



Hawkesbury City Council

ordinary  
meeting  
minutes

date of meeting: 15 February 2011

location: council chambers

time: 6:30 p.m.



**ORDINARY MEETING**  
**MINUTES: 15 February 2011**

**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 FOR NEXT MEETING**

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**ORDINARY MEETING**

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## ORDINARY MEETING

MINUTES: 15 February 2011

Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 15 February 2011, commencing at 6:33pm.

Mr Jay La Rue of the Covenant Players, representing the Hawkesbury Minister's Association, gave the opening prayer at the commencement of the meeting.

### ATTENDANCE

**PRESENT:** Councillor B Bassett, Mayor, Councillor K Conolly, Deputy Mayor and Councillors B Calvert, K Ford, W Mackay, C Paine, B Porter, P Rasmussen, J Reardon, 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, Acting Manager Corporate Services and Governance - Nicole Spies, Executive Manager - Community Partnerships - Joseph Litwin and Administrative Support Team Leader - Kylie Wade-Ferrell.

Councillor Mackay arrived at the meeting at 6:36pm.

### SECTION 1: Confirmation of Minutes

#### 32 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Williams that the Minutes of the Ordinary Meeting held on the 1 February 2011, be confirmed.

**SECTION 4 - Reports for Determination**

**GENERAL MANAGER**

**Item: 17**                    **GM - Contingency Reserve - Purpose and Possible Partial Use in Association with 2010/2011 December Quarterly Review - (79351)**

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**MOTION:**

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

*Refer to RESOLUTION*

**33 RESOLUTION:**

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

That an amount of \$275,000 be allocated from the 2010/2011 December Quarterly Review for the purposes of conducting a "Supplementary Road Rehabilitation Program" as identified in Attachment 1 to the General Manager's Report in this regard.



**CITY PLANNING**

**Item :18**                    **CP - Development Application - Truck Depot - 1026 Grose Vale Road, Kurrajong NSW 2758 - (DA0894/10, 103315, 103316, 102260)**

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Mr James Bishop, Ms Shirley Flynn and Ms Virginia McManus, respondents, addressed Council.

**MOTION:**

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

***Refer to RESOLUTION***

**34 RESOLUTION:**

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

That:

1. Development application DA0894/10 at Lot 2 DP 617404, 1026 Grose Vale Road KURRAJONG for Truck Depot - Truck depot be refused for the following reasons:
  - a) The development application contains insufficient information to carry out a proper assessment of the likely impacts of the proposed development in terms of Section 79C of the Environmental Planning and Assessment Act, 1979. Insufficient information in respect to noise impacts associated with the development has been provided with the application.
  - b) The proposal constitutes "Light industry" being a prohibited land use in the Mixed Agriculture zone under the provisions of Clause 9 - Carrying out of Development of Hawkesbury Local Environmental Plan 1989.
  - c) The proposal is inconsistent with the stated objectives contained in Clause 9A of Hawkesbury Local Environmental Plan 1989 in respect of the Mixed Agriculture zone in that the development of a light industrial use on the subject site will contribute to rural land use conflicts with the neighbouring rural residential land uses and that the proposal does not enhance the existing rural landscape values of the locality.
  - d) The proposal is a prohibited use under the Draft Hawkesbury Local Environmental Plan 2009.
  - e) The proposal is inconsistent with the aims, objectives and rules of Hawkesbury Development Control Plan 2002. The application has not provided adequate information in terms of the retaining wall proposed, parking, landscaping, noise and waste disposal.
  - f) The proposed development would have an adverse impact on the amenity of residents in the immediate locality.
  - g) The proposed development is inconsistent with the established character of the locality and will have an unacceptable impact on the locality in terms of scale, noise and visual amenity.
  - h) Approval would not be in the general public interest.
2. The unauthorised activity be referred Council's Regulatory Service Section for appropriate action to ensure the activity is decommissioned and relocated within two months of the date of Council's determination.

**ORDINARY MEETING**

**MINUTES: 15 February 2011**

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:

<b>For the Motion</b>	<b>Against the Motion</b>
Councillor Bassett	Nil
Councillor Calvert	
Councillor Conolly	
Councillor Ford	
Councillor Mackay	
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Tree	
Councillor Whelan	
Councillor Williams	

**Item: 19 CP - Interim Policy for Wilberforce Subdivision and Development - (95498)**

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**MOTION:**

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

*Refer to RESOLUTION*

**35 RESOLUTION:**

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

That:

1. A draft Interim Policy for Wilberforce Subdivision and Development be drafted in accordance with this report and be publicly exhibited for a period of 28 days.
2. A further report be brought to Council to consider submissions after the exhibition period.
3. The current development applications for Wilberforce village mentioned in this report, i.e. DA0586/10, DA0029/10, DA0515/10, DA0585/10, DA0874/10 and DA0879/10 be determined on their merits as if this Policy was not proposed or made.
4. No development applications, beyond the development of a dwelling on a vacant allotment, are to be accepted in the Wilberforce priority sewer scheme area until the interim Policy has been finalised and adopted by Council.

