



Hawkesbury City Council

ordinary  
meeting  
business  
paper

date of meeting: 14 May 2019

location: council chambers

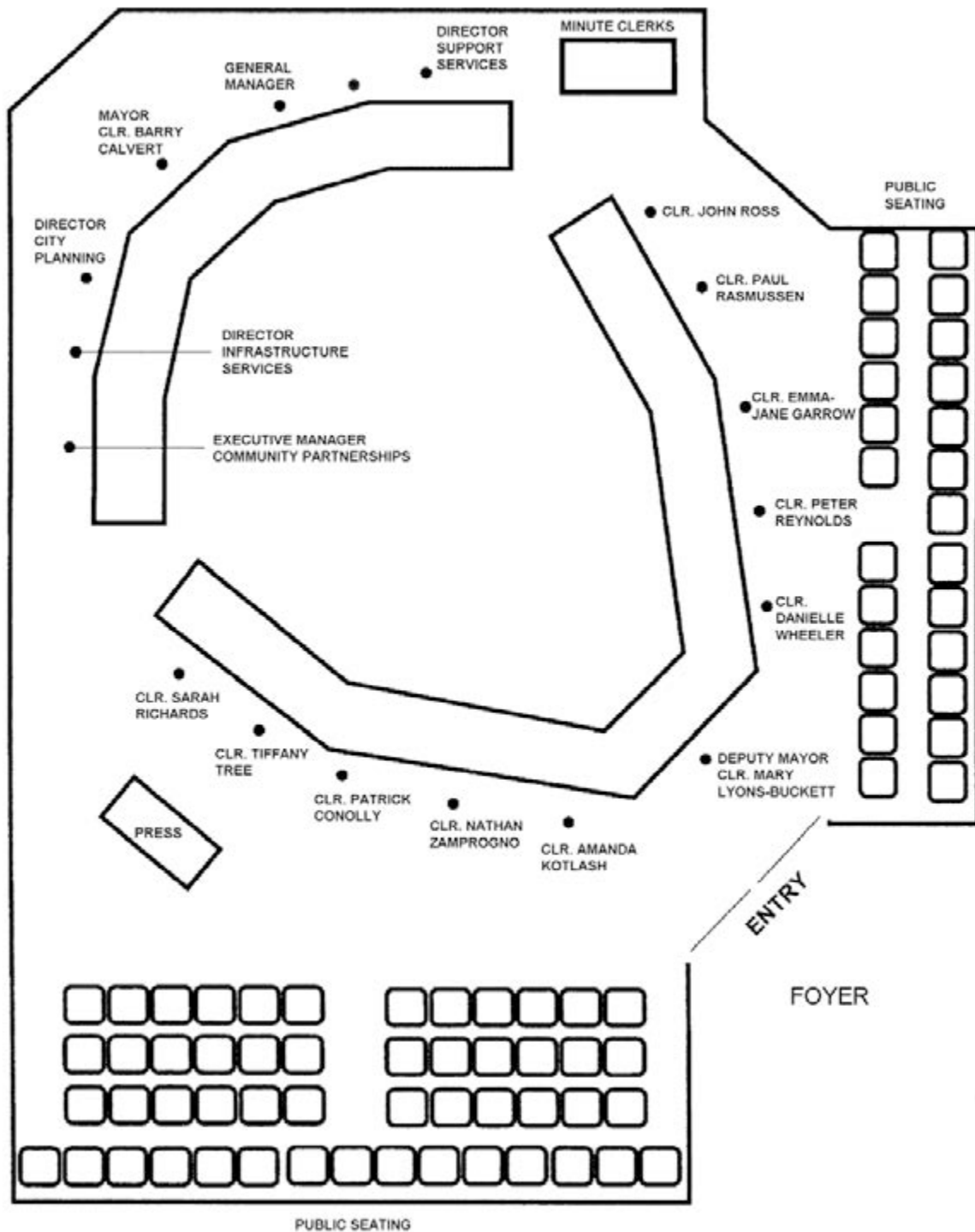
time: 6:30 p.m.



# mission statement

***Hawkesbury City Council  
leading and working  
with our community  
to create a healthy  
and resilient future.***

# Hawkesbury City Council





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**ORDINARY MEETING**

**Minutes:** 14 May 2019

**ORDINARY MEETING**  
**Procedural Matters**  
**Meeting Date: 14 May 2019**

**PROCEDURAL MATTERS**

**Welcome**

The Mayor, Councillor Barry Calvert will acknowledge the Indigenous Heritage.

The General Manager will address the Council meeting, mentioning:

- Emergency Procedures
- Recording of the Council Meeting
- Statement regarding people addressing the Meeting
- Mobile phones

**Attendance**

Attending Councillors and Council staff members will be noted for the purposes of the Minutes.

**Apologies and Leave of Absence**

The Mayor will ask for any Apologies or Leave of Absence Requests to be noted.

**Declaration of Interest**

The Mayor will ask for any Declaration of Interests from the attending Councillors. These will then be addressed at the relevant item.

**Acknowledgement of Official Visitors to the Council**

The Mayor will acknowledge and welcome official visitors to the Council and make any relevant presentations as required.

**ORDINARY MEETING**

**Procedural Matters**

**Meeting Date:** 14 May 2019



ordinary

section 1

confirmation of minutes

**ORDINARY MEETING**  
**SECTION 1 - Confirmation of Minutes**  
**Meeting Date: 14 May 2019**

**SECTION 1 - Confirmation of Minutes**



Hawkesbury City Council

# ordinary meeting minutes

date of meeting: 30 April 2019

location: council chambers

time: 6:30 p.m.



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## ORDINARY MEETING

Minutes: 30 April 2019

Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on 30 April 2019, commencing at 6.32pm.

### Welcome

The Mayor, Councillor Barry Calvert acknowledged the Indigenous Heritage.

The General Manager addressed the Council meeting, mentioning:

- Emergency Procedures
- Recording of the Council Meeting
- Statement regarding people addressing the Meeting
- Mobile phones

### ATTENDANCE

**PRESENT:** Councillor Barry Calvert, Mayor, Councillor Mary Lyons-Buckett, Deputy Mayor and Councillors Patrick Conolly, Emma-Jane Garrow, Paul Rasmussen, Peter Reynolds, Sarah Richards, John Ross, Danielle Wheeler and Nathan Zamprogno.

**ALSO PRESENT:** General Manager - Peter Conroy, Director City Planning - Linda Perrine, Director Infrastructure Services - Jeff Organ, Director Support Services - Laurie Mifsud, Executive Manager - Community Partnerships - Joseph Litwin, Chief Financial Officer - Emma Galea, Manager Corporate Communication - Suzanne Stuart, Manager Corporate Services and Governance - Michael Wearne and Administrative Support Coordinator - Tracey Easterbrook.

### APOLOGIES AND LEAVE OF ABSENCE

An apology for absence was previously received from Councillor Tree at the Council Meeting the 9 April 2019.

An apology for absence was received from Councillor Kotlash.

### 78 RESOLUTION:

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

That the apologies from Councillor Kotlash and Councillor Tree be accepted and that leave of absence from the meeting be granted.

### DECLARATIONS OF INTEREST

There were no Declarations of Interest made.

### Acknowledgement of Official Visitors to the Council

There were no official visitors to Council.

**ORDINARY MEETING**

**Minutes:** 30 April 2019

**SECTION 1 - Confirmation of Minutes**

**79 RESOLUTION:**

RESOLVED on the motion of Councillor Conolly and seconded by Councillor Rasmussen that the Minutes of the Extraordinary Meeting held on the Monday, 8 April 2019, be confirmed.

**80 RESOLUTION:**

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Zamprogno that the Minutes of the Ordinary Meeting held on the Tuesday, 9 April 2019, be confirmed.

**ORDINARY MEETING**

**Minutes:** 30 April 2019

**SECTION 3 – Reports for Determination**

**SUPPORT SERVICES**

**Item: 066**                      **SS - Monthly Investments Report - March 2019 - (95496, 96332)**

**Previous Item:**            150, Ordinary (26 June 2018)

**Division:**                      Support Services

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**MOTION:**

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

***Refer to RESOLUTION***

**81 RESOLUTION:**

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

That the Monthly Investments Report for March 2019 be received and noted.

**Item: 067**                      **SS - Asset Management and Depreciation - (95496, 96332)**

**Previous Item:**            45, Ordinary (12 March 2019)

**Division:**                      Support Services

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**MOTION:**

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

***Refer to RESOLUTION***

**82 RESOLUTION:**

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

That:

1. Council receive and note the report.
2. A further report be brought back to Council regarding the actions outlined in the 2017/2018 NSW Audit Office Management Letter.



## ORDINARY MEETING

Minutes: 30 April 2019

**Item: 068**                      **SS - 2018/2019 Community Sponsorship Strategy - (95496, 96328)**

**Previous Item:**            211 Ordinary (28 August 2018)  
                                 212 Ordinary (28 August 2018)

**Division:**                    Support Services

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Ms Maria Losurdo and Ms Carolyn McKenzie addressed Council speaking for the recommendation.

