



Hawkesbury City Council

ordinary  
meeting  
minutes

date of meeting: 08 May 2012

location: council chambers

time: 6:30 p.m.



**ORDINARY MEETING**

**Table of Contents**

**MINUTES: 8 May 2012**

**MINUTES**

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

**General Manager**

**City Planning**

**Infrastructure Services**

**Support Services**

- **SECTION 5 - Reports of Committees**
- **QUESTIONS FOR NEXT MEETING**

**ORDINARY MEETING**

**Table of Contents**

**MINUTES: 8 May 2012**

**ORDINARY MEETING****Table of Contents**

MINUTES: 8 May 2012

**TABLE OF CONTENTS**

<b>ITEM</b>	<b>SUBJECT</b>	<b>PAGE</b>
<b>SECTION 3 - Notices of Motion</b>		<b>6</b>
NM -	Appropriate Provisions be incorporated into the Draft Policy Regarding Payment of Expenses and Provision of Facilities to Councillors - (90479)	6
<b>SECTION 4 - Reports for Determination</b>		<b>7</b>
<b>GENERAL MANAGER</b>		<b>7</b>
Item: 54	GM - Sister City Program Policy - Student Exchange Donation, Temple City and Kyotamba 2012 (79351, 73610)	7
Item: 55	GM - 2012 Hawkesbury Local Business Awards (79351, 80198)	8
<b>CITY PLANNING</b>		<b>9</b>
Item: 56	CP - Modification to Development Consent - Increase in floor level and overall building height - Lot 12 DP1106198 - 52 Macquarie Street, Windsor - (95498, 111134, 107201, 99792, 107103)	9
Item: 57	CP - Development Application - Two Lot Torrens Title Subdivision - Lot 2 DP 803727 - 27 Branders Lane, North Richmond - (95498, 85782, 23520)	10
Item: 58	CP - Modification to Development Consent - Tourist Facility - 30 Tourist Cabins - Lot 77 DP 211935 and Lot 2 DP 1080830, Chaseling Road North, Webbs Creek - (95498, 27637, 27638, 102260)	11
Item: 59	CP - Planning Proposal - Lot 27 DP 1042890, 108 Grose Vale Road, North Richmond - Redbank at North Richmond - (95498)	13
Item: 60	CP - Complaints Policy - (95498)	14
<b>INFRASTRUCTURE SERVICES</b>		<b>15</b>
Item: 61	IS - Naming of a Proposed Road at Kurrajong Hills Within Proposed Subdivision of Lot 1 DP 543262 and Lot 4 DP 1064408, No.'s 150 and 247B Hermitage Road, Kurrajong Hills- (95495, 118654)	15
Item: 62	IS - Naming of a Proposed Road at Wilberforce associated with DA0037/10 and DA0052/10 - (95495, 31568)	15
<b>CONFIDENTIAL REPORTS</b>		<b>16</b>
Item: 63	CP - Variation to Tender, Preparation of Floodplain Risk Management Study and Plan - (95498, 86589) CONFIDENTIAL	17
Item: 64	SS - Council Owned Property - 139 Colonial Drive, Bligh Park - (95496, 96333) CONFIDENTIAL	17
<b>SECTION 5 - Reports of Committees</b>		<b>18</b>

**ORDINARY MEETING**

**Table of Contents**

**MINUTES: 8 May 2012**

<b>ITEM</b>	<b>SUBJECT</b>	<b>PAGE</b>
	ROC - Hawkesbury Disability Advisory Committee - 23 February 2012 - (88324)	18
	ROC - Audit Committee Meeting - 14 March 2012 - (95496, 91369)	18
	<b>QUESTIONS FOR NEXT MEETING</b>	<b>19</b>
	Questions from Previous Meetings and Responses - (105109)	19
	Questions for Next Meeting	20

**ORDINARY MEETING**

**Table of Contents**

**MINUTES:** 8 May 2012

Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 8 May 2012, commencing at 6:30pm.

Rev Peter Goldstien of the Midway Christian Centre, representing the Hawkesbury Minister's Association, gave the opening prayer at the commencement of the meeting.

**ATTENDANCE**

**PRESENT:** Councillor K Ford, Mayor, Councillor T Tree, Deputy Mayor and Councillors B Bassett, B Calvert, K Conolly, W Mackay, C Paine, B Porter, P Rasmussen, J Reardon, W Whelan 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, Acting Manager Corporate Services and Governance – Nicole Spies and Administrative Support Team Leader - Bianca James.

**SECTION 1: Confirmation of Minutes**

**99 RESOLUTION:**

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Reardon that the Minutes of the Ordinary Meeting held on the 24 April 2012, be confirmed.

