



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 05 February 2013

location: council chambers

time: 6:30 p.m.

ORDINARY MEETING

Table of Contents

Meeting Date: 5 February 2013

MINUTES

- **WELCOME / EXPLANATIONS / PRAYER**
- **APOLOGIES**
- **DECLARATION OF INTERESTS**
- **SECTION 1 - Confirmation of Minutes**
- **MINUTE ITEMS SUBJECT TO PUBLIC ADDRESS**
- **SECTION 3 - Notices of Motion**
- **EXCEPTION REPORT - Adoption of Items Not Identified for Discussion and Decision**
- **SECTION 4 - Reports for Determination**
 - General Manager**
 - City Planning**
 - Infrastructure Services**
 - Support Services**
- **SECTION 5 - Reports of Committees**
- **QUESTIONS FOR NEXT MEETING**

ORDINARY MEETING

Table of Contents

Meeting Date: 5 February 2013

ORDINARY MEETING**Table of Contents****Meeting Date:** 5 February 2013**TABLE OF CONTENTS**

ITEM	SUBJECT	PAGE
SECTION 3 - Notices of Motion		7
RM1 -	Rescission Motion - Possible Rating Strategy for the 2013/2014 Financial Year - (79351)	7
RM2 -	Rescission Motion - Hawkesbury Mobility Plan Implementation Committee - (79351, 80105, 125612, 80106)	7
NM1 -	Development of Master Plans - (79351, 125612)	8
NM2 -	Review of Councils Code of Meeting Practice - (79351, 125611)	8
NM3 -	Community Engagement Strategy on Proposed Planning System White Paper - (79351, 80106)	9
NM5 -	RAAF Base Richmond - Community Engagement - (79351, 80106)	10
SECTION 4 - Reports for Determination		11
GENERAL MANAGER		11
Item: 4	GM - Complaint Under Councils Code of Conduct against Councillor B Porter - (79351, 95498, 90477)	11
Item: 5	GM - Complaint Under Council's Code of Conduct against Councillor C Paine - (79351, 80104)	12
CITY PLANNING		13
Item: 6	CP - Development Report - DA0480/12 - Lot 2 DP 884356 - 67 Brown Road, Kurrajong - Three Lot Community Title Subdivision - (95498, 73916, 125590)	13
Item: 7	CP - Planning Proposal - 278 Hermitage Road, Kurrajong Hills - (95498)	18
CONTINUATION OF THE ORDINARY MEETING RECONVENED AT THE COUNCIL CHAMBERS, WINDSOR, WHICH WAS ADJOURNED AT 11:30PM AND RESUMED AT 6:30PM ON THURSDAY, 7 FEBRUARY 2013.		20
SECTION 3 - Notices of Motion		21
NM4 -	Cost of Provision of Infrastructure - (79351, 125610)	21
SECTION 4 - Reports for Determination		22
GENERAL MANAGER		22
Item: 1	GM - Local Government Managers Australia 2013 National Congress & Business Expo (79351, 80532)	22
Item: 2	GM - National Broadband Network and Digital Economy Funding Update -	22

ORDINARY MEETING**Table of Contents****Meeting Date:** 5 February 2013

ITEM	SUBJECT	PAGE
	(79351)	
Item: 3	GM - Hawkesbury City Council's Code of Conduct - Review and Release of New Model Code by Division of Local Government - (79351)	23
CITY PLANNING		24
Item: 8	CP - Planning Proposal - 541, 545 and 547 Windsor Road and 389 Old Hawkesbury Road, Vineyard - (95498)	24
Item: 9	CP - Councillor Representation - Human Services Advisory Committee - (95498, 123486)	25
Item: 10	CP - Hawkesbury Residential Land Strategy - Proposed Investigation Area for Large Lot Residential/Rural Residential Development within the Vicinity of Kurmond - (95498)	26
Item: 11	CP - Formation of a Sustainability Advisory Committee and Membership of Waste Management Advisory Committee - (95498, 95249)	27
Item: 12	CP - Revocation of Dangerous Dog Order - (95498, 96330)	28
INFRASTRUCTURE SERVICES		29
Item: 13	IS - Draft Hawkesbury Regional Open Space Strategy - (95495, 79354)	29
Item: 14	IS - Lower Portland Ferry - (95495)	29
Item: 15	IS - Wilberforce Cemetery - Development of the Wesleyan Section - (95495, 79354)	30
Item: 16	IS - Naming of McMahon Park - (95495, 79354)	30
SUPPORT SERVICES		31
Item: 17	SS - Monthly Investments Report - November 2012 - (96332, 95496)	31
Item: 18	SS - Monthly Investments Report - December 2012 - (96332, 95496)	31
Item: 19	SS - Pecuniary Interest Returns - Councillors and Designated Persons - (95496, 79337)	31
CONFIDENTIAL REPORTS		33
Item: 20	CP - Community Representation on Waste Management Advisory Committee - (95498, 79356) CONFIDENTIAL	34
Item: 21	CP - Request from Council's Recycling Contractor for an Increase in Service Fee as a Result of Carbon Pricing Legislation - (95498, 96330) CONFIDENTIAL	35
Item: 22	IS - Acquisition for Easements for Batter and Support - Bridge No.3 Upper Colo Road - (95495) CONFIDENTIAL	36

