



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 11 August 2015
location: council chambers
time: 6:30 p.m.

ORDINARY MEETING

Minutes: 11 August 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**

Introduction of Sister City Exchange Students and Presentation of Certificates

– **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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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on 11 August 2015, commencing at 6:31pm.

Father Wayne Tildsley of the Anglican Church Richmond, 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, M Lyons-Buckett, Dr W Mackay (OAM), 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, Executive Manager - Community Partnerships - Joseph Litwin, Strategic Planning Manager - Shari Hussein, Chief Financial Officer - Emma Galea, Manager Corporate Services and Governance - Abbey Rouse and Administrative Support Coordinator - Natasha Martin.

APOLOGIES

Apologies for absence were received from Councillors Conolly and Creed.

207 RESOLUTION:

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

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

Councillor Mackay arrived at the meeting at 6:50pm.

SECTION 1 - Confirmation of Minutes

208 RESOLUTION:

RESOLVED on the motion of Councillor Porter and seconded by Councillor Reardon that the Minutes of the Ordinary Meeting held on the 28 July 2015, be confirmed.

ACKNOWLEDGEMENT OF OFFICIAL VISITORS TO THE COUNCIL

Introduction of Sister Exchange Students and Presentation of Certificates

Councillor Paine in her role as Vice-President of the Hawkesbury Sister City Association introduced the delegates from the Hawkesbury and Council's sister cities Temple City, USA and Kyotamba, Japan, who are participating in the current Sister City Exchanges. Certificates were presented to the Sister City Exchange Students by the Mayor.

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SECTION 3 - Reports for Determination

GENERAL MANAGER

Item: 126 **GM - Australian Local Government Association 2015 National Local Roads and Transport Congress - (79351, 82046)**

MOTION:

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

Refer to RESOLUTION

209 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 Australian Local Government Association 2015 National Local Roads and Transport Congress at an approximate cost of \$1,800 plus travel expenses per delegate be approved and that Councillors Ford, Rasmussen and Reardon attend the Australian Local Government Association 2015 National Local Roads and Transport Congress as Council's nominated delegates.

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CITY PLANNING

Item: 127 **CP - Heritage of Western Sydney - Colonial Heritage Mobile App - (95498, 124414)**

Mr John Miller addressed Council, speaking for the item.

MOTION:

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

Refer to RESOLUTION

210 RESOLUTION:

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

That the information be received and noted and that Council's participation in the project as outlined in the report be endorsed and that Council approach the Member for Hawkesbury seeking funding and support for the project.

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SUPPORT SERVICES

Item: 128 **SS - Hawkesbury Youth Summit 2015 - (95496, 96328)**

Previous Item: NM1, Ordinary (8 April 2008)
 212, Ordinary (21 October 2008)
 233, Ordinary (10 November, 2009)
 30, Ordinary (23 February 2010)
 55, Ordinary (29 March 2011)
 175, Ordinary (9 October 2012)

MOTION:

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

Refer to RESOLUTION

211 RESOLUTION:

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

That Council:

1. Receive *The Hawkesbury Youth Summit 2015 'It Starts With Us'* report.
2. Adopt the six recommendations within Youth Summit Report for implementation.
3. Extend its appreciation to the members of the Hawkesbury Youth Summit 2015 planning group for their work in assisting Council staff in organising the 2015 Youth Summit and preparing the 2015 Youth Summit Report.

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Item: 129 **SS - Impact of Freeze on Indexation of Financial Assistance Grants - (95496, 96332)**

Mr Michael Want addressed Council, speaking against the item.

MOTION:

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

Refer to RESOLUTION

212 RESOLUTION:

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

That Council:

1. Acknowledges the importance of federal funding through the Financial Assistance Grants program for the continued delivery of Council's services and infrastructure.
2. Acknowledges that it will receive an estimated \$4,202,000 million in 2015/2016.
3. Will ensure that this federal funding and other funding provided by the Federal Government under relevant grant programs is appropriately identified as Commonwealth grant funding in Council publications, including annual reports.
4. Embark on a publicity campaign regarding the Financial Assistance Grants received by Council and contact its State and Federal Members of Parliament outlining the effects of the freezing of the Financial Assistance Grants has on Council's ability to fund infrastructure and services to its community.

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SECTION 4 - Reports of Committees

ROC **Hawkesbury Access and Inclusion Advisory Committee Minutes - 7 May 2015 -
(124569, 96328)**

213 RESOLUTION:

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

That the minutes of the Hawkesbury Access and Inclusion Advisory Committee held on 7 May 2015 as recorded on pages 35 to 40 of the Ordinary Business Paper be received.

