



Hawkesbury City Council

ordinary  
meeting  
minutes

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



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## ORDINARY MEETING

MINUTES: 30 August 2011

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

Reverend Greg Peisley of the Pitt Town Anglican Community Church, representing the Hawkesbury Minister's Association, gave the opening prayer at the commencement of the meeting.

### ATTENDANCE

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

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

Councillor Williams left the meeting at 10:54pm and did not return.

### SECTION 1: Confirmation of Minutes

#### 293 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Reardon that the Minutes of the Ordinary Meeting held on the 9 August 2011, be confirmed.

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**SECTION 4 - Reports for Determination**

**CITY PLANNING**

**Item: 180 CP - Development Application - Dwelling House and Rural Shed - 411 Pitt Town Bottoms Road, Pitt Town Bottoms - (DA0652/10, 104031, 104032, 88784)**

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Mr Patrick Hurley, proponent, addressed Council.

**MOTION:**

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

***Refer to RESOLUTION***

**294 RESOLUTION:**

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

That:

- A. The objection under SEPP No. 1 be supported and that the application be referred to the Department of Planning to request that the Director General grant concurrence to the application.
- B. Upon receipt of the concurrence, or otherwise, of the Department of Planning, determination of Development Application No. DA06521/10 at Lot 1 DP 748135, 411 Pitt Town Bottoms Road, Pitt Town Bottoms, for a Dwelling House and Rural Shed be delegated to the General Manager.

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

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



**ORDINARY MEETING**

**MINUTES: 30 August 2011**

**Item: 181**            **CP - Development Application - Torrens Title subdivision Two Lots into Three Lots - Lots 19 & 20 DP 758881 No.s 49 - 51 Faithful Street, Richmond - (DA0184/11, 73916, 3665, 3664)**

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Mr Glenn Falson, proponent, addressed Council.

**MOTION:**

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

That Development Application No. DA0184/11 at Lot 20 Sec 33 DP 758881 and Lot 19 Sec 33 DP 758881, No.s 49 and 51 Faithful Street Richmond for Subdivision - Torrens title subdivision - 2 lots into 3 lots be refused for the following reasons:

***Reasons for Refusal***

1. The proposed subdivision is inconsistent with objectives (a) and (b) of Hawkesbury Local Environmental Plan 1989 in that it does not provide for the orderly management of constrained land and the resultant allotments do not provide appropriate land suitable for living, working and recreational activities.
2. The proposed subdivision is inconsistent with objectives (a), (b) and (c) of the Housing zone in that the following matters are not satisfied:
  - (a) to provide for low density housing and associated facilities in locations of high amenity and accessibility.
  - (b) to protect the character of traditional residential development and streetscapes.
  - (c) to ensure that new development retains and enhances the existing character.
3. The proposal is inconsistent with the provisions of Clause 37 of Hawkesbury Local Environmental Plan 1989 in that the subject site is situated on land subject to significant aircraft noise impact and that the type of use proposed is considered unacceptable development on such land.
4. The proposed development does not comply with the requirements of the Hawkesbury Development Control Plan, in particular Part D, Chapter No.1, Residential Development.
5. The proposal is contrary to the building site acceptability classification based on ANEF Zones contained in Australian Standard AS2021 - *Acoustics—Aircraft Noise Intrusion—Building Siting and Construction* in that the proposed use is classified as unacceptable in the noise contour of the site.
6. The proposed lot layout and open space areas available are inconsistent with the established character of the locality.
7. In the circumstances, approval of the development would not be in the public interest.

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

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

The Motion was lost.

RESOLVED on a FORESHADOWED motion moved by Councillor Paine, seconded by Councillor Rasmussen.

***Refer to RESOLUTION***

**295 RESOLUTION:**

A FORESHADOWED motion was moved by Councillor Paine, seconded by Councillor Rasmussen.

That the development application be supported and that determination of Development Application No. DA0184/11, Lots 19 & 20, DP 758881, 49-51 Faithful Street, Richmond for a three lot subdivision be delegated to the General Manager.