**SECTION 3 - Notices of Motion**

**NM -                   Appropriate Provisions be incorporated into the Draft Policy Regarding Payment of Expenses and Provision of Facilities to Councillors - (90479)**

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Ms Mary Buckett, respondent, addressed Council

**MOTION:**

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

***Refer to RESOLUTION***

**100 RESOLUTION:**

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

That when the report is submitted to Council in relation to the annual review of Council's "Policy Regarding Payment of Expenses and Provision of Facilities to Councillors" appropriate provisions be incorporated into the draft document for Council's consideration in relation to the following matters:

- Part 2, Clause 1 c, Councillor training and learning, to incorporate provisions to ensure appropriate local government related learning and educational activities and costs are further refined and defined.
- Part 3, Clause 2 c, facilities provided to Councillors, to incorporate provisions enabling Councillors to be provided with productivity enhancing facilities by way of an iPad as well as a laptop or desktop computer.



**ORDINARY MEETING**

**MINUTES: 8 May 2012**

**SECTION 4 - Reports for Determination**

**GENERAL MANAGER**

**Item: 54**                    **GM - Sister City Program Policy - Student Exchange Donation, Temple City and Kyotamba 2012 (79351, 73610)**

**Previous Item:**            Item 101, Ordinary 31 May, 2011

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**MOTION:**

RESOLVED on the motion of Councillor Mackay, seconded by Councillor Tree.

***Refer to RESOLUTION***

**101 RESOLUTION:**

RESOLVED on the motion of Councillor Mackay, seconded by Councillor Tree.

That:

1. Under the provisions of Section 356 of the Local Government Act 1993, and in accordance with Council's Sister City Program Policy, Council donate \$500 to each of the following students participating in the 2012 Student Exchange Program visit to Kyotamba and Temple City:
  - (a) Catriona Potter
  - (b) Jake Woodworth
  - (c) Thomas Randall
  - (d) Thomas Johnston
  - (e) Janae Lane
  - (f) Jaymie Eaton
  - (g) Sally Armsworth
  - (h) Chantelle Mares
  - (i) Danni de Keizer
  - (j) Tomas Holdforth
  - (k) Kristie Warren
  - (l) Ian Hansen
  
2. The Hawkesbury Sister City Association be requested to address issues surrounding the 2011 disasters in Japan with parents and guardians of students travelling to Kyotamba utilising Federal Government Smart Traveller website.

**ORDINARY MEETING**

**MINUTES: 8 May 2012**

**Item: 55                    GM - 2012 Hawkesbury Local Business Awards (79351, 80198)**

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**MOTION:**

RESOLVED on the motion of Councillor Mackay, seconded by Councillor Tree.

*Refer to RESOLUTION*

**102 RESOLUTION:**

RESOLVED on the motion of Councillor Mackay, seconded by Councillor Tree.

That:

1. Council sponsor the 2012 Local Business Awards to the value of \$5,000 (excluding GST) on the basis of further negotiations being undertaken with Precedent Productions concerning sponsorship benefits.
2. A Sponsorship Agreement be entered into with Precedent Production for the 2012 Local Business Awards.

**ORDINARY MEETING**

**MINUTES: 8 May 2012**

**CITY PLANNING**

**Item: 56**            **CP - Modification to Development Consent - Increase in floor level and overall building height - Lot 12 DP1106198 - 52 Macquarie Street, Windsor - (95498, 111134, 107201, 99792, 107103)**

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**MOTION:**

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

*Refer to RESOLUTION*

**103 RESOLUTION:**

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

That Development Consent DA0302/09 for multi unit housing on Lot 1 DP 1143830, No. 52 Macquarie Street, Windsor be amended in the following manner:

Amend Condition 1 to read:

1. The development shall take place in accordance with:
  - stamped plans (No. B731 02A dated 29/5/2010, B731 03A dated 29/5/2010 ), specifications and accompanying documentation submitted with Development Application DA0302/09 and
  - stamped plans (No. B731 01D dated 18/1/2012, B731 04C dated 18/1/2012), specifications and accompanying documentation submitted with s.96(1A) Modification Application DA0302/09A;

except as modified by these further conditions.

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:

**ORDINARY MEETING**

**MINUTES: 8 May 2012**

<b>For the Motion</b>	<b>Against the Motion</b>
Councillor Bassett	Nil
Councillor Calvert	
Councillor Conolly	
Councillor Ford	
Councillor Mackay	
Councillor Paine	
Councillor Porter	
Councillor Reardon	
Councillor Tree	
Councillor Whelan	

Councillors Rasmussen and Williams were not in the Chamber when the vote was taken.

