



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 26 March 2013
location: council chambers
time: 6:30 p.m.

ORDINARY MEETING

Table of Contents

Meeting Date: 26 March 2013

MINUTES

- **WELCOME / EXPLANATIONS / PRAYER**
- **APOLOGIES**
- **DECLARATION OF INTERESTS**
- **SECTION 1 - Confirmation of Minutes**
- **MINUTE ITEMS SUBJECT TO PUBLIC ADDRESS**
- **SECTION 2 - Mayoral Minutes**
- **SECTION 3 - Notices of Motion**
- **EXCEPTION REPORT - Adoption of Items Not Identified for Discussion and Decision**
- **SECTION 4 - Reports for Determination**

General Manager

City Planning

Infrastructure Services

Support Services

- **SECTION 5 - Reports of Committees**
- **QUESTIONS FOR NEXT MEETING**

ORDINARY MEETING

Table of Contents

Meeting Date: 26 March 2013

ORDINARY MEETING**Table of Contents**

Meeting Date: 26 March 2013

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE
SECTION 1: Confirmation of Minutes		1
SECTION 3 - Notices of Motion		2
RM1 -	Webcasting of Council Meetings - (79351, 80106, 125612, 80105)	2
NM1 -	Support for intended Marriage Equality Legislation in the Australian Senate - (79351, 80105)	2
SECTION 4 - Reports for Determination		3
GENERAL MANAGER		3
Item: 49	GM - National General Assembly of Local Government (79351, 82046)	3
CITY PLANNING		4
Item: 50	CP- Planning Proposal - Lots 1 and 2 DP 700263, Lot 2 DP 629053, Lot C DP 160847 and Lot F DP 164199 and Lot 3 DP 700263 120 - 188 Hawkesbury Valley Way, Clarendon - (95498)	4
Item: 51	CP - Planning Proposal - Amendment to Hawkesbury Local Environmental Plan 2012 - 396 Bells Line of Road, Kurmond - (95498)	6
Item: 52	CP - Community Sponsorship Program - 2012/2013 - Round 3 - (96328, 95498)	8
INFRASTRUCTURE SERVICES		9
Item: 53	IS - Roadside Vegetation Management Plan - (95495, 79354)	9
SUPPORT SERVICES		10
Item: 54	SS - Monthly Investments Report - February 2013 - (96332, 95496)	10
CONFIDENTIAL REPORTS		11
Item: 55	GM - Property Matter - Acquisition of Land at Pitt Town - (79351) CONFIDENTIAL	12
SECTION 5 - Reports of Committees		13
ROC - Heritage Advisory Committee Minutes - 21 February 2013 - (80242)		13
ROC - Local Traffic Committee - 11 March 2013 - (80245)		13
QUESTIONS FOR NEXT MEETING		14
Councillors Questions from Previous Meetings and Responses - (79351)		14
Questions for Next Meeting		15

ORDINARY MEETING

MINUTES: 26 March 2013

Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 26 March 2013, commencing at 6:30pm.

Pastor Colin Wellings of the River of Life Church, Richmond, representing the Hawkesbury Minister's Association, gave the opening prayer at the commencement of the meeting.

ATTENDANCE

PRESENT: Councillor K Ford, Mayor, Councillor T Tree, Deputy Mayor and Councillors B Calvert, P Conolly, M Creed, M Lyons-Buckett, W Mackay, C Paine, P Rasmussen, J Reardon and L Williams.

ALSO PRESENT: General Manager - Peter Jackson, Director City Planning - Matt Owens, Director Infrastructure Services - Jeff Organ, Director Support Services - Laurie Mifsud, Executive Manager - Community Partnerships - Joseph Litwin, Manager Corporate Services and Governance - Abbey Rouse and Administrative Support Team Leader - Kylie Wade-Ferrell.

APOLOGIES

An apology for absence was received from Councillor B Porter.

78 RESOLUTION:

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

Councillor Mackay arrived at the meeting at 6:41pm.
Councillor Williams left the meeting at 8:25pm.

SECTION 1: Confirmation of Minutes

79 RESOLUTION:

RESOLVED on the motion of Councillor Reardon and seconded by Councillor Rasmussen that the Minutes of the Ordinary Meeting held on the 12 March 2013, be confirmed.

Introduction of Sister Exchange Students and Presentation of Certificates

Ms Tina Tallack from the Hawkesbury Sister City Association introduced the delegates who participated in the Sister City Exchange Program. Certificates were presented to the Sister City Exchange Students by the Mayor.

