

Ordinary Council



DRAFT MINUTES

DATE OF MEETING: 29 April 2014

LOCATION: Council Chamber

TIME: 7.04pm

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Ordinary Council

Draft Minutes

Meeting Date: 29 April 2014

Page 2

MEETING 1434

Administration Centre, WAKELEY

MINUTES OF THE MEETING OF COUNCIL OF THE CITY OF FAIRFIELD HELD IN THE COUNCIL CHAMBERS AT THE ADMINISTRATION CENTRE, AVOCA ROAD, WAKELEY ON 29 APRIL 2014 AT 7.04PM.

PRESENT:

His Worship Mayor Carbone.

Councillors Barcha, Bennett, Karajcic, Khoshaba, Le, Ly, Saliba, Toma, Tran, White and Yeung.

Also in attendance were the City Manager, Director Rhonda Tyne, Acting Director (A McLeod), Acting Group Manager Corporate Services (A Bray), Group Manager City Development, Group Manager Place, Assets and Strategy, Manager Governance and Legal, Manager Communications and Marketing, Governance Coordinator, IT Technician (S Al-Khozaie), Application Support Officer (G Joseph), IT Help Desk Team Leader (C Farrugia), Civic Attendant, Committee Clerks (K Mareco and L Kalatzis) and Solicitor (John Ritchie, Ritchie Castellan).

National Anthem

All present, stood for the National Anthem.

Acknowledgement of Traditional Custodians

The Mayor acknowledged the Cabrogal people, the traditional custodians, past and present, of the land upon which the meeting is being held.

Prayer

The Prayer was read by Councillor Yeung.

CONFIRMATION OF MINUTES

MOTION: (White/Barcha)

Resolved that the Minutes of the meeting held on 25 March 2014 be confirmed.

CARRIED UNANIMOUSLY

Ordinary Council

Draft Minutes

Meeting Date: 29 April 2014

Page 3

APOLOGIES AND LEAVE OF ABSENCE

An apology was tendered on behalf of Councillor Molluso.

MOTION: (Tran/Yeung)

That the apology tendered on behalf of Councillor Molluso be accepted and leave be granted.

CARRIED UNANIMOUSLY

MAYORAL MINUTES

Putting a Halt to Bill Posters

Most of us would have seen unsightly posters and placards stuck to power poles and elsewhere throughout our City that promote nightclubs, bands and more.

This is illegal and considered a form of vandalism. These posters make our City look unsightly and they are a blight on the streetscape.

Legislation exists to penalise those responsible and under the Protection of the Environment Operations Act 1997, fines of up to \$400.00 can be imposed for illegally mounting promotional material in public spaces and without authorisation.

But unfortunately, unless a person is caught in the act, it is very difficult for Council to prosecute.

These posters sometimes contain explicit and/or offensive content that cannot be regulated and under the current State law, Council does not have the discretionary power to request their removal from responsible parties.

It is evident that organisations are producing promotional material designed specifically for advertisement on power poles and so I believe an initiative that holds those responsible, accountable for their actions and potentially, even the cost of cleanup would quickly put a stop to this mischievous practice.

Tonight, I ask Councillors to support me in requesting Council staff to write to the NSW Minister for the Environment, the Honourable Robert Stokes MP, to call for a review into the policies currently in place and to allow for more transparent measures to identify those responsible, issue fines and seek the removal of offensive material.

Ordinary Council

Draft Minutes

Meeting Date: 29 April 2014

Page 4

MOTION: (White/Barcha)

That Council staff write to the NSW Minister for the Environment, the Honourable Robert Stokes MP to call for a review into the legislation currently in place in relation to mounting promotional material in public spaces and to allow for more transparent measures to identify those responsible, issue fines and seek the removal of offensive material.

CARRIED UNANIMOUSLY

Mayoral Car

For many years now the Councillors Expenses and Facilities Policy provides for the allocation of a Mayoral vehicle as part of the facility provided to the Office of the Mayor. This is also customary for Mayors across local government generally.

