

Compliance with this requirement is to be demonstrated in any plans and documentation prepared for a Design Compliance Certificate, Construction Certificate or Sewerage Management Facility (SMF) Application.

**Note:** The submission of an Effluent Disposal Report will be required in support of the application to install an onsite sewage management system for the child care centre. This report must demonstrate that the land is suitable for the onsite disposal of the effluent generated by the development. The use of a pump-out system is not permitted.

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### 4. Design Compliance Certificate Required

A Part 4A Design Compliance Certificate must be obtained for this development covering the following:

- a) civil drainage (Issued by Council or a C1 Accredited Certifier);
- b) car park and pavement design (Issued by Council or a C1 Accredited Certifier); and
- c) Smith Road works (Issued by Council only)

Plans showing finished levels, any associated drainage, any structural details, batter grades and finished surfaces must be submitted to the Certifying Authority prior to the issue of a Part 4A Design Compliance Certificate.

Note: Should Council be nominated as the Certifying Authority for the Design Compliance Certificate, the Applicant shall pay a Design Compliance Certificate Fee and a Construction Compliance Certificate Fee in accordance with Council's adopted fees and charges when submitting Civil Engineering Plans for approval.

### 5. Construction Certificate or Design Compliance Certificate Required Prior to Commencement of Works

No approved civil or building works shall commence until:

- a) a Design Compliance Certificate or Construction Certificate as relevant from either Council or an Accredited Certifier has been obtained (a fee is payable for this service);
- b) a Principal Certifying Authority has been appointed; and
- c) a Notice of Commencement has been lodged with Council.

Note: If the Design Compliance Certificate or Construction Certificate is issued by an Accredited Certifier that is not Council it will be necessary to lodge the certificate and other approved documents with Council within two days of such approval (a registration fee is payable upon lodgement).

### 6. Occupation Certificate Required Prior to the Use of the Building

The child care centre and associated structures shall not be occupied or used prior to the issue of an Interim or Final Occupation Certificate by the Principal Certifying Authority. Where an Interim Occupation Certificate has been issued, only that part of the building to which the Certificate applies may be occupied or used.

A copy of the Occupation Certificate shall be submitted to Council within two days of its issue.

### 7. Part 4A Certificates Required

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 Council within seven days of issuing the certificate.

Note: A registration fee applies.

### 8. Prescribed Conditions - Compliance with National Construction Code

All building works must be carried out in accordance with the requirements of the National Construction Code (Building Code of Australia).

### 9. Sewer Authority – Hawkesbury City Council

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

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Note: The submission of an Effluent Disposal Report will be required in support of the application to install an onsite sewage management system for the child care centre. This report must demonstrate that the land is suitable for the onsite disposal of the effluent generated by the development. The use of a pump-out system is not permitted.

### 10. Disposal of Cleared Vegetation

Vegetation waste resulting from the approved clearing of the site shall be salvaged for re-use, either in log form, or as a woodchip mulch for erosion control and/or site rehabilitation. Non-salvageable material such as roots, stumps or declared weed species shall be disposed of in an approved manner.

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

### *Prior to the 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.

### 11. Detailed Drainage Design

A detailed drainage design of the site must be submitted and approved prior to the release of the Design Compliance Certificate. The detailed plan must:

- a) indicate the method of disposal of all stormwater and must include existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines;
- b) be to the satisfaction of the Certifying Authority;
- c) be designed to cater for a 1 in 20 year Average Recurrence Interval (ARI) storm event;
- d) show details of any overflow drainage paths and that they be designed to cater for 1 in 100 year ARI storm event;
- e) comply with Council's Hawkesbury Development Control Plan 2002 - Appendix E – Civil Works Specification - Part I Chapter 8 and Australian Standard AS3500 'Plumbing and Drainage' unless variation is specifically noted and approved in the Development Application concept drainage plan.

### 12. Overland Flow

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

- a) water flowing from the property must not be redirected or concentrated to adjoining properties;
- b) water flowing into the property from adjoining lots shall not be impeded or diverted; and
- c) water flow shall follow the natural flow directions without increasing velocity.

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

### 13. Structural Design of Deep Pits

All pits deeper than 3m must be designed by a certified structural engineer and be in accordance with AS3600:2009. Pits deeper than 1.2m must have step irons and pits deeper than 1.8m are to be reinforced concrete.

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Details to this effect shall be incorporated on the detailed drainage design that is submitted to the Certifying Authority prior to issue of the Design Compliance Certificate.

### 14. Pit Grates

All pits must have flush fitting grates. All pits larger than 600mm by 600mm are to be grated galvanised steel grid hinged and to be heavy duty-type where traffic loading is expected. Details to this effect are to be included on the plans submitted to the Certifying Authority prior to issue of the Design Compliance Certificate.

### 15. Car Parking Design

Car parking spaces shall be provided in accordance with Australian Standards AS2890.1:2004 'Parking facilities: Off-street car parking' and AS2890.6 'Parking facilities: Off-street parking for people with disabilities'. A minimum number of 37 spaces (including one disabled space) shall be provided within the car park.

All car parking areas, manoeuvring areas and the access aisles must be paved, drained and marked. All car parking spaces are to be identified by line-marking and appropriate signposting.

The pavement must be designed by a qualified civil engineer and certified to be satisfactory for the expected traffic loadings. AUSTRROADS 'Guide to Pavement Technology' can be used as the design guideline for the pavement design.

Details demonstrating compliance with the above requirements must be submitted to the Certifying Authority prior to issue of the Design Compliance Certificate.

### 16. Smith Street Road Formalisation and Safety Works

The western side of Smith Road shall be constructed for a length of approximately 90m to have kerb and gutter, laybacks and road widening from the existing kerb and gutter within the vicinity of the roundabout to a location 2m north of the existing driveway for the dwelling house at 7 Smith Road (Lot 7 DP 532334). The road widening is to be constructed to facilitate vehicle parking, turning movements into the site and pedestrian safety. In this respect the road must have a final minimum half road pavement width of 5.8m from the road centreline to the face of kerb. The existing kerb must reach this width and be maintained for the length of works fronting the subject site (Lot 7 DP 532334).

Works must incorporate adequate drainage infrastructure to prevent ponding or impact on adjoining properties.

Road verge regrading and layback construction in front of 1 Smith Road (Lot 11 DP 803218), road line marking, any works to utilities and the relocation of any affected road signs must be undertaken by the developer at no cost to Council.

Plans and details demonstrating compliance with the above requirements must be submitted to and approved by Council prior the issue of a Design Compliance Certificate.

