



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 10 May 2011
location: council chambers
time: 6:30 p.m.

ORDINARY MEETING

MINUTES: 10 May 2011

MINUTES

- **WELCOME / EXPLANATIONS / PRAYER**
- **APOLOGIES**
- **DECLARATION OF INTERESTS**
- **SECTION 1 - Confirmation of Minutes**
- **AGENDA 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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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 10 May 2011, commencing at 6.34pm.

Reverend Noel Edwardes of Windsor District Baptist Church, 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 K Ford, W Mackay, C Paine, 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, Manager Corporate Services and Governance - Abbey Rouse and Acting Administrative Support Team Leader - Amy Dutch.

APOLOGIES

Apologies for absence were received from Councillors B Calvert and B Porter.

135 RESOLUTION:

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

Councillor Mackay arrived at the meeting at 6.39pm.

SECTION 1: Confirmation of Minutes

136 RESOLUTION:

RESOLVED on the motion of Councillor Tree and seconded by Councillor Paine that the Minutes of the Ordinary Meeting held on the 12 April 2011, be confirmed.

137 RESOLUTION:

RESOLVED on the motion of Councillor Reardon and seconded by Councillor Rasmussen that the Minutes of the Extraordinary Meeting held on the 19 April 2011, be confirmed.

ORDINARY MEETING

MINUTES: 10 May 2011

138 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Reardon that the Minutes of the Extraordinary Meeting held on the 3 May 2011, be confirmed.

ORDINARY MEETING

MINUTES: 10 May 2011

SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 83 **GM - Draft Hawkesbury Local Environmental Plan 2009 - Proposed Extra-Ordinary Council Meeting to Consider Submissions, etc. - (79351, 95498)**

Previous Item: 201, Ordinary (29 September 2009)
 219, Ordinary (13 October 2009)

MOTION:

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

Refer to RESOLUTION

139 RESOLUTION:s

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

That an Extra-Ordinary meeting of Council be held on Tuesday, 7 June 2011 to consider a report in relation to the Draft Hawkesbury Local Environmental Plan 2009, submissions received and actions to be taken to further progress the matter.

Councillor Ford requested that his name be recorded as having voted against the motion.

ORDINARY MEETING

MINUTES: 10 May 2011

Item: 84 **GM - 2011 Hawkesbury Local Business Awards - (79351, 80198)**

Previous Item: 112, Ordinary (30 June 2009)
 112, Ordinary (8 June 2010)

MOTION:

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

Refer to RESOLUTION

140 RESOLUTION:

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

That:

1. Council agree to sponsor the 2011 Local Business Awards to the value of \$5,000 (excluding GST) on the basis of further negotiations being undertaken with Precedent Productions concerning sponsorship benefits.
2. A Council's Sponsorship Agreement be entered into with Precedent Productions for the 2011 Local Business Awards.

ORDINARY MEETING

MINUTES: 10 May 2011

**Item: 85 GM - Sister City of Kyotamba - Invitation to visit in October and November 2011 -
(79351,100474)**

MOTION:

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

Refer to RESOLUTION

141 RESOLUTION:

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

That:

1. Council receive, with thanks, the invitation from the Mayor of Kyotamba to visit Kyotamba for national and local festivals being held in the Town in 2011 as part of the two councils Sister City relationships.
2. Council not nominate an "official" representative/s to attend the events in association with arrangements being made by the Hawkesbury Sister Cities Association Inc. but endorse the attendance of any councillor who may wish to participate in the exchange at their own cost.
3. The Mayor advise the Mayor of Kyotamba of Council's decision.
4. A further report be submitted concerning the composition of the delegation to visit Kyotamba being organised by the Hawkesbury Sister City Association Inc. and the possible provision of additional financial assistance by Council to the Association towards the costs involved in undertaking the delegation in view of the significance of the event.

ORDINARY MEETING

MINUTES: 10 May 2011

CITY PLANNING

Item: 86 **CP - Application for a Primary Service Authorisation - Susan Mahlenhoff - 3356 Putty Road, Colo Heights - (95498)**

Previous Item: NM1, Ordinary (30 June 2009)

MOTION:

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

Refer to RESOLUTION

142 RESOLUTION:

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

That a response be provided to ArtisanOz Consulting advising that, subject to the consultation with adjoining properties being broadly notified, no issues are raised by Council associated with a Primary Service Authorisation for the restaurant on the subject premises.

Item: 87 **CP - Hawkesbury Disability Action Plan - (88324, 75816, 119366)**

Previous Item: 272, Ordinary (12 October 2010)
232, Ordinary (30 November 2010)
165, Ordinary (13 July 2010)
NM2, Ordinary (8 June 2010)

MOTION:

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

Refer to RESOLUTION

143 RESOLUTION:

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

That the Council adopt the proposed terms of reference within the report for the production of the *Hawkesbury Disability Action Plan*.

