



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 31 May 2011
location: council chambers
time: 6:30 p.m.

ORDINARY MEETING - Minutes

Table of Contents

MINUTES

- **WELCOME / EXPLANATIONS / PRAYER**
- **APOLOGIES**
- **DECLARATION OF INTERESTS**
- **SECTION 1 - Confirmation of Minutes**
- **MINUTES ITEMS SUBJECT TO PUBLIC ADDRESS**
- **SECTION 2 - Mayoral Minutes**
- **QUESTIONS WITH NOTICE**
- **SECTION 3 - Notices of Motion**
- **EXCEPTION REPORT - Adoption of Items Not Identified for Discussion and Decision**
- **SECTION 4 - Reports for Determination**

General Manager

City Planning

Infrastructure Services

Support Services

- **SECTION 5 - Reports of Committees**
- **QUESTIONS FOR NEXT MEETING**

ORDINARY MEETING - Minutes

Table of Contents

ORDINARY MEETING - Minutes

Table of Contents

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE
ATTENDANCE		1
APOLOGIES		1
SECTION 1: Confirmation of Minutes		1
SECTION 4 - Reports for Determination		2
GENERAL MANAGER		2
Item: 101	GM - Sister City Program Policy - Student Exchange Donation, Temple City and Kyotamba 2011 - (79351, 73610)	2
Item: 102	GM - 14th International Riversymposium - (79351)	3
CITY PLANNING		4
Item: 103	CP - Modification of Consents DA0341/91, DA1325/03 and DA0733/04 to alter commencement date of the approved trial period for trading hours at the Clarendon Tavern - Lot 4 SP 73508, 244 Hawkesbury Valley Way Clarendon - (DA0518/05A, 10517, 82728, 95498)	4
Item: 104	CP - Planning Proposal - 66, 68, 70 The Terrace, Windsor - (95498)	6
Item: 105	CP - Representations - Old School House, South Maroota - (95498, 80251, 79958)	7
Item: 106	CP - Evacuation Route Options Study for Bligh Park and Hobartville - (88242, 95498, 118820)	7
Item: 107	CP - Youth Drop In Centre - (96328)	8
Item: 108	CP - Proposed Disability Service Centre - North West Disability Services - (95498, 103117)	9
INFRASTRUCTURE SERVICES		10
Item: 109	IS - Extension of Memorandum of Understanding - University of Western Sydney - (95454)	10
Item: 110	IS - Naming of an Un-named Road at Grose Wold Within Proposed Subdivision of Lot 2 DP 1118655 and Lot 3 DP 87137, No.41 Avoca Road, Grose Wold - (95495)	10
Item: 111	IS - Priority List For Sealing Gravel Roads - (95495, 79344)	11
Item: 112	IS - Rural Fire Service Revised Estimates 2011/2012 - Hawkesbury District - (74436, 95495)	11
Item: 113	IS - Hawkesbury City Waste Management Facility Requesting Extension of Time to Remove Sand - (95495)	12

ORDINARY MEETING - Minutes**Table of Contents**

ITEM	SUBJECT	PAGE
SUPPORT SERVICES		13
Item: 114	SS - Monthly Investments Report - April 2011 - (96332, 95496)	13
Item: 115	SS - March 2011 Quarterly Review - 2010/2011 Management Plan - (95496, 96332)	13
Item: 116	SS - 2011/2012 Remuneration for Councillors and Mayor - (95496, 96332)	14
Item: 117	SS - Banking Services - (96332, 95496)	14
Item: 118	SS - Complaint Under Council's Code of Conduct against Councillor J Reardon - (111628, 95496)	15
CONFIDENTIAL REPORTS		16
Item: 119	SS - Property Matter - Lease of Shops 7 and 8 Glossodia Shopping Centre - (112106, 95496, 102477, 109695, 33836, 118210)	17
SECTION 5 - Reports of Committees		18
ROC - Local Traffic Committee - 18 May 2010 - (80245)		18
QUESTIONS FOR NEXT MEETING		19
Councillor Questions From Previous Meetings and Responses - (105109)		19

ORDINARY MEETING

Minutes: 31 May 2011

Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 31 May 2011, commencing at 6:30pm.

