



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 03 February 2009

location: council chambers

time: 5:00 p.m.

ORDINARY MEETING

Table of Contents

MINUTES: 3 February 2009

MINUTES

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

General Manager

City Planning

Infrastructure Services

Support Services

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

ORDINARY MEETING

Table of Contents

MINUTES: 3 February 2009

ORDINARY MEETING

Table of Contents

MINUTES: 3 February 2009

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE
	ATTENDANCE	1
	APOLOGIES	1
	SECTION 1: Confirmation of Minutes	2
	SECTION 3 - Notices of Motion	3
	NM1 - Development at North Richmond (Peels Dairy) - (80104, 95498)	3
	NM2 - Exhibition Period for DA0852/08, Aged Care Facility, Grose Vale Road, North Richmond, (95498, 80104, DA0852/08)	5
	SECTION 4 - Reports for Determination	6
	GENERAL MANAGER	6
Item:1	GM - Councillor Induction Course Attendance - (79351, 105109, 79385, 112608)	6
Item:2	GM - Review of Delegations of Authority Under Section 377 of the Local Government Act, 1993 - (79341)	6
Item:3	GM - 2009 Australian International Airshow and Aerospace & Defence Exposition, 10 - 15 March 2009 in Geelong, Victoria - (79351)	7
Item:4	GM - Waste 2009 Conference, 1-3 April 2009 - (79351)	7
	CITY PLANNING	8
Item:5	CP - Development Application - Three Lot Torrens Title Sub-Division, Lot 2 DP 212203, No. 220 Castlereagh Road, Richmond - (DA0318/08, 95498, 96329, 102260)	8
Item:6	CP - Development Application - Rural Shed - 269 Grono Farm Road, Wilberforce - (DA0406/08, 18449, 18450, 95498)	9
Item:7	CP - Development Application - Shop - Extension and Use of Existing Building for Sale of Fruit and Vegetables, Associated Car Parking and Landscape Area - 570 Bells Line of Road, Kurmond - (DA0730/07, 95498, 35270, 35269)	10
Item:8	CP - Hawkesbury Development Control Plan - Pitt Town Chapter - (95498)	12
Item:9	CP - New South Wales Housing Code - (95498)	12
Item:10	CP - Acceptance of Funding Variation for Peppercorn Home Maintenance Service – Department of Ageing Disability and Home Care (DADHC) - (17249)	13

ORDINARY MEETING

Table of Contents

MINUTES: 3 February 2009

ITEM	SUBJECT	PAGE
INFRASTRUCTURE SERVICES		14
Item:11	IS - Section 64 Contribution - Pitt Town Development - (79357)	14
Item:12	IS - Proposed Additional Street Lighting for William Street and Elizabeth Street - Cul-de-sacs, North Richmond - (79346)	14
Item:13	IS - Earth Hour - 28 March 2009 - (95494)	15
Item:14	IS - Proposed Removal of Payphones within Hawkesbury Local Government Area - (95494; 105667)	15
SUPPORT SERVICES		17
Item:15	SS - Monthly Investments Report - November 2008 - (96332, 95496)	17
Item:16	SS - Monthly Investments Report - December 2008 - (96332, 95496)	17
Item:17	SS - Government Guarantee on Council's Investment Funds - (95496)	17
Item:18	SS - Pecuniary Interest Returns - (79337, 95496)	18
CONFIDENTIAL REPORTS		19
Item:19	IS - Tender No.00609 - Lump Sum Tenders for Sewer Main Relining - (95494, 79357)	20
SUPPLEMENTARY REPORTS		21
Item: 20	IS - Regional and Local Community Infrastructure Program - (95494)	21
SECTION 5 - Reports of Committees		22
ROC - Community Planning Advisory Committee Minutes - 6 November 2008 - (96737)		22
ROC - Local Traffic Committee - 14 January 2009 - (80245)		22
QUESTIONS WITHOUT NOTICE		23

ORDINARY MEETING

MINUTES: 3 February 2009

Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 3 February 2009, commencing at 5:01pm.

