



Hawkesbury City Council

ordinary meeting minutes

date of meeting: 27 March 2007

location: council chambers

time: 5:00 p.m.

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 27 March 2007, commencing at 5:05pm.

Pastor 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 R Stubbs, Mayor, Councillor B Bassett, Deputy Mayor and Councillors T Books, B Calvert, K Conolly, T Devine, D Finch, C Paine, B Porter, P Rasmussen, N Wearne and L Williams

SECTION 1: Confirmation of Minutes

83 RESOLUTION:

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

SECTION 2 - Mayoral Minutes

MM - Bells Line of Road Upgrade - (79353, 98487)

REPORT:

On Thursday 15 March 2007, at the request of the Bells Line Expressway Group, I attended a meeting with Mr Ian Armstrong and other members of the group who outlined the need for the upgrade of the Bells Line of Road. A DVD outlining the case for the upgrade of Bells Line of Road has been produced and over an approximately 5 minute period puts a substantive case for the proposal. A copy of this DVD is available for Councillors should they wish to view it.

The importance of the upgrade of the Blacktown/Richmond Road as a connection from the Bells Line of Road to the M2 and M7 was acknowledged, as was the need identified for both State and Federal Governments to commit to the project and have the corridor identified as a priority within the Auslink framework.

The need for support from councils at the eastern end of the project was identified and it was requested that Council support the group giving a presentation regarding the project to WSROC. This would seem to be an appropriate mechanism to gauge the support of the WSROC Councils for the project and I would recommend that WSROC be requested to allow the Bells Line Expressway Group to present the case for the upgrade of Bells Line of Road, including the connection to the M2 and M7, at their next appropriate meeting.

MOTION:

RESOLVED on the motion of Councillor Stubbs, Mayor

Refer to RESOLUTION

An AMENDMENT was moved by Councillor Books, seconded by Councillor Devine.

That:

1. In the first instance, Council facilitate a presentation to Councillors and the public by the Bells Line Expressway Group in respect of their proposal.
2. WSROC be requested to allow the Bells Line Expressway Group to present the case for the upgrading of Bells Line of Road, including the connection to the M2 and M7, at their next appropriate meeting.

The amendment was lost.

The motion was put and carried.

84 RESOLUTION:

RESOLVED on the motion of Councillor Stubbs, Mayor

That:

1. In the first instance, Council facilitate a presentation to Councillors and the public by the Bells Line Expressway Group in respect of their proposal, and any other proposals regarding the crossing of the Great Dividing Range also be given the same opportunity.
2. WSROC be requested to allow the Bells Line Expressway Group to present the case for the upgrading of Bells Line of Road, including the connection to the M2 and M7, at their next appropriate meeting, with it being noted that Council only supports an upgrade of the Bells Line of Road in terms of Council's previous resolution in this regard.

SECTION 3 - Notices of Motion

RESCISSION MOTION: CP - Pitt Town Investigation 2006 - Independent Report - (95498, 87959, 103216)

Mr John Hagar and Ms Kim Smith, proponents, addressed the Council.
Mr Phill McDonald, respondent, addressed the Council.

MOTION:

A MOTION was moved by Councillor Williams, seconded by Councillor Rasmussen.

That Council rescind the resolution made regarding Item 41: Pitt Town Investigation 2006 - Independent Report at the Ordinary Meeting of 13 March 2007.

The motion was lost.

SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 54 **GM - 2007 Local Government Managers Australia (LGMA) National Congress - (79351, 74304)**

MOTION:

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

Refer to RESOLUTION

85 RESOLUTION:

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Bassett

That:

1. Council approve the attendance of two members of Council, and staff as considered appropriate by the General Manager, at the 2007 LGMA National Congress to be held 29 April to 2 May 2007 in Hobart, Tasmania, at a cost of approximately \$3,500.00 per delegate.
2. Councillors Bassett and Paine, as potential nominated Council representatives, attend the 2007 LGMA National Congress to be held 29 April to 2 May 2007 in Hobart, Tasmania

Item: 55 **GM - Australian Local Government Women's Association (NSW) Annual Conference, 3 - 6 May, 2007, Lismore NSW - (79351, 95655)**

MOTION:

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

Refer to RESOLUTION

86 RESOLUTION:

RESOLVED on the motion of Councillor Bassett, seconded by Councillor Devine

That attendance of nominated Councillors at the Australian Local Government Women's Association (NSW) Annual Conference, 3 - 6 May 2007 in Lismore, NSW at a cost of \$1,700.00 per delegate be approved.

