



Hawkesbury City Council

ordinary meeting minutes

date of meeting: 27 June 2006

location: council chambers

time: 5:00 p.m.

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 27 June 2006, commencing at 5:00pm.

Pastor Janine Madden of the Hawkesbury Church, representing the Hawkesbury Minister's Association, gave the opening prayer at the commencement of the meeting.

ATTENDANCE

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

APOLOGIES

An apology for absence was received from Councillor T Books

181 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Porter that the apology be accepted.

SECTION 1: Confirmation of Minutes

182 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Finch that the Minutes of the Ordinary Meeting held on the 30 May 2006, be confirmed.

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SECTION 2 - Mayoral Minute

The Mayor advised that the National Council of Women in NSW celebrated their 110th celebration for women's achievements and contributions to society and offered congratulations to the Deputy Mayor, Councillor Dianne Finch who won the National Council of Women's Award this year in recognition of her outstanding achievements in promoting the status of women.

SECTION 3 - Notices of Motion

NM 1 NM - Alternative Option for Funding Essential Infrastructure - (95497, 80106)

Mr Frank Scharfe, proponent, addressed the Council
Mr Walter Kullen, respondent, addressed the Council

MOTION:

A motion was moved by Councillor Rasmussen, seconded by Councillor Paine

That Council:

1. Note the recent announcement by the Australian Government to award a tender for the construction of a new \$300 million purpose-built Headquarters Joint Operations Command (HQJOC) near Bungendore, NSW.
2. Note that the successful tenderer will be providing the buildings, infrastructure, maintenance and services components of the project under private financing arrangements.
3. Note the private financing arrangements have been assessed by the Australian Government to provide better value for money than traditional procurement as it transfers to the private sector many of the risks in the areas of design, construction, maintenance and operation of the facility which the private sector is better positioned to manage. Private financing also allows the Government to focus on delivering core infrastructure and services.
4. Investigate and report on this approach to funding essential infrastructure in the Hawkesbury City with a view to reducing rate rises now, and in the future, associated with Council's proposed Infrastructure Investment Programme.

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

Refer to RESOLUTION

The amendment was carried.

The amendment then became the motion which was put and carried.

183 RESOLUTION:

RESOLVED on the AMENDMENT moved by Councillor Williams, seconded by Councillor Calvert.

That the matter be further workshopped.

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NM 2 **NM - Impact of 2006 Metro Water Plan on Hawkesbury Nepean River - (80106, 95498)**

Mr Frank Scharfe, proponent, addressed the Council

MOTION:

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

Refer to RESOLUTION

184 RESOLUTION:

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

That:

1. Council note the recent announcement by the State Government of the 2006 Metropolitan Water Plan and the significant impact it will have on the Hawkesbury Nepean River system.
2. Council note, in particular, that Chapter 9 of that Plan refers to a proposal to 'Create a Dynamic and Competitive Water Industry' which would see new water suppliers granted new water licenses and access to Sydney's Sewerage Treatment Plant (STP) flows to the detriment of base water flows in the Hawkesbury Nepean River.
3. A detailed report be submitted to Council in relation to the full impact of the Plan on Council, including consultation with the UWS Co-operative Research Centre.

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SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 122 GM - 9th International Riversymposium 2006 - (79351)

MOTION:

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

Refer to RESOLUTION

185 RESOLUTION:

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

That attendance of nominated Councillors, and staff members as considered appropriate by the General Manager, at the 9th International Riversymposium in Brisbane 4 - 7 September 2006 at a cost of approximately \$2,395.00 per delegate be considered.

186 RESOLUTION:

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

That Councillor Stubbs attend the 9th International Riversymposium in Brisbane 4 - 7 September 2006 at a cost of approximately \$2,395.00 per delegate, as Council's elected representative.

