



Hawkesbury City Council

ordinary  
meeting  
minutes

date of meeting: 09 August 2011  
location: council chambers  
time: 6:30 p.m.



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## ORDINARY MEETING

MINUTES: 9 August 2011

Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 9 August 2011, commencing at 6:30pm.

Pastor Daniel Cannone of Hawkesbury Church, Vineyard, 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, W Mackay, C Paine, B Porter, P Rasmussen, J Reardon, T Tree and W Whelan.

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

### APOLOGIES

An apology for absence was received from Councillor L Williams.

### 277 RESOLUTION:

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

Councillor Mackay arrived at the meeting at 6:47pm.

### SECTION 1: Confirmation of Minutes

### 278 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Porter that the Minutes of the Ordinary Meeting held on the 26 July 2011, be confirmed.

### Introduction of Sister Exchange Students and Presentation of Certificates

Ms Tina Tallack from the Sister City Association introduced the delegates who participated in the Sister City Exchange Program. Certificates were presented to the Sister City Exchange Students by the Mayor.

**SECTION 3 - Notices of Motion**

**NM - Proposed National Disability Insurance Scheme - (80104)**

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Mr Kenneth Ferris, proponent, addressed Council.

**MOTION:**

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

*Refer to RESOLUTION*

**279 RESOLUTION:**

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

That Council:

1. Support the proposed National Disability Insurance Scheme (NDIS) by:
  - a) Expressing support on Council's website with a link to [www.everyaustraliancounts.com.au](http://www.everyaustraliancounts.com.au).
  - b) Joining other local councils and registering on [www.everyaustraliancounts.com.au](http://www.everyaustraliancounts.com.au) as an organisational supporter.
  - c) Encouraging all Councillors, Council staff and residents in the Hawkesbury to show support for the NDIS by registering their support on [www.everyaustraliancounts.com.au](http://www.everyaustraliancounts.com.au).
  - d) Having posters and promotional material for a NDIS at Council Office Reception.
  - e) Proposing a motion to the 2011 Local Government Association Annual Conference expressing support for a NDIS.
2. Write to all Hawkesbury State and Federal Members of Parliament calling for a bipartisan support for a national system of National Disability Insurance Scheme.



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**SECTION 4 - Reports for Determination**

**CITY PLANNING**

**Item: 172 CP - Development Application - Rural Tourist Facility - Lot 433, DP 751665, 172 Blacktown Road, Freemans Reach - (95498, 14738, DA0302/10)**

**Previous Item:** 245, Ordinary (9 November 2010)

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Mr Michael Dimech and Mr Greg Hall, proponents, addressed Council.  
Ms Julie Lindon, respondent, addressed Council.

**MOTION:**

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

***Refer to RESOLUTION***

An AMENDMENT was moved by Councillor Paine, seconded by Councillor Rasmussen.

That the matter be deferred to the next Council meeting.

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 amendment, the results of which were as follows:

<b>For the Amendment</b>	<b>Against the Amendment</b>
Councillor Calvert	Councillor Bassett
Councillor Paine	Councillor Conolly
Councillor Rasmussen	Councillor Ford
	Councillor Mackay
	Councillor Porter
	Councillor Reardon
	Councillor Tree
	Councillor Whelan

Councillor Williams was absent from the meeting.

The amendment was lost.

The motion was put and carried.

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### 280 RESOLUTION:

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

That development application DA0302/10 at Lot 433 DP 751665, 172 Blacktown Road FREEMANS REACH for Rural Tourist Facility be approved subject to the following conditions:

#### **NSW Rural Fire Service Conditions**

##### ***Asset Protection Zones***

1. At the commencement of building works and in perpetuity the property around the proposed tourist lodges to a distance of 50 metres, or to the property boundary where insufficient, shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

##### ***Water and Utilities***

2. Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.