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SECTION 5 - Notices of Motion

NM1 **Fencing Around Grandstands - McQuade Park and Richmond Park - (79351, 105109, 80104)**

A MOTION was moved by Councillor Paine, seconded by Councillor Tree.

That Council:

1. Acknowledges the serious issues arising from the lack of health and support services (including mental health programs and services) and the paucity of accommodation for vulnerable people in the Hawkesbury and calls on the State Government to provide better funding and improved access to these services in the Hawkesbury so that local community members in need are not forced to travel long distances or wait for excessive periods of time to obtain such support.
2. Take all necessary steps to ensure the grandstands at Windsor and Richmond are accessible to the community for a broad range of community uses and are clean, hygienic and safe at all times.
3. Seek advice on the steps it could take to address the level of homelessness in the Hawkesbury.
4. Seek support from the Hawkesbury MP's to help alleviate this growing issue of homelessness.
5. Submit a Motion to the Local Government NSW Annual Conference, requesting a commitment from the State Government to provide financial assistance with addressing the growing issue of homelessness in the community.

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

That Council:

1. Acknowledges the serious issues arising from the lack of health and support services (including mental health programs and services) and the paucity of accommodation for vulnerable people in the Hawkesbury and calls on the State Government to provide better funding and improved access to these services in the Hawkesbury so that local community members in need are not forced to travel long distances or wait for excessive periods of time to obtain such support.
2. Take all necessary steps to ensure the grandstands at Windsor and Richmond are accessible to the community for a broad range of community uses and are clean, hygienic and safe at all times. To that end, Council determine to:
 - a) provide lighting and a power outlet to the BBQ shelter in Howe Park
 - b) extend the existing shelter to cover the trestle table adjoining the BBQ shelter
 - c) add one each male and female shower and an area containing a sink and benches for preparing light meals at the Kable Street amenities with 24-hour access for the homeless (by means of keypad locks if necessary)
 - d) allow the homeless 24-hour access to toilets and showers at the grandstand and provide keypad locks for access and to provide shelter if under duress.
3. Seeks advice on the steps it could take to address the level of homelessness in the Hawkesbury.
4. Seeks support from the Hawkesbury MP's to help alleviate this growing issue of homelessness.

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5. Submit a Motion to the Local Government NSW Annual Conference, requesting a commitment from the State Government to provide financial assistance with addressing the growing issue of homelessness in the community.

The Amendment was lost.

MOTION:

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

Refer to RESOLUTION

214 RESOLUTION:

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

That Council:

1. Acknowledges the serious issues arising from the lack of health and support services (including mental health programs and services) and the paucity of accommodation for vulnerable people in the Hawkesbury and calls on the State Government to provide better funding and improved access to these services in the Hawkesbury so that local community members in need are not forced to travel long distances or wait for excessive periods of time to obtain such support.
2. Take all necessary steps to ensure the grandstands at Windsor and Richmond are accessible to the community for a broad range of community uses and are clean, hygienic and safe at all times.
3. Seek advice on the steps it could take to address the level of homelessness in the Hawkesbury.
4. Seek support from the Hawkesbury MP's to help alleviate this growing issue of homelessness.
5. Submit a Motion to the Local Government NSW Annual Conference, requesting a commitment from the State Government to provide financial assistance with addressing the growing issue of homelessness in the community.

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NM2

Coal Mining in the Liverpool Plains Area - (79351, 105109, 125612, 80104)

MOTION:

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

Refer to RESOLUTION

215 RESOLUTION:

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

That Council:

1. Acknowledge its concerns regarding proposals and approvals for coal mines in the Liverpool Plains area (Shenhua Watermark mine) and the greater Sydney water catchment area.
2. Express support for the NSW Farmer's Association in its attempts to protect the interests of farmers in the Liverpool Plains area, and the food and water security of the people of NSW and Australia.
3. Write to the Premier of NSW, Mike Baird MP; the NSW Minister for Resources, Anthony Roberts MP; the NSW Minister for the Environment, Mark Speakman MP and the NSW Farmer's Association outlining Council's position on the Shenhua Watermark mine.
4. Support motions raised at the 2015 LG NSW Conference which align to Council's position on this matter.

