



Hawkesbury City Council

ordinary  
meeting  
minutes

date of meeting: 08 June 2010

location: council chambers

time: 6:30 p.m.



**ORDINARY MEETING**

**MINUTES: 8 June 2010**

**MINUTES**

- **WELCOME / EXPLANATIONS / PRAYER**
- **APOLOGIES**
- **DECLARATION OF INTERESTS**
- **SECTION 1 - Confirmation of Minutes**
- **AGENDA ITEMS SUBJECT TO PUBLIC ADDRESS**
- **SECTION 2 - Mayoral Minutes**
- **QUESTIONS WITH NOTICE**
- **SECTION 3 - Notices of Motion**
- **EXCEPTION REPORT - Adoption of Items Not Identified for Discussion and Decision**
- **SECTION 4 - Reports for Determination**

**General Manager**

**City Planning**

**Infrastructure Services**

**Support Services**

- **SECTION 5 - Reports of Committees**
- **QUESTIONS WITHOUT NOTICE**

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 8 June 2010, commencing at 6.30pm.

Reverend Stuart Abrahams of St Matthews Anglican Church, Windsor, representing the Hawkesbury Minister's Association, gave the opening prayer at the commencement of the meeting.

**ATTENDANCE**

**PRESENT:** Councillor B Bassett, Mayor, Councillor K Conolly, Deputy Mayor and Councillors B Calvert, W Mackay, C Paine, B Porter, P Rasmussen, J Reardon, T Tree, W Whelan and L Williams.

**ALSO PRESENT:** General Manager - Peter Jackson, Director City Planning - Matt Owens, Director Infrastructure Services - Chris Daley, Director Support Services - Laurie Mifsud, Manager Corporate Services and Governance - Fausto Sut, Executive Manager - Community Partnerships - Joseph Litwin and Personal Assistant to Director City Planning - Robyn Kozjak.

**SECTION 1: Confirmation of Minutes**

**175 RESOLUTION:**

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Tree that the Minutes of the Ordinary Meeting held on the 25 May 2010, be confirmed.

**SECTION 2 - Mayoral Minutes**

**MM - Windsor Bridge - (79353)**

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**MOTION:**

RESOLVED on the motion of the Mayor, Councillor Bassett.

*Refer to RESOLUTION*

**176 RESOLUTION:**

RESOLVED on the motion of the Mayor, Councillor Bassett.

That the Minister for Roads be advised of Council's great concern regarding the ongoing delay to the replacement of the Windsor Bridge and request that a decision be made immediately to proceed with the previously advised, Council preferred option.



**SECTION 3 - Notices of Motion**

**NM1 - Road Sealing - (111630, 79351)**

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Mr Bill Sneddon, proponent, addressed Council.  
Mr Frank Scharfe, respondent, addressed Council.

**MOTION:**

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

*Refer to RESOLUTION*

**177 RESOLUTION:**

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

That a:

1. Methodology be prepared to enable the prioritisation of unsealed roads which could be sealed should external or additional funding sources become available for that purpose.
2. List of roads be prepared based on the methodology identified and presented to Council in a Briefing Session annually.

**NM2 - Proposed Access Mobility Committee - (80104, 79351)**

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Mr Alan Aldrich, proponent, addressed Council.  
Mr Doug Bathersby, proponent, addressed Council.  
Ms Kim Smith, proponent, addressed Council.

**MOTION:**

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

*Refer to RESOLUTION*

**178 RESOLUTION:**

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

That a report be prepared for Council's consideration into the establishment of a separate Access Mobility Committee.

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**SECTION 4 - Reports for Determination**

**GENERAL MANAGER**

**Item: 112**            **GM - Precedent Productions - 2010 Hawkesbury Local Business Awards - (79351, 80198)**

**Previous Item:**        112, Ordinary (30 June 2009)

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**MOTION:**

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

*Refer to RESOLUTION*

**179 RESOLUTION:**

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

That Council agree to become a Major Sponsor of the 2010 Hawkesbury Local Business Awards to the value of \$5,000 (excluding GST) and that Council's standard Sponsorship Agreement be entered into in respect of this event.

**Item: 113**            **GM - Year of Women in Local Government Sponsorship - (79351,74304)**

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Ms Janice Hart, proponent, addressed Council.  
Ms Danielle Wheeler, proponent, addressed Council.

**MOTION:**

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

*Refer to RESOLUTION*

**180 RESOLUTION:**

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

That Council agree to take up a Bronze Sponsorship for \$500 in support of the 2010 Year of Women in Local Government.

