



Hawkesbury City Council

ordinary  
meeting  
minutes

date of meeting: 31 March 2015  
location: council chambers  
time: 6:30 p.m.



**ORDINARY MEETING**

**Minutes: 31 March 2015**

**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: 31 March 2015

Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on 31 March 2015, commencing at 6:31pm.

Pastor Roger Brewer of Bridgewater 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, 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, Manager Development Services - Cristie Evenhuis, Manager Strategic Planning - Shari Hussein, Strategic Planner – William Pillon, Acting Manager Corporate Services and Governance - Nicole Cooney and Administrative Support Coordinator - Natasha Martin.

Councillor Paine arrived at the meeting at 6:36pm.  
Councillor Mackay arrived at the meeting at 6:37pm.  
Councillor Rasmussen arrived at the meeting at 6:38pm.

### SECTION 1: Confirmation of Minutes

#### 60 RESOLUTION:

RESOLVED on the motion of Councillor Porter and seconded by Councillor Reardon that the Minutes of the Ordinary Meeting held on the 10 March 2015, be confirmed.

### WELCOME

The Mayor expressed his welcome to the First Hawkesbury Scout Group, who attended the meeting to witness the workings of local government.

**ORDINARY MEETING**

**Minutes: 31 March 2015**

**SECTION 3 - Reports for Determination**

**PLANNING DECISIONS**

**Item: 39**                    **CP - DA0006/14 S82A - 5 Macquarie Road, Wilberforce - Lot 3 DP238218 - Demolition of awning and 2 lot Torrens title subdivision - (95498, 21260)**

**Previous Item:**        195, Ordinary (14 October 2015)

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Mr Richard Cox and Mr Greg Hall addressed Council, speaking against the item.

**MOTION:**

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

*Refer to RESOLUTION*

**61 RESOLUTION:**

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

That Council as the consent authority pursuant to Clause 82A(4A) of the Environmental Planning and Assessment Act 1979 (as amended) refuse Development Application No. DA0006/14 S82A (DA0573/13) for the demolition of an awning and a two lot Torrens title subdivision on Lot 3 DP238218, known as 5 Macquarie Road, Wilberforce, for the following reasons:

1. The proposal is inconsistent with objectives of the Hawkesbury Local Environmental Plan 2012 in that it would not result in the orderly and economic development of Wilberforce.
2. The proposed development is inconsistent with the objectives, lot size and capacity allocation criteria of Council's Wilberforce Subdivision and Development Policy.
3. The variation of the Wilberforce Subdivision and Development Policy would set an undesirable precedent and not be in the general public interest.



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

**ORDINARY MEETING**

**Minutes: 31 March 2015**

**Item: 40 CP - Implementation Planning for Hawkesbury Residential Land Strategy - Proposed Large Lot Residential / Rural - Residential Development Investigation Area for Kurmond and Kurrajong - (95498, 124414)**

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Councillor Lyons-Buckett declared a pecuniary interest in this matter as the area of investigation includes the property where she lives. She left the Chamber and did not take part in voting or discussion on the matter.

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**MOTION:**

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

*Refer to RESOLUTION*

**62 RESOLUTION:**

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

That Council adopt the investigation area as attached to this report to enable structure planning and development contributions planning for the purposes of large lot residential / rural - residential development within Kurmond and Kurrajong.

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 Paine
Councillor Ford	Councillor Williams
Councillor Mackay	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Tree	

Councillor Lyons-Buckett was not in the Chamber when the vote was taken.

