



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 08 November 2016
location: council chambers
time: 6:30 p.m.

ORDINARY MEETING

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on 8 November 2016, commencing at 6:32pm.

Pastor Phil Evans of the Hawkesbury Valley Baptist Church, representing the Hawkesbury Minister's Association, gave the opening prayer at the commencement of the meeting.

ATTENDANCE

PRESENT: Councillor M Lyons-Buckett, Mayor, Councillor B Calvert, Deputy Mayor and Councillors P Conolly, E-J Garrow, A Kotlash, P Rasmussen, P Reynolds, S Richards, J Ross, 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, Development Services Manager - Cristie Evenhuis, Strategic Planning Manager - Andrew Kearns, Acting Chief Financial Officer - Vanessa Browning, Manager Corporate Services and Governance - Ian Roberts and Administrative Support Coordinator - Kylie Wade-Ferrell.

APOLOGIES

An apology for absence was received from Councillor T Tree.

379 RESOLUTION:

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

PRESENTATION BY COUNCIL'S AUDITOR

The Mayor advised that Mr Banecivic would arrive and present to the meeting at a later time.

SECTION 1 - Confirmation of Minutes

380 RESOLUTION:

RESOLVED on the motion of Councillor Conolly and seconded by Councillor Kotlash that the Minutes of the Ordinary Meeting held on the 25 October 2016, be confirmed.

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SECTION 3 - Reports for Determination

PLANNING DECISIONS

Item: 240 **CP - LEP004/15 - Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012 - 22, 39 and 41 Windsor Street, Richmond - (95498, 124414)**

Previous Item: 135, Ordinary (25 August 2015)

Ms Rebecca Zerk addressed Council, speaking for the recommendation.

MOTION:

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

Refer to RESOLUTION

381 RESOLUTION:

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

That Council:

1. Proceed with the making of the plan to:
 - a) Amend the Land Zoning Map of the *Hawkesbury Local Environmental Plan 2012* to rezone the subject site from R2 Low Density Residential to IN2 Light Industrial under the LEP to allow development of the subject site for light industrial purposes.
 - b) Amend the Height of Buildings Map of the *Hawkesbury Local Environmental Plan 2012* to remove the current 10m maximum permissible height provision applying to the subject site and part of Lukis Avenue to ensure consistency with the industrial zoned land within the Hawkesbury Local Government Area.
 - c) Amend the Lot Size Map of the *Hawkesbury Local Environmental Plan 2012* to remove the current 450m² minimum lot provision applying to the subject site and part of Lukis Avenue to ensure consistency with the industrial zoned land within the Hawkesbury Local Government Area.
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. 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.

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

Councillor Tree was absent from the meeting.

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GENERAL MANAGER

Item: 241 **GM - Draft Amended Revised Fit for the Future Proposal - (79351, 95496)**

Previous Item: 211, Ordinary (11 October 2016)
 146, Ordinary (26 July 2016)
 138, Ordinary (12 July 2016)
 4, Ordinary (2 February 2016)
 MM, Ordinary (27 October 2015)
 RM, Ordinary (30 June 2015)
 85, Extraordinary (23 June 2015)

Ms Kim Smith and Mr Neville Diamond addressed Council, speaking against the recommendation.

MOTION:

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

Refer to RESOLUTION

382 RESOLUTION:

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

That the draft Statement of Actions, as appended in Attachment 1 to this report, and the draft Council Reassessment Proposal, as appended in Attachment 2 to this report, be endorsed for submission to the Office of Local Government.

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Item: 242 **GM - Hawkesbury City Council - Annual Report 2015/2016 incorporating Audited Financial Statements, End of Term Report and State of the Environment Report - (79351, 124414)**

Mr Neville Diamond addressed Council, speaking against the recommendation.

MOTION:

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

Refer to RESOLUTION

383 RESOLUTION:

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

That:

1. Council's 2015/2016 Annual Report and accompanying audited Financial Statements, End of Term Report and State of the Environment Report be received and noted and copies forwarded to the Office of Local Government by 30 November 2016.
2. The Annual Report and accompanying audited Financial Statements, End of Term Report and State of the Environment Report be made available on Council's website by 30 November 2016.