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 Foreshadowed motion, the results of which were as follows:

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

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**Item: 182 CP - Development Application - Two Lot Torrens Title Subdivision - Lot 12 DP 748589 No. 802 Comleroy Road, Kurrajong - (DA0103/11, 95498, 111092, 74563)**

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Mr Glenn Falson, proponent, addressed Council.  
Ms Sandra Romeo, respondent, addressed Council.

**MOTION:**

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

***Refer to RESOLUTION***

**296 RESOLUTION:**

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

That:

1. The objection under SEPP No. 1 not be supported.
2. Development Application No. DA0103/11 at Lot 12 DP 748589, 802 Comleroy Road Kurrajong for a Two Lot Torrens Title subdivision be refused based on the following:
  - a) The State Environmental Planning Policy No. 1 objection received in respect to the minimum allotment area is not supported as compliance with the statutory development standard was not considered to be unreasonable or unnecessary in the circumstances.
  - b) The proposal does not comply with the requirements of the Hawkesbury Local Environmental Plan 1989.
  - c) The development does not comply with the Hawkesbury Development Control Plan 2002 Part D Chapter 3 – Subdivision.
  - d) The proposal is inconsistent with the eDRAFT Hawkesbury Local Environmental Plan 2011.
  - e) The cumulative impact of this and/or similar subdivisions and the potential adverse impact on the rural residential nature of the locality are considered to not be in the general public interest.

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

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

**Item: 183 CP - Development Application - Subdivision - Torrens Title - Subdivision - Two Lot Torrens Title - Hillcrest - 219 Bells Line of Road, North Richmond - (DA0097/11, 73916, 14632)**

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**MOTION:**

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

That:

1. That Council advise the Department of Planning that it supports the objection lodged pursuant to the provisions of State Environmental Planning Policy No. 1 - Development Standards and requests that the department issue its concurrence; and,
2. Upon receipt of the concurrence, or otherwise, of the Department of Planning, determination of Development Application No. DA0097/11 at Lot 87 DP 1040092, Hillcrest 219 Bells Line Of Road, North Richmond for a two lot Torrens Title subdivision be delegated to the General Manager.

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

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

The Motion was Lost.

RESOLVED on the MOTION moved by Councillor Mackay, seconded by Councillor Whelan.

***Refer to RESOLUTION***

**297 RESOLUTION:**

RESOLVED on the MOTION moved by Councillor Mackay, seconded by Councillor Whelan.

That:

1. Council not support the SEPP1 Application.
2. The development application not be supported and that determination of Development Application No. DA0097/11 for a two lot Torrens Title subdivision at 219 Bells Line of Road, North Richmond be delegated to the General Manager.

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

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

**ORDINARY MEETING**

**MINUTES: 30 August 2011**

**Item: 184**            **CP - Section 96 Application - Multi Unit Housing Development - Lot 1 DP 544593 and Lot 2 DP 223745 Nos 55 and 77 East Market Street, Richmond - (DA0132/09A, 85405, 95498)**

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**MOTION:**

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

*Refer to RESOLUTION*

**298 RESOLUTION:**

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

That Council as the consent authority pursuant to Clause 80(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended) modify Development Consent No. DA0132/09, determined on 29 September 2009, for the construction of a multi unit housing development on Lot 1 DP: 544593 and Lot 2 DP: 223745, known as 55-57 East Market Street, Richmond, in the following manner:

1. Condition No.1 be amended as follows:

“The development shall be carried out in accordance with the approved stamped plans 06354-01 – 14 Rev ‘D’ as submitted with Development Application No DA0132/09A and any supportive documentation, except as modified by these further conditions”.

2. Condition 10 be amended as follows:

“A landscape plan for the entire site, prepared by a suitably qualified person, shall be submitted to the Principal Certifying Authority (PCA) for approval.

The landscape plan shall detail the soil depths required for the necessary landscaping to be planted on top of the proposed basement”.

3. Condition 76 be amended as follows:

“The dedication of a 3m x 3m splay corner at the intersection of Grose and East Market Streets shall be provided (at no cost to Council)”.

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

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

**Item: 185 CP - Renewal of Licence Agreements - Peppercorn Place - (78340)**

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**MOTION:**

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

*Refer to RESOLUTION*

**299 RESOLUTION:**

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

That the Seal of Council be affixed to the Licence Agreements entered into between Hawkesbury City Council and each Licensee of Peppercorn Place.