SECTION 3 - Notices of Motion

RM1 - Webcasting of Council Meetings - (79351, 80106, 125612, 80105)

Mr Alan Eagle, proponent, addressed Council.

RESCISSION MOTION:

Submitted By: Councillor P Rasmussen
 Councillor M Lyons-Buckett
 Councillor L Williams

80 RESOLUTION:

The RESCISSION MOTION was moved by Councillor Rasmussen, seconded by Councillor Williams.

That Council's resolution of 12 March 2013 in respect of Item 46 concerning webcasting of Council Meetings be and is hereby rescinded.

The Rescission Motion was put and lost.

NM1 - Support for intended Marriage Equality Legislation in the Australian Senate - (79351, 80105)

Mr Colin Ellis, Mr Kyle Jonker and Ms Carol McCance, proponents, addressed Council.
Ms Michelle Carter and Mr Tony Williams, respondents, addressed Council.

MOTION:

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

That Council responds to both the passing of marriage equality legislation in the United Kingdom and the intended reintroduction of similar legislation in the Australian Senate by writing to all Senators and federal parliamentary party leaders urging support for the legislation on behalf of our gay and lesbian residents.

The Notice of Motion was put and lost.

SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 49 **GM - National General Assembly of Local Government (79351, 82046)**

MOTION:

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

Refer to RESOLUTION

81 RESOLUTION:

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

The attendance of nominated Councillors, and staff members as considered appropriate by the General Manager, at the 2013 National General Assembly of Local Government at an approximate cost of \$2,200 plus travel expenses per delegate be approved, however.

NOTE: No Councillors nominated to attend the conference.

ORDINARY MEETING

MINUTES: 26 March 2013

CITY PLANNING

Item: 50 **CP- Planning Proposal - Lots 1 and 2 DP 700263, Lot 2 DP 629053, Lot C DP 160847 and Lot F DP 164199 and Lot 3 DP 700263 120 - 188 Hawkesbury Valley Way, Clarendon - (95498)**

Mr Matthew Twohill and Mr Robert Montgomery, proponents, addressed Council.
Mr Bryan Smith, respondent, addressed Council.

MOTION:

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

Refer to RESOLUTION

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

That:

1. Council support the preparation of a planning proposal for the rezoning of part of the subject site shown in Attachment 4 - Proposed Zoning Map to this report from RU4 Primary Production Small Lots to B7 Business Park under Hawkesbury Local Environmental Plan 2012 only include DP700263.
2. The proposal to amend Schedule 1, Additional Permitted Uses to permit Bulky Goods Retailing is not supported.
3. In accordance with Part 1 of this resolution a planning proposal be forwarded to the Department of Planning and Infrastructure for a "gateway" determination.
4. The Department of Planning and Infrastructure be advised that Council wishes to request a Written Authorisation to Exercise Delegation to make the Plan.
5. If the Department of Planning and Infrastructure determines that the planning proposal is to proceed, Council commence:
 - (a) Voluntary Planning Agreement negotiations with the applicant, landowner and any other relevant stakeholders.
 - (b) Consultation on the planning proposal with the community and the relevant public authorities in accordance with the Gateway Determination and the Environmental Planning and assessment Act, 1979.

ORDINARY MEETING

MINUTES: 26 March 2013

In accordance with Section 375A of the Local Government Act 1993 a division is required to be called whenever a planning decision is put at a council or committee meeting. Accordingly, the Chairperson called for a division in respect of the Amendment, the results of which were as follows:

For the Amendment	Against the Amendment
Councillor Calvert	Councillor Conolly
Councillor Lyons-Buckett	Councillor Creed
Councillor Rasmussen	Councillor Ford
	Councillor Mackay
	Councillor Paine
	Councillor Reardon
	Councillor Tree

Councillors Porter and Williams were absent from the meeting.

The amendment was lost.

The motion was put and carried.

