



Hawkesbury City Council

ordinary meeting minutes

date of meeting: 29 October 2019
location: council chambers
time: 6:30 p.m.

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on 29 October 2019, commencing at 6:34pm.

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, Councillor Mary Lyons-Buckett, Deputy Mayor and Councillors Patrick Conolly, Emma-Jane Garrow, Amanda Kotlash, Peter Reynolds, Sarah Richards, Tiffany Tree, Danielle Wheeler and Nathan Zamprogno.

ALSO PRESENT: General Manager - Peter Conroy, Director City Planning - Linda Perrine, Acting Director Infrastructure Services – Christopher Amit, Director Support Services - Laurie Mifsud, Manager Communications, Events and Visitor Services - Suzanne Stuart, Acting Manager Corporate Services and Governance – Linda Hewitt and Administrative Support Coordinator - Tracey Easterbrook.

APOLOGIES AND LEAVE OF ABSENCE

Apologies for absence were received from Councillor Paul Rasmussen and Councillor John Ross.

232 RESOLUTION:

RESOLVED on the motion of Councillor Zamprogno and seconded by Councillor Kotlash that the apologies be accepted and that leave of absence from the meeting be granted.

DECLARATIONS OF INTEREST

Councillor Reynolds declared an interest on Items 189 and 203.

Acknowledgement of Official Visitors to the Council

There were no official visitors to Council.

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SECTION 1 - Confirmation of Minutes

233 RESOLUTION:

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

RESOLVED on the motion of Councillor Wheeler and seconded by Councillor Lyons-Buckett that the Minutes of the Ordinary held on the Tuesday, 24 September 2019, be confirmed.

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SECTION 2 – Mayoral Minutes

LATE SUPPLEMENTARY REPORT

Item: 203 **MM - Windsor Bridge Replacement Project - Request for Modification - (80093, 79351)**

Councillor Reynolds declared a less than significant non-pecuniary conflict of interest in this matter as he lives adjacent to the area under study and no further action is required.

Ms Kate Mackaness, Ms Sarah McCrae and Mr Harry Terry, addressed Council speaking for the recommendation.

MOTION:

RESOLVED on the motion of Councillor Calvert,

Refer to RESOLUTION

234 RESOLUTION:

RESOLVED on the motion of Councillor Calvert.

That Council:

1. Urgently contact, RMS, relevant State Agencies and the Local Member for Hawkesbury, Robyn Preston MP to hold a joint meeting to discuss in person the:
 - a) Suspension of the assessment of the application until such time as the following additional information has been provided:
 - (i) Traffic data (movements, numbers and time of day) that relates to a more realistic project catchment, including:
 - Court Street and related access roads to the Governor Philip Boat Ramp
 - Bridge Street to Fitzroy Bridge, South Creek
 - Bridge Street to the Wilberforce Road/Freemans Reach Road intersection
 - Macquarie Street to Kable Street
 - (ii) Details of the 2017 and 2019 Traffic Surveys, together with:
 - A summary of the differences between them
 - Details of the actual counts (date and time) that informed those differences
 - (iii) Details of:
 - The status of the previously proposed Stage 2 works on Fitzroy Bridge that involved the conversion of the existing Fitzroy Bridge pedestrian walkway to an additional traffic lane.
 - Options and cost estimates considered as part of the process of adopting the currently preferred option, including details of options considered to eliminate and/or reduce the area of Thompson Square proposed to be alienated by the proposed road/bridge widening.
 - Options for responding to the provisions of the Thompson Square Conservation Management Plan.

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2. Request an extension of the submission period to ensure the public have had adequate time to view the information.
3. Express its concern to the RMS about the very narrow timeframe in which to lodge a submission.
4. Request this matter be returned to Council at the following meeting to update the responses received and to enable members of the public to address Council on the matter.

For the Motion: Councillors Calvert, Lyons-Buckett, Garrow, Kotlash, Reynolds and Wheeler.

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

Absent: Councillors Rasmussen and Ross.

