



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 02 February 2010

location: council chambers

time: 6:30 p.m.

ORDINARY MEETING

Table of Contents

MINUTES: 2 February 2010

MINUTES

- **WELCOME / EXPLANATIONS / PRAYER**
- **APOLOGIES**
- **DECLARATION OF INTERESTS**
- **SECTION 1 - Confirmation of Minutes**
- **AGENDA ITEMS SUBJECT TO PUBLIC ADDRESS**
- **SECTION 2 - Mayoral Minutes**
- **QUESTIONS WITH NOTICE**
- **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 WITHOUT NOTICE**

ORDINARY MEETING

Table of Contents

MINUTES: 2 February 2010

ORDINARY MEETING

Table of Contents

MINUTES: 2 February 2010

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE
SECTION 3 - Notices of Motion		6
	NM1 - Interpretive Signs Identifying Significant Historic Structures and Localities - (111627, 80106)	6
	NM2 - Bligh Park North - Discussions with Proponents for Development and SES - (111629, 80104, 95495, 95498)	6
SECTION 4 - Reports for Determination		7
GENERAL MANAGER		7
Item: 1	GM - Australian Local Government Women's Association Annual Conference 2010 - (79351)	7
Item: 2	GM - LGSA Tourism Conference 2010 - 10 to 12 March 2010 - (79351)	7
CITY PLANNING		8
Item: 3	CP - Nepean Regional Taskforce on Homelessness - (79342)	8
Item: 4	CP - Land Release Application to Department of Planning for 108 Grose Vale Road, North Richmond - (107430, 105365, 77679, 95498)	8
INFRASTRUCTURE SERVICES		11
Item: 5	IS - Proposed Closure of a section of Mount Irvine Road, Bilpin - (95495, 73986)	11
Item: 6	IS - Community Building Partnership Program - Mountain Lagoon Road - (95495, 79344)	12
Item: 7	IS - Naming of a un-named Road at Pitt Town within proposed Subdivision of Lot 4 DP 711815, No. 10 Eldon Street, Pitt Town - (94595, 73916)	12
Item: 8	IS - Closed Circuit Television (CCTV) Cameras for Bowen Mountain Park - (95495, 79354)	13
Item: 9	IS - Hawkesbury City Waste Management Facility - Sand Volumes - (95495, 82995)	13
SUPPORT SERVICES		14
Item: 10	SS - Hawkesbury Heritage Farm (formerly Australiana Pioneer Village) - (95496, 79351)	14
Item: 11	SS - Code of Meeting Practice - Questions Without Notice - (79337)	16
Item: 12	SS - Classification of Land - Lot 1061 DP1131838 - 138 Johnston Street Pitt Town - Sewage Pumping Station - (95496, 87959)	17

ORDINARY MEETING**Table of Contents****MINUTES: 2 February 2010**

ITEM	SUBJECT	PAGE
Item: 13	SS - Monthly Investments Report - November 2009 - (96332, 95496)	17
Item: 14	SS - Monthly Investments Report - December 2009 - (96332, 95496)	18
CONFIDENTIAL REPORTS		19
GENERAL MANAGER		21
Item: 15	GM - Co-Generation Plant - (79351, 95495) CONFIDENTIAL	21
INFRASTRUCTURE SERVICES		22
Item: 16	IS - Tender No. 00610 - Concrete Works - Restoration of Footpaths, Kerb and Guttering and Construction of New Dish Drains within the City of Hawkesbury- (95495, 79344) CONFIDENTIAL	22
Item: 17	IS - Tender No. 00910 - Landscape Construction at Richmond Park - (95495, 79354) CONFIDENTIAL	23
SUPPORT SERVICES		24
Item: 18	SS - Property Matter - Lease to Jeanette Stewart James and Veronica Ferne Thompson, Trading as Glossodia Pharmacy - Shop 9 Glossodia Shopping Centre, Glossodia - (112106, 95739) CONFIDENTIAL	24
Item: 19	SS - Property Matter - Lease to Harold Robert Munro and Ena Joy Munro trading as "Munro's Colonial Meats" for Shop 2 Wilberforce Shopping Centre - (112106, 32505, 34779) CONFIDENTIAL	25
Item: 20	SS - Property Matter - Lease to David John Spencer Trading as "Stonehill Rural Services" for Shop 1 Wilberforce Shopping Centre - (112106, 34779, 86218) CONFIDENTIAL	25
Item: 21	SS - Property Matter - Extinguishment of lease to Diana McAuliffe and lease to Mina Girgis and Fady Girgis - Shop 6 Wilberforce Shopping Centre - (76925, 112106, 76925) CONFIDENTIAL	26
SECTION 5 - Reports of Committees		27
ROC - Floodplain Risk Management Advisory Committee Minutes - 7 December 2009 - (86589)		27
ROC - Hawkesbury Civic and Citizenship Committee - 9 December 2009 - (96972, 79356, 79351)		27
ROC - Hawkesbury Macquarie 2010 Committee - 10 December 2009 - (114013, 95498)		27
ROC - Local Traffic Committee - 13 January 2010 - (80245)		27
QUESTIONS WITHOUT NOTICE		28

