



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 27 July 2010

location: council chambers

time: 6:30 p.m.

ORDINARY MEETING

MINUTES: 27 July 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, 27 July 2010, commencing at 6.30pm.

Rev Stuart Abrahams of St Matthews Anglican Church, Windsor, 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, K Ford, W Mackay, B Porter, P Rasmussen, J Reardon, T Tree, W Whelan and L Williams.

ALSO PRESENT: Acting General Manager - Chris Daley, Director City Planning - Matt Owens, Manager Construction and Maintenance - Richard Vaby, 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 Paine.

267 RESOLUTION:

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

Councillor Rasmussen arrived at the meeting at 6.36pm

SECTION 1: Confirmation of Minutes

268 RESOLUTION:

RESOLVED on the motion of Councillor Porter and seconded by Councillor Tree that the Minutes of the Ordinary Meeting held on the 13 July 2010, be confirmed.

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SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 174 GM - 13th International Riversymposium - (79351)

MOTION:

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

Refer to RESOLUTION

269 RESOLUTION:

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

That attendance of nominated Councillors, and staff members as considered appropriate by the General Manager, at the 13th International Riversymposium at an approximate cost of \$3,470.00 per delegate be approved.

270 RESOLUTION:

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

That Councillors Paine, Porter and Williams attend the 13th International Riversymposium as nominated representatives of Council.

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Item: 175 GM - Attendance and Submission of Motions - Local Government Association of NSW Annual Conference 2010 - (79351, 79633, 95496)

Mr Frank Scharfe, respondent, addressed Council.

MOTION:

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

Refer to RESOLUTION

271 RESOLUTION:

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

That:

1. Attendance of nominated Councillors, and staff members as considered appropriate by the General Manager, at the 2010 Annual LGA of NSW Conference at an approximate cost of \$1,995.00 plus travel expenses per delegate be approved.
2. Council nominate 4 voting delegates to attend the 2010 Local Government Association of NSW Annual Conference.
3. The Motion, as outlined in the report regarding the use of free-range eggs, be submitted to the Local Government Association of NSW for inclusion in the agenda of the Association's 2010 Annual Conference.

272 RESOLUTION:

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

That:

1. Councillors Bassett, Calvert, Ford, Reardon and Tree attend the 2010 Annual LGA of NSW Conference as nominated representatives of Council.
2. Councillors Porter and Whelan, if not nominated to attend as delegates by the Hawkesbury River County Council, attend the 2010 Annual LGA of NSW Conference as nominated representatives of Council.
3. Councillors Bassett, Ford, Reardon and Tree be nominated as Council's voting delegates to attend the 2010 Annual LGA of NSW Conference and that these Councillors can transfer their voting rights to another Hawkesbury City Council Councillor if they are not available at the time of a voting session.

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Item: 176 **GM - Business Skills Program Update - (111215, 79351)**

Previous Item: 48, Ordinary (30 March 2010)
 58, Ordinary (8 April 2008)

Mr Bill Sneddon, proponent, addressed Council.

Councillor Calvert declared a less than significant non-pecuniary conflict of interest in this matter as he works with the Penrith SIP as part of his employment with the NSW Department of Education and Training and no further action is required.

MOTION:

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

Refer to RESOLUTION

273 RESOLUTION:

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

That:

1. Council end its partnership with Schools Industry Partnership for the Hawkesbury Business Skills Program, as it is no longer able to be the delivery partner for the Program as outlined in the report.
2. Schools Industry Partnership be advised of Council's decision and associated reasons and also be thanked for their past actions and assistance.
3. Council end its Hawkesbury Business Skills Program in the current format pending the determination of another appropriate format to deliver a similar type program.

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CITY PLANNING

Item: 177 CP - Development Application - Dam - Construction of One Megalitre Dam - 12 Post Office Road, Ebenezer - (DA0328/10, 36729, 36728, 95498)

MOTION:

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

Refer to RESOLUTION

274 RESOLUTION:

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

That Development Application DA0328/10 for the construction of a dam at Lot 101 DP 858576, No. 12 Post Office Road Ebenezer be approved subject to the following conditions:

General Conditions

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
3. Dam construction works including the removal of stockpiled soil shall be completed within 12 months from the date of commencement of works.

