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ordinary meeting minutes

date of meeting: 29 September 2015

location: council chambers

time: 6:30 p.m.

Minutes: 29 September 2015

## **MINUTES**

– WELCOME

**Prayer** 

**Acknowledgement of Indigenous Heritage** 

- APOLOGIES AND LEAVE OF ABSENCE
- DECLARATION OF INTERESTS
- SECTION 1 Confirmation of Minutes
- ACKNOWLEDGEMENT OF OFFICIAL VISITORS TO THE COUNCIL
- SECTION 2 Mayoral Minutes
- EXCEPTION REPORT Adoption of Items Not Identified for Discussion and Decision
- SECTION 3 Reports for Determination

**Planning Decisions** 

**General Manager** 

City Planning

**Infrastructure Services** 

**Support Services** 

- SECTION 4 Reports of Committees
- SECTION 5 Notices of Motion
- QUESTIONS FOR NEXT MEETING
- REPORTS TO BE DISCUSSED IN CONFIDENTIAL SESSION

ORDINARY MEETING
Minutes: 29 September 2015

Minutes: 29 September 2015

# **TABLE OF CONTENTS**

ITEM	SUBJECT	PAGE
ATTENDAN	CE	5
APOLOGIES	8	5
SECTION 1	- Confirmation of Minutes	5
SECTION 2	- Mayoral Minutes	6
MM	Greater Sydney Commission - Selection of District Commissioners - (79351, 79353, 120428)	6
SECTION 3	- Reports for Determination	7
PLANNING	DECISIONS	7
Item: 156	CP - Development Report - DA0503/14 - Lot A DP 359072 - 135 Mountain Avenue, Yarramundi - Truck Depot - Retrospective Application - Extension to existing shed, landfill and use of property - (95498, 111135, 97761)	7
Item: 157	CP - Review of Council's Section 94A Contributions Plan 2006 and Proposed Exhibition of Draft Section 94A Contributions Plan 2015 - (124414, 95498)	8
GENERAL N	MANAGER	9
Item: 158	GM - 2015 Christmas Program - Request for Funds and Project Proposal - (79351, 79356, 127800, 94012)	9
CITY PLAN	NING	10
Item: 159	CP - Draft Notice of Approval - Protection of the Environment Operations (Clean Air) Regulation 2010 - (95498, 96330)	10
INFRASTRU	ICTURE SERVICES	11
Item: 160	IS - Parking Capacity for Kurrajong Village - (95495)	11
Item: 161	IS - Roads to Recovery Program 2014-2019 - (95495, 79344)	12
SUPPORT S	SERVICES	13
Item: 162	SS - Monthly Investments Report - August 2015 - (96332, 95496)	13
Item: 163	SS - General Purpose Financial Statements and Special Purpose Financial Statements for the year ended 30 June 2015 - (96332, 95496)	14
Item: 164	SS - Hawkesbury Community Strategic Plan - Community Indicators Mid- Term Report - (95496, 96328)	15
Item: 165	SS - Management and Disposal of Community Sharps - (96328, 95496)	15
Item: 166	SS - Policy for Payment of Expenses and Provision of Facilities to Councillors - Review - (95496, 96333)	16
Item: 167	SS - Representations - Accessibility of Windsor Centrelink Office - (95496, 96328, 95244)	16

Minutes: 29 September 2015

SECTION 4	- Reports of Committees	17
ROC	Floodplain Risk Management Advisory Committee - 6 August 2015 - (86589)	17
ROC	Heritage Advisory Committee - 27 August 2015 - (80242)	17
ROC	Local Traffic Committee - 14 September 2015 - (80245)	17
QUESTION	S FOR NEXT MEETING	18
Councillor C	Questions from Previous Meetings and Responses - (79351)	18
Questions fo	or Next Meeting	19
CONFIDEN	TIAL REPORTS	20
Item: 168	CP - Draft Business Case for the Dredging of Hawkesbury River between Windsor and Sackville Ferry - (95498, 124414)	20
Item: 169	IS - Progress Report - Proposed Compulsory Acquisition of Crown Lands - Waste Management Facility - (95495, 112179, 82995) CONFIDENTIAL	21
Item: 170	SS - Property Matter - Lease to Anthony Riley - Clarendon Parkside Cafe (Part Lot 3 in Deposited Plan 1062683) - (95496, 112106, 74459, 106692) CONFIDENTIAL	22
Item: 171	SS - Property Matter - Lease to Jodale Enterprises Pty Limited - Shop 1 Glossodia Shopping Village - (38869, 74051, 95496) CONFIDENTIAL	23

Minutes: 29 September 2015

Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on 29 September 2015, commencing at 6:30pm.