### 17. Earthworks – Cut, Fill and Grading

All earthworks on 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 filling works;



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- c) all fill within the site shall be placed in layers not exceeding 300mm thickness and compacted to achieve a minimum dry density ratio of 98% when tested in accordance with Australian Standard AS1289 'Methods of testing soils for engineering purposes' unless otherwise specified; and
- d) filling shall comprise only uncontaminated Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM). Contamination certificates for all source material shall be provided to the Certifying Authority prior to placing any fill on site.

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

### 18. Retaining Walls - Structural Engineer's Design

Any retaining walls having a height exceeding 600mm proposed in conjunction with the development are required to be designed by a practicing structural engineer. The design must be included on the plans submitted to the Certifying Authority prior to issue of the Design Compliance Certificate.

### 19. Erosion and Sediment Control Plan

Prior to the issue of the Part 4A Design Compliance Certificate, the applicant must submit to and obtain the Certifying Authority approval of an Erosion and Sediment Control Plan (ESCP). The ESCP must show the location of site boundaries, adjoining roads, approximate grades, vegetation, site access, impervious areas, existing and proposed site drainage and a north point.

The ESCP must take into account the requirements of Landcom's publication 'Managing Urban Stormwater – Soils and Construction (2004)'. The plan should show the following:

- a) timing of works;
- b) where applicable the diversion of runoff from upslope lands around the disturbed areas;
- c) location of all soil and other material stockpiles including topsoil storage;
- d) location and type of proposed erosion and sediment control measures;
- e) site rehabilitation proposals; and
- f) frequency and nature of the maintenance program.

### ***Prior to the 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.

### 20. Long Service Levy Payment

The payment of a long service levy as required under Part 5 of the Building and Construction Industry Long Service Payments Act 1986 is required. Evidence that the levy has been paid is to be submitted to the Principal Certifying Authority prior to the issue of any Construction Certificate.

Note: All building works valued at \$25,000 or above are subject to the payment of a Long Service Levy at the rate of 0.35%. Payments can be made at Long Service Payments Corporation offices or most councils.

### 21. Design Compliance Certificate – Required prior to Construction Certificate

A Part 4A Design Compliance Certificate as specified in this consent is to be provided to the Certifying Authority prior to the issue of a Construction Certificate.

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### 22. Access and Facilities for Persons with a Disability

Access and facilities for the child care centre must be designed to satisfy the requirements of the Disability (Access to Premises - Buildings) Standards 2010, Building Code of Australia (BCA) and Australian Standard AS1428.1 'Design for Access and Mobility'. Details demonstrating compliance with this requirement are to be submitted to the Certifying Authority prior to issue of a Construction Certificate.

### 23. Vehicular Crossing

An 'Agreement Form for Driveways' must be submitted to Council prior to the issue of a Construction Certificate. Evidence of the lodgement and payment of fees for this application shall be provided to the Certifying Authority.

The vehicular crossings must:

- a) have a minimum width of 3.5m at the property boundary and 4.5m at the pavement edge;
- b) have a sealed concrete finish; and
- c) the table drain is to be piped.

Note: The Agreement Form for Driveways and the Driveway Specification are available from Council's website:

<http://www.hawkesbury.nsw.gov.au/roads/roads/forms-and-publications>

### 24. Traffic Management Plan

A Traffic Management Plan for construction shall be prepared in accordance with AS1742.3:2002 by an appropriately qualified person and be submitted to Council for approval prior to the release of the Construction Certificate.

### 25. Noise Generating Premises - Acoustic Measures

The recommendations detailed in Section 6 of the 'Acoustical Assessment' Report (Reference No. CC003-01 – Version 1) dated 22 September 2016, the 'Acoustic Statement' Letter (Reference No. CC003/02/A) dated 6 December 2017 and the 'Acoustic Statement' Email dated 12 January 2018, each of which were prepared by Sound Acoustic Consultants, shall be incorporated into the design and construction of the development.

Any required air conditioning units or plant equipment must be located on the northern side of the child care centre whilst any acoustic barriers must be located wholly within the subject property. The raised 2.1m high acoustic barrier along the southern boundary with 1 Smith Road shall be setback 12m from the front boundary.

Where acoustic barriers are to have a height in excess of 1.8m adjoining a neighbouring property, the portion of the barrier in excess of 1.8m shall be cantilevered at a 45° angle and constructed of a transparent material such as Perspex.

A suitably qualified acoustic consultant shall be engaged to assist with the preparation of the final building plans and specifications to ensure compliance with the recommendations of the Acoustic Report.

Details demonstrating compliance with these requirements must be submitted to the Certifying Authority prior to issue of the Construction Certificate.

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### 26. Noise Generating Premises – Noise Management Plan

A Noise Management Plan shall be prepared and incorporated into the Plan of Management for the child care centre. The Noise Management Plan must include all the recommendations detailed in Section 6.1.7 of the 'Acoustical Assessment' Report (Reference CC003-01 – Version 1) prepared by Sound Acoustic Consultants and dated 22 September 2016.

The updated Plan of Management, incorporating the Noise Management Plan, must be submitted to Council prior to the issue of the Construction Certificate.

### 27. Garbage Storage Area

The garbage (bin) storage area located on the northern side of the child care centre shall be enclosed to minimise odour and pest nuisance and also suitably screened from Smith Road. Details demonstrating compliance with these requirements are to be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

### 28. Food Premises Requirements

All works associated with food preparation facilities shall be designed and constructed in accordance with the requirements of:

- Food Act 2003, Food Regulation 2015 and food safety standards adopted thereunder; and
- Australian Standard AS4674:2004 'Design, construction and fit-out of food premises'.

Adequate spatial provision and equipment for all aspects of food handling activities, including storage, preparation and cleaning shall be incorporated into the facilities.

A cleaner's sink shall be provided within the premises in proximity to food handling areas. It shall be provided with hot and cold running water and drained directly to an approved waste water connection point.

Details demonstrating compliance with these requirements are to be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

### 29. Pylon Sign Requirements

The approved pylon sign shall have a maximum height of 1.8m and width of 2m. Details demonstrating compliance with these requirements are to be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

### 30. Front Fence Requirements

The front fence adjoining Smith Road shall have a maximum height of 1.2m and have an open rural-style appearance (post and rail or post and wire). Details demonstrating compliance with these requirements are to be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

### 31. Evacuation Plan

An Evacuation Plan shall be prepared in accordance with Section 5.6 of the 'Bushfire Protection Assessment' Report (Reference No. B162796) prepared by Australian Bushfire Protection Planners Pty Ltd and dated 17 October 2016 and Australian Standard AS3745:2002 'Emergency control organisation and procedures for buildings, structures and workplaces'. A copy of the Evacuation Plan shall be submitted to Council prior to the release of the Construction Certificate.

### 32. Structural Engineer's Design – Concrete and Structural Steel

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A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Certifying Authority prior to issue of the Construction Certificate.