Revered Ruth Mahaffey of St John's Anglican Church, Wilberforce, representing the Hawkesbury Minister's Association, gave the opening prayer at the commencement of the meeting.

The Mayor referred to the recent death of Mrs Fay Denne who had passed away on 16 January 2009. Fay was the first women elected to Hawkesbury Council, she served two terms from 1983 to 1989 on Hawkesbury Shire Council and another term with Hawkesbury City Council from 1989 to 1991. Fay's achievements and commitments whilst on Council involved the Bensons Lane Sporting Complex Development, she was on the Hawkesbury River County Council, she was elected as the National Vice President of the Australian Local Government Women's Association. She was involved in tourism promotion committees, the Macquarie Towns Festival, the Hawkesbury Community Consultative Committee, Australiana Pioneer Village Committee, the Hawkesbury Co-ordinating Group for People with Disabilities and also on the Hawkesbury Area Assistance Scheme. Amongst those Council involvements, she was very much involved in community initiatives across the Hawkesbury especially on the Western side of the Hawkesbury River among other areas. Our condolences go to her husband John and her children, grand children, extended family and her many friends.

At the request of the Mayor, the meeting then observed a minutes silence.

ATTENDANCE

PRESENT: Councillor B Bassett, Mayor, Councillor K Conolly, Deputy Mayor and Councillors B Calvert, W Mackay, C Paine, B Porter, P Rasmussen, 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, Administrative Support Team Leader - Kylie Wade-Ferrell and Planning Manager - Shari Hussein.

APOLOGIES

An apologies for absence was received from Councillor J Reardon

1 RESOLUTION:

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

Councillor Mackay arrived at the meeting at 5:14pm.

ORDINARY MEETING

MINUTES: 3 February 2009

SECTION 1: Confirmation of Minutes

2 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Tree that the Minutes of the Ordinary Meeting held on the 9 December 2008, be confirmed.

3 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Tree that the Minutes of the Extraordinary Meeting held on the 16 December 2008, be confirmed.

SECTION 3 - Notices of Motion

NM1 - Development at North Richmond (Peels Dairy) - (80104, 95498)

Ms Larna Ezzy, Mr Dave Perry and Ms Sylvana Thompson, proponents, addressed Council.

MOTION:

A MOTION was moved by Councillor Paine, seconded by Councillor Williams

That no decision, supporting or otherwise, regarding development at North Richmond (Peels Dairy), excluding the Seniors Living application which is currently before Council, be made until Council has completed a Hawkesbury residential strategy that fully considers the implications and requirements for future development.

RESOLVED on the AMENDMENT moved by Councillor Conolly, seconded by Councillor Mackay.

Refer to RESOLUTION

The amendment was carried.

The amendment then became the motion which was put and carried.

4 RESOLUTION:

An AMENDMENT was moved by Councillor Conolly, seconded by Councillor Mackay.

That Council reaffirms its existing resolutions concerning the preparation of the Residential Strategy and the development of the Community Strategic Plan.

The amendment was carried.

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 amendment, the results of which were as follows:

For the Motion	Against the Motion
Councillor Bassett	Councillor Paine
Councillor Calvert	Councillor Porter
Councillor Conolly	Councillor Rasmussen
Councillor Mackay	Councillor Williams
Councillor Stubbs	
Councillor Tree	
Councillor Whelan	

Councillor Reardon was absent from the meeting.

The amendment then became the motion which was put and carried.

ORDINARY MEETING

MINUTES: 3 February 2009

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

Councillor Reardon was absent from the meeting.

5 RESOLUTION:

RESOLVED on the FORESHADOWED motion moved by Councillor Calvert, seconded by Councillor Rasmussen.

