

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 3 FEBRUARY 2009

Present: The Mayor, Councillor E Malicki (Chairperson) (Comenarra Ward)
Councillor S Holland (Comenarra Ward)
Councillors E Keays & C Szatow (Gordon Ward)
Councillors J Anderson & R Duncombe (Roseville Ward)
Councillors T Hall & C Hardwick (St Ives Ward)
Councillors I Cross & N Ebbeck (Wahroonga Ward)

Staff Present: General Manager (John McKee)
Director Corporate (John Clark)
Director Development & Regulation (Michael Miocic)
Director Operations (Greg Piconi)
Director Strategy (Andrew Watson)
Director Community (Janice Bevan)
Senior Governance Officer (Geoff O'Rourke)
Minutes Secretary (Christina Randall-Smith)

The Meeting commenced at 7.01pm

The Mayor offered the Prayer

DECLARATIONS OF INTEREST

The Mayor adverted to the necessity for Councillors and staff to declare a Pecuniary Interest/Conflict of Interest in any item on the Business Paper.

The Mayor, Councillor Elaine Malicki declared a Conflict of Interest to Item GB.4 - West Pymble Pool - Ku-ring-gai Amateur Swimming Club (has been a past patron of the Club).

1 CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

File: S02499

Resolved:

(Moved: Councillors Cross/Ebbeck)

That in accordance with the provisions of Section 10 of the Local Government Act 1993, all officers' reports be released to the press and public, with the exception of:

C.1 - Sewer Mining at Gordon Golf Course - Report by Director Operations & Manager Corporate Planning & Sustainability dated 29 January 2009 with attachments.

CARRIED UNANIMOUSLY

PRESENTATION

Councillor Hall presented a Souvenir Program from the Centenary Service of the Christ Church, St Ives held on 1 February 2009.

ADDRESS THE COUNCIL

The following members of the public addressed Council on items not on the Agenda:

G Rousseau
H Willis

DOCUMENTS CIRCULATED TO COUNCILLORS

The Mayor adverted to the documents circulated in the Councillors' papers and advised that the following matters would be dealt with at the appropriate time during the meeting:

- Late Item:** **Mayoral Minute - Australia Day Honours & Ku-ring-gai Citizens of the Year 2009**
- Councillors Information:** **Council Committee Structure** - Memorandum by the General Manager dated 29 January 2009.
- Memorandum:** **Refer GB.5 - 20 Grosvenor Street, Wahroonga - Modification of Consent to DA1183/07 Proposing Amendment to the Front Building Setback, Front Fence & Driveway** - Memorandum by Director Development & Regulation dated 3 February 2009 with two (2) additional attachments relating to the report.

CONFIRMATION OF MINUTES

2 **Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 16 December 2008
Minutes numbered 447 to 480

Resolved:

(Moved: Councillors Ebbeck/Keays)

That Minutes numbered 447 to 480 circulated to Councillors, with the exception of Item 468, were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

3 **Update on Draft Development Control Plan (Town Centres) 2008 & Aligned Projects**

File: S04151
Vide Minute No 468

Resolved:

(Moved: Councillors Szatow/Keays)

That confirmation of Minute No 468 be deferred so that the tape can be checked for accuracy of the Minute.

CARRIED UNANIMOUSLY

MINUTES FROM THE MAYOR

4 **VALE Nancy Bird-Walton, AO, OBE**

File: S02380

On behalf of Ku-ring-gai Council, I would like to pay tribute to the life of well-known aviation pioneer Nancy Bird-Walton, who passed away at age 93 on the 13 of January.

Nancy Bird was a well-known Ku-ring-gai resident who lived with her husband in Pymble for 52 years.

In 1933, she started flying lessons with Sir Charles Kingsford Smith and obtained a commercial flying Licence in 1935. At 19 years of age, she was the youngest woman in the British Commonwealth to have been granted a commercial licence.

In the same year she organised the first ladies flying tour of Australia and became the first woman to engage in commercial aviation in Australia when she was employed by the Far West Children's Health Scheme to operate aircraft as the Aerial Ambulance and Baby Clinic Service in Western NSW.

She was founder, First President and Patron of the Australian Women Pilots' Association.

Nancy Bird married Charles Walton in December 1939 and they built a house two years later at 136 Mona Vale Road (then known as Pittwater Road), Pymble.