Pastor James Fletcher of the Seventh Day Adventist Church, Windsor, representing the Hawkesbury Minister's Association, gave the opening prayer at the commencement of the meeting.

#### **ATTENDANCE**

**PRESENT:** Councillor K Ford, Mayor, Councillor Dr W Mackay (OAM), Deputy Mayor and Councillors P Conolly, M Creed, M Lyons-Buckett, B Porter, P Rasmussen, J Reardon and L Williams.

ALSO PRESENT: General Manager - Peter Jackson, Director Infrastructure Services - Jeff Organ, Director Support Services - Laurie Mifsud, Executive Manager - Community Partnerships - Joseph Litwin, Acting Director City Planning - Cristie Evenhuis, Manager Corporate Services and Governance – Ian Roberts, Administrative Support Coordinator - Natasha Martin and Administrative Support Officer – Traecy Kelly.

#### **APOLOGIES**

Apologies for absence were received from Councillors B Calvert, C Paine and T Tree.

## **266 RESOLUTION:**

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

Councillor Rasmussen arrived at the meeting at 6:33pm.

## **SECTION 1 - Confirmation of Minutes**

## 267 RESOLUTION:

RESOLVED on the motion of Councillor Mackay and seconded by Councillor Porter that the Minutes of the Ordinary Meeting held on the 8 September 2015, be confirmed.

## **268 RESOLUTION:**

RESOLVED on the motion of Councillor Mackay and seconded by Councillor Reardon that the Minutes of the Extraordinary Meeting held on the 15 September 2015, be confirmed.

Minutes: 29 September 2015

## **SECTION 2 - Mayoral Minutes**

MM

Greater Sydney Commission - Selection of District Commissioners - (79351, 79353, 120428)

The MAYORAL MINUTE was moved by the Mayor, Councillor Ford.

That Council nominate the Mayor, or his nominee, to participate on the selection panel being established in connection with the selection of the District Commissioner to represent the West District on the Greater Sydney Commission.

An AMENDMENT was moved by Councillor Rasmussen, seconded by Councillor Williams.

That Council nominate Councillor Lyons-Buckett, to participate on the selection panel being established in connection with the selection of the District Commissioner to represent the West District on the Greater Sydney Commission.

The Amendment was lost.

#### MOTION:

RESOLVED on the motion of the Mayor, Councillor Ford.

### Refer to RESOLUTION

#### **269 RESOLUTION:**

RESOLVED on the motion of the Mayor, Councillor Ford.

That Council nominate the Mayor, or his nominee, to participate on the selection panel being established in connection with the selection of the District Commissioner to represent the West District on the Greater Sydney Commission.

Minutes: 29 September 2015

## **SECTION 3 - Reports for Determination**

## **PLANNING DECISIONS**

Item: 156

CP - Development Report - DA0503/14 - Lot A DP 359072 - 135 Mountain Avenue, Yarramundi - Truck Depot - Retrospective Application - Extension to existing shed, landfill and use of property - (95498, 111135, 97761)

Councillor Ford declared a pecuniary interest in this matter as the development may affect the value of his property at 142 Mountain Avenue, Yarramundi. He left the Chamber and did not take part in voting or discussion on the matter.

In the absence of the Mayor, the Deputy Mayor, Councillor Mackay, in accordance with Section 369(1) of the Local Government Act 1993, acted as Chairperson.

Mr Peter Vicary and Mr Greg Hall addressed Council, speaking for the item. Mr Ray Fitzgerald addressed Council, speaking against the item.

#### MOTION:

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

## Refer to RESOLUTION

## 270 RESOLUTION:

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

That the matter be deferred for a site inspection.

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 Conolly	NIL
Councillor Creed	
Councillor Lyons-Buckett	
Councillor Mackay	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Williams	

Councillor Ford was not in the Chamber when the vote was taken.

Councillors Calvert, Paine and Tree were absent from the meeting.

Minutes: 29 September 2015

Item: 157 CP - Review of Council's Section 94A Contributions Plan 2006 and Proposed Exhibition of Draft Section 94A Contributions Plan 2015 - (124414, 95498)

#### MOTION:

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

## Refer to RESOLUTION

### 271 RESOLUTION:

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

That the draft Section 94A Contributions Plan 2015 be publicly exhibited for a minimum period of 28 days and the outcome of the public exhibition be reported back to Council upon completion of the exhibition period.

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 Conolly	NIL
Councillor Creed	
Councillor Ford	
Councillor Lyons-Buckett	
Councillor Mackay	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Williams	

Councillors Calvert, Paine and Tree were absent from the meeting.

