



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 28 March 2017
location: council chambers
time: 6:30 p.m.

ORDINARY MEETING

Minutes: 28 March 2017

MINUTES

– **WELCOME**

Acknowledgement of Indigenous Heritage

– **APOLOGIES AND LEAVE OF ABSENCE**

– **DECLARATION OF INTERESTS**

– **SECTION 1 - Confirmation of Minutes**

– **ACKNOWLEDGEMENT OF OFFICIAL VISITORS TO THE COUNCIL**

– **SECTION 2 - Mayoral Minutes**

– **EXCEPTION REPORT - Adoption of Items Not Identified for Discussion and Decision**

– **SECTION 3 - Reports for Determination**

Planning Decisions

General Manager

City Planning

Infrastructure Services

Support Services

– **SECTION 4 - Reports of Committees**

– **SECTION 5 - Notices of Motion**

– **QUESTIONS FOR NEXT MEETING**

– **REPORTS TO BE DISCUSSED IN CONFIDENTIAL SESSION**

ORDINARY MEETING

Minutes: 28 March 2017

ORDINARY MEETING

Minutes: 28 March 2017

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE
	ATTENDANCE	1
	DECLARATIONS OF INTEREST	1
	ACKNOWLEDGEMENT OF VISITORS TO THE COUNCIL	1
	SECTION 1 - Confirmation of Minutes	1
	APPRECIATION TOWARD ACTING GENERAL MANAGER	1
	SECTION 3 - Reports for Determination	2
	GENERAL MANAGER	2
Item: 57	GM - 2017 National General Assembly of Local Government - (79351, 82046)	2
Item: 58	GM - Affordable Housing Australia Conference - (79351)	2
Item: 59	GM - Australian Local Government Women's Association Annual Conference - (79351, 82046)	3
	CITY PLANNING	4
Item: 60	CP - Draft Hawkesbury Community Strategic Plan 2017-2036 - Community Engagement - (95498, 124414)	4
Item: 61	CP - Permissibility of Detached Dual Occupancy within the Hawkesbury Local Government Area - (95498, 124414)	5
Item: 62	CP - Submission on the Draft West District Plan - (95498, 124414)	7
	INFRASTRUCTURE SERVICES	8
Item: 63	IS - Proposed Markets for McLeod Park, South Windsor - (95495, 79354)	8
Item: 64	IS - Windsor Bridge Replacement Project - RMS Draft Urban Design and Landscape Plan Consultation - (123265, 95495)	10
	SUPPORT SERVICES	12
Item: 65	SS - Monthly Investments Report - February 2017 - (95496, 96332)	12
	SECTION 4 - Reports of Committees	13
ROC	Local Traffic Committee - 13 March 2017 - (80245)	13
	QUESTIONS FOR NEXT MEETING	14
	Councillor Questions from Previous Meetings and Responses - (79351)	14
	Questions for Next Meeting	15

ORDINARY MEETING

Minutes: 28 March 2017

CONFIDENTIAL REPORTS

16

- | | | |
|----------|--|----|
| Item: 66 | SS - Property Matter - Assignment of Lease from Wayne Edwards Holdings Pty Ltd to J Jona and W Koro - 35 Macquarie Street, Windsor - (95496, 112106, 130695) CONFIDENTIAL | 17 |
| Item: 67 | SS - Property Matter - Lease to Nufarm Petroleum Pty Limited - Road Reserve adjoining Lot 105 in Deposited Plan 1042797 - 501-509 Bells Line of Road, Kurmond - (95496, 112106, 136181) CONFIDENTIAL | 18 |

ORDINARY MEETING

Minutes: 28 March 2017

Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on 28 March 2017, commencing at 6:35pm.

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: 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, Strategic Planning Manager - Andrew Kearns, Manager Corporate Communication – Suzanne Stuart, Manager Corporate Services and Governance - Ian Roberts and Administrative Support Coordinator - Natasha Martin.

DECLARATIONS OF INTEREST

There were no Declarations of Interest made.

