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City

ordinary meeting minutes

date of meeting: 13 February 2018

location: council chambers

time: 6:30 p.m.

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Minutes: 13 February 2018

Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 13 February 2018, commencing at 6.31pm.

#### 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 City Planning - Matt Owens, Director Infrastructure Services - Jeff Organ, Director Support Services - Laurie Mifsud, Executive Manager - Community Partnerships - Joseph Litwin, Development Services Manager - Cristie Evenhuis, Manager Corporate Communication - Suzanne Stuart, Manager Corporate Services and Governance - Michael Wearne and Acting Administrative Support Coordinator – Kylie Wade-Ferrell.

## APOLOGIES AND LEAVE OF ABSENCE

No apologies for absence were received from Councillors.

Councillor Rasmussen arrived at the meeting at 6:41pm.

## **DECLARATIONS OF INTEREST**

Councillor Garrow declared an interest in Item 34 - Confidential.

Councillor Lyons-Buckett declared an interest on Item 34 - Confidential.

Councillor Richards declared an interest in Item 28.

## **Acknowledgement of Official Visitors to the Council**

There were no official visitors to the Council.

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### **SECTION 1 - Confirmation of Minutes**

### 32 RESOLUTION:

RESOLVED on the motion of Councillor Conolly and seconded by Councillor Zamprogno that the Minutes of the Ordinary Meeting held on the Tuesday, 30 January 2018, be confirmed with the following changes:

- In Resolution 29, Councillor Rasmussen is to be inserted as the mover and Councillor Wheeler is to be inserted as the seconder.
- Councillor Zamprogno is to be deleted as having voted against Resolution 8 under Item 001 MM 1

   Archaeological Discoveries Thompson Square Precinct.

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### **SECTION 2 – Mayoral Minutes**

### **SUPPLEMENTARY REPORTS**

Item: 035 MM - Passing of Sir Nicholas Shehadie - (79351).docx

### **MOTION:**

RESOLVED on the motion of Councillor Lyons-Buckett.

### Refer to RESOLUTION

### 33 RESOLUTION:

RESOLVED on the motion of Councillor Lyons-Buckett.

#### That:

- 1. Council, following the adoption of this recommendation, observe one minute of silence in recognition of the passing of Sir Nicholas Shehadie.
- 2. Council place on record its sincere and deepest regret at the loss of Sir Nicholas Shehadie, and convey its condolences to Dame Marie Bashir and family.

Council observed one minute of silence in recognition of the passing of Sir Nicholas Shehadie.

## **SECTION 3 – Reports for Determination**

Minutes: 13 February 2018

## **SECTION 3 – Reports for Determination**

### **PLANNING DECISIONS**

Item: 023 CP - DA0603/16 - 507 Pitt Town Bottoms Road, Pitt Town Bottoms - Lot 32 DP

830830 - Dwelling House - Alterations and Additions - (95498, 100090)

Previous Item: 004, Ordinary (30 January 2018)

**Directorate:** City Planning

Mr David Murphy and Mr Greg Hall, speaking against the recommendation, addressed Council.

#### **MOTION:**

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

#### Refer to RESOLUTION

#### 34 RESOLUTION:

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

That development application DA0603/16 at Lot 32 DP 830830, 507 Pitt Town Bottoms Road, Pitt Town Bottoms for Dwelling House - Alterations and additions to existing dwelling be refused for the following reasons:

### 1. Hawkesbury Local Environmental Plan 2012

The subject application is considered inconsistent with the provisions contained in Hawkesbury Local Environmental Plan 2012.

## Particulars:

### • Clause 1.2 Aims of Plan

The proposal is inconsistent with Clause 1.2 (2)(a) in that the application has not demonstrated that it satisfies the management, orderly and economic development of land having regard to the environmental constraints affecting the site.

The proposal is inconsistent with Clause 1.2 (2)(b) in that the application has not demonstrated that the location of the development is appropriate having regard to flood risk associated with the subject land.

#### Clause 6.3 Flood planning

The proposed is inconsistent with Clause 6.3 (1)(a) in that the application has not demonstrated that it will not result in an increase in flood risk to life and property associated with the proposed intensification of residential use of the land.

