



Hawkesbury City Council

ordinary  
meeting  
minutes

date of meeting: 13 August 2013

location: council chambers

time: 6:30 p.m.



**ORDINARY MEETING**

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## ORDINARY MEETING

Meeting Date: 13 August 2013.

Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 13 August 2013, commencing at 6.30pm.

Rev Greg Peisley of St James Anglican Church, Pitt Town, representing the Hawkesbury Minister's Association, gave the opening prayer at the commencement of the meeting.

### ATTENDANCE

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

**ALSO PRESENT:** General Manager - Peter Jackson, Director City Planning - Matt Owens, Acting Director Infrastructure Services – Ramiz Younan, Director Support Services - Laurie Mifsud, Executive Manager - Community Partnerships - Joseph Litwin, Manager Corporate Services and Governance - Abbey Rouse and Administrative Support Team Leader - Bianca James.

### APOLOGY

An apology for absence was received from Councillor Reardon.

### 256 RESOLUTION:

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

Councillor Calvert left the meeting at 8.42pm.

### SECTION 1: Confirmation of Minutes

### 257 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Porter that the Minutes of the Ordinary Meeting held on the 30 July 2013, be confirmed with the following amendment;

That Councillor Mackay was not absent from the meeting and voted for the motion on Item 142 - CP - DA0116/13 - 51 Pebbly Hill Road, Maraylya - Lot 2 DP 575960 - Fit Out of Structure Ancillary to a Dwelling to Support a Home Industry - Food Production - (95498, 117042, 117041, 117046, 117046) as recorded on page 22 of the 30 July 2013 Minutes.

Councillor Williams was in fact absent from the meeting.

**ORDINARY MEETING**

**Meeting Date:** 13 August 2013.

**SECTION 3 - Notices of Motion**

**RM - Rescission Motion - Sand Mining the Richmond Lowlands - (79351, 111627, 125610, 120428, 79353)**

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Mr David Hope, Ms Kate Mackaness and Mr Peter Reynolds, respondents, addressed Council.

**RESCISSION MOTION:**

Submitted by: Councillor T Tree, Deputy Mayor  
Councillor P Conolly  
Councillor K Ford, Mayor

**258 RESOLUTION:**

The RESCISSION MOTION was moved by Councillor Tree, seconded by Councillor Conolly.

That Council's resolution in respect of NM2 as passed by the Council on 9 July 2013 regarding the investigation of Sandmining be rescinded.

The rescission motion was put and carried.

Councillors Lyons-Buckett and Rasmussen left the Chambers at 7.22pm and were absent from the vote.

**FORESHADOWED MOTION:**

RESOLVED on the foreshadowed motion of Councillor Williams, seconded by Councillor Rasmussen.

***Refer to RESOLUTION***

**259 RESOLUTION:**

RESOLVED on the substantive motion of Councillor Williams, seconded by Councillor Rasmussen.

That Council:

1. Is completely opposed to sand or gravel mining on the Richmond Lowlands, and
2. Calls on the State Government to remove Item 2 of Schedule 5 of the Sydney Regional Environmental Plan No. 9 - Extractive Industries, and any other references to Richmond Lowlands.

**NM1 - Rates 2014/2015 - (79351, 125612)**

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Mr Laurie Fraser, Mr Kyle Jonikins, Ms Jacki Verzi, proponents, addressed Council.  
Mr Bill Sneddon and Mr Kim Willard, respondents, addressed Council.

**MOTION:**

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



**ORDINARY MEETING**

**Meeting Date:** 13 August 2013.

That Council resolve to:

1. Have a report submitted regarding;
  - a) The average change and ranges of increases/decreases in rates payable resulting from the changes to the distribution of the Notional Yield for the 2013/2014 year, such details to be provided in respect of each category/subcategory and the five suburbs with the highest number of properties in the residential category and rural-residential subcategory.
  - b) Council's current policy and/or procedures for managing approaches received from ratepayers experiencing financial hardship.
  - c) Possible additional measures that could be taken to assist ratepayers who may be experiencing additional difficulties as a result of the changes to the distribution of the Notional Yield in 2013/2014.
2. Give assurance to the ratepayers of the Hawkesbury Local Government area that any rate increase in the notional yield of rates in the financial year 2014/2015 be restricted to the rate pegging amount (or if rate pegging should cease then equivalent to the CPI).
3. Ensure that any proposed alterations to the rating system are extensively and effectively communicated to the ratepayers to an extent which enables them to predict the extent of the impact from any change.

