



Hawkesbury City Council

ordinary meeting minutes

date of meeting: 13 February 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, 13 February 2007, commencing at 5:00pm.

Reverend Chris Burgess of the Anglican Church, Windsor, representing the Hawkesbury Minister's Association, gave the opening prayer at the commencement of the meeting.

ATTENDANCE

PRESENT: Councillor S 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

SECTION 1: Confirmation of Minutes

25 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Bassett that the Minutes of the Ordinary Meeting held on the 30 January 2007, be confirmed with the following wording to be replaced in Questions Without Notice 7 and 14.

7. "Councillor Bassett referred to the Plain Trees on the Avenue running from Windsor down to Richmond outside the RAAF Base... "
14. "Councillor Rasmussen thanked the Mayor for the information, but commented that he didn't know how current that information was. He advised that it was not an environmental flow, but a compensation flow and commented that it has been halved once already and his understanding was that recently, it had been stopped."

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QUESTIONS WITH NOTICE

Question With Notice - New e-Tendering System - (95496, 80106)

Noted.

SECTION 3 - Notices of Motion

Item: 17 NM1 - Requested Financial Assistance for the Hawkesbury-Nepean River - (95496, 80105)

MOTION:

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

Refer to RESOLUTION

26 RESOLUTION:

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

That Hawkesbury City Council calls on the State and Federal Governments to provide significant financial assistance for the Hawkesbury-Nepean (H-N) River along with the Federal Government's assistance for the Murray-Darling system.

Item: 18 NM2 - Protocol Ensuring Councillors Concerns are Satisfactorily Conveyed - (95496, 90476)

MOTION:

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

Refer to RESOLUTION

27 RESOLUTION:

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

That the General Manager advise the Council by way of a report to Council of a Protocol that will ensure that the will of the Council, and further concerns of the Councillors are satisfactorily conveyed to Council's solicitors in instances where development application matters proceed to the Land and Environment Court after Council have resolved contrary to the recommendation of management.

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Item: 19 **NM3 - Moderate Rate Increase for 2007/2008 - (95496, 80104)**

Mr Doug Bathersby, proponent, addressed Council.

MOTION:

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

That Council consider an appropriate moderate rate increase of 6% above the rate pegging limit for the 2007/2008 period. Council seek community support when undertaking the required community consultation process as part of its preparation and advertisement of its management plan program for 2007/2008.

The MOTION was lost.

A FORESHADOWED motion was moved by Councillor Devine, seconded by Councillor Books.

That Council consult with Mr Shearan, MP and Mr Aquilina, MP to determine a reasonable rate increase for Council to apply for the 2007/2008 period, having regard to comparisons of rates being charged in other parts of their electorates.

The MOTION was lost.

SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 20 **GM - 47th Annual Floodplain Management Authorities of NSW Conference 2007 - (79351)**

MOTION:

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

Refer to RESOLUTION

28 RESOLUTION:

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

That attendance by Councillors, and staff members as considered appropriate by the General Manager, at the 47th Annual Floodplain Management of NSW Conference 2007, to be held in Gunnedah, NSW, 27 February to 1 March 2007 at a cost of \$1,280.00 plus travel expenses per delegate be approved.

29 RESOLUTION:

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

That Councillors Devine and Porter attend the 47th Annual Floodplain Management of NSW Conference 2007.

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CITY PLANNING

Item: 21 **CP - Conversion of Hawkesbury Local Environmental Plan 1989 to the NSW Government's Standard LEP Template - Section 54 Notice - (95498)**

Mr Walter Kullen, Mr John Mahaffy and Mr Robert Montgomery, respondents, addressed Council.

MOTION:

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

Refer to RESOLUTION

30 RESOLUTION:

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

That the matter be workshopped on Tuesday, 20 February 2007.

EXTERNAL SERVICES

Item: 22 **ES - Advice of Successful Tender - Department of Ageing Disability and Home Care (DADHC) - (78340, 79342)**

MOTION:

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

Refer to RESOLUTION

31 RESOLUTION:

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

That Authority be given to execute, under the Seal of Council, a funding agreement with the Department of Ageing Disability and Home Care to accept a recurrent grant of \$87,805 to establish a centre based meals and activity program to operate from the Hawkesbury Seniors Centre.

Item: 23 **ES - Draft Self-Enforcing Infringement Notice Scheme (SEINS) Policy - (96330, 95494)**

MOTION:

A MOTION was moved by Councillor Devine, seconded by Councillor Porter

That the matter be workshopped.