ORDINARY MEETING

Table of Contents

Meeting Date: 5 February 2013

ITEM	SUBJECT	PAGE
Item: 23	IS - Tender No. 00920 - Tender for the Supply and Lay of Asphaltic Concrete within the City of Hawkesbury - (95495, 79344) CONFIDENTIAL	36
Item: 24	SS - Property Matter - Lease to Mr Hui Liang Chen - Shop 1 McGraths Hill Shopping Centre - (89525, 119085, 9587) CONFIDENTIAL	37
SECTION 5 - Reports of Committees		38
	ROC - Audit Committee Minutes - 5 December 2012 - (95496, 91369)	38
	ROC - Local Traffic Committee - 14 January 2013 - (80245)	38
QUESTIONS FOR NEXT MEETING		39
	Councillors Questions from Previous Meetings and Responses - (79351)	39
	Questions for Next Meeting	40

ORDINARY MEETING

Table of Contents

Meeting Date: 5 February 2013

Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 5 February 2013, commencing at 6:30pm. The meeting was subsequently adjourned at 11:30pm and resumed at 6:30pm on Thursday, 7 February 2013

Pastor Ric Burrell of the Hawkesbury Church, Windsor, representing the Hawkesbury Minister's Association, gave the opening prayer at the commencement of the meeting.

ATTENDANCE

PRESENT: Councillor K Ford, Mayor, Councillor T Tree, Deputy Mayor and Councillors B Calvert, P Conolly, M Creed, M Lyons-Buckett, W Mackay, C Paine, B Porter, P Rasmussen, J Reardon and L Williams.

ALSO PRESENT: General Manager - Peter Jackson, Director City Planning - Matt Owens, Director Infrastructure Services - Jeff Organ, Acting Director Support Services - Emma Galea, Executive Manager - Community Partnerships - Joseph Litwin, Manager Corporate Services and Governance - Abbey Rouse and Administrative Support Team Leader - Bianca James.

SECTION 1: Confirmation of Minutes

1 RESOLUTION:

RESOLVED on the motion of Councillor Reardon and seconded by Councillor Rasmussen that the Minutes of the Ordinary Meeting held on the 11 December 2012, be confirmed.

ORDINARY MEETING

MINUTES: 5 February 2013

SECTION 3 - Notices of Motion

RM1 - Rescission Motion - Possible Rating Strategy for the 2013/2014 Financial Year - (79351)

Mr Bryan Smith and Mr Nick Tsadouris, proponents, addressed Council.
Mr Trevor Devine, respondent, addressed Council.

RESCISSION MOTION:

Submitted By: Councillor C Paine
Councillor L Williams
Councillor M Lyons-Buckett

MOTION:

The RESCISSION MOTION was moved by Councillor Williams, seconded by Councillor Lyons-Buckett.

That Council's resolution of 11 December 2012 in respect of Item 230 in relation to Possible Rating Strategy for the 2013/2014 Financial Year be and is hereby rescinded.

The rescission motion was put and lost on the casting vote of the Mayor.

RM2 - Rescission Motion - Hawkesbury Mobility Plan Implementation Committee - (79351, 80105, 125612, 80106)

Mr Doug Bathersby and Mr John Street, proponents, addressed Council.

RESCISSION MOTION:

Submitted by: Councillor L Williams
Councillor M Lyons-Buckett
Councillor P Rasmussen

2 RESOLUTION:

The RESCISSION MOTION was moved by Councillor Williams, seconded by Councillor Rasmussen.

That Council's resolution of 27 November 2012, in respect of that part of Minute 343 (Item 205) in relation to the abolition of the Hawkesbury Mobility Plan Implementation Committee, be and is hereby rescinded.

The rescission motion was carried.

ORDINARY MEETING

MINUTES: 5 February 2013

SUBSTANTIVE MOTION:

RESOLVED on the substantive motion of Councillor Williams, seconded by Councillor Lyons-Buckett.

Refer to RESOLUTION

3 RESOLUTION:

RESOLVED on the substantive motion of Councillor Williams, seconded by Councillor Lyons-Buckett.

That a report be brought back to Council regarding the establishment of a Hawkesbury Bicycle Committee.

NM1 - Development of Master Plans - (79351, 125612)

Ms Beatriz Insausti, proponent, addressed Council.

MOTION:

A MOTION was moved by Councillor Lyons-Buckett, seconded by Councillor Paine.

That a report be prepared for Council's consideration that provides an overview of the process for the preparation of Master Plans for the main Town and Village Centres of the Hawkesbury. That report is to address at least the following:

1. The function of Master Plans and their status in Council's statutory Planning Instruments,
2. The process involved in the preparation and finalisation of Master Plans including the outline of the likely community consultation requirements,
3. The likely costs for the preparation of Master Plans for centres such as Windsor, Richmond, North Richmond, Kurrajong and other village centres,
4. The timeframe for the preparation of the above Master Plans and the mechanism for programming that work into Council's budgets.

The motion was put and lost.

NM2 - Review of Council's Code of Meeting Practice - (79351, 125611)

Mr William Sneddon and Colleen Turnbull, proponents, addressed Council.

MOTION:

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

Refer to RESOLUTION

ORDINARY MEETING

MINUTES: 5 February 2013

4 RESOLUTION:

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

That following discussion at a Councillor Briefing Session a report be submitted to Council reviewing the Council's Code of Meeting Practice with a view to improving the efficient and effective functioning of Council meetings.

NM3 - Community Engagement Strategy on Proposed Planning System White Paper - (79351, 80106)

Ms Fiona Smith, proponent, addressed Council.

