Hawkesbury City Council

ordinary meeting minutes

date of meeting: 26 April 2005
location: council chambers
time: 5:00 p.m.

MINUTES

- **WELCOME / EXPLANATIONS / PRAYER**
- **APOLOGIES**
- **DECLARATION OF INTERESTS**
- **SECTION 1 - Confirmation of Minutes**
- **MINUTES 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
    Commercial Strategy - (Corporate Response Unit)
    Environment and Development
    Asset Management
    Corporate and Community

- **SECTION 5 - Reports of Committees**
- **QUESTIONS WITHOUT NOTICE**

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 26 April 2005, commencing at 5:00pm.

Reverend John Gaunt of Pitt Town Anglican Church, representing the Hawkesbury Minister's Association, gave the opening prayer at the commencement of the meeting.

ATTENDANCE

PRESENT: Councillor B Bassett, Mayor, Deputy Mayor and Councillors T Books, B Calvert, K Conolly, T Devine, B Porter, P Rasmussen, R Stubbs and N Wearne

APOLOGIES

An apology for absence was received from Councillors D Finch, C Paine and L Williams.

RESOLVED on the motion of Councillor Wearne and seconded by Councillor Stubbs that the apology be accepted.

Councillor Rasmussen arrived at the meeting at 5:07pm

SECTION 1: Confirmation of Minutes

158 RESOLUTION:

RESOLVED on the motion of Councillor Stubbs and seconded by Councillor Wearne that the Minutes of the Ordinary Meeting held on the 12 April 2005, be confirmed.

SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 113 **GM B - Tsunami Concert Expenditure - (79356)**

Previous Item: 1, Ordinary (25 January 2005)

MOTION:

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

Refer to RESOLUTION

159 **RESOLUTION:**

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

That the sources of funding identified to support the event be endorsed.

COMMERCIAL STRATEGY - (CORPORATE RESPONSE UNIT)

Item: 114 RES B - "Shop Hawkesbury" - Hawkesbury Gazette and Courier Shopping Promotion - (79567)

MOTION:

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

Refer to RESOLUTION

160 **RESOLUTION:**

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Stubbs

That:

1. The Shop Hawkesbury 2005 promotional campaign be supported by Council in the Gazette and Courier newspapers, by:

   (a) Authorising the use of the Council Corporate Logo by the Gazette and Courier newspapers in association with the campaign; and

   (b) The attendance of Councillors, General Manager and his nominated staff at appropriate forums as hosted by the Gazette/Courier is endorsed.

2. The Gazette and Courier newspapers be notified of Council's support accordingly.

Item: 115 RES B - Cooperative Programs - (107, 935)

MOTION:

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

Refer to RESOLUTION

161 **RESOLUTION:**

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

That:

1. Authority be given to the General Manager to enter into appropriate commercial arrangements with the University of Western Sydney with a view to:

   (a) Accepting up to 4 (four) students under the Cooperative Programs scheme for the purpose of working on a range of economic development initiatives in conjunction with members of the Enterprise Panel and/or E-Commerce/Markets Advisory Committee. An amount of up to $10,000 (ten thousand dollars) be allocated for this purpose.

(b) Conducting research and developing business plans and/or business case studies for all major commercial precincts within the Local Government area under the Cooperative Programs (e.g. Industry Internship) scheme, beginning February 2006. Funding of up to $18,000 for this purpose to be included in the Local Economic Development budget for consideration by Council for the 2005/6 Financial Year.

2. All necessary documents be executed as appropriate (including use of the Common Seal of Council if required) to give effect to Council's resolution.

Item: 116 RES B - Tender for Tourism Services - (73824, 73538, 95695, 95670, 95654)

Previous Item: 3, Ordinary (25 January 2005)

MOTION:

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

Refer to RESOLUTION

162 **RESOLUTION:**

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

That:

1. Pursuant to Section 55(4) of the Local Government Act, Tenders be invited from those organisations previously lodging an Expression-of-Interest for the provision of Tourism Services - namely:

   (a) the Hawkesbury City Chamber of Commerce Inc,
   (b) Tourism Hawkesbury Inc,
   (c) The Stafford Group,
   (d) Keystone Corporate Positioning, and;
   (e) Aurora Practical Solutions.

2. Funding for this purpose be included in the local economic development budget for consideration by Council for the 2005/06 Financial Year.

3. A report recommending the preferred Tenderer be presented to Council for further consideration pending the assessment of offers.

