



Hawkesbury City Council

ordinary meeting minutes

date of meeting: 10 September 2019

location: council chambers

time: 6:30 p.m.

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QUESTIONS WITH NOTICE **19**

Item: 174 Councillor Questions with Notice **19**

ORDINARY MEETING

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on 10 September 2019, commencing at 6:31pm.

Welcome

The Mayor, Councillor Barry Calvert acknowledged the Indigenous Heritage.

The General Manager addressed the Council meeting, mentioning:

- Emergency Procedures
- Recording of the Council Meeting
- Statement regarding people addressing the Meeting
- Mobile phones

ATTENDANCE

PRESENT: Councillor Barry Calvert, Mayor, Councillor Mary Lyons-Buckett, Deputy Mayor and Councillors Patrick Conolly, Amanda Kotlash, Peter Reynolds, Sarah Richards, John Ross, Tiffany Tree, Danielle Wheeler and Nathan Zamprogno.

ALSO PRESENT: General Manager - Peter Conroy, Director City Planning - Linda Perrine, Director Infrastructure Services - Jeff Organ, Acting Director Support Services - Emma Galea, Strategic Planning Manager - Andrew Kearns, Acting Manager Corporate Services and Governance - Linda Hewitt and Administrative Support Coordinator - Tracey Easterbrook.

APOLOGIES AND LEAVE OF ABSENCE

An apology for absence was received from Councillor Garrow.

The General Manager advised that a leave of absence from Council was received from Councillor Paul Rasmussen for the period from 5 September 2019 to 24 October 2019, inclusive.

202 RESOLUTION:

RESOLVED on the motion of Councillor Conolly and seconded by Councillor Reynolds

That:

1. The apology from Councillor Garrow be accepted and that leave of absence from the meeting be granted.
2. Leave of absence be granted to Councillor Rasmussen from Sunday, 5 September 2019 to Thursday, 24 October 2019, inclusive, including the Council Meetings on 10 September 2019 and 24 September 2019.

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MOTION:

RESOLVED on the motion of Councillor Wheeler, seconded by Councillor Lyons-Buckett.

Refer to RESOLUTION

203 RESOLUTION:

RESOLVED on the motion of Councillor Wheeler, seconded by Councillor Lyons-Buckett that standing orders be suspended and that Items 172 and 173 be brought forward in the agenda to be dealt with.

Councillor Conolly arrived at the meeting at 6:32pm.

DECLARATIONS OF INTEREST

Councillor Lyons-Buckett declared an interest on Item 164.

Acknowledgement of Official Visitors to the Council

There were no official visitors to Council.

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SECTION 1 - Confirmation of Minutes

204 RESOLUTION:

RESOLVED on the motion of Councillor Lyons-Buckett and seconded by Councillor Zamprogno that the Minutes of the Ordinary held on the Tuesday, 27 August 2019, be confirmed.

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SECTION 2 – Mayoral Minutes

Item: 163 **MM - Moving Towards a Zero Emissions Organisation and Local Government Area - (80093)**

MOTION:

RESOLVED on the motion of Councillor Calvert.

Refer to RESOLUTION

205 RESOLUTION:

RESOLVED on the motion of Councillor Calvert.

That Council:

1. Commits to working with local government and other levels of government to become a net zero emissions organisation by 2050, if not sooner.
2. Writes to WSROC to have this matter placed on the agenda for their November 2019 Board Meeting.
3. Recommends that WSROC invite all member Councils to commit to becoming net zero emissions organisations in the same timeline as Hawkesbury City Council (if they have not already done so).
4. Recommends that WSROC works with its member Councils collectively to aim for the Community of Western Sydney to also have net zero emissions by the year 2050.

For the Motion: Councillors Calvert, Lyons-Buckett, Conolly, Kotlash, Richards, Tree, Wheeler and Zamprogo.

Against the Motion: Councillors Reynolds and Ross.

Absent: Councillors Garrow and Rasmussen.

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SECTION 3 – Reports for Determination

PLANNING DECISIONS

Item: 164 **CP - Structure Plan for Kurmond-Kurrajong - (95498, 124414)**

Previous Item: 40 Ordinary (March 2015)
 114 Ordinary (July 2015)
 134 Ordinary (August 2015)
 199 Ordinary (November 2015)
 188 Ordinary (August 2016)

Directorate: City Planning

Councillor Lyons-Buckett declared a pecuniary interest in this matter as the property in question falls within the investigation area of her principle residence. She did not leave the Chamber, as an exemption was requested under Clause 4.36 of the Code of Conduct.

Mr Bill Sneddon addressed Council speaking for the recommendation.

Mr Michael Want addressed Council speaking against the recommendation.