##### ***Access***

3. Property access roads for community title developments shall comply with sections 4.1.3(2) and 4.2.7 of 'Planning for Bush Fire Protection 2006'

##### ***Evacuation and Emergency Management***

4. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

##### ***Design and Construction***

5. New construction shall comply with section 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.

##### ***Landscaping***

6. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

##### ***Hawkesbury City Council General Conditions***

7. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
8. An amended landscaping plan is to be submitted to Council for approval prior to the commencement of any works on the site. The landscape plan is to be prepared by a suitably qualified person and is to contain the following:
  - Landscaping along the eastern property boundary from the front (Blacktown Road) boundary to the garage structure at the rear of the existing tourist facility building.
  - Landscaping along the front (Blacktown Road) boundary from the driveway to the existing dwelling to the eastern property boundary.

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- The landscaping is to be a mix of trees and shrubs that will achieve a mature height of at least 3 metres that will screen the proposed structures from the adjoining neighbours and Blacktown Road.
- The landscaping is to consist of endemic native species.
- Maintenance plan providing for the maintenance and or replacement of the landscaping until the achievement of the mature height.

The applicant/property owner is to be responsible for the maintenance of the landscaping for the life of the development. Should any plants die during this timeframe the plants are to be replaced in accordance with the approved landscape plan.

9. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
10. The approved use shall not commence until all conditions of this Development Consent have been complied with.
11. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
12. The development shall comply with the provisions of the Building Code of Australia.
13. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within 7 (seven) days of issuing the certificate. A registration fee applies.
14. The sewage management facility must be operated in accordance with the relevant operating specifications and procedures for the component facilities, and so as to allow disposal of treated sewage in an environmentally safe and sanitary manner (Local Government [General] Regulation 2005). Hawkesbury City Council is the license authority for this development; inspection for compliance certification for internal and external sewer drainage shall be requested and approved prior to covering any pipe. An inspection fee applies.
15. The installed system will be the subject of an approval to operate a system of sewage management in accordance with the provisions of Subdivision 6 & 7 of Division 4 of Part 2 of the Local Government (General) Regulation 2005 and for this purpose will be subject to inspection at annual frequency by Council's Environmental Health Officer or at such other frequency as may be determined according to the future operation or risk of the system.
16. An Application to Install a Sewage Management Facility must be submitted and approved by with Hawkesbury City Council prior to any works being commenced in relation to the sewage management facility.

### ***Prior to Commencement of Works***

17. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction. The enclosed warning sign shall be affixed to the sediment fence/erosion control device.
18. A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 shall be supplied to the principal certifying authority prior to commencement of works.
19. Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979 and Hawkesbury City Council's Section 94A Development Contributions Plan 2006 (as amended from time to time), a contribution of \$1,000.00 shall be paid to Hawkesbury City Council.

The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of Hawkesbury City Council's Section 94A Development Contributions Plan 2006 (as amended from time to time).

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The contribution is to be paid prior to the commencement of works and copies of receipts(s) confirming that the contribution has been fully paid are to be provided to the certifying authority.

20. A copy of receipt of payment of Long Service Levy shall be provided to the Principal Certifying Authority prior to any works commencing on site. Payments can be made at Long Service Corporation offices or most Councils.
21. The applicant shall advise Council of the name, address and contact number of the principal certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1979.
22. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.
23. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
24. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
  - (a) Unauthorised access to the site is prohibited.
  - (b) The owner of the site.
  - (c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
  - (d) The name and contact number of the Principal Certifying Authority.

### ***During Construction***

25. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am – 6pm and on Saturdays between 8am – 4pm.
26. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
  - (a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
  - (b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
  - (c) Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
27. All roof water shall be drained to an approved on-site water storage facility or to an approved disposal system.
28. The development shall be treated for termites in accordance with the Building Code of Australia and AS 3660 as amended by a suitably qualified person with particular attention to timber floors, slab penetrations, joints between slabs, additions to existing buildings.

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- Details of the type and method of treatment are to be provided to the Principal Certifying Authority and a copy of durable material to be located in the meter box and at the entrance to any crawl space if chemicals are sprayed or pressurised into the soils.
29. An automatic fire detection and alarm system shall be installed within the building in accordance with the Building Code of Australia for Class 1A and 1B Dwellings. Alarms and Detectors shall be installed by a licensed electrician and multiple alarms shall be interconnected, a certificate of the installation shall be provided prior to occupation of the building or addition.

