



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 29 May 2018

location: council chambers

time: 6:30 p.m.

ORDINARY MEETING

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on 29 May 2018, commencing at 6:33pm.

Welcome

The General Manager addressed the Council meeting, mentioning:

- Acknowledgement of Indigenous Heritage
- Emergency Procedures
- Recording of the Council Meeting
- Statement regarding people addressing the Meeting
- Mobile phones.

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: General Manager - Peter Conroy, Director Infrastructure Services - Jeff Organ, Director Support Services - Laurie Mifsud, Manager Corporate Communication - Suzanne Stuart, Manager Corporate Services and Governance - Michael Wearne and Acting Administrative Support Coordinator - Jodie Tillinghast.

Councillor Tree left the meeting at 10:05pm.

APOLOGIES AND LEAVE OF ABSENCE

There were no apologies.

DECLARATIONS OF INTEREST

Councillor Garrow declared an interest on Items 124 and 132.

Acknowledgement of Official Visitors to the Council

There were no official visitors to the Council.

SECTION 1 - Confirmation of Minutes

163 RESOLUTION:

RESOLVED on the motion of Councillor Conolly and seconded by Councillor Rasmussen that the Minutes of the Ordinary held on the 8 May 2018, be confirmed.

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SECTION 2 – Mayoral Minutes

SUPPLEMENTARY REPORT

Item: 142 MM - Request for Deferral of Commencement of the Low Rise Medium Density Housing Code for the Hawkesbury LGA - (79353, 79351)

MOTION:

RESOLVED on the motion of Councillor Lyons-Buckett.

Refer to RESOLUTION

164 RESOLUTION:

RESOLVED on the motion of Councillor Lyons-Buckett.

That Council write to the Minister for Planning to request a deferral of the date of commencement of the Low Rise Medium Density Housing Code for the Hawkesbury local government area for the following reasons:

1. The State Government Floodplain strategy work is not yet finalised. The new Code will potentially result in an increase in development on and adjacent to the floodplain which will have an adverse impact on flood evacuation in particular.
2. Infrastructure plans, for example transport corridors, are yet to be finalised.
3. Development under the new Code can be carried out irrespective of the dwelling cap imposed within the Sydney Growth Centre Vineyard Precinct. This needs to be investigated, and the implications for the S7.11 Contributions Plan addressed.

Councillor Richards requested that it be recorded that she voted against the motion.

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SECTION 3 – Reports for Determination
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SECTION 3 – Reports for Determination

PLANNING DECISIONS

Item: 123 **CP - Proposed Amendment to the Hawkesbury Local Environmental Plan 2012 - (95498, 124414)**

Previous Item: 101, Ordinary (9 May 2018)

Directorate: City Planning

Mr Andrew Minto, Ms Danielle Warner and Mr John Whalan addressed Council speaking for the recommendation.

MOTION:

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

Refer to RESOLUTION

165 RESOLUTION:

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

That a planning proposal be prepared and forwarded to the Department of Planning and Environment seeking to amend the Hawkesbury Local Environmental Plan 2012 by permitting with consent Recreation Facilities (Outdoor) but restricted to polo, show jumping and dressage uses only across the RU2 Rural Landscape zoned land of the Richmond Lowlands, Richmond, and Cornwallis.

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	NIL
Councillor Conolly	
Councillor Garrow	
Councillor Kotlash	
Councillor Lyons-Buckett	
Councillor Rasmussen	
Councillor Reynolds	
Councillor Richards	
Councillor Ross	
Councillor Tree	
Councillor Wheeler	
Councillor Zamprogno	

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Item: 124 **CP - Redbank Voluntary Planning Agreement Milestone and Facility Improvements to Peel Park (95498, 112157)**

Previous Item: 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: City Planning

Councillor Garrow declared a significant non-pecuniary conflict of interest in this matter as the applicant is a regular donor to the charity that she is employed by. She left the Chamber and did not take part in voting or discussion on the matter.

Ms Beatriz Insausti addressed Council speaking for the recommendation.

MOTION:

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

Refer to RESOLUTION

166 RESOLUTION:

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

That Council:

1. Agree to amend Milestone 3 in Schedule 2, Table 1, Item 1.7 (Practical Completion of the Works is to occur prior to the issue of a Subdivision Certificate including the 601st Urban lot as shown below or such later date as agreed by the Parties) of the Redbank Voluntary Planning Agreement to the following:
 - Milestone 3: amend from 601st Urban Lot to 901st Urban Lot.
2. Advise the Developer accordingly.
3. Seek the agreement of the Developer and the Roads and Maritime Services as parties to the Redbank Voluntary Planning Agreement to the amendment of the milestone change outlined above.

