



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 12 October 2010
location: council chambers
time: 6:30 p.m.

ORDINARY MEETING MINUTES

Meeting Date: 12 October 2010

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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ORDINARY MEETING MINUTES

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 12 October 2010, commencing at 6.30pm.

Pastor Ralph Parnwell of the River of Life 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 B Calvert, K Ford, C Paine, B Porter, P Rasmussen, J Reardon, T Tree and W Whelan.

ALSO PRESENT: General Manager - Peter Jackson, Director City Planning - Matt Owens, Acting Director Infrastructure Services - Richard Vaby, Director Support Services - Laurie Mifsud, Manager Corporate Services and Governance - Fausto Sut and Administrative Support Team Leader - Amy Dutch.

APOLOGIES

Apologies for absence were received from Councillors W Mackay and L Williams.

360 RESOLUTION:

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

Councillor Rasmussen arrived at the meeting at 7.28pm.

SECTION 1: Confirmation of Minutes

361 RESOLUTION:

RESOLVED on the motion of Councillor Reardon and seconded by Councillor Tree that the Minutes of the Ordinary Meeting held on the 28 September 2010, be confirmed.

ORDINARY MEETING MINUTES

Meeting Date: 12 October 2010

SECTION 2 - Mayoral Minutes

MM - Traffic Issues - Grose Vale Road/William Street/Riverview Street Intersections, North Richmond - (90479)

MOTION:

RESOLVED on the motion of the Mayor, Councillor Bassett.

Refer to RESOLUTION

362 RESOLUTION:

RESOLVED on the motion of the Mayor, Councillor Bassett.

That a review of the work done on the previous traffic study undertaken in the late 1990s be carried out, with updated traffic movements particularly around the intersections of Grose Vale Road with Elizabeth Street, William Street and Riverview Street, North Richmond with a view to recommending works which may improve traffic flows within that area.

ORDINARY MEETING MINUTES

Meeting Date: 12 October 2010

SECTION 3 - Notices of Motion

NM1 - Heritage/Tourist Trail, Mulgrave Station to Windsor Station - (111630)

Mr Max Jarman and Mr Marinus Tapper, proponents, addressed Council.

MOTION:

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

Refer to RESOLUTION

363 RESOLUTION:

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

That a report be prepared for Council's consideration, identifying a "heritage/tourist trail" including appropriate signage and costs, from Mulgrave station to Windsor station, via Windsor Road and Windsor shopping centre, with a view to extending the trail to Clarendon when the pedestrian link between Windsor and Clarendon is constructed and that the matter be discussed at a Councillor Briefing Session prior to the report being submitted to Council.

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SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 228 **GM - Hawkesbury Civic and Citizenship Committee Constitution and Award Program Criteria Changes - (79351, 96972)**

MOTION:

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

Refer to RESOLUTION

364 RESOLUTION:

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

That:

1. The wording of the clause 1, (c) and (e), Structure and Membership in the Civic and Citizenship Committee Constitution be amended to the following:
 - (c) Three community appointments, appointed by Council following the calling of applications as detailed in clause 6(b) of this Constitution;
 - (e) A representative from each of the sponsor organisations: Richmond Club and Hawkesbury Sports Council, nominated by these organisations for the period that these organisations remain as sponsors to their respective award programs.
2. The current criteria for Citizen of the Season/Year and Young Citizen of the Season/Year Awards be amended as follows:
 - (a) The age requirement for the Citizen of the Season/Year award be over 25 as at 26 January of the following year to be in line with the age requirement of the Young Citizen of the Season/Year award.
 - (b) The length of time between which the same awards can be presented to a previous recipient be five years.
 - (c) Nominees for the Citizen of the Season and Young Citizen of the Season Awards who are not local residents, but who have made a significant contribution to the local community over an extended period of time or demonstrated extensive commitment, and the local community directly benefits from this, will still be eligible nominees for the award.
 - (d) Council staff contact previous nominators who had ineligible nominees, due to being not local residents, to inform them of this change in criteria and inform them that their nominations will now be considered.
3. The necessary changes be made to the Citizen of the Year Policy, including reflecting the change from Citizen of the Month to the Citizen of the Season format, previously resolved by Council.

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Item: 229 **GM - Australian Local Government Women's Association Inc - National Conference 2010 - (79351, 105808)**

MOTION:

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

Refer to RESOLUTION

365 RESOLUTION:

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

That attendance of nominated Councillors, and staff as considered appropriate by the General Manager, at the Australian Local Government Women's Association Inc National Conference at an approximate cost of \$800.00 (excluding accommodation) plus travel expenses per delegate be approved.

There were no Councillors nominated to attend the Conference.

Item: 230 **GM - Local Government and Shires Association of NSW - Nominations and Applications for the Greater Blue Mountains World Heritage Area Advisory Committee - (79351, 79633, 112608, 118820)**

MOTION:

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

Refer to RESOLUTION

366 RESOLUTION:

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

That the matter of the nomination of a representative to the Local Government and Shires Association of NSW for the Greater Blue Mountains World Heritage Area Advisory Committee be considered by Council.