**ORDINARY MEETING**

**Minutes: 31 March 2015**

**Item: 41 CP - Proposed General Amendments to Hawkesbury Local Environment Plan 2012 - (95498, 124414)**

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

That a planning proposal be prepared and forwarded to the Department of Planning & Environment seeking a Gateway Determination to:

1. Adopt newly defined uses and change the permissibility of current uses under LEP 2012 as outlined in this report and attachment.
2. Re-draft clauses within LEP 2012 which are unclear or have lost the intent of the clauses previously included under LEP 1989.
3. Make minor corrections to particular wording or referencing identified in the written instrument and maps of LEP 2012.
4. Rezone Lot 1 DP 1041524, 46 Bourke Street Richmond (known as "Pound Paddock") to RE1 Public Recreation.
5. Reclassify two parcels of Council managed land being Lots 2 and 3 in DP582878, 1913 and 1905 Bells Line of Road, Kurrajong Heights from 'community' land to 'operational' land.

An AMENDMENT was moved by Councillor Paine, seconded by Councillor Rasmussen.

That the matter be referred to a Councillor Briefing Session.

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

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

The amendment was lost.

**ORDINARY MEETING**

**Minutes: 31 March 2015**

**MOTION:**

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

***Refer to RESOLUTION***

**63 RESOLUTION:**

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

That a planning proposal be prepared and forwarded to the Department of Planning & Environment seeking a Gateway Determination to:

1. Adopt newly defined uses and change the permissibility of current uses under LEP 2012 as outlined in this report and attachment.
2. Re-draft clauses within LEP 2012 which are unclear or have lost the intent of the clauses previously included under LEP 1989.
3. Make minor corrections to particular wording or referencing identified in the written instrument and maps of LEP 2012.
4. Rezone Lot 1 DP 1041524, 46 Bourke Street Richmond (known as "Pound Paddock") to RE1 Public Recreation.
5. Reclassify two parcels of Council managed land being Lots 2 and 3 in DP582878, 1913 and 1905 Bells Line of Road, Kurrajong Heights from 'community' land to 'operational' land.

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 Rasmussen
Councillor Conolly	Councillor Williams
Councillor Creed	
Councillor Ford	
Councillor Mackay	
Councillor Porter	
Councillor Reardon	
Councillor Tree	

Councillors Lyons-Buckett and Paine were not in the Chamber when the vote was taken.

**ORDINARY MEETING**

**Minutes: 31 March 2015**

**Item: 42 CP - Review of Development Control Plan Chapter relating to the Erection of Sheds - (95498, 124414)**

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**MOTION:**

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

*Refer to RESOLUTION*

**64 RESOLUTION:**

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

That:

1. The draft Farm Buildings and Outbuildings chapter and other associated amendments to the Hawkesbury Development Control Plan, attached as Attachment 1 to the report, be placed on public exhibition for a minimum of 28 days.
2. Following the above mentioned exhibition, the matter be reported back to Council for finalisation.

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

**ORDINARY MEETING**

**Minutes: 31 March 2015**

**GENERAL MANAGER**

**Item: 43**                    **GM - 2015 National General Assembly - Australian Local Government Association - (79351, 82046)**

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**MOTION:**

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

*Refer to RESOLUTION*

**65 RESOLUTION:**

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

That attendance of nominated Councillors, and staff as considered appropriate by the General Manager, at the 2015 National General Assembly of Local Government at an approximate cost of \$2,000 plus travel expenses per delegate be approved and that Councillors Calvert, Lyons-Buckett, Paine and Williams attend the 2015 National General Assembly of Local Government as Council's nominated delegates.

**Item: 44**                    **GM - 2015 Floodplain Management Association National Conference - (79351)**

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**MOTION:**

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

*Refer to RESOLUTION*

**66 RESOLUTION:**

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

That attendance of nominated Councillors, and staff as considered appropriate by the General Manager, at the 2015 Floodplain Management Association National Conference at an approximate cost of \$3,120 per delegate be approved and that Councillors Lyons-Buckett and Paine attend the 2015 Floodplain Management Association National Conference as Council's nominated delegates.

**ORDINARY MEETING**

**Minutes: 31 March 2015**

**Item: 45                      GM - 2015 Tom Quilty Gold Cup - Sponsorship by Council**

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Mr Neil Clarkson, Mr Charles Gauci and Mr Ron Males addressed Council, speaking for the item.

