



Hawkesbury City Council

ordinary  
meeting  
minutes

date of meeting: 14 December 2010

location: council chambers

time: 6:30 p.m.



**ORDINARY MEETING**  
**MINUTES: 14 December 2010**

**MINUTES**

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

**General Manager**  
**City Planning**  
**Infrastructure Services**  
**Support Services**

- **SECTION 5 - Reports of Committees**
- **QUESTIONS FOR NEXT MEETING**

**ORDINARY MEETING**

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**ORDINARY MEETING**

**MINUTES:** 14 December 2010

Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 14 December 2010, commencing at 6.31pm.

Pastor Ralph Parnwell of the River of Life 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 B Calvert, K Ford, W Mackay, C Paine, B Porter, P Rasmussen, J Reardon, T Tree, W Whelan and L Williams.

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

Councillor Tree arrived at the meeting at 6.37pm.

**SECTION 1: Confirmation of Minutes**

**442 RESOLUTION:**

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Reardon that the Minutes of the Ordinary Meeting held on the 30 November 2010, be confirmed.

**ORDINARY MEETING**

**MINUTES: 14 December 2010**

**SECTION 3 - Notices of Motion**

**NM1 - Stanley Park, East Kurrajong - (80105)**

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Mr Lindsay Brown, proponent, addressed Council.

**MOTION:**

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

*Refer to RESOLUTION*

**443 RESOLUTION:**

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

That a report be submitted to Council, including approximate costings, regarding:

1. The repair and reopening of the public toilets in Stanley Park East Kurrajong.
2. The clean-up and mowing of the road verge between Stanley Park and East Kurrajong Road in the general mowing program.
3. A general clean-up in the Park including the removal of the old sandpit.

**NM2 - Toilet Facilities for Clarendon Skate Park - (80105)**

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Ms Michelle Carter, Ms Sonya Parker and Mr Phillip Cowley, proponents, addressed Council.

**MOTION:**

The NOTICE OF MOTION was moved by Councillor Williams, seconded by Councillor Porter.

That consideration be given to the provision of funding in the 2011/2012 Budget to provide public toilets and additional rubbish bins at the Clarendon skate park.

The motion was LOST on the casting vote of the Mayor.



**SECTION 4 - Reports for Determination**

**GENERAL MANAGER**

**Item: 275            GM - 2011 Local Government Managers Australia National Congress and Business Expo - (79351, 74304)**

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**MOTION:**

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

*Refer to RESOLUTION*

**444 RESOLUTION:**

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

That attendance of nominated Councillors, and staff members as considered appropriate by the General Manager, at the 2011 LGMA National Congress and Business Expo at an approximate cost of \$3,780.00 per delegate be approved.

**445 RESOLUTION:**

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

That Councillors Ford, Paine, Rasmussen, Porter, Tree and Williams attend the 2011 LGMA National Congress and Business Expo as nominated representatives of Council.

**ORDINARY MEETING**  
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**CITY PLANNING**

**Item: 276**            **CP - Development Application - Two Lot Strata Title Subdivision - Lot 2  
DP499865, 394 George Street, Windsor - (DA0436/10, 4499, 4690, 74513, 95498)**

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Mr Chris Newton, proponent, addressed Council.

**MOTION:**

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

***Refer to RESOLUTION***

**446 RESOLUTION:**

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

That:

1. Council advise the Department of Planning that it supports the objection to the minimum lot size associated with Development Application DA0436/10 lodged pursuant to the provisions of State Environmental Planning Policy No. 1 - Development Standards and requests that the Department issue its concurrence; and,
2. Upon receipt of a response from the Department of Planning, authority be delegated to the General Manager to determine development application DA0436/10 for a two lot strata subdivision at Lot 2 DP 499865, 394 George Street, Windsor.

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:

<b>For the Motion</b>	<b>Against the Motion</b>
Councillor Bassett	Nil
Councillor Calvert	
Councillor Conolly	
Councillor Ford	
Councillor Mackay	
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Tree	
Councillor Whelan	

Councillor Williams was not in the Chamber for the discussion of this item or when the vote was taken.

**ORDINARY MEETING**  
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**Item: 277**            **CP - Proposed Amendments to Heritage Advisory Committee Constitution - (95498, 80242)**

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**MOTION:**

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

*Refer to RESOLUTION*

**447 RESOLUTION:**

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

That the proposed amended Constitution of the Heritage Advisory Committee Constitution as attached to the report be adopted.

