



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 03 February 2015

location: council chambers

time: 6:30 p.m.

ORDINARY MEETING

Minutes: 03 February 2015

MINUTES

– **WELCOME**

Prayer

Acknowledgement of Indigenous Heritage

– **APOLOGIES AND LEAVE OF ABSENCE**

– **DECLARATION OF INTERESTS**

– **SECTION 1 - Confirmation of Minutes**

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

– **SECTION 2 - Mayoral Minutes**

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

– **SECTION 3 - Reports for Determination**

Planning Decisions

General Manager

City Planning

Infrastructure Services

Support Services

– **SECTION 4 - Reports of Committees**

– **SECTION 5 - Notices of Motion**

– **QUESTIONS FOR NEXT MEETING**

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

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on 3 February 2015, commencing at 6:33pm.

Pastor Ric Burrell of the Hawkesbury Church, representing the Hawkesbury Minister's Association, gave the opening prayer at the commencement of the meeting.

ATTENDANCE

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

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

Councillor Rasmussen arrived at the meeting at 6:48pm.

Councillor Mackay arrived at the meeting at 7:06pm.

SECTION 1: Confirmation of Minutes

1 RESOLUTION:

RESOLVED on the motion of Councillor Porter and seconded by Councillor Reardon that the Minutes of the Ordinary Meeting held on the 9 December 2014, be confirmed.

In Remembrance

The Mayor expressed his sympathies to the family of the Honourable Thomas (Tom) Uren AC. The Mayor suggested that Mr Uren would be remembered as more than an MP, as he was also a man of the people, a war hero and a family man.

The Mayor advised that Council would fly the flag at half-mast on Wednesday, 4 February 2015, in acknowledgement for Mr Uren's services to the community, the Veteran community and his time as Federal Minister for Local Government.

ORDINARY MEETING

Mayoral Minutes

SECTION 2 - Mayoral Minutes

MM **Implementation planning for Hawkesbury Residential Land Strategy - (79351, 79353, 120428)**

MOTION:

RESOLVED on the motion of Councillor Ford.

Refer to RESOLUTION

2 RESOLUTION:

RESOLVED on the motion of Councillor Ford.

That:

1. Council suspend acceptance of new planning proposals under the Hawkesbury Residential Land Strategy (RLS) until the key implementation actions of the RLS, in particular, structure planning and development contribution planning has been completed for the Kurrajong/Kurmond investigation areas or 31 July 2015.
2. Planning proposals (for which the application fee payment has already been received) currently lodged with Council are to continue to be processed. These applications, in accordance with previous resolutions of Council, are not to proceed to gazettal until the relevant structure plan and/or S94 Plan is in place.
3. The structure and development contributions planning referred to above be given priority and if funding is required to undertake this work, the work program for the Strategic Planning Branch be reviewed and any work/budget adjustment be considered in the next quarterly review.
4. Given the time and specialist input required to undertake this work, a report be received by Council in July 2015 regarding the progress of this work, where the processing of planning proposals can be reviewed, with the aim to complete this work by the end of August.

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Mayoral Minutes

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:

For the Motion	Against the Motion
Councillor Calvert	NIL
Councillor Conolly	
Councillor Creed	
Councillor Ford	
Councillor Lyons-Buckett	
Councillor Paine	
Councillor Porter	
Councillor Reardon	
Councillor Tree	
Councillor Williams	

Councillors Mackay and Rasmussen were absent from the meeting.

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SECTION 3 - Reports for Determination

PLANNING DECISIONS

Item: 1 **CP - Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012
- Lot 5 DP 237575, 35 Chapel Street, Richmond - (95498, 124414)**

Mr Phillip Smith, Mr Craig McLaren and Mr Max Fragar addressed Council, speaking against the item.

MOTION:

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

Refer to RESOLUTION

3 RESOLUTION:

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

That Council defer the matter for a site inspection.

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:

For the Motion	Against the Motion
Councillor Calvert	Councillor Ford
Councillor Conolly	
Councillor Creed	
Councillor Lyons-Buckett	
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Tree	
Councillor Williams	

Councillor Mackay was absent from the meeting.

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**Item: 2 CP - Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012
- 6 Speedwell Place, South Windsor - (95498, 124414)**

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

That:

1. Council support the preparation of a planning proposal to rezone part of Lot 21 DP 806993, 6 Speedwell Place, South Windsor from RU1 Primary Production to IN1 General Industrial under Hawkesbury Local Environmental Plan 2012 as shown in Attachment 2 to this report.
2. The planning proposal be forwarded to the Department of Planning and Environment with a request for a Gateway determination.
3. The Department of Planning and Environment be advised that Council wishes to request a Written Authorisation to Exercise Delegation to make the Plan.

An AMENDMENT was moved by Councillor Williams, seconded by Councillor Porter.

That Council defer the matter pending a further report regarding the fill on the site.

Councillor Rasmussen withdrew the Motion. The Amendment then became the Motion.

MOTION:

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

Refer to RESOLUTION

4 RESOLUTION:

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

That Council defer the matter pending a further report regarding the fill on the site.

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

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

Item: 3 CP - DA0429/14 - 1 Powells Lane, Richmond Lowlands - Lot 25 DP 663770 - Restaurant - Alterations and additions to the building and the operation of a restaurant - (95498, 78522, 102260)

Mr Mike Van Gestel and Mr Mark Wilson addressed Council, speaking for the item. Mr Robert Montgomery, Mr Andrew Doyle and Ms Rebecca Higgins addressed Council, speaking against the item.

Councillor Lyons-Buckett advised that she did not call this matter to Council as indicated in the report and this had been confirmed by staff.

