



Hawkesbury City Council

ordinary  
meeting  
business  
paper

date of meeting: 11 May 2021

location: council chambers

and by audio-visual link

time: 6:30 p.m.



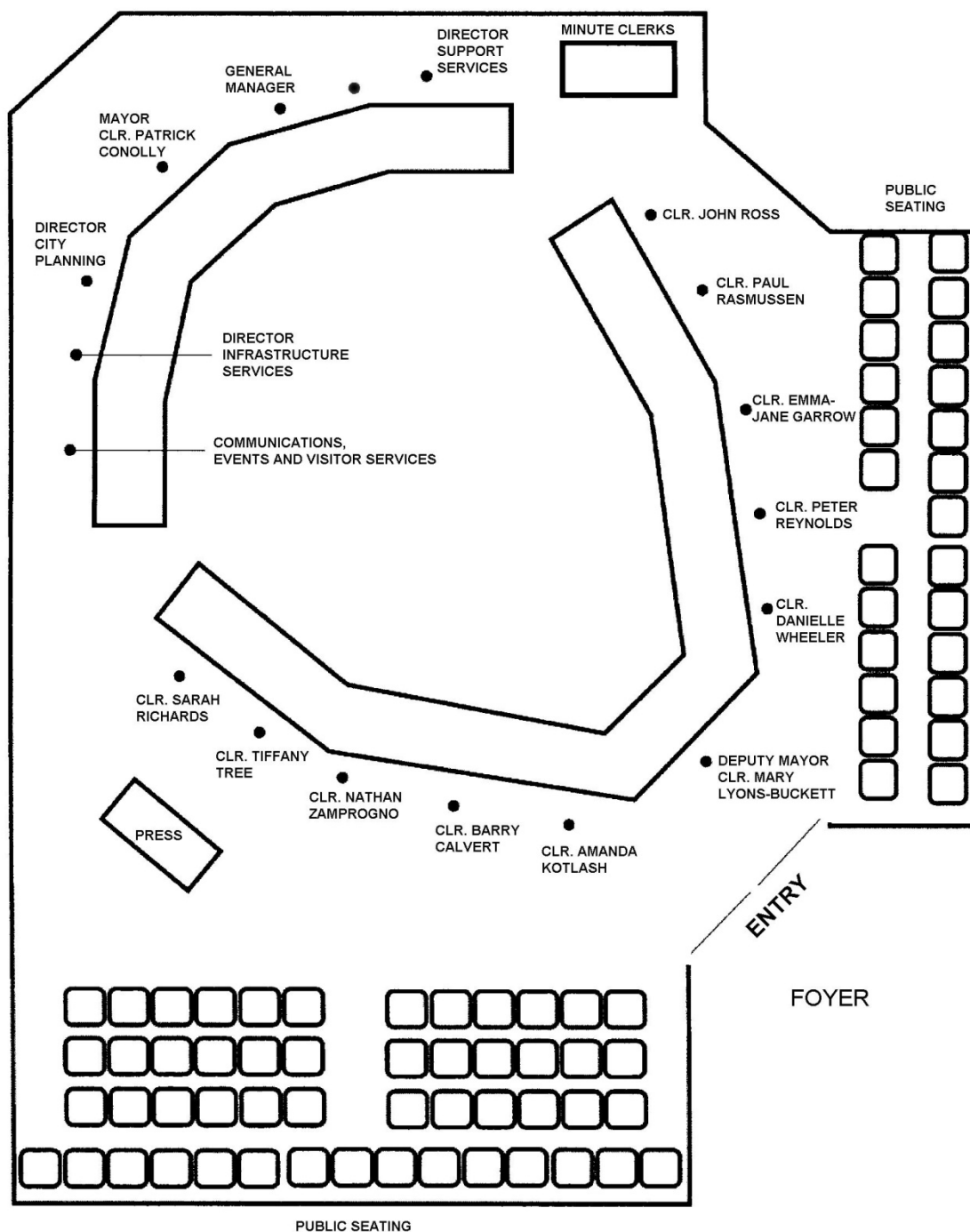


# mission statement

***Hawkesbury City Council  
leading and working  
with our community  
to create a healthy  
and resilient future.***



# Hawkesbury City Council









**ORDINARY MEETING**  
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**Meeting Date: 11 May 2021**

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**ORDINARY MEETING**  
**Procedural Matters**  
**Meeting Date: 11 May 2021**

**PROCEDURAL MATTERS**

**Welcome**

The Mayor, Councillor Patrick Conolly will acknowledge the Indigenous Heritage.

