



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 10 March 2009
location: council chambers
time: 5:00 p.m.

ORDINARY MEETING

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 10 March 2009, commencing at 5:01pm.

ATTENDANCE

PRESENT: Councillor B Bassett, Mayor, Councillor K Conolly, Deputy Mayor and Councillors B Calvert, W Mackay, C Paine, B Porter, P Rasmussen, J Reardon, R Stubbs, T Tree, W Whelan and L Williams

ALSO PRESENT: General Manager - Peter Jackson, Director City Planning - Matt Owens, Director Infrastructure Services - Chris Daley, Chief Financial Officer - Rob Stalley, Manager Corporate Services and Governance - Fausto Sut, Executive Manager - Community Partnerships - Joseph Litwin and Administrative Support Team Leader - Kylie Wade-Ferrell.

Councillor Mackay arrived at the meeting at 5:28pm

SECTION 1: Confirmation of Minutes

69 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Porter that the Minutes of the Ordinary Meeting held on the 24 February 2009, be confirmed.

SECTION 3 - Notices of Motion

NM - Council Priorities Regarding a Flood Free Bridge Over the Upper Hawkesbury River - (111630, 79351)

MOTION:

RESOLVED on the motion of Councillor Whelan, seconded by Councillor Stubbs.

Refer to RESOLUTION

70 RESOLUTION:

RESOLVED on the motion of Councillor Whelan, seconded by Councillor Stubbs

That:

1. This elected Council recognises that having no flood free access across the Upper Hawkesbury River, is a geographical division across townships/villages east and west of the River dividing the whole of our Hawkesbury Community.
2. The Council will uphold, to our Hawkesbury City Community to pursue through both spheres of State and Federal Government, continually without reservation or equivocation the urgent need and desire of our community for a bridge across the Upper Hawkesbury River high enough to remain open during the majority of floods.
3. Council seek an urgent upgrade of Flood Evacuation Routes in Western Sydney to at least a 1:100 year flood event by the State Government.
4. The objective in point 2 above included in Council's Draft Community Strategic Plan.

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

SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 44 GM - Complaint Under Council's Code of Conduct against Councillor L Williams - (79351,80105)

Mr Neville Diamond and Mr Bill Sneddon, proponents, addressed Council.
Ms Mary Buckett, Mr Frank Scharfe and Mr Kim Smith, respondents, addressed Council.

MOTION:

A MOTION was moved by Councillor Paine, seconded by Councillor Rasmussen

That the information be received.

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

RESOLVED on the FORESHADOWED motion moved by Councillor Conolly, seconded by Councillor Mackay.

Refer to RESOLUTION

71 RESOLUTION:

RESOLVED on the FORESHADOWED motion moved by Councillor Conolly, seconded by Councillor Mackay.

That the Review Report by the Sole Conduct Reviewer, Mr S Blackadder of Blackadder Associates Pty Ltd, dated 26 February, 2009 in respect of a complaint under the Council's Code of Conduct regarding Councillor L Williams be received and the findings and recommendations contained therein be adopted by Council, with following alterations:

1. A change of Recommendation 1 to:

That Councillor Leigh Williams provide an apology to the Mayor on behalf of the Hawkesbury Community for his conduct at the Hawkesbury City Council Meeting on 11 November 2008, such conduct being detrimental to the pursuit of community leadership, constituting unacceptable verbal abuse as well as disrespect to those in attendance at the meeting who witnessed the conduct.

2. A change of Recommendation 2 to:

That the Hawkesbury City Council organise a Code of Conduct training for all those Councillors, that were unable to attend previous training.

Councillor Williams then made a verbal apology to the Mayor in accordance with the above resolution.

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Item: 45 **GM - Tourism Program: Future Direction - Visitor Information Centre (79351, 105004)**

Previous Item: 22, Ordinary (24 February 2009)
 227, Ordinary (11 November 2008)
 184, Ordinary (9 September 2008)
 57, Ordinary (8 April 2008)
 216, Ordinary (30 October 2007)
 89, Ordinary (29 May 2007)

MOTION:

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

Refer to RESOLUTION

72 RESOLUTION:

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

That as part of its Tourism Program for the area, Council:

1. Continue to operate the Visitor Information Centre at Clarendon for up to two years, during which time monitor the situation regarding possible alternate operators and, if appropriate, review the situation as it relates to the delivery model.
2. Prepare a tourism strategy for the Hawkesbury Local Government Area to guide future directions, including Council activities and its response to the tourism market.

