



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 24 February 2009

location: council chambers

time: 5:00 p.m.

ORDINARY MEETING
Table of Contents
MINUTES: 24 February 2009

MINUTES

- **WELCOME / EXPLANATIONS / PRAYER**
- **APOLOGIES**
- **MINUTES SILENCE - For the victims and those effected by the recent Victorian Bushfires.**
- **DECLARATION OF INTERESTS**
- **SECTION 1 - Confirmation of Minutes**
- **MINUTES ITEMS SUBJECT TO PUBLIC ADDRESS**
- **PRESENTATION - Australia Day Awards for Judy Newland and Sian Lucas**
- **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**

ORDINARY MEETING

Table of Contents

MINUTES: 24 February 2009

ORDINARY MEETING

Table of Contents

MINUTES: 24 February 2009

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE
	ATTENDANCE	1
	APOLOGIES	1
	SECTION 1: Confirmation of Minutes	2
	SECTION 2 - Mayoral Minutes	4
	MM - Traffic Issues Throughout Richmond and North Richmond Areas - (79353)	4
	SECTION 3 - Notices of Motion	5
	NM1 - Funding in Budget to Upgrade Existing Stormwater Drainage System, North Richmond - (80105)	5
	NM2 - New or Replacement Gutting to Comply with the Building Code of Australia - (80105)	5
	SECTION 4 - Reports for Determination	6
	GENERAL MANAGER	6
Item:21	GM - Victorian Bushfire Appeal - (79351)	6
Item:22	GM - Tourism Program - December 2008 Quarter Report - (79351)	6
Item:23	GM - Pitt Town Residential Precinct - Representation by Pitt Town Progress Association Regarding Proposed Pitt Town Bypass - (79351, 80293)	7
Item:24	GM - Hawkesbury Newspapers -Excellence in Business Awards 2009 - (79351, 85857)	8
Item:25	GM - Contingency Reserve - Purpose and Possible Partial Use - (79351)	8
Item:26	GM - Hawkesbury Sister City Association Inc. - Review of Delegation of Authority and Program Policy - (79351)	9
Item:27	GM - Sister City Program Policy - Student Exchange Donation, Temple City and Kyotamba 2009 - (79351, 73610)	9
Item:28	GM - 5th Annual Australian Water Summit 2009 - 1st to 3rd April 2009 in Sydney - (79351)	10
	CITY PLANNING	11
Item:29	CP - Development Application - Section 96 Application - Retrospective Alteration to First Floor Balcony - 131 Coromandel Road, Ebenezer - (DA0622/02B, 109976, 95498)	11
Item:30	CP - Exemption to Consider Flooding Matters under Section 458 of the Local Government Act, 1993 - (95498)	12

ORDINARY MEETING**Table of Contents****MINUTES: 24 February 2009**

ITEM	SUBJECT	PAGE
INFRASTRUCTURE SERVICES		13
Item:31	IS - Drainage Easement - Longleat Lane, Kurmond - (79344, 21018, 21020)	13
Item:32	IS - Acquisition of Part of Lot 33 in DP 752061 (10 Mulgrave Road, Mulgrave) - Windsor Flood Evacuation Route- (95495)	13
SUPPORT SERVICES		15
Item:33	SS - Monthly Investments Report - January 2009 - (96332, 95496)	15
Item:34	SS - December 2008 Quarterly Review - 2008-2009 Management Plan (96332, 95496)	15
Item:35	SS - Pecuniary Interest Returns - (79337, 95496)	16
Item:36	SS - Payments to Hawkesbury Sports Council Inc - (107, 96332, 95496, 73611)	16
Item:37	SS - Consultants Utilised by Council - 1 July to 31 December 2008 - (95496, 79337)	16
CONFIDENTIAL REPORTS		18
Item:38	IS - Tender No. 008/09 - Deep Lift Asphalt Reconstruction of Curtis Road, Mulgrave - (95494, 79344) CONFIDENTIAL	20
Item:39	IS - Tender No. 005/FY09 - Provision of Mechanical Services (Replacement of Air Conditioning) for part of the Administration Building - (95495, 79340) CONFIDENTIAL	20
Item:40	SS - Tender No. WR03-08/09 - Supply of Road Signs & Other Nominated Traffic Hardware (Western Sydney Regional Organisation of Councils - WSROC) - (95496, 74251, 99657) CONFIDENTIAL	21
Item:41	SS - Property Matter - Assignment of Lease from A & C Derwin, H & J Derwin, and D & A Mifsud to Spectaz Pty Ltd ATF The Spectaz Trust - Windsor Function Centre - (99158, 33132, 105643) CONFIDENTIAL	21
Item:42	SS - Property Matter - Lease to WALLACE - Shop 4 McGraths Hill Shopping Centre - (94161, 10912) CONFIDENTIAL	22
Item:43	SS - Property Matter - Surrender of Existing Lease for Shop 3 and a new lease for Shop 7, Glossodia Shopping Centre - (78815, 73898, 38869, 95496) CONFIDENTIAL	22
SECTION 5 - Reports of Committees		24
ROC - Hawkesbury Civic and Citizenship Committee - 10 December 2008 - (96972)		24
ROC - Hawkesbury Bicycle and Access Mobility Committee Minutes - 29 January 2009 - (98212)		24

