



Hawkesbury City Council

ordinary meeting minutes

date of meeting: 31 May 2005

location: council chambers

time: 5:00 p.m.

ORDINARY MEETING

Table of Contents

MINUTES: 31 May 2005

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

Commercial Strategy - (Corporate Response Unit)

Environment and Development

Asset Management

Corporate and Community

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

ORDINARY MEETING

Table of Contents

MINUTES: 31 May 2005

ORDINARY MEETING**Table of Contents****MINUTES: 31 May 2005****TABLE OF CONTENTS**

ITEM	SUBJECT	PAGE
SECTION 4 - Reports for Determination		2
GENERAL MANAGER		2
Item: 146	GM B - Redundant Positions - (79355)	2
Item: 147	GM B - Masterplanned Urban Developments: Securing Approval and Ensuring Sustainability Conference - (79531)	2
Item: 148	GM B - 8th International RiverSymposium 2005 - (79531)	3
COMMERCIAL STRATEGY - (CORPORATE RESPONSE UNIT)		5
Item: 149	RES B - Use of Council Crest - (107, 94012)	5
Item: 150	RES B - External Payments - Tourism Hawkesbury Inc. (Fourth Quarter Instalment, April-June 2005) - (73538)	6
Item: 151	RES B - Strategic Events - "Putting the Hawkesbury on the Map" - (91367)	6
Item: 152	RES B - Strategic Planning Considerations - Public Private Partnerships & Policy Review - (91368)	7
Item: 153	RES B - Enterprise Panel Projects - (73824)	7
ENVIRONMENT AND DEVELOPMENT		9
Item: 154	ENV B - Draft LEP Investigation for Land Bounded by Macquarie Street, Bridge Street, Ross Street - South Creek, Windsor - (79427, 95498)	9
Item: 155	ENV B - Review of Development Application Process - Update - (79351, 79347)	9
Item: 156	ENV B - Independent Review Panel - (79339)	10
ASSET MANAGEMENT		11
Item: 157	INF B - Proposed re-location of Wilberforce Rural Fire Station - (79354, 73600)	11
Item: 158	INF B - Lighting Request - Pedestrian Laneway Between Nos 43 and 45 Hereford Street, Hobartville - (79346, 80449, 95404, 76332, 12326, 12325, 80538)	11
Item: 159	INF B - Windsor Parking Update - (79346, 79338) - Item Withdrawn	12
Item: 160	INF B - Deeplift Asphalt Reconstruction - Ham Street, South Windsor - (79344, 95991)	12

ORDINARY MEETING**Table of Contents****MINUTES: 31 May 2005**

ITEM	SUBJECT	PAGE
Item: 161	INF B - Tenders for the Hire of Plant - (79338, 79344)	12
Item: 162	INF B - Hollands Paddock Landscape Plan - (79354, 8736, 92909)	13
Item: 163	INF B - Tender Report - Cleaning - Various Council Buildings Contract 017/FY05 - (79338, 87360)	13
Item: 164	INF B - Proposed Water Storage Tanks - Bowen Mountain - (79354, 79016)	14
CORPORATE AND COMMUNITY		15
Item: 165	ORG A - Remuneration for Councillors and Mayor - (107, 90479)	15
Item: 166	ORG A - Tender for the Provision of Banking Services to Council - (79349)	15
Item: 167	ORG A - Monthly Investments Report - April 2005 - (79349)	16
Item: 168	ORG A - Payment to Hawkesbury Sports Council Inc. - (107, 79350, 73611)	16
Item: 169	ORG B - Proposed Memorandum of Understanding Between Council and Department of Lands for Road Closure Procedure - (84719, 79337)	16
Item: 170	ORG B - March Quarterly Review - 2004/05 Management Plan - (107, 79349, 79350)	17
Item: 171	ORG B - Documents for Execution Under the Common Seal of Council - (73914, 4330, 79337)	17
SUPPLEMENTARY REPORTS		18
Item: 173	GM B - Letter from Minister for Environment and Heritage - Japanese Fisheries Agency (JFA) - New Whaling Programme in the Southern Ocean (79531)	18
Item: 174	GM B - Terms of Reference - Kurrajong Tree Investigation, NSW Ombudsman and ICAC Referral - (79351, 80592, 80928)	18
Item: 175	ORG C - Resignation of Councillor Dianne Finch from the Board of Hawkesbury Tourism Inc. - (74399, 73538)	19
SECTION 5 - Reports of Committees		20
ROC - Hawkesbury City Bicycle Steering Committee - 13 December 2004 - (80226)		20
ROC - Hawkesbury City Bicycle Steering Committee - 4 May 2005 - (80226)		20
ROC - E-Commerce / Markets Advisory Committee - 12 May 2005		20
ROC - Local Traffic Committee - 18 May 2005 - (80245)		20
ROC - Strategic Planning Committee - 19 May 2005 - (91368)		21

