



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 11 December 2018

location: council chambers

time: 6:30 p.m.

ORDINARY MEETING**Table of Contents**

Meeting Date: 11 December 2018

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ORDINARY MEETING

Minutes: 11 December 2018

Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 11 December 2018, commencing at 6.32pm.

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, Emma-Jane Garrow, Amanda Kotlash, Paul Rasmussen, 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, Director Support Services - Laurie Mifsud, Executive Manager - Community Partnerships - Joseph Litwin, Chief Financial Officer – Emma Galea, Manager Corporate Communication - Suzanne Stuart, Manager Corporate Services and Governance - Michael Wearne and Administrative Support Coordinator - Tracey Easterbrook.

APOLOGIES AND LEAVE OF ABSENCE

No apologies or leave of absence were received from Councillors.

Councillor Garrow left the meeting at 8.08pm.

Councillor Tree left the meeting at 8.30pm.

DECLARATIONS OF INTEREST

Councillor Rasmussen declared an interest on Item 294.

Acknowledgement of Official Visitors to the Council

There were no official visitors to the Council.

ORDINARY MEETING

Minutes: 11 December 2018

SECTION 1 - Confirmation of Minutes

371 RESOLUTION:

RESOLVED on the motion of Councillor Conolly and seconded by Councillor Rasmussen that the Minutes of the Ordinary Meeting held on Tuesday, 27 November 2018, be confirmed.

ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 11 December 2018

SECTION 3 – Reports for Determination

PLANNING DECISIONS

Item: 294 **GM - Redbank Voluntary Planning Agreement Milestones - (79351, 112157)**

Previous Item: 124, Ordinary (29 May 2018)
 118, Ordinary (27 June 2014)
 99, Ordinary (24 June 2014 - *deferred* 1 July 2014)
 54, Ordinary (25 March 2014)
 223, Ordinary (12 November 2013)

Directorate: General Manager

Councillor Rasmussen declared a pecuniary interest in this matter as he owns a property which borders on the proposed Grose River Bridge. He left the Chamber and did not take part in voting or discussion on the matter.

Mr Michael Want, addressed Council, speaking against the recommendation.

MOTION:

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

Refer to RESOLUTION

372 RESOLUTION:

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

That:

1. Council note the traditional sequence of events for designing and constructing a bridge such as the Grose River Crossing
2. Council agree to amend the relevant Voluntary Planning Agreement Milestones, to better reflect accepted practices for designing and constructing a bridge, as follows:
 - a. Refer Schedule 2, Item 1.2, Page 1 of 9, Milestone 1 Preparation and lodgement of Concept Design 121st Lot No Change
 - b. Refer Schedule 2, Item 1.2, Page 1 of 9, Milestone 2 Development Approval by Relevant Authority 701st Lot - Amended 27/6/18 No Change
 - c. Refer Schedule 2, Item 1.2, Page 1 of 9, Milestone 3 Preparation of the Construction Documentation 461st Lot 821st lot
 - d. Refer Schedule 2, Item 1.3, Page 2 of 9 Construction of the Proposed Bridge 1001st Lot - Amended 27/6/18 No Change

ORDINARY MEETING

SECTION 3 – Reports for Determination

Meeting Date: 11 December 2018

3. The General Manager seek legal advice to further clarify the terminology in Schedule 2, Item 1.3, Page 2 of 9 in 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	Councillor Wheeler
Councillor Conolly	
Councillor Garrow	
Councillor Kotlash	
Councillor Lyons-Buckett	
Councillor Reynolds	
Councillor Richards	
Councillor Ross	
Councillor Tree	
Councillor Zamprogno	

Councillor Rasmussen was not in the Chamber when the vote was taken.

ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 11 December 2018

GENERAL MANAGER

Item: 295 **GM - Local Government NSW 2019 Annual Tourism Conference (79351, 79633)**

Directorate: General Manager

MOTION:

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

Refer to RESOLUTION

373 RESOLUTION:

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

That:

1. Attendance of nominated Councillors and staff as considered appropriate by the General Manager, at the Local Government NSW Tourism Conference to be held from 17 to 19 March 2019 at an approximate cost of \$2,300, per delegate be considered.
2. After returning from the Conference, delegates provide a written report to the General Manager detailing the proceedings and findings, as well as any other aspects of the Conference relevant to Council business and/or the local community.