ORDINARY MEETING

Table of Contents

MINUTES: 24 February 2009

ITEM	SUBJECT	PAGE
	ROC - Hawkesbury Macquarie 2010 Committee Minutes - 10 February 2009 - (95852)	24
	QUESTIONS WITHOUT NOTICE	25

ORDINARY MEETING

Table of Contents

MINUTES: 24 February 2009

ORDINARY MEETING

MINUTES: 24 February 2009

Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 24 February 2009, commencing at 5:01pm.

Mr Jay La Rue, of the Covenant Players, Freemans Reach, 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, C Paine, B Porter, P Rasmussen, 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 - Kylie Wade-Ferrell.

APOLOGIES

Apologies for absence were received from Councillors W Mackay and J Reardon

34 RESOLUTION:

RESOLVED on the motion of Councillor Conolly and seconded by Councillor Williams that the apologies be accepted and that leave of absence from the meeting be granted.

Councillor Whelan arrived at the meeting at 5:05pm
Councillor Rasmussen arrived at the meeting at 5:06pm

Minutes Silence for Victorian Bushfire Victims

The Mayor advised that the Hawkesbury Local Emergency Services are continuing to back the relief effort in Victoria with our Rural Fire Service and Local Police providing much needed support to the exhausted personnel and SES volunteers assisting the State Government in co-ordinating offers of relief. Since Mid February, Council and our area have had three fire fighting units and one command vehicle deployed to Victoria, with 33 of our Rural Fire Service Personnel so far involved in fire fighting, back burning and patrolling operations. Crews are deployed every five days with three days on, 12 hour shifts day and night. Our fire fighting vehicles are being used 24 hours a day and the Rural Fire Service has also supplied a member to assist with catering operations and another to assist headquarters with the deployment of crews. Hawkesbury Fire Fighters are based at the Healsville Camp and are being accommodated in tents at the local oval there. Two of our local police officers will also be joining the relief effort answering the call for assistance by the Victorian Police Commissioner. These officers will join the other 150 personnel from NSW deployed to the affected areas on duty helping out on traffic patrols, management and assisting with the pro-active policy duties.

ORDINARY MEETING

MINUTES: 24 February 2009

The SES volunteers have also assisted the Office of Public Information and enquiry at the Sydney Policy Centre and the mammoth task of collecting information and the many offers of assistance from members of the public. The Mayor, Councillors along with many others are proud of the assistance that their own local community is giving towards the relief effort in Victoria. Council's thoughts certainly go out to those effected by the fires especially those who have lost love ones and friends and to those who have lost their properties and their every day of life.

The Mayor asked if everyone could partake in a minutes silence to think about all those he had just mentioned who had been effected by the bushfires in Victoria.

At the request of the Mayor, the meeting then observed a minutes silence.

