



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 27 August 2013

location: council chambers

time: 6:30 p.m.

ORDINARY MEETING

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 27 August 2013, commencing at 6:30pm.

Rev Je-Kon Oh from St Andrews Uniting Church, Richmond, representing the Hawkesbury Minister's Association, gave the opening prayer at the commencement of the meeting.

ATTENDANCE

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

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

Councillor Williams arrived at the meeting at 6:34pm

Councillor Rasmussen arrived at the meeting at 6:35pm

Councillor Mackay arrived at the meeting at 6:45pm

Councillor Calvert left the meeting at 12:40am

SECTION 1: Confirmation of Minutes

273 RESOLUTION:

RESOLVED on the motion of Councillor Porter and seconded by Councillor Reardon that the Minutes of the Ordinary Meeting held on the 13 August 2013, be confirmed.

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SECTION 3 - Notices of Motion

NM1 - Proposed Closure of Demonstration and Research Farm UWS - (79351, 125612)

Ms Kate Mackaness, proponent, addressed Council.

MOTION:

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

Refer to RESOLUTION

274 RESOLUTION:

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

That:

1. Council note that the Department of Primary Industries (DPI) has decided to withdraw their involvement with Hawkesbury Vegetable Demonstration and Research Farm UWS.
2. Council write to the Minister for Primary Industries, the Honourable Katrina Hodgkinson, MP to:
 - a) Express Council's disappointment of decision.
 - b) Call for the DPI to consult with Council, UWS and stake holders to look at future usage of the Hawkesbury Vegetable Demonstration and Research Farm UWS.

NM2 - Proposed Closure of Windsor Court House - (79351, 80104)

Mr Roderick Storie and Ms Kelly Williamson, proponents, addressed Council.

MOTION:

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

Refer to RESOLUTION

275 RESOLUTION:

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

That Council make representations to the relevant State Minister, Law Society, Police Minister and Local Area Command regarding the proposed closure of the Windsor Court House, to express Council's concerns regarding the proposal and outline the negative impact it would have on our community.

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NM3 - Advertisement - 2013/2014 Rate Structure - (79351, 125612)

Ms Fiona Hamann and Ms Liz Rowan, proponents, addressed Council.

MOTION:

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

That Council resolve to place a full page advertisement in the Hawkesbury Gazette and Hawkesbury District Independent News detailing how the rate restructure was carried out, and advising ratepayers of avenues of rate review and options for those who may be suffering financial hardship from the changes.

The motion was put and lost.

NM4 - Removal of Security Barrier during Council Meetings - (79351, 80106)

Mr Doug Bathersby and Ms Beatriz Insausti, proponents, addressed Council.

MOTION:

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

That Council ascertain which Councillors wish to have the security fence in the Gallery surrounding them and remove it from the other Councillors who do not wish to be fenced off from the residents and others attending the Council meeting.

The motion was put and lost.

NM5 - Report on Rebate for Rate Increase - (79351, 80106)

Mr Laurie Fraser, proponent, addressed Council.
Ms Jacki Verzi, respondent, addressed Council.

MOTION:

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

That Council investigate and submit a Report on the options available for rebating to affected house, business and other land owners the massive rate increase amounts above the 3.4%.

The motion was put and lost.

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NM6 - Position of Mayor and Deputy Mayor Determination - (79351, 80093)

Mr Michael Want, proponent, addressed Council.

MOTION:

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

That Council provide a report on the possibility of having the positions of Mayor and Deputy Mayor determined on a merit basis in future, eg. determined by a community based panel.

The motion was put and lost.

NM7 - Consultation with Community - Redbank and/or Jacaranda Ponds Development - (79351, 80093)

Ms Beatriz Insausti, Mr Graeme Jay and Ms Liz Rowan, proponents, addressed Council.

MOTION:

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

Refer to RESOLUTION

276 RESOLUTION:

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

That Council support in principle a meeting or other structure involving members of the community who have made submissions in regard to the Redbank and/or Jacaranda Ponds developments so that they have the opportunity to fully explain the content of their submissions and this be discussed further at the briefing session on 3 September 2013 and a report be brought to Council on 10 September 2013.

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

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

NM8 - Resumption of Adjourned Council Meetings - (79351, 80105)

MOTION:

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

That Council resolves that where an Ordinary Meeting is adjourned because of time constraints or any other reason, it shall be recommenced at 6.30 pm on the following Tuesday evening, the Ordinary Meeting to take precedence over any previously scheduled matters including briefings.