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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	Against the Motion
Councillor Calvert	Councillor Ross
Councillor Conolly	
Councillor Kotlash	
Councillor Lyons-Buckett	
Councillor Rasmussen	
Councillor Reynolds	
Councillor Richards	
Councillor Tree	
Councillor Wheeler	
Councillor Zamprogno	

Note: Councillor Garrow was not in the Chamber when the vote was taken.

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GENERAL MANAGER

Item: 125 **GM - Events Strategy - (79351, 79356)**

Directorate: General Manager

MOTION:

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

Refer to RESOLUTION

167 RESOLUTION:

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

That Council:

1. Note the work carried out by staff in establishing events such as the 1867 Flood Commemoration and Australia Day on the Hawkesbury.
2. Note the content of the Draft Events Strategy and its focus on encouraging community involvement in events, the capacity of the community and social interactions within the community.
3. Defer further consideration of the Draft Events Strategy to enable the document to be considered by the Hawkesbury Tourism Advisory Committee and Town Centres Master Plan Project Group.

Item: 126 **GM - Camelot Amusements, Australian Boutique Markets & Events Pty Ltd and Richmond Rotary - Events Sponsorship Requests - (79351, 99389, 75504)**

Division: General Manager

Mr Phillip Tuckerman addressed Council speaking for the recommendation.

MOTION:

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

Refer to RESOLUTION

168 RESOLUTION:

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

That Council:

1. Approve sponsorship funding to Richmond Rotary to hold the Carols in Richmond Park in the terms outlined in the officer's report, subject to the execution of a Standard Sponsorship Agreement

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2. Approve sponsorship funding to Camelot Amusements for a Family Fun Cracker Night at Governor Phillip Park in the terms outlined in the officer's report, subject to the execution of a Standard Sponsorship Agreement.
3. Delegate authority to the General Manager to approve the sponsorship funding proposal from the Australian Boutique Markets & Events Pty Ltd to hold Park Feast at Governor Phillip Park in the terms outlined in the officer's report, subject to:
 - a) There being no objections to the proposal from the Hawkesbury Tourism Advisory Committee and Town Centres Master Plan Project Group., and
 - b) The execution of a Standard Sponsorship Agreement.

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CITY PLANNING

Item: 127 **CP - Recommendations and Report from the Affordable Housing Working Group - (95498, 124414, 123486)**

Previous Item: 1, HSAC (27 July 2017)
 1, HSAC (9 November 2017)
 2, HSAC (8 February 2018)
 067, ROC - HSAC (13 March 2018)
 077, ROC - HSAC (27 March 2018)

Directorate: City Planning

MOTION:

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

Refer to RESOLUTION

169 RESOLUTION:

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

That

1. Council adopt the recommendations of the Affordable Housing Working Group of the Human Services Advisory Committee as outlined in this report.
2. Council note the Management response for each action.
3. Where possible, the recommendations of the Affordable Housing Working Group be incorporated into the upcoming work program of the relevant Business Unit Business Plan for the period 2018/2019.

Item: 128 **CP - Submission - Proposed Bells Line of Road - Castlereagh and Outer Sydney Orbital Corridors - (124414, 95498)**

Previous Item: Mayoral Minute 8 May 2018

Directorate: City Planning

MOTION:

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

Refer to RESOLUTION

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170 RESOLUTION:

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

That:

1. Council receive and note the update on the preparation of a submission to Transport for NSW on the proposed Bells Line of Road-Castlereagh and Outer Sydney Orbital Corridors.
2. A report containing Council's Draft Submission to Transport for NSW on the proposed Bells Line of Road-Castlereagh and Outer Sydney Orbital Corridors be presented to the next available Council Meeting.

INFRASTRUCTURE SERVICES

Item: 129 **IS - Transfer of Ownership - Bilpin Oval Reserve - (95496, 79354, 39986)**

Previous Item: 53, Ordinary (14 March 2006)

Directorate: Infrastructure Services

MOTION:

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

Refer to RESOLUTION

171 RESOLUTION:

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

That:

1. The transfer from NSW National Parks and Wildlife Services to Council of Part of 2526 Bells Line of Road, Bilpin, being proposed Lot 1 in a subdivision of Lot 612 in DP 1198783, proceed.
2. Authority be given for any Deeds or Agreements, Plans of Subdivision, or other documentation in association with this matter be executed under the Seal of Council.
3. Details of the resolution be conveyed to NSW National Parks and Wildlife Service with the advice that Council is not and will not be bound by the terms of the resolution until such time as appropriate documentation to put such a resolution into effect has been agreed to and executed by all parties.

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SUPPORT SERVICES

Item: 130 **SS - Monthly Investments Report - April 2018 - (95496, 96332)**

Previous Item: 97, Ordinary (30 May 2017)

Directorate: Support Services

MOTION:

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

Refer to RESOLUTION

172 RESOLUTION:

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

That the Monthly Investments Report for April 2018 be received and noted.

