



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 28 April 2015

location: council chambers

time: 6:30 p.m.

ORDINARY MEETING

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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: 28 April 2015

Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on 28 April 2015, commencing at 6:30pm.

Pastor David Hames of Windsor District Baptist Church, 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, 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, Chief Financial Officer - Emma Galea, Manager Strategic Planning – Shari Hussein, Senior Strategic Environmental Planner - Suzanne Stuart, Manager Corporate Services and Governance - Abbey Rouse and Administration Support Officer - Kylie Wade-Ferrell.

APOLOGIES

An apology for absence was received from Councillor T Tree.

90 RESOLUTION:

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

Councillor Mackay arrived at the meeting at 6:44pm.

SECTION 1: Confirmation of Minutes

91 RESOLUTION:

RESOLVED on the motion of Councillor Porter and seconded by Councillor Reardon that the Minutes of the Ordinary Meeting held on the 14 April 2015, be confirmed.

92 RESOLUTION:

RESOLVED on the motion of Councillor Porter and seconded by Councillor Rasmussen that the Minutes of the Extraordinary Meeting held on the 21 April 2015, be confirmed.

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SECTION 3 - Reports for Determination

GENERAL MANAGER

Item: 57 **GM - Regional Strategic Alliance - (79351, 79353, 73986, 73553)**

Previous Item: MM, Ordinary (16 September 2014)

MOTION:

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

Refer to RESOLUTION

93 RESOLUTION:

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

That:

1. The information contained in the report on Regional Strategic Alliance - Co-operation and Management Agreement be received.
2. Council give authority to the General Manager to enter into a Regional Strategic Alliance Co-operation and Management Agreement (the "Agreement") with Blue Mountains City Council and Penrith City Council as per Attachment 3.
3. Council commit to provide up to \$40,000 to this Project as part of the terms of the Co-operation and Management Agreement.
4. Council establish the Joint Committee of Councils as a Section 355 Committee in accordance with the Local Government Act 1993.
5. Council delegate to the Joint Committee of Councils the authority to give advice to Councils on matters relating to the Project vision and general objectives and with respect to regional strategic alliance issues generally.
6. Council appoint to the Joint Committee of Councils three representatives as voting members, being the Mayor and the Deputy Mayor – who held these positions at the time of executing the Agreement and that they continue to hold their appointment on the Joint Committee of Councils for the duration of the Agreement – and the General Manager or his/her nominee.
7. Council appoint a Councillor Alternate to act for the Mayor or Deputy Mayor appointed by Council to the Joint Committee of Councils while such member is absent from any meeting of the Joint Committee of Councils.
8. Council write to the Minister for Local Government informing the Minister of the formation of this Regional Strategic Alliance between Blue Mountains City Council, Hawkesbury City Council and Penrith City Council and renew requests for State Government funding to contribute towards the work of this Regional Strategic Alliance.
9. Council write to the local State Member informing them of the formation of this Regional Strategic Alliance between Blue Mountains City Council, Hawkesbury City Council and Penrith City Council and seeking their support for the request made to the Minister for Local Government requesting for State Government funding to contribute towards the work of this Regional Strategic Alliance.

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MOTION:

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

Refer to RESOLUTION

94 RESOLUTION:

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

That Council appoint Councillor Calvert as its nominated alternate to act for the Mayor or Deputy Mayor appointed by Council to the Joint Committee of Councils, while such member is absent from any meeting of the Joint Committee of Councils.

Item: 58 **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)

MOTION:

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

Refer to RESOLUTION

95 RESOLUTION:

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

That Council confirm the continuing nomination of the General Manager and Director City Planning as Council's representatives on the Sydney West Region Joint Regional Planning Panel from the expiry of the term of the current nominations and the General Manager be authorised to nominate an appropriate member of staff as an alternate member of the Panel, if necessary.