Item: 117 **RES B - Signage Strategy for the Hawkesbury - Status and Arising Matters - (91811, 91368)**

Previous Item: 115, Ordinary (14 September 2004)

MOTION:

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

Refer to RESOLUTION

163 **RESOLUTION:**

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Stubbs

That:

1. The Signage Strategy be amended as shown in the attached document "Signage Policy V1.2".

2. The border design for the LGA Entry Signs be endorsed in accordance with the amended Signage Policy.

3. A 2-level approach to the Town Entry Signs be endorsed using the Council style of town entry sign and the RTA standard locality name plate.

4. The feasibility of developing a Gateway around the concept of a row-of-flags be investigated as a part of the Windsor Gateway in accordance with the amended Signage Policy. Subject to Council obtaining the necessary approvals, discussion take place in relation to amount of up to $50,000 being allocated from the CRU Local Economic Development program for the purpose of implementing this initiative.

5. The installation of all signs proceeds, subject to the incorporation of an approved marketing logo by Council.

Item: 118 **RES B - Developing Intellectual Property Assets - (107, 73538)**

Previous Item: 3, Ordinary (25 January 2005)
115, Ordinary (14 September 2004)

MOTION:

A MOTION was moved by Councillor Stubbs, seconded by Councillor Rasmussen.

That:

1. The revised logo known as “Option A (i)” be placed upon all LGA signs in accordance with Council’s Signage Policy and be considered as Council’s official marketing logo.

2. The value of the logo be enhanced where possible through its repeated use on relevant promotional material and be offered under licence by Council for further use by individual organisations as appropriate.

An AMENDMENT was moved by Councillor Calvert, seconded by Councillor Conolly

Refer to RESOLUTION

The amendment was carried.

The amendment then became the motion, which was put and carried.

164 RESOLUTION:

RESOLVED on the motion moved by Councillor Calvert, seconded by Councillor Conolly.

That:

1. Council register the logo as shown in 'Option A (i)".
2. This matter be deferred until the next Council meeting.

Item: 119 RES B - Young Achievements Australia - Business Skills Program - (94915, 107)

Councillor Calvert declared an interest in this matter as he conducts seminars that compete with this group, he left the meeting and did not take part in voting or discussion on the matter.

MOTION:

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

Refer to RESOLUTION

165 RESOLUTION:

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

That:

1. The Business Skills Program 2005 as hosted by Young Achievements Australia be supported by Council and that an amount of $3,630 be allocated from the CRU Sponsorship budget for the purpose of securing principal sponsorship rights.
2. In consideration of its role as the principal sponsor of the Hawkesbury Business Skills Program 2005, Council:

   (a) Seek expressions-of-interest from Council staff and selected local business operators and/or industry groups to be mentors;

   (b) Provide premises for meetings, if required, and;

(c) The attendance of Councillors, General Manager and his nominated staff at noteworthy events be endorsed.

3. A review be conducted on the outcomes of the Hawkesbury Business Skills Program 2005 to determine any future commitment.

Item: 120 RES B - Council Properties Macquarie Street, Windsor - Development Expression of Interest - (91811)

This item was dealt with in conjunction with Item 132 in the Supplementary Business Paper

Mr Doug Bathersby, respondent, addressed the Committee

MOTION:

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

Refer to RESOLUTION

166 RESOLUTION:

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

That:

1. Expressions of Interest be sought for the re-development of Council owned landholdings in Macquarie Street, Windsor being the landholdings known as the Pizza Hut/car park holding; and KFC/car park holding to test market interest in re-developing these lands in conjunction with Council.

2. That the Commercial Response Unit coordinate with other divisions of Council to explore market interest in the re-development of the landholdings in (a) above for the purpose of improving Council's return on assets including identifying incremental income opportunities.