**INFRASTRUCTURE SERVICES**

**Item: 278**            **IS - Street Tree Removal - 51 Lennox Street, Richmond - (95495)**

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**MOTION:**

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

*Refer to RESOLUTION*

**448 RESOLUTION:**

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

The Jacaranda tree located in front of 51 Lennox Street, Richmond be removed and replaced with a younger Jacaranda Tree.

**Item: 279**            **IS - Rural Fire Service Estimates 2011/2012 - Hawkesbury District - (74436, 95495)**

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Mr Justin Back, proponent, addressed Council.

**MOTION:**

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

*Refer to RESOLUTION*

**449 RESOLUTION:**

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

That the 2011/2012 Rural Fire Fighting Fund estimates as submitted by the NSW Rural Fire Service be endorsed in principle.

**ORDINARY MEETING**  
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**SUPPORT SERVICES**

**Item: 280**            **SS - Monthly Investments Report - November 2010 - (96332, 95496)**

**Previous Item:**        17, Ordinary (3 February 2009)  
                              82, Ordinary (28 April 2009)

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**MOTION:**

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

*Refer to RESOLUTION*

**450 RESOLUTION:**

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

The report regarding the monthly investments for November 2010 be received and noted.

**CONFIDENTIAL REPORTS**

**451 RESOLUTION:**

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

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

**452 RESOLUTION:**

RESOLVED on the motion of Councillor Rasmussen, 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: 281 IS - Proposed Commercial Offer by the Water Factory Company Pty Ltd in relation to Pitt Town Sewage Infrastructure - (95495)**

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it relates to the supply of goods and/or services to Council and it is considered that the release of 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: 282 IS - Tender No. 00811 - Tender for the Maintenance of Gravel Roads in the St Albans and Surrounding Areas - (95495)**

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it relates to the supply of goods and/or services to Council and it is considered that the release of 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: 283 IS - Tender No. 00711 - Tender for the Supply and Placement of Asphaltic Concrete within the City of Hawkesbury - (95495)**

*This report is **CONFIDENTIAL** in accordance with Section 10A(2) (c) of the Local Government Act, 1993 as it relates to the supply of goods and/or services to Council and it is considered that the release of 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: 284 SS - Lease to Sia Chong Lao and Yen Sreg Tran - Shop 10 Wilberforce Shopping Centre, Wilberforce - (112106, 34779, 74069, 76755)**

*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 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: 14 December 2010**

**Item: 285 SS - Property Matter - Lease to Action Insurance Brokers Pty Ltd - 1 Christie Street, Windsor (102354, 95496, 96333)**

*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 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.

**453 RESOLUTION:**

RESOLVED on the motion of Councillor Calvert, seconded by Councillor Whelan that open meeting be resumed.

**ORDINARY MEETING**

**MINUTES: 14 December 2010**

**INFRASTRUCTURE SERVICES**

**Item: 281**            **IS - Proposed Commercial Offer by the Water Factory Company Pty Ltd in relation to Pitt Town Sewage Infrastructure - (95495) CONFIDENTIAL**

**Previous Item:**        170, (25 August 2009)  
                              11, Ordinary (3 February 2009)  
                              243, Ordinary (25 November 2008)  
                              146, Ordinary (8 July 2008)

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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 Rasmussen.

***Refer to RESOLUTION***

**454 RESOLUTION:**

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

That the proposed commercial offer by The Water Factory Company Pty Ltd in relation to access to Council's sewerage infrastructure at Pitt Town not be accepted.

**Item: 282**            **IS - Tender No.00811 - Tender for the Maintenance of Gravel Roads in the St Albans and Surrounding Areas - (95495) CONFIDENTIAL**

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**MOTION:**

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

***Refer to RESOLUTION***

**455 RESOLUTION:**

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

That the:

1. Tender submitted by Hawkesbury Road Maintenance Pty Ltd in the amount of \$291,169.00 (GST exclusive) for the Maintenance of Gravel Roads in the St Albans and Surrounding Area, to 30 June 2012, be accepted.
2. Seal of Council be affixed to any contract documentation.