MOTION:

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

Refer to RESOLUTION

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

That Council write to the NSW Planning Minister to request comprehensive consultation with residents of the Hawkesbury LGA regarding the Planning System White Paper when it is released and be brought to a Councillor Briefing Session.

The amendment was lost.

The motion was put and carried.

5 RESOLUTION:

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

That:

1. Community engagement workshops be conducted following the release of the Planning System White Paper.
2. The workshops be conducted during evenings in the main town centres.
3. The White Paper be brought to a Councillor Briefing Session and at that session Council consider the manner in which the community consultation takes place and issues relating to community involvement in the Briefing Sessions and online feedback.

ORDINARY MEETING

MINUTES: 5 February 2013

NM5 - RAAF Base Richmond - Community Engagement - (79351, 80106)

Mr Bryan Smith, proponent, addressed Council.

MOTION:

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

That Council resolves as follows:

1. In view of the reply from the Federal Government on representations by Council on the possible future use of RAAF base Richmond for commercial aviation purposes, that Council now hold public meetings in at least Windsor, Richmond and North Richmond to further inform the community of these proposals and to ascertain the communities views in this regard and the community be given the opportunity to provide feedback online.
2. Further, Council prepare a flyer for wide distribution on the six major reasons for supporting or opposing the possible future use of Richmond RAAF base Richmond for commercial aviation purposes.

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

Refer to RESOLUTION

The amendment was carried.

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

6 RESOLUTION:

RESOLVED on the AMENDMENT of Councillor Conolly, seconded by Councillor Creed.

That Council write to the Commonwealth Government to request comprehensive consultation with residents of the Hawkesbury LGA before any changes are made to the current operations of the RAAF base.

ORDINARY MEETING

MINUTES: 5 February 2013

SECTION 4 - Reports for Determination

GENERAL MANAGER

**Item: 4 GM - Complaint Under Councils Code of Conduct against Councillor B Porter -
(79351, 95498, 90477)**

Ms Kim Smith, proponent, addressed Council.
Mr Trevor Devine, respondent, addressed Council.

MOTION:

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

Refer to RESOLUTION

An AMENDMENT was moved by Councillor Paine, seconded by Councillor Lyons-Buckett.

That the Report by the Sole Conduct Reviewer, Mr J Kleem of John Kleem Consulting dated 30 November 2012 (advised as being finalised on 14 December 2012) in respect of a complaint under the Council's Code of Conduct regarding Councillor B Porter in respect of, and related to, comments made in a letter to the Editor of the Hawkesbury Gazette which was published in the edition of the paper issued on 22 August 2012 be received and the recommendations contained therein be adopted by Council.

The amendment was lost.

The motion was put and carried.

7 RESOLUTION:

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

That the Report by the Sole Conduct Reviewer, Mr J Kleem of John Kleem Consulting dated 30 November 2012 (advised as being finalised on 14 December 2012) in respect of a complaint under the Council's Code of Conduct regarding Councillor B Porter in respect of, and related to, comments made in a letter to the Editor of the Hawkesbury Gazette which was published in the edition of the paper issued on 22 August 2012 be received and recommendations 1 and 2 contained therein be adopted by Council. Council does not condone breaches of the Code of Conduct.

ORDINARY MEETING

MINUTES: 5 February 2013

**Item: 5 GM - Complaint Under Council's Code of Conduct against Councillor C Paine -
(79351, 80104)**

Ms Kate Mackaness and Ms Kim Smith, proponents, addressed Council.

MOTION:

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

Refer to RESOLUTION

8 RESOLUTION:

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

That the Report by the Sole Conduct Reviewer, Ms K Thane of Train Reaction dated 17 January 2013 concerning a complaint under the Council's Code of Conduct regarding Councillor C Paine in respect of an alleged failure to disclose a non-pecuniary conflict of interest at the meeting of Council held on 27 November 2012 be received and the recommendation contained therein be adopted by Council.

ORDINARY MEETING

MINUTES: 5 February 2013

CITY PLANNING

Item: 6 CP - Development Report - DA0480/12 - Lot 2 DP 884356 - 67 Brown Road, Kurrajong - Three Lot Community Title Subdivision - (95498, 73916, 125590)

Mr Robert Montgomery, proponent, addressed Council.
Dr Robert Sheahan and Ms Lisa Turner, respondents, addressed Council.

MOTION:

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

That determination of development application DA0480/12 at Lot 2 in DP 884356, 67 Browns Road, Kurrajong for a three Lot Community Title Subdivision be deferred pending further discussions between Council officers and the applicant regarding flora and fauna and other issues raised at the meeting as well as consultation with the neighbours.

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

Refer to RESOLUTION

In accordance with Section 375A of the Local Government Act 1993 a division is required to be called whenever a planning decision is put at a council or committee meeting. Accordingly, the Chairperson called for a division in respect of the motion, the results of which were as follows:

For the Amendment	Against the Amendment
Councillor Conolly	Councillor Calvert
Councillor Creed	Councillor Lyons-Buckett
Councillor Ford	Councillor Paine
Councillor Mackay	Councillor Rasmussen
Councillor Porter	Councillor Williams
Councillor Reardon	
Councillor Tree	

The amendment was carried.

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

9 RESOLUTION:

RESOLVED on the AMENDMENT of Councillor Conolly, seconded by Councillor Creed.