That:

1. Council request that the NSW Government release for development, as soon as possible, the area defined as the 'Vineyard Precinct' in the Growth Centres documents.
2. Council repeat the content of its previous resolution which identified Vineyard as an area for possible land release and further assert that it will work with the NSW Government in every way possible to facilitate the release of this land for development.
3. Council organise meetings with its planning staff, Member for Riverstone, John Aquilina and staff members of the Minister for Planning to facilitate the quick release of the land known as the Vineyard Precinct.
4. If not already completed, the Council to make a submission to NSW Planning regarding the Riverstone area that is currently being exhibited, and in that submission, Council is to indicate that it believes that the early release of the Vineyard Precinct is desirable and that it can be facilitated relatively easily.

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 foreshadowed motion, the results of which were as follows:

For the Motion	Against the Motion
Councillor Bassett	Nil
Councillor Calvert	
Councillor Conolly	
Councillor Mackay	
Councillor Paine	

ORDINARY MEETING

MINUTES: 3 February 2009

Councillor Porter	
Councillor Rasmussen	
Councillor Stubbs	
Councillor Tree	
Councillor Whelan	
Councillor Williams	

Councillor Reardon was absent from the meeting.

NM2 - Exhibition Period for DA0852/08, Aged Care Facility, Grose Vale Road, North Richmond, (95498, 80104, DA0852/08)

Ms Larna Ezzy, Mr Dave Perry and Ms Sylvana Thompson, proponents, addressed Council.

MOTION:

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

Refer to RESOLUTION

6 RESOLUTION:

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

That the exhibition period for this development application be extended until Wednesday, 18 February 2009.

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 Calvert	Councillor Bassett
Councillor Mackay	Councillor Conolly
Councillor Paine	Councillor Stubbs
Councillor Porter	Councillor Tree
Councillor Rasmussen	Councillor Whelan
Councillor Williams	

Councillor Reardon absent from the meeting.

ORDINARY MEETING

MINUTES: 3 February 2009

SECTION 4 - Reports for Determination

GENERAL MANAGER

Item:1 GM - Councillor Induction Course Attendance - (79351, 105109, 79385, 112608)

MOTION:

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

Refer to RESOLUTION

7 RESOLUTION:

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

That:

1. The contents of the report be noted.
2. The Department of Local Government be advised of the Councillors attendance and feedback in regard to the Councillor Information Sessions as detailed in this report.

Item:2 GM - Review of Delegations of Authority Under Section 377 of the Local Government Act, 1993 - (79341)

MOTION:

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

Refer to RESOLUTION

8 RESOLUTION:

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

That:

1. Having reviewed the delegations of authority granted by Council, as required under the provisions of section 377 of the Local Government Act 1993, Council resolve to reaffirm and to not alter the basis of such delegations, as detailed in the report to Council on this matter, and that such delegations remain in force.
2. The existing authority delegated to the Hawkesbury Sister City Association be reviewed and remain in force and be reported back to Council on expanding the delegations to include the City/Country Alliance following the forthcoming meeting with the Sister City Association.

ORDINARY MEETING

MINUTES: 3 February 2009

Item:3 GM - 2009 Australian International Airshow and Aerospace & Defence Exposition, 10 - 15 March 2009 in Geelong, Victoria - (79351)

MOTION:

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

Refer to RESOLUTION

9 RESOLUTION:

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

That the attendance of the Mayor, nominated Councillors and General Manager, or a staff person as considered appropriate by the General Manager, at the 2009 Australian International Airshow and Aerospace & Defence Exposition in support of Council's position regarding the Richmond RAAF Base and surrounding lands at a cost of approximately \$1,200.00 per delegated be approved.

10 RESOLUTION:

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

That Councillor T Tree, as the nominated Councillor, attend the 2009 Australian International Airshow and Aerospace & Defence Exposition.

Item:4 GM - Waste 2009 Conference, 1-3 April 2009 - (79351)

MOTION:

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

Refer to RESOLUTION

11 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 Waste 2009 Conference to be held 1-3 April 2009 at a cost of approximately \$1,830.00 plus travel expenses per delegate be approved.

12 RESOLUTION:

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

That Councillors Porter, Reardon and Councillor Paine, if available, as Council's representatives, attend the Waste 2009 Conference.

