



Hawkesbury City Council

ordinary meeting minutes

date of meeting: 11 September 2007

location: council chambers

time: 5:00 p.m.

ORDINARY MEETING
MINUTES: 11 September 2007

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**

Acting 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, 11 September 2007, commencing at 5:02pm.

ATTENDANCE

PRESENT: Councillor R Stubbs, Mayor, Councillor B Bassett, Deputy Mayor and Councillors T Books, B Calvert, K Conolly, T Devine, D Finch, C Paine, B Porter, P Rasmussen, N Wearne and L Williams

ALSO PRESENT: Acting General Manager - Peter Jackson, Directory City Planning - Matt Owens, Director Infrastructure Service - Chris Daley, Acting Director Support Services - Laurie Mifsud, Chief Financial Officer - Robert Stalley, Administrative Support Team Leader - Amy Dutch.

Councillor Rasmussen arrived at the meeting at 5:04pm.

SECTION 1: Confirmation of Minutes

298 RESOLUTION:

RESOLVED on the motion of Councillor Books and seconded by Councillor Rasmussen that the Minutes of the Ordinary meeting held on the 28 August 2007, be confirmed with a change to Resolution 282 on page 9.

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QUESTIONS WITH NOTICE

QWN - Tinda Creek Quarry - (80105, 95498, 107)

Mr Neville Diamond, respondent, addressed Council.

MOTION:

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

Refer to RESOLUTION

299 RESOLUTION:

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

That the information be received.

SECTION 3 - Notices of Motion

NM1 - Assistance for Hawkesbury Residents Adversely Affected by Equine Flu - (80104, 95496)

Mr Frank Scharfe, proponent, addressed Council.

MOTION:

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

Refer to RESOLUTION

300 RESOLUTION:

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

NOTICE OF MOTION:

That Council write to:

1. Mrs L Markus MP, Member for Greenway, thanking her for her efforts in obtaining financial assistance for families adversely affected by the equine flu.
2. The State Government expressing disappointment in their lack of support in this matter and encourage them to show support to the equine industry.

NM2 - Register of Significant Trees - (80105, 107)

Mr Neville Diamond and Mr Frank Scharfe, proponents, addressed Council.

MOTION:

A MOTION was moved by Councillor Williams, seconded by Councillor Paine

That the matters associated with the establishment of a register of significant trees be further investigated and reported to Council.

The motion was lost.

SECTION 4 - Reports for Determination

ACTING GENERAL MANAGER

Item: 175 AGM - Regular Information of Council Services to Ratepayers - (79351, 79356)

MOTION:

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

Refer to RESOLUTION

301 RESOLUTION:

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

That this matter be workshopped.

CITY PLANNING

Item: 176 **CP - Hawkesbury Development Control - Part E Chapter 5 - Pitt Town - (87959, 92177, 95498)**

The Acting General Manager advised the item was withdrawn by Management.

Item: 177 **CP - Shed Less Than 170sqm - Lot 31, DP205933 and Lot 32, DP205933 - 475-477 Kurmond Road, Freemans Reach - (DA0362/07, 20176, 95498)**

MOTION:

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

Refer to RESOLUTION

302 RESOLUTION:

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

That the Development Application No. DA0362/07 for the use of structure as a shed at Lot 31, DP205933 and Lot 32, DP205933 475-477 Kurmond Road, Freemans Reach be approved subject to the conditions following:

General Conditions

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.
2. The approved use shall not commence until all conditions of this Development Consent have been complied with.
3. The development shall comply with the provisions of the Building Code of Australia at all times.
4. The development shall comply with the Environmental Planning and Assessment Act, 1979 at all times.

Prior to Commencement of Works

5. A structural engineers certificate certifying the structure is capable of withstanding the loads likely to be imposed upon it, including wind loadings.

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During Construction

6. Mandatory inspections shall be carried out and Compliance Certificates issued only by Council or an accredited certifier for the following components or construction:

Note: Structural Engineer's Certificates, Drainage Diagrams and Wet Area Installation Certificates are NOT acceptable unless they are from an accredited person.

- (a) prior to occupation of the building;

Use of Development

7. No internal or external alterations shall be carried out without prior approval of Council.
8. The shed shall not be occupied for human habitation/residential, industrial or commercial purposes.

