



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 12 February 2019

location: council chambers

time: 6:30 p.m.

ORDINARY MEETING

Minutes: 12 February 2019

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ORDINARY MEETING
SECTION 1 - Confirmation of Minutes

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 12 February 2019, commencing at 6.35pm.

Welcome

The Mayor, Councillor Barry Calvert acknowledged the Indigenous Heritage.

The General Manager addressed the Council meeting, mentioning:

- Emergency Procedures
- Recording of the Council Meeting
- Statement regarding people addressing the Meeting
- Mobile phones

ATTENDANCE

PRESENT: Councillor Barry Calvert, Mayor, Councillor Mary Lyons-Buckett, Deputy Mayor and Councillors Patrick Conolly, Emma-Jane Garrow, Amanda Kotlash, Paul Rasmussen, Peter Reynolds, Sarah Richards, John Ross, Tiffany Tree, Danielle Wheeler and Nathan Zamprogno.

ALSO PRESENT: General Manager - Peter Conroy, Director City Planning - Linda Perrine, Director Infrastructure Services - Jeff Organ, Director Support Services - Laurie Mifsud, Executive Manager - Community Partnerships - Joseph Litwin, Chief Financial Officer – Emma Galea, Manager Corporate Communication - Suzanne Stuart, Manager Corporate Services and Governance - Michael Wearne and Administrative Support Coordinator - Tracey Easterbrook.

APOLOGIES AND LEAVE OF ABSENCE

No apologies or leave of absence were received from Councillors.

Councillor Richards arrived at the meeting at 6.47pm.

Councillor Tree left the meeting at 8.37pm.

Councillor Garrow left the meeting at 8.54pm.

DECLARATIONS OF INTEREST

Councillor Lyons-Buckett declared an interest on Item 007.

Acknowledgement of Official Visitors to the Council

There were no official visitors to the Council.

ORDINARY MEETING

SECTION 1 - Confirmation of Minutes

Minutes: 12 February 2019

SECTION 1 - Confirmation of Minutes

1 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Lyons-Buckett that the Minutes of the Ordinary Meeting held on Tuesday, 11 December 2018, be confirmed, subject to the mover and seconder being correctly recorded in the motion for Item 294.

ORDINARY MEETING
SECTION 3 – Reports for Determination
Minutes: 12 February 2019

SECTION 3 – Reports for Determination

GENERAL MANAGER

Item: 001 **GM - Australian Local Government Women's Association of New South Wales Annual Conference (79351, 95655)**

Directorate: General Manager

MOTION:

RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Lyons-Buckett.

Refer to RESOLUTION

2 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Lyons-Buckett.

That:

1. Attendance of nominated Councillors and staff as considered appropriate by the General Manager, at the Australian Local Government Women's Association, New South Wales Branch, Annual Conference to be held from 4 to 6 April 2019 at an approximate cost of \$1,080 plus travel expenses, per delegate be approved.
2. After returning from the Conference, delegates provide a written report to the General Manager detailing the proceedings and findings, as well as any other aspects of the Conference relevant to Council business and/or the local community.

Item: 002 **GM - Australia Day 2019 - (95496, 96328, 79351)**

Division: General Manager

MOTION:

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

Refer to RESOLUTION

3 RESOLUTION:

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

That Council's Australia Citizenship Ceremonies Code – Hawkesbury City Council submission, as attached as Attachment 2 to this report be forwarded to the Department of Home Affairs.

ORDINARY MEETING
SECTION 3 – Reports for Determination
Minutes: 12 February 2019

INFRASTRUCTURE SERVICES

Item: 003 **IS - Road Naming Proposal Associated with DA0485/17 (1420 Kurmond Road)
Kurmond - (95495, 79346)**

Directorate: Infrastructure Services

MOTION:

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

Refer to RESOLUTION

4 RESOLUTION:

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

That the private road name of Merrivale Court, Kurmond, with connection to DA0485/17 be noted and submitted to the NSW Geographical Names Board for final approval.

ORDINARY MEETING
SECTION 3 – Reports for Determination

Minutes: 12 February 2019

SUPPORT SERVICES

Item: 004 **SS - Monthly Investments Report - November 2018 - (95496, 96332)**

Previous Item: 150, Ordinary (26 June 2018)

Division: Support Services

MOTION:

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

Refer to RESOLUTION

5 RESOLUTION:

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

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

Item: 005 **SS - Monthly Investments Report - December 2018 - (95496, 96332)**

Previous Item: 150, Ordinary (26 June 2018)

Division: Support Services

MOTION:

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

Refer to RESOLUTION

6 RESOLUTION:

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

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

ORDINARY MEETING
SECTION 3 – Reports for Determination

Minutes: 12 February 2019

Item: 006 **SS - Pecuniary Interest Returns - Designated Persons - (95496, 96333)**

Division: Support Services

MOTION:

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

Refer to RESOLUTION

7 RESOLUTION:

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

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

Item: 007 **SS - Community Sponsorship Program - 2018/2019 - Round 2 - (95496, 96328)**

Previous Item: 211, Ordinary (28 August 2018)
 212, Ordinary (28 August 2018)

Division: Support Services

Councillor Lyons-Buckett declared a less than significant non-pecuniary conflict of interest in this matter as she is the public officer of the Kurrajong Community Forum and they are an applicant for the Community Sponsorship Program and no further action is required.