### **33. Council Sewer Authority – Inspection Fees**

Council is the sewer authority for this development. As this development requires the installation and connection to a new onsite waste management facility, the payment of the prescribed inspection fees is required to be made prior to the issue of a Construction Certificate. Evidence of this payment must be provided to the Certifying Authority prior to the issue of the Construction Certificate.

### **34. Onsite Sewage Management – Approval Required**

Prior to the issue of the Construction Certificate, approval shall be obtained for the installation of an onsite sewage management system. The Sewerage Management Facility (SMF) Application shall be submitted to Council together with design details, an Effluent Disposal Report demonstrating that the land is suitable for onsite disposal and the payment of the prescribed fees.

The demolition of the existing greenhouse(s) as appropriate is required to allow for the installation of an onsite management system that will dispose of effluent onsite. The use of a pump-out system will not be considered for the development.

### **35. Sydney Water – Section 73 Certificate**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. An application must be made through an authorised Water Servicing Coordinator. For details refer to Sydney Water's website:

[www.sydneywater.com.au](http://www.sydneywater.com.au)

Following application a 'Notice of requirements' will be forwarded detailing any water extensions required or fees to be paid. It is recommended that early contact with the Coordinator is made since the building or water extensions can be time consuming and may impact on other services as well as the building, driveway and landscaping design.

The Notice of Requirements must be submitted to the Principal Certifying Authority prior to the release of the Construction Certificate.

### ***Prior to Any Works Commencing***

### **36. Principal Certifying Authority – Details**

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.

### **37. Notice of Commencement**

No work shall commence until a notice of commencement has been provided to Council. This notice is to be provided not less than two days from the date on which it is proposed to commence work associated with this Development Consent. The notice must also contain:

- a) details of the appointment of a Principal Certifying Authority (PCA) providing name, address and telephone number; and
- b) details of the name, address and licence details of the Builder.

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### 38. Principal Certifying Authority (PCA) Site Sign

A sign must be erected in a prominent position on any site on which demolition or building work is being carried out:

- a) showing the name, address and telephone number of the Principal Certifying Authority for the work;
- b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
- c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

### 39. Safety Fencing

The site is to be secured by a fence in accordance with NSW WorkCover requirements to prevent unauthorised access during the period of all works.

### 40. Toilet Facilities

Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet must:

- a) be a standard flushing toilet connected to a public sewer; or
- b) be attached to an approved onsite effluent disposal system; or
- c) be a temporary chemical closet that is regularly maintained; and
- d) appropriate facilities for the disposal of sanitary items are to be provided within the toilet.

### 41. Erosion and Sediment Control

Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with Landcom's publication 'Managing Urban Stormwater - Soils and Construction (2004)' and the approved Erosion and Sediment Control Plan (ESCP).

### 42. Implementation of Traffic Management Plan

All traffic management devices shall be installed and maintained in accordance with the approved Traffic Management Plan.

### 43. Preparation and Implementation of Waste Data File

A Waste Data File to be prepared and maintained for audit purposes during the demolition and construction phase of the development works. Upon request the Waste Data File shall be made available to Council or the Principal Certifying Authority.

### 44. Sydney Water – Endorsement of Approved Plans

The approved plans must be submitted to and endorsed by Sydney Water via the 'Sydney Water Tap-in' website 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.

Please refer to Sydney Water's website:

[www.sydneywater.com.au](http://www.sydneywater.com.au)

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Evidence of the building plan approval must be forwarded to the Principal Certifying Authority prior to the commencement of works.

### 45. Survey Certificate – Building to be Verified by a Registered Surveyor

In order to ensure compliance with approved plans, a Survey Certificate prepared by a Registered Surveyor is to be undertaken following the installation of formwork at ground floor level prior to placement of concrete showing the level of the form work and its relationship to boundaries.

Progress certificates shall be submitted to the Principal Certifying Authority at the time of carrying out relevant progress inspections. Under no circumstances is work allowed to proceed should such survey information be unavailable or reveal discrepancies between the approved plans and the works as constructed.

The survey certificate shall detail the location of any easements affecting the subject land.

### *During Construction*

### 46. Construction Hours

Clearing of land, running of machinery, demolition, earthworks, building works and the delivery of building materials shall be carried out between the following hours:

- a) between 7am and 6pm, Mondays to Fridays inclusive;
- b) between 8am and 4pm, Saturdays;
- c) no work on Sundays and public holidays; and
- d) works may be undertaken outside these hours where:
  - (i) the delivery of vehicles, plant or materials is required outside these hours by the Police or other authorities;
  - (ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; and
  - (iii) a variation is approved in advance in writing by Council.

### 47. Demolition – General

All demolition works must be carried out in accordance with the following:

- a) all demolition work shall be carried out strictly in accordance with Australian Standard AS2601 'The Demolition of Structures';
- b) demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover 'Demolition License' and WorkCover 'Class 2 (Restricted) Asbestos License'. Asbestos removal must comply with WorkCover's 'Guide to Working with Asbestos';
- c) site safety/security fencing shall be provided prior to commencement of any work onsite and shall be removed only when all hazards, including site waste, have been removed. The site safety/security fencing shall comply with the following Australian Standards:
  - (i) Demolition Sites - Australian Standard AS2601 'Demolition of structures',
  - (ii) Construction Sites - Australian Standard AS4687 'Temporary fencing and hoardings', and
  - (iii) Ongoing Site Safety/Security - Australian Standard AS1725 - 'Chain-link fabric security fencing and gates';
- d) demolition work shall be carried out only between the hours of 7am to 6pm Mondays to Fridays and 8am to 4pm Saturdays. No work is to be carried out on Sundays or public holidays;

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- e) all waste 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;
- f) public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction. No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council;
- g) any materials stored on site must be stored away from any drainage path or easement, natural watercourse;
- h) waste must be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation;
- i) no material is to be burnt on site; and
- j) the site shall be grassed or otherwise rendered erosion resistant immediately upon completion of demolition.

### 48. Site Management During Construction

- a) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- b) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
- c) Where requested copies of receipts stating the following must be given to the Principal Certifying Authority or Council:
  - (i) the place to which waste materials were transported;
  - (ii) the name of the contractor transporting the materials; and
  - (iii) the quantity of materials transported off-site and recycled or disposed of.
- d) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.
- e) During construction:
  - (i) all vehicles entering or leaving the site must have their loads covered;
  - (ii) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads; and
  - (iii) any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to the public.
- f) At the completion of the works, the work site must be left clear of waste and debris.

Note: In the event it is not possible to keep the footpath or road reserve clear during construction works written approval from Council shall be obtained prior to any closing of the road reserve or footpath area. The closure shall take place in accordance with Council's written approval. The area shall be signposted and such signposting be maintained in a way that ensures public safety at all times.