ORDINARY MEETING

Table of Contents

MINUTES: 2 February 2010

Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 2 February 2010, commencing at 6.32pm.

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 B Bassett, Mayor, Councillor K Conolly, Deputy Mayor and Councillors B Calvert, W Mackay, C Paine, B Porter, P Rasmussen, J Reardon, T Tree, W Whelan and L Williams.

ALSO PRESENT: General Manager - Peter Jackson, Director City Planning - Matt Owens, Acting Director Infrastructure Services - Richard Vaby, Director Support Services - Laurie Mifsud, Manager Corporate Services and Governance - Fausto Sut, Executive Manager - Community Partnerships - Joseph Litwin and Administrative Support Team Leader - Amy Dutch.

APOLOGIES

An apology for absence was received from Councillor R Stubbs.

1 RESOLUTION:

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

SECTION 1: Confirmation of Minutes

2 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Paine that the Minutes of the Ordinary Meeting held on the 8 December 2009, be confirmed.

3 RESOLUTION:

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

That the Gazette and the ABC be permitted to film in the Council Chambers during discussion of Item 10 - Hawkesbury Heritage Farm (formerly Australiana Pioneer Village).

SECTION 3 - Notices of Motion

NM1 - Interpretive Signs Identifying Significant Historic Structures and Localities - (111627, 80106)

MOTION:

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

Refer to RESOLUTION

4 RESOLUTION:

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

That a report be brought to Council regarding the installation of interpretive signs identifying significant historic structures, localities and sites of aboriginal significance.

NM2 - Bligh Park North - Discussions with Proponents for Development and SES - (111629, 80104, 95495, 95498)

Councillor Conolly declared a pecuniary interest in this matter as his employer owns land in "Bligh Park North" adjoining Chisholm Catholic Primary School. He left the Chamber and did not take part in voting or discussion on the matter.

Mr Kent Stuart and Mr Frank Scharfe, proponents, addressed Council.

MOTION:

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

Refer to RESOLUTION

5 RESOLUTION:

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

That representatives of the proponents for the potential development of the area referred to as Bligh Park North, together with representatives of the SES in relation to flood evacuation issues, be invited to a future Councillors Briefing Session in order to discuss issues surrounding this particular area.

ORDINARY MEETING

MINUTES: 2 February 2010

SECTION 4 - Reports for Determination

GENERAL MANAGER

**Item: 1 GM - Australian Local Government Women's Association Annual Conference
2010 - (79351)**

MOTION:

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

Refer to RESOLUTION

6 RESOLUTION:

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

That the attendance of nominated Councillors, and staff members as considered appropriate by the General Manager, at the Australian Local Government Women's Association Annual Conference at a cost of approximately \$1,205.00 plus travel expenses per delegate be approved.

No Councillors were nominated to attend the Australian Local Government Women's Association Annual Conference.

Item: 2 GM - LGSA Tourism Conference 2010 - 10 to 12 March 2010 - (79351)

MOTION:

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

Refer to RESOLUTION

7 RESOLUTION:

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

That the attendance of nominated Councillors, and staff members as considered appropriate by the General Manager, at the LGSA Tourism Conference 2010 at a cost of approximately \$1,320.00 plus travel expenses per delegate be approved.