Minutes: 29 September 2015

## **GENERAL MANAGER**

Item: 158 GM - 2015 Christmas Program - Request for Funds and Project Proposal -

(79351, 79356, 127800, 94012)

**Previous Item:** 421, Ordinary (30 November 2010)

243, Ordinary (8 November 2011) 286, Ordinary (9 October 2012) 68, Ordinary (12 March 2013) 324 Ordinary (24 September 2013) 139, Ordinary (8 April 2014)

95; Ordinary (30 June 2015)

#### **MOTION:**

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

#### Refer to RESOLUTION

#### 272 RESOLUTION:

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

## That Council:

- Approve the payment of \$1,000 of funding to each business group, to support Christmas Lights
  displays and associated activities for Christmas 2015 in town centres, subject to the business
  groups providing details on the proposed expenditure of any allocated funds to the satisfaction of the
  General Manager.
- 2. Retain \$600 of the available funding to be used towards prizes for competitions undertaken by the groups to encourage businesses to participate in the Christmas lights activities.
- 3. Approve the execution of the Council's standard Sponsorship Agreement for the above projects.
- 4. Support the investigation of street banner infrastructure to be funded through the Christmas Program for Windsor and Richmond Town Centres with a view to implementing a major Christmas Banner Program in 2016.
- 5. Use the balance of funding to commence the installation of street banner infrastructure pending a positive result of the investigation.

Minutes: 29 September 2015

## **CITY PLANNING**

Item: 159 CP - Draft Notice of Approval - Protection of the Environment Operations

(Clean Air) Regulation 2010 - (95498, 96330)

Previous Item: 248, Ordinary (9 November 2010)

## **MOTION:**

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

#### Refer to RESOLUTION

## 273 RESOLUTION:

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

That the draft Notice of Approval as attached to this report be adopted.

Minutes: 29 September 2015

# **INFRASTRUCTURE SERVICES**

Item: 160 IS - Parking Capacity for Kurrajong Village - (95495)

Previous Item: NM1, Ordinary (29 July 2014)

#### MOTION:

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

#### Refer to RESOLUTION

#### 274 RESOLUTION:

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

#### That:

- The following line marking and sign posting measures (subject to referral to and support of the Local Traffic Committee) be undertaken (as outlined in Attachment 1) along the Kurrajong Village Precinct extending from No 54/63 Old Bells Line of Road, adjacent to the Gateway treatment, through to Grose Vale Road at its intersection with Drummond Road:
  - the existing centre line marking be supplemented with Edge lines on both sides of the road
  - b) intersection regulatory restrictions be implemented with 'No Stopping' zones.
- The construction of kerb and gutter and associated pavement works along the southern side
  of Grose Vale Road between Drummond Road and Timms Hills Road be listed for
  consideration in a future works program.
- The construction of footpath in the existing off-street car park located at Nos. 60 to 62 Old Bells Line of Road be listed for consideration in a future works program.

Minutes: 29 September 2015

Item: 161 IS - Roads to Recovery Program 2014-2019 - (95495, 79344)

Previous Item: 228, Ordinary (25 November 2014)

#### **MOTION:**

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

## Refer to RESOLUTION

#### 275 RESOLUTION:

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

That the additional funding in the 2015/2016 Roads to Recovery allocation of \$665,402 be utilised to rehabilitate failed road sections at:

- Wallace Road, Vineyard rehabilitate approximately 400 metre failed road pavement west of Bandon Road.
- 2. Scheyville Road, Maraylya rehabilitate failed section south of Dunns Road.
- 3. Tizzana Road, Ebenezer rehabilitate failed section between Coromandel Road and Stones Road.

Minutes: 29 September 2015

## **SUPPORT SERVICES**

Item: 162 SS - Monthly Investments Report - August 2015 - (96332, 95496)

## **MOTION:**

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

Refer to RESOLUTION

# 276 RESOLUTION:

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

The report regarding the monthly investments for August 2015 be received and noted.