Advisory Notes

*** 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 applicant is advised to consult with:

- (a) Sydney Water Corporation Limited
(b) Integral Energy
(c) Natural Gas Company
(d) a local telecommunications carrier

regarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public roads.

Item: 178 CP - Shed Less Than 150sqm, Lot 1 DP 996881 Part Lot 25 DP 752032, 43 Triangle Lane, Richmond Lowlands NSW 2753 - (DA0258/02A, 95498, 76278)

MOTION:

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

Refer to RESOLUTION

303 RESOLUTION:

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

That Council approve Modification Application No. 0258/02A for a rural shed subject to the following additional conditions to be imposed upon the development consent:

1. *Condition 4a.* A Section 149A Building Certificate Application is to be lodged with Council for the structure.

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2. *Condition 4b.* A structural engineer shall inspect, certify and provide a certificate, which is to be submitted to Hawkesbury City Council certifying that the structure is capable of withstanding the loads likely to be imposed upon it, including wind loadings.
3. *Condition 11.* No internal or external alterations shall be carried out without prior approval of Council.
4. *Condition 12.* The development shall be limited to the area shown on the submitted plans.
5. *Condition 13.* The subject development, including landscaping, is to be maintained in a clean and tidy manner.
6. *Condition 14.* The shed shall not be occupied for human habitation/residential, industrial or commercial purposes.

INFRASTRUCTURE SERVICES

Item: 179 **IS - Creation of Easements for Car Parking and Right of Carriageway between Valad Property Group "North Richmond Shopping Centre 2-16 Riverview Street, North Richmond" and Hawkesbury City Council - (95495, 82522)**

Councillor Devine declared an interest in this matter as he has a contractual arrangement with Valad Property Group in another property matter. He left the meeting and did not take part in voting or discussion on the matter.

Mr Frank Scharfe, proponent, addressed Council.

MOTION:

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

Refer to RESOLUTION

304 RESOLUTION:

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

That Council agree to the creation of easements and carriageways as outlined in the report subject to:

1. Council's solicitors confirming that the proposed course of action can be agreed to by Council.
2. Documentation being prepared to the satisfaction of Council's solicitors and submitted to Council for prior approval setting out terms of Easements and Restrictions as to use intended to be created pursuant to Section 88B of the Conveyancing Act 1919.
3. The approved documentation be executed under the Seal of Council prior to its lodgement at the Land Titles Office for registration.

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SUPPORT SERVICES

Item: 180 SS - Exemption from Rating - 14A Moray Street, Richmond - (93125, 95496)

Councillor Conolly declared an interest in this matter as he is an employee of the Diocese of Parramatta. He left the meeting and did not take part in voting or discussion on the matter.

MOTION:

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

Refer to RESOLUTION

305 RESOLUTION:

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

That:

1. The Trustees of the Roman Catholic Church for the Diocese of Parramatta be granted exemption from rating from 1 July 2007 for the property known as 14A Moray St, Richmond.
2. An amount of \$1,239.16 be written off in respect of rates for the period 1 July 2007 to 30 June 2008.

Item: 181 SS - General Purpose Financial Report and Special Purpose Financial Report for 2006/2007 - (96332, 95496)

Mr Neville Diamond, respondent, addressed Council.

MOTION:

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

Refer to RESOLUTION

306 RESOLUTION:

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

1. Council note the following Statement in respect of Section 413(2)(c) of the Local Government Act 1993 as to its Annual Financial Reports:
 - (a) Council's annual financial reports have been drawn up in accordance with:

The Local Government Act and Local Government (General) Regulation; and
The Local Government Code of Accounting Practice and Financial Reporting; and

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- The Local Government Asset Accounting Manual; and
The Australian Accounting Standards; and
- (b) The reports present fairly the Council's financial position and operating result for the year; and
 - (c) The reports are in accordance with the Council's accounting and other records; and
 - (d) The signatories do not know of anything that would make these reports false or misleading in any way.
2. Council sign the "Statement by Councillors and Management". The statement is to be signed by the Mayor, Deputy Mayor, General Manager and the Responsible Accounting Officer.
3. Council seek a presentation from its external auditor, PricewaterhouseCoopers, at a Council meeting following the completion of the audit.

Item: 182 SS - Proposal to Establish Additional Alcohol Free Zones, Kurmond Village Shopping Centre - (13708, 74637, 14592, 95496)

Councillor Finch declared an interest in this matter as Kurrajong Cellars is owned by her family. She left the meeting and did not take part in voting or discussion on the matter.