No Councillors were nominated to attend the LGSA Tourism Conference 2010.

ORDINARY MEETING

MINUTES: 2 February 2010

CITY PLANNING

Item: 3 CP - Nepean Regional Taskforce on Homelessness - (79342)

Mr Frank Scharfe, respondent, addressed Council.

MOTION:

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

Refer to RESOLUTION

8 RESOLUTION:

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

That Council:

1. Formally endorse the MOU for the Nepean Taskforce on Homelessness.
2. Support the co-ordination of the Hawkesbury Street Count of Rough Sleepers.

Item: 4 CP - Land Release Application to Department of Planning for 108 Grose Vale Road, North Richmond - (107430, 105365, 77679, 95498)

Previous Item: 276, Ordinary (8 December 2009)

Councillors Bassett, Conolly, Reardon, Tree and Whelan individually declared a less than significant non-pecuniary conflict of interest in this matter as Buildev Pty Ltd, who owns land that is being considered by the Department of Planning for inclusion on Metropolitan Land Release, had made donations directly to the Liberal Party Head Office but as each one of them had received no direct benefit from donations in any campaign they would continue to participate in the meeting.

Councillor Calvert declared a less than significant non-pecuniary conflict of interest in this matter as Buildev Pty Ltd, who owns land that is being considered by the Department of Planning for inclusion on Metropolitan Land Release, may have made donations directly to the Labour Party Head Office but as he had received no direct benefit from donations in any campaign he would continue to participate in the meeting.

Mr David Perry, respondent, addressed Council.

MOTION:

A MOTION was moved by Councillor Conolly, seconded by Councillor Tree.

ORDINARY MEETING

MINUTES: 2 February 2010

That:

1. The submission attached to the report be forwarded to the Department of Planning as Council's submission to the Land Release application lodged with the Department of Planning.
2. The submission provided by the North Richmond and Districts Community Action Association Inc. in response to the land release application be attached to Council's submission to the Department of Planning.

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

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 amendment, the results of which were as follows:

For the Amendment	Against the Amendment
Councillor Calvert	Councillor Bassett
Councillor Mackay	Councillor Conolly
Councillor Paine	Councillor Reardon
Councillor Porter	Councillor Tree
Councillor Rasmussen	Councillor Whelan
Councillor Williams	

Councillor Stubbs absent from the meeting.

The amendment was carried.

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

9 RESOLUTION:

RESOLVED on the MOTION moved by Councillor Calvert, seconded by Councillor Paine.

That:

1. The Department of Planning be advised that this Council and the local community believe that the land should not be listed on the MDP as illustrated in the submissions regarding this matter.
2. The Submission attached to the report be forwarded to the Department of Planning as Council's submission to the Land Release application lodged with the Department of Planning.
3. The Submission provided by the North Richmond and Districts Community Action Association Inc. in response to the land release application be attached to Council's submission to the Department of Planning.

ORDINARY MEETING

MINUTES: 2 February 2010

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 Bassett
Councillor Mackay	Councillor Conolly
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Tree	
Councillor Whelan	
Councillor Williams	

Councillor Stubbs absent from the meeting.

ORDINARY MEETING

MINUTES: 2 February 2010

INFRASTRUCTURE SERVICES

Item: 5 **IS - Proposed Closure of a section of Mount Irvine Road, Bilpin - (95495, 73986)**

Previous Item: 43, General Purpose Committee (24 September 2002)
 2, General Purpose Committee (26 March 1991)
 10, General Purpose Committee (25 September 1990)

MOTION:

A MOTION was moved by Councillor Porter, seconded by Councillor Williams.

That Authority be given to Council to obtain the necessary funding to bring Mount Irvine Road up to a level of service acceptable to the Rural Fire Service.

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

Refer to RESOLUTION

The amendment was carried.

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

10 RESOLUTION:

RESOLVED on the MOTION was moved by Councillor Paine, seconded by Councillor Rasmussen.

