



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 12 March 2013
location: council chambers
time: 6:30 p.m.

ORDINARY MEETING

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 12 March 2013, commencing at 6:30pm.

Pastor Roger Brewer of the Bridgewater Baptist Church, representing the Hawkesbury Minister's Association, gave the opening prayer at the commencement of the meeting.

ATTENDANCE

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

ALSO PRESENT: General Manager - Peter Jackson, Director City Planning - Matt Owens, Director Infrastructure Services - Jeff Organ, Director Support Services - Laurie Mifsud, Executive Manager - Community Partnerships - Joseph Litwin, Manager Corporate Services and Governance - Abbey Rouse and Administrative Support Team Leader - Bianca James.

APOLOGIES

Apologies for absence were received from Councillors B Calvert and C Paine.

The Mayor, Councillor Ford welcomed members of the 1st Hawkesbury Scout Group to the Council Meeting.

62 RESOLUTION:

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

Councillor Rasmussen arrived at the meeting at 6:35pm.
Councillor Williams arrived at the meeting at 6:37pm.

SECTION 1: Confirmation of Minutes

63 RESOLUTION:

RESOLVED on the motion of Councillor Conolly and seconded by Councillor Reardon that the Minutes of the Ordinary Meeting held on the 26 February 2013, be confirmed.

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SECTION 3 - Notices of Motion

NM1 - Support Listing of "Yobarnie Keyline Farm", North Richmond onto the State Heritage Register - (79351, 125612)

Councillor M Lyons-Buckett withdrew the Notice of Motion as "Yobarnie Keyline Farm" was listed on the States Heritage Register on Friday 8 March 2013.

NM2 - Objecting to Volunteer Hunting in National Parks, Nature Reserves and State Conservation Areas - (79351, 80105)

Mr Noel Butler and Ms Robin Woods, proponents, addressed Council.
Mr Doug Bathersby, respondent, addressed Council.

MOTION:

That Council:

1. Notes with concern that the NSW State Government has agreed to amend the Game and Feral Animal Control Act 2002 allowing volunteer hunters to eradicate feral animals in 79 of the State's 799 national parks, nature reserves and state conservation areas.
2. Acknowledges that feral animal control, is one of the greatest threats to Australia's biodiversity, however we believe that volunteer hunters will have a minimal effect on feral animal numbers and result in needless animal suffering.
3. Believes that feral animal control should be undertaken professionally and humanely, not by amateur volunteers who have a vested interest in maintaining feral animal numbers to sustain their sport.
4. Will inform our local community about our concerns and write to the LGSA seeking their support.
5. Will write to the Premier of NSW and Minister for the Environment expressing the following concerns:
 - a) The presence or likelihood of recreational hunters being present represents a safety risk and a serious loss of enjoyment to visitors to our National Parks, State Conservation Areas and Nature Reserves.
 - b) Existing government codes of practice that clearly specify that ground shooting is ineffective in controlling feral animals should be followed.
 - c) Amateur hunters are not trained or skilled enough to ensure that feral animals are humanely culled.
 - d) Eradicating introduced pest animals in our parks should only be implemented by professionals, in a systematic and evidence based way.
 - e) There is evidence that recreational hunting is not cost effective and will undermine existing whole of government integrated feral animal control programs.

The Notice of Motion was put and lost.

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SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 39 **GM - 2013 Floodplain Management Association National Conference (79351, 80286)**

MOTION:

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

Refer to RESOLUTION

64 RESOLUTION:

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

That attendance of nominated Councillors, and staff members as considered appropriate by the General Manager, at the 2013 Floodplain Management Association National Conference at an approximate cost of \$2,600 per delegate be approved.

65 RESOLUTION:

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

That Councillors Lyons-Buckett and Porter, as Council's nominated representatives attend the 2013 Floodplain Management Association National Conference.