The proposal is inconsistent with Clause 6.3 (1)(b) in that the application has not demonstrated that the development is compatible with the land's flood hazard, taking into account projected changes as a result of climate change.

## **SECTION 3 – Reports for Determination**

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The proposal is inconsistent with Clause 6.3(3) (a) and (e) in that the development is incompatible with the identified flood hazard of the land and that approval of the development would not result in unsustainable social and economic costs to the community as a consequence of flooding.

### 2. Development of Flood Liable Land Policy

The subject application is considered inconsistent with the provisions contained in Councils Development of Flood Liable Land Policy.

#### Particulars:

- The proposal is inconsistent with Clause 3.0 (3) in that the floor level of the proposed additions are not less than the three metres below the floor height standard for the land.
- The proposal is inconsistent with Clause 3.0 (3) in that the existing dwelling house subject of this application was not lawfully situated on the land.
- The proposal is inconsistent with Clause 3.0 (4) in that intensification of a residential use on land that is accessed via a road that passes through area of higher flood hazard would result in the potential for a higher number of occupants being placed at risk requiring rescue during a flood event.

### 3. Contrary to Public Interest

In the circumstances approval of the development would not be in the public interest.

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	

## **SECTION 3 – Reports for Determination**

Minutes: 13 February 2018

#### **GENERAL MANAGER**

Item: 024 GM - Housing Ends Homelessness 2018 Conference (79351)

**Directorate:** General Manager

#### **MOTION:**

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

#### Refer to RESOLUTION

#### 35 RESOLUTION:

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

That attendance of nominated Councillors and staff as considered by the General Manager, at the Housing Ends Homelessness 2018 Conference at an approximate cost of \$1,910 plus travel expenses per delegate be approved.

## 36 RESOLUTION:

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

That Councillors Calvert and Ross, as Council's nominated representatives, attend the Housing Ends Homelessness 2018 Conference, with Councillor Wheeler being an alternate if Councillor Calvert is unable to attend.

Item: 025 GM - Local Government NSW Annual Tourism Conference (79351, 79633)

**Directorate:** General Manager

## MOTION:

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

## Refer to RESOLUTION

## 37 RESOLUTION:

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

That attendance of nominated Councillors and staff as considered appropriate by the General Manager, at the Local Government NSW Tourism Conference 2018 at an approximate cost of \$1,620 plus travel expenses per delegate be approved.

## **SECTION 3 – Reports for Determination**

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#### 38 RESOLUTION:

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

That Councillor Richards, as Council's nominated representative, attend the Local Government NSW Tourism Conference 2018.

Item: 026 GM - Local Government NSW International Women's Day Luncheon (79351,

79633)

**Directorate:** General Manager

#### **MOTION:**

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

#### Refer to RESOLUTION

## 39 RESOLUTION:

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

That attendance of nominated Councillors at the Local Government NSW International Women's Day Luncheon at a cost of \$200 plus travel expenses per delegate be approved.

### 40 RESOLUTION:

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

That Councillors Garrow, Lyons-Buckett, Ross and Wheeler, as Council's nominated representatives, attend the Local Government NSW International Women's Day Luncheon.

## **SECTION 3 – Reports for Determination**

Minutes: 13 February 2018

#### **SUPPORT SERVICES**

Item: 027 SS - Pecuniary Interest Return - Designated Person - (95496, 96333)

Directorate: Support Services

#### **MOTION:**

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

#### Refer to RESOLUTION

### 41 RESOLUTION:

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

That the Section 449(1) Pecuniary Interest Return be received and noted.

Item: 028 SS - Withdrawal of Caveat held over 47 Hawkesbury Valley Way, Windsor -

(95496, 112106)

**Directorate:** Support Services

Councillor Richards declared a significant non-pecuniary conflict of interest in this matter as she was recently a Director on the Board. She left the Chamber and did not take part in voting or discussion on the matter.

Mr Robert Stalley, speaking for the recommendation, addressed Council.

