



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 29 April 2008

location: council chambers

time: 5:00 p.m.

ORDINARY MEETING

MINUTES: 29 April 2008

MINUTES

- **WELCOME / EXPLANATIONS / PRAYER**
- **APOLOGIES**
- **DECLARATION OF INTERESTS**
- **SECTION 1 - Confirmation of Minutes**
- **MINUTES 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, 29 April 2008, commencing at 5:00pm.

Rev Father Walter Fogarty of St Monica's Catholic Church, Richmond, representing the Hawkesbury Minister's Association, gave the opening prayer at the commencement of the meeting.

ATTENDANCE

PRESENT: Councillor B Bassett, Mayor, Councillor T Books, Deputy Mayor and Councillors B Calvert, K Conolly, T Devine, C Paine, B Porter, P Rasmussen, R Stubbs, N Wearne 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 - Fausto Sut, Executive Manager - Community Partnerships - Joseph Litwin and Administrative Support Team Leader - Amy Dutch.

APOLOGIES

An apology for absence was received from Councillor Finch.

110 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Williams that the apology be accepted.

Councillor Paine arrived at the meeting at 5:07pm

SECTION 1: Confirmation of Minutes

111 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Books that the Minutes of the Ordinary held on the 8 April 2008, be confirmed.

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SECTION 3 - Notices of Motion

NM1 - Grant Application - Public Facilities Program of the NSW Climate Change Fund - (80093, 79351)

Mr Frank Scharfe, proponent, addressed Council.

MOTION:

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

Refer to RESOLUTION

112 RESOLUTION:

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

That Council:

1. Apply for grant funding from the NSW Government through the Public Facilities Program of the NSW Climate Change Fund, to investigate:
 - (a) And install solar energy panels to the Council Chambers, Deerubbin Centre and other similar buildings under the control of the Council in order to supplement the electricity demand for the buildings with the view to ultimately being able to sell electricity back to the suppliers.
 - (b) Other innovative methods of saving electricity or water in the Hawkesbury area and request similar grants from the Climate Change Fund or any other identifiable state or federal grant programs.
2. Request the State Government to take action to make the sale of electricity back to the grid more achievable.

NM2 - Workshop for Residents Considering Nominating for Council - 2008 Local Government Elections - (80104, 79351)

MOTION:

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

Refer to RESOLUTION

113 RESOLUTION:

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

That in addition to the Candidate Information Seminars being conducted by the NSW Electoral Commission, Council host an informal gathering between Councillors and interested residents who are considering nominating for Council at the 13 September 2008 Local Government Elections.

It was noted that this motion was carried unanimously.

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SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 76 **GM - Review of Council's Strategic Plan - (79351)**

Previous Item: 280, Ordinary (11 December 2007)

MOTION:

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

Refer to RESOLUTION

114 RESOLUTION:

RESOLVED on the motion of Councillor Porter, seconded by Councillor Stubbs

That:

1. The information in relation to the action taken to date in the review/development of Council's Community Strategic Plan be noted.
2. Further steps in the process, including review of documentation developed to date by the focus groups associated with the recent community survey, as outlined in the report in this regard be endorsed.

Item: 77 **GM - Sister City Program Policy - Student Exchange Donation, Kyotamba 2008 - (73610, 91811, 79351)**

MOTION:

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

Refer to RESOLUTION

115 RESOLUTION:

RESOLVED on the motion of Councillor Porter, seconded by Councillor Stubbs

That under the provisions of Section 356 of the Local Government Act 1993 Council donate \$500 to each student participating in the 2008 student exchange program visit to Kyotamba in accordance with the Sister City Program Policy being:

- a) Mr Blake Milne
- b) Ms Bethany O'Brien
- c) Mr Ian Richardson

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CITY PLANNING

Item: 78 **CP - Approval Sought in Retrospect - Conversion of a Stable into a Shed - Lot 1 DP 773543, 236 Bells Road, Grose Vale - (DA0539/07, 13872, 13871, 96329, 95498)**

Previous Item: 284, Ordinary (11 December 2007)

Ms Melissa Ryan, respondent, addressed Council.

