



Hawkesbury City Council

extraordinary  
meeting  
business  
paper

date of meeting: 12 June 2019

location: council chambers

time: 6:30 p.m.



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**EXTRAORDINARY MEETING**

**Minutes:** 12 June 2019

## EXTRAORDINARY MEETING

Minutes: 12 June 2019

Minutes of the Extraordinary Meeting held at the Council Chambers, Windsor, on 12 June 2019, commencing at 6:32pm.

### Welcome

The Mayor, Councillor Barry Calvert acknowledged the Indigenous Heritage.

The General Manager addressed the Council meeting, mentioning:

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

### ATTENDANCE

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

**ALSO PRESENT:** General Manager - Peter Conroy, Director City Planning - Linda Perrine, Director Infrastructure Services - Jeff Organ, Director Support Services - Laurie Mifsud, Chief Financial Officer - Emma Galea, Manager Corporate Services and Governance - Michael Wearne, Acting Executive Manager Community Partnerships - Meagan Ang, Administrative Support Officer - Jodie Tillinghast and Committee Officer - Amanda Carroll.

### APOLOGIES AND LEAVE OF ABSENCE

Apologies for absence were received from Councillor Patrick Conolly and Councillor Amanda Kotlash.

### 120 RESOLUTION:

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

Councillor Rasmussen arrived at the meeting at 6:33pm.

Councillor Wheeler arrived at the meeting at 6:33pm.

### DECLARATIONS OF INTEREST

Councillor Lyons-Buckett declared an interest on Item 099.

Councillor Reynolds declared an interest on Item 099.

Councillor Wheeler declared an interest on Item 101.

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### SECTION 3 – Reports for Determination

#### GENERAL MANAGER

**Item: 098**                      **GM - Adoption of 2019/2020 Operational Plan, and Making and Levying of Rates and Fixing of Charges for the Period 1 July 2019 to 30 June 2020 - (79351, 95496, 96332, 107)**

**Previous Item:**            057, Extraordinary (8 April 2019)

**Directorate:**              General Manager

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Ms Gae Kelly addressed Council speaking for the recommendation.

#### **MOTION:**

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

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

#### **121 RESOLUTION:**

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

That:

1. The report regarding Draft 2019/2020 Operational Plan be noted.
2. The Draft 2019/2020 Operational Plan including the fees and charges, as placed on public exhibition, be adopted incorporating the amendments as outlined in the report including the rates in the dollar for 2019/2020 to incorporate valuation changes up to the final Rating Resolution.
3. Council Make and Levy the following Rates and Fix the following Charges for the 2019/2020 financial period in accordance with Section 535 of the Local Government Act 1993 (Land Values used for calculation of rates have a Base Date of 1 July 2016):

#### **Residential Category**

In accordance with Section 535 of the Local Government Act 1993, an Ordinary rate named Residential in accordance with Section 543 (1), of zero point two zero seven one four zero (0.207140) cents in the valuation dollar be levied on all properties categorised as Residential in accordance with Section 516. These properties will be subject to an ad valorem rate and a base amount of \$405.00. The levying of the base amount from the Residential Category will generate 29.96% of the notional yield applicable to the Residential Category.

#### **Farmland Category**

In accordance with Section 535 of the Local Government Act 1993, an Ordinary rate named Farmland in accordance with Section 543 (1), of zero point one eight six four two six (0.186426) cents in the valuation dollar be levied on all properties categorised as Farmland in accordance with Section 515. These properties will be subject to an ad valorem rate and a base amount of \$405.00. The levying of the base amount from the Farmland Category will generate 15.46% of the notional yield applicable to the Farmland Category.

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### Business Category

In accordance with Section 535 of the Local Government Act 1993, an Ordinary rate named Business Area 1 in accordance with Section 543 (1), of zero point four one four two eight zero (0.414280) cents in the valuation dollar be levied on all properties in the Business sub-category Business Area 1 in accordance with Section 518. These properties will be subject to an ad valorem rate and a base amount of \$405.00. The levying of the base amount from the Business Area 1 sub-category will generate 15.79% of the notional yield applicable to the Business Area 1 sub - category.

In accordance with Section 535 of the Local Government Act 1993, an Ordinary rate named Business Area 2 in accordance with Section 543 (1), of zero point four one four two eight zero (0.414280) cents in the valuation dollar be levied on all properties in the Business sub-category Business Area 2 in accordance with Section 518. These properties will be subject to an ad valorem rate and a base amount of \$405.00. The levying of the base amount from the Business Area 2 sub-category will generate 17.52% of the notional yield applicable to the Business Area 2 sub-category.

