



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 11 July 2017

location: council chambers

time: 6:30 p.m.

ORDINARY MEETING

Minutes: 11 July 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**
- **MINUTES ITEMS SUBJECT TO PUBLIC ADDRESS**
- **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 11 July 2017, commencing at 6:31pm.

ATTENDANCE

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

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

APOLOGIES

Apologies for absence were received from Councillors E-J Garrow and N Zamprogno.

214 RESOLUTION:

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

Councillors Conolly, Richards and Tree left the meeting at 8:30pm.

DECLARATIONS OF INTEREST

Councillor Reynolds declared an interest on Item 122.

SECTION 1 - Confirmation of Minutes

215 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Ross that the minutes of the Ordinary Meeting held on 27 June 2017, be confirmed.

216 RESOLUTION:

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

That standing orders be suspended to allow for Notice of Motion 1 regarding the reduction in the use of plastic bags, to be heard.

SECTION 5 - Notices of Motion

NM1 Reduction in the use of plastic bags - (79351, 105109, 138882)

Ms Anne Birchall made a presentation to Council of examples of Boomerang Bags.

Ms Lily Spies, Ms Lisa Burns and Ms Jan Sparkes addressed Council, speaking for the recommendation.

MOTION:

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

Refer to RESOLUTION

217 RESOLUTION:

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

That Council:

1. Write to the NSW Premier Gladys Berejiklian MP, NSW Environment Minister Gabrielle Upton MP, NSW Treasurer and Member for Hawkesbury Dominic Perrottet MP and the Federal Member for Macquarie, Susan Templeman MP, advocating for a ban on single use plastic bags.
2. Staff investigate any previous reports and related matters and report back to Council in relation to:
 - a) a program of education and assistance for local businesses and the community to reduce the use of disposable plastic items, in conjunction with local groups like Boomerang Bags
 - b) the costs and benefits of phasing out single use plastics in Councils own operations
 - c) the interest of local businesses and local business groups, including but not limited to Windsor Business Group, Richmond Mainstreet, Kurrajong Community Forum, Richmond Marketplace, Windsor Riverview, and Coles and Woolworths, in participating in a 12 month moratorium on single-use plastic bag use in the Hawkesbury LGA
 - d) options for promoting the positive steps being taken in the community to reduce the use of single use plastic bags.
 - e) the implementation of Council's existing Sustainable Events Management Policy, in particular as it relates to the use of disposable plastic items.

218 RESOLUTION:

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

That standing orders be resumed.

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SECTION 3 - Reports for Determination

INFRASTRUCTURE SERVICES

Item: 121 **IS - Exclusive Use of Governor Phillip Park - Power Boat Spectacular Event - (95495, 79354, 73829)**

MOTION:

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

Refer to RESOLUTION

219 RESOLUTION:

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

That:

1. Approval be granted to the Upper Hawkesbury Power Boat Club for “exclusive use” of Governor Phillip Park for the 2017 Power Boat Spectacular to be held on Saturday, 16 September and Sunday, 17 September 2017.
2. The approval be subject to the following conditions/documents:
 - a) Council's general park conditions
 - b) Council's fees and charges
 - c) The Windsor Foreshore Plan of Management
 - d) The Governor Phillip Reserve Exclusive Use Policy
 - e) The Governor Phillip Reserve Noise Policy.
3. It is noted that appropriate approvals need to be obtained from RMS and NSW Police.
4. As the applicant has not advised alternative dates in the event of inclement weather, the General Manager be given authority to negotiate exclusive use on an alternate date, if required by the applicant.

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Item: 122 **IS - Windsor Bridge Replacement Project - Draft Council Submission - (95495, 79354, 73621)**

Previous Item: 64, Ordinary (28 March 2017)
 90, Ordinary (30 May 2017)
 NM1, Ordinary (27 June 2017)

Councillor Reynolds declared a pecuniary interest in this matter as he lives in the area of Council's Conservation Management Plan Study Area. He left the Chamber and did not take part in voting or discussion on the matter.

