



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 10 July 2012

location: council chambers

time: 6:30 p.m.

ORDINARY MEETING

Minutes: 10 July 2012

MINUTES

- **WELCOME / EXPLANATIONS / PRAYER**
- **APOLOGIES**
- **DECLARATION OF INTERESTS**
- **SECTION 1 - Confirmation of Minutes**
- **MINUTE ITEMS SUBJECT TO PUBLIC ADDRESS**
- **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 FOR NEXT MEETING**

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 10 July 2012, commencing at 6:30.

Reverend Aleks Pinter 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 K Ford, Mayor, Councillor T Tree, Deputy Mayor and Councillors B Bassett, B Calvert, C Paine, B Porter, P Rasmussen and J Reardon.

ALSO PRESENT: General Manager - Peter Jackson, Acting Director City Planning – Shari Hussein, 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.

APOLOGIES

Apologies for absence were received from Councillors Conolly, Mackay, Whelan, Williams.

186 RESOLUTION:

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

SECTION 1: Confirmation of Minutes

187 RESOLUTION:

RESOLVED on the motion of Councillor Reardon and seconded by Councillor Rasmussen that the Minutes of the Ordinary Meeting held on the 26 June 2012, be confirmed.

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SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 113 **GM - Submission of Motions - 2012 Local Government Association of NSW Annual Conference - (79351, 79633, 95496)**

MOTION:

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

Refer to RESOLUTION

188 RESOLUTION:

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

That the report be received and noted.

Item: 114 **GM - Sydney West Joint Regional Planning Panel - Re-appointment of Council's Nominees - (79351)**

Previous Item: Item 102, Ordinary (26 May 2009)

MOTION:

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

Refer to RESOLUTION

189 RESOLUTION:

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

That Council confirm the nomination of the General Manager and Director City Planning as Council's representatives on the Sydney West Region Joint Regional Planning Panel and the General Manager be authorised to nominate an appropriate member of staff as an alternate member of the Panel, if necessary.

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CITY PLANNING

Item: 115 CP - Development Application - Staged Torrens Title subdivision to create two allotments and partial road dedication - Lot 1 DP 771707 & Lot 4 DP 223023 - 66 Wells Street Pitt Town and 54 Wells Street Pitt Town - (95498, 85977, 34600, 34601, 12389, 12387)

Mr Greg Monaghan, proponent, addressed Council.

MOTION:

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

Refer to RESOLUTION

190 RESOLUTION:

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

That:

1. Council advise the Department of Planning and Infrastructure that it supports the objection lodged pursuant to the provisions of State Environmental Planning Policy No. 1 – Development Standards and requests that the Department issue its concurrence.
2. Upon receipt of the concurrence, or otherwise, of the Department of Planning and Infrastructure, determination of Development Application No. DA0745/11 for a staged Torrens Title subdivision be delegated to the General Manager.

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:

For the Motion	Against the Motion
Councillor Bassett	Nil
Councillor Calvert	
Councillor Ford	
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Tree	

Councillor Conolly, Mackay, Whelan, Williams were absent from the meeting.

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Item: 116 CP - Development Application - Two Lot Title Subdivision - Lot 4 DP 803225 - 19 Price Lane, Agnes Banks - (95498, 74563)

MOTION:

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

Refer to RESOLUTION

191 RESOLUTION:

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

That:

1. Council advise the Department of Planning that it supports the objection lodged pursuant to the provisions of State Environmental Planning Policy No. 1 - Development Standards and requests that the Department issue its concurrence.
2. Upon receipt of the concurrence, or otherwise, of the Department of Planning, determination of Development Application No. DA0117/12 for a two lot Torrens Title subdivision be delegated to the General Manager.

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:

For the Motion	Against the Motion
Councillor Bassett	Nil
Councillor Calvert	
Councillor Ford	
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Tree	

Councillor Conolly, Mackay, Whelan, Williams were absent from the meeting.

