



Hawkesbury City Council

ordinary meeting minutes

date of meeting: 26 November 2013

location: council chambers

time: 6:30 p.m.

ORDINARY MEETING

Minutes: 26 November 2013.

MINUTES

– **WELCOME**

**Prayer
Acknowledgement of Indigenous Heritage**

– **APOLOGIES AND LEAVE OF ABSENCE**

– **DECLARATION OF INTERESTS**

– **SECTION 1 - Confirmation of Minutes**

– **INTRODUCTION OF SISTER CITY EXCHANGE STUDENTS AND PRESENTATION OF CERTIFICATES**

– **ACKNOWLEDGEMENT OF OFFICIAL VISITORS TO THE COUNCIL**

– **SECTION 2 - Mayoral Minutes**

– **EXCEPTION REPORT - Adoption of Items Not Identified for Discussion and Decision**

– **SECTION 3 - Reports for Determination**

Planning Decisions

General Manager

City Planning

Infrastructure Services

Support Services

– **SECTION 4 - Reports of Committees**

– **SECTION 5 - Notices of Motion**

– **QUESTIONS FOR NEXT MEETING**

– **REPORTS TO BE DISCUSSED IN CONFIDENTIAL SESSION**

ORDINARY MEETING

Minutes: 26 November 2013.

ORDINARY MEETING

Minutes: 26 November 2013.

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE
	ATTENDANCE	1
	APOLOGIES	1
	SECTION 1: Confirmation of Minutes	1
	CONDOLENCES	1
	SECTION 3 - Reports for Determination	2
	PLANNING DECISIONS	2
ITEM: 232	CP - Planning Proposal for Lot 1 DP 880604, 1411 Kurmond Road, Kurmond (LEP89005/10) - (95498)	2
ITEM: 233	CP - Planning Proposal - Amendment to Hawkesbury Local Environmental Plan 2012 - Lots 1, 2, 3 & 4 DP 1057585, Lots 2 & 3 DP 808945, part Lot 1 DP 808945 and Part Lot 2 DP 555257, Mitchell Road, Pitt Town - (95498)	3
ITEM: 234	CP - Development Report - DA0421/13 - Lot 4 DP707766 - 338 Spinks Road, Glossodia - Animal boarding and training establishment (85782, 126147)	4
ITEM: 235	CP - Proposed Amendments to Hawkesbury Development Control Plan 2002 - Inclusion of a new Heritage Chapter - (95498)	8
ITEM: 236	CP - Works In Kind Deed - 137 New Residential Allotments on "Bona Vista" Precinct, Pitt Town - (95498)	8
	GENERAL MANAGER	10
ITEM: 237	GM - Possible Process for Establishment of Economic Development Advisory Committee or Forum - (79351)	10
ITEM: 238	GM - Potential Siting of a Second Sydney Airport - (79351, 77675, 78149)	10
	SUPPORT SERVICES	12
ITEM: 239SS	- Monthly Investments Report - October 2013 - (96332, 95496)	12
ITEM: 240SS	- September 2013 Quarterly Budget Review Statement - (96332, 95496)	12
	SECTION 4 - Reports of Committees	13
ROC	- Local Traffic Committee - 11 November 2013 - (80245)	13
	SECTION 5 - Notices of Motion	14
RM	- Planning Proposal - Lots 271, 272, 273 and 274 DP1156792, 96-98 Grose Vale Road and 26-28 Arthur Phillip Drive, North Richmond - (125612, 80104, 80105)	14

ORDINARY MEETING

Minutes: 26 November 2013.

ITEM	SUBJECT	PAGE
	QUESTIONS FOR NEXT MEETING	15
	Councillor Questions from Previous Meeting and Responses - (79351)	15
	QUESTIONS FOR NEXT MEETING	16

ORDINARY MEETING

Minutes: 26 November 2013.

Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on **Tuesday, 26 November 2013**, commencing at 6:32pm.

