



Hawkesbury City Council

ordinary meeting minutes

date of meeting: 14 February 2006

location: council chambers

time: 5:00 p.m.

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 14 February 2006, commencing at 5.00pm.

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

ATTENDANCE

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

APOLOGIES

An apology for absence was received from Councillor Williams.

30 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Finch that the apology be accepted.

Councillor Williams arrived at the meeting at 6.29pm.

SECTION 1: Confirmation of Minutes

31 RESOLUTION:

RESOLVED on the motion of Councillor Wearne and seconded by Councillor Devine that the Minutes of the Ordinary Meeting held on the 31 January 2006, be confirmed.

SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 23 **GM - Inaugural Mayor's Design Forum, 2 - 3 March, 2006 in Sydney - (79351, 79353)**

MOTION:

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

Refer to RESOLUTION

32 RESOLUTION:

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

That Hawkesbury City Council not attend the Inaugural Mayor's Design Forum to be held on 2 - 3 March 2006 in Sydney.

Item: 24 **GM - 4th Annual Australian Water Summit Conference, 21-24 February, 2006 in Melbourne - (79351)**

Mr Frank Scharfe, respondent, addressed the Council.

MOTION:

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

Refer to RESOLUTION

33 RESOLUTION:

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

That Hawkesbury City Council not attend the 4th Australian Water Summit to be held from 21 - 24 February 2006 in Melbourne, Victoria.

34 RESOLUTION:

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

That Item 25 be deferred until Councillor Williams is in attendance.

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Item: 25 **GM - Procedures Related to Questions Without Notice - (79351)**

Previous Item: 2, Ordinary (31 January 2006)

Mr Frank Scharfe, responded, addressed Council

MOTION:

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

Refer to RESOLUTION

35 RESOLUTION:

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

That in accordance with the requirements of Council's Code of Meeting Practice it be noted that Questions Without Notice should be limited to requests for general information or attention to specific problems within the community, such as a raised footpath; rubbish in public areas; potholes, etc, and that specific requests for reports to Council or action beyond routine maintenance should, unless relating to a matter already before the meeting of council in question, be the subject of a Notice of Motion to the Council to enable the requested action to be the subject of a resolution of Council in accordance with the *Local Government Act*.

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INFRASTRUCTURE SERVICES

Item: 26 **IS - Sydney Antique Machinery Club Inc. (95495, 86480)**

Mr Frank Scharfe, respondent, addressed the Council.

MOTION:

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

Refer to RESOLUTION

36 RESOLUTION:

RESOLVED on the motion of Councillor Paine, seconded by Councillor Finch

That the antique "Austral" engine being excess to Council's needs be donated to the Sydney Antique Machinery Club Inc. on the basis it will be raffled with proceeds of the raffle being donated to the Salvation Army.

SUPPORT SERVICES

Item: 27 SS - Tender for the Provision of Banking Services to Council - (95496, 96332)

Previous Item: 166, Ordinary (31 May 2005)

MOTION:

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

Refer to RESOLUTION

37 RESOLUTION:

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

That further to Council's resolution of 31 May 2005, and in view of the circumstances outlined in the report that the calling of tenders for the provision of banking services to Council be deferred, and invited during the first quarter of 2007 on the basis of the successful tender taking effect from 1 July 2007.

Item: 28 SS - Local Government and Shires Association of NSW - Contribution Towards Cost of Independent Enquiry into the Financial Sustainability of NSW Local Government - (95496, 79337)

MOTION:

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

Refer to RESOLUTION

38 RESOLUTION:

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

That:

1. As requested, Council agree to contribute an amount of \$2,722.50 to the Local Government and Shire Association of NSW towards the costs of an Independent Inquiry into the Financial Sustainability of NSW Local Government as established by the Associations.
2. Adjustment be made in the next quarterly review in respect of this contribution.

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Item: 29 **SS - Remuneration for Councillors and Mayors - (95496, 79337)**

Previous Item: 165, Ordinary (31 May 2005)

Mr Doug Bathersby, proponent, addressed the Council.
Ms Kim Smith and Ms Marie Warby, respondents, addressed the Council.