3. That the matter be further reported to Council.

4. The additional information in Item 132 of the Supplementary Business Paper be received.

ENVIRONMENT AND DEVELOPMENT

Item: 121 **ENV B - Modification of Development Application DA0813/03, Commercial and Multi-Unit Housing Development - 8-14 Bosworth Street, Richmond - (81371)**

Previous Item: 96, Ordinary (12 April 2005)

Mr John Wehbe, respondent, addressed the Committee

MOTION:

A MOTION was moved by Councillor Rasmussen, seconded by Councillor Calvert

That subject to clarification of the encroachment into Council property:

1. The information in this report be received by Council.

2. The Development Application DA0813/03 be modified in the following manner:

Amendment 1

Condition No. 1 be amended to read:

To confirm and clarify the terms of this approval, the development shall be carried out in accordance with the approved stamped plans (prepared by Zhinar Design Partnership Architects dated November 2003 numbered 3082 DA01 Issue J, 3082 DA02 Issue J, 3082 DA03 Issue F, 3082 DA04 Issue F, 3082 DA05 Issue E and Landscape Plan No. 03273BA1/2 Revision D & 03273BA2/2 Revision D) submitted with development application DA0813/03 and any supportive documentation, except as otherwise provided by the conditions of this consent or as modified in accordance with the requirements of Schedule 1 of this consent.

Amendment 2

Condition No. 58 be amended to read:

4 (four) super advanced street trees are to be provided for the development in the locations shown on the approved landscaping plans numbered 03273BA1/2 Revision D & 03273BA2/2 Revision D.

Amendment 3

Additional condition No. 56A be imposed to read:

Payment of a Section 94 Contribution of $30,534 (thirty thousand five hundred and thirty four dollars) being a contribution towards the required parking spaces generated by the development and not provided on the site. This contribution is based on $10,178 (ten thousand one hundred and seventy eight dollars) per space. This contribution shall remain fixed for a period of 3 (three) months after which time it will be recalculated at the rate applicable at the time of payment. The contribution has been determined in accordance with Hawkesbury Section 94 Contributions Plan. A copy of the Contribution Plan may be inspected at Council's Offices, George Street, Windsor.

An AMENDMENT was moved by Councillor Devine, seconded by Councillor Porter.

Refer to RESOLUTION

The amendment was carried.

The amendment then became the motion, which was put and carried.

167 RESOLUTION:

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

That:

1. The information be received by Council.

2. The application be refused for the following reasons

    a. Insufficient Parking;
    b. The impact on future occupants
    c. The development modifications are not in the public interest.

3. A further report be provided to Council regarding the encroachment on Council property.

Item: 122 ENV B - Strategic Plan - (91368, 91811)

Previous Item: 39, Special (15 April 2004)
201, Ordinary (14 December 2004)
41, Ordinary (22 February 2005)

MOTION:

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

Refer to RESOLUTION

168 RESOLUTION:

RESOLVED on the motion of Councillor Stubbs, seconded by Councillor Wearne

That the attached Strategic Plan be adopted by Council and used as the basis in the preparation of the Management Plan.

Item: 123 ENV B - Local Heritage Assistance Fund - (80242)

Ms Patricia Haynes, respondent, addressed the Committee

MOTION:

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

Refer to RESOLUTION

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

That a further report be provided regarding the implications of future Heritage funding being distributed amongst Hawkesbury City ratepayers only.

The foreshadowed motion was lost.

169 RESOLUTION:

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

That the matter be referred back to the Committee for further consideration with the Catholic Church being allocated $1,000 with the following reductions:

1. A $400 reduction in grant to Mr P and Mrs K Van Gestel of 190 March Street, Richmond for external painting;

2. A $400 reduction in grant to Mr R and Mrs Hanlon of 254 Yarramundi Lane, Agnes Banks for reconstruction of a chimney; and

3. A $200 reduction in grant to Mr A Mitchell of 231 Wollombi Road, St Albans for repairs to slab corn shed and dairy shed, re-fencing of cemetery.

ASSET MANAGEMENT

Item: 124 INF B - Hollands Paddock - (79354, 8736, 92909)

Previous Item: 48, Ordinary (12 October 2004)

Mr Walter Kullen, applicant, addressed the Committee

MOTION:

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

Refer to RESOLUTION

170 RESOLUTION:

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

That the landscape concept plan be presented to the community to illustrate design concepts and to further develop the landscape plan and design of the Girl Guides Hall and the matter only go onto exhibition if there are significant changes.

CORPORATE AND COMMUNITY

Item: 125 ORG A - Monthly Investment Report - March 2005 - (79350)

MOTION:

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

Refer to RESOLUTION

171 **RESOLUTION:**

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

That the information be received.