374 RESOLUTION:

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

That Councillors Garrow, Rasmussen and Richards attend the Local Government NSW Tourism Conference, as Council's nominated representatives.

ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 11 December 2018

Item: 297 **CP - Swimming Pool Inspection Program - (95498)**

Previous Item: 226, Ordinary (4 February 2014)

Directorate: City Planning

MOTION:

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

Refer to RESOLUTION

376 RESOLUTION:

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

That:

1. Council endorse the Draft Swimming Pool Inspection Program Policy, attached as Attachment 1 to the report.
2. Council proceed to publically exhibit the Draft Swimming Pool Inspection Program Policy for a period of two months.
3. At the expiration of the public exhibition period, the following action be taken:
 - a) Should any submissions be received regarding the Draft Swimming Pool Inspection Program Policy a further report be submitted to Council, or
 - b) Should no submissions be received, Council approve the Draft Swimming Pool Inspection Program Policy.

ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 11 December 2018

SUPPORT SERVICES

Item: 298 **SS - Dementia Friendly Communities - (95496, 96328)**

Division: Support Services

MOTION:

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

Refer to RESOLUTION

377 RESOLUTION:

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

That Council:

1. Receive and note the information contained in the report regarding Dementia Friendly Communities.
2. Commence the development of a Dementia Friendly Hawkesbury Plan.

ORDINARY MEETING
SECTION 5 – Notices of Motion
Meeting Date: 11 December 2018

SECTION 5 – Notices of Motion

Item: 299 **NM - Use of Yarramundi Lane, Crowley Lane and Inalls Lane - (79351, 80106)**

MOTION:

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

Refer to RESOLUTION

378 RESOLUTION:

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

That:

1. Council make representations, in the strongest possible terms, to the Minister for Roads and the Local State Member detailing Council's concerns regarding the dangers of increased traffic, heavy loads, close proximity of power poles, restricted road width and conditions, that have arisen from the conscious action by RMS to encourage the use of the Yarramundi Lane / Crowleys Lane / Inalls Lane routes to divert traffic, particularly peak hour traffic, from the main State road network.
2. Those representations also seek an independent road safety audit examining the impacts of the RMS works and the risk arising as part of their project delivery and management processes. The safety audit make urgent recommendations to immediately improve the safety of these lanes to the same standard pertaining to the main regional roads network.

ORDINARY MEETING

Matter of Urgency

Meeting Date: 11 December 2018

MATTER OF URGENCY

Preventing Drownings in Hawkesbury Local Government Area

Councillor Wheeler requested permission to move a Motion for Council to consider as a Matter of Urgency, relating to preventing drownings in the Hawkesbury Local Government Area.

The Mayor, Councillor Calvert subsequently ruled the Matter of Urgency, be heard in accordance with Clause 2.2.3 3.b) of Council's Code of Meeting Practice.

MOTION:

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

Refer to RESOLUTION

379 RESOLUTION:

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

That Council:

1. Improve signage as a matter of urgency at popular local swimming spots including Macquarie Park Windsor, Navua and Yarramundi Reserves, Upper Colo Reserve and Colo River Bridge, as well as Governor Phillip Park boat ramp, including signs in languages other than English;
 2. Prepare media resources for distribution to local and Sydney-based media outlets highlighting the dangers of swimming in unsupervised rivers and risk factors including age, gender, and alcohol and drug use;
 3. Use Council's social media platform and local radio to highlight dangers and risks detailed in part 2.
 4. Contact the Royal Lifesaving Society and the NSW Government to discuss how they are implementing the recommendations of their 2017 "Respect the Rivers" Report, especially investigating installing rescue equipment, running community education events, and how Council can be involved in any initiatives.
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ORDINARY MEETING

Questions for Next Meeting

Meeting Date: 11 December 2018

QUESTIONS FOR NEXT MEETING

Item: 300

Councillor Questions from Previous Meetings and Responses - 27 November 2018 - (79351)

REPORT:

27 November 2018

Responses and Questions in relation to previous Questions for the next Meeting - 27 November 2018 were provided. The following additional questions were asked where no responses were given at the meeting.