The General Manager will address the Council meeting, mentioning:

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

**Attendance**

Attending Councillors and Council staff members will be noted for the purposes of the Minutes.

**Apologies and Leave of Absence**

The Mayor will ask for any Apologies, Leave of Absence Requests or Audio-Visual Requests to be noted.

**Declaration of Interest**

The Mayor will ask for any Declaration of Interests from the attending Councillors. These will then be addressed at the relevant item.

**Acknowledgement of Official Visitors to the Council**

The Mayor will acknowledge and welcome official visitors to the Council and make any relevant presentations as required.



ordinary

section 1

confirmation of minutes



**ORDINARY MEETING**

**SECTION 1 - Confirmation of Minutes**

**Meeting Date:** 11 May 2021

**SECTION 1 - Confirmation of Minutes**





# Hawkesbury City Council

## ordinary meeting minutes

date of meeting: 27 April 2021

location: council chambers

and by audio-visual link

time: 6:30 p.m.







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## ORDINARY MEETING

Minutes: 27 April 2021

Minutes of the Ordinary Meeting held at the Council Chambers and by Audio-Visual Link, Windsor, on 27 April 2021, commencing at 6:32pm.

### Welcome

The Mayor, Councillor Patrick Conolly acknowledged the Indigenous Heritage.

The Acting General Manager addressed the Council meeting, mentioning:

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

### ATTENDANCE

#### PRESENT:

At Council Chambers: Councillor Patrick Conolly, Mayor, Councillor Mary Lyons-Buckett, Deputy Mayor and Councillors Barry Calvert, Emma-Jane Garrow, Amanda Kotlash, Peter Reynolds, Sarah Richards, John Ross, Danielle Wheeler and Nathan Zamprogno.

By Audio-Visual Link: Councillor Paul Rasmussen.

#### ALSO PRESENT:

At Council Chambers: Acting General Manager - Laurie Mifsud, Director City Planning - Linda Perrine, Director Infrastructure Services - Jeff Organ, Acting Director Support Services - Emma Galea, Manager Corporate Communication - Suzanne Stuart, Manager Strategic Planning - Andrew Kearns, Manager Corporate Services and Governance - Charles McElroy and Administrative Support Coordinator - Tracey Easterbrook.

### APOLOGIES AND LEAVE OF ABSENCE

The Acting General Manager advised that a leave of absence from Council was received from Councillor Tiffany Tree for the Council Meeting of 27 April 2021.

#### 106 RESOLUTION:

RESOLVED on the motion of Councillor Kotlash and seconded by Councillor Richards that the leave of absence be granted to Councillor Tree for the Council Meeting on 27 April 2021.

The Acting General Manager advised that at the Council Meeting on 20 April, 2021, Council resolved to grant approval for Councillor Rasmussen to attend the Council Meeting of 27 April, 2021 by audio-visual link.

Councillor Richards left the meeting at 8:12pm and returned at 8:16pm.

Councillor Zamprogno left the meeting at 11:17pm.

### DECLARATIONS OF INTEREST

Councillor Reynolds declared an interest on Item 078.

### Acknowledgement of Official Visitors to the Council

There were no official visitors.



## **ORDINARY MEETING**

**Minutes:** 27 April 2021

### **SECTION 1 - Confirmation of Minutes**

#### **107 RESOLUTION:**

RESOLVED on the motion of Councillor Lyons-Buckett and seconded by Councillor Calvert that the Minutes of the Extraordinary Meeting held on 19 April 2021, be confirmed.

#### **108 RESOLUTION:**

RESOLVED on the motion of Councillor Lyons-Buckett and seconded by Councillor Calvert that the Minutes of the Ordinary Meeting held on 20 April 2021, be confirmed.