MOTION:

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

Refer to RESOLUTION

206 RESOLUTION:

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

That Council adopt the Draft Kurmond Kurrajong Structure Plan for the purposes of public exhibition.

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: Councillors Calvert, Lyons-Buckett, Conolly, Kotlash, Reynolds, Richards, Ross, Tree, Wheeler and Zamprogn.

Against the Motion: NIL.

Absent: Councillors Garrow and Rasmussen.

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Item: 165 **CP - Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012
- Lot 40 DP 7565, 42 Bells Lane, Kurmond - (95498, 124414)**

Previous Item: 5, Ordinary (31 January 2017)
RM2, Ordinary (14 February 2017)

Directorate: City Planning

Ms Alison Amor and Mr Andrew Edwards speaking for the recommendation.

Mr Michael Want addressed Council speaking against the recommendation.

MOTION:

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

That:

1. Council support the preparation of a planning proposal for Lot 40 DP 7565, 42 Bells Lane, Kurmond to allow development of the subject site for rural residential development with a minimum lot size of not less than 4,000m² and a maximum lot yield from subdivision of five lots subject to the submission of further studies for consideration in relation to;
 - Environmental design/site capacity assessment
 - Bush fire assessment
 - Flora and Fauna assessment
 - Traffic impact assessment
 - Waste water feasibility assessment
 - Infrastructure requirements and funding assessmentfollowing a 'Gateway' determination.
2. The planning proposal be forwarded to the Department of Planning, Industry and Environment for a 'Gateway' determination.
3. The Department of Planning, Industry and Environment be advised that Council wishes to request a Written Authorisation to Exercise Delegation to make the Plan.
4. The Department of Planning, Industry and Environment and the Applicant be advised that in addition to all other relevant planning considerations being addressed, final Council support for the proposal will only be given if Council is satisfied that satisfactory progress, either completion of the Section 7.11 Developer Contributions Plan or a Voluntary Planning Agreement has been made towards resolving infrastructure provision for this planning proposal.

The motion was put and carried.

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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: Councillors Calvert, Conolly, Kotlash, Richards, Tree and Zamprogno.

Against the Motion: Councillors Lyons-Buckett, Reynolds, Ross and Wheeler.

Absent: Councillors Garrow and Rasmussen.

MOTION:

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

Refer to RESOLUTION

207 RESOLUTION:

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

That:

1. Council support the preparation of a planning proposal for Lot 40 DP 7565, 42 Bells Lane, Kurmond to allow development of the subject site for rural residential development with a minimum lot size of not less than 4,000m² and a maximum lot yield from subdivision of five lots subject to the submission of further studies for consideration in relation to;
 - Environmental design/site capacity assessment
 - Bush fire assessment
 - Flora and Fauna assessment
 - Traffic impact assessment
 - Waste water feasibility assessment
 - Infrastructure requirements and funding assessmentfollowing a 'Gateway' determination.
2. The planning proposal be forwarded to the Department of Planning, Industry and Environment for a 'Gateway' determination.
3. The Department of Planning, Industry and Environment be advised that Council wishes to request a Written Authorisation to Exercise Delegation to make the Plan.
4. The Department of Planning, Industry and Environment and the Applicant be advised that in addition to all other relevant planning considerations being addressed, final Council support for the proposal will only be given if Council is satisfied that satisfactory progress, either completion of the Section 7.11 Developer Contributions Plan or a Voluntary Planning Agreement has been made towards resolving infrastructure provision for this planning proposal.

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Item: 166 **CP - Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012
- Lot 49 DP 7565, 98 Bells Lane Kurmond - (95498, 124414)**

Previous Item: 5, Ordinary, (31 January 2017)
RM3, Ordinary, (14 February 2017)

Directorate: City Planning

Mr Andrew Edwards addressed Council speaking for the recommendation.

MOTION:

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

That:

1. Council support the preparation of a planning proposal for Lot 49 DP 7565, 98 Bells Lane, Kurmond to allow development of the subject site for rural residential development with a minimum lot size of not less than 4,000m² and a maximum lot yield from subdivision of four lots subject to the submission of further studies for consideration in relation to;
 - Environmental design/site capacity assessment
 - Bush fire assessment
 - Flora and Fauna assessment
 - Traffic impact assessment
 - Waste water feasibility assessment
 - Infrastructure requirements and funding assessmentfollowing a 'Gateway' determination.
2. The planning proposal be forwarded to the Department of Planning, Industry and Environment for a 'Gateway' determination.
3. The Department of Planning, Industry and Environment be advised that Council wishes to request a Written Authorisation to Exercise Delegation to make the Plan.
4. The Department of Planning, Industry and Environment and the Applicant be advised that in addition to all other relevant planning considerations being addressed, final Council support for the proposal will only be given if Council is satisfied that satisfactory progress, either completion of the Section 7.11 Developer Contributions Plan or a Voluntary Planning Agreement has been made towards resolving infrastructure provision for this planning proposal.