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

That Development Application DA0429/14 for a Restaurant on Lot 25 DP 633770, known as 1 Powells Lane, Richmond Lowlands, be approved as a "Deferred Commencement" consent subject to the following conditions:

1. Upon compliance with the condition appearing in Schedule 1, and with the issue of confirmation to that effect in writing from Council, this "Deferred Commencement" consent shall commence to operate as a development consent inclusive of all conditions appearing in Schedule 2 pursuant to Section 80(3) of the Act.
2. The 'Deferred Commencement' consent will lapse in 12 months from the date of this consent unless all conditions appearing in Schedule 1 have been complied with.

Schedule 1

3. An acoustic report, demonstrating that the proposed development will have no adverse noise impacts for residents within the locality shall be submitted to and approved by Hawkesbury City Council.

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Schedule 2

General Conditions

4. The development shall take place generally in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
5. No excavation, site works or building works shall be commenced prior to the issue of an appropriate construction certificate.
6. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
7. The development shall comply with the provisions of the National Construction Code/ Building Code of Australia.
8. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within seven days of issuing the certificate. A registration fee applies.
9. Hawkesbury City Council is the sewer authority for this development, inspection for compliance certification for internal and external sewer drainage shall be requested and approved prior to covering any pipe. An inspection fee applies.
10. Potable water shall be provided to the development in accordance with the NSW Health Private Water Supply Guidelines

Prior to Issue of Construction Certificate

11. Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979 and Hawkesbury City Council's Section 94A Development Contributions Plan 2006 (as amended from time to time), a contribution of \$552.50 shall be paid to Hawkesbury City Council. The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of Hawkesbury City Council's Section 94A Development Contributions Plan 2006 (as amended from time to time).

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

12. Hawkesbury City Council is the sewer authority for this development. As this development involves alteration/additions to the existing Septic/Sewer System, a payment of the prescribed inspection fee for internal/external sewer/septic works is required to be paid prior to the issue of the Construction Certificate.

Prior to Commencement of Works

13. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.
14. A waste management plan shall be submitted to and approved by Council. The plan shall address any builder's waste and waste generated during the day to day operation of the development. Particular attention shall be paid to type and quantity of waste, recycling, reuse, storage and disposal.

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15. An Application to Install a Sewage Management Facility must be lodged and approved for the new system for the Proposed Restaurant with Hawkesbury City Council prior to any works being commenced in relation to the sewage management facility.
16. The applicant shall advise Council of the name, address and contact number of the principal certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1979.
17. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.
18. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
19. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
 - a) Unauthorised access to the site is prohibited.
 - b) The owner of the site.
 - c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
 - d) The name and contact number of the Principal Certifying Authority.

During Construction

20. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan Appendix E Civil Works Specification.
21. 40 car parking spaces to service the development, together with access driveways and turning areas, shall be constructed, sealed, line marked, signposted and maintained. The car park is to comply with AS2890.1 2004, as a minimum standard.

Details are to be provided with the application for the construction certificate approval.
22. Vehicle entrances and exits shall be clearly signposted, including street number, and visible from both the street and site at all times.
23. Disabled parking shall be provided in accordance with AS2890.6, 2009.
24. A bitumen or concrete sealed access driveway, minimum three metres wide is to be provided from Ridges Lane to the proposed car park for the development. The driveway is to be widened to provide a sealed passing bay at approximately 200 metre intervals.
25. A bitumen or concrete sealed servicing area is to be provided in a suitable location adjacent to the development. The dimensions of the service area are to comply with the requirements of AS2890.2, 2002, for the largest vehicle required to regularly service the site.
26. External colours and material of the new work are to match the existing.
27. During the demolition and construction period, the person responsible for the site is to retain records of waste disposal (waste receipts or dockets, recycling processor receipts etc.) in a Waste Data File. The Waste Data File must be provided to Council officers on request to demonstrate that the approved Waste Management Plan is being implemented.

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28. All works associated with the proposal shall be carried in accordance with the requirements of:
 - a) Food Act 2003 and Regulations there under.
 - b) Australian Standard 4674-2004 Design, construction and fit-out of food premises.
 - c) Australian Standard 1668.2-2002 The use of ventilation and air conditioning in buildings – Ventilation design for indoor air contaminant control.
29. The premises is to be fitted with adequate hand washing facilities for the preparation of food. Handwashing basins are required in addition to other basins and sinks in any toilet, AND in any food preparation area. Where separate additional food preparation areas are provided, an additional hand washing basin is needed. Handwashing basins are required:
 - a) to be fitted with hand's free taps such as knee or foot operated devices;
 - b) with hot and cold running potable water;
 - c) with a common spout delivering water of at least 40 degrees Centigrade.
 - d) to be easily accessible at all times.
30. A slop sink should be installed so that mop water does not contaminate the kitchen sinks. Mop water and water used for washing garbage receptacles must not be disposed of using a storm water drainage inlet.
31. All food premises are to comply with Hawkesbury City Council's Food Premises Fit Out Code.
32. Any area used for storage of food or food appliances/equipment is to comply with the relevant section of Hawkesbury City Council's Food Premises Fit Out Code including Section 7.0 - Storerooms.
33. Drop in ceiling panels are not permitted over food preparation or food storage areas. The ceilings over the food preparation and storage areas are to be solid and comply with section 4.0 of the Hawkesbury City Council's Food Premises Fit Out Code.
34. All walls, floors, benches, shelves, chairs, fittings and the like are to be constructed with materials that are smooth, durable, impervious to moisture, and capable of being easily cleaned with a disinfectant. Fittings and equipment should be constructed so as not to harbour food, insects or vermin.
35. The floors are to be covered with a durable, non-toxic, impervious surface, graded to trapped floor waste outlets (where necessary), and connected to an approved drainage installation. The floor covering is to be free of protrusions or gaps.
36. All wall/floor junctions in the food preparation and storage area(s), including any prefabricated low temperature room wall and floor, shall be coved according to Hawkesbury City Council's Food Premises Fit Out Code. The coving is to be a minimum radius of 25mm using a smooth impervious material of a light colour. Where walls and floors are tiled, the coving is to be of a tile type. 'Stick on' coving is not permitted. Feather edge skirting is not permitted
37. Non-commercial refrigeration is not permitted in new food premises.
38. Food preparation and storage areas are to be adequately protected from flies, insects, and vermin. Windows are to be screened, and doorways are to be provided with self-closing doors. External doors are to be provided with self-closing screen doors.
39. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am - 6pm and on Saturdays between 8am - 4pm.