Peter Goldstien, Midway Christian Centre, representing the Hawkesbury Minister's Association, gave the opening prayer at the commencement of the meeting.

ATTENDANCE

PRESENT: Councillor B Bassett, Mayor, Councillor K Conolly, Deputy Mayor and Councillors B Calvert, K Ford, W Mackay, C Paine, B Porter, P Rasmussen, J Reardon, T Tree, W Whelan.

ALSO PRESENT: General Manager - Peter Jackson, Director City Planning - Matt Owens, Director Infrastructure Services - Chris Daley, Director Support Services - Laurie Mifsud, Manager Corporate Services and Governance - Abbey Rouse, Executive Manager - Community Partnerships - Joseph Litwin and Administrative Support Team Leader - Kylie Wade-Ferrell.

APOLOGIES

An apology for absence was received from Councillor L Williams.

Councillors Mackay, Rasmussen and Tree arrived at the meeting at 6:32pm.

163 RESOLUTION:

RESOLVED on the motion of Councillor Porter and seconded by Councillor Rasmussen that the apology be accepted and that leave of absence from the meeting be granted.

SECTION 1: Confirmation of Minutes

164 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Reardon that the Minutes of the Ordinary Meeting held on the 10 May 2011, be confirmed.

ORDINARY MEETING

Minutes: 31 May 2011

SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 101 **GM - Sister City Program Policy - Student Exchange Donation, Temple City and Kyotamba 2011 - (79351, 73610)**

Previous Item: Item 46, Ordinary (9 March 2010)

MOTION:

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

Refer to RESOLUTION

165 RESOLUTION:

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

That:

1. Under the provisions of Section 356 of the Local Government Act 1993, and in accordance with Council's Sister City Program Policy, Council donate \$500 to each of the following students participating in the 2011 student exchange program visit to Kyotamba and Temple City being:
 - (a) Ellen Ryan
 - (b) Alex Tunstell
 - (c) Gracie Applin
 - (d) Summalea Arndt
 - (e) Karrie Benz
 - (f) Megan Ellis
 - (g) Victoria Rafalo
 - (h) Heath Jonker
 - (i) Lachlan Connally
 - (j) Maddison Edwards

2. The Hawkesbury Sister City Association be requested to address the issues surrounding the recent disasters in Japan with the parents and guardians of students travelling to Kyotamba, utilising Federal Government travel advice.

ORDINARY MEETING

Minutes: 31 May 2011

Item: 102 GM - 14th International Riversymposium - (79351)

MOTION:

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

Refer to RESOLUTION

166 RESOLUTION:

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

That attendance of nominated Councillors and staff members as considered appropriate by the General Manager, at the 14th International Riversymposium at an approximate cost of \$3,200.00 per delegate be approved.

No Councillors were subsequently nominated to attend the conference.

ORDINARY MEETING

Minutes: 31 May 2011

CITY PLANNING

Item: 103 CP - Modification of Consents DA0341/91, DA1325/03 and DA0733/04 to alter commencement date of the approved trial period for trading hours at the Clarendon Tavern - Lot 4 SP 73508, 244 Hawkesbury Valley Way Clarendon - (DA0518/05A, 10517, 82728, 95498)

Previous Item: 255, Ordinary (9 December 2008)

MOTION:

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

Refer to RESOLUTION

167 RESOLUTION:

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

That:

A. Development Consent No.s D0341/91, DA1325/03 and DA0733/04 at Lot 4 SP 73508, No. 244 Richmond Road Clarendon (Clarendon Tavern) be modified as follows:

1. Development Consent No. D0341/91

Condition No. 28 in Development Consent No. D0341/91 be modified as follows:

28. (a) *The hours of operation of the premises are to be restricted as follows:*

- (i) 5.00am Friday to 2.00am Saturday;
- (ii) 5.00am Saturday to 2.00am Sunday;
- (iii) 5.00am – midnight – Monday to Thursday;
- (iv) 10.00am – midnight on Sunday.