**Item: 57 CP - Development Application - Two Lot Torrens Title Subdivision - Lot 2 DP 803727 - 27 Branders Lane, North Richmond - (95498, 85782, 23520)**

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Mr William Byrnes and Mr Greg Hall, proponents, addressed Council.

**MOTION:**

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

***Refer to RESOLUTION***

**104 RESOLUTION:**

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

That:

1. The objection under SEPP No. 1 not be supported.
2. Development Application No. DA0059/12 for a Two Lot Torrens Title subdivision at Lot 2 in DP 803727, No. 27 Branders Lane, North Richmond be refused for the following reasons:
  - a) The State Environmental Planning Policy No. 1 objection received in respect to the minimum allotment area is not supported as compliance with the statutory development standard was not considered to be unreasonable or unnecessary in the circumstances.
  - b) The proposal does not comply with the requirements of the Hawkesbury Local Environmental Plan 1989.

**ORDINARY MEETING**

**MINUTES: 8 May 2012**

- c) The proposal is inconsistent with the Draft Hawkesbury Local Environmental Plan 2011.
- d) The development does not comply with clause 3.8.1 rules (a) of the Hawkesbury Development Control Plan 2002 Part D Chapter 3 – Subdivision.
- e) The application, seeking a significant variation to Council's minimum allotment size requirement, is considered to not be in the general public interest.

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 Bassett	Councillor Porter
Councillor Calvert	
Councillor Conolly	
Councillor Ford	
Councillor Mackay	
Councillor Paine	
Councillor Rasmussen	
Councillor Reardon	
Councillor Tree	
Councillor Whelan	
Councillor Williams	

**Item: 58**                    **CP - Modification to Development Consent - Tourist Facility - 30 Tourist Cabins - Lot 77 DP 211935 and Lot 2 DP 1080830, Chaseling Road North, Webbs Creek - (95498, 27637, 27638, 102260)**

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**MOTION:**

RESOLVED on the motion of Councillor Mackay, seconded by Councillor Tree.

*Refer to RESOLUTION*

**105 RESOLUTION:**

RESOLVED on the motion of Councillor Mackay, seconded by Councillor Tree.

That:

**ORDINARY MEETING**

**MINUTES: 8 May 2012**

- A. The modification application be refused for the following reasons.
1. The proposed modification request is not consistent with the provisions of Section 96(1) of the Environmental Planning and Assessment Act 1979 as imposition of a development contribution was not a minor error, misdescription or miscalculation.
  2. Requests to waive, discount or otherwise vary a development contribution are not available under the provisions of the Hawkesbury City Council Section 94A Development Contributions Plan 2006.
  3. The modification request would not be in the public interest as waiving of the contribution could result in the loss of potential financial support for public facilities.
  4. Support of a modification request contrary to Councils S94A contributions plan for a private, commercial development would set an undesirable precedent.
- B. In the event of the Section 94A contribution being received a report be brought back to Council outlining possible projects that this money could be expended on in the area.

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:

<b>For the Motion</b>	<b>Against the Motion</b>
Councillor Bassett	Nil
Councillor Calvert	
Councillor Conolly	
Councillor Ford	
Councillor Mackay	
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Tree	
Councillor Whelan	
Councillor Williams	

**ORDINARY MEETING**

**MINUTES: 8 May 2012**

**Item: 59 CP - Planning Proposal - Lot 27 DP 1042890, 108 Grose Vale Road, North Richmond - Redbank at North Richmond - (95498)**

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Ms Lesley Bull, Mr Andrew Flaherty and Mr Mark Regent, proponents, addressed Council.  
Ms Mary Buckett, Mr Bryan Smith and Ms Colleen Turnbull, respondents, addressed Council.

Councillor Rasmussen declared a pecuniary interest in this matter as the proposed new bridge at Yarramundi is adjacent to his property in Yarramundi, NSW and could affect the value of that property. He left the Chamber and did not take part in voting or discussion on the matter.