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40. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
- a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
 - c) Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.

Prior to Issue of the Occupation Certificate

41. The commercial Aerated Wastewater Treatment System and the land application (disposal) area shall be installed and commissioned in accordance with Council's Sewage Management Facility Approval. A written clearance from Hawkesbury City Council (as the local sewer authority) that the development is suitably connected to the on-site sewerage management system, is required to be submitted to the Principal Certifying Authority prior to the issue of an occupation certificate.
42. The applicant shall prepare a flood emergency evacuation and management plan for the development. The plan shall advise occupants of flood evacuation procedures and emergency telephone numbers. The applicant shall contact Council and the NSW State Emergency Services for advice in the preparation of the plan. The evacuation procedures shall be permanently fixed to the building on a prominent location and maintained at all times.
43. The applicant shall submit a report from a suitably qualified Engineer which verifies the following:
- a) Any damage to the proposed structure sustained in a flood will not generate debris capable of causing damage to downstream buildings or property.
 - b) Any part of the structure at or below the 1 in 100 year flood level will be able to withstand the force of floodwaters (including buoyancy forces) and the impact of debris.
 - c) All finishes, plant fittings and equipment subject to inundation will be or materials and functional capability resistant to the effects of floodwaters.
44. A Certificate from a telecommunications carrier confirming that provision has been made for services to the development shall be submitted to the Principal Certifying Authority.
45. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
46. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
47. All premises offering food, packaged or otherwise, are to be registered with Council and have inspections conducted by Council's officers as necessary/required. These premises are required to comply with the Food Act 2003, associated Regulations, and the Food Safety Standards 3.2.2 and 3.2.3. These are available on line at www.foodstandards.gov.au.
48. A patron management plan for the restaurant activity shall be submitted to and approved by Hawkesbury City Council. The Plan shall address noise generated from patrons attending or leaving the premises, car parking areas etc, antisocial behaviour and the responsible service of alcohol.
49. A 149D Building Certificate application shall be submitted to Hawkesbury City Council and approval be granted prior to the issue of the occupation certificate.

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Use of the Development

50. All sewage management facilities on site must be operated in accordance with the relevant operating specifications and procedures for the component facilities, and so as to allow disposal of treated sewage in an environmentally safe and sanitary manner (Local Government [General] Regulation 2005).

The installed system will be the subject of an approval to operate a system of sewage management in accordance with the provisions of Subdivision 6 & 7 of Division 4 of Part 2 of the Local Government (General) Regulation 2005 and for this purpose will be subject to inspection at annual frequency by Council's Environmental Health Officer or at such other frequency as may be determined according to the future operation or risk of the system.

51. All fire safety equipment and fixtures shall be regularly serviced and maintained. The owner or their agent shall certify annually that each of the fire safety measures specified in this statement has:
- a) been assessed by a properly qualified person, and
 - b) found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the certificate is issued.
52. No more than 120 patrons are permitted within the 'The Polo Barn' restaurant at any given time.
53. A copy of this Development Consent shall be kept on the premises at all times and be made available to Council, Police or other authorised persons upon request.
54. Operating hours shall be limited to:
- a) 9am to 11pm Sunday to Thursday and public holidays; and
 - b) 9am to 12am (midnight) Friday and Saturday.
55. All amplified music is to cease by 10:30pm on any night.
56. Service deliveries to and from the site shall be limited to 7am to 5pm Monday to Saturday.
57. The activity shall be carried out in accordance with the Patron Management Plan.
58. Noise generated from the development is to comply with the intrusive noise criteria for the day time periods (7am to 6pm) and evening periods (6pm to 10pm), i.e. noise generated shall not exceed 5 decibels above background noise levels during these times measured in accordance with the NSW Industrial Noise Policy.
59. No offensive noise is to be generated from the development during the night time period (10pm to 7am) as defined by the Protection of the Environment Operations Act 1997.
60. The subject development, including landscaping, is to be maintained in a clean and tidy manner.
61. The lighting from the development is to be directed away from surrounding properties, at an angle of 45 degrees towards the ground and shielded if needed to prevent any light spillage onto adjoining properties.
62. All work and the storage of goods, materials and waste shall be confined within the building or approved storage areas at all times.
63. No food preparation is to occur outside the kitchen and bar area unless the area complies with the above food premises fit out codes.

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64. All waste materials are to be stored in covered waste storage bins and regularly removed from the property. Waste is to be separated where appropriate for re-use and recycling purposes. Waste is to be contained in such a manner to prevent it from being blown, moved or located around the property or surrounding properties.
65. All waste materials are to be stored in covered waste storage bins and regularly removed from the property. Waste is to be separated where appropriate for re-use and recycling purposes. Waste is to be contained in such a manner to prevent it from being blown, moved or located around the property or surrounding properties.
66. The primary operation of the premises is to be for Restaurant as defined in the Hawkesbury Local Environmental Plan 2012 and must not have a primary operation as a Function Centre.

