



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 27 November 2012

location: council chambers

time: 6:30 p.m.

ORDINARY MEETING

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 27 November 2012, commencing at 6:32pm.

Rev Wayne Tildsley of St Peter's Anglican Church, Richmond, 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 Calvert, P Conolly, M Creed, M Lyons-Buckett, W Mackay, C Paine, B Porter, 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, Acting Manager Corporate Services and Governance - Nicole Spies and Administrative Support Team Leader - Bianca James.

Councillor Mackay arrived at the meeting at 6:42pm.

Councillor Tree left the meeting at 8:55pm.

SECTION 1: Confirmation of Minutes

341 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Reardon that the Minutes of the Ordinary Meeting held on the 13 November 2012, be confirmed.

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SECTION 3 - Notices of Motion

NM1 - Design Elements of New Windsor Bridge - (79351, 111627)

Ms Kate Mackaness, Mr Peter Reynolds and Mr Harry Terry, proponents, addressed Council.
Mr David Hope, Mr Dail Miller and Mr Roderick Storie, respondents, addressed Council.

MOTION:

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

Refer to RESOLUTION

342 RESOLUTION:

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

That Council make representations to the RMS requesting that appropriate design elements which reflect and complement the surrounding heritage elements of the area, including sandstone buildings and structures, and that are sympathetic with the surrounding built and natural environment are incorporated within the design of the proposed new Windsor Bridge and that Council's local State Members of Parliament also be requested to support Council's representations.

Councillors Calvert and Williams requested that their names be recorded as having voted against the motion.

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SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 205 GM - Councillor Representation on Committees - (79351)

Previous Item: 168 - Extra Ordinary (25 September 2012)

Mr Doug Bathesby, proponent, addressed Council.

MOTION:

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

Refer to RESOLUTION

343 RESOLUTION:

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

That:

1. Councillor M Lyons-Buckett be reappointed to the Human Services Advisory Committee and in the event that Councillor Lyons-Buckett does not wish to accept the appointment, the position remain unfilled.
2. In respect of Waste Management Advisory Committee, all currently vacant positions on the committee, including community representatives, remain unfilled until the report requested by Council at its meeting on 13 November 2013 regarding the possible establishment of a Sustainability Advisory Committee or expansion of the functions of the Waste Management Advisory Committee for this purpose is submitted to Council for determination.
3. Council nominate a Councillor to take the position of Alternate Delegate to Peppercorn Services Inc.
4. Council abolish the Hawkesbury Access and Inclusion Advisory Committee and the Hawkesbury Mobility Plan Implementation Committee.

344 RESOLUTION:

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

That Councillor Conolly be appointed to the position of Alternate Delegate to Peppercorn Services Inc.

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Item: 206 GM - Privacy in the 21st Century Symposium - (79351)

MOTION:

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

Refer to RESOLUTION

345 RESOLUTION:

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

That attendance of nominated Councillors, and staff members as considered appropriate by the General Manager, at the Privacy in the 21st Century Symposium, at a cost of \$950 plus travel related expenses per delegate, be approved.

346 RESOLUTION:

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

That Councillor Rasmussen, as Council's nominated representative attend the Privacy in the 21st Century Symposium.

Item: 207 GM - Sydney Aviation Capacity Scoping Study - (79351)

Previous Item: Item 131, Ordinary (31 July 2012)
 Item 46, Ordinary (24 April, 2012)
 Item 22, Ordinary (23 February, 2010)
 Item 23, Ordinary (23 February, 2010)

MOTION:

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

Refer to RESOLUTION

347 RESOLUTION:

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

That the further information regarding the Sydney Aviation Scoping Study and details regarding a recent meeting with representatives of the Department of Infrastructure and Transport in this regard be received and noted.

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CITY PLANNING

Item: 208 CP - Planning Proposal to Rezone 77 - 87 Bells Line Of Road, Kurrajong - (95498)

Previous Item: 279, Ordinary (13 December 2011)

Mr Donald Hannaford, Ms Fiona Smith and Mr Herbert Weller, respondents, addressed Council.