ORDINARY MEETING

MINUTES: 3 February 2009

CITY PLANNING

Item:5 CP - Development Application - Three Lot Torrens Title Sub-Division, Lot 2 DP 212203, No. 220 Castlereagh Road, Richmond - (DA0318/08, 95498, 96329, 102260)

Previous Item: 208, Ordinary (21 October 2008)

MOTION:

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

Refer to RESOLUTION

13 RESOLUTION:

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

That:

1. Council advise the Department of Planning that it supports the objection lodged pursuant to the provisions of State Environmental Planning Policy No. 1 - Development Standards and requests that the Department issue its concurrence.
2. Subject to the concurrence of the Department of Planning being obtained, authority be delegated to the General Manager to determine Development Application No. DA0318/08 for a three (3) lot Torrens Title subdivision.

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

Councillor Reardon was absent from the meeting.

ORDINARY MEETING

MINUTES: 3 February 2009

Item:6 CP - Development Application - Rural Shed - 269 Grono Farm Road, Wilberforce - (DA0406/08, 18449, 18450, 95498)

Previous Item: 229, Ordinary (11 November 2008)

Councillor Mackay declared a pecuniary conflict of interest in this matter as he is the applicant. He left the Chamber and did not take part in voting or discussion on the matter.

Councillor Porter declared a significant non-pecuniary conflict of interest in this matter as he is an adjoining owner. He left the Chamber and did not take part in voting or discussion on the matter.

Councillor Conolly declared a significant non-pecuniary conflict of interest in this matter as the applicant donated to his campaign for the State Election of March 2007. He left the Chamber and did not take part in voting or discussion on the matter.

Councillor Bassett, Mayor, Councillors Tree and Whelan declared a less than significant non-pecuniary conflict of interest in this matter in respect of the donation to the State Election campaign in March 2007 for the Liberal Party candidate by the applicant, as referred to by Councillor Conolly, and as they did not benefit from the donation they considered no further action was required.

Mr Glenn Falson, proponent, addressed Council.
Mr Trevor Devine, respondent, addressed Council.

MOTION:

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

Refer to RESOLUTION

14 RESOLUTION:

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

That development application DA0406/08 at 269 Grono Farm Road, Wilberforce for retrospective approval for the use of the structure as a rural shed be approved subject to the following conditions:

General Conditions

1. The development shall be in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions
2. The development shall comply with the provisions of the Building Code of Australia at all times.
3. Submission of an application under Section 149(D) (Building Certificate) for the structure within 60 days from the date of this consent.

Use of the Development

4. No internal or external alterations shall be carried out without prior approval of Council.
5. The rural shed shall not be occupied for human habitation/residential, industrial or commercial purposes.

Advisory Notes

This is Page 9 of the Minutes of the ORDINARY MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor, on Tuesday, 3 February 2009

ORDINARY MEETING

MINUTES: 3 February 2009

*** Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.

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 Paine	
Councillor Rasmussen	
Councillor Stubbs	
Councillor Tree	
Councillor Whelan	
Councillor Williams	

Councillor Reardon was absent from the meeting.
Councillors Conolly, Mackay and Porter were not in the Chamber when the vote was taken.

Item:7 CP - Development Application - Shop - Extension and Use of Existing Building for Sale of Fruit and Vegetables, Associated Car Parking and Landscape Area - 570 Bells Line of Road, Kurmond - (DA0730/07, 95498, 35270, 35269)

Mr Lino D'Onofrio, proponent, addressed Council.
Ms Vera Bentvelzen, Mr Dave Povey and Mr Frank Swavely, respondents, addressed Council

MOTION:

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

Refer to RESOLUTION

15 RESOLUTION:

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

That Development Application No. DA0730/07 at Lot 9 DP 613649, 570 Bells Line Of Road Kurmond for a shop - extension and use of existing building for the sale of fruit and vegetables, associated car parking and landscaped area be refused for the reasons detailed as follows:

Reason for Refusal

1. Pursuant to the provisions of Section 79C (a)(i) of the Environmental Planning and Assessment Act 1979, as amended, the proposal constitutes a "shop" being a prohibited land use in the Rural Living Zone under the provisions of Clause 9 - Carrying Out of Development of Hawkesbury Local Environmental Plan 1989.

