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ordinary meeting minutes

date of meeting: 11 November 2014

location: council chambers

time: 6:30 p.m.

Minutes: 11 November 2014

MINUTES

WELCOME

Prayer

Acknowledgement of Indigenous Heritage

- APOLOGIES AND LEAVE OF ABSENCE
- DECLARATION OF INTERESTS
- PRESENTATION BY COUNCIL'S AUDITOR, MR DENNIS BANICEVIC OF PRICEWATERHOUSECOOPERS, IN RESPECT OF COUNCIL'S AUDITED 2013/2014 FINANCIAL REPORTS
- SECTION 1 Confirmation of Minutes
- ACKNOWLEDGEMENT OF OFFICIAL VISITORS TO THE COUNCIL
- SECTION 2 Mayoral Minutes
- EXCEPTION REPORT Adoption of Items Not Identified for Discussion and Decision
- SECTION 3 Reports for Determination

Planning Decisions

General Manager

City Planning

Infrastructure Services

Support Services

- SECTION 4 Reports of Committees
- SECTION 5 Notices of Motion
- QUESTIONS FOR NEXT MEETING
- REPORTS TO BE DISCUSSED IN CONFIDENTIAL SESSION

ORDINARY MEETING
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Minutes: 11 November 2014

Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on 11 November 2014, commencing at 6:32pm.

ATTENDANCE

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

ALSO PRESENT: General Manager - Peter Jackson, Director City Planning - Matt Owens, Director Infrastructure Services - Jeff Organ, Director Support Services - Laurie Mifsud, Executive Manager - Community Partnerships - Joseph Litwin, Manager Development Services - Cristie Evanhuis, Manager Strategic Planning - Shari Hussein, Chief Financial Officer - Emma Galea, Manager Corporate Services and Governance - Abbey Rouse and Administrative Support Coordinator - Natasha Martin.

REMEMBRANCE DAY

The Mayor requested that the meeting observe a minute of silence in recognition of this day being Remembrance Day.

APOLOGIES

An apology for absence was received from Councillor T Tree.

376 RESOLUTION:

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

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

Councillor Mackay arrived at the meeting at 6:43pm.

PRESENTATION BY COUNCIL'S AUDITOR

The Auditor's Report was presented to Council by Mr Dennis Banicevic of PricewaterhouseCoopers, in respect of Council's audited 2013/2014 Financial Statements.

SECTION 1: Confirmation of Minutes

377 RESOLUTION:

RESOLVED on the motion of Councillor Porter and seconded by Councillor Creed that the Minutes of the Ordinary Meeting held on the 28 October 2014, be confirmed.

Mayoral Minutes

SECTION 2 - Mayoral Minutes

MM

Letter in Hawkesbury Gazette Regarding Bypass Option for Windsor - (79351, 79353, 120428)

Councillor Calvert declared a significant non-pecuniary conflict of interest in this matter as the Mayoral Minute requires a letter to be sent to him. He left the Chamber and did not take part in voting or discussion on the matter.

A MOTION was moved by Councillor Ford.

That Council:

- Notes the letter to the editor in the Hawkesbury Gazette on Wednesday, 29 October 2014 from Councillor Barry Calvert, Hawkesbury Labor candidate, Kate Mackaness, independent Hawkesbury candidate, Danielle Wheeler, Greens Hawkesbury candidate and others regarding a commitment from the Liberal Candidate for the state seat of Hawkesbury the Hon. D Perrottet MP that he would be able to find funds to build a new four lane, flood free bridge to bypass Windsor and to refurbish the existing bridge for local traffic.
- 2. Write to the Liberal Candidate, Mr D Perrottet and to the Premier, Mr M Baird MP and Roads Minister, Mr D Gay MP to seek assurances that the commitment will be fully funded.
- 3. Write to the Labor Candidate, Councillor Barry Calvert and to the Leader of the Opposition, Mr J Robertson MP and Shadow Roads Minister, Mr M Daley, to seek assurances that should Labor form Government following the state election in March 2015 that a Labor Government would fully fund a new four lane, flood free bypass bridge and refurbish the existing bridge for local traffic.
- 4. Request all parties to include a timeline for completion of these projects.

