



Hawkesbury City Council

ordinary  
meeting  
minutes

date of meeting: 2 February 2016  
location: council chambers  
time: 6:30 p.m.



**ORDINARY MEETING**

**Minutes: 2 February 2016**

**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: 2 February 2016**

**ORDINARY MEETING**

Minutes: 2 February 2016

**TABLE OF CONTENTS**

<b>ITEM</b>	<b>SUBJECT</b>	<b>PAGE</b>
<b>SECTION 3 - Reports for Determination</b>		<b>6</b>
<b>GENERAL MANAGER</b>		<b>6</b>
Item: 3	GM - 2016 Local Government NSW Tourism Conference (79351, 112608)	6
Item: 4	GM - Review of Council's Fit for the Future Proposal - Update - (79351)	6
<b>INFRASTRUCTURE SERVICES</b>		<b>7</b>
Item: 5	IS - Exclusive Use of Governor Phillip Reserve - Bridge to Bridge Water Ski Classic Event - (95495, 79354, 74204)	7
Item: 6	IS - Proposed Rural Fire Brigade Station at West Portland Road Reserve - (95495, 79354, 79016, 73594)	8
Item: 7	IS - Review of Pesticide Notification Plan - (95495, 79354)	8
<b>SUPPORT SERVICES</b>		<b>9</b>
Item: 8	SS - Monthly Investments Report - November 2015 - (95496, 96332)	9
Item: 9	SS - Monthly Investments Report - December 2015 - (95496, 96332)	9
Item: 10	SS - Council Resolution Summary - July to December 2015 - (95496, 96333)	10
Item: 11	SS - Pecuniary Interest Returns - Designated Persons - (95496, 96333)	10
Item: 12	SS - Provision of Financial Assistance to Narelle Robertson - (95496, 96333, 24391)	11
<b>SECTION 4 - Reports of Committees</b>		<b>12</b>
ROC	Hawkesbury Civic and Citizenship Committee - 15 April 2015 - (79351, 96972)	12
ROC	Floodplain Risk Management Advisory Committee - 3 December 2015 - (86589, 95498)	12
ROC	Hawkesbury Civic and Citizenship Committee - 9 December 2015 - (79351, 96972)	12
ROC	Heritage Advisory Committee - 10 December 2015 - (80242, 95498)	13
ROC	Local Traffic Committee - 11 January 2016 - (80245)	13
<b>SECTION 5 - Notices of Motion</b>		<b>14</b>
RM	Amendments to Council's FFTF Proposal, Rating Structure and Code of Meeting Practice - (79351, 105109, 120428, 111629, 111628)	14

**ORDINARY MEETING**

**Minutes: 2 February 2016**

<b>ITEM</b>	<b>SUBJECT</b>	<b>PAGE</b>
<b>QUESTIONS FOR NEXT MEETING</b>		<b>16</b>
	Councillor Questions from Previous Meetings and Responses - (79351)	16
	Questions for Next Meeting	17
<b>CONFIDENTIAL REPORTS</b>		<b>18</b>
Item: 13	IS - Land Acquisition - Bridge Replacement - Part of 413 West Portland Road, Sackville/Lower Portland - (95495, 6377, 6378) CONFIDENTIAL	20
Item: 14	SS - Property Matter - Lease to Jud Haines - Shop 4, Glossodia Shopping Centre - (95496, 112106, 89337, 105494) CONFIDENTIAL	21
Item: 15	SS - Property Matter - Licence Agreements - Former Library Building, Corner of Dight and George Streets, Windsor - (95496, 112106) CONFIDENTIAL	22
Item: 16	SS - Property Matter - Sale of 6 Ham Street, South Windsor (Lot 110 in Deposited Plan 1207709) - (95496, 112106, 23198, 23199, 79337) CONFIDENTIAL	23

## ORDINARY MEETING

Minutes: 2 February 2016

Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on 2 February 2016, commencing at 6:32pm.

Pastor Ric Burrell of the Hawkesbury Church, 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 B Calvert, P Conolly, M Creed, M Lyons-Buckett, C Paine, B Porter, P Rasmussen, J Reardon, T Tree 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, Manager Corporate Services and Governance - Ian Roberts and Administrative Support Coordinator - Natasha Martin.

Councillor Creed arrived at the meeting at 6:34pm.

Councillor Rasmussen arrived at the meeting at 6:35pm.

