



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 28 April 2009

location: council chambers

time: 5:00 p.m.

ORDINARY MEETING

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 28 April 2009, commencing at 5:00pm.

Reverend Wayne Tildsley of St Peter's Anglican 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 W Mackay, C Paine, B Porter, P Rasmussen, J Reardon, R Stubbs, T Tree, W Whelan and L Williams

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

APOLOGIES

An apology for absence was received from Councillor B Calvert

114 RESOLUTION:

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

Councillor Rasmussen arrived at the meeting at 5:05pm

SECTION 1: Confirmation of Minutes

115 RESOLUTION:

RESOLVED on the motion of Councillor Tree and seconded by Councillor Reardon that the Minutes of the Ordinary Meeting held on the 31 March 2009, be confirmed.

116 RESOLUTION:

RESOLVED on the motion of Councillor Tree and seconded by Councillor Reardon that the Minutes of the Extraordinary Meeting held on the 21 April 2009, be confirmed.

ORDINARY MEETING

Mayoral Minutes

SECTION 2 - Mayoral Minutes

MM - Proposed Location for the Replacement of the Windsor Bridge - (79353, 107)

MOTION:

RESOLVED on the motion of Councillor Bassett, Mayor.

Refer to RESOLUTION

117 RESOLUTION:

RESOLVED on the motion of Councillor Bassett, Mayor.

That Council's strong support of the location of the proposed new bridge over the Hawkesbury River at Windsor on the eastern side of Thompsons Square (extension of Bridge Street), at the higher level be confirmed and the RTA be advised accordingly.

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SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 72 GM - Sister Cities Australia - 2009 Annual Conference - (79351, 96869)

MOTION:

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

Refer to RESOLUTION

118 RESOLUTION:

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

The attendance of nominated Councillors, and staff members as considered appropriate by the General Manager, at the 2009 Annual Sister Cities Australia National Conference to be held 19 - 22 July 2009 at a cost of approximately \$1,480.00 plus travel expenses per delegate be approved.

**Item: 73 GM - National General Assembly of Local Government - 21 - 24 June, 2009
Canberra ACT (79351,82046)**

MOTION:

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

Refer to RESOLUTION

119 RESOLUTION:

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

The attendance of nominated Councillors, and staff members as considered appropriate by the General Manager, at the National General Assembly of Local Government to be held 21 – 24 June 2009 at a cost of approximately \$1,964.00 plus travel expenses per delegate per approved.

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CITY PLANNING

Item: 74 CP - Section 82 A Review of Determination of Development Application - 131 Coromandel Road, Ebenezer - (DA0622/02B, 95498, 109976)

Previous Item: 29, Ordinary (24 February 2009)

Mr Glenn Falson, proponent, addressed Council.
Mr Martin Hobbs, respondent, addressed Council.

MOTION:

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

Refer to RESOLUTION

120 RESOLUTION:

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

That the determination of the Section 96 modification application relating to DA0622/02B at Lot 32 DP 231320, 131 Coromandel Road Ebenezer, dated 24 February 2009 and reviewed under the provisions of Section 82A of the Environmental Planning and Assessment Act 1979, be amended from refusal for alterations to the first floor balcony to approval, subject to deletion from the plans of the timber privacy screen as suggested by the applicant's representative.

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	Councillor Porter
Councillor Conolly	Councillor Rasmussen
Councillor Mackay	Councillor Williams
Councillor Paine	
Councillor Reardon	
Councillor Stubbs	
Councillor Tree	
Councillor Whelan	

Councillor Calvert was absent from the meeting.

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Item: 75 **CP - Companion Card Program in NSW - (79342, 103069, 106576)**

MOTION:

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

Refer to RESOLUTION

121 RESOLUTION:

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

That:

1. Hawkesbury City Council become an affiliate of the NSW Companion Card Program.
2. Council staff initiate discussions with the YMCA with regard to identifying an appropriate strategy for designating the Oasis Aquatic Centre and Hawkesbury Indoor Sports Stadium as venues which accept the Companion Card (including the option of the YMCA becoming an affiliate of the NSW Companion Card Program).
3. Council staff initiate discussions with the Hawkesbury Show Committee in relation to the NSW Companion Card Program.