367 RESOLUTION:

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

That Councillor Paul Rasmussen be nominated to the Local Government and Shires Association of NSW as a representative of the Greater Blue Mountains World Heritage Area Advisory Committee and that in the event of Councillor Rasmussen being unable to accept the nomination that Councillor Reardon be nominated.

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CITY PLANNING

Item: 231 CP - Development Application - Torrens Title Subdivision Into Two Lots - Lot 2 DP 846501, 533 Wilberforce Road, Wilberforce - (DA0029/10, 817, 35757, 95498)

MOTION:

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

Refer to RESOLUTION

368 RESOLUTION:

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

That consideration of this matter be deferred to the next meeting of Council.

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 Calvert	
Councillor Conolly	
Councillor Ford	
Councillor Paine	
Councillor Porter	
Councillor Reardon	
Councillor Tree	
Councillor Whelan	

Councillors Rasmussen, Mackay and Williams were absent from the meeting.

ORDINARY MEETING

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Item: 232 **CP - Disability Advisory Committee - Appointment of Community Representatives - (88324)**

Previous Item: 165, Ordinary (13 July 2010)
 NM2, Ordinary (8 June 2010)

MOTION:

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

Refer to RESOLUTION

369 RESOLUTION:

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

That:

1. A Working Group consisting of the existing Councillors nominated for the Disability Advisory Committee and the General Manager, or his nominee, be established to review the nominations received for community representatives on the Disability Advisory Committee and to submit a recommendation to Council for the appointment of eight Community Representatives to the Committee in accordance with the Committee's Constitution.
2. In future, as a matter of policy, nominations of community representatives to Council Committees be dealt with at Council Meetings in confidential session.

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Item: 233 **CP - Representations to Community Services, Department of Human Services
NSW Regarding Reduction in Funding under the Families NSW Program -
(119366)**

MOTION:

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

Refer to RESOLUTION

370 RESOLUTION:

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

That Council:

1. Write to the Manager Regional Strategies: Met West, Communities and Early Year Division - Community Services, Department of Human Services, to express its concern at the decision to reduce funding for Families NSW projects in the Hawkesbury to fund an increase in service provision in Penrith and in particular, the impact this decision will have on vulnerable families with young children in South Windsor.
2. Make representations to the Minister for the State Plan and Minister for Community Services regarding this matter.
3. Request its local State Members of Parliament to support Council's representations in this regard.

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INFRASTRUCTURE SERVICES

Item: 234 **IS - State Heritage Listing, McQuade Park and Wilberforce Park - (95495, 79354)**

Mr Frank Scharfe, proponent, addressed Council.

MOTION:

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

Refer to RESOLUTION

371 RESOLUTION:

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

RECOMMENDATION:

That:

1. The proposal for McQuade Park and Wilberforce Park to be listed as State Heritage Items be endorsed.
2. A submission be forwarded the NSW Heritage Council requesting the inclusion of additional site specific exemptions as outlined within the report and including provision for the sporting activities undertaken in the parks to ensure the effective management of McQuade Park and Wilberforce Park.

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SUPPORT SERVICES

Item: 235 **SS - Suspension of Alcohol Free Zone and Restricted Alcohol Zone within Windsor Town Centre for the Sydney Blues Festival - Windsor 2010 - (95496, 107, 112106)**

Mr Rodney Coates and Ms Rebecca Perry, proponents, addressed Council.
Mr Frank Scharfe, respondent, addressed Council.

MOTION:

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

Refer to RESOLUTION

372 RESOLUTION:

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

That:

1. The Alcohol Free Zone within Windsor Mall, George Street, Windsor in the area indicated in Attachment 1 to this report as "*AFZ area*" be suspended between Fitzgerald Street and Kable Street, Windsor for the purpose of holding the Sydney Blues Festival – Windsor 2010 during the following dates and times:

Friday 29 October 2010 - 7.00pm to 10.30pm
Saturday 30 October 2010 - 1.00pm to 1.00am
Sunday 31 October 2010 - 1.00pm to 10.30pm
2. The Restricted Area Zone within Thompson Square Park in the area indicated in Attachment 1 to this report as "*RAZ area Thompson Square Park*" be suspended for the purpose of holding the Sydney Blues Festival - Windsor 2010 during the following dates and times:

Friday 29 October 2010 - 7.00pm to 10.30pm
Saturday 30 October 2010 - 1.00pm to 1.00am
Sunday 31 October 2010 - 1.00pm to 10.30pm
3. The suspension of the AFZ and RAZ as outlined in Parts 1 and 2 above, be subject to the following:
 - a) The licensed premises adjoining the suspended zones monitor Responsible Service of Alcohol within those areas.
 - b) The licensed premises ensure that only plastic glasses are used within those areas.
 - c) Those areas being barricaded off and relevant security be in place by the licensed premises to prevent clients entering or exiting those areas with alcoholic beverages.
 - d) The licensed premises adhere to any other requirements of the NSW Police Service and relevant authorities in relation to the service of alcohol within those areas.
4. The period of suspension of the Alcohol Free Zone within Windsor Mall between Fitzgerald Street and Kable Street, Windsor be advertised.