ACKNOWLEDGEMENT OF VISITORS TO THE COUNCIL

The Mayor welcomed the Venturers from the 1st Glossodia Scouts to Council, who were present to observe Council as part of their Citizenship Certificate requirements.

SECTION 1 - Confirmation of Minutes

93 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Ross that the Minutes of the Ordinary Meeting held on the 14 March 2017, be confirmed.

APPRECIATION TOWARD ACTING GENERAL MANAGER

The Mayor Councillor Lyons-Buckett expressed Council's appreciation towards Mr Laurie Mifsud who has been acting in the position of General Manager for the last 12 months and other staff that have acted up in relevant positions during that same time. The Mayor thanked Mr Mifsud for leading the organisation during a challenging time.

ORDINARY MEETING

Minutes: 28 March 2017

SECTION 3 - Reports for Determination

GENERAL MANAGER

Item: 57 **GM - 2017 National General Assembly of Local Government - (79351, 82046)**

MOTION:

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

Refer to RESOLUTION

94 RESOLUTION:

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

That:

1. Attendance of nominated Councillors and staff as considered appropriate by the General Manager, at the 2017 National General Assembly of Local Government at an approximate cost of \$2,200, plus travel expenses per delegate be approved.
2. Councillors Lyons-Buckett and Wheeler, attend the 2017 National General Assembly of Local Government as Council's nominated delegates.

Item: 58 **GM - Affordable Housing Australia Conference - (79351)**

MOTION:

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

Refer to RESOLUTION

95 RESOLUTION:

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

That:

1. Attendance of nominated Councillors and staff as considered appropriate by the General Manager, at the Affordable Housing Australia Conference at an approximate cost of \$2,050, plus travel expenses per delegate be approved.
2. Councillor Calvert, attend the Affordable Housing Australia Conference as Council's nominated delegate.

ORDINARY MEETING

Minutes: 28 March 2017

Item: 59 **GM - Australian Local Government Women's Association Annual Conference - (79351, 82046)**

MOTION:

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

Refer to RESOLUTION

96 RESOLUTION:

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

That:

1. Attendance of nominated Councillors and staff as considered appropriate by the General Manager, at the 2017 Australian Local Government Women's Association Annual Conference at an approximate cost of \$1,220, plus travel expenses per delegate be approved.

2. Councillor Lyons-Buckett, attend the 2017 Australian Local Government Women's Association Annual Conference as Council's nominated delegate.

ORDINARY MEETING

Minutes: 28 March 2017

CITY PLANNING

Item: 60 **CP - Draft Hawkesbury Community Strategic Plan 2017-2036 - Community Engagement - (95498, 124414)**

Previous Item: 280, Ordinary (11 December 2007)
 76, Ordinary (29 April 2008)
 56, Ordinary (31 March 2009)
 220, Ordinary (13 October 2009)
 255, Ordinary (24 November 2009)
 188, Ordinary (9 October 2012)
 225, Ordinary (11 December 2012)
 213, Ordinary (11 October 2016)
 273, Ordinary (13 December 2016)

MOTION:

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

Refer to RESOLUTION

97 RESOLUTION:

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

That

1. Council receive the outcomes of the Community Engagement Strategy associated with the Draft Hawkesbury Community Strategic Plan.
2. Council adopt the amended Hawkesbury Community Strategic Plan 2017-2036 attached as Attachment 4 to this report.
3. Subject to any necessary minor editing and layout amendments that do not change the intent of the Plan, the adopted Hawkesbury Community Strategic Plan 2017-2036 be published.

ORDINARY MEETING

Minutes: 28 March 2017

Item: 61 **CP - Permissibility of Detached Dual Occupancy within the Hawkesbury Local Government Area - (95498, 124414)**

Previous Item: 239, Ordinary (9 December 2014)
 41, Ordinary (31 March 2015)
 NM1, Ordinary (31 May 2016)

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

That:

1. Council receive this report as the response to the Notice of Motion from Council's Ordinary Meeting dated 11 October 2016.
2. Council advocate for the release of the Hawkesbury-Nepean Flood Risk Management Strategy.
3. Council consider the inclusion of regional flood issues in its submission to the Greater Sydney Commission regarding the Draft West District Plan.
4. Following the release of the Hawkesbury-Nepean Flood Risk Management Strategy, Council reconsider options in terms of the permissibility of secondary dwellings and dual occupancy (detached) across the Hawkesbury Local Government Area.