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

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

That:

1. Council does not endorse the Windsor Bridge Replacement Project or the Strategic Conservation Management Plan (SCMP).
2. The draft submission regarding the SCMP Study Area attached to this report as Attachment 1 be submitted to RMS.
3. Council reviews and resubmits its response to the landscape plan.
4. Council prepare its own Conservation Management Plan and advise the NSW State Government that due to the high sensitivity of the oldest public square in Australia and the shortcomings of the current study, that it needs time to prepare its own Conservation Management Plan and call for further financial assistance.
5. Council prepare a detailed conservation management plan for Thompson Square, which includes a more extensive area covered by the Thompson Square Conservation Area and a statement of heritage impact report on the current bridge scheme after completion of Council's Conservation Management Plan.
6. Council lobby the State Member for Hawkesbury, pointing out the shortcomings of the SCMP and that he act on Council's behalf and bring it to the attention of the Minister for Planning, the Minister for Transport and the NSW State Government.

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An AMENDMENT was moved by Councillor Ross, seconded by Councillor Lyons-Buckett.

That:

1. Council gratefully receive the staff report including that of its Heritage Advisor regarding the Strategic Conservation Management Plan (SCMP).
2. In the first instance Council submit the Heritage Advisor's report to the Department and Planning and the Office of Environment and Heritage, together with an accompanying letter:
 - a) expressing support of its general thrust
 - b) highlighting the concerns expressed in the Council report, including grave concerns with the documented failure of both the Department of Planning and RMS to comply with Ministerial consent issued on 21 December 2013
 - c) highlighting that the SCMP was required to be informed via reports which have either been not produced or published in accordance with the determination
 - d) rejecting out of hand the landscape report due to its failure to be informed by the SCMP and the basis for its SCMP preparation by subordinate scheduled reports
 - e) informing the agencies that the processes should be halted in regard to the SCMP itself until such time as all prior scheduled reports become available and relevant consultation processes are undertaken.
3. Council withhold its final assessments of any SCMP document until such time as the matters raised in points 1 and 2 above have been fully addressed to its satisfaction, including its consultation with Hawkesbury City Council.

The Amendment was lost.

MOTION:

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

Refer to RESOLUTION

220 RESOLUTION:

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

That:

1. Council does not endorse the Windsor Bridge Replacement Project or the Strategic Conservation Management Plan (SCMP).
2. The draft submission regarding the SCMP Study Area attached to this report as Attachment 1 be submitted to RMS.
3. Council reviews and resubmits its response to the landscape plan.
4. Council prepare its own Conservation Management Plan and advise the NSW State Government that due to the high sensitivity of the oldest public square in Australia and the shortcomings of the current study, that it needs time to prepare its own Conservation Management Plan and call for further financial assistance.
5. Council prepare a detailed conservation management plan for Thompson Square, which includes a more extensive area covered by the Thompson Square Conservation Area and a statement of heritage impact report on the current bridge scheme after completion of Council's Conservation Management Plan.
6. Council lobby the State Member for Hawkesbury, pointing out the shortcomings of the SCMP and that he act on Council's behalf and bring it to the attention of the Minister for Planning, the Minister for Transport and the NSW State Government.

Councillors Conolly, Richards and Tree requested that their names be recorded as having voted against the motion.

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SUPPORT SERVICES

Item: 123 SS - Disability Inclusion Action Plan 2017-2021 - (95496, 96328)

Previous Item: 91, Ordinary (30 May 2017)
 134, Ordinary (29 July 2014)
 61, Ordinary (25 March 2014)
 35, Ordinary (13 March 2012)
 266, Ordinary (29 November 2011)
 87, Ordinary (10 May 2011)

MOTION:

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

Refer to RESOLUTION

221 RESOLUTION:

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

That Council:

1. Adopt the Disability Inclusion Action Plan 2017-2021, attached as Attachment 1 to the report.
2. Delegate to the Hawkesbury Access and Inclusion Advisory Committee the responsibility for coordinating and reporting on the implementation of the Disability Inclusion Action Plan 2017-2021.

Item: 124 SS - Pecuniary Interest Returns - Designated Persons - (95496, 96333)

MOTION:

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

Refer to RESOLUTION

222 RESOLUTION:

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

That the information be received and noted.

