



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 14 July 2020

location: by audio-visual link

time: 6:30 p.m.

ORDINARY MEETING

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Minutes of the Ordinary Meeting held by audio-visual link, Windsor, on 14 July 2020, commencing at 6:38pm.

Welcome

The Mayor, Councillor Barry Calvert acknowledged the Indigenous Heritage.

The General Manager addressed the Council meeting, mentioning:

- Emergency Procedures
- Recording of the Council Meeting
- Statement regarding people addressing the Meeting
- Mobile phones

ATTENDANCE

PRESENT: Councillor 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, Strategic Planning Manager - Andrew Kearns, Manager 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 9:14pm.

Councillor Tree returned to the meeting at 10:46pm.

Councillor Tree left the meeting at 11:08pm.

Councillor Zamprogno left the meeting at 12:35am on Wednesday, 15 July 2020.

DECLARATIONS OF INTEREST

Councillor Lyons-Buckett declared an interest on Item 126.

Councillor Richards declared an interest on Items 126 and 127.

Acknowledgement of Official Visitors to the Council

There were no official visitors to the Council.

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SECTION 1 - Confirmation of Minutes

151 RESOLUTION:

RESOLVED on the motion of Councillor Zamprogno and seconded by Councillor Rasmussen that the Minutes of the Ordinary held on the 30 June 2020, be confirmed.

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

That Condolences be brought forward in the order of business.

CONDOLENCES

152 RESOLUTION:

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

That Christine Paine be permitted to address Council, concerning the passing of Mr Alan Aldridge.

153 RESOLUTION:

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

That Council place on record the extraordinary contribution Mr Alan Aldridge made to the Hawkesbury Community, and extend its deepest sympathies to his family.

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

Against the Motion: Nil.

Absent: Nil.

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MOTION:

A MOTION was moved by Councillor Garrow, seconded by Councillor Rasmussen.

That Item 128 regarding Remuneration for Mayor and Councillors be the subject of discussion and debate.

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

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

Absent: Nil.

The motion was lost, on the casting vote of the Mayor.

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SECTION 3 – Reports for Determination

PLANNING DECISIONS

Item: 126 **CP - General Amendments (Housekeeping) Planning Proposal to Amend the Hawkesbury Local Environmental Plan 2012 - Post Exhibition Report - (95498)**

Previous Item: 41, Ordinary (31 March 2015)
 227, Ordinary (10 December 2019)
 003, Ordinary (11 and 25 February 2020)

Directorate: City Planning

Councillor Lyons-Buckett declared a pecuniary interest in this matter as a family member owns a business that could be impacted by the decision. She left the meeting and did not take part in voting or discussion on the matter.

Councillor Richards declared a significant non-pecuniary conflict of interest in this matter as she has friends who live in the area who the decision may apply to. She left the meeting and did not take part in voting or discussion on the matter.

Mr Michael Sperling addressed Council speaking for the recommendation.

Mr Scott Barwick, Mr Chris Thomas, Mr Frank Sartor addressed Council speaking against the recommendation.

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

That Council:

1. Receive the report on the public exhibition of the General Amendments (Housekeeping) planning proposal to amend the Hawkesbury Local Environmental Plan 2012;
2. Proceed with the planning proposal regarding the permissibility of Function Centres within the RU1, RU2, RU4, RU5 and E4 zones.
3. Proceed with the planning proposal regarding permissibility of eco-tourism facilities within the RU1, RU2, RU4, RU5, R1, R2, R3, R5, E3 and E4 zones;
4. Proceed with the extension of the temporary use of land period from 28 to 52 days;
5. Proceed with the public hearing associated with the reclassification of land element.
6. Proceed with the remainder of the identified General Amendments in order to rectify the identified issues within the Hawkesbury Local Environmental Plan 2012;
7. Following consideration of the public hearing referred to in point five, request that the Minister proceed with the making of a plan to amend the Hawkesbury Local Environmental Plan 2012 in order to reflect the recommended amendments to the Hawkesbury Local Environmental Plan 2012; and
8. Include the matters raised in submissions that do not relate to the current General Amendments (Housekeeping) planning proposal to amend the Hawkesbury Local Environmental Plan 2012 in Council's review of the Local Environmental Plan and Development Control Plan.

