



Ordinary Meeting

Date of meeting: 13 December 2022
Location: Council Chambers
Time: 6:30 p.m.

MINUTES

ORDINARY MEETING

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on 13 December 2022, commencing at 6:30pm.

Welcome

The Mayor, Councillor Sarah McMahon 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 Sarah McMahon, Mayor, Councillor Barry Calvert, Deputy Mayor and Councillors Patrick Conolly, Shane Djuric, Eddie Dogramaci, Amanda Kotlash, Mary Lyons-Buckett, Jill Reardon, Les Sheather, Paul Veigel, Danielle Wheeler and Nathan Zamprogno.

ALSO PRESENT: General Manager - Elizabeth Richardson, Acting Director City Planning - Meagan Ang, Director Infrastructure Services - Will Barton, Director Corporate Services - Laurie Mifsud, Manager Corporate Communication - Suzanne Stuart, Chief Financial Officer - Vanessa Browning, Waste Education Officer - Justin Murphy, Manager Resource Recovery - Samuel Swain, Manager City Services - Christopher Amit, General Counsel - Craig Winn, Manager Governance - Charles McElroy and Council Committee Officer - Amy Birks.

APOLOGIES AND LEAVE OF ABSENCE OR ATTENDANCE BY AUDIO-VISUAL LINK

There were no apologies or leave of absences received from Councillors.

DECLARATIONS OF INTEREST

Councillor Djuric declared an interest on Item 223.

Councillor Wheeler declared interests on Items 223 and 225.

Acknowledgement of Official Visitors to the Council

There were no official visitors to Council.

SECTION 1 - Confirmation of Minutes

257 RESOLUTION:

RESOLVED on the motion of Councillor Reardon and seconded by Councillor Sheather that the Minutes of the Ordinary Meeting held on the 22 November 2022, be confirmed.

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SECTION 3 – Reports for Determination

GENERAL MANAGER

Item: 212 **GM - WestInvest Additional Project, Local Government Allocation - (79351)**

Previous Item: 083, Ordinary (10 May 2022)

Directorate: General Manager

MOTION:

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

Refer to RESOLUTION

258 RESOLUTION:

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

That Council:

1. Note the report on the additional project for the Local Government Allocation, WestInvest Program.
2. Nominate the Tamplin Field project, as described in this report, as it's additional project for the Local Government Allocation under the NSW Government's WestInvest Program.

For the Motion: Councillors McMahon, Conolly, Djuric, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

Against the Motion: Councillor Dogramaci.

Absent: Councillor Calvert.

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CITY PLANNING

Item: 213 **CP - Draft Local Approvals Policy - Caravan Parks - (95498)**

Previous Item: 194, (12 October 2021)

Directorate: City Planning

MOTION:

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

Refer to RESOLUTION

259 RESOLUTION:

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

That:

1. The Draft Local Approvals Policy – Caravan Parks, attached as Attachment 1 to this report, be placed on public exhibition for a period of not less than 42 days.
2. At the expiration of the public exhibition period outlined in part 1 above, the following action be taken:
 - a) Should any submissions be received regarding the Draft Local Approvals Policy – Caravan Parks, a further report be submitted to Council, or
 - b) Should no submissions be received, Council adopt the Draft Local Approvals Policy – Caravan Parks attached as Attachment 1 to this report.

For the Motion: Councillors McMahon, Conolly, Djuric, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

Against the Motion: Councillor Dogramaci.

Absent: Councillor Calvert.

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Item: 214 **CP - Raising the Warragamba Dam Wall - Exhibition of the Critical State Significant Infrastructure and Preferred Infrastructure Report - (95498)**

Previous Item: 229, Ordinary (23 November 2021)

Directorate: City Planning

MOTION:

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

Refer to RESOLUTION

260 RESOLUTION:

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

That Council endorse the draft submission included as Attachment 4 to the report regarding the Warragamba Dam Wall Raising Project.

For the Motion: Councillors McMahon, Conolly, Reardon, Sheather, Veigel and Zamprogno.

Against the Motion: Councillors Calvert, Kotlash, Dogramaci, Djuric, Lyons-Buckett and Wheeler.

Absent: Nil.

The Motion was carried on the casting vote of the Mayor, Councillor McMahon.

