



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 13 December 2016

location: council chambers

time: 6:30 p.m.

ORDINARY MEETING

Minutes: 13 December 2016

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**

Hawkesbury Local Business Awards - Alpha Car Wash

Natalie Burton Award - Kurtis Dodds Knott

– **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 13 December 2016, commencing at 6:31pm.

Pastor Colin Wellings of the River of Life 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 Reynolds, S Richards, J Ross, T Tree, D Wheeler and N Zamprognio.

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, Manager Corporate Services and Governance - Ian Roberts and Administrative Support Coordinator - Natasha Martin.

APOLOGY

An apology for absence was received from Councillor Rasmussen.

420 RESOLUTION:

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

SECTION 1 - Confirmation of Minutes

421 RESOLUTION:

RESOLVED on the motion of Councillor Conolly and seconded by Councillor Richards that the Minutes of the Ordinary Meeting held on the 29 November 2016, be confirmed.

ACKNOWLEDGEMENT OF OFFICIAL VISITORS TO THE COUNCIL

Hawkesbury Local Business Awards - Alpha Car Wash

The Mayor, Councillor Lyons-Buckett presented Mr Sanjiv Kumar from Alpha Car Wash with the 2016 Hawkesbury Local Business Award in the Hawkesbury Council Community Access category. Alpha Car Wash was nominated due to their assistance given to those with a disability and for their friendly and open service.

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Natalie Burton Award - Kurtis Dodds Knott

The Mayor, Councillor Lyons-Buckett presented Mr Kurtis Dodds-Knott, of Colo High School, the 2016 Natalie Burton Award. This Award is intended for a recipient who has faced challenging circumstances, but through their application and determination has overcome this adversity to succeed. Kurtis was diagnosed with a serious health condition at the age of three and has had many operations since then, to overcome the problem. Kurtis is an inspiring role model to students at Colo High School and other Hawkesbury schools. His strong will and determination to succeed makes him a fitting recipient of this year's Award. As the recipient of the Natalie Burton Award, Kurtis received the commemorative plaque, a certificate and prize money. Kurtis has decided to donate his prize money to two charities that he supports; Careflight and the Starlight Foundation.

Councillor Tree left the meeting at 11:10pm.

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SECTION 2 - Mayoral Minutes

MM1 **Flood Planning in the Hawkesbury Local Government Area - (79351, 79353, 125612)**

MOTION:

RESOLVED on the motion of Councillor Lyons-Buckett.

Refer to RESOLUTION

422 RESOLUTION:

RESOLVED on the motion of Councillor Lyons-Buckett.

That:

1. As a matter of priority, a report be prepared for Council consideration on the implementation of Item 4 – Town Planning of the Hawkesbury Floodplain Risk Management Study and Plan December 2012. This report is to address the timeframe for implementation and the implications of implementing the Town Planning and Land Use actions recommended in that Plan.
2. As an interim action to point one, Council immediately commence a review of the Development of Flood Liable Land Policy of Council with a view to update the Policy so that it more adequately addresses a broad range of development types and more clearly expresses suitable and unsuitable development on flood liable land.

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SECTION 3 - Reports for Determination

PLANNING DECISIONS

Item: 267

CP - DA0642/15 - 1029 St Albans Road, Lower Macdonald - Lot 1 DP 605179 - Function Centre and Tourist Accommodation - (94598, 115319, 91795)

Mr Steve Kavanagh, Mr Ian Woods and Ms Catherine du Peloux Menage addressed Council, speaking for the recommendation.

Mr Mark Hopping, Mr Harold Wall and Ms Gillian Jessup addressed Council, speaking against the recommendation.

MOTION:

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

Refer to RESOLUTION

423 RESOLUTION:

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

That the matter be deferred 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	NIL
Councillor Conolly	
Councillor Garrow	
Councillor Kotlash	
Councillor Lyons-Buckett	
Councillor Reynolds	
Councillor Richards	
Councillor Ross	
Councillor Tree	
Councillor Wheeler	
Councillor Zamprogno	

Councillor Rasmussen was absent from the meeting.