Item: 40 **GM - Hawkesbury Civic Citizenship Committee Membership - (79351, 96972)**

Previous Item: 216, (Ordinary, 27 November 2012)

MOTION:

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

Refer to RESOLUTION

66 RESOLUTION:

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

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That:

1. Mr Barry Adams be thanked for his long term service representing the Richmond Club on the Hawkesbury Civic and Citizenship Committee and he be invited to act as a community representative on the Hawkesbury Civic and Citizenship Committee.
2. Council note the advice of the Richmond Club that Mr Geoff Luscombe will represent the Club on the Hawkesbury Civic and Citizenship Committee.
3. The resignation of Councillor Calvert from the Hawkesbury Civic and Citizenship Committee be noted and Councillor Conolly be appointed as Councils representative on the Committee.

Item: 41 **GM - NSW Independent Local Government Review Panel - Submission to Consultation Paper "Better, Stronger Local Government - The Case for Sustainable Change - November 2012" - (79351)**

Previous Item: 148 (Ordinary, 28 August 2012)

MOTION:

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

Refer to RESOLUTION

67 RESOLUTION:

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

That the Draft Submission attached to the report be endorsed and referred to the NSW Independent Local Government Review Panel in response to the Panel's Consultation Paper "*Better, Stronger Local Government – The Case for Sustainable Change*", November 2012

Councillor Porter requested that his name be recorded as having voted against the motion.

Item: 42 **GM - Windsor Business Group - Outcomes of Contribution towards Windsor Christmas Lights Event (79351, 94012)**

Previous Item: 421 (Ordinary 30 November, 2010);
243 (Ordinary 8 November, 2011);
172 (Ordinary 9 October, 2012)

MOTION:

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

Refer to RESOLUTION

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68 RESOLUTION:

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

That the information be noted.

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CITY PLANNING

Item: 43 **CP - Development Report - DA0087/12 Section 82A - 33 Bootles Lane, Pitt Town - Garage and Retaining Walls - (95498, 117236, 121269)**

Previous Item: 118, Ordinary (10 July 2012)

MOTION:

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

That in accordance with Section 82A(7) of the Environmental Planning & Assessment Act, 1979, that Council uphold the original determination of refusal of the application.

An AMENDMENT was moved by Councillor Tree, seconded by Councillor Porter.

Refer to RESOLUTION

The amendment was carried on the casting vote of the Mayor.

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

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

Councillors Calvert and Paine were absent from the meeting.

The amendment then became the motion which was put and carried on the casting vote of the Mayor.

69 RESOLUTION:

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

That the Section 82 A review be supported and development application DA0087/12 for the construction of a garage and retaining walls at Lot 2008 DP 1134503, 33 Bootles Lane, Pitt Town be approved subject to the following 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.

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Plans are listed as follows:

- Site plan
 - Amended Floor Layout
 - Cross Section of Rear of Garage
 - Elevations
2. The development shall be finished in the following colours and finishes:
 - Roofing: Colourbond – to match the dwelling
 - External Cladding: Bricks to match the dwelling
 3. No excavation, site works or building works shall be commenced prior to the issue of an appropriate construction certificate.
 4. The development shall comply with the provisions of the Building Code of Australia at all times.
 5. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within seven days of issuing the certificate. A registration fee applies.
 6. Where Hawkesbury City Council is the sewer authority for this development, inspection for compliance certification for internal and external sewer drainage shall be requested and approved prior to covering any pipe. An inspection fee applies.
 7. The development shall also incorporate the amendments made in red to the approved plans, specifications or documentation submitted.
 8. All vegetative debris (including felled trees) resulting from the approved clearing of the site for construction, is to be chipped or mulched. Tree trunks are to be recovered for posts, firewood or other appropriate use. No vegetative material is to be disposed of by burning.

Prior to Commencement of Works

9. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction. The enclosed warning sign shall be affixed to the sediment fence/erosion control device.
10. A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 shall be supplied to the principal certifying authority prior to commencement of works.
11. The applicant shall advise Council of the name, address and contact number of the principal certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1979.
12. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am - 6pm and on Saturdays between 8am - 4pm.

During Construction

13. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
 - a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.

