



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 12 April 2016

location: council chambers

time: 6:30 p.m.

ORDINARY MEETING

Minutes: 12 April 2016

MINUTES

– **WELCOME**

Prayer

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**

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on 12 April 2014, commencing at 6:32pm.

ATTENDANCE

PRESENT: Councillor K Ford, Mayor, Councillor (Dr) W Mackay (OAM), Deputy Mayor and Councillors B Calvert, P Conolly, M Creed, M Lyons-Buckett, B Porter, P Rasmussen, J Reardon and L Williams.

ALSO PRESENT: General Manager - Peter Jackson, 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, Strategic Planning Manager - Andrew Kearns, Manager Corporate Services and Governance - Ian Roberts and Administrative Support Coordinator - Natasha Martin.

APOLOGIES

Apologies for absence were received from Councillors C Paine and T Tree.

89 RESOLUTION:

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

Councillor Mackay arrived at the meeting at 7:02pm.

SECTION 1 - Confirmation of Minutes

90 RESOLUTION:

RESOLVED on the motion of Councillor Reardon and seconded by Councillor Rasmussen that the Minutes of the Ordinary Meeting held on the 8 March 2016, be confirmed.

91 RESOLUTION:

RESOLVED on the motion of Councillor Porter and seconded by Councillor Reardon that the Minutes of the Extraordinary Meeting held on the 21 March 2016, be confirmed.

ORDINARY MEETING

Minutes: 12 April 2016

SECTION 3 - Reports for Determination

PLANNING DECISIONS

Item: 56 **CP - DA0284/15 - 421 Tennyson Road, Tennyson - Lot 21 DP 867467 - Construction and alterations to a shed, alterations to the car park and the operation of a poultry processing facility and hatchery - (95498, 132573)**

Mr Gregory Jones addressed Council, speaking for the recommendation.

Ms Sarah Gow, Ms Emma Hurst and Ms Ashley Avci addressed Council, speaking against the recommendation.

MOTION:

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

Refer to RESOLUTION

92 RESOLUTION:

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

That the matter be deferred pending a site inspection and, if permission from the owner is granted, an inspection of the current processing facility.

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 Creed
Councillor Conolly	Councillor Ford
Councillor Lyons-Buckett	
Councillor Mackay	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Williams	

Councillors Paine and Tree were absent from the meeting.

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Item: 57 **CP - Proposed Public Exhibition of Draft Voluntary Planning Agreement for Stormwater Contributions at Pitt Town - (95498, 124414)**

MOTION:

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

Refer to RESOLUTION

93 RESOLUTION:

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

That:

1. The draft Voluntary Planning Agreement attached as Attachment 1 to the report, be placed on public exhibition for a period of 28 days.
2. Following the exhibition period the matter be reported back to Council to consider any submissions, if received, and to finalise the Voluntary Planning Agreement.

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 Lyons-Buckett
Councillor Conolly	Councillor Williams
Councillor Creed	
Councillor Ford	
Councillor Mackay	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	

Councillors Paine and Tree were absent from the meeting.

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Minutes: 12 April 2016

GENERAL MANAGER

Item: 58 **GM - 2016 National General Assembly of Local Government (79351)**

MOTION:

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

Refer to RESOLUTION

94 RESOLUTION:

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

That:

1. Attendance of nominated Councillors and staff as considered appropriate by the General Manager, at the 2016 National General Assembly of Local Government being conducted by the Australian Local Government Association at an approximate cost of \$1,850, plus travel expenses per delegate be approved.
2. Councillors Calvert, Conolly, Lyons-Buckett, Porter and Rasmussen attend the 2016 National General Assembly of Local Government as Council's nominated delegates.

Item: 59 **GM - Sydney West Joint Regional Planning Panel - Re-appointment of Council Nominees - (79351, 117061)**

Previous Item: Item 102, Ordinary (26 May 2009)
 Item 114, Ordinary (10 July 2012)
 Item 58, Ordinary (28 April 2016)

Mr Michael Want addressed Council, speaking against the recommendation.

MOTION:

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

Refer to RESOLUTION

95 RESOLUTION:

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

That Council nominate the Mayor and Director City Planning as Council's representatives on the Sydney West Region Joint Planning Panel and the General Manager be authorised to nominate an appropriate member as an alternate staff member of the Panel, if necessary.

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INFRASTRUCTURE SERVICES

Item: 60 **IS - Exclusive Use of Governor Phillip Reserve - Upper Hawkesbury Power Boat Club - Double Dash Boat Race - (95495, 79354, 73829)**

MOTION:

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

Refer to RESOLUTION

96 RESOLUTION:

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

That:

1. Approval be granted to the Upper Hawkesbury Power Boat Club for "exclusive use" of Governor Phillip Reserve for the 2016 Double Dash Boat Race to be held on Sunday, 1 May 2016.
2. The approvals be subject to the following conditions/documents:
 - a) Council's general park conditions
 - b) Council's fees and charges
 - c) the Windsor Foreshore Plan of Management
 - d) the Governor Phillip Exclusive Use Policy
 - e) the Governor Phillip Noise Policy
 - f) A Traffic Management Plan which has been approved as part of a Special Event Application or under other regulatory approval.
3. As the applicant has not advised alternative dates in the event of inclement weather, the General Manager be given authority to negotiate exclusive use on an alternate date, if required by the applicant.

