Hawkesbury City Council

ordinary meeting minutes

date of meeting: 10 October 2006
location: council chambers
time: 5:00 p.m.

MINUTES

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 10 October 2006, commencing at 5:02pm.

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 R Stubbs, Mayor and Councillors T Books, B Calvert, K Conolly, T Devine, D Finch, C Paine, B Porter, P Rasmussen, N Wearne and L Williams

APOLOGIES

An apology for absence was received from Councillor B Bassett, Deputy Mayor.

368 RESOLUTION:

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

SECTION 1: Confirmation of Minutes

369 RESOLUTION:

RESOLVED on the motion of Councillor Finch and seconded by Councillor Rasmussen that the Minutes of the Ordinary Meeting held on the 26 September 2006, be confirmed.

QUESTIONS WITH NOTICE

Question With Notice - Tinda Creek Sandmine - (80105, 95498, 95495)

A Supplementary Item was submitted by Management providing responses to the questions submitted in this matter.

MOTION:

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

Refer to RESOLUTION

370 RESOLUTION:

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

That the two speakers who applied to address Council regarding this matter not be heard as Court Proceedings are pending in regard to this matter.

371 RESOLUTION:

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

That the information be received.

SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 238 **GM - Industrial Relations: Request from Ministers of Local Government and Industrial Relations regarding Workchoices - (79351, 79355, 84718, 83254)**

Councillor Finch declared an interest in this matter as her daughter, Mrs Rachel Cummings is a member of staff. She left the meeting and did not take part in voting or discussion on the matter.

Councillor Conolly declared an interest in this matter as he is a candidate for the NSW State Election. He left the meeting and did not take part in voting or discussion on the matter.

Mr John Robertson and Mr Michael Want, proponents, addressed the Council.
Mr Frank Scharfe, respondent, addressed the Council.

MOTION:

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

Refer to RESOLUTION

372 RESOLUTION:

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

That:

1. Council formally respond to the NSW Ministers for Local Government and Industrial Relations indicating that, subject to

   (i) the finalisation of the constitutional challenge to the WorkChoices legislation in the High Court and;

   (ii) Council being legally able to enter into the agreements outlined in the Ministers' correspondence of 23 March 2006,

   Council intends to enshrine the principles of equity in bargaining and 'fair go all round' into contracts of employment and/or Collective Workplace Agreements with its employees and recognises that the NSW Industrial Relations Commission is one vehicle that can assist in the facilitation of such an approach.

2. Dialogue continue within Council through the Staff Consultative Committee regarding referral agreements.

CITY PLANNING

Item: 239 **CP - Hawkesbury Development Control Plan - Part E Chapter 6 - Bligh Park Neighbourhood Business Precinct - (95498)**

Previous Item: 34, Ordinary (28 February 2006)
139, Ordinary (13 December 2005)

Councillor Devine declared an interest in this matter as his Real Estate Licence is within Shires Real Estate Agency, which manages the Bligh Park Shopping Centre. He left the meeting and did not take part in voting or discussion on the matter.

Mr Walter Kullen, respondent, addressed the Council.

MOTION:

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

Refer to RESOLUTION

An AMENDMENT was moved by Councillor Books, seconded by Councillor Finch.

That the matter be deferred and further discussions take place with existing shop keepers in Bligh Park and other interested parties.

The amendment was lost.

The motion was put and carried

373 RESOLUTION:

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

That the Draft Part E, Chapter 6 - Bligh Park Neighbourhood Business Precinct be adopted and finalised in accordance with the provisions of the Environmental Planning and Assessment Act 1979 with the following amendments:

1. In 6.2 General Principles, an additional point - 'to ensure there is sufficient demand for increased commercial development'.

2. In 6.3 Land Use, an additional point - 'to only allow stage 2 of the Commercial Buildings to proceed where there is demonstrated demand for the increase'.

Item: 240 **CP - Hawkesbury Development Control Plan - Part E - Windsor Chapter - (95498)**

Previous Item: 77, Ordinary (11 April 2006)
392, Ordinary (13 December 2005)

Mr Frank Scharfe, respondent, addressed the Council.

MOTION:

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

Refer to RESOLUTION

374 RESOLUTION:

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

That:

1. A Development Control Plan be prepared in accordance with the provisions of the Environmental Planning and Assessment Act and Regulation for Windsor Town Centre, based on the principles for private land in the Windsor Masterplan.
2. A further report be prepared for Council's consideration on public infrastructure requirements available for inclusion in planning agreements.