The MOTION when put to the meeting resulted in an equality of voting and the Mayor, utilising his casting vote, declared the motion lost.

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

Refer to RESOLUTION

32 RESOLUTION:

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

That Council place the draft Self-Enforcing Infringement Notice Scheme (SEINS) Policy on public exhibition for a period of 28 days.

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Item: 24 ES - Draft Outdoor Dining and Footpath Trading Policy - (95494, 96330)

Mr Walter Kullen, proponent, addressed Council.

MOTION:

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

Refer to RESOLUTION

33 RESOLUTION:

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

That Council:

1. Place the draft Outdoor Dining and Footpath Trading Policy on public exhibition for a period of 28 days.
2. Place on public exhibition for a period of 28 days the proposal to introduce a new fee of \$120.00 for a permit to occupy Council's footpath for outdoor dining and/or footpath trading and an annual footpath usage fee of \$85.00 / m² and a fee of \$60.00 for a variation of a permit.
3. All businesses in the commercial zonings within the Council's area operating as food outlets and the Chambers of Commerce be notified of the draft Outdoor Dining and Footpath Policy during the public exhibition period.

Item: 25 ES - Proposed Section 377 Delegation for Care, Control and Management of Externally Funded Family and Community Services to Peppercorn Services Inc - (78340, 80303, 81901, 95494)

MOTION:

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

Refer to RESOLUTION

34 RESOLUTION:

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

That under the provisions of Section 377 of the Local Government Act 1993, responsibility for the day to day management of the Forgotten Valley Mobile Resource Unit, and The Hawkesbury Family Co-op, be delegated to Peppercorn Services Inc.

Councillor Paine requested that her name be recorded as having voted against the motion.

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INFRASTRUCTURE SERVICES

Item: 26 **IS - Wilberforce Park Landscape Plan - (79354, 95495)**

Previous Item: 44, Ordinary (12 October 2004)

MOTION:

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

Refer to RESOLUTION

35 RESOLUTION:

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

That the Wilberforce Park Landscape Plan be amended as outlined in the report and be adopted by Council.

SUPPORT SERVICES

Item: 27 SS - Payment to Hawkesbury Sports Council Inc - (107, 96332, 95496, 73611)

MOTION:

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

Refer to RESOLUTION

36 RESOLUTION:

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

That the information be received.

Item: 28 SS - Application to Minister to Formalise United Independent Pools - (95496, 79509)

MOTION:

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

Refer to RESOLUTION

37 RESOLUTION:

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

That Council support an application to the Minister for Local Government under section 358 of the Local Government Act to consent to the formation of United Independent Pools and endorse the existing strategic alliances, Westpool and Metro Pool.

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CONFIDENTIAL REPORTS

Ms Peta Gray, respondent, addressed Council.

38 RESOLUTION:

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

That the matter go into closed session due to the financial nature of the matter.

39 RESOLUTION:

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

That the Confidential Report be moved to the end of the Business Paper and dealt with at the end of the meeting in closed session.

40 RESOLUTION:

RESOLVED on the motion of Councillor Bassett, 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: 29 SS - Property Matter - 6 Ham Street, South Windsor

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act, 1993 as it relates to 6 Ham Street, South Windsor and the information is regarded as being commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, confer a commercial advantage on a competitor of the Council, or reveal a trade secret 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.

41 RESOLUTION:

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

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Item: 29 **SS - Property Matter - 6 Ham Street, South Windsor - (79337)**

Previous Item: 132, Ordinary (27 June 2006)

MOTION:

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

Refer to RESOLUTION

42 RESOLUTION:

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

That:

1. Initially, the existing Ham Street Hall, 6 Ham Street, South Windsor, be offered for sale by public auction, in accordance with Council's existing policies in this regard, in its present state as a single lot with the existing hall remaining intact on the basis of the reserve price for the site being set in accordance with advice from Council's valuer having regard to the potential return to Council for the sites highest yielding use.
2. In the event that the site is not sold as a result of the action taken in accordance with 1 above that Council then proceed with the demolition of the existing Ham Street Hall, 6 Ham Street, South Windsor, and the sub-division of the site into two lots for subsequent sale, as individual lots, by public auction in accordance with Council's existing policies in this regard.
3. That authority be given for any documents associated with the sale and/or sale of the site to be executed under the seal of Council, if necessary.