Item: 131 **SS - March 2018 Quarterly Budget Review Statement - (95496, 96332)**

Previous Item: 100, Extraordinary (13 June 2017)

Directorate: Support Services

MOTION:

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

Refer to RESOLUTION

173 RESOLUTION:

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

That:

1. The information contained in the report be received.
2. The Quarterly Budget Review Statement – March 2018 be adopted.

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Item: 132 **SS - Naming of Old Hawkesbury Hospital Building - 6 Christie Street, Windsor - (95496, 112106)**

Directorate: Support Services

Councillor Garrow declared a less than significant non-pecuniary conflict of interest in this matter as she is employed by a lessee of the subject building and has been part of the renaming discussions and no further action is required.

MOTION:

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

Refer to RESOLUTION

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

That Council not formally agree to the name of the Old Hawkesbury Hospital Building, 6 Christie Street, Windsor being changed, however, Council support the tenants in branding the business being conducted from building as they wish.

The Amendment was lost.

174 RESOLUTION:

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

That consideration of this item be deferred to the Extraordinary Meeting on 13 June 2018.

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SECTION 4 – Reports of Committees

Item: 133 **ROC - Audit Committee - 21 March 2018 - (95496, 91369, 79351, 121470)**

Directorate: Support Services

MOTION:

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

Refer to RESOLUTION

175 RESOLUTION:

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

That the Minutes of the Audit Committee held on 21 March 2018 be received and noted.

Item: 134 **ROC - Hawkesbury Civic and Citizenship Committee - 9 April 2018 - (96972)**

Directorate: General Manager

MOTION:

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

Refer to RESOLUTION

176 RESOLUTION:

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

That the Minutes of the Hawkesbury Civic and Citizenship Committee held on 9 April 2018 be received and noted.

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Item: 135 **ROC - Infrastructure Committee - 18 April 2018 - (95495, 143704)**

Directorate: Infrastructure Services

MOTION:

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

Refer to RESOLUTION

177 RESOLUTION:

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

That in relation the minutes of the Infrastructure Committee held on 18 April 2018:

1. Council receive and note the Committee Minutes in respect to Items 2.1, 2.2, 2.3, 2.5 and General Business.
2. Council endorse the Committee recommendation for Item 2.4, and agree to the completion of Stage 2 of the Traffic Study, subject to approval of the 2018/2019 Draft Operational Plan.

Item: 136 **ROC - Floodplain Risk Management Advisory Committee - 19 April 2018 - (95498, 124414, 86589))**

Directorate: City Planning

MOTION:

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

Refer to RESOLUTION

178 RESOLUTION:

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

That the Minutes of the Floodplain Risk Management Advisory Committee held on 19 April 2018 be received and noted.

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Item: 137 **ROC - Human Services Advisory Committee - 3 May 2018 - (124414, 123486)**

Directorate: City Planning

MOTION:

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

Refer to RESOLUTION

179 RESOLUTION:

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

That in relation to the Minutes of the Human Services Advisory Committee Meeting held on the 3 May 2018:

1. Council receive and note the Committee Minutes in respect of items 1, 3 and General Business.
2. Council endorse the Committee Recommendations in respect of Item 2, recommendation 4, namely:

That the:

4. *Human Services Advisory Committee ask Council to lobby the State Government to increase availability of social housing.*
3. Council, in respect to part 2 above, advise the State Government that Council has an Affordable Housing Strategy, and request the State Government to assist with the implementation of the Strategy.

Item: 138 **ROC - Local Traffic Committee - 14 May 2018 - (80245)**

Directorate: Infrastructure Services

MOTION:

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

Refer to RESOLUTION

180 RESOLUTION:

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

That the minutes of the Local Traffic Committee held on 14 May 2018 be received and the recommendations therein be adopted and noted.

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QUESTIONS FOR NEXT MEETING

Item: 139 Councillor Questions from Previous Minutes and Responses - 8 May 2018 - (79351)

Questions from Questions

Responses to Questions in relation to previous Questions for Next Meeting were provided and the subsequent follow up Questions were asked:

#	Councillor	Question	Response
1	Conolly	In relation to the Answer for Question number 6 regarding the proposal to move the church bell at St. Matthews Catholic Primary School, could I be advised before the next Business Paper as to what action the Council has taken in respect to the church bell being relocated.	Acting Director City Planning
2	Conolly	In relation to the Answer for Question number 6 regarding the change of boundaries around the church at St Matthews Catholic Primary School and the exact location of the portable classrooms:- <ul style="list-style-type: none"> • Does the SEPP allow owners to do whatever they want in relation to that heritage item. • Have they told Council they are going to put the classrooms there. • Does Council have a say on how close. • What impact it is going to have on the heritage asset. 	Acting Director City Planning

