



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 11 August 2009

location: council chambers

time: 5:00 p.m.

ORDINARY MEETING

MINUTES: 11 August 2009

MINUTES

- **WELCOME / EXPLANATIONS / PRAYER**
- **APOLOGIES**
- **DECLARATION OF INTERESTS**
- **SECTION 1 - Confirmation of Minutes**
- **AGENDA ITEMS SUBJECT TO PUBLIC ADDRESS**
- **SECTION 2 - Mayoral Minutes**
- **QUESTIONS WITH NOTICE**
- **SECTION 3 - Notices of Motion**
- **EXCEPTION REPORT - Adoption of Items Not Identified for Discussion and Decision**
- **SECTION 4 - Reports for Determination**

General Manager

City Planning

Infrastructure Services

Support Services

- **SECTION 5 - Reports of Committees**
- **QUESTIONS WITHOUT NOTICE**

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 11 August 2009, commencing at 5.01pm.

Rev Barry Macalister of St John's Anglican Church Wilberforce, 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, P Rasmussen, J Reardon, R Stubbs, T Tree and W Whelan.

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

APOLOGIES

Apologies for absence were received from Councillors B Calvert and L Williams.

245 RESOLUTION:

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

Councillor Stubbs arrived at the meeting at 5.04pm.
Councillor Mackay arrived at the meeting at 5.06pm.

SECTION 1: Confirmation of Minutes

246 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Porter that the Minutes of the Ordinary Meeting held on the 28 July 2009, be confirmed.

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SECTION 3 - Notices of Motion

NM1 - Flood Immunity Proposed New Windsor Bridge - (111630, 79351)

Mr Graham Edds, Mr Ted Books and Mr Ian Johnston, respondents, addressed Council.

MOTION:

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

Refer to RESOLUTION

247 RESOLUTION:

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

That Council reaffirm its support for Option 1 among the RTA's advertised options for replacement of Windsor Bridge.

NM2 - Local Aboriginal Land Council Investigation of Development Applications - (95498, 36939)

MOTION:

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

Refer to RESOLUTION

248 RESOLUTION:

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

That a report be brought to Council explaining the process used by the Local Aboriginal Land Council for selection of properties needing further investigation, by them, prior to determining a development application.

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SECTION 4 - Reports for Determination

CITY PLANNING

Item: 147 CP - Modification of Development Consent 77/86 - Extension of Operating Hours - Richmond Star Kebab, Lot 3 SP 37397, 148 Windsor Street RICHMOND NSW 2753 - (D0027/86A, 95498, 74563, 30015, 30016, 30014, 75729)

Mr Glenn Falson, proponent, addressed Council.

MOTION:

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

Refer to RESOLUTION

249 RESOLUTION:

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

That this matter be deferred for a further report to Council regarding additional information from the New South Wales Police and the matters raised by Mr Falson at the Council meeting.

In accordance with Section 375A of the Local Government Act 1993 a division is required to be called whenever a planning decision is put at a council or committee meeting. Accordingly, the Chairperson called for a division in respect of the motion, the results of which were as follows:

For the Motion	Against the Motion
Councillor Bassett	Nil
Councillor Conolly	
Councillor Mackay	
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Stubbs	
Councillor Tree	
Councillor Whelan	

Councillors Calvert and Williams were absent from the meeting.

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Item: 148 CP - Late Applications and Additional Information - Community Sponsorship Program - 2009/2010 - Round 1 - (96328)

Ms Sue-Ellen Guymer and Mr Maxwell Jarman, proponents, addressed Council.

MOTION:

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

Refer to RESOLUTION

250 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Whelan

That Council:

1. Approve payments of Section 356 Financial Assistance to the organisations and individuals listed, and at the level recommended in Table 1 of this report.
2. Approve the execution of Council's standard Sponsorship Agreement for the applications identified in Table 1 of this report.
3. Authorise Council staff to advise prospective applicants that funding under the Community Sponsorship Program for 2009/2010 has been fully allocated, and that further applications for financial assistance for the remainder of 2009/2010 cannot be received.
4. Authorise Council staff to advise current recipients of three year event sponsorship agreements that Council may consider the renewal of these agreements on the following basis:
 - (a) prospective applicants will need to re-apply for the renewal of their event sponsorship;
 - (b) eligible event sponsorship renewal applications will be funded at 75% of the amount approved in the previous event sponsorship agreement in the first year of the renewal period and at lower levels in the subsequent years.

