



# Hawkesbury City Council

## ordinary meeting minutes

date of meeting: 30 July 2019

location: council chambers

time: 6:30 p.m.



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## ORDINARY MEETING

Minutes: 30 July 2019

Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on 30 July 2019, commencing at 6:33pm.

### Welcome

The Mayor, Councillor Barry Calvert acknowledged the Indigenous Heritage.

The General Manager addressed the Council meeting, mentioning:

- Emergency Procedures
- Recording of the Council Meeting
- Statement regarding people addressing the Meeting
- Mobile phones

### ATTENDANCE

**PRESENT:** Councillor Barry Calvert, Mayor and Councillors Patrick Conolly, Emma-Jane Garrow, Amanda Kotlash, Paul Rasmussen, Peter Reynolds, Sarah Richards, John Ross, Tiffany Tree, Danielle Wheeler and Nathan Zamprogno.

**ALSO PRESENT:** General Manager - Peter Conroy, Director City Planning - Linda Perrine, Director Infrastructure Services - Jeff Organ, Director Support Services - Laurie Mifsud, Executive Manager Community Partnerships - Joseph Litwin, Manager Corporate Communication - Suzanne Stuart, Manager Strategic Planning - Andrew Kearns, Manager - Corporate Services and Governance - Michael Wearne and Administrative Support Coordinator - Tracey Easterbrook.

### APOLOGIES AND LEAVE OF ABSENCE

The General Manager advised that a leave of absence from Council was received from the Deputy Mayor, Councillor Mary Lyons-Buckett for the period from 16 July 2019 to 6 August 2019, inclusive.

### 160 RESOLUTION:

RESOLVED on the motion of Councillor Conolly and seconded by Councillor Kotlash that leave of absence be granted to Councillor Lyons-Buckett from 16 July 2019 to 6 August 2019, inclusive, including the Council Meeting on 30 July 2019.

Councillor Rasmussen arrived at the meeting at 6:42pm.

### DECLARATIONS OF INTEREST

There were no Declarations of Interest made.

### Acknowledgement of Official Visitors to the Council

There were no official visitors to Council.

**ORDINARY MEETING**

**Minutes:** 30 July 2019

**SECTION 1 - Confirmation of Minutes**

**161 RESOLUTION:**

RESOLVED on the motion of Councillor Richards and seconded by Councillor Kotlash that the Minutes of the Ordinary held on the Tuesday 9 July 2019, be confirmed.

**ORDINARY MEETING**

**Meeting Date:** 30 July 2019

**SECTION 2 – Mayoral Minutes**

**Item: 144**                      **MM - Recognition of Local Government in the Australian Constitution - (80093)**

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**MOTION:**

RESOLVED on the motion of Councillor Calvert.

*Refer to RESOLUTION*

**162 RESOLUTION:**

RESOLVED on the motion of Councillor Calvert.

That Council work with Local Government NSW, other Councils and Local Government bodies to progress a Referendum at the next Commonwealth Election or as part of the next Referendum to secure the recognition of Local Government in the Australian Constitution.

**For the Motion:**                      Councillors Calvert, Garrow, Kotlash, Rasmussen, Reynolds, Ross, Wheeler and Zamprognio.

**Against the Motion:**                Councillors Conolly, Richards and Tree.

**Absent:**                                  Councillor Lyons-Buckett.

## ORDINARY MEETING

Meeting Date: 30 July 2019

### SECTION 3 – Reports for Determination

#### PLANNING DECISIONS

**Item: 131** CP - Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012 - 2 - 8 Hawkesbury Valley Way and 393 - 395 George Street, Windsor - (124414, 95498)

**Previous Item:** 271, Ordinary (13 December 2016)

**Directorate:** City Planning

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Mr Greg Hall addressed Council speaking for the recommendation.

Mr Michael Want addressed Council speaking against the recommendation.

#### **MOTION:**

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

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

#### **163 RESOLUTION:**

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

That Council:

1. Proceed with the proposed amendment to the Hawkesbury Local Environmental Plan 2012 as detailed in this report to:
  - a) Amend the Land Zoning Map of the *Hawkesbury Local Environmental Plan 2012* to rezone the subject site from R2 Low Density Residential to B1 Neighbourhood Centre to allow a mixed use commercial and shop top housing development on the subject site.
  - b) Amend the Lot Size Map of the Hawkesbury Local Environmental Plan 2012 to remove the current 450m<sup>2</sup> lot size provision applying to the subject site to ensure consistency with other business zoned land under the Hawkesbury Local Environmental Plan 2012 to which a minimum lot size provision does not apply.
  - c) Amend the Height of Buildings Map of the Local Environmental Plan 2012 to change the current maximum 10m building height provision applying to the subject site to 12m to ensure consistency with other business zoned land under the Hawkesbury Local Environmental Plan 2012 to which a maximum 12m building height provision applies.
2. Request that the Parliamentary Counsel's Office prepare a draft Local Environmental Plan to give effect to the planning proposal in accordance with Section 3.36(1) of the *Environmental Planning and Assessment Act, 1979*.
3. Adopt and make the draft local environmental plan, under the authorisation for Council to exercise delegation issued by the Gateway determination, upon receipt of an opinion from Parliamentary Counsel's Office that the plan can be legally made.