MOTION:

RESOLVED on the motion of Councillor Devine, seconded by Councillor Books.

Refer to RESOLUTION

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

That this matter be deferred until a working monitor is placed on the property for a reasonable period of time and the results are recorded, assessed and reported back to Council.

The amendment was lost.

The motion was put and carried

116 RESOLUTION:

RESOLVED on the motion of Councillor Devine, seconded by Councillor Books

That the application for the enclosing of the stable at Lot 1, DP773543, 236 Bells Road, Grose Vale be approved subject to the following conditions:

General

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.

Use of the shed

2. The shed shall be used for the storage of motor vehicles and other machinery associated with the maintenance of the real property only. The shed shall not be used for the purposes of spray painting, panel beating or for any commercial or industrial purposes.
3. Any uses of the shed, and its surrounds, shall be conducted in such a manner that the noise levels measured at any residential boundary do not exceed 5dB(A) above the background noise levels.
4. All noise generating equipment operated from the shed shall be acoustically designed so as not to exceed 5dB(A) above the background noise level at any boundary.
5. Any external /internal lighting shall be directed in such a manner so as not to cause a nuisance to adjoining properties.

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- 6. Any noise making activities carried out in the shed shall be conducted in accordance with the Protection of the Environment Operations (Noise Control) Regulation 2000.

Advice to Applicant

- 7. The applicant is advised that Council will closely monitor noise from the property to ensure that conditions of the consent are adhered to.

Item: 79 CP - Urban Sustainability Grant Funding - Final Report - (95498)

MOTION:

RESOLVED on the motion of Councillor Devine, seconded by Councillor Stubbs.

Refer to RESOLUTION

117 RESOLUTION:

RESOLVED on the motion of Councillor Devine, seconded by Councillor Stubbs

That this matter be workshopped.

Item: 80 CP - Hawkesbury City Council Outdoor Dining and Footpath Trading Policy - (95498)

Previous Item: 116, Ordinary (26 June 2007)

Mr Frank Scharfe, proponent, addressed Council.

MOTION:

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

Refer to RESOLUTION

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

That the:

- 1. Following fees be included in Council's adopted fees and charges for 2008/2009:

Business Precinct	Annual Footpath Usage Fee Per m2
Thompson Square and Windsor Mall environs (excluding the use/licensing of areas where specific facilities have been provided by Council)	\$85.00
Elsewhere in Windsor, Richmond and North Richmond	\$70.00
Elsewhere in the City	\$50.00

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- 2. Fees for Windsor Mall not be implemented until such time as Council has reviewed the Policy and "Regulations" for Windsor Mall.

The amendment was lost.

The motion was put and carried

118 RESOLUTION:

RESOLVED on the motion of Councillor Devine, seconded by Councillor Porter

That the:

- 1. Following fees be included in Council's adopted fees and charges for 2008/2009:

Business Precinct	Annual Footpath Usage Fee Per m2
Thompson Square and Windsor Mall environs (excluding the use/licensing of areas where specific facilities have been provided by Council)	\$85.00
Elsewhere in Windsor, Richmond and North Richmond	\$70.00
Elsewhere in the City	\$50.00

- 2. Fees not be implemented until such time as Council has reviewed the Policy and "Regulations" for Windsor Mall. Such review is to be completed by 31 July 2008.

Item: 81 CP - Refurbishment of the Band Room - March Street, Richmond - (74052, 95498)

MOTION:

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

Refer to RESOLUTION

119 RESOLUTION:

RESOLVED on the motion of Councillor Porter, seconded by Councillor Stubbs

That Council:

- 1. Approve the reallocation of funds from the 2007/2008 building works program as outlined in this report to facilitate the refurbishment of the Richmond Band Room.
- 2. Staff to consult further with the Hawkesbury City Concert Band Committee to finalise the design brief for the refurbishment of the Richmond Band Room.
- 3. Staff work with the Hawkesbury City Concert Band Committee to draft a hire policy for the Richmond Band Room and to identify an agreed model for the future management of the facility.