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5. Any Alcohol Free Zone and Restricted Area Zone signage within the affected areas are to be covered by the event organiser during the period of the suspension.
6. The event organiser and the NSW Police Service be advised of Council's decision and relevant consultation continue until the conclusion of the event.

Item: 236 SS - Code of Meeting Practice - Questions For Next Meeting - (95496, 79337)

Previous Item: 204, Ordinary (31 August 2010)
 107, Ordinary (25 May 2010)
 11, Ordinary (2 February 2010)
 210, Ordinary (29 September 2009)
 123, Ordinary (30 June 2009)
 NM, Ordinary (12 May 2009)
 201, Ordinary (28 June 2005)
 62, Ordinary (9 November 2004)

MOTION:

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

Refer to RESOLUTION

373 RESOLUTION:

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

That Council note and confirm, that its Resolution of 31 August 2010 in respect of Part 5 of Clause 3.3.12 of the Code of Meeting Practice, should have read as follows in accordance with the document placed on public exhibition:

"5. The subsequent reports responding to the questions are not subject to public address at the meeting answered."

Item: 237 SS - Public Libraries NSW Metropolitan Association - (95496)

Previous Item: 221, Extra-Ordinary (21 September 2010)

MOTION:

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

Refer to RESOLUTION

374 RESOLUTION:

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

That the report regarding the Public Libraries NSW Metropolitan Association be received and noted.

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Meeting Date: 12 October 2010

Item: 238 **SS - General Purpose Financial Report and Special Purpose Financial Report for 2009/2010 - (96332, 95496)**

MOTION:

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

Refer to RESOLUTION

375 RESOLUTION:

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

1. Council note the following Statement in respect of Section 413(2)(c) of the Local Government Act 1993 as to its Annual Financial Reports:
 - (a) Council's Annual Financial Reports for 2009/2010 have been drawn up in accordance with:
 - The Local Government Act 1993 (as amended) and the Regulations made there under,
 - The Australian Accounting Standards and Professional Pronouncements, and
 - The Local Government Code of Accounting Practice and Financial Reporting; and
 - (b) The reports present fairly the Council's financial position and operating result for the year; and
 - (c) The reports are in accordance with the Council's accounting and other records; and
 - (d) The signatories do not know of anything that would make these reports false or misleading in any way.
2. Council sign the "Statement by Councillors and Management". The statements are to be signed by the Mayor, Deputy Mayor, General Manager and the Responsible Accounting Officer.
3. Council seek a presentation from its External Auditor, PricewaterhouseCoopers, at a Council Meeting following the completion of the audit.

Item: 239 **SS - Pecuniary Interest Returns - Councillors and Designated Persons - (95496, 79337)**

MOTION:

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

Refer to RESOLUTION

376 RESOLUTION:

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

That the information be received and noted.

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CONFIDENTIAL REPORTS

377 RESOLUTION:

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

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

378 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: 240 SS - Update - Sale of 139 Colonial Drive, Bligh Park - (95496, 113106, 96333)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it relates to details concerning the sale of property by 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 proposed 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.

379 RESOLUTION:

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

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SUPPORT SERVICES

Item: 240 **SS - Update - Sale of 139 Colonial Drive, Bligh Park - (95496, 113106, 96333)**
CONFIDENTIAL

Previous Item: 85, Ordinary (13 July 2004)
 26, Ordinary (26 February 2008)

MOTION:

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

Refer to RESOLUTION

380 RESOLUTION:

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

That on this occasion Council proceed to offer Council's property at 139 Colonial Drive, Bligh Park for sale by an open tendering process subject to the relevant requirements of previous Council resolutions concerning the sale and on the basis of the costs incurred by Council in this process for advertising and contract amendment being limited to approximately \$20,000.

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QUESTIONS FOR NEXT MEETING

Councillor Questions From Previous Meetings and Responses - (105109)

Responses to previous Questions for Next Meeting were provided.

Questions - 12 October 2010

#	Councillor	Question	Referred To
1	Paine	Referred to the previous issue with the fly population on Terrace Road, Freemans Reach and advised that residents have reported that the flies are returning. She enquired if the matter could be investigated.	Director City Planning.
2	Calvert	Referred to the popularity of the gym equipment in Ham Common and enquired if other parks have similar items listed in their Management Plans. He enquired if Management Plans could be reviewed to include such equipment.	Director Infrastructure Services.
3	Calvert	Enquired if the Lions Markets will be returning to Richmond Park or if they will be continuing at their alternate location.	Director Infrastructure Services.
4	Porter	Enquired if Council conducted a Flood Study in the 1990's.	Director City Planning.
5	Porter	Enquired if the sewerage plant at the Australiana Pioneer Village is working correctly as there seems to be a sewerage stench emitting from the area.	Director Infrastructure Services.

The meeting terminated at 8.12pm.

Submitted to and confirmed at the Ordinary meeting held on 9 November 2010.

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Mayor