



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 25 November 2014

location: council chambers

time: 6:30 p.m.

ORDINARY MEETING

Minutes: 25 November 2014

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 25 November 2014, commencing at 6:30pm.

Chaplin Cheryle Symons of the Hawkesbury City Salvation Army, representing the Hawkesbury Minister's Association, gave the opening prayer at the commencement of the meeting.

ATTENDANCE

PRESENT: Councillor K Ford, Mayor, Councillor B Porter, Deputy Mayor and Councillors B Calvert, P Conolly, M Creed, M Lyons-Buckett, W Mackay, P Rasmussen, J Reardon, T Tree 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, Manager Strategic Planning - Shari Hussein, Chief Financial Officer - Emma Galea, Manager Corporate Services and Governance - Abbey Rouse and Administrative Support Coordinator - Natasha Martin.

APOLOGIES

An apology for absence was received from Councillor Paine.

394 RESOLUTION:

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

Councillor Rasmussen arrived at the meeting at 6:31pm.
Councillor Mackay arrived at the meeting at 6:39pm.

SECTION 1: Confirmation of Minutes

395 RESOLUTION:

RESOLVED on the motion of Councillor Porter and seconded by Councillor Creed that the Minutes of the Ordinary Meeting held on the 11 November 2014, be confirmed.

ORDINARY MEETING

Minutes: 25 November 2014

SECTION 3 - Reports for Determination

PLANNING DECISIONS

Item: 223 CP - Planning Proposal - Amendment to Hawkesbury Local Environmental Plan 2012 - Lots 1, 2, 3 and 4 DP 1057585, Lots 2 and 3 DP 808945, Part Lot 1 DP 808945 and Part Lot 2 DP 555257, Mitchell Road, Pitt Town - (95498, 124414)

Previous Item: 233, Ordinary (26 November 2013)

Mr Bassam Ghantous addressed Council, speaking for the item.

MOTION:

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

Refer to RESOLUTION

396 RESOLUTION:

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

That the item be deferred for a further meeting between the applicant and staff.

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

Councillor Paine was absent from the meeting.

ORDINARY MEETING

Minutes: 25 November 2014

Item: 224 CP - Proposed Amendments to Hawkesbury Development Control Plan 2002 - Draft Part E Chapter 8 Redbank at North Richmond and Part A Introduction - (95498, 124414)

Ms Fiona Binns, Mr Andrew Flaherty and Mr Clive Schultz addressed Council, speaking for the item. Ms Beatriz Insausti, Ms Colleen Turnbull and Mr Michael Want addressed Council, speaking against the item.

MOTION:

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

Refer to RESOLUTION

397 RESOLUTION:

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

That:

1. The exhibited amendment to Part A Chapter 1 General Information and Part E Chapter 8 Redbank at North Richmond with post-exhibition amendments as attached to this report be adopted.
2. The amended Development Control Plan chapter be referred to the NSW Heritage Council for endorsement.
3. Should the Heritage Council require amendments that are not substantial to the draft Development Control Plan prior to endorsement, approval of those changes be delegated to the General Manager.

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

Councillor Paine was absent from the meeting.

ORDINARY MEETING

Minutes: 25 November 2014

CITY PLANNING

Item: 225 **CP - Process for Dealing with Incomplete Development Applications - (95498)**

Previous Item: 32, Ordinary (10 November 1998)

MOTION:

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

Refer to RESOLUTION

398 RESOLUTION:

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

That the resolution of Council of 10 November 1998, as described in this report, be replaced with the following:

The following procedures be adopted in relation to incomplete applications:

- a) The initial letter to an applicant for additional information or amendments will request a response within 14 days. (Note: a response may result in an agreement between assessment staff and the applicant of a timeframe for the submission of that information and not necessarily resolution of the matter).
- b) If no response is received after 14 days, a follow up letter will be sent requesting the information within seven days. This letter to also suggest withdrawal of the application where appropriate, or the application will be determined based on the information submitted, which may result in a refusal.
- c) Applications be refused after 40 days if no response is received or the information submitted is insufficient to enable those matters to be satisfactorily addressed.
- d) Where applications are withdrawn the applicant may be entitled to a partial refund of the application fees in accordance with Council's adopted Fees and Charges.