That:

1. The section of Mt Irvine Road, Bilpin, from a point past the access to the last property from Bells Line of Road (Lot 7 DP 245105) to Bowens Creek be closed under Part 4 of the Road Act 1993.
2. Any relevant documentation be executed under the Seal of Council.
3. Blue Mountains City Council be advised of the proposed Road Closure.
4. A formal approach be made with the NSW National Parks and Wildlife Service (through Department of Environment, Climate Change and Water) to transfer the closed section of the Mt Irvine Road Reserve to the Authority for this land to be part of the Wollemi National Park as a fire trail.
5. In the event that the NSW NPWS does not concur with the transfer of land outlined in Item 4 of the Resolution, the land in question be vested in Council as operational land and application be made with the relevant Authority to create a fire trail along the existing Mt Irvine Road formation with a view to obtaining the necessary funding to bring the fire trail to a level of service acceptable to the Rural Fire Service.

ORDINARY MEETING

MINUTES: 2 February 2010

Item: 6 **IS - Community Building Partnership Program - Mountain Lagoon Road - (95495, 79344)**

MOTION:

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

Refer to RESOLUTION

11 RESOLUTION:

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

That:

1. The conditional offer in the amount of \$80,000 under the Community Building Partnership Program for the reconstruction of the "fire trail" section of Mountain Lagoon Road be accepted upon receipt of a formal letter of offer.
2. Council's matching contribution in the amount of \$80,000 be funded from the current Works Program under the Kerb and Gutter Reconstruction component.

Item: 7 **IS - Naming of a un-named Road at Pitt Town within proposed Subdivision of Lot 4 DP 711815, No. 10 Eldon Street, Pitt Town - (94595, 73916)**

MOTION:

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

Refer to RESOLUTION

12 RESOLUTION:

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

That public comment be sought under the NSW Roads Act, 1993 for the naming of the existing un-named road in connection within a proposed subdivision of Lot 4 DP 711815, No. 10 Eldon Street Pitt Town as Iris Street.

ORDINARY MEETING

MINUTES: 2 February 2010

Item: 8 **IS - Closed Circuit Television (CCTV) Cameras for Bowen Mountain Park - (95495, 79354)**

Mr Douglas Carbery, Mr Colin Chesterman and Mr Russell Stedman, proponents, addressed Council.

MOTION:

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

Refer to RESOLUTION

13 RESOLUTION:

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

That:

1. An appropriate policy be developed in relation to the usage of CCTV cameras on Council properties and managed public spaces.
2. Council ask the Bowen Mountain Park Committee, in conjunction with Council, to undertake a survey of residents in the area regarding the installation of CCTV cameras.

Item: 9 **IS - Hawkesbury City Waste Management Facility - Sand Volumes - (95495, 82995)**

Previous Item: 249, Ordinary (10 November 2009)

MOTION:

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

Refer to RESOLUTION

14 RESOLUTION:

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

That fresh tenders be called for the removal of the surplus sand material stockpiled at the South Windsor Waste Management Facility.

ORDINARY MEETING

MINUTES: 2 February 2010

SUPPORT SERVICES

Item: 10 **SS - Hawkesbury Heritage Farm (formerly Australiana Pioneer Village) - (95496, 79351)**

Previous Item: 160, Ordinary (25 August 2009)
 98, Ordinary (12 May 2009)
 268, Ordinary (9 December 2008)
 90, Ordinary (29 April 2008)
 400, Ordinary (13 December 2005)
 16, General Purpose Committee (24 February 2004)

Mr Sid Kelly and Ms Danielle Wheeler, respondents, addressed Council.