MOTION:

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

Refer to RESOLUTION

307 RESOLUTION:

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

That:

- 1. In accordance with the provisions of the Local Government Act, 1993, it is proposed that consumption of alcohol in the carpark and service roads of Kurmond Village Shopping Centre at 519 - 521 Bells Line of Road, Kurmond, be prohibited for the period from the present until the 31 December 2009, by the proposed establishment of this additional Alcohol Free Zones in the Hawkesbury Local Government Area.
- 2. Consultation with interested parties be undertaken regarding the proposed establishment of the Alcohol Free Zone in accordance with Ministerial Guidelines on Alcohol Free Zones.
- 3. Public notification (an advertisement in the Hawkesbury Independent) be undertaken for the proposed establishment of the Alcohol Free Zone in accordance with Ministerial Guidelines on Alcohol Free Zones.
- 4. Details of Council's resolution be conveyed to the applicant's representatives, Christopher M Edwards Solicitors.
- 5. Upon completion of the public consultation period, the matter be reported to Council for further consideration.

CONFIDENTIAL REPORTS

308 RESOLUTION:

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

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

309 RESOLUTION:

RESOLVED on the motion of Councillor Bassett, 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: 183 IS - Tender No. 011/FY07 - Reconstruction and Bitumen Sealing of Various Roads

*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: 184 IS - Tender No. 001/FY08 - Mowing and Maintenance of Outlying Public Reserves

*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: 185 IS - Acquisition of Land for Road Purposes - (Part) 101 and 182 Upper Colo Road, Wheeny Creek

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it relates to the purchase of property by the 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: 186 SS - Hawkesbury Leisure Centre - Assignment of Kiosk

*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: 187 SS - Property Matter - Lease to Telstra Corporation Limited - Part Lot 533 in DP 751665 (Council Works Depot - Old Sackville Road, Wilberforce) Property 17957

*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: 188 Proposed Closure and Sale of Bligh Park Pedestrian Laneway #26 at Bligh Park

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it relates to details concerning the sale 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: 190 SS - Fishfood Holdings Pty Limited - Proposed Assignment of Lease from Australian Cuisine Pty Limited and Proposed New Lease of 246 Windsor Road, Vineyard

*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: 183 IS - Tender No. 011/FY07 - Reconstruction and Bitumen Sealing of Various Roads - (95495, 79344, 106075) CONFIDENTIAL

Previous Item: 14, Ordinary (31 January 2006)

Councillor Williams declared an interest in this matter as one of his brothers is employed by one of the tenderers. He left the meeting and did not take part in voting or discussion on the matter.

MOTION:

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

Refer to RESOLUTION

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310 RESOLUTION:

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

That the:

1. Schedule of rates tender submitted by MJ & MD Skinner Earthmoving Pty Ltd for the reconstruction and bitumen sealing of sections of both East Kurrajong Road and Tennyson Road be accepted; and
2. Seal of Council be affixed to any necessary documentation in regard to this matter.

Item: 184 IS - Tender No. 001/FY08 - Mowing and Maintenance of Outlying Public Reserves - (95495) CONFIDENTIAL

Councillor Bassett declared an interest in this matter as one of the tenderers does work for him. He left the meeting and did not take part in voting or discussion on the matter.

Councillor Wearne declared an interest in this matter as one of the tenderers is part owned by his brother-in-law. He left the meeting and did not take part in voting or discussion on the matter.

MOTION:

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

Refer to RESOLUTION

311 RESOLUTION:

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

That:

1. Luhrmann Environment Management Pty Ltd be awarded the tender for Areas one, two, three, four, five and six for the amount of \$38,572.60 (GST Inclusive) per year for the mowing and maintenance of public reserves for a three year contract period commencing on 1 October 2007.
2. This rate being fixed for the first twelve months of the contract, with subsequent years being determined in accordance with Sydney Metropolitan CPI movements (average).
3. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.