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Item: 82 CP - Hawkesbury City Eisteddfod Society - Options for Funding - (79342, 95498)

Previous Item: 217, Ordinary (30 October 2007)
288, Ordinary (11 December 2007)
49, Ordinary (9 March 2008)

Ms Carolyn McKenzie, proponent, addressed Council.

MOTION:

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

Refer to RESOLUTION

120 RESOLUTION:

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

That future funding of the Hawkesbury City Eisteddfod Society be delivered in accordance with sponsorship Model 5 as outlined in this report, on the basis that the subsidy for rental for use by the Hawkesbury City Eisteddfod Society of the Windsor Function Centre be paid directly to the Lessees of the Windsor Function Centre.

Item: 83 CP - Acceptance of Funding Variation for Transition to Work Program - Department of Ageing Disability and Home Care (DADHC) - (79342, 103069, 95498)

MOTION:

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

Refer to RESOLUTION

121 RESOLUTION:

RESOLVED on the motion of Councillor Porter, seconded by Councillor Stubbs

That authority be given to execute, under the Seal of Council, a variation for the funding agreement with the Department of Ageing Disability and Home Care, to accept an additional \$17,214 non-recurrent grant for the Hawkesbury Transition to Work Program.

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Item: 84 **CP - Community Sponsorship Program - (2007 - 2008: Round 3) - (79342, 95498)**

Previous Item: 155, Ordinary (14 August 2007)
 289, Ordinary (11 December 2007)

MOTION:

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

Refer to RESOLUTION

122 RESOLUTION:

RESOLVED on the motion of Councillor Porter, seconded by Councillor Stubbs

That Council:

1. Approve payments of Section 356 Financial Assistance to the organisations or individuals listed, and at the level recommended in Table 1 of this report.
2. Approve the execution of Council's standard Sponsorship Agreement for applications 2 and 5 as identified in Table 1 of this report.
3. Note the Special Condition recommended for Application 2 as identified in Table 1 of this report.

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INFRASTRUCTURE SERVICES

Item: 85 **IS - National Servicemen Memorial - Ham Common - (95495, 90480, 84578)**

Previous Item: 61, Ordinary (8 March 2005)

Councillor Books declared a non-pecuniary interest in this matter as he is the President of Hawkesbury National Serviceman Sub Branch. He left the meeting and did not take part in voting or discussion on the matter.

Mr Patrick Leon Walker, proponent, addressed Council.

MOTION:

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

Refer to RESOLUTION

123 RESOLUTION:

RESOLVED on the motion of Councillor Devine, seconded by Councillor Rasmussen

That the request to erect a Memorial Wall at the existing National Servicemen Memorial within Ham Common be supported.

Item: 86 **IS - Kable Street Carpark - (95495, 79346)**

Previous Item: 232, Ordinary (26 July 2005)

Councillor Paine declared an interest in this matter as she lives in an adjoining property. She left the meeting and did not take part in voting or discussion on the matter.

Mr Frank Scharfe, proponent, addressed Council.
Ms Nicole Ryan, respondent, addressed Council.

MOTION:

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

Refer to RESOLUTION

An AMENDMENT was moved by Councillor Devine, seconded by Councillor Books.

The adjoining property owners be notified of Council's intention to remove the existing fence and request that they make arrangements to provide an alternative fence on the surveyed boundary.

The amendment was lost.

