



# Ordinary Meeting

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Date of meeting: 26 October 2021  
Location: By audio-visual link  
Time: 6:30 p.m.

MINUTES



**ORDINARY MEETING****Table of Contents****Minutes: 26 October 2021****TABLE OF CONTENTS**

<b>ITEM</b>	<b>SUBJECT</b>	<b>PAGE</b>
	<b>ATTENDANCE</b>	<b>3</b>
	<b>APOLOGIES AND LEAVE OF ABSENCE</b>	<b>3</b>
	<b>DECLARATIONS OF INTEREST</b>	<b>3</b>
	<b>SECTION 1 - Confirmation of Minutes</b>	<b>4</b>
	<b>Statement by the Mayor, Councillor Patrick Conolly</b>	<b>4</b>
	<b>SECTION 2 – Mayoral Minutes</b>	<b>5</b>
Item: 202	MM - Community Request for Skate Park or BMX Track in Bligh Park - (125610)	5
	<b>SUPPLEMENTARY REPORT</b>	<b>6</b>
Item: 215	MM2 - Warragamba Dam Raising Project - (125610)	6
	<b>SECTION 3 – Reports for Determination</b>	<b>8</b>
	<b>PLANNING DECISIONS</b>	<b>8</b>
Item: 203	CP - Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012 - 457 Bells Line of Road, 79 and 95 Bells Lane, Kurmond - (95498, 124414)	8
	<b>GENERAL MANAGER</b>	<b>10</b>
Item: 204	GM - Ordinary Council Meetings 2022 - (79351)	10
	<b>SUPPORT SERVICES</b>	<b>11</b>
Item: 205	SS - Investment Report - September 2021 - (95496, 96332)	11
Item: 206	SS - Payment of Expenses and Provision of Facilities to Councillors Policy - (95496)	12
	<b>SECTION 4 – Reports of Committees</b>	<b>13</b>
Item: 207	ROC - Local Traffic Committee - 11 October 2021 - (80245, 95495)	13
	<b>SECTION 5 – Notices of Motion</b>	<b>14</b>
Item: 208	NM1 - Domestic Violence Funding - (79351, 138882)	14
Item: 209	NM2 - March 2021 Flood - (138885, 79351)	15
Item: 210	NM3 - Road Assets - (138885, 79351)	18
Item: 211	NM4 - Revised 2021/2022 Operational Plan - (138885)	19

**ORDINARY MEETING**

**Table of Contents**

**Minutes:** 26 October 2021

<b>QUESTIONS FOR NEXT MEETING</b>	<b>20</b>
Item: 212     Response to Councillor Question Taken on Notice at Council Meeting of the 28 September 2021 - (79351)	20
Item: 213     Response to Councillor Question Taken on Notice at the Council Meeting - 12 October 2021 - (79351)	20
Item: 214     Questions with Notice - 26 October 2021	20

## **ORDINARY MEETING**

**Minutes:** 26 October 2021

Minutes of the Ordinary Meeting held by Audio-Visual Link, on 26 October 2021, commencing at 6:31pm.

### **Welcome**

The Mayor, Councillor Patrick Conolly acknowledged the Indigenous Heritage.

The General Manager addressed the Council meeting, mentioning:

- Recording of the Council Meeting
- Statement regarding people addressing the Meeting

### **ATTENDANCE**

**PRESENT:** Councillor Patrick Conolly, Mayor, Councillor Mary Lyons-Buckett, Deputy Mayor and Councillors Barry Calvert, Emma-Jane Garrow, Amanda Kotlash, Paul Rasmussen, Peter Reynolds, Sarah Richards, John Ross, Tiffany Tree, Danielle Wheeler and Nathan Zamprogno.

