



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 24 April 2012

location: council chambers

time: 6:30 p.m.

MINUTES

- **WELCOME / EXPLANATIONS / PRAYER**
- **APOLOGIES**
- **DECLARATION OF INTERESTS**
- **SECTION 1 - Confirmation of Minutes**
- **MINUTE 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**

ORDINARY MEETING

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 24 April 2012, commencing at 6:30pm.

Rev Noel Edwardes of the Windsor District Baptist Church, representing the Hawkesbury Minister's Association, gave the opening prayer at the commencement of the meeting.

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, P Rasmussen, J Reardon, W Whelan and L Williams.

ALSO PRESENT: General Manager - Peter Jackson, Director City Planning - Matt Owens, Director Infrastructure Services - Jeff Organ, Director Support Services - Laurie Mifsud, Manager Corporate Services and Governance - Abbey Rouse, Executive Manager - Community Partnerships - Joseph Litwin and Administrative Support Team Leader - Kylie Wade-Ferrell and Bianca James

APOLOGIES

An apology for absence was received from Councillors C Paine.

81 RESOLUTION:

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

Councillor Whelan and Councillor Paine arrived at the meeting at 6:35pm.

SECTION 1: Confirmation of Minutes

82 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Reardon that the Minutes of the Ordinary Meeting held on the 27 March 2012, be confirmed.

83 RESOLUTION:

RESOLVED on the motion of Councillor Reardon and seconded by Councillor Tree that the Minutes of the Extraordinary Meeting held on the 17 April 2012, be confirmed.

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SECTION 3 - Notices of Motion

NM - Possible Closure of Francis Street, Richmond which passes through Smith Park - (111627)

MOTION:

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

Refer to RESOLUTION

84 RESOLUTION:

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

That a report be submitted to Council regarding the possible closure of the section of Francis Street, Richmond which passes through Smith Park for incorporation into the park and the possible subsequent upgrade of park amenities, such as BBQs, toilets, playground equipment. etc., with a view to enhancing the park in a similar fashion to the community funded park development undertaken by Orange City Council.

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SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 45 **GM - North West Rail Link - Options for Future Extension in Planning for North West Sydney - Public Transport Needs - (79351)**

Previous Item: MM2, Ordinary (8 April 2008)
 MM, Ordinary (26 August 2008)
 MM, Ordinary (11 November 2008)

Mr Michael Want, proponent, addressed Council.

Councillor Conolly declared a significant non-pecuniary conflict of interest in this matter as he is the Member for Parliament for Riverstone and a Councillor in Hawkesbury LGA the interests of his constituents in Riverstone may not be consistent with the interests of his Council constituents. He left the Chamber and did not take part in voting or discussion on the matter.

MOTION:

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

Refer to RESOLUTION

85 RESOLUTION:

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

That Council make a submission to the Discussion Paper dated March 2012 and titled "Northwest Transport Options – Planning North West Sydney's Future Public Transport Needs" supporting Option A as outlined in this document as this option can provide for a link between the North West Rail Link and the Richmond rail line and has potential opportunities for further extension of the transport link to the main Western rail line and Council suggest that any proposed connection at Schofields should be a complete connection between the North West Rail Link and the Richmond line.

86 RESOLUTION:

RESOLVED on the FORESHADOWED motion moved by Councillor Williams, seconded by Councillor Paine.

That Council requests the State Government to investigate the extension of public transport within the Hawkesbury LGA to ease traffic congestion and assist residents to move within and beyond the LGA.

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Item: 46 **GM - Release of Joint Study on Aviation Capacity for the Sydney Region (79351)**

Previous Item: Item 22, Ordinary (23 February 2010)
 Item 23, Ordinary (23 February, 2010)

MOTION:

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

Refer to RESOLUTION

87 RESOLUTION:

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

That the information regarding the Joint Study on the aviation capacity in the Sydney region be received.

ORDINARY MEETING

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CITY PLANNING

Item: 47 CP - Development Application - Request Modification of Consent - Tourist Facility - 30 Tourist Cabins - Lot 77 DP 211935 and Lot 2 DP 1080830, Chaseling Road North, Webbs Creek - (95498, 27637, 27638, 102260)

Mr Robert Montgomery, proponent, addressed Council.

MOTION:

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

Refer to RESOLUTION

88 RESOLUTION:

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

That the matter be deferred to the next Councillor Briefing Session.

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 Calvert	
Councillor Conolly	
Councillor Ford	
Councillor Mackay	
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Tree	
Councillor Whelan	
Councillor Williams	

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INFRASTRUCTURE SERVICES

Item: 48 **IS - LGSA Discussion Paper - Review of Local Government Engagement with the NSW Rural Fire Service - (79016)**

MOTION:

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

Refer to RESOLUTION

89 RESOLUTION:

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

That Council:

1. Support a continuing dialogue and discussion over future engagement with the RFS to ensure optimum fire management services are provided to the community.
2. Forward a submission to the LGSA as outlined in the report in response to its discussion paper.

SUPPORT SERVICES

Item: 49 **SS - Monthly Investments Report - March 2012 - (96332, 95496)**

Previous Item: 144, Ordinary (29 June 2010)

MOTION:

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

Refer to RESOLUTION

90 RESOLUTION:

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

That the report regarding the monthly investments for March 2012 be received and noted.

