



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 31 August 2010

location: council chambers

time: 6:30 p.m.

ORDINARY MEETING

MINUTES: 31 August 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**

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 31 August 2010, 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 and W Whelan.

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

APOLOGIES

An apology for absence was received from Councillor Williams.

299 RESOLUTION:

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

Councillor Mackay arrived at the meeting at 6.33pm.

SECTION 1: Confirmation of Minutes

300 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Reardon that the Minutes of the Ordinary Meeting held on the 10 August 2010, be confirmed.

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SECTION 4 - Reports for Determination

GENERAL MANAGER

**Item: 192 GM - Contingency Reserve - Purpose and Possible Partial Use in Association
with 2009/2010 June Quarterly Review - (79351)**

MOTION:

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

Refer to RESOLUTION

301 RESOLUTION:

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

That an amount of \$275,000 be allocated from the 2009/2010 June Quarterly Review, as distinct from being transferred to the Contingency Reserve, for the purposes of conducting a "Supplementary Road Rehabilitation Program" as identified in Attachment 1 to the General Manager's Report in this regard.

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CITY PLANNING

Item: 193 CP - Modification to Development Consent - Relocation of Dwellings, Amended Dwelling Design, Deletion of Condition 53 Requiring Construction of Footpath - 19 Old Bells Line of Road, Kurrajong NSW 2758 - (MA0844/98C, 36126, 37882, 95498)

MOTION:

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

Refer to RESOLUTION

302 RESOLUTION:

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

That Development Consent MA0844/98 for construction of aged/disability housing on Lot 19 DP 874188, 19 Old Bells Line of Road, Kurrajong be amended in the following manner:

General

Conditions 1 and 7 be amended to read:

1. To confirm and clarify the terms of this approval:
 - a) the development shall take place in accordance with:
 - the stamped approved plans (numbered 001, 002, 003, 004 dated September 2009) and documentation submitted with s.96 Modification Application M0844/98B; and
 - the stamped approved plans (numbered 00, 01, 03 & 04 prepared by enviro studio) and documentation submitted with s.96 Modification Application M0844/98C;
 - excepting as modified by these further conditions; and
 - b) no approval is granted for the caretaker's residence (as shown on the Site Plan numbered 00) and this shall be deleted. All construction certificate plans shall be consistent with this requirement.

Prior to Issue of Construction Certificate

7. To ensure that all necessary services are provided to the development and these services will function properly:
 - (a) the development shall be connected to the Sydney Water's water supply;
 - (b) An application to install a Sewage Management Facility (SMF) must be lodged and approved by Hawkesbury City Council.

The Sewage Management Facility shall be designed in accordance with the 'On-site Wastewater Management Report' for Lot 19 Vincent Road, Kurrajong NSW, prepared by Envirotech P/L, Report No. REP-21408-A dated 3 December 2009. The design needs to demonstrate that the appropriate minimum buffer distances can be provided from the proposed waste water disposal areas to the following:

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- 6m if up-gradient and 3m if down gradient of driveways and boundaries (existing/proposed)
- 15m to dwellings
- 3m to paths and walkways
- 40m to farm dams

The application shall be accompanied by a site plan showing the location of a reserve land application area which can be made available for expansion, for the resting of the land application system, or for duplication of the land application system if unforeseen circumstances require this at some future time.

- (d) the development shall be served by water storage tanks for domestic uses in accordance with the water balance report submitted with the application.
- (e) satisfactory arrangements shall be made with Integral Energy, Sydney Water and Telstra for the provision/extension of services to and within the subject land. Written evidence of such arrangements shall be obtained prior to issue of the construction certificate.

Prior to the Commencement of Works

Delete Condition 28

During Construction

Delete Condition 29 and replace with the following:

29. To minimise the visual impact of the development, filling to create any building platforms is to be limited to 1 metre from the original natural surface level.

Delete Condition 30

Delete Condition 53

Use of the site

Insert the following new conditions:

65. A minibus and driver shall be provided to the development, by the operator, to service the transport needs of the residents for the life of the development. This minibus shall have a minimum seating capacity of 14 seats and shall be capable of wheelchair access.
66. Full water reduction facilities shall be fitted to all water use outlets to all dwellings and include:
- Reduced flush 6/3 litre water closets
 - Aerator faucets
 - Front-load washing machines
 - Shower-flow restrictors

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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 Bassett | Nil |
| Councillor Calvert | |
| Councillor Conolly | |
| Councillor Ford | |
| Councillor Mackay | |
| Councillor Paine | |
| Councillor Porter | |
| Councillor Rasmussen | |
| Councillor Reardon | |
| Councillor Tree | |
| Councillor Whelan | |

Councillor Williams was absent from the meeting.

