



Hawkesbury City Council

ordinary  
meeting  
minutes

date of meeting: 14 March 2017  
location: council chambers  
time: 6:30 p.m.



**ORDINARY MEETING**

**Minutes: 14 March 2017**

**MINUTES**

- **WELCOME**
  - Acknowledgement of Indigenous Heritage**
- **APOLOGIES AND LEAVE OF ABSENCE**
- **DECLARATION OF INTERESTS**
- **SECTION 1 - Confirmation of Minutes**
- **ACKNOWLEDGEMENT OF OFFICIAL VISITORS TO THE COUNCIL**
- **SECTION 2 - Mayoral Minutes**
- **EXCEPTION REPORT - Adoption of Items Not Identified for Discussion and Decision**
- **SECTION 3 - Reports for Determination**
  - Planning Decisions**
  - General Manager**
  - City Planning**
  - Infrastructure Services**
  - Support Services**
- **SECTION 4 - Reports of Committees**
- **SECTION 5 - Notices of Motion**
- **QUESTIONS FOR NEXT MEETING**
- **REPORTS TO BE DISCUSSED IN CONFIDENTIAL SESSION**

**ORDINARY MEETING**

**Minutes: 14 March 2017**

**ORDINARY MEETING**

Minutes: 14 March 2017

**TABLE OF CONTENTS**

<b>ITEM</b>	<b>SUBJECT</b>	<b>PAGE</b>
	<b>ATTENDANCE</b>	<b>1</b>
	<b>Declarations of Interest</b>	<b>1</b>
	<b>Presentation to Council</b>	<b>1</b>
	<b>SECTION 1 - Confirmation of Minutes</b>	<b>1</b>
	<b>SECTION 3 - Reports for Determination</b>	<b>2</b>
	<b>PLANNING DECISIONS</b>	<b>2</b>
Item: 50	CP - S960128/15 (DA0790/14) - Lot 12 DP 1184975 - 741 George Street, South Windsor - Modification of Development Consent DA0790/14 to Delete Condition 68, Construction of Pathway - (95498, 130370, 82572)	2
Item: 51	CP - DA0472/16 - 617 Bells Line of Road, Kurmond - Lot 1 DP 794338 - Boarding House - (95498, 138238, 135509)	3
	<b>CITY PLANNING</b>	<b>5</b>
Item: 52	CP - Windsor Revitalisation Project Working Group - (79351, 95498)	5
	<b>SUPPORT SERVICES</b>	<b>6</b>
Item: 53	SS - Feasibility of Webcasting/Podcasting Council Meetings - (95496, 79351, 79352)	6
	<b>SECTION 4 - Reports of Committees</b>	<b>7</b>
ROC	Human Services Advisory Committee - 9 February 2017 - (124414, 123486)	7
ROC	Floodplain Risk Management Advisory Committee - 16 February 2017 - (124414, 86589)	7
ROC	Heritage Advisory Committee - 23 February 2017 - (124414, 80242)	7
	<b>SECTION 5 - Notices of Motion</b>	<b>8</b>
NM1	Support for Hurlstone Agricultural College - (79351, 105109, 138883)	8
	<b>QUESTIONS FOR NEXT MEETING</b>	<b>9</b>
	Councillor Questions from Previous Meetings and Responses - (79351)	9
	Questions for Next Meeting	10

**ORDINARY MEETING**

**Minutes: 14 March 2017**

<b>ITEM</b>	<b>SUBJECT</b>	<b>PAGE</b>
	<b>CONFIDENTIAL REPORTS</b>	<b>12</b>
Item: 54	IS - Tender No. T00052 - Painting and Roof Cleaning Works of Various Council Sites - (95495, 79344) CONFIDENTIAL	13
Item: 55	IS - Tender No. T00054 - Piling at Lower Portland Ferry - (95495, 79344) CONFIDENTIAL	14
Item: 56	SS - Property Matter - Lease to Sai Chong Lao and Yen Sreg Tran - Shop 10 Wilberforce Shopping Centre - (76755, 73565, 95496, 112106) CONFIDENTIAL	14
MM	Position of General Manager - (79351, 79353, 125612) CONFIDENTIAL	15

## ORDINARY MEETING

Minutes: 14 March 2017

Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on 14 March 2017, commencing at 6:34pm.