ORDINARY MEETING

Minutes: 25 November 2014

Item: 226 CP - Request to Revoke Dangerous Dog Declaration - (96330, 39906)

MOTION:

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

Refer to RESOLUTION

399 RESOLUTION:

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

That:

1. The Dangerous Dog Declaration placed on the dog (an Anatolian Shepherd) owned by Ms Bywater, be revoked.
2. In accordance with the requirements of the *Companion Animals Act*, Council will notify the Deputy Director General of the revocation within seven days of its decision.
3. The applicant be notified in writing of the revocation of the Dangerous Dog Order.

ORDINARY MEETING

Minutes: 25 November 2014

INFRASTRUCTURE SERVICES

Item: 227 **IS - Provision of Drinking Water Fountains for the Hawkesbury LGA - (95495, 79354)**

Previous Item: NM4, Ordinary (4 February 2014)

MOTION:

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

Refer to RESOLUTION

400 RESOLUTION:

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

That the provision of bubblers / water refill stations be considered as part of any new or upgrade projects in parks or public domain areas.

ORDINARY MEETING

Minutes: 25 November 2014

Item: 228

IS - Roads to Recovery Program 2014-2019 - (95495, 79344)

MOTION:

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

Refer to RESOLUTION

401 RESOLUTION:

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

That:

1. The first year Roads to Recovery allocation of \$776,587 be utilised to rehabilitate failed road sections at the following locations:

Location	Allocation of Funds
Bull Ridge Road, East Kurrajong. Rehabilitate approximately a 550m failed section to Kent Place.	\$285,262
Tizzana Road, Ebenezer. Rehabilitate 560m failed section between Sackville and Coromandel Roads.	\$285,600
Terrace Road, Freemans Reach. Rehabilitate a 422m section between Kurmond Road and Linden Drive.	\$205,725
Total	\$776,587

2. Council write to the Minister for Infrastructure and Regional Development, The Hon W Truss MP, thanking him for the funding offer, and outlining the importance of this Program for the Hawkesbury community, and for local government in general.

ORDINARY MEETING

Minutes: 25 November 2014

Item: 229 **IS - Road Naming Proposal Associated with DA0466/14 Kurrajong - (95495, 79346)**

MOTION:

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

Refer to RESOLUTION

402 RESOLUTION:

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

That:

1. In accordance with the requirements of the Roads Act, 1993, the name Lily Place and the naming extension of Robertson Street, 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 names for use.

ORDINARY MEETING

Minutes: 25 November 2014

SUPPORT SERVICES

Item: 230 SS - Monthly Investments Report - October 2014 - (95496, 96332)

MOTION:

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

Refer to RESOLUTION

403 RESOLUTION:

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

The report regarding the monthly investments for October 2014 be received and noted.

Item: 231 SS - Pecuniary Interest Return - Designated Person - (95496, 96333)

MOTION:

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

Refer to RESOLUTION

404 RESOLUTION:

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

That the information be received and noted.

ORDINARY MEETING

Minutes: 25 November 2014

Item: 232 **SS - September 2014 Quarterly Budget Review Statement - (95496, 96332)**

Previous Item: 97, Extraordinary (17 June 2014)

MOTION:

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

Refer to RESOLUTION

405 RESOLUTION:

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

That:

1. The information contained in the report be received.
2. The Quarterly Budget Review Statement – September 2014 be adopted.

ORDINARY MEETING
Reports of Committees

SECTION 4 - Reports of Committees

ROC **Hawkesbury Access and Inclusion Advisory Committee Minutes - 23 October 2014 - (124569, 96328)**

406 RESOLUTION:

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

That the minutes of the Hawkesbury Access and Inclusion Advisory Committee held on 23 October 2014 as recorded on pages 95 to 101 of the Ordinary Business Paper be received.

ROC **Local Traffic Committee - 10 November 2014 - (80245)**

407 RESOLUTION:

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

That the minutes of the Local Traffic Committee held on 10 November 2014 as recorded on pages 102 to 119 of the Ordinary Business Paper be adopted.