Item: 76 **CP - Hawkesbury Youth Careers Initiatives - (79342, 78340)**

Previous Item: NM1, Ordinary (9 September 2008)

MOTION:

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

Refer to RESOLUTION

122 RESOLUTION:

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

That Council:

1. Request the Community and Youth Services Branch of Peppercorn Services Inc (in conjunction with the Hawkesbury Youth Interagency) to liaise with School Industry Partnerships, to undertake a youth careers advice activity based in the Hawkesbury.
2. Provide funding of up to \$600 to support the hosting of a Youth careers expo in the Hawkesbury.

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INFRASTRUCTURE SERVICES

Item: 77 **IS - Proposing Naming of Cycleway/Pedestrian Bridge over South Creek, Windsor - (95494)**

Previous Item: 62, Ordinary (31 March 2009)

Mr John Miller, proponent, addressed Council.

Mr Robert Pearson, Mr Doug Bathersby and Mr Jim Prendergast, respondents, addressed Council.

MOTION:

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

Refer to RESOLUTION

123 RESOLUTION:

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

That:

1. The RTA be advised that Council supports the naming of the Cycleway Bridge over South Creek as the 'Wianamatta Bridge'.
2. A report be brought back to Council as to the appropriate wording in naming the cycleway between Pitt Town Road intersection and the Bridge to honour all Hawkesbury residents who have lost their lives on roadways.

Item: 78 **IS - Maintenance of Windsor Road - Verge Area between Boundary Road and South Creek, within the Hawkesbury LGA - (80761)**

Mr Lola Johnston, proponent, addressed Council.

MOTION:

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

Refer to RESOLUTION

124 RESOLUTION:

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

That the funding offer of \$588,300 (Excluding GST) be accepted from the RTA for Landscaping and Engineering rectification and upgrading works within the verge area of Windsor Road between Boundary Road and South Creek, within the Hawkesbury LGA.

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Item: 79 **IS - Tennyson Rural Fire Brigade - New Station - (95494, 73598)**

MOTION:

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

Refer to RESOLUTION

125 RESOLUTION:

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

That the proposal by the Tennyson Bush Fire Brigade to relocate the existing Brigade Station to a location adjacent to Murrays/Tennyson Roads at the entire cost of the Brigade be supported in principal.

SUPPORT SERVICES

Item: 80 **SS - Monthly Investments Report - March 2009 - (96332, 95496)**

Previous Item: 17, Ordinary (3 February 2009)

MOTION:

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

Refer to RESOLUTION

126 RESOLUTION:

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

That the information be received and noted.

Item: 81 **SS - Pecuniary Interest Returns - (79337, 95496)**

MOTION:

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

Refer to RESOLUTION

127 RESOLUTION:

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

That the information be received and noted.

ORDINARY MEETING

MINUTES: 28 April 2009

Item: 82 **SS - Review of Council's Investment Policy - (96332, 95496)**

Previous Item: 270, Ordinary (27 November 2007)

MOTION:

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

Refer to RESOLUTION

128 RESOLUTION:

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

That the revised Investment Policy, attached as Attachment 1 to the report, be adopted by Council.

CONFIDENTIAL REPORTS

129 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.

130 RESOLUTION:

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

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: 83 IS - Tender No. 012/09 - DeepLift Asphalt Overlay On Freemans Reach Road

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it relates to details concerning tenders for the supply of goods and/or services to Council and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

Item: 84 IS - Tender No. 007/FY09 - Provision Mechanical Services (Air Conditioning) for Richmond Senior Citizens Centre

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it relates to details concerning tenders for the supply of goods and/or services to Council and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

Item: 85 IS - Tender No.010/FY08 - Reconstruction of Hermitage Road Bridge

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it relates to details concerning tenders for the supply of goods and/or services to Council and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

Item: 86 SS - Property Matter – Lease to Michael and Marian Haber trading as "Glossodia Hair Flair" - Shop 11 Glossodia Shopping Centre

*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.*

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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.

131 RESOLUTION:

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

Item: 83 IS - Tender No. 012/09 - DeepLift Asphalt Overlay On Freemans Reach Road - (95494, 79344) CONFIDENTIAL

MOTION:

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

Refer to RESOLUTION

132 RESOLUTION:

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

That:

1. The tender received by Bernipave Pty Ltd, in the amount of \$362,835.50 (excluding GST) for the Deeplift Asphalt Overlay over an 800m section of Freemans Reach Road, be accepted.
2. The Seal of Council be affixed to any necessary documentation.