**ORDINARY MEETING**

**MINUTES: 14 December 2010**

**Item: 283            IS - Tender No. 00711 - Tender for the Supply and Placement of Asphaltic Concrete within the City of Hawkesbury - (95495)    CONFIDENTIAL**

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**MOTION:**

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

***Refer to RESOLUTION***

**456 RESOLUTION:**

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

That:

1. The schedule of rates tender submitted by Ozpave (Aust) Pty Ltd for the supply and placement of Asphaltic Concrete for a twelve month period, for Pothole Patching, Part A at \$195.00 per hour (exclusive of GST) be accepted.
2. The schedule of rates tender submitted by Berniepave Pty Ltd for the supply and placement of Asphaltic Concrete deep lift patching, Part B, for a period of twelve months be accepted.
3. The schedule of rates tender submitted by Berniepave Pty Ltd for the supply and placement of Asphaltic Concrete for Re-sheeting, Part C, for a twelve month period, be accepted.
4. An alternate contractor be engaged on the basis of the submitted schedule of rates should the Principal Contractor be unavailable within a reasonable time frame.
5. The Seal of Council be affixed to any contract documentation.

**ORDINARY MEETING**

**MINUTES: 14 December 2010**

**SUPPORT SERVICES**

**Item: 284            SS- Lease to Sia Chong Lao and Yen Sreg Tran - Shop 10 Wilberforce Shopping Centre, Wilberforce - (112106, 34779, 74069 76755) 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 Paine.

***Refer to RESOLUTION***

**457 RESOLUTION:**

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

That:

1. Council agree to enter into a new lease of Shop 10, Wilberforce Shopping Centre, Wilberforce with Sai Chong Lao and Yen Sreg Tran as 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.

**ORDINARY MEETING**

**MINUTES: 14 December 2010**

**Item: 285            SS - Property Matter - Lease to Action Insurance Brokers Pty Ltd - 1 Christie Street, Windsor - (102354, 95496, 96333) 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 Ford.

***Refer to RESOLUTION***

**458 RESOLUTION:**

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

That:

1. Council agree to enter into a new lease of 1 Christie Street, Windsor ("Johnson Wing") and two car parking spaces located beneath the Deerubbin Centre with Action Insurance Brokers Pty Ltd in accordance with the proposal outlined in the report.
2. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.
3. Details of Council's resolution be conveyed to the proposed Lessee together with the advice that Council is not and will not be bound by the terms of its resolution until such time as appropriate legal documentation to put such resolution into effect has been agreed to and executed by all parties.

**ORDINARY MEETING**

**MINUTES: 14 December 2010**

**SUPPLEMENTARY REPORTS**

**Mayoral Minutes**

**MM - Development Application No. 0657/2010 - Ventilated Poultry Sheds - 89 Boundary Road, Glossodia - (116927)**

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The General Manager declared a significant non-pecuniary conflict of interest in this matter as he is Council's Representative on the Joint Regional Planning Panel. He left the Chamber and did not take part in discussion on the matter.

The General Manager also advised that as the Acting Director City Planning is the Officer responsible for supervising the Assessing Officer for the application, she would leave the Chamber while the matter was discussed. She left the Chamber and did not take part in voting or discussion on the matter.

**MOTION:**

RESOLVED on the motion of the Mayor, Councillor Bassett.

***Refer to RESOLUTION***

**459 RESOLUTION:**

RESOLVED on the motion of the Mayor, Councillor Bassett.

That the:

1. Mayoral Minute regarding the concerns of local residents and the local poultry industry to Development Application No. 0657/2010 for the erection of poultry sheds at 89 Boundary Road, Glossodia be forwarded to the Joint Regional Planning Panel.
2. Joint Regional Planning Panel be advised that the elected body of Council agrees with the community and industry concerns regarding the inappropriateness of the location of the proposed poultry farm.

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:

<b>For the Motion</b>	<b>Against the Motion</b>
Councillor Bassett	Nil
Councillor Calvert	
Councillor Conolly	
Councillor Ford	
Councillor Mackay	

**ORDINARY MEETING**

**MINUTES:** 14 December 2010

<b>For the Motion</b>	<b>Against the Motion</b>
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Tree	
Councillor Whelan	
Councillor Williams	

**460 RESOLUTION:**

RESOLVED on FORESHADOWED motion moved by Councillor Rasmussen, seconded by Councillor Mackay.