Councillor Lyons-Buckett declared a less than significant non-pecuniary conflict of interest in this matter as she knows land owners and business owners on both sides of the main street in Kurrajong Village, but does not have a personal relationship with them and is also a public officer on the Kurrajong Public Community Forum and no further action is required.

Mayor, Councillor Ford adjourned the meeting at 8:55pm and the meeting recommenced at 9:00pm.

MOTION:

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

Refer to RESOLUTION

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

That the matter be deferred until a Masterplan for Kurrajong Village is prepared and adopted by Council.

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 amendment, the results of which were as follows:

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

Deputy Mayor, Councillor Tree was not in the Chamber when the vote was taken.

The amendment was lost.

The motion was put and carried.

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348 RESOLUTION:

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

That the matter be deferred to the next Ordinary Council Meeting on 11 December 2012.

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	Councillor Ford
Councillor Conolly	
Councillor Creed	
Councillor Lyons-Buckett	
Councillor Mackay	
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Williams	

Deputy Mayor, Councillor Tree was not in the Chamber when the vote was taken.

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INFRASTRUCTURE SERVICES

Item: 209 **IS - Exclusive Use of Governor Phillip Reserve - Bridge to Bridge Boat Race Event - (95495, 79354)**

MOTION:

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

Refer to RESOLUTION

349 RESOLUTION:

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

That:

1. Approval be granted to the Upper Hawkesbury Power Boat Club for "Exclusive Use" of Governor Phillip Reserve for the 2013 Bridge to Bridge Boat Race on Sunday, 5 May 2013.
2. The approval be subject to the following conditions/documents:
 - (a) Council's general park conditions.
 - (b) Council's Fees and Charges.
 - (c) The Windsor Foreshore Plan of Management.
 - (d) The Governor Phillip Exclusive Use Policy.
 - (e) Governor Phillip Noise Policy.
 - (f) A Traffic Management Plan which has been approved as part of the Special Event Application.
3. As the applicants have not advised alternative dates in the event of inclement weather, the General Manager be given authority to negotiate exclusive use on an alternate date, if required by the applicants.

Item: 210 **IS - International Sand Sculpting Competition and Festival Event 2013, Windsor - (95495, 79354)**

Mr Troy Myers, proponent, addressed Council.
Mr Glen Kanawati, respondent, addressed Council.

MOTION:

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

Refer to RESOLUTION

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350 RESOLUTION:

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

That:

1. Council indicate its in principal support of the application submitted on behalf of the Heart of the Hawkesbury for the conduct of the proposed "Hawkesbury International Sand Sculpting Competition and Festival" within Howe Park between 8 January and 28 January 2013 subject to the site of the event being moved to a location in Howe Park between Johnson Street and the Luke Worsley Bridge with the fees and charges for exclusive use not being charged for the event on this occasion, however, such fee and charges would be applicable in future years and in view of the fees and charges being waived by Council, the applicant is to identify Council as a sponsor of the event in all publications and advertising.
2. Further discussions take place with the event organisers regarding point one above and the General Manager be given delegated authority to determine the application following these discussions.

Note: A rescission motion was subsequently lodged in respect of this resolution.

Item: 211 IS - Draft McQuade Park Plan of Management - (79354, 95495)

MOTION:

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

Refer to RESOLUTION

351 RESOLUTION:

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

That the Draft McQuade Park Plan of Management and Master Plan be placed on public exhibition for the mandatory 28 day consultation period, with a further 14 day period for the completion of written submissions.

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Item: 212 **IS - Toilet and Carpark Construction - Macquarie and Kable Streets, Windsor - (95495, 79339)**

Previous Item: 84, Ordinary (29 May 2012)
 52, Ordinary (24 April 2012)
 33, Ordinary (28 February 2012)

MOTION:

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

Refer to RESOLUTION

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

That Council:

1. Note the information regarding the proposed toilet facility at Macquarie and Kable Streets, Windsor.
2. Invite public comment through a public notification process.

The amendment was lost.

The motion was put and carried.