Councillors Devine, Rasmussen and Williams requested that their names be recorded as having voted against the motion.

SECTION 5 - Reports of Committees

ROC - Hawkesbury Bicycle and Access Mobility Committee - 20 November 2006 - (98212, 95494)

43 RESOLUTION:

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

That the minutes of the Hawkesbury Bicycle and Access Mobility Committee held on 20 November 2006 as recorded on pages 45 to 46 of the Ordinary Business Paper be received.

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1. Councillor Finch referred to correspondence she had received in relation to the upkeep of Crown Land in Kurrajong, particularly in relation to a laneway and asked if Council was responsible for the upkeep of this. She advised that the matter had been raised previously and asked if it was a public right of way and if it was, it was in poor condition.

The Director Infrastructure Services advised that he wasn't aware of the exact location, but advised that there had been an instance up in Kurrajong, which this relates to. He advised it would depend on the status of the land, whether it is a Crown Road Reserve or a public road. If it is a public road, it is our worry to maintain it, if not, it is the Crown's responsibility. He advised that matter would be researched and would let Councillor Finch know of the outcome.

2. Councillor Books referred to the dog excrement on the footpaths in South Windsor and advised there was heaps of it there yesterday and people walking through it everywhere. He asked if it could be cleaned up.

The Director External Services advised that she would let the Animal Control Staff know to increase surveillance in the location referred to.

Councillor Books advised that they would need to be there between 7:00am to 8:00am.

3. Councillor Books asked if a motion should go through the Local Government Advisory Group or this Council regarding having alternate delegates.

The Director Infrastructure Services advised the matter will be investigated and Councillor Books would be advised.

4. Councillor Calvert advised that he had been approached by Mr Scharfe regarding an issue that was brought up last year about the road that goes between Vineyard Station and towards McGraths Hill on the southern side of the line, Old Stock Route Road. He asked if the road could be reopened and upgraded so the railway line can be crossed actually at Vineyard Station instead of halfway between Vineyard and Mulgrave. Councillor Calvert asked if there had been any movement on that.

The Director Infrastructure Services confirmed that the matter had been raised previously and apologised for not responding. He advised Councillor Rasmussen asked it at the last meeting and confirmed that there was a copy of the plan on his desk, but had not had a chance to do it. He believed it was a paper road and that it didn't have a status as a road, but would confirm and advise Council.

5. Councillor Calvert referred to street signs that directed you to particular places such as Hospitals. He advised that one of the High Schools was interested in getting such a sign and wanted to know what the process was for getting one put on the corner directing people to the school.

The Director Infrastructure Services advised that they could apply directly to Council.

6. Councillor Calvert referred to the road signs on Richmond Road that he brought up at the last meeting and commented that one of his questions was asking if we had received a response from the RTA and that he was told he was going to be informed when a response was received. He asked if there had been a response from RTA as yet.

The General Manager advised that there had been no formal response from the RTA to our letters.

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7. Councillor Paine advised that she had been asked by a resident of what the timeframe was for how long the signs on Richmond Road were going to stay there.

The General Manager advised that there was no resolution of Council for a timeframe so it really it up to Council to decide on a timeframe.

8. Councillor Paine advised that she received a phone call from a gentleman who was concerned that he had been trying to get in contact with our Planning Department and had been told that they only take calls from 8:30am to 10:30am and that he left a message and hadn't been called back.

The Acting Director City Planning advised that given there were only three town planners available for planning enquiries, the hours were restricted from 8:30am to 10:30am and this was done last year, but certainly messages are taken and were enquiries can be filtered in other times, they are and return calls are done by the next day.

9. Councillor Paine referred to the funding from the quarry up at East Kurrajong that was meant to go into roads up there. She advised that she had had an inquiry from a water cater who wanted to know when we were going to spend the money on the East Kurrajong road areas that was meant to come from the quarry.

The Director Infrastructure Services advised that the specifications were almost complete and we will be calling tenders in the near future and would advise of a timeframe.

10. Councillor Williams commented that he had recently seen a brief article explaining that Blacktown City had received \$10M to be Western Sydney's first 'Solar City' and asked if there was any solar money around that we are able to become Western Sydney's second 'Solar City'.

The Mayor advised that the matter would be investigated.