ORDINARY MEETING

MINUTES: 10 May 2011

Item: 88 **CP - Facilitated Meeting with Hawkesbury River User Groups - Use of River by Western Sydney Water Ski Club - (95498)**

Previous Item: NM1, Ordinary (29 March 2011)

MOTION:

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

Refer to RESOLUTION

144 RESOLUTION:

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

That:

1. The outcomes of the facilitated meeting held on 13 April 2011 at the Council Chambers to discuss the use of Hawkesbury River by the Western Sydney Water Ski Club be received.
2. Council assist the Western Sydney Water Ski Club to investigate alternate options for a slalom water skiing and ski-jump training course by providing contact details of relevant agencies or landowners and facilitating introductions to these entities.
3. Council write to the groups and local residents who attended the facilitated meeting to thank them for their contribution and constructive participation in the meeting discussions.

ORDINARY MEETING

MINUTES: 10 May 2011

Item: 89 CP - Submissions received following Public Exhibition of the Residential Land Strategy - (95498)

Previous Item: 148, Ordinary (8 July 2008)
273, Ordinary (8 December 2009)
223, Ordinary (28 September 2010)

Mr Dean Olsen and Mr Michael Want, proponents, addressed Council.
Mr Jonathan O'Brien and Mr Trevor Devine, respondents, addressed Council.

MOTION:

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

Refer to RESOLUTION

145 RESOLUTION:

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

That Council:

1. Adopt the changes proposed to the Hawkesbury Residential Land Strategy following public exhibition as detailed in the report and the inclusion of appropriate wording in the preamble to the document to place the document in context with State and other strategies.
2. Adopt the amended Hawkesbury Residential Land Strategy.

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	Nil
Councillor Conolly	
Councillor Ford	
Councillor Mackay	
Councillor Paine	
Councillor Rasmussen	
Councillor Reardon	
Councillor Tree	
Councillor Whelan	
Councillor Williams	

Councillors Calvert and Porter were absent from the meeting.

ORDINARY MEETING

MINUTES: 10 May 2011

INFRASTRUCTURE SERVICES

Item: 90 **IS - Parks Generic Plans of Management - (95495, 79354)**

Previous Item: 21, Ordinary (15 February 2011)

MOTION:

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

Refer to RESOLUTION

146 RESOLUTION:

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

That the:

1. Categorisation of each parcel of land identified within the Plans of Management be adopted.
2. Parks identified in Attachment 2 to the report be declared as being of cultural significance, and individual Plans of Management be developed for these parks/reserves as funding becomes available.
3. Generic Plans of Management be adopted.

ORDINARY MEETING

MINUTES: 10 May 2011

Item: 91 **IS - Dog Off-Leash Areas - (79354)**

Previous Item: NM1, Ordinary (14 September 2010)

MOTION:

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

Refer to RESOLUTION

147 RESOLUTION:

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

That:

1. Fenced dog off-leash areas be established as funding permits at the following parks:

- Hanna Park, North Richmond
- Peel Park, North Richmond
- Macquarie Park, Windsor

with potential for funding the Peel Park project in 2011/2012 to be considered at relevant quarterly reviews.

2. Additional dog off-leash areas be considered as part of the Recreation Open Space Strategy

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Item: 92 **IS - Exclusive Use of Governor Phillip Reserve - Upper Hawkesbury Power Boat Club and NSW Water Ski Federation Ltd - (79354, 74204)**

MOTION:

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

Refer to RESOLUTION

148 RESOLUTION:

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

That:

1. Approval be granted to the Upper Hawkesbury Power Boat Club for "Exclusive Use" of Governor Phillip Reserve for the Windsor Spectacular on the 17-18 September 2011.
2. Approval be granted to the NSW Water Ski Federation Ltd for "Exclusive Use" of Governor Phillip Reserve for the 50th Bridge to Bridge Water Ski Race on the 12-13 November 2011.
3. The approval be subject to the following conditions/documents:
 - a) Council's general park conditions.
 - b) Council's Fees and Charges.
 - c) The Windsor Foreshore Plan of Management.
 - d) The Governor Phillip Exclusive Use Policy.
 - e) Governor Phillip Noise Policy.
 - f) A Traffic Management Plan which has been approved as part of the Special Event Application.
4. As the applicants have not advised alternative dates in the event of inclement weather, the General Manager be given authority to negotiate exclusive use on an alternate date, if required by the applicant.

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Item: 93 **IS - Development Servicing Plan - Windsor Sewerage Scheme - (95494, 79357)**

Previous Item: 74, Ordinary (12 April 2011)

MOTION:

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

Refer to RESOLUTION

149 RESOLUTION:

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

That the Development Servicing Plan for the Windsor Sewerage Scheme area, included as Attachment 1 to the report, be placed on public exhibition for a period of 28 days.

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	Nil
Councillor Conolly	
Councillor Ford	
Councillor Mackay	
Councillor Paine	
Councillor Rasmussen	
Councillor Reardon	
Councillor Tree	
Councillor Whelan	
Councillor Williams	

Councillors Calvert and Porter were absent from the meeting.

ORDINARY MEETING

MINUTES: 10 May 2011

SUPPORT SERVICES

Item: 94 SS - Goods and Services Tax Compliance Certificate 2011 - (96332, 95496)

MOTION:

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

Refer to RESOLUTION

150 RESOLUTION:

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

That the Goods and Services Tax Certificate for the period from 1 May 2010 to 30 April 2011 be endorsed in accordance with Department of Local Government Circular 05/06.