MOTION:

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

Refer to RESOLUTION

8 RESOLUTION:

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

That Council:

1. Approve payments of Section 356 Financial Assistance to the organisations and individuals listed and at the level recommended in the tables in this report.
2. Approve the execution of Council's standard Sponsorship Agreement for Applications 9, 10 and 11, as identified in the tables in this report.

ORDINARY MEETING
SECTION 4 – Reports of Committees

Minutes: 12 February 2019

SECTION 4 – Reports of Committees

Item: 008 **ROC - Audit Committee - 5 December 2018 - (95496, 91369, 79351)**

Directorate: Support Services

MOTION:

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

Refer to RESOLUTION

9 RESOLUTION:

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

That the consideration of this matter be deferred to the next Council Meeting on 26 February 2019 pending a further meeting with Councillors Ross, Rasmussen, and Conolly (Alternate delegate) and the Mayor Councillor Calvert, Deputy Mayor Councillor Lyons-Buckett, and the General Manager.

Item: 009 **ROC - Local Traffic Committee - 14 January 2019 - (80245)**

Directorate: Infrastructure Services

MOTION:

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

Refer to RESOLUTION

10 RESOLUTION:

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

That the minutes of the Local Traffic Committee held on 14 January 2019 be received and the recommendations therein be adopted and noted.

ORDINARY MEETING
SECTION 5 – Notices of Motion
Minutes: 12 February 2019

SECTION 5 – Notices of Motion

Item: 010 **NM - Sand and Gravel Mining on the Hawkesbury Floodplain - (79351, 138882)**

Mr William Sneddon, Ms Marie-Jeanee Bowyer, Dr. Ian Knowd and Christine Watson speaking for the recommendation, addressed Council.

MOTION:

RESOLVED on the motion of Councillor Wheeler, seconded by Councillor Lyons-Buckett.

Refer to RESOLUTION

11 RESOLUTION:

RESOLVED on the motion of Councillor Wheeler, seconded by Councillor Lyons-Buckett.

That Council takes a policy position on sand and gravel mining, that;

1. Reaffirms Resolution 259 of 2013 which states that Council:-
 - (i) Is completely opposed to sand or gravel mining on the Richmond Lowlands, and
 - (ii) Calls on the State Government to remove Item 2 of Schedule 5 of the Sydney Regional Environmental Plan No. 9 Extractive Industries, and any other references to Richmond Lowlands;

2. Opposes sand and gravel mining across the Hawkesbury River Floodplain, particularly on agricultural and environmentally sensitive lands, land close to residential development and land with high heritage and tourism significance, and that
 - (i) Council staff ensure this position is included when undertaking strategic planning and any review of strategic and statutory planning instruments, including the DCP and LEP.
 - (ii) Council's position on sand and gravel mining is presented when such a matter is being considered by the relevant planning panel.
 - (iii) Council develop a policy on sand and gravel mining across the Hawkesbury Local Government Area.

ORDINARY MEETING
Questions for Next Meeting
Minutes: 12 February 2019

QUESTIONS FOR NEXT MEETING

Item: 011 Councillor Questions from Previous Meetings and Responses - 27 November 2018 - (79351)

There were no responses to questions in relation to previous Questions for the Next Meeting – 27 November 2018.

Item: 012 Councillor Questions from Previous Meeting and Responses - 11 December 2018 - (79351)

Responses and Questions in relation to previous Questions for the next Meeting - 11 December 2018 were provided.