In accordance with Section 535 of the Local Government Act 1993, an Ordinary rate named Business Area Other in accordance with Section 543 (1), of zero point four one four two eight zero (0.414280) cents in the valuation dollar be levied on all properties in the Business sub-category Business Area Other in accordance with Section 518. These properties will be subject to an ad valorem rate and a base amount of \$405.00. The levying of the base amount from the Business Area Other sub-category will generate 13.95% of the notional yield applicable to the Business Area Other sub-category.

### Domestic Waste Management Service

For 2019/2020, in accordance with Section 496 of the Local Government Act 1993:

- A "Weekly Domestic (Inc. Green) Waste Mgt Charge 240L" annual charge of \$639.51 be made for a 240 litre bin, for each weekly domestic waste service to an occupied property which is categorised as Residential or Farmland, and for which a weekly domestic waste service, including a green waste service, is available. This charge includes a weekly pickup for garbage, a fortnightly pickup for recycling, a fortnightly pick up for green waste and one kerbside pickup for the financial year.
- A "Weekly Domestic Waste Mgt Charge 240L" annual charge of \$559.42 be made for a 240 litre bin, for each weekly domestic waste service to an occupied property which is categorised as Residential or Farmland, and for which a weekly domestic waste service, is available. This charge includes a weekly pickup for garbage, a fortnightly pickup for recycling, and one kerbside pickup for the financial year.
- A "Weekly Domestic (Inc. Green) Waste Mgt Charge 140L" annual charge of \$433.95 be made for a 140 litre bin for each weekly domestic waste service to an occupied property which is categorised as Residential or Farmland, and for which a weekly domestic waste service, including a green waste service, is available. This charge includes a weekly pickup for garbage, a fortnightly pickup for recycling, a fortnightly pick up for green waste and one kerbside pickup for the financial year.
- A "Weekly Domestic Waste Mgt Charge 140L" annual charge of \$353.87 be made for a 140 litre bin for each weekly domestic waste service to an occupied property which is categorised as Residential or Farmland, and for which a weekly domestic waste service is available. This charge includes a weekly pickup for garbage, a fortnightly pickup for recycling and one kerbside pickup for the financial year.
- A "Fortnightly Domestic Waste Management Charge 240L" annual charge of \$353.87 be made for a 240 litre bin, for each fortnightly domestic waste service to an occupied property which is categorised as Residential or Farmland, and for which a fortnightly domestic waste service, is available. This charge includes a fortnightly pickup for

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garbage, a fortnightly pickup for recycling and one kerbside pickup for the financial year.

- A "Fortnightly Domestic Waste Mgt Charge 140L" annual charge of \$248.48 be made for a 140 litre bin for each fortnightly domestic waste service to an occupied property which is categorised as Residential or Farmland, and for which a fortnightly domestic waste service, is available. This charge includes a fortnightly pickup for garbage, a fortnightly pickup for recycling and one kerbside pickup for the financial year.
- A "Weekly Domestic Waste Service Availability" annual charge of \$161.70 be made for parcels of land where a weekly domestic waste service is available but the service is not utilised.
- A "Fortnightly Domestic Waste Service Availability" annual charge of \$80.84 be made for parcels of land where a fortnightly domestic waste service is available but the service is not utilised.

### Pensioner Rebate

In accordance with Section 575 of the Local Government Act 1993 where a property is owned and occupied by eligible pensioner(s), a rebate amounting to 50% (fifty percent) of the combined rates and domestic waste service charges up to a maximum of \$250.00 (two hundred and fifty dollars) in annual concession will be granted for 2019/2020.

### Business Waste Management Service

For 2019/2020, in accordance with Section 501 of the Local Government Act 1993

- A Waste Management Service annual charge of \$796.33 be made for a 240 litre bin, and an annual charge of \$487.31 be made for a 140 litre bin for each weekly waste service to a property which is categorised as Business and for which a weekly waste service is utilised.
- A Waste Management Service annual charge of \$557.43 be made for a 240 litre bin, and an annual charge of \$341.11 be made for a 140 litre bin for each fortnightly waste service to a property which is categorised as Business and for which a fortnightly waste service is utilised.

### Sewerage Service

For 2019/2020, in accordance with Section 501 of the Local Government Act 1993, the following range of annual charges be made for the provision of sewerage services.

- |  |             |
|--|-------------|
| • Connected Residential Properties                       | \$865.06    |
| • Unconnected Residential Properties                     | \$576.05    |
| • Unconnected Business Properties                        | \$580.46    |
| • Business - Category 1 (<1,000 litres per day)          | \$1,006.89  |
| • Business - Category 2 (1,001 - 5,000 litres per day)   | \$5,048.58  |
| • Business - Category 3 (5,001 - 10,000 litres per day)  | \$10,057.03 |
| • Business - Category 4 (10,001 - 20,000 litres per day) | \$20,052.63 |
| • Business - Category 5 (>20,000 litres per day)         | \$20,052.63 |



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- Additionally, a trade waste volume charge of \$3.24 per kilolitre be charged to Category 5 properties for each kilolitre in excess of 20,000.