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Item: 61 **IS - Road Naming Proposal Associated with DA0255/14 Pitt Town - (95495, 79346)**

MOTION:

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

Refer to RESOLUTION

97 RESOLUTION:

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

That:

1. In accordance with the requirements of the Roads Act, 1993, the name Eden Circuit Pitt Town, in connection with DA0255/14, be publically advertised for a period of 28 days, seeking comment and submissions.
2. The matter be reported back to Council following the public exhibition process, with a view to adopting the street name for use.

Item: 62 **IS - Road Naming Proposal Associated with DA0794/14 Pitt Town - (95495, 79346)**

Previous Item: 157, Ordinary (29 July 2008)
 65, Ordinary (8 April 2008)
 266, Ordinary (27 November 2007)
 246, Ordinary (13 November 2007)

MOTION:

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

Refer to RESOLUTION

98 RESOLUTION:

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

That:

1. In accordance with the requirements of the Roads Act, 1993, the name Glengarry Place, Pitt Town, in connection with DA0794/14, be publically advertised for a period of 28 days, seeking comment and submissions.
2. The matter be reported back to Council following the public exhibition process, with a view to adopting the street name for use.

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SUPPORT SERVICES

Item: 63 **SS - Monthly Investments Report - February 2016 - (95496, 96332)**

MOTION:

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

Refer to RESOLUTION

99 RESOLUTION:

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

The report regarding the monthly investments for February 2016 be received and noted.

Item: 64 **SS - Commemoration of Former Councillor (Dr) Rex Stubbs OAM - (95496, 103542)**

Previous Item: MM, Ordinary (11 May 2010)
 2, Ordinary (1 February 2011)

MOTION:

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

Refer to RESOLUTION

100 RESOLUTION:

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

That:

1. The Dr Rex Stubbs OAM Annual Memorial Scholarship cease, the last year being 2015.
2. In place of the Scholarship, an annual Dr Rex Stubbs OAM History/Heritage Event be held, the first year being 2016.

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Item: 65 **SS - Council's Code of Meeting Practice - (95496, 96333)**

Previous Item: 174, Ordinary (27 August 2013)
 21, Ordinary (2 February 2016)

Mr Michael Want addressed Council, speaking against the recommendation.

A MOTION was moved by Councillor Porter, seconded by Councillor Creed.

That the report regarding the clauses in Council's Code of Meeting Practice relating to public speakers be received and noted.

An AMENDMENT was moved by Councillor Conolly, seconded by Councillor Lyons-Buckett.

That:

1. The report regarding the clauses in Council's Code of Meeting Practice relating to public speakers be received and noted.
2. The existing Policy be placed on public exhibition in accordance with the Local Government Act 1993, seeking submissions for any amendments to the Policy.

The Amendment was carried on the casting vote of the Mayor and became the Motion.

MOTION:

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

Refer to RESOLUTION

101 RESOLUTION:

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

That:

1. The report regarding the clauses in Council's Code of Meeting Practice relating to public speakers be received and noted.
2. The existing Policy be placed on public exhibition in accordance with the Local Government Act 1993, seeking submissions for any amendments to the Policy.

The Motion was carried on the casting vote of the Mayor.

ORDINARY MEETING

Minutes: 12 April 2016

Item: 66 **SS - Internal Reporting Policy (Public Interest Disclosures Act) - (95496, 96333)**

Previous Item: 230, Ordinary (12 November 2013)

MOTION:

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

Refer to RESOLUTION

102 RESOLUTION:

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

That the Draft Internal Reporting Policy (Public Interest Disclosures Act), attached as Attachment 1 to the report, be adopted.

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SECTION 4 - Reports of Committees

ROC

Local Traffic Committee - 14 March 2016 - (80245)

103 RESOLUTION:

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

That the minutes of the Local Traffic Committee held on 14 March 2016 as recorded on pages 89 to 112 of the Ordinary Business Paper be adopted.

