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City

ordinary meeting minutes

date of meeting: 26 May 2020

location: by audio-visual link

time: 6:30 p.m.

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Minutes: 26 May 2020

Minutes of the Ordinary Meeting held by audio-visual link on 26 May 2020, commencing at 6:41pm.

Welcome

The Mayor, Councillor Barry Calvert acknowledged the Indigenous Heritage and Sorry Day.

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 Barry Calvert, Mayor, Councillor Mary Lyons-Buckett, Deputy Mayor and Councillors Patrick Conolly, Emma-Jane Garrow, Amanda Kotlash, Paul Rasmussen, Peter Reynolds, Sarah Richards, John Ross, Tiffany Tree, Danielle Wheeler and Nathan Zamprogno.

ALSO PRESENT: General Manager - Peter Conroy, Director City Planning - Linda Perrine, Director Infrastructure Services - Jeff Organ, Director Support Services - Laurie Mifsud, Chief Financial Officer – Emma Galea, Strategic Planning Manager - Andrew Kearns, Manager Corporate Communications, Events and Visitor Services - Suzanne Stuart, Manager Corporate Services and Governance – Charles McElroy and Administrative Support Coordinator - Tracey Easterbrook.

APOLOGIES AND LEAVE OF ABSENCE

No apologies or leave of absence were received from Councillors

Councillor Tree left the meeting at 9:34pm.

Councillor Reynolds left the meeting at 9:40pm.

DECLARATIONS OF INTEREST

Councillor Reynolds declared an interest on Item 105.

Acknowledgement of Official Visitors to the Council

There were no official visitors.

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SECTION 1 - Confirmation of Minutes

109 RESOLUTION:

RESOLVED on the motion of Councillor Garrow and seconded by Councillor Lyons-Buckett that the Minutes of the Ordinary Meeting held on Tuesday, 26 May 2020, be confirmed.

Minutes: 26 May 2020

SECTION 3 – Reports for Determination

GENERAL MANAGER

Item: 093 GM - Information regarding Councils spending during the 2016-2020 Term of

Council - (79351)

Previous Item: 047, Ordinary (10 March 2020)

Directorate: General Manager

MOTION:

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

Refer to RESOLUTION

110 RESOLUTION:

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

That:

- 1. Consideration of this matter be deferred.
- 2. All Councillors submit by email to the General Manger by Friday, 29 May 2020 any questions in relation to the report.
- 3. Once the questions have been answered, the General Manager convene a Workshop before the matter is reported back to Council.

For the Motion: Councillors Calvert, Lyons-Buckett, Conolly, Garrow, Kotlash, Rasmussen,

Richards, Ross, Tree, Wheeler and Zamprogno.

Against the Motion: Nil.

Absent: Councillor Reynolds.

Minutes: 26 May 2020

CITY PLANNING

Item: 094 CP - Draft Hawkesbury Local Housing Strategy - (95498)

Directorate: City Planning

MOTION:

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

Refer to RESOLUTION

111 RESOLUTION:

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

That Council:

- 1. Receive and note the Draft Hawkesbury Local Housing Report and the contribution it makes to addressing Steps 1 and 2 of the State Government's Guidelines.
- 2. Staff arrange a workshop with Councillors to develop the next steps, in particular to:
 - a) Confirm Council's Vision
 - b) Confirm Council's Housing Objectives
 - c) Consider and confirm Council's preferred options and other implementation mechanisms for increasing the range and supply of housing in Hawkesbury.

For the Motion: Councillors Calvert, Lyons-Buckett, Conolly, Garrow, Kotlash, Rasmussen,

Richards, Ross, Wheeler and Zamprogno.

Against the Motion: Nil.

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Item: 095 CP - Amended Draft Hawkesbury Local Strategic Planning Statement (LSPS)

2040 and Hawkesbury Demographics Study - (95498, 124414)

Previous Item: 170, Ordinary (24 September 2019)

232, Ordinary (10 December 2019) 029, Ordinary (25 February 2020)

Directorate: City Planning

Ms Sue Guymer addressed Council speaking against the recommendation.

