



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 09 April 2013

location: council chambers

time: 6:30 p.m.

ORDINARY MEETING

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 9 April 2013, commencing at 6:32pm.

Rev Barry Macalister of St John's Anglican Church, Wilberforce, representing the Hawkesbury Minister's Association, gave the opening prayer at the commencement of the meeting.

ATTENDANCE

PRESENT: Councillor K Ford, Mayor, Councillor T Tree, Deputy Mayor and Councillors B Calvert, P Conolly, M Creed, M Lyons-Buckett, W Mackay, C Paine, B Porter, 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, Manager Corporate Services and Governance - Abbey Rouse and Administrative Support Team Leader - Bianca James.

Councillor Mackay arrived at the meeting at 6:34pm.

Councillor Conolly arrived at the meeting at 6:35pm.

Councillor Rasmussen arrived at the meeting at 6:36pm.

Councillor Williams arrived at the meeting at 6:40pm.

SECTION 1: Confirmation of Minutes

93 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Reardon that the Minutes of the Ordinary Meeting held on the 26 March 2013, be confirmed.

SECTION 3 - Notices of Motion

NM1 - Solar Street Lighting - (79351, 80093)

MOTION:

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

Refer to RESOLUTION

94 RESOLUTION:

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

That a report be brought to Council regarding the management of Council street lighting and that this report addresses the following two items in particular:

1. The feasibility of requiring all future large housing estates (eg greater than 100 homes) to supply of solar and/or LED street lighting for the estate, and
2. The relative costs and possible strategies for converting existing street lighting to solar and/or LED lighting in all other areas of the city.

NM2 - Council's Code of Meeting Practice - (79351, 80093)

Ms Kim Smith and Mr Michael Want, proponents, addressed Council.

MOTION:

A motion was moved by Councillor Calvert, seconded by Councillor Rasmussen.

That the Notice of Motion "Review of Council's Code of Meeting Practice" reported to the Ordinary meeting on 5 February 2013 be widened to include:

1. Any recommendations regarding engaging the community in making decisions (Micromex Research Study September 2011 page 15). This would include recommendations about the possibility of restoring the residents' "Questions Without Notice" session to Council meetings, or any similar options. **
2. Any recommendations regarding providing transparent, accountable and respected leadership (Micromex Research Study September 2011 page 15)" ***

** This point would be addressing the "effective functioning" of meetings as called for in the original Notice of Motion

*** This point would address the "efficient functioning" of meetings as called for in the original Notice of Motion.

The motion was put and lost.

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NM3 - Rezoning in the Area West of the Hawkesbury River - (79351, 80104)

Ms Colleen Turnbull and Mr Michael Want, proponents, addressed Council.

MOTION:

A motion was moved by Councillor Paine, seconded by Councillor Lyons-Buckett.

That as a matter of policy, Council indicate that it will not consider nor support any further applications to rezone land for residential purposes in the area west of the Hawkesbury River until such time as the existing infrastructure issues, particularly as related to traffic, have been addressed to Council's satisfaction.

The motion was put and lost.

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SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 56 **GM - Review of Delegations of Authority Under Section 377 of the Local Government Act, 1993 - (79351)**

MOTION:

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

Refer to RESOLUTION

95 RESOLUTION:

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

That having reviewed the delegations of authority granted by Council, as required under the provisions of section 380 of the Local Government Act 1993, Council resolve to reaffirm and to not alter the basis of such delegations, as detailed in the report to Council on this matter, and that such delegations remain in force until otherwise altered or reviewed by Council.

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CITY PLANNING

Item: 57 CP - Draft Hawkesbury Community Strategic Plan 2013 to 2032 - Public Exhibition of the Draft Plan - (95498)

Mr David Hope, Ms Beatriz Insausti, Ms Kate Mackaness and Michael Want, respondents, addressed Council.

MOTION:

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

Refer to RESOLUTION

96 RESOLUTION:

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

That:

1. Council adopt the amended Hawkesbury Community Strategic Plan 2013 - 2032 as attached to the report.
2. Subject to any necessary minor editing and layout amendments the adopted Hawkesbury Community Strategic Plan 2013 - 2032 be published.

Councillors Calvert, Lyons-Buckett, Paine and Williams requested that their names be recorded as having voted against the motion.

Item: 58 CP - RSPCA NSW Request for Deed of Agreement for the Rehousing of Companion Animals - (39906, 96330)

MOTION:

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

Refer to RESOLUTION

97 RESOLUTION:

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

That Council agree to the terms of the Deed of Agreement submitted by the RSPCA NSW in respect of Council's Companion Animal Shelter and the General Manager be authorised to sign the Agreement and return it to the RSPCA NSW for execution by that organisation.

