



Hawkesbury City Council

ordinary  
meeting  
minutes

date of meeting: 10 November 2009

location: council chambers

time: 6:30 p.m.



**ORDINARY MEETING**  
**MINUTES: 10 November 2009**

**MINUTES**

- **WELCOME / EXPLANATIONS / PRAYER**
- **APOLOGIES**
- **DECLARATION OF INTERESTS**
- **SECTION 1 - Confirmation of Minutes**
- **AGENDA ITEMS SUBJECT TO PUBLIC ADDRESS**
- **SECTION 2 - Mayoral Minutes**
- **QUESTIONS WITH NOTICE**
- **SECTION 3 - Notices of Motion**
- **EXCEPTION REPORT - Adoption of Items Not Identified for Discussion and Decision**
- **SECTION 4 - Reports for Determination**

**General Manager**  
**City Planning**  
**Infrastructure Services**  
**Support Services**

- **SECTION 5 - Reports of Committees**
- **QUESTIONS WITHOUT NOTICE**

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## ORDINARY MEETING

MINUTES: 10 November 2009

Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 10 November 2009, commencing at 6.30pm.

Reverend Ruth Mahaffey of St John's Anglican Church, Wilberforce, representing the Hawkesbury Minister's Association, gave the opening prayer at the commencement of the meeting.

### ATTENDANCE

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

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

Councillor Mackay arrived at the meeting at 6.45pm.

### SECTION 1: Confirmation of Minutes

#### 375 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Reardon that the Minutes of the Ordinary held on the 13 October 2009, be confirmed.



**SECTION 4 - Reports for Determination**

**GENERAL MANAGER**

**Item: 226            GM - Proposal to Change Citizen of the Month Award Program - (79356, 79351)**

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**MOTION:**

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

*Refer to RESOLUTION*

**376 RESOLUTION:**

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

That:

1. The recommendation of the Civics and Citizenship Committee be adopted.
2. Council inform Richmond Club, major partners in the Award, of the change to the Award program and seek their continued commitment to the Citizen of the Season/Year process.

**ORDINARY MEETING**

**MINUTES: 10 November 2009**

**CITY PLANNING**

**Item: 227 CP - Development Application - Extractive Industry - Quarry Rehabilitation - Lot 2 DP587166, 263 Tizzana Road, Ebenezer - (DA0893/07, 96075, 10055, 10056, 95498)**

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Ms Jody Kirk, Mr Noel Billyard and Mr Peter Noble, proponents, addressed Council.  
Ms Jenny Simpson and Ms Cheyne Whitley, respondents, addressed Council.

**MOTION:**

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

***Refer to RESOLUTION***

**377 RESOLUTION:**

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

That:

1. Development application DA0893/07 for Lot 2 DP 587166, 263 Tizzana Road, Ebenezer for Quarry Rehabilitation be refused for the following reasons:
  - a. The condition of Tizzana Road is unsuitable for the size of the trucks and the number of truck movements proposed by the development.
  - b. The proposed development is likely to have an adverse impact on the amenity of residents in the locality due to the number of truck movements and associated noise.
  - c. The development application does not include the eight part test required under Section 5A of the Environmental Planning and Assessment Act, 1979. Therefore no assessment can be made as to whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats.
  - d. The development application contains insufficient information to carry out a proper assessment of the likely impacts of the proposed development in terms of Section 79C of the Environmental Planning and Assessment Act, 1979. In particular, there is insufficient information in respect to:
    - i. The staging and operation of the development;
    - ii. Landscaping and vegetation management;
    - iii. Stormwater management;
    - iv. Dust control.
  - e. In the circumstances, approval of the development would not be in the public interest.
2. A further report be submitted to a subsequent meeting regarding action required for compliance with the condition of consent for the original approval for the site.