### SECTION 1 - Confirmation of Minutes

#### 4 RESOLUTION:

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

#### 5 RESOLUTION:

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

**ORDINARY MEETING**

**Meeting Date:** 2 February 2016

**SECTION 3 - Reports for Determination**

**GENERAL MANAGER**

**Item: 3**                    **GM - 2016 Local Government NSW Tourism Conference (79351, 112608)**

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**MOTION:**

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

*Refer to RESOLUTION*

**6 RESOLUTION:**

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

That attendance of nominated Councillors and staff as considered appropriate by the General Manager, at the Local Government NSW 2016 Tourism Conference at an approximate cost of \$2,100 delegate be approved and that Councillors Lyons-Buckett, Paine, Porter and Rasmussen attend the Local Government NSW 2016 Tourism Conference as Council's nominated delegates.

**Item: 4**                    **GM - Review of Council's Fit for the Future Proposal - Update - (79351)**

**Previous Item:**        MM, Ordinary (27 October 2015)

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**MOTION:**

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

*Refer to RESOLUTION*

**7 RESOLUTION:**

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

That:

1. Council prepare a submission to the public inquiry as its first priority.
2. Following the successful adoption of a submission, Council staff immediately resume work on the FFTF proposal.



**ORDINARY MEETING**

**Meeting Date:** 2 February 2016

**INFRASTRUCTURE SERVICES**

**Item: 5**                    **IS - Exclusive Use of Governor Phillip Reserve - Bridge to Bridge Water Ski Classic Event - (95495, 79354, 74204)**

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**MOTION:**

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

*Refer to RESOLUTION*

**8 RESOLUTION:**

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

That:

1. Approval be granted to NSW Water Ski Federation Ltd for 'exclusive use' of Governor Phillip Reserve for the 2016 Bridge to Bridge Water Ski Classic to be held on 26 and 27 November 2016.
2. The event organisers can commence setting up for the event on Friday, 25 November 2016.
3. The approval be subject to the following conditions/documents:
  - a) Council's general park conditions.
  - b) Council's fees and charges.
  - c) The Windsor Foreshore Plan of Management.
  - d) The Governor Phillip Exclusive Use Policy.
  - e) The Governor Phillip Noise Policy.
  - f) A Traffic Management Plan which has been approved as part of the Special Event Application.
4. As the applicant has not advised alternative dates in the event of inclement weather or other circumstances, the General Manager be given authority to negotiate exclusive use on an alternate date, if required by the applicant.

**ORDINARY MEETING**

**Meeting Date:** 2 February 2016

**Item: 6**                    **IS - Proposed Rural Fire Brigade Station at West Portland Road Reserve - (95495, 79354, 79016, 73594)**

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**MOTION:**

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

*Refer to RESOLUTION*

**9 RESOLUTION:**

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

That the proposed placement of a Rural Fire Station at West Portland Road Reserve be advertised for a period of 28 days and be subsequently reported to Council for consideration.

**Item: 7**                    **IS - Review of Pesticide Notification Plan - (95495, 79354)**

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**MOTION:**

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

*Refer to RESOLUTION*

**10 RESOLUTION:**

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

That:

1. The draft Pesticide Notification Plan as attached as Attachment 1 to the report, be placed on public exhibition to seek feedback from the community for a period of 28 days.
2. The matter then be reported back to Council following this period.

**ORDINARY MEETING**

**Meeting Date: 2 February 2016**

**SUPPORT SERVICES**

**Item: 8                    SS - Monthly Investments Report - November 2015 - (95496, 96332)**

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**MOTION:**

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

*Refer to RESOLUTION*

**11 RESOLUTION:**

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

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

**Item: 9                    SS - Monthly Investments Report - December 2015 - (95496, 96332)**

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**MOTION:**

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

*Refer to RESOLUTION*

**12 RESOLUTION:**

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

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

**ORDINARY MEETING**

**Meeting Date:** 2 February 2016

**Item: 10**                    **SS - Council Resolution Summary - July to December 2015 - (95496, 96333)**

**Previous Item:**        NM2, Ordinary (24 June 2014)

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**MOTION:**

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

*Refer to RESOLUTION*

**13 RESOLUTION:**

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

That the report regarding Council resolutions for the period of 1 July 2015 to 31 December 2015 be received and noted.

**Item: 11**                    **SS - Pecuniary Interest Returns - Designated Persons - (95496, 96333)**

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**MOTION:**

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

*Refer to RESOLUTION*

**14 RESOLUTION:**

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

That the information be received and noted.

**ORDINARY MEETING**

**Meeting Date:** 2 February 2016

**Item: 12**                    **SS - Provision of Financial Assistance to Narelle Robertson - (95496, 96333, 24391)**

**Previous Item:**        NM3, Ordinary (27 October 2015)

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**MOTION:**

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

*Refer to RESOLUTION*

**15 RESOLUTION:**

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

That:

1. Pursuant to Section 356 of the Local Government Act, 1993, Council approve financial assistance in the amount of \$2,572 to Narelle Robertson.
2. Narelle Robertson be advised of Council's decision.