That development application DA0480/12 at Lot 2 in DP 884356, 67 Browns Road, Kurrajong for a three Lot Community Title Subdivision be approved subject to the following conditions:

New South Wales Rural Fire Service Conditions

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the issue of subdivision certificate and in perpetuity the entire property of proposed Lots 2 and 3 shall continue to be managed as an inner protection area (IPA) as outlined within Appendices 2 & 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Access

The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

2. The existing property access road shall comply with section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006' except where modified below:

The vegetation within the battle axe handle of the driveway shall be maintained at a minimum width of 3.5m and widened to 6m for the length of the passing bay; The passing bay shall have a minimum trafficable width of 5m and 20m long; A suitable turning area for a medium rigid vehicle shall be provided for in the vicinity of the existing dwelling.

Landscaping

3. Landscaping surrounding the existing dwelling shall comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

Hawkesbury City Council General Conditions

4. 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.
5. No excavation, site works or building works shall be commenced prior to the issue of an appropriate construction certificate.
6. 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.

Prior to Issue of Construction Certificate

7. An Environmental Management and Rehabilitation Plan for the development site shall be prepared by an appropriately qualified person. The Plan shall address (without being limited to) the clearing of vegetation, lopping and removal of trees, earthworks, erosion control, site rehabilitation and landscaping.

ORDINARY MEETING

MINUTES: 5 February 2013

All site works shall be carried out in accordance with the Plan. Implementation of the Plan shall be supervised by an appropriately qualified person.

8. Construction of the access is not to commence until three (3) copies of the plans and specifications of the proposed works are submitted to and approved by the Director of City Planning or an Accredited Certifier.
9. Payment of a Construction certificate checking fee of \$305.30 and a Compliance Certificate inspection fee of \$620.00 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2013. Fees required if an accredited certifier is used will be provided on request.

Prior to Commencement of Works

10. 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.
11. 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.
12. All natural and subsurface water-flow shall not be re-directed or concentrated to adjoining properties. Water flows shall follow the original flow direction without increased velocity.
13. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.
14. 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.
15. 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

16. 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.
17. During the construction period, the person responsible for the site is to retain records of waste disposal (waste receipts or dockets, recycling processor receipts etc.) in a Waste Data File. The Waste Data File must be provided to Council officers on request to demonstrate that the approved Waste Management Plan is being implemented.
18. 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.

ORDINARY MEETING

MINUTES: 5 February 2013

- 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.
- 19. Dust control measures, eg vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
- 20. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
- 21. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
- 22. Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the components of construction detailed in Hawkesbury Development Control Plan Appendix B Civil Works Specification, Part II, Table 1.1.
- 23. The existing pavement along the access strip shall comply with the conditions recommended by the New South Wales Rural Fire Services, with the widening constructed appropriate to the gradient of the land in accordance with the following table (as a minimum requirement):

Gradient	Surface Construction
0-16%	Compacted crushed rock
17-20%	Bitumen seal
21-25%	Reinforced concrete

Driveway gradient shall not exceed 25% in any section.

- 24. A bitumen sealed or concrete rural footway crossing minimum 5m wide shall be constructed to the subdivision in accordance with Hawkesbury Development Control Plan Appendix E, Civil Works Specification.
- 25. The natural vegetation within proposed Lot 1 shall be fenced off to prevent domestic animals and live stock from entering these areas.
- 26. The large shed to be located on proposed Lot 3 shall be modified so that the roller-doors are located on the Southern side of the building.
- 27. It is required that the existing on-site sewage management system be inspected by Council and be issued with a current licence to operate.

Documentation shall be submitted to Council showing that the on-site sewage management system (tank and disposal area) is located wholly on proposed Lot 2.

Prior to Issue of Subdivision Certificate

- 28. A Certificate from a telecommunications carrier confirming that provision has been made for services to the development shall be submitted to the Principal Certifying Authority.
- 29. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
- 30. Written clearance from the electricity provider shall be submitted to the Principal Certifying Authority.

ORDINARY MEETING

MINUTES: 5 February 2013

31. A plan of subdivision prepared to the requirements of the Land Titles Office, shall be submitted to Council, with four copies.
32. A survey plan showing all existing services on the lots including septic tank and effluent disposal area, sewer connections, water connections and stormwater disposal shall be submitted to Council. The plan shall demonstrate that there are no encroachments over remaining or proposed boundaries.
33. A Management Statement complying with Schedule III of the Community Land Development Act, 1989 shall be lodged with and approved by Council. This statement is to include a provision that Lot 1 is not to be used for the purpose of erecting a dwelling or any other building.
34. Payment of a Subdivision Certificate Release Fee in accordance with Council's Fees and Charges at the time of lodgement of the linen plan.
35. Creation of a restriction on use of land pursuant to the Conveyance Act as follows:
 - a) Requiring that any future dwelling on Lot 3 be restricted to the building envelope shown on the Plan of Proposed Community Title Subdivision, Dwg 89914:DA:18, dated 27.9.2012, prepared by McKinlay Morgan & Associates.
 - b) Requiring that any future dwelling on Lot 3 be restricted to a maximum cut or fill depth of 2m.
 - c) Requiring that all development on the lots be confined to Lots 2 and 3.
 - d) Prohibiting clearing of native vegetation located on Lot 1.
 - e) Prohibiting domestic animals and stock from entering the native vegetation areas on Lot 1.
 - f) Prohibiting the development of a structure, including a dwelling, on Lot 1.

Advisory Notes

- The applicant is advised to consult with the relevant:
 - a) Water and sewer provider
 - b) Electricity provider
 - c) Natural gas provider
 - d) Telecommunications carrier
 - e) Road authority

Regarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public roads.

- The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed subdivision. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.
- 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.

