



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 11 April 2017

location: council chambers

time: 6:30 p.m.

ORDINARY MEETING

Minutes: 11 April 2017

MINUTES

- **WELCOME**
 - 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 11 April 2017, commencing at 6:31pm.

ATTENDANCE

PRESENT: Councillor M Lyons-Buckett, Mayor, Councillor B Calvert, Deputy Mayor and Councillors P Conolly, A Kotlash, P Rasmussen, P Reynolds, J Ross, D Wheeler and N Zamprogno.

ALSO PRESENT: Acting General Manager - Laurie Mifsud, Director City Planning - Matt Owens, Director Infrastructure Services - Jeff Organ, Acting Director Support Services - Emma Galea, Executive Manager - Community Partnerships - Joseph Litwin, Manager Corporate Services and Governance - Ian Roberts and Administrative Support Coordinator - Natasha Martin.

APOLOGIES

Apologies for absence were received from Councillors E-J Garrow, S Richards and T Tree.

109 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Zamprogno that the apologies be accepted and that leave of absence from the meeting be granted.

Councillor Conolly arrived at the meeting at 6:42pm.

DECLARATIONS OF INTEREST

Councillor Lyons-Buckett declared a pecuniary interest on Item 69.

SECTION 1 - Confirmation of Minutes

110 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Calvert that the Minutes of the Ordinary Meeting held on the 28 March 2017, be confirmed.

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SECTION 3 - Reports for Determination

PLANNING DECISIONS

Item: 69 **CP - Draft Voluntary Planning Agreement for Lot 2 DP 805023, 1420 Kurmond Road, Kurmond - Post Exhibition Report - (124414, 95498)**

Councillor Lyons-Buckett declared a pecuniary interest in this matter as her husband has worked for the applicants' family. She left the Chamber and did not take part in voting or discussion on the matter.

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

MOTION:

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

Refer to RESOLUTION

111 RESOLUTION:

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

That:

1. The Voluntary Planning Agreement and Explanatory Note for Lot 2 DP 805023, 1420 Kurmond Road, Kurmond attached as Attachment 1 to this report, be endorsed by Council.
2. Delegation be given to the General Manager to make any necessary minor wording and formatting changes to the Voluntary Planning Agreement prior to execution, provided that these minor changes do not alter the intent of the Voluntary Planning Agreement.
3. The Voluntary Planning Agreement be executed under the Seal of Council.

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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 Rasmussen
Councillor Conolly	
Councillor Kotlash	
Councillor Reynolds	
Councillor Ross	
Councillor Wheeler	
Councillor Zamprogno	

Councillor Lyons-Buckett was not in the Chamber when the vote was taken.

Councillors Garrow, Richards and Tree were absent from the meeting.

The Mayor, Councillor Lyons-Buckett, resumed the chair.

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Item: 70 **CP - Draft Voluntary Planning Agreement for Lots 431 and 432 DP 1189536, 431 and 431A Greggs Road, Kurrajong - Post Exhibition Report - (124414, 95498)**

MOTION:

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

Refer to RESOLUTION

112 RESOLUTION:

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

That:

1. The Voluntary Planning Agreement and Explanatory Note for Lots 431 and 432 DP 1189536, 431 and 431A Greggs Road, Kurrajong attached as Attachment 1 to this report, be endorsed by Council.
2. Delegation be given to the General Manager to make any necessary minor wording and formatting changes to the Voluntary Planning Agreement prior to execution, provided that these minor changes do not alter the intent of the Voluntary Planning Agreement.
3. The Voluntary Planning Agreement to be executed under the Seal of Council.

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

For the Motion	Against the Motion
Councillor Calvert	Councillor Rasmussen
Councillor Conolly	
Councillor Kotlash	
Councillor Lyons-Buckett	
Councillor Reynolds	
Councillor Ross	
Councillor Wheeler	
Councillor Zamprogno	

Councillors Garrow, Richards and Tree were absent from the meeting.

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Item: 71 **CP - Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012 - Lot 1 DP 120436, 631 Bells Line of Road, Kurrajong - (124414, 95498)**

Previous Item: 69, Ordinary (15 May 2015)
 NM, Ordinary (8 September 2015)

Mr Michael Want addressed Council, speaking against the recommendation.

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

That Council defer the matter pending the results of the Comprehensive Traffic Study.