### 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:** Acting General Manager - Laurie Mifsud, Director City Planning - Matt Owens, Director Infrastructure Services - Jeff Organ, Acting Director Support Services - Emma Galea, Executive Manager - Community Partnerships - Joseph Litwin, Development Services Manager - Cristie Evenhuis, Acting Manager Corporate Communication – Suzanne Stuart, Manager Corporate Services and Governance - Ian Roberts and Administrative Support Coordinator - Natasha Martin.

Councillor Tree left the meeting at 9:50pm/

### Declarations of Interest

There were no Declarations of Interest made.

### Presentation to Council

The Mayor presented a DVD 'A Review of Hawkesbury History', as provided by Mr John Miller. This copy of the DVD has been donated to the Hawkesbury Library.

### SECTION 1 - Confirmation of Minutes

#### 78 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Conolly that the Minutes of the Ordinary Council Meeting held on the 28 February 2017, be confirmed.

**ORDINARY MEETING**

**Meeting Date:** 14 March 2017

**SECTION 3 - Reports for Determination**

**PLANNING DECISIONS**

**Item: 50** CP - S960128/15 (DA0790/14) - Lot 12 DP 1184975 - 741 George Street, South Windsor - Modification of Development Consent DA0790/14 to Delete Condition 68, Construction of Pathway - (95498, 130370, 82572)

**Previous Item:** Item 23, Ordinary (23 February 2016)  
Item 167, (9 August 2016)

---

Mr Robert Montgomery addressed Council, speaking against the recommendation.

**MOTION:**

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

*Refer to RESOLUTION*

**79 RESOLUTION:**

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

That the matter be deferred to a future Council meeting, pending discussions with the Applicant and further consultation with the Roads and Maritime Services.

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



**ORDINARY MEETING**

**Meeting Date: 14 March 2017**

**Item: 51**                    **CP - DA0472/16 - 617 Bells Line of Road, Kurmond - Lot 1 DP 794338 - Boarding House - (95498, 138238, 135509)**

**Previous Item:**        24, Ordinary (14 February 2017)

---

Mr Jeremy Fields, Mr Mark Hill and Mr Martin Beckett addressed Council, speaking for the recommendation.

Mr John Casserly, Mr James Benzie and Ms Leanne Waters addressed Council, speaking against the recommendation.

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

That Council as the consent authority pursuant to Clause 80(1)(b) of the Environmental Planning and Assessment Act 1979 (as amended) refuse Development Application No. DA0472/16 for a Boarding House – Alterations and additions to the building and the operation of a boarding house on Lot 1 DP 794338, known as 617 Bells Line of Road, Kurmond, for the following reasons:

1. The application contains conflicting information that does not fit with the defined use as a Boarding House and as such, is not considered permissible.
2. The approval of the development will not be in the public interest.

An AMENDMENT was moved by Councillor Calvert, seconded by Councillor Tree.

That the matter relating to Development Application No. DA0472/16 for a Boarding House – Alterations and additions to the building and the operation of a boarding house on Lot 1 DP 794338, known as 617 Bells Line of Road, Kurmond, be deferred to a future Council Meeting to allow for further information to be provided to Council.

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

<b>For the Amendment</b>	<b>Against the Amendment</b>
Councillor Calvert	Councillor Conolly
Councillor Kotlash	Councillor Garrow
Councillor Richards	Councillor Lyons-Buckett
Councillor Tree	Councillor Rasmussen
	Councillor Reynolds
	Councillor Ross
	Councillor Wheeler
	Councillor Zamprogno

The Amendment was lost.

**ORDINARY MEETING**

**Meeting Date:** 14 March 2017

**MOTION:**

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

*Refer to RESOLUTION*

**80 RESOLUTION:**

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

That Council as the consent authority pursuant to Clause 80(1)(b) of the Environmental Planning and Assessment Act 1979 (as amended) refuse Development Application No. DA0472/16 for a Boarding House – Alterations and additions to the building and the operation of a boarding house on Lot 1 DP 794338, known as 617 Bells Line of Road, Kurmond, for the following reasons:

1. The application contains conflicting information that does not fit with the defined use as a Boarding House and as such, is not considered permissible.
2. The approval of the development will 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:

<b>For the Motion</b>	<b>Against the Motion</b>
Councillor Conolly	Councillor Calvert
Councillor Garrow	Councillor Kotlash
Councillor Lyons-Buckett	Councillor Tree
Councillor Rasmussen	Councillor Richards
Councillor Reynolds	
Councillor Ross	
Councillor Wheeler	
Councillor Zamprogno	