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QUESTIONS FOR NEXT MEETING

Councillor Questions from Previous Meeting and Responses - (79351)

Raised at the Ordinary Meeting held - 27 June 2017

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

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#	Councillor	Question	Response
1	Richards	Enquired how much it would cost and if it is possible to record all phone conversations at Council between staff and residents.	Director Support Services
2	Calvert	Enquired if there is a Master Plan for the visual attractiveness of the heritage towns and buildings in Richmond and Windsor or if this would be covered by other Committees or documents.	Director City Planning
3	Wheeler	Requested that wildlife signs on West Portland Road be reinstated and that in this process Council liaise with WIRES about raising community awareness for the protocols of checking injured or deceased native animals on road sides.	Director Infrastructure Services
4	Reynolds	Enquired if staff are aware that engineering reports, engineering peer reviews, bridge renovation method, bridge maintenance costs and the Bridge Inspector's reports for the historic Windsor Bridge dating from 1994 to 2013 are publically available from the Department of Planning's website.	Director Infrastructure Services
5	Ross	Enquired as to Council's policy relating to responding to correspondence received.	Director Support Services
6	Rasmussen	Requested an update on the sale of 139 Colonial Drive, Bligh Park.	Director Support Services

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CONFIDENTIAL REPORTS

223 RESOLUTION:

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

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: 125 SS - Acquisition of Easement - Part of 69 Wells Street, Pitt Town - (95496, 112106, 37918, 37919)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it relates to details concerning the compulsory acquisition of an easement by the Council 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: 126 SS - Property Matter - Lease of Shop 9, Glossodia Shopping Village - (95496, 112106, 73792, 76718)

*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: 127 SS - Property Matter - Lease to Urban City Consulting Pty Ltd - Johnson Wing, 4 Christie Street, Windsor - (112106, 95496, 85782)

*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.

224 RESOLUTION:

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

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Item: 125 **SS - Acquisition of Easement - Part of 69 Wells Street, Pitt Town - (95496, 112106, 37918, 37919) CONFIDENTIAL**

MOTION:

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

Refer to RESOLUTION

225 RESOLUTION:

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

That:

1. Council undertake compulsory acquisition, under Sections 187 and 196 of the Local Government Act 1993 (NSW), of an easement covering an area of land, in the order of 590.27m² within 69 Wells Street, Pitt Town for the purposes of creating an easement for access and drainage.
2. Council approve the making of an application to the Minister for Local Government for the issue of a Proposed Acquisition Notice (PAN) under the Land Acquisition (Just Terms Compensation) Act 1991, with respect to the subject easement over the land.
3. Council approve the making of an application to the Governor for the publication of an Acquisition Notice in the NSW Government Gazette under the Land Acquisition (Just Terms Compensation) Act 1991 (NSW) with respect to the subject easement over the land.
4. Council bear all costs associated with the process of acquiring the easement including, if applicable, the replacement of any driveway surfacing affected by the easement works.
5. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.
6. Grant delegation to the General Manager to execute any documents on behalf of Council, associated with the compulsory acquisition process, which do not require the Seal of Council to be affixed.
7. Details of Council's resolution be conveyed to the affected landowner together with the advice that Council is not, and will not, be bound by the terms of its resolution, until such time as appropriate documentation to put such resolution into effect has been executed.

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Item: 126 **SS - Property Matter - Lease of Shop 9, Glossodia Shopping Village - (95496, 112106, 73792, 76718) CONFIDENTIAL**

MOTION:

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

Refer to RESOLUTION

226 RESOLUTION:

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

That:

1. Council agree to enter into a new lease with Jeanette Stewart James and Veronica Ferne Thompson in regard to the Shop 9, Glossodia Shopping Village, 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 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: 127 SS - Property Matter - Lease to Urban City Consulting Pty Ltd - Johnson Wing,
4 Christie Street, Windsor - (112106, 95496, 85782) CONFIDENTIAL**

MOTION:

The Director Support Services advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Kotlash.

Refer to RESOLUTION

227 RESOLUTION:

The Director Support Services advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Kotlash.

That:

1. Council agree to enter into a new lease with Urban City Consulting Pty Ltd in regard to the Johnson Wing, 4 Christie Street, Windsor, 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 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 resolution into effect has been agreed to and executed by all parties.

The meeting terminated at 8:35pm.

Submitted to and confirmed at the Ordinary meeting held on 25 July 2017.

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Mayor