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### 49. Dust Management Measures

All reasonable measures to minimise dust generated during demolition and/or construction are to be implemented. This includes but is not limited to:

- a) clearly defined stop work thresholds whereby work onsite will be cease with the exception of water trucks;
- b) dust screen installation and maintenance around the perimeter of the site for the duration of the works;
- c) the use of water trucks to regularly wet down; and
- d) stabilisation and stockpiles.

### 50. Loading and Unloading During Construction

The following requirements apply:

- a) All loading and unloading associated with construction activity must be accommodated on site.
- b) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- c) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval must be obtained from Council.

### 51. Critical Stage Inspections

Prior to the commencement of building work and at nominated stages during the construction of the building, a minimum of 48 hours notice is required to be provided to allow the Principal Certifying Authority to ensure that the critical stage inspections are undertaken.

Note: Critical stage inspections are required to be carried out in accordance with Clause 162A of the Environmental Planning & Assessment Regulation 2000.

### 52. Inspection and Compliance Certificates for Sewer Works

Inspection and Compliance Certificates for sewer works can only be conducted and issued by Council.

In the case of internal and external (house service connection) drainage, the inspection must be conducted by Council's Development Services Branch. Please phone (02) 4560 4444 to arrange inspections and payment of required fees;

Inspections must be conducted on the exposed pipes prior to any backfilling including poured concrete or concrete encasement.

### 53. Civil Construction Work – Requirements

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



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### 54. Civil Construction Work – Inspections

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

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

A Construction Compliance Certificate is required to be issued confirming the works approved under the Design Compliance Certificate were carried out in accordance with that approval. Council or an appropriately accredited certifier can issue a Construction Compliance Certificate.

### 55. Completion of Design Compliance Certificate Works

Prior to the issue of a Construction Compliance Certificate all works must be completed in accordance with the approved Design Compliance Certificate Plans, approved supporting documentation and to the satisfaction of the Principal Certifying Authority.

### 56. Detailed 'Works As Executed' Plans

'Works As Executed' plans must be submitted to the Certifying Authority prior to issue of a Construction Compliance Certificate by a registered surveyor certifying compliance with the approved design plans. The 'Works As Executed' dimensions and levels must be shown in red on a copy of the approved Design Compliance Certificate plans. The plans must verify:

- a) finished surface levels;
- b) surface and invert levels of all pits;
- d) invert levels and sizes of all pipelines;
- e) floor levels of all buildings; and
- f) top of road pavement levels.

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

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

### 57. Occupation Certificate – Prior to Commencement of Use

The development shall not be occupied or used prior to the issuing of a Final Occupation Certificate or Interim Occupation Certificate by the Principal Certifying Authority. Where an Interim Occupation Certificate has been issued, only that part of the building to which the Certificate applies may be occupied or used.

A copy of the Occupation Certificate shall be submitted to Council within two days of issue.

### 58. Construction Compliance Certificate Required

A Construction Compliance Certificate for works approved under the Design Compliance Certificate is required prior to the Issue of an Occupation Certificate.

### 59. Compliance Certificate – Connection to Onsite Waste Management Facility

A written clearance from Council (as the local sewer authority) that the development is suitably connected to the onsite sewerage management system is required to be submitted to the Principal Certifying Authority prior to the issue of an Interim or Final Occupation Certificate.

#### **Onsite Sewage Management – Approval to Operate**

An Approval to Operate the onsite sewage management system shall be obtained from Council prior to the issue of any Occupation Certificate.

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### 60. Infrastructure Repair and Completion of Works

Prior to the issue of any Occupation Certificate:

- a) all works in the road reserve must be fully completed; and
- b) any public infrastructure damaged as a result of the development must be repaired to the satisfaction of Council.

### 61. Acoustic Certification

Prior to the issue of the Occupation Certificate an acoustic consultant shall certify that the works have been completed in accordance with the recommendations contained in Section 6 of the 'Acoustical Assessment' Report (Reference No. CC003-01 – Version 1) dated 22 September 2016, the 'Acoustic Statement' Letter (Reference No. CC003/02/A) dated 6 December 2017 and the 'Acoustic Statement' Email dated 12 January 2018, each of which were prepared by Sound Acoustic Consultants, and that the development is capable of operating in accordance with the design criteria.

### 62. Notification of Food Premises

Notification of the premises as a food business operation is to be provided in the approved form to Hawkesbury City Council as the appropriate enforcement agency under the Food Act 2003. This notification must be provided to Council prior to issue of an Interim or Final Occupation Certificate.

### 63. Inspection of Food Premises

An inspection of the food preparation facility is to be organised with and conducted by Council's Environmental Health Officer prior to the release of an Interim or Final Occupation Certificate.

### 64. Suitability of Glazing – Windows and Doors

Glazing materials (e.g. windows, doors, footlights, balustrades and shower screens) are to be installed within the building in accordance with Australian Standards AS1288 'Glass in Buildings – Selection and Installation' and AS2047 'Windows and external glazed doors in buildings'. A Certificate of Compliance is required to be provided to the Principal Certifying Authority prior to the issue of an Interim Occupation Certificate.

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

### 65. Termite Protection - Certificate of Treatment

A certificate detailing the type and method of termite treatment – complying with Australian Standard AS3660.1:2014 'Termite Management - New Building Work' – provided to walls and floors, pipe penetrations and slab perimeters shall be submitted prior to the release of an Occupation Certificate. A copy of the termite treatment and materials used shall also be securely fixed inside the meter box for future reference.

### 66. Termite Protection – Notice

A Termite Protection Notice, printed on durable material, shall be affixed in the meter box prior to a Final Inspection being carried out in accordance with Australian Standard AS3660.1 'Termite Management - New building work'. The notice shall include information on the form of termite protection employed and the expected service life of the barrier before maintenance is required.

### 67. Sydney Water Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

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**68. Energy Provider Certificate**

Documentary evidence from an energy provider confirming that satisfactory arrangements have been made to serve the proposed development shall be provided to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

**69. Telecommunications Provider Certificate**

Documentary evidence from a telecommunications carrier confirming that services are available for the development shall be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

**70. Vehicle Access Signage**

Vehicle entrances and exits shall be clearly signposted, including street number, and visible from both the street and site at all times.

**71. Car Park Directional Marking**

The entry/exit points and internal aisle ways associated with the car parking area are to be marked with pavement arrows to direct traffic movements in and out of the site and guide traffic circulation through the car park.

***Operational Conditions***

**72. Approved Use – Child Care Centre**

Approval is given for use as a Child Care Centre with a maximum capacity of 101 children. A separate approval/license is required to be obtained from the NSW Department of Community Services before the commencement of the use of the child care centre.

**73. Hours of Operation**

The premises shall operate or trade only between the following hours:

Mondays to Friday	7am to 6pm
Saturday and Sunday	Closed
Public Holidays	Closed

Other internal operations such as cleaning, preparation, and office administration may be undertaken outside of the above hours provided no disturbance to the amenity of the neighbourhood occurs.

