



Hawkesbury City Council

ordinary  
meeting  
minutes

date of meeting: 13 December 2011

location: council chambers

time: 6:30 p.m.



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## ORDINARY MEETING

MINUTES: 13 December 2011

Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 13 December 2011, commencing at 6:30pm.

Councillor Kim Ford, Mayor, gave the opening prayer at the commencement of the meeting as apologies were received from Pastor Glen Clark of the Hawkesbury Community Church.

### ATTENDANCE

**PRESENT:** Councillor K Ford, Mayor, Councillor T Tree, Deputy Mayor and Councillors B Bassett, B Calvert, K Conolly, W Mackay, C Paine, B Porter, J Reardon, 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 - Abbey Rouse, Executive Manager - Community Partnerships - Joseph Litwin and Administrative Support Co-ordinator - Kylie Wade-Ferrell.

### APOLOGIES

An apology for absence was received from Councillor P Rasmussen.

### 448 RESOLUTION:

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

Councillor Mackay arrived at the meeting at 6:46pm.  
Councillor Paine left the meeting at 7:50pm  
Councillor Williams left the meeting at 8:10pm.

### SECTION 1: Confirmation of Minutes

### 449 RESOLUTION:

RESOLVED on the motion of Councillor Paine and seconded by Councillor Reardon that the Minutes of the Ordinary Meeting held on the 29 November 2011, be confirmed.

**ORDINARY MEETING**

**MINUTES: 13 December 2011**

**Presentation of 20 Year Service Award to Councillor C Paine**

The Mayor, Councillor K Ford, at this stage of the meeting, made a presentation of a Service Award, Certificate and Medallion to Councillor C Paine in recognition of her period of service of 20 years as a Councillor of Hawkesbury City Council and outlined highlights of her time with Council.

Councillor Paine thanked Council and responded in relation to the 20 Year Service Award.

In addition, Councillor Paine referred to the history of the Paine family in serving as elected members of the Council and specifically referred to the service of John Jackson Paine JP who was also Mayor of the then Windsor Municipality from 1895 to 1903. Councillor Paine then presented to Council the Mayoral Robes of John Jackson Paine JP for its safe keeping as an historical object of the Council.



**ORDINARY MEETING**

**MINUTES: 13 December 2011**

**SECTION 3 - Notices of Motion**

**NM - Naming of Roads Within the Hawkesbury - (80104, 79351)**

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**MOTION:**

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

*Refer to RESOLUTION*

**450 RESOLUTION:**

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

That when naming any new roads in the Hawkesbury Local Government Area, consideration be given to naming one after Mr Charles Albert Jeffery.

**SECTION 4 - Reports for Determination**

**GENERAL MANAGER**

**Item: 278**            **GM - Renewal of Service Level Agreement - Rural Fire Service - (79351)**

**Previous Item:**        137, Ordinary (28 August, 2007)  
                              236, Ordinary (13 November, 2007)  
                              43, Ordinary (11 March 2008)

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**MOTION:**

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

*Refer to RESOLUTION*

**451 RESOLUTION:**

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

That Council endorse the proposed new Service Level Agreement between the Rural Fire Service and Council as referred to in the report in this regard and that authority be given for the Service Level Agreement to be executed under the Seal of Council.

**ORDINARY MEETING**

**MINUTES: 13 December 2011**

**CITY PLANNING**

**Item: 279 CP - Planning Proposal - 77- 87 Old Bells Line of Road, Kurrajong - (95498)**

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Mr Glenn Falson and Ms Natalie Smith, proponents, addressed Council.

**MOTION:**

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

***Refer to RESOLUTION***

**452 RESOLUTION:**

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

That:

1. A Planning Proposal to rezone the subject land at Nos. 77 - 87 Old Bells Line of Road, Kurrajong from Housing to Business General 3(a) under Hawkesbury Local Environmental Plan 1989 be prepared in the correct format and in accordance with this report and forwarded to the Minister for Planning and Infrastructure seeking a Gateway Determination.
2. Upon receipt of notification of the Gateway Determination to proceed, Council consult the public authorities and the public on the Planning Proposal in accordance with the requirements of the Gateway Determination and the Environmental Planning and Assessment Act, 1979.

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 Reardon	
Councillor Tree	
Councillor Whelan	
Councillor Williams	

Councillor Rasmussen absent from the meeting.

**ORDINARY MEETING**

**MINUTES: 13 December 2011**

**Item: 280 CP - Public Exhibition of Proposed Amendments to Hawkesbury Development Control Plan 2002 - (95498)**

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**MOTION:**

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

*Refer to RESOLUTION*

**453 RESOLUTION:**

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

That:

1. The proposed amendments to the Hawkesbury Development Control Plan 2002 as attached to this report be approved and be made effective (i.e. included into Hawkesbury Development Control Plan 2002) upon the gazettal of Draft Hawkesbury Local Environmental Plan 2011.
2. Where relevant, any amendments made to Draft Hawkesbury Local Environmental Plan 2011 prior to its gazettal be incorporated into the proposed amendments to Hawkesbury Development Control Plan 2002.