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

That Council:

1. Proceed with the making of the plan to amend the Lot Size Map of the Hawkesbury Local Environmental Plan 2012 in relation to Lot 1, DP 120436, 631 Bells Line of Road, Kurrajong, to permit a minimum lot size of not less than 4,000m² for the north-eastern corner of the subject site and a 1ha lot size for the remainder of the subject site as shown in Figure 3 of this report.
2. Request that the Parliamentary Counsel's Office prepare a draft Local Environmental Plan to give effect to the planning proposal in accordance with Section 59(1) of the Environmental Planning and Assessment Act, 1979.
3. Adopt and make the draft Local Environmental Plan, under the authorisation for Council to exercise delegation issued by the "Gateway" determination, upon receipt of an opinion from Parliamentary Counsel's Office that the Plan can be legally made.
4. Advise the applicant to prepare a draft Voluntary Planning Agreement incorporating an appropriate monetary contribution for the additional lot created on the subject site for Council's consideration prior to placing the draft Voluntary Planning Agreement on public exhibition.
5. Following the making of the plan advise the Department of Planning and Environment that the Plan has been made and request to notify the Plan on the NSW Legislation website.
6. Undertake a subsequent house-keeping amendment to Hawkesbury Local Environmental 2012 maps to identify part of the subject site affected by the Roads & Maritime Services future road widening proposal.

During the debate on this item, Councillor Conolly made comments. The Mayor, Councillor Lyons-Buckett called Councillor Conolly to order, in accordance with Clause 4.2.1 (1) of the Code of Meeting Practice. In accordance with Clause 4.2.2 (2) of the Code of Meeting Practice, the Mayor requested that Councillor Conolly withdraw his comments. In accordance with Clause 4.2.3 (1), the Mayor adjourned the meeting 7:14pm.

The Mayor resumed the meeting at 7:20pm. At the request of the Mayor, Councillor Conolly withdrew his comments.

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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 amendment, the results of which were as follows:

For the Amendment	Against the Amendment
Councillor Calvert	Councillor Rasmussen
Councillor Conolly	Councillor Ross
Councillor Kotlash	Councillor Reynolds
Councillor Zamprogno	Councillor Wheeler
	Councillor Lyons-Buckett

Councillors Garrow, Richards and Tree were absent from the meeting.

The Amendment was lost.

MOTION:

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

Refer to RESOLUTION

113 RESOLUTION:

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

That Council defer the matter pending the results of the Comprehensive Traffic Study.

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 Lyons-Buckett	Councillor Calvert
Councillor Rasmussen	Councillor Conolly
Councillor Reynolds	Councillor Kotlash
Councillor Ross	
Councillor Wheeler	
Councillor Zamprogno	

Councillors Garrow, Richards and Tree were absent from the meeting.

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GENERAL MANAGER

Item: 72 **GM - Request for Sponsorship - St Albans Writers' Festival 2017 - (79351, 133990)**

MOTION:

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

Refer to RESOLUTION

114 RESOLUTION:

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

That:

1. Council agree to support the St Albans Writers' Festival 2017 being held from Friday, 8 September to Sunday, 10 September 2017, to the value of contributions totalling \$8,000.
2. Council allocate funding of \$5,000 in the 2017/2018 Draft Operational Plan, waive fees totalling \$1,600 and provide in-kind resources to the value of \$1,400 as outlined in the report to support the St Albans Writers' Festival 2017.
3. Council's standard Sponsorship Agreement be executed.

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SUPPLEMENTARY REPORTS

Item: 76 **IS - Exclusive Use of Governor Phillip Reserve - Upper Hawkesbury Power Boat Club - Double Dash Boat Race - (95495, 79354, 73829)**

MOTION:

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

Refer to RESOLUTION

115 RESOLUTION:

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

That:

1. Approval be granted to the Upper Hawkesbury Power Boat Club for "exclusive use" of Governor Phillip Reserve for the 2017 Double Dash Boat Race to be held on Sunday, 7 May 2017.
2. 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 a Special Event Application or conduct the event under direct police supervision or approvals.
3. 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.

SECTION 4 - Reports of Committees

ROC Sustainability Advisory Committee - 6 March 2017 - (126363, 124414)

116 RESOLUTION:

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

That the minutes of the Sustainability Advisory Committee held on 6 March 2017 as recorded on pages 79 to 84 of the Ordinary Business Paper be received with the following proposed amendments, which are to be referred back to the Sustainability Advisory Committee:

1. the second bullet point on page 81 be amended to:
 - "• *Subsequent to Mr Melotte's presentation which outlined various options for the delivery of solar power systems, Councillor Kotlash asked for the report to Council to include investigation of solar projects in various forms (including farms) and for the report to be brought back to the Committee, prior to its being reported to Council. "*
2. the third bullet point on page 81 be amended to:
 - "• *Councillor Wheeler referred to the table in the PowerPoint presentation ("low hanging fruit slide") and asked for an amended table to be provided which didn't include the figures for the Sewerage Treatment Plant."*

SECTION 5 - Notices of Motion

NM1 Waste to Energy Incinerator - (79351, 105109, 138882)

Ms Kim Smith, Ms Jan Sparkes and Mr William Sneddon addressed Council, speaking for the recommendation.

