



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 28 May 2013

location: council chambers

time: 6:30 p.m.

ORDINARY MEETING

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 28 May 2013, commencing at 6:30pm.

Deacon Michael Flew of St Monica's Catholic Church, Richmond, 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, 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, Director Support Services - Laurie Mifsud, Executive Manager - Community Partnerships - Joseph Litwin, Manager Corporate Services and Governance - Abbey Rouse and Administrative Support Team Leader - Bianca James.

APOLOGIES

An apology for absence was received from Councillor Lyons-Buckett.

151 RESOLUTION:

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

Councillor Rasmussen arrived at the meeting at 6:36pm.

SECTION 1: Confirmation of Minutes

152 RESOLUTION:

RESOLVED on the motion of Councillor Reardon and seconded by Councillor Conolly that the Minutes of the Ordinary Meeting held on the 14 May 2013, be confirmed.

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SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 92 GM - Financial Sustainability of Hawkesbury City Council - (79351, 96332, 95496)

Mr Michael Want, respondent, addressed Council.

MOTION:

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

Refer to RESOLUTION

153 RESOLUTION:

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

That the information regarding the Financial Sustainability of the NSW Local Government Sector report issued by NSW TCorp in April 2013, be received and noted.

**Item: 93 GM - Richmond Club Limited and Hills, Hawkesbury & Riverlands Tourism -
Request for Councillor Representation on "Golf Hawkesbury Project Committee"
- (79351)**

MOTION:

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

Refer to RESOLUTION

154 RESOLUTION:

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

That Councillor Creed be Council's nominated representative to the Golf Hawkesbury Project Committee.

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Item: 94 **GM - Sister City Program Policy - Student Exchange Donation, Temple City and Kyotamba 2013 (79351, 73610)**

Previous Item: Item 101, Ordinary (31 May, 2011)
 Item 55, Ordinary (8 May, 2012)

MOTION:

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

Refer to RESOLUTION

155 RESOLUTION:

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

That:

1. Under the provisions of Section 356 of the Local Government Act 1993, and in accordance with Council's Sister City Program Policy, Council donate \$500 to each of the following students participating in the 2013 student exchange program visit to Kyotamba and Temple City being:
 - (a) Jordan Piper
 - (b) Eton Lindsay
 - (c) Madeline Eglin
 - (d) Suzanne Simpson
 - (e) Tyler-ann Wheeler
 - (f) Abigail Price
 - (g) Adam Clark
 - (h) Timothy McAlpine
 - (i) Jordan Pearson
 - (j) Bethany Tramontono
 - (k) Jamie Anyon-Smith
 - (l) Phoebe Tracey
 - (m) Thomas Refalo

2. The Hawkesbury Sister City Association be requested to address issues surrounding the 2011 disasters in Japan with parents and guardians of students travelling to Kyotamba utilising Federal Government travel advice.

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Item: 95 GM - Local Government Strategic Alliancing Showcase 2013 (79351)

MOTION:

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

Refer to RESOLUTION

156 RESOLUTION:

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

That attendance of staff members as considered appropriate by the General Manager, at the Local Government International Strategic Alliance Showcase 2013 at an approximate cost of \$3,300 per delegate be approved.

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CITY PLANNING

Item: 96 CP - DA0110/13 - 395 Blaxlands Ridge Road, Blaxlands Ridge - Lot 5 DP 1138925 - Retrospective Application - Structure ancillary to the dwelling - Use as home gymnasium, storage and garage - (95498, 857825, 95440)

MOTION:

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

Refer to RESOLUTION

157 RESOLUTION:

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

That Development Application No. DA0110/13 for the use of building ancillary to the dwelling - Use as home gymnasium, storage and garage on lot 5, DP 1138925, known as 395 Blaxlands Ridge Road, Blaxlands Ridge, be approved subject to the conditions as follows:

1. The development shall take place generally in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions and where amendments made in red to the approved plans, specifications or documentation submitted.
 - Site Plan A101, Job Number 0029, Rev 1
 - Ground Floor Plan A201, Job Number 0029, Rev 1
 - Floor Plan & Elevations Plan December 2012
 - Site Plan & Elevation Plan December 2012
2. The development shall comply with the provisions of the Building Code of Australia at all times.
3. Application is to be made for a Building Certificate (Clause 149D of the Environment Planning and Assessment Act 1979) with the Consent Authority for the constructed building within 90 days from the issue of this Development Consent.