ORDINARY MEETING

Table of Contents

MINUTES: 31 May 2005

ITEM	SUBJECT	PAGE
	CONFIDENTIAL REPORTS	22
ITEM: 175	ORG B - Request for Access to Information - Mrs Buckett - (95309, 79337)	22
	CONFIDENTIAL SUPPLEMENTARY REPORTS	24
Item: 176	RES B - Tourism Hawkesbury Inc. - (73538) CONFIDENTIAL	24
	QUESTIONS WITHOUT NOTICE	25

ORDINARY MEETING

Table of Contents

MINUTES: 31 May 2005

ORDINARY MEETING

MINUTES: 31 May 2005

Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 31 May 2005, commencing at 5:00pm.

ATTENDANCE

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

APOLOGIES

Apology for absence were received from Councillors D Finch and C Paine

RESOLVED on the motion of Councillor Stubbs and seconded by Councillor Rasmussen that the apologies be accepted.

SECTION 1 - Confirmation of Minutes

203 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Devine that the Minutes of the Special Meeting held on 9 May 2005, be confirmed.

204 RESOLUTION:

RESOLVED on the motion of Councillor Wearne and seconded by Councillor Rasmussen that the Minutes of the Ordinary Meeting held on 10 May 2005, be confirmed with Question 1 in the 'Questions Without Notice' section of the Business Paper being asked by Councillor Wearne, not Councillor Porter.

ORDINARY MEETING

MINUTES: 31 May 2005

SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 146 GM B - Redundant Positions - (79355)

MOTION:

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

Refer to RESOLUTION

205 RESOLUTION:

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

That:

1. The following positions be declared redundant:
 - a. Building & Development Officer.
 - b. Administration Officer
 - c. Data Administration Officer
 - d. Finance Officer
2. An amount equal to the realised savings of \$178,308 be allocated in the 2005/06 Draft Operational Maintenance Budget.
3. Completion of the Development Control Plans for Richmond, North Richmond, Kurrajong and Kurrajong Heights be reconsidered as part of the 2005/06 Budget and to be reported back to Council.

Item: 147 GM B - Masterplanned Urban Developments: Securing Approval and Ensuring Sustainability Conference - (79531)

MOTION:

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

Refer to RESOLUTION

206 RESOLUTION:

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

That attendance of a nominated Councillor at the Masterplanned Urban Developments National Conference in Sydney on Thursday, 9 and Friday, 10 June 2005 at a cost of approximately \$1,530.00 per delegate be approved.

This is Page 2 of the Minutes of the ORDINARY MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor, on Tuesday, 31 May 2005

ORDINARY MEETING

MINUTES: 31 May 2005

207 RESOLUTION:

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

That Councillor Rasmussen be the nominated representative of Council to attend the Masterplanned Urban Developments National Conference in Sydney on Thursday, 9 and Friday, 10 June 2005.

Item: 148 GM B - 8th International RiverSymposium 2005 - (79531)

MOTION:

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

Refer to RESOLUTION

208 RESOLUTION:

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

That attendance of nominated Councillors and staff members as considered appropriate by the General Manager, at the 8th International RiverSymposium to be held in Brisbane, 6 - 9 September 2005, at a cost of approximately \$2,695.00 per delegate be approved.

209 RESOLUTION:

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

That Councillors Stubbs, Books, Williams, Rasmussen and Porter be the nominated representatives of Council to the 8th International RiverSymposium to be held in Brisbane, 6 - 9 September 2005

210 RESOLUTION:

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

That:

1. Council inform the Premier that it is alarmed that the reduction in environmental flow in the Hawkesbury/Nepean will:
 - a) increase the potential for aquatic weed outbreak;
 - b) increase the intrusion of salt water into the river;
 - c) reduce the available supply to the North Richmond Water Treatment Works; and
 - d) cause concern in respect of the health of residents.
2. Council request the Premier to allocate increased funding to the suppression and management of aquatic weeds in light of a reduction in environmental flow.

ORDINARY MEETING

MINUTES: 31 May 2005

3. Council request the Premier to initiate discussion for the whole of Sydney on the use of 'treated sewage effluent outflow' as drinking water, as the residents of this LGA are now increasingly dependant on 'treated sewage effluent outflow' as its drinking water supply.