Advisory Notes

- *** The installed sewerage management system will be the subject of an approval to operate a system of sewage management in accordance with the provisions of Subdivision 6 & 7 of Division 4 of Part 2 of the Local Government (General) Regulation 2005 and for this purpose will be subject to inspection at annual frequency by Council's Environmental Health Officer or at such other frequency as may be determined according to the future operation or risk of the system.
- *** The applicant shall make themselves aware of the Discrimination Against People with Disabilities Act (DDA) and assess their responsibilities and liabilities with regards to the provision of access for all people.
- *** Should any aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.
- *** The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed subdivision. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.
- *** 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.
- *** Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- *** In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.

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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:

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

The Motion was lost.

A MOTION was moved by Councillor Lyons-Buckett, seconded by Councillor Mackay.

That Council as the consent authority pursuant to Clause 80(1)(b) of the Environmental Planning and Assessment Act 1979 refuse Development Application No. DA0429/14 for a Restaurant on Lot 25 DP 633770, known as 1 Powells Lane, Richmond Lowlands, for the following reasons:

1. The proposed development as described in the application is defined as a 'Function Centre', which is prohibited within the RU2 Rural Landscape zone under the Hawkesbury Local Environmental Plan 2012.
2. The applicant has not provided suitable information demonstrating that the use would not have unacceptable noise impacts upon adjoining properties.

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

That Council defer consideration of the matter until an Acoustic Report is submitted.

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

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

The Amendment was lost on the casting vote of the Mayor.

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MOTION:

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

Refer to RESOLUTION

5 RESOLUTION:

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

That Council as the consent authority pursuant to Clause 80(1)(b) of the Environmental Planning and Assessment Act 1979 refuse Development Application No. DA0429/14 for a Restaurant on Lot 25 DP 633770, known as 1 Powells Lane, Richmond Lowlands, for the following reasons:

1. The proposed development as described in the application is defined as a 'Function Centre', which is prohibited within the RU2 Rural Landscape zone under the Hawkesbury Local Environmental Plan 2012.
2. The applicant has not provided suitable information demonstrating that the use would not have unacceptable noise impacts upon adjoining properties.

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:

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

Item: 4 CP - DA0430/14 - 106 Ridges Lane, Richmond Lowlands - Lot 27 DP 566434 and Lot 1 DP 797310 - Restaurant - Alterations and additions to the building and the operation of a restaurant - (95498, 78522, 102260)

Mr Mike Van Gestel and Mr Mark Wilson addressed Council, speaking for the item.
Mr Robert Montgomery, Mr Andrew Doyle and Ms Georgia Higgins addressed Council, speaking against the item.

Councillor Lyons-Buckett advised that she did not call this matter to Council as indicated in the report and this had been confirmed by staff.

ORDINARY MEETING

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

That Development Application No. DA0430/14 for a restaurant on Lot 27 DP 566434 and Lot 1 DP 797310, 106 Ridges Lane, Richmond Lowlands, be approved subject to the following conditions:

General Conditions

1. The development shall take place generally in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate construction certificate.
3. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
4. The development shall comply with the provisions of the National Construction Code/ Building Code of Australia.
5. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within seven days of issuing the certificate. A registration fee applies.
6. Hawkesbury City Council is the sewer authority for this development, inspection for compliance certification for internal and external sewer drainage shall be requested and approved prior to covering any pipe. An inspection fee applies.
7. Potable water shall be provided to the development in accordance with the NSW Health Private Water Supply Guidelines

Prior to Issue of Construction Certificate

8. Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979 and Hawkesbury City Council's Section 94A Development Contributions Plan 2006 (as amended from time to time), a contribution of \$2150 shall be paid to Hawkesbury City Council.

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

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

9. Hawkesbury City Council is the sewer authority for this development. As this development involves alteration/additions to the existing Septic/Sewer System, a payment of the prescribed inspection fee for internal/external sewer/septic works is required to be paid prior to the issue of the Construction Certificate.

Prior to Commencement of Works

10. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.

ORDINARY MEETING

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11. A waste management plan shall be submitted to and approved by Council. The plan shall address any builder's waste and waste generated during the day to day operation of the development. Particular attention shall be paid to type and quantity of waste, recycling, reuse, storage and disposal.
12. An Application to Install a Sewage Management Facility must be lodged and approved for the new system for the Proposed Restaurant with Hawkesbury City Council prior to any works being commenced in relation to the sewage management facility.
13. 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.
14. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.
15. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
16. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
 - a) Unauthorised access to the site is prohibited.
 - b) The owner of the site.
 - c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
 - d) The name and contact number of the Principal Certifying Authority.

During Construction

17. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan Appendix E Civil Works Specification.
18. 40 car parking spaces to service the development, together with access driveways and turning areas, shall be constructed, sealed, line marked, signposted and maintained. The car park is to comply with AS2890.1 2004, as a minimum standard.

Details are to be provided with the application for the construction certificate approval.
19. Vehicle entrances and exits shall be clearly signposted, including street number, and visible from both the street and site at all times.
20. Disabled parking shall be provided in accordance with AS2890.6, 2009.
21. A bitumen or concrete sealed access driveway, minimum three metres wide is to be provided from Ridges Lane to the proposed car park for the development. The driveway is to be widened to provide a sealed passing bay at approximately 200 metre intervals.

Where 90 degree parking is proposed directly off an internal roadway, then the adjacent roadway is to be widened to provide adequate manoeuvring area (minimum 5.8m in accordance with AS2890.1, 2004).
22. A bitumen or concrete sealed servicing area is to be provided in a suitable location adjacent to the development. The dimensions of the service area are to comply with the requirements of AS2890.2, 2002, for the largest vehicle required to regularly service the site.
23. External colours and material of the new work are to match the existing.

