



Ordinary Meeting

Date of meeting: 09 November 2021
Location: By audio-visual link
Time: 6:30 p.m.

MINUTES

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Minutes of the Ordinary Meeting held by Audio-Visual Link, on 9 November 2021, commencing at 6:30pm.

Welcome

The Mayor, Councillor Patrick Conolly acknowledged the Indigenous Heritage and addressed the Council meeting, mentioning:

- Recording of the Council Meeting
- Statement regarding people addressing the Meeting
- Mobile Phones

ATTENDANCE

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

ALSO PRESENT: General Manager - Elizabeth Richardson, Director City Planning - Linda Perrine, Acting Director Infrastructure Services - Emma Galea, Director Support Services - Laurie Mifsud, Acting Chief Financial Officer - Vanessa Browning, Manager Strategic Planning - Andrew Kearns, Manager Corporate Communication - Suzanne Stuart, Manager Design and Mapping Services - Christopher Amit, Manager Parks and Recreation - Sean Perry, Manager Corporate Services and Governance - Charles McElroy, Administrative Support Coordinator - Tracey Easterbrook and Council Committee Officer - Amy Birks.

APOLOGIES AND LEAVE OF ABSENCE

There were no apologies or requests for leave of absence received from Councillors.

DECLARATIONS OF INTEREST

Councillor Garrow declared an interest on Item 221.

Councillor Kotlash declared an interest on Items 218 and 221.

Acknowledgement of Official Visitors to the Council

There were no official visitors to the Council.

SECTION 1 - Confirmation of Minutes

278 RESOLUTION:

RESOLVED on the motion of Councillor Lyons-Buckett and seconded by Councillor Rasmussen that the Minutes of the Ordinary Meeting held on the 26 October 2021, be confirmed.

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SECTION 3 - Reports for Determination

CITY PLANNING

Item: 216 CP - Exhibition of Draft Development Assessment Policy - Post Exhibition Report - (95498)

Previous Item: 173, Ordinary (14 September 2021)

Directorate: City Planning

MOTION:

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

Refer to RESOLUTION

279 RESOLUTION:

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

That Council:

1. Note the outcome of public exhibition of the Draft Development Assessment Policy.
2. Adopt the Development Assessment Policy, attached as Attachment 1 to this report.

For the Motion: Councillors Conolly, Lyons-Buckett, Calvert, Garrow, Kotlash, Rasmussen, Reynolds, Richards, Tree, Wheeler and Zamprogno.

Against the Motion: Councillor Ross.

Absent: Nil.

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Item: 217 **CP - Local Heritage Assistance Fund 2021/2022 - Minor Maintenance/Conservation Works to Heritage Listed Properties within the Hawkesbury Local Government Area - (95498, 124414)**

Directorate: City Planning

MOTION:

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

Refer to RESOLUTION

280 RESOLUTION:

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

That Council:

1. Approve grant funding under Section 356 of the Local Government Act 1993 for each of the 25 successful applicants that have met the grant funding criteria in Table 1 in the report, under the terms of the Local Heritage Assistance Fund 2021/2022.
2. Contact the NSW Heritage Office, the Member for Hawkesbury, Robyn Preston, and the Minister for Planning and Public Spaces, Rob Stokes, to request additional funding for this scheme given the very high concentration of heritage items in the Hawkesbury LGA and the value-add obtained.

For the Motion: Councillors Conolly, Lyons-Buckett, Calvert, Garrow, Kotlash, Rasmussen, Reynolds, Richards, Ross, Tree, Wheeler and Zamprogno.

Against the Motion: Nil.

Absent: Nil.

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INFRASTRUCTURE SERVICES

Item: 218 **IS - Pesticide Notification Plan - (95495, 79354)**

Previous Item: 250, Ordinary (8 December 2020)

Directorate: Infrastructure Services

Councillor Kotlash declared a less than significant non-pecuniary conflict of interest in this matter as she is employed by Sydney Weeds Network which Council is a member of. There are often discussions and sharing of information about pesticide use, but these don't have any bearing on the Pesticide Notification Plan. Council's Pesticide Notification Plan has no impact on the Sydney Weed's Network and no further action is required.

A MOTION was moved by Councillor Wheeler, seconded by Councillor Ross.