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Item: 194 CP - Development Application - Rural Tourist Facility - Farm Gate Sales and Coffee Shop - Part Lot 1 DP582878, 1917 Bells Line of Road and Lot 2 DP582878 1913 Bells Line of Road, Kurrajong Heights - (DA0660/08, 21925, 83790, 83789, 21924, 95498)

MOTION:

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

Refer to RESOLUTION

303 RESOLUTION:

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

That the item regarding development application DA0660/08 at Part Lot 1 in DP582878, 1917 Bells Line of Road and Lot 2 in DP582878, 1913 Bells Line of Road, Kurrajong Heights NSW 2758 for Rural Tourist Facility - Farm gate sales and coffee shop be deferred to allow the applicant to discuss the matter further with City Planning Staff.

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 Bassett | Nil |
| Councillor Calvert | |
| Councillor Conolly | |
| Councillor Ford | |
| Councillor Mackay | |
| Councillor Paine | |
| Councillor Porter | |
| Councillor Rasmussen | |
| Councillor Reardon | |
| Councillor Tree | |
| Councillor Whelan | |

Councillor Williams absent from the meeting.

ORDINARY MEETING

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Item: 195 CP - Retrospective Application - Dam - Lot 287 DP 752050, 32 Scheyville Road, Oakville - (DA0068/10, 105378, 98207, 108944, 95498)

MOTION:

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

Refer to RESOLUTION

304 RESOLUTION:

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

That Development Application DA0068/10 at Lot 287 DP 752050, 32 Scheyville Road OAKVILLE seeking retrospective approval for a dam be approved subject to the following conditions:

***NSW Office of Water
Conditions for General Terms of Approval
Water Act (1912) - Surface Water Licence***

In accordance with the Environmental Planning and Assessment Act 1979 and Regulation 1994 (as amended) the NOW has an approval role in relation to Development Application DA0068/10 Hawkesbury City Council.

Based on details disclosed in the development application, a licence under Part 2 of the Water Act (1912) is required to licence the proposed 2.84 megalitre dam for the conservation of water and water supply for domestic purposes on Lot 287 DP 752020, Parish of Pitt Town, County of Cumberland.

Pursuant to Part 2 of the Water Act, the NOW, having reviewed the documentation associated with the Development Application, proposes to grant an approval to DA0068/10 (as presented). The general terms of approval are set out below:

1. General and Administrative Issues

- 1.1. The location of the dam as shown on a plan retained in the office of the NSW Office of Water shall not be altered. Please be advised that any installation of an additional dam and/or enlargement of an existing dam may require further local council approval and/or an amended licence from the NSW Office of Water.
- 1.2. Subject to any access or flow condition contained in the licence, the holder may divert part or all of the stored water from the licensed work.
- 1.3. The applicant shall not allow any tailwater drainage to discharge into or onto:
 - Any adjoining public or crown road;
 - Any other persons land;
 - Any Crown Land;
 - Any river, creek or watercourse;
 - Any ground water aquifer;
 - Any area of native vegetation as described in the Native Vegetation Conservation Act 1997;
 - Any wetlands of environmental significance.