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

That Council:

1. Receive the report on the public exhibition of the General Amendments (Housekeeping) planning proposal to amend the Hawkesbury Local Environmental Plan 2012;
2. Based on the submission from the Department of Primary Industry, defer consideration of the planning proposal element to permit the Function Centre use in the RU1, RU2, RU4, RU5 and E4 zones until a place based planning approach including constraints analysis within these zones is undertaken as part of the review of the Hawkesbury Local Environmental Plan 2012 and Development Control Plan in order to identify suitable key sites/locations within these zones;
3. Proceed with the planning proposal regarding permissibility of eco-tourism facilities within the RU1, RU2, RU4, RU5, R1, R2, R3, R5, E3 and E4 zones;
4. Defer consideration of the planning proposal element to extend the temporary use of land period from 28 to 52 days until a place based planning approach including constraints analysis is undertaken as part of the review of the Hawkesbury Local Environmental Plan 2012 and Development Control Plan.
5. Proceed with the public hearing associated with the reclassification of land element.
6. Proceed with the remainder of the identified General Amendments in order to rectify the identified issues within the Hawkesbury Local Environmental Plan 2012;
7. Following consideration of the public hearing referred to in point five, request that the Minister proceed with the making of a plan to amend the Hawkesbury Local Environmental Plan 2012 in order to reflect the recommended amendments to the Hawkesbury Local Environmental Plan 2012; and
8. Include the matters raised in submissions that do not relate to the current General Amendments (Housekeeping) planning proposal to amend the Hawkesbury Local Environmental Plan 2012 in Council's review of the Local Environmental Plan and Development Control Plan.

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 Amendment: Councillors Calvert, Garrow, Rasmussen, Reynolds, Ross and Wheeler.

Against the Amendment: Councillors Conolly, Kotlash, Tree and Zamprogno.

Absent: Councillors Lyons-Buckett and Richards.

The amendment was carried.

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

That the General Amendments (Housekeeping) planning proposal to amend the Hawkesbury Local Environmental Plan 2012, be deferred to a Councillor Briefing Session.

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 Amendment: Councillors Conolly, Tree and Zamprogno.

Against the Amendment: Councillors Calvert, Garrow, Kotlash, Rasmussen Reynolds, Ross and Wheeler.

Absent: Councillors Lyons-Buckett and Richards.

The Amendment was lost.

MOTION:

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

Refer to RESOLUTION

154 RESOLUTION:

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

That Council:

1. Receive the report on the public exhibition of the General Amendments (Housekeeping) planning proposal to amend the Hawkesbury Local Environmental Plan 2012;
2. Based on the submission from the Department of Primary Industry, defer consideration of the planning proposal element to permit the Function Centre use in the RU1, RU2, RU4, RU5 and E4 zones until a place based planning approach including constraints analysis within these zones is undertaken as part of the review of the Hawkesbury Local Environmental Plan 2012 and Development Control Plan in order to identify suitable key sites/locations within these zones;
3. Proceed with the planning proposal regarding permissibility of eco-tourism facilities within the RU1, RU2, RU4, RU5, R1, R2, R3, R5, E3 and E4 zones;
4. Defer consideration of the planning proposal element to extend the temporary use of land period from 28 to 52 days until a place based planning approach including constraints analysis is undertaken as part of the review of the Hawkesbury Local Environmental Plan 2012 and Development Control Plan.
5. Proceed with the public hearing associated with the reclassification of land element.
6. Proceed with the remainder of the identified General Amendments in order to rectify the identified issues within the Hawkesbury Local Environmental Plan 2012;
7. Following consideration of the public hearing referred to in point five, request that the Minister proceed with the making of a plan to amend the Hawkesbury Local Environmental Plan 2012

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in order to reflect the recommended amendments to the Hawkesbury Local Environmental Plan 2012; and

8. Include the matters raised in submissions that do not relate to the current General Amendments (Housekeeping) planning proposal to amend the Hawkesbury Local Environmental Plan 2012 in Council's review of the Local Environmental Plan and Development Control Plan.

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: Councillors Calvert, Garrow, Rasmussen, Reynolds, Ross and Wheeler.

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

Absent: Councillors Lyons-Buckett and Richards.

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INFRASTRUCTURE SERVICES

Item: 127 **IS - Hawkesbury War Memorial Eligibility Criteria Deed - (95495, 79351, 105109, 138879)**

Previous Item: NM1, Ordinary 30 May 2017

Directorate: Infrastructure Services

Councillor Richards declared a less than significant non-pecuniary conflict of interest in this matter as she is a Director of the Windsor RSL Club and no further action is required.

MOTION:

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

Refer to RESOLUTION

155 RESOLUTION:

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

That Council

1. Endorse the Hawkesbury War Memorial Eligibility Criteria Deed.
2. Note that the General Manager will execute the Deed under delegated authority.

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

Against the Motion: Nil.

Absent: Councillor Tree.

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SUPPORT SERVICES

Item: 128 **SS - 2020/2021 Remuneration for Mayor and Councillors - (95496, 96332)**

Directorate: Support Services

MOTION:

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

Refer to RESOLUTION

156 RESOLUTION:

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

That:

1. The annual fee for Councillors for 2020/2021 be set at \$24,320.
2. The additional annual fee for the Mayor be set at \$60,080, and the Deputy Mayor's additional annual fee be set at \$ 9,012, to be deducted from the Mayor's \$60,080 annual fee.

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

Against the Motion: Nil.

Absent: Nil.

