



Hawkesbury City Council

ordinary  
meeting  
minutes

date of meeting: 12 May 2009

location: council chambers

time: 5:00 p.m.



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## ORDINARY MEETING

MINUTES: 12 May 2009

Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 12 May 2009, commencing at 5:00pm.

Reverend Greg Peisley of Pitt Town Anglican Community Church, representing the Hawkesbury Minister's Association, gave the opening prayer at the commencement of the meeting.

### ATTENDANCE

**PRESENT:** Councillor B Bassett, Mayor, Councillor K Conolly, Deputy Mayor and Councillors W Mackay, C Paine, B Porter, J Reardon, R Stubbs, T Tree, W Whelan and L Williams

**ALSO PRESENT:** General Manager - Peter Jackson, Director City Planning - Matt Owens, Director Infrastructure Services - Chris Daley, Director Support Services - Laurie Mifsud, Manager Corporate Services and Governance - Fausto Sut, Executive Manager - Community Partnerships - Joseph Litwin and Administrative Support Team Leader - Kylie Wade-Ferrell.

### APOLOGIES

Apologies for absence were received from Councillors B Calvert and P Rasmussen.

### 138 RESOLUTION:

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

Councillor Tree arrived at the meeting at 5:15pm

### SECTION 1: Confirmation of Minutes

### 139 RESOLUTION:

RESOLVED on the motion of Councillor Reardon and seconded by Councillor Whelan that the Minutes of the Ordinary Meeting held on the 28 April 2009, be confirmed.

**ORDINARY MEETING**

**MINUTES: 12 May 2009**

**140 RESOLUTION:**

RESOLVED on the motion of Councillor Paine, seconded by Councillor Reardon that Standing Orders be suspended to enable speakers from the public in respect of item 98 to be heard by Council on the basis that, in view of the fact that the matter is to be subsequently considered by Council in closed session in accordance with Section 10 (2) (c) of the Local Government Act, such speakers only refer in general terms to the Hawkesbury Heritage Farm (former Australiana Pioneer Village) and its future use and not to specific proposals to be considered by Council in closed session.

Ms Lesley George, Ms Danielle Wheeler and Mr Sid Kelly, respondents, addressed Council.

**141 RESOLUTION:**

RESOLVED on the motion of Councillor Williams, seconded by Councillor Mackay that Standing Orders be resumed.



**SECTION 3 - Notices of Motion**

**NM - Altering the commencement time of Ordinary Meetings of Council - (111629)**

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**RECOMMENDATION:**

A motion was moved by Councillor Mackay, seconded by Councillor Paine

That Council alters starting time for Ordinary Meetings to 6:00pm, with a 20 minute refreshment break to be taken at 7:30pm. All other conditions of Code of Meeting Practice to remain.

RESOLVED on an AMENDMENT moved by Councillor Conolly, seconded by Councillor Porter.

***Refer to RESOLUTION***

The amendment was carried.

The amendment then became the motion which was put and carried.

**142 RESOLUTION:**

RESOLVED on an AMENDMENT moved by Councillor Conolly, seconded by Councillor Porter.

That the proposal of Councillor Mackay for Council to alter the starting time for Ordinary Meetings to 6:00pm, with a 20 minute refreshment break to be taken at 7:30pm be referred to a Councillor Briefing Session for consideration at which other possible changes to the Code of Meeting Practice can also be considered.

**ORDINARY MEETING**

**MINUTES: 12 May 2009**

**SECTION 4 - Reports for Determination**

**CITY PLANNING**

**Item: 87 CP - Request for Refund of Section 94A Contributions - (95498)**

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Councillor Conolly declared a pecuniary interest in this matter as his employer is the Catholic Education Office. He left the Chamber and did not take part in voting or discussion on the matter.

**MOTION:**

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

*Refer to RESOLUTION*

**143 RESOLUTION:**

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

That this matter be deferred and further discussed at the next appropriate Councillor Briefing Session.

**Item: 88 CP - Land and Environment Court Appeals Process - (95498)**

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**MOTION:**

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

*Refer to RESOLUTION*

**144 RESOLUTION:**

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

That:

1. The procedure for responding to appeals as detailed in the "Proposed Procedure" section of the report be accepted.
2. Council's Solicitors be advised of the accepted procedure.