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

That:

1. Council receive this report as the response to the Notice of Motion from Council's Ordinary Meeting dated 11 October 2016.
2. Council advocate for the release of the Hawkesbury-Nepean Flood Risk Management Strategy.
3. Council consider the inclusion of regional flood issues in its submission to the Greater Sydney Commission regarding the Draft West District Plan.
4. Following the release of the Hawkesbury-Nepean Flood Risk Management Strategy, Council reconsider options in terms of the permissibility of secondary dwellings and dual occupancy (detached) across the Hawkesbury Local Government Area, taking into consideration, but not limited to, the Rural Land Strategy and the Regional Traffic Study.

The Amendment was carried on the casting vote of the Mayor and became the Motion.

ORDINARY MEETING

Minutes: 28 March 2017

MOTION:

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

Refer to RESOLUTION

98 RESOLUTION:

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

That:

1. Council receive this report as the response to the Notice of Motion from Council's Ordinary Meeting dated 11 October 2016.
2. Council advocate for the release of the Hawkesbury-Nepean Flood Risk Management Strategy.
3. Council consider the inclusion of regional flood issues in its submission to the Greater Sydney Commission regarding the Draft West District Plan.
4. Following the release of the Hawkesbury-Nepean Flood Risk Management Strategy, Council reconsider options in terms of the permissibility of secondary dwellings and dual occupancy (detached) across the Hawkesbury Local Government Area, taking into consideration, but not limited to, the Rural Land Strategy and the Regional Traffic Study.

ORDINARY MEETING

Minutes: 28 March 2017

Item: 62 CP - Submission on the Draft West District Plan - (95498, 124414)

MOTION:

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

Refer to RESOLUTION

99 RESOLUTION:

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

That Council prepare and forward a submission on the Draft West District Plan, addressing the key issues and considerations contained within Attachment 1 of this report to the Greater Sydney Commission prior to the end of the exhibition period on 31 March 2017 with the following additions to the key issues:

- Managing agriculture and the river systems (water sharing plan)
- More focus on the significance of agriculture to the District and Sydney (food security) particularly given loss of agricultural land in South West Sydney
- Need for a Rural Lands Strategy
- Investigate opportunities for food production and processing park (possibly associated with WSU)
- Recognition of Grose River as state declared wilderness
- Opportunities for joint use of RAAF (charter and commercial operations)
- Availability of industrial zoned land to support workforce
- Protection of wetlands from conflicting land uses
- Need to recognise and protect State Forests (same ecological significance as National Parks)
- Recognition of the significant proportion of National Parks/State Forests (constraints to development and rating base, but significant recreational (passive and active) for Sydney)
- Arts and Culture
- Need to improve public transport links from Penrith to the Hawkesbury
- Availability of parking around public transport hubs
- Potential impacts to the District of the Western Sydney Airport (24 Hour)
 - Traffic
 - Amenity
 - Tourism
 - Air quality and noise
- Focus on Providing infrastructure for residents, not visitors and industry perceptions (P3 and L9)
- Recognition of Convict Trail
- More aspirational targets on affordable housing
- Recognition of growing equine industry
- Importance of implementation strategy (ie. not sit on the shelf).

ORDINARY MEETING

Minutes: 28 March 2017

INFRASTRUCTURE SERVICES

Item: 63

IS - Proposed Markets for McLeod Park, South Windsor - (95495, 79354)

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

That Council:

1. Defer consideration of the McLeod Park Market proposal until Council has reviewed its Markets Policy.
2. Review the Markets Policy as an action taken through the Town Centres Master Plan Project Group within a three month period.