**ALSO PRESENT:** General Manager - Elizabeth Richardson, Director City Planning - Linda Perrine, Acting Director Infrastructure Services - Emma Galea, Director Support Services - Laurie Mifsud, Acting Chief Financial Officer - Vanessa Browning, Manager Strategic Planning - Andrew Kearns, Manager Corporate Communication - Suzanne Stuart, Manager Community Planning and Partnerships - Meagan Ang, Manager Design and Mapping Services - Christopher Amit, Manager Corporate Services and Governance - Charles McElroy and Administrative Support Officer - Jodie Tillinghast.

### **APOLOGIES AND LEAVE OF ABSENCE**

There were no apologies or requests for leave of absence received from Councillors.

### **DECLARATIONS OF INTEREST**

Councillor Garrow declared an interest on Item 215.

### **Acknowledgement of Official Visitors to the Council**

There were no official visitors to the Council.

## ORDINARY MEETING

Minutes: 26 October 2021

### SECTION 1 - Confirmation of Minutes

#### 270 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Zamprogno that the Minutes of the Ordinary Meeting held on the 12 October 2021, be confirmed.

#### Statement by the Mayor, Councillor Patrick Conolly

The Mayor, Councillor Conolly addressed Council to make the following statement:

It was brought to my attention after the last meeting that during consideration of the Rural Boundary Clearing Code, I interrupted Councillor Wheeler during her time speaking to clarify a point in the debate. The debate on the matter had become quite heated and there were a number of interruptions from Councillors. Clearly I should have done better to keep the meeting in order, and I should have waited till after Councillor Wheeler was finished speaking to clarify any point in the discussion. I apologise to Councillor Wheeler for interrupting her.

## ORDINARY MEETING

Minutes: 26 October 2021

### SECTION 2 – Mayoral Minutes

**Item: 202**                      **MM - Community Request for Skate Park or BMX Track in Bligh Park - (125610)**

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RESOLVED on the motion of the Mayor, Councillor Conolly.

***Refer to RESOLUTION***

**271 RESOLUTION:**

RESOLVED on the motion of the Mayor, Councillor Conolly.

That Council:

1. Acknowledge the request from the Bligh Park Community for the provision of a skate park or BMX track in Bligh Park.
2. Be provided with a report that includes:
  - An assessment of the suitability of potential sites in Bligh Park including Colonial Reserve
  - An estimate of the cost
  - Potential funding sources, including grants and inclusion in a future Delivery Program
  - Actions Council could take to make this a 'shovel ready' project that could be eligible to be grant funded.

**For the Motion:** Councillors Conolly, Lyons-Buckett, Calvert, Garrow, Kotlash, Rasmussen, Reynolds, Richards, Ross, Tree, Wheeler and Zamprogno.

**Against the Motion:** Nil.

**Absent:** Nil.

## ORDINARY MEETING

Minutes: 26 October 2021

### SUPPLEMENTARY REPORT

**Item: 215**

**MM2 - Warragamba Dam Raising Project - (125610)**

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Councillor Garrow declared a less than significant non-pecuniary conflict of interest in this matter as her father is an executive on the Hawkesbury Nepean River Flood Mitigation Action Committee. She left the meeting and did not take part in voting or discussion on the matter.

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Ms Jocelyn Howden addressed Council. speaking against the recommendation in the business paper.

A MOTION was moved by the Mayor, Councillor Conolly.

That Council prepare a submission in response to the Warragamba Dam Raising Project EIS, to highlight the importance of the project to the Hawkesbury-Nepean Valley.

The submission should consider matters such as:

- The estimated number of buildings and quantum of damage to buildings within the Hawkesbury River floodplain within the Hawkesbury local government area at risk of potential flooding in various design flood events, including 1 in 5, 1 in 20, 1 in 50, 1 in 100, 1 in 200, 1 in 500 and Probable Maximum Flood, and the reduction of the number of buildings and damage to buildings that the Warragamba Dam Raising project could potentially achieve
- The significant limitations and disadvantages of the alternative options for flood mitigation, as examined in the Hawkesbury-Nepean Valley Flood Risk Management Strategy - Resilient Valley, Resilient Communities, and in the Environmental Impact Statement
- The role of the range of targeted actions across the nine outcomes contained within the Hawkesbury-Nepean Valley Flood Risk Management Strategy - Resilient Valley, Resilient Communities
- The fact that the Hawkesbury-Nepean Valley is considered to have the highest flood risk in Australia
- The legislative changes that would be required for the Warragamba Dam to be used for permanent water storage in the future, given concerns that the raised Dam could lead to the use of the increased height for water storage purposes as opposed to the stated intention of flood mitigation
- That it is currently not feasible for many of our residents to access flood insurance
- The very small proportion of the Blue Mountains World Heritage Area that would be affected by temporary inundation in the event of a major flood event, and that the project includes significant offsets to ensure there are no material impacts on biodiversity, and has also assessed the potential impacts on Aboriginal Cultural Heritage
- Council's Flood Policy 2020, which recognises the need for a collaborative approach to floodplain management across the Hawkesbury-Nepean Valley and demonstrates our commitment to providing up to date and relevant, best practice controls based on consideration of flood hazard and risks
- The lack of proper provision for infrastructure in times of flooding
- The lack of electricity supply and emergency services west of the river during floods
- Council's concerns about development along evacuation routes including in neighbouring local government areas.
- Council requiring the Regional Land Use Study, Cumulative Overland Flood Study, and post-flood release information.



## ORDINARY MEETING

Minutes: 26 October 2021

**For the Motion:** Councillors Conolly, Richards, Tree, and Zamprogno.

**Against the Motion:** Councillors Lyons-Buckett, Calvert, Kotlash, Rasmussen, Reynolds, Ross and Wheeler.

**Absent:** Councillor Garrow.

The Motion was lost.

## ORDINARY MEETING

Minutes: 26 October 2021

### SECTION 3 – Reports for Determination

#### PLANNING DECISIONS

**Item: 203**                      **CP - Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012 - 457 Bells Line of Road, 79 and 95 Bells Lane, Kurmond - (95498, 124414)**

**Directorate:**                City Planning

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Ms Janice Hopkins addressed Council speaking for the recommendation in the business paper.

Mr Michael Want addressed Council speaking against the recommendation in the business paper.

#### **MOTION:**

RESOLVED on the motion of Councillor Zamprogno, seconded by Councillor Richards.

***Refer to RESOLUTION***

#### **272 RESOLUTION:**

RESOLVED on the motion of Councillor Zamprogno, seconded by Councillor Richards.

That Council:

1. Receive and note the outcome of consultation on the Planning Proposal and supporting documentation for 457 Bells Line of Road, 79 and 95 Bells Lane, Kurmond.
2. Proceed with the making of the plan to amend the Hawkesbury Local Environmental Plan 2012 in order to permit the subdivision of 457 Bells Line of Road, 79 and 95 Bells Lane, Kurmond into a total of nine lots with minimum lot size of not less than 4,000m<sup>2</sup>, 9,100m<sup>2</sup> or 1 hectare.
3. Submit the adopted Lot Size Map and Restricted Lot Yield map and supporting planning documentation to the Department of Planning, Industry and Environment for preparation and finalisation of a draft Instrument to give effect to the Planning Proposal.
4. Adopt and make the proposed amendment to the Hawkesbury Local Environmental Plan 2012 as outlined in this report, under the authorisation for Council to exercise delegation issued by the "Gateway" determination, upon receipt of the final Instrument from the Department of Planning, Industry and Environment.
5. Following the making of the plan advise the Department of Planning, Industry and Environment that the Plan has been made and request notification of the Plan on the NSW Legislation website.
6. Publicly exhibit the Draft Voluntary Planning Agreements attached as Attachments 3, 4 and 5 to this report for a minimum of 28 days and report back to Council following public exhibition.

## ORDINARY MEETING

**Minutes:** 26 October 2021

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:** Councillors Conolly, Lyons-Buckett, Calvert, Garrow, Kotlash, Reynolds, Richards, Tree, Wheeler and Zamprogno.

