



# Hawkesbury City Council

## ordinary meeting minutes

date of meeting: 10 August 2021

location: by audio-visual link

time: 6:30 p.m.



**ORDINARY MEETING****Minutes:** 10 August 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>SECTION 3 – Reports for Determination</b>	<b>5</b>
	<b>PLANNING DECISIONS</b>	<b>5</b>
Item: 152	CP - Redbank Voluntary Planning Agreement - Proposed Grose River Bridge - Milestones - (95498, 79351)	5
Item: 153	CP - Jacaranda Development Control Plan - Post Exhibition Amendments - (124414, 95498)	7
	<b>CITY PLANNING</b>	<b>8</b>
Item: 154	CP - Hawkesbury LGA Aboriginal Cultural Heritage Study - (80242, 124414, 95498)	8
Item: 155	CP - Council Submission - Richmond Bridge Duplication Project Preferred Corridor - (124414, 95498)	9
	<b>SUPPORT SERVICES</b>	<b>10</b>
Item: 156	SS - 2020/2021 Community Sponsorship Program - Round 2 - (95496, 96328)	10
Item: 157	SS - Proposed Road Closure Adjoining 24 Toll House Way, Windsor - (95496, 112106)	11
	<b>SECTION 4 – Reports of Committees</b>	<b>12</b>
Item: 158	ROC - Heritage Committee Minutes - 22 July 2021 - (80242, 95498, 124414)	12
	<b>QUESTIONS FOR NEXT MEETING</b>	<b>15</b>
Item: 159	Question with Notice - (79351)	15
Item: 160	Responses to Councillor Question Taken On Notice at the Council Meeting - 27 July 2021 - (79351)	15
	<b>CONFIDENTIAL REPORTS</b>	<b>16</b>
Item: 161	SS - Lease to The Minister for Police and Emergency Services (Fire and Rescue NSW) - Unformed Road Reserve Adjoining 43 March Street, Richmond - (112106, 95496, 120506) CONFIDENTIAL	17

**ORDINARY MEETING**

**Minutes:** 10 August 2021

## **ORDINARY MEETING**

**Minutes:** 10 August 2021

Minutes of the Ordinary Meeting held at by Audio-Visual Link, on 10 August 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, Director Infrastructure Services - Jeff Organ, Director Support Services - Laurie Mifsud, Strategic Planning Manager - Andrew Kearns, Manager Corporate Communication - Suzanne Stuart, Manager Corporate Services and Governance - Charles McElroy and Administrative Support Coordinator - Tracey Easterbrook.

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

No apologies of absence were received from Councillors.

Councillor Ross arrived at the meeting at 6:33pm.

### **DECLARATIONS OF INTEREST**

Councillor Conolly declared an interest on Item 156.

Councillor Garrow declared an interest on Item 152.

Councillor Rasmussen declared an interest on Item 152.

Councillor Richards declared interests on Items 152, 155 and 158.

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

There were no official visitors to Council.

**ORDINARY MEETING**

**Minutes:** 10 August 2021

**SECTION 1 - Confirmation of Minutes**

**207 RESOLUTION:**

RESOLVED on the motion of Councillor Calvert and seconded by Councillor Kotlash that the Minutes of the Ordinary Meeting held on the 27 July 2021, be confirmed.

## ORDINARY MEETING

Minutes: 10 August 2021

### SECTION 3 – Reports for Determination

#### PLANNING DECISIONS

**Item: 152**                      **CP - Redbank Voluntary Planning Agreement - Proposed Grose River Bridge - Milestones - (95498, 79351)**

**Previous Item:**            11, Ordinary (11 February 2020)  
294, Ordinary (11 December 2018)  
124, Ordinary (29 May 2018)  
118, Ordinary (27 June 2017)  
99, Ordinary (24 June 2014 - deferred 1 July 2014)  
54, Ordinary (25 March 2014)  
223, Ordinary (12 November 2013)

**Directorate:**              City Planning

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Councillor Garrow declared a pecuniary interest in this matter as she is employed by a charity that receives regular donations from Redbank. She left the Meeting and did not take part in voting or discussion on the matter.

Councillor Rasmussen declared a pecuniary interest in this matter as he owns property on which the bridge will be partially built. He left the Meeting and did not take part in voting or discussion on the matter.

Councillor Richards declared a less than significant non-pecuniary conflict of interest in this matter as she lives in Redbank, but rents and does not own the property and no further action is required.

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Mr Mark Regent addressed Council, speaking for the recommendation in the Business Paper.

Mr Michael Morris and Mr Michael Want addressed Council, speaking against the recommendation in the Business Paper.