The motion was put and carried.

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: Councillors Calvert, Conolly, Kotlash, Richards, Tree and Zamprogno.

Against the Motion: Councillors Lyons-Buckett, Reynolds, Ross and Wheeler.

Absent: Councillors Garrow and Rasmussen.

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MOTION:

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

Refer to RESOLUTION

208 RESOLUTION:

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

That:

1. Council support the preparation of a planning proposal for Lot 49 DP 7565, 98 Bells Lane, Kurmond to allow development of the subject site for rural residential development with a minimum lot size of not less than 4,000m² and a maximum lot yield from subdivision of four lots subject to the submission of further studies for consideration in relation to;
 - Environmental design/site capacity assessment
 - Bush fire assessment
 - Flora and Fauna assessment
 - Traffic impact assessment
 - Waste water feasibility assessment
 - Infrastructure requirements and funding assessmentfollowing a 'Gateway' determination.
2. The planning proposal be forwarded to the Department of Planning, Industry and Environment for a 'Gateway' determination.
3. The Department of Planning, Industry and Environment be advised that Council wishes to request a Written Authorisation to Exercise Delegation to make the Plan.
4. The Department of Planning, Industry and Environment and the Applicant be advised that in addition to all other relevant planning considerations being addressed, final Council support for the proposal will only be given if Council is satisfied that satisfactory progress, either completion of the Section 7.11 Developer Contributions Plan or a Voluntary Planning Agreement has been made towards resolving infrastructure provision for this planning proposal.

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Item: 167 **CP - Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012 - Lot 3 DP 747089, 74 Longleat Lane, Kurmond - (95498, 124414)**

Previous Item: 169, Ordinary, (9 August 2016)

Directorate: City Planning

Ms Roslyn Goody and Mr Andrew Edwards addressed Council speaking for the recommendation.

MOTION:

RESOLVED on the motion of Councillor Wheeler, seconded by Councillor Lyons-Buckett.

Refer to RESOLUTION

209 RESOLUTION:

RESOLVED on the motion of Councillor Wheeler, seconded by Councillor Lyons-Buckett.

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 Lot 3 DP 747089, 74 Longleat Lane, Kurmond into not more than two large rural residential lots with a minimum lot size of not less than 4,000m² and 2 ha as detailed 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.

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: Councillors Calvert, Lyons-Buckett, Conolly, Kotlash, Reynolds, Richards, Tree, Wheeler and Zamprogno.

Against the Motion: Councillor Ross.

Absent: Councillors Garrow and Rasmussen.

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Item: 168 **CP - Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012 - Lot 2 DP 117711, 377 Bells Line of Road, Kurmond - (95498, 124414)**

Previous Item: 205, Ordinary (28 October 2014)
041, Ordinary (27 February 2018)

Directorate: City Planning

Mr James Henry and Mr Andrew Edwards addressed Council speaking for the recommendation.

MOTION:

RESOLVED on the motion of Councillor Lyons-Buckett, seconded by Councillor Conolly.

Refer to RESOLUTION

210 RESOLUTION:

RESOLVED on the motion of Councillor Lyons-Buckett, seconded by Councillor Conolly.

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 Lot 2 DP 1177011, 377 Bells Line of Road, Kurmond into not more than six large rural residential lots with a minimum lot size of not less than 4,000m² and one community title lot with a minimum lot size of not less than 2ha as detailed 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.
6. Any future development application over the subject site consider the potential for a pedestrian/cycle connection through the subject site linking Bells Line of Road with Bells Lane.

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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:	Councillors Calvert, Lyons-Buckett, Conolly, Kotlash, Reynolds, Richards, Tree and Zamprogno.
Against the Motion:	Councillors Ross and Wheeler.
Absent:	Councillors Garrow and Rasmussen.

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CITY PLANNING

Item: 169 **CP - Submission to Draft Regulatory Framework for Short Term Rental Accommodation - (95498,)**

Directorate: City Planning

MOTION:

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

Refer to RESOLUTION

211 RESOLUTION:

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

That Council endorse the forwarding of a submission, addressing the matters discussed in this report, to the Department of Planning, Industry and Environment for consideration in respect to the proposed regulatory framework for short-term rental accommodation.

For the Motion: Councillors Calvert, Lyons-Buckett, Conolly, Kotlash, Reynolds, Richards, Ross, Tree, Wheeler and Zamprogno.

Against the Motion: NIL.

Absent: Councillors Garrow and Rasmussen.