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Item: 268 **CP - DA0685/15 - 64 Grandview Lane, Bowen Mountain - Postponement of report to January 2017 - (94598, 120744)**

Previous Item: 252, Ordinary (29 November 2016)

Mr William Sneddon, Mr Daniel Lee and Mr Neville Diamond addressed Council, speaking for the recommendation.

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

That development application DA0685/15 at Lot A DP 416762, 64 Grandview Lane, Bowen Mountain for Dual Occupancy - Attached be approved subject to the following conditions:

General

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 or in red on the plans.

Plans are listed as follows:

Architectural Drawing Number	Prepared by	Dated
Dwg No. 1142 - 12	Michael Weigman Design Service	5 August 2016

2. A Building Certificate must be issued for the works carried out without prior approval. An application for such a certificate must be lodged with Council. The Building Certificate must be issued within a period of 60 days of the date of this consent.
3. The development shall comply with the provisions of the Building Code of Australia.
4. An approval to operate the on-site septic system is required to be obtained from the Regulatory Services Department of Hawkesbury City Council. The approval to operate is required to be submitted to the Principle Certifying Authority prior to the issue of an Interim Occupation Certificate. Please phone (02) 4560 4444 to arrange an inspection.
5. A reserve area of 1,000m² shall be made available for the disposal of effluent.

Prior to Issue of a Building Certificate

6. A Structural Engineer shall inspect and certify the building as being capable of withstanding the loads likely to be imposed upon it prior to the issue of a Building Certificate.
7. Evidence that the recent building works carried out without prior approval, comply with the requirements of BAL40 construction under AS 3959 - 2009 Construction of Buildings in Bush Fire Prone Areas, is required to be submitted to Council prior to the issue of a Building Certificate.
8. A compliant automatic fire detection and alarm system shall be installed in the building in accordance with the Building Code of Australia for Class 1a structures. Alarms and detectors shall be installed by a licensed electrician in accordance with the provisions of Part 3.7.2 of the Building Code of Australia. Multiple alarms shall be interconnected. A Certificate of Compliance shall be provided to Council prior to the issue of a Building Certificate.

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9. The following certificates are to be provided, stating the name of person or company carrying out the installation, type of material and the relevant Australian Standard to which installed:
- a) A Certificate for glazing used in the development:
 - (i) Glazing materials installed in the building in accordance with AS1288 and AS2047 - Glass in Buildings - Selection and Installation, e.g. windows, doors, footlights, balustrades and shower screens.

Note: The certificate is required to be signed by the manufacturer and installer.

An AMENDMENT was moved by Councillor Wheeler, seconded by Councillor Reynolds.

That:

- 1. An assessment report for DA0685/15 - 64 Grandview Lane, Bowen Mountain - Lot A DP416762 - Dual Occupancy be considered at the Council Meeting scheduled for Tuesday, 31 January 2017.
- 2. An informal Councillor Briefing Session on this application be held prior to the Council Meeting scheduled for 31 January 2017.

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 Garrow	Councillor Richards
Councillor Kotlash	Councillor Tree
Councillor Lyons-Buckett	Councillor Zamprogno
Councillor Reynolds	
Councillor Ross	
Councillor Wheeler	

Councillor Rasmussen was absent from the meeting.

ORDINARY MEETING

Minutes: 13 December 2016

MOTION:

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

Refer to RESOLUTION

424 RESOLUTION:

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

That:

1. An assessment report for DA0685/15 - 64 Grandview Lane, Bowen Mountain - Lot A DP416762 - Dual Occupancy be considered at the Council Meeting scheduled for Tuesday, 31 January 2017.
2. An informal Councillor Briefing Session on this application be held prior to the Council Meeting scheduled for 31 January 2017.

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 Garrow	Councillor Richards
Councillor Kotlash	
Councillor Lyons-Buckett	
Councillor Reynolds	
Councillor Ross	
Councillor Tree	
Councillor Wheeler	
Councillor Zamprogno	

Councillor Rasmussen was absent from the meeting.