Upon being elected Mayor in 2012 however, I took the decision to not accept the Mayoral car. I took this decision as I already had a car and felt the money could be better used as a contribution towards the provision of community programs and services.

The Mayoral vehicle has been historically turned over approximately every 12 months and I am conscious that I don't wish my decision to speak for the circumstances of future Mayors. My choice of declining the vehicle should not be seen as establishing a permanent removal of a Mayoral vehicle, rather, I believe that myself or future Mayors should have the choice to avail themselves of this benefit or otherwise.

This is a decision which I believe should be at the discretion of the Mayor, and be reaffirmed or altered each 12 month period throughout the electoral term.

I also believe that there would be specific community benefit in circumstances where myself or any future Mayor could choose not to accept the Mayoral vehicle or to choose to take a lower cost vehicle if we were to re-allocate the corresponding or remaining budget to an appropriate donation fund for the direct use and support of future community initiatives.

Tonight I seek my fellow Councillors' support for this initiative by affirming the following motion. Accordingly I move that:

The Councillor Expenses and Facilities Policy be amended to permit flexibility for the Mayor of the day to determine whether they obtain access to the Mayoral vehicle or to determine the redistribution of funds allocated for the Mayoral vehicle to the Mayoral Community Benefit Fund.

That Council establish a Mayoral Community Benefit Fund that would enable the Mayor to nominate worthy causes from within the City deserved of financial support which, following Council endorsement, would be drawn from the funds that would otherwise have been expended on a Mayoral vehicle.

Ordinary Council

Draft Minutes

Meeting Date: 29 April 2014

Page 5

Through this process, myself and future Mayors will be given the choice and the opportunity to provide additional funding towards programs and services that would otherwise not be funded through the existing budget allocations. In effect, by not taking the car, any future Mayor is able to directly influence additional money being made available to the community.

It is my intention that following confirmation of this motion, that I will forgo access to the Mayoral vehicle for a further 12 months.

MOTION: (White/Barcha)

That:

1. The Councillor Expenses and Facilities Policy be amended to permit flexibility for the Mayor of the Day to determine whether they obtain access to the Mayoral vehicle or to determine the redistribution of funds allocated for the Mayoral vehicle to the Mayoral Community Benefit Fund.
2. Council establish a Mayoral Community Benefit Fund that would enable the Mayor to nominate worthy causes from within the City, deserving of financial support which, following Council endorsement, would be drawn from the funds that would otherwise have been expended on a Mayoral vehicle.

A Division was called by Councillors White and Ly. The division was taken with the following results:

Aye	Nay
Mayor Carbone	Councillor Le
Councillor Barcha	Councillor Saliba
Councillor Bennett	Councillor Toma
Councillor Karajcic	
Councillor Khoshaba	
Councillor Ly	
Councillor Tran	
Councillor White	
Councillor Yeung	
Total=(9)	Total=(3)

CARRIED

Ordinary Council

Draft Minutes

Meeting Date: 29 April 2014

Page 6

Fairfield's Fabulous Residents

Council established the Fabulous Fairfield Program as a way of thanking our residents who take the time and effort to help make our City beautiful.

Tonight we congratulate residents from Bonnyrigg, Wetherill Park, Bossley Park, Fairfield West, Fairfield East, and Mt Pritchard.

Autumn is here, but the gardens are still full of colour with many gardens looking green and making a beautiful vista for the city.

Roses are still in bloom and lemon and orange trees are starting to produce fruit. Fairfield gardeners are very inventive, with an assortment of flowers in mulched garden beds and shrubs making an attractive display.

With all the rain we've been having lately, it's great to see the beautiful effects it's having on our gardens. They are looking very colourful, lush and green.

Tonight, our Fabulous Fairfield residents will receive a native plant grown by the Fairfield Community Native Plant Nursery volunteers. More than 190 different native plants are grown by this group of volunteers who are based at our Nalawala Urban Sustainability Hub.

Councillors, would you please join me in congratulating tonight's winners of the Fabulous Fairfield Program.