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24. During the demolition and construction period, the person responsible for the site is to retain records of waste disposal (waste receipts or dockets, recycling processor receipts etc.) in a Waste Data File. The Waste Data File must be provided to Council officers on request to demonstrate that the approved Waste Management Plan is being implemented.
25. All works associated with the proposal shall be carried in accordance with the requirements of:
 - a) Food Act 2003 and Regulations there under.
 - b) Australian Standard 4674-2004 Design, construction and fit-out of food premises.
 - c) Australian Standard 1668.2-2002 The use of ventilation and air conditioning in buildings – Ventilation design for indoor air contaminant control.
26. The premises is to be fitted with adequate hand washing facilities for the preparation of food. Handwashing basins are required in addition to other basins and sinks in any toilet, AND in any food preparation area. Where separate additional food preparation areas are provided, an additional hand washing basin is needed. Handwashing basins are required:
 - a) to be fitted with hand's free taps such as knee or foot operated devices;
 - b) with hot and cold running potable water;
 - c) with a common spout delivering water of at least 40°C.
 - d) to be easily accessible at all times.
27. A slop sink should be installed so that mop water does not contaminate the kitchen sinks. Mop water and water used for washing garbage receptacles must not be disposed of using a storm water drainage inlet.
28. All food premises are to comply with Hawkesbury City Council's *Food Premises Fit Out Code*.
29. Any area used for storage of food or food appliances/equipment is to comply with the relevant section of Hawkesbury City Council's *Food Premises Fit Out Code* including Section 7.0 - Storerooms.
30. "Drop in ceiling panels are not permitted over food preparation or food storage areas. The ceilings over the food preparation and storage areas are to be solid and comply with section 4.0 of the Hawkesbury City Council's *Food Premises Fit Out Code*."
31. All walls, floors, benches, shelves, chairs, fittings and the like are to be constructed with materials that are smooth, durable, impervious to moisture, and capable of being easily cleaned with a disinfectant. Fittings and equipment should be constructed so as not to harbour food, insects or vermin.
32. The floors are to be covered with a durable, non-toxic, impervious surface, graded to trapped floor waste outlets (where necessary), and connected to an approved drainage installation. The floor covering is to be free of protrusions or gaps.
33. All wall/floor junctions in the food preparation and storage area(s), including any prefabricated low temperature room wall and floor, shall be coved according to Hawkesbury City Council's Food Premises Fit Out Code. The coving is to be a minimum radius of 25mm using a smooth impervious material of a light colour. Where walls and floors are tiled, the coving is to be of a tile type. 'Stick on' coving is not permitted. Feather edge skirting is not permitted
34. Non-commercial refrigeration is not permitted in new food premises.
35. Food preparation and storage areas are to be adequately protected from flies, insects, and vermin. Windows are to be screened, and doorways are to be provided with self-closing doors. External doors are to be provided with self-closing screen doors.

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

Prior to Issue of the Occupation Certificate

38. The commercial Aerated Wastewater Treatment System and the land application (disposal) area shall be installed and commissioned in accordance with Council's Sewage Management Facility Approval. A written clearance from Hawkesbury City Council (as the local sewer authority) that the development is suitably connected to the on-site sewerage management system, is required to be submitted to the Principal Certifying Authority prior to the issue of an occupation certificate.
39. The applicant shall prepare a flood emergency evacuation and management plan for the development. The plan shall advise occupants of flood evacuation procedures and emergency telephone numbers. The applicant shall contact Council and the NSW State Emergency Services for advice in the preparation of the plan. The evacuation procedures shall be permanently fixed to the building on a prominent location and maintained at all times.
40. The applicant shall submit a report from a suitably qualified Engineer which verifies the following:
 - a) Any damage to the proposed structure sustained in a flood will not generate debris capable of causing damage to downstream buildings or property.
 - b) Any part of the structure at or below the 1 in 100 year flood level will be able to withstand the force or floodwaters (including buoyancy forces) and the impact of debris.
 - c) All finishes, plant fittings and equipment subject to inundation will be or materials and functional capability resistant to the effects of floodwaters.
41. A Certificate from a telecommunications carrier confirming that provision has been made for services to the development shall be submitted to the Principal Certifying Authority.
42. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
43. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
44. All premises offering food, packaged or otherwise, are to be registered with Council and have inspections conducted by Council's officers as necessary/required. These premises are required to comply with the Food Act 2003, associated Regulations, and the Food Safety Standards 3.2.2 and 3.2.3. These are available on line at www.foodstandards.gov.au.
45. A patron management plan for the restaurant activity shall be submitted to and approved by Hawkesbury City Council. The Plan shall address noise generated from patrons attending or leaving the premises, car parking areas etc, antisocial behaviour and the responsible service of alcohol.
46. A 149D Building Certificate application shall be submitted to Hawkesbury City Council and approval be granted prior to the issue of the occupation certificate.

