



Hawkesbury City Council

ordinary  
meeting  
minutes

date of meeting: 13 October 2009  
location: council chambers  
time: 5:00 p.m.



**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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**ORDINARY MEETING**  
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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 13 October 2009, commencing at 5.00pm.

Pastor Ralph Parnwell of the River of Life Church, 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 W Mackay, B Porter, P Rasmussen, J Reardon, R Stubbs, T Tree, W Whelan and L Williams.

**ALSO PRESENT:** General Manager - Peter Jackson, Director City Planning - Matt Owens, Acting Director Infrastructure Services - Richard Vaby, Director Support Services - Laurie Mifsud, Manager Corporate Services and Governance - Fausto Sut, Executive Manager - Community Partnerships - Joseph Litwin, Manager Planning - Shari Hussein and Administrative Support Team Leader - Amy Dutch.

**APOLOGIES**

Apologies for absence were received from Councillors Calvert and Paine.

**358 RESOLUTION:**

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

Councillor Rasmussen arrived at the meeting at 5.02pm.

Councillor Mackay arrived at the meeting at 5.10pm.

Councillor Whelan arrived at the meeting at 5.13pm.

**SECTION 1: Confirmation of Minutes**

**359 RESOLUTION:**

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Porter that the Minutes of the Ordinary Meeting held on the 29 September 2009, be confirmed.

**SECTION 2 - Mayoral Minutes**

**MM - Infrastructure Issues - Richmond and North Richmond Areas - (90479, 79353, 79351)**

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**MOTION:**

RESOLVED on the motion of the Mayor, Councillor Bassett.

*Refer to RESOLUTION*

**360 RESOLUTION:**

RESOLVED on the motion of the Mayor, Councillor Bassett.

That Council adopt the following policy:

"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."

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 Mackay
Councillor Conolly	Councillor Porter
Councillor Rasmussen	
Councillor Reardon	
Councillor Stubbs	
Councillor Tree	
Councillor Whelan	
Councillor Williams	

Councillors Calvert and Paine were absent from the meeting.



**ORDINARY MEETING**

**MINUTES: 13 October 2009**

**SECTION 4 - Reports for Determination**

**GENERAL MANAGER**

**Item: 215**            **GM - City - Country Alliances - Program Activities Update - (85814, 111215, 79351)**

**Previous Item:**    279, Ordinary (11Dec 2007)  
                         26, Ordinary (24 Feb 2009)

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**MOTION:**

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

*Refer to RESOLUTION*

**361 RESOLUTION:**

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

That the information about the City-Country Alliance activities for 2009/2010 be received.

**Item: 216**            **GM - Complaint Under Council's Code of Conduct against Councillor B Porter - (90477, 114047, 79351)**

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Mr Doug Bathersby, proponent, addressed Council.

**MOTION:**

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

*Refer to RESOLUTION*

**362 RESOLUTION:**

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Tree

That:

1. The Review Report by the Sole Conduct Reviewer, Ms R Hill of Way Forward Pty Ltd, dated 29 September 2009 in respect of a complaint under the Council's Code of Conduct regarding Councillor B Porter and matters occurring at the Council Meeting held on 28 July 2009 be received.
2. At a Council Meeting Councillor Porter make an apology to the Mayor on behalf of the Hawkesbury community for his conduct at the meeting of 28 July 2009.
3. Council write to the complainant seeking her adherence to appropriate standards of conduct while attending council meetings.

**ORDINARY MEETING**

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Councillor Porter made a verbal apology to the Mayor and the community for his behaviour at the meeting on 28 July 2009.

Councillor Williams requested that he be recorded as having voted against the motion.

**ORDINARY MEETING**

**MINUTES:** 13 October 2009

**CITY PLANNING**

**Item: 217 CP - Development Application - Extractive Industry - Quarry Rehabilitation - Lot 2 DP587166, 263 Tizzana Road, Ebenezer - (DA0893/07, 96075, 10055, 10056, 95498)**

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Mr Noel Billyard, proponent, addressed Council.  
Ms Jenny Simpson, respondent, addressed Council.

**MOTION:**

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

*Refer to RESOLUTION*

**363 RESOLUTION:**

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

That the matter be deferred to enable an on-site inspection to be carried out at Lot 2 DP 587166, 263 Tizzana Road, Ebenezer.

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 Conolly	
Councillor Mackay	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Stubbs	
Councillor Tree	
Councillor Whelan	
Councillor Williams	

Councillors Calvert and Paine were absent from the meeting.