**Against the Motion:** Councillors Rasmussen and Ross.

**Absent:** Nil.

## ORDINARY MEETING

Minutes: 26 October 2021

### GENERAL MANAGER

**Item: 204**                      **GM - Ordinary Council Meetings 2022 - (79351)**

**Directorate:**                General Manager

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#### **MOTION:**

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

***Refer to RESOLUTION***

#### **273 RESOLUTION:**

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

That:

1. Council set dates for the holding of ordinary meetings of Council for the months of January, February and March 2022, as contained in Attachment 1 to this report.
2. The set ordinary meetings for the months of January, February and March 2022 commence at 6.30pm and take place in the Council Chambers, or by audio-visual link to the extent permitted by law.
3. A further report be submitted to Council in January 2022 regarding a review of Council's Code of Meeting Practice.

**For the Motion:**                Councillors Conolly, Lyons-Buckett, Calvert, Garrow, Kotlash, Rasmussen, Reynolds, Richards, Ross, Tree, Wheeler and Zamprogno.

**Against the Motion:**        Nil.

**Absent:**                        Nil.

## ORDINARY MEETING

Minutes: 26 October 2021

### SUPPORT SERVICES

**Item: 205**                      **SS - Investment Report - September 2021 - (95496, 96332)**

**Previous Item:**            097, Ordinary (25 May 2021)

**Directorate:**               Support Services

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#### **MOTION:**

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

*Refer to RESOLUTION*

#### **274 RESOLUTION:**

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

That the Monthly Investment Report for September 2021 be received and noted.

**For the Motion:**            Councillors Conolly, Lyons-Buckett, Calvert, Garrow, Kotlash, Rasmussen, Reynolds, Richards, Tree, Wheeler and Zamprogno.

**Against the Motion:**      Councillor Ross.

**Absent:**                      Nil.

## ORDINARY MEETING

Minutes: 26 October 2021

**Item: 206**                      **SS - Payment of Expenses and Provision of Facilities to Councillors Policy - (95496)**

**Previous Item:**            113, Ordinary (15 June 2021)  
                                 133, Ordinary (13 July 2021)  
                                 143, Ordinary (27 July 2021)

**Directorate:**                Support Services

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### **MOTION:**

RESOLVED on the motion of Councillor Zamprogno, seconded by Councillor Wheeler.

***Refer to RESOLUTION***

### **275 RESOLUTION:**

RESOLVED on the motion of Councillor Zamprogno, seconded by Councillor Wheeler.

That Council adopt the Payment of Expenses and Provision of Facilities to Councillors Policy, attached as Attachment 1 to the report.

**For the Motion:**            Councillors Conolly, Lyons-Buckett, Calvert, Garrow, Kotlash, Rasmussen, Reynolds, Richards, Ross, Tree, Wheeler and Zamprogno.

**Against the Motion:**        Nil.

**Absent:**                        Nil.

## ORDINARY MEETING

Minutes: 26 October 2021

### SECTION 4 – Reports of Committees

**Item: 207**                      **ROC - Local Traffic Committee - 11 October 2021 - (80245, 95495)**

**Directorate:**                Infrastructure Services

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**MOTION:**

RESOLVED on the motion of Councillor Wheeler, seconded by Councillor Reynolds.

***Refer to RESOLUTION***

**276 RESOLUTION:**

RESOLVED on the motion of Councillor Wheeler, seconded by Councillor Reynolds.

That Council receive and note the Minutes of the Local Traffic Committee Meeting held on 11 October 2021.

**For the Motion:**                Councillors Conolly, Lyons-Buckett, Calvert, Garrow, Kotlash, Rasmussen, Reynolds, Richards, Ross, Tree, Wheeler and Zamprogno.

**Against the Motion:**            Nil.

**Absent:**                            Nil.

## ORDINARY MEETING

Minutes: 26 October 2021

### SECTION 5 – Notices of Motion

**Item: 208**                      **NM1 - Domestic Violence Funding - (79351, 138882)**

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Ms Maria Losurdo addressed Council speaking for the recommendation in the business paper.