ORDINARY MEETING

MINUTES: 3 February 2009

- 2. Pursuant to the provisions of Section 79C (a)(i) of the Environmental Planning and Assessment Act 1979, as amended, the proposal is inconsistent with the stated objectives contained in Clause 9A of Hawkesbury Local Environmental Plan 1989 in respect of the Rural Living Zone in that:
 - (a) the development does not provide primarily for a rural residential land use;
 - (b) the development will create conflict with existing rural living land uses;
 - (c) the development will not assist in the preservation of the rural landscape character of the area and
 - (d) the development involves the creation of a traffic generating development having direct access to an arterial road.
- 3. Pursuant to the provisions of Section 79C (a)(i) of the Environmental Planning and Assessment Act 1979, as amended, the proposal is inconsistent with the provisions of Clause 22 Development Fronting a Main or Arterial Road of Hawkesbury Local Environmental Plan 1989 in that it involves direct access to an arterial road and has not satisfactorily addressed the issue of traffic safety.
- 4. Pursuant to the provisions of Section 79C (b), (c) and (e) of the Environmental Planning and Assessment Act 1979, as amended, the proposal would reduce the amenity of the area in that it will contribute to additional noise disturbance to neighbouring properties.
- 5. Pursuant to the provisions of Section 79C (b), (c) and (e) of the Environmental Planning and Assessment Act 1979, as amended, the proposal would contribute to an adverse economic impact upon existing commercial centres in the area and would promote further ribbon development along Bells Line of Road.
- 6. Pursuant to the provisions of Section 79C (1) (e) of the Environmental Planning and Assessment Act 1979, as amended, the proposal is not considered to be in the public interest

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

Councillor Reardon was absent from the meeting.

ORDINARY MEETING

MINUTES: 3 February 2009

Item:8 CP - Hawkesbury Development Control Plan - Pitt Town Chapter - (95498)

Previous Item: 154, Ordinary (29 July 2008)

MOTION:

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

Refer to RESOLUTION

16 RESOLUTION:

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

That:

1. The version of the Pitt Town DCP attached to the report be adopted.
2. The Pitt Town chapter be made effective in accordance with clause 21(4) of the Environmental Planning and Assessment Regulations.

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

Councillor Reardon was absent from the meeting.

Item:9 CP - New South Wales Housing Code - (95498)

MOTION:

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

Refer to RESOLUTION

ORDINARY MEETING

MINUTES: 3 February 2009

17 RESOLUTION:

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

That the information about the commencement of the State Environmental Planning Policy (Exempt and Complying Codes) 2008 and the NSW Housing Code be received.

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

Councillor Reardon was absent from the meeting.

Item:10 CP - Acceptance of Funding Variation for Peppercorn Home Maintenance Service – Department of Ageing Disability and Home Care (DADHC) - (17249)

Previous Item: 153, Ordinary (29 July 2008)

MOTION:

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

Refer to RESOLUTION

18 RESOLUTION:

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

That Authority be given to execute, under the Seal of Council, a variation to the funding agreement with the Department of Ageing Disability and Home Care to accept additional recurrent funds of \$82,252 for the Peppercorn Home Maintenance - Lawn Mowing Service.

ORDINARY MEETING

MINUTES: 3 February 2009

INFRASTRUCTURE SERVICES

Item:11 IS - Section 64 Contribution - Pitt Town Development - (79357)

Previous Item: 226, Ordinary (21 October 2008)

MOTION:

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

Refer to RESOLUTION

19 RESOLUTION:

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

That the Section 64 Contribution plan for the provision of reticulated sewerage services within the defined Pitt Town development area be adopted.