SECTION 1: Confirmation of Minutes

35 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Tree that the Minutes of the Ordinary Meeting held on the 3 February 2009, be confirmed.

Australia Day Awards

After the dinner break, the Mayor presented Australia Day Awards to two recipients, Judy Newland and Sian Lucas, who were unable to attend the Australia Day Ceremony that was held on Saturday, 26 January 2009 at the Richmond Club.

Sian Lucas was awarded the Sportsperson of the Year Award as she has achieved unbelievable outcomes despite her physical disability. At five years of age, Sian received extensive damage to both legs after falling off a tractor and hitting the slasher. At nine years of age, Sian surprised her parents and medical practitioners by jumping into a pool and swimming 50 metres. Since then Sian has not looked at as a disabled swimmer, Sian has competed at School Nationals and Open Nationals Multi-disability Championships for the past three years and competed at the Pacific School Games achieving excellent results. Sian also played netball up until she was 16 years of age as well as being an able bodies water polo player for the Sydney West Team. Just 18 years of age, Sian won gold, two silver and a bronze medal at the 2007 Telstra Australian Championships and also four silver medals at the 2007 Arafora Games. In 2007, Sian was awarded the Natalie Burton Award, which the Mayor was pleased to present to her. For somebody who has faced the challenging circumstances and through their own application and determination overcame this adversity to succeed. In 2008, Sian competed in the Beijing Para-Olympic Games with fantastic results, she secured two final births finishing eighth in the world for the women's 400m Freestyle and fifth in the 100m backstroke. Sian's achievements have not only being accomplished because of her determined consistent and persistent attitude. Her sportsmanship and commitment to sport at an elite level has contributed to her success at an international level.

Judy Newland was awarded the Inaugural Hawkesbury Cultural Heritage Award, which was established by Council last year and is intended to acknowledge those people or groups of people who have made or are making contributions to preserving, celebrating and improving our understanding of our local Indigenous culture and our colonial heritage, the history of our settlement and the contributions of people from many lands who have all played an important part in shaping the Hawkesbury. Judy has a deep commitment to preserving the history of the Hawkesbury and her community work reflects this. Judy has been the Honorary Secretary for the Hawkesbury Historical Society for many years and has organised many social events and fundraisers for the Hawkesbury Historical Society.

ORDINARY MEETING

MINUTES: 24 February 2009

Proceeds from these events and fund raisers have been directly feed back to the community and have played an important role in the development of the Hawkesbury Regional Museum. Judy has also been the Honorary Secretary of the Friends of the Hawkesbury Art Collection and the Centenary of Federation 2001 Committee as well as playing a key role in the Battle of Vinegar Hill Commemoration, which won an award in the Local Government Cultural Awards for that year. Judy is known to many as a very capable, hard working and modest person who works selflessly for the good of the community and for historical preservation. Her continued support and contribution to the history of the Hawkesbury and the new Hawkesbury Museum as provided unique social, educational and economic resources for today and for the future.

SECTION 2 - Mayoral Minutes

MM - Traffic Issues Throughout Richmond and North Richmond Areas - (79353)

MOTION:

RESOLVED on the motion of Councillor Bassett, Mayor

Refer to RESOLUTION

36 RESOLUTION:

RESOLVED on the motion of Councillor Bassett, Mayor

That the local State Member for Parliament, Mr A Shearan MP, be requested to work with the Minister for Roads to ensure that the Treasurer includes in the 2009/2010 State Budget an allocation for the commencement of intersection upgrades in the Richmond and North Richmond areas and that the State Budget Forward Estimates include funding for a by-pass around Richmond and North Richmond including a new river crossing.

SECTION 3 - Notices of Motion

NM1 - Funding in Budget to Upgrade Existing Stormwater Drainage System, North Richmond - (80105)

MOTION:

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

Refer to RESOLUTION

37 RESOLUTION:

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

That investigation be undertaken into the adequacy of the North Richmond drainage system.

NM2 - New or Replacement Gutting to Comply with the Building Code of Australia - (80105)

MOTION:

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

Refer to RESOLUTION

38 RESOLUTION:

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

That a report be brought to Council as to how Council can act to ensure that guttering included in proposed constructions does not cause damage to these buildings in the future.

