



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 10 April 2018

location: council chambers

time: 6:30 p.m.

ORDINARY MEETING

Table of Contents

Meeting Date: 10 April 2018

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE
	ATTENDANCE	1
	APOLOGIES AND LEAVE OF ABSENCE	1
	DECLARATIONS OF INTEREST	1
	SECTION 1 - Confirmation of Minutes	2
	SECTION 3 – Reports for Determination	3
Item: 085	GM - 2018 Floodplain Management Australia National Conference (79351)	3
	INFRASTRUCTURE SERVICES	4
Item: 086	IS - Hawkesbury Boating Events - Governor Phillip Park Exclusive Use Approval - (95495, 79354, 92138, 73829, 74204)	4
	SUPPORT SERVICES	5
Item: 087	SS - Re-establishment of Existing Alcohol Free Zones and Establishment of a New Alcohol Free Zone - (95496, 112106)	5
	SECTION 4 – Reports of Committees	6
Item: 088	ROC - Audit Committee - 7 February 2018 - (95496, 91369, 79351, 121470)	6
Item: 089	ROC - Floodplain Risk Management Advisory Committee - 15 February 2018 - (86589, 124414)	6
	SECTION 5 – Notices of Motion	7
Item: 090	RM - Resolution 375 - Conservation Management Plan - 1029 St Albans Road, Lower Macdonald - Lot 1 DP 605179 - (79351, 95498, 124414)	7
Item: 091	NM1 - Warragamba Dam Raising - (79351)	7
Item: 092	NM2 - Representations regarding the Proposed Bells Line of Road and M9 Road Corridors - (79351)	8
	QUESTIONS FOR NEXT MEETING	10
Item: 093	Councillor Questions from Previous Meetings and Responses - 30 January 2018 - (79351)	10
Item: 094	Councillors Questions from Previous Meetings and Responses - 13 March 2018 - (79351)	10
Item: 095	Councillor Questions from Previous Meetings and Responses - 27 March 2018 - (79351)	10

ORDINARY MEETING

Table of Contents

Meeting Date: 10 April 2018

CONFIDENTIAL REPORTS	12
Item: 096 IS - T00060 - Provision of a Septic Tank and Collection Well Effluent Removal Service - (95495, 112179)	13
Item: 097 SS - Licence to Tomra Collection Pty Ltd - Part of 1 Kable Street, Windsor - (95496, 92432, 112106)	13

ORDINARY MEETING

Minutes: 10 April 2018

Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 10 April 2018, commencing at 6.31pm.

Welcome

The General Manager addressed the Council meeting, mentioning:

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

ATTENDANCE

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

ALSO PRESENT: General Manager - Peter Conroy, Director City Planning - Matt Owens, Director Infrastructure Services - Jeff Organ, Director Support Services - Laurie Mifsud, Executive Manager - Community Partnerships - Joseph Litwin, Development Services Manager - Cristie Evenhuis, Strategic Planning Manager - Andrew Kearns, Manager Corporate Communication - Suzanne Stuart, Manager Corporate Services and Governance - Michael Wearne and Administrative Support Coordinator - Natasha Martin.

APOLOGIES AND LEAVE OF ABSENCE

No apologies for leave of absence were received from Councillors.

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

Councillor Ross arrived at the meeting at 6:40pm.

Councillor Tree left the meeting at 9:24pm.

DECLARATIONS OF INTEREST

There were no Declarations of Interest made.

Acknowledgement of Official Visitors to the Council

There were no official visitors to the Council.

ORDINARY MEETING

Minutes: 10 April 2018

SECTION 1 - Confirmation of Minutes

120 RESOLUTION:

RESOLVED on the motion of Councillor Conolly and seconded by Councillor Calvert that the Minutes of the Ordinary Meeting held on the Tuesday, 27 March 2018 be confirmed.

ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 10 April 2018

SECTION 3 – Reports for Determination

Item: 085 **GM - 2018 Floodplain Management Australia National Conference (79351)**

Directorate: General Manager

MOTION:

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

Refer to RESOLUTION

121 RESOLUTION:

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

That:

1. Attendance of nominated Councillors and/or staff as considered by the General Manager, at the 2018 Floodplain Management Australia National Conference at an approximate cost of \$2,960 per delegate be approved.
2. Where relevant, after returning from the Conference, delegates are requested to provide a written report to the General Manager detailing the proceedings and findings, as well as any other aspects of the Conference relevant to Council business and /or the local community.

