



Hawkesbury City Council

ordinary  
meeting  
minutes

date of meeting: 10 December 2013

location: council chambers

time: 6:30 p.m.



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## ORDINARY MEETING

Minutes: 10 December 2013.

Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 10 December 2013, commencing at 6:32pm.

Pastor Andrew Mann of the Hawkesbury Church, 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 Lyons-Buckett, W Mackay, C Paine, B Porter, P Rasmussen, J Reardon and L Williams.

**ALSO PRESENT:** Acting General Manager – Laurie Mifsud, Director City Planning - Matt Owens, Director Infrastructure Services - Jeff Organ, Executive Manager - Community Partnerships - Joseph Litwin, Manager Development Services – Shari Hussein, Manager Corporate Services and Governance – Nicole Cooney and Word Processing Officer – Amy Dutch.

### APOLOGIES

An apology for absence was received from Councillor M Creed.

### 393 RESOLUTION:

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

Councillor Williams arrived at the meeting at 6:35pm.  
Councillor Mackay arrived at the meeting at 6:45pm.

### SECTION 1: Confirmation of Minutes

### 394 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Reardon that the Minutes of the Ordinary Meeting held on the 26 November 2013, be confirmed.

### PASSING OF MR NELSON MANDELA

The Mayor, Councillor Ford, acknowledged the passing of Mr Nelson Mandela. Mr Mandela's remarkable life and achievements bear many lessons for us in life and particularly our roles in the community as leaders and our thoughts are with his family at this time.

**ORDINARY MEETING**

**Minutes: 10 December 2013.**

**SECTION 3 - Reports for Determination**

**PLANNING DECISIONS**

**Item: 241                      CP - Planning Proposal - Jacaranda Ponds, Glossodia - (95498)**

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Mr Peter Gooley, Ms Jacquie Menzies and Mr Jeremy Spinak addressed Council, speaking for the item.

Mr David Hope, Mr Graeme Jay and Ms Dianna Lanham addressed Council, speaking against the item.

**MOTION:**

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

That:

1. The planning proposal as described in the report be forwarded to the Department of Planning and Infrastructure for making of the Plan, subject to the following amendment:
  - a) The minimum lot size for subdivision on 361 Spinks Road being increased to 2,000m<sup>2</sup>.
2. The Department of Planning and Infrastructure be requested to consider the inclusion of an appropriate clause into Part 6 of the LEP 2012 to require satisfactory arrangements be made for the provision of designated State public infrastructure prior to the determination of a development application for urban subdivision.
3. The Voluntary Planning Agreement be finalised in relation to the matters raised in the "Voluntary Planning Agreement" section of this report and, when finalised, be reported to Council prior to public exhibition. This report is to be provided to Council as soon as possible and prior to the gazettal of the planning proposal for the site.
4. Council strongly indicate in negotiations of the Voluntary Planning Agreement that roads are Council's number one priority.



**ORDINARY MEETING**

**Minutes:** 10 December 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:

<b>For the Motion</b>	<b>Against the Motion</b>
Councillor Conolly	Councillor Calvert
Councillor Ford	Councillor Lyons-Buckett
Councillor Mackay	Councillor Paine
Councillor Reardon	Councillor Porter
	Councillor Rasmussen
	Councillor Tree
	Councillor Williams

Councillor Creed was absent from the meeting.

The motion was lost.

A FORESHADOWED Motion was moved by Councillor Porter, seconded by Councillor Conolly.

***Refer to RESOLUTION***

**395 RESOLUTION:**

A FORESHADOWED motion was moved by Councillor Porter, seconded by Councillor Conolly.

That the matter be deferred for discussion at a Councillor Briefing Session to be held on Tuesday, 28 January 2014 and subsequently reported to the Council meeting on 4 February 2014.

**ORDINARY MEETING**

**Minutes: 10 December 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:

<b>For the Motion</b>	<b>Against the Motion</b>
Councillor Calvert	Councillor Conolly
Councillor Lyons-Buckett	Councillor Ford
Councillor Mackay	
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Tree	
Councillor Williams	

Councillor Creed was absent from the meeting.

The motion was carried.

**Item: 242 CP - Planning Proposal to Rezone Lot 201 DP 801533, 36 Argyle Street, South Windsor - (95498)**

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Mr Greg Hall addressed Council, speaking for the item.  
Mr Christopher Robinson addressed Council, speaking against the item.

