



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 09 March 2010
location: council chambers
time: 6:30 p.m.

ORDINARY MEETING

MINUTES: 9 March 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, 9 March 2010, commencing at 6.30pm.

Mr Jay La Rue of the Covenant Players, 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, B Porter, 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 Administrative Support Team Leader - Amy Dutch.

APOLOGIES

Apologies for absence were received from Councillors C Paine, P Rasmussen, J Reardon, R Stubbs and T Tree.

61 RESOLUTION:

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

SECTION 1: Confirmation of Minutes

62 RESOLUTION:

RESOLVED on the motion of Councillor Porter and seconded by Councillor Calvert that the Minutes of the Ordinary Meeting held on the 23 February 2010, be confirmed.

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SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 40 GM - Local Climate Local Change Conference 2010 - (79351)

MOTION:

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

Refer to RESOLUTION

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

That the attendance of nominated Councillors, and staff members as considered appropriate by the General Manager, at the Local Climate Local Change Conference 2010 at an approximate cost of \$2,022.00 per delegate be approved.

The amendment was lost.

The motion was put and carried.

63 RESOLUTION:

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

That the attendance of nominated staff members as considered appropriate by the General Manager, at the Local Climate Local Change Conference 2010 at an approximate cost of \$2,022.00 per delegate be approved.

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CITY PLANNING

Item: 41 CP - Request from Local Schools for Relief from Fees for Inspection of Canteens for Compliance with the Food Act and NSW Food Authority Requirements - (95498, 96330)

Councillor Calvert declared a significant non-pecuniary conflict of interest in this matter as he is employed by the NSW Department of Education and the schools mentioned in this item are Government Schools and did not take part in the matter.

Councillor Conolly declared a pecuniary interest in this matter as his employer conducts four schools within the Local Government Area and did not take part in the matter.

As a result of the above disclosures a quorum was not available to enable this item to be considered by the meeting. Accordingly, the matter will be referred to the next Council meeting on 30 March 2010.

Item: 42 CP - Possible Establishment of Plastic Shopping Bag Free Zones Within the City Area - (95498)

Previous Item: NM2, Ordinary (8 December 2009)

Mr Frank Scharfe, proponent, addressed Council.

MOTION:

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

Refer to RESOLUTION

64 RESOLUTION:

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

That:

1. The information be received
2. Council write to local Chambers of Commerce and local Business Groups to encourage their members to take on the challenge of becoming a champion in the pursuit of having Hawkesbury City Council's shopping areas plastic shopping bag free.
3. Council facilitate communication between local stores and the Chambers of Commerce or local Business Groups.

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INFRASTRUCTURE SERVICES

Item: 43 **IS - Recycling Service in Parks and Reserves - (95495, 79354)**

Previous Item: QWN 5, Ordinary (26 February 2009)

Mr Frank Scharfe, proponent, addressed Council.

MOTION:

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

Refer to RESOLUTION

65 RESOLUTION:

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

That:

1. Subject to part 2 below, a trial period be undertaken during the 2010/2011 financial year, to ascertain the viability of a recycling service being provided within suitable parks and reserves.
2. Funding be considered as part of the 2010/2011 Budget for the purchase of 50 recycling bins, including bin stands, lids and signage, and the necessary installation works, and the cost of the fortnightly recycling collection service for the duration of the trial period.
3. Should the trial period prove successful, a further report be submitted to Council to allow consideration of the recycling collection service within suitable parks and reserves being maintained on a permanent basis.

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SUPPORT SERVICES

Item: 44 **SS - General Rates for the 2010/2011 Financial Year - (95496, 96332)**

Previous Item: 54, Ordinary (10 March 2009)

MOTION:

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

Refer to RESOLUTION

66 RESOLUTION:

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

That:

1. Council make representations to the Minister for Local Government seeking the extension of the provisions of Clause 84 of Schedule 8 of the Local Government Act, 1993, in respect to limits placed upon annual increases in rates for Farmland properties.
2. Council's local State Members of Parliament be requested to support Council's representation referred to in 1 above.
3. Consideration of the utilisation of the "catch up" amount be further considered at the next meeting of Council when the appropriate information regarding the effects of other proposals for rateable properties in the Farmland Category are available.
4. The 2010/2011 Draft Budget, as related to Farmland rates, be prepared on the basis of Council taking action to reduce the effects of the discontinuation of Clause 84 of Schedule 8 of the Local Government Act, 1993, on relevant Farmland properties as suggested within the report, and a further report be submitted to Council on possible "avenues" available in this regard.
5. Staff investigate the introduction of a base rate for the 2011/2012 financial year for all rating categories.

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CONFIDENTIAL REPORTS

Mr Frank Scharfe, respondent, addressed Council regarding whether Item: 45 concerning the lease of Shop 3 McGraths Hill Shopping Centre, McGraths Hill should be considered in closed Council.