ORDINARY MEETING

MINUTES: 5 February 2013

In accordance with Section 375A of the Local Government Act 1993 a division is required to be called whenever a planning decision is put at a council or committee meeting. Accordingly, the Chairperson called for a division in respect of the motion, the results of which were as follows:

For the Motion	Against the Motion
Councillor Conolly	Councillor Calvert
Councillor Creed	Councillor Lyons-Buckett
Councillor Ford	Councillor Paine
Councillor Mackay	Councillor Rasmussen
Councillor Porter	Councillor Williams
Councillor Reardon	
Councillor Tree	

Note: A Rescission Motion was subsequently submitted in respect of the above resolution.

Item: 7 CP - Planning Proposal - 278 Hermitage Road, Kurrajong Hills - (95498)

Mr Glenn Falson, proponent, addressed Council.

Mr Brian Castelli, Ms Mary Mooney and Mr Paul Moore, respondents, addressed Council.

10 RESOLUTION:

RESOLVED on the motion of Councillor Ford, seconded by Councillor Reardon that the meeting be extended past 11:00pm and at the conclusion of Item 7 in the Business Paper, the meeting be adjourned to Thursday 7 February at 6:30pm.

MOTION:

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

Refer to RESOLUTION

11 RESOLUTION:

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

That the Planning Proposal not be supported nor forwarded to the Department of Planning and Infrastructure for a "Gateway Determination".

ORDINARY MEETING

MINUTES: 5 February 2013

In accordance with Section 375A of the Local Government Act 1993 a division is required to be called whenever a planning decision is put at a council or committee meeting. Accordingly, the Chairperson called for a division in respect of the motion, the results of which were as follows:

For the Motion	Against the Motion
Councillor Calvert	NIL
Councillor Conolly	
Councillor Creed	
Councillor Ford	
Councillor Lyons-Buckett	
Councillor Mackay	
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Tree	
Councillor Williams	

In accordance with Council's earlier resolution at the conclusion of this item the meeting adjourned at 11:30pm.

ORDINARY MEETING

MINUTES: 5 February 2013

Continuation of the Ordinary Meeting reconvened at the Council Chambers, Windsor, which was adjourned at 11:30pm and resumed at 6:30pm on Thursday, 7 February 2013.

ATTENDANCE

PRESENT: Councillor K Ford, Mayor, Councillor T Tree, Deputy Mayor and Councillors P Conolly, M Creed, W Mackay, B Porter and J Reardon.

ALSO PRESENT: General Manager - Peter Jackson, Director City Planning - Matt Owens, Director Infrastructure Services - Jeff Organ, Acting Director Support Services - Emma Galea, Manager Corporate Services and Governance - Abbey Rouse and Administrative Support Team Leader - Bianca James.

APOLOGIES

The Mayor advised that apologies had been received from Councillors B Calvert, M Lyons-Buckett, C Paine, P Rasmussen and L Williams for their inability to be present when the meeting resumed.

SECTION 3 - Notices of Motion

NM4 - Cost of Provision of Infrastructure - (79351, 125610)

MOTION:

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

Refer to RESOLUTION

12 RESOLUTION:

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

That a report be submitted to Council providing details of the proportion of total rates collected and the proportion of Council's total cost of providing services such as garbage collection, road construction including maintenance and rehabilitation, construction and maintenance of kerb and gutter and park maintenance and improvements for:

- a) Bligh Park, McGraths Hill and Richmond
- b) Ebenezer, Tennyson and Blaxlands Ridge.

Councillor Porter requested that his name be recorded as having voted against the motion.

ORDINARY MEETING

MINUTES: 5 February 2013

SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 1 GM - Local Government Managers Australia 2013 National Congress & Business Expo (79351, 80532)

MOTION:

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

Refer to RESOLUTION

13 RESOLUTION:

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

That attendance of nominated Councillors, and staff members as considered appropriate by the General Manager, at the 2013 LGMA National Congress & Business Expo at an approximate cost of \$3,725.00 per delegate be approved.

14 RESOLUTION:

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

That Councillors Paine and Williams, as Council's nominated representatives attend the 2013 LGMA National Congress & Business Expo.

Item: 2 GM - National Broadband Network and Digital Economy Funding Update - (79351)

Previous Item: Item: 24, Ordinary (14 February, 2012)

MOTION:

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

Refer to RESOLUTION

15 RESOLUTION:

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

ORDINARY MEETING

MINUTES: 5 February 2013

That the information regarding the National Broadband Network and Digital Economy Funding Update and the success of Council's submission under the Digital Local Government Program be received and noted and that Council be updated on the progress of the Digital Local Government Program as appropriate.

Item: 3 GM - Hawkesbury City Council's Code of Conduct - Review and Release of New Model Code by Division of Local Government - (79351)

Previous Item: 67, Ordinary (29 May 2012)
 258, Ordinary (29 November 2011)
 180, Ordinary (8 September 2009)

MOTION:

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

Refer to RESOLUTION

16 RESOLUTION:

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

That:

1. The information concerning the release by the Division of Local Government of "The New Model Code of Conduct Framework" be received and noted.
2. The Draft Code of Conduct included as Attachment 4 to the report be adopted as Council's Code of Conduct with such becoming effective on and from 1 March 2013.
3. The "Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW" issued by the Division of Local Government be adopted as Council's "Procedures for the Administration of the Code of Conduct" with such becoming effective on and from 1 March 2013.
4. A copy of Council's new Code of Conduct be provided to all Councillors, staff, delegates, members of Council committees and, when appointed, independent conduct reviewers.