COMMERCIAL STRATEGY - (CORPORATE RESPONSE UNIT)

Item: 149 RES B - Use of Council Crest - (107, 94012)

Mr John Miller, proponent, addressed the Committee

MOTION:

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

Refer to RESOLUTION

211 RESOLUTION:

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

That a licence be granted to the Windsor Business Group for the use of the Council Crest pursuant to the terms and conditions listed below:

1. The Crest must be represented as proposed by the samples presented by the Group;
2. The Crest may only be used on material produced by and for the Group at the Group's cost. The Group shall not apply the Crest to any property over which it has no jurisdictional control other than the property of financial members of the Windsor Business Group to identify their membership of the group;
3. The Crest may not be issued by the Group for use by any third party other than the financial members of the Windsor Business Group;
4. The Group must not manipulate the Crest in any other manner except for the proportional scaling of the graphic as a whole element;
5. The Group is not granted any proprietary interest in the Crest. The whole of the goodwill associated with it, whether now, existing or arising in the future, is the sole and exclusive property of the Hawkesbury City Council;
6. The Group must not use the Crest in a misleading or deceptive way;
7. The Group must not purport to bind the Council, make or perceive to make any representations on Council's behalf;
8. The Group must not use or apply for registration of any similar marks or names containing the mark;
9. This Licence is valid from the date of agreement until 30 November 2008.
10. Renewal of the agreement will not be unreasonably withheld as long as the licensee has fulfilled all its obligations under the agreement.

ORDINARY MEETING

MINUTES: 31 May 2005

Item: 150 RES B - External Payments - Tourism Hawkesbury Inc. (Fourth Quarter Instalment, April-June 2005) - (73538)

MOTION:

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

Refer to RESOLUTION

212 RESOLUTION:

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

That the Third Quarterly Activity Report (January to March 2005) by Tourism Hawkesbury Inc. be received.

Item: 151 RES B - Strategic Events - "Putting the Hawkesbury on the Map" - (91367)

MOTION:

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

Refer to RESOLUTION

213 RESOLUTION:

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

1. A Working Party comprising Council staff, representatives of the E-Commerce/Markets Advisory Committee (Councillor Trevor Devine, Mr Barry Crockford, Mr Zac Hope) and independent experts as required, be formed to investigate the feasibility of developing an integrated marketing program that is based upon a series of sporting competitions and/or community events and the use of the "Bridge-to-Bridge" brand and that:
 - (a) A commercial proposition be developed for further consideration by the E-Commerce/Markets Advisory Committee for presentation to Council, and
 - (b) Any such proposition take into account consultations with relevant sporting clubs and associations and the possibility of forming some form of joint venture or marketing partnership.

ORDINARY MEETING

MINUTES: 31 May 2005

Item: 152 RES B - Strategic Planning Considerations - Public Private Partnerships & Policy Review - (91368)

Mr Walter Kullen and Mr Frank Scharfe, respondents, addressed the Committee

MOTION:

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

Refer to RESOLUTION

214 RESOLUTION:

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

That:

1. The Strategic Planning Committee continue to identify opportunities that may lend themselves to a Public Private Partnership model for consideration by Council from time-to-time.
2. Advice be sought on what operating models and risk management instruments are available to Council to facilitate its ability to raise capital and/or enter into partnerships with the private sector, including the use of special purpose entities to minimise risk and the findings to be reported to the Strategic Planning Committee.
3. The Hawkesbury LEP 1989 is to be replaced with the new Local Environmental Plan incorporating all the matters outlined in the attached report to the Strategic Planning Committee.
4. The Hawkesbury Development Control Plan is to be made available for electronic viewing and interrogation and this work should proceed in conjunction with the re-writing of the Local Environmental Plan.
5. A report on the Review of the Policy Register be presented to Council in July 2005.
6. The Department of Local Government & DIPNR be advised of Council's intention to move to an electronic format for its key planning instruments, with arrangements being made to meet and discuss with appropriate representatives as need be.

Item: 153 RES B - Enterprise Panel Projects - (73824)

Previous Item: 114, Ordinary (14 September 2004)
 22, Ordinary (8 February 2005)

MOTION:

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

Refer to RESOLUTION

215 RESOLUTION:

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

That this matter be workshopped in the future.

ORDINARY MEETING

MINUTES: 31 May 2005

ENVIRONMENT AND DEVELOPMENT

Item: 154 ENV B - Draft LEP Investigation for Land Bounded by Macquarie Street, Bridge Street, Ross Street - South Creek, Windsor - (79427, 95498)

Mr Frank Scharfe, respondent, addressed the Committee.

MOTION:

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

Refer to RESOLUTION

216 RESOLUTION:

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

That:

1. The attached Draft Local Environmental Plan Map, be adopted.
2. The Draft Local Environmental Plan be placed on exhibition as soon as possible, along with the Draft Development Control Plan.