Resolved:

- A. That the Mayor write to Nancy Bird's family to express our sincere condolences for the 'sad' loss.
- B. That we stand for a minute's silence to honour the life of Nancy Bird-Walton.

CARRIED UNANIMOUSLY

*One Minutes Silence
was observed*

5

Sustainability Reference Group

File: S05396

The following member of the public addressed the Council:

H Willis

Sustainability is one of the most pressing issues facing the world today. This is evidenced by the current financial crisis, loss in species, habitats and ecological diversity and the dislocation and isolation of individuals to their local community.

During 2008, Council developed and ran a successful community and expert reference group focusing on sustainability within the Ku-ring-gai local government area. This reference group was privileged to have membership cutting across a diversity of age groups, professional expertise and other interests. In its short period of existence it achieved a number of important milestones including the participation and review of Council's first Sustainability Plan as well as developing and contributing to ideas to progress sustainability with residents, businesses and within Council.

This Mayoral Minute seeks the introduction of a Sustainability Reference Committee to continue to pursue what is arguably the most important aspect of local government and one demanded by our residents.

On 16 December 2008 Council considered a report on the future committee structure. The resolution adopted reflected ideas and ideologies relevant some 20 years ago, not the present. If Ku-ring-gai Council is to look to the future in the delivery of services and projects and meaningfully engage and involve its residents and rate payers in

decision making it must position and be seen to position sustainability as its core business. With this focus it is imperative that the community be engaged in and contributes to decision making.

The development of a Sustainability Reference Group can work together with the adopted committees. It would focus on policy and longer term strategies and projects involving finance, environment and social development to ensure sustainability remains at the core of council's decisions. Its charter would need to be developed in conjunction with that of the other committees and that these be reported back to Council at the Ordinary Meeting of 24 February 2009.

Resolved:

- A. That Council form a Sustainability Reference Committee.
- B. That this Committee be structured as a section 355 committee consistent with the Open Space and Community Development Committees as previously adopted.
- C. That the charter for all committees including the Sustainability Reference Committee be developed and reported to Council on 24 February 2009.
- D. That as one of its first tasks, the Sustainability Reference Group investigate policies from other Councils, with a view to Council adopting a Sustainability Policy for Council's endorsement.

CARRIED UNANIMOUSLY

6

Australia Day Honours & Ku-ring-gai Citizens of the Year 2009

File: CY00027

I am pleased to inform you of the Ku-ring-gai citizens who, through their outstanding achievements and services to the community, have been awarded 2009 Australia Day Honours.

I also take this opportunity to honour Ku-ring-gai's own Citizens of the Year.

We are very proud to have so many dedicated and talented Australians as members of the Ku-ring-gai community.

I would like to read to you the names of these special Ku-ring-gai citizens and, on behalf of Council, congratulate them on their excellent contributions to Australian society.

Faith Bandler of Turramurra

For distinguished service to the community through the advancement of human rights and social justice, by raising public awareness and understanding of the cultural heritage of South Sea Islanders, and to women's issues.

William Killinger of Gordon

For service to railway engineering through the construction and development of passenger and freight transport systems in Australia and internationally, to professional organisations, to the mining sector, and to the community.

John MacColl of Gordon

For service to the community through the promotion and development of cultural, educational and business relationships between Australia and France.

Garry Brown of Killara

For service to education, particularly as Headmaster of Mosman Church of England Preparatory School, and through a range of professional associations.

Arthur Krust of Killara

For service to the building and construction industry, and to the community through church and service groups.

Kenneth McManus of Killara

Winner of an Emergency Services Award.

Llewellyn Russell of East Killara

For service to the shipping and transport logistics industries, to the development and promotion of trade opportunities, and to professional associations.

Thomas Acheson of Pymble

For service to medicine as a general practitioner, through administrative roles with aged-care organisations, and to the community.

Unis Goh of Pymble

For outstanding public service, particularly in the provision of community housing in New South Wales.

Robert Henry of Pymble

For service to dentistry in the field of orthodontics as a practitioner, administrator and teacher, and to the community.

Carolyn and Roy Langsford of Pymble

For service to people with multiple sclerosis through the establishment and development of the Trish MS Research Foundation.

Paul Wilson of Pymble

For service to veterans through ex-service organisations, particularly the 462/466 Squadrons Reunion.

John McCarthy of St Ives

For service to the property and construction industries, particularly through leadership roles in peak bodies, and through promotion of co-operation, research and innovation.