### **MOTION:**

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

### ***Refer to RESOLUTION***

### **83 RESOLUTION:**

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

That:

1. The Draft Community Sponsorship Strategy, attached as Attachment 1 to the report, be placed on public exhibition for a period of not less than 28 days.
2. At the expiry of the exhibition period the following action be taken:
  - (a) Should any submissions be received, a further report be submitted to Council summarising the submissions together with a response to the matters raised in the submissions;
  - (b) Should no submissions be received, Council adopt the Draft Community Sponsorship Strategy, attached as Attachment 1 to the report.
3. Council endorse the proposed draft 'Guidelines for Working with Charitable Organisations', as attached as Attachment 2 to the report.
4. Council commence consultation with the Hawkesbury Eisteddfod and the Hawkesbury Area Women and Kids Collective (The Womens Cottage) with a view to negotiating a third party service agreement for the ongoing sponsorship of these organisations.

## ORDINARY MEETING

Minutes: 30 April 2019

**Item: 069**                      **SS - Fit for the Future Strategy: Council Owned Child Care Centres, Building Renewal Charge and Draft Lease - Outcome of Consultation - (95496)**

**Previous Item:**            259 Ordinary (30 October 2018)  
                                 143 Extraordinary (13 June 2018)  
                                 84 Extraordinary (9 April 2018)  
                                 212 Ordinary (28 November 2017)  
                                 186 Ordinary (10 October 2017)  
                                 172 Ordinary (26 September 2017)  
                                 159 Ordinary (12 September 2017)  
                                 241 Ordinary (8 November 2016)  
                                 211 Ordinary (11 October 2016)  
                                 146 Ordinary (26 July 2016)  
                                 138 Ordinary (12 July 2016)  
                                 MM Ordinary (27 October 2015)  
                                 RM Ordinary (30 June 2015)  
                                 185 Extraordinary (23 June 2015)  
                                 182 Ordinary (30 September 2014)

**Division:**                      Support Services

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Ms Nicole Mulford and Ms Danielle Shepherd addressed Council speaking for the recommendation.

**MOTION:**

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

***Refer to RESOLUTION***

**84 RESOLUTION:**

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

That:

1. Council approve the execution of three year leases with the Golden Valley Childrens Centre, Greenhills Child Care Centre, Hobartville Long Day Pre-School, McGraths Hill Childrens Centre, Elizabeth St Extended Hours Pre-School, Richmond Preschool Kindergarten, Wilberforce Early Learning Centre, Windsor Pre-School, and Wilberforce Pre-School, in accordance with the proposed lease conditions outlined within this report.
2. Authority be given for the leases and any other 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 Lessees, together with the advice that Council is not, and will not, be bound by the terms of the resolution, until such time as appropriate legal documentation to put such resolution into effect has been agreed to and executed by all parties.

**ORDINARY MEETING**

**Minutes:** 30 April 2019

**SECTION 4 – Reports of Committees**

**Item: 070**                      **ROC - Audit Committee - 20 March 2019 - (95496, 91369, 79351)**

**Directorate:**                Support Services

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**MOTION:**

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

***Refer to RESOLUTION***

**85 RESOLUTION:**

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

That the minutes of the Audit Committee Meeting held on 20 March 2019 be received and noted.

**Item: 071**                      **ROC - Local Traffic Committee - 08 April 2019 - (95495, 80245)**

**Directorate:**                Infrastructure Services

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**MOTION:**

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

***Refer to RESOLUTION***

**86 RESOLUTION:**

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

That the minutes of the Local Traffic Committee held on 08 April 2019 be received and the recommendations therein be adopted and noted.

**ORDINARY MEETING**  
**Questions for Next Meeting**  
**Minutes: 30 April 2019**

**QUESTIONS FOR NEXT MEETING**

**Item: 072                      Councillor Questions from Previous Meetings and Responses - 9 April 2019 - (79351)**

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Questions and Responses in relation to previous Questions for the next Meeting - 9 April 2019 were provided.

**ORDINARY MEETING**  
**Questions for Next Meeting**  
**Minutes: 30 April 2019**

**Questions – 30 April 2019**

#	Councillor	Question	Response
1	Wheeler	Requested if bins could be placed near the wharf in Hanna Park, North Richmond for the collection of rubbish.	The Director Infrastructure Services
2	Garrow	Enquired as to whether RMS contractors have to adhere to Council's policy regarding rules in relation to using vibrating equipment adjacent to heritage listed properties.	The Director Infrastructure Services
3	Garrow	Requested an update in relation to the responses to the 2019/2020 Draft Operational Plan.	The Director City Planning
4	Garrow	Enquired as to when the abandoned vehicle in Kable Street, Windsor car park will be removed.	The Director City Planning
5	Garrow	Requested that Council Officers remind the group in Windsor Mall not to feed the pigeons.	The Director City Planning
6	Rasmussen	Requested if Council could investigate the damage to the guard rail on Old Kurrajong Road, North Richmond near the polo fields.	The Director Infrastructure Services
7	Rasmussen	Enquired as to whether there is any information available regarding the \$200M that has been promised in relation to the Richmond/North Richmond Bridge and if there so, could Councillors be updated.	The General Manager
8	Ross	Enquired in relation to the Windsor Bridge Project what communications have been held between the RMS and Council regarding the Interpretation Plan, specifically the community consultation held on 30 April 2019.	The Director City Planning
9	Ross	Enquired as to whether representations have been made to the RMS that Councillors be included in Windsor Bridge Project community consultations, and were Council staff in attendance and if so how many attended.	The Director City Planning
10	Ross	Requested an update on the Windsor Bridge Project progress in relation to the archaeological discoveries found at the construction site and timeframes in regard to the Interpretation Plan.	The General Manager

**ORDINARY MEETING**  
**Questions for Next Meeting**  
**Minutes: 30 April 2019**

#	Councillor	Question	Response
11	Ross	Enquired as to what is the process for the removal of electoral signage that is over 0.8m <sup>2</sup> that is in breach of the Council's Signage Policy and the Electoral Signage legislation. Will a fine be issued in relation to this matter.	The Director City Planning

## ORDINARY MEETING

Minutes: 30 April 2019

### CONFIDENTIAL REPORTS

#### 87 RESOLUTION:

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

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: 073 Contract Tender No. 009/FY09 - Provision of Co-mingled Kerbside Recycling Collection and Processing Service - (95498, 96330)**

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it related 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: 074 IS - Lease from Western Sydney University - Part of South Windsor Waste Management Facility, being Lot 192 in Deposited Plan 729625 - (112106, 95496, 95495, 79541, 112179)**

*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 property by 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: 075 Lease to The Minister for Police and Emergency Services (Fire and Recuse NSW) - Unformed Road Reserve adjoining 43 March Street, Richmond - (112106, 95496, 120506)**

*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: 076 Peppercorn Place: Lease of Vacant Activity Room - (95496, 96328, 28772)**

*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.

## ORDINARY MEETING

Minutes: 30 April 2019

There was no response, therefore, the Press and the public left the Council Chambers.

### 88 RESOLUTION:

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

**Item: 073**                      **CP - Contract Tender No. 009/FY09 - Provision of Co-mingled Kerbside Recycling Collection and Processing Service - (95498, 96330)**

**Previous Item:**            95, Ordinary (12 May 2009)  
                                 214, Ordinary (11 October 2016)

**Directorate:**              City Planning

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### MOTION:

The Director Support Services advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Wheeler, seconded by Councillor Rasmussen.

***Refer to RESOLUTION***

### 89 RESOLUTION:

The Director Support Services advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Wheeler, seconded by Councillor Rasmussen.

That:

1. The information contained within the report be received and noted.
2. Council, in accordance with the provisions of Section 55(3)(i) of the Local Government Act 1993, not invite public tenders due to extenuating circumstances, and approve a further 12 month contract for the Provision of Co-mingled Kerbside Recycling Collection and Processing Services with JJ Richards & Sons Pty Ltd, under the same general terms and conditions in the current contract.
3. Authority be given for the contract and any other documentation in association with the matter to be executed under the Seal of Council.



## ORDINARY MEETING

Minutes: 30 April 2019

**Item: 074**                      **IS - Lease from Western Sydney University - Part of South Windsor Waste Management Facility, being Lot 192 in Deposited Plan 729625 - (112106, 95496, 95495, 79541, 112179)**

**Directorate:**                      Infrastructure Services

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### **MOTION:**

The Director Support Services advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Wheeler.

***Refer to RESOLUTION***

### **90 RESOLUTION:**

The Director Support Services advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Wheeler.