Item: 95 SS - Monthly Investments Report - March 2011 - (96332, 95496)

Previous Item: 144, Ordinary (29 June 2010)

MOTION:

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

Refer to RESOLUTION

151 RESOLUTION:

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

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

ORDINARY MEETING

MINUTES: 10 May 2011

Item: 96 SS - Pecuniary Interest Returns - (79337, 95496)

MOTION:

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

Refer to RESOLUTION

152 RESOLUTION:

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

That the information be received and noted.

Item: 97 SS - Membership of the Sustainable Choice Program - (95496, 96332, 112608)

MOTION:

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

Refer to RESOLUTION

153 RESOLUTION:

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

That Council agree to become a member of the Sustainable Choice Program by:

1. Accepting in writing the Local Government and Shires Association's invitation to join the Program.
2. Establishing a team with responsibility to co-ordinate sustainable procurement in Council.
3. Developing, adopting and implementing sustainable purchasing policy principles.
4. Integrating sustainable procurement principles into Council's purchasing processes.
5. Establishing a tracking system to monitor the scope and level of purchasing activity.
6. Participating in the Sustainable Choice Program annual reporting questionnaire to record the scope and level of sustainable procurement taking place in NSW local government.
7. Staff participation in peer education forums, (workshops, etc) to facilitate increased levels of awareness of the benefits of sustainable procurement.

Councillor Williams requested that his name be recorded as having voted against the motion.

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CONFIDENTIAL REPORTS

154 RESOLUTION:

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

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

155 RESOLUTION:

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

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: 98 GM - Staff Matter - Mr RC Shepherd - (79351) CONFIDENTIAL

*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: 99 IS - Tender No. 01711 - Reconstruction of a Sealed Section of Scheyville Road & Midson Road - (95495, 79344) CONFIDENTIAL

*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: 100 IS - Tender 01411 - The Caretaking & Operation of the Lower Portland Ferry - (79344, 95495) CONFIDENTIAL

*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.*

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.

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156 RESOLUTION:

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

ORDINARY MEETING

MINUTES: 10 May 2011

GENERAL MANAGER

Item: 98 GM - Staff Matter - Mr RC Shepherd - (79351) CONFIDENTIAL

MOTION:

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

Refer to RESOLUTION

157 RESOLUTION:

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

That the information regarding the settlement of a Workers Compensation claimed lodged by Council's employee, Mr R C Shepherd, be noted.

ORDINARY MEETING

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INFRASTRUCTURE SERVICES

Item: 99 **IS - Tender No. 01711 - Reconstruction of a Sealed Section of Scheyville Road & Midson Road - (95495, 79344) CONFIDENTIAL**

Previous Item: 252, Ordinary (9 November 2010)

MOTION:

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

Refer to RESOLUTION

158 RESOLUTION:

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

That:

1. The tender submitted by MJ & MD Skinner P/L in the total amount of \$1,325,815.68 for the reconstruction of failed sections of Scheyville and Midson Roads, be accepted.
2. Any required documentation be executed under the Seal of Council.

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

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Item: 100 **IS - Tender 01411 - The Caretaking & Operation of the Lower Portland Ferry - (79344, 95495) CONFIDENTIAL**

Previous Item: 40, Ordinary (26 February 2008)

MOTION:

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

Refer to RESOLUTION

159 RESOLUTION:

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

That:

1. The tender received from Hawkesbury Ferry Services P/L in the amount of \$1,221,104.97 (GST Exclusive for the operation of the Lower Portland Ferry for a three year period, commencing from the date of contract signature, be accepted, subject to the concurrence of The Hills Shire Council.
2. The Seal of Council be affixed to the contract documentation.

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SECTION 5 - Reports of Committees

ROC - Hawkesbury Disability Advisory Committee Minutes - 7 April 2011 - (88324)

160 RESOLUTION:

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

That the minutes of the Hawkesbury Disability Advisory Committee held on 7 April 2011 as recorded on pages 111 to 115 of the Ordinary Business Paper be received.

ROC - Floodplain Risk Management Advisory Committee Meeting Minutes - 18 April 2011 - (86589)

161 RESOLUTION:

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

That the minutes of the Floodplain Risk Management Advisory Committee held on 18 April 2011 as recorded on pages 116 to 120 of the Ordinary Business Paper be received.

ROC - Local Traffic Committee - 20 April 2011 - (80245)

162 RESOLUTION:

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

That the minutes of the Local Traffic Committee held on 20 April 2011 as recorded on pages 121 to 137 of the Ordinary Business Paper be adopted.

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QUESTIONS FOR NEXT MEETING

Councillor Questions From Previous Meetings and Responses - (105109)

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

Questions - 10 May 2011

#	Councillor	Question	Referred To
1	Paine	Referred to a letter received from the St Albans Group requesting changes be made to the speed limits at St Albans and advised that she will provide the request to staff to forward to the Local Traffic Committee.	Director Infrastructure Services

The meeting terminated at 8.02pm.

Submitted to and confirmed at the Ordinary meeting held on 31 May 2011.

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Mayor