**MOTION:**

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

*Refer to RESOLUTION*

**67 RESOLUTION:**

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

That:

1. Council agree to support the 2015 Tom Quilty Gold Cup as outlined in the report
2. Council provide an additional amount of \$5000 as financial sponsorship for the event.
3. Authority be given to execute Council's standard sponsorship agreement in regard to the sponsorship.

**Item: 46                      GM - Sister City and City-Country Alliance Program - Annual Report 2013/2014  
- (79351, 73610, 85814, 90568)**

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**MOTION:**

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

*Refer to RESOLUTION*

**68 RESOLUTION:**

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

That the 2013/2014 annual report for the Sister City Program be received.

**ORDINARY MEETING**

**Minutes:** 31 March 2015

**Item: 47**                    **GM - Sister City Program - Student Exchange Donation - (79351, 73610, 91811, 100474, 83530)**

**Previous Item:**        Item 55, Ordinary (8 May, 2012)  
                              Item 94, Ordinary (28 May, 2013)  
                              Item 86, Ordinary (13 May, 2014)

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Councillor Paine declared a significant non-pecuniary conflict of interest in this matter as her grandson has been selected to be part of the program. She left the Chamber and did not take part in voting or discussion on the matter.

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**MOTION:**

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

*Refer to RESOLUTION*

**69 RESOLUTION:**

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

That:

1. Under the provisions of Section 356 of the Local Government Act 1993, and in accordance with Council's Sister City Program Policy, Council donate \$500 to each of the following students participating in the 2015 student exchange program visit to Kyotamba and Temple City being:
  - a) Mr T. Purser-Hanson
  - b) Ms I. Simmons
  - c) Ms A. Simpson
  - d) Ms L. Stanton
  - e) Ms O. Ridgewell
  - f) Mr M. Young
  - g) Ms B. Gibson
  - h) Ms A. Fradd
  - i) Ms A. Micallef
  - j) Mr F. Ryan
  - k) Ms A. A. Schultz
  - l) Mr T. Smithers
  
2. The Hawkesbury Sister City Association be requested to address issues surrounding the 2011 disasters in Japan with parents and guardians of students travelling to Kyotamba utilising Federal Government travel advice.



**ORDINARY MEETING**

**Minutes: 31 March 2015**

**CITY PLANNING**

**Item: 48**                    **CP - Extension of Current Kerbside Recycling Collection Service - (95498, 96330)**

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**MOTION:**

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

*Refer to RESOLUTION*

**70 RESOLUTION:**

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

That J J Richards & Sons Pty Ltd be notified in writing of Council's intention to extend the current contract for a period of three years from 3 August 2016 under the same terms and conditions as currently exist in accordance with Section A - Clause 3.4 of the contract.

**ORDINARY MEETING**

**Minutes: 31 March 2015**

**SUPPORT SERVICES**

**Item: 49**                    **SS - Monthly Investments Report - February 2015 - (96332, 95496)**

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**MOTION:**

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

*Refer to RESOLUTION*

**71 RESOLUTION:**

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

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

**ORDINARY MEETING**

**Minutes: 31 March 2015**

**SECTION 4 - Reports of Committees**

**ROC                      Hawkesbury Civic and Citizenship Committee - 3 December 2014 - (96972)**

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**72    RESOLUTION:**

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

That the minutes of the Hawkesbury Civic and Citizenship Committee held on 3 December 2014 as recorded on pages 91 to 94 of the Ordinary Business Paper be received.

**ROC                      Audit Committee Minutes - 25 February 2015 - (91369, 121470, 79351)**

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**73    RESOLUTION:**

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

That the minutes of the Audit Committee held on 25 February 2015 as recorded on pages 95 to 100 of the Ordinary Business Paper be received.