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

Councillor Reardon was absent from the meeting.

Item:12 IS - Proposed Additional Street Lighting for William Street and Elizabeth Street - Cul-de-sacs, North Richmond - (79346)

MOTION:

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

Refer to RESOLUTION

ORDINARY MEETING

MINUTES: 3 February 2009

20 RESOLUTION:

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

That:

1. Due to strong community support, additional street lighting be provided in the vicinity of the cul-de-sacs in both William Street and Elizabeth Street, North Richmond.
2. Council write a letter to Allan Shearan MP, State Member for Londonderry, thanking him for his input in the matter.

Item:13 IS - Earth Hour - 28 March 2009 - (95494)

MOTION:

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

Refer to RESOLUTION

21 RESOLUTION:

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

That:

1. Council participate in Earth Hour by switching off all non-essential lighting for one hour at 8.30pm on Saturday, 28 March 2009.
2. Residents and businesses be encouraged to participate in Earth Hour through appropriate media channels.
3. On an ongoing basis, Council participate in and promote Earth Hour initiatives in the future.

Item:14 IS - Proposed Removal of Payphones within Hawkesbury Local Government Area - (95494; 105667)

Previous Item: 274, Ordinary (27 November 2007)
166, Ordinary (28 August 2007)

Councillor Stubbs declared a less than significant non-pecuniary conflict of interest in this matter as the removal of a payphone is adjoining his place of business and no further action is required.

MOTION:

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

ORDINARY MEETING

MINUTES: 3 February 2009

Refer to RESOLUTION

22 RESOLUTION:

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

That:

1. Council forward a submission to Telstra reaffirming its opposition to the removal of payphones within the Hawkesbury LGA.
2. The submission outlined in part 1 above should set out the priorities for the retention of payphones as outlined in the report.

SUPPORT SERVICES

Item:15 SS - Monthly Investments Report - November 2008 - (96332, 95496)

MOTION:

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

Refer to RESOLUTION

23 RESOLUTION:

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

That the information be received and noted.

Item:16 SS - Monthly Investments Report - December 2008 - (96332, 95496)

MOTION:

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

Refer to RESOLUTION

24 RESOLUTION:

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

That the information be received and noted.

Item:17 SS - Government Guarantee on Council's Investment Funds - (95496)

MOTION:

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

Refer to RESOLUTION

ORDINARY MEETING

MINUTES: 3 February 2009

25 RESOLUTION:

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

That:

1. In respect of Council funds invested with acknowledged tier one major Australian trading banks (ANZ, CBA, NAB and Westpac), that Council accept the coverage available, without cost, from the Federal Government's "Guarantee Scheme", and not optionally guarantee additional funds.
2. Council's investments in other banking institutions, not referred to in 1 above, and authorised under the current Ministerial Investment Order and Council's Investment Policy, be limited to an amount equivalent to the level of funds that receive coverage under the Federal Government's "Guarantee Scheme" without additional cost to Council.
3. All investments be made in accordance with Council's investment policy.
4. Council receive a further report updating Council's Investment Policy following the release of new investment guidelines by the Department of Local Government.

Item:18 SS - Pecuniary Interest Returns - (79337, 95496)

MOTION:

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

Refer to RESOLUTION

26 RESOLUTION:

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

That the information be received and noted.

ORDINARY MEETING

MINUTES: 3 February 2009

CONFIDENTIAL REPORTS

27 RESOLUTION:

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

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

28 RESOLUTION:

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

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: 19 IS - Tender No. 00609 - Lump Sum Tenders for Sewer Main Relining

*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.*

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.

29 RESOLUTION:

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

ORDINARY MEETING

MINUTES: 3 February 2009

Item:19 **IS - Tender No.00609 - Lump Sum Tenders for Sewer Main Relining - (95494, 79357)**

MOTION:

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

Refer to RESOLUTION

30 RESOLUTION:

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

That:

1. The tender submitted by Underground Asset Services Pty Ltd in the amount of \$358,884.30 GST exclusive (Three hundred fifty eight thousand eight hundred and eighty four dollars and thirty cents, GST exclusive) for the Sewer Main Relining project be accepted.
2. The Seal of Council be affixed to any necessary documentation.