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

That:

1. The Windsor Business Group Inc be given approval to hold a monthly market on the third Saturday of each month, at McLeod Park for four months.
2. A fee of \$10 per stall be charged with a maximum of 24 stalls allowed.
3. The General Manager be given authority to negotiate additional markets, if required.
4. The approval be subject to the following:
 - a) Council's general Park conditions
 - b) Council's Fees and charges
 - c) the Generic Plans of Management
 - d) management of conflict with other users.
5. Review the Markets Policy as an action taken through the Town Centres Master Plan Project Group within a three month period.

The Amendment was carried on the casting vote of the Mayor and became the Motion.

ORDINARY MEETING

Minutes: 28 March 2017

MOTION:

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

Refer to RESOLUTION

100 RESOLUTION:

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

That:

1. The Windsor Business Group Inc be given approval to hold a monthly market on the third Saturday of each month, at McLeod Park for four months.
2. A fee of \$10 per stall be charged with a maximum of 24 stalls allowed.
3. The General Manager be given authority to negotiate additional markets, if required.
4. The approval be subject to the following:
 - a) Council's general Park conditions
 - b) Council's Fees and charges
 - c) the Generic Plans of Management
 - d) management of conflict with other users.
5. Review the Markets Policy as an action taken through the Town Centres Master Plan Project Group within a three month period.

ORDINARY MEETING

Minutes: 28 March 2017

Item: 64 IS - Windsor Bridge Replacement Project - RMS Draft Urban Design and Landscape Plan Consultation - (123265, 95495)

Mr Harry Terry and Ms Kate Mackaness addressed Council, speaking against the recommendation.

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

That:

1. The information contained in this report be received.
2. Council defer consideration of the current Urban Design and Landscape Plan, draft number 10, pending receipt of essential documents such as the final (post-community consultation) version of the Strategic Conservation Management Plan, consistent with the Minister's Conditions of Approval.
3. Council advise both the Ministers for Planning and Transport of:
 - a) Its determination to abide by the Conditions of Consent imposed by the Minister for Planning, when approval of the Windsor Bridge Replacement project was granted.
 - b) Its disappointment in the apparent failure of the RMS to comply with the approval process.
 - c) Its deep concerns regarding the resulting, disappointing and inadequate landscape plan.

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

That:

1. The information contained in this report be received.
2. Council write to the Roads and Maritime Services and to the Minister for Roads, Maritime and Freight and the Minister for Planning to advise that, Council understands that further reports are required from the RMS in accordance with the Conditions of Consent and that in the absence of the Strategic Conservation Management Plan and Interpretation Plan, its comments are qualified and that Council demands the right to review its advice and submission when these other documents are released in their entirety and with sufficient time to make comment.
3. A submission be made to Roads and Maritime Services relating to the draft Urban Design and Landscape Plan, as detailed in the report and attachment and including advice received from Council's Heritage Advisor.

The Amendment was carried and became the Motion.

ORDINARY MEETING

Minutes: 28 March 2017

MOTION:

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

Refer to RESOLUTION

101 RESOLUTION:

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

That:

1. The information contained in this report be received.
2. Council write to the Roads and Maritime Services and to the Minister for Roads, Maritime and Freight and the Minister for Planning to advise that, Council understands that further reports are required from the RMS in accordance with the Conditions of Consent and that in the absence of the Strategic Conservation Management Plan and Interpretation Plan, its comments are qualified and that Council demands the right to review its advice and submission when these other documents are released in their entirety and with sufficient time to make comment.
3. A submission be made to Roads and Maritime Services relating to the draft Urban Design and Landscape Plan, as detailed in the report and attachment and including advice received from Council's Heritage Advisor.

ORDINARY MEETING

Minutes: 28 March 2017

SUPPORT SERVICES

Item: 65 SS - Monthly Investments Report - February 2017 - (95496, 96332)

MOTION:

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

Refer to RESOLUTION

102 RESOLUTION:

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

The report regarding the monthly investments for February 2017 be received and noted.

ORDINARY MEETING

Minutes: 28 March 2017

SECTION 4 - Reports of Committees

ROC

Local Traffic Committee - 13 March 2017 - (80245)

103 RESOLUTION:

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

That the minutes of the Local Traffic Committee held on 13 March 2017 as recorded on pages 71 to 81 of the Ordinary Business Paper be adopted.