ORDINARY MEETING

MINUTES: 5 February 2013

CITY PLANNING

Item: 8 CP - Planning Proposal - 541, 545 and 547 Windsor Road and 389 Old Hawkesbury Road, Vineyard - (95498)

Previous Item: Item: 147, Ordinary (12 July 2011)
Item: 41, Ordinary (27 March 2012)

Mr Patrick Hurley, proponent, addressed Council.

MOTION:

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

Refer to RESOLUTION

17 RESOLUTION:

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

The planning proposal seeking the following amendments to Schedule 1 Additional Permitted Uses of Hawkesbury Local Environmental Plan 2012 be forwarded to the Department of Planning and Infrastructure for the making of the plan:

- *Include saw mill, timber yard and associated parking as additional permitted uses with a maximum total land area of 10,000m² at Lot 53 DP 593354, 389 Old Hawkesbury Road, Vineyard;*
- *Include saw manufacturing, repairs and sales, industrial retail premises, other compatible light industrial uses and associated parking as additional permitted uses with a maximum total land area of 3,000m² and maximum gross floor area for the industrial retail premises of 150m² at Lot 5 DP 536674, 541 Windsor Road, Vineyard;*
- *Include hardware and building supplies, trailer hire business and associated parking as additional permitted uses with a maximum total floor area of 5,000m² and maximum gross floor area for the trailer hire premises of 325m² and maximum gross floor area for the building hardware store of 250m² at Lot 5 DP 536674 and Lots 10 & 11 DP 1080426, 541 – 547 Windsor Road, Vineyard; and*
- *Apply a limit of 2 years for development applications for the specified uses to be submitted with consent for new development lapsing upon completion of the Vineyard Precinct planning.*

ORDINARY MEETING

MINUTES: 5 February 2013

In accordance with Section 375A of the Local Government Act 1993 a division is required to be called whenever a planning decision is put at a council or committee meeting. Accordingly, the Chairperson called for a division in respect of the motion, the results of which were as follows:

For the Motion	Against the Motion
Councillor Conolly	
Councillor Creed	
Councillor Ford	
Councillor Mackay	
Councillor Porter	
Councillor Reardon	
Councillor Tree	

Councillors Calvert, Lyons-Buckett, Paine, Rasmussen and Williams were absent from the meeting.

Item: 9 **CP - Councillor Representation - Human Services Advisory Committee - (95498, 123486)**

Previous Item: 168, Extraordinary (25 September 2012)
 205, Ordinary (27 November 2012)

MOTION:

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

Refer to RESOLUTION

18 RESOLUTION:

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

That the matter be deferred to the next Ordinary meeting on 26 February 2013.

ORDINARY MEETING

MINUTES: 5 February 2013

Item: 10 CP - Hawkesbury Residential Land Strategy - Proposed Investigation Area for Large Lot Residential/Rural Residential Development within the Vicinity of Kurmond - (95498)

Mr Glenn Falson and Mr Robert Montgomery, proponents, addressed Council.

MOTION:

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

Refer to RESOLUTION

19 RESOLUTION:

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

That:

1. Council carry out investigations within the area on the map entitled "Kurmond Village large lot residential/rural-residential Investigation Area". These investigations are to determine the suitability of the identified lands for large lot residential and/or rural residential development and are to be funded by planning proposal application fees.
2. Investigations already undertaken by applicants for Planning Proposals within the Kurmond area be utilised by Council as a basis for their further investigations as appropriate.
3. The applicants be consulted by Council with a view of assisting the investigations where appropriate.
4. Council resolve to carry out similar investigations for other rural villages within the LGA which would meet the criteria of the Hawkesbury Residential Land Strategy.
5. The planning proposals for 1411 Kurmond Road and 396 Bells Line of Road, Kurmond be reported to the Ordinary Meeting as soon as practical.
6. The planning proposal for 1442 and 1442A Kurmond Road, Kurmond be reported to Council as soon as practical after the receipt of additional information.
7. Council consider any new planning proposals on their merit and compliance with the relevant criteria of the Hawkesbury Residential Land Strategy, unless and until the strategy is changed by Council.

ORDINARY MEETING

MINUTES: 5 February 2013

In accordance with Section 375A of the Local Government Act 1993 a division is required to be called whenever a planning decision is put at a council or committee meeting. Accordingly, the Chairperson called for a division in respect of the motion, the results of which were as follows:

For the Motion	Against the Motion
Councillor Conolly	
Councillor Creed	
Councillor Ford	
Councillor Mackay	
Councillor Porter	
Councillor Reardon	
Councillor Tree	

Councillors Calvert, Lyons-Buckett, Paine, Rasmussen and Williams absent from the meeting.

Item: 11 **CP - Formation of a Sustainability Advisory Committee and Membership of Waste Management Advisory Committee - (95498, 95249)**

Previous Item: NM5, Ordinary (13 November 2012)
 205 & 216, Ordinary (27 November 2012)
 221, Ordinary (11 December 2012)

MOTION:

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

Refer to RESOLUTION

20 RESOLUTION:

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

That:

1. Council establish the Hawkesbury Sustainability Advisory Committee as a new Committee of Council under Section 377 of the *Local Government Act 1993*.
2. Council adopt the Draft Hawkesbury Sustainability Advisory Committee Constitution.
3. Councillors M Lyons-Buckett and J Reardon be appointed to the Sustainability Advisory Committee in accordance with its Constitution.
4. Expressions of interest be sought for community representation on the Sustainability Advisory Committee by way of advertising in the local newspaper and on Council's website.
5. Councillors Porter, Creed, Reardon, Tree be appointed to the Waste Management Advisory Committee in accordance with its Constitution.