ORDINARY MEETING

MINUTES: 3 February 2009

SUPPLEMENTARY REPORTS

Item: 20 **IS - Regional and Local Community Infrastructure Program - (95494)**

Previous Item: 262, Ordinary (9 December 2008)

MOTION:

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

Refer to RESOLUTION

31 RESOLUTION:

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

That the additional projects outlined within the report relating to the Regional and Local Community Infrastructure Program be endorsed should any of the projects originally submitted be deemed to be ineligible by the Department.

ORDINARY MEETING

MINUTES: 3 February 2009

SECTION 5 - Reports of Committees

ROC - Community Planning Advisory Committee Minutes - 6 November 2008 - (96737)

32 RESOLUTION:

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

That the minutes of the Community Planning Advisory Committee held on 6 November 2008 as recorded on pages 131 to 135 of the Ordinary Business Paper be received.

ROC - Local Traffic Committee - 14 January 2009 - (80245)

33 RESOLUTION:

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

That the minutes of the Local Traffic Committee held on 14 January 2009 as recorded on pages 136 to 148 of the Ordinary Business Paper be adopted.

ORDINARY MEETING

MINUTES: 3 February 2009

QUESTIONS WITHOUT NOTICE

#	Councillor	Question	Response
1	Rasmussen	<p>Asked if Council was aware that on 21 January 2009, the Colo River and the Grose Rivers were declared Wild Rivers.</p> <p>He asked if Council could get the National Parks and Wildlife Service involved to find out what the implications are to our area as both rivers are in the Hawkesbury LGA.</p>	<p>The Director Infrastructure Services advised that he wasn't aware of this occurring.</p> <p>The Mayor advised that the matter would be investigated.</p>
2	Williams	<p>Referred to Stanley Park at East Kurrajong and advised that a member of the Rural Fire Service had complained that Council were using this park as a tip for green waste. The Fire Service received, after a lengthy delay, consent to burn off the pile, but then more truck loads arrived. He asked if Council was doing it and if so, could it be stopped as the Fire Brigade want it removed as they don't want to have to continue burning the piles off.</p>	<p>The Director Infrastructure Services advised that Council was doing it and were responding to a concerned resident in that area in that fact. He advised Council had been working with the Fire Brigade to have the piles burned off on a regular basis, but if they want it taken to the tip, it will just cost more money.</p>
3	Paine	<p>Requested an update on the Wisemans Ferry Preschool and if Council had heard back from the Department.</p>	<p>The Executive Manager, Community Partnerships advised that Council was expecting a response from DoCS within the next two weeks. Council has received responses from two of the Local Governments and the third had indicated that they will respond by the end of the month.</p>
4	Paine	<p>Referred to a gentleman by the name of Mr Blackadder who looks into Codes of Conduct. She asked who he was and what he did and how expensive Mr Blackadder was.</p> <p>Councillor Paine asked if there was a choice.</p> <p>Councillor Paine asked if Council wasn't happy with the panel WSROC selects, does Council have to go down that path and adopt them.</p> <p>Councillor Paine asked if as General Manager, he had the ability to throw out complaints as being silly.</p>	<p>The General Manager advised that Mr S Blackadder was with Blackadder Gibbs Pty Ltd which is a consultancy firm working within Local Government at the moment. Mr Blackadder has a long history as a Senior Officer in Local Government, including General Manager of two Local Government authorities for a considerable period of time. Mr Blackadder currently, as indicated, operates a management consultancy service and acts as an independent conduct reviewer on panels for a member of Councils via a ROC. He is currently being used by this Council as an independent conduct reviewer pending the finalisation of a regional panel with WSROC. In relation to cost, the General Manager advised that he didn't think it appropriate information to give out in a public forum at this</p>