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Item: 269 **CP - Draft Voluntary Planning Agreement for Lots 104 and 105 DP 1051618, 1442 and 1442A Kurmond Road, Kurmond - Post Exhibition Report - (95498, 124414)**

Previous Item: 186, Ordinary (30 August 2016)

Mr Glenn Falson addressed Council, speaking for the recommendation.

MOTION:

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

Refer to RESOLUTION

425 RESOLUTION:

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

That:

1. The Voluntary Planning Agreement and Explanatory Note for Lots 104 and 105 DP 1051618, 1442 and 1442A Kurmond Road, Kurmond attached as Attachment 1 to this report, be endorsed by Council.
2. Delegation be given to the Acting General Manager to execute the Voluntary Planning Agreement under the Seal of Council including the making of 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.

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 Garrow	
Councillor Kotlash	
Councillor Lyons-Buckett	
Councillor Reynolds	
Councillor Richards	
Councillor Ross	
Councillor Tree	
Councillor Wheeler	
Councillor Zamprogno	

Councillor Rasmussen was absent from the meeting.

ORDINARY MEETING

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426 RESOLUTION:

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

That standing orders be suspended to allow Item 274 to be brought forward and dealt with before Item 270.

INFRASTRUCTURE SERVICES

Item: 274 **IS - Establishment of a Committee to Discuss a Comprehensive Regional Traffic Study - (95495)**

MOTION:

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

Refer to RESOLUTION

427 RESOLUTION:

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

That:

1. Council resolve to expedite the establishment of a Traffic Study Working Party consisting of the Mayor, Director City Planning, Director Infrastructure Services and Councillors Garrow, Reynolds and Zamprogno and that the Working Party be able to second expertise into the Working Party to assist.
2. The Working Party shall meet as soon as possible to discuss development of a brief to guide a comprehensive traffic study of river crossings and road links, including possible staging of the study.
3. The Working Party shall report with a draft brief at Council's meeting on 31 January 2017.

428 RESOLUTION:

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

That standing orders be resumed.

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PLANNING DECISIONS

Item: 270 **CP - Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012 - Lots 431 and 432 DP 1189536, 431 and 431A Greggs Road, Kurrajong - (95498, 124414)**

Previous Item: 255, Ordinary (29 November 2016)

Mr Robert Montgomery addressed Council, speaking for the recommendation.

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

That Council:

1. Proceed with the making of a plan to amend the Hawkesbury Local Environmental Plan 2012 in order to permit the subdivision of Lots 431 and 432 DP 1189536, 431 and 431A Greggs Road, Kurrajong into not more than 8 lots with minimum lot sizes of 4,000m² and 4ha as described in 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. 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.
5. Publically exhibit the Draft Voluntary Planning Agreement attached to this report for a minimum of 28 days and the Draft Voluntary Planning Agreement be reported back to Council following public exhibition prior to finalisation.

An AMENDMENT was moved by Councillor Reynolds, seconded by Councillor Garrow.

That the matter be deferred pending the commencement of the comprehensive traffic study of river crossings and road links.

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

Councillor Rasmussen was absent from the meeting.

The Amendment was lost.

MOTION:

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

Refer to RESOLUTION

429 RESOLUTION:

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

That Council:

1. Proceed with the making of a plan to amend the Hawkesbury Local Environmental Plan 2012 in order to permit the subdivision of Lots 431 and 432 DP 1189536, 431 and 431A Greggs Road, Kurrajong into not more than 8 lots with minimum lot sizes of 4,000m² and 4ha as described in 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. 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.
5. Publicly exhibit the Draft Voluntary Planning Agreement attached to this report for a minimum of 28 days and the Draft Voluntary Planning Agreement be reported back to Council following public exhibition prior to finalisation.

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

Councillor Rasmussen was absent from the meeting.

ORDINARY MEETING

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Item: 271 **CP - Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012 - 2A - 8 Hawkesbury Valley Way and 383 - 395 George Street, Windsor NSW 2756 - (95496, 124414)**

Mr Greg Hall and Mr Mark Halford addressed Council, speaking for the recommendation.