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**MINUTES: 30 August 2011**

**Item: 186 CP - Policy for Provision of Infrastructure for Rezoning Matters - (95498)**

**Previous Item:** 160, Ordinary (26 July 2011)  
MM, Ordinary (13 October 2009)

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Mr Steve Rawling, proponent, addressed Council.  
Ms Mary Buckett, Mr David Perry and Mr Michael Want, respondents, addressed Council.

**MOTION:**

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

***Refer to RESOLUTION***

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

That this matter be deferred to the next Councillor Briefing Session and that also further consultation with the Community be undertaken.

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

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

The amendment was lost.

The motion was put and carried.

**300 RESOLUTION:**

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

That Council:

1. Amend the current Policy "Rezoning of Land for Residential Purposes - Infrastructure Issues", adopted on 13 October 2009, to the following:

*That as a matter of policy, Council indicates that it will consider applications to rezone land for residential purposes in the Hawkesbury LGA only if the application is consistent with the directions and strategies contained in Council's adopted Community Strategic Plan, has adequately*



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*considered the existing infrastructure issues in the locality of the development (and the impacts of the proposed development on that infrastructure) and has made appropriate provision for the required infrastructure for the proposed development in accordance with the sustainability criteria contained in Council’s adopted Hawkesbury Residential Land Strategy.*

Note 1:

*In relation to the term “adequately considered the existing infrastructure” above, this will be determined ultimately by Council resolution following full merit assessments, Council resolution to go to public exhibition and Council resolution to finally adopt the proposal, with or without amendment.*

Note 2:

*The requirements of the term “appropriate provision for the required infrastructure” are set out in the sustainability matrix and criteria for development/settlement types in chapter six and other relevant sections of the Hawkesbury Residential Land Strategy 2011.*

2. Write to the Minister for Roads, the Hon Duncan Gay, to request that funds be allocated in next year’s State budget to physically address the lack of transport infrastructure in and around Richmond and North Richmond, highlighting that Council’s and the community’s infrastructure priority would be roadworks to rectify the current traffic congestion between Richmond and North Richmond.
3. Write to the local State Members for Londonderry, Hawkesbury and Riverstone requesting their support and assistance in this matter.
4. Also request the relevant Federal Minister to pursue the allocation of infrastructure funds towards roadworks in the Richmond and North Richmond area and seek the support of the local Federal Member in this regard.

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

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

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**MINUTES: 30 August 2011**

**INFRASTRUCTURE SERVICES**

**Item: 187**            **IS - Jones Road, Lower Portland - (95495, 79344)**

**Previous Item:**        250, Ordinary (9 November 2010)

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**MOTION:**

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

*Refer to RESOLUTION*

**301 RESOLUTION:**

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

That the Seal of Council be affixed to any necessary documentation relating to the dedication of the right of way known as Jones Road, Lower Portland as a public road.

**Item: 188**            **IS - Roads to Recovery Program - (95495)**

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**MOTION:**

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

*Refer to RESOLUTION*

**302 RESOLUTION:**

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

That:

1. Council call on the Federal Government to:
  - a) Recognise the successful delivery of the Roads to Recovery Program by local government since 2000;
  - b) Continue the Roads to Recovery Program on a permanent basis to assist local government meet its responsibilities of providing access for its communities;
  - c) Continue the Roads to Recovery Program with the current administrative arrangements; and
  - d) Provide an increased level of funding under a future Roads to Recovery Program that recognises the shortfall of funding on local roads of \$1.2 billion annually.
2. Appropriate correspondence be forwarded to those parties as suggested by the Australian Local Government Association in this regard.

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**Item: 189**            **IS - Windsor Bridge - (95495)**

**Previous Item:**     MM, Ordinary (8 June 2010)  
                         NM1, Ordinary (11 August 2009)  
                         MM, Ordinary (28 April 2009)

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**MOTION:**

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

*Refer to RESOLUTION*

**303 RESOLUTION:**

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

That Council once again reaffirm its position in relation to the replacement of the Windsor Bridge, and support the Roads and Traffic Authority's preferred option as Option 1 (high level).

Councillors Calvert and Williams requested that their names be recorded as having voted against the motion.