Item: 241 **CP - Strategic Planning Committee Resolutions - 31 August 2006 - (95498, 91368)**

MOTION:

A MOTION was moved by Councillor Paine, seconded by Councillor Williams

That the information be received.

An AMENDMENT was moved by Councillor Conolly, seconded by Councillor Wearne.

Refer to RESOLUTION

The amendment was carried and upon becoming the motion before the meeting was also carried.

375 RESOLUTION:

RESOLVED on the AMENDMENT moved by Councillor Conolly, seconded by Councillor Wearne.

That:

1. The current funding of the $25,000 allocated to Gap Analysis be redirected to the Comprehensive Set of Asset Management Plans.

2. Additional funding of $17,000 be allocated from the funds associated with Building Services, Waste Water, Roads, Parks and Storm Water at $3,000 each and $2,000 from Financial Planning.

3. The wording in the Strategic Plan referring to “Masterplan” should be altered to read “Windsor Masterplan”.

4. Review the State Government direction as set out in the Metropolitan Strategy from a land use point of view and its impact on this Local Government area.

5. Review the State Plan.

6. Develop Key Performance Indicators for the Strategic Plan.

7. Review entire direction of the Strategic Plan by April 2007.

8. Continue development of key projects in train, including the RAAF issue based on the stay option.

9. That the E-Commerce and Markets Advisory Committee approach the Equine Industry to see what opportunities are available.

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

COMMERCIAL STRATEGY

Item: 242 **CS - Young Achievements Australia - Hawkesbury Business Skills Program 2006 - Mentor Gratitude - (95497)**

MOTION:

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

Refer to RESOLUTION

376 RESOLUTION:

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

That:

1. Council extend its gratitude to the mentors for their involvement and support of the Young Achievements Australia's Program.

2. An amount of up to $1,200 be allocated for the attendance of the mentors at the Young Achievements Australia's Awards Evening and a Council luncheon.

Item: 243 **CS - Economic Impact and Technology Park Study - Richmond RAAF - (95497, 91811, 81055)**

Previous Item: 189, Ordinary (14 December 2004)
367, Ordinary (29 November 2005)

This item was withdrawn by Management.

INFRASTRUCTURE SERVICES

Item: 244 IS - Road Naming Proposal - Henderson/Forest Place, South Windsor - (79346)

Ms Yvonne Meyer, proponent, addressed the Council.

MOTION:

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

Refer to RESOLUTION

377 RESOLUTION:

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

That:

1. The public road bounded by Lots 1 -9, 11 -12 DP 1065214 and extending in a generally north easterly direction from Woods Road, South Windsor be named "Forest Place".

2. The name 'Henderson' be considered for any future naming proposals for the Windsor/South Windsor area.

Item: 245 IS - Bridge Naming Proposal - Windsor Road, McGraths Hill - (79346, 73625)

Previous Item: 135, Ordinary (27 June 2006)

MOTION:

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

Refer to RESOLUTION

378 RESOLUTION:

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

That the formulation of a protocol in relation to naming structures be undertaken in consultation with the Roads and Traffic Authority and be reported to Council for consideration.

Item: 246 **IS - Native Title Determination Application NG6061/698: Darug People - (79354, 27333)**

MOTION:

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

Refer to RESOLUTION

379 RESOLUTION:

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

That:

1. The Department of Lands be advised that:

    a) There is currently a formal mechanism whereby Aboriginal people are consulted in relation to the Plan of Management process of both Council owned reserves and Crown reserves.

    b) Council is willing to participate in the negotiation of an Indigenous Land Use Agreement.

2. Council confirm that the Deerubbin People are consulted throughout this process.

SUPPORT SERVICES

Item: 247 SS - Payment to Hawkesbury Sports Council Inc. - (107, 96332, 95496, 73611)

MOTION:

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

Refer to RESOLUTION

380 RESOLUTION:

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

That the information be received.

Item: 248 SS - Pecuniary Interest Returns - Councillors and Designated Persons - (79337)

MOTION:

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

Refer to RESOLUTION

381 RESOLUTION:

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

That the information be received and noted.

CONFIDENTIAL REPORTS

382 RESOLUTION:

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

That the Confidential Reports be moved to the end of the Business Paper and dealt with an the last item.

383 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 Chambers during consideration of the following item:

   Item: 249 ES - Tender 001FY07 - Garbage Collection Vehicle Tender Evaluation Report

   *This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it relates to details concerning tenders for the supply of goods and/or services to Council and it is considered that there 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 report, correspondence and other relevant documentation relating to this matter 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 this confidential matter.