Item: 50 **SS - Pecuniary Interest Returns - (95496, 96333)**

MOTION:

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

Refer to RESOLUTION

91 RESOLUTION:

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

That the information be received and noted.

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Item: 51 **SS - Review of Windsor Mall Policy and Outdoor Dining & Footpath Trading Policy - (95496, 96333)**

Previous Item: 75, Ordinary (24 April 2007)
 190, Ordinary (9 September 2008)

MOTION:

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

Refer to RESOLUTION

92 RESOLUTION:

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

That:

1. The amended "Outdoor Dining and Footpath Trading Policy" attached as Attachment 1 to the report, be placed on public exhibition for a period of 28 days, and that the matter be reported back to Council at the conclusion of the exhibition period.
2. The amended "Windsor Mall Policy" attached as Attachment 2 to the report, be placed on public exhibition for a period of 28 days, and that the matter be reported back to Council at the conclusion of the exhibition period.
3. Following the 28 day exhibition period, this matter be referred to a Councillor Briefing Session prior to being further reported to Council.

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CONFIDENTIAL REPORTS

93 RESOLUTION:

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

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

94 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: SS - Property Matter - 37 Macquarie Street, Windsor - (95496, 112106, 74060)

*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: SS - Property Matter - Assignment of Lease from Wayne and Leanne Gerahty to Jessica L'Estrange Pty Ltd - Shop 6, Glossodia Shopping Centre - (95496, 112106, 8999, 77895, 119464, 119465, 113095)

*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/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.*

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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95 RESOLUTION:

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

**Item: 52 SS - Property Matter - 37 Macquarie Street, Windsor - (95496, 112106, 74060)
CONFIDENTIAL**

MOTION:

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

Refer to RESOLUTION

96 RESOLUTION:

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

That further reports be submitted to Council regarding:

1. An appropriate source of funding for the demolition of the building at 37 Macquarie Street, Windsor (former KFC store) and restoration of the site for car parking purposes.
2. A suitable alternate site, either within or in close proximity to the existing Macquarie Street Car Park, for a new public toilet building and possible sources of funding for the facility.

Further, the issue of Tourist Bus Parking in the location also be considered.

Item: 53 SS - Property Matter - Assignment of Lease from Wayne and Leanne Gerahty to Jessica L'Estrange Pty Ltd - Shop 6, Glossodia Shopping Centre - (95496, 112106, 8999, 77895, 119464, 119465, 113095) CONFIDENTIAL

MOTION:

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

Refer to RESOLUTION

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97 RESOLUTION:

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

That:

1. Council agree to the assignment of the lease of Shop 6 Glossodia Shopping Centre from Wayne and Leanne Gerahty to Jessica L'Estrange Pty Ltd, 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 Assignor and Assignee, together with the advice that Council is not, and will not, be bound by the terms of its resolution until such time 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 - Local Traffic Committee - 16 April 2012 - (80245)

98 RESOLUTION:

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

That the minutes of the Local Traffic Committee held on 16 April 2012 as recorded on pages 53 to 67 of the Ordinary Business Paper be adopted.

ORDINARY MEETING
Questions for Next Meeting

QUESTIONS FOR NEXT MEETING

Questions from Previous Meetings and Responses - (105109)

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

ORDINARY MEETING

Questions for Next Meeting

Questions for Next Meeting

#	Councillor	Question	Response
1	Reardon	Requested Council to investigate the condition of Jones Road following a resident's advice regarding collapsed road base.	Director Infrastructure Services
2	Conolly	Requested to be advised if Hawkesbury Council are participants in the State Government's Fridge Buy Back Program and if we are not then could an explanation be provided why we are not involved in the Program.	Director City Planning
3	Bassett	Requested Council to contact the NSW Department of Fair Trading seeking advice in respect of Hawkesbury Radio relating to what alleged breaches have taken place, what action has been taken by the Department of Fair Trading, what responses have been received and what outstanding matters need to be resolved.	General Manager
4	Paine	Advised that the condition of Macquarie Street Windsor requires attention and requested works to be undertaken to improve the overall appearance.	Director Infrastructure Services
5	Paine	Advised that there is a substantial amount of soil washing onto the road way due to turf not being laid at Howe Park, where the Sand Castle Competition was conducted and requested that this be investigated.	Director Infrastructure Services
6	Paine	Referred to correspondence from whether Macquarie Towns Orchestra regarding publicity for their organisation and asked what the situation was.	General Manager
7	Paine	Requested a completion date for Windsor Wharf.	Director Infrastructure Services
8	Paine	Requested Council staff to reassess their decision regarding the removal of a gum tree beside 106 Colonial Drive, Bligh Park as it is a danger to those walking in the vicinity.	Director Infrastructure Services

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#	Councillor	Question	Response
9	Calvert	Advised that Mrs Smith of Pecks Road, North Richmond wrote to Council regarding Redbank Creek. A second letter has been forwarded to Council and Councillor Calvert requested a copy of Council's response to Mrs Smith.	Director, City Planning
10	Calvert	Requested information regarding Council's Customer Service Policy and the timeframe's that are contained in the Policy to respond to correspondence.	Director City Planning
11	Porter	Advised that the area in front of Wilberforce shops needs maintenance and turf relayed and requested this to be investigated.	Director Infrastructure Services

The meeting terminated at 9:26pm.

Submitted to and confirmed at the Ordinary meeting held on 8 May 2012.

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Mayor