That:

1. Council agree to enter into a new lease with Western Sydney University for the parcel of land known as Lot 192 in Deposited Plan 729625 as outlined in the report.
2. Authority be given for the lease and any other documentation in association with this matter to be executed under the Seal of Council.
3. Details of Council's resolution be conveyed to Western Sydney University, 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 a resolution into effect has been agreed to and executed by all parties.

**Item: 075**                      **SS - Lease to The Minister for Police and Emergency Services (Fire and Rescue NSW) - Unformed Road Reserve adjoining 43 March Street, Richmond - (112106, 95496, 120506)**

**Previous Item:**                      147, Ordinary (14 August 2014)

**Directorate:**                      Support Services

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### **MOTION:**

The Director Support Services advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Wheeler.

***Refer to RESOLUTION***

## ORDINARY MEETING

Minutes: 30 April 2019

### 91 RESOLUTION:

The Director Support Services advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Wheeler.

That:

1. Council proceed to publically exhibit the proposed Deed of Lease with The Minister for Police and Emergency Services (Fire & Rescue NSW) for the road reserve adjoining 43 March Street, Richmond, as outlined in the report, in accordance with Section 154 of the Roads Act, 1993.
2. At the expiration of the public exhibition period outlined in Part 1, the following action be taken:
  - (a) Should any submissions be received regarding the proposed Agreement to The Minister for Police and Emergency Services (Fire & Rescue NSW) a further report be submitted to Council, or
  - (b) Should no submissions be received:
    - i. Council agree to enter into a new Deed of Lease with The Minister for Police and Emergency Services (Fire & Rescue NSW) in regard to the unformed road adjoining 43 March Street, Richmond, as outlined in this report.
    - ii. Authority be given for the Deed of Lease and any other documentation in association with the matter to be executed under the Seal of Council.
    - iii. 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 the resolution, until such time as appropriate legal documentation to put such resolution into effect has been agreed to and executed by all parties.

**Item: 076**                      **SS - Peppercorn Place: Lease of Vacant Activity Room - (95496, 96328, 28772)**

**Previous Item:**              181, Ordinary (26 September 2017)

**Directorate:**                Support Services

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### MOTION:

The Director Support Services advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Wheeler.

***Refer to RESOLUTION***

### 92 RESOLUTION:

The Director Support Services advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Wheeler.

## ORDINARY MEETING

Minutes: 30 April 2019

That:

1. Council agree to enter into a Licence Agreement, as outlined in this report, with Health and Leisure to You in regard to vacant Activity Room space at Peppercorn Place, 320 George Street, Windsor for the period from 1 May 2019 to 31 December 2021.
2. Authority be given for the Licence Agreement, and any other 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 tenant, together with the advice that Council is not, and will not, be bound by the terms of the resolution, until such time as appropriate legal documentation to put such resolution into effect has been agreed to and executed by all parties.

The meeting terminated at 8.16pm.

Submitted to and confirmed at the Ordinary meeting held on 14 May 2019.

.....  
Mayor



ordinary

section 2

mayoral minutes

**ORDINARY MEETING**  
**SECTION 2 – Mayoral Minute**  
**Meeting Date: 14 May 2019**

**SECTION 2 – Mayoral Minutes**

No Mayoral Minutes.

ordinary

section 3

reports  
for determination

**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 14 May 2019**



**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 14 May 2019**

**SECTION 3 – Reports for Determination**

**INFRASTRUCTURE SERVICES**

**Item: 077**                      **IS - Markets in Richmond Park and McQuade Park - (95495, 79354, 127235, 129069)**

**Directorate:**                Infrastructure Services

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**PURPOSE OF THE REPORT:**

The purpose of this report is to advise Council of a number of market applications received seeking approval to use Council parks for the period from July 2019 to June 2020.

**EXECUTIVE SUMMARY:**

Council has received an application from Richmond Fresh Food Markets seeking to extend their Saturday weekly markets at Richmond Park for another year from July 2019 to June 2020.

A separate application has been made by AMA Event Management to hold a monthly market in McQuade Park. They are proposing a variety market that includes craft, local produce, fashion and toys and children's activities.

These matters have to be reported to Council in accordance with Council's Policy for Markets - Commercial and Non-Profit.

**RECOMMENDATION SUMMARY:**

It is proposed that the current approval in respect of the Richmond Fresh Food Market be extended until June 2020. Approval of the proposed McQuade Park Market is not supported due to the potential impacts of a market on this sensitive and high profile park. Other opportunities for markets are being explored as part of the City Deal Liveability project to activate and revitalise the Windsor, South Windsor and Richmond Town Centres.

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**REPORT:**

**Context and Background**

***Richmond Park Markets***

Council has previously approved applications by Richmond Fresh Food Markets to hold weekly growers markets at Richmond Park.

Richmond Fresh Food Markets has sought to extend its weekly Saturday markets for another year. These markets have been held since 2014 and whilst there have been some minor issues with other users over parking, the markets are generally well accepted and attended. This market ranges between 20 - 50 stalls at any one time. Council has also provided Event Sponsorship of the markets in 2018/2019.

Due to the markets being held every week, there has been some damage caused to the grounds. To help solve this, conditions can be imposed requiring all stall holders to use appropriate matting to allow the

**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 14 May 2019**

grass to breathe and thus limit wear and tear/damage. It is recommended that any approval be capped at a maximum of 50 stalls.

In regard to the allocation of times the current arrangements allow for variations to avoid conflicts with other events and users and this can be managed at an administrative level. This would also include granting approvals for holding of twilight markets at specific times. A number of standard conditions relating to general park usage and compliance with the relevant plan of management would be included in any approval.

***McQuade Park***

AMA Event Management previously held markets at Governor Phillip Park however these ceased more than a year ago. They are now seeking to hold a monthly market at McQuade Park. They are proposing a “variety market” that includes craft, local produce, fashion and toys and children's activities.

Whilst McQuade Park has been used as an event space in the past, a market at this location is not supported for a range of reasons:-

- The area west of the lake is very dry and does not recover very well after any intensive use
- The edge of the area is heavily treed and it is difficult to maintain a grass cover.
- It is difficult to control traffic ingress and egress to the park.
- Any additional use will aggravate and compound the above problems

McQuade Park is also a key city entry park and has significant heritage values, being a State listed site. Council staff are in the process of embellishing the area by upgrading the lake and planning for other improvements that would enhance the appearance and functionality of the park for a range of events compatible with the significance of the site.

***City Deal Liveability Program***

In early 2019 Council received confirmation that it had received approval in respect of its proposed Liveability Project, namely to revitalisation of the Windsor, South Windsor and Richmond Town Centres.

A key element of this project will involve the consideration of opportunities to “activate” the public spaces within these centres. Community Markets are one of the more common means by which the activation of public spaces can be achieved. Whilst a number of markets currently operate across the Local Government Area, they do so in the absence of an overall Policy that guides their location, operation and content.

A Community Market Policy will be finalised as part of the Liveability Project that will apply to Windsor, South Windsor and Richmond plus the remainder of the Local Government Area.

**Detailed History, including previous Council decisions**

Council has previously granted approval for Richmond Fresh Food Markets to hold weekly growers markets at Richmond Park.

Further, Council at its meeting held on 28 March 2017, resolved in part to review the Markets Policy as an action taken through the Town Centres Master Plan Working Group. This review is currently underway as part of the Liveability Project with the aim to develop a thorough policy that covers community market activities in Windsor, South Windsor and Richmond, and other locations around the Local Government Area.

**Policy considerations**

This matter is reported to Council in accordance with its policy for Markets - Commercial and Non-Profit which require Council approval for markets.

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It should be noted that Council is currently reviewing both its Windsor Mall Policy and Policy for Markets - Commercial and Non-Profit through the Town Centres Master Plan Working Group.

### **Consultation**

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy.

### **Conformance to the Hawkesbury Community Strategic Plan 2017-2036**

The proposal is consistent with the following Focus Areas, Directions and Strategies within the CSP.

#### Our Assets

4.3 Places and Spaces - Provide the right places and spaces to serve our community

4.3.1 Provide a variety of quality passive recreation spaces including river foreshores, parks, bushland reserves and civic spaces to enhance our community's health and lifestyle.

4.3.2 Provide a variety of quality active recreation spaces including playgrounds, sporting fields, pool, stadium and multipurpose centres to enhance our community's health and lifestyle.

#### Our Future

5.6.1 Foster and promote an annual program of events, festivals, sporting and cultural activities that allows our communities to connect and celebrate with one another.

5.7.1 Working in partnership we will actively market our City and our capabilities to existing and potential businesses, visitors and investors.

### **Financial Implications**

The matters raised in this report have direct financial implications, with the income from existing markets incorporated in the Draft 2019/2020 Operational Plan.

### **Fit For The Future Strategy Considerations**

The proposal is aligned with Council's long term plan to improve and maintain organisational sustainability and achieve Fit for the Future financial benchmarks. The proposal will enable Council to continue to provide and maintain service levels to meet established community expectations as budgeted for in the Long-Term Financial Plan.