The motion was put and lost.

**NM2 - Councillors Apologise to Rate Payers - (79351, 125612)**

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Mr Doug Bathersby, Ms Sue Mares and Ms Kim Smith, proponents, addressed Council.  
Mr Michael Want, respondent, addressed Council.

**MOTION:**

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

That Council request the Mayor, Deputy Mayor and Councillors Porter, Creed, Conolly, Reardon and Mackay apologise to the ratepayers of the Hawkesbury who have suffered an unprecedented imposition of additional financial burden through a rate increase, and further that these Councillors explain to the community how they consider such redistribution to equate to a 'fairer' system.

The motion was put and lost.

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Councillors Lyons-Buckett, Paine, Rasmussen and Williams left the meeting at 9.24pm As a quorum was no longer present the Mayor adjourned the meeting for 10 minutes. When the meeting resumed these Councillors present were:

Councillor K Ford, Mayor  
Councillor T Tree, Deputy Mayor  
Councillor P Conolly  
Councillor M Creed  
Councillor W Mackay  
Councillor B Porter

As a quorum was still not present, the Mayor adjourned the meeting at 9.35pm to be resumed at 8.30pm on Tuesday, 20 August 2013.

**ORDINARY MEETING**

**Meeting Date:** 13 August 2013

Continuation of the Ordinary Meeting reconvened at the Council Chambers, Windsor, which was adjourned at 9.35pm on Tuesday, 13 August 2013 and resumed at 8.30pm on Tuesday, 20 August 2013.

**ATTENDANCE**

**PRESENT:** Councillor K Ford, Mayor, Councillor T Tree, Deputy Mayor and Councillors B Calvert, P Conolly, M Creed, M Lyons-Buckett, W Mackay, C Paine, B Porter, P Rasmussen, J Reardon 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 Corporate Services and Governance - Abbey Rouse and Administrative Support Team Leader - Bianca James.

**ORDINARY MEETING**

**Meeting Date:** 13 August 2013

**SECTION 4 - Reports for Determination**

**GENERAL MANAGER**

**Item: 157**            **GM - Sydney Aviation Capacity Scoping Study - Update Following Councillor Briefing Session by Department of Infrastructure and Transport - (79351)**

**Previous Item:**     MM, Ordinary (14 May, 2013)  
                         NM, Ordinary (5 February, 2013)  
                         207, Ordinary (27 November, 2013)  
                         NM, Ordinary (13 November, 2012)  
                         131, Ordinary (31 July 2012)  
                         46, Ordinary (24 April, 2012)  
                         22, Ordinary (23 February, 2010)  
                         23, Ordinary (23 February, 2010)

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**MOTION:**

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

***Refer to RESOLUTION***

**260 RESOLUTION:**

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

That the information resulting from the Councillor Briefing Session on the next steps of the Sydney Aviation Scoping Study that may develop a strategy for achieving some civil aviation access to RAAF Base Richmond by representatives of the Department of Infrastructure and Transport be received and noted.

**Item: 158**            **GM - 2013 Sister Cities Australia National Conference (79351, 110165)**

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**MOTION:**

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

***Refer to RESOLUTION***

**261 RESOLUTION:**

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

That the attendance of nominated Councillors and staff as considered appropriate by the General Manager, at the 2013 Sister Cities Australia National Conference at an approximate costs of \$3,000 per delegate be approved.

No Councillors were nominated to attend the conference.

**ORDINARY MEETING**

**Meeting Date:** 13 August 2013

**Item: 159**            **GM - 16th International RiverSymposium - (79351)**

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**MOTION:**

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

*Refer to RESOLUTION*

**262 RESOLUTION:**

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

That the attendance of Councillors Lyons-Buckett, Paine, Porter and Rasmussen and staff as considered appropriate by the General Manager, attend the 16<sup>th</sup> International RiverSymposium at an approximate cost of \$3,500 per delegate be approved.