Item: 155 ENV B - Review of Development Application Process - Update - (79351, 79347)

Previous Item: 69, Ordinary (29 March 2005)

MOTION:

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

Refer to RESOLUTION

217 RESOLUTION:

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

That a further report be provided to Council in August following meetings with industry representatives.

Item: 156 ENV B - Independent Review Panel - (79339)

MOTION:

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

Refer to RESOLUTION

218 RESOLUTION:

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

That:

1. The Director External Services investigate the feasibility of establishing an independent DA review panel.
2. A further report be provided to Council on completion of the investigation.

ORDINARY MEETING

MINUTES: 31 May 2005

ASSET MANAGEMENT

Item: 157 INF B - Proposed re-location of Wilberforce Rural Fire Station - (79354, 73600)

Councillor Wearne declared an interest in this matter as he is a member of the Executive of Wilberforce Fire Brigade, he left the meeting and did not take part in voting or discussion on the matter.

Mr Michael Scholz, proponent, addressed the Committee.

MOTION:

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

Refer to RESOLUTION

219 RESOLUTION:

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

That further investigation be undertaken as to the suitability of relocating the Wilberforce Fire Station to Council owned land at the western end of the Operations Depot, part of which is currently utilised by Waste Service Vehicles.

Item: 158 INF B - Lighting Request - Pedestrian Laneway Between Nos 43 and 45 Hereford Street, Hobartville - (79346, 80449, 95404, 76332, 12326, 12325, 80538)

MOTION:

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

Refer to RESOLUTION

220 RESOLUTION:

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

That lighting half way along the pedestrian laneway between Nos 43 and 45 Hereford Street, Hobartville, positioned on the side abutting No 45 Hereford Street be installed.

ORDINARY MEETING

MINUTES: 31 May 2005

Item: 159 **INF B - Windsor Parking Update - (79346, 79338) - Item Withdrawn**

Previous Item: 33, GPC - Infrastructure (23 September 2003)
 33, Ordinary (14 October 2003)

This item was withdrawn

Item: 160 **INF B - Deeplift Asphalt Reconstruction - Ham Street, South Windsor - (79344, 95991)**

MOTION:

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

Refer to RESOLUTION

221 RESOLUTION:

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

That the schedule of rates tender submitted by J&G Excavations & Asphaltting (NSW) P/L for the deeplift asphalt reconstruction road pavement in Ham Street, South Windsor for the tendered price of \$281,082.50 be accepted and be executed under the seal of council.

Item: 161 **INF B - Tenders for the Hire of Plant - (79338, 79344)**

MOTION:

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

Refer to RESOLUTION

222 RESOLUTION:

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

That the matter be deferred to the next Council meeting.

ORDINARY MEETING

MINUTES: 31 May 2005

Item: 162 INF B - Hollands Paddock Landscape Plan - (79354, 8736, 92909)

Previous Item: 124, Ordinary (26 April 2005)

Mr Walter Kullen and Mr Frank Scharfe, respondents, addressed the Committee.

MOTION:

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

Refer to RESOLUTION

223 RESOLUTION:

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

That:

1. The landscape plan incorporating the changes suggested by the community be adopted and incorporated within the Plan of Management; and,
2. The necessary steps required under the Act to amend the Plan of Management to permit a water tank and bubblers be undertaken.

Item: 163 INF B - Tender Report - Cleaning - Various Council Buildings Contract 017/FY05 - (79338, 87360)

MOTION:

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

Refer to RESOLUTION

224 RESOLUTION:

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

The tender of Storm International Pty Ltd of 204 Fairfield Street, Fairfield NSW 2165 for the cleaning of various council buildings for the sum of \$268,296.60 including GST, for a three year period be accepted and the necessary documents be executed under Seal of Council.

ORDINARY MEETING

MINUTES: 31 May 2005

Item: 164 INF B - Proposed Water Storage Tanks - Bowen Mountain - (79354, 79016)

MOTION:

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

Refer to RESOLUTION

225 RESOLUTION:

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

That:

1. The Rural Fire Service be consulted in relation to placing the tanks on Crown land. If this is suitable, that the Crown be consulted in relation to using Crown land as an alternative to community lands.
2. Should the Crown Land be unsuitable for the location of the water tanks, approval be given to construct them within community land, subject to the support of the adjoining land owners.

ORDINARY MEETING

MINUTES: 31 May 2005

CORPORATE AND COMMUNITY

Item: 165 ORG A - Remuneration for Councillors and Mayor - (107, 90479)

MOTION:

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

Refer to RESOLUTION

226 RESOLUTION:

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

That in respect of the 2005/06 financial year and in accordance with the recommendation of the Local Government Remuneration Tribunal:

1. The fee for Councillors be \$12,925.
2. The fee for the Mayor be \$28,215, and the Deputy Mayor be \$4,232.25 to be deducted from the Mayor's fee.