**Item: 190**            **IS - Retailer of Last Resort and Operator of Last Resort Arrangements under the Water Industry Competition Act 2006 - Discussion Paper - (95495, 112179)**

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**MOTION:**

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

*Refer to RESOLUTION*

**304 RESOLUTION:**

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

That the questions raised throughout the Retailer of Last Resort and Operator of Last Resort arrangements under the Water Industry Competition Act 2006 discussion paper, answered within the report be provided as a submission to the NSW Government, Department of Finance and Services.

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**SUPPORT SERVICES**

**Item: 191            SS - Monthly Investments Report - July 2011 - (96332, 95496)**

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**MOTION:**

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

*Refer to RESOLUTION*

**305 RESOLUTION:**

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

The report regarding the monthly investments for July 2011 be received and noted.

**Item: 192            SS - June 2011 Quarterly Review - 2010/2011 Management Plan - (95496, 96332)**

**Previous Item:**        126, Extraordinary (22 June 2010)

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**MOTION:**

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

*Refer to RESOLUTION*

**306 RESOLUTION:**

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

That:

1. The information contained in the report on the 2010/2011 Management Plan – June 2011 Quarterly Review be received.
2. The Quarterly Review of the 2010/2011 Management Plan for the period ending 30 June 2011 be adopted.

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**Item: 193**            **SS - Consultants Utilised by Council - 1 January 2011 to 30 June 2011 - (95496, 79337)**

**Previous Item:**        187, Ordinary (14 June 2005)

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**MOTION:**

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

*Refer to RESOLUTION*

**307 RESOLUTION:**

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

That the information concerning consultancies utilised by Council, during the period January to June 2011, be received.

**Item: 194**            **SS - Pecuniary Interest Returns - (96333, 95496)**

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**MOTION:**

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

*Refer to RESOLUTION*

**308 RESOLUTION:**

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

That the information be received and noted.

**CONFIDENTIAL REPORTS**

**309 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.

**310 RESOLUTION:**

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

That:

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

**Item: 195 GM - Co-Generation Plant**

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(g) of the Local Government Act, 1993 as it relates to legal advice concerning possible legal action in relation to Council's 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: 196 IS - Tender No. 02211 - Re-construction of Windsor Wharf, Windsor**

*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: 197 SS - Property Matter - Lease to Wayne and Leanne Gerahy - Shop 6 Glossodia Shopping Centre**

*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: 198 Property Matter - Lease of 20 Bosworth Street, Richmond**

*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.*

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**Item: 199 SS - Property Matter - Lease to Stephen Hile - 139 March Street, Richmond**

*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: 200 GM - Staff Matter**

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

2. In accordance with the provisions of Section 11(2) & (3) of the Local Government Act, 1993 the reports, correspondence and other relevant documentation relating to these matters be withheld from the Press and public.

The Mayor asked for representation from members of the public as to why Council should not go into closed Council to deal with these confidential matters.

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

**311 RESOLUTION:**

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

**Item: 195 GM - Co-Generation Plant - (79351)**

**Previous Item:** 150, Ordinary (29 June 2010)  
38, Ordinary (23 February 2010)  
10, Ordinary (2 February 2010)  
184, Ordinary (8 September 2009)  
32, Ordinary (26 February 2008)

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**MOTION:**

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

***Refer to RESOLUTION***

**312 RESOLUTION:**

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

**ORDINARY MEETING**

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That:

1. Council agree to the course of action recommended by Council's solicitors in their letter dated 2 August 2011.
2. In the event that the discontinuance can not be negotiated on the basis of each party bearing its own costs then the General Manager be authorised to agree to a costs payment as recommended by Council's solicitors in order to settle this particular matter.
3. Council note other proposed courses of action are being pursued based upon advice from Council's solicitors and that the General Manager be authorised to progress these matters in consultation with Council's solicitors.
4. Councillors be provided with regular updates in respect of the proceeding and appropriate reports be submitted to Council as necessary.

**Item: 196            IS - Tender No. 02211 - Re-construction of Windsor Wharf, Windsor - (95495, 79354)**

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**MOTION:**

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

***Refer to RESOLUTION***

**313 RESOLUTION:**

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

That:

1. Subject to NSW Maritime providing the additional funding required, the alternate tender submitted by Delaney Civil Pty Ltd in the amount of \$597,354.83 (GST exclusive) for the re-construction of Windsor Wharf, Windsor be accepted.
2. Any required documentation be executed under the Seal of Council.



