



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 25 May 2010

location: council chambers

time: 6:30 p.m.

ORDINARY MEETING

MINUTES: 25 May 2010

MINUTES

- **WELCOME / EXPLANATIONS / PRAYER**
- **APOLOGIES**
- **DECLARATION OF INTERESTS**
- **SECTION 1 - Confirmation of Minutes**
- **AGENDA ITEMS SUBJECT TO PUBLIC ADDRESS**
- **SECTION 2 - Mayoral Minutes**
- **QUESTIONS WITH NOTICE**
- **SECTION 3 - Notices of Motion**
- **EXCEPTION REPORT - Adoption of Items Not Identified for Discussion and Decision**
- **SECTION 4 - Reports for Determination**

General Manager

City Planning

Infrastructure Services

Support Services

- **SECTION 5 - Reports of Committees**
- **QUESTIONS WITHOUT NOTICE**

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 25 May 2010, commencing at 6.30pm.

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

ALSO PRESENT: General Manager - Peter Jackson, Director City Planning - Matt Owens, Director Infrastructure Services - Chris Daley, Director Support Services - Laurie Mifsud, Manager Corporate Services and Governance - Fausto Sut, Executive Manager - Community Partnerships - Joseph Litwin and Administrative Support Team Leader - Amy Dutch.

APOLOGIES

An apology for absence was received from Councillor W Mackay.

157 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Reardon that the apology be accepted and that leave of absence from the meeting be granted.

SECTION 1: Confirmation of Minutes

158 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Reardon that the Minutes of the Ordinary Meeting held on the 11 May 2010, be confirmed.

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SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 99 **GM - Westpool and United Independent Pools - Inclusion of Wollongong City Council as a Member - (82644, 79426, 106190, 79351)**

MOTION:

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

Refer to RESOLUTION

159 RESOLUTION:

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

That the information regarding the inclusion of Wollongong City Council as a member of Westpool and United Independent Pools from 31 October 2010 be received and noted.

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CITY PLANNING

Item: 100 CP - Development Application - Two Lot Torrens Title Subdivision to provide for a Water Recycling Facility - Lot 1062 DP1131838, 43 Bootles Lane, Pitt Town - (DA0084/10, 676, 95498)

MOTION:

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

Refer to RESOLUTION

160 RESOLUTION:

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

That:

1. The objection under State Environmental Planning policy No. 1 be supported.
2. Council seek the concurrence of the Department of Planning to the SEPP No. 1 variation.
3. Development application DA0084/10 at Lot 1062 DP 1131838, 43 Bootles Lane, Pitt Town for a Two Lot Torrens Title Subdivision be supported and, upon the receipt of the response from the Department of Planning, authority be delegated to the General Manager to appropriately determine the application.

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	Nil
Councillor Calvert	
Councillor Conolly	
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Tree	
Councillor Whelan	
Councillor Williams	

Councillor Mackay absent from the meeting.

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Item: 101 CP - Development Application - Construction of a Service Station - Lot 3 DP 233054 & Part Lot B DP158748, 11 Macquarie St, Windsor NSW 2756 - (DA0578/09, 74442, 97811, 95498)

MOTION:

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

Refer to RESOLUTION

161 RESOLUTION:

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

That Council indicate its support in principle for development application DA0578/09 at Lot 3 DP233054 and Part Lot B DP158748, 11 Macquarie Street, Windsor for the construction of a Service Station and seek a review of the design aspects of the development by the applicant, taking into account the principles of the Windsor Masterplan with any revised design to be reported back to Council.

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	Nil
Councillor Calvert	
Councillor Conolly	
Councillor Paine	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Tree	
Councillor Whelan	
Councillor Williams	

Councillor Mackay was absent from the meeting.

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MINUTES: 25 May 2010

Item: 102 CP - Submission to Metropolitan Strategy Review - (95498)

MOTION:

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

Refer to RESOLUTION

162 RESOLUTION:

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

That:

1. Council write to the Department of Planning requesting an extension of time to lodge a submission to the Discussion Paper – *Metropolitan Strategy Review – Sydney Towards 2036*.
2. Councillors forward their comments on the Discussion Paper – *Metropolitan Strategy Review – Sydney Towards 2036* to the General Manager or the Director City Planning prior to 9 June 2010.
3. A revised draft submission be prepared based on the responses and comments provided by Councillors and be submitted to a future Council meeting for further consideration.

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SUPPORT SERVICES

Item: 103 **SS - March 2010 Quarterly Review - 2009/2010 Management Plan - (95496, 96332, 107)**

Previous Item: 109, Extraordinary (16 June 2009)

MOTION:

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

Refer to RESOLUTION

163 RESOLUTION:

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

That:

1. The information contained in the report on the 2009/2010 Management Plan – March 2010 Quarterly Review be received.
2. The Quarterly Review of the 2009/2010 Management Plan for the period ending 31 March 2010 be adopted.

