



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 05 February 2008

location: council chambers

time: 5:00 p.m.

ORDINARY MEETING

MINUTES: 5 February 2008

MINUTES

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

General Manager

City Planning

Infrastructure Services

Support Services

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

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 5 February 2008, commencing at 5:00pm.

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

ALSO PRESENT: General Manager - Peter Jackson, Director City Planning - Matt Owens, Director Infrastructure Service - Chris Daley, Director Support Services - Laurie Mifsud, Acting Manager Corporate Services and Governance - Nicole Spies, Executive Manager - Community Partnerships - Joseph Litwin, Chief Financial Officer - Robert Stalley and Administrative Support Team Leader - Amy Dutch.

Councillor Finch left the meeting at 10.57pm.
Councillor Books left the meeting at 12.43am.

SECTION 1: Confirmation of Minutes

1 RESOLUTION:

RESOLVED on the motion of Councillor Books and seconded by Councillor Wearne that the Minutes of the Ordinary Meeting held on the 11 December 2007, be confirmed.

2 RESOLUTION:

RESOLVED on the motion of Councillor Books and seconded by Councillor Finch that the Minutes of the Extraordinary Special Meeting held on the 20 December 2007, be confirmed.

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SECTION 3 - Notices of Motion

NM1 - Heating of Richmond Pool - (3343, 80106, 95495)

Councillor Finch declared an interest in this matter as she is the registered owner of the "Different Strokes" mobile learn to swim school. She left the meeting and did not take part in voting or discussion on the matter.

MOTION:

A MOTION was moved by Councillor Rasmussen, seconded by Councillor Paine.

That Council resolve to:

1. Urgently seek funding from State and Federal levels to ensure that the required pool heating infrastructure can be installed by 2009 or earlier.
2. Work closely, beneficially and operationally with the Hawkesbury swimming groups, clubs and associations to build on and extend, the recent State Level Championships swimming successes of our young Hawkesbury swimmers and coaches.

The motion was lost.

NM2 - Representations to State and Federal Ministers regarding the condition of the Hawkesbury River - (90480, 90476, 90477, 95498)

Mr Ian Johnston and Mr Ray Patterson, proponents, addressed Council.
Ms Rhonda Howard and Mr Robert Montgomery, respondents, addressed Council.

MOTION:

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

Refer to RESOLUTION

3 RESOLUTION:

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

That Council:

1. Write to relevant State and Federal Ministers expressing serious concern regarding the condition of the Hawkesbury River. The concerns relate to the continuing siltation of the river bed, bank erosion and subsequent property loss, decrease in water quality and the need for a coordinated approach, from all levels of Government, to take immediate action to halt and reverse the degradation that has resulted from years of neglect and inaction.

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2. Urge immediate action by National Parks and Wildlife Service to rectify the salvinia weed issue at Longneck Lagoon.
3. Request representatives from the Department of Lands to be part of the upcoming inspection of the River.
4. Make arrangements with Councillors, Local State and Federal Members of Parliament to inspect the River at the appropriate time.

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SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 1 GM - Welcome to the Hawkesbury Entry Signs - Inclusion of Sister Cities Proposal - (79351, 95497)

Mr Doug Bathersby, Mr Frank Scharfe and Ms Kim Smith, respondents, addressed Council.

MOTION:

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

Refer to RESOLUTION

4 RESOLUTION:

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

That the information be received.

Item: 2 GM - General Manager's Performance Review Panel - (79351)

MOTION:

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

Refer to RESOLUTION

5 RESOLUTION:

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

That:

1. A "General Manager Performance Review Panel" be established by Council comprising the Mayor, Deputy Mayor and one other Councillor nominated by Council, together with one Councillor to be nominated by the General Manager, if he so chooses.
2. Council delegate authority to the "GM Performance Review Panel" to undertake the process required for the review of the performance of the General Manager.

6 RESOLUTION:

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

That Councillor Rasmussen be the "other Councillor nominated by Council" to the "General Manager Performance Review Panel".

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Item: 3 GM - Building and Financing Local Government and Community Infrastructure Conference - (79351)

MOTION:

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

Refer to RESOLUTION

7 RESOLUTION:

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

That attendance by nominated Councillors, and staff considered appropriate by the General Manager, at the Building and Financing Local Government Infrastructure Conference to be held 12-13 March 2008 in Sydney at a cost of \$970.00 plus travel expenses per delegate be approved.