### MOTION:

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

## Refer to RESOLUTION

### 42 RESOLUTION:

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

#### That:

- Council endorse the withdrawal of caveat held over 47 Hawkesbury Valley Way, Windsor Lot 211 DP806061, and the necessary documentation be provided to NSW Land Registry Service.
- Authority be given for any documentation in association with this matter to be executed under the Seal of Council.

## **SECTION 3 – Reports for Determination**

Minutes: 13 February 2018

Item: 029 SS - Review of Seal of Council Policy - (95496, 96333)

**Directorate:** Support Service

## **MOTION:**

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

### Refer to RESOLUTION

### 43 RESOLUTION:

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

## That:

- 1. The Seal of Council Policy, attached as Attachment 1 to this report, be placed on public exhibition for a period of 28 days.
- 2. The outcome of the public exhibition period be further reported to Council.

## **SECTION 4 – Reports of Committees**

Minutes: 13 February 2018

## **SECTION 4 – Reports of Committees**

Item: 030 ROC - Hawkesbury Access and Inclusion Advisory Committee - 23 November

2017 - (124569, 96328)

**Directorate:** Support Services

#### **MOTION:**

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

#### Refer to RESOLUTION

#### 44 RESOLUTION:

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

That in relation to the Minutes of the Hawkesbury Access and Inclusion Advisory Committee Meeting held on the 23 November 2017:

- Council receive and note the Committee Minutes in respect of Items 4, 5 and General Business.
- Council endorse the Committee Recommendations in respect of Item 1, namely:

#### "That:

- 1. The Committee adopt two additional Objectives for inclusion in the Committee's Constitution, being:
  - (i) To assist Council in the practical implementation of access and inclusion principles as defined in Council's Access and Inclusion Policy.
  - (ii) To oversee and monitor implementation of the Hawkesbury Disability Inclusion Action Plan 2017 2021.
- 2. That a report be prepared for the consideration of Council outlining the proposed amendments to the Hawkesbury Access and Inclusion Advisory Committee Constitution, as resolved by the Committee."
- Council endorse the Committee Recommendations in respect of Item 2, namely:

### "That:

- 1. The information be received
- 2. The Access and Inclusion Checklist be amended with the proposed changes, and the revised Checklist, approved by the Access and Inclusion Committee, be reported to Council for adoption.
- 3. A report to Council be prepared to also recommend that a list of businesses with proven accessibility be promoted on Council's website, and that appropriate signage be provided for display in shop fronts to provide recognition of access.

## **SECTION 4 – Reports of Committees**

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- 4. That a Working Group be established to develop a plan for promoting the Checklist and recognising accessible businesses in the Access and Inclusion Awards."
- 4. In respect to part 3. above of the Committee Recommendations for Item 2, a further report regarding the access and inclusion checklist be prepared for consideration by Council.
- 5. Council endorse the Committee Recommendations in respect of Item 3, namely:

"That:

- 1. The information be received and noted.
- 2. ZoomText software be investigated and reported back to the Committee before being reported to Council for purchase consideration."
- 6. In respect to part 5. above of the Committee Recommendations for Item 3, the software to be investigated is 'Fusion' in accordance with the recommendation from Guide Dogs Australia, and that a further report regarding financial implications of the implementation of 'Fusion' software will be prepared for consideration by Council.

Item: 031 ROC - Hawkesbury Civic and Citizenship Advisory Committee - 11 December

2017 - (96972, 79356, 79351)

**Directorate:** General Manager

### MOTION:

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

## Refer to RESOLUTION

## 45 RESOLUTION:

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

That the minutes of the Hawkesbury Civic and Citizenship Advisory Committee held on 11 December 2017 be received and noted.