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

That Council:

- Notes the letter to the editor in the Hawkesbury Gazette on Wednesday, 29 October 2014 from Councillor Barry Calvert, Hawkesbury Labor candidate, Kate Mackaness, independent Hawkesbury candidate, Danielle Wheeler, Greens Hawkesbury candidate and others regarding a statement from the Liberal Candidate for the state seat of Hawkesbury the Hon. D Perrottet MP that money could be found to fund a Windsor bypass.
- 2. Write to the Liberal Candidate, Mr D Perrottet to seek commitment that he would lobby for a bypass if elected.
- 3. Write to the Labor Candidate, Councillor Barry Calvert and to the Leader of the Opposition, Mr J Robertson MP and Shadow Roads Minister, Mr M Daley, to seek assurances that should Labor form Government following the state election in March 2015 that a Labor Government would fully fund a new bypass bridge and refurbish the existing bridge for local traffic.
- 4. Request all parties to include a timeline for completion of these projects.

The Amendment was lost and the Motion was also subsequently lost.

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SECTION 3 - Reports for Determination

PLANNING DECISIONS

Item: 214

CP - Development Report - DA0175/14 - Lot 6 DP242319 - 2 Wolseley Road, McGraths Hill - Removal of existing garage and construction of shed - (95498, 37033, 13277)

Ms Yvonne Janson addressed Council, speaking for the item.

MOTION:

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

Refer to RESOLUTION

378 RESOLUTION:

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

That development application DA0175/14 at Lot 6 DP24319, 2 Wolseley Road, McGraths Hill for the demolition of an existing ancillary structure to an existing dwelling and the construction of a new ancillary structure – a shed be approved subject to the following conditions:

General Conditions

- The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
- 2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
- The development shall comply with the provisions of the National Construction Code/Building Code of Australia.
- 4. The accredited certifier shall provide copies of all Part 4A certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within seven days of issuing the certificate. A registration fee applies.

Prior to Commencement of Works

- 5. The applicant shall advise Council of the name, address and contact number of the Principal Certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1979.
- 6. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.
- 7. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction. The enclosed warning sign shall be affixed to the sediment fence/erosion control device.

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- 8. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
- 9. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
 - a) Unauthorised access to the site is prohibited.
 - b) The owner of the site.
 - c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
 - d) The name and contact number of the Principal Certifying Authority.
- 10. The building shall be set out by a Registered Surveyor. The Survey Certificate of the building showing the position of the external walls under construction and in compliance with the approved plans shall be lodged with the Principal Certifying Authority. Any easements must be shown on the Survey Certificate.

During Construction

- 11. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
- 12. Dust control measures, e.g. vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
- 13. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
- 14. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am 6pm and on Saturdays between 8am 4pm.
- 15. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
 - a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
 - c) Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
- 16. At all times during demolition, a competent person shall directly supervise work. It is the responsibility of the person to ensure that:
 - a) Adjoining owners are given 24 hours notice, in writing, prior to commencing demolition.
 - b) Utility services within the structure not required to be maintained during the demolition work shall be properly disconnected and sealed before any demolition commences.
 - c) The site shall be secured at all times against the unauthorised entry of persons or vehicles.

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- Safe access and egress from adjoining buildings is to be maintained at all times for the duration of the demolition work.
- e) Precautions are taken to ensure that the stability of all parts of the structure and the safety of persons on and outside the site are maintained, particularly in the event of sudden and severe weather changes.
- f) The structure and all components shall be maintained in a stable and safe condition at all stages of the demolition work.
- g) Demolition activity shall not cause damage to or adversely affect the structural integrity of adjoining buildings
- h) Removal of dangerous or hazardous materials shall be carried out in accordance with the provisions of all applicable State legislation and with any relevant recommendations published by the National Occupational Health and Safety Commission (Worksafe Australia).
- i) All work shall be carried out in accordance with AS2601 and the Work Plan submitted with the development application.
- j) Unless otherwise permitted by Council, the structure is to be demolished in reverse order of construction, being progressive and having regard to the type of construction, to enable the maximum separation and recycling of demolished materials to take place.
- k) No material is to be burnt on site.
- 17. Compliance certificates (known as Part 4A Certificates) as are to be issued for critical stage inspections as detailed in the Environmental Planning and Assessment Regulation 2000 as required by section 109E (3) (d) of the Environmental Planning and Assessment Act 1979 by the nominated Principal Certifying Authority.
- 18. Roofwater (including overflow from water storage vessels) shall be:
 - a) drained to the existing roofwater drains.
 - b) drained to the street gutter (drainage lines across the footpath shall consist of 100mm sewer grade pipe incorporating a suitable kerb adapter).
 - c) directed into existing water storage vessel/s with any overflow being dispersed over the site via a level spreader/absorption trench or similar.
- 19. The development shall be constructed of flood compatible materials in accordance with the NSW Government Flood Plain Manual. In this respect the following design precautions must be adhered to in all respects:
 - a) the building is to be constructed of flood compatible materials such as galvanised steel frame, galvanised zinc alum cladding doors and door frames; and
 - b) the structure and walls shall be strengthened to increase resistance to floodwater flow and debris impact.