8 RESOLUTION:

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

That Councillor Rasmussen and up to two other Councillors attend the Building and Financing Local Government Infrastructure Conference to be held 12-13 March 2008 in Sydney.

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CITY PLANNING

**Item: 4 CP - Modification to Development Consent - Child Care Centre - Lot 3 DP 235807
Vol 10752 Fol 35, 82 Midson Road, OAKVILLE NSW 2765 - (8185, 8186, 95498,
96329, MA1001/01B)**

Mr Glenn Falson and Ms Elizabeth Sheridan, proponents, addressed Council.

MOTION:

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

Refer to RESOLUTION

9 RESOLUTION:

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

That the Section 96 application to modify development consent MA 1001/01, Lot 3 DP 235807, Vol 10752 Fol 35, 82 Midson Road, Oakville, be approved in the following manner:

1. Delete Condition 11 and replace with the following:
 11. The front boundary of the property between the in' and out' vehicular passageways be delineated by concrete wheel stops.
2. Delete Condition 11(c) from the consent.
3. The applicant submit, within 30 days from the date of this resolution, an application under the provisions of Section 138 of the Roads Act 1993 for the construction works on the Public Road (Midson Road). This application is to be accompanied by a 'works as executed' plan, including the specifications of the construction materials used, and certification, from a suitably qualified engineer, that the construction works are to a standard consistent with Council's Development Control Plan (Appendix E Civil Works Specification).
4. The matter be referred to the Local Traffic Committee for resolution of signage and carparking in the area referred to in point 3 above.

Item: 5 CP - Naming of Rooms within the Hawkesbury Regional Museum - (10342, 95498)

Previous Item: 262, Ordinary (27 November 2007)

Mr John Christie, proponent, addressed Council.
Mr Frank Scharfe, respondent, addressed Council.

MOTION:

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

Refer to RESOLUTION

10 RESOLUTION:

This is Page 10 of the Minutes of the ORDINARY MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor, on Tuesday, 5 February 2008

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

That:

1. The names Gomebeeree and Boorooberongal be used to name two of the available exhibition spaces within the Hawkesbury Regional Museum.
2. The central space accommodating one part of the semi-permanent exhibition be named Boorooberongal.
3. One 'shopfront' temporary exhibition space be named Gomebeeree.
4. Local Aboriginal groups provide advice on the preferred spelling of the names.
5. The RAAF Room in Howes House be retained as part of the Howes House interpretation strategy and the room name be retained.
6. Agriculture be recognised as an important theme within the semi-permanent exhibition and within a balanced temporary exhibition program.
7. Three exhibition spaces remain unnamed and staff investigate opportunities for sponsorship agreements such as short to medium term naming rights of temporary exhibition spaces.
8. Attribution be made on the front door of the museum to the aboriginal heritage of the land on which the Museum stands and that appropriate wording will be confirmed in consultation with local Aboriginal groups and that a recommendation on the wording be presented to Council.
9. Council staff work with the Hawkesbury Historical Society Inc. in order to develop an appropriate "acknowledgement board" within the Museum to facilitate acknowledgement of people who are prominent within local indigenous culture, the preservation of the heritage of the Hawkesbury or may have been major sponsors and that any nominations be evaluated by the Museum and Gallery Director, local Aboriginal groups and the Hawkesbury Historical Society Inc. and be complemented by research conducted by Council's Local Studies Librarian.

Item: 6 **CP - NSW Department of Planning Reforms - 2007 Discussion Paper - (79707, 79326, 95498)**

11 RESOLUTION:

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

That this Item be dealt with in conjunction with the Mayoral Minute.

MOTION:

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

Refer to RESOLUTION

12 RESOLUTION:

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

That the:

1. Information be received.
2. Submissions attached to the report be finalised and forwarded to the Department of Planning.
3. Council review its submission in the light of the Local Government and Shires Association's submission in this matter and request the Minister to extend the exhibition period for public comment associated with the NSW Department of Planning's discussion paper on the reform of the NSW planning system.

Item: 7 CP - Exhibition of Part 3A Major Project, Concept Plan and Project Application - Pitt Town - (105295, 87959, 95498)

Mr Wayne Gerahty and Ms Gai Timmerman, proponents, addressed Council.
Mr Phil Dunesky, Mr John Hagar and Mr Sandy Mansfield, respondents, addressed Council.