Franciscus Junius of Warrawee

For service to medicine through research and clinical innovations in the use of the heart-lung machine and the improved outcomes for patients.

Malcolm Longstaff of Turramurra

For service to the community through a range of maritime, social welfare, youth and cultural organisations.

Keith Campbell of Wahroonga

For service to veterans, particularly through the Bomber Command Association in Australia, and to the community.

I would also like to recognise our own Citizens of the Year:

- Citizen of the Year **Dale Robins.**
- Young Citizen of the Year **Susanna Matters.**
- Outstanding Service to the Community individual winner **Ian Hall of the Rural Fire Service.**
- Outstanding Service to the Community group winner **Ravenswood Year 11 Community Involvement Group.**

On behalf of Council, I congratulate all these award winners on their outstanding achievements.

Ku-ring-gai should be proud that it has so many citizens being recognised at the highest levels for their selfless dedication, commitment and contribution to local, national and international communities.

Resolved:

- A. That Council acknowledge the outstanding contribution made by these recipients of 2009 Australia Day Honours to the Ku-ring-gai community and to the well-being of our society.
- B. That Council acknowledge the outstanding contributions made by the 2009 Ku-ring-gai Citizens of the Year award winners.

CARRIED UNANIMOUSLY

PETITIONS**7 Safety on Lower Spencer Road - Gordon Golf Club Water Recycling Project - (Thirty-one [31] Signatures)**

File: S04265

"The residents of lower Spencer Road call for Council to:

1. Lower the speed limit to 40km and erect Slow Down for Children signs on the section of Spencer Road from Highbridge to the cul-de-sac end at the Golf Course to ensure the safety of our children during construction.
2. A commitment by Council to upgrade Spencer Road from Highbridge to the cul-de-sac end after the 28 weeks of construction work has been completed."

Resolved:

(Moved: Councillors Szatow/Keays)

That the Petition be received and referred to the appropriate officer of Council for attention.

CARRIED UNANIMOUSLY

8 Request Council improve condition of Owen Street, Lindfield between Howard Street & Archbold Road – (Twenty-two [22] Signatures)

File: 88/05895/01

"We, the undersigned residents of Owen Street, request that Council improve the condition of the road in Owen Street, Lindfield between Howard Street and Archbold Road. The road surface and specifically the road shoulders are in a terrible state of disrepair.

When comparing Owen Street, Lindfield with the surrounding roads of Middle Harbour Road and Owen Street, East Lindfield, it is easy to see that this street has not had the level of investment required to ensure the safety and standards expected in a normal suburban street.

The existing road surface is loose and the poor condition of the road shoulder means that stones are often dislodged and can cause windscreen or car damage. The riding of bicycles on the road shoulder is also dangerous.

In the year 2008, we observed that Middle Harbour Road has been re-asphalted using dense graded asphalt. We would request that the Council's road improvement

programme include a similar overlay to Owen Street between Howard Street and Archbold Road".

Resolved:

(Moved: Councillors Anderson/Duncombe)

That the Petition be received and referred to the appropriate officer of Council for attention.

CARRIED UNANIMOUSLY

GENERAL BUSINESS

9 **20 Grosvenor Street, Wahroonga - Modification of Consent to DA1183/07 Proposing Amendment to the Front Building Setback, Front Fence & Driveway**

File: MOD0359/08

Ward: Wahroonga

Applicant: Mrs Christine Lucy Gabb

Owner: Mrs Christine Lucy Gabb

To determine Section 96 application MOD0359/08 for modification of conditions of consent relating to the front setback, driveway configuration and front fence design.

Resolved:

(Moved: Councillors Cross/Ebbeck)

- A. That consideration of Modification of Consent to Development Application 1183/07 - Proposing Amendment to the Front Building Setback, Front Fence & Driveway at 20 Grosvenor Street, Wahroonga be deferred pending a site inspection of the property and immediate neighbouring properties.
- B. That the applicant be requested to have the location of the proposed development pegged out on site for the inspection.

For the Resolution: The Mayor, Councillor E Malicki, Councillors Szatow, Anderson, Duncombe, Hall, Hardwick, Cross & Ebbeck

Against the Resolution: Councillors Holland & Keays

10 **Disclosure of Interests Returns Register**

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File: S02167

To table Council's Disclosure of Interests Returns Register in accordance with the Local Government Act.