SECTION 4 - Reports for Determination

GENERAL MANAGER

Item:21 GM - Victorian Bushfire Appeal - (79351)

MOTION:

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

Refer to RESOLUTION

39 RESOLUTION:

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

That:

1. Council place on record its sincere and deepest regrets in respect of the recent tragic Victorian Bushfires and the devastation and loss of life that has occurred in that State and express its sympathy to all those effected by the fires, particularly for those who may have lost family members; loved ones; friends and neighbours.
2. The donation of \$5,000.00 to the Victorian Bushfire Appeal by Council be endorsed.
3. An appropriate adjustment in respect of this donation be made as part of the March Quarterly Review.

Item:22 GM - Tourism Program - December 2008 Quarter Report - (79351)

Previous Item: 227, Ordinary (11 November 2008)
 184, Ordinary (9 September 2008)
 57, Ordinary (8 April 2008)
 216, Ordinary (30 October 2007)
 89, Ordinary (29 May 2007)

Mr Frank Scharfe, proponent, addressed Council.

MOTION:

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

Refer to RESOLUTION

ORDINARY MEETING
MINUTES: 24 February 2009

40 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Conolly
That the Tourism Program – December 2008 Quarter report be received.

Item:23 GM - Pitt Town Residential Precinct - Representation by Pitt Town Progress Association Regarding Proposed Pitt Town Bypass - (79351, 80293)

Previous Item: 237, Ordinary (25 November 2008)

Mr John Hagar, respondent, addressed Council.

MOTION:

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

Refer to RESOLUTION

41 RESOLUTION:

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

That:

1. Further to Council's resolution of 25 November 2008 Council proceed to seek a delegation to meet with the Minister for Planning and the Minister for Roads, and appropriate representatives of their respective Departments, with a view to facilitating the early provision of the proposed Pitt Town Bypass by way of having the developer levies that were to be collected for the planned road shoulder upgrades from McGraths Hill to Pitt Town, diverted for the purpose of the early construction of the by-pass.
2. Representatives of the Johnson Property Group, Pitt Town Progress Association and Pitt Town Residents Group Inc. be invited to participate in the abovementioned delegation.

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 Bassett	Nil
Councillor Calvert	
Councillor Conolly	
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	

ORDINARY MEETING
MINUTES: 24 February 2009

Councillor Stubbs	
Councillor Tree	
Councillor Whelan	
Councillor Williams	

Councillors Mackay and Reardon were absent from the meeting.

Item:24 **GM - Hawkesbury Newspapers -Excellence in Business Awards 2009 - (79351, 85857)**

MOTION:

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

Refer to RESOLUTION

42 RESOLUTION:

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

That:

1. Under the provisions of Section 356 of the Local Government Act 1993, Council be a Gold Sponsor of the Excellence in Business Awards 2009 to the value of \$5,000 and that Council's standard Sponsorship Agreement be entered into in respect of this event.
2. Council liaise with Hawkesbury Newspapers about sponsorship benefits from the Excellence in Business Awards 2009.

Item:25 **GM - Contingency Reserve - Purpose and Possible Partial Use - (79351)**

MOTION:

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

Refer to RESOLUTION

43 RESOLUTION:

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

That an amount of \$275,000 be allocated from Council's Contingency Reserve for the purposes of conducting a supplementary road shoulder maintenance program as identified in Attachment 1 to the General Manager's report in this regard.

ORDINARY MEETING

MINUTES: 24 February 2009

Item:26 GM - Hawkesbury Sister City Association Inc. - Review of Delegation of Authority and Program Policy - (79351)

MOTION:

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

Refer to RESOLUTION

44 RESOLUTION:

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

That:

1. The authority delegated to the Hawkesbury Sister City Association be amended to provide as follows:

"Pursuant to the provisions of Section 377 of the Local Government Act 1993, that Council delegate authority to the Hawkesbury Sister City Association to promote, on Council's behalf, understanding at all levels of the local community on a continuing basis with Sister Cities and/or City/Country Alliances as determined from time to time by the Association and Council, and to develop and conduct sporting, youth, cultural and other appropriate exchange programs in association with established Sister City relationships and/or City/Country Alliances."