Prior to Issue of Construction Certificate

4. An Environmental Management and Rehabilitation Plan for the development site shall be prepared by an appropriately qualified person. The Plan shall address (without being limited to) the clearing of vegetation, lopping and removal of trees, earthworks, erosion control, site rehabilitation and landscaping.

All site works shall be carried out in accordance with the Plan. Implementation of the Plan shall be supervised by an appropriately qualified person.
5. Construction of the dam are not to commence until three (3) copies of the plans and specifications of the proposed works are submitted to and approved by the Director City Planning or an Accredited Certifier.
6. Payment of a Construction Certificate checking fee of **\$130** and a Compliance Certificate inspection fee of **\$260** when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2011. Fees required if an Accredited Certifier is used will be provided on request.

Prior to Commencement of Works

7. The applicant shall advise Council of the name, address and contact number of the Principal Certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1979.

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8. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.
9. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
10. A sign displaying the following information is to be erected adjacent to access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
 - i. Unauthorised access to the site is prohibited.
 - ii. The owner of the site.
 - iii. The person / company carrying out the site works and telephone number (including 24 hours 7 days emergency numbers).
 - iv. The name and contact number of the Principal Certifying Authority.

During Construction

11. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan Appendix E Civil Works Specification.
12. Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with the approved plan and Hawkesbury Development Control Plan chapter on Soil Erosion and Sedimentation.
13. The dam shall be constructed in accordance with the Dam Construction chapter of Hawkesbury Development Control Plan.
14. The topsoil shall be stripped and stockpiled and used to cover the landfill.
15. The filled area, including batters, shall be grassed immediately after filling takes place.
16. All fill to be adequately compacted by track rolling or similar in layers not exceeding 300mm.
17. The cut or fill shall be battered at a slope not exceeding 1 (one) vertical to 3 horizontal, with a height not exceeding 3.5m.
18. No excavated material, including soil, shall be removed from the site.
19. Dust control measures, e.g. vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
20. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
21. Care is to be undertaken when excavating not to intercept ground water. If ground water is discovered then excavation works are to cease immediately and the Principal Certifier is to be notified.
22. All natural and subsurface water-flow shall not be re-directed or concentrated to adjoining properties. Water flows shall follow the original flow direction without increased velocity.

Prior to Issue of the Compliance Certificate

23. A works as executed plan shall be submitted to Council on completion of works. The plan shall include the location of the constructed dam in relation to property boundaries

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Use of the Development

24. Trees and shrubs are to be kept clear from the dam at all times.

Advisory Notes

- *** Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.
- *** The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.
- *** Should any aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.
- *** The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed subdivision. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.
- *** In accordance with the provisions of Clause 37A(3)(b) of the Hawkesbury Local Environmental Plan 1989, the applicant is advised that the proposed works need not be carried out pursuant to an acid sulfate soils management plan prepared with the *Acid Sulfate Soils Assessment Guideline*'.

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 Ford	
Councillor Mackay	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Tree	
Councillor Whelan	
Councillor Williams	

Councillor Paine absent from the meeting.

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Item: 178 **CP - Nomination of Conceptual Town Plans of the Hawkesbury for State Heritage Listing - (98202, 95498)**

Mr Ian Jack and Mr Frank Scharfe, proponents, addressed Council.

MOTION:

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

Refer to RESOLUTION

275 RESOLUTION:

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

That Council defer consideration of this matter until confirmation is received from the Department of Planning, Heritage Branch, that the Listing would only be a historical record of the Governor Macquarie Town Plans and would not be a hindrance to the progressive revitalisation and everyday operations of the Hawkesbury towns.