MOTION:

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

Refer to RESOLUTION

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

That:

1. The information be noted.
2. Council not support the current application.
3. Council contact the Department of Planning and the Minister requesting a one month extension to the exhibition period.
4. Council invite representatives of the Department of Planning to attend a public meeting with Council and the Community.

The amendment was lost.

The motion was put and carried

13 RESOLUTION:

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

That:

1. The information be noted.

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2. A submission, consistent with the Council's resolution of 31 July 2007, be prepared and sent, by 22 February 2008, to the Department of Planning in relation to the Concept and Project Applications for the Pitt Town development by Johnson Property Group and advising that Council cannot support a proposal that is not consistent with the minimum lot size and infrastructure provisions of this resolution.
3. Council contact the Department of Planning and the Minister requesting a one month extension to the exhibition period.
4. Council invite representatives of the Department of Planning to attend a public meeting with Council and the Community.

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INFRASTRUCTURE SERVICES

Item: 8 **IS - Proposals for Safety Improvements at the Intersection of Bells Line of Road/Old Bells Line of Road/Mill Road, Kurrajong - Public Consultation - (79344, 95495, 82030)**

Previous Item: 247, Ordinary (13 November 2007)
 189, Ordinary (11 September 2007)

Mr Matthew Bennett and Mr Brian McKinlay, proponents, addressed Council.
Mr David Broughton and Mark Stamford, respondents, addressed Council.

MOTION:

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

Refer to RESOLUTION

14 RESOLUTION:

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

That:

1. Option Two - Signalised Intersection, Off-Set-Cross-Junction, be developed with further consultation with the RTA.
2. The RTA be advised of Councils support for the construction of Option Two - Signalised Intersection, Off-Set-Cross-Junction and approval of the project be requested.

Item: 9 **IS - Reduction in the Cost of Mulch from the Hawkesbury City Waste Management Facility - (95495)**

MOTION:

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

Refer to RESOLUTION

15 RESOLUTION:

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

That:

1. This matter be referred for consideration to the Waste Management Committee.
2. Until such time as the Waste Management Committee meets to consider the issue the product continue to be sold and advertised in the local media at \$15.00 per tonne.

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SUPPORT SERVICES

Item: 10 SS - Exemption from Rating - 2285B Singleton Road, Colo - (107752, 95496)

MOTION:

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

Refer to RESOLUTION

16 RESOLUTION:

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

That:

1. The Trustees of the Marist Fathers for the Province of Australia be granted exemption from rating from 1 January 2008 for the property known as 2285B Singleton Road, Colo.
2. An amount of \$679.47 be written off in respect of rates for the period 1 January 2008 to 30 June 2008.

Item: 11 SS - Exemption from Rating - 16 Cox Street, Windsor - (102716, 95496)

MOTION:

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

Refer to RESOLUTION

17 RESOLUTION:

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

That:

1. The RailCorp be granted exemption from rating from 1 December 2006 for the property known as 16 Cox Street Windsor, noting that the property was Non Rateable prior to this date.
2. An amount of \$4,110.08 be written off in respect of Rates and Charges levied for the period 1 December 2006 to 30 June 2008.

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Item: 12 **SS - Rating options - (95496)**

Previous Item: 65, Special (17 April 2007)
 85, Special (2 May 2006)

Mr Frank Scharfe, proponent, addressed Council.

MOTION:

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

Refer to RESOLUTION

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

That this matter be workshopped.

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

The motion was put and carried

18 RESOLUTION:

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

That:

1. The information concerning rating options available to Council be noted.
2. Council discontinue consideration of the use of any base amount element when setting rates.

Item: 13 **SS - Monthly Investments Report - November 2007 - (96332, 95496)**

MOTION:

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

Refer to RESOLUTION

19 RESOLUTION:

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

That the information be received and noted.

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Item: 14 SS - Monthly Investments Report - December 2007 - (96332, 95496)

MOTION:

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

Refer to RESOLUTION

20 RESOLUTION:

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

That the information be received and noted.

Item: 15 SS - Pecuniary Interest Returns - (79337, 95496)

MOTION:

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

Refer to RESOLUTION

21 RESOLUTION:

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

That the information be received and noted.