227 RESOLUTION:

RESOLVED on the Motion of Councillor Conolly, seconded by Councillor Books.

That Council prepare a proposed motion for the Local Government Association Conference and a submission, at the appropriate time, to the Local Government Remuneration Tribunal in relation to the payment of superannuation to Councillors.

Item: 166 ORG A - Tender for the Provision of Banking Services to Council - (79349)

Previous Item: 94, Ordinary (10 August 2004)

MOTION:

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

Refer to RESOLUTION

228 RESOLUTION:

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

That the continuation of the existing fee structure from the Commonwealth Bank be accepted and that tenders for Banking Services be invited during the first quarter of 2006 on the basis of the successful tender taking effect from 1 July 2006.

ORDINARY MEETING

MINUTES: 31 May 2005

Item: 167 ORG A - Monthly Investments Report - April 2005 - (79349)

MOTION:

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

Refer to RESOLUTION

229 RESOLUTION:

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

That the information be received.

Item: 168 ORG A - Payment to Hawkesbury Sports Council Inc. - (107, 79350, 73611)

MOTION:

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

Refer to RESOLUTION

230 RESOLUTION:

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

That the information be received.

**Item: 169 ORG B - Proposed Memorandum of Understanding Between Council and
Department of Lands for Road Closure Procedure - (84719, 79337)**

MOTION:

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

Refer to RESOLUTION

231 RESOLUTION:

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

ORDINARY MEETING

MINUTES: 31 May 2005

That:

1. Council enter into a Trial Road Closing Partnership as proposed by the Department of Lands and that any Road Closure application received be processed by Council acting as an agent for the Crown in accordance with the Memorandum of Understanding.
2. The Memorandum of Understanding be signed by the General Manager under the common seal of Council.

Item: 170 ORG B - March Quarterly Review - 2004/05 Management Plan - (107, 79349, 79350)

MOTION:

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

Refer to RESOLUTION

232 RESOLUTION:

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

That the Quarterly Review of 2004/05 Management Plan and Financial Statement for the period ending 31 March 2005 be adopted.

Item: 171 ORG B - Documents for Execution Under the Common Seal of Council - (73914, 4330, 79337)

MOTION:

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

Refer to RESOLUTION

233 RESOLUTION:

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

That:

1. Council enter into the licence agreement for the adjoining road reserve with Roderick Storie Solicitors at a licence fee of \$613.00 per annum plus GST for a period of one year.
2. Council enter into the option with Action Insurance Brokers for the Johnston Wing at Christie Street, Windsor at a commencing rental of \$58,000.00 per annum plus GST for a period of two years.
3. The seal of Council be affixed to the relevant documentation.

ORDINARY MEETING

MINUTES: 31 May 2005

SUPPLEMENTARY REPORTS

Item: 173 **GM B - Letter from Minister for Environment and Heritage - Japanese Fisheries Agency (JFA) - New Whaling Programme in the Southern Ocean (79531)**

MOTION:

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

Refer to RESOLUTION

234 RESOLUTION:

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

That the request by Senator The Hon Ian Campbell contained in his letter of 19 May 2005, concerning a proposal by the Japanese Fisheries Agency (JFA) to embark on a new whaling programme in the Southern Ocean be noted and Council email its support of the Federal Government's stand on this issue to the Deputy Mayor, Councillor Dianne Finch who is currently visiting the Hawkesbury Sister City of Tamba in Japan. The Deputy Mayor can make a personal presentation on our behalf.

Item: 174 **GM B - Terms of Reference - Kurrajong Tree Investigation, NSW Ombudsman and ICAC Referral - (79351, 80592, 80928)**

Mr Lionel Buckett, respondent, addressed the Committee

MOTION:

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

Refer to RESOLUTION

235 RESOLUTION:

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

That:

1. Council notes that on 22 April 2005 the Office of the NSW Ombudsman and ICAC were given copies of Council's Terms of Reference and Transcript of Proceedings of Council's Ordinary meeting of 22 February 2005 relating to the discussion on the Kurrajong Tree issue.
2. Council notes that the Office of the NSW Ombudsman, by way of correspondence dated 29 April 2005, supports the investigative process adopted by Council.
3. Council affirms that Council's original resolution on the Kurrajong Tree matter envisaged the Terms of Reference subsequently prepared and as derived from the Transcript of Proceedings of Council on this matter on 22 February 2005.