**74. Plan of Management**

The child care centre shall be operated and managed in accordance with the Plan of Management.

A copy of the approved Plan of Management and this Development Consent must be kept onsite and made available to any Council, Department of Community Services or Police officer upon request. Access to the Incident Register and register of complaints must be made available for viewing at the request of any Council, Department of Community Services or Police officer.

**75. Noise Generating Premises – Acoustic Management**

The child care centre must be operated in accordance with the recommendations of Section 6 of the 'Acoustical Assessment' Report (Reference No. CC003-01) prepared by Sound Acoustic Consultants and dated 22 September 2016 and the prepared Noise Management Plan.

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The LAeq 15minutes noise level emitted from the use of the outdoor play area must not exceed 10dB above the background (L90) noise level as a result of outdoor play at the child care centre. The LAeq, 15minutes noise level emitted for any other noise from the child care centre, such as air conditioning and plant equipment, must not exceed 5dB above the background (L90) noise level.

The source noise shall be assessed at the boundary of any affected receiver.

All windows along the southern, western and northern sides of the child care centre are to be closed when children are playing within the indoor play areas.

### **76. Annual Fire Safety Statement**

The owner of the building is responsible for the lodgement with Council of an Annual Fire Safety Statement from a competent person so as to confirm the essential fire safety measures required to be provided in the building exist and are being maintained. The Annual Fire Safety Statement shall be issued within 12 months of the issue of the Final Fire Safety Certificate, and then on an annual basis thereafter.

A copy of the Fire Safety Statement obtained and Fire Safety Schedule shall also be:

- a) forwarded to the Commissioner of Fire and Rescue New South Wales by email to [afss@fire.nsw.gov.au](mailto:afss@fire.nsw.gov.au); and
- b) prominently displayed in the building.

### **77. Pollution Incidents - Protection of the Environment Operations Act 1997**

In accordance with the requirements of Part 5.7 of the Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.

Waste water from waste receptacles, floor and perimeter surface cleaning shall not be disposed of into food preparation or utensil sinks, or to any storm water drainage inlet.

### **78. Waste Management – Protection of the Environment Operations Act 1997**

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. The development shall maintain facilities sufficient for containment of all wastes arising from the use of the site.

Waste removal service contracts/agreements shall be maintained for the business at all times

### **79. Food Premises Requirements**

The food premises shall be maintained in accordance with the requirements of:

- Food Act 2003 and Regulations there under;
- Australian Standard AS4674:2004 'Design, construction and fit-out of food premises'.

### **80. Maintenance of Landscaping**

All trees and plants forming part of the approved landscape design must be maintained on an ongoing basis. Maintenance includes watering, weeding, fertilizing, pest and disease control and any other activity required to maintain healthy trees, plants and turfed areas.

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### 81. External Lighting

Any external lighting must be directed in such a manner so as not to cause any adverse impact on neighbouring properties and road users.

#### **Advisory Notes**

##### **(i) Operation of Sewage Management Facility**

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.

##### **(ii) Works within the Road Reserve**

An approval under Section 138 of the Roads Act 1993 must be obtained from Council to undertake works within the road reserve.

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.

##### **(iii) Acid Sulfate Soils - Monitoring of Excavation During Works**

All excavations are to be monitored to ensure that acid sulphur soils are not encountered during works. Signs that may indicate the presence of acid sulphur soils include:

- a) change in colour of the soil into grey and green tones;
- b) effervescence;
- c) the release of sulphur smelling gases such as sulphur dioxide or hydrogen sulphide; and
- d) lowering of the soil Ph by at least one unit.

Should any of the above indicators be present excavation work on the site is to stop and Council is to be notified to determine what action is required to be taken before work may commence.

##### **(iv) Site Contamination Discovered During Demolition or Construction**

Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about contamination, then the applicant must be immediately notified and works must cease. Works must not recommence on site until consultation is made with Council.

##### **(v) Dial Before You Dig**

Prior to commencement of work, the free national community service 'Dial Before You Dig' shall be contacted on 1100 regarding the location of underground services in order to prevent injury, personal liability and even death. Enquiries should provide the property details and the nearest cross street/road.

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### **(vi) Requirements of 88B Instrument**

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.

### **(vii) Works on Public Land – Public Liability Insurance**

Any person or contractor undertaking works on public land must take out a Public Risk Insurance policy with a minimum cover of \$10 million in relation to the occupation of public land and the undertaking of approved works within Council's road reserve or public land as approved by this consent.

The policy is to note and provide protection/full indemnification for Council as an interested party. A copy of the policy must be submitted to Council prior to commencement of any works. The policy must be valid for the entire period that the works are being undertaken.

### **(viii) Utilities and Services**

Utilities, services and other infrastructure potentially affected by construction and operation shall be identified prior to construction to determine requirements for access to, diversion, protection and/or support. Consultation with the relevant owner and/or provider of services that are likely to be affected by the proposed development shall be undertaken to make suitable arrangements for access to, diversion, protection, and/or support of the affected infrastructure as required. The cost of any such arrangements shall be borne by the developer.

### **(ix) Excavation - Archaeology**

If any object having heritage significance is uncovered during the course of the work:

- a) all work must stop immediately in that area; and
- b) the NSW Office of Environment and Heritage and Council must be advised of the discovery.

Note: Depending on the significance of the object uncovered, an archaeological assessment and excavation permit under the Heritage Act 1997 may be required before further work can continue.

### **(x) Excavation – Aboriginal Relics**

If any Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work:

- a) all excavation or disturbance of the area must stop immediately in that area; and
- b) the Office of Environment and Heritage and Council must be advised of the discovery.

All necessary approvals from the NSW Office of Environment and Heritage shall be obtained and a copy provided to Council prior to works recommencing.

Note: If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the National Parks and Wildlife Act 1974.

### **(xi) Works in Close Proximity to Boundary and Dividing Fences Act Requirements**

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

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

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

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

**13 RESOLUTION:**

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

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

**ORDINARY MEETING**

**Minutes: 30 January 2018**

**GENERAL MANAGER**

**Item: 006**                    **GM - Special Rate Variation Application For 2018/2019 - (79351)**

**Previous Item:**        212, Ordinary, (28 November 2017)  
                              186, Ordinary (10 October 2017)  
                              175, Ordinary (26 September 2017)  
                              170, Ordinary (26 September 2017)  
                              159, Ordinary (12 September 2017)  
                              60, Ordinary (28 March 2017)  
                              273, Ordinary (13 December 2016)  
                              241, Ordinary (8 November 2016)  
                              211, Ordinary (11 October 2016)  
                              146, Ordinary (26 July 2016)  
                              138, Ordinary (12 July 2016)  
                              4, Ordinary (02 February 2016)  
                              85, Extraordinary (23 June 2015)  
                              RM, Ordinary (30 June 2015)  
                              MM, Ordinary (27 October 2015)

**Directorate:**            General Manager

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**MOTION:**

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

*Refer to RESOLUTION*

**14 RESOLUTION:**

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

That Council confirm its intention to seek approval for a special rate increase by approving the submission of a Special Rate Variation Application for 2018/2019 as outlined in this report to the Independent Pricing and Regulatory Tribunal for assessment and determination.

