



Hawkesbury City Council

ordinary meeting minutes

date of meeting: 10 July 2007

location: council chambers

time: 5:00 p.m.

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 10 July 2007, commencing at 5:03pm.

Reverend Noel Edwards of the Windsor District Baptist Church, representing the Hawkesbury Minister's Association, gave the opening prayer at the commencement of the meeting.

ATTENDANCE

PRESENT: Councillor R Stubbs, Mayor, Councillor B Bassett, Deputy Mayor and Councillors T Books, B Calvert, K Conolly, T Devine, D Finch, C Paine, B Porter, P Rasmussen, N Wearne and L Williams

ALSO PRESENT: Acting General Manager - Mr Peter Jackson, Director City Planning - Matt Owens, Director Infrastructure Services - Chris Daley, Acting Director Support Services - Laurie Mifsud, Administrative Support Team Leader - Kylie Wade-Ferrell, Word Processing Operator - Amy Dutch.

SECTION 1: Confirmation of Minutes

204 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Books that the Minutes of the Ordinary Meeting held on the 26 June 2007, be confirmed.

205 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Finch that the Minutes of the Special Meeting held on the 25 June 2007, be confirmed with the following changes to the Foreshadowed Amendment moved by Councillor Williams on page 11:

- Additional Point 7
"The Women's Cottage receive a rental subsidy of \$5,000 for 2007/2008, which will be funded from a decrease in the provision of funds provided for curtains in the Council Administration Building in the 2007/2008 Budget."
- Point 7 to be altered to point 8.

Councillor Paine advised of the recent death of Mr John Nicholson, a previous Councillor. His funeral is to be held on 13 July 2007. Council observed one minutes silence in recognition of Mr Nicholson.

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SECTION 3 - Notices of Motion

NM1 - Closure of the University of Western Sydney, Blacktown Campus - (80093, 79541, 107)

Mr Michael Vassili, proponent, addressed Council.
Mr Frank Scharfe, respondent, addressed Council.

MOTION:

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

Refer to RESOLUTION

206 RESOLUTION:

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

That:

1. Council views with great concern the recently announced closure of the University of Western Sydney (UWS) Blacktown Campus and strongly urges the University of Western Sydney Board to review this decision.
2. Council also requests that the State and Federal Ministers of Education support this Council in calling for a review of the Board's decision regarding the Blacktown Campus and in seeking a strong reassurance about the future of the UWS Hawkesbury Campus.
3. Council organise a meeting with Janice Reid and Rhonda Hawkins from the University of Western Sydney to discuss this matter.

A MOTION was moved by Councillor Books, seconded by Councillor Devine.

That Motion of Motion 2 be deferred and dealt with after consideration of Item 131 CP - Animal Establishment - Boarding Kennels and Cattery Facility - Lot 3, DP 8714 - 50 Jordan Avenue, Glossodia due to the number of speakers wishing to address Council on this item.

The motion was lost.

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NM2 - Amendment of Council's Code of Meeting Practice in Relation to Questions Without Notice - (90480, 107)

Mr Doug Bathersby, Ms Marie Bowyer and Ms Kim Smith, respondents, addressed Council.

MOTION:

RESOLVED on the motion of Councillor Books, seconded by Councillor Devine.

Refer to RESOLUTION

207 RESOLUTION:

RESOLVED on the motion of Councillor Books, seconded by Councillor Devine.

That a report be submitted to Council with options for improving the process associated with Questions Without Notice, so as to enhance and improve community engagement.

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SECTION 4 - Reports for Determination

ACTING GENERAL MANAGER

Item: 127 AGM - Frontline Management Course (Certificate IV and Diploma) - (79355)

MOTION:

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

Refer to RESOLUTION

208 RESOLUTION:

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

That the information be received.

**Item: 128 AGM - Waste 2007, Australia's Premier Waste Management Conference, 16-19
October 2007 - (79351)**

MOTION:

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

Refer to RESOLUTION

209 RESOLUTION:

RESOLVED on the motion of Councillor Bassett, seconded by Councillor Wearne

That:

1. Attendance of nominated Councillors, and staff considered appropriate by the Acting General Manager, at the Waste 2007 Conference, to be held 16-19 October 2007 in Coffs Harbour, NSW at a cost of approximately \$1,800.00 plus travel expenses, per delegate be approved.
2. Councillors Devine and Porter be the nominated delegates to attend the Waste 2007 Conference.