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CITY PLANNING

Item: 123 CP - Provision of Fire Safety Annual Statements - Environmental Planning and Assessment Regulation 2000 - (95498, 107)

Mr Frank Scharfe, proponent, addressed the Council

MOTION:

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

Refer to RESOLUTION

187 RESOLUTION:

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

That the following be adopted in respect to notification of Fire Safety Measures:

1. Information forms be included annually with the rating notice, providing:
 - a. notification of legal responsibilities on property owners of relevant commercial, industrial and public natured building (shops, etc);
 - b. notification regarding the installation and maintenance of Fire Safety Measures; and
 - c. information on actions to be taken regarding notification to governing bodies with regards to annual fire safety statements.
2. This information pack should also include advice that non-compliance could attract heavy incrementing penalties.
3. Provide advice to owners of residential dwellings of the introduction of the Building Legislation Amendment (Smoke Alarms) Act 2006.
4. Advise that Section 149d Certificates and Occupation Certificates will not be issued without the installation of working smoke detectors in dwellings, and the relevant Fire Safety Statements provided in all other relevant buildings.
5. The information pack be included into the New Owner's Pack.

Item: 124 CP - Developing an Asset Management Program for Existing Infrastructure and Lobby for Increased Funding - (95498, 91368, 107)

MOTION:

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

Refer to RESOLUTION

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188 RESOLUTION:

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

That Council endorse the recommendations of the Strategic Planning Committee, as resolved at their meeting of 23 February 2006:

That:

- a) The Committee recommend Council to accord corporate priority for Asset Management improvement planning.
- b) An Asset Management improvement group be formed consisting of City Planning, Finance, Information Technology and relevant Asset Managers to convene on an as needed basis.
- c) Terms of reference be developed for Asset Management 'gap analysis' consultancy service.
- d) Funding of \$25,000 be made available for 'gap analysis' consultancy.
- e) Report be presented to the Strategic Planning Committee of the findings of the 'gap analysis' and improvement planning.
- f) Strategies for existing asset management outlined in the report be considered in the future programming.
- g) Develop grants policy and request the General Manager to assign resources officer for grants coordination.
- h) The strategic planning task of "Identifying maintenance/capital expenditure ratio on physical and social infrastructure" be deferred, and this should be reviewed as part of the Asset Management Planning and Improvement Program.

Item: 125 CP - Subdivision - Two Lot Subdivision - Lot 1, DP817895 - 4 Langley Place, Richmond - DA0137/06 - (7037, 7038, 95498, 107)

Councillor Paine declared an interest in this matter as her husband is the solicitor to the owner of Lot 1DP817895 - 4 Langley Place, Richmond, she left the meeting and did not take part in voting or discussion on the matter.

Mr Peter Graham and Mr John Kukulovski, proponents, addressed the Council.

Mr David Bowles, Mr Arno Glockemann and Mr Gregory Apps, respondents, addressed the Council.

MOTION:

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

Refer to RESOLUTION

189 RESOLUTION:

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

That the matter be deferred pending a further report regarding:

1. The history of the Mount View Estate.
2. A more detailed analysis of the Tchadovitch Case.
3. Clarification of the building envelope issues.

Item: 126 CP - Local Heritage Assistance Fund - (95498, 80242)

MOTION:

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

Refer to RESOLUTION

190 RESOLUTION:

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

That the Grants identified in this report be approved and the applicants be advised accordingly.

COMMERCIAL STRATEGY

Item: 127 **CS - Hawkesbury Scholarship Programs Review - (95497)**

Previous Item: 287, Ordinary (27 September 2005)

MOTION:

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

Refer to RESOLUTION

191 RESOLUTION:

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

That no further action be taken with TAFE NSW with regard to developing a student Scholarship Program with funds instead being redirected, as proposed in the report, into the establishment of a Council Traineeship or Cadet program.

Item: 128 **CS - Hawkesbury Agricultural Retention through Diversification and Clustering - (91811)**

Previous Item: 6, Strategic Planning Committee (17 November 2005)
60, Ordinary (12 August 2003)
60, General Purpose Committee (29 July 2003)

Mr John Maguire, proponent, addressed the Council
Mr John Mahaffy, Mr Bill Shields and Mr Peter Young, respondents, addressed the Council

MOTION:

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

Refer to RESOLUTION

192 RESOLUTION:

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

That Council:

1. Receive the Hawkesbury Agricultural Retention through Diversification and Clustering (HARtDAC) project report.
2. Convene a one-off forum consisting of agricultural stakeholders to discuss issues arising out of the report and to consider future appropriate actions and that the Department of Primary Industries be invited to attend the forum.