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- 1.4. Your attention is particularly drawn to the provisions of condition (1.3) regarding disposal of drainage waters. The discharge of polluted waters into a river or lake otherwise than in accordance with the conditions of a licence under the Protection of the Environment Operations Act may render the offender subject to prosecution and penalty under the Act. Therefore where an approved drainage disposal system involves the possible discharge of drainage water into a river or lake, a licence may be required under the Protection of the Environment Operations Act to authorise such discharge.
- 1.5. The existing profile of the channel and bank of any watercourse or drainage depression must not be disturbed any more than is necessary in order to site and maintain the authorised work. Any area that is disturbed when carrying out such work shall be stabilised and maintained by vegetation cover, stone pitching or any other approved material as directed and to this Department's satisfaction so as to prevent the occurrence of erosion.
- 1.6. Works used for the purpose of conveying, distributing or storing water taken by means of the authorised work shall not be constructed or installed so as to obstruct the reasonable passage of floodwaters flowing into or from a river.
- 1.7. Works used for the purpose of conveying, distributing or storing water taken by means of the authorised work shall not be constructed or installed so as to obstruct the reasonable passage of floodwaters other than water to be impounded or obstructed.
- 1.8. The pumping and ancillary equipment and pump site shall be, at all times, properly secured and/or sealed so as to prevent any leakage of petroleum based products and/or noxious material from entering any river or lake. Typically, a bunding wall of hay bales or other approved material shall be installed around the pumping plant to avoid contamination of any river or lake through spills or leaks of oils, fuels or greases.
- 1.9. The existing profile of the channel and bank of any watercourse or drainage depression must not be disturbed any more than is necessary in order to site and maintain the authorised work. Any area that is disturbed when carrying out such work shall be stabilised and maintained by vegetation cover, stone pitching or any other approved material as directed and to this department's satisfaction so as to prevent the occurrence of erosion.
- 1.10. Any drainage channels or cross banks associated with the authorised works or access roads to or from that work shall have installed and maintained a bunding wall of hay bales or other approved material, to prevent siltation reaching any river or lake.
- 1.11. The work shall be constructed and maintained in such manner as will ensure its safety and as will preclude the possibility of damage being occasioned by it, or resulting from it, to any public or private interest.

2. Conditions Specific to DA0068/10

- 2.1. All inflow and outflow drainage lines shall be maintained with sufficient vegetation to ensure optimum quality of water entering the dam.
- 2.2. The level of the bywash crest shall be fixed at not higher than RL 99.38 (Ref Plan No: 2077) and particulars of which are retained in the NSW Office of Water.
- 2.3. The bywash of the dam must be stabilised and vegetated within 3 months of the issue of the license.

3. Formal Application Issues

- 3.1. Upon receipt of an approved development application from Hawkesbury City Council, NOW will issue a new license under Section 10 of the Water Act, 1912.
- 3.2. A licence under Part 2 of the Water Act would generally fall due for renewal every five years.

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Hawkesbury City Council Conditions

General

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application as amended in red and as modified by the following conditions.
2. All site works shall be carried out in accordance with the Plan. Implementation of the Plan shall be supervised by an appropriately qualified person.
3. Construction of the dam and filling are not to commence until three (3) copies of the plans and specifications of the proposed works are submitted to and approved by the Director City Planning or an Accredited Certifier.
4. Details of any fill material removed from the site shall be submitted with the engineering plans. Details to include quantities and disposal sites.

Prior to Commencement of Works

5. The applicant shall advise Council of the name, address and contact number of the Principal Certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1979.
6. 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.
7. A Copy of the Water Licence issued under the Water Act 1912 by the NSW Office of Water be submitted to the Principal Certifier prior to commencement of works.
8. The name and licence number of the contractor/builder who has been contracted to do or intends to do the work must be submitted to Council in writing by the owner prior to the commencement of any works relevant to this approval.
9. Payment of a Compliance Certificate inspection fee of \$520.00.

During Construction

10. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
11. Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with the approved plan and Hawkesbury Development Control Plan chapter on Soil Erosion and Sedimentation.
12. Except as varied below, all dam rectification works shall be constructed in accordance with the Dam Construction Chapter of Hawkesbury Development Control Plan.
13. A minimum 1 metre freeboard is to be established.
14. In establishing the freeboard the by wash (spillway) is to be widened to 3 metres and graded at 1% away from the dam. Erosion and sediment control is to be maintained in place.
15. The existing embankment is to be graded level for its full length. Compaction shall be applied by track rolling in layers not exceeding 300mm.
16. A minimum of 200mm of suitable topsoil is to be spread over the top of the embankment and its adjoining downstream face. The works are to be stabilised with a suitable holding grass.
17. Erosion and sediment control is to be maintained in place until the site is stabilised.
18. Confirmation of vertical control (final top of wall and by wash levels) is to be verified by submission of a land survey prepared by a registered surveyor.

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Prior to Issue of a Compliance Certificate

- 19. A works as executed plan shall be submitted to Council on completion of works. The plan shall include the location of the constructed dam in relation to property boundaries.
- 20. The structural adequacy of the dam and spillway capacity is to be certified by a suitably qualified and experienced engineer.

Use of the Development

- 21. The development shall be limited to the area shown on the submitted plans.
- 22. Trees and shrubs are to be kept clear of the dam wall at all times.