**MOTION:**

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

***Refer to RESOLUTION***

**396 RESOLUTION:**

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

## ORDINARY MEETING

Minutes: 10 December 2013.

That Council:

1. Proceed with the planning proposal for Lot 201, DP 801533, 36 Argyle Street, South Windsor and adjoining portion at Mileham Street to:
  - a) Amend the Land Zoning Map of Hawkesbury Local Environmental Plan 2012 to change the current RE2 Private Recreation and R3 Medium Density Residential zonings of the land and part of Mileham Street to IN2 Light Industrial.
  - b) Amend the Height of Buildings Map of Hawkesbury Local Environmental Plan 2012 to remove the current 10m maximum permissible height provision applying to part of Mileham Street to which the planning proposal applies to ensure consistency with IN2 zoned street section to the north-east of the site.
  - c) Amend the Lot Size Map of Hawkesbury Local Environmental Plan 2012 to remove the current 450m<sup>2</sup> minimum lot size provision applying to that part of Mileham Street to ensure consistency with IN2 zoned street section to the north-east of the site.
2. Request Parliamentary Counsel's Office to prepare a draft Local Environmental Plan to give effect to the planning proposal.
3. Upon receipt of advice from Parliamentary Counsel's Office that the plan can be made, request the Minister for Planning and Infrastructure that the plan be made.

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 Williams
Councillor Conolly	
Councillor Ford	
Councillor Lyons-Buckett	
Councillor Mackay	
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Tree	

Councillor Creed was absent from the meeting.

The motion was carried.

**ORDINARY MEETING**

**Minutes: 10 December 2013.**

**CITY PLANNING**

**Item: 243**                    **CP - Request to Vary Positive Covenant - Lot 271 DP1156792 Being 108 Grose Vale Road, North Richmond - (95498)**

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**MOTION:**

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

*Refer to RESOLUTION*

**397 RESOLUTION:**

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

That Council agree to the variation to the positive covenant and agree to the affixing of the Seal of Council to the variation.

**Item: 244**                    **CP - Reporting of Granted Variations to Development Standards - (95498)**

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**MOTION:**

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

*Refer to RESOLUTION*

**398 RESOLUTION:**

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

That the report regarding the reporting of granted variations to development standards under Hawkesbury Local Environmental Plan 1989 and Hawkesbury Local Environmental Plan 2012 be received and noted.

**ORDINARY MEETING**

**Minutes:** 10 December 2013.

**INFRASTRUCTURE SERVICES**

**Item: 245**                    **IS - Draft Windsor Foreshore Parks Plan of Management - (95495, 79354)**

**Previous Item:**        342, Ordinary (29 September 2009)  
                              118, Ordinary (30 June 2009)

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**MOTION:**

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

*Refer to RESOLUTION*

**399 RESOLUTION:**

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

That the Draft Windsor Foreshore Parks Plan of Management as exhibited be adopted incorporating the amendments recommended within this report.

**Item: 246**                    **IS - Freemans Reach Rural Fire Brigade - Proposed Station Relocation - (95495, 73591)**

**Previous Item:**        162, Ordinary (13 August 2013)

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**MOTION:**

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

*Refer to RESOLUTION*

**400 RESOLUTION:**

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

That a request be sent to Crown Lands to amend the purpose of Lot 7007 DP 1032928 to allow the building of a Rural Fire Brigade Station.

**ORDINARY MEETING**

**Minutes: 10 December 2013.**

**Item: 247**                    **IS - Rural Fire Service Bid and Estimates 2014/2015 - Hawkesbury District - (95495, 79016, 73835)**

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**MOTION:**

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

*Refer to RESOLUTION*

**401 RESOLUTION:**

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

That the 2014/2015 Rural Fire Fighting Fund estimates as submitted by the Hawkesbury Rural Fire Service be endorsed in principle.

**ORDINARY MEETING**

**Minutes:** 10 December 2013.

**SUPPORT SERVICES**

**Item: 248**                    **SS - Amendment to Constitution - Hawkesbury Disability Advisory Committee - (95496, 96328, 124569)**

**Previous Item:**        165, Ordinary (13 July 2010)  
                              266, Ordinary (29 November 2011)  
                              87, Ordinary (10 May 2011)  
                              35, Ordinary (12 March 2012)

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**MOTION:**

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

***Refer to RESOLUTION***

**402 RESOLUTION:**

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

That Council approve the amended Constitution for the Hawkesbury Access and Inclusion Advisory Committee attached as Attachment 1 to the report.