Use of the Development

4. No internal or external alterations shall be carried out without prior approval of Council.
5. The building shall only be used for domestic purposes ancillary to the existing dwelling and not for independent residential accommodation or for industrial or commercial purposes.

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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:

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

Councillor Lyons-Buckett was absent from the meeting.

Item: 97 **CP - DA0628/12 - 725 Windsor Road, Vineyard - Lot 31 DP 1089253 - Extension of Sunday Night Trading Hours - (95498, 12728)**

Mr Glen Stanford, proponent, addressed Council.

MOTION:

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

Refer to RESOLUTION

158 RESOLUTION:

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

That:

1. Development application DA0628/12 at Lot 31 DP 1089253, 725 Windsor Road, Vineyard for Hotel - Extension of Sunday night trading hours be approved subject to the following conditions:
 - a) The hours of operation of the Vineyard Hotel shall be limited to the following:-
Monday's to Saturday's - 5 am to 3 am
Sunday's - 10 am to midnight

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- The public bar, bottle shop and video store shown on the plans submitted, shall close at 10 pm on Sunday's.
- b) Entry to the Vineyard Hotel building on Sunday nights after 10 pm shall be limited to the main entry to the located closest to Windsor Road.
 - c) No entertainment apart from background music, TV and Video screens (including amplified talking) is to be provided on Sunday nights between 10 pm and midnight.
 - d) To minimise the noise impact on the surrounding environment, the use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to "offensive noise" as defined under the provisions of the Protection of the Environment Operations Act 1997.
 - e) The noise emitted from the development shall not exceed the background noise level in an Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) after 10 pm at the boundary of any affected residence. The noise from the development shall not be audible within any habitable room in any residential premises after 10 pm.
2. Council notes the Community Impact Statement submitted and raises no objection to the issuing of a liquor licence reflecting the operational conditions of Development Consent DA0628/12.

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 Mackay	
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Tree	
Councillor Williams	

Councillor Lyons-Buckett was absent from the meeting.

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Item: 98 **CP - DA0486/12 - 43A Yeomans Road, North Richmond - Lot 2 DP 500716 - Additions to Dwelling House - Filling of a Waterbody and Construction of a Shed - (95498, 40412, 40413)**

Mr Marc Martello, proponent, addressed Council.

MOTION:

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

Refer to RESOLUTION

159 RESOLUTION:

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

That development application DA0486/12 at Lot 2 DP 500716, Roma 43A Yeomans Road, North Richmond for additions to a dwelling house, filling of a water body and construction of a structure ancillary to a dwelling be approved subject to the following conditions:

General Conditions

1. 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.
2. The development shall comply with the provisions of the National Construction Code - Building Code of Australia.
3. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
4. The works shall not be occupied prior to the issue of an Occupation Certificate.
5. Hawkesbury City Council is the sewer 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.
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 seven days of issuing the certificate. A registration fee applies.
7. This consent covers the removal of up to 18 trees as shown on the plans submitted with the application. All vegetative debris (including felled trees) resulting from the approved clearing of the site for construction, is to be chipped or mulched. Tree trunks are to be recovered for posts, firewood or other appropriate use. No vegetative material is to be disposed of by burning.

Prior to Issue of Construction Certificate

8. 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 \$2399.35 shall be paid to Hawkesbury City Council.

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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).

The contribution is to be paid prior to the issue of the construction certificate and copies of receipts(s) confirming that the contribution has been fully paid are to be provided to the Principal Certifying Authority.

9. 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.