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Item: 84 **IS - Tender No. 007/FY09 - Provision Mechanical Services (Air Conditioning) for Richmond Senior Citizens Centre - (95495, 79340) CONFIDENTIAL**

MOTION:

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

Refer to RESOLUTION

133 RESOLUTION:

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

That the tender of Thermec Pty Ltd for the provision of Mechanical Services (Air Conditioning) for Richmond Senior Citizens Centre, in the sum of \$35,160.00 (excluding GST), be accepted and the necessary documents be executed under the Seal of Council.

Item: 85 **IS - Tender No.010/FY08 - Reconstruction of Hermitage Road Bridge - (95495, 79344) CONFIDENTIAL**

Previous Item: 66, Ordinary (31 March 2009)

MOTION:

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

Refer to RESOLUTION

134 RESOLUTION:

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

That the correction to the company name from Jay and Lel Excavations Pty. Ltd. to Jay and Lel Civil Contractors Pty. Ltd. in relation to the contract awarded for the reconstruction of Hermitage Road Bridge Tender No 010/FY08 be approved.

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Item: 86 **SS - Property Matter – Lease to Michael and Marian Haber trading as "Glossodia Hair Flair" - Shop 11 Glossodia Shopping Centre - (19858, 19859, 95496)**
CONFIDENTIAL

MOTION:

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

Refer to RESOLUTION

135 RESOLUTION:

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

That:

1. Council agree to enter into a new lease with Michael Haber and Marian Haber trading as "Glossodia Hair Flair" in respect of Shop 11 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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SECTION 5 - Reports of Committees

ROC - Hawkesbury Macquarie 2010 Committee - 9 April 2009 - (95498, 96328)

136 RESOLUTION:

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

That the minutes of the Hawkesbury Macquarie 2010 Committee held on 9 April 2009 as recorded on pages 51 to 54 of the Ordinary Business Paper be received.

ROC - Local Traffic Committee - 15 April 2009 - (80245)

137 RESOLUTION:

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

That the minutes of the Local Traffic Committee held on 15 April 2009 as recorded on pages 55 to 77 of the Ordinary Business Paper be adopted.

ORDINARY MEETING**MINUTES: 28 April 2009****QUESTIONS WITHOUT NOTICE**

#	Councillor	Question	Response
1	Tree	Referred to Inalls Lane, across from entrance to Colo Soccer Fields and commented Council has recently made trenches deeper to allow for flooding. Councillor Tree asked if Council could put some sort of a safety barrier across from the entrance to the Soccer Fields.	The Director Infrastructure Services clarified that the drain had always been there at that location and at that depth and that all Council has done is cleared around it so people can see it. The orange webbing would be a constant maintenance problem, but Council could possibly put guide posts in that area to make it more obvious.
2	Mackay	Referred to the condition of the off-street lanes in South Windsor, particularly between Argyle Street and Bell Street area. They are getting overgrown and full of pot holes; he also referred to the pavement along George Street coming into South Windsor Shops from the Railway Station and advised it is fading and warping severely and asked if this was on the agenda for maintenance.	The Director Infrastructure Services advised that the laneways will be investigated and a report will be presented to Council in the near future regarding that section of George Street.
3	Rasmussen	Referred to the Anzac Day Services and asked if it was correct that the flagpole keys were missing at the Kurrajong and Wilberforce services, and therefore, the flags were unable to be raised.	The Director Infrastructure Services advised all groups had appropriate keys to operate whatever needed to be operated. He confirmed that it had been checked out yesterday.
4	Rasmussen	Referred to the Wizards Swim Team and asked if they had relocated from the Oasis and if so, what impact will this have on the budget.	The Director Support Services advised that the Wizards Swim Club in the last week or so has advised the YMCA that they are moving its swim squad to Penrith and this will occur from 1 May. He advised the impact on the budget remains to be seen, but could be between \$10,000 and \$13,000 per year, however, there may be room for YMCA to receive more income as those lanes will now be available.
5	Conolly	Commented that the Hawkesbury Community College had been in contact with Council seeking some discussion about the way in which they may be able to use some of the stimulus money the Federal Government has on offer. He asked if Council had made arrangements to speak with representatives from the College.	The General Manager confirmed Council had been contacted by the College and advised arrangements had been made to meet with them next Tuesday.