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SECTION 3 – Reports for Determination

GENERAL MANAGER

Item: 188 **GM - Council's Delegation Policy - Update (79351)**

Directorate: General Manager

MOTION:

A MOTION was moved by Councillor Kotlash, seconded by Councillor Conolly.

That Council:

1. Adopt the attached Draft Delegations Policy attached as Attachment 1 to this report, subject to changes discussed with the General Manager.
2. Note that the updated Delegations Register will be published on Council's website.

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

That this matter be deferred for consideration at a future Councillor Briefing Session and to the Audit Committee.

For the Amendment: Councillors Calvert, Lyons-Buckett, Garrow, Reynolds, Richards, Tree, Wheeler and Zamprogno.

Against the Amendment: Councillors Conolly and Kotlash.

Absent: Councillors Rasmussen and Ross.

The amendment was carried.

MOTION:

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

Refer to RESOLUTION

235 RESOLUTION:

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

That this matter be deferred for consideration at a future Councillor Briefing Session and to the Audit Committee.

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

Against the Motion: Nil.

Absent: Councillors Rasmussen and Ross.

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INFRASTRUCTURE SERVICES

Item: 189 **IS - Hawkesbury Traffic Study - (95495, 79346)**

Previous Item: 274, Ordinary (13 December 2016)
 9, Ordinary (31 January 2017)
 224, Ordinary (11 September 2018)

Directorate: Infrastructure Services

Councillor Reynolds declared a less than significant non-pecuniary conflict of interest in this matter as he lives adjacent to one of the areas under the Study and no further action is required.

Mr Michael Want addressed Council, speaking against the recommendation.

MOTION:

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

Refer to RESOLUTION

236 RESOLUTION:

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

That this matter be deferred to the next Infrastructure Committee to be held on 6 November 2019.

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

Against the Motion: Nil.

Absent: Councillors Rasmussen and Ross.

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SUPPORT SERVICES

Item: 190 **SS - Council Resolution Summary - 1 January 2019 to 30 June 2019 - (95496, 96333)**

Previous Item: NM2, Ordinary (24 June 2014)
 213, Ordinary (28 August 2018)
 040, Ordinary (12 March 2019)

Division: Support Services

MOTION:

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

Refer to RESOLUTION

237 RESOLUTION:

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

That the report regarding Council resolutions for the period 1 January 2019 to 30 June 2019, and those resolutions outstanding from previous summaries, be received and noted.

For the Motion: Councillors Calvert, Lyons-Buckett, Garrow, Kotlash, Reynolds and Wheeler.

Against the Motion: Councillors Richards, Tree and Zamprogno.

Absent: Councillors Conolly, Rasmussen and Ross.

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Item: 191 **SS - Pecuniary Interest Returns - Councillors and Designated Persons - (95496, 96333)**

Division: Support Services

MOTION:

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

Refer to RESOLUTION

238 RESOLUTION:

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

That the information be received and noted.

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

Against the Motion: Nil.

Absent: Councillors Rasmussen and Ross.

Item: 192 **SS - Monthly Investment Report - September 2019 - (95496, 96332)**

Previous Item: 150, Ordinary (26 June 2018)

Division: Support Services

MOTION:

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

Refer to RESOLUTION

239 RESOLUTION:

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

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

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

Against the Motion: Nil.

Absent: Councillors Rasmussen and Ross.

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SECTION 4 – Reports of Committees

Item: 193 **ROC - Environmental Sustainability Advisory Committee - 16 September 2019 - (126363, 124414)**

Directorate: City Planning

MOTION:

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

Refer to RESOLUTION

240 RESOLUTION:

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

That:

1. The Minutes of the Environmental Sustainability Advisory Committee held on 16 September 2019 be received and noted.
2. In relation to Item 2 of the Minutes, Council endorse the recommendation of the Environmental Sustainability Advisory Committee, namely that:
 - a) Council seek advice from WSROC as to their decision to withdraw funding from the Community Solar workshop series, and advise Committee members at the next meeting of the Committee
 - b) Council pursue opportunities to partner with other organisations to develop Community Solar workshops
3. In relation to Item 3 of the Minutes, Council endorse the recommendation of the Environmental Sustainability Advisory Committee, namely that:
 - a) The Environmental Sustainability Advisory Committee request that Council investigate the feasibility of hosting a further Hawkesbury Climate Forum.
4. In relation to Item G in General Business, Council staff speak to the Environmental Sustainability Advisory Committee regarding the current status of Council's:
 - a) Actions and Plans for the Organisation becoming a net zero emitter over time
 - b) Actions and Plans for the Local Government Area becoming a net zero emitter over time

For the Motion: Councillors Calvert, Lyons-Buckett, Garrow, Kotlash, Reynolds and Wheeler.