The motion was put and lost.

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SECTION 4 - Reports for Determination

CITY PLANNING

Item: 167 CP - DA0280/13 - 69 Blacktown Road and 121A Batchelors Wharf Road, Freemans Reach - Lot 7 251845 and 1-5 262394 -Intensive Plant Agriculture - (95498, 90477, 114078, 85782)

Mr Donovan Callaghan, Ms Vera Lubicic and Ms Kaye Ridge, respondents, addressed Council.

MOTION:

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

Refer to RESOLUTION

277 RESOLUTION:

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

That:

- A. Council as the consent authority pursuant to Clause 80(1)(b) of the Environmental Planning and Assessment Act 1979 (as amended) refuse Development Application No. DA0280/13 for intensive plant agriculture (horticulture), the construction of an agricultural farm shed and the installation of igloos on Lot 7 DP: 251845 and Lots 1 – 5 DP: 262394, known as 69 Blacktown Road and 121A Batchelors Wharf Road, Freemans Reach, for the reasons listed below.
- B. Council continue compliance action with respect to the unauthorised use of the land.
- C. Council keep residents who have made submissions to the Development Application informed of Council's further actions as far as legally possible.

Reasons for Refusal:

1. The development is inconsistent with the objectives of the RU2 Rural Landscape zone in that it will result in land use conflict, detract from the existing rural character, adversely impact upon water catchments and important ecosystems.
2. The development is inconsistent with the objectives of the E2 Environmental Conservation zone in that it will adversely impact on the preservation and conservation of Bushells Lagoon and indigenous and migratory wildlife.
3. The development is not designed, sited or managed to avoid adverse environmental impacts to Bushells Lagoon.
4. The development is inconsistent with Section 6.5 of the Hawkesbury Local Environmental Plan 2012 in that it will generate adverse impacts on the condition and significance of Bushells Lagoon, which acts as habitat for indigenous and migratory species.
5. The development is inconsistent with the specific planning policies and recommended strategies outlined in Section 6 of Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River, in particular with respect to environmentally sensitive areas, water quality, flora and fauna, riverine scenic quality and agriculture.

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6. Inadequate management and operational practices are proposed to mitigate the impacts generated by the development.
7. The development will generate unreasonable noise and amenity impacts.
8. The hours of operation are excessive within the context of the locality.
9. The prepared Acoustic Report fails to demonstrate that the activities of the market garden may be undertaken without negatively impacting on the amenity of neighbours.
10. The number and extent of the proposed igloos is excessive and will detract from the scenic character of the locality.
11. The development will generate unreasonable odour impacts.
12. The prepared Salinity Report indicates that a combination of over irrigation and heavy rainfall could raise the watertable bringing salt closer to the surface however no strategies or recommendations have been nominated to alleviate this issue.
13. The consent of the Department of Lands, as the owner of the Bushells Lagoon (Lot 7013 DP: 1026224), has not been obtained for the use of the access track through this property as required by Clause 49(1)(b) of the Environmental Planning and Assessment Regulation 2000.
14. Legal access to the southern properties at 121A Batchelors Wharf Road (Lots 1 – 5 DP: 262394) has not been demonstrated.

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

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

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278 RESOLUTION:

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Creed that the meeting continue past 11:00pm to allow the Business Paper to be completed.

Item: 168 CP - Investigations to Dredge Parts of the Hawkesbury River - (95498)

Mr Ian Johnston, proponent, addressed Council.

MOTION:

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

Refer to RESOLUTION

279 RESOLUTION:

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

That:

1. Council receive and note the information in this report including the impacts of this on Council's resolution of 13 November 2012.
2. Part three of Council's resolution of 13 November 2012 be amended to the following:
"Council continue to pursue the required information and approvals for the dredging of parts of the Hawkesbury river as previously identified by Council."
3. Formal quotations be obtained from suitably qualified persons/companies to complete the work specified in Table 1 of this report.
4. Upon receipt of the quotations requested in part 3, a report on the full costing of the investigation work required for obtaining approval to dredge be brought to Council.
5. The matter be further discussed at the next available Briefing Session.

Councillors Calvert, Lyons-Buckett, Paine and Williams requested that their names be recorded as having voted against the motion.