ORDINARY MEETING

MINUTES: 31 May 2005

4. Council affirms that the Terms of Reference so determined and forwarded to Councillors on 14 April 2005 are within the terms of Council's Resolution.
5. Council Requests the Independent Investigator to refer details of the approach made concerning the discarding of aspects of the Terms of Reference to ICAC and the Office of the NSW Ombudsman.

Item: 175 ORG C - Resignation of Councillor Dianne Finch from the Board of Hawkesbury Tourism Inc. - (74399, 73538)

MOTION:

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

Refer to RESOLUTION

236 RESOLUTION:

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

That the information concerning the resignation of Councillor Dianne Finch from the Board of Tourism Hawkesbury Inc. be received.

ORDINARY MEETING

MINUTES: 31 May 2005

SECTION 5 - Reports of Committees

ROC - Hawkesbury City Bicycle Steering Committee - 13 December 2004 - (80226)

237 RESOLUTION:

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

That the minutes of the Hawkesbury City Bicycle Steering Committee held on 13 December 2004 as recorded on pages 71 to 72 of the Ordinary Business Paper be received.

ROC - Hawkesbury City Bicycle Steering Committee - 4 May 2005 - (80226)

238 RESOLUTION:

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

That:

1. The minutes of the Hawkesbury City Bicycle Steering Committee held on 4 May 2005 as recorded on pages 73 to 74 of the Ordinary Business Paper be received.
2. Council further investigate possible community involvement in the establishment of a cycleway in the vicinity of Arndell College as referred to in item 4.2 of the minutes.

ROC - E-Commerce / Markets Advisory Committee - 12 May 2005

239 RESOLUTION:

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

That the minutes of the E-Commerce/Markets Advisory Committee held on 12 May 2005 as recorded on pages 75 to 79 of the Ordinary Business Paper be received.

ROC - Local Traffic Committee - 18 May 2005 - (80245)

240 RESOLUTION:

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

That the minutes of the Local Traffic Committee held on 18 May 2005 as recorded on pages 80 to 128 of the Ordinary Business Paper be adopted.

ORDINARY MEETING

MINUTES: 31 May 2005

Ordinary Meeting Minutes - 31 May 2005

241 RESOLUTION:

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

That the minutes of the Strategic Planning Committee held on 19 May 2005 as recorded on pages 129 to 133 of the Ordinary Business Paper be received.

ORDINARY MEETING

MINUTES: 31 May 2005

CONFIDENTIAL REPORTS

241 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 Chamber during consideration of the following items:

Item: 172 ORG B - Request for Access to Information - Ms M Buckett - (95309, 79337)

Item: 176 RES B - Tourism Hawkesbury Inc. - (73538)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -*

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.*
 - (d) commercial information of a confidential nature that would if disclosed:*
 - (i) prejudice the commercial position of the person who supplied it*
 - (ii) confer a commercial advantage on a competitor of the council*
 - (iii) reveal a trade secret.*
 - (e) information that would, if disclosed, prejudice the maintenance of law*
 - (f) matters affecting the security and of the council, councillors, councillor staff or council property.*
2. In accordance with the relevant provisions of the Act, the reports, correspondence and other relevant documentation associated with this matter be withheld from the Press and the public.
 3. The Mayor asked for representation from members of the public as to why Council should not go into closed Council to deal with this confidential matter.

There was no response, therefore, the public left the gallery.

242 RESOLUTION:

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

ITEM: 175 ORG B - Request for Access to Information - Mrs Buckett - (95309, 79337)

MOTION:

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

Refer to RESOLUTION

ORDINARY MEETING

MINUTES: 31 May 2005

243 RESOLUTION:

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

That:

1. Information concerning a restriction of access to documents by Ms M Buckett under the provision of Section 12(6) of the Local Government Act be noted.
2. Council having reviewed the abovementioned decision, as required by Section 12A(3) of the Act, determine that no action is necessary to alter such decision.

Councillor Williams requested that his name be recorded as having voted against the Motion.

