



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 13 September 2011

location: council chambers

time: 6:30 p.m.

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 13 September 2011, commencing at 6:30pm.

Reverend Je-Kon Oh of the St Andrews Uniting Church, Richmond, 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, P Rasmussen, J Reardon, T Tree and W Whelan.

ALSO PRESENT: General Manager - Peter Jackson, Acting Director City Planning - Shari Hussein, Director Infrastructure Services - Chris Daley, Director Support Services - Laurie Mifsud, Manager Corporate Services and Governance – Abbey Rouse, Executive Manager - Community Partnerships - Joseph Litwin and Administrative Support Team Leader - Kylie Wade-Ferrell.

APOLOGIES

Apologies for absence were received from Councillors C Paine, B Porter and L Williams.

319 RESOLUTION:

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

Councillor W Mackay arrived at the meeting at 6:40pm.

SECTION 1: Confirmation of Minutes

320 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Reardon that the Minutes of the Ordinary Meeting held on the 30 August 2011, be confirmed.

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SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 201 **GM - Royal Australian Air Force - Review of Civil Aviation Access to Air Force Airfields RAAF - (79351)**

Previous Item: 22, Ordinary (23 February 2010),
 23, Ordinary (23 February 2010)

MOTION:

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

Refer to RESOLUTION

321 RESOLUTION:

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

That:

1. The information regarding the Royal Australian Air Force – Review of Civil Aviation Access to Air Force Airfields (RAAF Review) be received.
2. Council make a submission to the RAAF Review in regard to proximity to shared Defence airfields near large urban centres, RAAF Base Richmond and the National Aviation Policy based on the position indicated in previous resolutions in this regard.
3. The Minister for Infrastructure and Transport be requested to advise on how the RAAF Review will be addressed in the National Aviation White Paper to ensure priority military capability at Defence airfields are not compromised by any shared Defence airfields.
4. The Minister for Defence be requested to advise on how the RAAF Review will be addressed in Defence policy and how Defence will progress priority military needs at Defence airfields in the National Aviation White Paper.
5. Any submission made by Council reinforce Council's desire for the Airlift Group to be retained at the RAAF Base Richmond.

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CITY PLANNING

Item: 202 CP - Development Application - Tourist Facility - 30 Tourist Cabins - Lot 77 DP 211935 and Lot 2 DP 1080830, Chaseling Road North, Webbs Creek - (DA0026/11, 102260, 27637, DA0026/11)

Mr Robert Montgomery, proponent, addressed Council.

MOTION:

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

Refer to RESOLUTION

322 RESOLUTION:

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

That:

1. The objection under SEPP No. 1 be supported.
2. Upon receipt of the issue of a Bushfire Safety Authority, or otherwise, from the NSW Rural Fire Service the determination of Development Application No. DA0026/11 at Lot 77 DP 211935 Lot 2 DP 1080830, Chaseling Road North Webbs Creek for Tourist Facility - Thirty (30) tourist cabins be delegated to the General Manager.

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

For the Motion	Against the Motion
Councillor Bassett	Nil
Councillor Calvert	
Councillor Conolly	
Councillor Ford	
Councillor Mackay	
Councillor Rasmussen	
Councillor Reardon	
Councillor Tree	
Councillor Whelan	

Councillors Paine, Porter and Williams were absent from the meeting.

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Item: 203 CP - Planning Proposal for Lot 12 DP 1138749, 46 Mulgrave Road, Mulgrave - (95498)

MOTION:

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

Refer to RESOLUTION

323 RESOLUTION:

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

That the planning proposal for Lot 12 DP 1138749, 46 Mulgrave Road, Mulgrave be supported and forwarded to the Department of Planning and Infrastructure for a “gateway” determination.

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

For the Motion	Against the Motion
Councillor Bassett	Nil
Councillor Calvert	
Councillor Conolly	
Councillor Ford	
Councillor Mackay	
Councillor Rasmussen	
Councillor Reardon	
Councillor Tree	
Councillor Whelan	

Councillors Paine, Porter and Williams were absent from the meeting.

Item: 204 CP - Planning for Youth Services and Facilities - (96328)

Previous Item: 107 Ordinary (31 May 2011)
NM3, Ordinary (30 November 2010)

MOTION:

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

Refer to RESOLUTION

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324 RESOLUTION:

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

That Council:

1. Establish a Mobile/Virtual Youth Centre Working Party to prepare a report for Council's consideration outlining options for establishing or augmenting mobile and virtual youth centres within the Hawkesbury local government area.
2. Establish a Youth Services and Facilities Working Party to prepare a report for Council's consideration to identify benchmarks and priority criteria for assessing and determining youth service and facilities within the Hawkesbury local government area.
3. Delegate to the working parties the roles, authorities and governance framework as outlined in this report.