11. Councillor Williams asked how we would go about changing the rule that rural property owners aren't notified of development applications received next door when the structure is going to be more than five metres from the common boundary. He asked if the rules could be changed so adjoining property owners are notified of DAs that are received for adjoining properties on rural lands.

The Acting Director City Planning advised that from time to time, Council had considered the Hawkesbury Development Control Plan including the notification chapter and had made changes to it, but it would require a resolution of Council to review that.

Councillor Williams asked if this requires a Notice of Motion.

The Mayor advised that it did.

12. Councillor Rasmussen advised that he had received notification from the New Directions Planning Workshop and that he had nominated and advised that he will be attending on 21 February and asked if anybody else was going so something could be co-ordinated to travel together.

The Mayor advised that Councillors were considering it.

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13. Councillor Rasmussen referred to the much-needed rains that we had recently received and asked if there had been much damage to the Hawkesbury area and if so to what extent and was there any state assistance.

The Director Infrastructure Services advised that he hadn't heard that it had been declared a National Disaster, he doubted it. He advised that there was a lot of localised flooding, but no substantial damage.

14. Councillor Devine advised that Mr Frank Scharfe had indicated to him that he made application to join the Floodplain Risk Management Committee via fax and that he noticed in the Business Paper that he is not down as one of the applicants. He asked if the matter could be investigated.

The Mayor advised that the matter would be investigated.

15. Councillor Devine referred to Section 149 Certificates and the issue he raised in relation to the cost of an Emergency Fee of \$78 for the 149 Certificate to be provided in emergency situations. He advised that, at that time, he was told that the 149 Certificates were being upgraded and would be available via our new computer program within 24-48hrs. Councillor Devine asked if this had come about.

The Acting Director City Planning advised that this doesn't occur at the moment, but Council is certainly working towards making the Certificates available on-line

Councillor Devine asked if there was an indication of timeframe.

The Acting Director City Planning advised that the timeframe would be investigated and reported back.

16. Councillor Conolly advised that there was a package of regulatory and legislative changes announced recently in relation to flooding and information included on Section 149 Certificates and asked if this was intended to be report directly back to Council or the Floodplain Risk Management Committee.

The Acting Director City Planning advised that a verbal report will be provided at the next Floodplain Risk Management Committee meeting on Monday. She advised that changes only came through a week ago so missed being reported in the Business Paper. The matters currently being investigated and the implications for our Section 149 Certificates and that we are seeking some advice about that and will report it back to Council at a later date.

17. Councillor Porter referred to the Floodplain Risk Management Committee and asked did the advertisements for the community members go out after the last election.

The Acting Director City Planning advised it that the last time applications went out for community members was in October last year.

Councillor Porter advised that the constitution states that the advertisements should go out after the elections for community members.

The Mayor asked if he was talking about the Council Elections.

Councillor Porter confirmed he was and advised that we didn't vote on the community members and that we inherited them from the previous Council.

The Acting Director City Planning advised that the matter is up for discussion at the next Committee Meeting.

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Councillor Devine confirmed that that was for the new community members and he was referring to the community members who were on the Committee when he got on Council.

The General Manager advised that he wasn't sure the Floodplain Risk Management Committee had a constitution at the last Council Election. He advised his understanding was that the constitution arose as a result of the Pitt Town Progress Committee and Council instituted a whole range of constitutions for a whole range of Committees so it wouldn't have been in place at the last Council Election.

Councillor Porter commented that in that case, community members should have gone to advertisement if that is what the constitution says.

The General Manager advised that he would have to look at the constitution for the Floodplain Risk Management Committee as constitutions change and clauses in relation to membership itself. He advised that his understanding was that generally every year, when the Mayoral Elections are held, Council reviews all Committees and the Floodplain Risk Management Committee would have been part of that process and added that he would investigate the matter.

18. Councillor Porter asked if it was in the constitution for Council to elect the community representatives.

The General Manager advised that he would investigate the constitution and advise.

19. Councillor Porter asked if Council paid wages for the Sydney Catchment Authority lady working on the MacDonald River Bank Rehabilitation.

The Director Infrastructure Services advised we paid contributions towards the project and the project paid her wages.

20. Councillor Williams advised that he had recently had problems with his phone line. He commented that the Councillors are getting new computers, which he appreciated, but can something be down about upgrading to Broadband or something.

The General Manager advised that the matter would be investigated.

The meeting terminated at 9:50pm.

Submitted to and confirmed at the Ordinary meeting held on 27 February 2007.

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Mayor