MOTION:

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

Refer to RESOLUTION

112 RESOLUTION:

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

That Council:

- 1. Adopt the Hawkesbury Demographics Study contained within Attachment 1 to this report.
- 2. Endorse the submission of the Amended Draft Hawkesbury Local Strategic Planning Statement 2040 contained within Attachment 2 to this report for the Greater Sydney Commission's review and assurance process prior to being considered by Council for final adoption.

For the Motion: Councillors Calvert, Lyons-Buckett, Garrow, Kotlash, Rasmussen, Reynolds,

Ross, Wheeler and Zamprogno.

Against the Motion: Councillors Conolly, Richards and Tree.

Absent: Nil.

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Item: 096 CP - NSW State Government - Improving the Review of Local Infrastructure

Contributions Plans - (95498)

Directorate: City Planning

MOTION:

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

Refer to RESOLUTION

113 RESOLUTION:

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

That Council:

- 1. Receive and note the information regarding the NSW State Government's Review of Local Infrastructure Contributions Plans.
- 2. Endorse the draft submission on the Department of Planning, Industry and Environment's review of infrastructure contributions draft plans and policies attached as Attachment 1 to this report.

For the Motion: Councillors Calvert, Lyons-Buckett, Conolly, Garrow, Kotlash, Rasmussen,

Richards, Ross, Wheeler and Zamprogno.

Against the Motion: Nil.

Minutes: 26 May 2020

SUPPORT SERVICES

Item: 097 SS - March 2020 Quarterly Budget Review Statement - (95496)

Previous Item: 098, Extraordinary (12 June 2019)

Directorate: Support Services

MOTION:

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

Refer to RESOLUTION

114 RESOLUTION:

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

That:

- 1. The information contained in the report regarding the Quarterly Budget Review Statement March 2020, be noted, including the impacts of the bushfire, flood, prevailing economic conditions and the COVID-19 Pandemic.
- 2. The Quarterly Budget Review Statement March 2020, attached as Attachment 1 to this report, be adopted.

For the Motion: Councillors Calvert, Lyons-Buckett, Conolly, Garrow, Kotlash, Rasmussen,

Richards, Wheeler and Zamprogno.

Against the Motion: Councillor Ross.

Minutes: 26 May 2020

Item: 098 SS - Monthly Investments Report - April 2020 - (95496, 96332)

Previous Item: 150, Ordinary (10 March 2020)

Directorate: Support Services

MOTION:

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

Refer to RESOLUTION

115 RESOLUTION:

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

That the Monthly Investments Report for April 2020 be received and noted.

For the Motion: Councillors Calvert, Lyons-Buckett, Conolly, Garrow, Kotlash, Rasmussen,

Richards, Wheeler and Zamprogno.

Against the Motion: Councillor Ross.

Absent: Councillors Reynolds and Tree.

Item: 099 SS - Pecuniary Interest Returns - Designated Persons - (95496, 96333)

Directorate: Support Services

MOTION:

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

Refer to RESOLUTION

116 RESOLUTION:

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

That the Clause 4.21(a) Pecuniary Interest Returns be received and noted.

For the Motion: Councillors Calvert, Lyons-Buckett, Conolly, Garrow, Kotlash, Rasmussen,

Richards, Ross, Wheeler and Zamprogno.

Against the Motion: Nil.

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SECTION 4 – Reports of Committees

Item: 100 ROC - Civic and Citizenship Committee - 26 November 2019 - (95351, 96972)

Previous Item: 90, Ordinary (12 May 2020)

Directorate: General Manager

MOTION:

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

Refer to RESOLUTION

117 RESOLUTION:

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

That the Minutes of the Hawkesbury Civic and Citizenship Committee Meeting held on the 26 November 2019 be received and noted.

For the Motion: Councillors Calvert, Lyons-Buckett, Conolly, Garrow, Kotlash, Rasmussen,

Richards, Ross, Wheeler and Zamprogno.

Against the Motion: Nil.