2. The amended Sister City Program Policy, to be known and the Sister City and City Country Alliance Program Policy, as attached to the report be adopted by Council.

Item:27 GM - Sister City Program Policy - Student Exchange Donation, Temple City and Kyotamba 2009 - (79351, 73610)

MOTION:

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

Refer to RESOLUTION

45 RESOLUTION:

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

That under the provisions of Section 356 of the Local Government Act 1993 Council donate \$500 to each student participating in the 2009 student exchange program visit to Temple City and Kyotamba in accordance with the Sister City Program Policy being:

- a) Mr Hugh Bonner
- b) Mr Luke Simpson
- c) Ms Sharna Ford

ORDINARY MEETING
MINUTES: 24 February 2009

- d) Mr Joel Barrett
- e) Ms Gemma Carter
- f) Mr Nick Howard
- g) Mr Sterling Thomas
- h) Ms Elizabeth Thompson
- i) Ms Sally O'Brien
- j) Ms Rebecca Brown
- k) Ms Zoe McMillan

Item:28 **GM - 5th Annual Australian Water Summit 2009 - 1st to 3rd April 2009 in Sydney - (79351)**

MOTION:

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

Refer to RESOLUTION

46 RESOLUTION:

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

That the attendance by nominated Councillors, and staff members as considered appropriate by the General Manager, at the 5th Annual Australian Water Summit 2009 to be held 1st to 3rd April 2009 at a cost of approximately \$3,720.00 (including accommodation and expenses) plus travel expenses per delegate be approved.

47 RESOLUTION:

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

That Councillor Whelan, as Council's representative, attend the 5th Annual Australian Water Summit 2009.

ORDINARY MEETING

MINUTES: 24 February 2009

CITY PLANNING

Item:29 CP - Development Application - Section 96 Application - Retrospective Alteration to First Floor Balcony - 131 Coromandel Road, Ebenezer - (DA0622/02B, 109976, 95498)

Mr Martin Hobbs, respondent, addressed Council.

MOTION:

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

Refer to RESOLUTION

48 RESOLUTION:

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

That:

- A. The Section 96 application to vary the consent for development application DA0622/02B at Lot 32 DP 231320, 131 Coromandel Road, Ebenezer for alterations to the first floor balcony be refused for the following reasons:
 - 1. The enclosed balustrade is not in keeping with the character of the surrounding residences.
 - 2. The enclosed balustrade and privacy screen increases the bulk of the structure which will have an adverse impact on the adjoining properties.
 - 3. The modification is not in the public interest.
- B. An Order be issued requiring the removal and replacement of the balustrade with the originally approved glazed balustrade.

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 Bassett	Nil
Councillor Calvert	
Councillor Conolly	
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Stubbs	
Councillor Tree	
Councillor Whelan	

ORDINARY MEETING

MINUTES: 24 February 2009

Councillor Williams	
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Councillors Mackay and Reardon were absent from the meeting.

Item:30 CP - Exemption to Consider Flooding Matters under Section 458 of the Local Government Act, 1993 - (95498)

MOTION:

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

Refer to RESOLUTION

49 RESOLUTION:

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

That an application be made to the Minister for an exemption, under the provisions of Section 458 of the Local Government Act, 1993, for the Councillors listed in this report.

INFRASTRUCTURE SERVICES

Item:31 **IS - Drainage Easement - Longleat Lane, Kurmond - (79344, 21018, 21020)**

Previous Item: 260, Ordinary (9 December 2008)

Ms Robyn Cullen, proponent, addressed Council.
Ms Kim Jarvis, respondent, addressed Council.