**MOTION:**

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

*Refer to RESOLUTION*

**277 RESOLUTION:**

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

That Council:

1. Notes the recent funding announcement from the NSW State Government to provide \$485.3 million to expand services for women and children fleeing domestic violence.
2. Notes that the Hawkesbury has few service options for victim survivors of domestic violence lacks basic after-hours and emergency supports, and lacks emergency housing for people fleeing domestic violence and that the lack of an integrated public transport system hinders access to out of area services.
3. Consistent with Council's Domestic Violence Action plan, works with the State Member for Hawkesbury, the Honourable Robyn Preston, and local agencies, including but not limited to, The Women's Cottage, LinkWentworth Community Housing, and Merana Aboriginal Community Association, to secure funding to provide much needed services in the Hawkesbury including emergency housing.

**For the Motion:**                      Councillors Conolly, Lyons-Buckett, Calvert, Garrow, Kotlash, Rasmussen, Reynolds, Richards, Ross, Tree, Wheeler and Zamprogo.

**Against the Motion:**              Nil.

**Absent:**                                  Nil.



## ORDINARY MEETING

Minutes: 26 October 2021

### Item: 209                      NM2 - March 2021 Flood - (138885, 79351)

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A MOTION was moved by Councillor Ross, seconded by Councillor Reynolds.

That:

1. The elected body and community be provided with a comprehensive report detailing the impact of this year's flooding upon all Council's assets across the entire City landscape.
2. Asset types to be segregated into recognised descriptive groupings, with supportive addenda disclosing specific locations /precincts affected.
3. The assessed financial impairment in each instance, inclusive of costs associated with removal/disposal, engineering/building consultants/services, security, traffic control, and alike incurred up to the point where an affected asset is able to be reinstated to its original or re-designed useful service availability for the community, (with requisite funding provided).
4. A preliminary assessment of the financial impact upon Council's resources of the total costs associated with reinstatement/replacement of fill affected assets, based solely upon funding being drawn from Council's own "untied" internal reserves.
5. A statement as to whether internal or external sources have been relied upon in determining those financial impact assessments, together with anticipated future validity up to 31 December 2022, of the three current known major transport link infrastructure works, (Greens Road; Colo River Bridge).

It was requested by Councillor Wheeler that this motion be dealt with in seriatim.

A MOTION was moved by Councillor Ross, seconded by Councillor Reynolds.

That:

1. The elected body and community be provided with a comprehensive report detailing the impact of this year's flooding upon all Council's assets across the entire City landscape.

**For the Motion:**                      Councillors Conolly, Lyons-Buckett, Garrow, Reynolds, Ross and Wheeler.

**Against the Motion:**              Councillors Calvert, Kotlash, Rasmussen, Richards, Tree and Zamprognio.

**Absent:**                                  Nil.

The Motion was lost on the casting vote of the Mayor.

A MOTION was moved by Councillor Ross, seconded by Councillor Reynolds.

That:

2. Asset types to be segregated into recognised descriptive groupings, with supportive addenda disclosing specific locations /precincts affected.

## ORDINARY MEETING

Minutes: 26 October 2021

**For the Motion:** Councillor Ross

**Against the Motion:** Councillors Conolly, Lyons-Buckett, Calvert, Garrow, Kotlash, Rasmussen, Reynolds, Richards, Tree, Wheeler and Zamprogno.

**Absent:** Nil.

The Motion was lost.

A MOTION was moved by Councillor Ross, seconded by Councillor Reynolds.

That:

3. The assessed financial impairment in each instance, inclusive of costs associated with removal/disposal, engineering/building consultants/services, security, traffic control, and alike incurred up to the point where an affected asset is able to be reinstated to its original or re-designed useful service availability for the community, (with requisite funding provided).

**For the Motion:** Councillor Ross

**Against the Motion:** Councillors Conolly, Lyons-Buckett, Calvert, Garrow, Kotlash, Rasmussen, Reynolds, Richards, Tree, Wheeler and Zamprogno.