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CITY PLANNING

Item: 56 **CP - Car Park Land Transfer to Council from North Richmond Bakery - Consent Condition to DA 0234-93 - (95498, 29514, DA0234/93)**

MOTION:

RESOLVED on the motion of Councillor Finch, seconded by Councillor Calvert.

Refer to RESOLUTION

87 RESOLUTION:

RESOLVED on the motion of Councillor Finch, seconded by Councillor Calvert

That authority be given for the transfer documentation associated with this matter to be executed under the Seal of Council and that appropriate action also be taken to enable the land in question to be classified as "operational land" under the provisions of the Local Government Act 1993.

Item: 57 **CP - Floodplain Risk Management Committee - Appointment of New Committee Members - (95498, 86589)**

Previous Item: 224, Special (19 September 2006)

This matter was withdrawn by Management from the meeting and will be reported back to Council in Closed Session, if permitted under the Local Government Act, after Council has investigated exemptions for community members from the Minister.

INFRASTRUCTURE SERVICES

Item: 58 **IS - Argyle Bailey Memorial Reserve - Draft Plan of Management - (79354)**

MOTION:

RESOLVED on the motion of Councillor Finch, seconded by Councillor Calvert.

Refer to RESOLUTION

88 **RESOLUTION:**

RESOLVED on the motion of Councillor Finch, seconded by Councillor Calvert

That the Draft Argyle Bailey Reserve Plan of Management Master Plan be placed on public exhibition.

Item: 59 **IS - Windsor Wharf - (95495)**

MOTION:

RESOLVED on the motion of Councillor Finch, seconded by Councillor Calvert.

Refer to RESOLUTION

89 **RESOLUTION:**

RESOLVED on the motion of Councillor Finch, seconded by Councillor Calvert

That:

1. Repairs required by NSW Maritime to the Windsor Wharf be undertaken immediately at an estimated cost of \$40,000.
2. Consultation and final design of a new wharf to a standard which will attract funding under the Maritime Infrastructure Program be undertaken at an estimated cost of \$15,000.
3. Funding be provided from funds allocated within the 2006/2007 budget for the Windsor Wharf replacement with remaining funds being carried forward to the 2007/2008 financial year to match NSW Maritime funding, if successful, to replace the Windsor Wharf.

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Item: 60 **IS - Yarramundi Reserve - Draft Plan of Management - (79354)**

Previous Item: Item 71, Ordinary (14 December 2004)
 Item 71, GPC (30 November 2004)

Councillor Rasmussen declared an interest in this matter as he owns land adjoining the Yarramundi Reserve. He left the meeting and did not take part in voting or discussion on the matter.

MOTION:

RESOLVED on the motion of Councillor Finch, seconded by Councillor Calvert.

Refer to RESOLUTION

90 RESOLUTION:

RESOLVED on the motion of Councillor Finch, seconded by Councillor Calvert

That the amended Yarramundi Reserve Plan of Management be adopted.

SUPPORT SERVICES

Item: 61 SS - Monthly Investments Report - February 2007 (96332)

MOTION:

RESOLVED on the motion of Councillor Finch, seconded by Councillor Calvert.

Refer to RESOLUTION

91 RESOLUTION:

RESOLVED on the motion of Councillor Finch, seconded by Councillor Calvert

That the information be received.

CONFIDENTIAL REPORTS

92 RESOLUTION:

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

That the confidential items be moved to the end of the business paper to be dealt with last.