ORDINARY MEETING**MINUTES: 3 February 2009**

#	Councillor	Question	Response
			<p>stage, but would be discussed privately with Councillor Paine.</p> <p>The General Manager advised that under the Code of Conduct, Council is required to appoint an independent conduct reviewers. Council resolved to adopt a regional approach concerning the appointment of a panel of reviewers with WSROC and to discuss with adjoining Councils, which we have done. WSROC has gone through a process of calling for expressions of interest from persons and there will be a report coming to Council shortly with a recommendation to appoint the panel recommended by WSROC as our panel. Pending that appointment technically, Council doesn't have any independent reviewers to use under the Code of Conduct so when commencing this process, Council delegated authority to the General Manager to appoint an independent conduct reviewer in respect of complaints received against Councillors. It also delegated authority to the Mayor to appoint an independent conduct reviewer in the event of a complaint against the General Manager and these delegations were pending the finalisation of the panel approach.</p> <p>The General Manager advised that it is entirely up to Council as to which panel they appoint. In commencing this process, Council did express an indication that is enforced by resolution that any of the independent reviews not be from within Council's area. So the process of selecting a panel through the WSROC approach would be very good.</p> <p>The General Manager advised that under the Code of Conduct, the complaint needs to be assessed when received and decided if it will be referred to an independent reviewer or to take other action and the Mayor and General Manager can no longer be part of that panel or act as a reviewer.</p>

ORDINARY MEETING

MINUTES: 3 February 2009

#	Councillor	Question	Response
5	Paine	Requested that something be done to Macquarie Street as it is one of the main entrances to Windsor and it needs a tidy up.	The Mayor advised the matter would be investigated.
6	Calvert	Referred to the Traffic Analysis that was to be carried out at the completion of the Jim Anderson Bridge and asked if this had been done.	<p>The Mayor advised that Council was waiting for the new shopping centre to be opened and traffic could settle back into a normal pattern before the traffic analysis was undertaken.</p> <p>The Director Infrastructure Services advised that the RTA conducted a traffic analysis of the roads they had previously surveyed following the bridge being constructed. In relation to Riverview Shopping Centre, it was decided to wait until after the Woolworths complex was completed to see the full effect.</p>
7	Calvert	Advised that a Kurrajong resident asked what was going to happen at the corner where the Traffic Lights were supposedly going in. He asked if Council had heard anything.	The Director Infrastructure Services advised that before he went on leave, the approval was meant to come through on 16 January 2009 and will follow the matter up to see if the final design has been approved.
8	Calvert	Referred to the Riverstone North area and commented that he had previously asked if Council had put in a submission, but hadn't received a response.	The Director City Planning advised that he will advise Councillor Calvert.
9	Porter	Requested Council to acknowledge the effort that John Miller had put in in relation to contacts with Carmel Telsbutt and receiving a response saying that there was \$45,000 contributed to our Flood Risk Plan Management Study.	<p>The Mayor advised he had spoken to the General Manager about the issue today.</p> <p>The General Manager advised he had discussed the matter with the Communications Manager and asked her to arrange a Press Release.</p>
10	Porter	Commented that he had attended a River Users Meeting and advised that a letter had been tabled from the RTA in relation to the Windsor Bridge being deferred or more studies to be done. He asked if Council could get some more information on that and if there are any hold ups with the Bridge.	The Director Infrastructure Services advised that he had received a call from the RTA who advised that they had to do some more consultation with the Heritage Office and the community consultation which had been planned for prior to December will be coming in about six to eight weeks. He advised that it is still progressing, but more work needs to be done.
11	Porter	Asked if Councillors were still going to be notified when matters are going to or in the Land and Environment Court.	The Director City Planning advised this will be arranged and if one has been missed, it can be updated.

ORDINARY MEETING

MINUTES: 3 February 2009

The meeting terminated at 9:40pm

Submitted to and confirmed at the Ordinary meeting held on Tuesday, 24 February 2009.

.....
Mayor