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Item: 101 ROC - Access and Inclusion Advisory Committee - 27 February 2020 - (124569,

96328)

Directorate: Support Services

MOTION:

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

Refer to RESOLUTION

118 RESOLUTION:

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

That the Minutes of the Hawkesbury Access and Inclusion Advisory Committee Meeting held on 27 February 2020 be received and noted.

For the Motion: Councillors Calvert, Lyons-Buckett, Conolly, Garrow, Kotlash, Rasmussen,

Richards, Ross, Wheeler and Zamprogno.

Against the Motion: Nil.

Minutes: 26 May 2020

Item: 102 ROC - Floodplain Risk Management Advisory Committee - 16 April 2020 -

(86589, 124414)

Directorate: City Planning

MOTION:

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

Refer to RESOLUTION

119 RESOLUTION:

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

That in relation to the Minutes of the Floodplain Risk Management Advisory Committee Meeting held on the 16 April 2020:

- 1. Council receive and note the Floodplain Risk Management Advisory Committee in respect to Item 1 and General Business.
- 2. Council endorse the Committee Recommendations in respect of Item 2, namely:
 - Officers prepare an update to the Regional Flood Mitigation Policy that incorporates the existing Policy for Regional Flood Mitigation in the Hawkesbury-Nepean Valley and other relevant documents.
- Council endorse the Committee Recommendations in respect of Item C in General Business, namely:
 - a) Council contacts the relevant authorities to gather data regarding the Hawkesbury River hydrology levels following the February 2020 flood event.
 - Council investigates the responsibility and management of sediment control from the construction project in Marsden Park, which appears to be completely unregulated and is filtering into South Creek.
 - c) Council supports the applications for grant funded projects listed by Council Officers, through the Floodplain Management Grants Program.

For the Motion: Councillors Calvert, Lyons-Buckett, Conolly, Garrow, Kotlash, Rasmussen,

Richards, Ross, Wheeler and Zamprogno.

Against the Motion: Nil.

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Item: 103 ROC - Environmental Sustainability Advisory Committee - 11 May 2020 -

(126363, 124414)

Directorate: City Planning

MOTION:

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

Refer to RESOLUTION

120 RESOLUTION:

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

That in relation to the Minutes of the Environmental Sustainability Advisory Committee Meeting held on the 11 May 2020:

- 1. Council receive and note the Environmental Sustainability Advisory Committee in respect to Items 2, 3 and General Business.
- 2. Council endorse the Committee Recommendations in respect of Item 1, namely:
 - Receive and note the first report card under the Upper Hawkesbury River Water Quality Monitoring Program.
 - b) Notes the completion of the Stage 1 Scoping Study for the Hawkesbury-Nepean River Coastal Management Program.
 - c) Endorse the findings and proposed approach of the Stage 1 Scoping Study for the Hawkesbury-Nepean River Coastal Management Program and transition to Stage 2.
 - That Council seek funding for development of the Coastal Management Plan through a grant application with partner Councils.
 - e) That Council promote the partnership approach and seeks support of local State and Federal parliamentarians within the Local Government Area.
 - f) That Council writes to wider catchment Councils to seek their involvement in subsequent stages of the CMP planning process.

For the Motion: Councillors Calvert, Lyons-Buckett, Conolly, Garrow, Kotlash, Rasmussen,

Richards, Ross, Wheeler and Zamprogno.

Against the Motion: Nil.

Minutes: 26 May 2020

SECTION 5 – Notices of Motion

Item: 104 NM1 - Local Government Leadership and Awareness Program - (79351,

138882)

MOTION:

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

Refer to RESOLUTION

121 RESOLUTION:

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

That:

- 1. Prepare a report in which the following questions are answered regarding the series of school engagements hosted in the Council Chambers by the Mayor and Councillor Richards in March 2020.
 - a) When will Council be provided with the report as outlined in the resolution of 31 October 2017 regarding the options of establishment of Local Government Leadership and Awareness Program for local schools?
 - b) When did Council determine that this program would be held?
 - c) When were Councillors informed of it and invited to participate?
 - d) Who composed the questions for the survey, the topics for the debating sessions?
 - e) What has happened to the questionnaires the participants completed, and when will a summary of the findings be provided to all Councillors?
 - f) How will this information be stored and disposed of when no longer required?
 - g) Append a copy of the 2019 and 2020 invitation to schools, the survey, and cover letter which was attached to it by way of information for teachers, students and parents.
 - h) What was the total cost of this program, including staff time?