**ORDINARY MEETING**

**Meeting Date:** 13 August 2013

**CITY PLANNING**

**Item: 160** CP - DA0401/12 - Lot 101 DP 1168480 - 1 Teale Road, East Kurrajong - Five Lot Subdivision and new road - (95498, 102260, 24004)

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Mr Niall Carney and Mr Robert Montgomery, proponents, addressed Council.

**MOTION:**

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

That the item be deferred for a site inspection and a revised report be submitted to the Council meeting on 10 September 2013.

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

***Refer to RESOLUTION***

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:

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

The amendment was carried.

The amendment then became the motion which was carried.

**263 RESOLUTION:**

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

**ORDINARY MEETING**

**Meeting Date:** 13 August 2013

That:

- A. Development Application DA0401/12 at Lot 101 DP 1168480, 1 Teale Road, East Kurrajong for five Lot Subdivision be refused for the following reasons:
1. The State Environmental Planning Policy No. 1 objection received in respect to the minimum allotment area is not supported as compliance with the statutory development standard was not considered to be unreasonable or unnecessary in the circumstances.
  2. The proposed development is inconsistent with Part 5A of the Environmental Planning and Assessment Act, 1979 in that adequate information has not been provided to demonstrate that the proposed development will not have a significant impact on threatened species, populations or ecological communities, or their habitats.
  3. The proposal fails to satisfy the requirements of State Environmental Planning Policy No.44 – Koala Habitat in that insufficient information has been provided to demonstrate that the proposed development will have no adverse impact on koala habitat.
  4. The proposal does not comply with the requirements of the Hawkesbury Local Environmental Plan 1989.
  5. The proposal is inconsistent with Hawkesbury Local Environmental Plan 2012.
  6. The development does not comply with the Hawkesbury Development Control Plan 2002 Part D Chapter 3 – Subdivision.
  7. The development application contains insufficient information to carry out a proper assessment of the likely impacts of the proposed development in terms of Section 79C of the Environmental Planning and Assessment Act, 1979. In particular, there is insufficient information in respect of the construction of the proposed new road and intersection, road widening, and flora and fauna.
  8. The application, seeking a significant variation to Council’s minimum allotment size requirement, is considered to not be in the general public interest.
- B. Council approach the Roads and Maritime Services to fast track a traffic solution for the intersection.

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

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

**ORDINARY MEETING**

**Meeting Date:** 13 August 2013

**INFRASTRUCTURE SERVICES**

**Item: 161**            **IS - Draft Windsor Foreshore Parks Plan of Management - (95495, 79354)**

**Previous Item:**        342, Ordinary (29 September 2009)  
                              118, Ordinary (30 June 2009)

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Ms Kate Mackaness, respondent, addressed Council.

**MOTION:**

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

***Refer to RESOLUTION***

**264 RESOLUTION:**

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

That:

1. The Draft Windsor Foreshore Parks Plan of Management be placed on public exhibition along with an addendum clarifying aspects of Appendix 1, for the mandatory 28 day consultation period, with a further 14 day period for the completion of written submissions.
2. Council write to local business owners outlining and clarifying aspects of Appendix 1 of the Draft Windsor Foreshore Parks Plan of Management relating to the works proposed to be undertaken in Thompson Square.

**Item: 162**            **IS - Proposed Rural Fire Brigade Station at Freemans Reach Reserve - (95495, 79354, 73587)**

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**MOTION:**

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

***Refer to RESOLUTION***

**265 RESOLUTION:**

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

That the proposal to seek amendment to the permitted uses in Freemans Reach Reserve to permit, subject to future development approval, a Rural Fire Service Brigade Station be advertised for a period of 28 days and be further reported to Council for consideration.