That:

1. Council adopt the Pesticide Notification Plan, attached as Attachment 1 to this report, subject to the following changes:
 - a) Phase out the use of Confidor by June 2022.
 - b) Phase out the use of products containing metaldehyde and replace with iron-based snail and slug pellets by June 2022.
 - c) Prevent the use of products containing Diflufenican near any water source or stormwater drain.
2. A notice be placed in the NSW Gazette and Council notices in accordance with the Pesticide Regulation 2017 and a copy of the Plan, be forwarded to the Department of Environment and Conservation for their notification.
3. Council receive and note the information regarding the use of pesticides by Council and its agencies, including quantities and associated costs for the 2020/2021 financial year.
4. Council request that Hawkesbury Sports Council phase out the use of Grazon by June 2022.
5. Council investigate alternatives to chemical weed control, to be reported to Council by June 2022.

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An AMENDMENT was moved by Councillor Richards, seconded by Councillor Tree.

That:

1. Council adopt the Pesticide Notification Plan, attached as Attachment 1 to this report.
2. A notice be placed in the NSW Gazette and Council notices in accordance with the Pesticide Regulation 2017 and a copy of the Plan, be forwarded to the Department of Environment and Conservation for their notification.
3. The matter of the use of pesticides by Council be referred to a Councillor Briefing Session.

For the Amendment: Councillors Conolly, Calvert, Garrow, Kotlash, Rasmussen, Reynolds, Richards, Tree and Zamprogno.

Against the Amendment: Councillors Lyons-Buckett, Ross and Wheeler.

Absent: Nil.

MOTION:

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

Refer to RESOLUTION

281 RESOLUTION:

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

That:

1. Council adopt the Pesticide Notification Plan, attached as Attachment 1 to this report.
2. A notice be placed in the NSW Gazette and Council notices in accordance with the Pesticide Regulation 2017 and a copy of the Plan, be forwarded to the Department of Environment and Conservation for their notification.
3. The matter of the use of pesticides by Council be referred to a Councillor Briefing Session.

For the Motion: Councillors Conolly, Lyons-Buckett, Calvert, Garrow, Kotlash, Rasmussen, Reynolds, Richards, Tree and Zamprogno.

Against the Motion: Councillors Ross and Wheeler.

Absent: Nil.

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Item: 219 **IS - Road Naming Proposal - Jacaranda Development Glossodia - (95495, 79346)**

Directorate: Infrastructure Services

MOTION:

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

Refer to RESOLUTION

282 RESOLUTION:

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

That Council ask the Developer to provide another list of road names that better reflects a sense of place, and a better connection to the local area.

For the Motion: Councillors Lyons-Buckett, Calvert, Garrow, Kotlash, Rasmussen, Reynolds, Ross and Wheeler.

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

Absent: Nil.

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Item: 220 **IS - Emergency Management Charge - (95495)**

Previous Item: 198, Ordinary (12 October 2021)

Directorate: Infrastructure Services

A MOTION was moved by Councillor Kotlash, seconded by Councillor Calvert.

That Council:

1. Write to Minister for Local Government, the Hon. Shelley Hancock to request an urgent change to the Local Government Act 1993 and/or the Local Government (General) Regulation 2021, to enable Hawkesbury City Council to implement an annual Emergency Charge, similar to Blue Mountains City Council.
2. Endorse an annual Emergency Charge of \$15 per property in the Draft 2022/2023 Operational Plan to be placed on public exhibition between April and May 2022, subject to legislative provisions applicable at that time.
3. In the event that legislative provisions applicable at the time the Draft 2022/2023 Operational Plan is exhibited do not permit Council to implement an Emergency Management Charge, such a charge will be considered in future Operational Plans.

It was moved by Mayor, Councillor Conolly that this motion be dealt with in seriatim.

The Motion to deal with in seriatim was carried.

MOTION:

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

Refer to RESOLUTION

283 RESOLUTION:

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

That Council:

1. Write to Minister for Local Government, the Hon. Shelley Hancock to request an urgent change to the Local Government Act 1993 and/or the Local Government (General) Regulation 2021, to enable Hawkesbury City Council to implement an annual Emergency Charge, similar to Blue Mountains City Council.

For the Motion: Councillors Conolly, Lyons-Buckett, Calvert, Garrow, Kotlash, Rasmussen, Reynolds, Richards, Tree, Wheeler and Zamprogno.

Against the Motion: Councillor Ross.

Absent: Nil.

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MOTION:

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

Refer to RESOLUTION

284 RESOLUTION:

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

That Council:

2. Endorse an annual Emergency Charge of \$15 per property in the Draft 2022/2023 Operational Plan to be placed on public exhibition between April and May 2022, subject to legislative provisions applicable at that time.