MOTION:

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

Refer to RESOLUTION

50 RESOLUTION:

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

That:

1. An easement for drainage purposes, three metres wide, be compulsorily acquired over a portion of the existing battleaxe handle, part of No 150 (Lot 72 in DP 833639) Longleat Lane, Kurmond.
2. Application for Compulsory Acquisition be made to the Minister for Local Government and the Governor of NSW.
3. All costs associated with the compulsory acquisition are borne by Council.
4. The Seal of Council be affixed to any necessary documentation.

Item:32 **IS - Acquisition of Part of Lot 33 in DP 752061 (10 Mulgrave Road, Mulgrave) - Windsor Flood Evacuation Route- (95495)**

MOTION:

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

Refer to RESOLUTION

51 RESOLUTION:

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

That:

1. Council accept the offer from the Roads and Traffic Authority as outlined within the report for the acquisition of part of Lot 33 in DP 752061 (10 Mulgrave Road, Mulgrave) in the amount of \$200,000 (inclusive of GST).

ORDINARY MEETING

MINUTES: 24 February 2009

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 Roads and Traffic Authority 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.

SUPPORT SERVICES

Item:33 SS - Monthly Investments Report - January 2009 - (96332, 95496)

MOTION:

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

Refer to RESOLUTION

52 RESOLUTION:

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

That the information be received and noted.

Item:34 SS - December 2008 Quarterly Review - 2008-2009 Management Plan (96332, 95496)

Previous Item: 247, Ordinary (25 November 2008)

MOTION:

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

Refer to RESOLUTION

53 RESOLUTION:

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

That:

1. The information contained in the report on the 2008/2009 Management Plan – December 2008 Quarterly Review be received.
2. The Quarterly Review of the 2008/2009 Management Plan and Financial Statement for the period ending 31 December 2008 be adopted.

ORDINARY MEETING
MINUTES: 24 February 2009

Item:35 SS - Pecuniary Interest Returns - (79337, 95496)

MOTION:

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

Refer to RESOLUTION

54 RESOLUTION:

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

That the information be received and noted.

Item:36 SS - Payments to Hawkesbury Sports Council Inc - (107, 96332, 95496, 73611)

MOTION:

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

Refer to RESOLUTION

55 RESOLUTION:

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

That the information be received.

Item:37 SS - Consultants Utilised by Council - 1 July to 31 December 2008 - (95496, 79337)

Previous Item: 187, Ordinary (14 June 2005)

MOTION:

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

Refer to RESOLUTION

ORDINARY MEETING

MINUTES: 24 February 2009

56 RESOLUTION:

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

That the information concerning consultancies utilised by Council during the period July to December 2008 be received.

CONFIDENTIAL REPORTS

57 RESOLUTION:

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

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

58 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: 38 IS - Tender No. 008/09 - Deep Lift Asphalt Reconstruction of Curtis Road, Mulgrave

*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: 39 IS - Tender No. 005/FY09 - Provision of Mechanical Services (Replacement of Air Conditioning) for part of the Administration Building

*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: 40 SS - Tender No. WR03-08/09 - Supply of Road Signs and Other Nominated Traffic Hardware (Western Sydney Regional Organisation of Councils - WSROC)

*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.*

ORDINARY MEETING

MINUTES: 24 February 2009

Item: 41 SS - Property Matter - Assignment of Lease from A & C Derwin, H & J Derwin and D & A Mifsud to Spectas Pty Ltd ATF The Spectas Trust - Windsor Function Centre

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it relates to details concerning the leasing of a Council property and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

Item: 42 SS - Property Matter - Lease to WALLACE - Shop 4 McGraths Hill Shopping Centre

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it relates to details concerning the leasing of a Council property and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

Item: 43 SS - Property Matter - Surrender of Existing Lease for Shop 3 and a New Lease for Shop 7, Glossodia Shopping Centre

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) 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.

59 RESOLUTION:

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

ORDINARY MEETING

MINUTES: 24 February 2009

Item:38 **IS - Tender No. 008/09 - Deep Lift Asphalt Reconstruction of Curtis Road, Mulgrave - (95494, 79344) CONFIDENTIAL**

MOTION:

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

Refer to RESOLUTION

60 RESOLUTION:

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

That:

1. The tender in the amount of \$550,944.00 (excluding GST) submitted by Downer EDI Works, for the Deep Lift Asphalt Reconstruction of Curtis Road, Mulgrave be accepted.
2. The Seal of Council be affixed to any necessary documentation.