352 RESOLUTION:

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

That reports be brought back to Council:

1. On the cost of the restoration for 33 car parking spaces in the Macquarie and Kable Streets Carpark and a brief history of previous actions regarding possible alternate uses for the site.
2. Identifying an alternate location for a sympathetically designed toilet block in or near the Windsor Mall.

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SUPPORT SERVICES

Item: 213 SS - Monthly Investments Report - October 2012 - (96332, 95496)

Previous Item: 144, Ordinary (29 June 2010)

MOTION:

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

Refer to RESOLUTION

353 RESOLUTION:

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

The report regarding the monthly investments for October 2012 be received and noted.

Item: 214 SS - Pecuniary Interest Returns - (95496, 96333)

MOTION:

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

Refer to RESOLUTION

354 RESOLUTION:

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

That the information be received and noted.

Item: 215 SS - September 2012 Quarterly Budget Review Statement - (96332)

Previous item: Item 90, Extraordinary (19 June 2012)

MOTION:

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

Refer to RESOLUTION

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355 RESOLUTION:

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

That:

1. The information contained in the report be received.
2. The Quarterly Budget Review Statement – September 2012 be adopted.

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CONFIDENTIAL REPORTS

356 RESOLUTION:

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

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

357 RESOLUTION:

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

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: 216 GM - Community Representation on Council Committees - (79351, 79353)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(a) of the Local Government Act, 1993 as it relates to personal matters concerning particular individuals (other than councillors)*

Supplementary Matters by General Manager - Legal Matter and Organisational Structure Review related matter

*This matter is **CONFIDENTIAL** in accordance with Section 10A(2)(a&g) of the Local Government Act, 1993 as it relates to personnel matters concerning particular individuals (other than councillors) and the information is regarded as advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege 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.

358 RESOLUTION:

RESOLVED on the motion of Councillor Creed, seconded by Councillor Paine that open meeting be resumed.

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Item: 216 GM - Community Representation on Council Committees - (79351, 79356)
CONFIDENTIAL

RESOLUTIONS:

Access and Inclusion Advisory Committee

No further action was required in relation to this committee as it was dealt with earlier in the meeting. - See Item 205.

Audit Committee

359 RESOLUTION:

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

That:

1. The constitution of the Audit Committee be amended to specify three community members.
2. Ms Nisha Mahewhwari, Mr Harry Khouri and Ms Maria Hegarty be appointed as community representatives on the Audit Committee in accordance with the Committee's constitution.

Hawkesbury Civic and Citizenship Committee

360 RESOLUTION:

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

That Council accept the nomination of Mr Todd Miladinovic as community representative on the Hawkesbury Civic and Citizenship Committee and that Council continue to pursue other suitable community representatives for the committee.

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Floodplain Risk Management Advisory Committee

361 RESOLUTION:

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

That:

1. The constitution of the Floodplain Risk Management Advisory Committee be amended to specify five community members.
2. Mr Les Sheather, Mr Geoffrey Bessell, Mr Trevor Devine, Mr Maurice Smith and Mr Glenn Falson be appointed as community representatives on the Floodplain Risk Management Advisory Committee in accordance with the Committee's constitution.

Note: A rescission motion was subsequently lodged in respect of this resolution.

Heritage Advisory Committee

362 RESOLUTION:

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

That Ms Michelle Nichols, Mr Jonathan Auld, Mr Glenn Falson, Ms Janice Hart, Mr John Miller, Dr Ian Jack, Ms Carol Roberts and Ms Judith Newland be appointed as community representatives on the Heritage Advisory Committee in accordance with the Committee's constitution.

Hawkesbury Mobility Plan Implementation Committee

No further action was required in relation to this committee as it was dealt with earlier in the meeting. - See Item 205.

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Human Services Advisory Committee

363 RESOLUTION:

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

That:

1. The constitution of the Human Services Advisory Committee be amended to specify seven community members.
2. Ms Denise Handcock, Mr Douglas Carbery, Mr Matt Randell, Mr Chris McAlpine, Mr Glenn Powers, Ms Vickie Shackley and Mr Nick Sabel be appointed as community representatives on the Human Services Advisory Committee in accordance with the Committee's constitution.

