



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 26 May 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, 26 May 2009, commencing at 5:02pm.

Pastor Peter Goldstien of the Midway Christian Centre, 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 Porter, P Rasmussen, J Reardon, R Stubbs, T Tree and W Whelan.

ALSO PRESENT: General Manager - Peter Jackson, Acting Director City Planning - Shari Hussein, Director Infrastructure Services - Chris Daley, Director Support Services - Laurie Mifsud, Manager Corporate Services and Governance - Fausto Sut and Administrative Support Team Leader - Kylie Wade-Ferrell.

APOLOGIES

Apologies for absence were received from Councillors B Calvert, W Mackay, C Paine and L Williams.

161 RESOLUTION:

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

Councillor Rasmussen arrived at the meeting at 5:06pm

SECTION 1: Confirmation of Minutes

162 RESOLUTION:

RESOLVED on the motion of Councillor Reardon and seconded by Councillor Porter that the Minutes of the Ordinary Meeting held on the 12 May 2009, be confirmed.

SECTION 2 - Mayoral Minutes - Supplementary

MM - Richmond Line Duplication (Quakers Hill to Vineyard) - (79351, 79353)

MOTION:

RESOLVED on the motion of Councillor Bassett, Mayor.

Refer to RESOLUTION

163 RESOLUTION:

RESOLVED on the motion of Councillor Bassett, Mayor.

That Council write to the Department of Planning in association with the exhibition of proposals for the Richmond Line Duplication (Quakers Hill to Vineyard) in support of calls for the following issues to be addressed as part of the duplication project:

1. Incorporation of improved road access for the west to the upgraded line for suburbs such as Shanes Park, Llandilo, Berkshire Park, Windsor Downs, etc.
2. The provision of a bus connection from the Western Line to the Richmond Line and Rouse Hill.
3. The provision of improved commuter car parking at Vineyard Railway Station.

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SECTION 4 - Reports for Determination

CITY PLANNING

Item: 101 CP - Development Application - Subdivision - 3 Duke Road, Wilberforce - (DA0710/08, 95498, 102260, 36025, 36026)

Mr Robert Montgomery and Mr Glen Pellew, proponents, addressed Council.
Ms Jacqueline Henderson and Ms Linda McCartney, respondents, addressed Council.

MOTION:

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

Refer to RESOLUTION

164 RESOLUTION:

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

That development application DA0710/08 at Lot 15 DP 843883, 3 Duke Road WILBERFORCE NSW 2756 for Subdivision - Two Lot Subdivision be refused for the following reasons:

Reasons for Refusal

1. The proposed development is inconsistent with the aims and objectives of Hawkesbury Local Environmental Plan 1989.
2. The proposed subdivision fails to comply with the minimum allotment size of 4000m² as required under Clause 12 (3) of Hawkesbury Local Environmental Plan 1989.
3. The proposed subdivision fails to comply with Clause 25 (2) of Hawkesbury Local Environmental Plan 1989 relating to development of flood liable land.
4. The application does not demonstrate that the proposed development is consistent in respect to Clause 18 of Hawkesbury Local Environmental Plan 1989 in that arrangements satisfactory to Council has not been provided in respect to the provision of sewerage disposal.
5. The site is unsuitable for the proposed development due to the impact of flooding.
6. The design of the proposed development will not provide an acceptable level of amenity for future residential development on the land.
7. The proposed development is inconsistent with the aims and objectives of Hawkesbury Development Control Plan.
8. The proposed development does not comply with the requirements of Hawkesbury Development Control Plan, in particular Part D Chapter 1 - Residential, Clause 1.18 - Effluent Disposal; Part D Chapter 3 - Subdivision, Clause 3.6 - Flooding, Landslip & Contaminated Land; Part D Chapter 3 - Subdivision, Clause 3.7.5 - Lot Size and Shape.
9. The development application does not demonstrate that the site is suitable for the sustainable disposal of effluent generated by the proposed development.

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10. The development application does not demonstrate that future development of the land will not unreasonably impact on adjoining properties due to filling required on the land and amenity issues associated with the future construction of any buildings on proposed Lot 152.

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 Reardon	
Councillor Stubbs	
Councillor Tree	
Councillor Whelan	

Councillors Calvert, Mackay, Paine and Williams were absent from the meeting.

Item: 102 CP - Nominations for Council Representatives on Joint Regional Planning Panels (JRPPs) - (95498)

MOTION:

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

Refer to RESOLUTION

165 RESOLUTION:

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

That:

1. Council nominate the Director City Planning and General Manager, to be Council's representatives on the Sydney Metro West Region Joint Regional Planning Panel and the General Manager be authorised to nominate an appropriate member of staff as an alternate member of the Panel.
2. The General Manager be also authorised to nominate an alternate staff nominee to the Panel should the Department of Planning not accept any nominations made for the members and/or alternate members of the Panel.
3. Council support the Local Government and Shires Association's position in relation to the issue of Joint Regional Planning Panels.