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

**MOTION:**

A MOTION was moved by Councillor Conolly, seconded by Councillor Zamprogno that the meeting be adjourned and the remaining matters on the Business Paper be deferred for consideration at a future meeting of Council.

The motion was lost.



**ORDINARY MEETING**

**Minutes:** 30 January 2018

**INFRASTRUCTURE SERVICES**

**Item: 007**                    **IS - Western Sydney Regional Waste Avoidance and Resource Recovery Strategy 2017-2021 - (95495, 112179)**

**Previous Item:**        218, Ordinary (11 November 2014)

**Directorate:**            Infrastructure Services

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**MOTION:**

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

*Refer to RESOLUTION*

**15 RESOLUTION:**

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

That Council adopt the Western Sydney Regional Waste Avoidance and Resource Recovery Strategy 2017-2021.

**Item: 008**                    **IS - Windsor Bridge Replacement Project - Proposed Council Infrastructure - (95495, 79354, 73621)**

**Previous Item:**        151, Ordinary (29 August 2017)

**Directorate:**            Infrastructure Services

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Councillor Reynolds declared a significant non-pecuniary conflict of interest in this matter as lives adjacent to the area under discussion. He left the Chamber and did not take part in voting or discussion on the matter.

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Mr Harry Terry addressed Council speaking for the recommendation.

**MOTION:**

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

That Council:

1. Endorse the proposed park lighting design, utilising "Bourke Hill" luminaires and "Boulevard" columns.
  2. Advise RMS that, in the absence of RMS or the NSW Government acknowledging its financial and moral obligation to maintain the proposed retained bridge span as a viewing platform, Council will accept ongoing management responsibilities.
  3. Make the strongest representations to the NSW Government outlining its responsibility to maintain the retained bridge span as part of its obligation to preserve State Significant Heritage.
-

**ORDINARY MEETING**

**Minutes:** 30 January 2018

**AMENDMENT:**

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

***Refer to RESOLUTION***

The amendment was carried.

The amendment then became the motion which was put and carried.

**16 RESOLUTION:**

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

That Council:

1. Reiterate its opposition to the current bridge project and the plans to demolish the Historic Windsor Bridge, and advise RMS that no commentary on design issues should be construed as support for the project.
2. Endorse the proposed park lighting design, utilising "Bourke Hill" luminaires and "Boulevard" columns.
3. Advise RMS that, Council will not accept ongoing management responsibilities and calls on the NSW Government to acknowledge its financial and moral obligation to maintain the proposed retained bridge span as a viewing platform, as has been done for similar projects in NSW.
4. Make the strongest representations to the NSW Government outlining its responsibility to maintain the retained bridge span as part of its obligation to preserve State Significant Heritage.

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

**ORDINARY MEETING**

**Minutes: 30 January 2018**

**SUPPORT SERVICES**

**Item: 009                    SS - Monthly Investments Report - November 2017 - (95496, 96332)**

**Previous Item:**        97, Ordinary (30 May 2017)

**Directorate:**            Support Services

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**MOTION:**

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

***Refer to RESOLUTION***

**17 RESOLUTION:**

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

That the Monthly Investments Report for November 2017 be received and noted.

**Item: 010                    SS - Monthly Investments Report - December 2017 - (95496, 96332)**

**Previous Item:**        97, Ordinary (30 May 2017)

**Directorate:**            Support Services

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**MOTION:**

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

***Refer to RESOLUTION***

**18 RESOLUTION:**

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

That the Monthly Investments Report for December 2017 be received and noted.

**ORDINARY MEETING**

**Minutes:** 30 January 2018

**Item: 011**                    **SS - Pecuniary Interest Return - Designated Person - (95496, 96333)**

**Directorate:**                Support Services

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**MOTION:**

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

*Refer to RESOLUTION*

**19 RESOLUTION:**

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

That the Section 449(1) Pecuniary Interest Return be received and noted.

**Item: 012**                    **SS - Council Resolution Summary - July 2017 to December 2017 - (95496, 79337)**

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

**Directorate:**                Support Services

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**MOTION:**

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

*Refer to RESOLUTION*

**20 RESOLUTION:**

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

That the report regarding Council resolutions for the period of 1 July 2017 to 30 December 2017 be received and noted.

**ORDINARY MEETING**

**Minutes: 30 January 2018**

**SECTION 4 – Reports of Committees**

**Item: 013**                    **ROC - Heritage Advisory Committee - 23 November 2017 - (124414, 80242)**

**Directorate:**            City Planning

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**MOTION:**

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

***Refer to RESOLUTION***

**21 RESOLUTION:**

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

That in relation to the Minutes of the Heritage Advisory Committee Meeting held on 23 November 2017:

1. Council receive and note the Committee Minutes in respect of Items 3, 5 and 7.
2. Council endorse the Committee Recommendations in respect of Item 1, namely:

*"That:*

1. *The information contained in this report be noted.*
2. *The matter relating to the missing historical Milemarker from the road reserve outside 54 Windsor Street, Richmond be brought back to the Heritage Advisory Committee following consideration by officers of relevant publications and guidelines associated with Milestones/ Milemarkers.*
3. *Council staff seek heritage funding to undertake the recommended conservation management actions in the Field Survey Sheet documents dated May 2014 on the remaining Milemarker post and boundary stones which would also include engaging a consultant to carry out further investigations into the history and heritage significance of the mileposts and boundary stones.*
4. *Council staff seek further information from the publication "Sydney Region Heritage Milestones" (Department of Public Works and Services 1999) with consideration given to keeping the original intent of the Milemarker post."*

3. Council endorse the Committee Recommendations in respect of Item 2, namely:

*"That the:*

1. *Heritage Advisory Committee Heritage Study/Inventory Working Group and the Heritage Awards Working Group present their updates on the activities of each working group since the last Committee Meeting.*
2. *Proposal tabled by the Heritage Awards Working Group for the implementation of a Heritage Awards event be put to Council for approval and inclusion in the 2018/19 budget and further expert advice with respect to Heritage Awards is sought."*
4. That in respect to part 2. above of the Committee Recommendations for Item 2, a further report regarding the inclusion of this event within the 2018/2019 Budget process will be prepared for consideration by Council.