ORDINARY MEETING

MINUTES: 5 February 2013

Item: 12 CP - Revocation of Dangerous Dog Order - (95498, 96330)

MOTION:

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

Refer to RESOLUTION

21 RESOLUTION:

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

That:

1. The dangerous dog order placed on the dog (a Staffordshire Bull Terrier Cross) owned by Mr G Hudswell be revoked,
2. In accordance with the requirements of the *Companion Animals Act*, Council will notify the Director General of the revocation within seven days of its decision.
3. The applicant (Mr G Hudswell) be notified in writing of the revocation of the dangerous dog orders.

ORDINARY MEETING

MINUTES: 5 February 2013

INFRASTRUCTURE SERVICES

Item: 13 **IS - Draft Hawkesbury Regional Open Space Strategy - (95495, 79354)**

Previous Item: 163, Ordinary (26 July 2011)

Mr Les Sheather, respondent, addressed Council.

MOTION:

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

Refer to RESOLUTION

22 RESOLUTION:

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

That following a presentation at a Councillor Briefing Session the Hawkesbury Regional Open Space Strategy be placed on public exhibition for a 28 day notification period, with a further 14 day period for the receipt of written submissions.

Item: 14 **IS - Lower Portland Ferry - (95495)**

Previous Item: Item 156, Ordinary (28 August 2012)
Item 102, Ordinary (26 June 2012)

MOTION:

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

Refer to RESOLUTION

23 RESOLUTION:

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

That Council:

1. Note the report on the Lower Portland Ferry.
2. Make financial provision of \$200,000 in its current budget, by way of an adjustment as part of the March 2013 Quarterly Review from the Contingency Reserve, to overhaul and transport RMS Ferry 7.
3. Investigate and consult with the local community, regarding the potential for reduced operating hours to enable a reduction in operating costs.

ORDINARY MEETING

MINUTES: 5 February 2013

4. Incorporate a financial provision in future budgets for the replacement of the vessel.
5. Following the overhaul of Ferry 7, engage an independent expert to assess both Ferry 7 and Ferry 55 to determine the most suitable vessel for Council's long term operational and financial requirements and the General Manager be delegated authority to select the appropriate ferry following this assessment.

Item: 15 **IS - Wilberforce Cemetery - Development of the Wesleyan Section - (95495, 79354)**

Previous Item: 152, Ordinary (19 June 2012)

Ms Jill Vincent, proponent, addressed Council.

MOTION:

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

Refer to RESOLUTION

24 RESOLUTION:

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

That the matter be deferred to a Councillor Briefing Session.

Item: 16 **IS - Naming of McMahon Park - (95495, 79354)**

Previous Item: 174, Ordinary (9 August 2011)

MOTION:

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

Refer to RESOLUTION

25 RESOLUTION:

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

That the name of McMahon Park for the Reserve located on McMahon Road, Kurrajong (Lot 7015 DP 751649) be reaffirmed and forwarded to the Geographical Names Board for consideration and formal gazettal.

ORDINARY MEETING

MINUTES: 5 February 2013

SUPPORT SERVICES

Item: 17 SS - Monthly Investments Report - November 2012 - (96332, 95496)

MOTION:

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

Refer to RESOLUTION

26 RESOLUTION:

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

The report regarding the monthly investments for November 2012 be received and noted.

Item: 18 SS - Monthly Investments Report - December 2012 - (96332, 95496)

MOTION:

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

Refer to RESOLUTION

27 RESOLUTION:

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

The report regarding the monthly investments for December 2012 be received and noted.

Item: 19 SS - Pecuniary Interest Returns - Councillors and Designated Persons - (95496, 79337)

MOTION:

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

Refer to RESOLUTION

ORDINARY MEETING

MINUTES: 5 February 2013

28 RESOLUTION:

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

That the information be received and noted.

ORDINARY MEETING

MINUTES: 5 February 2013

CONFIDENTIAL REPORTS

29 RESOLUTION:

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

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

30 RESOLUTION:

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

That:

1. The Council meeting be closed to deal with confidential matters and in accordance with Section 10A of the Local Government Act, 1993, members of the Press and the public be excluded from the Council Chambers during consideration of the following items:

Item: 20 CP - Community Representation on Waste Management Advisory Committee - (95498, 79356)

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

Item: 21 CP - Request from Council's Recycling Contractor for an Increase in Service Fee as a Result of Carbon Pricing Legislation - (95498, 96330)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act, 1993 as it relates to a request to increase service charges and amend conditions of a current contract with Hawkesbury City Council and the information is regarded as being commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, confer a commercial advantage on a competitor of the Council, or reveal a trade secret and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

Item: 22 IS - Acquisition for Easements for Batter and Support - Bridge No.3 Upper Colo Road - (95495)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act, 1993*as it relates to property values and the information is regarded as being commercial information of a confidential nature that 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: 23 IS - Tender No. 00920 - Tender for the Supply and Lay of Asphaltic Concrete within the City of Hawkesbury - (95495, 79344)

*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 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.*

ORDINARY MEETING

MINUTES: 5 February 2013

Item: 24 SS - Property Matter - Lease to Mr Hui Liang Chen - Shop 1 McGraths Hill Shopping Centre - (89525, 119085, 9587)

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

31 RESOLUTION:

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

Item: 20 CP - Community Representation on Waste Management Advisory Committee - (95498, 79356) CONFIDENTIAL

Previous Item: 216, Ordinary (27 November 2012)

MOTION:

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

Refer to RESOLUTION

32 RESOLUTION:

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

That Mr Jeff Bessel and Ms Robin Woods be appointed as community representatives on Council's Waste Management Advisory Committee.