Chaplain Cheryle Symons of Hawkesbury City Salvation Army, 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, Manager Corporate Services and Governance – Nicole Cooney, Manager Development Services – Shari Hussein, Chief Financial Officer – Emma Galea and Administrative Support Team Leader - Natasha Martin.

APOLOGIES

There were no apologies for absence.

Councillor Mackay arrived at the meeting at 6:36pm.
Councillor Williams arrived at the meeting at 6:37pm.

SECTION 1: Confirmation of Minutes

382 RESOLUTION:

RESOLVED on the motion of Councillor Porter and seconded by Councillor Reardon that the Minutes of the Ordinary Meeting held on the 12 November 2013, be confirmed.

CONDOLENCES

Condolences were expressed to the family, friends and skiing community for the loss of world champion skier, Ms Sarah Teelow.

Condolences were expressed to the family and friends of Mrs Kaye Stubbs, whom passed away recently.

Introduction of Sister Exchange Students and Presentation of Certificates

Ms Tina Tallack from the Sister City Association introduced the delegates who participated in the Sister City Exchange Program. Certificates were presented to the Sister City Exchange Students by the Mayor.

ORDINARY MEETING

Meeting Date: 26 November 2013

SECTION 3 - Reports for Determination

PLANNING DECISIONS

ITEM: 232 **CP - Planning Proposal for Lot 1 DP 880604, 1411 Kurmond Road, Kurmond (LEP89005/10) - (95498)**

Mr Robert Montgomery addressed Council, speaking for the item.
Mr Michael Want addressed Council, speaking against the item.

MOTION:

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

Refer to RESOLUTION

383 RESOLUTION:

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

That:

1. The planning proposal to permit large lot residential development on 1411 Kurmond Road, Kurmond be forwarded to the Department of Planning and Infrastructure for finalisation and gazettal subject to:
 - a) the relevant Lot Size Map of Hawkesbury Local Environmental Plan 2012 being amended to provide for a minimum lot size of 4,000m² over the whole of 1411 Kurmond Road, Kurmond; and
 - b) a suitable provision being included in the Hawkesbury Local Environmental Plan 2012 to limit the maximum number of lots to be created from subdivision of the site to 5.
2. Council staff commence discussions with the applicant, consistent with their offer, to develop an appropriate contribution mechanism, such as a Voluntary Planning Agreement, for the development to make an equitable contribution towards future regional road upgrades in the locality. This mechanism is to be reported back to Council prior to finalisation and is to be in place before the determination of any development application for this site.

ORDINARY MEETING

Meeting Date: 26 November 2013

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

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

The Motion was carried.

ITEM: 233 **CP - Planning Proposal - Amendment to Hawkesbury Local Environmental Plan 2012 - Lots 1, 2, 3 & 4 DP 1057585, Lots 2 & 3 DP 808945, part Lot 1 DP 808945 and Part Lot 2 DP 555257, Mitchell Road, Pitt Town - (95498)**

Mr Bassam Ghantous addressed Council, speaking against the item.

MOTION:

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

Refer to RESOLUTION

384 RESOLUTION:

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

That:

1. Council not support the planning proposal in its current form as there is insufficient strategic and economic justification for the proposed increase in lot yield.
2. Should the applicant wish to pursue the proposal they be requested to provide additional strategic and economic justification for further consideration by Council.

ORDINARY MEETING

Meeting Date: 26 November 2013

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

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

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

The Motion was carried.

ITEM: 234 **CP - Development Report - DA0421/13 - Lot 4 DP707766 - 338 Spinks Road, Glossodia - Animal boarding and training establishment (85782, 126147)**

Ms Renee Keddie and Mr Greg Hall addressed Council, speaking for the item.
Mr Phillip Cheetham addressed Council, speaking against the item.

MOTION:

A MOTION was moved by Councillor Tree and Seconded by Councillor Rasmussen.