Advisory Notes

- **** Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.
- **** 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.
- **** 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 Bassett | Nil |
| Councillor Calvert | |
| Councillor Conolly | |
| Councillor Ford | |
| Councillor Mackay | |
| Councillor Paine | |
| Councillor Porter | |
| Councillor Rasmussen | |
| Councillor Reardon | |
| Councillor Tree | |
| Councillor Whelan | |

Councillor Williams absent from the meeting.

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Item: 196 **CP - Draft Notice of Approval - Protection of the Environment Operations (Clean Air) Regulation 2002 - (96330, 95498)**

Previous Item: 296, Ordinary (12 December 2006)

MOTION:

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

Refer to RESOLUTION

305 RESOLUTION:

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

That consideration of this item be deferred to the Ordinary Council Meeting on 14 September 2010.

Item: 197 **CP - Potential Redevelopment of Hawkesbury Seniors Leisure and Learning Centre (HSLLC) March Street, Richmond - (96328)**

Previous Item: 30, Ordinary (26 February 2008)
318, Ordinary (1 November 2005)

MOTION:

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

Refer to RESOLUTION

306 RESOLUTION:

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

That Council:

1. Seek nominations from the organisations and groups as outlined in this report to establish a working party to develop a draft design brief for the redevelopment of the Hawkesbury Seniors Leisure and Learning Centre with the draft brief to be reported to Council.
2. Delegate to the working party the roles, authorities and governance framework as outlined in this report.

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Item: 198 CP - Interpretive Signage and Public Art Policy - (96328, 95498)

Previous Item: NM1, Ordinary (2 February 2010)
55, Ordinary (30 March 2010)
138, Ordinary (29 June 2010)

MOTION:

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

Refer to RESOLUTION

307 RESOLUTION:

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

That:

1. Council adopt the draft Interpretive Signage and Public Art Policy: Telling Hawkesbury Stories' inclusive of the proposed amendments as outlined in the report.
2. Council work with Vision Australia to develop a strategy for responding to the needs of people with a print disability.
3. Council prioritise interpretive signage ahead of public art in the 2011/2012 Budget preparation process.
4. Proposals for Interpretive Trails be reported to Council.

Item: 199 CP - Community Gardens Policy - (95498, 96328)

Previous Item: NM3, Ordinary (8 December 2009)
57, Ordinary (30 March 2010)
137, Ordinary (29 June 2010)

MOTION:

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

Refer to RESOLUTION

308 RESOLUTION:

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

That Council adopt the draft Community Gardens Policy.

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Item: 200 CP - Statement of Business Ethics - (95498)

MOTION:

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

Refer to RESOLUTION

309 RESOLUTION:

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

That Council exhibit for 28 days the draft Hawkesbury City Council Statement of Business Ethics prepared in accordance with guidelines issued by the Independent Commission Against Corruption (ICAC).

Item: 201 CP - Support for Homeless People - (96328)

Previous Item: NM1, Ordinary (13 July 2010)

MOTION:

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

Refer to RESOLUTION

310 RESOLUTION:

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

That Council:

1. Continue to support and participate in the work of the Nepean Regional Task Force on Homelessness and to consider the recommendations and requests which may be received from the Task Force for implementation as appropriate.
2. Continue to participate on, and offer practical assistance, for co-ordinated strategies such as Project 40, the Hawkesbury Street Count and the Hawkesbury Hub as can be met through approved budget allocations.
3. Make representations to state and federal parliamentarians on behalf of the Hawkesbury Community Kitchen to request the provision of financial assistance to the HCK to support its volunteer operations.
4. Recommission the damaged shower facility in the public toilets at Macquarie Park and install signage indicating that Council has provided the shower facility at the request of homeless people and seeking user's co-operation in ensuring it remains operable and available for this purpose.

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MINUTES: 31 August 2010

INFRASTRUCTURE SERVICES

Item: 202 **IS - Proposed Memorandum of Understanding between Penrith City Council and Hawkesbury City Council for the Maintenance of The Driftway, Londonderry - (73553, 95495)**

MOTION:

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

Refer to RESOLUTION

311 RESOLUTION:

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

That the Memorandum of Understanding between Hawkesbury City Council and Penrith City Council for the maintenance of The Driftway be approved and executed and a letter of appreciation be forwarded to Penrith City Council for their co-operation in this regard.