ORDINARY MEETING
Questions for Next Meeting
Minutes: 12 February 2019

Questions – 12 February 2019

#	Councillor	Question	Response
1	Zamprogno	Requested information on the number of complaints received and any enforcements regarding the odours at the Hypro Petcare facility at Wilberforce.	The Director City Planning
2	Lyons-Buckett	Enquired as to whether there has been any response from the Member for Hawkesbury's office regarding the questions the Mayor raised in relation to sullage etc at their meeting. Can an update be given if any correspondence has been received.	The General Manager
3	Rasmussen	Requested that the dip at the corner of Old Kurrajong Road and Bells Line of Road (near the slip lane) be investigated. When it rains quite a considerable amount of water pools at that location.	The Director Infrastructure Services
4	Rasmussen	Enquired as to whether any significant damage occurred in the Hawkesbury LGA during the recent storm event and if so what are the costs and is there a need to apply to the State Government for financial assistance for repair work.	The Director Infrastructure Services
5	Ross	Enquired as to whether the recorded message on Council's main switchboard line can be changed/updated.	The General Manager
6	Ross	Enquired as to whether the afterhour's phone line directory could be investigated as calls are not going through to the correct departments.	The General Manager
7	Ross	Enquired as to the status of the development of the Trade Waste Policy and the appropriate charge rates based on the review that was to have been conducted.	The Director Infrastructure Services
8	Ross	Requested if Councillors could be provided with the total dissolved solids level of both the major input elements of the South Windsor Sewage plant for the last six months.	The Director Infrastructure Services
9	Ross	Requested advice relating to the arrangements for the sewer connection between the John Morony Correctional Complex to the South Windsor Sewage Plant including tariffs and a general history of the matter.	The Director Infrastructure Services

ORDINARY MEETING

Confidential Reports

Minutes: 12 February 2019

CONFIDENTIAL REPORTS

12 RESOLUTION:

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

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: 013 SS - Lease to Anthony Riley - Café - Ham Common, Part of 264 Hawkesbury Valley Way, Clarendon - (95496, 112106, 106692)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it related 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: 014 SS - Property Matter - Lease of Shop 12, Wilberforce Shopping Centre - Stakks Pty Ltd - (95496, 112106, 99221, 116970)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it related 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: 015 SS - YMCA NSW - Management and Operation of the Hawkesbury Leisure Centres - (95496)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it 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.*

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.

13 RESOLUTION:

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

ORDINARY MEETING

Confidential Reports

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Item: 013 **SS - Lease to Anthony Riley - Cafe - Ham Common, Part of 264 Hawkesbury Valley Way, Clarendon - (95496, 112106, 106692)**

Previous Item: 4, Ordinary (29 September 2015)

Directorate: Support Services

MOTION:

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

Refer to RESOLUTION

14 RESOLUTION:

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

That:

1. Council proceed to publicly exhibit and notify the proposed lease to Mr Anthony Riley for the café located in Ham Common, being Part of Lot 3 in Deposited Plan 1062683, 264 Hawkesbury Valley Way, Clarendon as outlined in the report, in accordance with Section 47 of the Local Government Act 1993.
2. At the expiration of the public notification exhibition process outlined in Part 1 above, the following action be taken:
 - a) Should any submissions be received regarding the proposed lease to Mr Anthony Riley, a further report be submitted to Council, or
 - b)
 - (i) Should no submissions be received, Council enter into a new lease with Mr Anthony Riley for the café located in Ham Common, being Part of Lot 3 in Deposited Plan 1062683, 264 Hawkesbury Valley Way, Clarendon, as outlined in the report.
 - (ii) Authority be given for any documentation in association with the 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 the resolution, until such time as appropriate legal documentation to put such resolution into effect has been agreed to and executed by all parties.

ORDINARY MEETING

Confidential Reports

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Item: 014 **SS - Property Matter - Lease of Shop 12, Wilberforce Shopping Centre - Stakks Pty Ltd - (95496, 112106, 99221, 116970)**

Previous Item: 74, Ordinary (11 April 2017)

Directorate: Support Services

MOTION:

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

Refer to RESOLUTION

15 RESOLUTION:

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

That:

1. Council agree to enter into a variation of the lease with 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 Construction Certificate approval is granted.
2. Authority be given for the variation of 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.

ORDINARY MEETING

Confidential Reports

Minutes: 12 February 2019

Item: 015 **SS - YMCA NSW - Management and Operation of the Hawkesbury Leisure Centres - (95496)**

Previous Item: 88, Ordinary (13 May 2014)
302 and 303, Ordinary (11 December 2018)

Directorate: Support Services

MOTION:

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

Refer to RESOLUTION

16 RESOLUTION:

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

That:

1. Council agree to enter into a Deed of Variation of the current Formal Instrument of Agreement with YMCA NSW and exercise the option for a further period of up to two years with YMCA NSW, commencing from 1 July 2019, for the management and operation of the Hawkesbury Leisure Centres, being the Oasis Aquatic and Leisure Centre and the Hawkesbury Indoor Stadium.
2. The General Manager be given delegated authority to negotiate the Deed of Variation of the current Formal Instrument of Agreement in regard to the option period of up to two years, commencing from, 1 July 2019.
3. Authority be given for the Deed of Variation to the current Formal Instrument of Agreement and any documentation in association with the matter to be executed under the Seal of Council.
4. Details of Council's resolution be conveyed to YMCA NSW, together with 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 9.10pm.

Submitted to and confirmed at the Ordinary meeting held on Tuesday, 26 February 2019.

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Mayor