The motion was put and carried

124 RESOLUTION:

This is Page 13 of the Minutes of the ORDINARY MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor, on Tuesday, 29 April 2008

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RESOLVED on the motion of Councillor Conolly, seconded by Councillor Wearne

That:

1. Subject to the property owner having appropriate insurances, occupation of the strip of land shown hatched on the attached plan be acknowledged and its use continue subject to three months notice being given by Council should the area be required in the future. This arrangement is to be reviewed by Council in 2015.
2. Formalisation of the matter be subject to Council's Solicitors requirements.

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SUPPORT SERVICES

Item: 87 SS - Monthly Investments Report - March 2008 - (96332, 95496)

MOTION:

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

Refer to RESOLUTION

125 RESOLUTION:

RESOLVED on the motion of Councillor Porter, seconded by Councillor Stubbs

That the information be received and noted.

Item: 88 SS - Local Government and Shires Association of NSW - Request for Financial Assistance With Legal Costs - Gosford City Council - (79633, 95496)

MOTION:

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

Refer to RESOLUTION

126 RESOLUTION:

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

That:

1. Council contribute the amount of \$4,926.20 as outlined in the letter dated 19 March 2008 from the Local Government and Shires Association of NSW towards the legal costs incurred by Gosford City Council, in its pursuit of legal action related to an Appeal in the matter Gosford City Council v Tauszik NSWCCA 193.
2. An adjustment be made in the next quarterly review in respect of this contribution.

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Item: 89 **SS - Lease to Girl Guides Association (NSW) - Lot 50 in Deposited Plan 1073306, Holland's Paddock, Windsor - (107088, 92909, 8605)**

MOTION:

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

Refer to RESOLUTION

127 RESOLUTION:

RESOLVED on the motion of Councillor Porter, seconded by Councillor Stubbs

That:

1. Council agree to enter into a new lease with the Girl Guides Association (NSW) for the Girl Guides Hall located in Holland's Paddock in accordance with the proposal outlined in the report.
2. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.
3. Details of Council's resolution be conveyed to the proposed lessees together with the advice that Council is not and will not be bound by the terms of its resolution until such time as appropriate legal documentation to put such resolution into effect has been agreed to and executed by all parties.

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CONFIDENTIAL REPORTS

128 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.

129 RESOLUTION:

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

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: 90 GM - Legal Matter - Hawkesbury Heritage Farm (Former Australiana Pioneer Village)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(g) of the Local Government Act, 1993 as it relates to legal advice concerning a claim of a right to purchase the property 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: 91 IS - Tender 011/FY08 - Maintenance of Gravel Roads for St Albans and Nearby Districts

*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: 92 IS - Tender 013/FY08 - Supply and Placement Asphaltic Concrete

*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: 93 SS - NPWS Leasing of Bowman Cottage, 370 Windsor 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: 94 SS - Property Matter - Lease to Bojangles Beauty Basix - Shop 8 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.*

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.

Item: 90 GM – Legal Matter – Hawkesbury Heritage Farm (Former Australiana Pioneer Village) - (95496, 79351)

Previous Item: 400, Ordinary (13 December 2005)
16, General Purpose Committee (24 February 2004)

Director Support Services declared an interest in this matter as the solicitor involved has previously acted for him in the past. He left the meeting and did not take part in discussion on the matter.

MOTION:

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

Refer to RESOLUTION

130 RESOLUTION:

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

That:

1. Based upon the legal advice provided, Council's solicitors, Pike Pike Fenwick, be instructed to write to Storey & Gough, solicitors, denying the existence of an enforceable contract for the sale of the property known as the Hawkesbury Heritage Farm (formerly the Australiana Pioneer Village) to Mr J & Mrs S Kelly and to take appropriate action to defend such a claim should it be pursued.
2. Council's solicitors, Pike Pike Fenwick, also be instructed to file an application for the issue of a lapsing notice at the Department of Lands in respect of the caveat lodged on Council's property known as the Hawkesbury Heritage Farm (formerly the Australiana Pioneer Village).
3. A further report regarding the future of Council's property known as the Hawkesbury Heritage Farm (formerly the Australiana Pioneer Village) be submitted to Council when appropriate additional

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information has been provided by The Friends of The Australiana Pioneer Village Society Inc regarding their proposals for the future use of the APV.