Item:39 **IS - Tender No. 005/FY09 - Provision of Mechanical Services (Replacement of Air Conditioning) for part of the Administration Building - (95495, 79340) CONFIDENTIAL**

MOTION:

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

Refer to RESOLUTION

61 RESOLUTION:

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

That the tender of Triple M Mechanical Services Pty Ltd for the Provision of Mechanical Services for part of the Administration Building, in the sum of \$286,792.00 (GST Inclusive), be accepted and the necessary documents be executed under the Seal of Council.

ORDINARY MEETING

MINUTES: 24 February 2009

Item:40 **SS - Tender No. WR03-08/09 - Supply of Road Signs & Other Nominated Traffic Hardware (Western Sydney Regional Organisation of Councils - WSROC) - (95496, 74251, 99657) CONFIDENTIAL**

MOTION:

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

Refer to RESOLUTION

62 RESOLUTION:

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

That:

1. Council accept the standing offer from Road Signs and Marking Supplies Pty Ltd, trading as Road Management Solutions, for the supply of road signs and associated hardware at an approximate annual GST exclusive price of \$153,100, in accordance with the WSROC Tender No. WR03-08/09.
2. The necessary documents in this matter be executed under the Seal of the Council.

Item:41 **SS - Property Matter - Assignment of Lease from A & C Derwin, H & J Derwin, and D & A Mifsud to Spectaz Pty Ltd ATF The Spectaz Trust - Windsor Function Centre - (99158, 33132, 105643) CONFIDENTIAL**

MOTION:

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

Refer to RESOLUTION

63 RESOLUTION:

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

That:

1. Council agree to the assignment of the lease of the Windsor Function Centre from Adam & Cherie Derwin, Heather & James Derwin and David & Amanda Mifsud to Spectaz Pty Ltd ATF The Spectaz Trust, in accordance with the proposal outlined in the report, subject to:
 - a) The On Licence (Public Hall) Liquor Licence pertaining to the property being transferred from Heather Derwin to Aaron Smith, at no cost to Council; and
 - b) A personal guarantee being provided by Aaron Smith.
 - c) The security bond being equivalent to three months rent.

ORDINARY MEETING
MINUTES: 24 February 2009

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 assignor and assignee, 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:42 SS - Property Matter - Lease to WALLACE - Shop 4 McGraths Hill Shopping Centre - (94161, 10912) CONFIDENTIAL

MOTION:

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

Refer to RESOLUTION

64 RESOLUTION:

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

That:

1. Council agree to enter into a new lease with Christopher Heron Wallace, trading as 'McGraths Hill Newsagency' in regard to Shop 4 McGraths Hill Shopping Centre, in accordance with the proposal outlined in the report.
2. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.
3. Details of Council's resolution be conveyed to the proposed lessees together with the advice that Council is not and will not be bound by the terms of its resolution until such time as appropriate legal documentation to put such resolution into effect has been agreed to and executed by all parties.

Item:43 SS - Property Matter - Surrender of Existing Lease for Shop 3 and a new lease for Shop 7, Glossodia Shopping Centre - (78815, 73898, 38869, 95496) CONFIDENTIAL

MOTION:

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

Refer to RESOLUTION

65 RESOLUTION:

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

That:

1. Council agree to enter into a new lease with Mr Abbas Dirani for Shop 7 Glossodia Shopping Centre in accordance with the proposal outlined in the report.
2. Council agree to the surrender of the existing lease with Mr & Mrs Luthy for Shop 3 Glossodia Shopping Centre subject to the completion of the new lease outlined in Part 1 and Mr & Mrs Luthy meeting all the costs associated with the surrender of the lease.
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 lessees, as well as the existing 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.

SECTION 5 - Reports of Committees

ROC - Hawkesbury Civic and Citizenship Committee - 10 December 2008 - (96972)

66 RESOLUTION:

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

That the minutes of the Hawkesbury Civic and Citizenship Committee held on 10 December 2008 as recorded on pages 81 to 85 of the Ordinary Business Paper be received.

