



Hawkesbury City Council

ordinary  
meeting  
minutes

date of meeting: 28 October 2014  
location: council chambers  
time: 6:30 p.m.



**ORDINARY MEETING**

**Minutes: 28 October 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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## ORDINARY MEETING

Minutes: 28 October 2014

Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on 28 October 2014, commencing at 6:32pm.

Reverend Wayne Tildsley of St Peter's Anglican Church, Richmond, 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, C Paine, 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.

Councillor Mackay arrived at the meeting at 6:51pm.

Councillor Tree left the meeting at 8:35pm.

### SECTION 1: Confirmation of Minutes

#### 356 RESOLUTION:

RESOLVED on the motion of Councillor Porter and seconded by Councillor Reardon that the Minutes of the Ordinary Meeting held on the 14 October 2014, be confirmed.

### ACKNOWLEDGEMENT

The Mayor acknowledged the passing of the Hon. Gough Whitlam. Mr Whitlam will be remembered as a reforming leader who led his nation through a period of major change and whose legacy is woven into the very fabric of our daily lives. His achievements are not just a matter of history, but have helped shape the Australia that we know today. The Mayor paid honour and tribute to Mr Whitlam's life and his service to our country and extended Council's sympathies to the Whitlam family.

**ORDINARY MEETING**

**Meeting Date: 28 October 2014**

**SECTION 3 - Reports for Determination**

**PLANNING DECISIONS**

**Item: 205 CP - Planning Proposal to amend Hawkesbury Local Environmental Plan 2012  
- 373 Bells Line of Road, Kurmond - (95498)**

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Mr Glen Falson addressed Council, speaking for the item.

Mr Michael Want addressed Council, speaking against the item.

**MOTION:**

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

***Refer to RESOLUTION***

**357 RESOLUTION:**

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

That:

1. Council support the preparation of a planning proposal for Lot 11 DP 633630, 373 Bells Line of Road, Kurmond to allow development of the land for large lot residential / rural residential development.
2. The planning proposal be forwarded to the Department of Planning and Infrastructure for a "Gateway" determination.
3. The Department of Planning and Infrastructure be advised that Council wishes to request a Written Authorisation to Exercise Delegation to make the Plan.
4. The Department of Planning and Infrastructure and the applicant be advised that in addition to all other relevant planning considerations being addressed, final Council support for the proposal will only be given if Council is satisfied that satisfactory progress, either completion of the Section 94 Developer Contributions Plan or a Voluntary Planning Agreement, has been made towards resolving infrastructure provision for this planning proposal.
5. Council does not endorse the subdivision concept plan submitted with the planning proposal as this will need to be subject to a future development application if the plan was made.
6. Council also make a submission to the RMS, requesting details of:
  - a) The current capacity of Richmond Bridge.
  - b) Any potential upgrades planned for Richmond Bridge, intersections between East Market Street and March Street, Richmond and Bells Line of Road, Grose Vale Road and Terrace Road, North Richmond and the expected completion dates and confirmation that the funds are allocated.



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- c) Council to inform the RMS of the number of dwellings constructed since the 2013 Richmond Bridge Study, west of the river, and potential dwellings expected in the next seven years (2021) west of the river and any other information so that the RMS has up to date details from Council to provide sound information.

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

**ORDINARY MEETING**

**Meeting Date: 28 October 2014**

**CITY PLANNING**

**Item: 206 CP - Local Heritage Assistance Fund 2014/2015 - (95498, 80242)**

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**MOTION:**

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

*Refer to RESOLUTION*

**358 RESOLUTION:**

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

That Council:

1. Approve payments under Section 356 Financial Assistance to the organisations or individuals listed, and at the level recommended in Table 1 of this report.
2. The successful applicants for Local Heritage Assistance Fund 2014/2015 be advised accordingly.

**Item: 207 CP - Notice of Intention to Apply for a Liquor Licence - Tammie Sharp - (95498, 131522)**

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**MOTION:**

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

*Refer to RESOLUTION*

**359 RESOLUTION:**

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

That a response be provided to the applicant advising that no objection is raised to the issue of a Liquor Licence for the premises.

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**INFRASTRUCTURE SERVICES**

**Item: 208**                    **IS - Provision and Acquisition of Road Access to Lot 109 DP751656 - 556B  
Blaxlands Ridge Road, Blaxlands Ridge - (95495, 79344, 79346, 14893)**

**Previous Item:**        11, Ordinary (31 January 2006)

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**MOTION:**

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

***Refer to RESOLUTION***

**360 RESOLUTION:**

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

That, subject to all costs associated with the acquisition and dedication being met by and remaining the responsibility of the owners of Lot 109 DP 751656 including, but not limited to, the road acquisition, transfers from the Crown, full sealed road construction, survey costs, legal costs and other associated costs and such actions being secured by way of appropriate bonds as determined by the General Manager:

1. Council undertake compulsory acquisition (under sections 177 and 178 of the Roads Act 1993 (NSW) and sections 186 and 187 of the Local Government Act 1993 (NSW)) of:
  - a) Lot 1 in Deposited Plan 1197894; and
  - b) Lot 1 in Deposited Plan 1193603(the Land) for the purpose of dedication as a public road.
2. Council approve the making of an application to Crown Lands for the transfer of the sections of Crown Road from Blaxlands Ridge Road through to and including the section within Lot 109 DP 751656 in accordance with its condition of consent for the acquisition of the Land by Council dated 26 June 2013.
3. Council approve the making of an application to the Minister for the Local Government for the issue of a proposed Acquisition Notice under the Land Acquisition (Just Terms Compensation) Act 1991 (NSW) with respect to the Land.
4. Council approve the making of an application to the Governor for the publication of an Acquisition Notice in the NSW Government Gazette under the Land Acquisition (Just Terms Compensation) Act 1991 (NSW) with respect to the Land.
5. The Seal of Council be affixed to any documents required to be executed under Seal as part of the compulsory acquisition process for the Land.
6. Grant delegation to the General Manager to execute any documents on behalf of Council, associated with the compulsory acquisition process, which do does not require the Seal of Council to be affixed.
7. Council dedicate the land as a public road under Section 10 of the Roads Act 1993 (NSW) once the acquisition has been completed.

**ORDINARY MEETING**

**Meeting Date: 28 October 2014**

**Item: 209**                    **IS - Richmond Fresh Food Christmas Market and Eclectic Events Twilight Markets - (95495, 79354, 127235, 129069)**

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**MOTION:**

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

*Refer to RESOLUTION*

**361 RESOLUTION:**

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

That:

1. Richmond Fresh Food be given approval to replace the market event planned for Saturday, 27 December 2014 with a one off Christmas night time market to be held on Tuesday, 23 December 2014 between 4pm and 8pm.
2. Eclectic Markets and Events be given approval to hold twilight markets on Saturday, 17 January 2015 between 1pm and 7pm.
3. This approval be subject to the same conditions applying to the previously approved markets.

**ORDINARY MEETING**

**Meeting Date: 28 October 2014**

**SUPPORT SERVICES**

**Item: 210                    SS - Monthly Investments Report - September 2014 - (96332, 95496)**

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**MOTION:**

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

*Refer to RESOLUTION*

**362 RESOLUTION:**

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

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

**Item: 211                    SS - Code of Conduct Complaints Statistics Report - 1 September 2013 to 31 August 2014 - (95496)**

**Previous Item:**        3, Ordinary (5 February 2013)

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**MOTION:**

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

*Refer to RESOLUTION*

**363 RESOLUTION:**

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

That the report under Clause 12.1 of the Council's Procedures for the Administration of the Code of Conduct, in respect of the Code of Conduct complaints statistics for the period from 1 September 2013 to 31 August 2014, be noted.

**ORDINARY MEETING**

**Meeting Date:** 28 October 2014

**Item: 212**                    **SS - Pecuniary Interest Returns - Designated Persons - (95496, 96333)**

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**MOTION:**

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

*Refer to RESOLUTION*

**364 RESOLUTION:**

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

That the information be received and noted.

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

**SECTION 4 - Reports of Committees**

**ROC**                      **Audit Committee Minutes - 27 August 2014 - (95496, 91369)**

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**365 RESOLUTION:**

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

That the minutes of the Audit Committee held on 27 August 2014 as recorded on pages 57 to 62 of the Ordinary Business Paper be received.

**ROC**                      **Heritage Advisory Committee - 28 August 2014 - (80242)**

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**366 RESOLUTION:**

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

That the minutes of the Heritage Advisory Committee held on 28 August 2014 as recorded on pages 63 to 69 of the Ordinary Business Paper be received.

**ROC**                      **Hawkesbury Access and Inclusion Advisory Committee Minutes - 25  
September 2014 - (124569, 96328)**

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**367 RESOLUTION:**

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

That the minutes of the Hawkesbury Access and Inclusion Committee held on 25 September 2014 as recorded on pages 70 to 72 of the Ordinary Business Paper be received.

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

**ROC**                      **Audit Committee Minutes - 8 October 2014 - (95496, 91369)**

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**368 RESOLUTION:**

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

That the minutes of the Audit Committee held on 8 October 2014 as recorded on pages 73 to 75 of the Ordinary Business Paper be received.

**ROC**                      **Waste Management Advisory Committee - 8 October 2014 - (95249)**

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**369 RESOLUTION:**

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

That the minutes of the Waste Management Advisory Committee held on 8 October 2014 as recorded on pages 76 to 80 of the Ordinary Business Paper be received.

**ROC**                      **Local Traffic Committee - 13 October 2014 - (80245)**

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**370 RESOLUTION:**

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

That the minutes of the Local Traffic Committee held on 13 October 2014 as recorded on pages 81 to 88 of the Ordinary Business Paper be adopted.



**ORDINARY MEETING**

Notices of Motion

**SECTION 5 - Notices of Motion**

**NM1**

**Submission to Sydney Water - (79351, 105109, 125612)**

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**MOTION:**

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

*Refer to RESOLUTION*

**371 RESOLUTION:**

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

That:

1. Council write to Sydney Water requesting details of:
  - a) The current capacity of water service delivery in the Kurrajong/Kurmond areas.
  - b) Any potential upgrades planned for Sydney Water facilities which service the Kurrajong/Kurmond areas.
  - c) The timeframe for the provision of reticulated sewerage to Kurrajong/Kurmond.
2. Any response from Sydney Water come back to Council as a report.
3. Council also write to the local State Members of Parliament, seeking their assistance in this matter.