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- b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site;
 - c) Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
14. Compliance certificates (known as Part 4A Certificates) as are to be issued for Critical stage inspections as detailed in the Environmental Planning and Assessment Regulation 2000 as required by section 109E (3) (d) of the Environmental Planning and Assessment Act 1979 by the nominated Principal Certifying Authority .
15. The roof water shall be drained to the existing system.

The Use of the Development

- 16. No internal or external alterations shall be carried out without prior approval of Council.
- 17. The garage shall not be occupied for human habitation/residential, industrial or commercial purposes.
- 18. The garage shall not be used/ occupied prior to the issue of an Occupation Certificate from the nominated principal certifier.

Advice to this consent

The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.

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

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

Councillors Calvert and Paine were absent from the meeting.

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Item: 44 CP - Development Report - DA0120/12 - 2312 Bells Line of Road, Bilpin - Lot 105 DP 1138031 - Erection of Detached Garage Ancillary to the Existing Dwelling - (95498, 14166)

Mr Glenn Falson and Mr Brian McKinlay, proponents, addressed Council.

MOTION:

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

Refer to RESOLUTION

70 RESOLUTION:

That development application DA0120/12 for the construction of a detached garage ancillary to the existing dwelling at Lot 105 DP 1138031, 2312 Bells Line of Road, Bilpin be approved subject to the following 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.

Plans are listed as follows:

DA1, Site Plan & Floor Plan, 6 March 2012
DA2, Elevations, 6 March 2012
DA3, Site Plan and Rehabilitation Plan, 6 March 2012
2. The external finishes of the development shall be finished to match the dwelling,
3. No excavation, site works or building works shall be commenced prior to the issue of an appropriate construction certificate.
4. The development shall comply with the provisions of the Building Code of Australia at all times.
5. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within seven days of issuing the certificate. A registration fee applies.
6. Where Hawkesbury City Council is the sewer authority for this development, inspection for compliance certification for internal and external sewer drainage shall be requested and approved prior to covering any pipe. An inspection fee applies.
7. The development shall also incorporate the amendments made in red to the approved plans, specifications or documentation submitted.
8. All vegetative debris (including felled trees) resulting from the approved clearing of the site for construction, is to be chipped or mulched. Tree trunks are to be recovered for posts, firewood or other appropriate use. No vegetative material is to be disposed of by burning.

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Prior to Commencement of Works

9. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction. The enclosed warning sign shall be affixed to the sediment fence/erosion control device.
10. A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 shall be supplied to the principal certifying authority prior to commencement of works.
11. The applicant shall advise Council of the name, address and contact number of the principal certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1979.
12. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am - 6pm and on Saturdays between 8am - 4pm.

During Construction

13. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
 - a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site;
 - c) Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
14. Compliance certificates (known as Part 4A Certificates) as are to be issued for Critical stage inspections as detailed in the Environmental Planning and Assessment Regulation 2000 as required by section 109E (3) (d) of the Environmental Planning and Assessment Act 1979 by the nominated Principal Certifying Authority .
15. The roof water shall be drained to the existing system.

The Use of the Development

16. No internal or external alterations shall be carried out without prior approval of Council.
17. The garage shall not be occupied for human habitation/residential, industrial or commercial purposes.
18. The garage shall not be used/occupied prior to the issue of an Occupation Certificate from the nominated principal certifier

Advice to this consent

The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.

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

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

Councillors Calvert and Paine were absent from the meeting.

Item: 45 CP - Proposed Amendments to Hawkesbury Development Control Plan - Revocation of Bligh Park Neighbourhood Business Precinct Chapter and Addition of Heritage Chapter - (95498)

Previous Item: 64, Ordinary (8 May 2012)

Mr Peter Reynolds, respondent, addressed Council.

MOTION:

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

Refer to RESOLUTION

71 RESOLUTION:

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

That:

1. Council place the intention to revoke Chapter 6 of Part E of the Hawkesbury DCP 2002, "Bligh Park Neighbourhood Business Precinct", of the Hawkesbury Development Control Plan 2002 on public exhibition for a minimum of 28 days,
2. The draft Heritage Conservation Chapter be placed on public exhibition for a minimum of 28 days,
3. Following the abovementioned exhibitions, the two matters be reported back to Council for finalisation.