Item: 126 ORG A - Cultural Precinct Funding - Additional Section 94 Funds and Temporary Internal Loan - (79337, 79350)

Mr Doug Bathersby and Ms Kim Smith, respondents, addressed the Committee

MOTION:

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

Refer to RESOLUTION

172 **RESOLUTION:**

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

That:

1. Council allocate currently available funds of $239,547 (two hundred and thirty nine thousand five hundred and forty seven dollars) from Section 94 contributions received on a regional basis currently held within Council's Section 94 Community Facilities Reserve - District to funding of the construction of Council's Cultural Precinct.

2. An internal loan facility of $3,690,000 (three million six hundred and ninety thousand dollars) to the Property Development Reserve in association with the financing and construction of the cultural precinct be approved with the loan to be repaid from the proceeds of the sale of previously identified Council properties and any other property that may be identified for sale for this purpose.

3. Council note that a further report is to be submitted concerning the identification of additional properties to be sold, to avoid the need to utilise external loan funds in association with the funding and construction of Council's Cultural Precinct.

173 **RESOLUTION:**

RESOLVED on the FORESHADOWED motion moved by Councillor Porter, seconded by Councillor Wearne.

That investigations take place in relation to identifying additional funding sources through the Cultural Precinct to contribute to the construction costs of the Cultural Precinct and its ongoing operational costs.

Item: 127 ORG B - Documents for Execution Under the Common Seal of Council - (79342)

MOTION:

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

Refer to RESOLUTION

174 **RESOLUTION:**

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

That the seal of Council be affixed to the following documents:

1. Community Transport Funding Agreement 2005 - 2008 for the amount of $466,011.00 (four hundred and sixty six thousand and eleven dollars).

Item: 128 ORG B - Sale of Council Land by Public Auction - Suggested Policy for Estabishment of Reserve Prices - (79337)

MOTION:

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

Refer to RESOLUTION

175 **RESOLUTION:**

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

That, as a matter of policy, when Council property is to be sold at public auction that the reserve price for such a sale be set in accordance with a current market valuation prepared by Council's valuers, and that the General Manager be given delegated authority to accept a bid at auction up to 5% (five percent) below the reserve price, in the event that the reserve price is not reached as a result of the bidding.

CONFIDENTIAL REPORTS

176 RESOLUTION:

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

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 Chamber during consideration of the following items:

   Item 129: ORG B - CONFIDENTIAL - Property Matter - Fitzgerald Street, Windsor
   Item 130: ORG B - CONFIDENTIAL - Property Matter - Bosworth Street, Richmond
   Item 131: ORG B - CONFIDENTIAL - Property Matter - Café Within Council's Cultural Precinct

   These reports are ***CONFIDENTIAL*** *in accordance with Section 10A(2)(c) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -*

   (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

2. In accordance with the relevant provisions of the Act, the reports, correspondence and other relevant documentation associated with these matters be withheld from the Press and the public.

3. 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 public left the gallery.

177 RESOLUTION:

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

Item: 129 ORG B - CONFIDENTIAL - Property Matter - Fitzgerald Street, Windsor - (79337, P-2820) CONFIDENTIAL

RECOMMENDATION:

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

Refer to RESOLUTION

178 RESOLUTION:

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

That:

1. On a "without prejudice" basis, Council accept the offer made by Mien Vien Lam of $485,000 (four hundred and eighty five dollars) plus GST for the purchase of Council's property known as 20 Fitzgerald Street, Windsor based on a deposit of 7.5% (seven point five percent) and subject to exchange of contracts for sale in the matter under terms considered appropriate by Council's solicitor with each party to be responsible for their own legal costs.

2. In the event of the sale proceeding, authority be given for any documentation in association with the matter to be executed under the common seal of Council.

3. Details of Council's resolution be conveyed to Mien Vien Lam on a "without prejudice" basis, 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 a resolution into effect has been agreed to and executed by both Mien Vien Lam and Council.

Item: 130 **ORG B - CONFIDENTIAL - Property Matter - Bosworth Street, Richmond - (79337, P-769) CONFIDENTIAL**

RECOMMENDATION:

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

Refer to RESOLUTION

179 RESOLUTION:

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

That:

1. On a "without prejudice" basis Mr D Butler be advised that Council would be prepared to proceed with the lease to him of its property known as 20 Bosworth Street, Richmond, subject to the following terms and conditions:

   a) The payment of a rental of $1,400 (one thousand, four hundred dollars) per month nett, excluding GST, subject to increases in accordance with CPI increases on the anniversary of the lease.
   b) The term of the lease is to be for one year with a option for a further year.
   c) The property be used in conjunction with Mr Butler's car sales business.
   d) The lessee to effect and maintain appropriate public liability insurance coverage in respect of his use of Council's property for an amount of not less than $10,000,000 (ten million dollars).
   e) The execution of an appropriate lease document incorporating any terms and conditions considered appropriate by Council's solicitors, on the basis of Mr Butler meeting Council's reasonable legal costs and stamp duty associated with the lease.