#### **MOTION:**

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

#### ***Refer to RESOLUTION***

#### **208 RESOLUTION:**

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

**ORDINARY MEETING****Minutes:** 10 August 2021

That Council:

1. Agree to amend the relevant Voluntary Planning Agreement Milestones, in relation to the proposed Grose River Bridge, as follows:

Reference	Activity	Current Milestone	Proposed Amended Milestone
Milestone 2 (VPA Schedule 2, Item 1.2, Page 1 of 9)	Development approval by the relevant authority	701 <sup>st</sup> urban lot	801 <sup>st</sup> urban lot
Milestone 3 (VPA Schedule 2, Item 1.2, Page 1 of 9)	Preparation of the construction documentation and submission to the relevant authority	821 <sup>st</sup> urban lot	865 <sup>th</sup> urban lot
VPA Schedule 2, Item 1.3, Page 2 of 9	Construction (practical completion) of the proposed bridge	1001 <sup>st</sup> urban lot	1101 <sup>st</sup> urban lot

2. In relation to the proposed Grose River Bridge, seek the agreement of the Developer and Transport for NSW as parties to the Redbank Voluntary Planning Agreement to amend the milestones in accordance with the above schedule.
3. In relation to the proposed Grose River Bridge, seek the agreement of the Developer and Transport for NSW as parties to the Redbank Voluntary Planning Agreement that a new milestone be added that the development application be lodged no later than June 2022.

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, Calvert, Kotlash, Richards, Tree and Zamprogno.

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

**Absent:** Councillors Garrow and Rasmussen.



## ORDINARY MEETING

Minutes: 10 August 2021

**Item: 153**                      **CP - Jacaranda Development Control Plan - Post Exhibition Amendments - (124414, 95498)**

**Previous Item:**            145, Ordinary (13 August 2019)  
                                 018, Ordinary (9 February 2021)  
                                 073, Ordinary (27 April 2021)

**Directorate:**                City Planning

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Mr Andrew Jennings addressed Council, speaking for the recommendation in the Business Paper.

### **MOTION:**

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

***Refer to RESOLUTION***

### **209 RESOLUTION:**

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

That:

1. Council adopt the Jacaranda Development Control Plan, attached as Attachment 1 to the report.
2. The adopted Jacaranda Development Control Plan come into effect following notification of the Jacaranda Local Environmental Plan Amendment on the NSW Legislation website, and on the date specified in a public notice of the Council's resolution to adopt the Plan is published on Council's website following notification of the Local Environmental Plan Amendment.

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, Rasmussen, Reynolds, Richards, Ross, Tree, Wheeler and Zamprognio.

**Against the Motion:**        Nil.

**Absent:**                        Nil.

## ORDINARY MEETING

Minutes: 10 August 2021

### CITY PLANNING

**Item: 154**                      **CP - Hawkesbury LGA Aboriginal Cultural Heritage Study - (80242, 124414, 95498)**

**Directorate:**                City Planning

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Ms Erin Wilkins addressed Council, speaking for the recommendation in the Business Paper.

**MOTION:**

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

***Refer to RESOLUTION***

**210 RESOLUTION:**

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

That Council publicly exhibit the Hawkesbury LGA Aboriginal Cultural Heritage Study prepared by GML Heritage, attached as Attachment 1 to the report.

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

**Against the Motion:**            Councillor Zamprogno.

**Absent:**                         Nil.

## ORDINARY MEETING

Minutes: 10 August 2021

**Item: 155**                      **CP - Council Submission - Richmond Bridge Duplication Project Preferred Corridor - (124414, 95498)**

**Previous Item:**              124, Ordinary (29 June 2021)

**Directorate:**                City Planning

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Councillor Richards declared a significant non-pecuniary conflict of interest in this matter as she was present at the announcement of additional funding for the Richmond Bridge Duplication Project. She left the Meeting and did not take part in voting or discussion on the matter.

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Ms Samantha Magnusson addressed Council, speaking for the recommendation in the Business Paper.

Mr Michael Morris, Mr Daniel Nutman and Mr Matthew Parkes addressed Council, speaking against the recommendation in the Business Paper.

### **MOTION:**

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

***Refer to RESOLUTION***

### **211 RESOLUTION:**

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

That:

1. This matter be deferred to enable Council's submission to be amended to include information from community representation.
2. Council alert Transport for NSW to the urgent need for further community consultation especially in North Richmond and Southee Road.
3. Council write to Transport for NSW seeking an extension to the submission date.