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Item: 129 **CS - Business Signs at Glossodia, Wilberforce and McGraths Hill - (95497)**

Previous Item: 65, Ordinary (28 March 2006)
 2, EMAC (2 March 2006)
 189, Ordinary (14 December 2004)
 10, EMAC (17 November 2004)
 74, Special Meeting (28 June 2004)

MOTION:

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

Refer to RESOLUTION

193 RESOLUTION:

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

That upon completion of the renewal of the main centre signage at the commercial centres of Glossodia and Wilberforce, any remaining funds be combined with the property budget and used for the renewal of the main centre sign (pole sign) at McGraths Hill shopping centre.

Item: 130 **CS - Business Sign at Hawkesbury Tourism - Visitor Information Centre - (91811, 97939, 96812)**

MOTION:

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

Refer to RESOLUTION

194 RESOLUTION:

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

That an amount of up to \$3,000 from the nominated budget be used for the upgrade of the Tourist Information "i" sign (pole sign) to the blue-and-yellow standard at Hawkesbury Tourism - Visitor Information Centre to reflect accreditation under NSW Accredited Visitor Information Centre Network Program (Tourism NSW), subject to accreditation being achieved.

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EXTERNAL SERVICES

Item: 131 **ES - Extension of Current Kerbside Recycling Collection Contract - JJ Richards and Sons Pty Ltd - (95494, 79348)**

MOTION:

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

Refer to RESOLUTION

195 RESOLUTION:

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

That:

1. The contract for the "Provision of Containers, Collection, Transportation, Sorting and Marketing of Recyclable Materials" with JJ Richards and Sons Pty Ltd be extended until 31 July 2009.
2. Documentation be forwarded to the contractor informing them of Council's decision.

Item: 132 **ES - South Windsor Family Centre - (95494, 79342)**

Previous Item: 82, Confidential Ordinary (11 April 2006)

Ms Peta Gray, respondent, addressed the Council.

MOTION:

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

Refer to RESOLUTION

196 RESOLUTION:

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

That:

1. In view of the satisfactory completion of negotiations with Denning Constructions Pty. Ltd. for the construction of the South Windsor Family Centre, approval be given for any necessary documents in association with the matter to be executed under Seal of Council.
2. Council proceed immediately to begin construction of the South Windsor Family Centre subject to required approvals for any Sec 96 modifications as may be required for the amended design of the South Windsor Family Centre.
3. Council advise the Board of Peppercorn Services Inc. and the Right Connections Coalition of its willingness to enter into a partnering arrangement to enable these agencies to purchase an

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'exclusive use' entitlement to floor space within the South Windsor Family Centre (subject to the execution of a written partnership agreement).

4. Council begin negotiations with the Board of Peppercorn Services Inc. and the Right Connections Coalition to draft and execute a lease agreement to identify applicable tenancy arrangements and charges for the South Windsor Family Centre.
5. Council note the establishment of an interim reserve of \$275,000 to cover any unforeseen shortfall, which may arise from the sale, or lack of sale of the Ham Street Hall site.
6. Council approve the allocation of \$120,000 from the District Community Facilities Reserve (subject to the required amendment of the Sec 94 Contribution Plan) to facilitate the inclusion of provision for a Senior's Centre annexe within the South Windsor Family Centre.
7. Council advise the Ham Street Hall Management Committee of its intention to commence construction of the South Windsor Family Centre, and to reaffirm its commitment to assist user groups to relocate to an alternate Council Facility should the Ham Street Hall Site be sold prior to the completion of the South Windsor Family Centre.
8. Council to proceed with the sale of the Ham Street Hall site following the gazettal of Amendment 108.
9. Ms Gray be allowed to continue to rent the Ham Street Hall until such time as either the Hall is sold or is required to be demolished in association with the sale process.