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Item: 117 CP -Development Application - Three lot Torrens Title re-Subdivision - Lot 1,4 &5 in DP 233937 - 37 Gorricks Lane, Freemans Reach - (95498, 18200, 18900)

MOTION:

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

Refer to RESOLUTION

192 RESOLUTION:

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

That:

1. Council advise the Department of Planning that it supports the objections lodged pursuant to the provisions of State Environmental Planning Policy No. 1 - Development Standards and requests that the Department issue its concurrence.
2. Upon receipt of the concurrence, or otherwise, of the Department of Planning, determination of Development Application No. DA0039/12 for a three lot Torrens Title re-subdivision be delegated to the General Manager.

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:

For the Motion	Against the Motion
Councillor Bassett	Nil
Councillor Calvert	
Councillor Ford	
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Tree	

Councillor Conolly, Mackay, Whelan, Williams were absent from the meeting.

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Item: 118 CP - Development Application - Garage and retaining walls - Lot 2008 DP 1134503 - 33 Bootles Lane, Pitt Town - (95498, 117236, 121269)

Ms Rachel Bryce and Mr Colin Bryce, proponents, addressed Council.
Mr David Hayles and Ms Kathy Noble, respondents, addressed Council.

MOTION:

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

Refer to RESOLUTION

193 RESOLUTION:

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

That Development Application DA0087/12 for the construction of a garage and retaining walls at Lot 2008, DP 1134503, 33 Bootles Lane, Pitt Town, be refused for the following reasons:

1. The proposed development fails to demonstrate compliance the provisions of the Hawkesbury Local Environmental Plan 1989;
2. The proposed development fails to demonstrate compliance the provisions of the Draft Hawkesbury Local Environmental Plan 2011;
3. The proposed development fails to demonstrate compliance with Hawkesbury Development Control Plan; Landscaped area
4. The proposed development is likely to have an adverse visual impact upon the scenic quality of the landscape and neighbouring properties due to its size and location.
5. Approval of the development application may create an undesirable precedent which is not in the public interest.

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:

For the Motion	Against the Motion
Councillor Bassett	Nil
Councillor Calvert	
Councillor Ford	
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Tree	

Councillor Conolly, Mackay, Whelan, Williams were absent from the meeting.

ORDINARY MEETING

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Item: 119 **CP - Public Hearing - Proposal to Alter the Categorisation of Pound Paddock, 46 Bourke St, Richmond (Lot 1 DP 1041524) - (95498)**

Previous Item: 108, Ordinary (31 May 2011)
 205, Ordinary (13 September 2011)
 18, Ordinary (14 February 2012)

MOTION:

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

Refer to RESOLUTION

194 RESOLUTION:

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

That:

1. Council approve amending Council's Generic Plans of Management for Community Lands by altering the categorisation of Pound Paddock from 'Sports Ground' to 'General Community Use' as outlined in the report.
2. Council commence negotiations with North West Disability Services Inc on the terms and conditions of a proposed lease of a portion of Pound Paddock as would be required by NWDS to operate a disability services centre.
3. The proposed terms and conditions for the lease of Pound Paddock to be reported to Council for consideration, prior to the commencement of the public notification process required under Section 47 of the *Local Government Act 1993*.

Item: 120 **CP - Public Exhibition - Draft Complaints Policy - (95498, 124592)**

Previous Item: 60, Ordinary (8 May 2012)
 327, Ordinary (1 November 2005)

MOTION:

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

Refer to RESOLUTION

195 RESOLUTION:

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

That Council adopt the Draft (Revised) Complaints Policy.

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INFRASTRUCTURE SERVICES

Item: 121 **IS - Naming of a Proposed Road at East Kurrajong associated with DA0036/10 - (95495, 31568)**

MOTION:

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

Refer to RESOLUTION

196 RESOLUTION:

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

That public comment be sought under the New South Wales Roads Act, 1993 for the naming of the new public road in connection with the DA0036/10, and contained within Lot 11, DP 1154540 (120 Royerdale Place, East Kurrajong), as William Hall Place, East Kurrajong.