MOTION:

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

Refer to RESOLUTION

15 RESOLUTION:

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

That:

1. No further action be taken in respect of Council's resolution of 12 May 2009 in relation to Council's property known as 496 Wilberforce Road, Wilberforce, hereinafter referred to as "the APV".
2. Council accept the submission received from The Friends of the Australiana Pioneer Village Society Inc. for the lease of the APV with such lease being generally based on the Business Plan for the operation of the APV submitted by the Friends, being Business Plan 2009 Version 2 submitted under cover of a letter dated 10 August 2009, subject to and modified by the following terms, conditions and/or requirements:
 - a) The lease to be granted to The Friends of the Australiana Pioneer Village Society Inc. (hereinafter referred to as "the Friends") or an incorporated body established by the Friends for the purpose of the operation of the APV as envisaged by the Friends' Business Plan.
 - b) The term of the lease, at a peppercorn rental, be for a period of 5 years with two 5 year options on the basis that the exercise of such options is to be subject to the operation of the APV remaining financially viable to the satisfaction of Council's External Auditor, whose decision in this regard shall be final, and to The Friends continuing to operate the APV to the satisfaction of Council.
 - c) In the event that after the first 12 months of the lease the Friends are unable to open or operate the APV for a period of 3 months or more the Council at its sole discretion to have the right to terminate the lease.
 - d) Provision being made for Council's ongoing access to the Sewer Treatment Plant (hereinafter referred to as "the STP") located within the site of the APV.
 - e) The Friends accepting, and the lease acknowledging, that the Friends are accepting the lease of the APV in an "as is" condition, subject to the terms of this resolution, and that there are no other financial expectations or obligations on the Council in respect of the Friends operations

ORDINARY MEETING

MINUTES: 2 February 2010

- or the capital, maintenance or upkeep requirements of the APV and in this regard Council makes no warranty as to the APV's condition or maintenance and repair requirements.
- f) All capital improvements, maintenance and upkeep of the APV during the period of the lease being the responsibility of the Friends.
 - g) The artifacts and display items currently associated with the APV shall be incorporated as part of the lease with the responsibility for their safety being the responsibility of the Friends.
 - h) All works on the APV being undertaken in accordance with the requirements of the State Heritage Act, associated Regulations and other relevant legislative requirements.
 - i) The Council contributing an annual amount of \$10,000.00 (exclusive of GST), for the initial lease period of 5 years only, towards the cost of rates, charges, etc., on the basis of electricity and water utilised by the STP being separately metered and the Council meeting the costs of electricity and water utilised by the STP, together with a portion of land rates attributable to the STP calculated on the basis of the proportion of the APV site occupied by the STP.
 - j) A "community garden" to be established by the Friends on the site of the APV in consultation with Council at no cost to Council.
 - k) Council being provided with an annual report by the Friends in respect of the operations of the APV incorporating, but not limited to, information in respect of the financial operations of the APV, visitors to the site, grants applied for and received, etc, together with financial and other projections for the subsequent year.
 - l) Each party to the lease being responsible for their own legal fees with the Friends being also responsible for any applicable registration or stamp duty costs associated with the lease.
 - m) All terms and conditions of the lease, including appropriate provisions to reflect the above, being to the satisfaction of the Council's solicitor and the General Manager.
3. Upon finalisation of the lease referred to in 2 above Council agree to contribute a "one off" amount of up to \$100,000.00 (exclusive of GST) towards work to be undertaken by the Friends on the APV on a re-imbursment basis with arrangements in this regard to be to the satisfaction of the General Manager and that the sourcing of funds for this purpose be considered in association with the March 2010 Quarterly Review when submitted to Council.
4. The General Manager be authorised to take any necessary action to implement this resolution and to finalise the proposed lease of the APV to the Friends in the terms of this resolution.
5. Authority be given for the execution of the lease, together with any other associated documentation, in association with this matter under the Seal of Council.

ORDINARY MEETING

MINUTES: 2 February 2010

Item: 11 SS - Code of Meeting Practice - Questions Without Notice - (79337)

Previous Item: 210, Ordinary (29 September 2009)
 123, Ordinary (30 June 2009)
 NM, Ordinary (12 May 2009)
 201, Ordinary (28 June 2005)
 62, Ordinary (9 November 2004)

MOTION:

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

Refer to RESOLUTION

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

That:

1. Council's Code of Meeting Practice be amended to delete references to "Questions Without Notice", by deleting Sub-Clause 4 of Clause 2.3.4, and Item 12. "Councillors" Questions Without Notice" in Clause 2.3.6.
2. A report be brought to Council proposing options for facilitation of Questions Without Notice in a forum other than a formal Council meeting.

The amendment was lost.