Prior to Issue of Occupation Certificate

20. The building shall not be used or occupied prior to the issue of an Occupation Certificate.

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Use of the Development

21. The structure shall not be occupied for human habitation/residential, industrial or commercial purposes.

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

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

Councillor Tree was absent from the meeting.

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Item: 215 CP - Planning Proposal to amend Hawkesbury Local Environmental Plan 2012 - 1420 Kurmond Road, Kurmond - (95498, 124414)

Mr Ernest Duncan Bennett addressed Council, speaking for the item. Mr Michael Want addressed Council, speaking against the item.

MOTION:

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

Refer to RESOLUTION

379 RESOLUTION:

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

That:

- Council support the preparation of a planning proposal for Lot 2 DP 805023, 1420 Kurmond Road, Kurmond to amend the Lot Size Map of the Hawkesbury Local Environmental Plan 2012 to permit minimum lot size of not less than 4,000m².
- 2. The planning proposal be forwarded to the Department of Planning and Environment for a "Gateway" determination.
- 3. The Department of Planning and Environment be advised that Council wishes to request a Written Authorisation to Exercise Delegation to make the Plan.
- 4. The Department of Planning and Environment and the applicant be advised that in addition to all other relevant planning considerations being addressed, final Council support for the proposal will only be given if Council is satisfied that satisfactory progress, either completion of the Section 94 Developer Contributions Plan or a Voluntary Planning Agreement, has been made towards resolving infrastructure provision for this planning proposal.
- 5. Council does not endorse the subdivision concept plan submitted with the planning proposal as this will need to be subject to a future development application if the plan was made.

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

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

Councillor Tree was absent from the meeting.

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CITY PLANNING

Item: 216 CP - Hawkesbury City Council - Annual Report - 2013/2014 - (95498)

MOTION:

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

Refer to RESOLUTION

380 RESOLUTION:

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

That:

- 1. Council's 2013/2014 Annual Report be received and noted and a copy be forwarded to the Office of Local Government and any other necessary authorities prior to 30 November 2014 as required.
- 2. The full Annual Report also be made available on Council's website by the 30 November 2014.

Item: 217 CP - Report Regarding Timeframes for Processing Applications - (105109,

80104, 95498, 96329)

Previous Item: NM1, Ordinary (26 August 2014)

MOTION:

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

Refer to RESOLUTION

381 RESOLUTION:

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

That the report be received and noted.

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INFRASTRUCTURE SERVICES

Item: 218 IS - Draft Western Sydney Regional Waste Avoidance and Resource Recovery

Strategy 2014-2017 - (95495, 112179)

MOTION:

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

Refer to RESOLUTION

382 RESOLUTION:

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

That:

- 1. The Draft Western Sydney Regional Waste Avoidance and Resource Recovery Strategy 2014-2017 be adopted by Council.
- 2. Council develop a new Council Waste Strategy in line with the *Draft Western Sydney Regional Waste Avoidance and Resource Recovery Strategy 2014-2017*, incorporating the Hawkesbury's specific needs, and replacing the current document *Future Waste Strategies*, 2005.
- 3. The Waste Management Facilities Policy 1992 and Revised 1998, be amended as follows:

"That the disposal of waste by landfilling at the Waste Management facilities be available for residents and/or proprietors of premises within the Hawkesbury City Council area only."

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Item: 219 IS - Transfer Granting Easement across Orange Grove Mall Carpark, Richmond - Lots 4, 5 and 6 DP738084 - (95495, 108240, 78548)

MOTION:

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

Refer to RESOLUTION

383 RESOLUTION:

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

That:

- 1. The easement (as shown on the plans attached to the report) within the "Orange Grove Mall" Carpark (being Lots 4, 5 and 6 in Deposited Plan 738084, Musson Lane, Richmond) be granted.
- 2. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.
- Details of Council's resolution be conveyed to Messrs Arvind Pillay and Deepa Pillay, together with
 the advice that Council is not and will not be bound by the terms of its resolution until such time as
 appropriate documentation to put such resolution into effect has been agreed to and executed by all
 parties.

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SUPPORT SERVICES

Item: 220 SS - Policy for Payment of Expenses and Provision of Facilities to Councillors

- Review - (95496)

Previous Item: 175, Ordinary (9 September 2014)

MOTION:

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

Refer to RESOLUTION

384 RESOLUTION:

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

That:

- 1. The Policy for Payment of Expenses and Provision of Facilities for Councillors, attached as Attachment 1 to the report, be adopted.
- 2. As required by Section 253(4) of the Local Government Act, 1993, a copy of the adopted Policy be forwarded to the Office of Local Government, together with a copy of the public notice placing the draft Policy on public exhibition, and advice that during the required exhibition period, the Council received no submissions in respect of the draft Policy.