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:

**ORDINARY MEETING**

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

**Item: 228 CP - Protection of the Environment Operations (General) Regulation 2009 Administration Fees Associated with the Issuing of Notices - (96330, 95498)**

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**MOTION:**

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

*Refer to RESOLUTION*

**378 RESOLUTION:**

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

That:

1. The proposed amended administrative fee of \$433 for clean-up, prevention and noise control notices as outlined in the Protection of the Environment Operations (General) Regulation 2009 be placed on public exhibition in accordance with the requirements of the Local Government Act 1993.
2. Any submissions received following the expiration of the public exhibition period be reported to Council in a future report.
3. Should there be no submissions received following the expiration of the public exhibition period the administrative fee of \$433 as outlined in the report be adopted.

**ORDINARY MEETING**

**MINUTES: 10 November 2009**

**Item: 229 CP - Request by Kurrajong Village Retailers to Support a Plastic Shopping Bag Free at the Checkout Program - (95498)**

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**MOTION:**

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

*Refer to RESOLUTION*

**379 RESOLUTION:**

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

That:

1. Council give "in principle" support to the proposed program to phase out plastic shopping bags in the Kurrajong Village shopping area.
2. Council reimburse the organisers, upon submission of receipts to Council, for purchase of items to commence the program up to the total amount of \$500.
3. A letter of commendation be sent to Mr and Mrs Lloyd-Martin for their efforts in creating the "Kurrajong Village Plastic Shopping Bag Free" retail area.

**Item: 230 CP - Care, Control and Management of Yarramundi Community Centre - (86820, 95498)**

**Previous Item:** 165, Ordinary (25 August 2009)

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**MOTION:**

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

*Refer to RESOLUTION*

**380 RESOLUTION:**

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

That Council:

- 1 Note the withdrawal of the interest previously expressed by the Yarramundi Rural Fire Brigade to manage the Yarramundi Community Centre.
- 2 Call for expressions of interest from other community groups who may be interested in relocating to the Yarramundi Community Centre under the standard arrangements that apply to the care, control and management of community buildings as outlined in this report.
- 3 The outcomes of the EOI process be reported to Council for determination.

**ORDINARY MEETING**

**MINUTES: 10 November 2009**

**Item: 231**            **CP - Care, Control and Management of Kurrajong Community Centre - (73564, 95498)**

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**MOTION:**

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

*Refer to RESOLUTION*

**381 RESOLUTION:**

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

That Council expand the current delegation conferred to the McMahon Park Management Association under Section 377 of the Local Government Act for the care, control and management of McMahon Park and the McMahon Park Community Pavilion to include the care, control and management of the Kurrajong Community Centre.

**Item: 232**            **CP - Council Endorsement and Sponsorship of 'Good Sports' Program - (79342, 95498)**

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**MOTION:**

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

*Refer to RESOLUTION*

**382 RESOLUTION:**

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

That Council:

1. Endorse the Good Sports Program for implementation in the City of Hawkesbury.
2. Execute a 3-year Sponsorship Agreement with the Australian Drug Foundation to provide a financial contribution of \$2,000 per year and other in-kind assistance as may be agreed by the ADF and Council to facilitate the implementation of the Program.
3. Write to the Hawkesbury Sports Council to advise of Council's endorsement of the Good Sports Program and seek the support and assistance of the Sports Council in implementing the Program.

**ORDINARY MEETING**

**MINUTES: 10 November 2009**

**Item: 233**            **CP - Community Participation and Civic Leadership for Young People - Update - (96328, 95498)**

**Previous Item:**        212, Ordinary (21 October 2008)  
                              NM1, Ordinary (8 April 2008)

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**MOTION:**

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

*Refer to RESOLUTION*

**383 RESOLUTION:**

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

That the information be received.

**Item: 234**            **CP - Community Sponsorship Program - 2009/2010 - Macquarie 2010 Seeding Grant Round - (96328, 95498)**

**Previous Item:**        141, Ordinary (28 July 2009)  
                              148, Ordinary (11 August 2009)

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Councillor Stubbs declared a pecuniary interest in this matter as he is the President of the Hawkesbury Historical Society. He left the Chamber and did not take part in voting or discussion on the matter.