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CITY PLANNING

Item: 59 **CP - Hawkesbury Horizon Project - Progress and Proposed Future Actions - (95498, 124414)**

Previous Item: 243, Ordinary (9 December 2014)

MOTION:

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

Refer to RESOLUTION

96 RESOLUTION:

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

That:

1. The information on the progress of the Hawkesbury Horizon Initiative be received.
2. The proposed next phases for the Hawkesbury Horizon Initiative as outlined in this report be supported.
3. A further report be submitted to Council concerning the formation of a Hawkesbury Horizon Initiative Working Group as suggested in the report.
4. A further progress report be presented to Council after the completion of scoping studies for the Hawkesbury Horizon Initiative.

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INFRASTRUCTURE SERVICES

Item: 60 **IS - Proposed Easement for Sydney Water - Lot 1 in Deposited Plan 1041524
Pound Paddock, Richmond - (95495, 121224)**

MOTION:

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

Refer to RESOLUTION

97 RESOLUTION:

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

That:

1. Council provide concurrence to the formalisation of an easement in favour of Sydney Water, within the boundaries of the existing easement within Pound Paddock Reserve (Lot 1 in Deposited Plan 1041524) subject to:
 - a) Endeavour Energy paying Council compensation in the amount of \$2,000 plus GST;
 - b) Endeavour Energy paying all legal fees incurred by Council, necessary for the acquisition and creation of the easement.
2. 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 Endeavour Energy, 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.

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SUPPORT SERVICES

Item: 61 **SS - Monthly Investments Report - March 2015 - (96332, 95496)**

MOTION:

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

Refer to RESOLUTION

98 RESOLUTION:

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

The report regarding the monthly investments for March 2015 be received and noted.

Item: 62 **SS - Community Sponsorship Program - 2014/2015 - Round 3 - (96328, 95496)**

Previous Item: 133, Ordinary (29 July 2014)
 248, Ordinary (09 December 2014)

MOTION:

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

Refer to RESOLUTION

99 RESOLUTION:

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

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. Approve the execution of Council's standard Sponsorship Agreement for applications 3, 6, 9 and 13, identified in Table 1 of this report.
3. Note the deferred payment of \$3,000 to the Animal Welfare League of NSW Hawkesbury Valley Branch until 1 July 2015.
4. Approve the increase in the amount payable to approved applicants under the Minor Assistance category from the start of the 2015/2016 financial year to a maximum of \$150 per individual or a maximum of \$750 per team of five or more.

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SECTION 4 - Reports of Committees

ROC Floodplain Risk Management Advisory Committee - 9 April 2015 - (86589)

100 RESOLUTION:

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

That the minutes of the Floodplain Risk Management Advisory Committee held on 9 April 2015 as recorded on pages 77 to 81 of the Ordinary Business Paper be received.

101 RESOLUTION:

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

That Council immediately proceed to implement the adopted Floodplain Risk Management Study and Plan and that a quarterly report be submitted to Council regarding progress achieved.

ROC Local Traffic Committee - 13 April 2015 - (80245)

102 RESOLUTION:

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

That the minutes of the Local Traffic Committee held on 13 April 2015 as recorded on pages 82 to 109 of the Ordinary Business Paper be adopted.

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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**Meeting Date:** 28 April 2015**Questions for Next Meeting**

#	Councillor	Question	Response
1	Paine	Enquired as to the current legal position in respect of the function centres at Richmond Lowlands and noise generation.	Director City Planning
2	Paine	Requested information about plans in place for managing flood waters in McGraths Hill from South Creek and what future plans are considered for managing traffic on Hawkesbury Valley Way.	Director Infrastructure Services
3	Williams	Requested advice on the option of removal of the traffic island at Tollhouse Way that is causing disruption to traffic flow and access to residential driveways.	Director Infrastructure Services
4	Williams	Enquired on the extent of flooding at McGrath's Hill flats due to Mackenzie Creek arising from the run-off from the Rouse Hill development and if this is the case, whether it is possible to apply for State Government assistance to resolve water retention issues.	Director City Planning
5	Creed	Referred to an email from the General Manager's office regarding a letter in relation to Lantana as a noxious weed (NM2, 24 February 2015) and enquired why the delegates to the Hawkesbury River County Council have not maintained Council's position as per the resolution of 24 February 2015 and if there is a policy or process in place requiring delegates to maintain Council's adopted position when acting as Council's representatives.	General Manager