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Use of the Development

47. All sewage management facilities on site 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).
48. The installed system will be the subject of an approval to operate a system of sewage management in accordance with the provisions of Subdivision 6 & 7 of Division 4 of Part 2 of the Local Government (General) Regulation 2005 and for this purpose will be subject to inspection at annual frequency by Council's Environmental Health Officer or at such other frequency as may be determined according to the future operation or risk of the system.
49. All fire safety equipment and fixtures shall be regularly serviced and maintained. The owner or their agent shall certify annually that each of the fire safety measures specified in this statement has:
 - a) been assessed by a properly qualified person, and
 - b) found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the certificate is issued.
50. No more than 120 patrons are permitted within the 'Sunnybrook barn' restaurant at any given time.
51. A copy of this Development Consent shall be kept on the premises at all times and be made available to Council, Police or other authorised persons upon request.
52. Operating hours shall be limited to:
 - a) 9am to 11pm Sunday to Thursday and public holidays; and
 - b) 9am to 12am (midnight) Friday and Saturday.
53. All amplified music is to cease by 10:30pm on any night.
54. Service deliveries to and from the site shall be limited to 7am to 5pm Monday to Saturday.
55. The activity shall be carried out in accordance with the Patron Management Plan.
56. The development shall be conducted in accordance with the Environmental Noise Assessment Report produced by Day Design PTY LTD dated 3 July 2014 and noise control recommendations within this report are to be implemented.
57. Noise generated from the development is to comply with the intrusive noise criteria for the day time periods (7am to 6pm) and evening periods (6pm to 10pm), i.e. noise generated shall not exceed 5 decibels above background noise levels during these times measured in accordance with the NSW Industrial Noise Policy.
58. No offensive noise is to be generated from the development during the night time period (10pm to 7am) as defined by the Protection of the Environment Operations Act 1997.
59. The subject development, including landscaping, is to be maintained in a clean and tidy manner.
60. The lighting from the development is to be directed away from surrounding properties, at an angle of 45 degrees towards the ground and shielded if needed to prevent any light spillage onto adjoining properties.
61. All work and the storage of goods, materials and waste shall be confined within the building or approved storage areas at all times.

ORDINARY MEETING

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62. No food preparation is to occur outside the kitchen and bar area unless the area complies with the above food premises fit out codes.
63. All waste materials are to be stored in covered waste storage bins and regularly removed from the property. Waste is to be separated where appropriate for re-use and recycling purposes. Waste is to be contained in such a manner to prevent it from being blown, moved or located around the property or surrounding properties.
64. The primary operation of the premises is to be for Restaurant as defined in the Hawkesbury Local Environmental Plan 2012 and must not have a primary operation as a Function Centre.

Advisory Notes

- *** The installed sewerage management system will be the subject of an approval to operate a system of sewage management in accordance with the provisions of Subdivision 6 & 7 of Division 4 of Part 2 of the Local Government (General) Regulation 2005 and for this purpose will be subject to inspection at annual frequency by Council's Environmental Health Officer or at such other frequency as may be determined according to the future operation or risk of the system.
- *** The applicant shall make themselves aware of the Discrimination Against People with Disabilities Act (DDA) and assess their responsibilities and liabilities with regards to the provision of access for all people.
- *** Should any aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.
- *** The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed subdivision. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.
- *** 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.
- *** Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- *** In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.

An AMENDMENT was moved by Councillor Porter, seconded by Councillor Calvert.

That Council defer the item for a further a report to an Extraordinary Meeting to be held on Tuesday, 10 February 2015.

ORDINARY MEETING

Meeting Date: 03 February 2015

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

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

The Amendment was lost.

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:

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

The Motion was lost.

ORDINARY MEETING

Meeting Date: 03 February 2015

MOTION:

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

Refer to RESOLUTION

6 RESOLUTION:

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

That Council as the consent authority pursuant to Clause 80(1)(b) of the Environmental Planning and Assessment Act 1979 refuse Development Application No. DA0430/14 for a restaurant on Lot 27 DP 566434 and Lot 1 DP 797310, 106 Ridges Lane, Richmond Lowlands, for the following reasons:

1. The proposed development is defined as a 'Function Centre', which is prohibited within the RU2 Rural Landscape zone under the Hawkesbury Local Environmental Plan 2012.

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:

For the Motion	Against the Motion
Councillor Calvert	Councillor Creed
Councillor Ford	Councillor Rasmussen
Councillor Lyons-Buckett	Councillor Reardon
Councillor Mackay	Councillor Tree
Councillor Paine	
Councillor Porter	
Councillor Williams	

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

ORDINARY MEETING

Meeting Date: 03 February 2015

CITY PLANNING

Item: 5 **CP - Pitt Town Development Area - Draft Indicative Road Layout for "Precinct D" - (95498, 124414)**

MOTION:

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

Refer to RESOLUTION

7 RESOLUTION:

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

That:

1. The road layout attached to the report for Precinct D (Central Precinct) in the Pitt Town Development Area be used as an interim Policy of Council.
2. Council officers consult with the relevant landowners to discuss the preliminary road layout discussed in this report.
3. A further report be presented to Council, following consultation with landowners, to consider a DCP amendment for a road layout in Precinct D (Central Precinct) of the Pitt Town Development Area.

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

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

ORDINARY MEETING

Meeting Date: 03 February 2015

Item: 6 **CP - Review of the Stormwater Management Strategy for the Pitt Town Development Area - (95498, 124414)**

MOTION:

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

Refer to RESOLUTION

8 RESOLUTION:

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

That:

1. The information regarding the Review of the Stormwater Management Strategy for the Pitt Town Development Area be received.
2. Council defer the *Pitt Town Development - Updated Stormwater Management Strategy - Final Draft*, prepared by Worley Parsons, dated 20 November 2014, as an update to the technical provisions referred to in the Hawkesbury Development Control Plan to a Councillor Briefing Session.