Item: 46 **GM - 56th Annual Australian Local Government Women's Association Conference - 19 - 22 March 2009 - (79351)**

MOTION:

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

Refer to RESOLUTION

73 RESOLUTION:

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

That the attendance of nominated Councillors, and staff members as considered appropriate by the General Manager, at the 56th Annual Australian Local Government Women's Association Conference to be held 19-22 March 2009 at an approximate cost of \$1,150.00 plus travel expenses per delegate be approved.

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Item: 47 **GM - Local Government Managers Australia - National Congress & Business Expo - 24-28 May 2009 - (79351)**

MOTION:

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

Refer to RESOLUTION

74 RESOLUTION:

RESOLVED on the motion of Councillor Mackay, seconded by Councillor Rasmussen

That the attendance of nominated Councillors, and staff members as considered appropriate by the General Manager, at the 2009 Local Government Managers Australia, National Congress & Business Expo to be held 24-28 May, 2009 at a cost of approximately \$3,830.00 per delegate be approved.

75 RESOLUTION:

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

That Councillors Mackay, Paine and Williams, as Council's nominated representatives, attend the Local Government Managers Australia - National Congress & Business Expo.

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CITY PLANNING

Item: 48 **CP - Proposed Change to Deferred Commencement Consent Condition - 263 Windsor Street, Richmond - (DA0537/08, 95498, 110797)**

Previous Item: 239, Ordinary (25 November 2008)

MOTION:

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

Refer to RESOLUTION

76 RESOLUTION:

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

That the Development Application DA0537/08 at Lot 1 DP 1107029, 263 Windsor Street, Richmond for change of use of the existing restaurant and first floor residential flat to a shop (pharmacy) and commercial premises (office), including additions and alterations to the existing building at the front of the property be amended as follows:

1. The Deferred Commencement consent condition be removed,
2. Insert the following additional condition into the "Prior to the issue of the Occupation Certificate" section of the consent;

A Planning Agreement under 93F of the Environmental Planning and Assessment Act 1979 must be entered into with the Hawkesbury City Council prior to the issue of the Occupation Certificate. The agreement is to make provision for the applicant to provide works or payment of a contribution, as specified in the agreement, to the value of \$50,000 in lieu of the parking spaces not being provided onsite as a result of the proposed development.

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 Bassett	Councillor Paine
Councillor Calvert	
Councillor Conolly	
Councillor Mackay	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Stubbs	
Councillor Tree	

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Councillor Whelan	
Councillor Williams	

Item: 49 **CP - Draft Section 64 - Contribution Plan - Stormwater Infrastructure for Pitt Town - Bona Vista and Fernadell Precincts - (95498)**

Previous Item: 257, Ordinary (9 December 2008)

Mr Ian Johnston, proponent, addressed Council.

MOTION:

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

Refer to RESOLUTION

77 RESOLUTION:

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

That:

1. The attached version of the Draft Section 64 - Contribution Plan - Stormwater Infrastructure for Pitt Town - Bona Vista and Fernadell Precincts be adopted.
2. The Plan be made effective by way of notice in the Hawkesbury Courier.

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 Bassett	Councillor Paine
Councillor Calvert	Councillor Rasmussen
Councillor Conolly	Councillor Williams
Councillor Mackay	
Councillor Porter	
Councillor Reardon	
Councillor Stubbs	
Councillor Tree	
Councillor Whelan	

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Item: 50 **CP - Building Code of Australia Requirements for Guttering - (95498)**

MOTION:

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

Refer to RESOLUTION

78 RESOLUTION:

RESOLVED on the motion of Councillor Williams, seconded by Councillor Rasmussen

That the matter be deferred until the next Council meeting.