## ORDINARY MEETING

Meeting Date: 30 July 2019

4. Following the making of the Plan, advise the Department of Planning, Industry and Environment that the Plan has been made and request notification of the Plan on the NSW Legislation website.
5. Continue discussions with the property owner with respect to Council's Western Parkland City Liveability Program Project, in order to explore potential opportunities.

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 Calvert, Conolly, Garrow, Kotlash, Rasmussen, Reynolds, Richards, Tree, Wheeler and Zamprogno.

**Against the Motion:** Councillors Ross.

**Absent:** Councillor Lyons-Buckett.

### GENERAL MANAGER

**Item: 132**                      **GM - Review of Policies - (79351)**

**Previous Item:** 236, Ordinary (25 September 2018)

**Directorate:** General Manager

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#### **MOTION:**

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

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

#### **164 RESOLUTION:**

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

That the report regarding the review of Council's policies be received and noted.

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

**Against the Motion:** Nil.

**Absent:** Councillor Lyons-Buckett.

**ORDINARY MEETING**

**Meeting Date:** 30 July 2019

**Item: 133**                      **GM - Question of Number of Councillors, Establishment of Wards and Popularly Elected Mayor for Hawkesbury Local Government Area - (79351)**

**Previous Item:**            119, Ordinary (28 June 2016)  
                                 MM2, Ordinary (31 May 2016)  
                                 120, Ordinary (8 July 2014)  
                                 91, Ordinary (27 May 2014)  
                                 MM, Ordinary (25 February 2014)  
                                 166, Ordinary (26 July 2011)  
                                 1, Ordinary (28 February 2006)  
                                 33, Ordinary (1 November 2005)

**Division:**                      General Manager

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**MOTION:**

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

***Refer to RESOLUTION***

**165 RESOLUTION:**

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

That:

1.     The matter be deferred for discussion at the next available Councillor Briefing Session.
2.     The matter be reported back to Council following the Councillor Briefing Session.

**For the Motion:**            Councillors Calvert, Conolly, Garrow, Kotlash, Reynolds, Richards, Tree, Wheeler and Zamprogno.

**Against the Motion:**      Councillors Rasmussen and Ross.

**Absent:**                        Councillor Lyons-Buckett.

**ORDINARY MEETING**

**Meeting Date:** 30 July 2019

**Item: 134**                      **GM - 2019 Local Government NSW Annual Conference (79351, 79633)**

**Directorate:**                General Manager

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**MOTION:**

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

***Refer to RESOLUTION***

**166 RESOLUTION:**

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

That:

1. The report be received and noted.
2. Council submit the following motions to the 2019 Local Government NSW Annual Conference:
  - Motion 1 – Announcement of Grant Funding by NSW Local Government Grants Commission being moved from September to May each year to better integrate with the Local Government timetable for preparing budgets
  - Motion 2 – Opposition against the significant increase in the State Emergency Services Levy payable by councils and the lack of consultation and notice by the State Government
  - Motion 3 – Opposition against the proposed increase to Local Government Election charges to councils as recommended by IPART
  - Motion 4 – The need for improved dialogue with Local Government by the State Government and their agencies
  - Motion 5 – Revised methodology for the review of Developer Contributions Plans by IPART
  - Motion 6 – Waste Strategy - working genuinely in partnership with Local Government to develop a long term Waste Strategy for metropolitan Sydney.
  - Motion 7 – Constitutional Referendum for the recognition of Local Government in the Australian Constution.
3. The wording of the motions be forwarded to Councillors prior to them being submitted to Local Government NSW.
4. Attendance of nominated Councillors and/or staff as considered by the General Manager, at the 2019 Local Government NSW Annual Conference at an approximate cost of \$950, plus travel expenses, per delegate be considered.
5. After returning from the Conference, delegates provide a written report to the General Manager detailing the proceedings and findings, as well as any other aspects of the Conference relevant to Council business and/or the local community.