That a report be prepared for Council's consideration that addresses the issues of submitting a technical report to the Joint Regional Planning Panel taking into account the Mayoral Minute of 14 December 2010 regarding 89 Boundary Road, Glossodia.

**MATTER OF URGENCY**

**Matter of Urgency - Location of Half Pipe Skate Ramp at Glossodia - (80105)**

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Councillor Williams advised the Mayor that there was a late urgent matter relating to the location of the half pipe skate ramp at Glossodia that he wished Council to consider in the terms of Clause 2.2.3(3) of Council's Code of Meeting Practice.

**461 RESOLUTION:**

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

That the matter concerning the relocation of the half pipe skate ramp at Glossodia be considered as a matter of urgency in accordance with Clause 2.2.3(3) of Council's Code of Meeting Practice.

The motion was carried and the Mayor ruled the matter to be of great urgency in accordance with the provisions of Clause 2.2.3(3)(b) of Council's Code of Meeting Practice.

**462 RESOLUTION:**

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

That the half pipe skate ramp located in Glossodia Park be relocated to Woodbury Reserve.

**ORDINARY MEETING**

**MINUTES: 14 December 2010**

**SECTION 5 - Reports of Committees**

**ROC - Floodplain Risk Management Advisory Committee Minutes - 1 November 2010 - (86589)**

**463 RESOLUTION:**

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

That the minutes of the Floodplain Risk Management Advisory Committee Meeting held on 1 November 2010 as recorded on pages 53 to 56 of the Ordinary Business Paper be received.

**ROC - Heritage Advisory Committee Minutes - 25 November 2010 - (80240)**

**464 RESOLUTION:**

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

That the minutes of the Heritage Advisory Committee Meeting held on 25 November 2010 as recorded on pages 57 to 61 of the Ordinary Business Paper be received.

**ORDINARY MEETING**  
**MINUTES: 14 December 2010**

**QUESTIONS FOR NEXT MEETING**

**Councillor Questions From Previous Meetings and Responses - (105109)**

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

**Questions 14 December 2010**

#	Councillor	Question	Referred To
1	Williams	Enquired if the discrepancy between the opening hours of the Oasis Leisure Centre and the times displayed on Council's website could be investigated. The website shows the pool opens at 7am when it actually opens at 8am.  He also enquired if the pool could be opened earlier on the weekend during the summer months.	Director Support Services.
2	Williams	Enquired if the old hospital bed sculpture at the Deerubbin Centre could be repaired if necessary so that it sprays water again.	Director Infrastructure Services.
3	Williams	Enquired if there has been any progress in organising the meeting regarding Bushells Lagoon.	Director City Planning.
4	Williams	Enquired if Councillors could be kept informed about the outcome in relation to the letter received regarding a DA for a garage in Hobartville.	Director City Planning.
5	Paine	Enquired if staff could consider holding an exhibition at the Regional Art Gallery of outstanding HSC works from local students.	Director Support Services.
6	Paine	Enquired if an update could be provided regarding the Macquarie Street sites.	General Manager.
7	Calvert	Enquired if repair work could be carried out on Londonderry Road near The Driftway.	Director Infrastructure Services.
8	Calvert	Referred to his previous question regarding the footpath outside McDonalds in Richmond and enquired if staff could work with McDonalds to fix the footpath area.	Director Infrastructure Services.



**ORDINARY MEETING****MINUTES: 14 December 2010**

#	Councillor	Question	Referred To
9	Porter	Enquired if when development applications are lodged and staff recommend that they will be refused are those development applications included in the DA assessment counts that are provided to Councillors in the Councillors Newsletter.  He also enquired if the DA goes back to the applicant who then withdraws the DA and a portion of the funding is refunded does it still stay on the system and contribute towards the DA assessment count for the year.	Director City Planning.
10	Mackay	Referred to the Community Appreciation Garden Party at Yarramundi and commented that Yarramundi House was the perfect location for the event.	No further action required.
11	Williams	Enquired if the OHS issues raised by Ms Michelle Carter regarding the sign next to the half pipe at Glossodia Park could be looked at.	Director Infrastructure Services.
12	Reardon	Referred Councillors to the exhibition at the Regional Art Gallery displaying art works of gifted and talented students from the area.	No further action required.

The meeting terminated at 9.20pm.

Submitted to and confirmed at the Ordinary meeting held on 1 February 2011.

.....  
Mayor