**ORDINARY MEETING**

**Meeting Date:** 13 August 2013

**Item: 163**            **IS - Compulsory Acquisition of Lot 192, DP 729625 and Part Lot 3, DP 1105163  
(Hawkesbury City Waste Management Facility) - (95495, 112179)**

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**MOTION:**

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

***Refer to RESOLUTION***

**266 RESOLUTION:**

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

That Council:

1. Approve the acquisition of the Crown Land referred to in the report and as shown in Attachment 1 to the report by compulsory process under Section 186 of the Local Government Act, 1993.
2. Make an application to the Minister for Local Government to issue a Proposed Acquisition Notice under the *Land Acquisition (Just Terms Compensation) Act, 1991 (NSW)* with respect to the Crown.
3. Make an application to the Governor for the publication of an Acquisition Notice in the NSW Government Gazette under the *Land Acquisition (Just Terms Compensation) Act, 1991 (NSW)* with respect to the Crown land.
4. Resolve that upon acquisition, the properties be classified as *Operational Land* for the purposes of Section 31 (2) of the Local Government Act 1993, and
5. Resolve that upon acquisition, publicly advertise for a period of 28 days the intention of Council to classify the properties as *Operational Land* for the purposes of Section 34 of the Local Government Act 1993.

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**Meeting Date:** 13 August 2013

**SUPPORT SERVICES**

**Item: 164            SS - Pecuniary Interest Returns - Designated Persons - (95496, 79337)**

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**MOTION:**

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

*Refer to RESOLUTION*

**267    RESOLUTION:**

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

That the information be received and noted.

**ORDINARY MEETING**

**Meeting Date:** 13 August 2013

**CONFIDENTIAL REPORTS**

**268 RESOLUTION:**

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

That the Confidential Items be moved to the end of the business paper to be dealt with last.

**269 RESOLUTION:**

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

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: 165 CP - Operation of Richmond Occasional Child Care Service - (95498, 96328)**

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(a) of the Local Government Act, 1993 as it relates to personnel matters concerning particular individuals and therefore, if considered in an open meeting would, on balance, be contrary to public interest.*

**Item: 166 SS - Property Matter - Assignment of Lease from Jessica L'Estrange Pty Limited to Blefari Holdings Pty Ltd - Shop 6 Glossodia Shopping Centre - (126146, 126147, 124570, 112106, 95496)**

*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.

**270 RESOLUTION:**

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

**ORDINARY MEETING**

**Meeting Date:** 13 August 2013

**Item: 165**            **CP - Operation of Richmond Occasional Child Care Service - (95498, 96328)**  
**CONFIDENTIAL**

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**MOTION:**

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

*Refer to RESOLUTION*

**271 RESOLUTION:**

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

That Council advise Peppercorn Services Inc. of its agreement to the proposed course of action as recommended in this report.

**Item: 166**            **SS - Property Matter - Assignment of Lease from Jessica L'Estrange Pty Limited to Blefari Holdings Pty Ltd - Shop 6 Glossodia Shopping Centre - (126146, 126147, 124570, 112106, 95496) CONFIDENTIAL**

**Previous Item:**        138, Ordinary (9 July 2013)

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**MOTION:**

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

*Refer to RESOLUTION*

**272 RESOLUTION:**

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

That:

1. Council agree to the assignment of the Lease of Shop 6 Glossodia Shopping Centre from Jessica L'Estrange Pty Limited to Blefari Holdings Pty Ltd, 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 Assignor and Assignee, 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.

**ORDINARY MEETING**

**Meeting Date:** 13 August 2013

**QUESTIONS FOR NEXT MEETING**

**Councillor Questions from Previous Meetings and Responses - (79351)**

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Due to the Council Meeting of 30 July 2013 being adjourned and not completed until 6 August 2013, responses to the previous Questions for Next Meeting were not able to be provided and therefore no discussion continued.

**ORDINARY MEETING**

**Meeting Date:** 13 August 2013

**Questions For Next Meeting**

#	Councillor	Question	Response
1	Paine	Asked what the current situation is with Macquarie House.	Director Support Services
2	Paine	Asked if Council could obtain information from Windsor Police regarding the recent increase in break-ins and robberies in the district.	General Manager
3	Mackay	Asked if Council could repair a connection to storm water pipes near No. 37 Holborrow Avenue, Hobartville following kerb and gutter works recently undertaken.	Director Infrastructure Services

The meeting terminated at 10.05pm.

Submitted to and confirmed at the Ordinary meeting held on 27 August 2013.

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Mayor