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

Absent: Councillors Rasmussen and Ross.

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Item: 194 **ROC - Floodplain Risk Management Advisory Committee - 26 September 2019
- (86589, 124414)**

Directorate: City Planning

MOTION:

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

Refer to RESOLUTION

241 RESOLUTION:

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

That:

1. The Minutes of the Floodplain Risk Management Advisory Committee held on 26 September 2019 be received and noted.
2. In relation to Item 3 of the Minutes, Council endorse the recommendation of the Floodplain Risk Management Committee, namely that:
 - a) Council contact the Insurance Council of Australia for an update on the cost of premiums within the Hawkesbury-Nepean Valley since the Regional Flood Study has been released.
3. In relation to the item in General Business regarding Closure of Hawkesbury Bridges, Council endorse the recommendation of the Floodplain Risk Management Committee, namely that:
 - a) Council write to the RMS requesting the policy for the closure of bridges due to flooding, including the AHD flood heights which would result in closing the replacement bridge in Windsor, the Richmond Bridge and the Jim Anderson Bridge over South Creek.
4. In relation to the item in General Business regarding Power Supply – West of the River, Council endorse the recommendation of the Floodplain Risk Management Committee, namely that:
 - a) Council contact Endeavour Energy for a clear definition of when power will be cut off and what suburbs will be cut off in the event of a flood, particularly west of the river, and seek clarification regarding if any areas of the Hawkesbury LGA have access to a power supply from west of the Hawkesbury River (e.g. Mount Piper) and if so, which areas.

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

Against the Motion: Nil.

Absent: Councillors Rasmussen and Ross.

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Item: 195 **ROC - Waste Management Advisory Committee - 2 October 2019 - (95496, 91369)**

Directorate: City Planning

MOTION:

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

Refer to RESOLUTION

242 RESOLUTION:

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

That the Minutes of the Waste Management Advisory Committee held on 2 October 2019 be received and noted.

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

Against the Motion: Nil.

Absent: Councillors Rasmussen and Ross.

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SECTION 5 – Notices of Motion

Item: 196 **NM1 - Passing of Teresa James - (79351, 25612)**

Ms Robyn Woods addressed Council, speaking for the recommendation.

MOTION:

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

Refer to RESOLUTION

243 RESOLUTION:

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

That Council recognise the passing of Teresa James and acknowledge her valuable contribution to nature conservation, and understanding of unique Western Sydney native vegetation.

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

Against the Motion: Nil.

Absent: Councillors Rasmussen and Ross.

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Item: 197 NM2 - Electric Vehicle Charger, Council outdoor work equipment and Cities Power Partnership - (79351, 125612)

Mr William Sneddon addressed Council, speaking for the recommendation.

MOTION:

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

That the motions below be considered in seriatim.

MOTION:

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

Refer to RESOLUTION

244 RESOLUTION:

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

That Council call for a report on the installation of at least one electric vehicle charger in a public space within the Hawkesbury LGA (preferably at the Clarendon information centre) as soon as practicable, with plans to roll out further chargers when possible, with the report to include the cost of the installation of electric vehicle chargers.

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

Against the Motion: Nil.

Absent: Councillors Rasmussen and Ross.

245 RESOLUTION:

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

That Council discuss at the upcoming net zero emissions workshop, the investigation, and transition whenever possible, of outdoor work equipment such as blowers, whipper snippers, brushcutters and mowers to electric versions; as well as utilising the Charge Together Fleets tool created by the Electric Vehicle Council and Evenergi to ascertain the feasibility of introducing electric vehicles into Council's fleet as soon as possible.