CONFIDENTIAL REPORTS

22 RESOLUTION:

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

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

23 RESOLUTION:

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

That:

1. The Council meeting be closed to deal with confidential matters and in accordance with Section 10A of the Local Government Act, 1993, members of the Press and the public be excluded from the Council Chambers during consideration of the following items:

Item: 16 GM - Council's Legal Services

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c & d) of the Local Government Act, 1993 as it relates to details concerning the supply of legal 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 proposed to conduct) business, 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: 17 SS - Property Matter - Lease to Mr Timothy P Dalby - Shop 5 Glossodia Shopping Centre

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

Item: 18 SS - Property Matter - Lease - 325 George Street, Windsor - Windebank and Mitchell

*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 proposed to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

Item: 19 SS - Property Matter - Lease of Shop 1a McGraths Hill Shopping Centre to Gilham & Robertson

*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 proposed to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

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Item: 20 IS - Tender 006/FY08 - Construction of Landfill Cell No.5 and Associated Works

*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 proposed to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

2. In accordance with the provisions of Section 11(2) & (3) of the Local Government Act, 1993 the reports, correspondence and other relevant documentation relating to these matters be withheld from the Press and public.

The Mayor asked for representation from members of the public as to why Council should not go into closed Council to deal with these confidential matters.

There was no response, therefore, the Press and the public left the Council Chambers.

Item: 16 GM - Council's Legal Services - (79351, 95497, 107) CONFIDENTIAL

Previous Item: 27, Ordinary (8 February 2005)
265, Ordinary (30 August 2005)

MOTION:

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

Refer to RESOLUTION

24 RESOLUTION:

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

That:

1. The provision of legal services to Council be put out to tender for a 3 year period.
2. The General Manager be authorised to utilise the services of alternate legal service providers where necessary in the circumstance, on a non-exclusive basis for specialist or other purposes.
3. Mr S Griffiths of Pike Pike & Fenwick be appointed as an alternate independent representative on Council's Conduct Committee.

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Item: 17 **SS - Property Matter - Lease to Mr Timothy P Dalby - Shop 5 Glossodia Shopping Centre - (90415, 38869, 90236) CONFIDENTIAL**

MOTION:

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

Refer to RESOLUTION

25 RESOLUTION:

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

That:

1. Council agree to enter into a new lease with Mr Timothy Paul Dalby (trading as Leading Edge Video Glossodia) 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: 18 **SS - Property Matter - Lease - 325 George Street, Windsor - Windebank and Mitchell - (74050, 84122) CONFIDENTIAL**

Previous Item: 247, Ordinary (9 August 2005)

MOTION:

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

Refer to RESOLUTION

26 RESOLUTION:

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

That:

1. Council agree to enter into a new lease of 325 George Street, Windsor, with Mr Windebank and Ms Mitchell in accordance with the proposal outlined in the report subject to the following:

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- a) The proposed lessees providing appropriate financial and other details to Council's satisfaction to demonstrate that they are able to perform their obligations under the lease.
 - b) The consent of the Crown, as required, being obtained to the lease.
 - c) The proposed lessees being responsible for costs relating to the preparation of the lease in accordance with the Retail Leases Act.
2. Authority be given for any documentation in association with the 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: 19 SS - Property Matter - Lease of Shop 1a McGraths Hill Shopping Centre to Gilham & Robertson - (4163, 76666) CONFIDENTIAL

MOTION:

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

Refer to RESOLUTION

27 RESOLUTION:

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

That:

1. Council agree to enter into a new lease with Elizabeth Gilham and Kirsty Robertson, trading as 'KL's Cut Above Hairdressing' in regard to Shop 1a 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.

28 RESOLUTION:

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

SUPPLEMENTARY REPORTS

MM - Proposals for Planning Reforms within NSW - (79353)

MOTION:

RESOLVED on the motion of Councillor Bassett, Mayor.

Refer to RESOLUTION

29 RESOLUTION:

RESOLVED on the motion of Councillor Bassett, Mayor.

That Council:

1. Advise the Local Government and Shires Association (LGSA) that it supports the points detailed in the Association's letter of 30 January 2008 as having risen from the Leader's Forum held on that day in relation to proposals for planning reforms in NSW it being noted in respect of point 2 that should the Government require, by legislation or regulation, that Section 94 Funds are transferred then Council would be legally bound to comply with such requirement.
2. Agree to contribute, if called upon to do so, up to \$2,500 to the Local Government and Shires Association to assist with the implementation of a continuing public campaign in this regard.
3. Write to the Local Members of Parliament to convey Council's position on this matter.

Item: 20 IS - Tender 006/FY08 - Construction of Landfill Cell No.5 and Associated Works - (82995, 79357) CONFIDENTIAL

Councillor Williams declared an interest in this matter as a family member works for one of the tenderers. He left the meeting and did not take part in voting or discussion on the matter.