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CORPORATE SERVICES

Item: 215 **CS - Council Resolution Summary - January 2022 to June 2022 - (95496)**

Previous Item: 088, Ordinary (10 May 2022)
 239, Ordinary (23 November 2021)
 063, Ordinary (30 March 2021)
 188, Ordinary (29 September 2020)
 088, Ordinary (12 May 2020)
 190, Ordinary (29 October 2019)
 040, Ordinary (12 March 2019)
 213, Ordinary (28 August 2018)
 NM2, Ordinary (24 June 2014)

Directorate: Corporate Services

MOTION:

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

Refer to RESOLUTION

261 RESOLUTION:

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

That this matter be deferred to a future Councillor Workshop and reported back to Council by February 2023.

For the Motion: Councillors McMahon, Calvert, Conolly, Djuric, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

Against the Motion: Nil.

Absent: Nil.

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INFRASTRUCTURE SERVICES

Item: 216 **IS - Outcome of Public Exhibition - Draft Waste and Resource Recovery Strategy 2032 - (95495)**

Previous Item: 158, Ordinary (13 September 2022)

Directorate: Infrastructure Services

Mr John Ross addressed Council, speaking against the recommendation in the business paper.

MOTION:

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

Refer to RESOLUTION

262 RESOLUTION:

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

That Council:

1. Adopt the Waste and Resource Recovery Strategy 2032 attached as Attachment 1 to this report.
2. Write to the NSW Government to return 100% of the monies collected by the NSW State Government as part of the waste levy to local governments to:
 - a) Support local and regional Council resource recovery programs and regional capital infrastructure investment.
 - b) Build a recycling industry that actually creates a market for recycled products and creates jobs from the transformation of our waste for reuse in other materials.
 - c) Expand and urgently implement education programs for residents and local businesses to drive down waste to landfill.
3. Receive a report on the cost of the establishment of a polystyrene collection point at the Hawkesbury Waste Management Facility.
4. Provide its resolution and Attachment 1 to the report to the Western Sydney Regional Organisation of Councils.

For the Motion: Councillors McMahon, Calvert, Djuric, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprognio.

Against the Motion: Councillors Conolly and Dogramaci.

Absent: Nil.

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Item: 217 **IS - Update on Rising Main C - (95495)**

Previous Item: 127, Ordinary (19 July 2022)

Directorate: Infrastructure Services

Mr John Ross addressed Council speaking against the recommendation in the business paper.

MOTION:

RESOLVED on the motion of Councillor Sheather, seconded by Councillor Veigel.

Refer to RESOLUTION

263 RESOLUTION:

RESOLVED on the motion of Councillor Sheather, seconded by Councillor Veigel.

That Council:

1. Receive and note the update on the progress of Rising Main C, the projected total costs to be incurred and measures being undertaken to seek funding from other levels of government and insurance.
2. Approve external borrowings of \$32.5 million to fund the rectification and ancillary works associated with Rising Main C, with the acceptance of the preferred loan offer to be delegated to the General Manager, in accordance with Council's Borrowing Policy.

For the Motion: Councillors McMahon, Calvert, Conolly, Djuric, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel and Wheeler.

Against the Motion: Councillors Dogramaci and Zamprogno.

Absent: Nil.

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Item: 218 **IS - Sewerage Scheme Review - (95495)**

Directorate: Infrastructure Services

Mr John Ross addressed Council speaking against the recommendation in the business paper.

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

That Council:

1. Receive and note the report on the Sewerage Business Review.
2. Adopt, as its preferred option for future detailed feasibility analysis, the full divestment of the Sewerage Business.
3. Receive a future report on the outcome of the detailed feasibility analysis of the divestment of the Sewerage Business.

An AMENDMENT was moved by Councillor Wheeler, seconded by Councillor Lyons-Buckett.

That Council:

1. Receive and note the report on the Sewerage Business Review.
2. Receive a future report on the outcome of the detailed feasibility analysis of the divestment of the Sewerage Business.

For the Amendment: Councillors Djuric, Lyons-Buckett, Sheather and Wheeler.

Against the Amendment: Councillors Calvert, Conolly, Dogramaci, Kotlash, McMahon, Reardon, Veigel and Zamprogno.

Absent: Nil.

The Amendment was lost.

MOTION:

That Council:

1. Receive and note the report on the Sewerage Business Review.
2. Adopt, as its preferred option for future detailed feasibility analysis, the full divestment of the Sewerage Business.
3. Receive a future report on the outcome of the detailed feasibility analysis of the divestment of the Sewerage Business.

A PROCEDUAL MOTION was moved by Councillor Wheeler, seconded by Councillor Lyons-Buckett that this item be dealt with in seriatim.

The Procedural Motion to deal with item in seriatim was carried.

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MOTION:

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

Refer to RESOLUTION

264 RESOLUTION:

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

That Council:

1. Receive and note the report on the Sewerage Business Review.

For the Motion: Councillors McMahon, Calvert, Conolly, Djuric, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

Against the Motion: Councillor Dogramaci.