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

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. 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.
12. Toilet facilities (to the satisfaction of the Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
13. 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 the 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 seven days emergency numbers).
 - d. The name and contact number of the Principal Certifying Authority.
14. A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Principal Certifying Authority prior to any works commencing on site.

During Construction

15. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.
16. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted. Water flows from the site shall follow the original flow direction without increased velocity.
17. 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.
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:

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- 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.
19. All roofwater shall be drained to water storage vessel/s. The overflow from water storage vessels shall be drained to a rubble pit of suitable size.
 20. All new works shall match the colours and materials used in the existing dwelling.
 21. The footings shall be piered or shall penetrate through any fill or unstable foundation material to bear upon a structurally adequate foundation material of a uniform load-bearing value.
 22. The dwelling additions shall comply with the construction requirements of "Planning for Bush Fire Protection" prepared by Planning NSW and AS 3959 - 2009 Construction of Buildings in Bush Fire Prone Areas, Bushfire Attack Level 12.5.
 23. An automatic fire detection and alarm system shall be installed within the building in accordance with the Building Code of Australia for Class 1A Dwellings.
 24. Inspections and Compliance Certificates for sewer works can only be conducted and issued by Hawkesbury City Council. Inspections must be conducted on the exposed pipes prior to backfilling or concrete encasement.

In the case of internal and external (house service connection) drainage, the inspection must be conducted by Hawkesbury City Council's Building and Development Branch. Please phone (02) 4560-4565 to arrange inspections.
 25. Minimum of 36 replacement trees shall be planted on the property in the vicinity of the proposed development. The replacement trees shall be endemic to the locality and be planted no later than three months after tree removal has taken place and the trees shall be protected and maintained so as to ensure that they reach maturity.
 26. Photographic evidence of the replacement trees shall be provided to Council no later than one month after their planting.
 27. The topsoil shall be stripped and stockpiled and used to cover the landfill in areas not forming part of the building platform.
 28. All fill to be adequately compacted by track rolling or similar in layers not exceeding 300mm.
 29. All constructed batters are to be topsoiled and turfed and where batters exceed a ratio of 3 horizontal to 1 vertical, retaining walls, stoneflagging or terracing shall be constructed.
 30. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
 31. A ticketing system is to accompany any material being brought to the site. A register is to be kept on site to cross reference against the source records. An independent site auditor is to be engaged to undertake appropriate certification regarding the monitoring and validation of the fill material imported to the site as being sound, suitable for the proposed use and free of contamination.
 32. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.

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33. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
34. All fill including existing fill must be compacted to 98% standard compaction in accordance with AS1289 and verified by the submission of test results from a NATA registered laboratory.
35. 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.
36. External colours and material of the new work are to match the existing.

Prior to Issue of Occupation Certificate

37. A written clearance from Hawkesbury City Council (as the local sewer authority) that the development is suitably connected to the on-site sewerage management facility is required to be submitted to the Principal Certifying Authority prior to the issue of an Interim Occupation Certificate.
38. 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.
 - d. 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.
 - e. 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

39. No internal or external alterations shall be carried out without prior approval of Council.
40. The subject development, including landscaping, is to be maintained in a clean and tidy manner.
41. Any external lighting shall be directed in such a manner so that no nuisance is caused to adjoining properties or to drivers on surrounding streets.
42. The structure ancillary to the dwelling shall not be occupied for human habitation/residential, industrial or commercial purposes.

Advisory Notes

- *** 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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*** 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.

*** Should any aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.

*** 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

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	Councillor Creed
Councillor Conolly	
Councillor Ford	
Councillor Mackay	
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Tree	
Councillor Williams	

Councillor Lyons-Buckett was absent from the meeting.

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Item: 99 CP - Proposed Licence Agreement with North West Disability Services - Public Notification - (96328)

Previous Item: Item 108, Ordinary (31 May 2011)
Item 205, Ordinary (13 September 2011)
Item 18, Ordinary - (14 February 2012)
Item 119, Ordinary (10 July 2012)
Item 32, Ordinary (26 February 2013)

Ms Deborah Gersbach and Mr Garth Smith, proponents, addressed Council.