**Absent:** Nil.

The Motion was lost.

A MOTION was moved by Councillor Ross, seconded by Councillor Reynolds.

That:

4. A preliminary assessment of the financial impact upon Council's resources of the total costs associated with reinstatement/replacement of fill affected assets, based solely upon funding being drawn from Council's own "untied" internal reserves.

**For the Motion:** Councillor Ross

**Against the Motion:** Councillors Conolly, Lyons-Buckett, Calvert, Garrow, Kotlash, Rasmussen, Reynolds, Richards, Tree, Wheeler and Zamprogno.

**Absent:** Nil.

The Motion was lost.

A MOTION was moved by Councillor Ross, seconded by Councillor Reynolds.

That:

5. A statement as to whether internal or external sources have been relied upon in determining those financial impact assessments, together with anticipated future validity up to 31 December 2022, of the three current known major transport link infrastructure works, (Greens Road; Colo River Bridge).

## ORDINARY MEETING

Minutes: 26 October 2021

**For the Motion:** Councillor Ross

**Against the Motion:** Councillors Conolly, Lyons-Buckett, Calvert, Garrow, Kotlash, Rasmussen, Reynolds, Richards, Tree, Wheeler and Zamprogno.

**Absent:** Nil.

The Motion was lost.

**ORDINARY MEETING**

**Minutes: 26 October 2021**

**Item: 210                      NM3 - Road Assets - (138885, 79351)**

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A MOTION was moved by Councillor Ross.

That:

1. Staff release the document(s) which supported Council's 30.June.2020 revaluation of its road assets by \$326,475,000 gross, and increased future amortization costs by approx. \$6,000,000 p/a, as per its audited General Purpose Financial Statements – F.20, (note #IO[a]).
2. Staff release report(s) obtained subsequently, dealing with proposed amortization of road assets using alternate criteria, as indicated in the March 2021 QBRS statement at Council's Meeting of 17 May 2020.
3. That staff detail road works projects undertaken during the Year Ending 30 June 2021, in both the "renewal" and additions" categories, disclosing type, work location, contractor, specifications re: base replacement, if any, compaction, depth and relevant characteristics of seal attributes and the cost/square metre within treated zone(s), other relevant factors affecting project costs, excluding traffic control.

There was no seconder for the motion and the motion lapsed.

**ORDINARY MEETING**

**Minutes:** 26 October 2021

**Item: 211                      NM4 - Revised 2021/2022 Operational Plan - (138885)**

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A MOTION was moved by Councillor Ross, seconded by Councillor Reynolds.

That at the next meeting of Council, the Responsible Accounting Officer table a revised Operational Plan for the current financial year ending 30 June 2022.

**For the Motion:**                      Councillors Reynolds and Ross.

**Against the Motion:**              Councillors Conolly, Lyons-Buckett, Calvert, Garrow, Kotlash, Rasmussen, Richards, Tree, Wheeler and Zamprogno.

**Absent:**                                  Nil.

The Motion was lost.

## ORDINARY MEETING

Minutes: 26 October 2021

### QUESTIONS FOR NEXT MEETING

**Item: 212**                      **Response to Councillor Question Taken on Notice at Council Meeting of the 28 September 2021 - (79351)**

**Previous Item:**            200, Ordinary (12 October 2021)

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There was no comment on the response to the Question Taken on Notice at the Council Meeting on 28 September 2021.

**Item: 213**                      **Response to Councillor Question Taken on Notice at the Council Meeting - 12 October 2021 - (79351)**

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There was no comment on the response to the Question Taken on Notice at the Council Meeting on 12 October 2021.

**Item: 214**                      **Questions with Notice - 26 October 2021**

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Further questions and answers and comments to Councillor Questions with Notice listed in the Business Paper, were provided.

The meeting terminated at 9:45pm.

Submitted to and confirmed at the Ordinary meeting held on 9 November 2021.

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Mayor