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NM3 **Rates from Commonwealth and State Government Owned Properties - (79351, 105109, 125612, 80104)**

MOTION:

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

Refer to RESOLUTION

216 RESOLUTION:

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

That Council:

1. Investigate the feasibility of obtaining rates from properties within the LGA owned by the Commonwealth and State Governments (for example, University of Western Sydney, Hawkesbury Campus, RAAF Richmond Air Base, Department of Education properties, emergency service facilities, etc.).
2. Submit a Notice of Motion to the 2015 LG NSW Conference seeking support for this for all LGAs with similar establishments in their area.

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NM4

Review of Hawkesbury Residential Land Strategy - (79351, 105109, 125612)

MOTION:

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

Refer to RESOLUTION

217 RESOLUTION:

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

That the Hawkesbury Residential Land Strategy (HRLS) be presented to a Councillor Briefing Session with a view to expand its review to include consideration of:

1. Lowering the targeted number of dwellings from 5,000-6,000 to 4,000.
2. Placing a cap on the number of dwellings west of the Hawkesbury River.
3. Increased development in the Oakville/Maraylya area.

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QUESTIONS FOR NEXT MEETING

Councillor Questions from Previous Meetings and Responses - (79351)

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

ORDINARY MEETING**Meeting Date:** 11 August 2015**Questions for Next Meeting**

#	Councillor	Question	Response
1	Paine	Enquired if Council knows the state of the health of South Creek.	Director City Planning
2	Paine	Requested an update on the progress of the Jolly Frog Hotel.	Director City Planning
3	Paine	Enquired if Hawkesbury City Council or The Hills Shire Council is responsible for the maintenance of Boundary Road.	Director Infrastructure Services
4	Paine	Enquired if Dunns Road and Scheyville Road, Maraylya can be upgraded or repaired.	Director Infrastructure Services
5	Paine	Requested that the carpark at Maraylya Hall, Maraylya be gravelled or sealed.	Director Infrastructure Services
6	Reardon	Requested that the Local Traffic Committee review the phasing of the lights at Grose Vale Road, turning onto the Bells Line of Road.	Director Infrastructure Services
7	Reardon	Requested an update on the Richmond Town Centre signage as originally requested at the Ordinary meeting of 10 September 2013.	Director Infrastructure Services
8	Tree	Requested that the Local Traffic Committee consider speed controls in the 80km zone residential area of Grose Wold Road.	Director Infrastructure Services

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CONFIDENTIAL REPORTS

218 RESOLUTION:

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

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: 130 IS - Tender No. 00958 - Provision of Graffiti Removal to Various Council Assets - (95495, 79340)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act, 1993 as it relates to tenders for the provision of cleaning of various Council buildings and the information is regarded as being commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, confer a commercial advantage on a competitor of the Council, or reveal a trade secret and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

Item: 131 IS - Tender No. 00962 - Operation, Maintenance and Expansion of a Landfill Gas Flare Project at Hawkesbury City Waste Management Facility - (95495, 112179)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) 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 and the information is regarded as being commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, confer a commercial advantage on a competitor of the Council, or reveal a trade secret and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

Item: 132 SS - Property Matter - Lease to Hui Liang Chen - Shop 1 McGraths Hill Shopping Centre - (119085, 112106, 89525, 95496)

*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.*

Item: 133 SS - Tender for the Sale of 139 Colonial Drive and Sale of 139 Colonial Drive and 85 Rifle Range Road, Bligh Park - (95496, 112106)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act, 1993 it relates to the potential sale of a Council property and the information is regarded as being commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, confer a commercial advantage on a competitor of the Council, or reveal a trade secret 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.

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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.

219 RESOLUTION:

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

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Meeting Date: 11 August 2015

Item: 130

IS - Tender No. 00958 - Provision of Graffiti Removal to Various Council Assets - (95495, 79340) CONFIDENTIAL

MOTION:

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

Refer to RESOLUTION

220 RESOLUTION:

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

That:

1. Council accept the schedule of rates tender of Graffiti Clean Pty Ltd, for the provision of Graffiti Removal under Tender No. 00958 for a period of five years.
2. Authority be given for documentation in association with the tender to be executed under the Seal of Council, if necessary.
3. The unsuccessful tenderers be advised of Council's decision in this matter and be thanked for their submissions.