INFRASTRUCTURE SERVICES

Item: 59 **IS - Macquarie Street, Windsor - Former KFC site and Costs Associated With Demolition and Carpark Construction - (95495)**

Previous Item: 212, Ordinary (27 November 2012)
 84, Ordinary (29 May 2012)
 52, Ordinary (24 April 2012)
 33, Ordinary (28 February 2012)

Mr Doug Bathersby and Ms Kate Mackaness, respondents, addressed Council.

MOTION:

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

Refer to RESOLUTION

98 RESOLUTION:

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

That Expressions of Interest be sought from appropriate organisations wishing to lease 37 Macquarie Street, Windsor, provide public amenities, enhance the exterior of the building, provide landscaping at the site and operate a business from the site.

Item: 60 **IS - Memorial Plinth in Honour of George William Evans and William Cox - (95495)**

Councillor Creed declared a less than significant non-pecuniary conflict of interest in this matter as he works for the Local Member for Londonderry and no further action is required.

MOTION:

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

Refer to RESOLUTION

99 RESOLUTION:

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

That:

1. The offer of funding in the amount of \$2,500 (plus GST) offered by the Premier of New South Wales, towards the construction of a monument to honour the contributions by George William Evans and William Cox, in surveying and construction of the road through the Blue Mountains, be accepted.
2. The Premier of New South Wales and the Member for Londonderry be thanked for the grant offer.

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SUPPORT SERVICES

Item: 61 **SS - Cost of Provision of Infrastructure - (95496, 96332)**

Previous Item: 4, Notice of Motion (5 February 2013)

MOTION:

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

Refer to RESOLUTION

100 RESOLUTION:

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

That the information concerning the proportion of rates collected from the identified suburbs of Bligh Park, McGraths Hill, Richmond, Ebenezer, Tennyson and Blaxland Ridge respectively, and the proportion of Council's total cost of providing services such as garbage collection, road construction including maintenance and rehabilitation, construction and maintenance of kerb and gutter and park maintenance, and improvements for these suburbs, be received and noted.

CONFIDENTIAL REPORTS

101 RESOLUTION:

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

That the Confidential Items be moved to the end of the business paper to be dealt with last.

102 RESOLUTION:

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

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: 62 GM - Complaint Under Council's Code of Conduct against Councillor P Rasmussen - (79351)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(i) of the Local Government Act, 1993 as it relates to alleged contraventions of Council's Code of Conduct requirements applicable under section 440 of the Local Government Act 1993 and it is considered that deliberation of the matter in open session would not be in the public interest.*

Item: 63 CP - T ender No. 00921 - Provision of Containerised Garden Organics Collection and Processing Service - (95498, 96330)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) 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.*

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 and a member of the public indicated that they considered that Item 62 should be dealt with in open meeting.

A MOTION was moved by Councillor Lyons-Buckett, seconded by Councillor Williams.

That Item 62 of the Confidential Items be dealt with in the open meeting and Item 63 of the Confidential Items be dealt with in closed Council.

The motion was put and lost.

The Press and the public left the Council Chambers.

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103 RESOLUTION:

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

Item: 62 GM - Complaint Under Council's Code of Conduct against Councillor P Rasmussen - (79351) CONFIDENTIAL

MOTION:

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

Refer to RESOLUTION

104 RESOLUTION:

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

That the Report by the Sole Conduct Reviewer, Mr K Gibbons of Indemnity Legal Pty Ltd dated 22 March 2013 concerning a complaint under the Council's Code of Conduct regarding Councillor P Rasmussen in respect of an alleged failure to disclose a conflict of interest at the meetings of Council held on 27 November and 3 December 2012 be received and that the Reviewer's finding that the Code of Conduct has not been breached be adopted by Council.