## ORDINARY MEETING

Meeting Date: 30 July 2019

**For the Motion:** Councillors Calvert, Garrow, Kotlash, Reynolds, Richards, Ross and Wheeler.

**Against the Motion:** Councillors Conolly, Richards, Tree and Zamprogno.

**Absent:** Councillor Lyons-Buckett.

### MOTION:

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

*Refer to RESOLUTION*

### 167 RESOLUTION:

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

That Councillors Calvert, Kotlash, Lyons-Buckett, Wheeler and Ross attend the 2019 Local Government NSW Annual Conference as Council's nominated delegates.

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

**Against the Motion:** Nil.

**Absent:** Councillor Lyons-Buckett.

## INFRASTRUCTURE SERVICES

**Item: 135** IS - Draft Deerubbin Park Masterplan - (95495, 79354)

**Directorate:** Infrastructure Services

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### MOTION:

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

*Refer to RESOLUTION*

### 168 RESOLUTION:

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

That the Draft Deerubbin Park Masterplan attached as Attachment 1 to this report be placed on public exhibition for 42 days.

## ORDINARY MEETING

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

**Against the Motion:** Nil.

**Absent:** Councillor Lyons-Buckett.

### SUPPORT SERVICES

**Item: 136**                    **SS - Monthly Investments Report - June 2019 - (95496, 96332)**

**Previous Item:** 150, Ordinary (26 June 2018)

**Division:** Support Services

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#### **MOTION:**

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

***Refer to RESOLUTION***

#### **169 RESOLUTION:**

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

That the Monthly Investments Report for June 2019 be received and noted.

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

**Against the Motion:** Nil.

**Absent:** Councillor Lyons-Buckett.

**Item: 137**                    **SS - Pecuniary Interest Returns - Designated Persons - (95496, 96333)**

**Division:** Support Services

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#### **MOTION:**

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

***Refer to RESOLUTION***

## ORDINARY MEETING

Meeting Date: 30 July 2019

### 170 RESOLUTION:

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

That the Clause 4.21(a) Pecuniary Interest Returns be received and noted.

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

**Against the Motion:** Nil.

**Absent:** Councillor Lyons-Buckett.

### SECTION 4 – Reports of Committees

**Item: 138** ROC - Audit Committee - 19 June 2019 - (95496, 91369, 79351)

**Directorate:** Support Services

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### MOTION:

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

***Refer to RESOLUTION***

### 171 RESOLUTION:

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

That the minutes of the Audit Committee Meeting held on 19 June 2019 be received and noted.

**For the Motion:** Councillors Calvert, Conolly, Garrow, Kotlash, Rasmussen, Reynolds, Richards, Tree, Wheeler and Zamprogno.

**Against the Motion:** Councillors Ross.

**Absent:** Councillor Lyons-Buckett.

**ORDINARY MEETING**

**Meeting Date:** 30 July 2019

**Item: 139**                      **ROC - Floodplain Risk Management Advisory Committee - 27 June 2019 - (86589, 124414)**

**Directorate:**                City Planning

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**MOTION:**

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

***Refer to RESOLUTION***

**172 RESOLUTION:**

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

That:

1. The Minutes of the Floodplain Risk Management Advisory Committee Meeting held on 27 June 2019 be received and noted.
2. In relation to Item 3 of the Minutes, Council endorse the recommendations of the Floodplain Risk Management Advisory Committee, namely that:
  - "a) *The Committee receive advice that characterises in the first instance the issue of electricity supply west of the river during various sized floods (1:5, 1:20, 1:50, 1:100) and the duration of interruption to power supply.*
  - b) *Council request advice from the NSW State Government with respect to infrastructure and service resilience west of the river."*
3. In relation to the matter in General Business Item - Floodplain Management Australia Meeting - May 2019, Council resolve that:
  - a) The requirements and expectations of Floodplain Management Australia for hosting of the 2021 Floodplain Management Australia National Conference be investigated and reported to Council.
  - b) Due to budget limitations, attendance at the 2020 Floodplain Management Australia National Conference be limited to Councillor and/or staff.
4. In relation to the matter in General Business Item - Evacuation Routes and Signage - Council endorse the recommendation of the Floodplain Risk Management Advisory Committee, namely that:
  - "a) *Council call upon the Roads and Maritime Services to be responsible for all maintenance and operation of signage on evacuation routes to ensure effective use in an emergency event of major flooding."*

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

**Against the Motion:**        Nil.

**Absent:**                            Councillor Lyons-Buckett.

## ORDINARY MEETING

Meeting Date: 30 July 2019

**Item: 140**                      **ROC - Local Traffic Committee - 8 July 2019 - (95495, 80245)**

**Directorate:**                Infrastructure Services

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### **MOTION:**

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

*Refer to RESOLUTION*

### **173 RESOLUTION:**

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

That the minutes of the Local Traffic Committee held on 8 July 2019 be received and the recommendations therein be adopted and noted.