That the item be deferred to enable Council officers to discuss this matter with the applicant and the adjoining neighbour.

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

Refer to RESOLUTION

ORDINARY MEETING

Meeting Date: 26 November 2013

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

The amendment was carried.

The amendment then became the motion which was put and carried.

385 RESOLUTION:

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

That:

- A. Development application DA0421/13 at Lot 4 DP 707766, 338 Spinks Road, Glossodia for an animal boarding and training establishment – Including retrospective approval for a horse arena be approved subject to the following conditions:

General Conditions

- 1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
- 2. The proposed amenities building shall comply with the provisions of the National Construction Code - Building Code of Australia.
- 3. A Section 149A Building Certificate Application shall be obtained for the fit out works to the proposed amenities building.

Prior to commencement of works

- 4. A Sewer Management Facility System application shall be submitted to and approved by Council prior to any works commencing in relation to the proposed amenities building.

During Construction

- 5. Site and building works shall be carried out only on Monday to Friday between 7am – 6pm and on Saturdays between 8am – 4pm.
- 6. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.

ORDINARY MEETING

Meeting Date: 26 November 2013

7. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
8. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
 - a) Unauthorised access to the site is prohibited.
 - b) The owner of the site.
 - c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
 - d) The name and contact number of the Principal Certifying Authority.
9. Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with the approved plan and Hawkesbury Development Control Plan chapter on Soil Erosion and Sedimentation.
10. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
11. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
 - a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
 - c) Builders waste must not be burnt or buried on site. All waste must be contained and removed to a Waste Disposal Depot.
12. The cut or fill shall be battered at a slope not exceeding one vertical to three horizontal. All constructed batters are to be top soiled and grassed.
13. Catch drains are to be constructed around the high side of the arena to convey storm water around the structure.
14. Certification for all fill imported to the site is to be provided to Council confirming that it is sound, suitable for the proposed use and free from contamination .
15. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted, re-directed or concentrated to adjoining properties. Water flows shall follow the original flow direction without increased velocity.

Prior to Commencement of Use

16. A works as executed plan and contour depth of fill plan prepared by a registered surveyor or the design engineer shall be submitted to Council.

Use of the Development

17. The development shall be limited to the area shown on the submitted plans.

ORDINARY MEETING

Meeting Date: 26 November 2013

- 18. The equestrian arena shall not be illuminated.
- 19. The equestrian arena is to be kept clean. Stock piles of any organic animal manure are to be stored in an enclosed fenced area, undercover and appropriately banded to avoid escape of contaminated water. Waste manure is to be disposed of at regular intervals to prevent the waste from overflowing and emanating odour.
- 20. The subject development, including landscaping, is to be maintained in a clean and tidy manner.
- 21. Customers visiting the site for lessons shall be restricted to visiting the site between 3pm and 5pm on weekdays and 10am to 2pm on weekends.
- 22. Any external lighting shall be directed in such a manner so that no nuisance is caused to adjoining properties or to drivers on surrounding streets.
- 23. Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour) or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.

Advisory Notes

- *** The principles and practices contained in the Department of Environment and Conservation "Best practice environmental guide for keeping horses" (Horse properties on the rural urban fringe) (ISBN 1 74137 0787 www.environment.nsw.gov.au) shall be observed.
- *** The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.

B. Council contact Mr Cheetham to fully investigate the matter regarding the dogs at 338 Spinks Road, Glossodia.

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 Lyons-Buckett
Councillor Creed	Councillor Rasmussen
Councillor Mackay	Councillor Williams
Councillor Paine	
Councillor Porter	
Councillor Reardon	
Councillor Tree	

ORDINARY MEETING

Meeting Date: 26 November 2013

ITEM: 235 **CP - Proposed Amendments to Hawkesbury Development Control Plan 2002 - Inclusion of a new Heritage Chapter - (95498)**

MOTION:

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

Refer to RESOLUTION

386 RESOLUTION:

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

The exhibited draft Heritage Conservation Chapter with post-exhibition amendments as attached to this report be adopted and made effective (i.e. included into Hawkesbury Development Control Plan 2002) on the date that public notice of Council's adoption is given in a local newspaper.