### Pensioner Rebate

Where a residential property receiving this service is owned by pensioner(s) eligible for an Ordinary Rate pensioner rebate, then a rebate amounting to \$432.53 be granted to the owner(s) in annual concession for 2019/2020.

### Stormwater Management Service Charge

For 2019/2020, in accordance with Section 496A of the Local Government Act 1993, the following annual charges be made for stormwater management services:

- Stormwater Management Service – Residential \$25.00
- Stormwater Management Service - Residential Strata \$12.50
- Stormwater Management Service - Business \$25.00 per 350m<sup>2</sup> or part thereof, up to a maximum of \$1,500.00.
- Stormwater Management Service - Business Strata - Pro-rata of business charge, based on land valuation apportionment.

### Sullage Pump-Out Services

For 2019/2020:

- In accordance with Section 501 of the Local Government Act 1993, a Sullage Pump-out Service annual charge of \$2,334.08 will be made for the provision of a fortnightly sullage pump-out service to residential properties.
- In accordance with Section 501 of the Local Government Act 1993, a Sullage Pump-out Service annual charge of \$4,668.16 will be made for the provision of a weekly sullage pump-out service to residential properties.
- Where a property receiving a sullage pump-out service is owned by pensioner(s) eligible for an Ordinary Rate pensioner rebate, and the property is occupied solely by the eligible pensioner(s), in accordance with Section 577 of the Local Government Act 1993 a rebate amounting to 50% of the applicable charge be granted to the owner(s) in annual concession for 2019/2020.
- In accordance with Section 502 of the Local Government Act 1993, additional pump-outs can be requested at a cost of \$149.56 per extra service.
- In accordance with Section 502 of the Local Government Act 1993, emergency after hours pump-outs be charged at \$187.80 per service.
- In accordance with Section 502 of the Local Government Act 1993, that a charge of \$25.71 be made for each 1,000 (one thousand) litres of effluent pumped out from commercial and industrial properties for services being conducted on request.

### Drainage Management Service Charge

For 2019/2020, in accordance with Section 501 of the Local Government Act 1993, the following annual charges be made for drainage management services:

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- Drainage Management Charge – Residential \$25.00\*
- Drainage Management Charge - Business \$25.00\*

\*The Drainage Management Service Charge is only applicable to properties in the identified urban release area in North Richmond (Redbank). Properties in this area are not subject to the Stormwater Management Service Charge.

### Interest Charges

In accordance with Section 566 (3) of the Local Government Act 1993, the interest rate charged on overdue rates and charges for 2019/2020 by Council be set at the maximum permitted by the Minister for Local Government. For the 2019/2020 rating year, this will be 7.5%.

4. The persons and/or organisations that made submissions in response to the exhibition of Council's Draft 2019/2020 Operational Plan be advised of Council's decision in this regard and the relevant comments in the report.

**For the Motion:** Councillors Calvert, Lyons-Buckett, Garrow, Rasmussen, Reynolds and Wheeler.

**Against the Motion:** Councillors Richards, Ross, Tree and Zamprogno.

**Absent:** Councillors Conolly and Kotlash.

**Item: 099**                      **GM - 2019/2020 Event Sponsorship - Round 1 - (79351)**

**Directorate:** General Manager

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Councillors Lyons-Buckett declared a less than significant non-pecuniary conflict of interest in this matter as she is the Public Officer of the Kurrajong Community Forum and no further action is required.

Councillor Reynolds declared a less than significant non-pecuniary conflict of interest in this matter as he knows one of the applicants and no further action is required.

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Mr Jarryd Faint addressed Council speaking for the recommendation.

### MOTION:

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

### *Refer to RESOLUTION*

### 122 RESOLUTION:

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

That Council:

1. Under the 2019/2020 Event Sponsorship Program, agree to support the organisations and individuals listed at the level recommended in Attachment 1 of this report and waive the park fees associated with Application 7 – Utopian Touring Event - Dinner by the River.

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2. Approve the execution of Council's standard Sponsorship Agreement for the applications as identified in Attachment 1 of this report.
3. Continue to review and refine modify the Events Sponsorship Program to incorporate the ongoing findings from the implementation of the Events Strategy.

**For the Motion:** Councillors Calvert, Lyons-Buckett, Garrow, Rasmussen, Reynolds, Richards, Ross, Tree, Wheeler and Zamprogno.