(b) *The hours of operation detailed in (a) above are for a trial period of twelve (12) months from the date on which Council approves the acoustic audit required by Condition 39n. A Section 96 application will be required to be submitted to Council prior to the expiration of the twelve (12) month period for the continuation of the hours detailed above.*

2. Development Consent No. DA1325/03

Condition No. 19 in Development Consent No. DA1325/03 be modified as follows:

19. (a) *The hours of operation of the premises are to be restricted as follows:*

- (i) 5.00am Friday to 2.00am Saturday;
- (ii) 5.00am Saturday to 2.00am Sunday;
- (iii) 5.00am – midnight – Monday to Thursday;
- (iv) 10.00am – midnight on Sunday.

(b) *The hours of operation detailed in (a) above are for a trial period of twelve (12) months from the date on which Council approves the acoustic audit required by Condition 39n. A Section 96 application will be required to be submitted to Council prior to the*

ORDINARY MEETING

Minutes: 31 May 2011

expiration of the twelve (12) month period for the continuation of the hours detailed above.

3. Development Consent No. DA0733/04

Condition No. 9 in Development Consent No. DA0733/04 be modified as follows:

9. (a) *The hours of operation of the premises are to be restricted as follows:*

- (i) *5.00am Friday to 2.00am Saturday;*
- (ii) *5.00am Saturday to 2.00am Sunday;*
- (iii) *5.00am – midnight – Monday to Thursday;*
- (iv) *10.00am – midnight on Sunday.*

(b) *The hours of operation detailed in (a) above are for a trial period of twelve (12) months from the date on which Council approves the acoustic audit required by Condition 39n. A Section 96 application will be required to be submitted to Council prior to the expiration of the twelve (12) month period for the continuation of the hours detailed above.*

- B. Council notes that it has approved this modification, contrary to the intent of its resolution of 9 December 2008, solely due to the decision of the Land and Environment Court which has frustrated the intent of Council's resolution.

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 Bassett	Councillor Calvert
Councillor Conolly	Councillor Paine
Councillor Ford	
Councillor Mackay	
Councillor Porter	
Councillor Rasmussen	
Councillor Reardon	
Councillor Tree	
Councillor Whelan	

Councillor Williams was absent from the meeting.

A FORESHADOWED motion was moved by Councillor Porter, seconded by Councillor Rasmussen.

That:

1. Council make representation to the Minister via its local state Members of Parliament to review current licencing provisions that allow extended hours of opening of licenced premises that are unacceptable and detrimentally effect local residents.
2. Council submit this matter as a Motion to the next Local Government Association Annual Conference.

ORDINARY MEETING

Minutes: 31 May 2011

Item: 104 CP - Planning Proposal - 66, 68, 70 The Terrace, Windsor - (95498)

Previous Item: 118, Ordinary (24 June 2008)
278, Ordinary (8 December 2009)

Ms Cheryl Price and Mr Robert Montgomery, proponents, addressed Council.

Ms Pamela Galloway, Mr Horst Hauser and Mr Geoffrey Roberts, respondents, addressed Council.

MOTION:

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

Refer to RESOLUTION

168 RESOLUTION:

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

That:

1. The Planning Proposal to rezone Lot 1 DP 609363, Lot 1 DP 741997 and Lot 1 DP 159404 – 66, 68 and 70, The Terrace, Windsor from Housing to Business General 3(a), or the equivalent B2 Local Centre in the Standard Template LEP, be forwarded to the Department of Planning requesting that the matter be finalised and made.
2. A Development Control Plan be prepared for Windsor, in accordance with the principles of the draft Windsor Master Plan, to assist in the guidance of development on these properties in relation to setbacks, height and heritage matters. In this regard the setback and height controls are to work towards maintaining the residential character of The Terrace rather than changing to a commercial character.
3. In the interim before the finalisation of the Development Control Plan for Windsor, the current Development Control Plan be amended to control the development of these properties in accordance with part 2 of this resolution.