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

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

Councillors Calvert and Paine were absent from the meeting.

SUPPORT SERVICES

Item: 46 **SS - Webcasting of Council Meetings - (95496)**

Previous Item: NM1 – Ordinary 9 October 2012 (79351, 80104)

MOTION:

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

Refer to RESOLUTION

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

That option three regarding webcasting as outlined in the report be adopted.

The amendment was lost.

The motion was put and carried.

72 RESOLUTION:

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

That Council receive and note the report.

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

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CONFIDENTIAL REPORTS

73 RESOLUTION:

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

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

74 RESOLUTION:

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

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: 47 SS - Property Matter - Lease to Mr David Spencer - T/A Stonehill Rural Services - Nursery, Wilberforce Centre - (95496, 10258, 86218, 28061)

*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: 48 SS - Property Matter - Lease to Woodlands Park Pony Club, (Part of) 295 Sackville Road, Wilberforce - Lot 252 DP 1004592 - (95496, 112106, 74151)

*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.

75 RESOLUTION:

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

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Item: 47 **SS - Property Matter - Lease to Mr David Spencer - T/A Stonehill Rural Services - Nursery, Wilberforce Shopping Centre - (95496, 10258, 86218, 28061)**
CONFIDENTIAL

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

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

Item: 48 **SS - Property Matter - Lease to Woodlands Park Pony Club, (Part of) 295 Sackville Road, Wilberforce - Lot 252 DP 1004592 - (95496, 112106, 74151)**
CONFIDENTIAL

MOTION:

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

Refer to RESOLUTION

77 RESOLUTION:

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

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That:

1. Council agree to enter into a new lease of Woodlands Park Pony Club at (Part of) 295 Sackville Road, Wilberforce (Lot 252 in Deposited Plan 1004592), as outlined in this report.
2. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.
3. Details of Council's resolution be conveyed to the proposed Lessee, together with the advice that Council is not, and will not, be bound by the terms of its resolution until such time as appropriate legal documentation to put such resolution into effect has been agreed to and executed by all parties.

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QUESTIONS FOR NEXT MEETING

Councillors Questions from Previous Meetings and Responses - (79351)

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

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Questions for Next Meeting

#	Councillor	Question	Response
1	Creed	Asked when the report on second dwellings would be brought to Council.	Director City Planning
2	Reardon	Asked what the status of the request to have the parking time in Moses Street increased to a two hour limit.	Director Infrastructure Services
3	Lyons-Buckett	Requested a letter of congratulations be sent to Melissa Wolfshoerndl who received a highly commended award for the 2013 Young Women of the West Award in recognition of her youth and community work with Hawkesbury Community Outreach Services Inc.	General Manager
4	Lyons-Buckett	Asked if the Mayor could write a letter to the organiser of The Latin Festival which was held on Sunday 10 March 2013, in relation to his absence.	General Manager
5	Williams	Requested Council staff to investigate if the second quarry on Bull Ridge Road is complying with the DA conditions.	Director City Planning
6	Williams	Asked if Council staff could speak to the residents of 821 Putty Road regarding the mess that has accumulated on the property.	Director City Planning
7	Williams	Asked when the bus shelter at Wilberforce would be reconstructed.	Director Infrastructure Services
8	Porter	Asked if Council could investigate the boat ramp at Windsor regarding possible restorations that would be suitable to prevent its use by wake board boats when the river has a run in it.	Director Infrastructure Services
9	Rasmussen	Asked if there is some means which Council can alert residents when Yarramundi Bridge is closed.	Director Infrastructure Services
10	Rasmussen	Asked when the TMAP study of North Richmond will be released.	Director City Planning

The meeting terminated at 8:35pm.

Submitted to and confirmed at the Ordinary meeting held on Tuesday, 26 March 2013.

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Mayor