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Item: 243 **GM - Regional Strategic Alliance - Establishment of a Regional Tourism Entity - (79351, 112215)**

Previous Item: 79, Ordinary (10 May 2016)

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

That:

1. Council note the allocation of \$55,000 from the existing funding for a tourism alliance within the 2016/2017 Adopted Operational Plan, for the establishment of the regional tourism entity as part of the Regional Strategic Alliance between Blue Mountains City Council, Hawkesbury City Council and Penrith City Council, subject to all three Councils confirming their contribution.
2. Council note the allocation of the remaining \$55,000 from the existing funding for tourism activities within the 2016/2017 Adopted Operational Plan for the purpose of supporting priority projects and leveraging grants for the regional tourism entity, as endorsed by the Regional Strategic Alliance.
3. A further report to Council be presented, once the regional tourism entity is established, to inform Council on the entity's governance, operational framework, key priorities and expenditure approved by the Regional Strategic Alliance.
4. Council provide in-principal support to funding the regional tourism entity for a minimum of three years, up to the 2018/2019 financial year, subject to Council confirmation each year through the annual Operational Plan process, and all three Councils continuing to confirm their contribution.
5. The Acting General Manager be delegated with the authority to execute documentation associated with the establishment of the regional tourism entity.
6. The Seal of Council be affixed to documentation associated with this matter, if applicable.

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

That the matter be deferred to enable a further report to come back to Council regarding the progress of Council's Tourism Strategy.

The Amendment was lost.

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MOTION:

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

Refer to RESOLUTION

384 RESOLUTION:

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

That:

1. Council note the allocation of \$55,000 from the existing funding for a tourism alliance within the 2016/2017 Adopted Operational Plan, for the establishment of the regional tourism entity as part of the Regional Strategic Alliance between Blue Mountains City Council, Hawkesbury City Council and Penrith City Council, subject to all three Councils confirming their contribution.
2. Council note the allocation of the remaining \$55,000 from the existing funding for tourism activities within the 2016/2017 Adopted Operational Plan for the purpose of supporting priority projects and leveraging grants for the regional tourism entity, as endorsed by the Regional Strategic Alliance.
3. A further report to Council be presented, once the regional tourism entity is established, to inform Council on the entity's governance, operational framework, key priorities and expenditure approved by the Regional Strategic Alliance.
4. Council provide in-principal support to funding the regional tourism entity for a minimum of three years, up to the 2018/2019 financial year, subject to Council confirmation each year through the annual Operational Plan process, and all three Councils continuing to confirm their contribution.
5. The Acting General Manager be delegated with the authority to execute documentation associated with the establishment of the regional tourism entity.
6. The Seal of Council be affixed to documentation associated with this matter, if applicable.

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CITY PLANNING

Item: 244 **CP - Local Heritage Assistance Fund 2016/2017 - Minor
Improvements/Conservation Works to Heritage Listed Commercial Properties
in Windsor and Richmond Historic Townships - (95498, 124414)**

MOTION:

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

Refer to RESOLUTION

385 RESOLUTION:

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

That:

1. Council approve financial assistance up to \$4,000 (including GST) under Section 356 of the Local Government Act 1993 to each of the applicants listed in Table 1 of this report, under the terms of the Local Heritage Assistance Fund.
2. The successful applicants for the Local Heritage Assistance Fund 2016/2017 be advised accordingly.

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SUPPORT SERVICES

Item: 245 **SS - Code of Conduct Complaints Statistics Report - 1 September 2015 to 31 August 2016 - (95496)**

Previous Item: 44, Ordinary (8 March 2016)

MOTION:

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

Refer to RESOLUTION

386 RESOLUTION:

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

That the report under Clause 12.1 of the Council's Procedures for the Administration of the Code of Conduct, in respect of the Code of Conduct complaints statistics for the period from 1 September 2015 to 31 August 2016, be noted.

Item: 246 **SS - General Purpose Financial Statements and Special Purpose Financial Statements for the period ended 30 June 2016 - (95496, 96332)**

Previous Item: 218, Ordinary (11 October 2016)

MOTION:

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

Refer to RESOLUTION

387 RESOLUTION:

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

That Council:

1. Note the completion of the General Purpose and Special Purpose Financial Statements and Special Schedules for the period ended 30 June 2016.
2. Thank its Auditor, Mr Dennis Banicevic of PricewaterhouseCoopers, for his presentation in respect of Council's audited 2015/2016 Financial Statements.

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Item: 247 SS - Pecuniary Interest Returns - Designated Persons - (95496, 96333)

MOTION:

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

Refer to RESOLUTION

388 RESOLUTION:

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

That the information be received and noted.

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SECTION 4 - Reports of Committees

ROC

Audit Committee Minutes - 12 October 2016 - (91369, 79351, 95496)

389 RESOLUTION:

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

That the minutes of the Audit Committee held on 12 October 2016 as recorded on pages 49 to 51 of the Ordinary Business Paper be received.