MOTION:

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

Refer to RESOLUTION

160 RESOLUTION:

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

That Council prepare an application under Section 47 (6) of the *Local Government Act 1993* to seek the Minister's consent to enter into a Licence Agreement with NWDS for the purpose of constructing a Disability Services Centre on a portion of Pound Paddock.

Item: 100 CP - Submission to Draft Metropolitan Strategy for Sydney to 2031 - (95498)

MOTION:

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

Refer to RESOLUTION

161 RESOLUTION:

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

That the submission attached to this report be forwarded to the Department of Planning and Infrastructure, in response to the public exhibition of the draft *Metropolitan Strategy for Sydney to 2031*, before the closing period for submissions being 31 May 2013.

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Item: 101 **CP - Inspection and Licensing System for On-Site Effluent Disposal Systems - (96330)**

Previous Item: 67, Ordinary (30 April 2013)

MOTION:

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

Refer to RESOLUTION

162 RESOLUTION:

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

That the information be received.

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SUPPORT SERVICES

Item: 102 **SS - March 2013 Quarterly Budget Review Statement - (96332, 95496)**

Previous Item: Item 90, Extraordinary (19 June 2012)

MOTION:

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

Refer to RESOLUTION

163 RESOLUTION:

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

That:

1. The information contained in the report be received.
2. The Quarterly Budget Review Statement – March 2013 be adopted.

Item: 103 **SS - Monthly Investments Report - April 2013 - (96332, 95496)**

MOTION:

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

Refer to RESOLUTION

164 RESOLUTION:

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

The report regarding the monthly investments for April 2013 be received and noted.

CONFIDENTIAL REPORTS

165 RESOLUTION:

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

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

166 RESOLUTION:

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

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: 104 IS - Tender No. 00924 - Tender for the Hire of Plant and Trucks - (95495)

*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.*

Item: 105 SS - Property Matter - Lease to Vanarith Chea & Sayoen Khun - Shop 4 Wilberforce Shopping Centre - (112106, 96596, 113051, 109556, 111635)

*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: 106 SS - Property Matter - Lease to HPBC Pty Limited - Former Library Building, Corner of Dight and George Streets, Windsor - (95496, 112106, 99884)

*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: 107 SS - Property Matter - Lease to Samuel Fazl - Shop 11 Glossodia Shopping Centre - (112106, 95496, 127209)

*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.*

ORDINARY MEETING

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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.

167 RESOLUTION:

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

Item: 104 IS - Tender No. 00924 - Tender for the Hire of Plant and Trucks - (95495)
CONFIDENTIAL

MOTION:

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

Refer to RESOLUTION

168 RESOLUTION:

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

That:

1. The scheduled list, shown in Confidential Attachment 1, for the hire of plant and trucks be adopted for a two year period commencing 1 July 2013 to 30 June 2015.
2. Engagement of plant and trucks be based on ranking, availability and performance.
3. Any necessary documentation be executed under the Seal of Council, if required.

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**Item: 105 SS - Property Matter - Lease to Vanarith Chea & Sayoen Khun - Shop 4
Wilberforce Shopping Centre - (112106, 96596, 113051, 109556, 111635)
CONFIDENTIAL**

MOTION:

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

Refer to RESOLUTION

169 RESOLUTION:

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

That:

1. Council agree to enter into a new lease with Mr Vannarith Chea and Mrs Sayoen Khun trading as 'Wilberforce Bakery' in regard to Shop 4 Wilberforce Shopping Centre, in accordance with the proposal outlined in the report.
2. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.
3. Details of Council's resolution be conveyed to the proposed Lessees, together with the advice that Council is not, and will not, be bound by the terms of its resolution, until such time as appropriate legal documentation to put such resolution into effect has been agreed to and executed by all parties.