There was no response, therefore, the Press and the public left the Council Chambers.

384 RESOLUTION:

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

Item: 249 **ES - Tender 001FY07 - Garbage Collection Vehicle Tender Evaluation Report - (79348)**

MOTION:

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

Refer to RESOLUTION

385 RESOLUTION:

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

That the recommendation of the Tender Evaluation Team that the tender from Sydney Truck Sales be accepted.

SUPPLEMENTARY REPORTS

Item: 250 **GM - Growth Centres Commission (79351, 98750)**

Previous Item: 366, Ordinary (29 November 2006)

MOTION:

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

Refer to RESOLUTION

386 **RESOLUTION:**

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

That the matter be deferred.

SECTION 5 - Reports of Committees

ROC - Strategic Planning Committee Minutes - 31 August 2006 - (95498, 91368)

387 RESOLUTION:

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

That the minutes of the Strategic Planning Committee held on 31 August 2006 as recorded on pages 41 to 44 of the Ordinary Business Paper be received.

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

ROC - Local Traffic Committee - 20 September 2006 - (80245, 95495)

388 RESOLUTION:

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

That the minutes of the Local Government Committee held on 20 September 2006 as recorded on pages 45 to 64 of the Ordinary Business Paper be adopted.

QUESTIONS WITHOUT NOTICE

1. Councillor Porter advised that he attended a Pony Club Teams Event on Sunday that included all the Pony Clubs in NSW. He advised that the event did not have any backing in any form from the Council and there was no notification in the local paper. He advised that participants came from as far as Yass, Hay and Condobolin to compete and a lot camped out at the Showground. He advised that the people promoting the event had had difficulties with the people running the Showground. Councillor Porter commented that there were over 300 horses and families and they were jammed into a corner at the Showground. He requested that Council investigate how its grounds are run and how they are operated by the people who are put in control of them and events like these should better promoted.

2. Councillor Porter referred to the exemption for water carters on the backflow devices and was passing on a thank you from the water carters for Council's support in taking the issue to Sydney Water and in getting that exemption.

   The Mayor acknowledged the thanks.

3. Councillor Devine referred to the Council resolution for Councillors and Council staff to inspect the property of Mr Peter Young at Grose Vale and wanted to know when the inspection would be taking place.

   The General Manager advised that no date had been set at this stage, but contact will be made with Mr Young and a date organised. Councillors will then be advised.

4. Councillor Rasmussen requested permission to move, an a matter of urgency, a motion in relation to the public consultation period for the Richmond RAAF Base Study. In accordance with Clause 2.2.3(3)(b) of the Council's Code of Meeting Practice. The Mayor ruled the matter to be of great urgency.

389 RESOLUTION:

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

That in accordance with Clause 2.2.3(3)(b) of the Council's Code of Meeting Practice, Councillor Rasmussen be permitted to move the motion requested.

390 RESOLUTION:

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

That a request be made in writing to the Local Federal Minister Mr Kerry Bartlett, to seek an extension of the public consultation period, as part of the study being undertaken by the Department of Defence into the future of the Richmond RAAF Base and feasibility of establishing a technology business park, by two months.

5. Councillor Rasmussen referred to a questions previously asked in relation to the works proposed for Richmond Pool and when the work would be done and asked if there was an answer on that.

The Director Infrastructure Services advised that Council had applied for a grant for the upgrading work, therefore, Council needs to wait to see if successful in this grant application and also to see if there are funds identified under Section 94A to contribute to those works. Council needs to wait for the results on these two parameters first.

Councillor Rasmussen asked if there was any sort of time frame for this and when are the grant applications determined..

The Director Infrastructure Services advised that he believed they were determined in March, but would confirm and advise.

6. Councillor Rasmussen referred to the City of Art Collection and that he asked a question in relation who was the curator on that Art Collection and asked if an answer was available.

   The Director External Services advised that there was not answer at this stage, but would be followed up.

7. Councillor Rasmussen advised that most Councillors would have received a letter in relation to the 'Dungeon' in the Windsor Function Centre and how it was being used by Council's Printing Section. He asked if a response had been provided and if there was anything Council could do about the situation.