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

**Against the Motion:**        Nil.

**Absent:**                        Councillor Richards.

## ORDINARY MEETING

Minutes: 10 August 2021

### SUPPORT SERVICES

**Item: 156**                      **SS - 2020/2021 Community Sponsorship Program - Round 2 - (95496, 96328)**

**Previous Item:**              11, Ordinary (25 January 2021)

**Directorate:**                Support Services

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Councillor Conolly declared a less than significant non-pecuniary conflict of interest in this matter as he is a member of Hawkesbury Chamber of Commerce, an applicant for funding. Councillor Connolly stated that he was not aware of the application and would not personally benefit from its success or failure, is a general member and not on the executive and no further action is required.

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#### **MOTION:**

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

#### ***Refer to RESOLUTION***

#### **212 RESOLUTION:**

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

That Council:

1. Approve payments for Section 356 Financial Assistance to the individual and organisations listed in this report and at the level recommended in the tables in the report.
2. Approve execution of Council's standard Sponsorship Agreement for those applications where the approved level of funding is over \$500.
3. Advise Applicant 4 that their application was not successful in accordance with Community Sponsorship Program assessment criteria.

**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: 10 August 2021

**Item: 157**                      **SS - Proposed Road Closure Adjoining 24 Toll House Way, Windsor - (95496, 112106)**

**Directorate:**                Support Services

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### **MOTION:**

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

***Refer to RESOLUTION***

### **213 RESOLUTION:**

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

That:

1. Council publicly exhibit and notify adjoining owners of the proposed road closure of an area of approximately 126m<sup>2</sup> adjoining 24 Toll House Way, Windsor as shown in the location plan attached as Attachment 1, to this report.
2. At the expiration of the public exhibition period outlined in Part 1, the following action be taken:
  - (a) Should any submissions be received regarding the proposed road closure a further report be submitted to Council, or
  - (b) Should no submissions be received:
    - i. Council approve the road closure as shown in Attachment 1 to this report, being part of the closed portion of the road reserve adjoining 24 Toll House Way, Windsor.
    - ii. Authority be given for the Road Closure Plan, and any documentation in association with the matter to be executed under the Seal of Council.

**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: 10 August 2021

### SECTION 4 – Reports of Committees

**Item: 158**                      **ROC - Heritage Committee Minutes - 22 July 2021 - (80242, 95498, 124414)**

**Directorate:**                City Planning

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Councillor Richards declared a significant non-pecuniary conflict of interest in this matter as she was present at the announcement of additional funding for the Richmond Bridge Duplication Project. She left the Meeting and did not take part in voting or discussion on the matter.

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#### **MOTION:**

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

#### ***Refer to RESOLUTION***

#### **214 RESOLUTION:**

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

That in relation to the Minutes of the Heritage Committee Meeting held on the 22 July 2021:

1. Council receive and note the Heritage Committee Recommendations in respect to items 4 and 11.
2. Council endorse the Committee Recommendation in respect of Item 1, namely:

*"That the Heritage Committee recommends that Council publicly exhibit the Draft Hawkesbury Aboriginal Cultural Heritage Study prepared by GML Heritage".*

3. Council endorse the Committee Recommendation in respect of Item 2, namely:

*"That the Heritage Committee:*

- a) *Endorse the Draft 3 Year Endorse the Draft Heritage Strategy for the 2021/2022 - 2023/2024 period.*
- b) *Strongly supports the appointment of a Heritage Officer."*

4. Council endorse the Committee Recommendation in respect of Item 3, namely:

*"That the Heritage Committee:*

- a) *Receive draft Inventory Sheets for the Committee to comment on.*
- b) *Include Database entries that provide searchable descriptors of items within the draft Inventory sheets.*
- c) *Recommends providing Heritage Statements and Studies that have been submitted through Council's Development Services section to the library."*

## ORDINARY MEETING

Minutes: 10 August 2021

5. Council endorse the Committee Recommendation in respect of Item 5, namely

*"That the Heritage Committee:*

- a) Recommends that Council provide more media, promotion and awareness of the Local Heritage Assistance Fund and Heritage more broadly.*
- b) Encourage Council to increase funding to the Local Heritage Assistance Fund to enhance the program and to coincide with the potential for an increase in heritage listings.*
- c) Notes that heritage grants provide an injection of jobs and funds into the local economy and that the 2020/2021 program through a \$40,000 contribution from Council has generated \$170,000 worth of works to heritage items.*
- d) Council use previous video footage of Council's Heritage Advisor to promote the Local Heritage Assistance Fund in social media posts to encourage people to come forward with potential heritage listings for consideration.*
- e) Council use the high proportionate value of the Heritage NSW grant for small works to lobby for an increase in future years, particularly considering the high number of State and local heritage items in the Hawkesbury compared to other Council areas in NSW."*