MOTION:

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

Refer to RESOLUTION

430 RESOLUTION:

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

That:

1. Council support the preparation of a planning proposal in regard to 2A - 8 Hawkesbury Valley Way and 383 - 395 George Street, Windsor:
 - a) Amend the Land Zoning Map of the Hawkesbury Local Environmental Plan 2012 to change the current R2 Low Density Residential zoning of the subject site to B1 Neighbourhood Centre.
 - b) Amend the Height of Buildings Map of Hawkesbury Local Environmental Plan 2012 to specify a 12m maximum permissible height provision for the subject site to ensure consistency with business zoned land within Hawkesbury Local Government Area.
 - c) Amend the Lot Size Map of Hawkesbury Local Environmental Plan 2012 to remove the current 450m² minimum lot size provision applying to the subject site to ensure consistency with business zoned land within Hawkesbury Local Government Area.
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.

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

Councillor Rasmussen was absent from the meeting.

ORDINARY MEETING

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GENERAL MANAGER

Item: 272 GM - Request for Sponsorship - EquiFest 2017 - (79351, 135945)

MOTION:

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

Refer to RESOLUTION

431 RESOLUTION:

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

That:

1. Council support an allocation of funding of \$5,000 to Equine Productions Pty Ltd for the 'EquiFest' event to be held from 30 March to 2 April 2017 from Component 168 – Corporate Communication of the 2016/2017 Adopted Operational Plan.
2. Council's standard Sponsorship agreement be executed.

Item: 273 GM - Review of the Hawkesbury Community Strategic Plan 2013-2032 - (79351, 95498, 124414)

Previous Item: 213, Ordinary (11 October 2016)
 57, Ordinary (9 April 2013)

MOTION:

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

Refer to RESOLUTION

432 RESOLUTION:

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

That

1. The Draft Community Strategic Plan as attached as Attachment 1 to this report be adopted for the purpose of community engagement, with the engagement process to be in accordance with the Community Engagement Strategy adopted by Council on 11 October 2016.
2. Following the implementation of the Community Engagement Strategy a further report be submitted to Council to consider the outcomes of the engagement strategy and amend, if required, the draft prior to adoption of the Community Strategic Plan.

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SECTION 5 - Notices of Motion

NM1 Support for Safe Schools Program - (79351, 105109, 138882)

MOTION:

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

Refer to RESOLUTION

433 RESOLUTION:

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

That Council:

1. Pledge its support for the Safe School Program.
2. Authorises the Mayor and General Manager to sign the Safe Schools pledge on behalf of Council. The pledge states:

"We believe that schools should provide a safe and inclusive environment for all students, so that they can learn, grow and reach their full potential – free from bullying and discrimination.

We pledge to stand up against homophobia and transphobia whenever we see or hear it. We are proud to support Safe Schools Coalition Australia and its work to create positive change for same sex attracted, intersex and gender diverse students, school staff and families."

NM2 Smoking Ceremony to Open Council Each Calendar Year - (79351, 105109, 138882)

MOTION:

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

Refer to RESOLUTION

434 RESOLUTION:

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

That Council engages a member of the local Darug community, determined by their Elders, to undertake a Smoking Ceremony at the beginning of the first Council meeting of each calendar year.

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NM3 Council Owned Solar Farm - Initial Investigations - (79351, 105109, 138881)

MOTION:

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

Refer to RESOLUTION

435 RESOLUTION:

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

That a report be provided to Council that:

1. Outlines the opportunities and barriers to inform Council of the possibilities of owning solar farms to generate revenue as well as decreasing electricity costs. The report should include but not be limited to addressing characteristics such as - reduction in carbon emissions, energy output, capital costs and return on investment.
2. An investigation into all avenues available to Council for support, grants and funding to assist in the development, construction and operation of such projects.
3. The possibility of forming an arrangement with the Department of Defence to develop, construct and operate a solar farm on the RAAF site at Richmond be investigated.
4. Identification of other suitable sites for solar farms in the Hawkesbury.

