



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 10 July 2018

location: council chambers

time: 6:30 p.m.

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ORDINARY MEETING

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on 10 July 2018, commencing at 6:28pm.

Welcome

The General Manager will address 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, D Wheeler and N Zamprogn.

ALSO PRESENT: Acting General Manager - Laurie Mifsud, Acting Director City Planning - Judy Clarke, Director Infrastructure Services - Jeff Organ, Chief Financial Officer - Emma Galea, Executive Manager - Community Partnerships - Joseph Litwin, Strategic Planning Manager - Andrew Kearns, Manager Corporate Communication - Suzanne Stuart, Manager Corporate Services and Governance - Michael Wearne, Administrative Support Coordinator - Tracey Easterbrook and Administration Support Officer - Jodie Tillinghast.

APOLOGIES AND LEAVE OF ABSENCE

An apology for absence was received from Councillor Tree.

204 RESOLUTION:

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

Councillor Rasmussen arrived at the meeting at 6:37pm.

DECLARATIONS OF INTEREST

Councillor Richards declared an interest on Item 159 and 170
Councillor Wheeler declared an interest on Item 166

Acknowledgement of Official Visitors to the Council

There were no official visitors to the Council.

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SECTION 1 - Confirmation of Minutes

205 RESOLUTION:

RESOLVED on the motion of Councillor Conolly and seconded by Councillor Garrow that the Minutes of the Ordinary held on the 26 June 2018, be confirmed.

ORDINARY MEETING
SECTION 3 – Reports for Determination
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SECTION 3 – Reports for Determination

PLANNING DECISIONS

Item: 159 **CP - Proposed Modification of Existing Covenant - Building Height Restriction Lot 14, DP 1157035 - 109 Hibberts Lane, Freemans Reach - (95498)**

Directorate: City Planning

Councillor Richards declared a pecuniary interest in this matter as her family reside next door to the subject property. She left the Chamber and did not take part in voting or discussion on the matter.

MOTION:

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

Refer to RESOLUTION

206 RESOLUTION:

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

That:

1. Council agree to vary the height covenant over Lot 14 in DP 1157035 at 109 Hibberts Lane, Freemans Reach to restrict the maximum roof height of any building or dwelling on the lot so as not to exceed 47 metres Australian Height Datum.
2. The wording of the modified covenant to effect this resolution be determined by the General Manager in consultation with Council's Legal Advisors as is necessary, to ensure compliance with the technical, administrative, and legal requirements of NSW Land Registry Services.
3. Authority be given for the Section 88E 'Variation or Modification of Restriction on the Use of Land' to be executed by an authorised officer of Council.
4. All costs associated with the preparation and drafting of necessary documentation and plans and any registration and lodgement fees be borne by the owner of Lot 14 in DP 1157035.

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

ORDINARY MEETING
SECTION 3 – Reports for Determination

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For the Motion	Against the Motion
Councillor Calvert	
Councillor Conolly	
Councillor Garrow	
Councillor Kotlash	
Councillor Lyons-Buckett	
Councillor Reynolds	
Councillor Ross	
Councillor Wheeler	
Councillor Zamprogno	

Councillor Rasmussen and Councillor Richards were not in the Chamber when the vote was taken.
Councillor Tree was absent from the meeting.

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SECTION 3 – Reports for Determination

Minutes: 10 July 2018

GENERAL MANAGER

Item: 160 **GM - Events Strategy - (79351, 79356)**

Previous Item: 125, Ordinary (29 May 2018)

Directorate: General Manager

MOTION:

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

Refer to RESOLUTION

207 RESOLUTION:

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

That:

1. Council endorse the Events Strategy, July 2018, attached as Attachment 1 to the report.
2. Council proceed to publicly exhibit the Events Strategy, July 2018, for a period of 28 days.
3. At the expiration of the public exhibition period outlined in Part 2 above, the following action be taken:
 - (a) Should any submissions be received regarding the Events Strategy, July 2018 a further report be submitted to Council, or
 - (b) Should no submissions be received, Council approve the Events Strategy, July 2018.