The motion was put and carried.

16 RESOLUTION:

RESOLVED on the MOTION of Councillor Williams, seconded by Councillor Mackay.

That:

1. Reference to Questions Without Notice remain in Council's Code of Meeting Practice.
2. Council make representations to the Director General of the Division of Local Government and the Minister for Local Government indicating that Council believes that Questions Without Notice should remain as part of Council's meeting practice and present details in support of such a position.
3. Council seek support from its Local State Members of Parliament.

ORDINARY MEETING

MINUTES: 2 February 2010

Item: 12 **SS - Classification of Land - Lot 1061 DP1131838 - 138 Johnston Street Pitt Town
- Sewage Pumping Station - (95496, 87959)**

Previous Item: 280, Ordinary (8 December 2009)
 11, Ordinary (3 February 2009)
 243, Ordinary (25 November 2008)
 146, Ordinary (8 July 2008)
 170, Ordinary (25 August 2009)

MOTION:

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

Refer to RESOLUTION

17 RESOLUTION:

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

That Council:

1. Pursuant to Section 34 of the Local Government Act 1993, hereby classify the property known as Lot 1061 DP 1131838, 138 Johnston Street, Pitt Town as Operational Land.
2. Delegate authority to the General Manager to execute any necessary documentation.

Item: 13 **SS - Monthly Investments Report - November 2009 - (96332, 95496)**

Previous Item: 17, Ordinary (3 February 2009)

MOTION:

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

Refer to RESOLUTION

18 RESOLUTION:

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

That the information be received and noted.

ORDINARY MEETING
MINUTES: 2 February 2010

Item: 14 **SS - Monthly Investments Report - December 2009 - (96332, 95496)**

Previous Item: 17, Ordinary (3 February 2009)

MOTION:

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

Refer to RESOLUTION

19 RESOLUTION:

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

That the information be received and noted.

ORDINARY MEETING

MINUTES: 2 February 2010

CONFIDENTIAL REPORTS

20 RESOLUTION:

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

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

21 RESOLUTION:

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

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: 15 GM - Co-Generation Plant - (79351, 95495) CONFIDENTIAL

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(g) of the Local Government Act, 1993 as it relates to legal advice concerning matters relating to the Co-Generation Plant and the information is regarded as advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

Item: 16 IS - Tender No. 00610 - Concrete Works - Restoration of Footpaths, Kerb and Guttering and Construction of New Dish Drains within the City of Hawkesbury- (95495, 79344) CONFIDENTIAL

*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: 17 IS - Tender No. 00910 - Landscape Construction at Richmond Park - (95495, 79354) CONFIDENTIAL

*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: 2 February 2010

- Item: 18 SS - Property Matter - Lease to Jeanette Stewart James and Veronica Ferne Thompson, Trading as Glossodia Pharmacy - Shop 9 Glossodia Shopping Centre, Glossodia - (112106, 95739) CONFIDENTIAL**

*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: 19 SS - Property Matter - Lease to Harold Robert Munro and Ena Joy Munro trading as "Munro's Colonial Meats" for Shop 2 Wilberforce Shopping Centre - (112106, 32505, 34779) CONFIDENTIAL**

*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: 20 SS - Property Matter - Lease to David John Spencer Trading as "Stonehill Rural Services" for Shop 1 Wilberforce Shopping Centre - (112106, 34779, 86218) CONFIDENTIAL**

*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: 21 SS - Property Matter - Extinguishment of lease to Diana McAuliffe and lease to Mina Girgis and Fady Girgis - Shop 6 Wilberforce Shopping Centre - (76925, 112106, 76925) CONFIDENTIAL**

*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.*

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.

22 RESOLUTION:

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

ORDINARY MEETING

MINUTES: 2 February 2010

GENERAL MANAGER

Item: 15 **GM - Co-Generation Plant - (79351, 95495) CONFIDENTIAL**

Previous Item: 184, Ordinary (8 September 2009)
 32, Ordinary (26 February 2008)

Mr Doug Bathersby, respondent, addressed Council.