For the Motion: Councillors Conolly, Calvert, Kotlash, Richards, Tree and Zamprogno.

Against the Motion: Councillors Garrow, Lyons-Buckett, Rasmussen, Reynolds, Ross and Wheeler.

Absent: Nil.

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

MOTION:

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

Refer to RESOLUTION

285 RESOLUTION:

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

That Council:

3. In the event that legislative provisions applicable at the time the Draft 2022/2023 Operational Plan is exhibited do not permit Council to implement an Emergency Management Charge, such a charge will be considered in future Operational Plans.

For the Motion: Councillors Conolly, Lyons-Buckett, Calvert, Garrow, Kotlash, Rasmussen, Reynolds, Richards, Tree, Wheeler and Zamprogno.

Against the Motion: Councillor Ross.

Absent: Nil.

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SECTION 5 – Notices of Motion

Item: 221 **NM1 - Warragamba Dam Raising Project - (141931)**

Councillor Garrow declared a less than significant non-pecuniary conflict of interest in this matter as her father is an executive on the Hawkesbury Nepean River Flood Mitigation Action Committee. She left the meeting and did not take part in voting or discussion on the matter.

Councillor Kotlash declared a significant non-pecuniary conflict of interest in this matter as she is a member of the Greater Blue Mountains World Heritage Area Advisory Committee. The Committee has recently been briefed on the EIS for this project. She therefore felt it was not appropriate to be involved in discussions and decisions about this matter. She left the meeting and did not take part in voting or discussion on the matter.

Mr Leslie Sheather addressed Council, speaking against the recommendation in the business paper.

A MOTION was moved by Councillor Wheeler, seconded by Councillor Lyons-Buckett.

That Council make a submission in response to the public exhibition of the Environmental Impact Statement for the Warragamba Dam Wall Raising Project. The submission should include the following:

1. Information about the impacts of flooding on the Hawkesbury LGA in 2020 and 2121 and progress with recovery.
2. Concerns about infrastructure provision, including potential loss of power, telecommunications, and lack of access to emergency services.
3. Lack of flood studies for all tributaries.
4. Prohibitive costs of insurance and the need for a government-based insurance scheme.
5. Lack of water level monitoring and timely access to this information for residents.
6. Concerns about increased development in areas likely to be inundated or cut off by flooding (Pitt Town, McGraths Hill, South Windsor, Windsor Downs, Bligh Park, etc).
7. Inadequate evacuation routes, improvement of which would also improve travel times for those working outside the LGA each day.
8. Concerns about development along flood evacuation routes which will slow evacuation by Hawkesbury residents.
9. Concerns about water quality following inundation.
10. The likely delayed drop in flood levels due to water being released from the dam and the impact of prolonged flooding on downstream communities.
11. Environmental impacts downstream, including bank erosion, high impacts on critically endangered ecological communities and wetlands, and prolonged flooding of Scheyville and Cattai National Parks.
12. Impacts on downstream prawn and fishing industries.
13. Lack of disclosure of documents relating to this projects, as detailed in the NSW Select Committee Report.

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14. Expert advice that changes in land use will change overland flow of water into the Hawkesbury-Nepean basin, rendering the dam less able to mitigate flooding and giving a false sense of security for residents and emergency services.
15. Unsatisfactory environmental and cultural heritage impact statements, including the lack of acknowledgement of the impacts on the Aboriginal Cultural Heritage of the Gundungurra People and failure to comply with the Burra Charter.
16. Council's Flood Policy 2020, which recognises the need for a collaborative approach to floodplain management across the Hawkesbury-Nepean Valley and demonstrates our commitment to providing up to date and relevant, best practice controls based on consideration of flood hazard and risks.

An AMENDMENT was moved by Councillor Zamprogno.

That Council make a submission in response to the public exhibition of the Environmental Impact Statement for the Warragamba Dam Wall Raising Project. The submission should include the following:

1. Information about the impacts of flooding on the Hawkesbury LGA in 2020 and 2121 and progress with recovery.
2. The estimated number of buildings and damage to buildings within the Hawkesbury River floodplain within the Hawkesbury local government area at risk of potential flooding in various design flood events, including 1 in 5, 1 in 20, 1 in 50, 1 in 100, 1 in 200, 1 in 500 and Probable Maximum Flood and the reduction of the number of buildings and damage to buildings that the Warragamba Dam Raising project could potentially achieve
3. The small proportion of the Blue Mountains World Heritage Area that would be affected by temporary inundation in the event of a major flood event, and that the project includes significant offsets to ensure there are no material impacts on biodiversity.
4. Council's Flood Policy 2020, which recognises the need for a collaborative approach to floodplain management across the Hawkesbury-Nepean Valley and demonstrates our commitment to providing up to date and relevant, best practice controls based on consideration of flood hazard and risks.
5. Concerns about infrastructure provision, including potential loss of power, telecommunications, and lack of access to emergency services.
6. Lack of flood studies for all tributaries.
7. Prohibitive costs of insurance.
8. Gaps in water level monitoring and therefore in timely access to information for some residents.
9. Concerns about increased development in areas likely to be inundated or cut off by flooding (Pitt Town, McGraths Hill, South Windsor, Windsor Downs, Bligh Park, etc.).
10. Advocacy for better and more evacuation routes, improvement of which would also improve travel times for those working outside the LGA each day.
11. Concerns about development along flood evacuation routes which will slow evacuation by Hawkesbury residents.
12. The likely delayed drop in flood levels due to water being released from the dam and the impact of prolonged but less significant flooding on downstream communities.

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13. Environmental impacts downstream, including bank erosion, high impacts on critically endangered ecological communities and wetlands, and prolonged flooding of Scheyville and Cattai National Parks following flood events.
14. Impacts of a mitigated and unmitigated 1 in 100 year flood event on downstream prawn and fishing industries.

There was no seconder for the amendment and the amendment lapsed.

It was moved by Mayor, Councillor Conolly, seconded by Councillor Zamprogno that this Motion be voted in seriatim.

The Motion to deal with in seriatim was lost.

MOTION:

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

Refer to RESOLUTION

286 RESOLUTION:

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

That Council make a submission in response to the public exhibition of the Environmental Impact Statement for the Warragamba Dam Wall Raising Project. The submission should include the following:

1. Information about the impacts of flooding on the Hawkesbury LGA in 2020 and 2121 and progress with recovery.
2. Concerns about infrastructure provision, including potential loss of power, telecommunications, and lack of access to emergency services.
3. Lack of flood studies for all tributaries.
4. Prohibitive costs of insurance and the need for a government-based insurance scheme.
5. Lack of water level monitoring and timely access to this information for residents.
6. Concerns about increased development in areas likely to be inundated or cut off by flooding (Pitt Town, McGraths Hill, South Windsor, Windsor Downs, Bligh Park, etc).
7. Inadequate evacuation routes, improvement of which would also improve travel times for those working outside the LGA each day.
8. Concerns about development along flood evacuation routes which will slow evacuation by Hawkesbury residents.
9. Concerns about water quality following inundation.
10. The likely delayed drop in flood levels due to water being released from the dam and the impact of prolonged flooding on downstream communities including ratepayer funded infrastructure.

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11. Environmental impacts downstream, including bank erosion, high impacts on critically endangered ecological communities and wetlands, and prolonged flooding of Scheyville and Cattai National Parks.
12. Impacts on downstream prawn and fishing industries.
13. Lack of disclosure of documents relating to this projects, as detailed in the NSW Select Committee Report.
14. Expert advice that changes in land use will change overland flow of water into the Hawkesbury-Nepean basin, rendering the dam less able to mitigate flooding and giving a false sense of security for residents and emergency services.
15. Unsatisfactory environmental and cultural heritage impact statements, including the lack of acknowledgement of the impacts on the Aboriginal Cultural Heritage of the Gundungurra People and failure to comply with the Burra Charter.
16. Council's Flood Policy 2020, which recognises the need for a collaborative approach to floodplain management across the Hawkesbury-Nepean Valley and demonstrates our commitment to providing up to date and relevant, best practice controls based on consideration of flood hazard and risks.

For the Motion: Councillors Lyons-Buckett, Rasmussen, Reynolds, Ross, Wheeler and Zamprogno.

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

Absent: Councillors Garrow and Kotlash.

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QUESTIONS FOR NEXT MEETING

Item: 222 Questions with Notice - 9 November 2021 - (79351)

There was no comment on Response to the Question with Notice at the Council Meeting on 9 November 2021.

Item: 223 Response to Councillor Question Taken on Notice at the Council Meeting - 26 October 2021 - (79351)

There was no comment on the response to the Question Taken on Notice at the Council Meeting on 26 October 2021.

The meeting terminated at 9:07pm.

Submitted to and confirmed at the Ordinary meeting held on 23 November 2021.

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Mayor