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Minutes: 10 September 2019

SUPPORT SERVICES

Item: 170 **SS - Administration of the September 2020 Hawkesbury City Council Local Government Elections - (79351)**

Previous Item: 214, Ordinary (29 October 2013)
 025, Ordinary (26 February 2013)

Division: Support Services

MOTION:

RESOLVED on the motion of Councillor Lyons-Buckett, seconded by Councillor Tree.

212 RESOLUTION:

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

That Council defer the matter pending further quotations regarding the 2020 Local Government Election until the next Ordinary Meeting of Council, Tuesday, 24 September 2019.

For the Motion: Councillors Calvert, Lyons-Buckett, Conolly, Kotlash, Reynolds, Richards, Ross, Tree, Wheeler and Zamprogno.

Against the Motion: NIL.

Absent: Councillors Garrow and Rasmussen.

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Item: 171 **SS - Amendment to Code of Meeting Practice - (95496, 96333, 79351)**

Previous Item: 92, Ordinary (28 May 2019)
 41, Ordinary (12 March 2019)
 55, Ordinary (27 February 2019)
 194, Ordinary (31 October 2019)

Directorate: Support Services

MOTION:

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

Refer to RESOLUTION

213 RESOLUTION:

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

That:

1. Clause 3.1 of The Code of Meeting Practice be amended to facilitate Council making adjustments to the placement and frequency of Council meetings over the course of the year.
2. Clause 11.5 of The Code of Meeting Practice be amended to allow all Councillors who are present in the Chamber to raise their arm in favour of the motion or amendment being voted on.
3. The amendments be placed on public exhibition for a period of 28 days, with submissions being accepted from interested parties for 42 days.
4. Staff initiate a process of working with relevant stakeholders to migrate the current committee structure over time, to a configuration that is more closely aligned to the Community Strategic Plan objectives.

For the Motion: Councillors Calvert, Conolly, Kotlash, Reynolds, Richards, Tree and Zamprogno.

Against the Motion: Councillor Lyons-Buckett, Ross and Wheeler.

Absent: Councillors Garrow and Rasmussen.

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SECTION 5 – Notices of Motion

Item: 172 **NM1 - Global Climate Strike - (138882)**

Mr Bill Sneddon and Ms Chloe Tyrrell addressed Council speaking for the recommendation.

MOTION:

RESOLVED on the motion of Councillor Wheeler, seconded by Councillor Lyons-Buckett.

Refer to RESOLUTION

214 RESOLUTION:

RESOLVED on the motion of Councillor Wheeler, seconded by Councillor Lyons-Buckett.

That Council:

1. Notes that on Friday 20 September 2019 there will be a Global Climate Strike called by student climate strikers who are calling on all concerned citizens to join massive climate strikes and a week of actions. Strikes will take place in the Sydney CBD and at the Springwood Hub. The students, including local students from Macquarie Electorate Student Climate Action (MESCA), have three key demands:
 - a) No new coal, oil and gas projects
 - b) 100% renewable energy by 2030
 - c) A just transition and job creation for all fossil-fuel workers and communities.
2. Endorses the Global Climate Strike, consistent with its Climate Emergency Declaration.
3. Encourages all Councillors to attend the Global Climate Strike.

For the Motion: Councillors Calvert, Lyons-Buckett, Kotlash, Reynolds, Ross, Tree and Wheeler.

Against the Motion: Councillors Conolly, Richards and Zamprogno.

Absent: Councillors Garrow and Rasmussen.

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Item: 173 **NM2 - Passing of Heritage Advisory Committee Member Professor Ian Jack - (79351)**

Mr Michael Edwards addressed Council speaking for the recommendation.

MOTION:

RESOLVED on the motion of Councillor Wheeler, seconded by Councillor Lyons-Buckett.

Refer to RESOLUTION

215 RESOLUTION:

RESOLVED on the motion of Councillor Wheeler, seconded by Councillor Lyons-Buckett.

That Council:

1. Places on record the extraordinary contribution Professor Ian Jack made to researching, recording and preservation of the heritage of the Hawkesbury and Australia, and extends its deepest sympathies to his wife, Jan Barkley-Jack, and his family.
2. Following adoption of this recommendation, observes a minutes silence in recognition of the passing of Professor Jack.

For the Motion: Councillors Calvert, Lyons-Buckett, Conolly, Kotlash, Reynolds, Richards, Ross, Tree, Wheeler and Zamprogno.

Against the Motion: NIL.

Absent: Councillors Garrow and Rasmussen.

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QUESTIONS WITH NOTICE

Item: 174 Councillor Questions with Notice

Response to Councillor Questions with Notice listed in the Business Paper of 10 September 2019 were provided and discussed.

The meeting terminated at 10:50pm.

Submitted to and confirmed at the Ordinary meeting held on 24 September 2019.

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Mayor