Item: 203 **IS - Proposed Concrete Footpaving in Grose Vale Road, Kurrajong & Mileham Street, Windsor - (79344, 95495)**

MOTION:

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

Refer to RESOLUTION

312 RESOLUTION:

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

That:

1. The request for the provision of concrete footpaving in Mileham Street, Windsor adjacent to the Windsor Police Station and Grose Vale Road, Kurrajong in front of Kurrajong School, be approved.
2. Funding of \$45,500.00 be provided from the 2010/2011 Capital Works Program for footpath reconstruction.
3. Council write to the relevant Minister seeking 50% of the cost of the Mileham Street footpath.
4. The footpath area on the George Road side of the Wilberforce Shopping Centre be investigated.

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SUPPORT SERVICES

Item: 204 SS - Code of Meeting Practice - Questions Without Notice - (95496, 79337)

Previous Item: 107, Ordinary (25 May 2010)
 11, Ordinary (2 February 2010)
 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 Ford, seconded by Councillor Tree.

Refer to RESOLUTION

313 RESOLUTION:

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

That:

1. The Code of Meeting Practice be amended as follows:
 - a. Delete Annexure B "Access to Information" and renumber Annexure C "Pecuniary Interests" as Annexure B and make the associated reference changes in the Code.
 - b. Delete Section 10.5 and its subsections of Annexure D "Open Meetings Guidelines" and renumber Annexure D as Annexure C and make the associated reference changes in the Code.
 - c. Delete reference to Questions Without Notice as follows:
 - i. Delete sub clause 4) (Tabling of Documents During Question Time) of Clause 2.3.4.
 - ii. Delete Item 12 (Councillors' Questions Without Notice) of Clause 2.3.6 - Order of Business.
 - d. Insert reference to Questions For Next Meeting as follows:
 - i. Add Clause 3.3.12 as follows:

"3.3.12 Questions For Next Meeting

 1. *At all Council meetings, each Councillor may ask questions for the next Council meeting under the segment of the business paper designated for that purpose. The Mayor or Chairperson of the meeting may exercise discretion in limiting questions or ruling any question out of order.*
 2. *Questions for the next meeting should relate to questions concerning items not on the business paper of the Meeting where the question is raised.*
 3. *The chairperson must not permit discussion or any reply to a question under this clause.*
 4. *Councillor questions for the next meeting and responses shall be included on the next Council Meeting's business paper or, if this is not possible, the*

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one following the next or an explanation given as to the reasons for delay and anticipated time of final response.

5. *These questions and subsequent reports responding to the questions are not subject to discussion, debate or public address at the meeting asked and/or answered.*
6. *This clause does not apply to an extraordinary meeting of the Council.*
7. *Nothing in this clause affects questions being asked, with the leave of the chairperson, relevant to any matter under discussion at a meeting."*

- ii. Reword Item 12 of Clause 2.3.6 - "Order of Business" to read "Questions For Next Meeting" in lieu of "Questions Without Notice".

2. The amended Code of Meeting Practice as attached as Attachment 2 be adopted from the Ordinary Council Meeting on 14 September 2010.

Item: 205 SS - Policy for Payment of Expenses and Provision of Facilities to Councillors - Review - (95496)

Previous Item: 209, Ordinary (29 September 2009)
 193, Ordinary (9 September 2008)

MOTION:

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

Refer to RESOLUTION

314 RESOLUTION:

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

That the amended Policy for Payment of Expenses and Provision of Facilities to Councillors attached as Attachment 1 to the report, be placed on public exhibition for a period of 28 days and that the matter be reported back to Council at the conclusion of the exhibition period subject to the insertion of appropriate wording to provide that where a Council provided mobile phone has poor mobile reception at a Mayor's or a Councillor's place of residence Council will reimburse that Councillor for use of their private mobile phone on production of appropriate document action within a period of 28 days of them receiving their bill.

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Item: 206 **SS - Consultants Utilised by Council - 1 January to 30 June 2010 - (95496, 79337)**

Previous Item: 187, Ordinary (14 June 2005)
 34, Ordinary (23 February 2010)

MOTION:

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

Refer to RESOLUTION

315 RESOLUTION:

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

That the information concerning consultancies utilised by Council during the period from 1 January to 30 June 2010 be received.

Item: 207 **SS - Monthly Investments Report - July 2010 - (96332, 95496)**

Previous Item: 17, Ordinary (3 February 2009)
 82, Ordinary (28 April 2009)

MOTION:

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

Refer to RESOLUTION

316 RESOLUTION:

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

The report regarding the monthly investments for July 2010 be received and noted.