**MOTION:**

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

*Refer to RESOLUTION*

**384 RESOLUTION:**

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

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 application 1, 2, 3, 5, 8, 9, 10, 11, 13 and 14 as identified in Table 1 of this report.

**ORDINARY MEETING**

**MINUTES: 10 November 2009**

**Item: 235 CP - Request for Council to Manage Elizabeth Street Extended Hours Pre-School Inc - (73497, 95498)**

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**MOTION:**

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

*Refer to RESOLUTION*

**385 RESOLUTION:**

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

That:

1. Council advise parents and staff of Elizabeth Street Extended Hours Pre-School of the proposals in this report and invite submissions to Council by 27 November 2009.
2. The matter be reported to Council in December 2009.

**Item: 236 CP - Land Release Application to Department of Planning for North Richmond - (107430, 105365, 77679, 95498)**

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Councillor Bassett, Mayor, Councillors Conolly, Tree, Reardon and Whelan individually declared a less than significant non-pecuniary conflict of interest in this matter as the proponents had made donations directly to the Liberal Party Head Office but as each one of them had received no direct benefit from donations in any campaign they would continue to participate in the meeting.

Councillor Calvert declared a less than significant non-pecuniary conflict of interest in this matter as the proponents had made donations directly to the Australian Labour Party Head Office but as he had received no direct benefit from donations in any campaign he would continue to participate in the meeting.

**MOTION:**

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

*Refer to RESOLUTION*

**386 RESOLUTION:**

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

That:

1. The information be received.
2. Following receipt of the letter of expectations from the Department of Planning in relation to this application, the matter be reported to the next available Council meeting.

**ORDINARY MEETING**

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3. Council reaffirm its resolution of 13 October 2009 as details in the report.

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

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



**ORDINARY MEETING**

**MINUTES: 10 November 2009**

**INFRASTRUCTURE SERVICES**

**Item: 237            IS - State Heritage Listing, Richmond Park - (79354, 86386, 74141)**

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**MOTION:**

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

*Refer to RESOLUTION*

**387 RESOLUTION:**

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

That:

1. The recommendation that Richmond Park be listed as a State Heritage Item be endorsed.
2. A submission be forwarded the NSW Heritage Council requesting the inclusion of additional site specific exemptions as outlined within the report to ensure the effective management of Richmond Park.

**Item: 238            IS - Ongoing Maintenance of Wianamatta Bridge Cycleway - (95494)**

**Previous Item:**    167, Ordinary (25 August 2009)  
                          77, Ordinary (28 April 2009)  
                          124, Ordinary (24 June 2008)

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**MOTION:**

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

*Refer to RESOLUTION*

**388 RESOLUTION:**

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

That the RTA be advised that Council will assume responsibility for the Wianamatta Cycleway Bridge and accept the upfront payment of \$136,841.34 for ongoing maintenance of the bridge.

**ORDINARY MEETING**

**MINUTES: 10 November 2009**

**Item: 239**            **IS - Young Men's Christian Association of Sydney (YMCA) - Proposal to Extend the Hawkesbury Oasis Aquatic Centre - (95495, 79340, 34584)**

**Previous Item:**        143, Ordinary (28 July 2009)

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Mr Doug Bathersby, respondent, addressed Council.

**MOTION:**

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

***Refer to RESOLUTION***

**389 RESOLUTION:**

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

That:

1. The proposal to extend the Hawkesbury Oasis Aquatic Centre by approximately 200m<sup>2</sup> as outlined in the report be approved.
2. The proposal be funded as follows:
  - (a) \$110,000 from the YMCA from the grant previously approved under the NSW Department of Community Services Area Assistance Scheme 2009.
  - (b)
    - (i) \$110,000 from the grant recently applied for by the YMCA from the NSW Community Building Partnership Program, or
    - (ii) If the NSW Community Building Partnership Program grant application is unsuccessful, \$110,000 be funded from the Council's S94 Internal Reserve.
  - (c)
    - (i) \$117,200 from an application under Round Two of the Regional and Local Infrastructure Program, or
    - (ii) If the Round Two of the Regional and Local Infrastructure Program application is unsuccessful, \$117,200 be funded from Council's S94 Internal Reserve.