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Item: 185 IS - Acquisition of Land for Road Purposes - (Part) 101 and 182 Upper Colo Road, Wheeny Creek - (3501, 95882, 25808, 25809, 95496) CONFIDENTIAL

MOTION:

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

Refer to RESOLUTION

312 RESOLUTION:

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

That:

1. An area of 217.2sqm be acquired from 101 Upper Colo Road (Lot 21, Deposited Plan 835571), Wheeny Creek for the amount of \$4,200.
2. An area of 109.2sqm be acquired from 182 Upper Colo Road (Lot 2 in Deposited Plan 1097032), Wheeny Creek for the amount of \$4,200.
3. All associated costs be met from the available funds under the Roads to recovery Funding.
4. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.
5. A 'Permit to Enter' be executed by Messrs Fountain and Clark and Mr P and Mrs K Reynolds for the purposes of commencing construction works and/or any other action necessary to the acquisition of land or constriction of the bridge, prior to the finalisation of the acquisition of the land for road purposes.
6. Details of Council's resolution be conveyed to Messrs Fountain & Clark and Mr P and Mrs K Reynolds together with the advice that Council is not and will not be bound by the terms of its resolution until such time as appropriate documentation to put such resolution into effect has been agreed to by Council.

Item: 186 SS - Hawkesbury Leisure Centre - Assignment of Kiosk - (73685, 93487, 95496) CONFIDENTIAL

MOTION:

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

Refer to RESOLUTION

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313 RESOLUTION:

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

That:

1. Council approve the assignment of the Oasis kiosk as outlined in the report, subject to all relevant documents being to the satisfaction of Council's solicitor.
2. The Seal of Council be affixed to any necessary documentation in regard to this matter.

Item: 187 SS - Property Matter - Lease to Telstra Corporation Limited - Part Lot 533 in DP 751665 (Council Works Depot - Old Sackville Road, Wilberforce) Property 17957 - (73745, 95496) CONFIDENTIAL

MOTION:

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

Refer to RESOLUTION

314 RESOLUTION:

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

That:

1. Council agree to enter into new leases with Telstra Corporation Limited for the use of a part of Lot 553 in Deposited Plan 751665 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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Item: 188 **SS - Proposed Closure and Sale of Bligh Park Pedestrian Laneway #26 at Bligh Park - (33357, 33358, 95496) CONFIDENTIAL**

Previous Item: 23, Ordinary (8 June 2004)
 198, Ordinary (28 June 2005)
 109, Ordinary (30 May 2006)
 173, Ordinary (25 July 2006)
 161 , Ordinary (14 August 2007)

MOTION:

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

Refer to RESOLUTION

315 RESOLUTION:

The Acting General Manager advised, whilst in closed session, Council RESOLVED on the motion of Councillor Books, seconded by Councillor Porter

That:

1. Council advise Mr D and Mrs P Pemberton that their offer of \$16,000 (including GST) is acceptable and invite them to purchase Laneway #26, which runs between 6 and 7 Birk Place, Bligh Park and the Tiningi Community Centre, from Council for \$16,000 (including GST).
2. If Mr D and Mrs P Pemberton agree to purchase Laneway #26 as outlined in point 1, above:
 - a. Council consent to the closure of the laneway and subsequently apply to the Department of Lands to close the laneway;
 - b. Following approval from the Department of Lands to close Laneway #26, Council consent to the sale of Laneway #26 as agreed above.
3. Authority be given for any relevant 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 purchasers 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.

316 RESOLUTION:

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

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SUPPLEMENTARY REPORTS

INFRASTRUCTURE SERVICES

Item: 189 **IS - Auslink Strategic Regional Programme Intersection of Bells Line of Road/Old Bells Line of Road/Mill Road, Kurrajong - (79344, 95495, 82030)**

MOTION:

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

Refer to RESOLUTION

317 RESOLUTION:

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

That the offer of funding under the Auslink Strategic Regional Programme for safety improvements at the intersection of Bells Line of Road/Old Bells Line of Road/Mill Road, Kurrajong in an amount of \$750,000 (capped) be accepted.