**ORDINARY MEETING**

**MINUTES: 12 May 2009**

**Item: 89**                    **CP - Community Sponsorship Program 2008/2009 - Sponsorship of the Women's Cottage - (79342, 80358)**

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**MOTION:**

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

*Refer to RESOLUTION*

**145 RESOLUTION:**

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

That:

1. Council approve the payment of \$4,122 in Section 356 Financial Assistance to the Hawkesbury Area Women's and Kids Services Collective Inc. as a contribution to the costs of refurbishing the outdoor child care area at the Women's Cottage.
2. Council approve the execution of Council's standard Sponsorship Agreement for this project.

**ORDINARY MEETING**

**MINUTES: 12 May 2009**

**INFRASTRUCTURE SERVICES**

**Item: 90**            **IS - Proposal to Establish Alcohol Free Zone - Mileham Street Netball Complex - (95494, 79354)**

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**MOTION:**

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

*Refer to RESOLUTION*

**146 RESOLUTION:**

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

That

1. In accordance with the provisions of Section 632 of the Local Government Act, 1993, the consumption of alcohol be prohibited at the Mileham Street Netball Complex, South Windsor
2. Public notification (including erection of signage and an advertisement) be undertaken regarding the establishment of the Alcohol Free Zone.

**Item: 91**            **IS - Extractive Industries Reserve - (95494)**

**Previous Item:**        14, Ordinary (31 January 2006)

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**MOTION:**

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

*Refer to RESOLUTION*

**147 RESOLUTION:**

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

That:

1. The funds remaining from the original \$953,815 identified for rehabilitation works on East Kurrajong Road and Tennyson Road be utilised to enable the entire length of Tennyson Road between Valley Way and East Kurrajong Road to be rehabilitated.
2. Funds available within the Extractive Industry Reserve of up to \$500,000 be utilised to carry out further rehabilitation works on section/s of East Kurrajong Road.

**ORDINARY MEETING**

**MINUTES: 12 May 2009**

**SUPPORT SERVICES**

**Item: 92                    SS - Goods and Services Tax Compliance Certificate 2009 - (96332, 95496)**

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**MOTION:**

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

***Refer to RESOLUTION***

**148 RESOLUTION:**

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

That the Goods and Services Tax Certificate for the period from 1 May 2008 to 30 April 2009 be endorsed in accordance with Department of Local Government Circular 05/26.

**Item: 93                    SS - Revaluation of Properties within the Hawkesbury City Council Local Government Area - Land Values for Wilberforce and Freemans Reach and Comparisons to Penrith City Council and The Hills Shire Council - (95496, 79337)**

**Previous Item:**        54, Ordinary (10 March 2009)

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**MOTION:**

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

***Refer to RESOLUTION***

**149 RESOLUTION:**

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

That the information be received.

**ORDINARY MEETING**

**MINUTES: 12 May 2009**

**CONFIDENTIAL REPORTS**

**150 RESOLUTION:**

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

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

**151 RESOLUTION:**

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

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: 94 GM - Review of Council's Organisational Structure - Section 333, Local Government Act 1993**

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(a) of the Local Government Act, 1993 as it relates to personnel matters concerning particular individuals (other than councillor).*

**Item: 95 CP - Tender no. 009/FY09 - Provision of a Co-Mingled Kerbside Recycling Collection and Processing Service**

*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: 96 IS - WSROC Tender for the Bulk Purchase of Electricity - State Contract, Energy Australia**

*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: 97 IS - Tender No.01309 - Tender for the Purchase of Scrap Metal and Used Automotive Batteries from the Hawkesbury City Waste Management Facility**

*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.*

**ORDINARY MEETING**

**MINUTES: 12 May 2009**

**Item: 98 SS - Hawkesbury Heritage Farm (Former Australiana Pioneer Village)**

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it relates to details concerning the potential lease or sale of property by the Council and commercial information concerning a potential lessee, and the information would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business professional privilege and it is commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the council and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

**Item: 99 SS - Property Matter - Lease to Barry Davis & Mahalachmi Davis for unformed road known as Rickaby Street, South Windsor**

*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: 100 IS - Additional Information - WSROC Tender for Bulk Purchase of Electricity**

*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.*

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.