**ORDINARY MEETING**

**MINUTES: 10 November 2009**

**Item: 240**            **IS - Proposed Removal of Street Parking on the South-Eastern Side of George Street, between Fitzgerald Street and Catherine Street, Windsor - (95495, 81301, 104540)**

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NOTE: This item was dealt with in conjunction with Supplementary Item 251 in the Business Paper.

Councillor Paine declared a less than significant non-pecuniary conflict of interest in this matter as she lives on and owns land between Fitzgerald and Kable Street, Windsor and no further action is required.

Mr Max Jarman, Mr Damien Tomlinson and Ms Sue Wingate-Paine, proponents, addressed Council. Ms Caroline Mackay, Mr Terry Conoulty and Mr Rob Sledge, respondents, addressed Council.

**MOTION:**

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

*Refer to RESOLUTION*

**390 RESOLUTION:**

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

That the:

1. Proposed bus route utilising George Street, Suffolk Street, Fitzgerald Street, The Terrace, Kable Street, Macquarie Street, Hawkesbury Valley Way and George Street be supported.
2. Proposal to alter the traffic flow in Suffolk Street to one way from George Street towards Macquarie Street be supported in principle and appropriate procedures be commenced to achieve the change.
3. Following changes to bus zones and 1 hour parking zones be implemented:
  - a. The existing bus zone on the western side of Kable Street in the vicinity of George Street and Union Lane (approximately 55 metres in length) be relocated to the eastern side of Kable Street, across the frontage of the Windsor Town Centre (currently 1 hour parking - approximately 50 metres in length), with the existing bus zone being converted to 1 hour parking.
  - b. The existing bus zone on the northern side of George Street between Fitzgerald Street and Johnston Street adjacent to the Windsor Home Store be relocated into Fitzgerald Street, north of George Street (currently 1 hour parking), with the existing bus zone being converted to 1 hour parking.
  - c. The existing bus zones along George Street, not being utilised, be converted to 1 hour parking.
  - d. The temporary bus zones currently within Macquarie Street be formalised with the exception of the zone adjacent to Target and that zone be reinstated to 'Unrestricted Parking'.
  - e. A bus zone be implemented in George Street on the approach to New Street.
  - f. A bus zone be implemented in Suffolk Street on the approach to O'Brien Lane.

**ORDINARY MEETING**

**MINUTES: 10 November 2009**

**Item: 241            IS - Memorandum of Understanding - Cooperative Research Centre for Irrigation Futures - (95454)**

---

**MOTION:**

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

*Refer to RESOLUTION*

**391 RESOLUTION:**

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

That the Research Collaboration Memorandum of Understanding between The Cooperative Research Centre for Irrigation Futures (CRC IF) be signed and funding in an amount of \$6,000 in the 2009/2010 financial year for costs associated with running the Project Steering Group be funded from the City Planning contribution to outside bodies allocation.

**392 RESOLUTION:**

RESOLVED on the FORESHADOWED motion moved by Councillor Calvert, seconded by Councillor Rasmussen.

That a report be brought to Council detailing how federal and other external funding is being utilised to clean up the Hawkesbury River and South Creek.

**ORDINARY MEETING**

**MINUTES: 10 November 2009**

**Item: 242 IS - Regional and Local Community Infrastructure Program - Round 2 Funding - (95495)**

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**MOTION:**

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

*Refer to RESOLUTION*

**393 RESOLUTION:**

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

That the following program of works relating to the \$360,000 offered under the Regional and Local Community Infrastructure Program – Round 2 be submitted to the Department of Infrastructure Transport and Regional Development and Local Government for approval.