Minutes: 29 September 2015

Item: 163 SS - General Purpose Financial Statements and Special Purpose Financial Statements for the year ended 30 June 2015 - (96332, 95496)

#### MOTION:

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

#### Refer to RESOLUTION

#### 277 RESOLUTION:

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

#### That:

- 1. Council note the following Statement in respect of Section 413(2)(c) of the Local Government Act 1993 as to its Annual Financial Statements:
  - a) Council's Annual Financial Statements for 2014/2015 have been drawn up in accordance with:
    - The Local Government Act 1993 (as amended) and the Regulation made there under;
    - The Australian Accounting Standards and Professional Pronouncements; and
    - The Local Government Code of Accounting Practice and Financial Reporting.
  - b) The Statements present fairly the Council's financial position and operating result for the year.
  - c) The Statements are in accordance with the Council's accounting and other records.
  - d) The signatories do not know of anything that would make these Statements false or misleading in any way.
- 2. Council sign the "Statements by Councillors and Management". The Statements are to be signed by the Mayor, Deputy Mayor, General Manager and the Responsible Accounting Officer.
- 3. Council seek a presentation from its External Auditors, PricewaterhouseCoopers, at a Council Meeting following the completion of the audit.

Minutes: 29 September 2015

Item: 164 SS - Hawkesbury Community Strategic Plan - Community Indicators Mid-Term

Report - (95496, 96328)

Previous Item: 108, Ordinary (28 June 2014)

135, Ordinary (29 July 2014)

Mr Michael Want addressed Council, speaking against the item.

#### **MOTION:**

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

#### Refer to RESOLUTION

## 278 RESOLUTION:

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

That the Hawkesbury Community Strategic Plan: Community Indicators Mid-Term Report - August 2015 be received and released for publication on Council's web-site.

Item: 165 SS - Management and Disposal of Community Sharps - (96328, 95496)

# MOTION:

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

## Refer to RESOLUTION

## 279 RESOLUTION:

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

## That

- Council apply for funding under the NSW Ministry of Health's Community Sharps
   Management Funding Support Program to purchase and install two community sharps
   disposal bins at the most appropriate locations in Richmond and North Richmond, as outlined
   in this report.
- Subject to the success of the funding application, Council approve the allocation of funds from the Waste Management Fund, to meet the annual cost of servicing the two community sharps disposal bins, as outlined in this report.

Minutes: 29 September 2015

Item: 166 SS - Policy for Payment of Expenses and Provision of Facilities to Councillors

- Review - (95496, 96333)

Previous Item: 166, Ordinary (9 September 2014)

#### **MOTION:**

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

#### Refer to RESOLUTION

#### 280 RESOLUTION:

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

That the Policy for Payment of Expenses and Provision of Facilities to Councillors, included as Attachment 1 to the report, be placed on public exhibition for a period of at least 28 days and that the matter be reported back to Council at the conclusion of the exhibition period, along with any submissions received.

Item: 167 SS - Representations - Accessibility of Windsor Centrelink Office - (95496,

96328, 95244)

## **MOTION:**

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

# Refer to RESOLUTION

## 281 RESOLUTION:

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

That Council make representations regarding the accessibility of the Windsor Centrelink Office as outlined in this report.

Minutes: 29 September 2015

# **SECTION 4 - Reports of Committees**

ROC Floodplain Risk Management Advisory Committee - 6 August 2015 - (86589)

#### 282 RESOLUTION:

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

That the minutes of the Floodplain Risk Management Advisory Committee held on 6 August 2015 as recorded on pages 85 to 88 of the Ordinary Business Paper be received.

ROC Heritage Advisory Committee - 27 August 2015 - (80242)

#### 283 RESOLUTION:

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

That the minutes of the Heritage Advisory Committee held on 27 August 2015 as recorded on pages 89 to 94 of the Ordinary Business Paper be received.

ROC Local Traffic Committee - 14 September 2015 - (80245)

#### 284 RESOLUTION:

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

That the minutes of the Local Traffic Committee held on 14 September 2015 as recorded on pages 95 to 112 of the Ordinary Business Paper be adopted.

Minutes: 29 September 2015

# **QUESTIONS FOR NEXT MEETING**

**Councillor Questions from Previous Meetings and Responses - (79351)** 

Responses to Questions in relation to previous Questions for Next Meeting were provided and discussed.