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CONFIDENTIAL REPORTS

103 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen, 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: 63 IS - Tender No. 00955 - Reconstruction of Sealed Road Sections of Tizzana Road, Ebenezer and Terrace Road, Freemans Reach - (95495, 798344)

*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 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: 64 SS - Hawkesbury Family Day Care - Transition to Alternate Provider - (95496, 96328, 78340, 81900)

*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 and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

Item: 65 SS - Property Matter - Lease by Council of 102 Settlers Road, Lower MacDonald (Lot 100 DP1084310) from Radomil Hubert Petinsky - (95496, 23555)

*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 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.*

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.

104 RESOLUTION:

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

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Item: 63 **IS - Tender No. 00955 - Reconstruction of Sealed Road Sections of Tizzana Road, Ebenezer and Terrace Road, Freemans Reach - (95495, 79344)**

Previous Item: 401, Ordinary (25 November 2014)

MOTION:

Whilst in Closed Sessions, the General Manager advised that the Council RESOLVED on the motion of Councillor Conolly, seconded by Councillor Reardon.

Refer to RESOLUTION

105 RESOLUTION:

Whilst in Closed Sessions, the General Manager advised that the Council RESOLVED on the motion of Councillor Conolly, seconded by Councillor Reardon.

That:

1. The lump sum tender including provisional items submitted by Rocktown Pty Ltd in the total amount of \$404,061.50 excluding GST for the reconstruction of failed road pavement sections in Tizzana Road, Ebenezer and Terrace Road, Freemans Reach, be accepted.
2. Any required documentation be executed under the Seal of Council.

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Item: 64 **SS - Hawkesbury Family Day Care - Transition to Alternate Provider - (95496, 96328, 78340, 81900)**

Councillor Ford declared a less than significant non-pecuniary conflict of interest in this matter as he is a member of the Board for Peppercorn Services and no further action is required.

MOTION:

Whilst in Closed Sessions, the General Manager advised that the Council RESOLVED on the motion of Councillor Porter, seconded by Councillor Creed.

Refer to RESOLUTION

106 RESOLUTION:

Whilst in Closed Sessions, the General Manager advised that the Council RESOLVED on the motion of Councillor Porter, seconded by Councillor Creed.

That Council:

1. Advise Peppercorn Services Inc. of its agreement to the proposed transfer of the Hawkesbury Family Day Care Scheme to an alternate provider as outlined in this report.
2. Authorise the lodgement of the required notice to NSW Department of Education and Communities to give effect to this transfer.
3. Extend its appreciation to Peppercorn Services Inc. for its work in negotiating the transfer and continued operation of the Hawkesbury Family Day Care Scheme.

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Item: 65 **SS - Property Matter - Lease by Council of 102 Settlers Road, Lower MacDonald (Lot 100 DP1084310) from Radomil Hubert Petinsky - (95496, 23555)**

Councillor Ford declared a less than significant non-pecuniary conflict of interest in this matter as he is a member of the NSW Rural Fire Service at Yarramundi and no further action is required.

MOTION:

Whilst in Closed Sessions, the General Manager advised that the Council RESOLVED on the motion of Councillor Conolly, seconded by Councillor Reardon.

Refer to RESOLUTION

107 RESOLUTION:

Whilst in Closed Sessions, the General Manager advised that the Council RESOLVED on the motion of Councillor Conolly, seconded by Councillor Reardon.

That:

1. Council agree to enter into a new lease with Mr Radomil Hubert Petinsky in regard to 102 Settlers Road, Lower MacDonald (Lot 100 in DP 1084310) 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 Lessor, 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 8:01pm.

Submitted to and confirmed at the Ordinary meeting held on Tuesday, 12 May 2015.

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Mayor