6. Council endorse the Committee Recommendation in respect of Item 6, namely:

*"That the Heritage Committee:*

- a) Request that Council contact Heritage NSW to seek increased funding for heritage matters within the Hawkesbury Local Government Area.*
- b) Note publicly that Council contributes to the bulk of funding to run these programs.*
- c) Consider earlier notification and longer periods to facilitate applicants obtaining quotes, approvals and works, particularly with COVID-19 constraints."*

7. Council endorse the Committee Recommendation in respect of Item 7, namely:

*"That the Heritage Committee:*

- a) Recommends that the information sheets provide high level advice written in plain language to educate property owners of typical conservation issues and correct / appropriate remedies.*
- b) Recommends that the Information sheets cater for both tradespersons and other end users with the following additions:*
  - Focus on getting specialist advice*
  - Plain language summary up to one page at the beginning of each document*
  - Information on approvals process and the need to obtain approvals for work*
  - Information on materials that should not be used and things people should not do."*

## ORDINARY MEETING

Minutes: 10 August 2021

8. Council endorse the Committee Recommendation in respect of Item 8, namely:

*"That the Heritage Committee recommend that Council proceed with the replacement and interpretation of the missing milemarker at East Richmond."*

9. Council endorse the Committee Recommendation in respect of Item 9, namely

*"That Council consider implementation of the Blue Plaques Program from the United Kingdom using State Government funding."*

10. Council consider the matters raised by the Heritage Committee when considering the draft submission to the Richmond Bridge Duplication Preferred Option Report, including:

- a) Comments on impact of heritage listed property Mountain View, the lack of details about the impact and significant concerns about the Green Route.
- b) Address concerns about lack of flood immunity, given the budget of the project.

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

**Against the Motion:** Nil.

**Absent:** Councillor Richards.



**ORDINARY MEETING**

**Minutes:** 10 August 2021

**QUESTIONS FOR NEXT MEETING**

**Item: 159                      Question with Notice - (79351)**

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The response to a Question with Notice at the Council Meeting on 10 August 2021 was noted.

**Item: 160                      Responses to Councillor Question Taken On Notice at the Council Meeting -  
27 July 2021 - (79351)**

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The response to a Question Taken On Notice at the Council Meeting 27 July 2021 was noted.

## ORDINARY MEETING

Minutes: 10 August 2021

### CONFIDENTIAL REPORTS

#### 215 RESOLUTION:

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

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 Meeting during consideration of the following items:

**Item: 161 SS - Lease to The Minister for Police and Emergency Services (Fire and Rescue NSW) - Unformed Road Reserve Adjoining 43 March Street, Richmond - (112106, 95496, 120506)**

*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.*

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.

#### 216 RESOLUTION:

RESOLVED on the motion of Councillor Zamprogno, seconded by Councillor Kotlash that open meeting be resumed.

## ORDINARY MEETING

Minutes: 10 August 2021

**Item: 161**                      **SS - Lease to The Minister for Police and Emergency Services (Fire and Rescue NSW) - Unformed Road Reserve Adjoining 43 March Street, Richmond - (112106, 95496, 120506)    CONFIDENTIAL**

**Directorate:**                      Support Services

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### **MOTION:**

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

### ***Refer to RESOLUTION***

### **217 RESOLUTION:**

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

That:

1. Council proceed to publicly exhibit the proposed Deed of Lease with The Minister for Police and Emergency Services (Fire & Rescue NSW) for the road reserve adjoining 43 March Street, Richmond, as outlined in the report, in accordance with Section 154 of the Roads Act, 1993.
2. At the expiration of the public exhibition period outlined in Part 1, the following action be taken:
  - (a) Should any submissions be received regarding the proposed Agreement to The Minister for Police and Emergency Services (Fire & Rescue NSW) a further report be submitted to Council, or
  - (b) Should no submissions be received:
    - i. Council agree to enter into a new Deed of Lease with The Minister for Police and Emergency Services (Fire & Rescue NSW) in regard to the unformed road adjoining 43 March Street, Richmond, as outlined in this report.
    - ii. Authority be given for the Deed of Lease and any other documentation in association with the matter to be executed under the Seal of Council.
    - iii. 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 the resolution, until such time as appropriate legal documentation to put such resolution into effect has been agreed to and executed by all parties.

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

**Against the Motion:**                      Nil.

**Absent:**                                      Nil.

**ORDINARY MEETING**

**Minutes:** 10 August 2021

The meeting terminated at 9:35pm.

Submitted to and confirmed at the Ordinary meeting held on 31 August 2021.

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Mayor