Resolved:

(Moved: Councillors Keays/Cross)

That the tabling of the Disclosure of Interests Returns Register be noted.

CARRIED UNANIMOUSLY

11 **Councillor Information Seminars**

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File: S03247

To report on the attendance of Councillors at the Department of Local Government (DLG) Councillor Information Seminars.

Resolved:

(Moved: Councillors Keays/Hall)

That the report on attendance at the Department of Local Government Councillor Information Seminars be received and noted.

CARRIED UNANIMOUSLY

12 **West Pymble Pool - Ku-ring-gai Amateur Swimming Club**

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File: S02348

For Council to consider granting approval for Ku-ring-gai Amateur Swimming Club Inc to extend their booking time from 10.00am to 11.30am on Saturday, 28 March 2009. The Club requires this additional time to complete their swimming championships.

Resolved:

(Moved: Councillors Keays/Holland)

That Council grant approval for Ku-ring-gai Amateur Swimming Club Inc to extend their booking time from 10am to 11.30am on Saturday, 28 March 2009 in association with their swimming championships and that the general public users are advised of the pool closure.

CARRIED UNANIMOUSLY

13 **Draft Asset Management Policy**

File: S06232

For Council to adopt the draft Asset Management Policy.

Resolved:

(Moved: Councillors Keays/Ebbeck)

That Council adopt the draft Asset Management Policy.

CARRIED UNANIMOUSLY

14 **Environmental Levy Small Grant Projects - Round Seven**

File: S04553

To seek Council's support to fund ten (10) Environmental Levy Small Grant projects.

Resolved:

(Moved: Councillors Keays/Ebbeck)

That Council support the following applications for funding under round seven of the Community Small Grants Scheme:

Organisation	Project	\$ Value
Wahroonga Public School	Enhancement of existing environmental education area including removal of weeds	\$2,000
Piggibilla Bushcare Group	Regeneration of stormwater outlet	\$2,230
Lachlan Hunter Associates	Audit of natural history sites	\$75
NSW Wires	Rehabilitation costs of Grey Headed Flying Fox	\$4,500
Kissing Point Bushcare Group	Regeneration a to compliment previous work	\$5,000
Australian Native Plant Society	Additional signage to sustain, educate and promote Australian plants	\$5,000

1 st Gordon Scouts	Restoration of trail rear of scout hall	\$3,907
Wahroonga Public School	Protection of Blue Gum High Forest from vines and weeds	\$4,400
Marshall Avenue Streetcare Group	Marshall Avenue gateway project stage two	\$5,000
Turrumurra Public School	Protection of Aboriginal grinding grooves site	\$990
	TOTAL	\$33,102

CARRIED UNANIMOUSLY

15 **Rural Fire Service Bid Estimates for the Rural Fire Fighting Fund 2009/2010**

File: S02542

To seek Council's approval in principle to the bid amount of \$400,000 from the NSW RFS RFFF 2009/2010.

Resolved:

(Moved: Councillors Keays/Cross)

- A. That Council approves the provisional bid item of \$400,000 submitted in the 2009/10 RFFF requiring funding by Council of \$46,800 as the 11.7% contribution for this item to meet the shortfall for construction of the new Berowra Fire Control Centre and Emergency Control Facility, Berowra.
- B. That the Hornsby / Ku-ring-gai Rural Fire District Manager be notified of the outcome.

CARRIED UNANIMOUSLY

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

16 **Sustainability Policy**

File: S05592

Notice of Motion from Councillor T Hall dated 23 January 2009

As Councillors are aware, Ku-ring-gai has placed considerable emphasis on ensuring ecological sustainability is part of its decision-making process. As a Council however, we have no policy to direct staff to assess sustainability of recommendations of developments made to Council.

I therefore move that:

- "1. Ku-ring-gai Council adopt a Sustainability Policy based on the models of other Councils and enclose for this purpose the Pittwater Council model.
2. The General Manager provide a formal policy based on (1) above for adoption by the next Council Meeting".