### ***Prior to Issue of the Occupation Certificate***

30. Landscaping of the cabin development shall be completed in accordance with the approved landscape plan.
31. The following certificates are to be provided, stating the name of person or company carrying out the installation, type of material and the relevant Australian Standard to which installed:
- (a) The type and method of termite treatment (complying with AS 3660) provided to walls and floors, pipe penetrations, jointing of new work to existing and slab perimeters. A copy of the termite treatment and materials used shall also be securely fixed inside the meter box for future reference.
  - (b) Glazing materials installed in the building in accordance with AS1288 and AS2047 - Glass in Buildings - Selection and Installation, e.g. windows, doors, footlights and showers.
  - (c) The type of timber installed indicating both species and durability as required by AS 1684.
32. An automatic smoke detection system installed in residential development by a licensed electrician. Smoke alarms must comply with AS 3786 and be connected to the consumer mains power where supplied to the building.
33. A statement or other suitable evidence shall be submitted to the Principal Certifying Authority, certifying that all commitments made on the BASIX certificate have been implemented and installed as approved.

### ***Use of the Development***

34. No internal or external alterations shall be carried out without prior approval of Council.
35. The existing fibro cottage and the two new cabins shall be used for a rural tourist facility in accordance with Development Consent DA0524/07. The cottage and cabins are not to be used for permanent habitation or as a second dwelling.

### ***Advice to the applicant***

The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.

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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:

<b>For the Motion</b>	<b>Against the Motion</b>
Councillor Bassett	Councillor Calvert
Councillor Conolly	Councillor Paine
Councillor Ford	
Councillor Mackay	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Tree	
Councillor Whelan	

Councillor Williams was absent from the meeting.

**Item: 173 CP - Domestic Squalor Information Kit - (95498)**

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**MOTION:**

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

*Refer to RESOLUTION*

**281 RESOLUTION:**

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

That Council write to the NSW Minister for Ageing and the Minister for Disability Services, and the NSW Minister for Family and Community Services and the Minister for Women, to request that the NSW Government re-evaluate the current per-unit costings for community support services to better reflect the intensity of the interventions required to respond to severe domestic squalor, and to establish and fund the case management capacity required to co-ordinate and effectively respond to severe domestic squalor in accordance with best practice and evidence based principles.

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**INFRASTRUCTURE SERVICES**

**Item: 174**            **IS - Renaming of McMahons Reserve, Kurrajong to Singleton's Reserve and Formal Gazettal of McMahon Park, Kurrajong - (95495, 79354)**

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Mr Frank Holland, proponent, addressed Council.

**MOTION:**

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

*Refer to RESOLUTION*

**282 RESOLUTION:**

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

That:

1. The name of Singleton's Reserve for the Reserve located on Mill Road Kurrajong (Lot 285 & 286 DP 751649) be supported, and placed on public exhibition for 28 days, with comments being reported to Council.
2. The name of McMahon Park, for the Park located on McMahons Park Road, Kurrajong (Lot 7015 DP 751649) be supported and application be made to the Geographical Names Board for formal gazettal.

**Item: 175**            **IS - Graffiti Removal Project - Rotary Club of Kurrajong, North Richmond Inc - (95495)**

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**MOTION:**

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

*Refer to RESOLUTION*

**283 RESOLUTION:**

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

That the proposal by Rotary Club of Kurrajong, North Richmond Inc for the graffiti removal project be supported and funding in the amount of \$10,000 be provided from the Vandalism Repairs Budget.

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**Item: 176**            **IS - Proposed Easement across Lot 12 in Deposited Plan 546556, 35a Harris Street, South Windsor, being Sewer Pumping Station 'D' - (112179)**

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**MOTION:**

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

*Refer to RESOLUTION*

**284 RESOLUTION:**

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

That:

1. The requested easement within Lot 12 in Deposited Plan 546556 (35a Harris Street, South Windsor) being Sewer Pumping Station D be granted to Integral Energy (also known as Endeavour Energy)
2. The upgrade of the power supply to NSW Electrical Standards as outlined in the report in lieu of compensation in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 be accepted.
3. Integral Energy is to accept all responsibility for all legal and financial costs incurred in the creation of the easement.
4. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.
5. Details of Council's resolution be conveyed to Integral Energy, together with the advice that Council is not and will not be bound by the terms of its resolution until such time as appropriate documentation to put such resolution into effect has been agreed to and executed by all parties.