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INFRASTRUCTURE SERVICES

Item: 133 **IS - McGraths Hill Wetlands and Effluent Reuse Scheme (MHW&ERS) - Access by the Cumberland Bird Observers Club Inc - (79357, 91165)**

Previous Item: 70, Ordinary (14 December 2004)

MOTION:

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

Refer to RESOLUTION

197 RESOLUTION:

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

That:

1. On the basis of legal advice, access by the public to the McGraths Hill Wetlands and Effluent Reuse Scheme Site be denied.
2. Discussions be undertaken with the Cumberland Bird Observers Club Inc. with a view to separating an area adjacent to Windsor Road to the south of the Wetlands to provide a viewing area.

198 RESOLUTION:

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

That the meeting continue past 11:00pm to allow the business paper to be completed.

Item: 134 **IS - Redundant Communications Equipment Hawkesbury Rural Fire Service - (95495, 79016)**

MOTION:

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

Refer to RESOLUTION

199 RESOLUTION:

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

That approval be given to the Hawkesbury Rural Fire Service to donate its redundant communications equipment to NSW TAFE.

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Item: 135 **IS - Bridge Naming Proposal - Windsor Road, McGraths Hill - (79346, 73625)**

MOTION:

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

Refer to RESOLUTION

200 RESOLUTION:

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

That the Roads and Traffic Authority be advised that Council has no objection to naming the subject bridge as 'Ashley's Bridge'.

Item: 136 **IS - Hollands Paddock Plan of Management - (79354)**

Previous Item: 162, Ordinary (31 May 2006)

Mr Walter Kullen, proponent, addressed the Council

MOTION:

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

Refer to RESOLUTION

201 RESOLUTION:

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

The amendment to the Holland's Paddock Plan of Management, incorporating water storage tanks and bubblers, be adopted.

Item: 137 **IS - Exclusive Use of Governor Phillip Reserve - Ski Racing NSW - (79354, 92138)**

MOTION:

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

Refer to RESOLUTION

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202 RESOLUTION:

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

That:

1. This particular application be exempt from Council's policies regarding exclusive use of Governor Phillip Reserve on this occasion;
2. The application by Ski Racing NSW for exclusive use of Gov Phillip Reserve on 2-3 September 2006 be approved subject to compliance with the following standard conditions regarding use of the reserve.
 - a. The applicant paying per day the exclusive use contribution rate, plus the toilet cleaning charge, applicable at the time of the event;
 - b. The reserve being left clean and tidy with the applicant being responsible for the disposal of all waste from the reserve;
 - c. The applicant obtaining appropriate licences from the Waterways Authority regarding conduct of this event;
 - d. If required, the applicant to obtain appropriate licence from the Licensing Branch of the NSW Police Service for the sale of alcoholic beverages at the proposed event;
 - e. The applicant obtaining all necessary permits/approvals in relation to amusement devices/rides including Integral Energy regarding the supply of power to devices/rides and their proximity to power supply lines;
 - f. Any building, vehicle or stall that is preparing food for public consumption is to comply with Council's "Information for Food Stall Holders" brochure; this information and any related food/public health information can be obtained by contacting Council's Environmental Health Officers, on direct line 4560 4571;
 - g. The applicant lodge a damage bond applicable at time of event;
 - h. As the applicant has not advised of an alternate date in the event of inclement weather, the Director Infrastructure Services be granted authority to negotiate exclusive use on an alternate date, if required by the applicant.
 - i. The applicant submit application under the Special Event procedure in relation to traffic management by 6 July 2006, for submission to the Local Traffic Committee meeting to be held on 19 July 2006.
 - j. The applicant is to observe the noise limits set by the Waterways Authority.
 - k. The area adjacent to the picnic/playground area not be part of the exclusive use area required for the event.

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SUPPORT SERVICES

Item: 138 SS - Documents for Execution Under Seal - (95494, 78340)

MOTION:

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

Refer to RESOLUTION

203 RESOLUTION:

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

That the Seal of Council be affixed to the following documents:

1. The Director General of the Department of Ageing, Disability & Home Care Funding Agreement 2006 - 2009 for recurrent funding for the position of Aged & Disability Officer in an amount of \$29,212.00.
2. The Director General of the Department of Ageing, Disability & Home Care Funding Agreement for recurrent funding for the Transition to Work Program 1 July 2006 to 31 December 2006 in an amount of \$48,393.00.