Minutes: 29 September 2015

# **Questions for Next Meeting**

#	Councillor	Question	Response
1	Rasmussen	Enquired if Resolution 357 from Item 205 of the Ordinary Meeting held on 28 October 2014, to make a submission to the RMS regarding the Richmond Bridge has been acted upon, and requested that any correspondence relating to such could be forwarded to the Councillors.	Director Infrastructure Services
2	Rasmussen	Requested an update on Resolution 148 from the Mayoral Minute of the Ordinary Meeting held on 30 June 2015 regarding parking on the Bells Line of Road, North Richmond, and requested that any correspondence relating to such could be forwarded to the Councillors.	Director Infrastructure Services
3	Rasmussen	Enquired if the complaints relating to noise at the Richmond Lowlands polo fields have been followed up.	Director City Planning
4	Williams	Enquired if Council staff are continuing to represent Council at community liaison meetings with ELF.	Director City Planning
5	Mackay	Enquired if a bronze plaque at McQuade Park has been stolen.	Director Infrastructure Services
6	Lyons-Buckett	Requested an update on the report to Sydney Water requesting information on the water capacity for Kurrajong.	Director City Planning
7	Porter	Enquired when the next report relating to the Hawkesbury Horizons Program will be provided to Council.	Director City Planning
8	Reardon	Enquired if dumped waste along Grose Vale Road, between Bowen Mountain Road and Westbury Road, could be removed.	Director Infrastructure Services
9	Creed	Requested an update on the investigation of an unauthorised event held at the Richmond Lowlands referred to in a response given at the meeting of 14 July 2015 in relation to his previous question in this regard.	Director City Planning
10	Rasmussen	Enquired if Council staff have been invited to attend the tourism strategy committee that is to be formed by Dominic Perottet MP.	General Manager

Minutes: 29 September 2015

#### **CONFIDENTIAL REPORTS**

## 285 RESOLUTION:

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

That:

1. Item: 168CP - Draft Business Case for the Dredging of Hawkesbury River between Windsor and Sackville Ferry - (95498, 124414)

Consideration of Item 168 be deferred to the next Council meeting and be considered in the open part of that meeting.

2. 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: 169 IS - Progress Report - Proposed Compulsory Acquisition of Crown Lands - Waste Management Facility - (95495, 112179, 82995)

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act, 1993 as it relates to, the compulsory acquisition of land and the information is regarded as being commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council, and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

Item: 170 SS - Property Matter - Lease to Anthony Riley - Clarendon Parkside Cafe (Part Lot 3 in Deposited Plan 1062683) - (95496, 112106, 74459, 106692)

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.

Item: 171 SS - Property Matter - Lease to Jodale Enterprises Pty Limited - Shop 1 Glossodia Shopping Village - (38869, 74051, 95496)

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.

3. 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 Items 169, 170 and 171 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.

# 286 RESOLUTION:

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

Minutes: 29 September 2015

Item: 169 IS - Progress Report - Proposed Compulsory Acquisition of Crown Lands -

Waste Management Facility - (95495, 112179, 82995) CONFIDENTIAL

Previous Item: 163, Ordinary (13 August 2013)

#### **MOTION:**

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

## Refer to RESOLUTION

## 287 RESOLUTION:

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

That the information be received.

Minutes: 29 September 2015

Item: 170 SS - Property Matter - Lease to Anthony Riley - Clarendon Parkside Cafe (Part

Lot 3 in Deposited Plan 1062683) - (95496, 112106, 74459, 106692)

CONFIDENTIAL

**Previous Item:** 72, Ordinary (12 May 2015)

#### **MOTION:**

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

#### Refer to RESOLUTION

#### 288 RESOLUTION:

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

#### That:

- 1. Council proceed to publicly exhibit and notify the proposed lease to Mr Anthony Riley of the Clarendon Parkside Café, being Part of Lot 3 in Deposited Plan 1062683 (part of "Ham Common"), as outlined in the report, in accordance with Sections 47 of the Local Government Act 1993.
- At the expiration of the public notification exhibition process outlined in Part 1 above, the following action be taken:
  - a) Should any submissions be received regarding the proposed lease to Mr Anthony Riley, a further report be submitted to Council, or
  - b) (i) Should no submissions be received, Council enter into a new lease with Mr Anthony Riley of the Clarendon Parkside Café, being Part of Lot 3 in Deposited Plan 1062683 (Part of "Ham Common"), as outlined in the report.
    - (ii) Authority be given for any documentation in association with the matter to be executed under the Seal of Council.
- Details of Council's resolution be conveyed to the proposed Lessees, together with the advice that Council is not, and will not, be bound by the terms of the resolution, until such time as appropriate legal documentation to put such resolution into effect has been agreed to and executed by all parties.

Minutes: 29 September 2015

Item: 171 SS - Property Matter - Lease to Jodale Enterprises Pty Limited - Shop 1
Glossodia Shopping Village - (38869, 74051, 95496) CONFIDENTIAL

## **MOTION:**

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

#### Refer to RESOLUTION

#### 289 RESOLUTION:

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

#### That:

- Council agree to enter into a new lease with Jodale Enterprises Pty Limited in regard to Shop 1 Glossodia Shopping Centre, in accordance with the proposal outlined in the report.
- Authority be given for any 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 Lessees, 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.

The meeting terminated at 8:15pm.

Submitted to and confirmed at the Ordinary meeting held on 27 October 2015.

Mayor