93 RESOLUTION:

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

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: 62 SS - Property Matter - Shop 6, Wilberforce Shopping Centre

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it relates to details concerning the leasing of a Council property 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.*

Item: 64 ES - 007/FY07 - Tender to Purchase Council's Scrap Metal and Used Automotive Batteries

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

94 RESOLUTION:

RESOLVED on the motion of Councillor Finch, seconded by Councillor Bassett that open meeting be resumed.

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Item: 62 **SS - Property Matter - Shop 6, Wilberforce Shopping Centre - (95496, 34779, 74075, 76925) CONFIDENTIAL**

MOTION:

The General Manager advised that whilst in Closed Session, Council RESOLVED on the motion of Councillor Books, seconded by Councillor Finch.

Refer to RESOLUTION

95 RESOLUTION:

The General Manager advised that whilst in Closed Session, Council RESOLVED on the motion of Councillor Books, seconded by Councillor Finch

That:

1. Council agree to enter into a new lease with Mrs Diana McAuliffe trading as "Wilberforce Everyday Chemist" in regard to Shop 6, Wilberforce Shopping Centre in accordance with the proposal outlined in the report.
2. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.
3. Details of Council's resolution be conveyed to the proposed lessee together with the advice that Council is not and will not be bound by the terms of its resolution until such time as appropriate legal documentation to put such resolution into effect has been agreed to and executed by all parties.

Item: 64 **ES - 007/FY07 - Tender to Purchase Council's Scrap Metal and Used Automotive Batteries - (96330, 82995) CONFIDENTIAL**

MOTION:

The General Manager advised that whilst in Closed Session, Council RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Devine.

Refer to RESOLUTION

96 RESOLUTION:

The General Manager advised that whilst in Closed Session, Council RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Devine

That:

1. Council accept the tender submitted by Sell & Parker P/L for a period of two years for the purchase of Council's Scrap Metal and Used Automotive Batteries on the basis outlined in the Report..
2. Authority be given for any documentation in association with this matter be executed under the Seal of Council if necessary.

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SUPPLEMENTARY REPORTS

Item: 63 **SS - Possible Special Rate Variation - 2007/2008 Financial Year - (96332)**

Previous Item: 272, Ordinary (14 November 2006)

Mr Neville Diamond and Ms Jacqui Verzi, respondents, addressed the Council.

MOTION:

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

Refer to RESOLUTION

97 RESOLUTION:

RESOLVED on the motion of Councillor Paine, seconded by Councillor Finch

That Council indicate to the Department of Local Government its intention to apply for a Special Rate Variation under Section 508(2) of the Act in 2007/2008 of 9.5% (including any approved "rate pegging" increase) by the lodgement of the required "Intention to Apply" form with the Department by 31 March 2007.

SECTION 5 - Reports of Committees

ROC - Cultural Precinct Advisory Committee - 17 October 2006 - (95494, 82780, 97382)

98 RESOLUTION:

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

That the minutes of the Cultural Precinct Advisory Committee held on 17 October 2006 as recorded on pages 39 to 40 of the Ordinary Business Paper be received.

ROC - Hawkesbury Bicycle and Access Mobility Committee - 19 February 2007 - (95494, 98212)

99 RESOLUTION:

RESOLVED on the motion of Councillor Williams, seconded by Councillor Finch.

That the minutes of the Hawkesbury Bicycle and Access Mobility Committee held on 19 February 2007 as recorded on pages 41 to 42 of the Ordinary Business Paper be received.

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1. Councillor Wearne referred to a car that had been torched in Wilberforce Park and advised that it was still there after a week. He advised that Council had been informed, however, the car had not been removed. He asked if it could be investigated and advised that the Police had the details.
2. Councillor Porter referred to his previous Question Without Notice asked at the last meeting in regard to the notification to people affected by the new flood levels and wanted to know if there was any further information in relation to this.