MOTION:

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

Refer to RESOLUTION

39 RESOLUTION:

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

That:

1. The fee for Councillors for 2005/2006 be re-determined as a result of the Report and Special Determinations of The Local Government Remuneration Tribunal dated 19 December 2005, and now be set at \$13,440.00 for Councillors and an additional fee of \$29,345.00 be set for the Mayor effective from the fourth quarter of this financial year.
2. The Deputy Mayor receive an additional fee of \$4,401.75 (being 15% of the Mayor's fee) to be deducted from the Mayor's fee.
3. An appropriate adjustment, to reflect the additional expenditure involved, be made in the next quarterly review of Council's 2005/2006 budget.

Councillor Rasmussen requested that his name be recorded as having voted against the Motion.

Item: 30 **SS - Revaluation of Properties within the Hawkesbury City Area - (95496, 79337)**

MOTION:

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

Refer to RESOLUTION

40 RESOLUTION:

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

That the information concerning the revaluation of properties within the Hawkesbury City area be received.

CONFIDENTIAL REPORTS

41 RESOLUTION:

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

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: 31 SS - Property Matter - Lease Agreement - Shop 1, Wilberforce Shopping Centre - (34779, 86218, 95496) CONFIDENTIAL

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it relates to details concerning 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: 32 SS - Property Matter - 69 Macquarie Street, Windsor - (74060, 95496) CONFIDENTIAL

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

42 RESOLUTION:

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

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Item: 31 **SS - Property Matter - Lease Agreement - Shop 1, Wilberforce Shopping Centre - (34779, 86218, 95496) CONFIDENTIAL**

MOTION:

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

Refer to RESOLUTION

43 RESOLUTION:

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

That:

1. Council agree to enter into a new lease with David and Lyndal Spencer, trading as "Stonehill Rural Services", in regard to Shop 1, Wilberforce Shopping Centre, 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 Common Seal of Council.
3. Details of Council's resolution be conveyed to the proposed lessees together with the advice that Council is not and will not be bound by the terms of its resolution until such time as appropriate legal documentation to put such resolution into effect has been agreed to and executed by all parties.
4. Mr and Mrs Greenup be thanked for expressing an interest in the premises and advised, in writing, of Council's intention regarding the lease.

Item: 32 **SS - Property Matter - 69 Macquarie Street, Windsor - (74060, 95496) CONFIDENTIAL**

MOTION:

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

Refer to RESOLUTION

44 RESOLUTION:

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

That:

1. Council agree to enter into a new lease with Yum Restaurant International (trading as Pizza Hut) in regard to 69 Macquarie Street, Windsor, in accordance with the proposal outlined in the report.

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2. Authority be given for any documentation in association with this matter to be executed under the Common Seal of Council.
3. Details of Council's resolution be conveyed to the proposed lessees together with the advice that Council is not and will not be bound by the terms of its resolution until such time as appropriate legal documentation to put such resolution into effect has been agreed to and executed by all parties.

QUESTIONS WITHOUT NOTICE

1. Councillor Stubbs referred to the consent for first use of commercial premises for certain purposes and asked if this was a process that was adopted by adjoining Councils or are there some Councils that don't require consent.

The Director City Planning advised that originally the change of use provision was incorporated in State Policy 4 so when Council gave consent to a building for a commercial purpose, it could change it from commercial purpose without a consent. Council has since, when the exempt and compliant provisions were done, inserted our own provisions into our Local Plan to overtake the State Policy and this is currently being expanded with Amendment 139. The Director City Planning advised that it would be possible for someone to construct a new building and apply for first use and move onto subsequent uses.

Councillor Stubbs asked if there was any other ways in which Council could modify or amalgamate consents and is it possible to advertise this.

The Director City Planning advised that they can only be encouraged.

2. Councillor Books advised that an elderly man had tripped over on a tree root on the footpath near the Bell Inn and asked if this could be investigated.

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

3. Councillor Calvert referred to an e-mail sent to the Director Infrastructure Services in relation to garbage bins at Kurrajong Heights at Al Park and asked if the matter had been investigated.