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INFRASTRUCTURE SERVICES

Item: 149 **IS - Proposed Wording of Memorial Plaque on Cycleway between Pitt Town Road Intersection and Wianamatta Bridge, Windsor - (95494)**

Previous Item: 77, Ordinary (28 April 2009)

MOTION:

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

Refer to RESOLUTION

251 RESOLUTION:

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

That Council recommend to the RTA a plaque in honour of Hawkesbury residents who have lost their lives on our roads be installed adjacent to the cycleway, midway between McGraths Hill and the Wianamatta Bridge, in the following format:

NSW Crest

Council Logo

MEMORIAL CYCLEWAY

In honour of Hawkesbury residents
who have lost their lives on our roads

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Item: 150 **IS - Proposed Upgrade to the Windsor Railway Station Transport Interchange and Commuter Car Park - (95495, 99132)**

MOTION:

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

Refer to RESOLUTION

252 RESOLUTION:

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

That:

1. Railcorp be requested to provide direct pedestrian access, using steps if necessary, between the underpass and the Station in conjunction with the Serpentine Path as proposed.
2. The utilisation of the Road Reserves in George Street for the Serpentine Path and Church Street for the bus turning area be supported and Railcorp be requested to either acquire or lease the corresponding road reserves.
3. All costs (both immediate and ongoing) associated with the acquisition and or lease are to be met by Railcorp, with necessary documentation executed under the Seal of Council.
4. Railcorp be requested to pay an Assessment Fee to Council to the value of \$20,000 to cover Administrative and Technical costs incurred by Council.
5. The three existing Railcorp Leases as follows be terminated:

Table 1: Details of Railcorp Lands Leased by Council

Lease No.	Project ID No.	Location	Agreement Date	Description
96738	2	Windsor	1/01/1955	<u>Footpath:</u> Land for the construction and maintenance of footpath. Land about 45m x 1.52m
B 10559	3	Windsor	1/08/1963	<u>Car Park:</u> Land about 1467m2 for public car parking George Street
A 1966/52	4	Windsor	20/10/1966	<u>Bus Interchange:</u> Tar sealing of railway station approach off George Street

6. Railcorp be requested to pay a one-off Capitalised Maintenance Contribution of \$50,000 for the operation and maintenance of the new roundabout in George Street.

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Item: 151 **IS - Woodbury Reserve Plan of Management - (95494, 79354, 38871)**

Previous Item: 217, Ordinary (21 October 2008)

Councillor Reardon declared a less than significant non-pecuniary conflict of interest in this matter as she occasionally worships at St Mark's, Freemans Reach (Sister Church of Glossodia Anglican Church) and no further action is required.

MOTION:

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

Refer to RESOLUTION

253 RESOLUTION:

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

That:

1. The request by the Glossodia Community Anglican Church for the provision of community land for the purpose of building a church/community facility not be supported as it would contravene the Local Government Act 1993.
2. The Woodbury Reserve Plan of Management be adopted.

Item: 152 **IS - The 2009 Local Government Filming Protocol - (95494, 79354)**

MOTION:

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

Refer to RESOLUTION

254 RESOLUTION:

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

That:

1. The information be received, with particular note that Council's current fees and charges for filming have been superseded by the Department of Local Government's Filming Protocol which came into effect on 30 March 2009 as a result of the Filming Related Legislation Amendment Act 2008.
2. The adopted 2009/2010 Management Plan filming fees and charges be amended to reflect the fee structure stated in the Filming Related Legislation Amendment Act 2008 and Local Government Filming Protocol.