MOTION:

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

Refer to RESOLUTION

30 RESOLUTION:

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

That:

1. This matter be deferred to the next Council meeting.
2. The matter of the excavated material and its storage be referred to the Waste Management Committee.

ORDINARY MEETING

MINUTES: 5 February 2008

SECTION 5 - Reports of Committees

ROC - Local Traffic Committee - 16 January 2008 - (80245)

31 RESOLUTION:

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

That the minutes of the Local Traffic Committee held on 16 January 2008 as recorded on pages 75 to 90 of the Ordinary Business Paper be adopted.

ORDINARY MEETING

MINUTES: 5 February 2008

QUESTIONS WITHOUT NOTICE

1. Councillor Stubbs enquired about the temporary closure of the designated flood evacuation route at Bootles Lane, Pitt Town and the possibility of using Johnston Street as an alternative access.

The Director City Planning advised that Bootles Lane has been closed due to deep excavation works, and that the construction company has applied to keep Bootles Lane closed for a further period and Council is currently discussing with them the use of Johnston Street as an alternate detour.

2. Councillor Paine enquired if a tenderer for the works on Racecourse Road has been selected and when the works will commence. She also requested that the road be graded in the meantime.

The Director Infrastructure Services advised that the design for the works has been finalised and Council will be going to tender this month. It will be several months before the works are completed. The Show Society has been advised that Racecourse Road would not be available for the Show.

The Director Infrastructure Services advised that the road has been inspected and grading was due to commence on Monday however it rained. As soon as it is dry enough the work will commence.

3. Councillor Paine referred to the quality of the lucerne hay that is growing on the flats between McGraths Hill and Windsor and enquired if there is a program to clean it up.

The Director Infrastructure Services advised that the hay is being sold as mulch/silage. The prime reason for growing the hay is to dispose of processed effluent from the treatment plant.

4. Councillor Paine asked if Council pays the full cost of installing footpaths or if the resident pays half and Council pays half. She enquired what other Councils do and asked if the footpath program needs to be reviewed.

The Director Infrastructure Services explained that under the current policy Council pays the full cost of any footpath that is constructed. He also advised that only a small number of footpaths have been constructed recently as Council is trying to maintain its existing assets and that the majority of the works program is on the replacement of foot paving, kerb and guttering thus far.

5. Councillor Paine referred to the river inspection that is to be carried out on 13 February 2008 and asked which Councillors were invited to attend.

Councillor Porter advised that due to a limited amount of room available on the boats the Mayor, General Manager, Director City Planning, Local Member for Hawkesbury - Ray Williams and a staff member from the Lands Department have been invited to attend along with himself.

The Director Infrastructure Services advised that he would contact the SES to see if their boats would be available for use for another inspection of the river that would allow room for all Councillors to attend.

6. Councillor Williams enquired if checks are run when Council invests their funds to insure that investments are ethically and socially responsible and if not, how could Council go about checking this sort of thing.

The General Manager advised that the current investment policy refers to credit ratings of the various funds and the percentage of funds that may be invested with any one organisation. He explained that one of the main aims of Council's investment approach is to obtain the highest possible return with the most security.

ORDINARY MEETING

MINUTES: 5 February 2008

7. Councillor Williams requested that the full answers to questions without notice be published in the Councillors Newsletter.

The General Manager explained that the aim of not including responses to questions answered at the meeting is to keep the newsletter as brief as possible, when questions are answered at the meeting the answers appear in the minutes. The matter will be considered.

8. Councillor Books enquired if the Traffic Committee has looked at allowing a right turn onto Groves Avenue from the Flood Evacuation Route.

The Mayor advised that the Traffic Committee has considered the matter however due to the proximity of the intersection to the main road people waiting to turn right into Groves Avenue would block the right hand turn lane for Windsor Road.

9. Councillor Books requested Council inform Sydney Water that the River has been in flood and enquire why the area is still on water restrictions when the water supply comes from the River.

The Mayor advised that a notice of motion would be required for this matter.

10. Councillor Books referred to a letter from Montgomery Planning Solutions regarding submissions to Council on 20 November 2007 and 18 January 2008 regarding a problem on Putland Place and advised that no response has been received from Council. Councillor Books requested that the matter be followed up.

The Director City Planning explained that the letters from Mr Montgomery refer to a development application that is scheduled to be discussed at the next Council meeting and that the applicants will be notified under the normal process.