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Item: 208 **SS - June 2010 Quarterly Review - 2009/2010 Management Plan - (95496, 96332, 107)**

Previous Item: 109, Extraordinary (16 June 2009)

MOTION:

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

Refer to RESOLUTION

317 RESOLUTION:

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

That the:

1. Information contained in the report on the 2009/2010 Management Plan – June 2010 Quarterly Review be received.
2. Quarterly Review of the 2009/2010 Management Plan for the period ending 30 June 2010 be adopted.

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CONFIDENTIAL REPORTS

318 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.

319 RESOLUTION:

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

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: 209 IS - Confidential Report - Tender Number 02110, Sewer Pump Station 'V' and Rising Main - (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: 210 SS - Property Matter - Approval to use Footway for Restaurant Purposes - Thompson Square Decking Area, Windsor - (95496, 73700, 4773, 103842) 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: 211 SS - Property Matter - Surrender of Lease from Hutchison Telecommunications (Australia) Limited and New Lease with Hutchison 3G Australia Pty Limited - Wilberforce Works Depot, Old Sackville Road, Wilberforce - (95496, 79337, 73984) 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: 212 SS - Property Matter - Lease to Amos Leighton - Café Facility within the Deerubbin Cultural Precinct - (111401, 112106, 95496) 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*

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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.

320 RESOLUTION:

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

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INFRASTRUCTURE SERVICES

Item: 209 IS - Confidential Report - Tender Number 02110, Sewer Pump Station 'V' and Rising Main - (95495, 79344) CONFIDENTIAL

MOTION:

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

Refer to RESOLUTION

321 RESOLUTION:

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

That the:

1. Tender submitted by Murphy McCarthy Associates P/L in the amount of \$1,908,378.18 (GST exclusive) for the construction of Sewer Pump Station 'V', Rising Main and associated carriers, be accepted.
2. Seal of Council be affixed to the necessary documentation.

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SUPPORT SERVICES

Item: 210 **SS - Property Matter - Approval to use Footway for Restaurant Purposes - Thompson Square Decking Area, Windsor - (95496, 73700, 4773, 103842)**
CONFIDENTIAL

MOTION:

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

Refer to RESOLUTION

322 RESOLUTION:

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

That consideration of this item be deferred.

Item: 211 **SS - Property Matter - Surrender of Lease from Hutchison Telecommunications (Australia) Limited and New Lease with Hutchison 3G Australia Pty Limited - Wilberforce Works Depot, Old Sackville Road, Wilberforce - (95496, 79337, 73984)**
CONFIDENTIAL

Previous Item: 250, Ordinary (25 November 2008)

MOTION:

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

Refer to RESOLUTION

323 RESOLUTION:

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

That:

1. Council agree to the surrender the current lease with Hutchison Telecommunications (Australia) Limited subject to a lease being entered into between Council and Hutchison 3G Australia Pty Limited.
2. Council agree to enter into an new lease for the remaining lease term to 11 April 2015 and two sequential five year leases with Hutchison 3G Australia Pty Limited in accordance with the proposal outlined in the report.

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3. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.
4. Details of Council's resolution be conveyed to both parties, 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: 212 SS - Property Matter - Lease to Amos Leighton - Café Facility within the Deerubbin Cultural Precinct - (111401, 112106, 95496) CONFIDENTIAL

MOTION:

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

Refer to RESOLUTION

324 RESOLUTION:

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

That:

1. Council agree to enter into a new lease for the Café Facility within the Deerubbin Cultural Precinct with Mr Amos Leighton in accordance with the proposal outlined in the report subject to the termination of the current lease between Council and Mr and Mrs Maait.
2. Council's Solicitors be requested to take the necessary action to terminate the existing lease between Council and Mr Peter and Mrs Nadia Maait and enter into a new lease with Mr Amos Leighton as outlined in part 1 above in order to protect Council's interests in this matter.
3. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.
4. 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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SUPPLEMENTARY REPORTS

CITY PLANNING

Item: 213 **CP - Application for a Packaged Liquor Licence - Claus Mahlenhoff - Applications for Primary Service Authorisation and Change of Boundaries of Licensed Premises - Susan Mahlenhoff - Premises - 3356 Putty Road, Colo Heights - (33263, 33264, 119096, 95498)**

MOTION:

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

Refer to RESOLUTION

325 RESOLUTION:

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

RECOMMENDATION:

That a response be provided to the Casino, Liquor and Gaming Control Authority:

1. Raising concern with the Authority that the Packaged Liquor Licence Application may be contrary to Section 31 (2) of the Liquor Act 2007 in respect of the granting of Packaged Liquor Licences for service station premises. Should the Authority not agree with this interpretation of the Act, Council raises no objection to the issue of the Licence.
2. Advising that no objection is raised to the issue of a Primary Service Authorisation and to the proposed extension of the boundary of the licensed area to include the outdoor dining area associated with the restaurant.