**ORDINARY MEETING**

**MINUTES:** 13 October 2009

**Item: 218** CP - Section 96 Modification - Condition 94 to Original Approval to Demolish Existing Structures and Construct an 18 Hole Golf Course and Club House - Lot 1, DP 546915, Lot 2, DP 546915, 329 Pitt Town Road, Pitt Town - (DA1150/04D, 110850, 95498

**Previous Item:** 289, Ordinary (27 September 2005)  
370, Ordinary (29 November 2005)

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Mr Alan Hill, proponent, addressed Council.  
Mr Harvey Read, Mr Bob Newland and Mr John Hagar, respondents, addressed Council.

**MOTION:**

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

*Refer to RESOLUTION*

**364 RESOLUTION:**

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

That the Section 96 Modification Application relating to DA1150/04 be refused as the inclusion of a dedicated right turn lane will produce a safer outcome than its deletion.

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 Conolly	
Councillor Mackay	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Stubbs	
Councillor Tree	
Councillor Whelan	
Councillor Williams	

Councillors Calvert and Paine were absent from the meeting.

**ORDINARY MEETING**

**MINUTES:** 13 October 2009

**Item: 219**            **CP - Conversion of Hawkesbury Local Environmental Plan 1989 to NSW Government' Standard Local Environmental Plan- Progress Report - (95498)**

**Previous Item:**        201, Ordinary (29 September 2009)

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**MOTION:**

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

*Refer to RESOLUTION*

**365 RESOLUTION:**

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

That:

1. Council endorse the proposed changes to the LEP as detailed in this report to enable public exhibition of the draft LEP.
2. Council advise the Department of Planning that it strongly supports the retention of the "lot averaging" provisions in the LEP as this provides for flexibility in retaining areas of environmental significance whilst not increasing or decreasing the development yield of the affected lands.
3. Upon receipt of permission from the Department of Planning to exhibit the Draft Hawkesbury Local Environmental Plan 2009, the Plan be exhibited for a period of not less than 60 days and that if this period includes the Christmas/January holidays the exhibition period be appropriately extended.

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 Conolly	
Councillor Mackay	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Stubbs	
Councillor Tree	
Councillor Whelan	
Councillor Williams	

Councillors Calvert and Paine were absent from the meeting.

**ORDINARY MEETING**

**MINUTES:** 13 October 2009

**Item: 220**            **CP - Draft Hawkesbury Community Strategic Plan - Public Exhibition of Draft Plan - (95498)**

**Previous Item:**        280, Ordinary (11 December 2007)  
                              76, Ordinary (29 April 2008)

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Mr Frank Scharfe and Mr John Maguire, respondents, addressed Council.

**MOTION:**

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

***Refer to RESOLUTION***

**366 RESOLUTION:**

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Tree

That:

1. Council adopt the amended Hawkesbury Community Strategic Plan as attached to this report with the addition of the word "sporting" after the word "recreational" in the fifth goal under the Looking After People and Place vision.
2. Subject to any necessary minor editing and layout amendments the adopted Hawkesbury Community Strategic Plan be published.

**ORDINARY MEETING**

**MINUTES: 13 October 2009**

**SUPPORT SERVICES**

**Item: 221            SS - Exemption from Rating - 140 Mahons Creek Road, Yarramundi - (92999, 95496)**

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**MOTION:**

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

*Refer to RESOLUTION*

**367 RESOLUTION:**

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

That:

1. Teen Challenge NSW Inc be granted exemption from rating from 1 July 2009 for the property known as 140 Mahons Creek Road, Yarramundi.
2. An amount of \$955.17 be written off in respect of rates for the period from 1 July 2009 to 30 June 2010.

**Item: 222            SS - Exemption from Rating - 7 Grenville Street, Pitt Town - (9050, 95496)**

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**MOTION:**

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

*Refer to RESOLUTION*

**368 RESOLUTION:**

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

That:

1. Anglican Church Property Trust Diocese of Sydney be granted exemption from rating from 1 July 2009 for the property known as 7 Grenville Street, Pitt Town.
2. An amount of \$1,516.07 be written off in respect of rates for the period from 1 July 2009 to 30 June 2010.

**ORDINARY MEETING**

**MINUTES: 13 October 2009**

**Item: 223            SS - Pecuniary Interest Returns - Councillors and Designated Persons - (79337, 95496)**

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**MOTION:**

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

*Refer to RESOLUTION*

**369 RESOLUTION:**

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

That the information be received and noted.