## ORDINARY MEETING

Minutes: 27 April 2021

### SECTION 3 – Reports for Determination

#### PLANNING DECISIONS

**Item: 073** CP - Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012, Draft Development Control Plan, Draft Voluntary Planning Agreement and Biodiversity Certification Application - Jacaranda Development, Glossodia - (124414, 95498)

**Previous Item:** 145, Ordinary (13 August 2019)  
018, Ordinary (9 February 2021)

**Directorate:** City Planning

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Ms Jacqueline Bowie, Mr Nathan Croft and Mr Robert Humphries addressed Council speaking for the recommendation in the Business Paper.

Mr Alf Babazogli addressed Council speaking against the recommendation in the Business Paper.

#### **MOTION:**

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

#### ***Refer to RESOLUTION***

#### **109 RESOLUTION:**

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

That:

1. Council receive and note the outcome of consultation on the Planning Proposal and supporting documentation for the Jacaranda Development.
2. Council adopt and make the Plan (post exhibition amendments) for the Jacaranda Development included as Attachment 4 to this report under the authorisation for Council to exercise delegation issued by the "Gateway" determination, upon receipt of an opinion from Parliamentary Counsel's Office that the Plan may be legally made.
3. Council submit the Biodiversity Certification Application documentation (post-exhibition amendments) for the Jacaranda Development included as Attachment 6 to this report to the Environment, Energy and Science Group of the Department of Planning, Industry and Environment for assessment and to make the necessary arrangements with the Minister for Environment and Energy to confer the Biodiversity Certification Application.
4. The amended Jacaranda Development Control Plan (post exhibition amendments) included as Attachment 5 to this report, be finalised and reported to Council within four months from the date of Council's resolution to adopt and make the Plan.
5. The draft Voluntary Planning Agreement for the Jacaranda Development with appropriate post-exhibition amendments be finalised and reported to Council within four months from the date of Council's resolution to adopt and make the Plan. A Subdivision Certificate cannot be issued for the development until the new Voluntary Planning Agreement is executed.



## ORDINARY MEETING

**Minutes:** 27 April 2021

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 Conolly, Lyons-Buckett, Calvert, Garrow, Kotlash, Rasmussen, Reynolds, Richards, Ross, Wheeler and Zamprogno.

**Against the Motion:** Nil.

**Absent:** Councillor Tree.



## ORDINARY MEETING

Minutes: 27 April 2021

### GENERAL MANAGER

**Item: 074**                      **GM - 2021 Floodplain Management Australia - National Conference (79351, 80286)**

**Directorate:**                General Manager

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#### **MOTION:**

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

***Refer to RESOLUTION***

#### **110 RESOLUTION:**

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

That:

1. Participation of nominated Councillors and staff as considered appropriate by the General Manager, in the 2021 on-line Floodplain Management Australia National Conference at a cost of \$350 per delegate be considered.
2. After participating in the Conference, delegates provide a written report to the General Manager detailing the proceedings and findings, as well as any other aspects of the Conference relevant to Council business and/or the local community.

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

**Against the Motion:**        Nil.

**Absent:**                        Councillors Garrow and Tree.

#### **MOTION:**

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

***Refer to RESOLUTION***

#### **111 RESOLUTION:**

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

That Councillors Conolly, Lyons-Buckett, Rasmussen, Ross and Wheeler attend the Floodplain Management Australia National Conference to be held online from 26 to 28 May 2021.

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

**Against the Motion:**        Nil.

**Absent:**                        Councillor Tree.



## ORDINARY MEETING

Minutes: 27 April 2021

**Item: 075**                      **GM - Flood Recovery Financial Assistance - (79351)**

**Directorate:**                General Manager

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### **MOTION:**

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

***Refer to RESOLUTION***

### **112 RESOLUTION:**

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

That:

1. Should an Application be submitted to Council related to a flood impacted property to carry out construction or reconstruction works associated with the property, the applicable fees will be waived for applications lodged up until June 2022.
2. Where possible, Development Applications, Construction Certificate applications and the like from flood impacted areas are to be prioritised by Council's assessment team for any applications lodged up until 30 June 2022.
3. Council endorse the undertaking of works relating to the cleanup of flood debris and waste from private property based on guidelines as issued by the NSW State Government from time to time.
4. Council receive and note the information regarding assistance offered to flood affected communities with payment of Rates and other charges.
5. Council note that work is being undertaken to restore public assets and infrastructure, and that any associated financial impact outside the adopted Budget be regularly reported to Council through Quarterly Budget Reviews.