Item: 139 SS - Richmond School of Arts - Requested Assistance - (95496)

Previous Item: 28, General Purpose Committee (1 June 2004)

Ms Margaret Thorne, Mr Harry Terry and Mr Ron Rozzoli, respondents, addressed the Council.

MOTION:

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

Refer to RESOLUTION

204 RESOLUTION:

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

That:

1. The Richmond Literary Institute Inc. be advised that, unfortunately, Council is no longer able to agree to making an interest free loan available for the purpose requested, however, in view of the history of the matter Council, on a without prejudice basis, would be prepared to meet the cost of interest incurred by the Institute, on an amount equivalent to that initially proposed to be borrowed from Council and at a rate of interest to be agreed between Council and the Institute, over a period of 6 years in the event that the Institute obtains a loan from other sources to undertake the proposed works.

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2. In the event of the Richmond Literary Institute Inc. being in a position to accept Council's offer to meet the interest component of a loan, as referred to above, a further report be submitted to Council nominating an appropriate source from which to meet these payments.
3. As a matter of policy, Council no longer make interest free loans available to external persons and/or organisations.
4. Council write to the Richmond Club Ltd. asking if they are prepared to pay out the existing loan.

Item: 140 SS - Councillor Ted Books - Request for Leave of Absence - (90480, 95496)

MOTION:

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

Refer to RESOLUTION

205 RESOLUTION:

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

That, as requested, leave of absence be granted to Councillor T Books from 23 June to 25 July 2006 inclusive.

Item: 141 SS - Monthly Investments Report - May 2006 - (96332)

MOTION:

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

Refer to RESOLUTION

206 RESOLUTION:

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

That the information be received.

207 RESOLUTION:

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

That the Confidential Items be dealt at the end of the meeting after Questions Without Notice.

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CONFIDENTIAL REPORTS

208 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: 142 IS - Tenders for Construction of Stormwater Quality Improvement Device (SQID), King Road, Wilberforce

*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: 143 IS - Tenders for the Rehabilitation of the Former South Windsor Night Soil Depot

*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: 144 SS - ATM at 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 proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest*

Item: 145 SS - Hawkesbury Country Bakehouse - McGraths Hill - Shop 3, 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: 146 SS - Hawkesbury Country Bakehouse -Wilberforce - Shop 4, Wilberforce 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*

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Item: 147 SS - Sale of 897 Sackville Road, Ebenezer

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it relates to details concerning the sale 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: 148 SS - Lease of Luthy - Shop 3, Glossodia Shopping Centre - "Glossodia General Store"

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Act as it relates to an existing lease and the information is regarded as being commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, confer a commercial advantage on a competitor of the Council, or reveal a trade secret and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest*

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.

209 RESOLUTION:

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

Item: 142 IS - Tenders for Construction of Stormwater Quality Improvement Device (SQID), King Road, Wilberforce - (79357) CONFIDENTIAL

MOTION:

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

Refer to RESOLUTION

210 RESOLUTION:

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

That:

1. The tender submitted by Copawater Pty Ltd in the sum of ninety eight thousand four hundred and seventeen dollars exclusive of GST (\$98,417 GST Excl.) be accepted.
2. The Seal of Council be affixed to necessary documentation.

This is Page 18 of the Minutes of the ORDINARY MEETING of the HAWKESBURY CITY COUNCIL held at the Council Chambers, Windsor, on Tuesday, 27 June 2006

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Item: 143 IS - Tenders for the Rehabilitation of the Former South Windsor Night Soil Depot - (79357) CONFIDENTIAL

Councillor Williams declared an interest in this matter as his brother works for the tenderer, he left the meeting and did not take part in voting or discussion on the matter.

MOTION:

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

Refer to RESOLUTION

211 RESOLUTION:

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

That:

1. The tender submitted by Hawkesbury Excavations Pty Ltd, in the amount of \$220,600, for the rehabilitation of the site of the former South Windsor Night Soil Depot be accepted.
2. That an additional \$120,000 be provided from the Sullage Disposal Reserve to fund these works.
3. The Seal of Council be affixed to the necessary documentation.