## **SECTION 5 - Notices of Motion**

Minutes: 13 February 2018

#### SECTION 5 - Notices of Motion

Item: 032 NM1 - Turtle Deaths - Navua and Yarramundi - (138882)

#### **MOTION:**

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

## Refer to RESOLUTION

### 46 RESOLUTION:

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

#### That Council:

- 1. Urgently contact the Police, Department of Primary Industries (DPI) and Roads and Maritime Services (RMS) requesting more patrolling of those fishing at Navua and Yarramundi, including checking fishing licences and yabby traps.
- Urgently contact the EPA and NSW Water regarding their investigations in relation to the death of waterbirds, turtles, eels and fish in Hawkesbury River Lagoons seeking more information, their proposed actions and timeframes.
- 3. Work with agencies and community groups including National Parks and Wildlife, WIRES, Western Sydney University, South Creek Bass Fishers, HEN and Turtle Rescue to:
  - Install signs at Navua and Yarramundi, and commence an education program for river users to protect turtles and their habitat, and dispose of litter correctly.
  - Investigate a "Clean Up Australia" activity.

### 4. Receive a report:

- Detailing opportunities to manage lagoons and wetlands in accordance with SEPP 20 with respect to buffers in riparian zones, run-off of contaminated water, and prevention of the destruction of reed beds;
- In relation to carrying out foreshore weed removal and revegetation programs in relation to Hawkesbury River Lagoons in cooperation with landcare groups and Wetland Warriors; and
- In relation to developing a Water Management Plan as required by the Water Management Act 2000.
- 5. Work with DPI and Water NSW to ensure compliance under the Water Management Act 2000, and in particular make immediate contact with the appropriate authority to ensure immediate notification is given to the public in relation to cyanobacterial bloom outbreaks.
- 6. Meet with HEN, WSU, Local Land Services (LLS), and Landcare to set a timeframe for reporting, education of landholders and validation of procedures for reporting and compliance.
- 7. Clean-up the causeway at Brewers Lane and install signage to discourage dumping.

## **SECTION 5 – Notices of Motion**

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8. Use its social media and other platforms to educate the community regarding the importance of protecting our local turtles and other native wildlife and the dumping of rubbish at Navua and Yarramundi.

## **Questions for Next Meeting**

Minutes: 13 February 2018

### **QUESTIONS FOR NEXT MEETING**

Item: 033 Councillor Questions from Previous Meetings and Responses - (79351)

Raised at the Ordinary Meeting held on - 30 January 2018

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

## **Questions for Next Meeting**

Minutes: 13 February 2018

# Questions – 13 February 2018

#	Councillor	Question	Response
1	Richards	Referred to a question she asked last year in relation to the School Education Program as she had hoped it would be up and running in 2018 and enquired when that report will be coming to Council.	General Manager
2	Zamprogno	Referred to a previous question last year about the legality of a fence that the Johnson Property Group erected around part of 43 Bootles Lane, Pitt Town and the advice received was that it was not legal and would have required a development application. Councillor Zamprogno asked what action is going to occur on the presence of that fence and can any directive be made to not have the parcel mowed, but returned to bush.	Director City Planning
3	Calvert	Advised that there had been some slight damage caused to National Serviceman's Memorial at Ham Common, and that the damage may have been caused by Council lawn mowers. He asked for the matter to be investigated.	Director Infrastructure Services
4	Calvert	Referred to a previous request to have the carpark area near the National Serviceman's Memorial at Ham Common named. He asked if this request could be followed up.	Director Infrastructure Services
5	Calvert	Referred to the Masterplan for Peel Park and asked what the process is to consider and give effect to any changes arising from the community consultation.	Director Infrastructure Services
6	Wheeler	Referred to her previous question from last year in relation to having the 60km/h sign on Sackville Road moved up so the area where the café, would be covered by that speed. She asked if this request had been forwarded to the Traffic Committee and where this matter is at.	Director Infrastructure Services

## **Questions for Next Meeting**

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#	Councillor	Question	Response
7	Garrow	Requested a progress report on the building on the corner of Baker Street and George Street where a health hazard had previously been reported due to the pigeon droppings on the footpath on a regular occurrence.	Director City Planning
8	Rasmussen	Referred to advise he had received about there being no power substation west of the river causing an issue if something happened east of the river. Can Council confirm if there is a power substation west of the river that would keep power up to those on the west of the river is something did happy on the east of the river.	Director Infrastructure Services

## **Confidential Reports**

Meeting Date: 13 February 2018

#### **CONFIDENTIAL REPORTS**

#### MOTION:

A motion was moved by Councillor Wheeler, seconded by Councillor Reynolds that Item 34 – Hawkesbury Independent Hearing and Assessment, be discussed in open session.