**ORDINARY MEETING**  
**MINUTES: 15 February 2011**

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:

<b>For the Motion</b>	<b>Against the Motion</b>
Councillor Calvert	Councillor Bassett
Councillor Mackay	Councillor Conolly
Councillor Paine	Councillor Ford
Councillor Porter	Councillor Reardon
Councillor Rasmussen	Councillor Whelan
Councillor Tree	
Councillor Williams	

**Item: 20**                    **CP - Proposal to Include Flood Mitigation Notation on the back of Council Envelopes - (86589, 95498)**

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Mr John Miller, Mr Les Sheather and Mr William Snedden, proponents, addressed Council.

**MOTION:**

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

***Refer to RESOLUTION***

**36 RESOLUTION:**

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

That:

1. Following the exhaustion of current envelope supplies, Council adopt a flood awareness message on the back of Council envelopes. The wording of the message is to be developed by the Mayor in consultation with the General Manager and reported back to Council for consideration following discussion at a Councillor Briefing Session.
2. Council supports the principle of flood mitigation as well as prudent town planning, evacuation planning, emergency response preparedness and community education.

**INFRASTRUCTURE SERVICES**

**Item: 21**            **IS - Parks Generic Plans of Management - (95495)**

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**MOTION:**

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

*Refer to RESOLUTION*

**37 RESOLUTION:**

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

That:

1. The categorisation of each parcel of land as identified in Attachment 1 be endorsed for the purpose of public consultation
2. The parks identified in Attachment 2 be supported as being of cultural significance.
3. The draft generic plans of management be amended to reflect the categories identified in 1 and 2 above and placed on public exhibition for a minimum of 28 days, with submissions to be received within 42 days of advertising.

**Item: 22**            **IS - Wilberforce Cemetery - Re-opening for Interments - (95495, 79354, 90781)**

**Previous Item:**        401, Ordinary (9 November 2010)

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**MOTION:**

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

*Refer to RESOLUTION*

**38 RESOLUTION:**

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

That the proposed fees and charges for the Wilberforce Cemetery as outlined within the report be placed on public exhibition for a period of 28 days.

**ORDINARY MEETING**  
**MINUTES: 15 February 2011**

**Item: 23**            **IS - Community Banner Poles Policy - (79354, 95495)**

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**MOTION:**

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

*Refer to RESOLUTION*

**39 RESOLUTION:**

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

That:

1. The Draft Community Banner Poles Policy be placed on public exhibition for a period of 28 days and further reported for consideration.
2. Additional locations be investigated for the placement of permanent banner poles.

**Item: 24**            **IS - Stanley Park, East Kurrajong - (79354, 95495)**

**Previous Item:**        NM1, Ordinary (14 December 2010)

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**MOTION:**

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

*Refer to RESOLUTION*

**40 RESOLUTION:**

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

That:

1. The public toilets in Stanley Park be reopened based on the proposal detailed in the report excluding the provision of gates and in the event of any damage, a report to be provided to Council.
2. The current mowing contract be amended to include the mowing of the nature strip at Stanley Park.
3. Funding for the required works be allocated as part of the March 2011 Quarterly Budget review process.

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**SUPPORT SERVICES**

**Item: 25**                    **SS - Monthly Investments Report - January 2011 - (96332, 95496)**

**Previous Item:**            17, Ordinary (3 February 2009)  
82, Ordinary (28 April 2009)

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**MOTION:**

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

*Refer to RESOLUTION*

**41 RESOLUTION:**

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

The report regarding the monthly investments for January 2011 be received and noted.

**Item: 26**                    **SS - December 2010 Quarterly Review - 2010/2011 Management Plan - (95496, 96332, 107)**

**Previous Item:**            126, Extraordinary (22 June 2010)

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**MOTION:**

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

*Refer to RESOLUTION*

**42 RESOLUTION:**

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

That:

1. The information contained in the report on the 2010/2011 Management Plan – December 2010 Quarterly Review be received.
2. The Quarterly Review of the 2010/2011 Management Plan for the period ending 31 December 2010 is adopted.