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:

ORDINARY MEETING

Minutes: 31 May 2011

For the Motion	Against the Motion
Councillor Bassett	Councillor Calvert
Councillor Conolly	Councillor Paine
Councillor Ford	Councillor Rasmussen
Councillor Mackay	
Councillor Porter	
Councillor Reardon	
Councillor Tree	
Councillor Whelan	

Councillor Williams absent from the meeting.

Item: 105 CP - Representations - Old School House, South Maroota - (95498, 80251, 79958)

MOTION:

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

Refer to RESOLUTION

169 RESOLUTION:

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

That Council make representations to The Hills Shire Council, and the Member for Hawkesbury on behalf of Peppercorn Services Inc. to request that The Hills Shire Council review its decision to increase Council charges for the use of the Old School House Building at South Maroota as a venue for the South Maroota Pre-School.

Item: 106 CP - Evacuation Route Options Study for Bligh Park and Hobartville - (88242, 95498, 118820)

Previous Item: 83, Ordinary (29 March 2005)

MOTION:

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

Refer to RESOLUTION

ORDINARY MEETING

Minutes: 31 May 2011

170 RESOLUTION:

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

That:

1. Council adopt the four reports in relation to the Bligh Park and Hobartville Evacuation Routes prepared by Bewsher Consulting Pty Ltd, as listed below:
 - a. Bligh Park Evacuation Route Study - December 2007 - Reference J1434R_5
 - b. Hobartville Evacuation Route Study - August 2008 - Reference J1434R_9
 - c. Bligh Park Evacuation Route Options Study - March 2011 - Reference J1736R_9
 - d. Hobartville Evacuation Route Options Study - March 2011 - Reference J1736R_10
2. The priority works identified in the 2011/2012 Draft Budget be noted and the remaining priority works identified in the reports be included in future budget considerations to ensure that these works are completed in a reasonable timeframe.
3. The potential for evacuation of residents from the eastern section of Bligh Park via Fitzpatrick Place and the unmade eastern section of Thorley Street be investigated and reported to Council.

Item: 107 CP - Youth Drop In Centre - (96328)

Previous Item: NM3, Ordinary (30 November 2010)

MOTION:

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

Refer to RESOLUTION

171 RESOLUTION:

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

That:

1. A working party be commissioned to investigate options for a mobile youth centre as outlined in this report. The working party to also investigate ways of augmenting the 'Hawkesbury Loudspeaker' online communication hub to operate as a possible virtual youth drop in centre.
2. The Hawkesbury Youth Interagency be consulted in the development of the terms of reference and membership of the proposed working party. The agreed terms of reference and membership to be reported to Council for determination under Council's Community Engagement Policy.
3. Council approach the WYSH Coalition (through the Hawkesbury Youth Interagency) to establish their willingness to work with Council staff on the development of a draft Youth Services and Facilities Plan for Council's consideration. The terms of reference and scope of the proposed

ORDINARY MEETING

Minutes: 31 May 2011

planning process be reported to Council for determination under Council's Community Engagement Policy.

4. Council assist the Hawkesbury Local Area Command to investigate options for establishing a Police Citizens Youth Club (PCYC) in the Hawkesbury.

Item: 108 CP - Proposed Disability Service Centre - North West Disability Services - (95498, 103117)

MOTION:

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

Refer to RESOLUTION

172 RESOLUTION:

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

That Council implement the consultation strategy as outlined in this report to seek the views of local residents and stakeholders regarding the use of part of Council owned land at Pound Paddock, Richmond for future community services utilising funds provided by third party not-for-profit organisations.

ORDINARY MEETING

Minutes: 31 May 2011

INFRASTRUCTURE SERVICES

Item: 109 **IS - Extension of Memorandum of Understanding - University of Western Sydney - (95454)**

Previous Item: 241, Ordinary (10 November 2009)

MOTION:

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

Refer to RESOLUTION

173 RESOLUTION:

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

That

1. The Research Collaboration Memorandum of Understanding with the University of Western Sydney be executed.
2. Funding in an amount of \$6,000 per annum for the next three years for costs associated with running the Project Steering Group be supported in principle pending Council's annual budget review.