**ORDINARY MEETING**

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**CITY PLANNING**

**Item: 114**            **CP - Development Application - Torrens Title Subdivision Into Two Lots - Lot 11 DP 633630, 373 Bells Line of Road, Kurmond NSW 2757 - (DA0602/09, 14610, 95498)**

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Mr Glenn Falson, proponent, addressed Council.

**MOTION:**

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

***Refer to RESOLUTION***

**181 RESOLUTION:**

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

That:

1. The objection under the provisions of SEPP No.1 be supported.
2. Council seek the concurrence of the Department of Planning to the SEPP No.1 Variation.
3. The applicant be requested to submit to Council a bushfire report to a sufficient standard for referral to the Rural Fire Service for assessment.
4. Council seek the concurrence of the NSW Rural Fire Service in accordance with Section 91 of the Environmental Planning and Assessment Act, 1979 to obtain a bushfire safety authority in accordance with Section 100B of the Rural Fires Act, 1997.
5. Council support development application DA0602/09 at Lot 11 DP 633630, 373 Bells Line of Road, KURMOND NSW 2757 for Torrens title subdivision into two lots and, upon the receipt of the responses from the Department of Planning and the NSW Rural Fire Service, authority be delegated to the General Manager to appropriately determine the application.

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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 Mackay	Councillor Bassett
Councillor Porter	Councillor Calvert
Councillor Rasmussen	Councillor Paine
Councillor Reardon	Councillor Conolly
Councillor Tree	
Councillor Whelan	
Councillor Williams	

**Item: 115 CP - Development Application - Subdivision - 47 McMahons Road, Wilberforce, 80 Royerdale Place and 288 Bull Ridge Road, East Kurrajong - (DA0036/10, DA0037/10, DA0052/10, 39455, 39456, 95498)**

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Mr Robert Montgomery, proponent, addressed Council.

**MOTION:**

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

***Refer to RESOLUTION***

**182 RESOLUTION:**

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

That:

1. Development Application DA0036/10 at Lots 9, 10, 11, 12 & 13, DP 803222, No. 80 Royerdale Place, East Kurrajong, Lot 2 DP 1007322, Lot 70 DP 1014322, No. 47 McMahons Road, Wilberforce and Part of Lot 32 DP 1028460, No. 288 Bull Ridge Road, East Kurrajong for Subdivision – 20 lot subdivision be approved subject to the conditions within Attachment 5 attached to the Report with the deletion of the last sentence of condition 30(c).
2. Development Application DA0037/10 at Lots 9, 10, 11, 12 & 13, DP 803222, No. 80 Royerdale Place, East Kurrajong and Lots 1 & 2 DP 1007322 No. 47 McMahons Road, Wilberforce, No. 288 Bull Ridge Road, East Kurrajong for Subdivision – 7 lot subdivision be approved subject to the conditions within Attachment 6 attached to the Report with the addition of the following words to condition 30(c) *"The works are to make a practical connection with the existing all weather pavement at the northern extension of Stannix Park Lane."*

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3. Development Application DA0052/10 at Lot 3 DP 1007322, Lot 70 DP 1014332, Lot 77 DP 1010829, No. 47 McMahons Road, Wilberforce and Part of Lot 32 DP 1028460, No. 288 Bull Ridge Road, East Kurrajong for Subdivision – 11 lot subdivision be approved subject to the conditions within Attachment 7 attached to the Report.

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 Bassett	Councillor Williams
Councillor Calvert	
Councillor Conolly	
Councillor Mackay	
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Tree	
Councillor Whelan	

**Item: 116 CP - DA0101/10, 7 Bateman Place, Bligh Park - Waiving of Section 94A Contribution - (623, 95498)**

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**MOTION:**

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

*Refer to RESOLUTION*

**183 RESOLUTION:**

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

That:

1. Council support the removal, via the provisions of Section 96(1) of the Environmental Planning and Assessment Act, of condition 10 of the development consent for DA0101/10 that imposes the requirement to pay a contribution under the provisions of Section 94A. The current fee for the processing of this Section 96 application also be waived.

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2. An exemption from contribution payments for development to replace dwellings that have been destroyed through unforeseen circumstances be considered during the upcoming review of the current Hawkesbury City Council Section 94A Development Contributions Plan 2006.

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 Bassett	Nil
Councillor Calvert	
Councillor Conolly	
Councillor Mackay	
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Tree	
Councillor Whelan	
Councillor Williams	

**Item: 117 CP - Community Sponsorship Program - (2009 - 2010) - (96328, 95498)**

**Previous Item:** 140, Ordinary (28 July 2009)  
148, Ordinary (11 August 2009)  
171, Ordinary (25 August 2009)  
256, Ordinary (24 November 2009)  
58, Ordinary (30 March 2010)

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**MOTION:**

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

*Refer to RESOLUTION*

**184 RESOLUTION:**

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

That Council approve payments of Section 356 Financial Assistance to the organisations or individuals listed, and at the level recommended in Table 1 of this report.