**ORDINARY MEETING**  
**MINUTES: 15 February 2011**

**Item: 27**                    **SS - Consultants Utilised by Council - 1 July to 31 December 2010 - (95496, 79337)**

**Previous Item:**        187, Ordinary (14 June 2005)  
                              34, Ordinary (23 February 2010)  
                              206, Ordinary (31 August 2010)

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**MOTION:**

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

*Refer to RESOLUTION*

**43 RESOLUTION:**

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

That the information concerning consultancies utilised by Council during the period July to December 2010 be received.

**Item: 28**                    **SS - Pecuniary Interest Returns - (79337, 95496)**

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**MOTION:**

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

*Refer to RESOLUTION*

**44 RESOLUTION:**

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

That the information be received and noted.

**CONFIDENTIAL REPORTS**

**45 RESOLUTION:**

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

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

**46 RESOLUTION:**

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

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: 29 SS - Council's Co-Generation Plant**

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) and (g) of the Local Government Act, 1993 as it relates to information that may be regarded as being commercial information of a confidential nature that would, if disclosed could potentially prejudice the commercial position of Council and information that could potentially affect possible legal proceedings concerning Council's Co-Generation Plant and therefore, if considered in an open meeting would, on balance, be3 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.

**47 RESOLUTION:**

RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Reardon that Open Council be resumed.



**ORDINARY MEETING**  
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**Item: 29                    SS - Council's Co-Generation Plant - (95496)**

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**MOTION:**

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

*Refer to RESOLUTION*

**48    RESOLUTION:**

The General Manager advised that whilst in Closed Session, Council RESOLVED on the motion of Councillor Reardon, seconded by Councillor Ford that open meeting be resumed.

That the existing Co-Generation Plant be retained with the generator switched off, and the economic viability be reviewed on a regular basis in line with energy costs changes and energy contract renewal, together with further assessment of the viability of connecting other sites to the Plant to achieve operational efficiency.

It be noted that Councillors Porter and Williams requested that their names be recorded as having voted against the resolution.

**ORDINARY MEETING****MINUTES: 15 February 2011****QUESTIONS FOR NEXT MEETING****Councillor Questions From Previous Meetings and Responses - (105109)**

Responses to previous Questions for Next meeting were provided and discussed.

**QUESTIONS WITHOUT NOTICE**

#	Councillor	Question	Referred To
1	Calvert	Enquired what the procedure was there for advertising for new members for the Community Planning Advisory Committee due to there being no quorum at its last meeting.	Director City Planning
2	Paine	Enquired if the applicant for a development at 99 Pitt Town Road, McGraths Hill had made Council aware that it was intended for a stand alone discount Chemist Shop.	Director City Planning
3	Paine	Enquired if the outcomes of the Hawkesbury, Hills and Hornsby Tourism Committee's Workshop held on 10 November 2010 had been distributed to participants as indicated at the time as feedback had not been received and also asked about tourism referrals from the Visitor Information Centre.	General Manager
4	Williams	Enquired if a clean up could be carried out from the river bank underneath the new lookout at Howe Park.	Director Infrastructure Services
5	Williams	Enquired if Council could investigate and repair the sunken bitumen on the cycleway outside Aldi.	Director Infrastructure Services
6	Williams	Enquired if the Cox Street Railway Crossing could be cleaned up as it is badly littered with rubbish.	Director Infrastructure Services
7	Rasmussen	Enquired as to the status and to be updated on the Mayoral Minute of 12 October in relation to traffic issues at Grose Vale and Williams/River Street intersection at North Richmond.	Director Infrastructure Services
8	Rasmussen	Enquired if there were problems with the STP at Windsor due to complaints being received that smells are increasing.	Director Infrastructure Services

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#	Councillor	Question	Referred To
9	Rasmussen	Referred to the recently released WSROC State Elections Issues paper and asked if it was possible to have Hawkesbury Agriculture incorporated in the paper.	General Manager
10	Rasmussen	Enquired if any works were being done on Windsor Wharf or about to commence.	Director Infrastructure Services
11	Tree	Enquired if Council could contact a teacher at Hobartville Primary School who intends to commence some sort of garden to help her facilitate the process.	Director Infrastructure Services
12	Reardon	Enquired if any staff would be attending the Webbs Creek Ferry Meeting on 22 February 2011.	General Manager
13	Whelan	Enquired about the cost of flood insurance coverage for Council on buildings and infrastructure.	General Manager
14	Mackay	Enquired if Council could bring to the attention of Integral or the RTA that the three or four bright beacons that usually shine on the pedestrian crossing at the intersection of Macquarie and Bridge Street Windsor are not working are out and need repair.	Director Infrastructure Services

The meeting terminated at 10:44pm.

Submitted to and confirmed at the Ordinary meeting held on Tuesday, 8 March 2011.

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Mayor