**152 RESOLUTION:**

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

**ORDINARY MEETING**

**MINUTES: 12 May 2009**

**Item: 94                    GM - Review of Council's Organisational Structure - Section 333, Local Government Act 1993 - (79351)    CONFIDENTIAL**

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**MOTION:**

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

***Refer to RESOLUTION***

**153 RESOLUTION:**

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

That having reviewed the Council's Organisational Structure as required by Section 333 of the Local Government Act, 1993 Council now confirm the existing Organisational Structure as previously adopted by Council on 25 June, 2007.

**Item: 95                    CP - Tender no. 009/FY09 - Provision of a Co-Mingled Kerbside Recycling Collection and Processing Service - (95498, 96330)    CONFIDENTIAL**

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**MOTION:**

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

***Refer to RESOLUTION***

**154 RESOLUTION:**

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

That:

1. The information contained within the report be received.
2. The tender submitted by JJ Richards and Sons Pty. Ltd. For the provision of a Co-mingled Kerbside Recycling Collection Service (009/FY09) for a period of seven (7) years plus an option of a three (3) year extension in accordance with the conditions of the proposed contract at a commencing price of \$1.751 per recycling service - entitled premises per fortnight be accepted.
3. Contracts be prepared in accordance with the tender specification and authority be given for such documents to be executed under the Seal of Council.
4. The contract commence on 3 August 2009.
5. Unsuccessful tenderers be advised of Council's decision and thanked for their submissions.



**ORDINARY MEETING**

**MINUTES: 12 May 2009**

**Item: 96**            **IS - WSROC Tender for the Bulk Purchase of Electricity - State Contract, Energy Australia - (95454, 79340) CONFIDENTIAL**

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This item was dealt with in conjunction with Supplementary Item 100.

**Item: 97**            **IS - Tender No.01309 - Tender for the Purchase of Scrap Metal and Used Automotive Batteries from the Hawkesbury City Waste Management Facility - (95494, 79357) CONFIDENTIAL**

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**MOTION:**

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

***Refer to RESOLUTION***

**155 RESOLUTION:**

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

That:

1. The tender submitted by Sell & Parker P/L for the purchase of scrap metal and used automotive batteries from the Hawkesbury City Waste Management Facility for a period of one year, in an amount of \$221.10 per tonne (GST inclusive) for scrap metal, and \$221.10 per tonne (GST inclusive) for used automotive batteries, be accepted.
2. The Seal of Council be affixed to any necessary documentation.

**Item: 98**            **SS - Hawkesbury Heritage Farm (Former Australiana Pioneer Village) - (95496, 79351) CONFIDENTIAL**

**Previous Item:**     90, Ordinary (29 April 2008)  
                             400, Ordinary (13 December 2005)  
                             16, General Purpose Committee (24 February 2004)  
                             268, Ordinary (9 December 2008)

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Ms Lesley George, Ms Danielle Wheeler and Mr Sid Kelly, respondents, addressed Council earlier in the meeting in connection with this item.

**MOTION:**

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

**ORDINARY MEETING**

**MINUTES: 12 May 2009**

***Refer to RESOLUTION***

**156 RESOLUTION:**

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

That:

1. The contents of this report outlining the various options available to Council in relation to the future of the property known as 496 Wilberforce Road, Wilberforce be noted.
2. Council, on the basis of least risk and financial exposure, proceed with the sale of the property known as 496 Wilberforce Road Wilberforce in accordance with Council's appropriate policies for the sale of Council property at public auction and subject to:
  - a. The sale not including the artefacts and display items currently at the subject property; and
  - b. Appropriate legal arrangements being entered into for unrestricted access to, and the continued operation of the Sewage Treatment Plant until such time as the Wilberforce Sewerage Scheme is completed.
3. Appropriate action be taken to contact the owners of the artefacts and display items on loan, and subject to proof of ownership they be offered the opportunity to remove them. The remaining artefacts and display items be offered in the first instance to Council's Regional Museum and then if necessary to the purchasers of the property for prices determined by a qualified valuer.
4. Council thank The Friends of the Australiana Pioneer Village Society Inc. for its commitment and dedication to the Australiana Pioneer Village and be advised of the reasons for Council's decision.
5. Authority be given for the Seal of Council to be affixed to any documentation in regard to this matter.