4. Council request an updated valuation of the property.

Councillor Porter requested he be recorded as having voted against the motion.

Item: 91 **IS - Tender 011/FY08 - Maintenance of Gravel Roads for St Albans and Nearby Districts - (95495, 79344)**

Previous Item: 39, Ordinary (26 February 2008)

MOTION:

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

Refer to RESOLUTION

131 RESOLUTION:

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

That:

1. Further to Council's resolution of 26 February 2008 that Council agree to the request from the successful tenderer for the contract to be entered into the new company name of Hawkesbury Road Maintenance Pty Limited in lieu of the tenderers previous company name of J & M Landfill Pty Limited.
2. The Seal of Council be affixed to any contract documentation, if necessary.

Item: 92 **IS - Tender 013/FY08 - Supply and Placement Asphaltic Concrete - (95495, 79344)**

MOTION:

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

Refer to RESOLUTION

132 RESOLUTION:

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

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That:

1. The schedule of rate tender submitted by Bernipave P/L for the supply and placement of Asphaltic Concrete for Pothole Patching, Part A at \$222.50 per hour be accepted and the necessary documentation be executed under the Seal of Council.
2. The schedule of rate tender submitted by Bernipave P/L for the supply and placement of Asphaltic Concrete deep lift patching, Part B be accepted and the necessary documentation be executed under the Seal of Council.
3. The schedule of rate tender submitted by J & E Excavations P/L for the supply and placement of Asphaltic Concrete for Re-sheeting, Part C be accepted and the necessary documentation be executed under the Seal of Council.
4. Should a Principle Contractor become unavailable to perform works within a reasonable time period, alternate Contractors may be engaged to perform those works from the tendered Schedule of Rates.

Item: 93 **SS - NPWS Leasing of Bowman Cottage, 370 Windsor Street, Richmond - (107, 79337, 95496)**

Previous Item: 107, Ordinary (12 April 2005)

MOTION:

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

Refer to RESOLUTION

133 RESOLUTION:

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

That

1. Council approve the amendment of the current lease between Council and the National Parks and Wildlife Service of half of Bowman Cottage, 370 Windsor Street, Richmond, to reflect the lease of the other half of Bowman Cottage, being 107.85sqm, to the National Parks and Wildlife Service as outlined in the report, subject to:
 - a) The rental of half of Bowman Cottage remain rent free, whilst the remaining half be leased at a weekly rental of \$100 (including GST).
 - b) National Parks and Wildlife Service be responsible for 100% of the total outgoings including rates and charges, garbage, water, electricity, telephone, etc pertaining to Bowman Cottage.
 - c) National Parks and Wildlife Service continue to be responsible for maintaining the grounds.
 - d) National Parks and Wildlife Service be responsible for the costs associated with the preparation of the lease amendment documentation in this matter; and
 - e) All other terms and conditions of the lease to remain unchanged.

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2. Authority be given for any documentation in association with this matter be executed under the Seal of Council.
3. Details of Council's resolution be conveyed to the proposed lessees, together with the advice that Council is not and will not be bound by the terms of its resolution, until such time as appropriate legal documentation to put such resolution into effect has been agreed to and executed by all parties.

Item: 94 SS - Property Matter - Lease to Bojangles Beauty Basix - Shop 8 Glossodia Shopping Centre - (102477, 31304)

MOTION:

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

Refer to RESOLUTION

134 RESOLUTION:

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

That:

1. Council agree to enter into a new lease with Ms Sharon Bell trading as "Bojangles Beauty Basix" in regard to Shop 8 Glossodia Shopping Centre, in accordance with the proposal outlined in the report.
2. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.
3. Details of Council's resolution be conveyed to the proposed lessees, together with the advice that Council is not and will not be bound by the terms of its resolution, until such time as appropriate legal documentation to put such resolution into effect has been agreed to and executed by all parties.