The Director City Planning advised matter was still under investigation, however, to date Council had looked into how many properties will be affected and advised that there were around 8,500 properties under the old 1:100 year flood level and there are about 18,500 effected by the Probable Maximum Flood (PMF). He advised that Council was investigating the ramifications of these changes put out by the Minister and said that if letters were provided to the 18,500 people, the postage alone would be \$9000 and the investigations would take staff time, which is being investigated now.

Councillor Porter asked if it could be sent out with the Rate Notices.

The General Manager advised that it was an option that could be considered.

3. Councillor Conolly asked if Council was aware that another alleged load of asbestos was removed from Windsor Park Public School on Tuesday afternoon after school and that on that day, children had been playing in that area. Councillor Conolly asked if Council had a statutory role to investigate to ensure that all of the asbestos that could be on that site has been located as this is not the first occasion something like that has been reported by parents at that school. He asked if Council was satisfied with the role we had taken to ensure the safety of those people.

The Director External Services advised that she was not aware of the removal of asbestos, but it may have been brought to another staff member's attention. She advised in regard to Council's role, it is another State agency as it is really the responsibility of the Department of Environment and Conservation as the lead agency and they would liaise with the Local Area Health Service and with WorkCover.

Councillor Conolly asked if it would be the same with a private landowner.

The Director External Services advised that it would depend on the extent of the asbestos that was involved in the removal.

Councillor Conolly asked that is this was not the first time that asbestos has been removed from this site, do we have a public health duty to ensure that an entire site clean up is undertaken and ensuring that.

The Director External Services advised that it was not Council's responsibility to do that, it is really the role of the lead agency; in this case, it should be the Department of Environment and Conservation.

Councillor Conolly asked if something like this was reported directly to Council, would we go and investigate that.

The Director External Services advised that Council would liaise with those Government Departments and make them aware of the situation.

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4. Councillor Devine referred to his previous Question Without Notice asked at the last meeting in regard to the Minister's 117 directions and whether or not the Windsor Flood Evacuation Route now lays half a metre below the 1% residential floor height standard and asked if it has been investigated.

The Director City Planning advised that a memo will be going to all Councillors and commented that the EIS for the Windsor Flood Evacuation Route stated that the minimum centre line of 17.3mAHD and South Creek Bridge will be a minimum centre line of 18 metres. He advised that recent advice from the RTA representative is that the height of the bridge at the intersection of Day Street is 18mAHD and rising to 18.6mAHD over Mulgrave Road so this indicates it is over the flood level. The Director City Planning referred to Councillor Devine's part of his question in relation to 117 Direction, and this also refers back to Councillor Porter's question previously, and advised that the 117 Direction doesn't actually set a flood height, it sets the guideline and that you must comply with the guidelines in the Floodplain Development Manual and all the guidelines will be explained to Councillors in the memo.

5. Councillor Devine advised that within the literature handed out by the Penrith Lakes Authority, it indicates that the development of the Lakes Scheme provides a 0.6m flood height reduction level in the region. He advised that this information seemed to be at odds with the understanding of planning. He asked if Council could approach both the Penrith Lakes Scheme and the Department Planning and ask them who is right and who is wrong.

The Director City Planning advised it is a complex issue that probably needs to be discussed at the Floodplain Risk Management Committee. He commented that essentially, the flood levels had been set on a study of the Hawkesbury/Nepean System as a whole. The Penrith Lakes Scheme is a study done on that locality so we do need to look at the entire flood plain assessment rather than just one portion of it, but the matter will be brought up at the Committee.

Councillor Devine advised that the matter had already been raised by himself at the Committee, but unfortunately the representative from the Department of Planning wasn't there. He advised it was something that needs to be investigated because, in fact, the literature states within the Region, not the Penrith Lakes Scheme and asked if it could be investigated.

6. Councillor Devine referred to details regarding development applications and noted that within the Councillor Newsletters, the number of applications received within the week is listed, but the details of what those applications are about, are not listed in their entirety. He asked if it was possible to have the descriptions of each development listed as well.