Item: 144 SS - ATM at Glossodia Shopping Centre - (90236, 95496) CONFIDENTIAL

MOTION:

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

Refer to RESOLUTION

212 RESOLUTION:

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

That:

1. Council consent to the sub-license between Mr Tim Dalby and Cashcard Pty Limited for the installation of an Automatic Teller Machine in the shop-front of Shop 5 Glossodia Shopping Centre, subject to Cashcard being required to:
 - a) Provide necessary security for the Automatic Teller Machine, including but not limited to, bollards and security lighting.

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- b) Arrange for the removal of the existing, unserviceable, Automatic Teller Machine.
 - c) Replace the plate glass in the shopfront upon /as a result of the removal of the Automatic Teller Machine at the end of the tenancy.
 - d) Pay the relevant half portion of the licence preparation fees.
 - e) Provide Council with evidence of (minimum) \$10 million public liability insurance.
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 Mr Tim Dalby and Cashcard Pty Limited lessee together with the advice that Council is not and will not be bound by the terms of its resolution until such time as appropriate legal documentation to put such resolution into effect has been agreed to and executed by all parties.

Item: 145 SS - Hawkesbury Country Bakehouse - McGraths Hill - Shop 3, McGraths Hill Shopping Centre - (91043, 95496, 19175, 19177) CONFIDENTIAL

MOTION:

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

Refer to RESOLUTION

213 RESOLUTION:

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

That:

- 1. Council agree to enter into a new lease with Paul and Sharon Greenup, trading as "Hawkesbury Country Bakehouse" in regard to Shop 3, 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.

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Item: 146 SS - Hawkesbury Country Bakehouse - Wilberforce - Shop 4 Wilberforce Shopping Centre - (96617, 95496, 19175, 19177) CONFIDENTIAL

MOTION:

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

Refer to RESOLUTION

214 RESOLUTION:

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

That:

1. Council agree to enter into a new lease with Paul and Sharon Greenup, trading as "Hawkesbury Country Bakehouse" in regard to Shop 4, Wilberforce 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: 147 SS - Sale of 897 Sackville Road, Ebenezer (Lot 1, DP650010) - (95496) CONFIDENTIAL

Previous Item: 45, Ordinary (28 February 2006)
 217, Ordinary (12 July 2005)
 128, Ordinary (26 April 2005)

MOTION:

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

Refer to RESOLUTION

215 RESOLUTION:

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

That:

1. Council accept the offer from R W Gothard as outlined in the report for the purchase of 897 Sackville Road, Ebenezer (Lot 1, DP 650010).

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2. In the event of the sale to R W Gothard outlined in part 1 of this resolution not proceeding then Council accept the offer from Ricky Aberley as outlined in the report for the purchase of 897 Sackville Road, Ebenezer (Lot 1, DP 650010).
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 Council's agent, Speechley First National Real Estate to then advise the proposed purchasers 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: 148 SS - Lease to Luthy - Shop 3, Glossodia Shopping Centre - "Glossodia General Store" - (95496, 78815) CONFIDENTIAL

MOTION:

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

Refer to RESOLUTION

216 RESOLUTION:

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

That:

1. Council agree to enter into a lease with Mr John and Mrs Lesley Luthy (trading as "Glossodia General Store"), in regard to Shop 3 Glossodia 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.

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QUESTIONS WITHOUT NOTICE

1. Councillor Porter referred to the Orange Spot and advised that signs over the weekend are displayed for a kilometre either side of the Orange Spot on the side of the road. He asked if staff had made approaches to the Orange Spot in relation to relocation.

The Director External Services advised that advice had come from the City Planning staff to Regulatory Services Staff and it will be followed up.

2. Councillor Conolly referred to the process to be taken following on from the Special Meeting held on the previous night and how the matters will be handled at this point on.