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**MINUTES: 30 August 2011**

**Item: 197            SS - Property Matter - Lease to Wayne and Leanne Gerahty - Shop 6 Glossodia Shopping Centre - (74061, 112106, 95496)**

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**MOTION:**

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

***Refer to RESOLUTION***

**314 RESOLUTION:**

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

That:

1. Council agree to enter into a new lease of Shop 6 Glossodia Shopping Centre, with Wayne and Leanne Gerahty as outlined in the report.
2. Authority be given for any documentation in association with the matter to be executed under the Seal of Council.
3. Details of Council's resolution be conveyed to the proposed Lessees, together with the advice that Council is not and will not, be bound by the terms of the resolution, until such time as appropriate legal documentation to put such resolution into effect has been agreed to and executed by all parties.

**Item: 198            SS - Property Matter - Lease of 20 Bosworth Street, Richmond - (121420, 118853, 95496)**

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**MOTION:**

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

***Refer to RESOLUTION***

**315 RESOLUTION:**

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

That:

1. Council agree to simultaneously:
  - (a) Extinguish the lease of 20 Bosworth Street, Richmond, with Mr Joseph Topping subject to Mr Topping paying all rent and outgoings up to the commencement of the new lease and all legal

**ORDINARY MEETING**

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- expenses associated with the extinguishment of the existing lease and the preparation of the new lease;
- (b) Enter into a new lease with Mr Austin Yoon of 20 Bosworth Street, Richmond, in accordance with the proposal in the report subject to development consent for the proposal use being obtained by the proposed Lessee.
2. Authority be given for any documentation in association with this matter to be executed under Seal of Council.
  3. Details of Council's resolution be conveyed to Mr Joseph Topping and Mr Austin Yoon, 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: 199                    SS - Property Matter - Lease to Stephen Hile - 139 March Street, Richmond -  
(22455, 98759, 112106, 95496)**

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**MOTION:**

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

***Refer to RESOLUTION***

**316 RESOLUTION:**

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

That:

1. Council agree to enter into a new lease of 139 March Street, Richmond with Stephen Hile trading as "Richmond Trophies" as outlined in the report.
2. Authority by 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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**Item: 200            GM - Staff Matter - (79351)**

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**MOTION:**

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

***Refer to RESOLUTION***

**317 RESOLUTION:**

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

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

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**SECTION 5 - Reports of Committees**

**ROC - Floodplain Risk Management Advisory Committee Minutes - 15 August 2011 - (86589)**

Mr John Miller and Mr Les Sheather, proponents, addressed Council.

**318 RESOLUTION:**

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

That the minutes of the Floodplain Risk Management Advisory Committee held on 15 August 2011 as recorded on pages 153 to 159 of the Ordinary Business Paper be received with the addition of Bill McMahon into the 'Present' listing.

**QUESTIONS FOR NEXT MEETING**

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

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

**ORDINARY MEETING****MINUTES: 30 August 2011****Questions - 30 August 2011**

#	Councillor	Question	Response
1	Porter	Enquired if letters of congratulations could be sent to the volunteer organisers of the 120 Ski Racing Event as it has only been running for four years and had over 220 entries into event.	General Manager
2	Porter	Enquired as to what is the maximum size for a mattress that will be collected through Council's Kerbside Waste Pickup.	Director City Planning
3	Porter	Enquired if it was possible to advise on the receipts issued from the Waste Depot the component of the charge that is the fee placed by the State Government's Department of Environment and Heritage.	Director Infrastructure Services
4	Paine	Enquired if a report could be provided to Councillors regarding the recent Destination 2036 meeting held in Dubbo as the Sydney Morning Herald had run many stories regarding the issue.	General Manager
5	Paine	Enquired if Council knew anything about the letter from Mr Philip Knox regarding the North Richmond brochure that was distributed to residence in North Richmond regarding the North Richmond to Richmond project.	Director City Planning

The meeting terminated at 11:15pm.

Submitted to and confirmed at the Ordinary meeting held on 13 September 2011.

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Mayor