<b>Project</b>	<b>Estimated Cost</b>
Hawkesbury Oasis Gymnasium Extension	\$117,200
Wilberforce Preschool Kindergarten Improvements	\$105,000
Howe Park Windsor Plan of Management Implementation	\$97,800
Ham Common Fitness Trail	\$40,000
<b>TOTAL</b>	<b>\$360,000</b>

**SUPPORT SERVICES**

**Item: 243            SS - Monthly Investments Report - September 2009 - (96332, 95496)**

**Previous Item:**        17, Ordinary (3 February 2009)

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**MOTION:**

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

*Refer to RESOLUTION*

**394 RESOLUTION:**

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

That the information be received and noted.

**Item: 244            SS - Pecuniary Interest Returns - (79337, 95496)**

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**MOTION:**

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

*Refer to RESOLUTION*

**395 RESOLUTION:**

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

That the information be received and noted.

**ORDINARY MEETING**

**MINUTES: 10 November 2009**

**MATTER OF URGENCY**

**Proposed Bells Line of Road Superhighway - (80104, 79351)**

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The Mayor advised that there was a late urgent matter relating to the proposed Bells Line of Road Superhighway that Councillor Paine wished Council to consider in the terms of Clause 2.2.3(3) of Council's Code of Meeting Practice.

**396 RESOLUTION:**

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

That the late matter (Item 252) concerning the proposed Bells Line of Road Superhighway be considered as a matter of urgency in accordance with Clause 2.2.3(3) of Council's Code of Meeting Practice.

The Mayor also ruled the matter to be of urgency in accordance with the provisions of Clause 2.2.3(3)(b) of Council's Code of Meeting Practice.

**MOTION:**

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

***Refer to RESOLUTION***

**397 RESOLUTION:**

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

That:

1. In view of a Joint Media Statement issued by the Federal Minister for Infrastructure, Transport, Regional Development and Local Government, the Hon. Anthony Albanese MP and the NSW Minister for Transport, the Hon David Campbell MP, regarding the proposed development of a long term plan for the Bells Line of Road, that Council write to both Ministers outlining Council's previous position not to support a proposed Bells Line of Road Superhighway and that the Hawkesbury's state and federal members of parliament also be requested to support Council's adopted position in this regard.
2. Clarification be sought on the proposal as outlined in the press release and the impact it will have on the Hawkesbury.

**CONFIDENTIAL REPORTS**

**398 RESOLUTION:**

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

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

**399 RESOLUTION:**

RESOLVED on the motion of Councillor Tree, 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: 245 GM - Independent External Members - Audit Committee - (79351, 95496, 91369)**

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

**Item: 246 GM - Macquarie Street Properties Project - Progress Report - (79351)**

*This report is **CONFIDENTIAL** in accordance with:*

- *Section 10A(2)(c) of the Local Government Act, 1993 as it relates to details concerning the possible sale of property by the Council - and it is considered that the release of 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; and*
- *Section 10A(2)(d) of the Local Government Act, 1993 as it relates to the information associated with the property development and investment structure for council property and the information is regarded as being commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, confer a commercial advantage on a competitor of the Council, or reveal a trade secret and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

**Item: 247 IS - Tender No. 00110 - Hire of Trucks - (95454, 79344)**

*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: 248 IS - Tender No. 00410 - Supply and Placement Asphaltic Concrete - (95495, 79344)**

*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*



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*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: 249 IS - Tender No. 002/09 - Removal of Sand from the Waste Management Facility - (95495)**

*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: 250 SS - Property Matter - Lease to Timothy Paul Dalby for Shop 5 Glossodia Shopping Centre and Deed of Consent to Licence an ATM to Timothy Paul Dalby and Cashcard Australia Limited (38869, 95496, 90236)**

*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.