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**Item: 118**            **CP - Changes to Joint Regional Planning Panel, Delegations back to Council - (117061, 95498)**

**Previous Item:**        102. Ordinary (26 May 2009)

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Mr Frank Scharfe, proponent, addressed Council.

**MOTION:**

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

*Refer to RESOLUTION*

**185 RESOLUTION:**

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

That Council:

1. Decline to accept delegations from the Joint Regional Planning Panel due to the conditions stipulated by the Department of Planning.
2. Write to the Local Members of Parliament indicating that it does not support the continuation of the Joint Regional Planning Panels and that their powers should be returned to local councils and Council seeks their support in making representations on its behalf.
3. Also seek the support of WSROC in this matter.

**Item: 119**            **CP - Pecuniary interest exemption under Section 458 of the Local Government Act 1993 - Draft Hawkesbury Local Environmental Plan 2009 - (95498)**

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**MOTION:**

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

*Refer to RESOLUTION*

**186 RESOLUTION:**

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

That Council seek pecuniary interest exemptions for relevant Councillors, under Section 458 of the *Local Government Act 1993* from the Minister of Local Government to enable Council to consider forthcoming reports concerning Draft Hawkesbury Local Environmental Plan 2009.

**ORDINARY MEETING**

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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 Bassett	Nil
Councillor Calvert	
Councillor Conolly	
Councillor Mackay	
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Tree	
Councillor Whelan	
Councillor Williams	

**Item: 120 CP - Policy Register Review - Archiving of Policies - (95498)**

**Previous Item:** 217, Ordinary (30 October 2007)  
72, Ordinary (24 April 2007)  
224, Ordinary (26 July 2005)

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**MOTION:**

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

***Refer to RESOLUTION***

**187 RESOLUTION:**

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

That the Policies in the table included in the report be archived for the reasons outlined.



**ORDINARY MEETING**

**MINUTES: 8 June 2010**

**Item: 121 CP - Execution of 2010/2011 Funding Agreement - Community Services  
Department of Human Services NSW - (116110, 96328)**

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**MOTION:**

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

*Refer to RESOLUTION*

**188 RESOLUTION:**

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

That Authority be given to execute, under the Seal of Council, a funding agreement with Community Services, Department of Human Services NSW to accept funds of \$597,285 for the operation of the programs listed in this report for the 2010/2011 financial year.

**ORDINARY MEETING**

**MINUTES: 8 June 2010**

**INFRASTRUCTURE SERVICES**

**Item: 122**            **IS - Endorsement for Actions in the Draft Cumberland Plain Recovery Plan - (95494, 79354)**

**Previous Item:**        117, Ordinary (30 June 2009)

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Mr Frank Scharfe, respondent, addressed Council.

**MOTION:**

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

***Refer to RESOLUTION***

**189 RESOLUTION:**

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

That the matter be deferred and additional information be provided at a Councillor Briefing Session.

**Item: 123**            **IS - Proposal to Extend the Hawkesbury Oasis Aquatic Centre - (95495, 79340, 34584)**

**Previous Item:**        239, Ordinary (10 November 2009)

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Mr Rod Nadwie-Smith, proponent, addressed Council.

**MOTION:**

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

***Refer to RESOLUTION***

An AMENDMENT was moved by Councillor Conolly, seconded by Councillor Reardon.

That:

1. The proposal to extend the Hawkesbury Oasis Aquatic Centre as amended which includes an increased floor area to the gymnasium and extension to the crèche totalling approximately 208sqm, with two new toilets and office space being provided within the existing gymnasium area of approximately 26sqm as outlined in the report be endorsed.

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2. The proposal be funded as follows:

- a. \$110,000 from the YMCA from the grant approved under the NSW Department of Community Services Area Assistance Scheme 2009.
- b. \$110,000 from the YMCA from the grant approved under the NSW Community Building Partnership Program.
- c. \$117,200 from the Council from the grant approved under Round Two of the Regional and Local Infrastructure Program.
- d. The remaining amount of approximately \$209,000 be funded from Council's S94 Internal Reserve.

The amendment was lost.

The motion was put and carried.

**190 RESOLUTION:**

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

That the matter be deferred to a Councillor Briefing Session on 15 June 2010.