   The Director Support Services advised that he was aware of the correspondence sent to Councillors and advised that the 'Dungeon' area is not closed. He added that it had been closed earlier in the year for some time and was reopened in August/September as there was an asbestos issue in the area so that needed to be rectified, which took some time to correct. Some of the printing activities have been located into the Dungeon area, but that does not stop the use that occurring beforehand and as part of the process, all the groups, who Council was aware of, who used the area were consulted and kept in form of what was happening. Throughout the process, it became apparent, that there were some groups, who Council was not aware of, who use it. Council is now trying to regulate it so any group who does use the area does have appropriate insurance cover, etc. The area is now available, but it is not part of the lease of Windsor Function Centre so anybody who uses the Function Centre does not have the automatic option to access that area. The Director Support Services advised that the Group referred to has been contacted and subject to appropriate public liability coverage their access to the area has been accepted. Council will continue to work with the groups who have used it in the past to try and resolve any issues as well as regulate the use so that the Council has protection from a public liability point of view.

8. Councillor Williams commented that there was ongoing concern that occasionally pump out tankers might be discharging into the bushland. He asked if Council could have a method whereby the receipts of each septic tank pumped out can be reconciled against the discharge quantity at the Depot so litres in equals the litres out which could possibly not allow the system to be short circuited.

   The Director Infrastructure Services advised that the information was been captured already to pick up what is picked up and discharged.

   Councillor Williams asked if it could be more of a routine procedure rather than a check as this may be a deterrent to people who might want to short circuit the system.

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

9. Councillor Williams commented that there was concern noted in the Gazette regarding the greenwaste being taken to the Tip in a storm event. He asked if Council could make it a policy where greenwaste, after a storm event, the Tip will accept greenwaste for up to 10 days after the event or something along those lines.

The General Manager advised that there were some problems and the Tip hours had been increased for the week, but there was a problem with Press deadlines and getting the word out. He advised that the matter will be investigated and a policy created.

10. Councillor Paine referred to a letter from Mr Hull regarding 64 Coromandal Road, Ebenezer and asked if the matter was coming to Council.

    The Director City Planning advised that the DA has been called to Council by Councillor Books and will be reported to Council.

11. Councillor Paine commented that Mr Sartor had spoken on the radio in relation to the Pitt Town issue and was saying that he was not going to allow the further subdivision of Pitt Town. She advised that it was the day after the consultant was engaged to the amount of $40,000. She asked if Council could do anything about it as it was unfair to the developer to have to pay something that the State Government is saying, upfront that they're not going to allow.

    The General Manager advised that it was not a done deal and if Mr Johnson wanted to withdraw his application, Council would be happy to refund the money if there was need for that. Council was just going through the process that we go through for any application.

    Councillor Paine asked if Council was aware that the consultant that Council has engaged as been used in Cessnock for Johnson work.

    The General Manager advised that Council has seen the correspondence that was sent around to Councillors and Mr Selmon, who is the appointed consultant, is highly regarded, both in planning circles and the Government. Council believes that he is a very appropriate professional, independent appointment. The General Manager advised that it was not a surprise that Mr Selmon has worked for a range of clients because of his expertise.

12. Councillor Calvert referred to the urgency motion and commented that the heading in the business paper is 'Economic Impact and Technology Park Study, Richmond RAAF' and asked if this was Council's heading or what the enquiry is actually called.

    The General Manager advised that it was Council's heading.

    Councillor Calvert asked that in future, when such matters arise, could we have headings that indicates something like retention of RAAF Base rather than assuming the end of the RAAF Base is near and we are accepting it.

13. Councillor Books referred to the garbage bins being removed from Pitt Town Park Road and also, Brinsley Park had three bins and now it has one, which is inadequate and asked if something could be done about it. He advised that he had attended the Pitt Town Progress meeting the previous night and was advised that when they write to Council, they don’t get any replies.

    The General Manager advised that all incoming correspondence is registered electronically into Council's Dataworks system, but the matter would be investigated.

14. Councillor Books referred to Pump Outs and asked how they you get 6,500 litres pumped out of a 4,500 litre tank and if there was anyway this can be checked.

    The Director Infrastructure Services advised the matter would be investigated and a response will be provided to Councillor Books.

15. Councillor Finch referred to the Hawkesbury Community Kitchens and asked if Council could investigate some ways to assist the Community Kitchen as they have been using the premises at the Seventh Day Adventist, but the Church was destroyed and it looks like they are going to loose the cottage they use. She asked if Council could investigate another premises that they could use to help them out as they have feed around 1,500 people this year and they only need the premises as they have all the content.

    The Mayor advised that the matter would be investigated.

The meeting terminated at 7:30pm

Submitted to and confirmed at the Ordinary Meeting held on Tuesday, 24 October 2006.

……………………………..
Mayor