MOTION:

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

Refer to RESOLUTION

117 RESOLUTION:

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

That Council:

1. Note plans for construction of the world's largest waste-to-energy incinerator at Eastern Creek in the Blacktown LGA, which will produce airborne ultrafine particulate matter, sulphur and nitrogen dioxides, dioxins and other harmful substances.
2. Note that this proposal poses a risk to air quality throughout Western Sydney, including the Hawkesbury LGA.
3. Write to the Department of Planning indicating our opposition to the construction of the incinerator and a copy of this correspondence also be sent to The Member for Hawkesbury, Mr Dominic Perrottet.

NM2 Heritage Advisory Committee Advice on Thompson Square - (79351, 105109, 138882)

MOTION:

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

Refer to RESOLUTION

118 RESOLUTION:

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

That Council informs the Heritage Advisory Committee that their input and expertise is valued and welcome and that they are encouraged to provide information on Thompson Square and any other relevant heritage matter to Council.

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QUESTIONS FOR NEXT MEETING

Councillor Questions from Previous Meetings and Responses - (79351)

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

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#	Councillor	Question	Response
1	Ross	Enquired whether Destination NSW has been or will be involved in the Council process with respect to the Polo World Cup development application.	The Manager Development Services
2	Reynolds	Enquired if a development application has been submitted in relation to the Polo World Cup and at what stage is the planning proposal up to.	The Manager Development Services
3	Wheeler	Requested a timeline for the waste removal and signage installation at Cumberland Reach Aboriginal Reserve that was raised at the Ordinary meeting of 8 November 2016.	Director Infrastructure Services
4	Wheeler	Enquired if Council actioned Resolution 86 from the Ordinary meeting of 24 April 2012, relating to State Government investigation of public transport within the Hawkesbury LGA and if Council received a response from the State Government.	General Manager
5	Zamprogno	Requested advice on repairs to Old Pitt Town Road, near Brinsley Park due to flooding and damage to the road surface.	Director Infrastructure Services
6	Zamprogno	Enquired as to who owns and is responsible for the maintenance of the access road to the Meroo Convention Centre, Kurrajong, as it is in poor condition and if Council has any responsibility to the maintenance of the road.	Director Infrastructure Services
7	Zamprogno	Requested a status update in regard to his question from 28 February 2017, relating to road reconstruction works and signage near Bathurst Street, Hall Street and Punt Road, Pitt Town.	Director City Planning
8	Zamprogno	Requested information relating to road traffic counter numbers Old Stock Route Road near Brennans Dam Road, Vineyard be provided.	Director Infrastructure Services

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CONFIDENTIAL REPORTS

119 RESOLUTION:

RESOLVED on the motion of Councillor Kotlash, 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: 73 GM - Staff Matter - (79351)

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

Item: 74 SS - Property Matter - Leasing of Shop 12, Wilberforce Shopping Centre - Stakks Pty Ltd - (95496, 112106, 99221, 116970)

*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: 75 SS - Property Matter- Leasing of Shop 10, Glossodia Shopping Centre - Stakks Pty Ltd - (95496, 112106, 99221, 116970)

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

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

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

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

120 RESOLUTION:

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

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Item: 73 **GM - Staff Matter - (79351) CONFIDENTIAL**

MOTION:

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

Refer to RESOLUTION

121 RESOLUTION:

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

That the information regarding the settlement of a Workers Compensation claim as detailed in the report be noted.

Item: 74 **SS - Property Matter - Leasing of Shop 12, Wilberforce Shopping Centre - Stakks Pty Ltd - (95496, 112106, 99221, 116970) CONFIDENTIAL**

MOTION:

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

Refer to RESOLUTION

122 RESOLUTION:

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

That:

1. Council agree to enter into a new lease with Stakks Pty Ltd in regard to Shop 12, Wilberforce Shopping Centre, in accordance with the proposal outlined in the report.
2. Authority be given for any documentation with regard to 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 a resolution into effect has been agreed to and executed by all parties.

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Item: 75 **SS - Property Matter- Leasing of Shop 10, Glossodia Shopping Centre - Stakks Pty Ltd - (95496, 112106, 99221, 116970) CONFIDENTIAL**

MOTION:

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

Refer to RESOLUTION

123 RESOLUTION:

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

That:

1. Council agree to enter into a new lease with Stakks Pty Ltd in regard to Shop 10, Glossodia Shopping Centre, in accordance with the proposal outlined in the report.
2. Authority be given for any documentation with regard to 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 a resolution into effect has been agreed to and executed by all parties.

The meeting terminated at 8:52pm.

Submitted to and confirmed at the Ordinary meeting held on 9 May 2017.

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Mayor