**Item: 249**                    **SS - Community Sponsorship Program - 2013/2014 - Round 2 - (96328, 95496)**

**Previous Item:**        145, Ordinary (30 July 2013)

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Councillor Calvert declared a significant non-pecuniary conflict of interest in this matter as he is an Executive Member of the Committee of Hawkesbury Skills Inc. who has submitted an application for sponsorship. He left the Chamber and did not take part in voting or discussion on the matter.

**MOTION:**

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

***Refer to RESOLUTION***

**403 RESOLUTION:**

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

**ORDINARY MEETING**

**Minutes:** 10 December 2013.

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 1, 10, 12, 16, 17 and 18 identified in Table 1 of this report.

**Item: 250**

**SS - Proposal to Re-establish Alcohol-Free Zones - (95496, 79337)**

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**MOTION:**

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

*Refer to RESOLUTION*

**404 RESOLUTION:**

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

That:

1. In accordance with the provisions of the Local Government Act 1993, the consumption of alcohol in the areas outlined in the report, be prohibited for the period from 1 January 2014 to 31 December 2017, by the re-establishment of the Alcohol Free Zones in the Hawkesbury Local Government Area, with the following exclusion:
  - a) In accordance with the Ministerial Guidelines on Alcohol Free Zones, Council exclude approved outdoor dining and/or footpath trading areas associated with appropriately licensed venues from the relevant alcohol free zones, subject to:
    - i. Appropriate development consent;
    - ii. Appropriate approval/licensing by the relevant liquor authority;
    - iii. Clear delineation and control of the licensed area from the AFZ by the licensee;
    - iv. Appropriate signage, indicating the exclusion from an area within an AFZ, to be clearly displayed;
    - v. The Windsor Mall Policy and the Outdoor Dining and Footpath Trading Policy, being adhered to.
2. Public notification (including erection of signage and an advertisement in the Hawkesbury Courier) be given for the re-establishment of the Alcohol Free Zones, for the period from 1 January 2014 to 31 December 2017, as indicated in the report.
3. The Windsor Mall Policy (Clause 7.2) be amended to enable the exclusion to apply to approved outdoor dining and/or footpath trading areas, as outlined in part 1(a) above.
4. Council provide written advice to the respondent of Council's decision.



**ORDINARY MEETING**  
**Reports of Committees**

**SECTION 4 - Reports of Committees**

**ROC - Development Application Monitoring Advisory Committee - 31 October 2013 - (127794)**

**405 RESOLUTION:**

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

That the minutes of the Development Application Monitoring Committee held on 31 October 2013 as recorded on pages 121 to 122 of the Ordinary Business Paper be received.

**ROC - Human Services Advisory Committee - 31 October 2013 - (123486)**

**406 RESOLUTION:**

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

That the minutes of the Human Services Advisory Committee held on 31 October 2013 as recorded on pages 123 to 127 of the Ordinary Business Paper be received.

**ROC - Sustainability Advisory Committee - 18 November 2013 - (126363)**

**407 RESOLUTION:**

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

That the minutes of the Sustainability Advisory Committee held on 18 November 2013 as recorded on pages 128 to 132 of the Ordinary Business Paper be received.

**ORDINARY MEETING**

Notices of Motion

**SECTION 5 - Notices of Motion**

**NM - Hawkesbury Heritage Descriptive Plaques - (80093)**

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Councillor Paine declared a less than significant non-pecuniary conflict of interest in this matter as she resides at "Sunnybrae", which was built in 1875 and is a heritage item and no further action is required.

**MOTION:**

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

*Refer to RESOLUTION*

**408 RESOLUTION:**

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

That:

1. A report be developed by staff on the strategies, costs and processes that would be involved in:
  - a) Having descriptive plaques provided and erected on all Hawkesbury Heritage sites;
  - b) Numbering or codifying the plaques in some manner that will enable a 'Heritage Walk' or similar concept to be developed; and
  - c) Building the concept into the Council budget over time, so that the plaques could be progressively provided and/or seeking funding from other sources.
2. The draft report be provided to the Heritage Advisory Committee.