ORDINARY MEETING

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Item: 153 **IS - Acknowledgement of Important Works Carried Out by Community Groups - (95494, 79354)**

Previous Item: NM1, Ordinary (14 July 2009)

Ms Robin Woods, respondent, addressed Council.

MOTION:

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

Refer to RESOLUTION

255 RESOLUTION:

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

That Council consider allocating funds in the 2010/2011 Budget for the purchase of a woodchipper that can be used by Council staff to assist bushcare groups.

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CONFIDENTIAL REPORTS

256 RESOLUTION:

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

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

257 RESOLUTION:

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

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: 154 SS - Property Matter - Lease to Daniel Naethuys and Rebecca Gee Trading as "Outback Pizza" - Shop 6 Glossodia Shopping Centre - (31304, 113095, 95496, 96083, 102920)

*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.

Item: 155 SS - Property Matter - Assignment of Lease from Spectaz Pty Ltd ATF The Spectaz Trust to H & H Hotel Group Pty Ltd - Windsor Function Centre - (95495, 113428, 33132, 101957, 86990, 73732)

*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.

Item: 156 SS - Property Matter - Extinguishment of Lease to Migae Pty Limited and Lease to Michael Taranto trading as 'Country Pizza' - Shop 8, Wilberforce Shopping Centre - (95495, 102035, 32578, 34779, 74403)

*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.*

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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.

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.

258 RESOLUTION:

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

Item: 154 SS - Property Matter - Lease to Daniel Naethuys and Rebecca Gee Trading as "Outback Pizza" - Shop 6 Glossodia Shopping Centre - (31304, 113095, 95496, 96083, 102920) CONFIDENTIAL

MOTION:

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

Refer to RESOLUTION

259 RESOLUTION:

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

That:

1. Council agree to enter into a new lease with Daniel Naethuys and Rebecca Gee trading as "Outback Pizza" in regard to Shop 6, Glossodia Shopping Centre, in accordance with the proposal outlined in the report.
2. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.
3. Details of Council's resolution be conveyed to the proposed 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.

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Item: 155 SS - Property Matter - Assignment of Lease from Spectaz Pty Ltd ATF The Spectaz Trust to H & H Hotel Group Pty Ltd - Windsor Function Centre - (95495, 113428, 33132, 101957, 86990, 73732) CONFIDENTIAL

MOTION:

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

Refer to RESOLUTION

260 RESOLUTION:

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

That:

1. Council agree to the assignment of the lease of the Windsor Function Centre from Spectaz Pty Ltd ATF The Spectaz Trust to H & H Hotel Group Pty Ltd, in accordance with the proposal outlined in the report subject to The On Licence (Public Hall) Liquor Licence pertaining to the property being transferred, at no cost to Council, from Spectaz Pty Ltd ATF The Spectaz Trust to H & H Hotel Group Pty Ltd.
2. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.
3. Details of Council's resolution be conveyed to the proposed Assignor and Assignee 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.

Item: 156 SS - Property Matter - Extinguishment of Lease to Migae Pty Limited and Lease to Michael Taranto trading as 'Country Pizza' - Shop 8, Wilberforce Shopping Centre - (95495, 102035, 32578, 34779, 74403) CONFIDENTIAL

MOTION:

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

Refer to RESOLUTION

261 RESOLUTION:

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

ORDINARY MEETING

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That:

1. Council agree to extinguish the existing lease with Migae Pty Limited, trading as "Kelly's on King" in regard to Shop 8, Wilberforce Shopping Centre, subject to a new lease being entered into between Council and Michael Taranto and subject to no costing being incurred by Council in regard to the extinguishment of the existing lease and the creation of the new lease.
2. Council agree to enter into a new lease with Michael Taranto trading as "Country Pizza" in regard to Shop 8 Wilberforce Shopping Centre, in accordance with the proposal outlined in the report.
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 Lessee and the current 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.

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SUPPLEMENTARY REPORTS

Item: 157 CP - Non-renewal of Brighter Futures Funding Agreement - (33821, 79778, 96328, 95498)

Ms Janine Madden, proponent, addressed Council.