**ORDINARY MEETING**

**MINUTES: 13 October 2009**

**SUPPLEMENTARY REPORTS**

**Item: 224**      **IS - Rural Fire Service Estimates 2010/2011 - Hawkesbury District - (95495, 79016, 73835)**

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**MOTION:**

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

*Refer to RESOLUTION*

**370 RESOLUTION:**

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

That the 2010/2011 Rural Fire Fighting Fund estimates as submitted by the NSW Rural Fire Service be endorsed in principle.

**ORDINARY MEETING**

**MINUTES: 13 October 2009**

**CONFIDENTIAL REPORTS**

The Mayor advised that there was a late urgent matter relating to legal proceedings concerning DA0857/08, 439 Cattai Road, Cattai that he wished Council to consider in the terms of Clause 2.2.3(3) of Council's Code of Meeting Practice and that the matter should be considered in confidential session as it related to legal proceedings.

**371 RESOLUTION:**

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

That the:

1. Late matter (Item 225) concerning legal proceedings involving development application DA0857/08 for a rural shed at 439 Cattai Road, Cattai be considered as a matter of urgency in accordance with Clause 2.2.3(3) of Council's Code of Meeting Practice.
2. Matter be considered as a confidential matter and that the Confidential Items be moved to the end of the business paper to be dealt with last.

The Mayor also ruled the matter to be of urgency in accordance with the provisions of Clause 2.2.3(3)(b) of Council's Code of Meeting Practice.

**372 RESOLUTION:**

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

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: 225 CP - Legal Matter - Development Application - Rural Shed at 439 Cattai Road, Cattai - (DA0857/08, 34081, 95498)**

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(g) of the Act as it relates to legal advice concerning development application related matters and the information is regarded as advice concerning litigation 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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**373 RESOLUTION:**

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

**ORDINARY MEETING**

**MINUTES: 13 October 2009**

**CONFIDENTIAL MATTER OF URGENCY**

**CITY PLANNING**

**Item: 225 CP - Legal Matter - Development Application - Rural Shed at 439 Cattai Road, Cattai - (34081, 95498)**

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Councillor Williams declared a significant non-pecuniary conflict of interest in this matter as he tendered for the electrical work on the development. He left the Chamber and did not take part in voting or discussion on the matter.

**MOTION:**

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

***Refer to RESOLUTION***

**374 RESOLUTION:**

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

That:

1. The verbal advice on the status of the current planning appeal relating to Council's refusal of development application DA0857/08 for a rural shed at 439 Cattai Road, Cattai be noted.
2. The proposed information session on Wednesday, 14 October 2009 with residents to view the amended proposal (derived from the conciliation conference) be noted.
3. Subject to the amended proposal being considered satisfactory to the General Manager or his delegate the General Manager be delegated authority to negotiate consent via the court conciliation process.

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 Rasmussen
Councillor Conolly	
Councillor Mackay	
Councillor Porter	
Councillor Reardon	
Councillor Stubbs	
Councillor Tree	
Councillor Whelan	

Councillors Calvert and Paine were absent from the meeting.  
Councillor Williams was not in the Chamber when the vote was taken.

**ORDINARY MEETING****MINUTES: 13 October 2009****QUESTIONS WITHOUT NOTICE**

#	Councillor	Question	Response
1	Tree	Advised that the guttering on the Band Stand in McQuade Park is continually being pulled off by vandals and requested that it be repaired as when heavy rain occurs the overflow splatters cause holes to form in the ground.	The Acting Director Infrastructure Services advised that the matter will be addressed.
2	Mackay	Enquired if the Mayor was aware of how helpful Council's IT staff are and requested that they be thanked for their work.	The Mayor advised that he was aware of the efforts of IT Staff and advised that they will be thanked.
3	Rasmussen	Enquired if any damage has occurred as a result of the strong winds in recent weeks.	The Acting Director Infrastructure Services advised that there has been no damage that required emergency funding.
4	Williams	Enquired about upgrading the Microsoft packages on Council computers to improve compatibility.	The General Manager advised that Microsoft Office 2007 will not be introduced into the organisation for some time however there is a patch available from IT that assists with compatibility between Microsoft software versions.
5	Porter	Enquired what action management takes to ensure that all works approved by development consent have been carried out and that premises do not commence trading prior to the issue of an Occupation Certificate.	<p>The Director City Planning advised that development consents are structured with different headings that show how different conditions apply to each stage of the development and the next stage cannot proceed until the previous stages' conditions have been met.</p> <p>The Director of City Planning advised that Occupation Certificates are not issued until all required conditions have been met and if a premises commences trading or a development is occupied before an Occupation Certificate is issued Council issues an Order and goes through the process to rectify the situation.</p>

The meeting terminated at 9.09pm.

Submitted to and confirmed at the Ordinary meeting held on 10 November 2009.

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Mayor