**400 RESOLUTION:**

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

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**GENERAL MANAGER**

**Item: 245            GM - Independent External Members - Audit Committee - (79351, 95496, 91369)**  
**CONFIDENTIAL**

**Previous Item:**        111, (Ordinary 30 June 2009)

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Councillor Bassett, Mayor declared a less than significant non-pecuniary conflict of interest in this matter as Mr David Gregory is a friend and no further action is required.

Councillor Paine declared a less than significant non-pecuniary conflict of interest in this matter as Mr David Gregory is a friend and stood on her ticket for Council and no further action is required.

**MOTION:**

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

***Refer to RESOLUTION***

**401 RESOLUTION:**

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

That:

1. Mr Mike Barry, Mr David Gregory, Mr Harry Khouri and Ms Nisha Maheshwari be appointed as the independent external members on the Hawkesbury City Council Audit Committee.
2. The Audit Committee Charter as adopted by Council on 30 June 2009 be amended to increase the number of independent external Audit Committee members to four.
3. The initial meeting of the Hawkesbury City Council Audit Committee be held as soon as practicable, following the acceptance of appointments and the availability ascertained of members of the Committee.

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**Item: 246**            **GM - Macquarie Street Properties Project - Progress Report - (79351)**  
**CONFIDENTIAL**

**Previous Item:**        120, Ordinary (26 April 2005)  
                              265, Ordinary (24 October 2006)  
                              110, Ordinary (27 May 2008)

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**MOTION:**

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

*Refer to RESOLUTION*

**402 RESOLUTION:**

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

That the matter be deferred to the first available Councillor Briefing Session in 2010.

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**INFRASTRUCTURE SERVICES**

**Item: 247            IS - Tender No. 00110 - Hire of Trucks - (95454, 79344)    CONFIDENTIAL**

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**MOTION:**

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

***Refer to RESOLUTION***

**403 RESOLUTION:**

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

That the:

1. Tenders listed for the utilisation of trucks for the 2009 to 2010 be adopted and that selection for this period be based on price, availability, performance and satisfactory of compliance with all OHS requirements.
2. Seal of Council be affixed to any necessary documentation

**Item: 248            IS - Tender No. 00410 - Supply and Placement Asphaltic Concrete - (95495, 79344)  
CONFIDENTIAL**

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**MOTION:**

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

***Refer to RESOLUTION***

**404 RESOLUTION:**

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

That:

1. The schedule of rate tender submitted by Ozpave (Aust) P/L for the supply and placement of Asphaltic Concrete for Pothole Patching, Part A, at \$195.00 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.

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3. The schedule of rate tender submitted by Berniepave 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: 249            IS - Tender No.002/09 - Removal of Sand from the Waste Management Facility - (95495) CONFIDENTIAL**

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**MOTION:**

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

***Refer to RESOLUTION***

**405 RESOLUTION:**

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

That:

1. No tender for the removal of sand from the Waste Management Facility be accepted due to the lower than expected price offered and the elapsed time since calling for tenders.
2. Further action in relation to calling for tenders for this purpose be deferred for a report on volumes relating to the excavation of Cell 5.

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**SUPPORT SERVICES**

**Item: 250            SS - Property Matter - Lease to Timothy Paul Dalby for Shop 5 Glossodia Shopping Centre and Deed of Consent to Licence an ATM to Timothy Paul Dalby and Cashcard Australia Limited - (38869, 95496, 90236) CONFIDENTIAL**

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**MOTION:**

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

***Refer to RESOLUTION***

**406 RESOLUTION:**

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

That:

1. Council agree to enter into a new lease with Mr Timothy Paul Dalby for Shop 5 Glossodia Shopping Centre in accordance with the proposal outlined in the report.
2. Council agree to enter into a new Deed of Consent to Licence an ATM as outlined in the report with Mr Timothy Paul Dalby (Lessee) and Cashcard Australia Limited (The Licensee) pertaining to the ATM at Shop 5 Glossodia Shopping Centre.
3. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.
4. Details of Council's resolution be conveyed to the proposed Lessee and Licensee together with the advice that Council is not and will not be bound by the terms of its resolution until such time as appropriate legal documentation to put such resolution into effect has been agreed to and executed by all parties.