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SECTION 5 - Notices of Motion

NM1 **St Albans Common - (79351, 105109, 138882)**

MOTION:

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

Refer to RESOLUTION

390 RESOLUTION:

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

That Council:

1. Acknowledge the unique agricultural, heritage, community and environmental asset that St Alban's Common represents.
2. Acknowledge the efficient and effective ongoing management of the Common by the St Alban's community and the Trustees.
3. Support the community of St Albans' request that the Common remains in Fee Simple title, managed in trust by the local community ("the Commoners") under the Commons Management Act.
4. Write to the NSW Government requesting that the Common is not converted to a Crown Reserve under changes to the Crown Lands Bill, and that the Common remain in the ownership and management of the Trustees.

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QUESTIONS FOR NEXT MEETING

Councillor Questions from Previous Meetings and Responses - (79351)

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

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#	Councillor	Question	Response
1	Zamprogno	Enquired as to details of the Development Application approval in regard to clearing of the western end of 43 Bootles Lane, Pitt Town for the construction of a temporary detention basin.	Director City Planning
2	Calvert	Enquired as to whether an audit of the extent of footpaths and condition in and around the South Windsor shopping area is available.	Director Infrastructure Services
3	Wheeler	Requested that an investigation be carried out regarding trail bike tracks in or near the Aboriginal Reserve at the Cumberland Reach Reserve.	Director Infrastructure Services
4	Wheeler	Requested that a clean-up of rubbish at Cumberland Reach Aboriginal Reserve and Charles Kemp Reserve, be undertaken and signs regarding illegal dumping be erected at these sites.	Director City Planning
5	Reynolds	Enquired if spraying of parks and reserves for bindii would be undertaken this year.	Director Infrastructure Services
6	Reynolds	Enquired in regard to the timeframe for the RMS Urban Development and Landscaping Proposal that was to be put out for community consultation.	Director Infrastructure Services
7	Garrow	Enquired in regard to the responsibility for maintenance of boat ramp facilities in Windsor and advised of the need for maintenance following vandalism.	Director Infrastructure Services
8	Rasmussen	Requested an update on the status of the court proceedings applicable to the development applications for the Kingsford Smith Village, North Richmond.	Director City Planning
9	Calvert	Requested an update on the safety processes in place at Elf Mushroom Compost Facility at Mulgrave, in light of the recent fire in its stockpiles.	Director City Planning

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PRESENTATION BY COUNCIL'S AUDITOR, MR DENNIS BANICEVIC OF PRICEWATERHOUSECOOPERS, IN RESPECT OF COUNCIL'S AUDITED 2015/2016 FINANCIAL REPORTS

The Auditor's report was presented to Council by Mr Dennis Banicevic of PricewaterhouseCoopers, in respect of Council's audited 2015/2016 Financial Statements.

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CONFIDENTIAL REPORTS

391 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen, 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: 248 IS - Tender No. 00986 - Construction of Asphalt Pavement and Surfacing
Freemans Reach Road - (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 of the supply of goods and/or services to Council and it is considered that the information is regarded as being commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, confer a commercial advance 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: 249 SS - Property Matter - Lease to Government Property NSW - Deerubbin Centre,
Suite 3, Level 1, 300 George Street, Winsor**

*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 balanced, 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.

392 RESOLUTION:

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

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Item: 248 **IS - Tender No. 00986 - Construction of Asphalt Pavement and Surfacing -
Freemans Reach Road - (95495, 79344) CONFIDENTIAL**

MOTION:

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

Refer to RESOLUTION

393 RESOLUTION:

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

That Council:

1. Accept the schedule of rates tender submitted by Cleary Bros (Bombo) Pty Ltd to undertake reconstruction of Freemans Reach Road, Freemans Reach at an estimated cost of \$853,705.70 (excl GST).
2. The Seal of Council be affixed to any necessary documentation.

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Item: 249 SS - Property Matter - Lease to Government Property NSW - Deerubbin Centre, Suite 3, Level 1, 300 George Street, Windsor - (117653, 112106, 95496)
CONFIDENTIAL

MOTION:

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

Refer to RESOLUTION

394 RESOLUTION:

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

That:

1. Council agree to enter into a new lease with Government Property NSW in regard to the property known as Suite 3, Level 1, Deerubbin Centre, 300 George Street, Windsor, in accordance with the proposal outlined in the report.
2. Council agree to enter into a new licence agreement in regard to car spaces located at Deerubbin Centre, 300 George Street, Windsor, in accordance with the proposal outlined in this report.
3. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.
4. Details of Council's resolution be conveyed to the proposed Lessee, together with the advice that council is not, and will not, be bound by the terms of its resolution, until such time as appropriate legal documentation to put such resolution into effect has been agreed to and executed by all parties.

The meeting terminated at 8:14pm.

Submitted to and confirmed at the Ordinary Meeting held on Tuesday, 29 November 2016.

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Mayor