**MOTION:**

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

***Refer to RESOLUTION***

**106 RESOLUTION:**

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

That:

1. A Planning Proposal be prepared for the rezoning of Lot 27 DP 1042890, 108 Grose Vale Road, North Richmond as shown in plan titled *Gateway Planning Proposal – Infrastructure and Staging North Richmond Joint Venture Concept Plan Redbank Proposed Draft LEP Zonings*, prepared by J. Wyndham Prince, referenced 8607/SK44 and subject to the proposed B2 zone being changed to a B1 Neighbourhood Centre zone.
2. The Planning Proposal be supported by JBA Planning's Planning Proposal titled *Redbank at North Richmond*, dated March 2012 and associated reports and assessments.
3. The Planning Proposal be forwarded to the Minister for Planning and Infrastructure for a "gateway" determination.
4. The Minister for Planning and Infrastructure be requested to consider a community consultation period of not less than 60 days.
5. The matter be reported back to Council to consider submissions following public exhibition.
6. If the Department of Planning and Infrastructure determines that the planning proposal is to proceed, Council commence Voluntary Planning Agreement negotiations with the North Richmond Joint Venture and any other relevant party.
7. The North Richmond Joint Venture in preparing a Transport Management & Accessibility Plan for the proposed development is to include at least one other alternative to the proposed access route and Yarramundi Bridge crossing for consideration by Council, relevant public authorities and the community.
8. In the event of the Planning Proposal proceeding, the North Richmond Joint Venture is to develop a draft Masterplan and draft site specific DCP for the site, at their own expense, in conjunction with Council staff for final checking, amendment if required, and adoption by Council prior to finalisation of the rezoning.

**ORDINARY MEETING**

**MINUTES: 8 May 2012**

9. Council commence the process to prepare a specific plan of management for Navua Reserve and a review of the plan of management for Yarramundi Reserve that proposes to retain the Crown Road reserves so they are available for any future proposed crossing of the Grose River. Should the current proposal proceed any other required changes to the plans of management should be proposed for consideration at the same time.

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:

<b>For the Motion</b>	<b>Against the Motion</b>
Councillor Bassett	Councillor Porter
Councillor Conolly	Councillor Calvert
Councillor Ford	Councillor Paine
Councillor Mackay	Councillor Williams
Councillor Reardon	
Councillor Tree	
Councillor Whelan	

Councillor Rasmussen was not in the Chamber when the vote was taken.

**Item: 60**            **CP - Complaints Policy - (95498)**

**Previous Item:**    327, Ordinary (1 November 2005)  
                          258, Ordinary (29 November 2011)

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**MOTION:**

RESOLVED on the motion of Councillor Mackay, seconded by Councillor Tree.

***Refer to RESOLUTION***

**107 RESOLUTION:**

RESOLVED on the motion of Councillor Mackay, seconded by Councillor Tree.

That Council place the revised Complaints Policy on public exhibition for a period of 28 days.



**ORDINARY MEETING**

**MINUTES: 8 May 2012**

**INFRASTRUCTURE SERVICES**

**Item: 61**            **IS - Naming of a Proposed Road at Kurrajong Hills Within Proposed Subdivision of Lot 1 DP 543262 and Lot 4 DP 1064408, No.'s 150 and 247B Hermitage Road, Kurrajong Hills- (95495, 118654)**

**Previous Item:**        27, Ordinary (28 February 2012)

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**MOTION:**

RESOLVED on the motion of Councillor Mackay, seconded by Councillor Tree.

*Refer to RESOLUTION*

**108 RESOLUTION:**

RESOLVED on the motion of Councillor Mackay, seconded by Councillor Tree.

That the new public road in connection with the proposed subdivision of Lot 1 DP 543262 and Lot 4 DP 1064408, No.'s 150 and 247B Hermitage Road, Kurrajong Hills, be named as Peartree Hill Road.

**Item: 62**            **IS - Naming of a Proposed Road at Wilberforce associated with DA0037/10 and DA0052/10 - (95495, 31568)**

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**MOTION:**

RESOLVED on the motion of Councillor Mackay, seconded by Councillor Tree.

*Refer to RESOLUTION*

**109 RESOLUTION:**

RESOLVED on the motion of Councillor Mackay, seconded by Councillor Tree.

That public comment be sought under the New South Wales Roads Act, 1993 for the naming of the new public road in connection with the DA0037/10 and DA0052/10, as Hadden Ridge Road, Wilberforce.

**CONFIDENTIAL REPORTS**

**110 RESOLUTION:**

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

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

**111 RESOLUTION:**

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

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: 63 CP - Variation to Tender, Preparation of Floodplain Risk Management Study and Plan - (95498, 86589)**

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act, 1993, as it relates to details concerning the supply of goods and/or 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.*

**Item: 64 SS - Council Owned Property - 139 Colonial Drive, Bligh Park - (95496, 96333)**

*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 and/or purchase of property by the 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.*

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.

**112 RESOLUTION:**

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

**ORDINARY MEETING**

**MINUTES: 8 May 2012**

**Item: 63**                    **CP - Variation to Tender, Preparation of Floodplain Risk Management Study and Plan - (95498, 86589)**      **CONFIDENTIAL**

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**MOTION:**

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

*Refer to RESOLUTION*

**113 RESOLUTION:**

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

That:

1. The variation outlined in this report be approved.
2. Council formally apply to the Office of Environment and Heritage for the current funding agreement to be varied to include this current variation request.