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SECTION 3 – Reports for Determination
Minutes: 10 July 2018

INFRASTRUCTURE SERVICES

Item: 161 **IS - Suburb Boundary Redefinition Lot 12 DP 816720 - (95495, 79346)**

Directorate: Infrastructure Services

MOTION:

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

Refer to RESOLUTION

208 RESOLUTION:

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

That Council notify the owner of Lot 12 DP 816720, Blacktown City Council and the NSW Geographical Names Board of its support for the proposal to incorporate Lot 12 DP 816720 into the existing suburb of Vineyard.

ORDINARY MEETING
SECTION 3 – Reports for Determination
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SUPPORT SERVICES

Item: 162 **SS - Pecuniary Interest Return - Designated Person - (95496, 96333)**

Directorate: Support Services

MOTION:

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

Refer to RESOLUTION

209 RESOLUTION:

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

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

Item: 163 **SS - Draft Borrowings Policy - (95496, 96332)**

Directorate: Support Services

MOTION:

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

Refer to RESOLUTION

210 RESOLUTION:

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

That:

1. Council endorse the Draft Borrowings Policy, attached as Attachment 1 to the report.
2. Council proceed to publically exhibit the Draft Borrowings Policy for a period of 28 days
3. At the expiration of the public exhibition period outlined in Part 2 above, the following action be taken:
 - a) Should any submissions be received regarding the Draft Borrowings Policy a further report be submitted to Council, or
 - b) Should no submissions be received, Council approve the Draft Borrowings Policy.

ORDINARY MEETING
SECTION 4 – Reports of Committees
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SECTION 4 – Reports of Committees

Item: 164 **ROC - Local Traffic Committee - 18 June 2018 - (80245)**

Directorate: Infrastructure Services

MOTION:

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

Refer to RESOLUTION

211 RESOLUTION:

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

That the minutes of the Local Traffic Committee held on 18 June 2018 be received and the recommendations therein be adopted and noted.

ORDINARY MEETING
SECTION 5 – Notices of Motion
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SECTION 5 – Notices of Motion

Item: 165 **RM - Cost Shifting Notification on the 2018/2019 Rates Notice - (79351, 138880)**

Previous Item: 016, Ordinary Meeting (30 January 2018)

MOTION:

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

Refer to RESOLUTION

212 RESOLUTION:

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

That the resolution from the Ordinary Meeting of Council on 30 January 2018 in relation to Resolution No: 24, regarding wording relating to cost shifting being included on the 2018/2019 Rates Notice, be rescinded.

Item: 166 **NM - Library Funding - (79351, 138880)**

Councillor Wheeler declared a pecuniary interest in this matter as her husband is employed in the Council's Library. She left the Chamber and did not take part in voting or discussion on the matter.

MOTION:

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

Refer to RESOLUTION

213 RESOLUTION:

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

1. The consideration of the matter be deferred to the next Council Meeting to enable a Councillor Briefing to take place on this matter.
2. Councillors correspond with each other in relation to the wording of a proposed alternate motion.

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Questions for Next Meeting
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QUESTIONS FOR NEXT MEETING

Item: 167 **Councillor Questions from Previous Meetings and Responses - 8 May 2018 - (79351)**

Responses to Questions in relation to previous Questions for the Next Meeting - 8 May 2018 were provided and the additional follow up question was asked.

#	Councillor	Question	Response
3	Ross	Councillor Ross referred to Question 3 and enquired if the owner of the Yarramundi Soccer Fields is required to comply with the relevant Australian Standards or conditions of approval for the installation of floodlights.	Acting Director City Planning

ORDINARY MEETING
Questions for Next Meeting

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Item: 168 **Councillor Questions from Previous Meetings and Responses - 29 May 2018 - (79351)**

There were no responses to Questions in relation to previous Questions for the Next Meeting - 29 May 2018.

Item: 169 **Councillor Questions from Previous Meetings and Responses - 26 June 2018 - (79351)**

Responses to Questions in relation to previous Questions for the Next Meeting - 26 June 2018 were discussed.