**ORDINARY MEETING**

**Meeting Date:** 2 February 2016

**SECTION 4 - Reports of Committees**

**ROC                      Hawkesbury Civic and Citizenship Committee - 15 April 2015 - (79351, 96972)**

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**16    RESOLUTION:**

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

That the minutes of the Hawkesbury Civic and Citizenship Committee held on 15 April 2015 as recorded on pages 45 to 47 of the Ordinary Business Paper be received.

**ROC                      Floodplain Risk Management Advisory Committee - 3 December 2015 - (86589, 95498)**

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**17    RESOLUTION:**

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

That the minutes of the Floodplain Risk Management Advisory Committee held on 3 December 2015 as recorded on pages 48 to 52 of the Ordinary Business Paper be received.

**ROC                      Hawkesbury Civic and Citizenship Committee - 9 December 2015 - (79351, 96972)**

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**18    RESOLUTION:**

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

That the minutes of the Hawkesbury Civic and Citizenship Committee held on 9 December 2015 as recorded on pages 53 to 56 of the Ordinary Business Paper be received.

**ORDINARY MEETING**

**Meeting Date:** 2 February 2016

**ROC**                      **Heritage Advisory Committee - 10 December 2015 - (80242, 95498)**

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**19 RESOLUTION:**

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

That the minutes of the Heritage Advisory Committee held on 10 December 2015 as recorded on pages 57 to 61 of the Ordinary Business Paper be received.

**ROC**                      **Local Traffic Committee - 11 January 2016 - (80245)**

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**20 RESOLUTION:**

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

That the minutes of the Local Traffic Committee held on 11 January 2016 as recorded on pages 62 to 102 of the Ordinary Business Paper be adopted.





**ORDINARY MEETING**

**Meeting Date:** 2 February 2016

**MOTION:**

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

*Refer to RESOLUTION*

**21 RESOLUTION:**

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

That Council:

1. Reaffirms its rejection of the proposed 29.7% rate rise as outlined in Council's Fit for the Future proposal and vigorously pursue alternative sources of revenue, following Resolution 293 of Council's Ordinary meeting of 27 October 2015.
2. Receive a report regarding the amendment of Council's Code of Meeting Practice to consider the changes made to clauses relating to public speakers at Council meetings as made on 27 August 2013 and as outlined in the Business Paper of 27 August 2013.

**ORDINARY MEETING**

**Meeting Date:** 2 February 2016

**QUESTIONS FOR NEXT MEETING**

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

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

**ORDINARY MEETING****Meeting Date:** 2 February 2016**Questions for Next Meeting**

#	Councillor	Question	Response
1	Calvert	Enquired if the future stages of the Redbank, North Richmond development would have a review of the sediment controls systems, given the continued rain and the inability of the current systems to manage the runoff.	Director City Planning
2	Paine	Requested a copy of the decision of the court case between Kurri-burri and Sydney Polo.	Director City Planning
3	Paine	Noted that the fire station in Fitzgerald Street has moved and enquired if Council could conduct a review of restricted vehicular parking around the location.	Director Infrastructure Services
4	Lyons-Buckett	Enquired if the Redbank, North Richmond developers are discussing a reduction in the number of lots at the seniors living section and that Councillors be advised if that is the case.	Director City Planning
5	Porter	Requested that letters of congratulations and thanks be sent to the Commodore of the Windsor Boat Club and the sponsor from Tasmania who brought the American sponsors to the event for their organisation and participation, respectively, of the recently held event.	Director Infrastructure Services
6	Reardon	Requested an update on the Redbank Creek, North Richmond pollution.	Director City Planning

**ORDINARY MEETING**

**Meeting Date:** 2 February 2016

**CONFIDENTIAL REPORTS**

**22 RESOLUTION:**

RESOLVED on the motion of Councillor Porter, 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: 13 IS - Land Acquisition - Bridge Replacement - Part of 413 West Portland Road, Sackville/Lower Portland - (95495, 6377, 6378)**

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

**Item: 14 SS - Property Matter - Lease to Jud Haines - Shop 4, Glossodia Shopping Centre - (95496, 112106, 89337, 105494)**

*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: 15 SS - Property Matter - Licence Agreements - Former Library Building, Corner of Dight and George Streets, Windsor - (95496, 112106)**

*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: 16 SS - Property Matter - Sale of 6 Ham Street, South Windsor (Lot 110 in Deposited Plan 1207709) - (95496, 112106, 23198, 23199, 79337) **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 sale and/or 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.

**ORDINARY MEETING**

**Meeting Date:** 2 February 2016

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.