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QUESTIONS FOR NEXT MEETING

Councillor Questions from Previous Meetings and Responses - (79351)

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

ORDINARY MEETING**Minutes:** 12 April 2016**Questions for Next Meeting**

#	Councillor	Question	Response
1	Rasmussen	Requested that the intersection at Triangle Lane and Old Kurrajong Road be reviewed for safety and rectified if required.	Director Infrastructure Services
2	Calvert	Requested a report regarding a meeting held between Council staff, the RMS and Transport NSW.	Director Infrastructure Services
3	Williams	Requested an update on the proposed caravan park at Wattle Crescent, Glossodia.	Director City Planning
4	Lyons-Buckett	Requested that repairs to potholes in Beaumont Avenue, North Richmond be undertaken.	Director Infrastructure Services
5	Porter	Requested that the Hawkesbury-Nepean Valley Flood Management Taskforce report be provided to Councillors.	Director City Planning
6	Porter	Requested that a property on Grono Farm Road be inspected for meeting compliance requirements and that a report be provided to Council.	Director City Planning
7	Reardon	Enquired if speed limits could be painted on the roads throughout Kurrajong Village, as a safety issue.	Director Infrastructure Services
8	Reardon	Enquired if Kurrajong Village could be known as 'The Garden Village' with signage to that effect.	Director Infrastructure Services
9	Reardon	Enquired if the Kurrajong Forum Volunteer Garden Group could cultivate the garden on the left of the traffic lights at the Bells Line of Road intersection, as a rose garden.	Director Infrastructure Services
10	Calvert	Enquired if the RMS has reviewed and addressed the removal of the 'No Stopping' signs on Bells Line of Road, North Richmond and what the outcome of this is.	Director Infrastructure Services

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CONFIDENTIAL REPORTS

104 RESOLUTION:

RESOLVED on the motion of Councillor Mackay, 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: 67 GM - Establishment of a Tourism Working Group - Nominations and Councillor Positions - (79351, 111215)

*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).*

Item: 68 SS - Property Matter - 139 Colonial Drive and 85 Rifle Range Road, Bligh Park - (95496, 112106)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act, 1993 as it relates to the potential sale of a Council property 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: 69 SS - Property Matter - Lease to Amos Leighton - Deerubbin Centre Cafe, 300 George Street, Windsor - (95496, 112106, 120258, 111401)

*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: 70 SS - Property Matter - Lease to McDonald's Australia Limited - 242 Windsor Road, Vineyard - (95496, 112106, 82572, 74263)

*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: 71 SS - Property Matter - License to Western Sydney Business Centre - Suite 1, Deerubbin Centre - (95496, 112106, 79785)

*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.*

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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.

105 RESOLUTION:

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

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Item: 67 **GM - Establishment of a Tourism Working Group - Nominations and Councillor Positions - (79351, 111215) CONFIDENTIAL**

Previous Item: Item 200, Ordinary (24 November, 2015)
Item 36, Ordinary (26 August, 2015)

MOTION:

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

Refer to RESOLUTION

106 RESOLUTION:

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

That the matter be deferred to the next meeting for details of all nominees to be provided to Council for consideration.

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Item: 68 **SS - Property Matter - 139 Colonial Drive and 85 Rifle Range Road, Bligh Park - (95496, 112106) CONFIDENTIAL**

Previous Item: 85, Ordinary (13 July 2004)
 26, Ordinary (26 February 2008)
 240, Ordinary (12 October 2010)
 63, Ordinary (29 March 2011)
 64, Ordinary (8 May 2012)
 45, Ordinary (12 March 2013)
 187, Ordinary (10 September 2013)
 133, Ordinary (11 August 2015)

MOTION:

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

Refer to RESOLUTION

107 RESOLUTION:

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

That:

1. The information in this report be received and noted.
2. The General Manager be authorised to continue to negotiate with interested parties to pursue the possible sale of 139 Colonial Drive, Bligh Park, or the possible sale of 139 Colonial Drive and 85 Rifle Range Road, Bligh Park, at the best possible price for Council.
3. A further report be presented to Council at the appropriate time.

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Item: 69 **SS - Property Matter - Lease to Amos Leighton - Deerubbin Centre Cafe, 300 George Street, Windsor - (95496, 112106, 120258, 111401) CONFIDENTIAL**

MOTION:

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

Refer to RESOLUTION

108 RESOLUTION:

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

That:

1. Council agree to enter into a new lease with Mr Amos Leighton, trading as 'The Evergreen Café', in regard to the Café located at the Deerubbin Centre, 300 George Street, Windsor, 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 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.

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Item: 70 **SS - Property Matter - Lease to McDonald's Australia Limited - 242 Windsor Road, Vineyard - (95496, 112106, 82572, 74263) CONFIDENTIAL**

MOTION:

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

Refer to RESOLUTION

109 RESOLUTION:

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

That:

1. Council agree to enter into a new lease with McDonald's Australia Limited in regard to 242 Windsor Road, Vineyard, 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 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.

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Item: 71 **SS - Property Matter - License to Western Sydney Business Centre - Suite 1, Deerubbin Centre - (95496, 112106, 79785) CONFIDENTIAL**

MOTION:

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

Refer to RESOLUTION

110 RESOLUTION:

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

That:

1. Council agree to enter into a new license with Western Sydney Business Unit in regard to Suite 1, Deerubbin Centre, 300 George Street, Windsor in accordance with the proposal outlined in the report.
2. Authority be given for any documentation in association with this matter be executed under the Seal of Council.
3. Details of Council's resolution be conveyed to the proposed Licensee, 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 8:44pm.

Submitted to and confirmed at the Ordinary meeting held on 10 May 2016.

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Deputy Mayor