Item: 205 CP - Partnership Proposal Pound Paddock - Outcome of Community and Stakeholder Consultations - (95498, 96328)

Previous Item: 108, Ordinary (31 May 2011)

Ms Margaret Elder and Ms Deborah Gershbach, proponents, addressed Council.
Ms Angela Tomaras, respondent, addressed Council.

MOTION:

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

Refer to RESOLUTION

325 RESOLUTION:

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

That:

1. Council call for Expressions of Interest from not-for-profit community agencies who may be willing to explore a partnership proposal where the agency funds and constructs a community building on a portion of Pound Paddock, Richmond.
2. Expressions of Interest to be submitted by interested not-for-profit agencies to include the requirements outlined in this report.

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Item: 206 **CP - Execution of Service Agreement: Community Services, Department of Human Services NSW - (119761)**

MOTION:

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

Refer to RESOLUTION

326 RESOLUTION:

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

That authority be given to execute, under the Seal of Council, a Service Agreement with Community Services Department of Human Services NSW to accept funds for the 2011/2012 financial year as outlined in this report.

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INFRASTRUCTURE SERVICES

Item: 207 **IS - Naming of Two Un-Named Roads off Teale Road, East Kurrajong - (95495)**

Previous Item: 136, Ordinary (28 June 2011)

MOTION:

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

Refer to RESOLUTION

327 RESOLUTION:

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

That:

1. The eastern un-named road located on the northern side of Teale Road, East Kurrajong between property numbers 16 and 46 (Teale Road) and bounded by DP's 751656, 1129398, 1015870 and 1006968 be named Carmichael Place, East Kurrajong. An advertisement be placed in the New South Wales Government Gazette making notification of the name.
2. The western un-named road located on the northern side of Teale Road, East Kurrajong between property numbers 46 and 78 (Teale Road) and bounded by DP's 1008143, 1015870 and 1008142 be named Colvin Place, East Kurrajong. An advertisement be placed in the New South Wales Government Gazette making notification of the name.

Item: 208 **IS - Recycled Water Policy - (95495, 112179)**

MOTION:

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

Refer to RESOLUTION

328 RESOLUTION:

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

That the Draft Water Recycling Policy as attached to the report be adopted.

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SUPPORT SERVICES

Item: 209 **SS - Policy for Payment of Expenses and Provision of Facilities to Councillors - Review - (95496)**

Previous Item: 254, Ordinary (9 November 2010)
 205, Ordinary (31 August 2010)

MOTION:

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

Refer to RESOLUTION

329 RESOLUTION:

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

That the amended Policy for Payment of Expenses and Provision of Facilities to Councillors attached as Attachment 1 to the report be placed on public exhibition for a period of 28 days and that the matter be reported back to Council at the conclusion of the exhibition period.

Item: 210 **SS - Suspension of Alcohol Free Zone and Restricted Alcohol Zone within Windsor Town Centre for the 2011 Sydney Blues and Roots Festival - (95496, 107, 112106)**

Previous Item: 150, Ordinary 12 July 2011

MOTION:

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

Refer to RESOLUTION

330 RESOLUTION:

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

That:

1. Parts 3 to 7 of Council's resolution dated 12 July 2011, be amended as follows:
 - a) The Alcohol Free Zone within Windsor Mall, George Street, Windsor in the area indicated in Attachment 2 to this report as "AFZ suspension area" be suspended between Fitzgerald Street and Kable Street, Windsor for the purpose of holding the Sydney Blues and Roots Festival – Windsor 2011 during the following dates and times:

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Friday, 28 October 2011 – 7:00 pm – 12 midnight
Saturday, 29 October 2011 – 1:00 pm – 12 midnight
Sunday, 30 October 2011 – 1:00 pm – 10:00 pm

- b) The Restricted Alcohol Zone within Thompson Square Park in the area indicated in Attachment 3 to this report as "*RAZ suspension area*" be suspended for the purpose of holding the Sydney Blues and Roots Festival – Windsor 2011 during the following dates and times:

Friday, 28 October 2011 – 7:00 pm – 12 midnight
Saturday, 29 October 2011 – 1:00 pm – 12 midnight
Sunday, 30 October 2011 – 1:00 pm – 10:00 pm

- c) The suspension of the AFZ and RAZ, as outlined in Parts (a) and (b) above, be amended and subject to the following conditions that are required to be complied with by the Event Organiser:

- i) The licensed premises adhere to any other requirements of the NSW Police Service and relevant authorities in relation to the service of alcohol within those areas. A limited licence must be applied for and granted by the Casino, Liquor and Gaming Control Authority for Thompson Square Park.
- ii) The suspension of the alcohol free zones are only within the fenced areas of the Zones as shown in Attachments 2 and 3 of this report. Any areas not fenced remain Alcohol Free Zones.
- iii) No alcohol is to be removed from within any fenced area
- iv) No glass is permitted within the current Alcohol Free Zones and Restricted Alcohol Zones.
- v) Uniformed licensed security guards to remain at the entrances and exits of each of the Alcohol Free Zones and Restricted Alcohol Zones to ensure no persons leave the area with alcohol.
- vi) Uniformed Licensed security guards to patrol within the fenced areas to ensure there is no intoxication or anti-social behaviour.
- vii) A limit of 300 patrons are to be allowed in the fenced area of Windsor Mall.
- viii) A limit of 1200 patrons are to be allowed in the fenced area of Thompsons Square Park.
- ix) The AFZ and RAZ suspension areas as indicated in Attachments 2 and 3 of this report be barricaded off.
- x) Signage advising the suspension of the AFZ and RAZ within the designated barricaded areas indicated in Attachments 2 and 3 of this report are to be displayed on the outer side of the barricade fences.

2. The period of suspension of the AFZ and RAZ within the barricaded areas indicated in Attachments 2 and 3 of this report be advertised.
3. The Event Organiser and the NSW Police Service, Hawkesbury Local Area Command, be advised of Council's decision.

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CONFIDENTIAL REPORTS

331 RESOLUTION:

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

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

332 RESOLUTION:

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

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: 211 SS - Property Matter - Lease to Brian Davis - Shop 2/1 Hawkesbury Valley Way, Clarendon

*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: 212 Mayoral Minute - Staff Matter

*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 councillors).*

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.

333 RESOLUTION:

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

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Item: 211 **SS - Property Matter - Lease to Brian Davis - Shop 2/1 Hawkesbury Valley Way, Clarendon - (95496, 109848, 74459) CONFIDENTIAL**

MOTION:

The General Manager advised that whilst in Closed Session, the Council RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Mackay.

Refer to RESOLUTION

334 RESOLUTION:

The General Manager advised that whilst in Closed Session, the Council RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Mackay.

That:

1. Council agree to enter into a new lease of Shop 2/1 Hawkesbury Valley Way, Clarendon, with Brian Davis, as outlined in the report.
2. Authority be given for any documentation in association with the matter to be executed under the Seal of Council.
3. Details of Council's resolution be conveyed to the proposed Lessee, together with the advice that Council is not, and will not, be bound by the terms of 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: 212 **Mayoral Minute - Staff Matter - (79351, 79353) CONFIDENTIAL**

MOTION:

The General Manager indicated that the Mayor had advised that whilst in Closed Session, Council RESOLVED on the motion of Councillor Mackay, seconded by Councillor Whelan.

Refer to RESOLUTION

338 RESOLUTION:

The General Manager indicated that the Mayor had advised that whilst in Closed Session, Council RESOLVED on the motion of Councillor Mackay, seconded by Councillor Whelan.

That the Mayoral Minute regarding the recent annual review of the General Manager's Performance Agreement by the General Manager Performance Review Panel be received and noted.

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SECTION 5 - Reports of Committees

ROC - Hawkesbury Disability Advisory Committee Minutes - 4 August 2011 - (88324)

339 RESOLUTION:

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

That the minutes of the Hawkesbury Disability Advisory Committee held on 4 August 2011 as recorded on pages 97 to 99 of the Ordinary Business Paper be received.

ROC - Hawkesbury Mobility Plan Implementation Committee Minutes - 18 August 2011 - (119668)

340 RESOLUTION:

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

That the minutes of the Hawkesbury Mobility Plan Implementation Committee held on 18 August 2011 as recorded on pages 100 to 104 of the Ordinary Business Paper be received.

ROC - Heritage Advisory Committee Minutes - 18 August 2011 - (80242)

341 RESOLUTION:

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

That the minutes of the Heritage Advisory Committee held on 18 August 2011 as recorded on pages 105 to 111 of the Ordinary Business Paper be received.

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QUESTIONS FOR NEXT MEETING

Councillor Questions From Previous Meetings and Responses - (105109)

There were no responses to the questions in relation to previous Questions for Next Meeting.

Questions - 13 September 2011

#	Councillor	Question	Response
1	Calvert	Enquired about the progress of the report requested regarding the cost and possibility of shifting the Council's Administration Building to solar electricity.	Director Infrastructure Services.

The meeting terminated at 7:36pm.

Submitted to and confirmed at the Ordinary meeting held on 27 September 2011.

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Mayor