Item: 122 **IS - Naming of a Proposed Road - Hadden Ridge Road, Wilberforce associated with DA0037/10 and DA0052/10 - (95495, 31568)**

Previous Item: Item 62, Ordinary (8 May 2012)

MOTION:

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

Refer to RESOLUTION

197 RESOLUTION:

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

That the new public road at Wilberforce associated with DA0037/10 and DA0052/10 be named as Hadden Ridge Road, Wilberforce.

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Item: 123 IS - John Morony Correctional Complex - Waste Water Discharges - (112179)

MOTION:

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

Refer to RESOLUTION

198 RESOLUTION:

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

That:

1. The information be received.
2. Councillors be provided with a breakdown of one-off charges paid by the Department of Corrective Services (i.e. headworks charges) and also a breakdown of other charges paid by the Department on an annual basis.

Item: 124 IS - Minor Suburb Boundary Amendments - The Slopes, Kurmond, Bowen Mountain, Grose Vale, Mulgrave and Vineyard - (95495, 81095)

MOTION:

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

Refer to RESOLUTION

199 RESOLUTION:

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

That correspondence be forwarded to the Geographical Names Board, supporting amendments to suburb boundaries within the Hawkesbury Local Government Area, as listed below:

1. The suburb boundary of Kurmond be amended to include Lots 1 to 5 DP 285752.
2. The suburb boundary of Grose Vale be amended to include Lots 218 to 219 DP 1043626.
3. The suburb boundary of Mulgrave be amended to include Lots 1810 to 1811 DP 1027876, Lot 182 DP 825476, Lots 16 to 17 DP 792127, SP 73049 and Lot 141 DP 805892.

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Item: 125 **IS - Reduction in the Price of Mulch from the Hawkesbury City Waste Management Facility - (112179)**

MOTION:

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

Refer to RESOLUTION

200 RESOLUTION:

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

That:

1. Mulch from the Hawkesbury City Waste Management Facility be made free of charge for a trial period of up to six months, subject to availability.
2. Limited advertising in local papers including Council's Public Notices and Website be used to promote the availability of mulch at the Waste Management Facility, along with exploring options for reuse of mulch on Council owned properties including the Waste Management Facility.

Item: 126 **IS - Current Effects of Carbon Price on the Hawkesbury City Waste Management Facility - (95495, 107)**

Previous Item: Item 225, Ordinary (27 September 2011)

Ms Fiona Smith, proponent, address Council.

MOTION:

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

Refer to RESOLUTION

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

That:

1. A tender be prepared for the design, supply, installation and potentially the operation and maintenance of a landfill gas collection system at the Hawkesbury Council Waste Management Facility to be undertaken in 2012/2013.
2. The future budget allocation for the gas collection system be brought forward to 2012/2013 to fund the project.

The amendment was lost.

The motion was put and carried.

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201 RESOLUTION:

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

That the matter be referred to a Councillor Briefing Session.

CONFIDENTIAL REPORTS

202 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.

203 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: GM – Property Matter – Acquisition of Land at Pitt Town – (79351)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it relates to details concerning the sale and/or purchase of property by the 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: IS – Tender No. 00212 – Sewer Main Rehabilitation – (95495, 112179)

*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: IS – Tender No. 00712 – Provision of a Septic Tank and Collection Well Effluent Removal Service – (95495)

*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: SS – Property Matter – Lease to KoLink Pty Ltd – 20 Bosworth Street, Richmond – (122565, 118792, 112106, 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*

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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.

204 RESOLUTION:

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

Item: 127 GM - Property Matter - Acquisition of Land at Pitt Town - (79351)
CONFIDENTIAL

MOTION:

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

Refer to RESOLUTION

205 RESOLUTION:

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

That the information concerning the current status of land acquisitions at Pitt Town as required under the relevant Section 64 and 94 Contribution Plans and the associated Works in Kind Agreements between Council and Johnson Property Group Pty Limited be received and noted at this stage.