2. In the event of the lease of the property proceeding, authority be given for any documentation in association with the matter to be executed under the common seal of Council.

3. Details of Council's resolution to be conveyed to Mr D Butler on a "without prejudice" basis 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 a resolution into effect has been agreed to and executed by both Mr Butler and the Council.

Item: 131 ORG B - CONFIDENTIAL - Property Matter - Cafe Within Council's Cultural Precinct - (79337, 31516) CONFIDENTIAL

RECOMMENDATION:

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

Refer to RESOLUTION

180 RESOLUTION:

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

That:

1. On a "without prejudice" basis Mr P and Mrs N Maait be advised that Council would be prepared to proceed with the lease of the café facility within its new Cultural Precinct development subject to the following terms and conditions:

   a) Term of lease - 5 (five) years with a 5 (five) year option.
   b) Rental - $17,000 (seventeen thousand dollars) per annum excluding GST, increased annually by CPI and reviewed to market at the commencement of year three of the lease and on exercise of the option.
   c) The lease to provide for a rent free period of four months, on the basis of the lease commencing at the conclusion of the fit out of the facility.
   d) Council to meet the cost of installing air conditioning in the café facility, with Mr and Mrs Maait being responsible for all other fit out costs of the facility and for obtaining consent from Council, as the consent authority, for the fit out and operation of the facility.
   e) The lodgement of a bond that Council by way of cash or bank guarantee equivalent to three months rental.
   f) The execution of an appropriate lease, and agreement for lease regarding the proposal for the lease to actually commence after fit out of the facility, reflecting the general terms and conditions for the lease contained within the Expressions of Interest document previously issued by Council in this regard and dated January 2005 and incorporating any other terms and conditions considered appropriate by Council's solicitors on the basis of each party being responsible for the payment of their own legal and other costs associated with the matter.

2) In the event of the lease proceeding, authority be given for any documentation in association with the matter to be executed under the common seal of Council.

3) Details of Council's resolution be conveyed to Mr P and Mrs N Maait on a "without prejudice" basis, 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 both Mr and Mrs Maait and the Council.

SUPPLEMENTARY REPORTS

Item: 132 RES B - Further Information - Council Properties Macquarie Street, Windsor - Development Expression of Interest - (91811)

This item was dealt in conjunction with Item 120 of the Ordinary Business Paper.
(See Minute No. 166)

LATE SUPPLEMENTARY REPORTS

Item: 133 INF B - Control and Management of Noxious Aquatic Weeds in the Hawkesbury-Nepean - (79338, 107, 74251)

MOTION:
RESOLVED on the motion of Councillor Books, seconded by Councillor Stubbs.

Refer to RESOLUTION

181 **RESOLUTION:**

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

That the recommendations adopted by WSROC in relation to Peter Davey's report and the Weeds Act be endorsed.

SECTION 5 - Reports of Committees

ROC - Floodplain Risk Management Committee - 14 February 2005 - (86589, 79347)

182 RESOLUTION:

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

That the minutes of the Floodplain Risk Management Committee held on 14 February 2005 as recorded on pages 65 to 69 of the Ordinary Business Paper be received.

ROC - Heritage Advisory Committee - 31 March 2005 - (80242)

183 RESOLUTION:

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

That the minutes of the Heritage Advisory Committee held on 31 March 2005 as recorded on pages 70 to 75 of the Ordinary Business Paper be received.

ROC - Local Traffic Committee - 14 April 2005 - (80245, 74282, 83571)

184 RESOLUTION:

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

That the minutes of the Local Traffic Committee held on 14 April 2005 as recorded on pages 76 to 77 of the Ordinary Business Paper be adopted.