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Item: 131 **IS - Tender No. 00962 - Operation, Maintenance and Expansion of a Landfill Gas Flare Project at Hawkesbury City Waste Management Facility - (95495, 112179) 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

221 RESOLUTION:

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

That:

1. Council decline to accept any tenders submitted for the Operation, Maintenance, and Expansion of a Landfill Gas Flare Project at Hawkesbury City Waste Management Facility (Tender No. 00962).
2. In accordance with the provisions of Clause 178 (3)(e) 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 Operation, Maintenance, and Expansion of a Landfill Gas Flare Project at Hawkesbury City Waste Management Facility on the basis outlined in the report.
3. In accordance with the provisions of Clause 178 (4)(a) of the Local Government (General) Regulation 2005 the reasons for Council deciding not to invite fresh tenders in accordance with Clause 178 (3)(b)-(d) of the Local Government (General) Regulation 2005 are:
 - a) Based on the tenders received, it is unlikely that Council would achieve the best 'value for money' solution for the Operation, Maintenance, and Expansion of a Landfill Gas Flare Project at Hawkesbury City Waste Management Facility by accepting any of the tenders submitted for the services.
 - b) Council would 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 Clause 178 (4)(b) of the Local Government (General) Regulation 2005, the reason for Council deciding to enter into negotiations is based upon the available information, Council may through direct negotiation achieve a better overall solution including a more beneficial approach to well system expansion, in line with site operations.
5. Council retain the option to re-tender for the Operation, Maintenance, and Expansion of the gas flare system where a suitable carbon bid is unable to be secured under the Federal Government's Emissions Reduction Fund.
6. The tenderers be advised of Council's decision and thanked for their submissions.

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Item: 132 **SS - Property Matter - Lease to Hui Liang Chen - Shop 1 McGraths Hill Shopping Centre - (119085, 112106, 89525, 95496) 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

222 RESOLUTION:

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

That:

1. Council agree to enter into a new lease with Hui Liang Chen in regard to Shop 1, McGraths Hill 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.

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Item: 133 **SS - Tender for the Sale of 139 Colonial Drive and Sale of 139 Colonial Drive and 85 Rifle Range Road, Bligh Park - (95496, 112106) CONFIDENTIAL**

Previous Item: 85, Ordinary (13 July 2004)
 26, Ordinary (26 February 2008)
 240, Ordinary (12 October 2010)
 63, Ordinary (29 March 2011)
 64, Ordinary (8 May 2012)
 45, Ordinary (12 March 2013)
 187, Ordinary (10 September 2013)

MOTION:

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

Refer to RESOLUTION

223 RESOLUTION:

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

That:

1. Council note that no tenders were received in regard to Tender Number 00960 concerning the proposed sale of 139 Colonial Drive, Bligh Park or the sale of 139 Colonial Drive and 85 Rifle Range Road, Bligh Park.
2. Council engage an environmental consultant to prepare updated environment reports for 139 Colonial Drive, Bligh Park.
3. Following the completion of the updated environmental reports for 139 Colonial Drive, Bligh Park, Council enter into a contract with a commercial agent to sell 139 Colonial Drive or 139 Colonial Drive and 85 Rifle Range Road, Bligh Park, based on the conditions within Tender Number 00960 tender documents, being Option 1 (the sale of 139 Colonial Drive, Bligh Park) and Option 2 (the sale of both 139 Colonial Drive and 85 Rifle Range Road, Bligh Park) and for Council to potentially negotiate with a prospective purchaser, in accordance with Clause 178 (3)(e) of the Local Government (General) Regulation 2005.
4. In accordance with Clause 178(4)(a) of the Local Government (General) Regulation 2005, the reason for Council declining to invite fresh tenders as referred to in Clause 178(3)(b-d) of the Regulation is that Council has previously invited tenders for the sale of 139 Colonial Drive, Bligh Park on two occasions with only one non-compliant tender being received.
5. In accordance with Clause 178(4)(b) of the Local Government (General) Regulation 2005, the reason for Council deciding to pursue a negotiation path with potential buyers though the engagement of a commercial agent, is that this approach is deemed to be the most conducive to attracting potential buyers. A commercial agent would provide a network of contacts, developers and investors that can be approached directly, therefore providing a party or parties that Council could negotiate with.
6. If a reasonable offer is received through the commercial agent, the matter be reported to Council for consideration.

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7. If no sale is achieved by the commercial agent at the expiration of an exclusive listing agreement of four months, the matter be reported back to Council.

8. A report be submitted to Council regarding an investigation into the possibility of Council undertaking a development of either 139 Colonial Drive or 139 Colonial Drive and 85 Rifle Range Road, Bligh Park.

The meeting terminated at 9:31pm.

Submitted to and confirmed at the Ordinary meeting held on 25 August 2015.

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Mayor