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**SUPPLEMENTARY REPORTS**

**INFRASTRUCTURE SERVICES**

**Item: 251**            **IS - Proposed Removal of Street Parking - South-Eastern Side of George Street, between Fitzgerald Street and Catherine Street, Windsor - (95495, 81301, 104540)**

**Previous Item:**        240, Ordinary (10 November 2009)

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Note: That this Item be dealt with in conjunction with Item 240 in Business Paper.

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**SECTION 5 - Reports of Committees**

**ROC - Hawkesbury Macquarie 2010 Committee Meeting Minutes - 8 October 2009 - (114013)**

**407 RESOLUTION:**

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

That the minutes of the Hawkesbury Macquarie 2010 Committee meeting held on 8 October 2009 as recorded on pages 105 to 109 of the Ordinary Business Paper be received.

**ROC - Hawkesbury Civic and Citizenship Committee - 14 October 2009 - (96972, 79356, 79351)**

**408 RESOLUTION:**

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

That the minutes of the Hawkesbury Civic and Citizenship Committee meeting held on 14 October 2009 as recorded on pages 110 to 112 of the Ordinary Business Paper be received.

**ROC - Local Traffic Committee - 21 October 2009 - (80245)**

**409 RESOLUTION:**

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

That the minutes of the Local Traffic Committee meeting held on 21 October 2009 as recorded on pages 113 to 129 of the Ordinary Business Paper be adopted.



**ORDINARY MEETING****MINUTES: 10 November 2009****QUESTIONS WITHOUT NOTICE**

#	Councillor	Question	Response
1	Reardon	Advised that the McMahons Park Management Committee has requested that signs be erected on Bells Line of Road at the Kurrajong lights and in the village near the Fire Station to direct people to the new Kurrajong Community Centre	The Director Infrastructure Services advised that the matter will be investigated to ensure that signs comply with the RTA signage requirements.
2	Rasmussen	Enquired if Council is investigating the activities being carried out at the rear of the property retailing gas at Agnes Banks.	The Director City Planning advised that investigations are currently underway.
3	Rasmussen	Enquired if the cocos palms in Kurrajong Village carpark are going to be removed and if there is a problem with the drainage in the carpark.	<p>The Director Infrastructure Services advised that the residents adjoining the carpark requested that the palms be removed. The palms are not on this years program to be removed and the residents have been advised that if they would like the palms removed they will need to go through the standard tree removal process and it will be at their own cost.</p> <p>The Director Infrastructure Services advised that he is not aware of a problem with the drainage in the carpark.</p>
4	Conolly	Referred to his previous question regarding the provision of sewerage dump points for camper vans passing through the area and enquired if there has been any further progress in the matter.	The Director Infrastructure Services advised he would follow the matter up.
5	Conolly	Advised that he has received feedback from cycling groups stating that approval for cycling events is easier to obtain through neighbouring Councils due to Hawkesbury's current approval process. He requested that approval processes of neighbouring Councils be investigated.	The Director Infrastructure Services advised that enquiries will be made regarding neighbouring Councils' processes.

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**MINUTES: 10 November 2009**