ROC - Hawkesbury Bicycle and Access Mobility Committee Minutes - 29 January 2009 - (98212)

67 RESOLUTION:

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

That the minutes of the Hawkesbury Bicycle and Access Mobility Committee held on 29 January 2009 as recorded on pages 86 to 89 of the Ordinary Business Paper be received.

ROC - Hawkesbury Macquarie 2010 Committee Minutes - 10 February 2009 - (95852)

68 RESOLUTION:

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

That the minutes of the Hawkesbury Macquarie 2010 Committee held on 10 February 2009 as recorded on pages 90 to 94 of the Ordinary Business Paper be received.

ORDINARY MEETING**MINUTES: 24 February 2009****QUESTIONS WITHOUT NOTICE**

#	Councillor	Question	Response
1	Williams	Referred to Item 29 relating to 131 Coromandel Road, Ebenezer and the statement made that the Hawkesbury Local Environmental Plan 1989 contains no such clause which requires the reasonable sharing of views. Asked if Council could amend the Local Environmental Plan to include this statement.	The Director City Planning advised that Section 97C in the Environmental Assessment Act is what sets out how we assess Development Applications and that Section deals with the environmental, the social and the economic impact of a development. He advised that is it built into the Act and it doesn't need to be included in the LEP.
2	Williams	Referred to his Question Without Notice in relation to Stanley Park, East Kurrajong raised at the last meeting and the issue of Council dumping green waste in the park. He advised that the waste was still there and thought it was going to be removed. He advised that the Park needs mowing, the toilets are still locked up and could Stanley Park have a bit of a touch up after the waste has been picked up.	The Director Infrastructure Services advised the matter would be investigated.
3	Paine	Referred to the Aged Care Facility in March Street, Richmond and asked how Council was going with the problems that had been incurred as the matter had been going for a long period of time.	The General Manager advised he had had discussions with representatives of the Richmond Club and as a result he was seeking legal advise on a particular course of action and once that legal advice has been received, the matter will be reported back to Council as soon as practical after discussions with the Club.
4	Paine	Referred to discussions she had with Mr Greg Miller who has a turf farm and who had asked if he could fix the irrigation pipes going through Kemps Reserve and whether Council could get these done. She commented that she had been advised by staff that it was a State issue and nothing could happen. She had since run into Mr Miller who advised her the it was nearly finished due to changed members of staff and that he had the letter to say he could go ahead and fix it. Councillor Paine commented that it was a great result, but wanted to know why Council could get it done for Mr Miller, but other people can.	The Director Infrastructure Services advised that Mr Miller received approval to fix specific leaks within that pipe, not to replace the pipe and the actual work that has been undertaken needs to be clarified. The Director added that Council was specifically precluded from allowing private pipelines over community land and this has been the whole argument all along. There was an existing pipeline there that he was allowed to fix any specific breakages, but if he has put a whole new pipeline in that not what was approved.

ORDINARY MEETING

MINUTES: 24 February 2009

#	Councillor	Question	Response
5	Calvert	Commented that in other parts of Sydney and the rest of the State there are several types of garbage bins in public parks, a normal rubbish bin and a recycling bin. He asked if Council had many or any of these bins in the Hawkesbury and if not, is that a decision Council has made in the past. Councillor Calvert asked if a report could be provided back on the costs of installing these bins.	The Director Infrastructure Services advised that Hawkesbury only has normal garbage bins. The Mayor advised that a report will be provided.
6	Porter	Referred to Committee Meeting Constitutions and asked what the rule was about the election of chairpersons when not all Councillors are present. He asked what made up the Quorum if not all Councillors are there.	The General Manager advised that generally the constitutions would provide for a membership and a quorum in most cases is the majority of the membership. The Committee constitution do not specify that a quorum is to include a particular number of Councillors.

The meeting terminated at 9:21pm.

Submitted to and confirmed at the Ordinary meeting held on 10 March 2009.

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Mayor