Item: 63 CP - Tender No. 00921 - Provision of Containerised Garden Organics Collection and Processing Service - (95498, 96330) CONFIDENTIAL

MOTION:

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

Refer to RESOLUTION

105 RESOLUTION:

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

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That:

1. Council decline to accept any tenders submitted for the provision of a Containerised Garden Organics Collection and Processing Service (Tender No. 00921).
2. In accordance with the provisions of part (3) (e) of Clause 178 of the Local Government (General) Regulation 2005 Council enter into negotiations with appropriate interested parties with a view to enter into a contract for the provision of a Containerised Garden Organics Collection and Processing Service on the basis outlined in the report in this regard.
3. In accordance with the provisions of part (4) (a) of Clause 178 of the Local Government (General) Regulation 2005 the reasons for Council deciding not to invite fresh tenders in accordance with part (3) (b)-(d) of Clause 178 of the Local Government (General) Regulation 2005 are:
 - (a) Based on the tenders received, both conforming and non-conforming (alternate), it would appear that Council may not achieve the best "value for money" solution for the provision of a Containerised Garden Organics Collection and Processing Service by accepting any of the tenders submitted for the service.
 - (b) It would appear that Council could incur unnecessary costs and utilise resources for no added value by the acceptance of any of the tenders as submitted.
4. In accordance with the provisions of part (4) (b) of Clause 178 of the Local Government (General) Regulation 2005 the reasons for Council deciding to enter into negotiations as indicated in 2 above are:
 - (a) Based upon the available information, it would appear that by entering into negotiations the Council may be able to achieve an alternate pricing structure for a Containerised Garden Organics Collection and Processing Service which may enable Council to obtain a more cost effective service.
 - (b) The exploration of potential alternate pricing structures and/or service options may enable Council to achieve a required level of service to the community for an improved costing structure and also enable Council to consider possible uses of related existing resources.
5. The tenderers be advised of Council's decision and thanked for their submissions.
6. The Draft Operational Plan 2013/2014 for exhibition purposes be prepared on the basis of a Garden Organics charge of \$60.00 per service per annum plus GST, if applicable, being included within the Domestic Waste Charge of those properties receiving the service, with the first year of service pro rata to reflect the proposed 30 September 2013 commencement of the service.

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QUESTIONS FOR NEXT MEETING

Councillor Questions from Previous Meetings and Responses - (79351)

Questions from Questions

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

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#	Councillor	Question	Response
1	Rasmussen	Asked if a response has been drafted or sent to residents who wrote complaining about 69 Blacktown Road, Freemans Reach.	Director City Planning
2	Rasmussen	Advised that due to the recent repairs to a burst watermain on Blacktown Road a large bump has been left in the road and asked if Council staff could repair the damaged surface.	Director Infrastructure Services
3	Porter	Asked if he could meet with the General Manager to discuss the conditions of consent for a property at Grono Farm Road.	General Manager
4	Paine	Asked if a "Dogs on Leash" sign could be posted in Navura Reserve, Yarramundi.	Director Infrastructure Services
5	Paine	Asked when a report would be brought to Council regarding Councillor Rasmussen's Notice of Motion regarding Economic Development.	General Manager
6	Paine	Requested new counts be undertaken on Dunns Road, Maraylya outside School Holidays.	Director Infrastructure Services
7	Paine	Asked that if the cost of the Memorial Plinth in honour of William Evans and William Cox exceeds \$2,500 could a report be brought back to Council.	Director Infrastructure Services
8	Paine	Asked if the proposed Boundary Road link to the M7 and M2 was a reality and what is Council's position on the proposal.	Director Infrastructure Services
9	Williams	Asked if Council could rip Packer Road before re-grading as the recent grading has now washed away.	Director Infrastructure Services
10	Williams	Asked if Councillors could be kept informed of Council's progress in regards to the strong odours at Windsor.	Director City Planning
11	Tree	Asked for an update on the EPA's investigation into the odour in Windsor.	Director City Planning

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#	Councillor	Question	Response
12	Lyons-Buckett	Requested a breakdown of Hawkesbury Sports Council's allocation of funding to upgrade soccer fields including the amount spent on the Benson Lane fields and asked what percentage of teams utilise Benson Lane as a training facility in respect of the overall number of registered teams in the area and how much funding is allocated to other soccer fields in the area.	Director Infrastructure Services
13	Lyons-Buckett	Asked if Council could contact the Roads and Maritime Service and ask if the 'No Right Turn' sign at Inalls Lane near the polo fields could be moved to a better position.	Director Infrastructure Services
14	Mackay	Asked if Council could contact the Roads and Maritime Service and ask them to extend the 60km/h speed limit from Fitzroy Bridge and along the flats to Mulgrave Road.	Director Infrastructure Services
15	Reardon	Advised that a overgrown Jacaranda tree is covering the end of School zone sign at the end of Grose Vale Road and asked if it could be trimmed.	Director Infrastructure Services
16	Creed	Asked if Council was aware of any small dogs being dog-napped in the area and if Council Rangers were aware of any illegal dog fighting being operated.	Director City Planning

The meeting terminated at 10:27pm.

Submitted to and confirmed at the Ordinary meeting held on 30 April 2013.

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Mayor