QUESTIONS WITHOUT NOTICE

1. Councillor Books requested a discussion night on the National Heritage listing proposal for Pitt Town.

The Director City Planning advised that from advice from the Australian Heritage Commission on what the impact of listing a national state means:

*"**Not a Land Management Decision** - Entry in the Register of the National Estate is not a land management decision. The way in which private, State and Local Government owners manage their national state properties is not directly affected by listing. The Commission does not manage places in the Register and entry in the Register does not give the Commonwealth Government any rights to acquire, mange, or enter places which are private property.*

***No Legal Constraints on Private Owners** - Entry on their property of the Register does not place any direct legal constraints on the actions of owners of private property. Owners of registered places are not required to change the way in which they manage, maintain or dispose of, their property. Entry in the Register does not mean that owners have to give any public right of access to registered properties.*

***Commonwealth Government Constrained by the Heritage Listing** - The Commonwealth Government is the only body whose actions are constrained as a result of listings in the Register of National Estate. Under Section 30 of the Australian Heritage Commission Act 1975, the Commonwealth Government is prohibited from taking any action, which would adversely affect a place in the Register unless there is no feasible and prudent alternatives to the action. This constraint on the Commonwealth may sometimes effect the decisions of other government or business organisations where a Commonwealth decision is required for foreign investment or export approval for example.*

***What of Other Heritage List, Registrars, etc.?** - State Government Heritage Registers, National Trust lists etc. often have similar criteria to that of the Register of the National Estate. That can often mean that a place is listed in two, or more, heritage registers or lists. However, each listing results in something different for an owner. For details of State Registers and implications of listings contact your State Heritage Council, National Trust listing carries no legal requirements for owners. "*

In essence, the only effect this will have will be effected on the decisions of the Commonwealth Government.

Councillor Books asked why and then asked if the residents of Pitt Town are requesting this classification. If it has no effect, what benefit is there.

The Director City Planning advised that it was not possible for him to answer.

Councillor Books asked if this would effect the track that Council has taken with the Pitt Town Development - would it set it back or push it aside.

The Director City Planning advised that it was quite clear that the land management tool does not have an effect on State Government laws or Council regulations.

<u>Postscript - further information from the General Manager</u>

The above advice given to Council regarding the implications of the listing of the Pitt Town Cultural Precinct on the National Heritage List; was wrong. The advice that was given was implications of entry on the Register of the National Estate, not the National Heritage List. A memo with the correct advice has since been distributed to all Councillors.

2. Councillor Books referred to some concerned residents about the proposed development in George Street, South Windsor with it being three or four storeys and the use of the back lane.

The Acting Director External Services advised that information in relation to the development would be forwarded to Councillor Books.

3. Councillor Stubbs referred to the matter of vehicles being parked for sale at the intersection of Windsor Road and Pitt Town Road. He advised that over the long weekend, the number of cars for sale was significantly larger than normal and the number seems to be growing. He requested that Council have another look at the situation from a traffic management or other perspective.

   The Mayor advised he had noticed the extra cars and had received a letter from the commercial businesses involved in vehicle sales are concerned about the escalating use of Council land and RTA land for that use regarding liability and other issues.

   The Director City Planning advised that council resolved to take no action on that policy matter when it was last reported to them.

4. Councillor Calvert referred to the wetlands area between McGraths Hill and Windsor and advised that there was an intention to have it developed into a semi-tourist site. Councillor Calvert asked if he had previously asked for a report at that time and if so, was the report on its way.

   The Director Infrastructure Services advised that he couldn't be sure if a report was asked for, but the funds to further develop the wetlands area was shown in the original concept plan that currently aren't available and that would have been an end result of a report.

   Councillor Calvert advised that he was more after a Concept report rather than a financial report and asked if that was possible.

   The Director Infrastructure Services advised that a copy of the original Concept Plan would be provided to Councillor Calvert.

5. Councillor Calvert referred to the proposal to upgrade the Kurrajong Lookout and asked if there was any progress on that.

   The Director Infrastructure Services advised that the matter would be investigated and Councillor Calvert would be informed.

6. Councillor Calvert referred to the proposal to construct a park at Yarramundi on the River and asked if Alan Shearan MP had been contacted and asked if there was any success in looking for that funding from the Castlereagh Fund.

   The Mayor advised that staff will be completing the actual Castlereagh fund issue from the State Government and the staff member was going to be contacting Mr Bartlett about potential federal funding from another source as well.

7. Councillor Calvert referred to his request to have an affordable housing policy for the Council and asked if the policy had been looked at or thought about.

   The Director City Planning advised that the matter would be investigated.