The General Manager advised that there had been a number of announcements today, by both way of Press Release and Radio comment on 2GB that the Minister had agreed on a number of rate increases up to the amount of 10% for a number of Councils and for more often or not, infrastructure. He advised that Council had been in contact with the Minister's Secretary who indicated that there would be no release of any information for the Hawkesbury for a week, at least. The General Manager advised that at this point in time, we have a decision of Council to meet tomorrow night at 7:00pm. He advised that Councillors would be notified, as late as possible, tomorrow, if no news has come through and if this was the case, there would be no need for Council to convene. The Director Support Services, the Mayor and the General Manager will meet at 7:00pm and with a lack of a quorum, will further adjourn the meeting and it will be proposed to meet again on Tuesday, 11 July 2006, which is the next Ordinary Council Meeting date. At this time, Councillors will convene the Ordinary Meeting, have a break and go into the adjourned meeting to complete the process and then reconvene the Ordinary Meeting of Council.

3. Councillor Conolly asked what implications, if any, for Council's operational processes this may have that Council don't know the rate rise before the start of the Financial Year.

The General Manager advised that 11 July 2006 would be the latest that Council can consider the rate rise and keep the process moving forward as per originally planned.

The Director Support Services advised that as long as Council can set the rate by 11 July 2006, Council should be able to meet our timetable on the proposed issue of the rate notices and therefore, meet our interest expectations and dates for instalments. The only effect will be not knowing what the actual increase may or may not be and then being able to frame things on the basis of that.

The Mayor advised that notification would be by telephone and/or mobile phone in regard to the Special Meeting.

4. Councillor Devine advised that he had had an enquiry in relation to the trees along Lennox Street, particularly from East Market to West Market Street. He asked if there were any proposal to remove those trees.

The Director Infrastructure Services advised that it is part of the Roads to Recovery Program and we have to reconstruct the kerb and gutter along that section of road as the tree roots have lifted the section of the kerb all through there. Council is currently trying to work out if we can provide enough road space carriage way by moving the kerb in slightly, however, Council's Heritage Advisor, Donald Elsmore, has indicated that Council should be leaving the sandstone kerb in its original location. The Director Infrastructure Services advised that there wasn't a huge amount of this, so if anything were to happen to the trees, it would come back to Council for decision.

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5. Councillor Devine asked when the trip to Camden and Picton to study rural residential lifestyle living was going to take place.

The Director City Planning advised that he was hoping to get the report back from Strategic Planning to provide to Council, but given the fact that it has been delayed, Council has organised the arrangements with Camden Council and the sites have been selected. He advised that memo will be distributed to Councillors this week asking for volunteers as to get an indication on what kind of vehicle is required to be organised.

6. Councillor Devine advised that he had had representation from the residents of 35 and 37 Bradley Road, South Windsor in relation to the laneway between these two properties. The laneway is wide enough to get a car through and is now a source of great annoyance to the residents. Councillor Devine wanted to know if it could be linked to the closure of the Bligh Park Laneways with the view to closing it.

The Director Infrastructure Services advised that the laneway had a long history and it provides access to the rear of a property of the back of Bradley Street. He advised that Council could look at a possible physical closure of the laneway.

7. Councillor Rasmussen asked if the Richmond Low Land Task Force could be resurrected again to lobby the State Government not to have a repeat of the Penrith Lakes in that area. He advised that something needed to be done as the date was getting closer and closer.

The Mayor advised a report might need to come back to Council.

The Director City Planning advised that to establish a Committee, a resolution of Council would be required by Notice of Motion or by report to draw Council's attention.

8. Councillor Finch asked if Council still offered the 'Adopt a Road' program

The Director Infrastructure Services advised that Council did still run this scheme, but that we hadn't had any enquiries recently.

Councillor Finch asked if it could be resurrected and advertised again for all the new residence in the region.

The Mayor advised that it would be included in the Mayoral Column and in a Media Release.

9. Councillor Williams referred to the Orange Spot and asked if, after seeing that it does appear to dangerous, if any other business on a main road has to put a traffic island in to stop traffic turning right into or out of the establishment. He asked if any safety audits had been completed by the Traffic Committee.

The Director Infrastructure Services advised that there hadn't been one by the Local Traffic Committee.