Item: 179 **CP - Section 377 Delegation - Peppercorn Place - (78340)**

MOTION:

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

Refer to RESOLUTION

276 RESOLUTION:

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

That in view of the decision of the Board of Peppercorn Services Inc. to relinquish its Section 377 delegation for the care, control and management of Peppercorn Place, Council resume direct management of Peppercorn Place.

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Item: 180 **CP - Community Sponsorship Program - 2010/2011 - Round 1 - (96328, 95498)**

Previous Item: 148, Ordinary (11 August 2009)

Mr Max Jarman and Ms Gai Kelly, proponents, addressed Council.

MOTION:

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

Refer to RESOLUTION

277 RESOLUTION:

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

That Council:

1. Approve payments of Section 356 Financial Assistance to the organisations or individuals listed, and at the level recommended in Table 1 of this report and also approve payment of \$3,000 to the Windsor Business Group for the Sydney Blues Festival.
2. Approve the execution of Council's standard Sponsorship Agreement for applications 12, 13, 14, 17, 21, 22, 23, 28, 29 and 30 identified in Table 1 of this report.
3. Amend the Community Sponsorship criteria to specify that the maximum grant available under the program will be \$3,000 (unless otherwise resolved by Council).

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SUPPORT SERVICES

Item: 181 **SS - Monthly Investments Report - June 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 Reardon.

Refer to RESOLUTION

278 RESOLUTION:

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

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

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CONFIDENTIAL REPORTS

279 RESOLUTION:

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

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

280 RESOLUTION:

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

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: 82 IS - Tender No. 002/09 - Request for Tender for Purchase and Removal of Sand from the Hawkesbury City Waste Management Facility - (95495) - CONFIDENTIAL

*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 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: 183 SS - Lease to Frank Taranto - Macquarie Park House - 1 Wilberforce Road, Wilberforce - (39392, 95496) - CONFIDENTIAL

*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.

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.

281 RESOLUTION:

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

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INFRASTRUCTURE SERVICES

Item: 182 **IS - Tender No.002/09 - Request for Tender for Purchase and Removal of Sand from the Hawkesbury City Waste Management Facility - (95495) CONFIDENTIAL**

Previous Item: 249, Ordinary (10 November 2009)

MOTION:

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

Refer to RESOLUTION

282 RESOLUTION:

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

That:

1. Subject to the provision of a satisfactory Occupational Health and Safety system, the tender of HX Services Pty Ltd to purchase the excavated sand stockpiled at the Waste Management Facility, in an amount of \$4.95 (GST inclusive) per tonne, be accepted.
2. The Seal of Council be affixed to any necessary documentation.
3. Should a satisfactory Occupational Health and Safety system not be achieved with HX Services Pty Ltd, the matter be reported back to Council.

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SUPPORT SERVICES

**Item: 183 SS - Lease to Frank Taranto - Macquarie Park House - 1 Wilberforce Road,
Wilberforce - (39392, 95496) CONFIDENTIAL**

MOTION:

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

Refer to RESOLUTION

283 RESOLUTION:

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

That:

1. Council agree to enter into a new lease of "Macquarie Park House" 1 Wilberforce Road, Wilberforce with Frank Taranto as outlined in this report and subject to the consent of the Minister for Lands, as required, being obtained for the lease.
2. Authority by given for any documentation in association with the 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.

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SECTION 5 - Reports of Committees

ROC - Hawkesbury Macquarie 2010 Committee Minutes - 10 June 2010 - (114013)

284 RESOLUTION:

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

That the minutes of the Hawkesbury Macquarie 2010 Committee meeting held on 10 June 2010 as recorded on pages 55 to 57 of the Ordinary Business Paper be received.