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 Reardon	
Councillor Tree	
Councillor Whelan	
Councillor Williams	

Councillor Rasmussen was absent from the meeting.

**ORDINARY MEETING**

**MINUTES: 13 December 2011**

**Item: 281 CP - Policy for Regional Flood Mitigation in the Hawkesbury-Nepean Valley - (95498)**

**Previous Item:** ROC, Ordinary (30 August 2011)

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Mr John Miller, proponent, addressed Council.

**MOTION:**

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

***Refer to RESOLUTION***

**454 RESOLUTION:**

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

That:

1. Council adopt a Policy on regional flood mitigation with the following wording:

*"Hawkesbury City Council supports and encourages the need for regional flood mitigation measures in the Hawkesbury-Nepean Valley to be investigated and implemented by the Commonwealth and NSW State Governments and other relevant Authorities to ensure that the flood risks experienced by existing and future residents in the valley are reduced. These regional measures are too great a burden for one Council to carry and there is a need for a committed regional approach, by all relevant Authorities, to address these existing risks".*

2. The Premier of New South Wales be requested to instigate an immediate review of the following previous Environmental Impact Statements (EIS) prepared for Sydney Water by ERM Mitchell McCotter:

- July 1995 "Proposed Warragamba Flood Mitigation Dam Environmental Impact Statement (3 Volumes) and;
- November 1996 Proposed Warragamba Dam and Auxiliary Spillway Environmental Impact Statement (4 Volumes)

to identify and work towards the most economically viable, large - scale flood mitigation works and measures to reduce the height of major floods in the Hawkesbury - Nepean Valley and reduce the need for an enormous evacuation of downstream residents and damage to their property and community infrastructure costing millions of dollars resulting from major flood events.

Councillor Paine, Porter and Williams requested that their names be recorded as having voted against the Motion.

**ORDINARY MEETING**  
**MINUTES: 13 December 2011**

**Item: 282**            **CP - Human Services Advisory Committee and Constitution - (95498)**

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**MOTION:**

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

*Refer to RESOLUTION*

**455 RESOLUTION:**

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

That:

1. Council endorse the Constitution of the Human Services Advisory Committee attached to the report.
2. Current Community Planning Advisory Committee members constitute the Human Services Advisory Committee.

**Item: 283**            **CP - Results of the 2011 Community Survey - (95498, 79342)**

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**MOTION:**

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

*Refer to RESOLUTION*

**456 RESOLUTION:**

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

That the:

1. Information be received.
2. Results of the 2011 Community Survey be displayed on Council's website.

**SUPPORT SERVICES**

**Item: 284            SS - Monthly Investments Report - November 2011 - (96332, 95496)**

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**MOTION:**

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

*Refer to RESOLUTION*

**457 RESOLUTION:**

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

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

ORDINARY MEETING

MINUTES: 13 December 2011

CONFIDENTIAL REPORTS

**458 RESOLUTION:**

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

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

**459 RESOLUTION:**

RESOLVED on the motion of Councillor Mackay, 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: 285 GM - Tender No. 01911 - Supply of OHS Specialised Services**

*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.*

**Item: 286 SS - Property Matter - Lease to Hawkesbury District Tennis Association Inc. - Richmond Tennis Centre - Part of Lot 2 in Deposited Plan 1062683 (part of Ham Common)**

*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 a 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 the public interest.*

**Item: 287 SS - Property Matter - Lease to Ahuja Enterprises Pty Ltd (Operating as Pizza Hut) - 69 Macquarie Street, Windsor)**

*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 a 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 the public interest.*

**Item: 288 SS - Property Matter - Lease to Upper Hawkesbury Power Boat Club - Club House - Governor Phillip Park**

*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 a 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 the public interest.*



**ORDINARY MEETING**

**MINUTES: 13 December 2011**

**Item: 289 SS - Property Matter - State Property Authority (for NSW Department of Community Services) - Suite 3, Deerubbin Centre, 300 George Street, Windsor**

*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 a 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 the public interest.*

**Item: 290 GM - Staff Matter**

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(a) of the Local Government Act, 1993 as it relates to personnel matters concerning particular individuals (other than Councillors).*

**Item: 291 GM - Staff Matter 2**

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(a) of the Local Government Act, 1993 as it relates to personnel matters concerning particular individuals (other than Councillors).*

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.

**460 RESOLUTION:**

RESOLVED on the motion of Councillor Mackay, seconded by Councillor Reardon that open meeting be resumed.