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Item: 129 AGM - Policy Review - Proposed Updated Sister City Program Policy - (79351, 73610)

MOTION:

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

Refer to RESOLUTION

210 RESOLUTION:

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

That:

1. The current sister city policies entitled: Hawkesbury Sister City Association, Sister Cities Donations, Sister City - Staff Exchange be archived.
2. The new Sister city Program Policy, as detailed in the report, be adopted subject to the final part of such policy being amended to read as follows:

"(b) A Student Exchange activity - Contribution. That high school students, who are residents or attend school in Hawkesbury City and participate in an annual exchange visit to Temple City or Kyotamba be given \$500 each towards expenses. Maximum 12 students per year (up to \$6,000), being up to six students visiting Temple City and up to six students visiting Kyotamba. Selection process to be undertaken by Hawkesbury Sister City Association".
3. Pursuant to the provisions of Section 377 of the Local Government Act 1993, that Council delegate authority to the Hawkesbury Sister City Association to promote, on the Council's behalf, international understanding at all levels of the local community on a continuing basis with Sister Cities as determined from time to time by the Association and Council, and to develop and conduct sporting, youth, cultural and other appropriate exchange programs in association with established Sister City relationships.

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Item: 130 AGM - Great Australian Bushwalk Partnership Proposal - (79351, 79356)

MOTION:

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

Refer to RESOLUTION

211 RESOLUTION:

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

That Council:

1. Support the Great Australian Bushwalk program of the National Parks Association of NSW, through various promotional and publicity activities.
2. Permit the use of the Council's logo on any promotional material produced as a result of this program's publicity campaign.

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CITY PLANNING

Item: 131 **CP - Animal Establishment - Boarding Kennels and Cattery Facility - Lot 3, DP8714 - 50 Jordan Avenue, Glossodia - (DA0263/07, 95498, 96329, 87634)**

Mr Frank Scharfe, proponent, addressed Council.

Ms Tessie Ripa, Mr Leonard Brown and Mr Robert Montgomery, respondents, addressed Council.

MOTION:

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

Refer to RESOLUTION

212 RESOLUTION:

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

That Development Application No. DA0263/07 for an animal establishment - boarding kennels and cattery facility at Lot 3, DP 8714 No. 50 Jordan Avenue Glossodia be refused for the following reasons:

1. The proposed development is inconsistent with the objectives of the Mixed Agriculture zone.
2. The proposed development is likely to have an adverse impact on the existing amenity of the locality, in terms of noise, odour, water pollution and traffic generation.
3. The proposed development is inconsistent with the established rural/agricultural character of the area.
4. The proposed development will have an unacceptable impact on the visual quality of the area.
5. The proposed development is likely to have a negative impact on property values in the immediate locality.
6. The cumulative effect of having two intensive animal establishments in close proximity to each other is unacceptable.
7. The site is unsuitable for the proposed development.
8. Establishment of this facility would set an undesirable precedent for the area.
9. In the circumstances, approval of the development would not be in the public interest.

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INFRASTRUCTURE SERVICES

Item: 132 IS - Manning Place Playground, McGraths Hill - Vandalism - (79354)

Mr Frank Scharfe, respondent, addressed Council.

MOTION:

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

Refer to RESOLUTION

213 RESOLUTION:

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

That:

1. The playground between Manning Place and Andrew Thompson Drive, McGraths Hill not be replaced at this stage due to ongoing vandalism issues.
2. The matter be reviewed after police investigations have been completed, with a view to replacing the playground in 2008/2009.
3. Council investigate the creation of a Friends of Manning Place Playground Group as part of the People For Parks Program.