Item: 104 **SS - Monthly Investments Report - April 2010 - (96332, 95496)**

Previous Item: 17, Ordinary (3 February 2009)
82, Ordinary (28 April 2009)

MOTION:

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

Refer to RESOLUTION

164 RESOLUTION:

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

The report regarding the monthly investments for April 2010 be received and noted.

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Item: 105 SS - 2010/2011 Remuneration for Councillors and Mayor - (95496, 96332)

MOTION:

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

Refer to RESOLUTION

165 RESOLUTION:

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

That:

1. The annual fee for Councillors for 2010/2011 be set at \$15,970.00.
2. The additional annual fee for the Mayor be set at \$34,860.00, and the Deputy Mayor's additional annual fee be set at \$5,229.00 to be deducted from the Mayor's annual fee.

Item: 106 SS - Pecuniary Interest Returns - (79337, 95496)

MOTION:

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

Refer to RESOLUTION

166 RESOLUTION:

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

The report regarding Pecuniary Interest Returns be received and noted.

ORDINARY MEETING

MINUTES: 25 May 2010

Item: 107 SS - Code of Meeting Practice - Questions Without Notice - (95496, 79337)

Previous Item: 11, Ordinary (2 February 2010)
 210, Ordinary (29 September 2009)
 123, Ordinary (30 June 2009)
 NM, Ordinary (12 May 2009)
 201, Ordinary (28 June 2005)
 62, Ordinary (9 November 2004)

MOTION:

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

That:

1. The Code of Meeting Practice be amended as follows:

(a) Delete reference to Questions Without Notice as follows:

- (i) Delete sub clause 4 (Tabling of Documents During Question Time) of Clause 2.3.4.
- (ii) Delete Item 12 (Councillors' Questions Without Notice) of Clause 2.3.6 - Order of Business.

(b) Insert reference to Questions For Next Meeting as follows:

(i) Add Clause 3.3.12 as follows:

"3.3.12 Questions For Next Meeting

- 1. *At all Council meetings, each Councillor may ask questions for the next Council meeting under the segment of the business paper designated for that purpose. The Mayor or Chairperson of the meeting may exercise discretion in limiting questions or ruling any question out of order.*
- 2. *Questions for the next meeting should relate to questions concerning items not on the business paper of the Meeting where the question is raised.*
- 3. *The chairperson must not permit discussion or any reply to a question under this clause.*
- 4. *Councillor questions for the next meeting and responses shall be included on the next Council Meeting's business paper or, if this is not possible, the one following the next or an explanation given as to the reasons for delay and anticipated time of final response.*
- 5. *The subsequent reports responding to the questions are subject to discussion, debate or public address at the meeting answered.*
- 6. *This clause does not apply to an extraordinary meeting of the Council.*
- 7. *Nothing in this clause affects questions being asked, with the leave of the chairperson, relevant to any matter under discussion at a meeting."*

(ii) Reword Item 12 of Clause 2.3.6 - "Order of Business" to read "Questions For Next Meeting" in lieu of "Questions Without Notice".

ORDINARY MEETING

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2. In accordance with Local Government Act, 1993, the draft Code of Meeting Practice as amended in part 1 of this resolution be placed on public exhibition and submissions be invited.
3. A further report be provided to Council at the conclusion of the public exhibition and submissions period.

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

Refer to RESOLUTION

The amendment was carried.

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

167 RESOLUTION:

RESOLVED on the MOTION of Councillor Paine, seconded by Councillor Porter.

That:

1. The Code of Meeting Practice be amended as follows:
 - (a) Delete reference to Questions Without Notice as follows:
 - (i) Delete sub clause 4) (Tabling of Documents During Question Time) of Clause 2.3.4.
 - (ii) Delete Item 12 (Councillors' Questions Without Notice) of Clause 2.3.6 - Order of Business.
 - (b) Insert reference to Questions For Next Meeting as follows:
 - (i) Add Clause 3.3.12 as follows:

"3.3.12 Questions For Next Meeting

1. *At all Council meetings, each Councillor may ask questions for the next Council meeting under the segment of the business paper designated for that purpose. The Mayor or Chairperson of the meeting may exercise discretion in limiting questions or ruling any question out of order.*
2. *Questions for the next meeting should relate to questions concerning items not on the business paper of the Meeting where the question is raised.*
3. *The chairperson must not permit discussion or any reply to a question under this clause.*
4. *Councillor questions for the next meeting and responses shall be included on the next Council Meeting's business paper or, if this is not possible, the one following the next or an explanation given as to the reasons for delay and anticipated time of final response.*
5. *The subsequent reports responding to the questions are not subject to public address at the meeting answered.*
6. *This clause does not apply to an extraordinary meeting of the Council.*

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7. *Nothing in this clause affects questions being asked, with the leave of the chairperson, relevant to any matter under discussion at a meeting.*"

- (ii) Reword Item 12 of Clause 2.3.6 - "Order of Business" to read "Questions For Next Meeting" in lieu of "Questions Without Notice".
- 2. In accordance with Local Government Act, 1993, the draft Code of Meeting Practice as amended in part 1 of this resolution be placed on public exhibition and submissions be invited.
- 3. A further report be provided to Council at the conclusion of the public exhibition and submissions period.