Item: 110 **IS - Naming of an Un-named Road at Grose Wold Within Proposed Subdivision of Lot 2 DP 1118655 and Lot 3 DP 87137, No.41 Avoca Road, Grose Wold - (95495)**

Previous Item: 42, Ordinary (8 March 2011)

MOTION:

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

Refer to RESOLUTION

174 RESOLUTION:

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

That the new public road in connection with the proposed subdivision of Lot 2 DP 1118655 and Lot 3 DP 87137, No.41 Avoca Road, Grose Wold, be named Oakford Place.

ORDINARY MEETING

Minutes: 31 May 2011

Item: 111 **IS - Priority List For Sealing Gravel Roads - (95495, 79344)**

Previous Item: NM1, Ordinary (8 June 2010)

MOTION:

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

Refer to RESOLUTION

175 RESOLUTION:

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

That:

1. The criteria for prioritising gravel roads for sealing should funding become available be adopted.
2. Should funding become available to seal gravel roads, a prioritised list be presented to Council at a Briefing Session.

Item: 112 **IS - Rural Fire Service Revised Estimates 2011/2012 - Hawkesbury District - (74436, 95495)**

Previous Item: 279, Ordinary (14 December 2010)

MOTION:

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

Refer to RESOLUTION

176 RESOLUTION:

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

That the revised 2011/2012 Rural Fire Fighting Fund estimates as submitted by the NSW Rural Fire Service be endorsed in principle.

ORDINARY MEETING

Minutes: 31 May 2011

Item: 113 **IS - Hawkesbury City Waste Management Facility Requesting Extension of Time to Remove Sand - (95495)**

Previous Item: 182, Ordinary (27 July 2010)

MOTION:

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

Refer to RESOLUTION

177 RESOLUTION:

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

That an additional 12 months be granted to H.X. Services Pty Ltd to sell and remove the remainder of the stockpiled sand from the Hawkesbury City Council Waste Management Facility site.

ORDINARY MEETING

Minutes: 31 May 2011

SUPPORT SERVICES

Item: 114 **SS - Monthly Investments Report - April 2011 - (96332, 95496)**

Previous Item: 144, Ordinary (29 June 2010)

MOTION:

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

Refer to RESOLUTION

178 RESOLUTION:

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

The report regarding the monthly investments for April 2011 be received and noted.

Item: 115 **SS - March 2011 Quarterly Review - 2010/2011 Management Plan - (95496, 96332)**

Previous Item: 126, Extraordinary (22 June 2010)

MOTION:

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

Refer to RESOLUTION

179 RESOLUTION:

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

That:

1. The information contained in the report on the 2010/2011 Management Plan – March 2011 Quarter Review, be received.
2. The Quarterly Review of the 2010/2011 Management Plan, for the period ending 31 March 2011, be adopted.

ORDINARY MEETING

Minutes: 31 May 2011

Item: 116 SS - 2011/2012 Remuneration for Councillors and Mayor - (95496, 96332)

MOTION:

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

Refer to RESOLUTION

180 RESOLUTION:

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

That:

1. The annual fee for Councillors for 2011/2012 be set at \$16,640.00.
2. The additional annual fee for the Mayor be set at \$36,320.00, and the Deputy Mayor's additional annual fee be set at \$5,448.00, to be deducted from the Mayor's annual fee.

Item: 117 SS - Banking Services - (96332, 95496)

Previous Item: 50, Ordinary (13 March 2007)
 95, Ordinary (11 May 2010)

MOTION:

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

Refer to RESOLUTION

181 RESOLUTION:

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

That:

1. Council agree to take up the option for a further term of one year with the Commonwealth Bank of Australia, commencing from 1 July 2011, for the provision of banking services to Council.
2. Authority be given for any documentation in this matter to be executed under the Seal of Council, if necessary.

