



THE HILLS SHIRE COUNCIL

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CLR TONY HAY OAM
Central Ward



Director Infrastructure Projects
Department of Planning and Environment
Application number - SSI 13_6136
Major Projects Assessment
GPO Box 39
Sydney NSW 2001

12 September, 2014

Dear Sir or Madam,

Re: NorthConnex
Application Number: SSI 13_6136

This submission is prepared by Councillor Tony Hay OAM and should be considered as an addendum in support to his joint submission shared with Clr. Ryan Tracey, Clr. Raymond Harty OAM & Clr. Tony Hay OAM all Councillors of the Hills Shire Council.

The information below presents additional concerns in support of the belief that their dissenting minority report is the only valid submission made by the Hills Shire Council in this matter.

This form of submission differs from the position taken and adopted by resolution vote of 8:3 of the Hills Shire Councillors at the Council Ordinary meeting held on the evening of 9 September 2014. It is my belief that the decision made is not a valid exercise of the duties imposed on Council under the purposes of the Local Government Act 1993 –Section 7 (a) & (e) and of Local Government Act 1993 –Section 8 (1).

It is also believed that any future Judicial review must examine the effect of the participation of persons with a declared 'less than significant non-pecuniary interest' in leading the matter within Council. The circumstance of this are as follows;

Councillor Alan Haselden rose when given the call by the Mayor, Clr Jefferies on item 4 and stated:

Clr Haselden: " just before I, um, move on this I'd just like to declare a less than significant non-pecuniary interest, simply because I have family who are employees of the project builder."

The councillor then continued to delete major parts of the professional officers recommendation to Council on the matter.

The significance of that purpose needs careful scrutiny and perhaps the involvement of other agencies.

If it is correct that the decision to remove major parts of the address to criteria prepared by Council were unlawful (and therefore invalid). It would not be safe to consider the submission. In further support I refer to the decision of MARTIN CJ in the Supreme Court of Western Australia in the matter of The Wilderness Society of WA (Inc) –v- Minister for Environment [2013]. I would be happy to expand on this addendum if invited to do so.

Yours faithfully

Clr. Tony Hay OAM
12 September 2014