MOTION: (White/Khoshaba)

That the Mayoral Minute be received and noted.

CARRIED UNANIMOUSLY

QUESTIONS TO THE MAYOR

Question asked by Councillor Yeung
Section 18C of the Racial Discrimination Act
File No. 14/03086

I have recently spoken to several local ethnic groups regarding their concern about the proposed amendment of Section 18c of the Racial Discrimination Act. As Fairfield City is one of the most migrant-populated cities and we are proud of being multicultural, it is important for our Council to defend the respect of ethnicity and to bring this message to our community.

Ordinary Council

Draft Minutes

Meeting Date: 29 April 2014

Page 7

Therefore, I ask that you, as the Mayor, represent our Council and residents by writing to the Prime Minister, The Hon Tony Abbott MP, about our opposition of such an amendment and as currently there are many ethnic groups and organisations, including the Community Relation Commission, that are holding petitions and other movements to stop the change for Section 18c, I also hope that, if possible, our Council can participate and give support to these movements.

QUESTIONS FROM PUBLIC FORUM

A question was raised by Mr Charles Gream, of Cabramatta, in relation to the distribution of mulch throughout Fairfield City.

A question was raised by Mr Mark Stevens, of Cabramatta, in relation to the provision of garbage bins along John Street, Cabramatta.

Questions were raised by Mr Kevin Austin, of Canley Heights, in relation to the provision of seats in Ware Street, Fairfield, tree removal in Carramar and repair to footpath in Canley Heights.

REPORT BY PRESENTER OF THE INDEPENDENT DEVELOPMENT ASSESSMENT COMMITTEE - 3 APRIL 2014

- 3: SUBJECT:** Modification to Development Consent 505.1/2010 to enable:
- Replacement of the existing pitched roof of the mosque with a flat steel roof and parapet, extending to the adjacent caretaker's residence and ablutions block;
 - Addition of 4 feature minarets to be located in the 4 corners of the proposed new roof and the addition of a feature dome in the centre of the roof;
 - Addition of 12 feature columns and arches to the façade of the mosque;
 - Relocation of the disabled toilet;
 - Adjustment and expansion of toilet facilities; and
 - Provision of sliding doors within the existing prayer hall
- Premises:** Lots 3, 4 & 5 DP 565900 & Lot 2 DP 160428, No. 2A and 2B Kay Street, Old Guildford
- Applicant:** Rahma Association of Australia Inc
Directors/Board Members: Shady Elrich, Youssef Elrich and Assam Mesto
- Zoning:** Zone R2 Low Density Residential
File Number: MA505.2/2010

MOTION: (White/Bennett)

That the Independent Development Assessment Committee's recommendation be adopted as follows:

Ordinary Council

Draft Minutes

Meeting Date: 29 April 2014

Page 8

The Section 96(2) Application be approved subject to the conditions outlined in the Town Planning Report and the following additional conditions relating to heat and glare from the existing metal structures.

“66. The roof of the existing and proposed metal structures shall be painted in a non-reflective dark matt colour in order to reduce the heat and glare of these structures to the adjoining neighbours”.

A division was taken with the following results:

Aye	Nay
Mayor Carbone	
Councillor Barcha	
Councillor Bennett	
Councillor Karajcic	
Councillor Khoshaba	
Councillor Le	
Councillor Ly	
Councillor Saliba	
Councillor Toma	
Councillor Tran	
Councillor White	
Councillor Yeung	
Total=(12)	Total=(0)

CARRIED UNANIMOUSLY

REPORT BY CHAIRMAN OF THE OUTCOMES COMMITTEE - 8 APRIL 2014

40: Proposal: Planning Proposal to Amend Zoning Boundary Alignment Between IN1 General Industrial and IN2 Light Industrial Zoned Land
Premises: Lot 2 and 3 DP 88038, 61-63 & 65-67 Mandarin Street, Fairfield East
Applicant: Nimish Patel
Owner: NKM Holdings (Director: Nasser Khalil Merhi)
Zoning: Part IN1 General Industrial and IN2 Light Industrial
File Number: 13/08055

MOTION: (Barcha/Karajcic)

That Council:

1. Endorse preparation of the planning proposal for the subject lands to realign the IN1 General Industrial and IN2 Light Industrial Zone boundaries affecting 61-63 and 65-67 Mandarin Street, Fairfield East to be consistent with the zone boundaries on adjoining properties as detailed in the report.