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SUPPORT SERVICES

Item: 133 SS - Local Government and Shires Association of NSW - Request for Financial Assistance With Legal Costs - Bankstown City Council - (95496, 81625)

MOTION:

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

Refer to RESOLUTION

214 RESOLUTION:

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

That:

1. As requested by the Local Government and Shires Association of NSW, Council agree to contribute an amount of \$13,808.57 towards the legal costs incurred by Bankstown City Council in relation to a court case involving claims against councils for alleged damage to property as outlined in the Association's letter dated 18 June 2007.
2. Adjustment be made in the next quarterly review in respect of this contribution.

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CONFIDENTIAL REPORTS

215 RESOLUTION:

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

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

216 RESOLUTION:

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

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: 134 IS - Tender No. 012/FY05 - Provision of a Septic Tank & Collection Well Effluent Removal Service - (79357)

*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 who 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: 135 IS - Tender No. 013/FY07 - Restoration of Footpaving and Kerb and Guttering - (79344)

*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 who 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.

Mr Frank Scharfe commented on the amount of information disclosed within confidential tender reports and asked if further information could be provided to the public.

The Acting General Manager advised that Council currently complies with the Local Government Act, 1993.

There was no further discussion, therefore, the Press and the public left the Council Chambers.

217 RESOLUTION:

This is Page 13 of the Minutes of the ORDINARY MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor, on Tuesday, 10 July 2007

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

Item: 134 IS - Tender No. 012/FY05 - Provision of a Septic Tank & Collection Well Effluent Removal Service - (79357) - CONFIDENTIAL

Councillor Devine declared an interest in this matter as he is appointed as a real estate agent representing Transpacific Waste in a property matter. He left the meeting and did not take part in voting or discussion on the matter.

MOTION:

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

Refer to RESOLUTION

218 RESOLUTION:

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

That:

1. All tenders submitted for the provision of a septic tank & collection well effluent removal service not be accepted;
2. Fresh tenders not be invited as the tender offer was widely advertised and it is unlikely that additional tenders would be received;
3. Negotiations be entered into with Transpacific Industries Group Ltd with a view to amending or withdrawing the services offered in relation to emergency and non domestic (commercial) services;
4. The reason for not inviting fresh tenders is that in view of the range of tenders received it is not considered that further tendering would result in any further submissions and determining to enter into negotiations with Transpacific Industries Group Ltd is to ameliorate or remove the anomalous charges proposed within their tender in relation to emergency and non domestic (commercial) services and the apparent financial disadvantages that would result for residential and non-domestic users of the service when compared with the submissions of other tenderers.

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**Item: 135 IS - Tender No. 013/FY07 - Restoration of Footpaving and Kerb and Guttering -
(79344) - CONFIDENTIAL**

Councillor Williams declared an interest in this matter as one of his brothers is employed by one of the tenderers. He left the meeting and did not take part in voting or discussion on the matter.

MOTION:

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

Refer to RESOLUTION

219 RESOLUTION:

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

That:

1. The rates submitted from the first three tenderers be accepted with works to be offered based upon the following ranking as assessed and the availability of the contractor:
 - a) Hawkesbury Excavations Pty Ltd
 - b) Nepean Concrete Industries Pty Ltd
 - c) Savage Earthmoving Pty Ltd
2. Authority be given for any documentation associated with this matter to be executed under the Seal of Council.

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SUPPLEMENTARY REPORTS

Item: 136 **IS - State Emergency Services (SES) Controller - Re-appointment (95495, 80520, 20239)**

MOTION:

RESOLVED on the motion of Councillor Finch, seconded by Councillor Wearne.

Refer to RESOLUTION

220 RESOLUTION:

RESOLVED on the motion of Councillor Finch, seconded by Councillor Wearne

That:

1. Council advise the Director General of the State Emergency Service that it recommends Mr Kevin Jones continue as Hawkesbury State Emergency Services Local Controller.
2. A letter of appreciation be sent to Mr Kevin Jones in recognition for all time and effort he has contributed to the Hawkesbury State Emergency Service.

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LATE SUPPLEMENTARY REPORTS

MM - Debris from Recent Flooding - MacDonald Valley and Other Areas - (79353)

MOTION:

RESOLVED on the motion of Councillor Stubbs, Mayor.

Refer to RESOLUTION

221 RESOLUTION:

RESOLVED on the motion of Councillor Stubbs, Mayor.