**Item: 285 GM - Tender No. 01911 - Supply of OHS Specialised Services - (79351, 79509)  
CONFIDENTIAL**

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**MOTION:**

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

***Refer to RESOLUTION***

**461 RESOLUTION:**

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

**ORDINARY MEETING**

**MINUTES: 13 December 2011**

That:

1. The tender submitted by Minerva Consulting Group to provide OHS Specialised Services to Council for a period of four years commencing 1 January 2012 to 31 December 2015 at the daily rate of \$1,479.50 (inclusive of GST) with annual increases in line with CPI, be accepted.
2. Authority be given for the contract arising from this tender to be executed under the Seal of Council.

**Item: 286            SS - Property Matter - Lease to Hawkesbury District Tennis Association Inc - Richmond Tennis Centre - Part of Lot 2 in Deposited Plan 1062683 (part of Ham Common) - (95496, 74070) CONFIDENTIAL**

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**MOTION:**

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

***Refer to RESOLUTION***

**462 RESOLUTION:**

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

That:

1. Council agree to enter into a new lease with Hawkesbury District Tennis Association Inc for Part of Lot 2 in Deposited Plan 1062683 as outlined in the report.
2. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.
3. Details of Council's resolution be conveyed to the proposed Lessees, 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.

**Item: 287            SS - Property Matter - Lease to Ahuja Enterprises Pty Ltd (Operating as Pizza Hut) - 69 Macquarie Street, Windsor - (95496, 74060) CONFIDENTIAL**

**Previous Item:**        60, Ordinary (29 March 2011)

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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 Mackay.

**ORDINARY MEETING**

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***Refer to RESOLUTION***

**463 RESOLUTION:**

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

That:

1. Council agree to enter into a new lease with Ahuja Enterprises Pty Ltd (operating as Pizza Hut) in regard to 69 Macquarie Street, Windsor, 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.
3. Details of Council's resolution be conveyed to the proposed Lessees, 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.

**Item: 288                    SS - Property Matter - Lease to Upper Hawkesbury Power Boat Club - Club House  
- Governor Phillip Park - (95496, 73829) CONFIDENTIAL**

---

**MOTION:**

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

***Refer to RESOLUTION***

**464 RESOLUTION:**

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

That:

1. Council agree to enter into a new lease of the Club House at Governor Phillip Park, with The Upper Hawkesbury Power Boat Club as outlined in the report.
2. Authority be given for any documentation in association with the matter to be executed under the Seal of Council.
3. Details of Council's resolution be conveyed to the proposed Lessees, together with the advice that Council is not, and will not, be bound by the terms of the resolution, until such time as appropriate legal documentation to put such resolution into effect has been agreed to and executed by all parties.

**ORDINARY MEETING**

**MINUTES: 13 December 2011**

**Item: 289**            **SS - Property Matter - State Property Authority (for NSW Department of Community Services) - Suite 3, Deerubbin Centre, 300 George Street, Windsor - (95496, 117653) CONFIDENTIAL**

---

**MOTION:**

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

***Refer to RESOLUTION***

**465 RESOLUTION:**

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

That:

1. Council agree to enter into a new lease with State Property Authority in regard to Part Folio 50/1035291 being Suite 3, Deerubbin Centre, 300 George Street, Windsor 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.
3. Details of Council's resolution be conveyed to the proposed Lessees, 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.

**Item: 290**            **GM - Staff Matter - (79351) CONFIDENTIAL**

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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 Calvert.

***Refer to RESOLUTION***

**466 RESOLUTION:**

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

That Council concur with the course of action proposed by the General Manager in the report in connection with this matter.

**ORDINARY MEETING**

**MINUTES: 13 December 2011**

**Item: 291            GM - Staff Matter 2 - (79351)    CONFIDENTIAL**

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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 Calvert.

*Refer to RESOLUTION*

**467 RESOLUTION:**

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

That Council agree to acknowledge the service of the Director Infrastructure Services upon his retirement in the fashion outlined in the General Manager's report in this regard.

**ORDINARY MEETING**

**MINUTES: 13 December 2011**

**QUESTIONS FOR NEXT MEETING**

**Councillor Questions From Previous Meetings and Responses - (105109)**

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Responses to Questions in relation to previous Questions for Next Meeting were provided and discussed.

**ORDINARY MEETING**

**MINUTES: 13 December 2011**

**QUESTIONS FOR NEXT MEETING**

#	Councillor	Question	Response
1	Bassett	Enquired if Council could investigate/ask Hawkesbury Radio how many paid up members they have and the names of these members?	General Manager
2	Conolly	Enquired about access to hardcopy business papers prior to Ordinary Meetings and enquired what could be done about providing more access to Business Papers.	Director Support Services
3	Reardon	Enquired if she could be provided with a hardcopy of Destination 2036.	General Manager

The meeting terminated at 8:17pm.

Submitted to and confirmed at the Ordinary meeting held on 31 January 2012.

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Mayor