122 RESOLUTION:

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

That Councillors Lyons-Buckett, Wheeler and Zamprogno attend the Floodplain Management Australia National Conference as Council's nominated delegates.

ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 10 April 2018

INFRASTRUCTURE SERVICES

Item: 086 **IS - Hawkesbury Boating Events - Governor Phillip Park Exclusive Use Approval - (95495, 79354, 92138, 73829, 74204)**

Directorate: Infrastructure Services

MOTION:

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

Refer to RESOLUTION

123 RESOLUTION:

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

That:

1. Approval be granted to Upper Hawkesbury Power Boat Club Ski Racing NSW Inc for “exclusive use” of Governor Phillip Park for their Double Dash event held on Sunday, 6 May 2018; the Power Boat Spectacular to be held on Saturday, 15 September 2018 and Sunday, 16 September 2018 and the Australia versus USA Boat Races to be held on Saturday, 19 January 2019 and Sunday, 20 January 2019.
2. Approval be granted to Ski Racing NSW Inc for “exclusive use” of Governor Phillip Park for the 2018 Hawkesbury 120 Ski Race Classic to be held on Saturday, 8 September 2018 and Sunday, 9 September 2018.
3. Approval be granted to NSW Waterski Federation Ltd for “exclusive use” of Governor Phillip Park for the 2018 Hawkesbury annual Bridge to Bridge Water Ski Classic to be held on Saturday, 24 November 2018 and Sunday, 25 November 2018.
4. The approval 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.
5. As the applicants have not advised alternative dates in the event of inclement weather or other circumstances, the General Manager be given authority to negotiate exclusive use on an alternate date, if required by the applicant.

ORDINARY MEETING
SECTION 3 – Reports for Determination

Meeting Date: 10 April 2018

SUPPORT SERVICES

Item: 087 **SS - Re-establishment of Existing Alcohol Free Zones and Establishment of a New Alcohol Free Zone - (95496, 112106)**

Directorate: Support Services

MOTION:

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

Refer to RESOLUTION

124 RESOLUTION:

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

That:

1. In accordance with the provisions of the Local Government Act 1993, the consumption of alcohol in the areas outlined in the report, be prohibited for the period from 1 May 2018 to 30 April 2022, by the establishment of the Alcohol Free Zones in the Hawkesbury Local Government Area, with the following exclusion:
 - a) In accordance with the Ministerial Guidelines on Alcohol Free Zones, Council exclude approved outdoor dining and/or footpath trading areas associated with appropriately licensed venues from the relevant alcohol free zones, subject to:
 - i. Appropriate development consent;
 - ii. Appropriate approval/licensing by the relevant liquor authority;
 - iii. Clear delineation and control of the licensed area from the AFZ by the licensee;
 - iv. Appropriate signage, indicating the exclusion from an area within an AFZ, to be clearly displayed;
 - v. The Windsor Mall Policy and the Outdoor Dining and Footpath Trading Policy, being adhered to.
2. Public notification (including the erection of signage and an advertisement in the Hawkesbury Courier) be given for the re-establishment of the Alcohol Free Zones, for the period from 1 May 2018 to 30 April 2022, as indicated in the report.

ORDINARY MEETING
SECTION 5 – Notices of Motion
Meeting Date: 10 April 2018

SECTION 4 – Reports of Committees

Item: 088 **ROC - Audit Committee - 7 February 2018 - (95496, 91369, 79351, 121470)**

Directorate: Support Services

MOTION:

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

Refer to RESOLUTION

125 RESOLUTION:

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

That the Minutes of the Audit Committee held on 7 February 2018 be received and noted.

Item: 089 **ROC - Floodplain Risk Management Advisory Committee - 15 February 2018 - (86589, 124414)**

Directorate: City Planning

MOTION:

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

Refer to RESOLUTION

126 RESOLUTION:

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

That:

1. The Minutes of the Floodplain Risk Management Advisory Committee, held on 15 February 2018 be received and noted.
2. In relation to Item 1 of the Minutes, that:
 - (a) Council officers consult with Infrastructure NSW, Office of Environment & Heritage and State Emergency Services with respect to packaging of potential applications for future flood grant funding opportunities.
 - (b) Officers prepare an interim list for this Committee to review potential projects for grant funding.
 - (c) Documentation in support of future grant applications be obtained from stakeholders, where possible.