That:

1. Council advise residents of the MacDonald Valley, and other areas encountering difficulties with debris as a result of recent flooding in the area, to contact the Disaster Recovery Centre established by the Department of Community Services in order to register their requirements in this regard, and that such advice be conveyed by way of media releases and appropriate information within Council's weekly Column.
2. Council provide assistance up to a maximum cost to Council of \$4,500 to the residents of the MacDonald Valley in the vicinity of the common, the branch and the village, so that residents can dispose of their flood damaged goods.
3. Council seek dispensation from the payment of the Environmental Levy on the disposal of the cleanup material and if not available Council write to WSROC seeking its assistance in this matter.

Item: 137 AGM - Local Government and Shires Association of NSW - Nominations and Applications for Greater Blue Mountains World Heritage Area Advisory Committee - (79351)

MOTION:

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

Refer to RESOLUTION

222 RESOLUTION:

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

That Councillor Rasmussen be nominated to the Local Government and Shires Association of NSW as a representative of the Greater Blue Mountains World Heritage Area Advisory Committee.

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SECTION 5 - Reports of Committees

ROC - Cultural Precinct Advisory Committee - 19 June 2007 - (97382)

223 RESOLUTION:

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

That the minutes of the Cultural Precinct Advisory Committee held on 19 June 2007 as recorded on pages 69 to 71 of the Ordinary Business Paper be received.

ROC - Local Traffic Committee - 20 June 2007 - (80245, 95495)

224 RESOLUTION:

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

That the minutes of the Local Traffic Committee held on 20 June 2007 as recorded on pages 72 to 86 of the Ordinary Business Paper be adopted.

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QUESTIONS WITHOUT NOTICE

1. Councillor Finch advised that a boat has been parked for some time at the corner of Windsor and Pitt Streets, Richmond. The boat is blocking the view of drivers turning out of Pitt Street towards Windsor.

The Mayor advised that the matter will be investigated.

2. Councillor Paine referred to a B-Double that was seen at the Bosworth and March Street intersection and required approximately eight cars to move back to allow the vehicle to turn the corner. Councillor Paine asked if the intersection is on a B-Double route and if not what can Council do about the illegal use.

The Director Infrastructure Services advised that it is not a B-Double route and illegal use by B-Doubles is a matter for police if it is happening on a regular basis. Residents could also advise Council of the vehicle details and Council could write to the vehicle owners advising of their mistier mena.

3. Councillor Paine referred to the old service station site on Macquarie Street, Windsor and requested Council arrange for the owner to clean up the site.

The Director City Planning advised that the matter will be investigated.

4. Councillor Paine advised she received a letter from a young resident requesting Council to consider installation of a BMX track at Bligh Park or Windsor.

The Mayor advised that Council would be happy to consider the matter.

5. Councillor Paine referred to a letter she received from a young resident advising that the bubbler in Richmond Park is not working and requested that it be repaired.

The Director Infrastructure Services advised that the matter will be investigated.

6. Councillor Paine asked if there were any plans at present to install a 'learn to ride bicycle park' for children in North Richmond.

The Director Infrastructure Services advised that there are no formal plans.

7. Councillor Williams referred to the washout in Grono Farm Road and requested that the matter be resolved before it rains again.

The Director City Planning advised that Council issued a cleanup direction to Mr Muscat to undertake erosion sediment control work.

He then advised that Mr Muscat, had spoken to Total Erosion Pollution Controls Australia in relation to erosion sediment controls and a report is currently being prepared by the company. Council has asked that the report be completed by 10.00am on Thursday, 12 July 2007 and once received will be looked at and approved straight away if the works are acceptable, works should begin on Thursday afternoon or Friday morning. Sediment controls in the way of hay bales have been installed upslope to the sediment area to reduce the flow of water and minimise erosion until the plan is provided.

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8. Councillor Williams requested that the offer of young fig trees from the owner of a property in Claremont Avenue be accepted to replace the big Morton Bay Fig tree that had been cut down.

The Director Infrastructure Services advised that the trees will be accepted and advice will be obtained from Council's horticulturists as to where they should be planted.