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INFRASTRUCTURE SERVICES

**Item: 103 IS - Proposed Tree removal at No. 15 Lieutenant Bowen Road, Bowen Mountain,
for the Purpose of Providing a Piped Drainage System - (79346, 20994)**

Mr Wayne Davies, proponent, addressed Council.

MOTION:

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

Refer to RESOLUTION

166 RESOLUTION:

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

That in accordance with DA0144/09 approval be granted, the Eucalypt located at No. 15 Lieutenant Bowen Road, Bowen Mountain be removed to allow the proposed drainage works outlined in the Drainage Design Plan 08130E1 Rev. C Prepared by Barker Ryan Stewart to be undertaken.

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SUPPORT SERVICES

Item: 104 **SS - Monthly Investments Report - April 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

167 RESOLUTION:

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

That the information be received and noted.

Item: 105 **SS - March 2009 Quarterly Review - 2008/2009 Management Plan - (96332, 95496)**

Previous Item: 34, Ordinary (24 February 2009)

MOTION:

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

Refer to RESOLUTION

168 RESOLUTION:

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

That:

1. The information contained in the report on the 2008/2009 Management Plan – March 2009 Quarter Review be received.
2. The Quarterly Review of the 2008/2009 Management Plan and Financial Statement for the period ending 31 March 2009 be adopted.

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Item: 106 SS - Pecuniary Interest Returns - (79337, 95496)

MOTION:

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

Refer to RESOLUTION

169 RESOLUTION:

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

That the information be received and noted.

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CONFIDENTIAL REPORTS

170 RESOLUTION:

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

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

171 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: 107 IS - Tender No.01409 - Construction of Kurrajong Community Centre, McMahons Park Road, Kurrajong

*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 public interest.*

Item: 108 SS - Property Matter - Lease to Melissa Kingcott, Trading as Wilberforce Hair & Nails - Shop 9, Wilberforce Shopping Centre, Wilberforce

*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 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 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.

172 RESOLUTION:

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

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Item: 107 **IS - Tender No.01409 - Construction of Kurrajong Community Centre, McMahons Park Road, Kurrajong - (95454, 79340) CONFIDENTIAL**

MOTION:

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

Refer to RESOLUTION

173 RESOLUTION:

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

That:

1. The tender submitted by GW Building Pty Ltd for the construction of the Kurrajong Community Centre at McMahons Park, McMahons Park Road, Kurrajong, for the tendered sum of \$703,360 (GST exclusive) be accepted and any necessary documentation be executed under the Seal of Council.
2. Available funding from projects identified within the report be utilised to provide the additional funding required to complete the project.

Item: 108 **SS - Property Matter - Lease to Melissa Kingcott, Trading as Wilberforce Hair & Nails - Shop 9 Wilberforce Shopping Centre, Wilberforce - (76686, 95466) 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

174 RESOLUTION:

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

That:

1. Council agree to enter into a new lease with Melissa Kingcott trading as "Wilberforce Hair & Nails" in regard to Shop 9 Wilberforce 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.

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3. Details of Council's resolution be conveyed to the proposed Lessee 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 - Waste Management Advisory Committee Minutes - 18 March 2009 - (95249)

175 RESOLUTION:

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

That the minutes of the Waste Management Advisory Committee held on 18 March 2009 as recorded on pages 45 to 51 of the Ordinary Business Paper be received.

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#	Councillor	Question	Response
1	Rasmussen	Commented that he noticed that Council had received \$9.8Million for a recycling program for the South Windsor Sewerage Treatment Plant and the Hawkesbury Farmers scored really well with \$21Million for metering.	The Mayor advised that it wasn't an issue about new money, but grant money that is the ongoing issue of Council trying to fund infrastructure.
2	Reardon	Asked if the street sweeper services could be extended to the carpark adjacent to the Museum in Windsor.	The Director Infrastructure Services advised that this carpark should already be on the Street Sweeping Program and he will investigate the matter.
3	Reardon	Asked if extra carparking and signage for public toilets could be erected in Windsor.	The Mayor advised the Director Infrastructure Services had informed him that Coles also wanted to discuss with Council carparking signage, so this issue could be addressed then.
4	Whelan	Referred to the carpark between the Museum and the Macquarie Arms Hotel and commented that it had been reported that food scraps left in there has encouraged a plague of rats. He enquired whether Council has a vermin eradication program	The Director Infrastructure Services advised that Council did not have a formal vermin eradication program, but in any case he would clean up the area.

The meeting terminated at 5:50pm.

Submitted to and confirmed at the Ordinary meeting held on 30 June 2009.

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Mayor