Ordinary Council

Draft Minutes

Meeting Date: 29 April 2014

Page 9

2. Inform the NSW Planning and Infrastructure Agency that Council wishes to commence the Gateway Determination Process to amend the draft Fairfield Local Environmental Plan 2013 to realign the zone boundaries of the IN1 General Industrial and IN2 Light Industrial Zone boundaries affecting 61-63 and 65-67 Mandarin Street, Fairfield East as identified in Attachment B of the report.
3. Upon receipt of a Gateway Determination, subject to the conditions contained therein, publicly exhibit the Planning Proposal in accordance with the Consultation Strategy outlined in the report.

A division was taken with the following results:

Aye	Nay
Mayor Carbone	
Councillor Barcha	
Councillor Bennett	
Councillor Karajcic	
Councillor Khoshaba	
Councillor Le	
Councillor Ly	
Councillor Saliba	
Councillor Toma	
Councillor Tran	
Councillor White	
Councillor Yeung	
Total=(12)	Total=(0)

CARRIED UNANIMOUSLY

- 41:** Original 2013-2017 Delivery Program 6 Monthly Report for July 2013 to December 2013
File Number: 14/05715

MOTION: (Barcha/Bennett)

That Council receive and note the Original 2013-2017 Delivery Program 6 Monthly Report for July 2013 to December 2013.

CARRIED UNANIMOUSLY

Ordinary Council

Draft Minutes

Meeting Date: 29 April 2014

Page 10

SUPP 49: **Proposal:** Planning Proposal - 131 Polding Street, Fairfield Heights
Premises: 131 Polding Street, Fairfield Heights
Applicant: GAT & Associates
Principals - Gerard Turissi and Frances Turissi
Owner: Peter Storok
Zoning: Currently R3 - Medium Density Residential
File Number: 11/03497

MOTION: (Barcha/Karajcic)

That Council adopt Option 3 as detailed in the report:

Council advise the NSW Planning and Infrastructure Agency that it does not accept the role of the Relevant Planning Authority (RPA) and relinquishes all responsibility for rezoning of the site and preparation of amendments to the Town Centre DCP.

A division was taken with the following results:

Aye

Nay

Mayor Carbone
Councillor Barcha
Councillor Bennett
Councillor Karajcic
Councillor Khoshaba
Councillor Le
Councillor Ly
Councillor Saliba
Councillor Toma
Councillor Tran
Councillor White
Councillor Yeung

Total=(12)

Total=(0)

CARRIED UNANIMOUSLY

REPORT BY CHAIRMAN OF THE SERVICES COMMITTEE - 8 APRIL 2014

70: Placing a "Restriction on the Use of Land and Positive Covenant" on Title for Property Owned by Fairfield City Council in Relation to an On-Site Detention System
Premises: Lot 200 DP 1190301 being 41-43 Peel Street Canley Heights
Interested Parties: Fairfield City Council
File Number: 13/15559

MOTION: (Khoshaba/Karajcic)

Ordinary Council

Draft Minutes

Meeting Date: 29 April 2014

Page 11

That Council:

1. Place a Restriction on the Use of Land and Positive Covenant over Lot 200 DP 1190301 as outlined in the report.
2. Affix its Seal where required on the documents including the Orders pursuant to Section 88D(2) of the Conveyancing Act 1919 and any other relevant documents to certify its decision and enable the completion of the matter.
3. Authorise the Public Officer to execute the Restriction on the Use of Land Form 13RVP, Positive Covenant Form 13PVP and any other relevant documents to certify its decision and enable the completion of the matter.