### **Conclusion**

Richmond Fresh Food Markets have held weekly growers markets successfully at Richmond Park since 2014. They are generally well attended and an extension of their markets for one year is recommended, subject to conditions.

The request to hold a monthly market at McQuade Park by AMA Event Management is a new event and not recommended due to the impact on the park.

Further, that consideration of other opportunities for markets be explored as part of the City Deal Liveability project to activate and revitalise the Windsor, South Windsor and Richmond Town Centres.

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**RECOMMENDATION:**

That:

1. Richmond Fresh Food be given approval to hold a Saturday weekly growers market at Richmond Park from 1 July 2019 to 30 June 2020 subject to the following:
  - a) Council's general park conditions.
  - b) Council's fees and charges.
  - c) The Richmond Park Plans of Management.
  - d) Satisfactory management of conflict with other users.
  - e) The stall holders using suitable matting under their stall
2. The General Manager be given authority to negotiate additional markets, if required by Richmond Fresh Food.
3. AMA Event Management not be given approval to hold monthly markets at McQuade Park.
4. Consideration of other opportunities for markets be explored as part of the City Deal Liveability project to activate and revitalise the Windsor, South Windsor and Richmond Town Centres.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

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**SUPPORT SERVICES**

**Item: 078**                      **SS - Pecuniary Interest Return - Designated Person - (95496, 96333)**

**Division:**                      Support Services

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**PURPOSE OF THE REPORT:**

The purpose of this report is to table a Disclosure of Pecuniary Interests and Other Matters Return, which has been recently lodged by a Designated Person, as required by Section 449(1) of the Local Government Act 1993.

**EXECUTIVE SUMMARY:**

Councillors and other members of Council staff identified as Designated Persons under the Local Government Act are required to complete a Pecuniary Interest Return form identifying any pecuniary and other types of interests that they hold as at their date of commencement with Council.

One such Return has recently been lodged with the General Manager, and is now tabled at the first Council meeting held after the required lodgement date.

**RECOMMENDATION SUMMARY:**

That the information be received and noted.

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**REPORT:**

**Context and Background**

Councillors and other members of Council staff who hold a position involving the exercise of functions that, in their exercise, could give rise to a conflict between the person's duty as a member of staff and the person's private interest, are identified by Council as a "Designated Person", as defined by Section 441 of the Local Government Act.

Designated Persons are required by Section 449 of the Local Government Act to complete a Return form identifying any pecuniary and other types of interests that they hold as at their date of commencement with Council.

These Return forms must be lodged with the General Manager within three months of the Designated Person's date of commencement with Council, and must be tabled at the first Council meeting held after the required lodgement date.

**Policy considerations**

Section 450A of the Local Government Act, 1993 relates to the register of Pecuniary Interest Returns and the tabling of these Returns, which have been lodged by Councillors and Designated Persons. Section 450A of the Act is as follows:

- "1.     *The General Manager must keep a register of returns required to be lodged with the General Manager under section 449.*

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2. *Returns required to be lodged with the General Manager under section 449 must be tabled at a meeting of the council, being:*
- (a) *In the case of a return lodged in accordance with section 449 (1)—the first meeting held after the last day for lodgement under that subsection, or*
  - (b) *In the case of a return lodged in accordance with section 449 (3)—the first meeting held after the last day for lodgement under that subsection, or*
  - (c) *In the case of a return otherwise lodged with the general manager—the first meeting after lodgement."*

With regard to Section 450A(1), a register of all Returns lodged by Councillors and Designated Persons, in accordance with Section 449 of the Act, is currently kept by Council as required by this part of the Act.

With regard to Section 450A(2), all Returns lodged by Councillors and Designated Persons, under Section 449 of the Act, must be tabled at a Council Meeting as outlined in subsections (a), (b) and (c).

### **Consultation**

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy.

### **Conformance to the Hawkesbury Community Strategic Plan 2017-2036**

The proposal is consistent with the following Focus Area, Direction and Strategy within the CSP.

#### Our Leadership

1.5 Regulation and Compliance - Encourage a shared responsibility for effective local compliance.

1.5.2 Best practice, sustainability principles, accountability and good governance are incorporated in all activities undertaken by Council.

### **Discussion**

With regard to Section 450(2)(a), the following Section 449(1) Return has been lodged:

Position	Return Date	Date Lodged
Town Planner	11 February 2019	1 May 2019

The above Designated Person has lodged their Section 449(1) Return prior to the due date (being three months after the Return Date), as required by the Act for the receipt of the Return.

The above details are now tabled in accordance with Section 450A(2)(a) of the Act, and the abovementioned Return is available for inspection if requested.

### **Fit For The Future Strategy Considerations**

The proposal is aligned with Council's long term plan to improve and maintain organisational sustainability and achieve Fit for the Future financial benchmarks. The proposal has no resourcing implications, outside of Council's adopted 2018/19 Operational Plan, which will adversely impact on Council's financial sustainability.

### **Financial Implications**

There are no financial implications applicable to this report.

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**Conclusion**

The Designated Person has lodged their Section 449(1) Return with the General Manager prior to the required due date.

The Return has now been tabled at a Council meeting as required by the Local Government Act, and is available for inspection if required.

**RECOMMENDATION:**

That the Section 449(1) Pecuniary Interest Return be received and noted.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Ooo**

**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 14 May 2019**

**Item: 079**                      **SS - Provision of Information and Interaction between Councillors and Staff Policy - (95496, 96333)**

**Previous Item:**            129, Ordinary (29 June 2010)

**Directorate:**               Support Services

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**PURPOSE OF THE REPORT:**

Council recently adopted its Code of Conduct. Consistent with the requirements of Council's new Code of Conduct, amendments must now be made to Council's Provision of Information and Interaction between Councillors and Staff Policy. The purpose of this report is to introduce the proposed amendments to the Policy.

**EXECUTIVE SUMMARY:**

On 14 December 2018, a new Model Code of Conduct was prescribed for all Councils in NSW. All councils are required to adopt a new Code of Conduct based on the Model Code within six months of that date. Hawkesbury Council's new Code of Conduct was adopted on 12 March 2019, including a resolution for other relevant policies and procedures to be updated.

Council contacted a number of other councils through its networking groups. All councils are undertaking, or about to commence the revision of their policies for the provision of information and interaction between Councillors and Staff. The proposed changes are consistent with the actions of other councils.

Whilst there have been no major changes to the requirements relating to Councillor's access to information and interactions with staff, the adoption of the new Code of Conduct has presented an opportunity to develop a comprehensive new Policy that is in line with Council's contemporary expectations.

**RECOMMENDATION SUMMARY:**

It is recommended that Council's revised Provision of Information and Interaction between Councillors and Staff Policy be placed on public exhibition.

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**REPORT:**

**Context and Background**

On 14 December 2018, a new Model Code of Conduct for Councils in NSW was prescribed by Government Gazette. All local councils are required to adopt a new Code of Conduct based on the Model Code within six months of that date. Hawkesbury Council's new Code of Conduct was adopted on 12 March 2019, including a resolution for other relevant policies and procedures to be updated.

As a result, Council's current Provision of Information and Interaction between Councillors and Staff Policy (the Policy) has been reviewed in comparison with the relevant Part 7 and Part 8 of the new Code of Conduct, and the Policy has been redrafted in order to be consistent with those provisions. The Policy has also been restructured to fit into Council's new Policy template, which includes tracking of amendments, linking relevant documents, identifying the responsible officer and nominating a review date for the Policy.



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The Procedural Section of the Policy has been structured under a number of headings, each of which is summarised under the Policy Considerations heading below:

- Councillors' rights to information
- Restrictions on Councillors' requests for information
- Refusal to provide information
- Councillors' responsibility to use information appropriately
- Recordkeeping responsibilities
- Other interactions between Councillors and staff

**Detailed History, including previous Council decisions**

Council's existing Provision of Information and Interaction between Councillors and Staff Policy was adopted on 29 June 2010. On that occasion, the Policy was updated in order to respond to the introduction of the Government Information (Public Access) Act 2009, which:

- Repealed the access to information provisions of Section 12 of the Local Government Act,
- Provided a new alternative method by which Councillors were able to request access to Council information (in particular, when the information requested is not required for the execution of their civic duties).

The current revision of the Policy has been undertaken in order to respond to Council's adoption of its new Code of Conduct on 12 March 2019.

Council contacted a number of other councils through its networking groups. All councils are undertaking, or about to commence the revision of their policies for the provision of information and interaction between Councillors and Staff. The proposed changes are consistent with the actions of other councils.

**Policy considerations**

The provisions of the new Code of Conduct in Part 7 – Relationships Between Council Officials, and Part 8 – Access to Information and Council Resources, have been used as the basis for the revised Policy. Although the provisions in the new Code of Conduct have been substantially reworded from the previous version, and the requirements are outlined in greater detail, there have not been any major changes to the content or requirements in a practical sense.