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SECTION 4 – Reports of Committees

Item: 129 **ROC - Audit Committee - 3 June 2020 - (95496, 91369, 79351)**

Directorate: Support Services

MOTION:

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

Refer to RESOLUTION

157 RESOLUTION:

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

That in relation to the Minutes of the Audit Committee Meeting held on the 3 June 2020:

1. Council receive and note the Audit Committee minutes in respect to Items 1, 2, 3, 5, 6, 7 and General Business.
2. Council:
 - a) Receive and note the Audit Committee's recommendations with respect to Item 4.
 - b) Table the "InConsult" consultant report at a Councillor Briefing Session, for consideration of policy matters arising.

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

Against the Motion: Nil.

Absent: Councillor Tree.

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SECTION 5 – Notices of Motion

Item: 130 **NM1 - Development Application 119/20 - (79351, 138882)**

Mr Paul Laurence and Ms Kaysand Whitehurst addressed Council speaking for the recommendation.

MOTION:

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

Refer to RESOLUTION

158 RESOLUTION:

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

That Council:

1. Strongly object to Development Application DA119/20 for a Landscaping Supplies and Concrete Recycling plant at Ebenezer;
2. Note the numerous objections from community potentially affected by the proposed development and extend the exhibition period for a future two weeks from 15 July 2020, and Ebenezer Public School be specifically notified of the Development Application.
3. Councillors prepare a submission to the Planning Panel strongly recommending against the application, including, but not limited to, the following objections:
 - a) Incompatibility with RU1 zoning
 - b) Increased heavy vehicle traffic, safety and impact on regional and local roads;
 - c) Unsuitability of local road, particularly Sargeants Road, to carry heavy vehicles;
 - d) Noise and dust impacts on local residents
 - e) Impacts on Ebenezer Public School
 - f) Potential conflict of use, loss of rural amenity and impacts on property values;
 - g) Environmental impacts on nearby watercourses including Currency Creek and Chain of Ponds Reserve, bushland and groundwater.

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

Against the Motion: Councillors Calvert and Kotlash.

Absent: Councillor Tree.

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Item: 131 **NM2 - Hawkesbury and Blue Mountains World Heritage Centre - (79351, 138879)**

Mr Lionel Buckett and Mr Yuri Bolotin addressed Council speaking for the recommendation.

MOTION:

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

Refer to RESOLUTION

159 RESOLUTION:

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

That:

1. Council provide its support for an investigation into the revitalised concept of the Hawkesbury/Blue Mountains World Heritage Centre Proposal, as outlined in the historical information attached to the report written by Councillor Sarah Richards and Mr Lionel Buckett.
2. The matter be referred to a Councillor Briefing Session.

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

Against the Motion: Nil.

Absent: Nil.

160 RESOLUTION:

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

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CONFIDENTIAL REPORTS

161 RESOLUTION:

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

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: 132 SS – Property Matter – Licence Agreement with Coles Group – Car Spaces in part of Magnolia Mall Car Park, 7 West Market Street, Richmond – (148887, 95496, 112106)

*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: 133 MM – Staff Matter – (79351)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(a) of the Local Government Act 1993 as it relates to personnel matters concerning particular individuals (other than councillors).*

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.

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Item: 132 **SS - Property Matter - Licence Agreement with Coles Group - Car Spaces in part of Magnolia Mall Car Park, 7 West Market Street, Richmond - (148887, 95496, 112106) CONFIDENTIAL**

Directorate: Support Services

MOTION:

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

Refer to RESOLUTION

162 RESOLUTION:

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

That:

1. Council agree to enter into a new licence agreement with Coles Group for part of the property known Magnolia Mall Car Park, 7 West Market Street, Richmond, as outlined in the report.
2. Authority be given for the licence agreement and any other relevant documentation in association with this matter to be executed under the Seal of Council.
3. Details of Council's resolution be conveyed to the proposed Licensee, 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.
4. The management and policy of car parking in Council car parks including the Magnolia Mall Car Park and the car park bounded by East Market and West Market Streets, Richmond be discussed at a future Councillor Briefing Session.

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

Against the Motion: Councillors Rasmussen, Reynolds and Ross.

Absent: Councillor Tree.

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Item: 133 **MM - Staff Matter - (79351) CONFIDENTIAL**

Directorate: General Manager

MOTION:

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

Refer to RESOLUTION

163 RESOLUTION:

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

That:

1. The Mayoral Minute regarding the 2018/2019 annual review of the General Managers Performance Agreement by the General Manager's Performance Review Panel be received and noted.
2. Discussion be held by Councillors about the process for the performance review.
3. Councillors be invited to submit questions and topics to the Panel for discussion at the performance review.

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

Against the Motion: Councillor Richards.

Absent: Councillors Tree and Zamprogno.

The meeting terminated on Wednesday, 15 July 2020 at 12:49am.

Submitted to and confirmed at the Ordinary meeting held on 28 July 2020.

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Mayor