**ORDINARY MEETING**

Questions for Next Meeting

**QUESTIONS FOR NEXT MEETING**

**Councillor Questions from Previous Meeting and Responses - (79351)**

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

**ORDINARY MEETING****Questions for Next Meeting****QUESTIONS FOR NEXT MEETING**

#	Councillor	Question	Response
1	Rasmussen	Requested the Council's legal advice on the Redbank Draft Voluntary Planning Agreement be circulated to Councillors.	The Director City Planning
2	Paine	Requested to be informed if a Development Application has been lodged for works to be carried out on the heritage listed Loder House, Windsor.	The Director City Planning
3	Paine	Enquired if the Director City Planning continues to have the carriage of Windsor Bridge, or if the Director Infrastructure Services is now responsible for it.	The Director City Planning
4	Reardon	Enquired if investigations could be carried out to improve the operation of the doors to the Councillor's mail room.	The Director Infrastructure Services

**ORDINARY MEETING**  
**CONFIDENTIAL REPORTS**

**CONFIDENTIAL REPORTS**

**409 RESOLUTION:**

RESOLVED on the motion of Councillor Rasmussen, 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: 251 IS - Tender No. 00936 - Provision of a New Data Centre at Council Administration Building 366 George Street, Windsor - (95495, 79340)**

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Act as it relates to (details concerning tenders for the supply of goods and/or services to 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: 252 IS - Tender No. 00933 - Provision of Repainting Various Council Sites 2013/2014 - (95495, 79340)**

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Act as it relates to (details concerning tenders for the supply of goods and/or services to Council/details concerning tenders for the supply of goods and /or services to 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: 253 IS - Tender No. 00932 - Tender for the Selective Maintenance of Roads and Drainage - (95498, 79344)**

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Act as it relates to (details concerning tenders for the supply of goods and/or services to 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: 254 SS - Property Matter - Extinguishment of Lease to C and A Wallace Pty Limited and Lease to Ngoc Minh Chau Nguyen - Shop 4 McGraths Hill Shopping Centre - (112106, 95496, 124598, 74292)**

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Act as it relates to details concerning the leasing of a Council property and remove brackets) 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.

**ORDINARY MEETING**  
**CONFIDENTIAL REPORTS**

**410 RESOLUTION:**

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

**Item: 251**                    **IS - Tender No. 00936 - Provision of a New Data Centre at Council Administration Building 366 George Street, Windsor - (95495, 79340)**  
**CONFIDENTIAL**

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**MOTION:**

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

*Refer to RESOLUTION*

**411 RESOLUTION:**

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

That the tender of CBD Mechanical Electrical for the Construction of a New Data Centre at Council's Administration Building, 366 George Street, Windsor for the sum of \$622,061 (excluding GST) be accepted and the necessary documents be executed under Seal of Council.

**Item: 252**                    **IS - Tender No. 00933 - Provision of Repainting Various Council Sites 2013/2014 - (95495, 79340)** **CONFIDENTIAL**

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**MOTION:**

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

*Refer to RESOLUTION*

**412 RESOLUTION:**

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

That Tender 0093 of Micks Painting Maintenance Group P/L for the provision of Repainting of Various Council Sites for the sum of \$119,920 (excluding GST) be accepted and the necessary documents be executed under Seal of Council.

**ORDINARY MEETING**  
**CONFIDENTIAL REPORTS**

**Item: 253**                      **IS - Tender No. 00932 - Tender for the Selective Maintenance of Roads and Drainage - (95498, 79344) CONFIDENTIAL**

---

**MOTION:**

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

*Refer to RESOLUTION*

**413 RESOLUTION:**

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

That the:

1. Schedule of rates tender submitted by LJ Follington Construction Pty Ltd for Selective Maintenance of Roads and Drainage for a two year period be accepted.
2. Seal of Council be affixed to any contract documentation, as necessary.

**Item: 254**                      **SS - Property Matter - Extinguishment of Lease to C and A Wallace Pty Limited and Lease to Ngoc Minh Chau Nguyen - Shop 4 McGraths Hill Shopping Centre - (112106, 95496, 124598, 74292) CONFIDENTIAL**

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**MOTION:**

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

*Refer to RESOLUTION*

**414 RESOLUTION:**

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

**ORDINARY MEETING**  
**CONFIDENTIAL REPORTS**

That:

1. Council agree to the extinguishment of the lease of Shop 4, McGraths Hill Shopping Centre, with C & A Wallace Pty Limited and agree to concurrently enter into a new lease with Ms Ngoc Minh Chau Nguyen trading as "Sync West Pty Ltd", in accordance with the proposal 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 incoming Lessee and the outgoing 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 8:59pm.

Submitted to and confirmed at the Ordinary meeting held on Tuesday, 4 February 2014.

.....  
Mayor