ORDINARY MEETING

MINUTES: 5 February 2013

Item: 21 CP - Request from Council's Recycling Contractor for an Increase in Service Fee as a Result of Carbon Pricing Legislation - (95498, 96330) CONFIDENTIAL

MOTION:

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

Refer to RESOLUTION

33 RESOLUTION:

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

That:

1. Council agree to the request from J J Richards and Sons Pty Ltd for an increase in the service fee as requested in their letter to Council dated 22 August 2012.
2. Both parties are to enter into a deed of variation of the Contract at the contractors costs, setting out clear parameters on the procedure, calculation and requirements which would accompany any such claim (including future claims), as follows :
 - a) There must be transparency, equity and accountability in calculation of any costs variation.
 - b) That any variation in costs may only be agreed upon once.
 - c) That any such claim should be accompanied by documentation which permits the relevant party to verify the costs claimed.
3. Arrangements at the contractor's costs be made to amend the Contract to more adequately address the obligation and benefits conferred on both parties under the Act now that it has been introduced and its impact more certain.
4. J J Richards and Sons Pty Ltd be notified in writing of Council's decision on this matter.
5. Authority be given for any documentation in association with the matter to be executed under the Seal of Council, if necessary.
6. A report be prepared for Council outlining wording to be included on the rates notice for the Financial Year 2013/2014, including instalment notices, reflecting how Council has been financially affected by the introduction of the Federal Governments Carbon Tax that must be paid by all rate payers.

ORDINARY MEETING

MINUTES: 5 February 2013

Item: 22 **IS - Acquisition for Easements for Batter and Support - Bridge No.3 Upper Colo Road - (95495) CONFIDENTIAL**

MOTION:

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

Refer to RESOLUTION

34 RESOLUTION:

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

That:

1. An area of 209.67sqm be acquired for easement purposes from 587 Upper Colo Road , Central Colo, (Lot 1 in Deposited Plan 1086795).
2. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.

Item: 23 **IS - Tender No. 00920 - Tender for the Supply and Lay of Asphaltic Concrete within the City of Hawkesbury - (95495, 79344) CONFIDENTIAL**

MOTION:

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

Refer to RESOLUTION

35 RESOLUTION:

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

That:

1. The schedule of rates tender submitted by Ozpave (Aust) Pty Ltd for the supply and placement of Asphaltic Concrete for a twelve month period, for Pothole Patching, Part A at \$205.00 per hour for a period of twelve months with an option for a further 12 months extension subject to agreement by both parties be accepted.
2. The schedule of rates tender submitted by Bernipave Pty Ltd for the supply and placement of Asphaltic Concrete deep lift patching, Part B, for a period of twelve months with an option for a further 12 months extension subject to agreement by both parties be accepted.

ORDINARY MEETING

MINUTES: 5 February 2013

3. The schedule of rates tender submitted by Bernipave Pty Ltd for the supply and placement of Asphaltic Concrete for Re-sheeting, Part C, for a period of twelve month with an option for a further 12 months extension subject to agreement by both parties be accepted.
4. The seal of Council be affixed to any contract documentation.
5. Council note that alternate contractors from this tender may be engaged on the basis of price and availability should the Principal Contractor be unavailable within a reasonable time frame.

Item: 24 SS - Property Matter - Lease to Mr Hui Liang Chen - Shop 1 McGraths Hill Shopping Centre - (89525, 119085, 9587) CONFIDENTIAL

Councillor Conolly declared a pecuniary interest in this matter as a family member works for the business currently leasing the shop. He did not take part in discussion of the matter, however, as a quorum would not be available as a result of his leaving the meeting the matter is to be reported to the next Council meeting.

SECTION 5 - Reports of Committees

ROC - Audit Committee Minutes - 5 December 2012 - (95496, 91369)

36 RESOLUTION:

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

That the minutes of the Audit Committee held on 5 December 2012 as recorded on pages 181 to 184 of the Ordinary Business Paper be received.

ROC - Local Traffic Committee - 14 January 2013 - (80245)

37 RESOLUTION:

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

That the minutes of the Local Traffic Committee held on 14 January 2013 as recorded on pages 185 to 205 of the Ordinary Business Paper be adopted.

ORDINARY MEETING

MINUTES: 5 February 2013

QUESTIONS FOR NEXT MEETING

Councillors Questions from Previous Meetings and Responses - (79351)

Questions from Questions

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

ORDINARY MEETING

MINUTES: 5 February 2013

Questions for Next Meeting

#	Councillor	Question	Response
1	Mackay	Asked if the shade cloth in the Rest-a-While café at the Visitor Information Centre could be waterproof.	Director Support Services
2	Reardon	Asked if the Non-Smoking Policy passed by the government could extend to outdoor Community Events.	Director Infrastructure Services
3	Creed	Asked how Council calculates cost of building new homes with regards to determining Council's application fees and at what rate at per square meter is the fee calculated.	Director City Planning

The meeting terminated at 7:51pm.

Submitted to and confirmed at the Ordinary meeting held on 26 February 2013.

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Mayor