Absent: Nil.

265 RESOLUTION:

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

That Council:

2. Adopt, as its preferred option for future detailed feasibility analysis, the full divestment of the Sewerage Business.

For the Motion: Councillors McMahon, Calvert, Conolly, Kotlash, Reardon, Veigel and Zamprogno.

Against the Motion: Councillors Djuric, Dogramaci, Lyons-Buckett, Sheather and Wheeler.

Absent: Nil.

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266 RESOLUTION:

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

That Council:

3. Receive a future report on the outcome of the detailed feasibility analysis of the divestment of the Sewerage Business.

For the Motion: Councillors McMahon, Calvert, Conolly, Djuric, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Veigel, Wheeler and Zamprogno.

Against the Motion: Councillor Sheather.

Absent: Nil.

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SECTION 4 – Reports of Committees

Item: 219 **ROC - Innovation and Partnerships Committee - 8 November 2022 - (79351)**

Directorate: General Manager

MOTION:

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

Refer to RESOLUTION

267 RESOLUTION:

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

That in relation to the Minutes of the Innovation and Partnerships Committee Meeting held on the 8 November 2022:

1. Council receive and note the Innovation and Partnership Committee in respect to Item 1.
2. Council endorse the Committee Recommendation in respect to Confirmations of Minutes:
 - "2. Council seek an update from the Member for Macquarie, Susan Templeman MP, regarding mobile coverage in Bilpin and remote areas of the Hawkesbury given the changes that have occurred since the previous meeting of the Innovation and Partnerships Committee in August 2021."
3. Council endorse the Committee Recommendations in respect of Item 2 (Economic, Investment and Tourism), namely:
 - "2. Receive a verbal or written report to the next Innovation and Partnerships Committee Meeting outlining the status of actions identified in the Business Recovery Plan.
 3. Following receipt of a verbal or written report outlining the status of actions identified in the Business Recovery Plan, the Committee to determine if further engagement with the business community is needed to implement the Business Recovery Plan."
4. Council endorse the Committee Recommendations in respect of Item 3 (Heavy Vehicle Movement Investigation in the Hawkesbury Local Government Areas), namely:
 - "2. Note the demand of heavy vehicles be considered as a key driver in the development of the next Transport Asset Management Plan.
 3. Note the outcome of this be reported back to an Ordinary Meeting of Council as part of the normal reporting process for Asset Management Plans.
 4. Recommend that Council use this report to continue advocacy through State agencies and the National Heavy Vehicle Regulator to address amenity impacts of heavy vehicles."

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For the Motion: Councillors McMahon, Calvert, Conolly, Djuric, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

Against the Motion: Nil.

Absent: Nil.

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Item: 220 **ROC - Audit, Risk and Improvement Committee - 14 November 2022 - (158054, 95496)**

Directorate: Corporate Services

MOTION:

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

Refer to RESOLUTION

268 RESOLUTION:

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

That Council receive and note the Minutes of the Audit, Risk and Improvement Committee Meeting held on the 14 November 2022.

For the Motion: Councillors McMahon, Calvert, Conolly, Djuric, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

Against the Motion: Nil.

Absent: Nil.

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Item: 221 **ROC - Local Traffic Committee - 14 November 2022 - (95495, 80245)**

Directorate: Infrastructure Services

MOTION:

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

Refer to RESOLUTION

269 RESOLUTION:

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

That the Council adopt the recommendations contained in the minutes of the Hawkesbury City Council Local Traffic Committee meeting held on 14 November 2022.

For the Motion: Councillors McMahon, Calvert, Conolly, Djuric, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

Against the Motion: Nil.

Absent: Nil.

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QUESTIONS FOR NEXT MEETING

**Item: 222 Responses to Councillor Questions Taken on Notice at the Council Meeting -
22 November 2022 - (79351)**

The responses to Questions Taken on Notice at the Council Meeting on 22 November 2022 were noted.