ORDINARY MEETING
SECTION 5 – Notices of Motion
Meeting Date: 10 April 2018

SECTION 5 – Notices of Motion

Item: 090 **RM - Resolution 375 - Conservation Management Plan - 1029 St Albans Road, Lower Macdonald - Lot 1 DP 605179 - (79351, 95498, 124414)**

Mr Stephen Kavanagh, Mrs Matilda Kavanagh and Mr Michael Edwards, addressed the Council speaking against the recommendation.

MOTION:

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Tree

Refer to RESOLUTION

127 RESOLUTION:

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

That this matter be presented at a future Councillor Briefing Session and the Rescission Motion be deferred for consideration at the next Council Meeting.

Item: 091 **NM1 - Warragamba Dam Raising - (79351)**

Mr Kim Ford, Mr Maurice Smith and Mr Leslie Sheather, addressed the Council speaking for the recommendation.

Mr William Sneddon addressed the Council speaking against the recommendation.

During debate on the matter, the Mayor requested that Councillor Tree apologise for her comments directed at the Chair. Councillor Tree refused to apologise and was asked to leave the Chamber.

As Councillor Tree refused to leave the Chamber, the Mayor adjourned the meeting at 9:04am for 15 minutes.

At 9:19pm, the Mayor recommenced the meeting and further sought an apology from Councillor Tree. Councillor Tree apologised for her Act of Disorder.

MOTION:

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

That:

1. Hawkesbury Council renews its support for the proposal of raising Warragamba Dam to provide flood mitigation as outlaid in the *Hawkesbury Nepean Floodplain Review Taskforce report, 'Resilient Valley, Resilient Communities'*, because it will mitigate the severity and duration of future floods, and because it will save life and property in the Hawkesbury.
2. Council write to the State Member, the relevant Minister, and Infrastructure NSW to convey this support.

The motion was lost.

ORDINARY MEETING
SECTION 5 – Notices of Motion

Meeting Date: 10 April 2018

Item: 092 **NM2 - Representations regarding the Proposed Bells Line of Road and M9 Road Corridors - (79351)**

Mr Michael Want addressed Council speaking for the recommendation.

MOTION:

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

Refer to RESOLUTION

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

That Council writes to The Honourable Dominic Perrottet, MP and the NSW State Government regarding the proposed Bells Line of Road and M9 declared road corridors asking the following:

1. The Council request the Local Member to meet and consult with as many residents affected as possible.
2. Request another consultation meeting in the affected areas, in a suitable venue to cater for estimated attendee numbers, and appropriate timing to ensure the presence of The Honourable Dominic Perrottet.
3. Request an increase in the number of One-on-One meetings as all time slots have been allocated and there are still community members without meetings.
4. Request that confirmation messages be sent to those who have secured meetings and are now anxious at not receiving promised confirmation SMS.

The amendment was lost.

128 RESOLUTION:

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

That Council writes to The Honourable Dominic Perrottet, MP and the NSW State Government regarding the proposed Bells Line of Road and M9 declared road corridors asking the following:

1. Why has the Local Member met and consulted specifically with residents of Windsor Downs to ensure the route is changed, but not met with residents of any of the other affected areas?
2. Request another consultation meeting in the affected areas, in a suitable venue to cater for estimated attendee numbers, and appropriate timing to ensure the presence of The Honourable Dominic Perrottet.
3. Request an increase in the number of One-on-One meetings as all time slots have been allocated and there are still community members without meetings.
4. Request that confirmation messages be sent to those who have secured meetings and are now anxious at not receiving promised confirmation SMS.
5. Advise at what point, and by which person/body/institution, during the 2015 Bells Line of Road consultation process, the now proposed corridor was identified as a suitable option, and why the specified process of the 2015 'consultation' has not been adhered to, specifically provision of a short list of options.

ORDINARY MEETING
SECTION 5 – Notices of Motion
Meeting Date: 10 April 2018

6. Advise why the current route was chosen when prior reports indicated it was not feasible due to cost, gradient and other factors. Please provide information on other routes considered.