**Item: 177**            **IS - Proposed Connection by the Water Factory Company Pty Ltd to Pitt Town Sewage Infrastructure, Sewage Pump Station 'T' - (95495, 112179, 119265)**

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**MOTION:**

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

*Refer to RESOLUTION*

**285 RESOLUTION:**

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

That:

1. The proposed two way link with Sewage Pump Station 'T' for the transfer and return of raw sewage to the Pitt Town Water Factory as outlined in the report be agreed to by Council subject to the



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execution of an appropriate Access Deed, the contents of which is to be to the satisfaction of Council's solicitors.

2. Authority be given for the Deed to be executed under the Seal of Council, if necessary.

**CONFIDENTIAL REPORTS**

**286 RESOLUTION:**

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

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

**287 RESOLUTION:**

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

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: 178 SS - Lease to Telstra Corporate Ltd - Part of Lot 10, DP821396, Fairey Road, South Windsor**

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it relates to details concerning the leasing of a Council property and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the Council is conducting (or proposes to conduct) business and , therefore, if considered in an open meeting would, on balance, be contrary to the public interest*

**Item: 179 GM - Staff Matter**

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

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.

**288 RESOLUTION:**

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

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**Item: 178**            **SS - Lease to Telstra Corporation Ltd - Part of Lot 10, DP821396, Fairey Road, South Windsor - (74067, 112106, 95496) CONFIDENTIAL**

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**MOTION:**

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

*Refer to RESOLUTION*

**289 RESOLUTION:**

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

That:

1. Council agree to enter into new leases with Telstra Corporation Limited for the use of a part of Lot 10 in Deposited Plan 821396 in accordance with the proposal outlined in the report.
2. Authority be given for any documentation in association with the matter to be executed under the Seal of Council.
3. Details of Council's resolution be conveyed to the proposed Lessee 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.

**ITEM: 179**            **GM - Staff Matter - (79351)**

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**MOTION:**

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

*Refer to RESOLUTION*

**290 RESOLUTION:**

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

That Council concur with the course of action proposed by the General Manager in the report in connection with this matter.

**SECTION 5 - Reports of Committees**

**ROC - Hawkesbury Civic and Citizenship Committee - 6 July 2011 - (96972)**

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**291 RESOLUTION:**

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

That the minutes of the Hawkesbury Civic and Citizenship Committee held on 6 July 2011 as recorded on pages 63 to 66 of the Ordinary Business Paper be received.

**ROC - Local Traffic Committee - 20 July 2011 - (80245)**

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Mr Rob Bowman, proponent, addressed Council.

**292 RESOLUTION:**

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

That the minutes of the Local Traffic Committee held on 20 July 2011 as recorded on pages 67 to 86 of the Ordinary Business Paper be adopted with the following addition to the recommendation in Item 2.2:

- That the Netball Association be advised of the changes to the parking request that they include this in newsletters and to make some announcements to make members aware.

## QUESTIONS FOR NEXT MEETING

### Councillor Questions From Previous Meetings and Responses - (105109)

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

### QUESTIONS WITHOUT NOTICE

#	Councillor	Question	Response
1	Clr Porter	Enquired if Council could have an operation every six months that allowed the footpath in South Windsor to be gurnied and cleaned up.	Director Infrastructure Services
2	Clr Porter	Enquired if the garbage bins that are on their way to South Windsor could be hurried along.	Director Infrastructure Services
3	Clr Reardon	Enquired if the historical flood markers could be reinstated on our main roads to create an awareness of where the floods came to.	Director Infrastructure Services
4	Clr Bassett	Enquired as to how many years had Council been asking the RTA to conduct an audit between Richmond and North Richmond up until the recent acceptance of the RTA to conduct that audit.	Director Infrastructure Services

The meeting terminated at 8:20pm.

Submitted to and confirmed at the Ordinary meeting held on 30 August 2011.

.....  
Mayor