#	Councillor	Question	Response
1	Zamprogno	Requested Council look into the removal of an abandoned car which has been burnt out located on Saunders Road near the intersection of Old Stock Route Road, Scheyville and has been there for over three weeks. Also, enquired regarding as to what Council's abandoned car process is and who's responsibility it is to have them removed.	The Director City Planning
1	Garrow	Requested that the burnt out car located on the beach at Macquarie Park be removed.	The Director City Planning
2	Lyons-Buckett	Requested if Council could also remove the surrounding rubbish that was beside the main pile of rubbish that was removed. There is still tyres and garbage bags on Midson Road, Maraylya between Martin Road and Dunns Road.	The Director City Planning
6	Garrow	Requested if Council could get a timeframe from the RMS regarding a response in relation to the stabilisation the western river bank at the Windsor Bridge project site.	The Director Infrastructure Services

oooO END OF REPORT Oooo

ORDINARY MEETING**Questions for Next Meeting****Meeting Date:** 11 December 2018**Questions – 11 December 2018**

#	Councillor	Question	Response
1	Zamprogno	Enquired regarding the public seating that was located on the platform at Clarendon Station. Could Council please clarify if the seating was removed and if so will it be replaced.	The Director Infrastructure Services
2	Zamprogno	Requested advice regarding representations that Council has made in relation to the upgrade of the pedestrian crossing outside Ebenezer Public School.	The Director Infrastructure Services
3	Zamprogno	Requested clarification regarding the Pitt Town By Pass Project, and as to whether the roundabouts have been downgraded from two lane roundabouts to one lane.	The Director Infrastructure Services
4	Lyons-Buckett	Requested that Council's Floodplain Risk Management Advisory Committee be represented at the RMS consultation process in relation to the third river crossing at North Richmond.	The Director Infrastructure Services
5	Lyons-Buckett	Requested an explanation as to why some volunteers were not invited to the Community Appreciation Party and requested an update as to how people are invited to this party next year.	The General Manager
6	Wheeler	Requested that vegetation on Yarramundi Lane and Old Kurrajong Road, be trimmed as it is becoming a hazard.	The Director Infrastructure Services
7	Wheeler	Requested if Yarramundi Lane and Old Kurrajong Road, can be put on the monitoring program to check for illegal rubbish dumping.	The Director City Planning
8	Garrow	Requested that Council ask for a response from the RMS as to why they are conducting the traffic survey and cameras during school holidays as it not an accurate indication of traffic flow in the North Richmond and Richmond areas and how long this survey will continue for.	The Director Infrastructure Services
9	Garrow	Enquired in relation to a social media report that the Mayor, Councillor Calvert is going to have the CAWB Tent removed by March 2019 and asked as to whether, confirmation can be given regarding this matter and under what authority does the Mayor have to do this.	The General Manager

ORDINARY MEETING**Questions for Next Meeting****Meeting Date:** 11 December 2018

#	Councillor	Question	Response
10	Rasmussen	Enquired in relation to the information gathered and what was the learnings from the 'Light Up Windsor' Event and whether Councillors will be briefed in relation to this information.	The General Manager
11	Ross	In view of the urgency matter raised earlier, I wish to enquire if it would be possible for staff to consider the advisability of a multi lingual sign being put in the waterway anchored with floats, possibly up to two and a half metres in length with a buoy at each end warning of the dangers of entry to the water in those places.	The Director Infrastructure Services
12	Ross	Enquired in relation to the planning proposal for the subdivision of land in Mulgrave, and sought clarification regarding how far the road reserve extends between the block of land to be subdivided and the railway line.	The Director City Planning

ORDINARY MEETING

Statement by Councillor Reynolds

Meeting Date: 11 December 2018

STATEMENT BY COUNCILLOR REYNOLDS

Councillor Reynolds requested leave to make the following statement in relation to a matter involving comments he made during the debate regarding library and museum funding on the Tuesday, 31 July 2018 involving Councillor Conolly.

"There is a claim I brought Councillor Conolly into disrepute, there was no intent to do this and I don't believe that I did. I made a comment regarding words which to my honest recollection were words which were spoken however, I was challenged on it at the time and I withdrew the comment. I then used a different form of words to make the point which was not challenged. There was no request to withdraw that. I think what I said was legitimate and part of a genuine political debate which was happening at the time. However, the General Manager has made his decision and while I don't agree with it, I respect it. If I am wrong then I apologise. I respect Councillor Conolly, there was no intention to diminish him in the eyes of the public. I believe I acted then as I am acting now in good faith and again it was not my intention to cause any disrepute in spite of independent legal advice to the contrary. I am not going to waste our rate payers money pursuing this further through tribunals or whatever. We heard at the last meeting \$15,000 has been wasted on this sort of stuff and I am not going to add to that, so I am sorry Pat."