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

CONFIDENTIAL REPORTS

168 RESOLUTION:

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

That the Confidential Items be moved to the end of the business paper to be dealt with last.

169 RESOLUTION:

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

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: 108 GM - United Independent Pools/Westpool - Tenders for Service Provider - (106190, 79426, 79351)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act, 1993 as it relates to tenders for service providers to United Independent Pools/Westpool and the information is regarded as being commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, confer a commercial advantage on a competitor of the Council, or reveal a trade secret and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

Item: 109 IS - Tender No.01210 - South Windsor Recycled Water Scheme - (95495, 79357)

*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/or 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.*

Item: 110 IS - Tender No. 01710 - Construction of the Thorley Street Flood Evacuation Route, Bligh Park - (95495)

*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/or 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.

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170 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Reardon that open meeting be resumed.

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GENERAL MANAGER

**Item: 108 GM - United Independent Pools/Westpool - Tenders for Service Provider -
(106190, 79426, 79351) CONFIDENTIAL**

MOTION:

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

Refer to RESOLUTION

171 RESOLUTION:

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

That Council concur with the acceptance of the relevant tenders and with:

1. Willis Group being appointed to United Independent Pools, Westpool and Metro Pool for five years as outlined in the tender specifications.
2. Claims Management Australasia being appointed as claims manager for United Independent Pools, Westpool and Metro Pool for five years as outlined in the tender specifications.

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INFRASTRUCTURE SERVICES

Item: 109 **IS - Tender No.01210 - South Windsor Recycled Water Scheme - (95495, 79357)**
CONFIDENTIAL

MOTION:

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

Refer to RESOLUTION

172 RESOLUTION:

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

That:

1. The tender submitted by BMD Constructions Pty Ltd for the design and construction of the South Windsor Recycled Water Scheme not be accepted.
2. Subject to Australian Government approval, fresh tenders be invited for the design and construction of the South Windsor Recycled Water Scheme, for an extended period, to enable a greater number of competitive tenders to be received.

Item: 110 **IS - Tender No. 01710 - Construction of the Thorley Street Flood Evacuation**
Route, Bligh Park - (95495) CONFIDENTIAL

MOTION:

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

Refer to RESOLUTION

173 RESOLUTION:

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

That the:

1. Tender submitted by Collective Civil P/L in the amount of \$1,777,631.00 (excl GST) for the construction of the Thorley Street Flood Evacuation Route Bligh Park, be accepted.
2. Seal of Council be affixed to any contract documentation.

SUPPLEMENTARY REPORTS

INFRASTRUCTURE SERVICES

Item: 111 **IS - Bells Line of Road - Coal trucks - (95495)**

MOTION:

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

Refer to RESOLUTION

174 RESOLUTION:

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

That:

1. Council make representations to the Department of Planning that the expansion of the Clarence Colliery be required to contribute to the upgrade of the state road network at the intersection of Station Street and the Great Western Highway.
2. Representations be made to Blue Mountains City Council requesting that they reconsider their resolution to impose a load limit on Harley Avenue and the RTA be requested to upgrade the intersection of Station Street and the Great Western Highway to a standard suitable for utilisation by large semi-trailers.
3. Council support Blue Mountains City Council's stance to have the freight carried by rail.