CARRIED UNANIMOUSLY

- 71:** Mayoral Donations Scheme - Request for Donation
File Number: 13/18576

MOTION: (Khoshaba/Tran)

That Council make a donation of five hundred dollars (\$500.00) from the Mayoral Donations Scheme to the PAL International School to assist the Parents and Citizens (P&C) Association to purchase educational resources.

CARRIED UNANIMOUSLY

- 72:** Community Volunteer Fund - Request for Donation
File Number: 14/03592

MOTION: (Khoshaba/Barcha)

That Council make a donation of one thousand dollars (\$1,000.00) from the Community Volunteer Fund to the Deer Bush Dog Training Club Inc. towards the replacement of storage containers that secure dog training equipment used by the voluntary instructors.

CARRIED UNANIMOUSLY

- 73:** Mayoral Scholarship Fund - Request for Donation
File Number: 14/01249

MOTION: (Khoshaba/Bennett)

That Council make a donation of one thousand dollars (\$1,000.00) from the Mayoral Scholarship Fund to Kelly McGuinness towards her sporting scholarship.

CARRIED UNANIMOUSLY

Ordinary Council

Draft Minutes

Meeting Date: 29 April 2014

Page 12

- 74:** Tender RFT11FY14 Supply and Install Gross Pollutant Trap at Stimsons Drain
Fairfield
File Number: 14/00620

CONFIDENTIAL - It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (d(i)) of the Local Government Act, 1993, on the grounds that:

- (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.*

THIS CONFIDENTIAL ITEM WAS DEALT WITH IN CLOSED SESSION OF THE COUNCIL. FOR DETAILS OF THE RESOLUTION PASSED BY COUNCIL IN CLOSED SESSION, REFER TO PAGE 16 OF THE MINUTES.

- 75:** Emergency works to the concrete channel at Elizabeth Street, Smithfield
File Number: 14/05983/1

CONFIDENTIAL - It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (c) of the Local Government Act, 1993, on the grounds that:

- (i) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.*

THIS CONFIDENTIAL ITEM WAS DEALT WITH IN CLOSED SESSION OF THE COUNCIL. FOR DETAILS OF THE RESOLUTION PASSED BY COUNCIL IN CLOSED SESSION, REFER TO PAGE 17 OF THE MINUTES.

- SUPP 96:** Fairfield Station Interchange and The Crescent Park - Deed of Agreement request
by Transport NSW
File Number: 10/01087

Councillor	Type of Interest	Nature of Interest	Action Taken/ Explanation Given
Mayor Carbone	Less-Than-Significant Non-Pecuniary	I am a property owner in the Fairfield CBD.	This will not influence my decision.
Yeung	Less-Than-Significant Non-Pecuniary	I have an office in Fairfield. It is a rental office.	This will not influence my decision.
White	Less-Than-Significant Non-Pecuniary	I am a business and property owner in The Crescent in Fairfield.	This will not influence my decision.

Ordinary Council

Draft Minutes

Meeting Date: 29 April 2014

Page 13

MOTION: (Khoshaba/Ly)

That:

1. Council agree to enter into a Deed of Agreement with Transport for NSW over The Crescent Park and part of Fairfield Station Interchange Plaza as outlined in the report.
2. The Public Officer be authorised to execute the Licence and any associated documents to allow completion of this matter.
3. The Land/Lease Register and budgets be updated.

CARRIED UNANIMOUSLY

SUPP 97: Proposed Lease Terms for the Design and Construction of the Canley Vale Car Park
File Number: 12/03765

Councillor	Type of Interest	Nature of Interest	Action Taken/ Explanation Given
Mayor Carbone	Less-Than-Significant Non-Pecuniary	A relative of mine is a property owner in Canley Vale.	This will not influence my decision.