INFRASTRUCTURE SERVICES

Item: 51 **IS - Charles Kemp Reserve Plan of Management - (79354)**

Previous Item: 216, Ordinary (21 October 2008)

MOTION:

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

Refer to RESOLUTION

79 RESOLUTION:

RESOLVED on the motion of Councillor Porter, seconded by Councillor Stubbs

That:

1. The Charles Kemp Reserve Plan of Management and Master Plan be adopted.
2. Further community consultation be undertaken with a view to the reclassification of a five metre strip of land, adjacent to the southern boundary of the Reserve (approximately 650m²) to Operational Land, and the Plan of Management be amended as required.
3. Any funding or grants for works on Charles Kemp Reserve be reported back to Council.

Item: 52 **IS - Exclusive Use of Governor Phillip Reserve - Upper Hawkesbury Power Boat Club - (79354, 73829)**

MOTION:

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

Refer to RESOLUTION

80 RESOLUTION:

RESOLVED on the motion of Councillor Stubbs, seconded by Councillor Rasmussen

That:

1. That approval be granted to the Upper Hawkesbury Power Boat Club for "Exclusive Use" of Governor Phillip Reserve for the following events: (i) Bridge to Bridge Power Boat Classic to be held on 3 May 2009, with an alternate date of 17 May 2009; and (ii) The Windsor Spectacular to be held on 19 and 20 September 2009. Both events are subject to the following conditions:
 - a. Prior to dates of exclusive use a letter box drop be undertaken by the applicant to all affected residents in proximity to the event with that letter advising full details of the function;

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- b. The Reserve is to be left clean and tidy with the organisation being responsible for collection and disposal of all waste; the applicant is to lodge with Council a damage bond of \$800.00* in relation to each date, which is refundable less any costs incurred by Council, administrative or otherwise, to clean or restore the area;
- c. The applicant paying to Council such fees as may be applicable at the time for exclusive use of the Reserve being \$1.45* per person or \$860.00* per day (whichever is the greater);
- d. A fee of \$60.50* is payable for the cleaning of the toilets prior to the exclusive use;
*(*The above fees/amounts apply to the current financial year only; these fees/amounts are subject to change in subsequent financial years, as determined by Council.)*
- e. A copy of a Public Liability Policy for \$10,000,000 and indemnifying Hawkesbury City Council is to be submitted prior to the first event; in the event of renewal of that policy occurring at some time during the course of the 2009 Racing Calendar, a Certificate of Currency is to be submitted within one week of renewal - this Public Liability Policy is to cover all events conducted as part of the applicant's 2009 Racing Calendar.
- f. Any building, vehicle or stall that is preparing food for public consumption is to comply with Council's "Food Safety Guidelines for Charities and Community Organisations" brochure; this information and any related food/public health information can be obtained by contacting Council's Environmental Health Officer.
- g. If required, the applicant obtaining all necessary permits/approvals in relation to amusement devices/rides and liaising with Integral Energy regarding the supply of power and their proximity to power supply lines.
- h. If required, the applicant to obtain an appropriate licence from the Licensing Branch of the NSW Police Service for the sale of alcoholic beverages at the proposed event.
- i. The applicant is to notify details of the 2009 Racing Calendar to the Hawkesbury Local Area Command at Windsor Police Station. Phone: 4560 6999.
- j. The applicant obtaining an appropriate licence from NSW Maritime Authority regarding the conduct of the 2009 Racing Calendar.
- k. The event manager/applicant must undertake a Risk Assessment of the event to be conducted including pre-event preparations. This assessment must identify potential hazards and the procedures that need to be implemented to eliminate or control those hazards. The event manager/applicant is responsible for ensuring that procedures are followed and that they comply with the requirements of the Occupational Health and Safety Regulations 2001.
- l. The Upper Hawkesbury Power Boat Club is to comply with Council's current policy in regard to noise levels, as listed below.