**ORDINARY MEETING**

**Minutes: 30 January 2018**

**Item: 014**                    **ROC - Sustainability Advisory Committee - 27 November 2017 - (124414, 126363)**

**Directorate:**            City Planning

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**MOTION:**

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

*Refer to RESOLUTION*

**22 RESOLUTION:**

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

That:

1. The Minutes of the Sustainability Advisory Committee, held on 27 November 2017 be received and noted.
2. The Constitution of the Sustainability Advisory Committee be amended by replacing the current Objectives of the Committee with:

To support, advise and assist Council and the Hawkesbury community in the achievement of the key environmental goals contained in the Hawkesbury Community Strategic Plan 2017-2036. Specifically, these include:

*The natural environment is protected and enhanced*

- Encourage effective management and protection of our rivers, waterways, riparian land, surface and ground waters, and natural eco-systems through local action and regional partnerships.
- Act to protect and improve the natural environment including working with key agency partners.
- Minimise our community's impacts on habitat and biodiversity and protect areas of conservation value.
- Use a range of compliance measures to protect the natural environment.

*To live sustainably and reduce our ecological footprint*

- Help our community to be informed and act to reduce our ecological footprint.
- Ensure that alternative forms of energy are embraced throughout the Hawkesbury.
- Become a carbon neutral Local Government Area

*We reduce, reuse and recycle*

- Develop and maintain active partnerships that will result in the innovative management of our community's waste, with an emphasis on resource recovery and waste minimisation in conjunction with the Waste Management Advisory Committee.
- Undertake community education on best practice environmental sustainability and climate change issues.

*Community partnerships continue to evolve*

- Encourage and facilitate community partnerships.

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- Support and expand active volunteering.
- Advocate and facilitate construction and productive partnerships with residents, community groups and institutions.

*The sustainability of our environment is improved*

- Work with businesses and tourism operators to promote good practice and sustainability principles.
  - Development is functional, attractive and sympathetic with the environment, and avoids unnecessary use of energy, water or other resources.
3. The name of the Sustainability Advisory Committee be amended to the Environmental Sustainability Advisory Committee.

**Item: 015**                      **ROC - Floodplain Risk Management Advisory Committee - 7 December 2017 - (124414, 86589)**

**Directorate:**                      City Planning

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Mr John Miller addressed Council speaking for the recommendation.

### **MOTION:**

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

***Refer to RESOLUTION***

### **AMENDMENT:**

An AMENDMENT was moved by Councillor Ross.

That:

1. The Minutes of the Floodplain Risk Management Advisory Committee, held on 7 December 2017 be received and noted.
2. Council endorse the representations made to the Local Member for Hawkesbury the Hon. Dominic Perrottet, MP regarding the construction of a high level flood-free crossing between Richmond and North Richmond and any feedback received by reported back to the Committees.
3. In relation to Item 3 of the Minutes, arrangements be made for relevant staff from Lismore Council to be invited to attend a future Floodplain Risk Management Advisory Committee, either in person or via teleconference to outline experiences and lessons learnt from the flood event associated with ex Tropical Cyclone Debbie in 2017.

The amendment lapsed for want of a seconder.

**ORDINARY MEETING**

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**23 RESOLUTION:**

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

That:

1. The Minutes of the Floodplain Risk Management Advisory Committee, held on 7 December 2017 be received and noted.
2. Council endorse the representations made to the Local Member for Hawkesbury the Hon. Dominic Perrottet, MP regarding the construction of a high level flood-free crossing between Richmond and North Richmond and any feedback received be reported back to the Committees.
3. In relation to Item 3 of the Minutes, arrangements be made for relevant staff from Lismore Council to be invited to attend a future Floodplain Risk Management Advisory Committee, either in person or via teleconference to outline experiences and lessons learnt from the flood event associated with ex Tropical Cyclone Debbie in 2017.
4. In relation to the General Business Item in the Minutes regarding discussion on the feasibility of a 1:100 elevated flood evacuation road from Chapel Street Richmond to Hanna Match North Richmond, that the matter be referred to Council's (newly formed) Infrastructure Committee to investigate the feasibility of constructing a 1:100 elevated flood evacuation route from Richmond to North Richmond to allow access for services such as ambulance, fire and medical evacuation.



**ORDINARY MEETING**

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**SECTION 5 – Notices of Motion**

**Item: 016**                      **NM1 - Cost Shifting Notification on the 2018/2019 Rates Notice - (79351, 105109, 138880)**

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**MOTION:**

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

*Refer to RESOLUTION*

**24 RESOLUTION:**

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

That a report be prepared for Council outlining wording to be included on the rates notice for the financial year 2018/2019, including instalment notices, reflecting how Council has been financially affected by the NSW Government's practice of 'cost shifting' onto Council expenses that must be paid by all rate payers.

**Item: 017**                      **NM2 - Enhancement of the Arts in the Hawkesbury - (79351, 105109, 138880)**

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**MOTION:**

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

*Refer to RESOLUTION*

**25 RESOLUTION:**

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

That a report be prepared with a view to encouraging and facilitating enhancement of the arts in the Hawkesbury, review its policies, requirements, fees and charges, as well as Council and State regulatory frameworks for public and indoor spaces, for the following:

- presentation of cultural activities
- arts and performances
- installations
- busking.

**ORDINARY MEETING**

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**Item: 018**                      **NM3 - Development Control Plan - (79351, 105109, 138882)**

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**MOTION:**

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

*Refer to RESOLUTION*

**26 RESOLUTION:**

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

That Council:

1. Receive a report by the Council Meeting 6 March 2018, which details a timeframe, methodology and potential financial sources for rewriting the Development Control Plan (DCP).
2. In its upcoming budget deliberations, include a provision for updating the DCP, supported and informed by consultation with local stakeholders regarding the current DCP and difficulties experienced with its interpretation and implementation.

**Item: 019**                      **NM4 - Unapproved Dwellings - (79351, 105109, 138882)**

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**MOTION:**

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

*Refer to RESOLUTION*

**27 RESOLUTION:**

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

That Council receive a report outlining a policy to better deal with unapproved dwellings. The policy should detail means to identify potentially unsafe, dangerous and unapproved dwellings in the LGA and facilitate their approval where possible, or further actions where the dwellings or their siting is dangerous to the occupant due to flood, fire or the like. Such actions should include an amnesty period and the report include an estimate of costs.

**ORDINARY MEETING**

**Minutes: 30 January 2018**

**QUESTIONS FOR NEXT MEETING**

**Item: 020                      Councillor Questions from Previous Meeting and Responses - (79351)**

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**Raised at the Ordinary Meeting held - 12 December 2017**

There were responses to Questions in relation to previous Questions for Next Meeting.