ORDINARY MEETING

Meeting Date: 03 February 2015

INFRASTRUCTURE SERVICES

Item: 7 **IS - Exclusive Use of Governor Phillip Reserve - Bridge to Bridge Power Boat Race and Power Boat Spectacular - (95495, 79354, 78329)**

MOTION:

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

Refer to RESOLUTION

9 RESOLUTION:

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

That:

1. Approval be granted to the Upper Hawkesbury Power Boat Club for “exclusive use” of Governor Phillip Reserve for the 2015 Bridge to Bridge Power Boat Race to be held on Saturday, 2 May and Sunday, 3 May 2015.
2. Approval be granted to the Upper Hawkesbury Power Boat Club for “exclusive use” of Governor Phillip Reserve for the 2015 Power Boat Spectacular to be held on Saturday, 19 September and Sunday, 20 September 2015.
3. The approvals be subject to the following conditions/documents:
 - a) Council’s general park conditions.
 - b) Council’s fees and charges.
 - c) The Windsor Foreshore Plan of Management.
 - d) The Governor Phillip Exclusive Use Policy.
 - e) The Governor Phillip Noise Policy.
 - f) A Traffic Management Plan which has been approved as part of the Special Event Application.
4. As the applicant has not advised alternative dates in the event of inclement weather, the General Manager be given authority to negotiate exclusive use on an alternate date, if required by the applicant.

ORDINARY MEETING

Meeting Date: 03 February 2015

Item: 8 **IS - Road Naming Proposal Associated with DA0466/14 Kurrajong - (95495, 79346)**

Previous Item: 229, Ordinary (25 November 2014)

MOTION:

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

Refer to RESOLUTION

10 RESOLUTION:

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

That Council, as the road naming authority for local roads in accordance with the Roads Act 1993, adopt the name Lily Place and the naming of the extension of Robertson Street for use.

ORDINARY MEETING

Meeting Date: 03 February 2015

SUPPORT SERVICES

Item: 9 SS - Monthly Investments Report - November 2014 - (96332, 95496)

MOTION:

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

Refer to RESOLUTION

11 RESOLUTION:

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

The report regarding the monthly investments for November 2014 be received and noted.

Item: 10 SS - Monthly Investments Report - December 2014 - (96332, 95496)

MOTION:

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

Refer to RESOLUTION

12 RESOLUTION:

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

The report regarding the monthly investments for December 2014 be received and noted.

ORDINARY MEETING

Meeting Date: 03 February 2015

Item: 11 **SS - Council Resolution Summary - July to December 2014 - (95496, 96333)**

Previous Item: NM2, Ordinary (24 June 2014)

MOTION:

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

Refer to RESOLUTION

13 RESOLUTION:

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

That the report regarding Council resolutions for the period of 1 July 2014 to 31 December 2014 be received and noted.

Item: 12 **SS - Revaluation of Properties within the Hawkesbury City Council Local Government Area - (95496, 99089, 79337)**

MOTION:

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

Refer to RESOLUTION

14 RESOLUTION:

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

That the information concerning the revaluation of properties within the Hawkesbury Council Local Government Area be received and noted.

ORDINARY MEETING
Reports of Committees

SECTION 4 - Reports of Committees

ROC **Heritage Advisory Committee - 27 November 2014 - (80242)**

15 RESOLUTION:

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

That the minutes of the Heritage Advisory Committee held on 27 November 2014 as recorded on pages 131 to 136 of the Ordinary Business Paper be received.

ROC **Local Traffic Committee - 12 January 2015 - (80245)**

16 RESOLUTION:

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

That the minutes of the Local Traffic Committee held on 12 January 2015 as recorded on pages 137 to 157 of the Ordinary Business Paper be adopted.

ORDINARY MEETING

Notices of Motion

NM1 **Treatment and disposal of coal seam gas flow back water - (79351, 105109, 125612)**

MOTION:

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

Refer to RESOLUTION

17 RESOLUTION:

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

That Council resolve in relation to the treatment and disposal of coal seam gas flow back water in the Hawkesbury LGA to:

1. Request the following information (from either the licensed company or the EPA) be publicly accessible on a regular (monthly) basis:
 - a) number of truck movements per week;
 - b) volume of water being treated per week;
 - c) composition of flow back water;
 - d) regular test results of levels of contaminants found;
 - e) use and location of recycled water;
 - f) disposal method and location of any solids and contaminants removed during treatment; and
2. Keep the community advised of any changes related to the source or volume of CSG waste water coming into the Hawkesbury LGA.

NM2 **Richmond Lowlands - Polo Fields and associated activities - (79351, 105109, 80106)**

Previous Item: NM4, Ordinary (11 November 2014)

MOTION:

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

Refer to RESOLUTION

18 RESOLUTION:

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

ORDINARY MEETING

Notices of Motion

That:

1. Council reaffirm its continued support of the emerging polo and related support industries in the Richmond Lowlands.
2. Council indicate to all stakeholders and the community its unambiguous willingness to work closely and cooperatively with all relevant property owners to resolve quickly and expeditiously current planning provisions and conflict issues, including commencement of a review of the zoning provisions, relating to permissible land use activities associated with the industry.

Councillors Ford and Porter requested that their names be recorded as having voted against the motion.

NM3 Mt Wilson - Mt Irvine Road - Emergency access route - (79351, 105109, 80106)

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

That Council work with Blue Mountains City Council, State and Federal Governments to have Mt Irvine Road established as an emergency access route.

The Motion was lost.