**CONFIDENTIAL REPORTS**

**191 RESOLUTION:**

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

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

**192 RESOLUTION:**

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

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: 124 IS - Tender No. 01810 - Construction of Additions to Oasis Swimming Centre - (95495, 79340, 34584)**

*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.*

**Item: 125 SS - Property Matter - Lease to Sarah Turner - Shop 11 Glossodia Shopping Centre, Glossodia - (112106, 95496, 117936)**

*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 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.

**ORDINARY MEETING**

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**193 RESOLUTION:**

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

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**MINUTES: 8 June 2010**

**INFRASTRUCTURE SERVICES**

**Item: 124**            **IS - Tender No. 01810 - Construction of Additions to Oasis Swimming Centre - (95495, 79340, 34584) CONFIDENTIAL**

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**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*

**194 RESOLUTION:**

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

That the matter be deferred to a Councillor Briefing Session on 15 June 2010.

**SUPPORT SERVICES**

**Item: 125**            **SS - Property Matter - Lease to Sarah Turner - Shop 11 Glossodia Shopping Centre, Glossodia - (112106, 95496, 117936) - CONFIDENTIAL**

**Previous Item:**        107, Ordinary (30 March 2010)

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**MOTION:**

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

*Refer to RESOLUTION*

**195 RESOLUTION:**

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

That:

1. Council agree to enter into a new lease with Sarah Turner in regard to Shop 11 Glossodia Shopping Centre, in accordance with the proposal outlined in the report.

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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.

**SECTION 5 - Reports of Committees**

**ROC - Heritage Advisory Committee Minutes - 6 May 2010 - (80242)**

**196 RESOLUTION:**

RESOLVED on the motion of Councillor Rasmussen seconded by Councillor Paine.

That the minutes of the Heritage Advisory Committee meeting held on 6 May 2010 as recorded on pages 121 to 125 of the Ordinary Business Paper be received.

**ROC - Local Traffic Committee - 19 May 2010 - (80245)**

**197 RESOLUTION:**

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

That the minutes of the Local Traffic Committee meeting held on 19 May 2010 as recorded on pages 126 to 137 of the Ordinary Business Paper be adopted.

**ROC - Hawkesbury Bicycle and Access Mobility Committee Minutes - 20 May 2010 - (98212)**

**198 RESOLUTION:**

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

That the:

1. Minutes of the Hawkesbury Bicycle and Access Mobility Committee meeting held on 20 May 2010 as recorded on pages 138 to 140 of the Ordinary Business Paper be received.
2. Item in relation to the draft Constitution for the proposed Hawkesbury Mobility Plan Implementation Committee be referred back to the Committee for further consideration.



**ORDINARY MEETING**

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**ROC - Community Planning Advisory Committee Minutes - 20 May 2010 - (96737)**

**199 RESOLUTION:**

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

That the minutes of the Community Planning Advisory Committee meeting held on 20 May 2010 as recorded on pages 141 to 146 of the Ordinary Business Paper be received.

**ORDINARY MEETING****MINUTES: 8 June 2010****QUESTIONS WITHOUT NOTICE**

#	Councillor	Question	Response
1	Williams	Stated he would once again advise Packer Road urgently required a thorough grading.	Nil
2	Williams	Referred to the Business Paper being available online on Friday afternoons and raised concern residents are not able to contact planning staff until the following Monday at 8.30am should they have queries relating to items in the Agenda. Asked if planning staff would be made available on Friday afternoons to deal with questions on the Business Paper.	The Director City Planning advised he is generally available to answer such queries.
3	Paine	Asked if the carpet at the Deerubbin Centre could be inspected as it is in a dreadful state and has been for six months.	The Director of Infrastructure Services advised the carpet had been cleaned and will be replaced in the near future.
4	Paine	Referred to correspondence received from Patchy's Café and asked who the matter should be directed to as she assumed she could not table it at this meeting.	The Mayor advised Councillor Paine to forward the correspondence to the General Manager for distribution to appropriate staff.
5	Calvert	Advised a Colo Heights resident spoke with him concerning truck movements near a property or area known as Tara Springs. It was reported at least three tankers per day were seen to be entering a property with a full load and leaving empty. Councillor Williams added he was aware of this and confirmed the property address was 5373 Putty Road.	The Director City Planning advised he had previously been informed of this matter by Councillor Williams and advised the product being carted is from an approved facility and is used for soil conditioning. There is no consent required for soil conditioning.
6	Porter	Asked if a response had been received from relevant agencies regarding dredging of the River.	The General Manager advised no response had been received to date and advised he would follow up the matter.

The meeting terminated at 11.00pm.

Submitted to and confirmed at the Ordinary meeting held on 29 June 2010.

.....  
Mayor