ORDINARY MEETING**MINUTES: 25 May 2010****QUESTIONS WITHOUT NOTICE**

#	Councillor	Question	Response
1	Porter	Requested that a referendum on wards be carried out at the By-Election.	The Mayor advised that there would not be enough time to prepare for a referendum and a Notice of Motion would be required for such a matter.
2	Porter	Enquired about the progress of the tree removals on Sackville Road.	The Director Infrastructure Services advised that the process to enable the tree removals is currently underway.
3	Paine	Asked why the rubbish bin on Baker Street has been removed.	The Director Infrastructure Services advised that the matter would be investigated.
4	Paine	Requested that a Loading Zone be installed outside the Oasis Leisure Centre to enable deliveries to be made without the risk of receiving an infringement notice.	The Director Infrastructure Services advised that the matter would be investigated.
5	Paine	Enquired about the contractor that recently carried out work on Gormley Street.	The Director Infrastructure Services advised that staff carried out the shoulder and table drain sealing. He also advised that there were wet weather and sealing contractor availability issues that occurred during the works and when works were carried out they were done so under the control of traffic lights.
6	Paine	Enquired about the progress of the Windsor Traffic Study.	The Director City Planning advised that he is meeting with the traffic consultant and the owner next week
7	Williams	Enquired about the tenders for removal of sand from Waste Management Facility.	The Director Infrastructure Services advised that a report has been prepared and staff are currently working to obtain the required OHS details from the preferred tenderer.
8	Williams	Requested that the Terrace Road Shoulders near Wire Lane be cleaned up.	The Director Infrastructure Services advised that the matter would be investigated.
9	Williams	Requested that an extension be granted for residents to make Blacktown Road/Freemans Reach development application submissions and that the development application be brought to Council.	The Director City Planning advised that an extension of time will be granted and that the development application will be reported to Council.
10	Williams	Enquired if a development application has been received for the Putty Road Bettergrow site soil reconditioning.	The Director City Planning advised that soil conditioning does not require consent and the conditioning materials are coming from legal sources that have consent.

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#	Councillor	Question	Response
11	Williams	<p>Enquired if there is still a need to create an easement to access the sewerage plant at the Australiana Pioneer Village and asked about the sewerage metering.</p> <p>He also enquired if any money was expended investigating the easement.</p>	<p>The Director Support Services advised that the easement is not proceeding. He also advised that the ability to separately meter the plant is in place and once the Friends of the Australiana Pioneer Village sign the lease Council will start reading the meters accordingly.</p> <p>The Director Support Services advised that prior to the decision not to proceed with the easement there was some work carried out by a surveyor. Any materials that were purchased for the work can be reused by Council Staff on other projects.</p>
12	Williams	<p>Referred to the rezoning of land on the Blacktown side of Bandon Road in Vineyard and enquired if Council has made submissions regarding the rezoning of land on the Windsor side of Bandon Road in Vineyard.</p>	<p>The Director City Planning advised that all land in North West Growth Centre is under the full control of the Department of Planning and not the control of Council. He also advised that several submissions to the Department and to the Minister have been made by Council.</p> <p>He advised that the infrastructure will be provided to the Growth Centre progressively so that once Riverstone is fully serviced and almost fully taken up then the Department of Planning and the Minister will release the Vineyard area for planning and construction.</p>
13	Williams	<p>Requested that Packer Road be graded.</p>	<p>The Director Infrastructure Services advised that the matter would be investigated.</p>
14	Conolly	<p>Asked for an update regarding the new Windsor Bridge and requested that Council prompt the RTA for a response.</p>	<p>The Director Infrastructure Services advised that no further information has been received from the RTA regarding the matter.</p> <p>The Mayor advised that he will put forward a Mayoral Minute regarding the matter.</p>

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#	Councillor	Question	Response
15	Rasmussen	Referred to an email received regarding littering and enquired if Council is working to prevent littering and illegal dumping in the area.	<p>The Mayor advised staff have contacted the resident from Old Kurrajong Road who sent email regarding the matter.</p> <p>He also advised that the increase in illegal dumping could possibly relate to tipping areas being more and more removed from residential areas and also the rise in the environmental levy cost.</p> <p>The General Manager advised that a report in relation to the matter of illegal dumping will be presented to the Waste Management Advisory Committee in the near future.</p>
16	Rasmussen	Enquired if staff have investigated the complaints regarding 457 East Kurrajong Road and the alleged noisy commercial activities being carried out in the shed.	The Director City Planning advised that the matter is currently before the courts.
17	Rasmussen	Referred to a recent media release by the Minister for Primary Industries regarding Sydney Agriculture and enquired if Hawkesbury City Council is represented on the working group that was referred to and if so requested further information regarding the matter.	The Director City Planning advised that the Strategic Planning Co-ordinator attends the meetings. The matter will be investigated and Councillor Rasmussen advised if further details are available.
18	Rasmussen	Enquired about the recent WSROC circular regarding planning powers being referred back to staff	The Director City Planning advised that the circular was in relation to the Joint Regional Planning Panels and for those Panels to be able to delegate matters back to staff to determine under delegated authority.
19	Reardon	Requested an update regarding the intersection of Old Bells Line of Road and Mill Road at Kurrajong.	The Director Infrastructure Services advised that the matter would be investigated as an undertaking to re-phase the intersection had been given by the RTA.
20	Whelan	Enquired about the progress of the Ebenezer School crossing improvements and requested an update regarding Sackville Road.	The Director Infrastructure Services advised that they are two separate projects. He advised that staff are currently investigating options for the improvement to Ebenezer School crossing.

The meeting terminated at 9.28pm.

Submitted to and confirmed at the Ordinary meeting held on 8 June 2010.

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Mayor