MOTION: (Khoshaba/Tran)

That:

1. Council accept the current offer from Transport for NSW (TfNSW), conditional upon TfNSW using the terms of acknowledgement described in this report.
2. Council consent to the compulsory acquisition that will be undertaken by TfNSW to obtain leases over the Canley Vale Car Park site.
3. Council enter into a Deed of Agreement with TfNSW for the construction of the multi storey car park.
4. Council agree to lease part of the site to TfNSW following the construction of the new multi storey car park.
5. Council resolve to affix its Seal, where required, on the documents and plans, including the Lease document, documents relating to Compulsory Acquisition by TfNSW, Deed of Agreement for construction and any other relevant documents to certify its decision and enable the completion of the matter.

Ordinary Council

Draft Minutes

Meeting Date: 29 April 2014

Page 14

6. The Land/Lease Register and budgets be updated.

CARRIED UNANIMOUSLY

SUPP 98: Floodplain Management Association Conference 2014
File Number: 14/01108

MOTION: (Khoshaba/Tran)

That the report be received and noted.

CARRIED UNANIMOUSLY

SUPP 99: Emergency Works: Repairs to Concrete Channel at Elizabeth Street, Smithfield
File Number: 14/05983

CONFIDENTIAL - It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (c) of the Local Government Act, 1993, on the grounds that:

- (i) *information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.*

THIS CONFIDENTIAL ITEM WAS DEALT WITH IN CLOSED SESSION OF THE COUNCIL. FOR DETAILS OF THE RESOLUTION PASSED BY COUNCIL IN CLOSED SESSION, REFER TO PAGE 17 OF THE MINUTES.

SUPP 100: Costs Matter - Class 4 Proceedings - 192 Canley Vale Road, Canley Heights
Owners: A & L & J Molluso
File Number: DA 760/2002

CONFIDENTIAL - It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (g) of the Local Government Act, 1993, on the grounds that:

- (i) *advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*

THIS CONFIDENTIAL ITEM WAS DEALT WITH IN CLOSED SESSION OF THE COUNCIL. FOR DETAILS OF THE RESOLUTION PASSED BY COUNCIL IN CLOSED SESSION, REFER TO PAGE 17 OF THE MINUTES.

MEETING CLOSED TO THE PUBLIC

MOTION: (Khoshaba/Tran)

That pursuant to Section 10A of the Local Government Act the meeting be closed to the public to consider the following confidential item of business and the grounds for such closure are stated hereunder:

74 Tender RFT11FY14 Supply and Install Gross Pollutant Trap at Stimsons Drain Fairfield

CONFIDENTIAL Report

10A(2)(d(i))

- (1) Pursuant to Section 10A(2)(d(i)), the information in the **Report** is confidential.
- (2) The matter to be discussed is Tender RFT11FY14 Supply and Install Gross Pollutant Trap at Stimsons Drain Fairfield.
- (3) In relation to Section 10A(2)(d(i)) of the Local Government Act 1993, the reason why this part of the meeting should be closed is the matters and information are the following:
 - (d(i)) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

75 Emergency works to the concrete channel at Elizabeth Street, Smithfield

CONFIDENTIAL Report

10A(2)(c)

- (1) Pursuant to Section 10A(2)(c), the information in the **Report** is confidential.
- (2) The matter to be discussed is Emergency works to the concrete channel at Elizabeth Street, Smithfield.
- (3) In relation to Section 10A(2)(c) of the Local Government Act 1993, the reason why this part of the meeting should be closed is the matters and information are the following:
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

SUPP Emergency Works: Repairs to Concrete Channel at Elizabeth Street, Smithfield

99 **CONFIDENTIAL Report**

10A(2)(c)

- (1) Pursuant to Section 10A(2)(c), the information in the **Report** is confidential.
- (2) The matter to be discussed is Emergency Works: Repairs to Concrete Channel at Elizabeth Street, Smithfield.
- (3) In relation to Section 10A(2)(c) of the Local Government Act 1993, the reason why this part of the meeting should be closed is the matters and information are the following:
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

Ordinary Council

Draft Minutes

Meeting Date: 29 April 2014

Page 16

SUPP Costs Matter - Class 4 Proceedings - 192 Canley Vale Road, Canley Heights

100 **CONFIDENTIAL Report and Attachments A & B**

10A(2)(g)

- (1) Pursuant to Section 10A(2)(g), the information in the **Report and Attachments A & B** is confidential.
- (2) The matter to be discussed is Costs Matter - Class 4 Proceedings - 192 Canley Vale Road, Canley Heights.
- (3) In relation to Section 10A(2)(g) of the Local Government Act 1993, the reason why this part of the meeting should be closed is the matters and information are the following:
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

CARRIED UNANIMOUSLY

MEETING OPEN TO THE PUBLIC

MOTION: (White/Khoshaba)

That the meeting be open to the public.