ORDINARY MEETING
Confidential Reports
Meeting Date: 11 December 2018

CONFIDENTIAL REPORTS

380 RESOLUTION:

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

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: 301 SS - Licence Agreement to WICEN (NSW) Inc for Part of Warks Hills Radio Tower - 142 Warks Hill Road, Kurrajong Heights - (95496)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it relates to details concerning the leasing of a Council property and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the Council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

Item: 302 SS - Acquisition of Crown Land Under Council's Management by Roads and Maritime Services - Part of Lot 7008 in DP 1029964 (now Lot 71 in DP 1238663) and Lot 345 in DP 752061, Bridge Street, Windsor - (14893, 100920, 95496)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it relates to details concerning the leasing of a Council property and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the Council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

Item: 303 SS - YMCA NSW - Management and Operation of the Hawkesbury Leisure Centre Centres - (95496) and Confidential Late Supplementary Report - SS - YMCA NSW - Management and Operation of the Hawkesbury Leisure Centre Centres - (95496)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it relates to details concerning the leasing of a Council property and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the Council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

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.

381 RESOLUTION:

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

ORDINARY MEETING

Confidential Reports

Meeting Date: 11 December 2018

Item: 301 **SS - Licence Agreement to WICEN (NSW) Inc for Part of Warks Hills Radio Tower - 142 Warks Hill Road, Kurrajong Heights - (95496)**

Directorate: Support Services

MOTION:

The Director Support Services advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Lyons-Buckett, seconded by Councillor Zamprogno.

Refer to RESOLUTION

382 RESOLUTION:

The Director Support Services advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Lyons-Buckett, seconded by Councillor Zamprogno.

That:

1. Council proceed to publicly exhibit the proposed Licence Agreement with WICEN (NSW) Inc. for Part of Lot 1 in Deposited Plan 1007671 (Part of Warks Hill Radio Tower), as outlined in the report, in accordance with Sections 47 and 47A of the Local Government Act 1993.
2. At the expiration of the public exhibition period outlined in Part 1 above, the following action be taken:
 - (a) Should any submissions be received regarding the proposed Licence Agreement to WICEN (NSW) Inc., a further report be submitted to Council, or
 - (b) Should no submissions be received:
 - i Council enter into a Licence Agreement to WICEN (NSW) Inc., for Part of Lot 1 in Deposited Plan 1007671 (Part of Warks Hill Radio Tower), as outlined in the report.
 - ii. Authority be given for the Licence Agreement and any documentation in association with the matter to be executed under the Seal of Council.
 - iii. Details of Council's resolution be conveyed to the proposed Licensee, together with the advice that Council is not, and will not, be bound by the terms of the 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

Confidential Reports

Meeting Date: 11 December 2018

Item: 302 **SS - Acquisition of Crown Land Under Council's Management by Roads and Maritime Services - Part of Lot 7008 in DP 1029964 (now Lot 71 in DP1238663) and Lot 345 in DP 752061, Bridge Street, Windsor - (14893, 100920, 95496)**

Previous Item: 32, Ordinary (23 February, 2016)

Directorate: Support Services

MOTION:

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

Refer to RESOLUTION

383 RESOLUTION:

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

That:

1. Council lodge a Class 3 appeal, under Section 37 of the Valuation of Land Act (NSW) 1916, in the Land and Environment Court, in relation to the compulsory acquisition of part of Lot 7008 DP 1029964 (now known as Lot 71 in DP 1238663) and Lot 345 DP 752061.
2. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.
3. Council grant delegation to the General Manager to execute any documents on behalf of Council, associated with the Class 3 appeal, which do not require the Seal of Council.

ORDINARY MEETING
Confidential Reports
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Item: 303 **SS - YMCA NSW - Management and Operation of the Hawkesbury Leisure Centre Centres - (95496) and Confidential Late Supplementary Report - SS - YMCA NSW - Management and Operation of the Hawkesbury Leisure Centre Centres - (95496)**

Previous Item: 88, Ordinary (13 May 2014)

Directorate: Support Services

MOTION:

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

Refer to RESOLUTION

384 RESOLUTION:

That Council endorse the confidential recommendation contained in the late supplementary report.

The meeting terminated at 8.39pm.

Submitted to and confirmed at the Ordinary meeting held on Tuesday, 12 February 2019.

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Mayor