**23 RESOLUTION:**

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

**ORDINARY MEETING**

**Meeting Date:** 2 February 2016

**Item: 13**                    **IS - Land Acquisition - Bridge Replacement - Part of 413 West Portland Road, Sackville/Lower Portland - (95495, 6377, 6378) CONFIDENTIAL**

**Previous Item:**        183, Ordinary (27 October 2015)

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**MOTION:**

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

*Refer to RESOLUTION*

**24 RESOLUTION:**

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

That:

1. The acquisition of an area of land, in the order of 1,080m<sup>2</sup> within 413 West Portland Road, Sackville (Lot 18 in DP 1096890) proceed.
2. Compensation in the amount detailed in this report be paid to Anthony and Deborah Cotter in respect of the acquisition of part of 413 West Portland Road, Sackville (Lot 18 in DP 1096890).
3. Council bear all costs associated with the process of acquiring the subject portions of land including, if applicable, the replacement of any fencing affected by the acquisition.
4. Should Anthony and Deborah Cotter fail to execute the necessary legal documentation, within 90 days of it being issued to them by Council's solicitors:
  - a) Council undertake compulsory acquisition (under Sections 177 and 178 of the Roads Act 1993 (NSW) and Sections 196 and 187 of the Local Government Act 1993 (NSW)) of the subject properties (in part) for the purposes of dedication as a public road.
  - b) Council approve the making of an application to the Minister for Local Government for the issue of a Proposed Acquisition Notice (PAN) under the Land Acquisition (Just Terms Compensation) Act 1991 with respect to the subject land.
  - c) Council approve the making of an application to the Governor for the publication of an Acquisition Notice in the NSW Government gazette under the land Acquisition (Just Terms Compensation) Act 1991 (NSW) with respect to the subject land.
  - d) Grant delegation to the General Manager to execute any documents on behalf of Council, associated with the compulsory acquisition process, which do not require the Seal of Council to be affixed.
5. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.
6. Details of Council's resolution be conveyed to the affected landowners together with the advice that Council is not and will not be bound by the terms of its resolution until such time as appropriate documentation to put such resolution into effect has been agreed to and executed by all parties.

**ORDINARY MEETING**

**Meeting Date:** 2 February 2016

**Item: 14**                      **SS - Property Matter - Lease to Jud Haines - Shop 4, Glossodia Shopping Centre - (95496, 112106, 89337, 105494) CONFIDENTIAL**

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**MOTION:**

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

***Refer to RESOLUTION***

**25 RESOLUTION:**

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

That:

1. Council agree to enter into a new lease with Mr Jud Haines trading as 'Glossodia's Country Fresh Meats' in regard to Shop 4, Glossodia Shopping Village, in accordance with the proposal outlined in the report.
2. Authority be given for any documentation in association with this matter 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.

**ORDINARY MEETING**

**Meeting Date:** 2 February 2016

**Item: 15**                    **SS - Property Matter - Licence Agreements - Former Library Building, Corner of Dight and George Streets, Windsor - (95496, 112106) CONFIDENTIAL**

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Councillor Calvert declared a less than significant non-pecuniary conflict of interest in this matter as a tenant of the Former Library Building is a personal friend and no further action is required.

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**MOTION:**

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

***Refer to RESOLUTION***

**26 RESOLUTION:**

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

That:

1. Council agree to enter into licence agreements with the existing sub-tenants of the property known as the Former Library Building, Corner of Dight and George Streets, Windsor, as outlined in the report, as well as any new tenants secured from hereon in.
2. Council continue the engagement of Macquarie Property Partners to provide the services of managing agent of the property known as the 'Former Library Building', corner of Dight and George Streets, Windsor, as outlined in the report.
3. The General Manager be authorised to approve minor amendments to the licence agreements, if necessary.
4. Authority be given for any documentation in association with this matter be executed under the Seal of Council where applicable.
5. Details of Council's resolution be conveyed to all sub-tenants, via Macquarie Property Partners, together with the advice that Council is not, and will not, be bound by 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.



**ORDINARY MEETING**

**Meeting Date:** 2 February 2016

**Item: 16**                    **SS - Property Matter - Sale of 6 Ham Street, South Windsor (Lot 110 in Deposited Plan 1207709) - (95496, 112106, 23198, 23199, 79337)**  
**CONFIDENTIAL**

**Previous Item:**        132, Ordinary (27 June 2006)  
                              29, Ordinary (13 February 2007)

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**MOTION:**

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

*Refer to RESOLUTION*

**27 RESOLUTION:**

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

That:

- 1 Council accept the offer from Mr Phillip Lloyd and Ms Joelle Harding via Bennett Property, as outlined in the report, for the purchase of 6 Ham Street, South Windsor, known as Lot 110 in Deposited Plan 1207709 in the amount of \$370,500 (inclusive of any GST payable).
- 2 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 Mr Phillip Lloyd and Ms Joelle Harding via Bennett Property, 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 8:30pm.

Submitted to and confirmed at the Ordinary meeting held on 23 February 2016.

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Mayor