**ROC                      Floodplain Risk Management Advisory Committee - 26 February 2015 - (86589)**

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**74    RESOLUTION:**

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

That the minutes of the Floodplain Risk Management Advisory Committee held on 26 February 2015 as recorded on pages 101 to 106 of the Ordinary Business Paper be received.

**ROC                      Local Traffic Committee - 9 March 2015 - (80245)**

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**75    RESOLUTION:**

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

That the minutes of the Local Traffic Committee held on 9 March 2015 as recorded on pages 107 to 138 of the Ordinary Business Paper be adopted.

**ORDINARY MEETING**

**Minutes: 31 March 2015**

**QUESTIONS FOR NEXT MEETING**

**Councillor Questions from Previous Minutes and responses - (79351)**

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

**ORDINARY MEETING**

Minutes: 31 March 2015

**Questions for Next Meeting**

#	Councillor	Question	Response
1	Paine	Requested that Council acknowledge the work of Council employee Greg Bretherton, for his work on installing the basketball backboards at the Hawkesbury Indoor Stadium and pass on thanks for work well done.	Director Infrastructure Services
2	Paine	Requested that Council write to the new Member for Hawkesbury, Dominic Perrottet MP, congratulating him on his success in the recent NSW State Election and invite him to a meal with Council and to attend a Council meeting.	General Manager
3	Lyons-Buckett	Requested an update on the progress of a report from Sydney Water on the capacity of water delivery and timeline for sewerage to be delivered in Kurrajong.	Director City Planning
4	Creed	Requested details on the number of legal brothels in the Hawkesbury.	Director City Planning
5	Conolly	Enquired if the Local Traffic Committee could consider if installing traffic calming devices on Canoona Avenue, Windsor Downs would be appropriate to resolve traffic issues in that area.	Director Infrastructure Services

**ORDINARY MEETING**

**Minutes:** 31 March 2015

**CONFIDENTIAL REPORTS**

**76 RESOLUTION:**

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

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: 50 IS - Acquisition of (part) 542 Wilberforce Road, Wilberforce - Lot 2 in Deposited Plan 516505 - (95495, 8628, 8629)**

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it relates to a 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: 51 SS - Lease to Datanetwork Services Australasian Holdings Pty Limited - Shop 7, Wilberforce Shopping Centre - (95496, 112106, 20367)**

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

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.

**77 RESOLUTION:**

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

**ORDINARY MEETING**

**Minutes: 31 March 2015**

**Item: 50**                    **IS - Acquisition of (part) 542 Wilberforce Road, Wilberforce - Lot 2 in Deposited Plan 516505 - (95495, 8628, 8629) CONFIDENTIAL**

---

**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***

**78 RESOLUTION:**

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

That:

1. The acquisition of an area of land, in the order of 17m<sup>2</sup> within 542 Wilberforce Road, Wilberforce (Lot 2 in DP 516505) proceed.
2. Compensation as identified and recommended in the report be made to Mr J and Mrs J Faber to acquire the land identified in part 1 of the resolution.
3. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.
4. Details of Council's resolution be conveyed to the affected landowners, Mr and Mrs Faber, together with the advice that Council is not and will not be bound by the terms of its resolution until such time as appropriate documentation to put such resolution into effect has been agreed to and executed by all parties.

**ORDINARY MEETING**

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**Item: 51                    SS - Lease to Datanetwork Services Australasian Holdings Pty Limited - Shop 7, Wilberforce Shopping Centre - (95496, 112106, 20367) CONFIDENTIAL**

---

**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***

**79 RESOLUTION:**

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

That:

1. Council agree to enter into a new lease with Datanetwork Services Australasian Holdings Pty Limited in regard to Shop 7, Wilberforce Shopping Centre, 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.

The meeting terminated at 7:55pm.

Submitted to and confirmed at the Ordinary Meeting held on 14 April 2015.

.....  
Mayor