**The above Notice of Motion was
Withdrawn by Councillor Hall**

17 **Council Committees**

File: S06952

The following members of the public addressed Council:

**G Rousseau
H Willis**

**Rescission Motion from Mayor Councillor E Malicki, Councillor I Cross
and Councillor S Holland dated 23 January 2009.**

We the undersigned Councillors seek to rescind the following resolution of Council that was resolved by Council at its meeting of 16 December 2008 under Minute No. 467:

"That Council's Resolution Min 467, Council Meeting 16 December 2008 reading:

That Council establish the following Committees:

1. ***Finance and General Purposes Committee.*** *This would consist of a Councillor from each Ward and be chaired by the Mayor. The committee would be granted certain delegations as determined by Council.*
2. ***Policy and Planning Committee.*** *This would consist of a Councillor from each Ward, not being a member of the Finance and General Purposes Committee and chaired by the Deputy Mayor with delegations to be determined by Council.*
3. ***Open Space Committee.*** *This would consist of at least three Councillors, one of whom shall be elected Chairperson by Council and other community members to be determined by Council.*
4. ***Community Development Committee.*** *This would consist of at least three Councillors, one of whom shall be elected Chairperson by Council and other community members to be determined by Council.*
5. *That any two Councillors can withdraw a motion and call it to Council.*

6. *Details of the charters of the committees be developed and reported to Council in February 2009.*
7. *That Council seek community representatives for the Open Space and Community Development Committees".*

Resolved:

(Moved: The Mayor, Councillor Malicki/Councillor Cross)

- A. That Minute No 467 of 16 December 2008 be rescinded.

*For the Resolution: The Mayor, Councillor E Malicki, Councillors
Holland, Keays, Szatow & Cross*

*Against the Resolution: Councillors Anderson, Duncombe, Hall, Hardwick
& Ebbeck*

*The voting being EQUAL,
the Mayor exercised her Casting Vote
IN FAVOUR of the Motion*

Resolved:

(Moved: Councillors Cross/Holland)

- B. 1. That the existing Councillor Forums cease to operate.
2. That Council agree in principle to the establishment of a Committee of the Whole, supported by three Reference Committees - Community, Planning & Heritage and, Open Space, [as well as the Sustainability Committee, which has been resolved earlier in the meeting].
3. That further details on the establishment and operation of the Committee of the Whole and draft charters for the Reference Committees be developed and reported to Council for consideration, together with recommendations for a process to provide for community membership of the Reference Committees.

*For the Resolution: The Mayor, Councillor E Malicki, Councillors
Holland, Keays, Szatow & Cross*

*Against the Resolution: Councillors Anderson, Duncombe, Hall, Hardwick
& Ebbeck*

*The voting being EQUAL,
the Mayor exercised her Casting Vote
IN FAVOUR of the Motion*

The above Resolution was subject to an Amendment which was LOST. The Lost Amendment was:

(Moved: Councillors Hall/Anderson)

That the matter stand deferred for further discussion.

18 **Council Committee Structure**

File: S06952

Rescission Motion from Councillors Tony Hall, Jennifer Anderson and Carolyne Hardwick dated 23 January 2009.

We, the undersigned, move:

"To rescind the following parts of Resolution Minute No. 467 of 16 December 2008, namely Clauses A.1, A.2 and A.5 and are hereby rescinded".

We further move that:

"As a result of legal advice provided to Council on 12 January 2009, the following clauses be inserted to replace those rescinded in Minute No 467/08:

- A. That Council move to establish, in principle, two formal principal Committees pursuant to clauses 260, 261 and 267 of the Local Government (General) Regulation 2005:
 1. **Finance and General Purposes Committee.** This committee would consist of all Councillors who wish to nominate to serve thereon and be chaired by the Mayor.
 2. **Policy and Planning Committee.** This committee would also consist of all Councillors who wish to nominate to serve thereon and be chaired by the Mayor.

Membership in both committees shall not be less than six councillors. (The remaining clauses of Minute no. 467/08 to remain as resolved on 16 December 2008).

- B. That the **Finance and General Purposes Committee** and the **Policy and Planning Committee** shall include:
 1. The Mayor as chairperson of both principal committees but if she so chooses may step down as chairperson of either or both committees and Council would elect a chairperson or persons in her place.
 2. All matters listed on each principal committee's formal and advertised agenda (Business Paper) shall be dealt with as recommendations only.