NM4 Expediting of Council's Comprehensive Traffic Study - (79351, 105109, 138880)

MOTION:

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

Refer to RESOLUTION

436 RESOLUTION:

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

That the Notice of Motion relating to the expedition of Council's comprehensive traffic study be withdrawn.

ORDINARY MEETING

Minutes: 13 December 2016

RM1 **LEP012/16 - Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012 - 43 Bootles Lane, Pitt Town - (79351, 105109, 80093, 125610, 111627)**

MOTION:

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

Refer to RESOLUTION

437 RESOLUTION:

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

That Council rescind its resolution on Item 254 of 29 November 2016.

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

Councillor Rasmussen was absent from the meeting.

MOTION:

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

Refer to RESOLUTION

438 RESOLUTION:

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

That Council not support the Planning Proposal for Lot 61 DP 1206587, 43 Bootles Lane, Pitt Town seeking an amendment to Hawkesbury Local Environmental Plan 2012 to allow development of the subject site due to the proposed lot yield having detrimental edge effects on the adjoining Cumberland Plain Woodland.

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

Councillor Rasmussen was absent from the meeting.

439 RESOLUTION:

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

That the meeting continue past 11pm to allow the Business Paper to be completed.

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RM2 LEP002/14 - Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012 - 1420 Kurmond Road, Kurmond - (79351, 105109, 138883, 80106, 138880)

Councillor Lyons-Buckett declared a pecuniary interest in this matter as her husband is currently working for the land owner’s brother. 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.

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

That Council rescind Item 253 resolution from Council meeting of 29 November 2016.

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 Garrow	Councillor Calvert
Councillor Reynolds	Councillor Conolly
Councillor Ross	Councillor Kotlash
Councillor Wheeler	Councillor Richards
	Councillor Tree
	Councillor Zamprogno

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

Councillor Rasmussen was absent from the meeting.

The Motion was lost.

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

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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.

ORDINARY MEETING**Minutes: 13 December 2016****Questions for Next Meeting**

#	Councillor	Question	Response
1	Richards	Requested that the park on Pinedale Place, Kurrajong Heights receive maintenance.	Director Infrastructure Services
2	Richards	Enquired if the boat ramp at Lower Portland is scheduled for an upgrade and how many public boat ramps are located on the River.	Director Infrastructure Services
3	Richards	Requested a status update on the State Government's gateway determination for detached dual occupancy.	Director City Planning
4	Zamprogno	Enquired if load limits apply on any local Council roads, what enforcement activity occurs, specifically in relation to an increase in frequency of heavy trucks on Old Pitt Town Road and Saunders Road.	Director Infrastructure Services
5	Wheeler	Requested that the speed limit along Sackville Road, Ebenezer near Tractor 828, could be changed from an 80km per hour zone to a 60km per hour zone.	Director Infrastructure Services
6	Garrow	Enquired if there is a solution to the problem of pigeons in town centres.	Director Infrastructure Services
7	Ross	Requested that the amount of rubbish along the flow of South Creek, Windsor Downs could be investigated and whether Council or the Hawkesbury River County Council is the responsible authority for this issue.	Director City Planning

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CONFIDENTIAL REPORTS

440 RESOLUTION:

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

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: MM2 Position of General Manager - (79351, 79353, 125612)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act, 1993 as it relates to quotations for the recruitment of the General Manager position 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: 275 GM - Community Representation on Council Committees - (79351, 79356)

*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 (other than councillors).*

Item: 276 SS - Property Matter - 139 Colonial Drive and 85 Rifle Range Road, Bligh Park - (95496, 112106)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act, 1993 as it relates to the potential sale of a Council property 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: 277 SS - Property Matter - Assignment of Lease - Shop 9 Wilberforce Shopping Centre - (95496, 112106, 96728, 113058)

*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: 278 SS - Property Matter - Lease to Optus Mobile Pty Ltd - Part of 111 Colonial Drive, Bligh Park - (95496, 112106, 137696, 109439)

*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 a 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.