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#	Councillor	Question	Response
3	Ross	<p>In relation to the Answer for Question number 1 could the following questions be answered:</p> <ul style="list-style-type: none">• Does Council have a Memorandum of Understanding with the Hawkesbury Sports Council.• If so, whether it is a Memorandum of Understanding or a Lease.• Does Council have an overriding control of what activity of development that occurs in the Bensons Lane complex.• Would the General Manager agree that Council has the overriding consideration of activities that go on at Benson Lane complex and any developments or changes that might be made with regard to equipment, structures, inclusions, exclusions or whatever.• Who organised the particular project of that area.• What were their credentials.• In respect to the installation conducted by a third party, on what basis had Council been tendered plans and undergone discussions either with the Sports Council, preferably, or with the third party involved in the installation.• What are the relevant standards as considered by whomever is at the Sports Council who decided what the relevant standards were, or is it Council.• When was the installation conducted and completed.	General Manager

ORDINARY MEETING**Questions for Next Meeting**

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#	Councillor	Question	Response
3	Ross (Cont'd)	<ul style="list-style-type: none">• At the assessment stage, were Council staff involved in reviewing the assessment of what was required and what was going to be put into the complex.• Upon its installation, what compliance activity was done in reference to its adherence to the agreed framework.• What efforts did Council make in regard to the potential wider element of the interference and loss of amenity to the other residents within eye line or eye shot of that particular property, including those of the higher elevation on the Northern/Western side of the river.• Who conducted the light evaluation.• Was there a lighting simulation done prior to the implementation of the fixtures that the lighting matters.• Enquired as to why at 8:00pm on Friday 25 May 2018, without any warning or any person being on site, the lights turned on, in the evening and were not extinguished until 5:00am.• When would Council anticipate either inspecting or doing something about this to alleviate the difficulties of residents.	General Manager

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Questions – 29 May 2018

#	Councillor	Question	Response
1	Richards	Enquired as to whether Council can find out from local animal groups if there has been an increase in the feral deer population in the Hawkesbury LGA as they are destroying residents' fruit trees and other vegetation.	Acting Director of City Planning
2	Tree	Enquired as to the status of the Grose River Crossing and if there could be more dialogue between the RMS and Council to get an outcome.	General Manager
3	Conolly	Enquired as to how many times has Council issued orders to have the signs removed from Thompson Square and how much time has Council spent on this matter.	General Manager
4	Zamprogno	Enquired as to what consultation occurred with Council and the community in the affected areas of the Bells Line of Road and M9 Corridors prior to the corridors announcement in March 2018.	Director Infrastructure Services
5	Calvert	In respect to the charges for a Section 10(7) Environmental Planning Certificate, is it Council's policy to charge a \$54.60 fee for this Certificate to be emailed and no charges for posting the same out.	Director Support Services
6	Wheeler	Requested Council inspect the footpath outside the Richmond Library on the Corner West Market Street, Richmond as it has become a trip hazard due to the tree roots.	Director Infrastructure Services
7	Garrow	Requested signs or stickers be erected in the Thompson Square area for the EPA – Bin Your Butt Campaign.	Acting Director of City Planning
8	Rasmussen	Requested that Council be updated regarding the progress of the upgrade to the intersection of Bells Line of Road and Grose Vale Road, North Richmond	Director Infrastructure Services

CONFIDENTIAL REPORTS

181 RESOLUTION:

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

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: 140 SS - Lease to Fishfood Trading Pty Ltd - 246 Windsor Road, Vineyard - (95496, 105560, 112106)

*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: 141 Lease to Y Ghet Cang - Shop 2, McGraths Hill Shopping Centre - (111656, 95496, 112106)

*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.

182 RESOLUTION:

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

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Item: 140 **SS - Lease to Fishfood Trading Pty Ltd - 246 Windsor Road, Vineyard - (95496, 105560, 112106)**

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

183 RESOLUTION:

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

That:

1. Council agree to enter into a lease with Fishfood Trading Pty Ltd for 246 Windsor Road, Vineyard, as outlined in the 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 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.

Item: 141 **SS - Lease to Y Ghet Cang - Shop 2, McGraths Hill Shopping Centre - (111656, 95496, 112106)**

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

ORDINARY MEETING
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184 RESOLUTION:

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

That:

1. Council agree to enter into a lease with Y Ghet Cang for Shop 2, McGraths Hill Shopping Centre, as outlined in the report.
2. Authority be given for the lease and any other relevant 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 10:11pm.

Submitted to and confirmed at the Ordinary meeting held on 26 June 2018.

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Mayor