**ORDINARY MEETING**

Notices of Motion

**NM2                      Establishment of Working Group to Progress Review of Rating Structure -  
(79351, 105109, 80104)**

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**MOTION:**

A MOTION was moved by Councillor Paine, seconded by Councillor Conolly.

That:

1. Further to the report submitted to the Council meeting on 9 September 2014 regarding Council's rating structure Council establish a Working Group to further progress a review of Council's rating structure and make recommendations to Council in this regard.
2. The Working Group consist of Councillors nominated by Council at the meeting, together with staff as considered appropriate by the General Manager and meet as soon as practicable in order to commence the process.

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

**ORDINARY MEETING**

Notices of Motion

**NM3**

**Amendment to Hawkesbury LEP - (79351, 105109, 90477)**

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

That Council amend the Hawkesbury LEP 2012 in the following manner to permit detached dual occupancies in certain rural and environmental zones with an area of two hectares or greater:

1. Dual Occupancy (detached) as currently defined in the LEP be permitted with consent in the following zones:

- RU1 Primary Production
- RU2 Rural Landscape
- RU4 Primary production small lots
- E3 Environmental Management
- E4 Environmental Living.

2. Insert the following additional clause:

**Dual Occupancies (detached) in certain rural and environmental zones.**

- a) The objective of this clause is to ensure that effluent generated by dual occupancies is managed on-site to protect waterways and the amenity of the adjoining lots.
- b) This clause applies to land in the following zones:
  - RU1 Primary Production
  - RU2 Rural Landscape
  - RU4 Primary production small lots
  - E3 Environmental Management
  - E4 Environmental Living.
- c) Development consent must not be granted for a dual occupancy detached on a lot to which this clause applies unless the lot has an area of at least two hectares.
- d) Development consent must not be granted for the erection of more than two dwellings on a lot to which this clause applies.
- e) Development consent must not be granted for the subdivision of a dual occupancy on a lot to which this clause applies into a strata, company or community title.

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

That this Notice of Motion be included in the report on detached dual occupancies on certain rural properties to be brought to Council in December 2014.

**ORDINARY MEETING**

Notices of Motion

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

The Amendment was carried and became the Motion.

**MOTION:**

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

***Refer to RESOLUTION***

**372 RESOLUTION:**

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

That this Notice of Motion be included in the report on detached dual occupancies on certain rural properties to be brought to Council in December 2014.

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

**ORDINARY MEETING**

Questions for Next Meeting

**QUESTIONS FOR NEXT MEETING**

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

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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	Calvert	Enquired if he could receive confirmation that all members of Glossodia Community Reference Group are members of the Glossodia community.	The Director City Planning
2	Calvert	Requested that the attendance records shown in the minutes of Committees of Council be standardised, in order to show attendances at each Committee meeting.	The Director Support Services
3	Calvert	Enquired if it was possible for a copy of letters sent to MPs or statutory/legal bodies, as a result of a specific Council resolution to be included in the minutes for that meeting.	The Director Support Services
4	Paine	Enquired if a stop work request could be made to the development at Johnston Street, Pitt Town, as it is disruptive to residents of that street.	The Director City Planning
5	Porter	Enquired if an arborist could investigate the trees near the tent in Thompson Square and report on any possible damage.	The Director Infrastructure Services
6	Reardon	Enquired if the first half of Hermitage Road, Kurrajong Hills could be reviewed as it appears to be in very poor condition.	The Director Infrastructure Services
7	Reardon	Enquired if it is possible for Council's Events staff to provide support for the Tom Quilty Gold Cup 50 <sup>th</sup> Anniversary, in 2015.	The General Manager

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

**CONFIDENTIAL REPORTS**

**373 RESOLUTION:**

RESOLVED on the motion of Councillor Porter, 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: 213 CP - Land and Environment Court Proceedings No.10142 of 2014, Lot 7 DP 251845, 69 Blacktown Road, Freemans Reach Appeal against Council's Refusal of Development Application DA0280/13 - (95498)**

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(g) of the Local Government Act, 1993 as the matter is the subject of Class 1 proceedings in the Land and Environment Court and the information is regarded as advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege 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.

**374 RESOLUTION:**

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

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

**Item: 213**                    **CP - Land and Environment Court Proceedings No.10142 of 2014, Lot 7 DP 251845, 69 Blacktown Road, Freemans Reach Appeal against Council's Refusal of Development Application DA0280/13 - (95498) CONFIDENTIAL**

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**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*

**375 RESOLUTION:**

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

That Council notes the resolution of the outstanding matters following the s34 conciliation conference and supports entering into an Agreement from that process.

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

Councillor Tree was not in the Chamber when the vote was taken.

The meeting terminated at 8:40pm.

Submitted to and confirmed at the Ordinary meeting held on 11 November 2014.

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Mayor