The opportunity has been taken to improve the detail and quality of Council's Policy, which has been reorganised under new headings for ease of use, as follows:-

Councillors' right to information

Outlines the basic rights of Councillors to access Council information, and for what purposes; and the responsibilities of staff members to respond in accordance with those rights.

Councillors may approach the General Manager, Public Officer, or an appropriate delegate of the General Manager (being a Director or the Manager Corporate Services and Governance as outlined in Section 4 of the Policy), in order to request access to Council information.

Restrictions on Councillors' requests for information

Outlines circumstances in which Councillors do not have the usual degree of rights to access Council information, and alternative ways that the Councillor may request the information, with the same rights as any other member of the public.

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Refusal to provide information

Indicates that where a Council staff member (under delegation from the General Manager) decides that a Councillor does not have the right to access information, a written response detailing the reasons for the decision must be provided.

Councillors' responsibility to use information appropriately

Outlines the requirements for Councillors to use information only in accordance with specific purposes, and to preserve the integrity of information they receive, in terms of personal privacy, confidentiality, and records management.

Recordkeeping responsibilities

Outlines the requirement for all Councillors and all staff to abide by the State Records Act and Council's internal policies and procedures, by making records of all requests for information and the responses to those requests. All such records are required to be stored in Council's Records Management System.

Other interactions between Councillors and staff

Summarises other types of interactions between Councillors and Council staff which have been deemed inappropriate by the Code of Conduct, and which do not relate to requests for information.

**Consultation**

The matter was presented at the Councillor Briefing Session held on 7 May 2019.

The issues raised in this report concern matters which constitute a trigger for broader community engagement under Council's Community Engagement Policy. The community engagement process proposed in this report meets the criteria for the minimum level of community engagement required under Council's policy.

Accordingly, the Provision of Information and Interaction between Councillors and Staff Policy will be placed on public exhibition for 28 days and should any submissions be received, they be addressed in a further report to Council.

**Conformance to the Hawkesbury Community Strategic Plan 2017-2036**

The proposal is consistent with the following Focus Area, Direction and Strategy within the CSP.

Our Leadership

1.5 Regulation and Compliance - Encourage a shared responsibility for effective local compliance.

1.5.2 Best practice, sustainability principles, accountability and good governance are incorporated in all activities undertaken by Council.

**Financial Implications**

There are no financial implications applicable to this report.

**Fit For The Future Strategy Considerations**

The proposal is aligned with Council's long term plan to improve and maintain organisational sustainability and achieve Fit for the Future financial benchmarks. The proposal has no resourcing implications, outside of Council's adopted Long Term Financial Plan.

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**Conclusion**

The Provision of Information and Interaction between Councillors and Staff Policy has been reviewed and revised in order to address the requirements of Council's recently adopted new Code of Conduct, and to bring the Policy in line with Council's contemporary expectations of quality.

It is proposed that the Policy be placed on public exhibition for a period of 28 days and should any submissions be received, the matter be reported back to Council after the consultation period. Should no submissions be received, Council adopt the Policy.

**RECOMMENDATION:**

That:

1. The Provision of Information and Interaction between Councillors and Staff Policy, attached as Attachment 1 to this report, be placed on public exhibition for a period of 28 days.
2. At the expiration of the public notification exhibition process outlined in Part 1 above, the following action be taken:
  - a) Should any submissions be received regarding the Provision of Information and Interaction between Councillors and Staff Policy, a further report be submitted to Council, or
  - b) Should no submissions be received, Council adopt the Provision of Information and Interaction between Councillors and Staff Policy, as attached as Attachment 1 to this report.

**ATTACHMENTS:**

- AT - 1** Draft Provision of Information and Interaction between Councillors and Staff Policy (*Distributed under separate cover*)

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 14 May 2019**

**Item: 080**                      **SS - Gifts and Benefits Policy for Councillors and Staff - (95496, 96333)**

**Previous Item:**            045, Ordinary (28 February 2017)

**Directorate:**               Support Services

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**PURPOSE OF THE REPORT:**

Council recently adopted its Code of Conduct. Consistent with the requirements of Council's new Code of Conduct, amendments must be made to Council's Gifts and Benefits Policy for Councillors and Staff. The purpose of this report is to introduce the proposed amendments.

**EXECUTIVE SUMMARY:**

On 14 December 2018, a new Model Code of Conduct was prescribed for all councils in NSW. All councils are required to adopt a new Code of Conduct based on the Model Code within six months of that date. Hawkesbury Council's new Code of Conduct was adopted on 12 March 2019, including a resolution for other relevant policies and procedures to be updated.

Council contacted a number of other councils through its networking groups. All councils are undertaking, or about to commence the revision of their policies for the handling gifts and benefits for Councillors and staff. The proposed changes are consistent with the actions of other councils.

The requirements governing the disclosure and acceptance of gifts and benefits were one of the major areas of focus for the Office of Local Government when developing the new Model Code of Conduct, and there have been a number of significant changes in this area, requiring Council to revise its Gifts and Benefits Policy.

**RECOMMENDATION SUMMARY:**

It is recommended that the revised Council's Gifts and Benefits Policy for Councillors and Staff be placed on public exhibition.

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**REPORT:**

**Context and Background**

On 14 December 2018, a new Model Code of Conduct for Councils in NSW was prescribed by Government Gazette. All local councils are required to adopt a new Code of Conduct based on the Model within six months of that date. Hawkesbury Council's new Code of Conduct was adopted on 12 March 2019, including a resolution for other relevant policies and procedures to be updated.

The requirements governing the disclosure and acceptance of gifts and benefits were one of the major areas of focus for the Office of Local Government when developing the new Model Code of Conduct, and there have been a number of significant changes in this area.

The Policy has also been restructured to fit into Council's new Policy template, which includes tracking of amendments, linking relevant documents, identifying the responsible officer and nominating a review date for the Policy.

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The requirements governing the disclosure and acceptance of gifts and benefits were one of the major areas of focus for the Office of Local Government when developing the new Model Code of Conduct, and there have been a number of significant changes in this area.

As a result, Council's proposed new Gifts and Benefits Policy for Councillors and Staff (the Policy) has been developed and incorporates the following major changes:

- Removal of the distinction between "token" and "nominal" values of gifts;
- All types of gifts and benefits, including token gifts, are now required to be disclosed;
- Meals and beverages (under \$50) provided at work-related functions and events are no longer subject to the provisions.
- "Personal associates" of Council officials are also prohibited from receiving gifts and benefits, if the gift or benefit may influence or be perceived to influence Council business,
- A provision for the acceptance of tickets to Council sponsored or Council partner events.

A copy of the new Gifts and Benefits Policy for Councillors and Staff can be found as Attachment 1 to this report.

Each of these points are outlined in detail under the Policy Considerations heading below. A summary of the changes is also included in the table of comparison attached as Attachment 2 to this report.

It should be noted that at the time of writing this report, the Gifts and Benefits page of the NSW Independent Commission Against Corruption (ICAC) website contains the advice that *"The ICAC is currently revising its advice on gifts and benefits."* The webpage directs visitors to the new Model Code of Conduct as the standard for Councils in this regard.

Therefore, whilst the Policy that has been drafted adheres to the standards of the Model Code of Conduct, a further revision of Council's Policy may need to be considered following the release of further advice from the ICAC.

#### **Detailed History, including previous Council decisions**

Council's existing Gifts and Benefits Policy for Councillors and Staff was adopted on 28 February 2017, in response to the Policy's requirement that it be reviewed with 12 months of an Ordinary Local Government Election.

Prior to that, the Policy had not undergone any major revisions since it was first adopted on 8 April 2008. At that time, the Policy was drafted based on advice provided in the *Local Government Reform – Promoting Better Practice Review* checklists issued annually by the then Department of Local Government, and the *Managing Gifts and Benefits in the Public Sector Toolkit* issued by the ICAC in 2006.

As mentioned above, a major revision of the Policy is now required in order to respond to Council's adoption of its new Code of Conduct on 12 March 2019, which contains significantly different provisions relating to the handling of gifts and benefits.

Council contacted a number of other councils through its networking groups. All councils are undertaking, or about to commence the revision of their policies for the handling gifts and benefits for Councillors and staff. The proposed changes are consistent with the actions of other councils.

#### **Policy considerations**

The guidelines presented in the new Model Code of Conduct (and therefore Council's Code of Conduct) regarding gifts and benefits have required a number of revisions to be incorporated into Council's current Gifts and Benefits Policy. The details of these revisions can be found summarised as follows:-

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Gifts of “Token” Value

In Council’s existing Policy, there exists two distinct categories of low value gifts and benefits – “Token” value gifts, which are defined as having a value of \$10 or less, and “Nominal” value gifts, which have a value of between \$10 and \$50.