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Questions – 10 July 2018

#	Councillor	Question	Response
1	Zamprogno	Requested a progress report on the works for the resurfacing of the tennis courts in Wellesley Street, Pitt Town.	Director Infrastructure Services
2	Zamprogno	Requested an update on roadwork repairs and upgrades to Bathurst Street, Hawkesbury Street and Johnston Street, Pitt Town.	Director Infrastructure Services
3	Zamprogno	Requested an update on Development Application No. 0188/18 for 43 Bootles Lane, Pitt Town.	Acting Director City Planning
4	Zamprogno	Requested a status update on the list of 90 action items compiled by the General Manager after the Pitt Town Progress Association bus tour of Pitt Town on 16 August 2017.	General Manager
5	Wheeler	Requested that Council look into providing new line markings at King Road, Wilberforce and at the corner of Baker Street and The Terrace, Windsor.	Director Infrastructure Services
6	Wheeler	Requested that the drainage at Bounty Reserve, Bligh Park, near Selkirk Place, be investigated.	Director Infrastructure Services
7	Wheeler	Requested that the lane way at the end of Bounty Reserve, Bligh Park be cleaned up.	Director Infrastructure Services
8	Garrow	Enquired into residents receiving Parking Offence No.83618 for 'Stop heavy long vehicles parking longer than 1 hour' and sought specifications on this Offence.	Acting Director City Planning
9	Garrow	Requested clarification on the classification of Railway Road North, Mulgrave in respect to any parking signage or parking restrictions.	Director Infrastructure Services

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#	Councillor	Question	Response
10	Rasmussen	Requested clarification on the legality of Coles branded trucks and trailers that are being parked in the Clarendon car park as their trucks are parking at that location on a regular basis.	Acting Director City Planning
11	Ross	Enquired as to whether a permit was in place for the burning off of rubbish at 8 Robertson Street, Kurrajong and if so, how many have been submitted in 2018.	Acting Director City Planning
12	Ross	Enquired if staff could further investigation the noise emissions complaint lodged in relation to a neighbour's air conditioner at Fairfield Avenue, Windsor.	Acting Director City Planning
13	Ross	Requested an update on when the pedestrian crossing at Collith Avenue, South Windsor will be resurfaced.	Director Infrastructure Services
14	Lyons-Buckett	Requested that the rules and guidelines for burning off be placed on Council's Facebook page and Website to remind residents of the necessary notification required.	General Manager

ORDINARY MEETING

Confidential Reports

Minutes: 10 July 2018

CONFIDENTIAL REPORTS

214 RESOLUTION:

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

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: 170 Business Paper - Ordinary Meeting MASTER - 10 July 2018

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: 171 Business Paper - Ordinary Meeting MASTER - 10 July 2018

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.

215 RESOLUTION:

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

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Confidential Reports

Minutes: 10 July 2018

Item: 170 **SS - Lease to Stakks Pty Ltd - Shop 12, Wilberforce Shopping Centre - (99221, 95496, 112106)**

Directorate: Support Services

Councillor Richards declared a less than significant non-pecuniary conflict of interest in this matter as she knows the tenant through her daughter's sport and no further action is required.

MOTION:

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

Refer to RESOLUTION

216 RESOLUTION:

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

That:

1. Council agree to enter into a variation of lease with the Stakks Pty Ltd for the property known as Shop 12, Wilberforce Shopping Centre, by amending the commencement date of the lease to the date that any Section 96 Modification consent is granted.
2. Authority be given for the Variation of 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 tenant, 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.

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Confidential Reports

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Item: 171 **SS - Lease to Y Ghet Cang - Shop 2, McGraths Hill Shopping Centre - (111656, 95496, 112106)**

Directorate: Support Services

MOTION:

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

Refer to RESOLUTION

217 RESOLUTION:

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

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 7:35pm.

Submitted to and confirmed at the Ordinary meeting held on 31 July 2018.

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Mayor

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