ORDINARY MEETING**MINUTES: 27 July 2010****QUESTIONS WITHOUT NOTICE**

#	Councillor	Question	Response
1	Mackay	Enquired about the progress of the Bligh Park North development.	The Director City Planning advised that a proposal for the rezoning has been received and will be reported to the next Council Meeting.
2	Calvert	<p>Enquired if the parking at Windsor Hospital has been discussed by the Local Traffic Committee and advised that it appears a number of people associated with the Police Station appear to have been parking in the Hospital carpark.</p> <p>He advised that residents are concerned that there may not be parking facilities available for visitors associated with the proposed court house.</p> <p>Councillor Williams added that on a number of occasions when visiting Monaghans he has noticed people utilising the Monaghans carpark when attending the Police Station. He also advised that a number of parking spaces outside the Police Station have been reserved for Police vehicles however the spaces are often empty.</p>	<p>The Mayor advised that the matter of footpaths for the area has been discussed by the Local Traffic Committee but the Hospital parking has not. He advised that the State is not required to provide parking for their sites.</p> <p>The Mayor also advised that Council does not have jurisdiction over the Hospital carpark however the Hospital may wish to consider the issue including introducing a system whereby the first three hour parking is free and then charged thereafter.</p> <p>The Director City Planning advised that the State Government is not required to provide parking facilities for a Crown developments. He advised that applications are assessed by Council staff and proposed conditions are sent to the applicant for their approval. A parking condition was proposed for the new Police Station however after communication with various levels the matter was referred to the Director General who also refused the proposed parking condition.</p>
3	Williams	Requested that the television that has been dumped at the corner of Creek Ridge Road and Geakes Road and the lounge chairs that have been dumped on Geakes Road be removed.	The Manager Construction and Maintenance Services advised that the items will be removed.
4	Williams	Enquired if the source of the foam found at the Kurrajong Standpipe that was flowing into Little Wheeny Creek has been found.	The Director City Planning advised that the matter has been investigated and the organisation that is the suspected source of the foam has been approached.

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#	Councillor	Question	Response
5	Williams	Referred to a letter received from the owner of the land on the corner of George and Castlereagh Roads Wilberforce and enquired about the sewerage connection for the possible subdivision site.	The Director City Planning advised that conflicting advice has been received from Sydney Water as to whether or not they can be connected to the sewer. A meeting with Sydney Water to discuss the capacity for infill development will be scheduled shortly.
6	Williams	Requested that repair work be carried out on the road surface at the corner of Sackville and West Portland Roads.	The Manager Construction and Maintenance advised that the matter will be investigated.
7	Williams	Advised that there is a fridge in the creek near the corner of Sackville and West Portland Roads approximately 100 metres up stream and requested that the landowner be contacted and requested to remove the fridge from the creek.	The Mayor noted that this matter would be investigated.
8	Conolly	Requested that Councillors be advised of Council's position regarding sewerage connections and infill development capacity when the information is available.	The Director City Planning advised that Councillors will be advised when information is available.
9	Conolly	Referred to the recent alteration to the bus routes and enquired if bus shelters are going to be moved to match up with the new routes.	The Manager Construction and Maintenance advised that shelters will be moved to align with the new bus routes. He confirmed that there is currently a proposal to realign the Kable Street bus shelter to the correct side of the street and the shopping centre management committee will be approached to ensure that it will be positioned in such a manner that it does not create any problems for the shopping centre.
10	Rasmussen	Enquired about the progress of the works in Richmond Park.	The Acting General Manager advised that it is expected that the work will be completed within the next two weeks.
11	Tree	Enquired about the B & B at Bilpin that was advised that their real estate agents "For Lease" sign was too large and requested to remove it. She asked if there was a possibility that Council staff had also advised that they were not able to rent the facility out.	The Director City Planning requested that Councillor Tree provide him with further details regarding the matter.
12	Reardon	Requested that repairs be carried out on the pothole that is approximately 4km up Grose Vale Road on the bend.	The Manager Construction and Maintenance advised that the matter will be investigated.

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#	Councillor	Question	Response
13	Whelan	Requested that a Councillor Briefing Session be held regarding parking facilities in Windsor.	The Mayor advised that normally a Notice of Motion would be required for such a request. Staff will contact Councillor Whelan regarding the matter.

The meeting terminated at 8.10pm.

Submitted to and confirmed at the Ordinary meeting held on 10 August 2010.

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Mayor