For the Motion: Councillors Lyons-Buckett, Garrow, Rasmussen, Ross, Wheeler and

Zamprogno.

Against the Motion: Councillors Calvert, Conolly, Kotlash and Richards.

Minutes: 26 May 2020

122 RESOLUTION:

RESOLVED on the motion of Councillor Lyons-Buckett, seconded by Councillor Rasmussen, that the meeting continue past 11pm for 30 minutes to allow the Business Paper to be completed.

For the Motion: Councillors Calvert, Lyons-Buckett, Conolly, Garrow, Kotlash, Rasmussen,

Richards, Wheeler and Rasmussen.

Against the Motion: Councillor Ross.

Absent: Councillors Reynolds and Tree.

Item: 105 NM2 - Demolition of the old Windsor Bridge - (79351, 125612)

Councillor Reynolds declared a less than significant non-pecuniary conflict of interest in this matter as the Old Windsor Bridge is close to his residence.

Mr Guy Boncardo, Mr Clive Lucas and Ms Patricia Anne Schwartz addressed Council speaking for the recommendation.

Mr Harry Terry addressed Council speaking against the recommendation.

MOTION:

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

Refer to RESOLUTION

123 RESOLUTION:

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

That Council:

- 1. Make immediate representation in person to the NSW Premier and Ministers Constance and Stokes seeking a moratorium on the demolition of the Windsor Bridge until ongoing discussions on the matter, and a report due to Council arising from Resolution 285/18/3 is received.
- 2. Such representation to be undertaken by the Mayor and General Manager, or delegates, at the earliest possible opportunity.
- Advise Robyn Preston MP, Member for Hawkesbury of this request and seek her assistance on the matter.
- 4. Request all costs associated with both the retention and demolition options be sought from the Government and made publicly available.

For the Motion: Councillors Calvert, Lyons-Buckett, Garrow, Kotlash, Rasmussen, Reynolds,

Ross and Wheeler.

Against the Motion: Councillors Conolly, Richards, Tree and Zamprogno.

Absent: Nil.

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Item: 106 NM3 - Collection of Domestic Sullage - (79351, 138881)

MOTION:

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

Refer to RESOLUTION

124 RESOLUTION:

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

That:

- 1. Council include an additional action in the Draft Operational Plan to identify and investigate alternative commercially viable and environmentally sound options for our community in relation to the pump out and collection of domestic sullage, and report the results to Council.
- 2. Council note that it is envisaged that this would involve working with the community to promote and implement any such alternative options.

For the Motion: Councillors Calvert, Lyons-Buckett, Conolly, Garrow, Kotlash, Rasmussen,

Richards, Ross, Wheeler and Zamprogno.

Against the Motion: Nil.

Minutes: 26 May 2020

QUESTIONS FOR NEXT MEETING

Item: 107 Councillor Questions with Notice from Previous Meeting and Response - 12

May 2020 - (79351)

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

125 RESOLUTION:

RESOLVED on the motion of Councillor Lyons-Buckett, seconded by Councillor Rasmussen, that the meeting continue past 11:30pm and be extended by a further 30 minutes to allow the Business Paper to be completed.

For the Motion: Councillors Calvert, Lyons-Buckett, Garrow, Kotlash, Rasmussen, Reynolds,

Ross and Wheeler.

Against the Motion: Nil.