The Director City Planning advised that Council needs to work out if they have previous existing uses rights. They claim that they do, but Council is currently trying to verify from Colo Shire records of where and when the consent was given to that building and what year it was given in and advised that they needed to go back to the early 70s or late 60s to try and establish that. The Director City Planning advised that if they do have existing rights they are entitled to operate from the premises for whatever the existing use rights are. He advised that if there is a road safety issue there, Council has to act under their own powers or under the RTA's Road Act.

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10. Councillor Paine referred to Fairfield House and advised that it is falling into disrepair. She commented that Council prides itself on being heritage minded and asked if there was anything that could be done with it.

The Director City Planning advised that there was nothing Council could do, as it was a matter for the owners. As it was a private residence, Council can take no action as it is not a State item, therefore, our powers that are available to Council only extend to State items.

11. Councillor Paine asked if Council could invite David Mason, who has just returned from Canada to speak on urban agriculture at a Council Workshop so Councillors could find out what he has learnt.

The General Manager advised that if the Council wishes, it would be fine.

12. Councillor Paine referred to some signs that were along Bells Line of Road and Grose Vale Road and commented that there was one for 'Lotties Loft' and advised that Council removed the sign which was of concern to the owner as it cost a bit of money, yet there are four or five signs out the front of the takeaway shop going the opposite direction to Richmond Primary School that has nothing happening to them. She wanted to know the 'Lotties Loft' sign was removed while others are left there daily.

The Director External Services advised that signs are picked up through compliance surveillance or if a complaint was made about the sign and this is how Council gets involved, therefore, in regard to the signs near Richmond Primary School, Council will investigate and if found to be illegal, they will be removed.

13. Councillor Calvert referred to the site in North Richmond on Bells Line of Road that has been cleared to be developed and advised that there was now an auction sign up and asked if the development was still going ahead.

The Mayor advised that there were two sites there and asked for clarification on which site Councillor Calvert was referring to i.e. the vacant block next to the Police Station site or the one further down near the Grose Vale Road corner.

Councillor Calvert advised that the sign appears to be closer to the traffic lights.

The Director City Planning advised that he believed that to be the one that Council have the consent to build the shop-top housing development, but was under the belief that that development was no longer going through and the land was for sale.

14. Councillor Calvert referred to the issue of cars being sold on street corners and that one of the proposals was for Council to allocate land at which residents would be invited to come and sell their cars and Council would charge them for that. Outcomes from investigations indicated that this would not be a viable option, however a similar block of land over in McGraths Hill near McDonalds that is apparently being used by a private firm for that purpose.

The General Manager advised a report will be brought back to Council.

15. Councillor Stubbs referred to the large fire in Mulgrave that had occurred in the previous week and commented on the air inversion problems that occurred two days later. He asked if Council has any official advice on the number of people who may have been involved in it at this stage and asked if the Department of Health kept statistics.

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The Director External Services advised that the Department of Health was involved on site at the time and she could confirm that there had been some air quality measurements taken a few days after. The HAZMAT team were the ones who were keeping numbers on those who may have been suffering respiratory problems. The Director External Services added that there were emergency disaster plans that get actioned and decisions made if it is a health issue. This involved a number of different departments.

16. Councillor Stubbs referred to a major fire at Wilberforce, some years ago, and asked if monitoring takes place of these sites and are there resources adequate to monitor them.

The Director External Services advised that if the regulatory authority were the Environmental Protection Authority, the premises would have a license to operate, which they would need to comply with. If Council is the regulatory authority, we would only get involved if there was an incident reported to us of concern. Council doesn't have an ongoing environmental auditing role.

17. Councillor Wearne referred to the number of large LPG vessels that were at the incident at Mulgrave and asked if these sorts of things in a community area, are subject to check by Council.

The Director City Planning advised that yes, the Police are currently investigating the matter as is Council and we will be reporting back to Council. He added consents were given for the LPG storage on one of the properties in accordance with appropriate State policy, but Council is still investigating the DAs.

The meeting terminated at 11:41pm

Submitted to and confirmed at the Ordinary meeting held on 11 July 2006.

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Mayor