8. Councillor Calvert referred to the Stanhope Gardens Complex that Blacktown City Council have and how a business plan was put out for that complex and the complex is making significant returns and asked if it was possible to get a copy of that for Councillors see. Councillor Calvert went on to say that the report given on the upgrading of Richmond Pool didn't go into public / private partnerships in great detail and asked for a further report to come to Council about undertaking building a complex

similar to Stanhope Gardens and perhaps going into public / private partnership to do it.

The General Manager advised that it was entirely appropriate for a report to come back to Council on the Blacktown private / public partnership. He advised that the public / private partnerships was a matter raised by Councillor Rasmussen some time ago and Council is currently researching that both in Australia and Britain as well so it should only be a short time before it is reported back to Council.

9. Councillor Rasmussen referred to the Richmond Pool land and asked if there was a realised amount on the proposed sale of land, that is greater that what is needed for the maintenance of the pool and what would the funding be used for, where would it go.

The General Manager advised that whatever Council directs, ideally it would go into reserves, some sort of capital account, but at this point in time, the only financing that Management would be recommending to Council would be the application for maintenance to the pool itself. Outside of that the allocation of any additional funds would be at Council's discretion.

Councillor Rasmussen asked that it wouldn't necessarily go to the Cultural Precinct.

The General Manager advised that Management wouldn't apply any funds unless Council approves the allocation of those funds.

10. Councillor Rasmussen referred to the development on private land that seems to be taking place next to Council's carpark near the Coles supermarket in Richmond and asked what was proposed for that site on Francis Street, Richmond.

The Acting Director External Services advised that the matter would be investigated and reported back to Council.

11. Councillor Rasmussen asked for an outline on what action is planned now and how Council intend to progress the issue of pump-out that Mr Sartor mentioned when he gave the criteria for being eligible for that.

The Mayor advised the intention after Mr Sartor's statement was to write to him again about his criteria as stated publicly in the news about the world heritage listing and outlining how much of that world heritage is in our area and the impact that the pump-out areas are having on the Hawkesbury River, which he did not mention in his press statement.

Councillor Rasmussen asked if we could not seek an audience with the Minister.

The Mayor advised that this had been done previously, Council had meetings with the local member and his staff regarding the ideas on what we have already paid for, the EIS, the public consultation to try and move things forward financially and we are waiting for feedback from Sydney Water and his office regarding that particular issue. To seek a meeting regarding the subsidiary, if we try and tie the two in at this moment rather than to get his clarification on why he said that publicly, may affect us trying to pull forward the funding to start work on the three towns. The two do definitely need to happen, but his initial concern would be to put the Minister off of the idea of establishing some funding to move forward on the actual sewering of the area if we tried too tightly tie the two together.

12. Councillor Rasmussen referred to the Optus tower at Warks Hill Road and asked where the matter was at and if there had been any progress.

The Director Infrastructure Services advised that they are investigating other alternatives and we should be expecting something from them in the near future.

13. Councillor Rasmussen commented on the Federal Government just approving a major development at Sydney Airport, locking out Local Council and State Planners. The argument used was that it was Commonwealth land and it is leased on a long-term basis to the Macquarie Airports Corporation and Sundry Others, but the point is the potential problems that Council could face if the RAAF base wasn't secured in a long-term basis in Defence hands because what can be done on Commonwealth land in Sydney can be done on Commonwealth land in Richmond. Are we trying to follow up where that might lead us.

14. Councillor Devine advised that he had received complaints about the condition of the roadway in Ham Street near the intersection of Walker Street and asked if an inspection could be made of that area.

    The Director Infrastructure Services advised that tenders have been called for the reconstruction of that section of road as part of the Roads to Recovery Fund.

15. Councillor Conolly commented that he had already reported some subsidence or problem with the road surface at Fullerton Crescent near the corner of Alexander Street at their south east end and it seems to still be in poor condition.

    The Director Infrastructure Services advised that the matter would be investigated.

16. Councillor Rasmussen asked if Council was currently in Court with Mr Neville Diamond on a sandmining issue.

    The General Manager advised that Mr Diamond had initiated Class 4 proceedings against Council, which is currently before the Land and Environment Court.

    Councillor Rasmussen asked if it would be appropriate to ask some questions in relation to that.

    The General Manager advised that it was not as Council was in an adversarial relationship with Mr Diamond, obviously Council are disputing his claims and we should be mindful that we do not prejudice our position or enhance his before the Court.

The meeting terminated at 9:58pm

Submitted to and confirmed at the Ordinary meeting held on 10 May 2005

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Mayor