CONFIDENTIAL REPORTS

Item: 190 SS - Fishfood Holdings Pty Limited - Proposed Assignment of Lease from Australian Cuisine Pty Limited and Proposed New Lease of 246 Windsor Road, Vineyard - (105560, 95006, 27230, 95496) CONFIDENTIAL

MOTION:

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

Refer to RESOLUTION

318 RESOLUTION:

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

That subject to the Department of Local Government advising, in writing, that the relevant legislation and guidelines associated with Public Private Partnerships do not apply to the proposals outlined in the report regarding the lease assignment and the new lease of 246 Windsor Road, Vineyard:

1. Council, as the property owner as distinct from the "Consent Authority", agree to the assignment of the lease from Australian Cuisine Pty Limited to Fishfood Holdings Pty, in accordance with the proposal outlined within the report subject to:
 - a) all rent being paid in full by Australian Cuisine Pty Limited, up to the date of the assignment of the lease;
 - b) the assignment of the lease from Narera Pty Limited to Australian Cuisine Pty Limited being to the satisfaction of Council's solicitors;
 - c) Mr Greg Fisher of Fishfood Holdings Pty Limited providing appropriate business references, which are satisfactory to Council's solicitors.
2. Council, as the property owner as distinct from the "Consent Authority", agree to the new lease to Fishfood Holdings Pty Limited, in accordance with the proposal outlined within the report and subject to:
 - a) Mr Greg Fisher of Fishfood Holdings Pty Limited providing appropriate business references, which are satisfactory to Council's solicitors.
 - b) Mr Greg Fisher of Fishfood Holdings Pty Limited obtaining development consent for the demolition of the existing building and construction of a new building.
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 current Lessee and 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 - Local Traffic Committee Minutes - 15 August 2007 - (80245, 95495)

319 RESOLUTION:

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

That the minutes of the Local Traffic Committee held on 15 August 2007 as recorded on pages 75 to 87 of the Ordinary Business Paper be adopted.

ORDINARY MEETING
MINUTES: 11 September 2007

QUESTIONS WITHOUT NOTICE

1. Councillor Books requested Council advise the RTA that the grass at the corner of Blacktown and Northern Roads is causing visibility problems and requires mowing.

The Director Infrastructure Services advised that the RTA will be advised.

2. Councillor Calvert referred to the use of Windsor Bridge by B-Double vehicles and asked if they are required to apply for permission to use the Bridge as part of their route or is it only special cases that have permission.

The Director Infrastructure Services advised that an initial application is required to be submitted to use a particular route. The Windsor Bridge does form part of an identified B-Double route.

3. Councillor Calvert requested an update on the progress of Kurrajong Heights Lookout.

The Director Infrastructure Services advised that he will look into the matter.

4. Councillor Paine enquired if tenants of Council owned buildings are consulted before major works on premises are completed and if consultation has not taken place what is the process.

The Acting General Manager advised that consultation would take place before works are completed.

The Acting General Manager also advised he is aware of the site that Councillor Paine is referring to and that consultation has taken place and he is currently in the progress of responding to correspondence recently received on the issue.

5. Councillor Williams advised he has received correspondence from the resident of 153 Ebenezer Wharf Road who is experiencing problems with water draining onto her property from an adjoining property and requested that the matter be looked into.

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

6. Councillor Williams advised that there are potholes on Freemans Reach Road that require repairs.

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

7. Councillor Williams requested that Council contact the RTA and request that the APEC No Stopping signs along the RAAF Base be removed.

The Director Infrastructure Services advised that a request will be made.

8. Councillor Bassett enquired if Richmond Marketplace submitted a Development Application for work that is currently being undertaken on one of the buildings that is fronting March Street.

The Director City Planning advised that the matter will be investigated.

9. Councillor Bassett enquired what is currently being done about the road surface and drainage on Yarramundi Lane.

ORDINARY MEETING

MINUTES: 11 September 2007

The Director Infrastructure Services advised that some surface work has been completed however the drainage is still a problem due to how flat the area is.

10. Councillor Rasmussen enquired if a Business Plan for the Cultural Precinct has been developed.

The Acting General Manager that the matter will be investigated.

11. Councillor Rasmussen enquired when the doors in the ladies showers at the Oasis Centre will be repaired.

The Director Infrastructure Services advised that the work will be completed within the next couple of weeks.

12. Councillor Rasmussen enquired when discussions between staff and the pool users groups will be held.

The Director Infrastructure Services advised that the discussions have been completed and a report will be brought to Council shortly.

13. Councillor Porter requested that Council ask the Police investigate any undesirable activities at the toilet block near the Visitors Information Centre on the Ham Common.

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

14. Councillor Wearne requested that the RTA be contacted regarding the left hand turning lane when travelling north on Macquarie Street near the Flood Evacuation Route as the progression of the two lanes is too sharp.

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

The meeting terminated at 7:13pm

Submitted to and confirmed at the Ordinary meeting held on 25 September 2007.

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Mayor