Note: A rescission motion was subsequently lodged in respect of this resolution.

Waste Management Advisory Committee

No further action was required in relation to this committee as it was dealt with earlier in the meeting. - See Item 205.

Supplementary Matters by General Manager - Legal Matter and Organisational Structure Review related matter

364 RESOLUTION:

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

That the information provided by the General Manager regarding current proceedings in the Administrative Decisions Tribunal and on issues associated with the review of the Council's Organisational Structure as required under the Act, be noted and the courses of action detailed by the General Manager in this regard be endorsed.

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SUPPLEMENTARY REPORTS

Item: 217 **IS - Lower Portland Ferry - (95495)**

Previous Item: Item 156, Ordinary (28 August 2012)
 Item 102, Ordinary (26 June 2012)

Mr Steve Arblaster, proponent, addressed Council.

MOTION:

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

Refer to RESOLUTION

365 RESOLUTION:

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

That Council:

1. Note the information contained in the report on the Lower Portland Ferry.
2. Seek advice from The Hills Shire Council confirming its preparedness to enter into a formal cost share or contract agreement in respect of the ongoing operation of the Lower Portland Ferry.
3. Prepare specifications and tender documentation for a range of options including the supply and/or the supply and operation of the ferry service on a long term contract.
4. Hold discussions with RMS on the potential to operate the Lower Portland ferry service, on a fee for service basis, as part of its fleet operations on the Hawkesbury River.
5. Seek the further assistance of RMS to secure use of a RMS ferry to ensure continuity of service.
6. Write to the Member for Hawkesbury, Mr Ray Williams, to outline Council's actions and seek any assistance in securing a long term solution and any/or funding available from the State Government.

366 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Reardon that the meeting continue past 11:00pm to allow the Business Paper to be completed.

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SECTION 5 - Reports of Committees

ROC - Audit Committee Minutes - 3 October 2012 - (95496, 91369)

367 RESOLUTION:

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

That the minutes of the Audit Committee held on 3 October 2012 as recorded on pages 71 to 76 of the Ordinary Business Paper be received.

ROC - Local Traffic Committee - 12 November 2012 - (80245)

368 RESOLUTION:

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

That the minutes of the Local Traffic Committee held on 12 November 2012 as recorded on pages 77 to 96 of the Ordinary Business Paper be adopted.

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QUESTIONS FOR NEXT MEETING

Councillors Questions from Previous Meetings and Responses

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

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Questions for Next Meeting

#	Councillor	Question	Response
1	Rasmussen	Asked if Council was aware of the review into urban water regulations, which reviews the Water Competition Act and the Local Government Act, 1993 and if Council would be making a submission and if attending the workshops.	Director Infrastructure Services
2	Paine	Asked if approval had been given for fill going in at a property near Post Office Road, Ebenezer.	Director City Planning
3	Reardon	Requested Council to investigate extending the one hour parking limit in front of St Matthews Anglican Church and St Matthews Catholic Church, Moses Street, Windsor to two hours.	Director Infrastructure Services
4	Reardon	Asked if Council was involved in the Committee formed in relation to the Bicentennial of the crossing of the Blue Mountains, as people who did the work originated from the Hawkesbury district.	Director City Planning
5	Creed	Asked Council staff could remove the noxious weeds from Red Bank Creek which a encroaching on properties along William Street.	Director Infrastructure Services
6	Creed	Asked Council staff to contact the owners of political posters still remaining from the September Local Government Elections requesting that they be removed.	Director City Planning
7	Conolly	Requested Council staff to mow the road verges along the northern side of Windsor Road, between Macquarie Street and Pitt Town Road.	Director Infrastructure Services
8	Conolly	Asked for an update regarding the vacant land next to Tiningi Community Centre, Bligh Park and requested if maintenance could be undertaken on the block.	Director Support Services

The meeting terminated at 12:42am.

Submitted to and confirmed at the Ordinary meeting held on 11 December 2012.

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Mayor