This distinction between Token and Nominal values does not exist within the provisions of the new Code of Conduct and Policy. In order to simplify the decision-making process, gifts are now classified as either “Token”, with a value of \$50 or under, or “High Value”, being any value over \$50. This simplification of the categories also acknowledges that common gifts of appreciation such as chocolates may no longer be reasonably classified in the under \$10 category.

Disclosure of Token Value Gifts

Under the previous three category system, "Token" gifts of \$10 value or under were not required to be disclosed. As the value of a "Token" gift has been raised to \$50, in order to preserve the integrity and transparency of the disclosure system, it is a requirement of the new Policy that all gifts must now be disclosed regardless of value, including "Token" gifts.

It is noted that the requirements regarding disclosure of "Token" gifts and benefits was one of the matters that Council requested the Office of Local Government provide clarification on, in Council's October 2017 submission to the consultation draft of the new Model Code. The “Personal Benefit” section in the prescribed version of the Model Code was substantially amended from the version contained in the consultation draft, and the amendments addressed Council's concern over the definitions.

Exclusion of meals and beverages

Under Clause 9.1.2(d) and (e) of Council’s existing Gifts and Benefits Policy, Council officials are required to record in the gifts and benefits register:

- “(d) free or subsidised meals and/or beverages provided infrequently (and/or reciprocally) by representatives of State or Federal government departments or agencies and clients of the Council who do not have an application or tender either before the Council or proposed.*
- (e) free meals and/or beverages provided to Councillors and/or employees who formally represent the Council at social or local government related functions, meetings, etc.”*

Clause 6.2(d) of the Model Code of Conduct (and Council’s Code of Conduct) now identifies that meals and drinks of a reasonable value are not required to be disclosed:

- “(d) free or subsidised meals, beverages or refreshments of token value [\$50 or less] provided to council officials in conjunction with the performance of their official duties...”*

In light of the new requirement above that all "Token" value gifts must now be disclosed, the removal of the requirement to disclose "Token" value meals and drinks will reduce the administrative burden of organising attendance at meetings, functions and events.

Any meals or drinks provided with an estimated value of over \$50 will still be required to be disclosed in the gifts and benefits register.

Personal associates of Council officials

The definition of “gifts and benefits” provided in Clause 6.1 of the Model Code of Conduct (and Council’s Code of Conduct) specifies that a gift or benefit is “*something offered to or received by a council official or someone personally associated with them...*”

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In the interest of transparency, this definition introduces more stringent requirements regarding disclosure of gifts and benefits, as personal associates were not mentioned in previous iterations of the Code of Conduct or Gifts and Benefits Policy.

A definition of “personal associate” is not laid out in the Model Code of Conduct or any other legislation. Accordingly, Council staff sought guidance from the Office of Local Government and advice through its networking groups, and proposes to adopt the following definition of “personal associate”:

*“Any person who has an association with a Council Officer outside of a normal working relationship that is particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship. This also includes “relatives” within the definition provided in the Local Government Act 1993 and Section 4.4 of Council's Code of Conduct.”*

For reference, the definition of “relative” in the Local Government Act and Council's Code of Conduct is:

- “(a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse or de facto partner,*
- (b) the spouse or de facto partner of the person or of a person referred to in paragraph (a).”*

Under the requirements of the new Code and Policy, all gifts and benefits received by persons under the definition of “personal associate” of a Council Official must be disclosed by the Council Official, if the gift or benefit may have, or may be perceived to have, any impact on Council business.

When making a decision regarding the appropriate course of action to deal with a gift or benefit offered to or received by a personal associate, a number of considerations will need to be taken into account, such as:

- The specific relationship in question (e.g. close friend, immediate family member);
- The type of gift or benefit, and its value;
- The likelihood that the gift or benefit will have, or be perceived to have, an effect on Council business.

Decisions regarding gifts and benefits disclosed on behalf of personal associates will be made by Council's General Manager, in accordance with the decision making matrix included in the Policy.

Acceptance of Tickets to Council Sponsored or Partner Events

Council staff have sought to clarify a potential doubtful area in regard to the acceptance of a ticket to an event or function that Council is sponsoring, or one that is being hosted by an organisation that Council has a formal relationship with.

Council enters into many sponsorship agreements with external organisations whereby part of that agreement includes a set number of tickets to the sponsored function or event for the attendance by Council representatives. Likewise, Council may provide in-kind support and enter into a written partnership agreement that includes a set number of tickets for Council representatives to attend a function or event hosted by an external organisation or agency.

Clauses to allow the acceptance of a ticket by a Council representative to an event or function in the circumstances outlined above have been included in the Section 9 of the revised Gifts and Benefits Policy for Councillors and Staff. However, this does not include tickets to sporting events or other entertainment which are of a high value (being more than \$50), where Council has no documented sponsorship or relationship with the host organisation.

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**Consultation**

The matter was presented at the Councillor Briefing Session held on 7 May 2019. The issues raised in this report concern matters which constitute a trigger for broader Community Engagement under Council's Community Engagement Policy. The community engagement process proposed in this report meets the criteria for the minimum level of community engagement required under Council's policy.

Accordingly, the Gifts and Benefits Policy for Councillors and Staff will be placed on public exhibition for 28 days and should any submissions be received, they be addressed in a further report to Council.

**Conformance to the Hawkesbury Community Strategic Plan 2017-2036**

The proposal is consistent with the following Focus Area, Direction and Strategy within the CSP.

Our Leadership

- 1.5 Regulation and Compliance - Encourage a shared responsibility for effective local compliance.
  - 1.5.2 Best practice, sustainability principles, accountability and good governance are incorporated in all activities undertaken by Council.

**Financial Implications**

There are no financial implications applicable to this report.

**Fit For The Future Strategy Considerations**

The proposal is aligned with Council's long term plan to improve and maintain organisational sustainability and achieve Fit for the Future financial benchmarks. The proposal has no resourcing implications, outside of Council's adopted Long Term Financial Plan.

**Conclusion**

The Gifts and Benefits Policy for Councillors and Staff has been reviewed and revised in order to address the requirements of Council's recently adopted new Code of Conduct. All significant changes made have been evaluated to ensure that whilst some provisions have been changed; those changes are justified and will not result in a reduction of transparency and accountability.

Therefore, it is proposed that the Policy be placed on public exhibition for a period of 28 days and should any feedback be received, the matter be reported back to Council after the consultation period. Should no submissions be received, Council adopt the Policy.

**RECOMMENDATION:**

That:

1. The Gifts and Benefits Policy for Councillors and Staff, attached as Attachment 1 to this report, be placed on public exhibition for a period of 28 days.
2. At the expiration of the public notification exhibition process outlined in Part 1 above, the following action be taken:
  - a) Should any submissions be received regarding the Gifts and Benefits Policy for Councillors and Staff, a further report be submitted to Council, or



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- b) Should no submissions be received, Council adopt the Gifts and Benefits Policy for Councillors and Staff, as attached as Attachment 1 to this report.

**ATTACHMENTS:**

- AT - 1** Draft Gifts and Benefits Policy for Councillors and Staff (*Distributed under separate cover*)
- AT - 2** Table of Comparison – Current and New Policies

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**AT - 2 Table of Comparison – Current and New Policies**

<b>Current Policy</b>	<b>New Policy</b>
Token gifts – valued at \$10 or less Nominal gifts – valued between \$10 and \$50 High value gifts – valued over \$50	Token gifts – all gifts valued \$50 or less High value gifts – valued over \$50
Token gifts – do not need to be disclosed Nominal and high value gifts – must be disclosed	All gifts must be disclosed regardless of value
Includes free and/or subsidised meals and beverages provided at work-related functions or events	Does not include meals or beverages (under \$50) provided at work-related functions and events
Applies to all Council Officials	Applies to all Council Officials, and personal associates (including relatives)
No provision for the acceptance of tickets for Council sponsored or partnership events	Includes provisions for the acceptance of a ticket by a Council representatives to a Council sponsored or partner event

**oooO END OF REPORT Oooo**

ordinary

section 4

reports  
of committees

**ORDINARY MEETING**  
**SECTION 4 – Reports of Committees**  
**Meeting Date: 14 May 2019**

**SECTION 4 – Reports of Committees**

No Reports of Committees.

ordinary

section 5

notices of motion

**ORDINARY MEETING**  
**SECTION 5 – Notices of Motion**  
**Meeting Date: 14 May 2019**

**ORDINARY MEETING**  
**SECTION 5 – Notices of Motion**  
**Meeting Date: 14 May 2019**

**SECTION 5 – Notices of Motion**

**Item: 081**                      **NM - Illegal Rubbish Dumping in Hawkesbury Local Government Area - (79351, 125612)**

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**Submitted by:** Councillor Lyons-Buckett

**NOTICE OF MOTION:**

That Council:

1. Work with the Member for Hawkesbury, Robyn Preston MP and applicable State government agencies to develop a system for collection of rubbish dumped on roadsides and in reserves, National Parks etc.
2. Collect data on the nature and location of dumped rubbish collected by Council and referrals to other agencies to collect dumped rubbish. Such data will assist and inform us in our advocacy to devise the most efficient and effective method of dealing with the problem of dumped rubbish in outer urban- rural interface areas.
3. Provide to the public, information and rationale for our Council no longer being part of the RID squad.
4. Compile a list of outstanding Council issues raised previously with Mr Perrottet which have not been actioned, for Ms Preston, so she can familiarise herself with these prior to follow up meetings on those matters.