9. Councillor Williams referred to an open trench on Sackville Road running from the intersection with West Portland Road and draining a paddock into Currency Creek. The trench is on the road reserve and is approximately 100m long and up to 1.5 metres deep. Councillor Williams stated that this matter should be treated as a high risk OH&S issue.

The Director Infrastructure Services advised that the matter will be investigated.

10. Councillor Williams referred to pot holes on West Portland and Sackville Roads that require repair.

The Director Infrastructure Services advised that the matter will be investigated.

11. Councillor Williams commented that the rubbish in the old Coles Carpark, Windsor is yet to be cleaned up.

The Director City Planning advised that the matter will be investigated.

12. Councillor Williams advised that there is rubbish at the old quarry on Wheelbarrow Ridge Road, three to four kilometres from the West Portland Road intersection, that needs to be cleaned up.

The Director Infrastructure Services advised that the matter will be investigated.

13. Councillor Rasmussen referred to the resolution of Council to hold a meeting with the residents and users of Richmond Pool and asked when this will be occurring.

The Director Infrastructure Services advised that a date has not been set as yet however it is required as part of the report that will be coming back to Council in this matter.

14. Councillor Rasmussen enquired if Mr John Rossi has been provided with the figures for the power and gas costs at the Oasis as requested.

The Director Infrastructure Services advised that initial figures have been obtained by Council and details are being refined before being provided to Mr Rossi.

15. Councillor Rasmussen enquired if meetings have been held with residents affected by the Mackenzie Creek inundation.

The Director City Planning advised that a meeting with one of the land owners has been held and contact with additional land owners is to be made in the near future.

16. Councillor Rasmussen requested that the potholes in McMahon's Creek Road, Yarramundi be repaired.

The Director of Infrastructure Services advised that the work has been completed and an email has been received congratulating staff on the work.

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17. Councillor Rasmussen referred to speed signs in Richmond where graffiti is covering the speed limit.

The Director of Infrastructure Services advised that the RTA will be informed.

18. Councillor Rasmussen referred to graffiti in the laneway that leads from the main street in Richmond to behind the RTA and enquired how often the area is painted.

The Director Infrastructure Services advised that a mural was painted there by a local volunteer group. The matter will be investigated for interested parties to repaint the mural.

19. Councillor Rasmussen enquired as to why the Police land behind the RTA in Richmond has been fenced off.

The Director Infrastructure Services advised that Council had received a number of complaints from the public about the carpark and the condition that it was in. Being an informal carpark, Council wrote to the police and requested that they either formalise it or fence the area off, as a result the area has been fenced off.

20. Councillor Conolly referred to damage to roundabout signage in Windsor Downs and asked if the signs are Council's responsibility or that of the Windsor Downs Homeowners Association.

The Director Infrastructure Services advised that the signs were erected by the Windsor Downs Development and are maintained by the Windsor Downs Homeowners Group. He advised the Home Owners Group approached Council to repair the signage on a regular basis and Council advised that with the current budget Council could install standard street signs. The Homeowners Group were not happy with the offer so a compromise was made where by Council supplies the latticework and the Home Owners Group installs and maintains the signage. The Directors Infrastructure Services added that Council had received a request to replace the damaged latticework.

21. Councillor Porter referred to a substantial amount of building material at the Grono Farm site that is stacked close to the washout site on the river and fill that has been dumped recently behind the residence.

The Director City Planning advised that the situation with the washout is being concentrated on at present due to the urgency of the situation. An audit of the other works on the property will be carried out once the initial issue has been addressed.

22. Councillor Porter advised that there is an RTA sign on the verge of King Road at Wilberforce, opposite to the entrance of the shopping centre, that is being hit by vehicles as they go around cars waiting to turn into the shopping centre. If the sign is knocked over there is a possibility it could hit pedestrians.

The Director Infrastructure Services advised that the matter will be investigated.

23. Councillor Porter enquired if the Windsor Bridge is a B-Double designated route.

The Directory Infrastructure Services advised that the bridge is on a B-Double route.

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The meeting terminated at 9:25pm.

Submitted to and confirmed at the Ordinary meeting held on 31 July 2007.

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Mayor