ORDINARY MEETING

Minutes: 28 March 2017

QUESTIONS FOR NEXT MEETING

Councillor Questions from Previous Meetings and Responses - (79351)

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

ORDINARY MEETING

Minutes: 28 March 2017

Questions for Next Meeting

#	Councillor	Question	Response
1	Calvert	Advised that the car park area near Richmond Swimming Centre is boggy and enquired if this could be investigated with a view to improvements being carried out.	Director Infrastructure Services
2	Calvert	Requested an estimate of the electricity costs relating to the lighting of Richmond Park, Richmond.	Director Infrastructure Services
3	Calvert	Enquired if the street lights in the vicinity of McDonald's Bligh Park are functioning.	Director Infrastructure Services
4	Reynolds	Enquired as to the process for the installation of a bus shelters at Pecks Road, North Richmond	Director Infrastructure Services
5	Rasmussen	Requested information relating to regulatory action being planned to be taken against farmers at Bilpin in regards to signs.	Director City Planning
6	Rasmussen	Advised of pot holes and drainage issues in Yarramundi Lane and requested if these could be addressed.	Director Infrastructure Services

ORDINARY MEETING

Minutes: 28 March 2017

CONFIDENTIAL REPORTS

104 RESOLUTION:

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

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: 66 SS - Property Matter - Assignment of Lease from Wayne Edwards Holdings Pty Ltd to J Jona and W Koro - 35 Macquarie Street, Windsor - (95496, 112106, 130695)

*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: 67 SS - Property Matter - Lease to Nufarm Petroleum Pty Limited - Road Reserve adjoining Lot 105 in Deposited Plan 1042797 - 501-509 Bells Line of Road, Kurmond - (95496, 112106, 136181)

*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.

105 RESOLUTION:

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

ORDINARY MEETING

Minutes: 28 March 2017

Item: 66 **SS - Property Matter - Assignment of Lease from Wayne Edwards Holdings Pty Ltd to J Jona and W Koro - 35 Macquarie Street, Windsor - (95496, 112106, 130695) CONFIDENTIAL**

MOTION:

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

Refer to RESOLUTION

106 RESOLUTION:

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

That:

1. Council agree to the assignment of the lease for 35 Macquarie Street, Windsor from Wayne Edwards Holdings Pty Ltd to J Jona and W Koro, as outlined in this 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 current and proposed Assignor and Assignees, 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

Minutes: 28 March 2017

Item: 67 SS - Property Matter - Lease to Nufarm Petroleum Pty Limited - Road Reserve adjoining Lot 105 in Deposited Plan 1042797 - 501-509 Bells Line of Road, Kurmond - (95496, 112106, 136181) CONFIDENTIAL

MOTION:

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

Refer to RESOLUTION

107 RESOLUTION:

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

That:

1. Council commence public exhibition and notification of the proposed lease to Nufarm Petroleum Pty Limited, in regard to the road reserve adjoining Lot 105 in Deposited Plan 1042797, being 501-509 Bells Line of Road, Kurmond in accordance with the proposal outlined in the report, and as required under Section 154 of the Roads Act 1993.
2. At the expiration of the public notification period outlined in Part 1 above, the following action should be taken:
 - a) Should any submissions be received regarding the proposed lease with Nufarm Petroleum Pty Limited, a further report be submitted to Council, or
 - b) (i) Should no submissions be received, Council enter into a new lease with Nufarm Petroleum Pty Limited for the road reserve adjoining Lot 105 in Deposited Plan 1042797, being 501-509 Bells Line of Road, Kurmond, as outlined in the report.
(ii) Authority be given for any necessary 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 Lessee, together with the advice that Council is not, and will not, be bound by the terms of its resolution, until such time as appropriate legal documentation to put such a resolution into effect has been agreed to and executed by all parties.

The meeting terminated at 9:32pm.

Submitted to and confirmed at the Ordinary meeting held on 11 April 2017.

.....
Mayor