No competing vessel shall be permitted to emit noise in excess of:

- i. Club Days - 105dB(A) for more than 40 minutes per day;
- ii. NSW State Titles - 105dB(A);
- iii. Bridge to Bridge Boat Race - 105dB(A);
- iv. Unlimited Boat Race (Blown Boats) - 115dB(A). This event is held directly after the Bridge to Bridge Boat Race;
- v. Noise Test - (prior to the Two Day Spectacular) - 115dB(A) for more than 15 minutes in total through the day;

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- vi. Two Day Spectacular - 115dB(A) for more than 10 minutes in total per day.
- 2. A Traffic Management Plan be submitted as part of the Special Event Application.

Item: 53 **IS - Three Towns (and Agnes Banks) Sewerage Advisory Committee Constitution - (88320)**

MOTION:

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

Refer to RESOLUTION

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

That:

- 1. The Committee be known as the Agnes Banks and Future Sewerage Provision Advisory Committee and that the Constitution attached to the report be amended accordingly.
- 2. Point 4 of the Constitution be amended to reflect the other Committees of Council Constitution in relation to the term of the Committee.

The amendment was lost.

The motion was put and carried

81 RESOLUTION:

RESOLVED on the motion of Councillor Mackay, seconded by Councillor Rasmussen

That:

- 1. The Draft Three Towns (and Agnes Banks) Sewerage Advisory Committee Constitution be adopted.
- 2. Point 4 of the Constitution be amended to reflect the other Committees of Council Constitution in relation to the term of the Committee.

SUPPORT SERVICES

Item: 54 **SS - Revaluation of Properties within the Hawkesbury City Council Local Government Area - (95496, 79337)**

MOTION:

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

Refer to RESOLUTION

82 RESOLUTION:

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

That:

1. The information concerning the revaluation of properties within the Hawkesbury City Council Local Government Area be received.
2. Council's practice of levying the business and residential ad valorem rate, at the same level, be continued.
3. Council's practice of levying the farmland ad valorem rate at approximately 80% of the residential/business ad valorem rate be continued.

83 RESOLUTION:

RESOLVED on the FORESHADOWED motion moved by Councillor Porter, seconded by Councillor Mackay.

That:

1. Staff report back to Council regarding the average land value increase for residential and rural residential land as separate items in respect of Wilberforce and Freemans Reach.
2. Staff report back to Council what Penrith and Baulkham Hills Councils are doing to support large acreage holdings.

SECTION 5 - Reports of Committees

ROC - Floodplain Risk Management Advisory Committee Minutes - 9 February 2009 - (86589)

84 RESOLUTION:

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

That the minutes of the Floodplain Risk Management Advisory Committee held on 9 February 2009 as recorded on pages 63 to 67 of the Ordinary Business Paper be received.

ROC - Three Towns (and Agnes Banks) Sewerage Advisory Committee - 12 February 2009 - (88320)

85 RESOLUTION:

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

That the minutes of the Three Towns (and Agnes Banks) Sewerage Advisory Committee held on 12 February 2009 as recorded on pages 68 to 75 of the Ordinary Business Paper be received.

ROC - Local Traffic Committee - 18 February 2009 - (80245)

86 RESOLUTION:

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

That the minutes of the Local Traffic Committee held on 18 February 2009 as recorded on pages 76 to 90 of the Ordinary Business Paper be received.

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#	Councillor	Question	Response
1	Porter	Asked to have it registered that Mr Michael Kemp, as he left the Chamber, gave him the 'digit'.	The Mayor noted it, acknowledged he saw it as well and agreed it was aggressive and intimidating.
2	Calvert	Referred to the motion that he moved regarding Vineyard on 3 February 2009 and commented that one of the points was for Council to approach Mr Aquilina and State Planning for a meeting and asked if there was any progress on this matter.	The Director City Planning advised that he will investigate and advise.
3	Paine	Referred to Bilpin Oval and asked what was happening with this Oval and if Council could be provided with an update as the matter has been going on for a long period of time.	The Director Infrastructure Services advised that he was currently preparing a response to the e-mail that was sent in, but the status quo hasn't changed. National Parks hasn't given Council the land back, but Council is still maintaining the surrounds at the moment. He advised it will all come out in the response which will be provided to Councillors.
4	Paine	Referred to the Service Station on Macquarie Street at the end of Fitzgerald Street and advised that it is an absolute disgrace and it is one of the entrances to town. She asked if they could be asked to clean it up. Councillor Paine asked if anything was going to happen on that site.	The Director City Planning advised Council would contact with the owner about the condition of the site. The Director City Planning advised that the owner had lodged a development application, but there were significant issues within it and Council is currently speaking with the owner about addressing those issues.