**ORDINARY MEETING**

**Meeting Date:** 14 March 2017

**CITY PLANNING**

**Item: 52**                    **CP - Windsor Revitalisation Project Working Group - (79351, 95498)**

**Previous Item:**        37, Ordinary (28 February 2017)  
                              NM5, Ordinary (11 October 2016)

---

**MOTION:**

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

***Refer to RESOLUTION***

**81 RESOLUTION:**

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

That Council:

1. Establish the proposed Town Centres Master Plan Project Group and adopt the proposed Terms of Reference to govern the activities of the Project Group, as outlined in Attachment 2 to this report, including the testing of concepts associated with town centre revitalisation in a methodical and sensible manner and amend the following clauses:
  - Clause 5 a)(iii) to be amended to include six community appointments.
  - Clause 7 f) be amended to provide for a quorum to be seven members.
2. Appoint Councillors Garrow and Wheeler as Councillor representatives to the Town Centres Master Plan Project Group, with Councillor Conolly as an alternate.
3. Call for community nominations to sit on the Town Centres Master Plan Project Group and for these nominations to be reported to Council for determination.
4. The minutes of each of the Town Centres Master Plan Project Group meetings including a covering report providing updates, be provided to Council.

**ORDINARY MEETING**

**Meeting Date:** 14 March 2017

**SUPPORT SERVICES**

**Item: 53**                    **SS - Feasibility of Webcasting/Podcasting Council Meetings - (95496, 79351, 79352)**

**Previous Item:**        NM1, Ordinary (31 January 2017)

---

**MOTION:**

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

***Refer to RESOLUTION***

**82 RESOLUTION:**

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

That:

1. Council proceed with the necessary processes associated with the implementation of podcasting of Council meetings, with a view to commence podcasting of Council meetings from the 2017/2018 Financial Year.
2. The necessary funding to implement podcasting on the basis as detailed in the report be included in the 2017/2018 Draft Operational Plan.
3. The necessary amendments be made to Council's Code of Meeting Practice and Council's Code of Conduct, with the changes to be reported to Council prior to public exhibition.

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

**SECTION 4 - Reports of Committees**

**ROC**                      **Human Services Advisory Committee - 9 February 2017 - (124414, 123486)**

---

**83 RESOLUTION:**

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

That the minutes of the Human Services Advisory Committee held on 9 February 2017 as recorded on pages 71 to 77 of the Ordinary Business Paper be received.

**ROC**                      **Floodplain Risk Management Advisory Committee - 16 February 2017 - (124414, 86589)**

---

**84 RESOLUTION:**

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

That the minutes of the Floodplain Risk Management Advisory Committee held on 16 February 2017 as recorded on pages 78 to 83 of the Ordinary Business Paper be received.

**ROC**                      **Heritage Advisory Committee - 23 February 2017 - (124414, 80242)**

---

**85 RESOLUTION:**

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

That the minutes of the Heritage Advisory Committee held on 23 February 2017 as recorded on pages 84 to 93 of the Ordinary Business Paper be received.

**ORDINARY MEETING**

Notices of Motion

**SECTION 5 - Notices of Motion**

**NM1**                      **Support for Hurlstone Agricultural College - (79351, 105109, 138883)**

---

**MOTION:**

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

*Refer to RESOLUTION*

**86 RESOLUTION:**

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

That Council write to the Local Member, The Premier and Western Sydney University expressing its support for the Hurlstone Agricultural College being located on the Hawkesbury Campus of the Western Sydney University and requesting timing of the relocation.

**ORDINARY MEETING**

Questions for Next Meeting

**QUESTIONS FOR NEXT MEETING**

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

---

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	Reynolds	Enquired if Council staff consulted with the Heritage Advisory Committee and/or Council's Heritage Advisor, before providing input to the RMS consultants, in relation to the Draft Urban Landscape Design for Thompson Square, Windsor.	Director Infrastructure Services
2	Reynolds	Enquired if the RMS requires Council permission to conduct investigations into the proposed electrical sign in Richmond Park on March Street, Richmond and if the RMS requires Council permission to erect the sign on Council owned land.	Director Infrastructure Services
3	Wheeler	Enquired if the Local Traffic Committee could investigate the creation of a clearway on Macquarie Street between Christie Street and Bridge Street, Windsor.	Director Infrastructure Services
4	Wheeler	Requested comments on the trucks that are providing fill to a property in the East Kurrajong and Tennyson area.	Director City Planning
5	Kotlash	Enquired if Council is aware of any plans for an ambulance depot west of river and requested that Council enquire as to how Ambulance NSW plan for such a service and how Council could be involved to augment the process.	Director Infrastructure Services
6	Zamprogno	Requested that Old Pitt Town Road, near Brinsley Oval receive repairs.	Director Infrastructure Services