CARRIED UNANIMOUSLY

THE DECISIONS OF THE COUNCIL IN CLOSED SESSION:

74: Tender RFT11FY14 Supply and Install Gross Pollutant Trap at Stimsons Drain
Fairfield
File Number: 14/00620

MOTION: (Khoshaba/Tran)

That Council:

1. Decline the tender proposal from Optimal Stormwater Pty Ltd.
2. Invite tenders for the entire Gross Pollutant Trap (GPT) Program in the 2014/15 financial year.

CARRIED UNANIMOUSLY

Ordinary Council

Draft Minutes

Meeting Date: 29 April 2014

Page 17

75 and SUPP 99: Emergency works to the concrete channel at Elizabeth Street, Smithfield and
Emergency works: Repairs to concrete channel at Elizabeth Street, Smithfield
File Number: 14/05983/1

MOTION: (Khoshaba/Bennett)

That:

1. Two hundred thousand dollars (\$200,000.00) expenditure be voted from the Storm Water Levy as an additional item in the current budget for the purposes of repairs to the stormwater channel Elizabeth Street, Wetherill Park.
2. Council endorse the appointment of the preferred contractor identified in the report for the repair works, due to the necessary emergency works and the extenuating circumstances of risk of further damage.

CARRIED UNANIMOUSLY

SUPP 99: Emergency works: Repairs to concrete channel at Elizabeth Street, Smithfield
File Number: 14/05983

Supplementary Item 99 was dealt with earlier in the meeting in conjunction with Item 75.

SUPP 100: Costs Matter - Class 4 Proceedings - 192 Canley Vale Road, Canley Heights
Owners: A & L & J Molluso
File Number: DA 760/2002

MOTION: (Toma/Saliba)

That:

1. Council advise the owners of the site that within 7 days, Council must receive a written undertaking from the owners, which will include the following:
 - 1.1 All outstanding information and fees necessary for the issue of the CC be received within 2 weeks; and
 - 1.2 All works related to the development at the site, including all relevant conditions of development consent, all matters related to the CC and compliance with the Building Code of Australia (BCA) are met within 3 months of the date of issue of the CC.
2. Should this written undertaking not be received within 7 days and/or the commitments not be met, then the matter be referred to Council's Solicitor for commencement of contempt proceedings.

Ordinary Council

Draft Minutes

Meeting Date: 29 April 2014

Page 18

3. If agreement is not reached within 21 days in regard to the question of cost, Council instruct its Solicitors, Ritchie & Castellan, to have the costs in the Class 4 proceedings formally assessed.

CARRIED UNANIMOUSLY

PROCEDURAL MOTION: (Khoshaba/Saliba)

That in accordance with Section 11(3) of the Local Government Act 1993, Council resolves that the correspondence or reports relating to Items 74, 75 and Supplementary Items 99 and 100 of the Services Committee that were considered during the closed session of Council be treated as confidential and remain confidential unless otherwise determined by Council.

CARRIED UNANIMOUSLY

GENERAL BUSINESS

Resignation of Chief Financial Officer – Tony Smith

The Mayor referred to the resignation of the Chief Financial Officer Tony Smith and stated that the Council has appreciated his excellent service and advice over many years. The Mayor asked the City Manager to convey the thanks of the Council to Mr Smith and wish him well for the future.

CLOSURE

There being no further business, the meeting concluded at 8.02pm.

Chairman

CONFIRMATION

These minutes were confirmed as a correct record of the proceedings at a meeting held on 29 April 2014.

Chairman