#	Councillor	Question	Response
6	Williams	Advised that copies of the Electoral Returns for the Liberal Party have been received and requested information regarding alleged discrepancies.	<p>The Mayor advised that Councillor Williams should visit the Liberal Party website, or contact either the NSW State Directorate of the Liberal Party or Head Office of the Liberal Party regarding the matter.</p> <p>The Mayor advised that Councillors of the Liberal Party do not have anything to do with the financing of campaigns as this is handled by a campaign manager for the Liberal Party.</p>
7	Williams	Enquired if there is another sediment dam being constructed on Millers Turf Farm and requested that the matter of retention basins in floodplain areas be brought to briefing session.	The Mayor advised that the new river authority is investigating the issue of retention basins.
8	Paine	Requested that the dead tree at the end of Howe Park be removed.	The Director Infrastructure Services advised that the matter will be investigated.
9	Paine	Enquired about the progress of the matter she previously raised regarding the signs for the Windsor Markets and Council's Compliance Officers removing the signs.	The Director City Planning advised that the matter will be investigated.
10	Paine	Enquired about the progress of her previous request regarding cleaning up South Windsor.	The Director Infrastructure Services advised that the matter will be investigated.
11	Paine	Enquired about the progress of her previous enquiries regarding the Aboriginal Land Council and assessment of Development Applications.	The Director City Planning advised that the matter is currently under investigation.
12	Paine	<p>Enquired about the shed at 439 Cattai Road, Cattai and advised that the neighbours have concerns regarding the amount of fill that is going onto the site.</p> <p>Councillor Williams advised that he no longer has an interest to declare in relation to this development.</p>	The Director City Planning advised that the matter is currently under investigation.
13	Paine	Enquired about the Fruit and Vegetable Shop that is still trading at Kurmond and asked if legal costs for the matter can be recouped.	<p>The Director City Planning advised that an injunction has been granted but it cannot be enforced until 31 December 2009 as another appeal has been lodged and will be heard in December regarding the refusal of a General Store.</p> <p>The Director City Planning advised that Council will be trying to recoup costs wherever possible.</p>

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**MINUTES: 10 November 2009**

#	Councillor	Question	Response
14	Paine	<p>Referred to the recent Sister City trip to Grenfell and advised that it was a success. Grenfell intends to send 42 children to the Eisteddfod, a walking group exchange is planned and a Miss Showgirl exchange has been discussed.</p> <p>She advised that the Sister City Association has requested her to thank Councillor Bassett for his efforts regarding the Japanese Swine Flu matter and also thank Councillor Stubbs for being the doctor for the Sister City Students.</p>	<p>The Mayor thanked Councillor Paine for her feedback.</p>
15	Calvert	<p>Referred to the fenced area in the Kurrajong Village and the sign indicating that a development is coming. He enquired if a development application has been received.</p>	<p>The Director City Planning advised that at present no Development Application has been submitted. The fence was put in place to ensure safety during geotechnical bore testing.</p>
16	Porter	<p>Enquired if Council receives any income from people using the sewerage plant facility at the Australiana Pioneer Village.</p>	<p>The Director Infrastructure Services advised that a sewer rate is received from the people using the facility at the Australiana Pioneer Village. The rate is contained within the fees and charges and the Director Infrastructure Services will advise Councillor Porter of the amount.</p>
17	Tree	<p>Enquired about the progress of her previous question regarding the guttering on the Band Stand in McQuade Park.</p>	<p>The Director Infrastructure Services will investigate the matter.</p>
18	Tree	<p>Enquired if staff have received an email from Lesley George regarding additional figures for Australiana Pioneer Village.</p>	<p>The Director Support Services advised that a letter was recently sent to The Friends of the Australiana Pioneer Village about two weeks ago requesting clarification regarding a number of issues within their business plan and requesting additional information. A response is yet to be received.</p>
19	Tree	<p>Referred to Councillor Calvert's request for Councillors to be informed of WSROC matters and enquired if he would like reports on all items or only those of importance</p>	<p>Councillor Calvert advised that he is happy for the delegates on WSROC to decide on which reports should be brought to the Councillors attention.</p>

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#	Councillor	Question	Response
20	Tree	Advised that Broken Hill and Bathurst Council's have fantastic signs with pictures of old buildings on them hung around their towns and requested that Council investigate the possibility of using similar items during the 2010 celebrations.	The Director Infrastructure Services advised that the matter will be investigated.
21	Tree	Requested that ways in which to keep the planter boxes maintained in Magnolia Mall be investigated.	The Director Infrastructure Services advised that the matter will be investigated.

The meeting terminated at 11.32pm

Submitted to and confirmed at the Ordinary meeting held on 24 November 2009.

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Mayor