ORDINARY MEETING

MINUTES: 31 May 2005

CONFIDENTIAL SUPPLEMENTARY REPORTS

Item: 176 RES B - Tourism Hawkesbury Inc. - (73538) CONFIDENTIAL

RECOMMENDATION:

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

Refer to RESOLUTION

244 RESOLUTION:

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

That:

1. The certified minutes of the meeting between Council and Tourism Hawkesbury Inc (THI) held at 10:00am Tuesday, 31 May 2005 be received.
2. A Deed of Arrangement be offered by Council to THI that provides for:
 - (a) Continued operations of the Visitor Information Centre at Clarendon (VIC) for a term commencing 1 June 2005 and ending 30 June 2005 (30 days);
 - (b) Payment IN PART of the fourth and final quarterly payment of \$43,000 for the period beginning 1 April 2005 and ending 31 May 2005, with an amount of \$14,175 BEING DEDUCTED from the total amount an HELD OVER by Council for payment to THI upon completion of the term, for the continued operations of the VIC;
 - (c) Vacation of the VIC premises by THI at the completion of the term (30 June 2005) and the return of all Council-owned assets;
 - (d) A Deed of Release indemnifying Council from any past, present and future demands or claims by THI;
3. THI be requested to consider making an offer to Council for the purpose of providing a CONTINGENCY visitor information service on a week-by-week basis, until the Tender for Tourism Services is awarded by Council.
4. Other suitable parties that are independent of the tender process also be requested to consider making an offer to Council for the purpose of providing a CONTINGENCY visitor information service on a week-by-week basis, until the Tender for Tourism Services is awarded by Council, in the event that parts 2 and 3 of this recommendation should fail;
5. The General Manager be authorised to prepare and execute the necessary documents (including the use of the Common Seal of Council if required), to give effect to this recommendation as appropriate.

ORDINARY MEETING

MINUTES: 31 May 2005

QUESTIONS WITHOUT NOTICE

1. Councillor Books referred to the issue of no public toilets in Windsor other than the ones in Howe Park on Kable Street. He requested a report on the possibility of establishing public toilets on the block next to Linden on George.

The Mayor advised that he had spoken to the General Manager about that issue and confirmed that a report will be coming to Council, which will address other potential sites as well.

2. Councillor Books referred to the Hawkesbury City Eisteddfod that has 5,000 children involved and that they have advised they are not able to use the Windsor Function Centre and are desperate to book something as their programs are due to be sent out by 14 June 2005. The Eisteddfod organisers have investigated other sites to use, but they are not suitable. Councillor Books asked if there was any way that they could use the community centre.

The Mayor advised that he agreed it was a pressing issue based on dates and he had spoken to the General Manager about this matter.

The General Manager advised that it was going to be very difficult, but not impossible and it will involve substantial cost for Council, but subject to Council agreeing, a Special Meeting is needed sometime next week where a paper with all of the options that are available so it can be decided.

245 RESOLUTION:

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

That a Special Meeting be held on Tuesday, 7 June 2005 at 8:00pm after the Councillor Briefing Session to consider the use of the Windsor Function Centre by the Hawkesbury City Eisteddfod Society.

3. Councillor Books asked if the submission had been sent for the opposition to the Pitt Town National Heritage Classification and asked if it got away on time.

The Director City Planning advised that it did go on time.

4. Councillor Books asked if Council calls tenders for Council's advertising in the newspapers.

The General Manager advised that to date, Council hadn't called for them, but Council is currently in the process of identifying what the total expenditure is for advertising as it is not just for one amount, it is a range of amounts ranging from the page in the Gazette for our announcements, as well as the recruitment advertisement that go on, etc. The General Manager advised that Council was trying to determine how much money we allocate in way of advertising and if in fact is come in at over \$150,000 per annum, and then we are obliged, legally, to tender.

Councillor Books asked for a report to be provided to Council.

5. Councillor Calvert referred to some speed signs between Richmond and Windsor at Clarendon that conflict with one another. He advised that somebody had tide up a '60' sign on top of a '70' sign, therefore, as you drive towards Windsor, the left hand side of the road says '60' and the right hand side says '70'.

The Director Infrastructure Services advised the matter would be investigated.

ORDINARY MEETING

MINUTES: 31 May 2005

6. Councillor Calvert referred to the affordable housing strategy and asked if there had been any progress towards that.

The Director City Planning advised that a report was being prepared for Councillors' second meeting in June.

7. Councillor Williams asked if the zoning of the Holland's Paddock allowed for a service station in the development similar to the Richmond Market Place. He commented that residents had advised him negotiations were underway with Mr Kullen with those who own houses with a view to selling on the corner of New Street and the Terrace. Councillor Williams asked if it was permissible under the zoning in those areas.

The Mayor advised that he would ask the question, but advised that, only this week, the service station opposite the RAAF Base as just been turned into a Coles Express from the original independence, therefore, as of this week it is now the Coles Express Service Station.

The Director City Planning advised that in the General Business Zone, service stations are permissible, but if the development has permission to extend outside the current property, they will have to rezone the application as the properties in New Street and the Terrace are currently zoned residential where a service station isn't permissible currently.

8. Councillor Williams referred to truck noise on Bells Line of Road and on the run down from Kurmond to North Richmond, trucks are using their exhaust brakes and he had been requested to find out if a sign could be erected asking trucks not use their exhaust brakes in Urban areas in that spot.