**BACKGROUND:**

The level of frustration within the community regarding the timeframe in which dumped rubbish is removed from roadsides and other public land is evident from Social Media posts and the like.

Often this occurs in areas on our fringes adjoining National Parks, reserves and along roadsides, dead end roads and waterways. If the rubbish pile is not collected soon after being dumped it appears that the pile grows as others add to it. This is both unsightly and often hazardous.

Currently, responsibility to remove the dumped rubbish can lie with various agencies being Council, Roads and Maritime Services, National Parks and Wildlife Services or the Environment Protection Authority in some instances. Unfortunately this can give rise to lengthy delays before the rubbish is actually removed, and members of the public often feel dissatisfied with the process.

In 2017, I discussed these issues with the then Member for Hawkesbury - Dominic Perrottet MP, who was interested in the matter and requested I send a letter following up on what we discussed, so that he could look into it further. I did so, and also included some other matters we had discussed. The letter (no response received) is attached as Attachment 1 to this Notice of Motion. This is one of a number of matters that remain outstanding.

The dumping continues to be problematic. It is in the best interests of our residents, Council and the State Government to implement a system whereby we can eliminate the pollution and hazards caused by dumped rubbish, by removing it at the earliest possible convenience. Continuation of education and awareness campaigns is essential to encourage deterrence of this practice.

**ORDINARY MEETING**  
**SECTION 5 – Notices of Motion**  
**Meeting Date: 14 May 2019**

If we work together to develop a protocol enabling the primary objective of dealing with dumping effectively, the issues of costs and availability of staff to carry out the removal could be investigated and accommodated to give the best outcome for our community.

The aim of this notice of motion fits the following sections of Hawkesbury Community Strategic Plan;

Our Leadership

- 1.4 Reinforcing and establishing effective strategic partnerships - Build strong relationships and shared responsibilities.

- 1.4.1 Foster positive relationships with all tiers of government and peak bodies to ensure a thorough understanding of the challenges and local requirements of the Hawkesbury.

Our Environment

- 3.1 The natural environment is protected and enhanced - Value, protect and enhance our unique natural environment
  - 3.1.2 Act to protect and improve the natural environment including working with key agency partners.
  - 3.1.3 Minimise our community's impacts on habitat and biodiversity and protect areas of conservation value.
  - 3.1.4 Use a range of compliance measures to protect the natural environment.

**FINANCIAL CONSIDERATIONS:**

There are no financial implications applicable to this report.

**ATTACHMENTS:**

- AT - 1** Letter to Member for Hawkesbury Dominic Perrottet MP dated 21 November 2017



**ORDINARY MEETING**  
**SECTION 5 – Notices of Motion**  
**Meeting Date: 14 May 2019**

**AT - 1 Letter to Member for Hawkesbury Dominic Perrottet MP dated 21 November 2017**



Our Ref: MLB171121L21956\_RF.docx

21 November 2017

Mr Dominic Perrottet MP  
Member for Hawkesbury  
PO Box 505  
RICHMOND NSW 2753

Dear Mr Perrottet,

It was good to have some brief discussions on issues with you the other day. As requested I am forwarding some points of those discussions for your consideration:

**Road Side Litter**

With regard to roadside litter and general care and maintenance of roadside areas, this is an important issue both from the point of view of the impression it makes on visitors passing through the area, and water quality, given that a large proportion of rubbish ultimately ends up in streams and waterways.

The current state of key entries into and through Hawkesbury is quite unsightly, with most areas being heavily littered with wrappers, containers, paper, card board, plastic and foam. A potential contributor to the current situation - where road side litter is visible in most areas, may in part be due to the fact that the maintenance of the roadside of major roads such as Windsor Road, is currently shared between a number of organisations and their contractors. Ultimately this may be contributing to a lack of co-ordination and or situations where organisations may believe another party is responsible for collecting the offending material. Hawkesbury Council would therefore like to speak to you about Council taking responsibility for the maintenance of specific sections of State Roads, such as Windsor Road. If one organisation could take over and be wholly responsible, it may ensure a more consistent and effective level of upkeep. Would you be open to subsidising Council in conducting a trial or investigating a mechanism whereby a more integrated approach could be adopted.

**Dumping**

With regard to dumped rubbish such as mattresses, furniture, white goods, timber and cuttings, Council would like to work with you to develop a more co-ordinated and effective response. For example, if Council were allowed to collect dumped rubbish without the delays that currently occur as a result of having to liaise with other agencies (for example RMS and NPWS), it may reduce initial response times significantly. This could in turn have an additional benefit, in that once a pile exists in a location it soon attracts further dumping and delays inevitably result in a bigger pile to collect and dispose of.

Naturally in circumstances such as dumped asbestos, dangerous or toxic substances the relevant agencies and contractors would still be required to deal with it, but for general dumping it would be helpful. Again, perhaps a mechanism where costs of recovered goods could be easily recovered from the responsible body would enable Council to act as a first response and remove the rubbish as soon as being alerted to it.

366 George Street (PO Box 146) WINDSOR NSW 2756 | Phone: (02) 4560 4444 | Facsimile: (02) 4587 7740 | DX: 8601 WINDSOR  
Hours: Monday to Friday 8:30am - 5pm | Email: council@hawkesbury.nsw.gov.au | Website: www.hawkesbury.nsw.gov.au



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**ORDINARY MEETING**  
**SECTION 5 – Notices of Motion**  
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**Infrastructure Grant Criteria**

As discussed, could you please forward relative criteria applicable to the infrastructure grants available. This will assist Council in developing and submitting proposals for your consideration that are in line with the relevant criteria. Upon receipt we can return information relating to projects which may better suit the funding opportunities.

**Sullage Pump Outs**

Sullage pump outs involve contractors visiting properties and pumping out their storage tanks, thereby reducing environmental impacts and streams and waterways. The cost of sullage pump outs are a major issue for many of our ratepayers who live in rural areas without a connection to a reticulated sewerage system. Blue Mountains residents on sullage pump outs are subsidised by Sydney Water and pay on average \$400 per annum. Hawkesbury residents do not benefit from a Sydney Water subsidy and have to pay an average of \$2,200 per annum. Would it be possible for you to investigate this matter and ascertain if it would be possible for our residents to obtain some level of subsidy?

**Grose River Crossing**

Finally, I understand the Council staff, together with Roads and Maritime Services staff, will soon be meeting with representatives of the Redbank Development to discuss options for the Grose River Crossing required pursuant to the Voluntary Planning Agreement.

We eagerly await further news and discussions about the proposed Navua Bridge and the response of the developers in regard to the alternative proposal.

Yours faithfully

**Clr Mary Lyons-Buckett**  
Mayor, City of Hawkesbury | Hawkesbury City Council  
☎ (02) 4560 4410 | 📠 (02) 4567 7740 | 🌐 [www.hawkesbury.nsw.gov.au](http://www.hawkesbury.nsw.gov.au)

**ORDINARY MEETING**  
**Questions for Next Meeting**  
**Meeting Date: 14 May 2019**

**QUESTIONS FOR NEXT MEETING**

**Item: 082**                      **Councillor Questions from Previous Meetings and Responses - 30 April 2019 - (79351)**

**REPORT:**

**Questions - 30 April 2019**

#	Councillor	Question	Response
1	Wheeler	Requested if bins could be placed near the wharf in Hanna Park, North Richmond for the collection of rubbish.	The Director Infrastructure Services advised that a single bin on a stand and slab could be placed at a cost of \$800. Bins were previously located at this site some years ago but were subject to constant vandalism and damage. A bin enclosure would reduce the potential for vandalism and would cost approximately \$3,000.
2	Garrow	Enquired as to whether RMS contractors have to adhere to Council's policy regarding rules in relation to using vibrating equipment adjacent to heritage listed properties.	The Director Infrastructure Services advised that RMS are required to comply with environmental management standards in relation to noise and vibration, as well as any conditions applying to projects. In relation to the Windsor Bridge Replacement Project, specific conditions of approval require detailed assessment and monitoring of vibration, on all affected premises including heritage items.
3	Garrow	Requested an update in relation to the responses to the 2019/2020 Draft Operational Plan.	<p>The Director City Planning advised that to date Council has received six submissions for the 2019/2020 Draft Operational Plan with the exhibition period running through to 17 May 2019.</p> <p>Four of these submissions have come through Council's online engagement portal <i>Your Hawkesbury Your Say</i>.</p> <p>It is noted at the conclusion of the exhibition period of the 2018/2019 Draft Operational Plan, three submissions we received, and four submissions were received for 2017/2018.</p>