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#	Councillor	Question	Response
5	Paine	<p>Referred to a memo she had in relation to the Clarendon Tavern and asked who Council's solicitors would be who will be handling this matter.</p> <p>Councillor Paine asked if Councillors could be kept informed about how the matter progresses. She also asked if Council was going to be taking residents along with us as support for this. She commented that this was something Council was unanimous on and is really important and she believed even Councillors would go down to this. She asked if Council could pull out all stops to make sure this happens.</p>	<p>The Director City Planning advised that it would be Pikes Lawyers.</p> <p>The Director City Planning advised that normally Council would notify objectors to an appeal against a Development Application and Council will follow that usual process.</p> <p>The General Manager advised that Council made a decision on that and it is now subject to an appeal. That appeal will be run through the system as appropriate. He advised that it wouldn't be appropriate for individual Councillors to go down to Council's Solicitors and express an opinion on that matter. Council, in its resolution, in determining the application has done that. Adding to the Director City Planning's comments, the normal course is for the solicitors to advise all objectors to an application where there is an appeal giving them the opportunity for them to become involved or aware of it. He added that if the case is before a court and if Councillors wished to go and sit in the gallery to listen - that would be order.</p>
6	Williams	<p>Referred to Stanley Park, East Kurrajong and advised that the rubbish he had made Council aware of was still there and asked for it to be fixed up.</p> <p>Councillor Williams asked if Council needed a stockpile for its rubbish, would it be possible use the old tip site on Putty Road at East Kurrajong that is only a kilometre up the Road.</p>	<p>The Director Infrastructure Services apologised as he hadn't had the opportunity in the past two weeks to do that, but it will be followed up this week.</p>
7	Williams	<p>Asked if the Hawkesbury was a GM free zone.</p>	<p>The General Manager advised that there may be something there in relation to the GM free area from the past and advised that he will investigate and advise</p> <p>Councillors Stubbs and Paine agreed and believed a part of the University was excluded for research purposes.</p>
8	Rasmussen	<p>Referred to the dog establishment at Grose Vale and asked if Council had a new or amended Development Application for that establishment.</p>	<p>The Director City Planning advised he checked just before the meeting and no Development Application had been lodged.</p>

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#	Councillor	Question	Response
9	Rasmussen	Asked if Council had received any updates on the RAAF Base through the White Paper Process. He asked if Council could follow up on the matter.	The General Manager advised that Council put in a submission that Friday to that particular paper, but he wasn't aware of any developments from the White Paper from last year, that we did put a submission into.
10	Rasmussen	Is there anything else Council can do about the graffiti in South Windsor Business Area.	The Mayor advised that there is a specific Police Officer and it is part of his job to identify graffiti and he is very active and tries to follow up. The Mayor advised that the property owners should report it directly to him. The Police Officer came to the Youth Launch a few weeks ago and the Mayor was aware that he personally goes out and visits property, takes photos and tried to follow up. He is very keen for the property owners to contact him so he can get out there to assist.
11	Rasmussen	Asked if Council was aware of the embargo on commercial ground water bores in the floodplain between Penrith and Wisemans Ferry and the impact that might have on commercial activities in that area. He commented that it only came out a few days ago.	The Director City Planning advised he wasn't aware of this, and noted that Council doesn't issue the licenses.
12	Conolly	Asked if Council was able to do anything more to follow up the resolution regarding Telstra's proposal to remove payphones.	The Mayor advised that he had passed the matter on to Council's Media area and they will be doing a Press Release, to be released both electronically and to newspaper, to continue putting pressure on regarding Telstra and payphones. Councillor Stubbs advised that it was already too late for the South Windsor phone box as it has already been removed.

The meeting terminated at 8:52pm

Submitted to and confirmed at the Ordinary meeting held on 31 March 2009

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Mayor