**Item: 64**                    **SS - Council Owned Property - 139 Colonial Drive, Bligh Park - (95496, 96333)**  
**CONFIDENTIAL**

**Previous Item:**        85, Ordinary (13 July 2004)  
                              26, Ordinary (26 February 2008)  
                              240, Ordinary (12 October 2010)  
                              63, Ordinary (29 March 2011)

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**MOTION:**

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

*Refer to RESOLUTION*

**114 RESOLUTION:**

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

That a report be submitted to Council reviewing the site specific Development Control Plan that currently applies to 139 Colonial Drive, Bligh Park.

**ORDINARY MEETING**

**MINUTES: 8 May 2012**

**SECTION 5 - Reports of Committees**

**ROC - Hawkesbury Disability Advisory Committee - 23 February 2012 - (88324)**

**115 RESOLUTION:**

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

That the minutes of the Hawkesbury Disability Advisory Committee held on 23 February 2012 as recorded on pages 126 to 129 of the Ordinary Business Paper be received.

**ROC - Audit Committee Meeting - 14 March 2012 - (95496, 91369)**

**116 RESOLUTION:**

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

That the minutes of the Audit Committee held on 14 March 2012 as recorded on pages 130 to 136 of the Ordinary Business Paper be received.

**ORDINARY MEETING**  
**Questions for Next Meeting**

**QUESTIONS FOR NEXT MEETING**

**Questions from Previous Meetings and Responses - (105109)**

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

**ORDINARY MEETING**  
**Questions for Next Meeting**

**Questions for Next Meeting**

#	Councillor	Question	Response
1	Whelan	Requested information regarding the heritage survey that has been undertaken by Roads and Maritime Services for Bridge Street.	Director Infrastructure Services
2	Conolly	Referred to Council previously considering the use of the eastern portion of Thorley Street, Bligh Park as a Flood Evacuation Route, and asked about the current status of this.  Secondly, the section that is constructed as a Flood Evacuation Road, what is the width of that road and is it wide enough to be marked as three lanes, two outbound and one inbound.	Director Infrastructure Services
3	Williams	Advised that Packer Road, especially the Putty Road end, requires attention and requested works to be undertaken to improve the road surface.	Director Infrastructure Services
4	Williams	Requested Council staff to investigate the provision of parking for longer vehicles at Wilberforce Shops.	Director Infrastructure Services
5	Williams	Requested to be kept up to date in relation to the progress of the Lower Portland Ferry and its future use, as it is only certified until the end of 2012.  Councillor Williams also asked that Councillors be notified via email regarding this matter and others like this so that they are kept informed of issues.	Director Infrastructure Services
6	Williams	Asked is he could be provided with an update in relation to the North Richmond storm water study.	Director Infrastructure Services
7	Williams	Referred to the Roads and Maritime Services flyer regarding Option 1 for the new Windsor Bridge which indicated that excavations would be undertaken in Old Bridge Street, Windsor Wharf and on the opposite side of the river, however they have also been digging in Thompson Square.  Councillor Williams asked if an explanation could be provided as to why the contractors have been digging in Thompson Square after information indicated that they would	Director Infrastructure Services

**ORDINARY MEETING**  
**Questions for Next Meeting**

#	Councillor	Question	Response
		not interfere with the park.	
8	Paine	Referred to the current condition of South Windsor in the vicinity of the shops and asked if Council staff could gurney the footpath and do a general tidy up.	Director Infrastructure Services
9	Paine	Asked if there was anything Council could do regarding the condition of Fairfield House, particularly loose roof sheeting as there are issues relating to safety in strong winds.	Director Infrastructure Services
10	Porter	Requested an investigation be undertaken in relation to reopening old shale pits in outer areas of the Hawkesbury, to be used in the on going maintenance of unsealed roads.	Director Infrastructure Services
11	Rasmussen	Requested a summary of the Grants that Council has applied for in the past 6 months and whether they had been successful.	Director Support Services
12	Rasmussen	Advised that the southern car park sign in Yarramundi Reserve has been down since the flooding and requested that it be repaired.	Director Infrastructure Services
13	Rasmussen	Asked if the State Government is still committed to the North West Rail Link project following this week's announcement from Infrastructure Australia which casted doubt on the project following the announcement.	General Manager

The meeting terminated at 10:24pm.

Submitted to and confirmed at the Ordinary meeting held on 29 May 2012.

.....  
Mayor