82 RESOLUTION:

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

1. Council support the preparation of a planning proposal for the rezoning of part of the subject site shown in Attachment 4 - Proposed Zoning Map to this report from RU4 Primary Production Small Lots to B7 Business Park under Hawkesbury Local Environmental Plan 2012.
2. Council support the proposal to amend Schedule 1, Additional Permitted Uses, subject to the following requirements:
 - (a) Maximum total bulky goods floor space is 5,000m².
 - (b) Minimum individual floor space for bulky goods uses is 1,000m².
 - (c) Any development application for bulky goods retailing must be accompanied by an economic impact assessment to demonstrate the potential impact on existing retail precincts.
3. In accordance with Part 1 of this resolution a planning proposal be forwarded to the Department of Planning and Infrastructure for a "gateway" determination.
4. The Department of Planning and Infrastructure be advised that Council wishes to request a Written Authorisation to Exercise Delegation to make the Plan.
5. If the Department of Planning and Infrastructure determines that the planning proposal is to proceed, Council commence:
 - a) Voluntary Planning Agreement negotiations with the applicant, landowner and any other relevant stakeholders.

ORDINARY MEETING

MINUTES: 26 March 2013

- b) Consultation on the planning proposal with the community and the relevant public authorities in accordance with the Gateway Determination and the Environmental Planning and assessment Act, 1979.
- 6. The applicant be required to provide a master plan for Stages 2 and 3 which includes, among other things, a requirement that office building development only is permitted along the Hawkesbury Valley Way frontage of the Stage 2 area.

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 Conolly	Councillor Calvert
Councillor Creed	Councillor Lyons-Buckett
Councillor Ford	Councillor Rasmussen
Councillor Mackay	
Councillor Paine	
Councillor Reardon	
Councillor Tree	

Councillors Porter and Williams were absent from the meeting.

Item: 51 **CP - Planning Proposal - Amendment to Hawkesbury Local Environmental Plan 2012 - 396 Bells Line of Road, Kurmond - (95498)**

Previous Item: 10, Ordinary (5 February 2013)

Mr Robert Montgomery, proponent, addressed Council.
Mr Michael Want, respondent, addressed Council.

MOTION:

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

Refer to RESOLUTION

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

That this matter be deferred until either:

- 1. The Mayor and Council hold a public meeting to canvas public opinion, or;
- 2. The traffic infrastructure problems at North Richmond are successfully addressed.

ORDINARY MEETING

MINUTES: 26 March 2013

In accordance with Section 375A of the Local Government Act 1993 a division is required to be called whenever a planning decision is put at a council or committee meeting. Accordingly, the Chairperson called for a division in respect of the amendment, the results of which were as follows:

For the Amendment	Against the Amendment
Councillor Calvert	Councillor Conolly
Councillor Lyons-Buckett	Councillor Creed
Councillor Paine	Councillor Ford
Councillor Rasmussen	Councillor Mackay
	Councillor Reardon
	Councillor Tree

Councillors Porter and Williams were absent from the meeting.

The amendment was lost.

The motion was put and carried.

83 RESOLUTION:

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

That:

1. Council support the preparation of a Planning Proposal for the land comprising of Lot 2 DP 607906, 396 Bells Line of Road, Kurmond to allow development of the land primarily for large lot residential development.
2. The concept plan titled "Concept Layout over Lot 2 in DP 607906 at Bells Line of Road, Kurmond L.G.A Hawkesbury", prepared by North Western Surveys and dated 10/10/2012 attached to this report be adopted for the purposes of preparing the planning proposal only and the proposed allotment layout not be adopted until finalised as part of the development application process.
3. The planning proposal be forwarded to the Department of Planning and Infrastructure for a "gateway" determination.
4. The Department of Planning and Infrastructure be advised that Council wishes to request a Written Authorisation to Exercise Delegation to make the Plan.
5. If the Department of Planning and Infrastructure determines that the planning proposal is to proceed, Council commence the preparation of a Section 94 Contributions Plan for the vicinity of Kurmond to ensure that all proposed developments in the locality contribute to the required infrastructure, especially road upgrade and provision, in the locality. Alternatively the applicant and Council can commence Voluntary Planning Agreement negotiations to address this issue.
6. The Department of Planning and Infrastructure 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 94 Developer Contributions Plan or a Voluntary Planning Agreement, has been made towards resolving infrastructure provision for this planning proposal.

ORDINARY MEETING

MINUTES: 26 March 2013

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 Conolly	Councillor Calvert
Councillor Creed	Councillor Lyons-Buckett
Councillor Ford	Councillor Paine
Councillor Mackay	Councillor Rasmussen
Councillor Reardon	
Councillor Tree	

Councillors Porter and Williams were absent from the meeting.