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 Paine
Councillor Conolly	
Councillor Creed	
Councillor Ford	
Councillor Mackay	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Tree	
Councillor Williams	

Councillor Lyons-Buckett was not in the Chamber when the vote was taken.

ITEM: 236 **CP - Works In Kind Deed - 137 New Residential Allotments on "Bona Vista" Precinct, Pitt Town - (95498)**

Ms Gai Timmerman addressed Council, speaking against the item.

MOTION:

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

Refer to RESOLUTION

ORDINARY MEETING

Meeting Date: 26 November 2013

387 RESOLUTION:

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

That the "Bona Vista First 137 New Lots" Works In Kind Agreement dated 12 December 2008 be varied, under the provisions of Clause 7 of that Agreement, to permit the release of the Subdivision Certificate for more than 137 allotments in the Bona Vista precinct subject to the following conditions:

1. Both parties continue to use the best of their endeavours and act in good faith to finalise the delivery of the outstanding Works in that Agreement.
2. Upon completion of the review of the Section 94 Contributions Plan by Council the revised road work for Bathurst Street be either constructed by the Johnson Property Group or an equivalent cash contribution is made to Council for that construction to be undertaken in 2014.
3. Prior to the release of any Subdivision Certificate for any additional allotments, beyond 137, in the Bona Vista Precinct, a cash contribution, to fulfil obligations under the Section 94 Contributions Plan, must be made.

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

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

ORDINARY MEETING

Meeting Date: 26 November 2013

GENERAL MANAGER

ITEM: 237 **GM - Possible Process for Establishment of Economic Development Advisory Committee or Forum - (79351)**

Previous Item: NM1 Ordinary (13 November, 2012)

MOTION:

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

Refer to RESOLUTION

388 RESOLUTION:

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

That:

1. The information be received and noted.
2. Funding for the development of a Hawkesbury Economic Development Strategy be considered in the 2014/2015 Draft Budget.
3. An Economic Working Group be established to specifically inform and support the development of the Hawkesbury Economic Development Strategy with a further report to be submitted regarding the membership and activities of the Group.
4. The manner in which Council undertakes economic development activities and engages the community in this regard be further considered following the establishment of the Economic Working Group and development of the Hawkesbury Economic Development Strategy as referred to above.

ITEM: 238 **GM - Potential Siting of a Second Sydney Airport - (79351, 77675, 78149)**

MOTION:

A MOTION was moved by Councillor Tree, seconded by Councillor Paine.

Refer to RESOLUTION

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

That:

1. Council acknowledge the need that currently exists for the development of a second Sydney airport.
2. in respect of the RAAF Base Richmond, Council reiterate its position that the Base should be retained; it should not be considered as a site of a second Sydney airport and should continue to operate as a permanent operational facility for defence purposes with any possible future use of the Base for civil aviation purposes not preventing or hindering this.

ORDINARY MEETING

Meeting Date: 26 November 2013

3. the Mayor of Blacktown City Council, Councillor L. Robinson, be advised of Council's position and that as such, Council is unable to accede to his request for this Council's support of proposed actions in opposition to the use of Badgerys Creek as the site for a second Sydney airport.
4. Council write to WSROC stating Council's support for them to engage in extensive community consultation, preferably using the deliberative democracy process.

The amendment was lost.

The motion was put and carried.