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SECTION 5 - Reports of Committees

ROC - Hawkesbury Macquarie 2010 Committee Meeting Minutes - 12 August 2010 - (114013)

326 RESOLUTION:

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

That the minutes of the Hawkesbury Macquarie 2010 Committee meeting held on 12 August 2010 as recorded on pages 141 to 143 of the Ordinary Business Paper be received.

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QUESTIONS WITHOUT NOTICE

| # | Councillor | Question | Response |
|---|------------|---|--|
| 1 | Whelan | Enquired about the implications of the State Government's new processes for development contributions. | <p>The Director City Planning advised that the new processes were only announced today.</p> <p>He advised that the processes essentially relate to giving some exemptions to the \$20,000 cap where an area is more than 25% approved under the plan and some green field sites.</p> |
| 2 | Reardon | Enquired if the Rural Fire Service has any planned burns for the Bowen Mountain area to reduce the risks in the approaching fire season. | The Director Infrastructure Services advised that hazard reduction work will be undertaken and he will provide Councillor Reardon with further information regarding the matter. |
| 3 | Rasmussen | Referred to a leaflet he received that stated Council has sanctioned critically endangered Cumberland Plain Woodland clearing at Freemans Reach and enquired if the information is correct. | <p>The Director City Planning advised that Council has not sanctioned clearing of Cumberland Plain Woodland in the area.</p> <p>He requested that Councillor Rasmussen provide him with further details regarding the matter.</p> |
| 4 | Paine | Advised that Councillor Williams has been informed that there are a large number of Hawkesbury City Council bins at Yanko Agricultural College and requested that the matter be investigated. | The General Manager advised that the matter is currently being investigated. |
| 5 | Paine | <p>Enquired about the progress of the Windsor Traffic Study.</p> <p>She advised that some of the shopkeepers have concerns regarding the truck movements on Kable Street.</p> | <p>The Director City Planning advised that staff are currently investigating the best way to conduct a traffic study for the whole of Windsor. He has spoken to the applicant regarding contributing to an overall traffic study and they have not indicated any objections however an agreement has not been made to date. He advised that it would be advantageous to carry out the study as part of the work on the Windsor Masterplan.</p> <p>The Director City Planning advised that he will look at the development approval for the Centre on Kable Street and check if there were any conditions regarding truck movements. If there are no conditions regarding truck movements he can discuss the matter with the owner.</p> |

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| # | Councillor | Question | Response |
|---|------------|--|---|
| 6 | Paine | Referred to the laneway between the Mall and the Woolworths Shopping Centre that has been closed off and advised that Shopkeepers have requested that the laneway be reopened to pedestrian traffic. | The Director City Planning advised that he has spoken to Woolworths regarding the laneway. The laneway leads from George Street directly onto the Woolworth's loading dock and they are reluctant to open the laneway due to the safety hazard. |
| 7 | Paine | Advised that Mr Doug Green is trying to arrange the return of items he loaned to the Museum in 1999 however he is having trouble obtaining some of the items back. | The Mayor requested Councillor Paine provide further details to the General Manager. |
| 8 | Calvert | Requested that maintenance work be carried out on Yarramundi Lane. | The Director Infrastructure Services advised that maintenance will be carried out as necessary. |
| 9 | Porter | Advised that the 120 Ski Race was held on the weekend. He advised that the traffic report had been completed however there were still issues with the operation of the RTA Ferries and requested that Council assist by liaising with the RTA for future events. | The Mayor advised that the reports that come through the Traffic Committee generally put the matter back on the operator of the event to liaise with the Police and the RTA regarding the ferries. The Director Infrastructure Services requested that Councillor Porter provide further information regarding the matter. |

The meeting terminated at 8.17pm.

Submitted to and confirmed at the Ordinary meeting held on 14 September 2010.

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Mayor