Item: 52 CP - Community Sponsorship Program - 2012/2013 - Round 3 - (96328, 95498)

Previous Item: 153, Ordinary (31 July 2012)
219: Ordinary (11 December 2012)

Councillor Calvert declared a significant non-pecuniary conflict of interest in this matter as he is a board member of one of the groups seeking sponsorship. He left the Chamber and did not take part in voting or discussion on the matter.

MOTION:

RESOLVED on the motion of Councillor Creed, seconded by Councillor Reardon.

Refer to RESOLUTION

84 RESOLUTION:

RESOLVED on the motion of Councillor Creed, seconded by Councillor Reardon.

That Council:

1. Approve payments under Section 356 Financial assistance to the organisations or individuals listed, and at the level recommended in Table 1 of this report.
2. Approve the execution of Council's standard Sponsorship Agreement for applications 3, 4, 5, 7 and 10 identified in Table 1 of this report.

INFRASTRUCTURE SERVICES

Item: 53 **IS - Roadside Vegetation Management Plan - (95495, 79354)**

Mr Michael Want, respondent, addressed Council.

MOTION:

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

Refer to RESOLUTION

85 RESOLUTION:

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

That the Hawkesbury City Council Roadside Vegetation Management Plan (August 2010) be adopted.

SUPPORT SERVICES

Item: 54 SS - Monthly Investments Report - February 2013 - (96332, 95496)

MOTION:

RESOLVED on the motion of Councillor Creed, seconded by Councillor Reardon.

Refer to RESOLUTION

86 RESOLUTION:

RESOLVED on the motion of Councillor Creed, seconded by Councillor Reardon.

The report regarding the monthly investments for February 2013 be received and noted.

CONFIDENTIAL REPORTS

87 RESOLUTION:

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

That the Confidential Items be moved to the end of the business paper to be dealt with last.

88 RESOLUTION:

RESOLVED on the motion of Councillor Creed, seconded by Councillor Reardon.

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: 55 Property Matter - Acquisition of Land at Pitt Town - (79351)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it relates to details concerning the sale and/or purchase of property 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.*

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.

89 RESOLUTION:

RESOLVED on the motion of Councillor Mackay, seconded by Councillor Reardon that open meeting be resumed.

ORDINARY MEETING
MINUTES: 26 March 2013

Item: 55 **GM - Property Matter - Acquisition of Land at Pitt Town - (79351)**
CONFIDENTIAL

Previous Item: 127 (Ordinary, 12 July 2012)

MOTION:

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

Refer to RESOLUTION

90 RESOLUTION:

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

That authority be given for the proposed Deed of Variation between Johnson Property Group Pty Limited and Council in respect of Works in Kind Agreements relating to the acquisition of land at Pitt Town, as outlined in the report, to be executed under the Seal of Council.

SECTION 5 - Reports of Committees

ROC - Heritage Advisory Committee Minutes - 21 February 2013 - (80242)

91 RESOLUTION:

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

That the minutes of the Heritage Advisory Committee held on 21 February 2013 as recorded on pages 77 to 82 of the Ordinary Business Paper be received.

ROC - Local Traffic Committee - 11 March 2013 - (80245)

92 RESOLUTION:

RESOLVED on the motion of Councillor Ford, seconded by Councillor Creed.

That the minutes of the Local Traffic Committee held on 11 March 2013 as recorded on pages 83 to 103 of the Ordinary Business Paper be adopted.

QUESTIONS FOR NEXT MEETING

Councillors Questions from Previous Meetings and Responses - (79351)

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

ORDINARY MEETING**MINUTES: 26 March 2013****Questions for Next Meeting**

#	Councillor	Question	Response
1	Lyons-Buckett	Asked who was responsible for incorporating this heritage listing Yobarnie Keyline Farm into the Hawkesbury LEP.	Director City Planning
2	Lyons-Buckett	Asked for clarification if the Mayor was the unidentified figure referred to in the Hawkeye column of the Gazette regarding comments in relation to Heritage and future growth in the Hawkesbury LGA.	General Manager
3	Paine	Asked if Council staff could investigate if Bilpin Spring Lodge is complying with the conditions in relation to the number of guests that are able to stay at the property.	Director City Planning
4	Calvert	Requested clarification on two outstanding matters in relation to 1 Serpentine Lane, Bowen Mountain and the ongoing investigation. 1. Does Council direct excessive storm water onto the property? 2. Has Council decided to direct water onto this property and how was this decided?	Director Infrastructure Services

The meeting terminated at 10:15pm.

Submitted to and confirmed at the Ordinary meeting held on 9 April 2013.

.....
Mayor