3. Each principal committee shall meet alternately immediately prior to fortnightly Council meeting so that each committee shall meet at least monthly with the starting time to be determined by the General Manager.
 4. All recommendations from each of these principal committees shall be reported to the following Council meeting held on the same day for determination, thereby avoiding the need to readvertise the matters listed in the committee's agendas (Business Papers) for that following Council meeting. The relevant committee agenda would be published with that of the following Council meeting of that day. It may be that a committee might decide to defer a matter for further information and this action would be so minuted.
 5. The quorum of each principal committee shall be the same as for the formal Council meeting, a minimum of six councillors including the Mayor in attendance, but there shall be no casting vote for the chairperson.
- C. That a **Heritage Advisory Committee** shall be established with community representation, its charter shall be the same as the former committee and be responsible to the Policy and Planning committee.

**The above Notice of Rescission
was not dealt with as the matter
had been resolved in the previous matter (see Minute No 17)**

GENERAL BUSINESS (cont)

19 **LGSA Tourism Conference 2009**

File: S02046

To advise Councillors of the opportunity to attend the LGSA Tourism Conference 2009.

Resolved

{Moved: Councillors Cross/Szatow}

That Councillor Jennifer Anderson be Council's delegate at the LGSA Tourism Conference 2009.

*For the Resolution: The Mayor, Councillor E Malicki, Councillors
Holland, Keays, Szatow, Anderson, Duncombe,
Hardwick, Cross & Ebbeck*

Against the Resolution: Councillor Hall

QUESTIONS WITHOUT NOTICE20 **Council Debtors**

File: S06778

Question Without Notice from Councillor T Hall

Is it true that the Council's current debtors list, as tabled, of more than 90 days outstanding amounts to \$1,372,084.68?

What action is Council's administration doing to reduce this large debt and would the General Manager provide a report to the next meeting of Council as of the action taken, please?

Answer by the Mayor

Councillor Hall, the Code of Meeting Practice says you may not use Questions Without Notice to have items put on the Business Paper but the General Manager will respond.

Answer by Director Corporate

I don't know the figure off the top of my head and I will get a report back on the figure and the actions that we are taking.

Question by the Mayor

A report or a memorandum or what, Mr Clark?

Answer by Director Corporate

A memorandum.

21 **Essential Services Accommodation in Ku-ring-gai**

File: S06610

Question Without Notice from Councillor T Hall

In view of the Prime Minister's announcement today for additional social or affordable housing in the Cities of Australia and the front page story of the North Shore Times in its edition of 4 February 2009, would the Director Strategy investigate whether there are any opportunities for Ku-ring-gai Council to provide affordable housing for members of Essential Services and their families with Federal Government help?

Answer by the General Manager

Director Watson will have a look at that and provide a memorandum to Councillors.

INSPECTIONS COMMITTEE - SETTING OF TIME, DATE AND RENDEZVOUS

That an Inspection Committee take place on Saturday, 7 February 2009 commencing at 9.00am at the following property:

20 Grosvenor Street, Wahroonga.

22 Sewer Mining at Gordon Golf Course

File: S04265

In accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*, in the opinion of the General Manager, the following business is of a kind as referred to in section 10A(2)(d) of the Act, and should be dealt with in a part of the meeting closed to the public.

Section 10A(2)(d) of the Act permits the meeting to be closed to the public for business relating to commercial information of a confidential nature that would, if disclosed:

- (i) prejudice the commercial position of the person who supplied it, or*
- (ii) confer a commercial advantage on a competitor of Council, or*
- (iii) reveal a trade secret.*

This matter is classified confidential under section 10A(2)(d)(i) because it deals with tenders or matters relating to a contract that was the result of a tender. The details, should they be revealed, may result in commercial disadvantage to parties involved in the process. Some information provided to Council is provided on the basis that Council will treat it as commercial in confidence.

It is not in the public interest to reveal details of these contractual arrangements.

Report by Director Operations & Manager Corporate Planning & Sustainability dated 29 January 2009 with attachments

Resolved:

(Moved: Councillors Cross/Ebbeck)

- A. That Council endorses the re-assigning of the contract for the sewer mining project to Henry and Hymas Consulting Engineers Pty Ltd in accordance with the General Conditions of Contract and Deed of Guarantee subject to further clarification about Henry & Hymas' financial statements for 2008 being satisfactory.

- B That the Mayor and General Manager be authorised to execute all necessary documents.
- C. That the Common Seal of Council be affixed to any necessary documents.

CARRIED UNANIMOUSLY

The Meeting closed at 9.06pm

The Minutes of the Ordinary Meeting of Council held on 3 February 2009 (Pages 1 - 19) were confirmed as a full and accurate record of proceedings on 24 February 2009

General Manager

Mayor / Chairperson