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

**Against the Motion:**        Nil.

**Absent:**                        Councillor Tree.



## ORDINARY MEETING

Minutes: 27 April 2021

### INFRASTRUCTURE SERVICES

**Item: 076**                      **IS - Hawkesbury Events - Governor Phillip Park Exclusive Use Approval - (95495, 79354, 92138, 74204, 73829, 147051)**

**Directorate:**                      Infrastructure Services

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#### **MOTION:**

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

#### ***Refer to RESOLUTION***

#### **113 RESOLUTION:**

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

That:

1. Approval be granted to Upper Hawkesbury Power Boat Club for "exclusive use" of Governor Phillip Park for the Spectacular Boat Races to be held on Saturday, 11 September 2021 and Sunday, 12 September 2021.
2. Approval be granted to Ski Racing NSW for "exclusive use" of Governor Phillip Park for the Hawkesbury 120 Water Ski Classic to be held on Saturday, 16 October 2021 and Sunday, 17 October 2021.
3. Approval be granted to NSW Waterski Federation Ltd for "exclusive use" of Governor Phillip Park for the Bridge to Bridge Water Ski Classic to be held on Saturday, 20 November 2021 and Sunday, 21 November 2021.
4. The approvals in parts 1, 2 and 3 be subject to the following conditions/documents:
  - Council's General Park Conditions
  - Council's Fees and Charges
  - The Windsor Foreshore Plan of Management
  - The Governor Phillip Exclusive Use Policy
  - The Governor Phillip Noise Policy.
  - Submission and approval of a Traffic Management Plan which has been approved as part of the Special Event Application.
5. Approval be granted to Utopian Touring for "exclusive use" of Governor Phillip Park for the Hawkesbury Flood Relief Concert over Friday, 4 June 2021 to Tuesday, 8 June 2021, subject to the following conditions:
  - Waiving of fees for the Hawkesbury Flood Relief Concert set up and pack down from Friday, 4 June 2021 to Tuesday, 8 June 2021
  - The Governor Phillip Exclusive Use Policy
  - Payment of a bond for exclusive use of the venue
  - Modification of the existing Dinner by the River 2019 Traffic Management Plan
  - Preparation of the COVID-19 Safe Plan for the event
  - Provision of the Event Liquor License
  - Provision of Event Approval by Hawkesbury Local Area Command
  - Event Food vendors to be registered under Council 's Temporary Food Premises and Food Vending Application



## ORDINARY MEETING

Minutes: 27 April 2021

- Adherence to the Protection of the Environment Operations General Regulations noise guidelines for Large Outdoor Activities
  - Preparation of a flyer distributed to surrounding landowners/residents notifying of the event, traffic and noise impacts
  - Provision of, within one month of the Hawkesbury Flood Relief Concert, a copy of the financial statement from the event.
6. As the applicants have not advised alternative dates in the event of inclement weather or other circumstances, the General Manager be given authority to negotiate exclusive use on an alternate dates, if required by the applicant.

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

**Against the Motion:** Nil.

**Absent:** Councillor Tree.

The Mayor adjourned the meeting at 8:55pm for a break. The meeting resumed at 9:10pm



## ORDINARY MEETING

Minutes: 27 April 2021

**Item: 077**                      **IS - Weed and Biosecurity Management - (95495, 79354, 12212)**

**Previous Item:**              34, Ordinary (23 February 2021)

**Directorate:**                Infrastructure Services

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A MOTION was moved by Councillor Zamprogno.

That Council receive and note the report on weed and biosecurity management.

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

### **MOTION:**

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

***Refer to RESOLUTION***

### **114 RESOLUTION:**

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

That Council refer this report to a Councillor Briefing Session, where details which need further investigation and clarity can be addressed.

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

**Against the Motion:**        Councillor Zamprogno.

**Absent:**                        Councillor Tree.



## ORDINARY MEETING

Minutes: 27 April 2021

**Item: 078**                      **IS - Windsor Bridge Replacement Project - Bridge Demolition and Thompson Square Precinct Works - (95495)**

**Previous Item:**              058, Ordinary (30 March 2021)

**Directorate:**                Infrastructure Services

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Councillor Reynolds declared a pecuniary interest in this matter as his home is within the precinct under discussion. He left the Chamber and did not take part in voting or discussion on the matter.