389 RESOLUTION:

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

That:

1. Council acknowledge the need that currently exists for the development of a second Sydney airport and, as a matter of policy, indicate that Council considers that the Badgerys Creek site is the most appropriate location for the site of the second Sydney airport.
2. WSROC be advised of Council's position and Council's delegates to WSROC be requested to support and promote Council's position to WSROC.
3. in respect of the RAAF Base Richmond, Council reiterate its position that the Base should be retained; it should not be considered as a site of a second Sydney airport and should continue to operate as a permanent operational facility for defence purposes with any possible future use of the Base for civil aviation purposes not preventing or hindering this.
4. the Mayor of Blacktown City Council, Councillor L. Robinson, be advised of Council's position and that as such, Council is unable to accede to his request for this Council's support of proposed actions in opposition to the use of Badgerys Creek as the site for a second Sydney airport.
5. Council write to WSROC stating Council's support for them to engage in extensive community consultation, preferably using the deliberative democracy process.

Councillors Creed, Lyons-Buckett, Rasmussen and Williams requested that their names be recorded as having voted against the motion.

ORDINARY MEETING

Meeting Date: 26 November 2013

SUPPORT SERVICES

ITEM: 239SS - Monthly Investments Report - October 2013 - (96332, 95496)

MOTION:

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

Refer to RESOLUTION

390 RESOLUTION:

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

The report regarding the monthly investments for October 2013 be received and noted.

ITEM: 240SS - September 2013 Quarterly Budget Review Statement - (96332, 95496)

Previous Item: 108, Extraordinary (18 June 2013)

MOTION:

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

Refer to RESOLUTION

391 RESOLUTION:

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

That:

1. The information contained in the report be received.
2. The Quarterly Budget Review Statement – September 2013 be adopted.

SECTION 4 - Reports of Committees

ROC - Local Traffic Committee - 11 November 2013 - (80245)

392 RESOLUTION:

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

That the minutes of the Local Traffic Committee held on 11 November 2013 as recorded on pages 89 to 101 of the Ordinary Business Paper be adopted.

ORDINARY MEETING

Notices of Motion

SECTION 5 - Notices of Motion

RESCISSION MOTION

RM - Planning Proposal - Lots 271, 272, 273 and 274 DP1156792, 96-98 Grose Vale Road and 26-28 Arthur Phillip Drive, North Richmond - (125612, 80104, 80105)

Councillor Rasmussen declared a pecuniary interest in this matter as he owns property with a boundary onto the Grose River near the proposed bridge and feeder roads which is part of the planning proposal for the Redbank Housing Development. He left the Chamber and did not take part in voting or discussion on the matter.

The RESCISSION MOTION was moved by Councillor Lyons-Buckett, seconded by Councillor Paine.

That Council's resolution of 12 November 2013 in respect of Item 223 be rescinded.

The Rescission Motion was lost.

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

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

ORDINARY MEETING

Questions for Next Meeting

QUESTIONS FOR NEXT MEETING

Councillor Questions from Previous Meeting and Responses - (79351)

NO Questions from Questions

There were no responses to Questions in relation to previous Questions for Next Meeting.

ORDINARY MEETING

Questions for Next Meeting

QUESTIONS FOR NEXT MEETING

#	Councillor	Question	Response
1	Calvert	Advised that he was submitting a Notice of Motion for plaques on historic buildings for the next Ordinary Meeting to be held on 10 December 2013.	General Manager
2	Paine	Requested that a hole in the road on The Terrace, Windsor near Riverview be repaired.	Director Infrastructure Services
3	Paine	Requested that the provision of a signalised pedestrian crossing be considered for George Street, Windsor, near Bligh Park and the matter be raised with the RMS at a Local Traffic Committee meeting.	Director Infrastructure Services
4	Williams	Requested if he could be provided with additional information regarding Windsor Wharf, specifically: a) Who is responsible for the cost of repairs to the wharf and how much will it cost, and b) A copy of the Accessibility Requirements and grant conditions.	Director Infrastructure Services
5	Reardon	Requested an update on the "Hawkesbury City Council" sign that is to be installed out the front of Administration Building.	Director Support Services

The meeting terminated at 10:35pm.

Submitted to and confirmed at the Ordinary meeting held on 10 December 2013.

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Mayor