ORDINARY MEETING

Questions for Next Meeting

QUESTIONS FOR NEXT MEETING

Councillor Questions from Previous Meeting and Responses - (79351)

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

ORDINARY MEETING
Questions for Next Meeting

Questions for Next Meeting

#	Councillor	Question	Response
1	Reardon	Enquired if it is possible to have the trig station on Grose Vale Road to be retained for historical reasons.	The Director City Planning
2	Calvert	Enquired as to where the horse trough at North Richmond is located.	The Director Infrastructure Services
3	Calvert	Requested clarification regarding the reported inaccuracies within the brochures for the Redbank development and whether these would pose a risk to Council.	The Director City Planning
4	Rasmussen	Enquired about the possibility of preventing the Marayla Community Centre car park from becoming a truck exchange location.	The Director City Planning

ORDINARY MEETING
CONFIDENTIAL REPORTS

CONFIDENTIAL REPORTS

408 RESOLUTION:

RESOLVED on the motion of Councillor Creed, 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: 233 GM - Property Matter - Acquisition of Further Land at Pitt Town - (79351, 87959)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it relates to details concerning the sale and/or purchase of property by the 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: 234 IS - Tender No. 00951 - Mowing and Trimming of Active Recreation Areas, Sports Fields and Ovals - (95495, 79354, 63511)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) 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: 235 IS - Tender No. 00952 - Air Conditioning Maintenance - (95495, 79340)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act, 1993 as it relates to details concerning tenders for the supply of repainting services to Council 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.*

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.

409 RESOLUTION:

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

ORDINARY MEETING
CONFIDENTIAL REPORTS

Item: 233 **GM - Property Matter - Acquisition of Further Land at Pitt Town - (79351, 87959) CONFIDENTIAL**

Previous Item: 127, Ordinary (10 July 2012)
 15, Ordinary (4 February 2014)

MOTION:

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

Refer to RESOLUTION

410 RESOLUTION:

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

That:

1. The outcome of negotiations between Council and Johnson Property Group Pty Ltd regarding further land to be acquired by Council under the Pitt Town Section 64 and Section 94 Contributions Plans as detailed in the report be received and noted.
2. Council approve of an offer being made to the Johnson Property Group Pty Ltd as outlined in the report for the properties concerned without any further adjustments and if accepted the acquisition be funded in the manner detailed in the report.
3. In the event of Council's offer being accepted by the Johnson Property Group Pty Ltd the General Manager be given delegated authority to negotiate and finalise the basis of payment of the agreed amount.
4. Authority be given for any documentation in association with the settlement of this matter and/or the acquisition of the land in question to be executed under the Seal of Council, if necessary.

ORDINARY MEETING
CONFIDENTIAL REPORTS

Item: 234 **IS - Tender No. 00951 - Mowing and Trimming of Active Recreation Areas, Sports Fields and Ovals - (95495, 79354, 63511) CONFIDENTIAL**

MOTION:

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

Refer to RESOLUTION

411 RESOLUTION:

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

That:

1. The tender submitted by Cleetondale in the amount of \$140,358 per annum (GST exclusive) for the Mowing and Trimming of Active Recreation Areas, Sports Fields and Ovals, be accepted on behalf of Hawkesbury Sports Council for a two year period with a two year option exercisable by Hawkesbury Sports Council, subject to satisfactory performance and mutual agreement.
2. The contract rate is fixed for the first twelve months of the contract, with subsequent years being determined in accordance with Sydney Metropolitan CPI movements (average).

**ORDINARY MEETING
CONFIDENTIAL REPORTS**

**Item: 235 IS - Tender No. 00952 - Air Conditioning Maintenance - (95495, 79340)
CONFIDENTIAL**

MOTION:

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

Refer to RESOLUTION

412 RESOLUTION:

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

That the tender of CBD Mechanical Electrical Pty Ltd for the provision of cyclic air conditioning maintenance to Council sites for a five year period from 2015 for the sum of \$63,620 per annum (excluding GST) and the tendered schedule of rates be accepted and any necessary documents be executed under the Seal of Council.

The meeting terminated at 7:36pm.

Submitted to and confirmed at the Ordinary meeting held on 9 December 2014.

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Mayor