**ORDINARY MEETING****Questions for Next Meeting****Meeting Date:** 14 May 2019

4	Garrow	Enquired as to when the abandoned vehicle in Kable Street, Windsor car park will be removed.	<p>The Director City Planning advised the vehicle is parked in an unrestricted parking bay within The Terrace car park, as such if the vehicle was registered council would be unable to move the vehicle.</p> <p>Council staff have made numerous attempts to contact the registered owner.</p> <p>Due to council having knowledge of the owners address, the vehicle cannot be deemed abandoned and processed as such, therefore officers may have to issue an LG Order to have the vehicle removed and Council will make further enquiries with the Hawkesbury LAC who may be able to provide assistance to have this vehicle removed or contact the owner.</p>
5	Garrow	Requested that Council Officers remind the group in Windsor Mall not to feed the pigeons.	The Director City Planning advised that the group would be approached and the issues caused by encouraging pigeons into the area would be outlined to them.
6	Rasmussen	Requested if Council could investigate the damage to the guard rail on Old Kurrajong Road, North Richmond near the polo fields.	The Director Infrastructure Services advised that instructions had been issued for the damaged guard rail to be replaced.
7	Rasmussen	Enquired as to whether there is any information available regarding the \$200M that has been promised in relation to the Richmond/North Richmond Bridge and if there so, could Councillors be updated.	The General Manager advised that both the Federal Government and the Labor Party have identified a contribution of \$200M towards a bridge project at North Richmond. Prior to these announcements, the NSW State Government together with Roads and Maritime Services, had initiated community consultation in relation to a new crossing of the Hawkesbury River at North Richmond. The announcements by the Federal Government and the Labour Party occurred within "caretaker" period leading up to either the State or Federal election. As such it has been difficult to obtain any detailed information about the funding allocations and how they relate to the current State Government community consultation.

# ORDINARY MEETING

## Questions for Next Meeting

Meeting Date: 14 May 2019

8	Ross	Enquired in relation to the Windsor Bridge Project what communications have been held between the RMS and Council regarding the Interpretation Plan, specifically the community consultation held on 30 April 2019.	The Director City Planning advised that Council has been in discussions with the RMS regarding their proposed stakeholder engagement for the Windsor Bridge Heritage Interpretation Plan. It was negotiated that Council nominate a limited number of representatives for the 30 April 2019 workshop and a workshop be held on 23 May 2019. All Councillors, members of Council's Heritage Advisory Committee and relevant Council Staff will be invited to this workshop. Council is waiting for the RMS to issue invitations for this workshop.
9	Ross	Enquired as to whether representations have been made to the RMS that Councillors be included in Windsor Bridge Project community consultations, and were Council staff in attendance and if so how many attended.	The Director City Planning advised that the workshop held on 30 April included invitations to Councillor Danielle Wheeler as Chair of the Heritage Advisory Committee, Graham Edds and Helen McKay (members of the Heritage Advisory Committee), Harry Terry, (member of the Floodplain Risk Management Advisory Committee), Keri Whiteley, Manager of Cultural Services and Charles Liggett, Place Making Coordinator, Hawkesbury City Council.
10	Ross	Requested an update on the Windsor Bridge Project progress in relation to the archaeological discoveries found at the construction site and timeframes in regard to the Interpretation Plan.	<p>The General Manager advised that the most recent information received from the State Government has advised that all work to protect or remove heritage artefacts has been undertaken with the advice, supervision and involvement of the Project's Heritage Manager, specialist archaeologists and material conservators; all of whom have qualifications and extensive experience in the storage, conservation and handling of heritage artefacts.</p> <p>Arrangements for the care of these artefacts are as follows:</p> <ol style="list-style-type: none"> <li>1. The bricks from the box drains in Thompson Square have been securely and safely stored Roads and Maritime Services warehouses.</li> <li>2. One section of a brick box drain, approximately 1.5 metres long, was recovered by the material</li> </ol>

**ORDINARY MEETING**

**Questions for Next Meeting**

**Meeting Date: 14 May 2019**

			<p>conservators and is also stored in a Roads and Maritime Services warehouse. This section could be faithfully reconstructed and displayed.</p> <ol style="list-style-type: none"> <li>Two timber half-logs recovered by the archaeologists are in care with the archaeologists.</li> <li>All other artefacts recovered by the archaeologists are in the care of those archaeologists.</li> <li>Maritime artefacts recovered from the Windsor side of the Hawkesbury River are in the care of the maritime archaeologists and are being safely and securely stored in a warehouse.</li> <li>Remnants of timber boats recovered from the Wilberforce side of the Hawkesbury River are being stored in water (for their preservation) by the construction contractor under the direction of the maritime archaeologist.</li> </ol> <p>The artefacts are being assessed and recorded by the archaeologists, a process that will take many months to complete.</p>
11	Ross	<p>Enquired as to what is the process for the removal of electoral signage that is over 0.8m<sup>2</sup> that is in breach of the Council's Signage Policy and the Electoral Signage legislation. Will a fine be issued in relation to this matter.</p>	<p>The Director City Planning advised that the following custom and practice in relation to the resolution of potential illegal activities:</p> <ul style="list-style-type: none"> <li>Council must attempt to be fair and consistent in relation to how we enforce compliance with laws and regulations.</li> <li>Where possible staff prefer to incorporate an education aspect onto our role, as such we will issue warnings at times rather than issue fines straight away, however serious offences such as parking in a NO STOPPING RED ZONE warrants a fine being issued on the spot.</li> <li>Council does not have sufficient resources to pro-actively seek out and pursue all matters on non-compliance. As such we tend to focus our resources on areas of highest risk and also rely on the community alerting us to an issue of potential non-compliance.</li> </ul>

**ORDINARY MEETING**  
**Questions for Next Meeting**  
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			<ul style="list-style-type: none"> <li>• Once staff have received a complaint from a community member, Council has an obligation to investigate it and take any necessary action. For example if a sign is a potential traffic hazard, staff will initiate appropriate action in relation to its removal. If the sign is not a traffic hazard Council would encourage the third party to apply for approval rather than issue a fine.</li> <li>• If the matter is a sign that constitutes a traffic hazard and relates to land owned by a third party, staff will work with the third party to have the matter remedied and in the case of a dangerous sign, have it removed.</li> <li>• When initiating legal action in relation to a matter, staff need to be able to confirm all of the elements of the offence: <ul style="list-style-type: none"> <li>○ The Act or Regulation etc. that is being breached.</li> <li>○ The details of the offending Party responsible for the breach – Name, Address, Vehicle Registration etc.</li> <li>○ Collect all of the evidence and put a package of information together including photos, statements, admissions etc.</li> </ul> </li> <li>• The most difficult issue with illegal signs is identifying the offending party to a standard that a court will accept in the event that a matter does end up going to court.</li> </ul>
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**oooO END OF REPORT Oooo**

**ORDINARY MEETING**

**Confidential Reports**

**Meeting Date:** 14 May 2019

**CONFIDENTIAL REPORTS**

**Item: 083**                      **GM - Confirmation of Preferred Site and Execution of Memorandum of Understanding with Police Citizens Youth Clubs NSW Ltd to establish a Police Community Youth Club - (79351, 93487, 138161))**

**Previous Item:**            121, Ordinary (8 May 2018)  
                                 199, Ordinary (14 August, 2018)  
                                 15, Ordinary (12 February 2019)

**Directorate:**                General Manager

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**REASON FOR CONFIDENTIALITY**

*This report is **CONFIDENTIAL** in accordance with the provisions of Part 1 of Chapter 4 of the Local Government Act 1993 and the matters dealt with in this report are to be considered while the meeting is closed to the press and the public.*

*Specifically, the matter is to be dealt with pursuant to Section 10A(2)(c) of the Act 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.*

*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 this matter are to be withheld from the press and public.*

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**ORDINARY MEETING**  
**Confidential Reports**  
**Meeting Date: 14 May 2019**

**Item: 084**                      **IS - Extension of Contract No 00974 - Collection, Transportation and Disposal of Biosolids from South Windsor and McGraths Hill Sewage Treatment Plants - (95495, 112179)**

**Previous Item:**              109, Ordinary (31 May 2016)

**Directorate:**                Infrastructure Services

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**REASON FOR CONFIDENTIALITY**

*This report is **CONFIDENTIAL** in accordance with the provisions of Part 1 of Chapter 4 of the Local Government Act 1993 and the matters dealt with in this report are to be considered while the meeting is closed to the press and the public.*

*Specifically, the matter is to be dealt with pursuant to Section 10A(2)(d) of the Act as it relates to details concerning tenders for the supply of goods and/or services to Council 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.*

*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 this matter are to be withheld from the press and public.*

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meeting

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