The Director Infrastructure Services advised that the matter had been investigated and advised that the bins were being replaced.

4. Councillor Paine referred to the residents on The Terrace and advised that they had been complaining about the regular use of The Terrace by heavy trucks who were not part of the construction site at Hollands Paddock, but others who were just using it as an access. Councillor Paine asked if something could be put on The Terrace to stop them using The Terrace or slow them down.

The Director Infrastructure Services advised that the matter could be investigated and advised that it would be handy to get the names of the companies who have been using The Terrace.

5. Councillor Paine asked for a report in relation to the cost to Council so far of its investigations into the Code of Conduct.

The General Manager advised this request should be put in the form of a Question With Notice.

6. Councillor Paine referred to three calls she had received from residents regarding an alleged assault charge involving a Councillor and advised that the Solicitor being used is Council's Solicitor and wanted confirmation that Council isn't paying for any of the representation.

The General Manager advised that Council is in no way involved in that matter.

7. Councillor Finch asked if a proposed date for the Bicycle Committee could be provided.

The Mayor advised that it would be followed up.

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8. Councillor Finch advised that she had previously followed up on the New Residents pack and asked if these were still being delivered.

The General Manager advised that he believed they were still being delivered, but he would confirm with the Director Commercial Strategy.

9. Councillor Finch informed Council that our young swimmer, Rebecca Adams, who had recently addressed Council, came second in the State for the 100m and 200m U14 Butterfly and the Australian U13 Butterfly.

10. Councillor Rasmussen requested the total value of Council's property portfolio.

The Director Support Services advised that he would take the question on notice and provide the information to Councillor Rasmussen.

11. Councillor Rasmussen asked the Mayor if he was aware of a letter from Mr Steven Pringle MP regarding the Priority Sewerage Program, which had originally been sent from Mr Tony Stewart MP who is the Parliamentary Minister for Utilities.

The Mayor advised that he was aware of this letter and advised that it was also reported in a local newspaper.

Councillor Rasmussen advised that Freemans Reach had been left out of the PSP Stage 2 and asked if this was deliberate, an error or a new policy.

The Mayor advised that the letter was a reflection that Freemans Reach may have accidentally being left out, although he can not speak for the Minister's Office. He advised that the Minister's Office had been contacted to arrange a meeting to discuss and clarify.

12. Councillor Rasmussen referred to the World Heritage Listed stages of the Blue Mountains and pump out and in the letter, it is stated that areas such as Agnes Banks and other areas that are not in the World Heritage Area do not qualify, on that basis, for pump out. Councillor Rasmussen asked if Council could point out again, to the Minister's Office that some 65% of the Hawkesbury is in the World Heritage area.

The Mayor advised that Council had pointed this matter out in detail to the Minister's Office in correspondence and he himself had pointed it out through the electronic media about the very issue of World Heritage Parks and we are continuing to advise that we are in the World Heritage National Park and advised that he didn't think they could have separate rules for separate areas in relation to the three towns sewerage.

13. Councillor Rasmussen referred to a statement issued by the Premier called 'Securing Sydney's Water Supply Metropolitan Water Plan' and advised that it said a number of good things as well as a number of bad things with one being recycling water and asked if Council was aware that a very large proportion of low lands and the farming lands from Yarramundi down to Sackville has been earmarked for recycling of STP water.

The Mayor advised that he was aware that the Government had made a statement on the millions of litres of effluent returning to the Hawkesbury and Council was waiting for further details from the Government to find out exactly what they were proposing.

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14. Councillor Devine advised that he had brought up the issue of McLeod Park in South Windsor before Christmas in relation to its usage and the worries of young mothers. He advised that nothing had improved and asked what further action may occur, i.e. make it an alcohol free zone.

The Director Infrastructure Services advised that it was already an alcohol free zone and there is one sign up regarding this, but to enable the police to do their duties, Council will be erected more signs. The Police have been made aware of the problem and they have been up there arresting people who have been found drinking in that location.

The meeting terminated at 6.35pm.

Submitted to and confirmed at the Ordinary meeting held on 28 February 2006.

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Mayor