ORDINARY MEETING
Questions for Next Meeting
Meeting Date: 10 April 2018

QUESTIONS FOR NEXT MEETING

Item: 093 Councillor Questions from Previous Meetings and Responses - 30 January 2018 - (79351)

Raised at the Ordinary Meeting Held on 30 January 2018

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

Item: 094 Councillors Questions from Previous Meetings and Responses - 13 March 2018 - (79351)

Raised at the Ordinary Meeting Held on 13 March 2018

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

Item: 095 Councillor Questions from Previous Meetings and Responses - 27 March 2018 - (79351)

Raised at the Ordinary Meeting Held on 27 March 2018

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

ORDINARY MEETING
Questions for Next Meeting
Meeting Date: 10 April 2018

Questions – 10 April 2018

#	Councillor	Question	Response
1	Kotlash	Enquired as to how Council purchases electricity, whether there is any power purchase agreements in place and if there are no agreements in place, why has this not been investigated.	The Director Infrastructure Services
2	Wheeler	Enquired as to the process for the area on Macquarie Street between The Hawkesbury Valley Way and Baker Street to be declared a clearway or a no stopping zone.	The Director Infrastructure Services
3	Wheeler	Requested that steps be taken to ensure that the parks that are involved in Memorial Services for Anzac Day are mowed.	The Director Infrastructure Services
4	Reynolds	Enquired as to whether Pitt Town residents can put neighbourhood watch stickers on their sulo bins and asked what the procedure was for the residents to put the neighbourhood watch signs on the Pitt Town entrance sign.	The General Manager
5	Garrow	Enquired as to the completion date for the Governor Phillip Park upgrade.	The Director Infrastructure Services
6	Rasmussen	Enquired as whether the tunnels in the Thompson Square excavation are now covered over completely or are they still finding more of these tunnels.	The General Manager
7	Ross	Enquired as to what Council can do regarding the odour emissions from Elf Mushrooms.	The General Manager

ORDINARY MEETING
Confidential Reports
Meeting Date: 10 April 2018

CONFIDENTIAL REPORTS

129 RESOLUTION:

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

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: 096 IS - T00060 - Provision of a Septic Tank and Collection Well Effluent Removal Service - (95495, 1121799)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act, 1993 as it relates to Provision of a Septic Tank and collection Well Effluent Removal Service Tender No. T00060 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, on balance, be contrary to the public interest.*

Item: 097 SS - Licence to Tomra Collection Pty Ltd - Part of 1 Kable Street, Windsor - (95496, 92432, 112106)

*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.

130 RESOLUTION:

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

ORDINARY MEETING

Confidential Reports

Meeting Date: 10 April 2018

Item: 096 **IS - T00060 - Provision of a Septic Tank and Collection Well Effluent Removal Service - (95495, 112179)**

Directorate: Infrastructure Services

MOTION:

The Director Support Services advised that whilst in Closed Session, the Council RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Conolly.

Refer to RESOLUTION

131 RESOLUTION:

The Director Support Services advised that whilst in Closed Session, the Council RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Conolly.

That:

1. The tender submitted by Staples Bros (Nowra) Pty Ltd (Trading as Premier Pumpouts) Option 2 for Tender T00060 at a total cost of \$8,463,488.71 (excl GST) over five years be accepted.
2. The Seal of Council be affixed to any necessary documentation.

Item: 097 **SS - Licence to Tomra Collection Pty Ltd - Part of 1 Kable Street, Windsor - (95496, 92432, 112106)**

Directorate: Support Services

MOTION:

The Director Support Services advised that whilst in Closed Session, the Council RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Conolly.

Refer to RESOLUTION

132 RESOLUTION:

The Director Support Services advised that whilst in Closed Session, the Council RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Conolly.

That:

1. Council agree to enter into a licence agreement with Tomra Collection Pty Ltd in regard to four car parking spaces in the Kable Street Car Park located at 1 Kable Street, Windsor, 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.

ORDINARY MEETING

Confidential Reports

Meeting Date: 10 April 2018

3. Details of Council's resolution be conveyed to the proposed Licensee, 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.
4. Any income received by Council under this licence agreement be assigned to town revitalisation programs.

The meeting terminated at 11:05pm.

Submitted to and confirmed at the Ordinary meeting held on Tuesday, 8 May 2018.

.....
Mayor

ORDINARY MEETING

Meeting Date: 10 April 2018