135 RESOLUTION:

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

ORDINARY MEETING

MINUTES: 29 April 2008

SUPPLEMENTARY REPORTS

MAYORAL MINUTES

MM1 - Proposed Changes to Planning Legislation Proposed by NSW Government - (90479, 79353)

MOTION:

RESOLVED on the motion of the Mayor, Councillor Bassett.

Refer to RESOLUTION

136 RESOLUTION:

RESOLVED on the motion of the Mayor, Councillor Bassett.

That in view of the fact that many of the State Government's proposed changes to planning, outlined in the Draft Exposure Bills released on 3 April, will have far reaching implications for local communities; the views of relevant stakeholders have been ignored; and that private companies and developers stand to significantly benefit from the new laws, that Council call for a:

1. Freeze on the implementation of The State Government's Draft Exposure Bills (Planning Changes).
2. Parliamentary Inquiry into the NSW State Government's Draft Exposure Bills (planning changes).

MM2 - Australia 2020 Summit Results - Australian Taxation System and Australian Governance - (90479, 79353)

MOTION:

RESOLVED on the motion of Councillor Bassett, Mayor.

Refer to RESOLUTION

137 RESOLUTION:

RESOLVED on the motion of Councillor Bassett, Mayor.

That:

1. Council make representations to the Prime Minister, Leader of the Opposition and Shadow Treasurer in relation to outcomes from the Australia 2020 Summit regarding taxation and "federalism" and respond to the on-line feedback form of the Australian Local Government Association regarding constitutional recognition of local government as suggested within the Mayoral Minute.
2. The Australian Local Government Association and the NSW Local Government & Shires Association be advised of Council's actions in this regard.

ORDINARY MEETING

MINUTES: 29 April 2008

SECTION 5 - Reports of Committees

ROC - Local Traffic Committee - 16 April 2008 - (80245, 95495)

138 RESOLUTION:

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

That the minutes of the Local Traffic Committee held on 16 April 2008 as recorded on pages 69 to 82 of the Ordinary Business Paper be adopted.

ORDINARY MEETING

MINUTES: 29 April 2008

QUESTIONS WITHOUT NOTICE

1. Councillor Calvert referred to his question at a previous meeting regarding a promise made during the State Election last year about an upgrade of the parking area at Windsor Station and enquired if there has been any progress on the matter.

The Director Infrastructure Services advised that he and the Director City Planning recently met with a group that consisted of a number of consultants and RailCorp. The matter is progressing and a report on what works should occur at Windsor Station is currently being finalised. The matter will be reported to Council in due course. The Director Infrastructure Services advised that there is no process that will need to be completed to obtain development approval and works should proceed this year.

2. Councillor Calvert advised that it was recently announced at WSROC that they will be setting up a Regional Youth Council and requested that staff bring the matter to Council's attention when further information is received.

3. Councillor Paine requested staff arrange for improvements to be made to street lighting in William Street, North Richmond due the number of incidents that have occurred in the street recently.

The Director Infrastructure Services advised that the matter will be investigated.

4. Councillor Paine requested that a reporting process be considered in order to keep Councillors informed of grants that have been received and when the money has been expended.

The General Manager advised that the details requested are included in the Quarterly Budget Review report. He also advised that a quarterly report of grants applied for is currently provided to Councillors in the Councillors' Newsletter, the most recent report being in the Councillors' Newsletter dated 24 April 2008. The General Manager advised that the matter will be further investigated.

5. Councillor Paine requested an update regarding the works on Racecourse Road.

The Director Infrastructure Services advised that it is presently out to tender and will be reported to Council in the near future.

6. Councillor Williams advised that there is a blocked drain causing washout and erosion near 95 Grose Vale Road, North Richmond and requested that the matter be investigated.