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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.

441 RESOLUTION:

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

MM2 Position of General Manager - (79351, 79353, 125612) CONFIDENTIAL

Previous Item: MM 3, Ordinary (31 May 2016)
 MM 1, Ordinary (11 October 2016)

MOTION:

The Acting General Manager advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Lyons-Buckett.

Refer to RESOLUTION

442 RESOLUTION:

The Acting General Manager advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Lyons-Buckett.

That:

1. The quotation submitted from Local Government NSW - Management Solutions to assist the Mayor facilitate the full end to end recruitment process for the position of General Manager, be accepted.
2. Mark Anderson, Manager from Local Government NSW - Management Solutions be appointed to the Selection Panel as the person independent of Council to assist the Mayor with the recruitment and appointment the General Manager.
3. The position be advertised in accordance with Section 348 of the Local Government Act 1993, being at least twice in a daily newspaper circulating throughout the State.

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**Item: 275 GM - Community Representation on Council Committees - (79351, 79356)
CONFIDENTIAL**

Councillor Conolly declared a less than significant non-pecuniary conflict of interest in this matter as Ben Jackson was a member of his political ticket at the recent Council election and no further action is required.

Councillor Garrow declared a significant non-pecuniary conflict of interest in this matter as her father is an applicant for the Floodplain Risk Management Advisory Committee. She left the Chamber and did not take part in voting on the Floodplain Risk Management Advisory Committee.

Councillor Richards declared a less than significant non-pecuniary conflict of interest in this matter as she is on the CBOA Board with Strephon Billingham and Barry Adams, a member of Rotary Club with Peter Webb, on the Hawkesbury Sports Council with Les Sheather and ran on the same ticket as Ben Johnson in the recent Council election.

Councillor Wheeler declared a less than significant non-pecuniary conflict of interest in this matter as David Briggs is a close personal friend and no further action is required.

Councillor Zamprogno declared a less than significant non-pecuniary conflict of interest in this matter as Ben Jackson was a member of his political ticket at the recent Council election and no further action is required.

MOTION:

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

Refer to RESOLUTION

443 RESOLUTION:

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

That Council accept the following nominations and changes to the Committee constitutions for the:

1. Access and Inclusion Advisory Committee

Mr David Briggs, Ms Jessica Brunskill, Ms Kristy Carpenter, Mr Desmond Crane, Mr David Gearin, Ms Karen Kobier, Ms Melanie Lawson, Ms Jennifer Moses and Ms Terri Mottram as community representatives in accordance with the Committee's constitution.

2. Audit Committee

Ms Nisha Maseshwari, Ms Maria Hegarty and Mr Thomas Bennett as community representatives in accordance with the Committee's constitution.

3. Hawkesbury Civic and Citizenship Committee

Ms Melissa Barry, Ms Elizabeth Hitches and Mr Barry Adams as community representatives in accordance with the Committee's constitution.

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4. Floodplain Risk Management Advisory Committee

Ms Carol Edds, Mr Harry Terry, Ms Margaret Mackisack, Mr Kim Ford and Mr Maurice Smith as community representatives in accordance with the Committee's constitution.

5. Heritage Advisory Committee

a) Mr Graham Edds, Ms Helen Mackay, Ms Michelle Nichols, Ms Venecia Wilson, Ms Janice Hart, Mr Michael Edwards, Mr Robert Jack, Ms Judy Newland, Mr Steve Rawling and Ms Abigail Ball in accordance with the Committee's constitution.

b) The constitution of the Heritage Advisory Committee be amended to specify 10 community members.

6. Human Services Advisory Committee

a) Mr Peter Webb, Mr Simon Griffin, Ms Birgit Walter, Mr Ben Jackson, Mr Strephon Billingham, Ms Vickie Shackley, Ms Karen Kobier, Ms Stephanie Oatley and Ms Melisah Feeney as community representatives in accordance with the Committee's constitution.

b) The constitution of the Human Services Advisory Committee be amended to specify nine community members.