MOTION:

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

Refer to RESOLUTION

262 RESOLUTION:

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

That Council:

1. Write to the Superintendent of Wesley Mission, the Rev. Keith Garner, to express its strong concern at the decision of Wesley Mission not to renew its funding agreement with Council for the provision of Brighter Futures (BF) services, and the manner in which this decision was taken and conveyed to Council.
2. Request a meeting with Rev. Keith Garner as a matter of urgency and to strongly advocate that until such time as meaningful discussions and consultation can take place in relation to this issue, that Wesley Mission defer any action with regard to the termination of the Hawkesbury BF service. Council also advise Rev. Keith Garner that both Wesley Mission and Council have a shared responsibility to minimise the potential impact on clients and staff of any decision regarding the future of the Hawkesbury BF service.
3. Write to The Minister for Community Services to express its strong concern at the decision of Wesley Mission not to renew its funding agreement with Council for the provision of Brighter Futures services, and the likely impact of this decision and request that the Department of Community Services intervene in this matter to request that Wesley Mission defer any actions to terminate the Hawkesbury BF Program, so that meaningful discussions can take place between the Department, Wesley Mission and Council in relation to this issue.
4. Make representations to local State Members of Parliament in relation to this issue.

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SECTION 5 - Reports of Committees

ROC - Hawkesbury Bicycle and Access Mobility Committee - 18 June 2009 - (98212)

263 RESOLUTION:

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

That the minutes of the Hawkesbury Bicycle and Access Mobility Committee held on 18 June 2009 as recorded on pages 53 to 55 of the Ordinary Business Paper be received.

ORDINARY MEETING**MINUTES: 11 August 2009****QUESTIONS WITHOUT NOTICE**

#	Councillor	Question	Response
1	Stubbs	<p>Enquired if the rectangular block of Council owned land opposite the service station in Chatham Street Pitt Town has a name and what the status of the land is.</p> <p>Councillor Stubbs advised that each of the Macquarie towns has a town square with the exception of Pitt Town and enquired about the possibility of renaming the land to Pitt Town Park so that it would become the Pitt Town Town Square.</p>	<p>The Director Infrastructure Services advised that he will check the status of the land however to the best of his knowledge the reserve is community parkland and is an extension to Hubbs Memorial Park.</p> <p>The possible renaming of the reserve will be investigated.</p>
2	Tree	<p>Referred to her previous question regarding the installation of guardrail on Innals Lane and enquired if Council staff had conducted the recent work at the site.</p>	<p>The Director Infrastructure Services advised that Council staff had installed the guardrail.</p>
3	Tree	<p>Requested that staff contact Gavin Lawrence, the staff member responsible for Sport and Recreation at Parramatta City Council in relation to their free active after school program and NSW Rugby Youth Foundation programs.</p> <p>Councillor Tree requested that information be obtained regarding the programs and that the possibility of implementing the programs in the Hawkesbury be investigated.</p>	<p>The Mayor advised that the matter would be investigated.</p>
4	Reardon	<p>Referred to her previous question regarding the derelict house on entry into Hawkesbury Area and the correspondence that had been received from Blacktown City Council.</p> <p>Blacktown City Council have advised that they requested the building be demolished however it is still standing. The only item that has been removed is the large waste bin that was on the site.</p>	<p>The Director City Planning advised that the matter will be investigated.</p>
5	Whelan	<p>Enquired about the status of the Development Application for the dog kennels at Grose Vale.</p>	<p>The Director City Planning advised that he was provided with the draft report today and it is expected that the report will come to Council shortly.</p>

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#	Councillor	Question	Response
6	Tree	<p>Advised that there is a large amount of litter on Blacktown Road at present and requested that the area be cleaned up.</p> <p>The Mayor advised that Blacktown Road is an RTA Road and that he has noticed that the flood evacuation route also has quite a lot of litter on it at present.</p>	<p>The Mayor advised that the RTA will be contacted in relation to this matter.</p>

The meeting terminated at 8.46pm.

Submitted to and confirmed at the Ordinary meeting held on 25 August 2009.

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Mayor