MOTION:

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

Refer to RESOLUTION

23 RESOLUTION:

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

That this matter be deferred to the meeting on 23 February 2010 and that the report be resubmitted on the basis of separate reports to open Council and Confidential Session as appropriate.

ORDINARY MEETING

MINUTES: 2 February 2010

INFRASTRUCTURE SERVICES

Item: 16 **IS - Tender No. 00610 - Concrete Works - Restoration of Footpaths, Kerb and Guttering and Construction of New Dish Drains within the City of Hawkesbury-(95495, 79344) CONFIDENTIAL**

Councillor Reardon declared a pecuniary interest in this matter as one of the Tenderers is currently completing concrete works at her residence. She left the Chamber and did not take part in voting or discussion on the matter.

MOTION:

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

Refer to RESOLUTION

24 RESOLUTION:

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

That the:

1. Schedule of rate tenders for the restoration of footpaths and kerb and guttering works be accepted with contractors selected for work on the basis of price, availability and in accordance with the tendered schedule of rates.
2. Tender of Foster Civil Contracting Pty Ltd for the construction of a dish drain in Windsor Road at the tendered price of \$191,700 be accepted.
3. Seal of council be affixed to any necessary documentation in relation to these tenders.

ORDINARY MEETING

MINUTES: 2 February 2010

Item: 17 **IS - Tender No. 00910 - Landscape Construction at Richmond Park - (95495, 79354) CONFIDENTIAL**

MOTION:

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

Refer to RESOLUTION

25 RESOLUTION:

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

That the:

1. Tender submitted by ESD Landscape Contractors for Landscape Construction at Richmond Park, Richmond for the tendered sum of \$387,422.60 (excl GST), with the exception of the electrical works and rail interpretation components, be accepted; and
2. Any necessary documentation be executed under the Seal of Council.

ORDINARY MEETING

MINUTES: 2 February 2010

SUPPORT SERVICES

Item: 18 **SS - Property Matter - Lease to Jeanette Stewart James and Veronica Ferne Thompson, Trading as Glossodia Pharmacy - Shop 9 Glossodia Shopping Centre, Glossodia - (112106, 95739) CONFIDENTIAL**

MOTION:

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

Refer to RESOLUTION

26 RESOLUTION:

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

That:

1. Council agree to enter into a new lease with Jeanette Stewart James and Veronica Ferne Thompson in regard to Shop 9 Glossodia 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.

ORDINARY MEETING

MINUTES: 2 February 2010

Item: 19 **SS - Property Matter - Lease to Harold Robert Munro and Ena Joy Munro trading as "Munro's Colonial Meats" for Shop 2 Wilberforce Shopping Centre - (112106, 32505, 34779) CONFIDENTIAL**

MOTION:

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

Refer to RESOLUTION

27 RESOLUTION:

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

That:

1. Council agree to enter into a new lease with Harold Robert Munro and Ena Joy Munro in regard to Shop 2 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.

Item: 20 **SS - Property Matter - Lease to David John Spencer Trading as "Stonehill Rural Services" for Shop 1 Wilberforce Shopping Centre - (112106, 34779, 86218) CONFIDENTIAL**

MOTION:

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

Refer to RESOLUTION

28 RESOLUTION:

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

That:

1. Council agree to enter into a new lease with David John Spencer in regard to Shop 1 Wilberforce Shopping Centre, in accordance with the proposal outlined in the report.

ORDINARY MEETING

MINUTES: 2 February 2010

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.

Item: 21 SS - Property Matter - Extinguishment of lease to Diana McAuliffe and lease to Mina Girgis and Fady Girgis - Shop 6 Wilberforce Shopping Centre - (76925, 112106, 76925) 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

29 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. Council agree to extinguish the existing lease with Diana McAuliffe, trading as "Wilberforce Everyday Chemist" in regard to Shop 6 Wilberforce Shopping Centre, subject to a new lease being entered into between Council and Mina Girgis and Fady Girgis, and subject to no costs being incurred by Council in regard to the extinguishment of the existing lease, and the creation of the new lease.
2. Council agree to enter into a new lease with Mina Girgis and Fady Girgis in regard to Shop 6 Wilberforce Shopping Centre in accordance with the proposal outlined in this report.
3. Council agree to enter into a Right of Entry Deed as outlined in the report, and at no cost to Council, with Mina Girgis and Fady Girgis (Lessee) and National Australia Bank Limited, pertaining to the lessee's securities to be located at Shop 6 Wilberforce Shopping Centre.
4. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.
5. Details of Council's resolution be conveyed to the proposed Lessees and the outgoing 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.