67 RESOLUTION:

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

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

68 RESOLUTION:

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

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: 45 SS - Property Matter - Lease to Sligar Holdings Pty Ltd, trading as McGraths Hill Bakehouse - Shop 3 McGraths Hill Shopping Centre, McGraths Hill - (95496, 9587)

*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.

69 RESOLUTION:

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

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SUPPORT SERVICES

Item: 45 **SS - Property Matter - Lease to Sligar Holdings Pty Ltd, trading as McGraths Hill Bakehouse - Shop 3 McGraths Hill Shopping Centre, McGraths Hill - (95496, 9587)**
CONFIDENTIAL

MOTION:

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

Refer to RESOLUTION

70 RESOLUTION:

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

That:

1. Council agree to enter into a new lease with Sligar Holdings Pty Ltd in regard to Shop 3 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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SUPPLEMENTARY REPORTS

GENERAL MANAGER

Item: 46 **GM - Sister City Program Policy - Student Exchange Donation, Temple City and Kyotamba 2010 - (79351, 73610)**

MOTION:

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

Refer to RESOLUTION

71 RESOLUTION:

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

That under the provisions of Section 356 of the Local Government Act 1993 Council donate \$500 to each student participating in the 2010 student exchange program visit to Temple City and Kyotamba in accordance with the Sister City Program Policy being:

- a) Alexandra Stapleton
- b) Rachel Reid
- c) Cassandra Crowther
- d) Charlton Robb
- e) Renee Smyth
- f) Eden Barrett
- g) Joshua Mannes
- h) Taryn Eddy
- i) Taylor Alcock
- j) Imogen Clark

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Item: 47 **GM - Local Government & Shires Association of NSW - Local Government Representative on Stakeholder Committee for the Office of the Hawkesbury Nepean - (79351, 112608)**

MOTION:

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

Refer to RESOLUTION

72 RESOLUTION:

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

That Council consider the request from the Local Government & Shires Association of NSW regarding the nomination of a person to fill the role as Local Government Representative on a Stakeholder Committee for the Office of the Hawkesbury Nepean.

73 RESOLUTION:

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

That Councillor Porter be nominated for the role as Local Government Representative on the Stakeholder Committee for the Office of the Hawkesbury Nepean.

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SECTION 5 - Reports of Committees

ROC - Community Planning Advisory Committee Meeting Minutes - 19 November 2009 - (96737)

74 RESOLUTION:

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

That the minutes of the Community Planning Advisory Committee held on 19 November 2009 as recorded on pages 25 to 30 of the Ordinary Business Paper be received.

ROC - Floodplain Risk Management Advisory Committee Minutes - 8 February 2010 - (86589)

75 RESOLUTION:

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

That the minutes of the Floodplain Risk Management Advisory Committee held on 8 February 2010 as recorded on pages 31 to 34 of the Ordinary Business Paper be received.

ROC - Heritage Advisory Committee Meeting Minutes - 11 February 2010 - (80242)

76 RESOLUTION:

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

That the minutes of the Heritage Advisory Committee held on 11 February 2010 as recorded on pages 35 to 39 of the Ordinary Business Paper be received.

ORDINARY MEETING**MINUTES: 9 March 2010****QUESTIONS WITHOUT NOTICE**

#	Councillor	Question	Response
1	Conolly	Enquired how a Farmland Rating Category status is achieved for a property.	The Director Support Services advised that there is an application form which is required to be completed and the matter is then investigated according to legislation. One of the requirements is to demonstrate that a substantial purpose of the property relates to its use for primary production.
2	Williams	Requested that Packer Road be graded.	The Director Infrastructure Services advised that the matter will be investigated.
3	Williams	Enquired about the progress of an enquiry from Mr Falson regarding Serpentine Lane.	The Director Infrastructure Services advised that the matter was investigated today and there is some work planned to be completed. A response will be sent to Mr Falson tomorrow with a copy of the response provided to Councillors.
4	Calvert	Enquired about the load limit on Wallace Road as it was relaxed when Windsor Road was being upgraded however it has not been returned to its original limit since the works on Windsor Road have been completed.	The Director Infrastructure Services advised that the matter will be investigated.
5	Calvert	Enquired about an application for a small scale tourist development in Pitt Town and a request from staff for the applicant to provide details of economic viability.	The Director City Planning advised that the matter will be investigated. In some circumstances these details would be required for assessment.
6	Porter	Enquired if there is a speed limit on Packer Road.	The Director Infrastructure Services advised that there is not usually a speed limit on unsealed roads however he will investigate the matter.

The meeting terminated at 8.03pm.

Submitted to and confirmed at the Ordinary meeting held on 30 March 2010.

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Mayor