**ORDINARY MEETING****Minutes: 30 January 2018****Questions – 30 January 2018**

#	Councillor	Question	Response
1	Zamprogno	Referenced a previous question on the matter of illegally operating brothels in the Hawkesbury LGA and enquired as to whether he could receive status update.	Director of City Planning
2	Kotlash	Enquired as to the data in respect to the number of people accessing the Council podcasts.	Director Support Services
3	Calvert	Enquired as to whether the Horse Troughs at the North Richmond are being protected during the current RMS road works.	Director Infrastructure Services
4	Wheeler	Enquired as to whether more bins could be installed in high traffic areas such as Howe Park and Windsor Wharf.	Director Infrastructure Services
5	Wheeler	Enquired as to whether an accessible tap for fisherman could be placed down near Windsor Wharf.	Director Infrastructure Services
6	Wheeler	Enquired as to whether more 'no smoking' signs could be erected at Windsor Wharf to decrease the number cigarette butts being discarded in the area.	Director Infrastructure Services
7	Wheeler	Enquired as to whether a cleanup crew for McQuade Avenue, South Windsor could be sent out due to large volumes of rubbish piling up.	Director Infrastructure Services
8	Wheeler	Enquired as to whether the Local Traffic Committee can investigate getting the speed limited dropped from 80km to 60km on Windsor Road between Mulgrave Road & Pitt Town Road.	Director Infrastructure Services
9	Reynolds	Enquired as to whether the bins at Upper Colo Reserve have been removed? If so, could the bins be reinstated.	Director Infrastructure Services
10	Garrow	Enquired as to whether extra bin facilities for Governor Phillip Park, at the boat ramp could be provided.	Director Infrastructure Services

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#	Councillor	Question	Response
11	Garrow	Enquired as to whether 'Danger' Signage could be erected at the known river swing location.	Director Infrastructure Services
12	Garrow	Enquired as to the attendance numbers at the Australia Day event.	Director Support Services
13	Garrow	Enquired as to the status of the cleanup under the Fitzroy bridge.	Director Infrastructure Services
14	Garrow	Enquired as to permissibility of Boats mooring on the Windsor Wharf, and whether signage is in place.	Director Infrastructure Services
15	Rasmussen	Enquired as to whether Yarramundi Reserve could have a refresh in relation to getting pot holes fixed and having more shade provided.	Director Infrastructure Services
16	Rasmussen	Enquired as to whether he could get a status update on the report regarding the recycling or rehoming facility for unwanted goods at Council's Waste Management facility.	Director Infrastructure Services
17	Ross	Enquired as to residents responsibilities for their bins and are they allowed to be left on the street/footpath or once emptied, returned back within the boundaries of the property. Also, what is Council's legal ability to gain compliance in the matter.	Director of City Planning
18	Lyons-Buckett	Enquired as to whether Council could investigate the use of compaction bins.	Director Infrastructure Services
19	Wheeler	Enquired if a Parks crew could be sent to Yarramundi Reserve to make an assessment of the area and clean-up the broken glass and used nappies.	Director Infrastructure Services

**ORDINARY MEETING**

**Minutes:** 30 January 2018

**CONFIDENTIAL REPORTS**

**28 RESOLUTION:**

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

That:

1. The Council meeting be closed to deal with confidential matters and in accordance with Section 10A of the Local Government Act, 1993, members of the Press and the public be excluded from the Council Chambers during consideration of the following items:

**Item: 021 IS - Tender T00061 - Operation of the Lower Portland Ferry Service - (95495, 79344)**

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act, 1993 as it relates to the Operation of the Lower Portland Ferry Service 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: 022 SS - Licence Agreement and Appointment of Managing Agent - 1 Dight Street, Windsor - (126231, 138919, 136331, 133248, 136756, 136338, 95496, 11206)**

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

**ORDINARY MEETING**

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**29 RESOLUTION:**

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

**Item: 021**                    **IS - Tender T00061 - Operation of the Lower Portland Ferry Service - (95495, 79344)**

**Directorate:**                Infrastructure Services

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**MOTION:**

The Director Support Services advised, that whilst in closed session, Council RESOLVED on the motion of Councillor Wheeler, seconded by Councillor Rasmussen.

*Refer to RESOLUTION*

**30 RESOLUTION:**

The Director Support Services advised, that whilst in closed session, Council RESOLVED on the motion of Councillor Wheeler, seconded by Councillor Rasmussen.

That Council:

1. Note the information contained in the report on Tender T00061 - Operation of the Lower Portland Ferry Service.
2. Defer consideration of the awarding of the tender until discussions with The Hills Shire Council have been completed.
3. Approve the extension of the current contract for the operation of the Lower Portland Ferry post January 2018 on a month by month basis under the current terms, conditions and pricing until a new contract is awarded, under the provisions of Section 55(3)(i) of the Local Government Act 1993, on the basis that no alternative operator has been identified through the public tender process.

**Item: 022**                    **SS - Licence Agreements and Appointment of Managing Agent - 1 Dight Street, Windsor - (126231, 138919, 136331, 133248, 136756, 136338, 95496, 112106)**

**Directorate:**                Support Services

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Councillor Calvert declared a significant non-pecuniary conflict of interest in this matter as he is a friend of the managing agent. He left the Chamber and did not take part in voting or discussion on the matter.

Councillor Garrow declared a less than significant non-pecuniary conflict of interest in this matter as her sister is an employee of one of the businesses mentioned and no further action is required.

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**ORDINARY MEETING**

**Minutes:** 30 January 2018

**MOTION:**

The Director Support Services advised, that whilst in closed session, Council RESOLVED on the motion of Councillor Wheeler, seconded by Councillor Rasmussen.

***Refer to RESOLUTION***

**31 RESOLUTION:**

The Director Support Services advised, that whilst in closed session, Council RESOLVED on the motion of Councillor Wheeler, seconded by Councillor Rasmussen.

That:

1. Council agree to enter into licence agreements with the existing tenants of the property known as Hawkesbury Professional Business Chambers, 1 Dight Street, Windsor, as outlined in the report, as well as any new tenants that are secured.
2. Council engage Macquarie Property Partners to provide the services of managing agent of the property known as Hawkesbury Professional Business Chambers, 1 Dight Street, Windsor, as outlined in the report.
3. The General Manager be authorised to approve minor amendments to the licence agreements, if necessary.
4. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.
5. Details of Council's resolution be conveyed to the proposed tenants and managing agent, together with the advice that Council, is not and will not, be bound by the terms of its resolution, until such time as appropriate legal documentation to put such a resolution into effect has been agreed to and executed by all parties.



**ORDINARY MEETING**

**Minutes:** 30 January 2018

The meeting terminated at 12:52am, Wednesday 31 January 2018.

Submitted to and confirmed at the Ordinary meeting held on 13 February 2018.

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Mayor