Councillors Paine and Williams requested that their names be noted as having voted against the foreshadowed motion.

**Item: 99                    SS - Property Matter - Lease to Barry Davis & Mahalachmi Davis for unformed road known as Rickaby Street, South Windsor - (95496, 5498, 82517)  
CONFIDENTIAL**

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**MOTION:**

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

***Refer to RESOLUTION***

**157 RESOLUTION:**

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

**ORDINARY MEETING**

**MINUTES: 12 May 2009**

That:

1. Council agree to enter into a new lease with Mr Barry Davis and Mrs Mahalachmi Davis in respect of the unformed road adjoining 241 Cox Street, South Windsor in accordance with the proposal outlined in the report.
2. Ms Kirstin Feddersen of 21 Rickaby Street, South Windsor be advised of Council's decision in this matter.
3. Authority be given for any documentation in association with this matter to be executed under the seal of Council.
4. 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 its resolution, until such time as appropriate legal documentation to put such resolution into effect has been agreed to and executed by all parties.

**CONFIDENTIAL SUPPLEMENTARY REPORTS**

**Item: 100**            **IS - Additional Information - WSROC Tender for Bulk Purchase of Electricity - (95454, 79340) CONFIDENTIAL**

**Previous Item:**        96, Ordinary (12 May 2009)

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This item was dealt with in conjunction with Item 96.

**MOTION:**

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

***Refer to RESOLUTION***

**158 RESOLUTION:**

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

That:

1. The tender rates of TRUenergy, as outlined within the report, for the supply of electricity to Council's large sites for the period 1 July 2009 to 31 December 2010 be accepted.
2. The tendered rates of TRUenergy for the supply of electricity for street lighting purposes for the period 1 July 2009 to 30 June 2012 be accepted.
3. The Seal of Council be affixed to any necessary documentation.

**ORDINARY MEETING**

**MINUTES: 12 May 2009**

**SECTION 5 - Reports of Committees**

**ROC - Heritage Advisory Committee Minutes - 26 March 2009 - (80242)**

**159 RESOLUTION:**

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

That the minutes of the Heritage Advisory Committee held on 26 March 2009 as recorded on pages 43 to 47 of the Ordinary Business Paper be received.

**ROC - Floodplain Risk Management Advisory Committee Minutes - 20 April 2009 - (86589)**

**160 RESOLUTION:**

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

That the minutes of the Floodplain Risk Management Advisory Committee held on 20 April 2009 as recorded on pages 48 to 51 of the Ordinary Business Paper be received.

**ORDINARY MEETING****MINUTES: 12 May 2009****QUESTIONS WITHOUT NOTICE**

#	Councillor	Question	Response
1	Conolly	Asked if Council had received any complaints recently about the owners of the Chicken Farm adjacent to the Windsor Park Public School and has Council recently inspected the site.	The Director City Planning advised that Council had received one complaint last weekend as well as a complaint in April, March and February. He advised that logging sheets have been submitted to various people and it is currently being monitored and investigated.
2	Reardon	Asked if Council could contact Blacktown City Council in relation to the derelict house on an entry into the Hawkesbury area, when travelling west along Windsor Road just before Perth Street.	The Mayor advised that there was also a container on the site there with graffiti all over it which has been removed and Council should speak with Blacktown City Council about the matter.
3	Williams	Referred to the Cycleway along Windsor Road and asked if it could be swept and cleaned up as there is a lot of glass along path plus grass clippings and gravel. He commented that he believed Council did have the contract to keep the cycleway maintained.  Councillor Williams asked whose responsibility it was to sweep the path.	The Director Infrastructure Services advised Council has the responsibility, but has also to provide the funds. He advised that the amount of \$588,000 that received from the RTA was to do upgrade works that would minimise our future maintenance. It wasn't intended for maintenance.  The Director Infrastructure Services advised that it was Council's responsibility to sweep the path.
4	Tree	Asked if it would be possible for Council to inspect the BMX track at McGraths Hill, as the start of the concrete in the platform has had a lot of earth subsided from it.	The Mayor advised the matter will be investigated.

The meeting terminated at 7:37pm.

Submitted to and confirmed at the Ordinary meeting held on 26 May 2009.

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Mayor