The Director City Planning advised that the additional information could be supplied to Councillors within the Councillor Newsletter.

7. Councillor Rasmussen advised that he had been informed that at the last Local Government Advisory Group that there was mention of a motion that this Council had endorsed sandmining of Hawkesbury/Nepean River and asked if Council had in fact endorsed sandmining of the Hawkesbury/Nepean River.

The Mayor advised he didn't believe Council was the consent authority for that.

Councillor Books clarified that Penrith City Council put something up as their paddle wheelers were hitting the bottom.

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8. Councillor Rasmussen referred to the RAAF Economic Impact Study and that it had been completed and asked if Council had received any outcomes, reports, recommendations or anything at all on where our future may lie.

The Mayor advised it had been completed, but the information had not yet been released, but release should be very close.

9. Councillor Williams asked for an update on Richmond Pool and what was happening with the additional money coming in.

The Director Infrastructure Services advised that Council was currently going through the funding options and it will be reported to Council.

10. Councillor Williams asked if there was anything to report on the London Place, Grose Wold matter that he had previously brought up.

The Director City Planning advised Councillors would be receiving a letter on the matter within the next couple of days.

11. Councillor Williams referred to a phone call he made yesterday in relation a sullage leak up at Kurrajong Heights and asked if anyone had managed to go up and have a look.

The Director External Services advised that she was not aware of the matter, but will investigate it.

12. Councillor Williams referred to the matter of dredging the River and asked if Council could advise the Local Government Advisory Group that we currently do not have a policy of the dredging the River.

The General Manager advised that yes, and his understanding was that we not only don't have a policy, but it is outside our jurisdiction.

13. Councillor Paine asked if she could have the cost to Council at the amount of money paid to recruitment agencies for staff recruitment purposes per annum.

The General Manager advised that this information would be provided.

14. Councillor Paine referred to an article in the paper regarding sporting fields having to close due to advertising. She asked if Council could get to the bottom of this as she was told it wasn't allowed in Council's own LEP that the advertising signs could be put up. She asked if the matter could be clarified so sporting associations are put on the right track.

The Director City Planning advised that the matter would be reported back to Council. He advised he had been speaking to the Department about the provisions of SEPP 54, Advertising Signage and the Department hasn't really realised that most sporting fields are zoned open space, which is, via that SEPP, prohibiting advertising signs, but there is certainly no intention of Council to go and remove existing signs, it is more the display of additional signs.

15. Councillor Paine referred to a phone call received from a lady who has a pool on 43 acres, which has been there for a long time. Council has recently inspected the property and is now asking her put a fence around pool. Councillor Paine asked if this was normal and added that if this was to happen, did Council want her to fence her dams as well.

The General Manager advised the matter would be taken on notice.

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16. Councillor Paine asked if Council staff could try hard not to go down the path of having late reports sent out that haven't been put on the web at the same time as when Councillors receive them.

The Director Support Services advised that this could be done.

17. Councillor Calvert referred to Yarramundi Reserve and asked what the date was for the opening ceremony.

The General Manager advised it would be advised to Councillors.

18. Councillor Calvert referred to the Hogs Breath Café and advised that the proprietor/manager was interested to know when the next food handling course would be held and if he could be contacted.

The Mayor advised that this would be arranged.

19. Councillor Books asked if the Upper Colo Road that runs along the river, if it could be maintained.

The Director Infrastructure Services advised it would be investigated.

20. Councillor Books advised that the National Service Memorial in Ham Common was unveiled on Sunday by Air Commodore Geoff Michael and over 600 people were in attendance, but no local papers.

The Mayor asked if Councillor Books could convey on his congratulations to everyone within the organisation.

21. Councillor Finch asked what the period of time was that election posters could be left up.

The Director External Services advised that she was not aware of a statutory period, but would suggest around two weeks.

The meeting terminated at 7:10pm.

Submitted to and confirmed at the Ordinary meeting held on 24 April 2007.

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Mayor