The Mayor advised that there was already one that was erected about six months ago, which is just past the intersection of Bells Line of Road and Comleroy heading down the hill. The Mayor advised that it would be taken up with the RTA.

9. Councillor Williams referred to the Pitt Town Draft DCP and noted that on the front it was \$25.00 for a hardcopy of 25 pages, which he thought seemed a bit extravagant considering it is a draft and there was a draft before that was \$10.00, that seems more realistic.

The Director City Planning advised that Council's Fees and Charges state that publications must be cost plus 50%. He advised that the document had a considerable amount of colour usage and that is the cost plus 50% of production.

The Mayor added that is was available on the website as well.

10. Councillor Rasmussen commented that he had been up at Bilpin Hall where there were 30/40 people who independently approached him asking if there was any chance of Council doing something about the big potholes in front of the hall. He asked if the matter could be investigated and see if it could be graded.

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

11. Councillor Rasmussen asked if Council had a filming policy for the Hawkesbury. He asked if a film crew want to come and do some filming in the area, do we charge them.

The Acting Director External Services advised that Council did have a State Environment Plan for filming to provide a filming plan to Council prior to them filming. There is no development application required.

ORDINARY MEETING

MINUTES: 31 May 2005

Councillor Rasmussen asked if there was a fee attached to it though.

The Mayor advised that a number of these matters come through the Traffic Committee.

The Director Infrastructure Services advised that there was a charge for filming and there are a number of things that need to be looked at including Occupational Health and Safety, Traffic Control and making sure that the area is all cleaned up when they are finished.

12. Councillor Rasmussen referred to the Tree Policy and commented on how the policy was going to be delivered in about a month. He asked if it was soon to be delivered or imminent.

The General Manager advised that Council still has an undertaking to do that, but again, the Independent Investigator in relation to the Kurrajong Trees matter asked us to not present the Trees Policy as in his view it would, or may pre-empt the findings that he came up with and affect the recommendation, therefore, we have had to hold off on that.

13. Councillor Rasmussen asked if Council has had a reply from Minister Sartor regarding our pump-out subsidy issue.

The Mayor advised that we hadn't received anything to date.

14. Councillor Rasmussen wanted to thank the RID Squad and the Waste Management staff for moving the huge pile of builders waste dumped out the front of his property so quickly.

15. Councillor Conolly referred to a letter from a resident on Freeman's Reach Road about an old house on the property that they are now required to demolish because they built a new one on that same lot and they are asking if there could be some concession given in terms of the amount of time required for demolition. He asked if the staff could follow it through.

16. Councillor Conolly referred to the Draft DCP for Pitt Town and asked if Councillors were to be provided with the submissions from the public to that first exhibition at this point or is that only going to happen at the completion of this period.

The Director City Planning advised that the resolution of Council is that Council modify the DCP to match the adopted zones edges of the adopted LEP and place the DCP back on exhibition. He advised that a report had been prepared that analysed all the submissions received, made comment on all the submissions received and made recommended changes in the DCP that have been made. That is a separate report and is available at the front counter at the present time. Council will report the whole matter, both exhibitions, to Council because Council hasn't actually dealt with submissions since the first exhibition.

17. Councillor Porter asked if any progress had been made on the letter asking for a speed limit to be put on Browns Road at Wilberforce.

The Director Infrastructure Services advised that it had been referred to the Local Traffic Committee and there is also a question about clearing of the overgrowth on Burgess Road and this has been done.

18. Councillor Wearne referred to the reconstruction of the road outside of Windsor Station where the buses park. There doesn't seem to be anything being done about the kerbing, which is broken.

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

ORDINARY MEETING

MINUTES: 31 May 2005

The Mayor advised that in relation to the RFS issue and the draft budget and the recommendations put forward, discussions were recently commenced with the RFS at Homebush. He the General Manager, Mr Daley and himself went to Homebush where the reception was surprisingly positive and that they were enormously appreciative of what we wanted to achieve. The RFS want to work with Council in partnership to achieve some of the outcomes they have wanted to achieve for quite some time and so we believe we will have a very positive outcome from that in regard to our Service Agreement and regarding future matters in regard to funding and the structure of RFS and the service is provides for the Hawkesbury. The General Manager will work with their staff to push forward in regard to the Service Agreement.

On a very positive note, after last night's meeting, we have received confirmation from RFS that they have signed off on our budget saying that they can work within that budget with absolutely no concerns in regard to their correspondence to Council this morning.

The meeting terminated at 10:22pm.

Submitted to and confirmed at the Ordinary meeting held on 14 June 2005

.....
Mayor