The Director Infrastructure Services advised the matter will be investigated.

7. Councillor Williams requested staff investigate the source and cost of shower timers recently distributed by Gosford Council to residents.

The General Manager advised that the matter will be investigated.

8. Councillor Williams enquired about the progress of the Tinda Creek Section 96 application.

The Director City Planning advised he is currently reviewing the file and the matter will come to Council in the near future.

ORDINARY MEETING

MINUTES: 29 April 2008

9. Councillor Williams advised that the road verge near 140 Boundary Road, Glossodia is causing water to divert onto the property and requested that the matter be rectified.

The Mayor advised that the matter will be investigated.

10. Councillor Williams referred to the recent development applications from the Johnson Property Group and enquired if the applications will come to Council. He enquired whether there any legal implications regarding the approval of the applications as they now relate to part of an exhibited major project concept plan that is currently being assessed by the Minister and Department of Planning.

The Directory City Planning advised that the development applications will come to Council along with the DCP changes. He advised that the lots involved were approved under a previous development application and do not come under the major project.

11. Councillor Books advised that there is a gum tree on the footpath outside 37 Harris Street, South Windsor that has been dropping limbs and may have termites.

12. Councillor Books requested a bin be installed on the footpath outside 251-257 George Street, Windsor.

13. Councillor Books asked why the Floodplain Committee Meeting Minutes were not in the business paper.

The Director City Planning advised that he checked minutes today and they will appear in the next business paper.

14. Councillor Rasmussen requested that the landscaping at the entrance to Bligh Park be revamped.

The Director Infrastructure Services advised that the matter will be investigated.

15. Councillor Rasmussen referred to the number of incidents at the intersection of Moses Street and Richmond Road and enquired if the intersection is part of the traffic study that will be occurring in the near future.

The Director Infrastructure Services advised that the accident history of the intersection will be investigated.

16. Councillor Rasmussen enquired about the accrued leave entitlement levels of staff.

The General Manager advised that accrued leave levels are monitored on a regular basis to ensure they remain at an appropriate level.

17. Councillor Rasmussen enquired about the superannuation holiday.

The General Manager advised that as reported in the Special Meeting Business Paper for 28 April 2008 the superannuation holiday was reduced by 50% over the last few years. The superannuation holiday will cease from 1 July 2008 and has been incorporated in the 2008/2009 draft budget.

ORDINARY MEETING

MINUTES: 29 April 2008

18. Councillor Rasmussen asked who owns the convict road at the end of Warks Hill Road, Kurrajong Heights.

The Director Infrastructure Services advised the trail is owned by National Parks.

19. Councillor Devine enquired about the progress of the clean up by Corrective Services in the wasteland area at Bligh Park.

The Director Infrastructure Services advised that some work has been completed and he will follow up the progress.

20. Councillor Conolly enquired about the progress of the roundabout clean-ups on Colonial Drive and Rifle Range Road, Bligh Park.

The Director Infrastructure Services advised that the weeds have been cleared and pine bark has been put in place. Planting is on hold at present due to other projects that are underway.

21. Councillor Porter requested that he and the Chair of the Waste Committee be notified when works commence on the new cell at the Waste Depot.

22. Councillor Porter referred to the Bridge to Bridge boat display recently held in Windsor and enquired what the Mayor thought of the display.

The Mayor congratulated the organisers of the display and the participants and Council staff involved in the event. He advised that he was impressed with the display and the amount of foot traffic that was generated due to the display. The Mayor advised that he will include some comments in his Mayoral Column regarding the Bridge to Bridge.

23. Councillor Porter enquired if Council is able to use round-up sprays to control vegetation growth on road verges.

The Director Infrastructure Services advised that the matter will be investigated. He also advised that if it is possible great care would be required due to endangered species in the area.

The meeting terminated at 10:53pm.

Submitted to and confirmed at the Ordinary meeting held on 13 May 2008.

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Mayor