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

Against the Motion: Nil.

Absent: Councillors Rasmussen and Ross.

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246 RESOLUTION:

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

That Council give in principle support to Hawkesbury City Council hosting a forum next year at which the Cities Power Partnership would facilitate a gathering of councils who have declared a Climate Emergency, to workshop preparation of climate action plans specific to the Climate Emergency, and the types of actions which can be taken, using shared resources. Further discussions to take place with the Cities Power Partnership regarding this.

For the Motion: Councillors Calvert, Lyons-Buckett, Garrow, Kotlash, Reynolds and Wheeler.

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

Absent: Councillors Rasmussen and Ross.

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QUESTIONS WITH NOTICE

Item: 198 Councillor Questions with Notice - 24 September 2019

There were no responses to Councillor Questions with Notice listed in the Business Paper of 24 September 2019.

Item: 199 Councillor Questions with Notice - 29 October 2019

There were no responses to Councillor Questions with Notice listed in the Business Paper of 29 October 2019.

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CONFIDENTIAL REPORTS

247 RESOLUTION:

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

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: 200 Lease to Alison Griffiths, Danielle Griffiths and Clifford Griffiths - Shop 5, Wilberforce Shopping Centre - (95496, 112106, 111694, 102430, 39053)

*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 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.*

Item: 201 SS - Lease to Ice Box Liquor Pty Ltd and Surrender of Lease to Jodale Enterprises Pty Limited - Shop 1, Glossodia Shopping Village - (95496, 112106, 74051, 147401)

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

Item: 202 SS - Appointment of Investment Advisor - (95496, 96332)

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

248 RESOLUTION:

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

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Item: 200 **SS - Lease to Alison Griffiths, Danielle Griffiths and Clifford Griffiths - Shop 5, Wilberforce Shopping Centre - (95496, 112106, 111694, 102430, 39053)**

Directorate: Support Services

MOTION:

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

Refer to RESOLUTION

249 RESOLUTION:

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

That:

1. Council agree to enter into a new lease with Alison Griffiths, Danielle Griffiths and Clifford Griffiths for the property known as Shop 5, Wilberforce Shopping Centre, as outlined in the report.
2. Authority be given for the Lease and any other relevant documentation in association with this matter to be executed under the Seal of Council.
3. Details of Council's resolution be conveyed to the proposed tenants, 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 a resolution into effect has been agreed to and executed by all parties.

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

Against the Motion: Nil.

Absent: Councillors Rasmussen and Ross.

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Item: 201 **SS - Lease to Ice Box Liquor Pty Ltd and Surrender of Lease to Jodale Enterprises Pty Limited - Shop 1, Glossodia Shopping Village - (95496, 112106, 74051, 147401)**

Directorate: Support Services

MOTION:

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

Refer to RESOLUTION

250 RESOLUTION:

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

That:

1. Council agree to enter into a lease with Ice Box Liquor Pty Limited for the property known as Shop 1, Glossodia Shopping Village, as outlined in the report.
2. If the lease with Ice Box Liquor Pty Limited, as outlined in part 1 above proceeds, then Council agree to surrender the current lease with Jodale Enterprises Pty Limited.
3. Authority be given for the Lease and any other relevant documentation in association with this matter to be executed under the Seal of Council.
4. Details of Council's resolution be conveyed to the proposed Lessee and the current 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 a resolution into effect, has been agreed to and executed by all parties.

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

Against the Motion: Nil.

Absent: Councillors Rasmussen and Ross.

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Item: 202 **SS - Appointment of Investment Advisor - (95496, 96332)**

Previous Item: 150, Ordinary, 26 June 2018

Directorate: Support Services

MOTION:

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

Refer to RESOLUTION

251 RESOLUTION:

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

That Council appoint Amicus Advisory Pty Ltd as its Investment Advisor, for period of two years and eight months, commencing on 1 November 2019 and ending 30 June 2022.

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

Against the Motion: Nil.

Absent: Councillors Rasmussen and Ross.

The meeting terminated at 9:47pm.

Submitted to and confirmed at the Ordinary meeting held on 12 November 2019.

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Mayor