**ORDINARY MEETING**

Questions for Next Meeting

#	Councillor	Question	Response
7	Zamprogno	Requested a written response in relation to non-conformance or regulatory action at Teviot Street Richmond and if the SEPP applies to this property.	Director City Planning

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

**CONFIDENTIAL REPORTS**

**87 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: 54 IS - Tender No. T00052 - Painting and Roof Cleaning Works of Various Council Sites - (95495, 79344)**

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 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: 55 IS - Tender No. T00054 - Piling at Lower Portland Ferry - (95495, 79344)**

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act, 1993 Specifically, the matter is to be dealt with pursuant to Section 10A(2)(d) of the Act as it relates to tender information and the information is regarded as being commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, confer a commercial advantage on a competitor of the Council, or reveal a trade secret and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

**Item: 56 SS - Property Matter - Lease to Sai Chong Lao and Yen Sreg Tran - Shop 10 Wilberforce Shopping Centre - (76755, 73565, 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.*

**Item: MM Position of General Manager - (79351, 79353, 125612)**

*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.

**88 RESOLUTION:**

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

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

**Item: 54**                    **IS - Tender No. T00052 - Painting and Roof Cleaning Works of Various Council Sites - (95495, 79344)    CONFIDENTIAL**

---

**MOTION:**

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

*Refer to RESOLUTION*

**89 RESOLUTION:**

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

That:

1. The tender submitted by R Fleming and Sons Painting and Decorating in the amount of \$144,580 (excluding GST) for the provision of Painting and Roof Cleaning Works of Various Council Sites in 2016/2017 be accepted.
2. The Seal of Council be affixed to any necessary documentation.

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

**Item: 55**                      **IS - Tender No. T00054 - Piling at Lower Portland Ferry - (95495, 79344)**  
**CONFIDENTIAL**

---

**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***

**90 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 adopt the Confidential Recommendation contained within this report in relation to the tender for Piling at Lower Portland Ferry (Tender No. T00054).
2. The resolution be made publically available following consideration and acceptance by The Hills Shire Council.

**Item: 56**                      **SS - Property Matter - Lease to Sai Chong Lao and Yen Sreg Tran - Shop 10**  
**Wilberforce Shopping Centre - (76755, 73565, 95496, 112106)**  
**CONFIDENTIAL**

---

**MOTION:**

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

***Refer to RESOLUTION***

**91 RESOLUTION:**

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

That:

1. Council agree to enter into a new lease with Mr Sai Chong Lao and Mr Yen Sreg Tran in regard to Shop 10 Wilberforce Shopping Centre, in accordance with the proposal outlined in the report.
2. Authority be given for any documentation regarding this matter to be executed under the Seal of Council.
3. Details of Council's resolution be conveyed to the proposed Lessees, 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.

**ORDINARY MEETING  
CONFIDENTIAL REPORTS**

**MM**                                  **Position of General Manager - (79351, 79353, 125612)**     **CONFIDENTIAL**

**Previous Item:**                  MM 3, Ordinary (31 May 2016)  
   MM 1, Ordinary (11 October 2016)

---

**MOTION:**

The Acting General Manager advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Lyons-Buckett.

***Refer to RESOLUTION***

**92 RESOLUTION:**

The Acting General Manager advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Lyons-Buckett.

That:

1. Council adopts the recommendation in regard to the offer for the position of General Manager as detailed in the Mayoral Minute, subject to the negotiation of a contract in accordance with The Standard Contract for the Employment of General Managers as approved by the Chief Executive of the Division of Local Government.
2. The Mayor be authorised to negotiate the Total Remuneration Package with the preferred candidate as detailed in the recommendation of the Mayoral Minute.
3. If negotiations of a contract as detailed in the report are not successful, Council proceed as detailed in the recommendation of the Mayoral Minute.
4. Authority be given for any documentation in association with this matter be executed under the Seal of Council, if necessary.

The meeting terminated at 9:55pm.

Submitted to and confirmed at the Ordinary meeting held on 28 March 2017.

.....  
Mayor