Minutes: 26 May 2020

CONFIDENTIAL REPORTS

126 RESOLUTION:

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

That:

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
Meeting during consideration of the following items:

Item: 108 IS - Tender No. T00099 - Operation of Lower Portland Ferry - (95495, 79344, 112333)

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it related to details concerning tenders for the supply of goods and/or 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: 109 IS - License Agreement with Flow Systems - Irrigation of Fernadell Park - (95495, 112106, 129547)

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: 110 SS - Lease to Buth and Leang - Shop 11, Wilberforce Shopping Centre - (95496, 112106, 132105, 132099, 145339)

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 conduction (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.

127 RESOLUTION:

RESOLVED on the motion of Councillor Wheeler, seconded by Councillor Lyons-Buckett that open meeting be resumed.

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Item: 108 IS - Tender No. T00099 - Operation of Lower Portland Ferry - (95495, 79344,

112333)

Directorate: Infrastructure Services

MOTION:

The Director Support Services advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Kotlash, seconded by Councillor Rasmussen.

Refer to RESOLUTION

128 RESOLUTION:

The Director Support Services advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Kotlash, seconded by Councillor Rasmussen.

That Council adopt the Officer's Confidential Recommendation as outlined in this report relating to the tender for the operation of the Lower Portland Ferry and the resolution be made public following acceptance of the tender by The Hills Shire Council.

For the Motion: Councillors Calvert, Lyons-Buckett, Conolly, Garrow, Kotlash, Rasmussen,

Richards, Ross, Wheeler and Zamprogno.

Against the Motion: Nil.

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Item: 109 IS - Licence Agreement with Flow Systems - Irrigation of Fernadell Park -

(95495, 112106, 129547)

Directorate: Infrastructure Services

MOTION:

The Director Support Services advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Conolly.

Refer to RESOLUTION

129 RESOLUTION:

The Director Support Services advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Conolly.

That:

- Council proceed to publicly exhibit and notify the proposed licence agreement to Flow Systems Pty Ltd for Fernadell Park located at 7 Fernadell Drive, Pitt Town, as outlined in the report and in accordance with Sections 47 and 47A of the Local Government Act, 1993.
- 2. At the expiration of the public notification period outlined in Part 1 above, the following action be taken:
 - Should any submissions be received regarding the proposed lease to Flow Systems
 Pty Ltd for Fernadell Park located at 7 Fernadell Drive, Pitt Town, a further report be
 submitted to Council, or

b)

- (i) Should no submissions be received, Council enter into a Licence Agreement with Flow Systems Pty Ltd for Fernadell Park located at 7 Fernadell Drive, Pitt Town, as outlined in the report.
- (ii) Authority be given for any documentation in association with the matter to be executed under Seal of Council.
- (iii) 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 the 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 Calvert, Lyons-Buckett, Conolly, Garrow, Kotlash, Rasmussen,

Richards, Ross, Wheeler and Zamprogno.

Against the Motion: Nil.

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Item: 110 SS - Lease to Buth and Leang - Shop 11, Wilberforce Shopping Centre -

(95496, 112106, 132105, 132099, 145339)

Directorate: Support Services

MOTION:

The Director Support Services advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Kotlash.

Refer to RESOLUTION

130 RESOLUTION:

The Director Support Services advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Kotlash.

That:

- 1. Council agree to enter into a new lease with Darith Buth and Mary Leang for the property known as Shop 11, Wilberforce Shopping Centre, as outlined in the report.
- 2. Authority be given for the lease and any other relevant documentation in association with this matter to be executed under the Seal of Council.
- Details of Council's resolution be conveyed to the proposed Lessees, together with the advice that Council, is not and will not, be bound by the terms of 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 Calvert, Lyons-Buckett, Conolly, Garrow, Kotlash, Rasmussen,

Richards, Ross, Wheeler and Zamprogno.

Against the Motion: Nil.

Absent: Councillors Reynolds and Tree.

The meeting terminated on Wednesday, 27 May 2020 at 12:03am.

Submitted to and confirmed at the Ordinary meeting held on 30 June 2020.

Mayor

This page 22 of the Minutes of the ORDINARY MEETING of the HAWKESBURY CITY COUNCIL held by audiovisual link, on 26 May 2020.