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CONFIDENTIAL REPORTS

270 RESOLUTION:

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

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: 217 AT - 2 - Confidential details of TCE Contract - Confidential

*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 of 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.*

Item: 217 AT - 3 - Technical Drawings - Confidential

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) and 10A(2)(d)(iii) of the Local Government Act, 1993 as it relates to details of unique technical detailed design drawings and plans provided by a third party. The third party retains copyright over the drawings and plans, and they constitute trade secrets. 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/or would reveal a trade secret, and therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

Item: 218 AT - 1 - HCC Sewerage Scheme Review - Final Report (September 2022) - Confidential

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) and 10A(2)(d)(iii) of the Local Government Act, 1993 as it relates to details of unique technical detailed design drawings and plans provided by a third party. The third party retains copyright over the drawings and plans, and they constitute trade secrets. 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/or would reveal a trade secret, and therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

Item: 223 CS - Assignment of Lease from Australiana Pioneer Village Limited to The Friends of The Australiana Pioneer Village Society Inc - Australiana Pioneer Village, 496 Wilberforce Road, Wilberforce - (112106, 95496, 104161)

*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.*

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Item: 224 CS - Appointment of Investment Advisor - (95496)

*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 of 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.*

Item: 225 CS - Hawkesbury Allied Health Pty Ltd - Shops 10 and 11, Glossodia Shopping Village, 160-164 Golden Valley Drive, Glossodia - (112106, 95496, 31304, 11976)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it relates to details concerning the leasing of a Council property and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the Council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

2. In accordance with the provisions of Section 11(2) & (3) of the Local Government Act, 1993 the reports, correspondence and other relevant documentation relating to these matters be withheld from the Press and public.

271 RESOLUTION:

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

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Item: 223 **CS - Assignment of Lease from Australiana Pioneer Village Limited to The Friends of The Australiana Pioneer Village Society Inc - Australiana Pioneer Village, 496 Wilberforce Road, Wilberforce - (112106, 95496, 104161)**

Previous Item: 10, Ordinary (2 February 2010)

Directorate: Corporate Services

Councillor Wheeler declared a pecuniary interest in this matter as her son is employed as a contactor by the Friends of the Australiana Pioneer Village. She left the Chamber and did not take part in voting or discussion on the matter.

Councillor Djuric declared a significant non-pecuniary conflict of interest in this matter as he volunteers at the community garden within the Pioneer Village, and is friends with the organiser of the community garden. He left the Chamber and did not take part in voting or discussion on the matter.

MOTION:

The General Manager advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Lyons-Buckett, seconded by Councillor Kotlash.

Refer to RESOLUTION

272 RESOLUTION:

The General Manager advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Lyons-Buckett, seconded by Councillor Kotlash.

That:

1. Council agree to the Assignment of Lease for the property known as Australiana Pioneer Village, 496 Wilberforce Road, Wilberforce from Australiana Pioneer Village Limited to The Friends of The Australiana Pioneer Village Society Inc, as outlined in this report.
2. Authority be given for the Assignment of 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 Assignor and proposed Assignee, 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 McMahon, Calvert, Conolly, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel and Zamprogno.

Against the Motion: Nil.

Absent: Councillors Djuric and Wheeler.

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Item: 224 **CS - Appointment of Investment Advisor - (95496)**

Previous Item: 202, Ordinary (29 October 2019)

Directorate: Corporate Services

MOTION:

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

Refer to RESOLUTION

273 RESOLUTION:

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

That Prudential Investment Services Corp be appointed as Council's Investment Advisor for a period of three years, with the option to extend for a further two years at Council's sole discretion, commencing on 1 January 2023 and ending 31 December 2026.

For the Motion: Councillors McMahon, Calvert, Conolly, Djuric, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

Against the Motion: Nil.

Absent: Councillor Dogramaci.

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Item: 225 **CS - Hawkesbury Allied Health Pty Ltd - Shops 10 and 11, Glossodia Shopping Village, 160-164 Golden Valley Drive, Glossodia - (112106, 95496, 31304, 11976)**

Directorate: Corporate Services

Councillor Wheeler declared a significant non-pecuniary conflict of interest in this matter as she is currently a patient at a practice carried on by the proposed Lessee. She left the Chamber and did not take part in voting or discussion on the matter.

MOTION:

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

Refer to RESOLUTION

274 RESOLUTION:

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

That:

1. Council agree to enter into a new lease with Hawkesbury Allied Health Pty Ltd in regard to Shops 10 and 11, Glossodia Shopping Village, in accordance with the proposal outlined in the report.
2. Authority be given for the Lease and any documentation with this matter to be executed under the Seal of Council.
3. Details of Council's resolution be conveyed to the proposed Lessee, together with the advice that Council is not, and will not, be bound by the terms of its resolution, until such time as appropriate legal documentation to put such a resolution into effect has been agreed to and executed by all parties.

For the Motion: Councillors McMahon, Calvert, Conolly, Djuric, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel and Zamprogno.

Against the Motion: Nil.

Absent: Councillor Wheeler.

The meeting terminated at 9:21pm.

Submitted to and confirmed at the Ordinary meeting held on 31 January 2023.

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Mayor