ORDINARY MEETING

MINUTES: 2 February 2010

SECTION 5 - Reports of Committees

ROC - Floodplain Risk Management Advisory Committee Minutes - 7 December 2009 - (86589)

30 RESOLUTION:

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

That the minutes of the Floodplain Risk Management Advisory Committee held on 7 December 2009 as recorded on pages 109 to 113 of the Ordinary Business Paper be received.

ROC - Hawkesbury Civic and Citizenship Committee - 9 December 2009 - (96972, 79356, 79351)

31 RESOLUTION:

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

That the minutes of the Hawkesbury Civic and Citizenship Committee held on 9 December 2009 as recorded on pages 114 to 117 of the Ordinary Business Paper be received.

ROC - Hawkesbury Macquarie 2010 Committee - 10 December 2009 - (114013, 95498)

32 RESOLUTION:

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

That the minutes of the Hawkesbury Macquarie 2010 Committee held on 10 December 2009 as recorded on pages 118 to 120 of the Ordinary Business Paper be received.

ROC - Local Traffic Committee - 13 January 2010 - (80245)

33 RESOLUTION:

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

That the minutes of the Local Traffic Committee held on 13 January 2010 as recorded on pages 121 to 128 of the Ordinary Business Paper be adopted.

ORDINARY MEETING**MINUTES: 2 February 2010****QUESTIONS WITHOUT NOTICE**

#	Councillor	Question	Response
1	Mackay	Enquired if the glass on the front doors of Tiningi Hall can be shielded against vandalism.	The Acting Director Infrastructure Services advised that the matter will be investigated.
2	Rasmussen	Enquired about the progress of the sale of the property at Colonial Drive, Bligh Park.	The Director Support Services advised that staff are currently in discussions with Council's solicitors regarding the contract of sale.
3	Conolly	Enquired why it costs \$16.50 to dispose of a mattress at Council's Waste Management Facility.	The Acting Director Infrastructure Services advised that the matter will be investigated.
4	Williams	Requested that repairs be carried out to the Macquarie Street cycleway outside Hawkesbury Valley Holden and also the un-repaired area on Windsor Road just before Park Road.	The Acting Director Infrastructure Services advised that the matter will be investigated.
5	Paine	Referred to her previous question regarding the installation of a loading zone in Mullinger Lane, South Windsor and enquired about the progress of the matter.	The Acting Director Infrastructure Services advised that the matter will be investigated.
6	Paine	Enquired about the progress of the South Windsor clean up report and asked when it will be reported to Council.	<p>The Mayor advised that a Police audit took place at South Windsor just before Christmas which included a walk around and discussions with businesses in the area.</p> <p>The Acting Director Infrastructure Services advised that some rectification work has been carried out at the rear of shops. He also advised that the extended beautification of the front of the shops and the report to Council are still outstanding as discussions are to be undertaken with the Local Chambers and Community regarding the matter.</p>
7	Paine	Requested that rubbish bins be installed at the bus stops on Fitzgerald Street and outside Coles.	The Acting Director Infrastructure Services advised that bins will be installed.
8	Paine	Advised that she has recently received and responded to letters from children suggesting possible improvements to the Colonial and Boundary Reserves. Councillor Paine tabled the letters.	The Mayor acknowledged that the letters had been tabled.

ORDINARY MEETING

MINUTES: 2 February 2010

#	Councillor	Question	Response
9	Paine	Enquired about the progress of the town house application for the site on the corner of Macquarie and Fitzgerald Streets.	The Director City Planning advised that staff have met with the applicant, their architect and consultant regarding the design and expect to receive a response within the next few weeks.

The meeting terminated at 11.00pm.

Submitted to and confirmed at the Ordinary meeting held on 23 February 2010.

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Mayor