CONFIDENTIAL SUPPLEMENTARY REPORTS

**Item: 106 SS - Property Matter - Lease to HPBC Pty Limited - Former Library Building,
Corner of Dight and George Streets, Windsor - (95496, 112106, 99884)
CONFIDENTIAL**

Councillor Calvert declared a less than significant non-pecuniary conflict of interest in this matter as he is acquainted with one of the tenants of the building and no further action is required.

MOTION:

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

Refer to RESOLUTION

ORDINARY MEETING

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170 RESOLUTION:

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

That:

1. Council agree with the "without prejudice" proposal outlined in the report in respect of HPBC Pty Limited's lease of the Former Library Building at the corner of Dight and George Streets, Windsor.
2. The General Manager be given authority to negotiate minor amendments to the "without prejudice" proposal outlined in the report, if necessary.
3. Authority be given for any documentation in association with the matter to be executed under the Seal of Council where applicable.
4. Details of Council's resolution be conveyed to HPBC Pty Limited, together with the advice that Council is not, and will not, be bounded by 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: 107 SS - Property Matter - Lease to Samuel Fazl - Shop 11 Glossodia Shopping Centre - (112106, 95496, 127209) CONFIDENTIAL

MOTION:

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

Refer to RESOLUTION

171 RESOLUTION:

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

That:

1. Council agree to enter into a Lease of Shop 11 Glossodia Shopping Centre with Samuel Fazl, as outlined in the report.
2. Authority be given for any documentation in association with this 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.

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SECTION 5 - Reports of Committees

ROC - Human Services Advisory Committee Minutes - 2 May 2013 - (123486)

172 RESOLUTION:

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

That the minutes of the Human Services Advisory Committee held on 2 May 2013 as recorded on pages 97 to 101 of the Ordinary Business Paper be received.

ROC - Local Traffic Committee Meeting - 13 May 2013 - (80245)

173 RESOLUTION:

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

That the minutes of the Local Traffic Committee held on 13 May 2013 as recorded on pages 102 to 114 of the Ordinary Business Paper be adopted.

ORDINARY MEETING

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QUESTIONS FOR NEXT MEETING

Councillor Questions from Previous Meetings and Responses - (79351)

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

ORDINARY MEETING**MINUTES: 28 May 2013****Questions For Next Meeting**

#	Councillor	Question	Response
1	Rasmussen	Advised that large potholes near the T-intersection of Yarramundi and Innals Lanes require repair.	Director Infrastructure Services
2	Rasmussen	Asked what the current position was regarding the development at 69 Blacktown Road, Yarramundi.	Director City Planning
3	Porter	Asked if it was Council's policy to issue fines in respect of retrospective approvals.	Director City Planning
4	Paine	Asked if Council was aware of any premises that the 'Men's Shed' in Richmond could move into.	Director Support Services
5	Paine	Asked what could be done about the vehicles travelling up Macquarie Street, turning right onto Bridge Street, left into Court Street and then first left to the round-a-bout in Thompson Square bypassing the traffic lights at the intersection of Macquarie Street and Bridge Street.	Director Infrastructure Services
6	Mackay	Asked if Mr Brian Keegan could have his road bond refunded.	Director Infrastructure Services
7	Reardon	Advised she had previously requested at the 9 April meeting to have the Jacaranda tree covering the end of School zone sign on Grose Vale Road trimmed however the works have not been completed and asked if Council staff could undertake the works.	Director Infrastructure Services
8	Reardon	Asked if a pedestrian crossing could be placed in Kurrajong Village.	Director Infrastructure Services
9	Creed	Advised that traffic control was set up during peak travel times on Grose Vale Road and asked if Council have a Policy on works being undertaken on Council roads during peak travel times.	Director Infrastructure Services
10	Conolly	Asked for an update on the meeting/forum regarding homeless service providers.	Director City Planning

The meeting terminated at 8:50pm.

Submitted to and confirmed at the Ordinary meeting held on 25 June 2013.

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Mayor