Item: 221 SS - General Purpose Financial Statements and Special Purpose Financial

Statements for the period ended 30 June 2014 - (95496, 96332)

Previous Item: 198, Ordinary (14 October 2014)

MOTION:

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

Refer to RESOLUTION

385 RESOLUTION:

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

That Council:

- 1. Note the completion of the General Purpose and Special Purpose Financial Statements and Special Schedules for the period ended 30 June 2014.
- 2. Thank its Auditor, Mr Dennis Banicevic of PricewaterhouseCoopers, for his presentation in respect of Council's audited 2013/2014 Financial Statements.

Notices of Motion

SECTION 5 - Notices of Motion

NM₁

Review of circus events in the Hawkesbury LGA - (79351, 105109, 80105)

MOTION:

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

Refer to RESOLUTION

386 RESOLUTION:

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

That a report come back to Council on the options for a policy to be prepared that would give effect to a position that would prohibit (within Council's authority), circuses which include the use or display of exotic, wild or Australian native animals, in the Hawkesbury LGA.

NM2

Planning Proposals and Preparation of a Section 94 Contributions Plan - (79351, 105109, 80104)

MOTION:

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

Refer to RESOLUTION

387 RESOLUTION:

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

That a report be submitted to Council at the meeting on 9 December 2014, regarding the preparation of an appropriate Section 94 Contributions Plan, with such report to also address the issue of resources required to enable a Plan to be prepared as soon as practicable.

Notices of Motion

NM3

Review of Planning Provisions Regarding the Erection of Sheds - (79351, 105109, 80104)

MOTION:

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

Refer to RESOLUTION

388 RESOLUTION:

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

That a report be submitted to Council reviewing the appropriateness of the current provisions contained within Council's planning controls in relation to the erection of sheds in both urban and rural areas of the City.

NM4

Richmond Lowlands - Action to Halt Unauthorised Activities - (79351, 105109, 80104)

MOTION:

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

Refer to RESOLUTION

389 RESOLUTION:

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

That in view of complaints being received in respect of noise issues associated with unauthorised functions in the Richmond Lowlands area that Council commence or continue and vigorously pursue appropriate action with regard to unauthorised activities on properties in that location.

Notices of Motion

NM5

Sustainability Projects for the Hawkesbury LGA - (79351, 105109, 125612)

MOTION:

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

Refer to RESOLUTION

390 RESOLUTION:

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

That Council's Sustainability Committee investigate innovative ways (specific projects) to increase sustainability in the Hawkesbury LGA.

Questions for Next Meeting

QUESTIONS FOR NEXT MEETING

Councillor Questions from Previous Meeting and Responses - (79351)

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

Questions for Next Meeting

Questions for Next Meeting

#	Councillor	Question	Response
1	Calvert	Enquired as to the outcomes of the community consultation held on 1 October 2014 at North Richmond, regarding the river crossing at Navua Reserve and following from the consultation, will other options be considered.	The Director City Planning
2	Calvert	Requested that the Navua Reserve receive some maintenance to the overgrown vegetation and clean up the dumped rubbish.	The Director Infrastructure Services
3	Calvert	Enquired if the proposed river crossing at Navua Reserve has a five tonne load limit and if such a limit would allow the bridge to service everyday traffic needs.	The Director City Planning
4	Lyons-Buckett	Requested an update on the shipping container located at 64 Grandview Lane, Bowen Mountain.	The Director City Planning

CONFIDENTIAL REPORTS

CONFIDENTIAL REPORTS

391 RESOLUTION:

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

That:

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: 222 IS - Tender No. 00949 - Painting of Various Council Sites - (95495, 79340)

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act, 1993 as it relates to details concerning tenders for the supply of repainting services to Council 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.

392 RESOLUTION:

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

CONFIDENTIAL REPORTS

IS - Tender No. 00949 - Painting of Various Council Sites - (95495, 79340) Item: 222 **CONFIDENTIAL** MOTION: The General Manager advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Mackay, seconded by Councillor Rasmussen. Refer to RESOLUTION **RESOLUTION:** The General Manager advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Mackay, seconded by Councillor Rasmussen. That the tender of Mick's Painting Maintenance Group Pty Ltd for the provision of painting of various Council sites for 2014/2015 for the sum of \$165,200 (excluding GST) be accepted and any necessary documents be executed under the Seal of Council. The meeting terminated at 9:17pm. Submitted to and confirmed at the Ordinary Meeting held on 25 November 2014. Mayor

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