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#	Councillor	Question	Response
6	Paine	Commented that Ms Kerry Pool from Brahma Road, North Richmond had written to her asking if assistance could be given to her and a lantana problem she has on the side of the road. She confirmed that Ms Pool had completed the online request form twice this year, once in January and once in February and to date, no contact has been made with her regarding the request despite the automatic response generated by the system that indicates somebody would contact her within three to four working days. Councillor Paine asked what happens next.	The Director Infrastructure Services advised the matter will be followed up.
7	Paine	Commented that she had been contacted by Ms Robyn Dyson regarding a problem to do with bikes at Kurrajong Heights, Warks Hill Road. She asked if Council had any restrictions on unregistered bikes using public roads causing havoc by the speed and noise. The bikes are used on the fire trails as well as the roads and laneways going back down to the parks.	The Director Infrastructure Services advised that if they were unregistered bikes, then this would be a Police matter. Council would need to be advised of times when this is occurring so that it could then pass the information onto the Police.
8	Paine	Advised that Jill Vincent from the Wilberforce Cemetery Group had been in contact with everyone via many letters and e-mails and Councillor Paine asked what was happening with that. Councillor Paine asked if there was any money in the Budget for what they are asking for.	The General Manager advised that at the Extra-ordinary Meeting last week to adopt the Management Plan for exhibition purposes, a letter from that Group was tabled. He advised that it is proposed that the correspondence will be treated as a submission to the management plan during the exhibition period so it will come back as part of the submissions. The Director Infrastructure Services advised that there was funding in the Budget at this stage.

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#	Councillor	Question	Response
10	Porter	<p>Referred to the Wilberforce ANZAC Service and commented that he was there representing Council. He advised that he also had tried the key in the flagpole lock and it wouldn't work. He added that the gates of the new park fence were locked and people had to climb through and over the fence to get to form up to march up to the War Memorial. Councillor Porter also advised that the gentleman conducting the service proudly announced that he couldn't raise or lower the flag because Hawkesbury City Council gave him the wrong key, which Councillor Porter advised was extremely embarrassing for not only himself, but for Council as well.</p>	<p>The General Manager advised in respect of the flagpole at Wilberforce and the power-box at Kurrajong, the keys were collected this morning and were checked, both worked in both locations. He advised arrangements in relation to the gate were discussed with the relevant person and staff contacted at the RSL on Friday. The General Manager couldn't explain what happened on the day, if they keys were mixed up, but they worked before and after ANZAC Day when tested.</p> <p>The Director Infrastructure Services advised that in relation to the gates being locked, the Parks Manager did contact the secretary of the, and he advised that he didn't want the gates unlocked for that day and therefore Council did not unlock the gates.</p>
11	Stubbs	<p>Asked what was the timeframe for the replacement of the 'Welcome to Pitt Town' Sign, which has been missing for a few months.</p>	<p>The Director Infrastructure Services advised that he would investigate the matter.</p>
12	Paine	<p>Commented that a resident had contacted her to advise that his sewerage is getting checked now by Council and Sydney Water is also checking the sewerage, even though he is about to be connected within the next 12 months, but Council is charging \$80.00 for the check. She asked why this was appropriate that Council and Sydney Water are checking it when their tanks are going to be decommissioned and then Council has to check it again to decommission.</p> <p>Councillor Paine asked if a Media Release could be put out explaining what the Director City Planning had just explained.</p>	<p>The Director City Planning advised that he understood that Sydney Water was not inspecting on-site effluent disposal systems, it was inspecting how to connect the sewer not the systems. Council inspects the system under the current licence requires inspections and that is what the fee is for, a licence requirement. He added that Council has received a lot of complaints about systems in Glossodia and Freemans Reach and if they are not going to be decommissioned for 12 to 18 months, then it is appropriate for Council to inspect them. He commented that Council had delayed the inspections in these areas for a long time, however they now need to be licensed now, therefore inspected now.</p> <p>The General Manager advised that there were some questions in relation to this through the media last week and Council had provided information along the lines of what the Director City Planning had just explained to the local media towards the end of last week this was provided to them.</p>

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The meeting terminated at 6:56pm.

Submitted to and confirmed at the Ordinary meeting held on 12 May 2009.

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Mayor