7. Sustainability Advisory Committee

Ms Olivia Leal-Walker, Mr David Gregory, Ms Jennifer Moses and Mr Justin Hechinger as community representatives in accordance with the Committee's constitution.

8. Waste Management Advisory Committee

a) Mr William Sneddon as community representative in accordance with the Committee's constitution.

b) Mr Eric Brocken be invited to be a community representative in accordance with the Committee's constitution.

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Item: 276 **SS - Property Matter - 139 Colonial Drive and 85 Rifle Range Road, Bligh Park - (95496, 112106) CONFIDENTIAL**

Previous Item: 68, Ordinary (12 April 2016)
 133, Ordinary (11 August 2015)
 187, Ordinary (10 September 2013)
 45, Ordinary (12 March 2013)
 64, Ordinary (8 May 2012)
 63, Ordinary (29 March 2011)
 240, Ordinary (12 October 2010)
 26, Ordinary (26 February 2008)

MOTION:

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

Refer to RESOLUTION

444 RESOLUTION:

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

That:

1. Council accept the offer submitted by Bennett Western Sydney on behalf of Charlani Constructions Pty Ltd, on the basis as outlined in the report for the purchase of 139 Colonial Drive, Bligh Park (Lot 1DP 1135982) and 85 Rifle Range Road, Bligh Park (Lot 2 DP 1135982).
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 Bennett Western Sydney on behalf of Charlani Constructions Pty Ltd, 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.
4. Council commence the community consultation process in regard to the Tinging Community Centre as detailed in this report.
5. Council commence discussions with current users of the Tinging Community Centre with a view to reaching an agreement in regard to temporary relocation whilst the upgrade and refurbishment works are undertaken at the Bligh Park Community Centre located at Sirius Road, Bligh Park.

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Item: 277 **SS - Property Matter - Assignment of Lease - Shop 9 Wilberforce Shopping Centre - (95496, 112106, 96728, 113058)** **CONFIDENTIAL**

MOTION:

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

Refer to RESOLUTION

445 RESOLUTION:

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

That:

1. Council agree to the assignment of lease for Shop 9 Wilberforce Shopping Centre from Melissa Kingcott to Gillian Johnson as outlined in this report.
2. Should for any reason the assignment of lease in Part 1 not take place, then Council agree to Surrender the current lease with Melissa Kingcott subject to the Lessee paying all rent and outgoing up to the date of vacating the premises and any applicable registration or stamp duty fees.
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 current and 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.

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Item: 278 SS - Property Matter - Lease to Optus Mobile Pty Ltd - Part of 111 Colonial Drive, Bligh Park - (95496, 112106, 137696, 109439) CONFIDENTIAL

MOTION:

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

Refer to RESOLUTION

446 RESOLUTION:

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

That:

1. Council proceed to publicly exhibit and notify the proposed lease to Optus Mobile Pty Ltd of part of Colonial Reserve, Lot 12 in Deposited Plan 785922 (111 Colonial Drive, Bligh Park), as outlined in the report, in accordance with Sections 46 and 47 of the Local Government Act 1993.
2. At the expiration of the public notification exhibition period outlined in Part 1 above, the following action should be taken:
 - a) Should any submissions be received regarding the proposed lease to Optus Mobile Pty Ltd, a further report be submitted to Council, or
 - b) Should no submissions be received, Council enter into a new lease with Optus Mobile Pty Ltd for part of Colonial Reserve, part of Lot 12 in Deposited Plan 785922 (111 Colonial Drive, Bligh Park), as outlined in the report and:
 - (i) Authority be given for any documentation in association with the matter to be executed under the Seal of Council.
 - (ii) Details of Council's resolution be conveyed to the proposed Lessees, together with advice that Council is not, and will not, be bound by the terms of the resolution into effect has been agreed to and executed by all parties.

The meeting terminated at 12.25am, Wednesday, 14 December 2016.

Submitted to and confirmed at the Ordinary Meeting held on 31 January 2017.

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Mayor