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

**Against the Motion:**        Nil.

**Absent:**                        Councillor Lyons-Buckett.

## **SECTION 5 – Notices of Motion**

**Item: 141**                      **NM - Median Strip on George Street, South Windsor before the Richmond Road Roundabout - (138879, 79351)**

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Mr Grant Davenport and Mr Joshua Joyce addressed Council speaking for the recommendation.

### **MOTION:**

A MOTION was moved by Councillor Richards, seconded by Councillor Tree.

That:

1. The matter be referred to the Local Traffic Committee.
2. Council investigate the options for a holistic pedestrian safety, traffic management and road safety approach to this vicinity of McDonalds and KFC at George Street, South Windsor, including the roundabout at Bligh Park, taking into account the part 1.d) of Resolution 145 from the Council Meeting on 25 June 2019.
3. Council request an onsite meeting with Robyn Preston MP, Member for Hawkesbury, Councillors, Council staff, RFS, Local Schools in the area and the RMS to clarify the issues and resolve to address them with the aim of seeking appropriate works to improve safety at this location.



## ORDINARY MEETING

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An AMENDMENT was moved by Councillor Ross, seconded by Councillor Reynolds.

That:

1. Council be mindful of the representations of the public and the matter be passed through the Local Traffic Committee and those matters be assessed.
2. The matter be brought back to Council for consideration, once the Local Traffic Committee has assessed the matter.

The amendment was lost.

**For the Amendment:** Councillors Rasmussen and Ross.

**Against the Amendment:** Councillor Calvert, Conolly, Garrow, Kotlash, Reynolds, Richards, Tree, Wheeler and Zamprogno.

**Absent:** Councillor Lyons-Buckett

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

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

#### **174 RESOLUTION:**

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

That :

1. The matter be referred to the Local Traffic Committee.
2. Council investigate the options for a holistic pedestrian safety, traffic management and road safety approach to this vicinity of McDonalds and KFC at George Street, South Windsor, including the roundabout at Bligh Park, taking into account the part 1.d) of Resolution 145 from the Council Meeting on 25 June 2019.
3. Council request an onsite meeting with Robyn Preston MP, Member for Hawkesbury, Councillors, Council staff, RFS, Local Schools in the area and the RMS to clarify the issues and resolve to address them with the aim of seeking appropriate works to improve safety at this location.

**For the Motion:** Councillors Calvert, Conolly, Garrow, Kotlash, Rasmussen, Reynolds, Richards, Tree, Wheeler and Zamprogno.

**Against the Motion:** Councillor Ross.

**Absent:** Councillor Lyons-Buckett.

## ORDINARY MEETING

Meeting Date: 30 July 2019

Item: 142

### Councillor Questions with Notice

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There were no responses to the Councillor Question with Notice listed in the Business Paper of 30 July 2019.

### CONFIDENTIAL REPORTS

#### 175 RESOLUTION:

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

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: 143 Acquisition - 102 Settlers Road, Wisemans Ferry - (95496, 96333)**

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

#### 176 RESOLUTION:

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

## ORDINARY MEETING

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**Item: 143**                      **SS - Acquisition - 102 Settlers Road, Wisemans Ferry - (95496, 96333)**

**Previous Item:**              65, Ordinary 28 April 2015

**Directorate:**                Support Services

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### **MOTION:**

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

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

### **177 RESOLUTION:**

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

That:

1. Council acquire the property at 102 Settlers Road, Wisemans Ferry (Lot 100 in DP 1084310) from Mr Radomil Petinsky for the amount detailed in the report.
2. Each party bear their own costs associated with the acquisition.
3. Following acquisition of the property, Council classify 102 Settlers Road, Wisemans Ferry (Lot 100 in DP 1084310) as 'Operational' under Section 31(2A) of the Local Government Act, 1993.
4. Authority be given for any documentation in association with this matter be executed under the Seal of Council.
5. Details of the resolution be conveyed to the affected landowner together with the advice that Council is not, and will not, be bound by the terms of the resolution until such time as appropriate documentation to put such a resolution into effect has been agreed to and executed by all parties.

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

**Against the Motion:**        Nil.

**Absent:**                        Councillor Lyons-Buckett.

The meeting terminated at 9:05pm.

Submitted to and confirmed at the Ordinary meeting held on 13 August 2019.

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Mayor