**Against the Motion:** Nil.

**Absent:** Councillors Conolly and Kotlash.

### SUPPLEMENTARY REPORTS

**Item: 102**                      **MM - Developer Contribution Plans and their relationship with the plans and activities of other Metropolitan Planning Organisations - (79351, 80093)**

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#### **MOTION:**

RESOLVED on the motion of Councillor Calvert.

*Refer to RESOLUTION*

#### **123 RESOLUTION:**

RESOLVED on the motion of Councillor Calvert.

That Council:

1. Send a delegation to the Minister for Planning to express our dissatisfaction with the manner in which IPART have dealt with this matter, and to request he make representation on Council's behalf to secure the data used in the substituted contributions plan;
2. Request from IPART the information (data and its sources) used in the substituted plan, and in the absence of it being forthcoming, officially request the data through the GIPA process;
3. Prepare a submission outlining the points of concern regarding the process and the impacts on Council's finances and scope and quality of works in the release area.
4. Relay it's concerns and requests to the Member for Hawkesbury Robyn Preston MP.

**For the Motion:** Councillors Calvert, Lyons-Buckett, Garrow, Rasmussen, Reynolds, Wheeler and Zamprogno.

**Against the Motion:** Councillors Richards, Ross and Tree.

**Absent:** Councillors Conolly and Kotlash.

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### CONFIDENTIAL REPORTS

#### 124 RESOLUTION:

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

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: 100 CP - Provision of Kerbside Bulk Waste Collection and Processing Service - (95498, 96330)**

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it relates to details concerning tenders for the supply of goods/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 Council is conducting (or proposes to conduct) business, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

**Item: 101 IS - Tender No. T00086 - Reconstruction of Failed Sealed Pavement Sections of King, Sackville, East Kurrajong and Settlers Roads - (95495, 79344)**

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act, 1993 as it relates to details confidential tender information and the information is regarded as being commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, confer a commercial advantage on a competitor of the Council, or reveal a trade secret and therefore if considered in an open meeting would, on balance, be contrary to the public interest.*

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.

#### 125 RESOLUTION:

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

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**Item: 100**                      **CP - Provision of Kerbside Bulk Waste Collection and Processing Service - (95498, 96330)**

**Previous Item:**              30, Ordinary (26 February 2019)  
214, Ordinary (11 October 2016)

**Directorate:**                City Planning

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### MOTION:

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

### *Refer to RESOLUTION*

### 126 RESOLUTION:

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

That:

1. The information contained within the report be received and noted.
2. Council, in accordance with the provisions of Section 55(3)(i) of the *Local Government Act 1993*, not invite public tenders due to extenuating circumstances, and approve a further 12 month contract for the Provision of Kerbside Bulk Waste Collection and Processing Service with Cleanaway Pty Ltd, under the same general terms and conditions in the current contract.
3. Authority be given for the contract and any other documentation in association with the matter to be executed under the Seal of Council.
4. Council review the areas that are currently able to access a regular Green Bin Collection with a view to increasing the number of households that could potentially access this service.

**For the Motion:**              Councillors Calvert, Lyons-Buckett, Garrow, Rasmussen, Reynolds, Richards, Ross, Tree, Wheeler and Zamprogno.

**Against the Motion:**        Nil.

**Absent:**                        Councillors Conolly and Kotlash.

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**Item: 101**                      **IS - Tender No. T00086 - Reconstruction of Failed Sealed Pavement Sections of King, Sackville, East Kurrajong and Settlers Roads - (95495, 79344)**

**Directorate:**                      Infrastructure Services

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Councillor Wheeler declared a less than significant non-pecuniary conflict of interest in this matter as she lives on a section of King Road, Wilberforce and no further action is required.

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### **MOTION:**

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

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

### **127 RESOLUTION:**

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

That Council:

1. Note the acceptance of the schedule of rates tender of MJ & MD Skinner Earthmoving Pty Ltd for Road Rehabilitation of Separable Portion 1- King Road and Separable Portion 4 - Settlers Road in the amounts of \$619,806 and \$394,525 (GST excl) respectively.
2. In accordance with Section 178 (3)(f) Local Government (General) Regulation 2005, not accept any tender for Separable Portion 2 and 3 - Sackville Road and East Kurrajong Road and carry out the requirements of the proposed contracts itself.

**For the Motion:**                      Councillors Calvert, Lyons-Buckett, Garrow, Rasmussen, Reynolds, Richards, Ross, Tree, Wheeler and Zamprogno.

**Against the Motion:**                      Nil.

**Absent:**                                      Councillors Conolly and Kotlash.

The meeting terminated at 9:19pm.

Submitted to and confirmed at the Ordinary meeting held on 25 June 2019.

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Mayor