ORDINARY MEETING

Minutes: 31 May 2011

Item: 118 SS - Complaint Under Council's Code of Conduct against Councillor J Reardon - (111628, 95496)

The General Manager and the Director City Planning declared a less than significant non-pecuniary conflict of interest in this matter as the original complaint when received initially dealt with an issue relating to a development to be before the Joint Regional Planning Panel, which the General Manager and Director City Planning are Council's representatives on. The matter has been dealt with by another Council Officer and the report now submitted by the Conduct Reviewer deals with the complaint and does not relate to the Development Application concerned, therefore, other than declaring this less than significant non-pecuniary conflict of interest under Council's Code of Conduct; no further action is required.

MOTION:

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

Refer to RESOLUTION

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

That the matter be deferred until the complainant is available to address Council.

The amendment was lost.

The motion was put and carried.

182 RESOLUTION:

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

That the "Review Report" by the Conduct Reviewer, Mr K Gibbons, in respect of a complaint under the Council's Code of Conduct in respect of inconsistency between alleged commitments made by Councillor J Reardon at a community meeting on 24 February 2011 and subsequent actions in relation to the same issue at the Council Meeting held on 8 March 2011 be received and the decision contained therein be adopted by Council.

CONFIDENTIAL REPORTS

183 RESOLUTION:

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

That the Confidential Items be moved to the end of the business paper to be dealt with last.

184 RESOLUTION:

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

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: 119 SS – Property Matter – Lease of Shops 7 and 8 Glossodia Shopping Centre

*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 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.

185 RESOLUTION:

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

ORDINARY MEETING

Minutes: 31 May 2011

Item: 119 **SS - Property Matter - Lease of Shops 7 and 8 Glossodia Shopping Centre - (112106, 95496, 102477, 109695, 33836, 118210)**

Previous Item: 70, Ordinary (30 March 2010)

MOTION:

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

Refer to RESOLUTION

186 RESOLUTION:

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

That:

1. Due to the financial difficulties being experienced by "Bojangles Beauty Basix", Council agree to extinguish the lease with Ms Sharon Bell in regard to Shop 8, Glossodia Shopping Centre, effective from 30 April 2011, and subject to the Lessee paying all rent and outgoings up to 30 April 2011, and all legal expenses associated with the extinguishment of her current lease.
2. Council agree to simultaneously extinguish the current lease with Saghir Khan and Riffat Khan in regard to Shop 7, Glossodia Shopping Centre, and enter into a new lease for Shops 7 and 8, Glossodia Shopping Centre, in accordance with the proposal outlined in the report.
3. Authority be given for any documentation in association with this matter to be executed under Seal of Council.
4. Details of Council's resolution be conveyed to Sharon Bell, Saghir Khan and Riffat Khan, 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

Minutes: 31 May 2011

SECTION 5 - Reports of Committees

ROC - Local Traffic Committee - 18 May 2010 - (80245)

187 RESOLUTION:

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

That the minutes of the Local Traffic Committee held on 18 May 2011 as recorded on pages 149 to 162 of the Ordinary Business Paper be adopted.

ORDINARY MEETING

Minutes: 31 May 2011

QUESTIONS FOR NEXT MEETING

Councillor Questions From Previous Meetings and Responses - (105109)

There were no responses to questions in relation to previous Questions for Next Meeting.

ORDINARY MEETING

Minutes: 31 May 2011

QUESTIONS WITHOUT NOTICE

#	Councillor	Question	Response
1	Porter	Enquired about the Woodlands Carpark and when work was going to commence as the State Member had advised funding had been received.	Director Infrastructure Services
2	Calvert	Requested an update on the progress of fixing the footpath out the front of McDonalds at Richmond.	Director Infrastructure Services
3	Calvert	Referred to previously asked questions enquiring about the electricity costs for Council's Administration Building to assist in moving towards the use of solar electricity.	Director Infrastructure Services
4	Paine	Enquired if Council could instigate a meeting between the organisers and stall holders of the markets, the Windsor Business Group and other interested Councillors to investigate options of revamping the Windsor Markets.	Director Support Services

The meeting terminated at 9:32pm.

Submitted to and confirmed at the Ordinary meeting held on Tuesday, 28 June 2011.

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Mayor