The motion was lost.

#### 47 RESOLUTION:

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

That:

1. The Council meeting be closed to deal with confidential matters and in accordance with Section 10A of the Local Government Act, 1993, members of the Press and the public be excluded from the Council Chambers during consideration of the following items:

Item: 034 CP – Hawkesbury Independent Hearing and Assessment Panel – (95498)

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(a) of the Local Government Act, 1993 as it relates to personnel matters concerning particular individuals (other than councillors).

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.

#### 48 RESOLUTION:

RESOLVED on the motion of Councillor Wheeler, seconded by Councillor Reynolds that open meeting be resumed.

## **Confidential Reports**

Meeting Date: 13 February 2018

Item: 034 CP - Hawkesbury Independent Hearing and Assessment Panel - (95498)

**Directorate:** City Planning

Councillor Lyons-Buckett declared a less than significant non-pecuniary conflict of interest in this matter as she knows some of the applicants listed as potential panel representatives and no further action is required.

Councillor Garrow declared a less than significant non-pecuniary conflict of interest in this matter as she knows several of the applicants listed as potential panel representatives and no further action is required.

### MOTION:

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

#### Refer to RESOLUTION

#### 49 RESOLUTION:

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

That Council select three community representatives, from Attachment 1 to this report, for the pool of community members of the Hawkesbury Independent Hearing and Assessment Panel (IHAP).

## MOTION:

The Director Support Services advised, that whilst in Closed Session, Council RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Calvert.

### Refer to RESOLUTION

#### 50 RESOLUTION:

The Director Support Services advised, that whilst in Closed Session, Council RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Calvert.

That Council select the following community representatives for the pool of community members of the Hawkesbury Independent Hearing and Assessment Panel (IHAP):

- Graham Edds
- Casey Holtom
- Paul Rogers

### **MOTION:**

The Director Support Services advised, that whilst in Closed Session, Council RESOLVED on the motion of Councillor Conolly, seconded by Councillor Zamprogno.

## **Confidential Reports**

Meeting Date: 13 February 2018

#### Refer to RESOLUTION

### 51 RESOLUTION:

The Director Support Services advised, that whilst in Closed Session, Council RESOLVED on the motion of Councillor Conolly, seconded by Councillor Zamprogno.

That Council select the following expert representatives for the pool of expert members of the Hawkesbury Independent Hearing and Assessment Panel (IHAP):

- John Brockoff
- John Brunton
- Shaun Carter
- Michael Harrison

#### **MOTION:**

The Director Support Services advised, that whilst in Closed Session, Council RESOLVED on the motion of Councillor Wheeler, seconded by Councillor Reynolds.

### Refer to RESOLUTION

#### 52 RESOLUTION:

The Director Support Services advised, that whilst in Closed Session, Council RESOLVED on the motion of Councillor Wheeler, seconded by Councillor Reynolds.

### That Council:

- Advise the Department of Planning of the preferred membership for the Hawkesbury Local Planning Panel by 14 February 2018.
- 2. Advise all nominees of Council's determination and thank them for their interest in this matter.

### **MOTION:**

The Director Support Services advised, that whilst in Closed Session, Council RESOLVED on the motion of Councillor Wheeler, seconded by Councillor Ross.

## Refer to RESOLUTION

## 53 RESOLUTION:

The Director Support Services advised, that whilst in Closed Session, Council RESOLVED on the motion of Councillor Wheeler, seconded by Councillor Ross.

That Council expresses to the Premier, the Minister of Planning and the Local Member:

1. Its strenuous objection to the imposition of IHAP legislation as undemocratic, unaccountable and costly.

## **Confidential Reports**

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2. Its disgust at the lack of transparency and lack of information provided to both elected representatives and community members in the selection of panel members, and the undue haste imposed on Council.

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

Submitted to and confirmed at the Ordinary meeting held on Tuesday, 27 February 2018.
 Mayor
Iwayor

The meeting terminated at 9:25pm.