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**Item: 128 IS - Tender No. 00212 - Sewer Main Rehabilitation - (95495, 112179)
CONFIDENTIAL**

MOTION:

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

Refer to RESOLUTION

206 RESOLUTION:

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

That the:

1. Tender submitted by Interflow Pty Ltd, in the amount of \$1,266,589.98 GST exclusive, for the Sewer Main Rehabilitation be accepted.
2. Seal of Council be affixed to any necessary documentation.

**Item: 129 IS - Tender No.00712 - Provision of a Septic Tank & Collection Well Effluent
Removal Service - (95495) CONFIDENTIAL**

MOTION:

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

Refer to RESOLUTION

207 RESOLUTION:

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

That, in accordance with:

1. Clause 178(1)(b) of the Local Government (General) Regulation 2005, Council decline to accept any of the tenders for Tender No.00172 - Provision of a Septic Tank & Collection Well Effluent Removal Service".
2. Clause 178(3)(b) of the Local Government (General) Regulation 2005, Council invite fresh tenders that include specific provisions as required by Clause 170(i)(e) of the Local Government (General) Regulation 2005.

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3. Section 55(3)(i) of the Local Government Act 1993, and due to the extenuating circumstances of the requirement to call fresh tenders, the current service provider be engaged to continue to supply the nominated services for a period of up to six months, on a month by month basis in accordance with their quotation, at the end of the current contract.

Item: 130 **SS - Property Matter - Lease to KoLink Pty Ltd - 20 Bosworth Street, Richmond - (122565, 118792, 112106, 95496) CONFIDENTIAL**

Previous Item: Item 198, Ordinary (30 August 2011)
 Item 276, Ordinary (29 November 2011)

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

208 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 for 20 Bosworth Street, Richmond with KoLink Pty Ltd, in accordance with the proposal in the report and subject to development consent for the proposed use being obtained by the proposed Lessee.
2. Authority be given for any documentation in association with the 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.
4. Council thank Mr Michael Saint of Monolith Finance for his proposal, and advise him that his proposal was unsuccessful on this occasion.

SECTION 5 - Reports of Committees

ROC - Access and Inclusion Advisory Committee Minutes, 26 April 2012 - (124569)

209 RESOLUTION:

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

That the minutes of the Access and Inclusion Advisory Committee held on 26 April 2012 as recorded on pages 137 to 140 of the Ordinary Business Paper be received.

ROC - Audit Committee Minutes - 30 May 2012 - (95496, 91369)

210 RESOLUTION:

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

That the minutes of the Audit Committee held on 30 May 2012 as recorded on pages 141 to 145 of the Ordinary Business Paper be received.

ROC - Local Traffic Committee - 18 June 2012 - (80245)

Mr Bill Shields, respondent, addressed Council.

211 RESOLUTION:

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

That:

1. The minutes of the Local Traffic Committee held on 18 June 2012 as recorded on pages 146 to 167 of the Ordinary Business Paper be adopted.
2. Council staff hold further discussions with the organisers of the Bilpin Bush Run with regards to next years event.

ORDINARY MEETING

Questions for Next Meeting

QUESTIONS FOR NEXT MEETING

Councillors Questions from Previous Meetings and Responses - (105109)

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

Questions for Next Meeting

#	Councillor	Question	Response
1	Paine	Asked what knowledge Council has in relation to the approved shooting in National Parks, and has the Government been in touch with Council regarding regulations and safety.	Director Infrastructure Services
2	Paine	Asked if Council owns the Toll House near South Creek, and if Council does own the building would there be any possibility of Council letting the building to the women who provides food for the homeless on Saturday evenings.	Director Infrastructure Services
3	Paine	Asked if the report from Roads and Maritime Services regarding North Richmond Bridge would affect any proposals for residential development at North Richmond.	Director City Planning
4	Tree	Asked if Council was aware that culling will not occur in World Heritage National Parks, nor will it occur in populated areas.	Director Infrastructure Services

The meeting terminated at 8:43pm.

Submitted to and confirmed at the Ordinary meeting held on 31 July 2012.

.....
Mayor