11. Councillor Rasmussen referred to a keep left sign in Francis Street which has been knocked down and requested that repairs be carried out.

The Director Infrastructure Services advised that works will be carried out.

12. Councillor Rasmussen enquired about the progress of the Llandilo Road Flood Evacuation Route upgrade.

Councillor Bassett advised that a timetable for the works will be obtained.

13. Councillor Rasmussen requested that the synchronisation of the traffic lights coming off Jim Andersons Bridge and the Macquarie and George Street intersections be investigated.

The Mayor advised that the matter will be investigated along with installation of a right hand turn arrow from George Street into Hawkesbury Valley Way heading towards Richmond.

14. Councillor Rasmussen enquired about the progress of the LEP template update.

The Director City Planning advised that this will be discussed at the next Councillor Briefing Session.

15. Councillor Rasmussen enquired if Council has a policy on the use of gas guns in the area to protect crops. He also asked if adjoining councils have a policy to stop farmers using gas guns and asked if a policy was proposed for this area.

ORDINARY MEETING

MINUTES: 5 February 2008

The Mayor and the Director City Planning advised that Council does not have a policy on gas guns, and advised that this would be a matter for the Department of Agriculture or Environment of Conservation.

16. Councillor Rasmussen enquired if a response has been received from the State Government regarding the Police land at Richmond.

The Director Support Services advised that information has been received from the Minister indicating that they will not transfer the land to Council at no cost and the property will be sold. A report will be presented at the next Council meeting.

17. Councillor Rasmussen enquired if a development application has been submitted by the Dog Breeder at Grose Wold.

The Director City Planning was unaware of a development application being lodged and that no further complaints have been received from residents. The last staff discussion with the dog breeder was to stop work and lodge a development application.

18. Councillor Rasmussen drew attention to the returns received on Council's investments in various managed fund in November 2007.

The General Manager advised that the amounts referred to in that report are monthly amounts annualised and drew attention to the comparable rates for the investments as shown in the December 2007 report.

19. Councillor Devine referred to Resolution 476 of the meeting of 11 December 2007 regarding a report by Management about guideline reports and recommendations made to State Planning on subdivision by road severance and natural features using SEPP1 and asked when this report will come to Council.

The Director City Planning advised it is still being investigated.

20. Councillor Devine referred to his question at last meeting (question without notice 3) regarding Land and Environment Court matter and asked when the additional information will be provided.

The Director City Planning advised that he will provide the information this week.

21. Councillor Devine enquired what steps have been taken to invite relevant interest groups to a River Summit.

The Director City Planning advised that letters have been sent to the River County Council, Penrith, Baulkham Hills and Blacktown Councils and they have responded nominating a number of people for the Steering Committee. The nominees will be contact this week to arrange a Steering Committee Meeting within the next week or so.

22. Councillor Devine referred to the RTA advice regarding the safety audit of Bells Line of Road and asked if Council is going to receive further information regarding overhanging trees, the line of sight and road shoulders as the only response that was given was regarding speeds limits.

The Mayor advised that RTA has not been forthcoming at this stage and the matter will be followed up.

ORDINARY MEETING

MINUTES: 5 February 2008

- 23. Councillor Devine referred to the Hooker Appeal that has been determined in the Land and Environment Court and asked what direction Council will now head. He enquired if the Caravan Park Working Party will be reformed.

The Director City Planning advised that there has been a judgment on a question that was raised during the appeal. The Judge has made a decision on that question and it has now been referred back to the Commissioner to complete the appeal. There is no resolution of the matter it was simply a decision on an aspect of the case. The Director City Planning advised Council is currently looking into reforming the Caravan Park Working Party.

- 24. Councillor Conolly requested an update on the Colonial Drive site and asked how soon it will be able to be put onto the market.

The Director of Support Services advised that the plan has been prepared to subdivide the Community Centre off from the other parcel of land. Once the plan is complete a subdivision application will be considered and if it is approved Council will engage an agent to put the property on the market.

- 25. Councillor Porter referred to his question without notice on 8 November 2007 regarding the Orange Spot looking at recovering approximately \$29,000 and asked what date Council received judgement for the amount and what is being done regarding the recovery.

The Director City Planning advised that he investigate the matter.

The meeting terminated at 1.20am.

Submitted to and confirmed at the Ordinary meeting held on Tuesday, 26 February 2008.

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Mayor