Item: 169 CP - Delivery Program 2012 - 2016 - End of Financial Year Progress Report 1 July 2012 - 30 June 2013 - (95498)

MOTION:

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

Refer to RESOLUTION

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280 RESOLUTION:

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

That the report be received.

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INFRASTRUCTURE SERVICES

Item: 170 IS - Hawkesbury International Sand Sculpting Championship 2014 - (95495, 128023)

MOTION:

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

Refer to RESOLUTION

281 RESOLUTION:

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

That:

1. Community notification of the Hawkesbury International Sand Sculpting Championship 2014 to be held in McQuade Park, between 26 December 2013 – 27 January 2014, be carried out in accordance with the Local Government Act 1993.
2. The notification is to identify that the application seeks an approval for a five year period.
3. Following the closure of the notification period, the matter with any feedback, be re-reported to Council.

Item: 171 IS - Proposed Markets at Richmond Park and McQuade Park - (95495)

MOTION:

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

Refer to RESOLUTION

282 RESOLUTION:

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

That:

1. Richmond Fresh Food be given approval to hold a weekly growers market on Saturdays at Richmond Park for a period of one year commencing on 1 March 2014.
2. Hawkesbury Farm Gate Market be given approval to hold a weekly growers market at McQuade Park for a period of one year.

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3. The approvals be subject to the following:
 - a. Council's general park conditions.
 - b. Council's Fees and Charges.
 - c. The Richmond Park and McQuade Park Plans of Management.
 - d. Satisfactory management of conflict with other users.
 - e. Council reserving the right to suspend the use where conflicts of use arise.

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SUPPORT SERVICES

Item: 172 SS - Monthly Investments Report - July 2013 - (96332, 95496)

MOTION:

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

Refer to RESOLUTION

283 RESOLUTION:

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

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

Item: 173 SS - Carryovers Report - 2012/2013 Operational Plan - (96332, 95496)

Ms Kate Mackaness, proponent, addressed Council.

MOTION:

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

Refer to RESOLUTION

284 RESOLUTION:

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

That the matter be discussed at the briefing session on 3 September 2013 and reported to the following Council meeting on 10 September 2013.

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Item: 174 SS - Code of Meeting Practice - (95496, 79337)

Previous Item: 72, Ordinary (30 April 2013)
 NM2, Ordinary (5 February 2013)

Mr Harry Terry, proponent, addressed Council.
Mr David Hope and Mr Michael Want, respondent, addressed Council.

MOTION:

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

Refer to RESOLUTION

285 RESOLUTION:

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

That Council adopt and implement the Draft Code of Meeting Practice as exhibited.

The motion was put and carried.

Councillors Lyons-Buckett, Paine, Rasmussen and Williams requested that their names be recorded as having voted against the motion.

Item: 175 SS - Policy for Payment of Expenses and Provision of Facilities to Councillors - (95496)

Previous Item: 181, Ordinary (9 October 2012)

MOTION:

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

Refer to RESOLUTION

286 RESOLUTION:

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

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 at least 28 days and that the matter be reported back to Council at the conclusion of the exhibition period.

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CONFIDENTIAL REPORTS

287 RESOLUTION:

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

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

288 RESOLUTION:

RESOLVED on the motion of Councillor Creed, 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: 176 IS - Tender No. 00930 - Supply and Installation of Variable Speed Blowers - South Windsor Sewage Treatment Plant - (95495, 112179)

*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: 177 SS - Property Matter - Lease to Wayne Edwards Holdings Pty Limited - 37 Macquarie Street, Windsor (112106, 25587, 95496)

*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: 178 SS - Property Matter - Lease to Amos Leighton - Cafe within Deerubbin Precinct, Windsor - Part Lot 50 in DP 1035291 - (95496, 112106, 111401, 120258)
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.

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289 RESOLUTION:

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

Item: 176 IS - Tender No. 00930 - Supply and Installation of Variable Speed Blowers - South Windsor Sewage Treatment Plant - (95495, 112179) CONFIDENTIAL

MOTION:

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

Refer to RESOLUTION

290 RESOLUTION:

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

That:

1. Council reject all tenders submitted for the design, manufacture, supply, delivery to site, installation and commissioning of Variable Speed Blowers – South Windsor Sewage Treatment Plant (Tender No. 00930).
2. In accordance with the provisions of part (3) (e) of Clause 178 of the Local Government (General) Regulation 2005 Council enter into negotiations with appropriate interested parties with a view to entering into a contract for the design, manufacture, supply, delivery to site, installation and commissioning of Variable Speed Blowers – South Windsor Sewage Treatment Plant.
3. In accordance with the provisions of part (4) (a) of Clause 178 of the Local Government (General) Regulation 2005 the reason for Council deciding not to invite fresh tenders in accordance with part (3) (b)-(d) of Clause 178 of the Local Government (General) Regulation 2005 is:
 - That it is considered the tender has been advertised widely and it is unlikely that additional tenders would be received if it were readvertised.
4. In accordance with the provisions of part (4) (b) of Clause 178 of the Local Government (General) Regulation 2005 the reason for Council deciding to enter into negotiations as indicated in 2 above is:
 - Based upon the available information, it would appear that by entering into negotiations the Council may be able to achieve an acceptable supply and pricing for the design, manufacture, supply, delivery to site, installation and commissioning of Variable Speed Blowers – South Windsor Sewage Treatment Plant which may enable Council to negotiate a more cost effective solution.
5. The tenderers be advised of Council's decision and thanked for their submissions.

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Item: 177 SS - Property Matter - Lease to Wayne Edwards Holdings Pty Limited - 37 Macquarie Street, Windsor (112106, 25587, 95496) CONFIDENTIAL

Previous Item: 155, Ordinary (30 June 2013)

MOTION:

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

Refer to RESOLUTION

291 RESOLUTION:

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

That:

1. Council, as the property owner, as distinct from the "Consent Authority", agree to enter into a new lease for 37 Macquarie Street, Windsor with Wayne Edwards Holdings Pty Limited, in accordance with the proposal outlined in the report, and subject to Development Consent being granted.
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: 178 SS - Property Matter - Lease to Amos Leighton - Cafe within Deerubbin Precinct, Windsor - Part Lot 50 in DP 1035291 - (95496, 112106, 111401, 120258) CONFIDENTIAL

Previous Item: 212, Ordinary (31 August 2010)

MOTION:

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

Refer to RESOLUTION

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292 RESOLUTION:

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

That:

1. Council agree to enter into a new lease with Mr Amos Leighton trading as 'Evergreen Café' in regard to the café within the Deerubbin Precinct, Windsor, 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 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.

SECTION 5 - Reports of Committees

ROC - Development Application Monitoring Advisory Committee - 18 July 2013 - (79351)

293 RESOLUTION:

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

That the minutes of the Development Application Monitoring Advisory Committee held on 18 July 2013 as recorded on pages 81 to 83 of the Ordinary Business Paper be received.

ROC - Floodplain Risk Management Advisory Committee - 22 July 2013 - (86589)

Ms Kate Mackaness, respondent, addressed Council.

294 RESOLUTION:

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

That the minutes of the Floodplain Risk Management Advisory Committee held on 22 July 2013 as recorded on pages 84 to 93 of the Ordinary Business Paper be received.

ROC - Local Traffic Committee - 12 August 2013 - (80245)

295 RESOLUTION:

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

That the minutes of the Local Traffic Committee held on 12 August 2013 as recorded on pages 94 to 116 of the Ordinary Business Paper be adopted.

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QUESTIONS FOR NEXT MEETING

Councillors Questions from Previous Meetings and Responses - 30 July 2013 and 13 August 2013 - (79351)

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

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Questions For Next Meeting

#	Councillor	Question	Response
1	Creed	Asked if Council staff could contact Ms Liz Rowan regarding pot hole location in Bowen Mountain in order for them to be repaired.	Director Infrastructure Services
2	Reardon	Asked if the horse trough located on the corner of Terrace Road and Bells Line of Road has been restored.	Director Infrastructure Services
3	Lyons-Buckett	Asked if Council has responded to correspondence relating to 64 Grandview Lane, Bowen Mountain and 70 Grandview Lane, Bowen Mountain.	Director City Planning
4	Paine	Asked if a 'No through Road' sign could be erected at Doyles Creek Road, Webbs creek.	Director Infrastructure Services
5	Paine	Asked if the pots in Windsor Street, Richmond could be painted and when the works will be undertaken.	Director Infrastructure Services
6	Rasmussen	Advised that the Yarramundi Reserve, river rock sign had fallen over and asked when it will be re-erected.	Director Infrastructure Services

The meeting terminated at 1:22am.

Submitted to and confirmed at the Ordinary meeting held on 10 September 2013.

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Mayor