ORDINARY MEETING

Questions for Next Meeting

QUESTIONS FOR NEXT MEETING

Councillor Questions from Previous Meeting and Responses - (79351)

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

ORDINARY MEETING
Questions for Next Meeting

Questions for Next Meeting

#	Councillor	Question	Response
1	Calvert	Enquired if Council has received a response from the RMS in regard to Resolution 357 of the Ordinary meeting, held on 28 October 2014.	Director Infrastructure Services
2	Calvert	Enquired as to the ramifications for the Hawkesbury LGA in respect of the State Government's document " <i>A Plan for Growing Sydney</i> ", as there is no mention made of the Hawkesbury.	Director City Planning
3	Paine	Enquired how Council will deal with a recent email received regarding a property in Maraylya.	Director City Planning
4	Paine	Requested for Council to consider holding a luncheon for past Citizens of the Year.	General Manager
5	Williams	Enquired if Council has any further information regarding CSG water carting to the Hawkesbury LGA.	Director City Planning
6	Williams	Requested that the vegetation at the Bailey Bridge, West Portland Road, be slashed due to the vegetation hindering sight lines.	Director Infrastructure Services
7	Williams	Enquired if Council is aware of the recent algal bloom that occurred in the Hawkesbury River and if the boom located at Freemans Reach is still operational.	Director Infrastructure Services
8	Reardon	Referred to the Council's " <i>Fit for the Future</i> " submission and asked about required public consultation in association with its submission to the State Government by the 30 June 2015 deadline.	General Manager

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19 RESOLUTION:

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

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: 13 GM - Council's Membership of Westpool/United Independent Pools and offer from Statewide Mutual - (79351, 79426, 106190)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act, 1993 as it relates to matters concerning Council's insurances and premiums paid in this regard 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: 14 IS - Tender No. 00950 - Rehabilitation of Former East Kurrajong Waste Depot, East Kurrajong - (95495, 79344)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act, 1993 as it relates to details concerning tenders for the supply of goods and/or services to Council and it is 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: 15 SS - Property Matter - Lease to Alison, Danielle and Clifford Griffiths - Shop 5, Wilberforce Shopping Centre - (95496, 112106, 103841)

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

Item: 16 SS - Property Matter - Lease to B & C Munro Investments Pty Limited - Shops 1 and 2, Wilberforce Shopping Centre - (95496, 112106, 123129)

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

Item: 17 SS - Property Matter - Lease to Kevin Rix and Jeanette Haviland - Road Reserve adjoining Lots 54 and 55 DP 829116 (119 St Albans Road, Wisemans Ferry) - (95496, 112106, 84377, 84376, 27488, 27390)

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

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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.

20 RESOLUTION:

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

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Item: 13 **GM - Council's Membership of Westpool/United Independent Pools and offer from Statewide Mutual - (79351, 79426, 106190) CONFIDENTIAL**

MOTION:

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

Refer to RESOLUTION

21 RESOLUTION:

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

That Council write to Statewide Mutual and request that it submit its offer to provide public liability/professional indemnity insurance to Council through its broker, Willis Australia.

Item: 14 **IS - Tender No. 00950 - Rehabilitation of Former East Kurrajong Waste Depot, East Kurrajong - (95495, 79344) CONFIDENTIAL**

Previous Item: 253, Ordinary (9 December 2014)

MOTION:

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

Refer to RESOLUTION

22 RESOLUTION:

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

That:

1. Council note the withdrawal of the tender of Azbuild Pty Ltd previously accepted by Council at its meeting of 9 December 2014.
2. The tender submitted by Delaney Civil Pty Ltd in the amount of \$1,681,233.45 (GST exclusive) for the rehabilitation of former East Kurrajong Waste Depot located at 743 Putty Road, East Kurrajong, be accepted.
3. Any required documentation be executed under the Seal of Council.

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Item: 15 **SS - Property Matter - Lease to Alison, Danielle and Clifford Griffiths - Shop 5, Wilberforce Shopping Centre - (95496, 112106, 103841) CONFIDENTIAL**

MOTION:

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

Refer to RESOLUTION

23 RESOLUTION:

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

That:

1. Council agree to enter into a new lease with Alison, Danielle and Clifford Griffiths in regard to Shop 5, Wilberforce Shopping Centre, in accordance with the proposal outlined in the report.
2. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.
3. Details of Council's resolution be conveyed to the proposed Lessees, together with the advice that Council is not, and will not, be bound by the terms of its resolution, until such time as appropriate legal documentation to put such resolution into effect has been agreed to and executed by all parties.

Item: 16 **SS - Property Matter - Lease to B & C Munro Investments Pty Limited - Shops 1 and 2, Wilberforce Shopping Centre - (95496, 112106, 123129) CONFIDENTIAL**

MOTION:

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

Refer to RESOLUTION

24 RESOLUTION:

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

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That:

1. Council agree to enter into a new lease with B & C Munro Investments Pty Limited in regard to Shop 1 and Shop 2, Wilberforce Shopping Centre, in accordance with the proposal outlined in the report.
2. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.
3. Details of Council's resolution be conveyed to the proposed Lessee, together with the advice that Council is not, and will not, be bound by the terms of its resolution, until such time as appropriate legal documentation to put such resolution into effect has been agreed to and executed by all parties.

Item: 17 SS - Property Matter - Lease to Kevin Rix and Jeanette Haviland - Road Reserve adjoining Lots 54 and 55 DP 829116 (119 St Albans Road, Wisemans Ferry) - (95496, 112106, 84377, 84376, 27488, 27390) CONFIDENTIAL

MOTION:

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

Refer to RESOLUTION

25 RESOLUTION:

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

That:

1. Council agree to enter into a new lease with Mr Kevin Rix and Mrs Jeanette Haviland in regard to the unformed portion of road, which is part of St Albans Road, Wisemans Ferry, and adjoins Lots 54 and 55, Deposited Plan 752061, 119 St Albans Road, Wisemans Ferry, in accordance with the proposal outlined in the report.
2. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.
3. Details of Council's resolution be conveyed to the proposed Lessees, together with the advice that Council is not, and will not, be bound by the terms of its resolution, until such time as appropriate legal documentation to put such resolution into effect has been agreed to and executed by all parties.

The meeting terminated at 10:37pm.

Submitted to and confirmed at the Ordinary meeting held on 24 February 2015.

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Mayor