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Mr Paul Caleo and Ms Patricia Schwartz addressed Council speaking for the recommendation in the Business Paper.

**MOTION:**

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

***Refer to RESOLUTION***

**115 RESOLUTION:**

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

That:

1. Council note the information of artefacts and elements, from the Windsor Bridge demolition to be stored by Council pending determination on future use.
2. Council accept the offer of \$250,000 made by Transport for NSW in lieu of completion of works in Wharf Reserve.
3. Council note that the funding in part 2 can be used to undertake any integrated range of improvements in the Thompson Square Precinct (including Wharf Reserve).
4. Council take immediate steps to secure all remaining artefacts from the Old Windsor Bridge, including the lewis bolts and bricks from the Bridge caissons and investigate the use of the Old Windsor Police Station.
5. Council request photos and other documentation held by the community detailing the demolition works and Bridge structure.
6. Council form a working group with interested community groups and the Heritage Advisory Committee to determine the best possible means of conservation, interpretation and display of the Old Windsor Bridge artefacts.
7. Council consult with the community regarding the best use of the artefacts.
8. The Mayor write to the Minister of Transport and Roads and follow up the offer of additional funding to assist Council in the interpretation, display and use of the artefacts from the Old Windsor Bridge.

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

**Against the Motion:**        Nil.

**Absent:**                        Councillors Reynolds and Tree.

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This page 12 of the Minutes of the ORDINARY MEETING of the HAWKESBURY CITY COUNCIL held in the Council Chambers and by Audio-Visual Link, on 27 April 2021.



## ORDINARY MEETING

Minutes: 27 April 2021

**Item: 079**                      **IS - Truck and Trailer Parking - (95495, 79346)**

**Previous Item:**            037, Ordinary (27 February 2018)

**Directorate:**                Infrastructure Services

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### **MOTION:**

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

***Refer to RESOLUTION***

### **116 RESOLUTION:**

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

The information as contained in this report be received and noted.

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

**Against the Motion:**        Nil.

**Absent:**                        Councillor Tree.



## ORDINARY MEETING

Minutes: 27 April 2021

### SUPPORT SERVICES

**Item: 080**                      **SS - Investment Report - March 2021 - (95496, 96332)**

**Previous Item:**              150, Ordinary (10 March 2020)

**Directorate:**                Support Services

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#### **MOTION:**

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

#### ***Refer to RESOLUTION***

#### **117 RESOLUTION:**

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

That the Monthly Investment Report for March 2021 be received and noted.

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

**Against the Motion:**        Nil.

**Absent:**                        Councillor Tree.



**ORDINARY MEETING**

**Minutes:** 27 April 2021

**Item: 081**                      **SS - Audit Committee Annual Report - September 2020 - (95496, 91369, 79351)**

**Directorate:**                Support Services

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**MOTION:**

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

***Refer to RESOLUTION***

**118 RESOLUTION:**

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

That the Audit Committee's Annual Report for the period ending 16 September 2020, attached as Attachment 1 to this report, be received and noted.

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

**Against the Motion:**            Nil.

**Absent:**                          Councillor Tree.



## ORDINARY MEETING

Minutes: 27 April 2021

**Item: 082**                      **SS - Attendance by Councillors at Council and Committee Meetings - (95496)**

**Directorate:**                  Support Services

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### **MOTION:**

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

*Refer to RESOLUTION*

### **119 RESOLUTION:**

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

That Council:

1. Adopt Procedures for Attendance by Councillors at Meetings by audio-visual link, attached as Attachment 2 to this report.
2. Endorse Council's draft submission in response to the Office of Local Government's Consultation Paper concerning proposed changes to the Model Code of Meeting Practice, attached as Attachment 4 to this report.

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

**Against the Motion:**              Nil.

**Absent:**                              Councillor Tree.



## ORDINARY MEETING

Minutes: 27 April 2021

**Item: 083**                      **SS - Development of the Hawkesbury Indoor Stadium - (95496)**

**Previous Item:**        121, Ordinary (8 May 2018)  
                              199, Ordinary (14 August 2018)  
                              015, Ordinary (12 February 2019)  
                              083, Ordinary (14 May 2019)  
                              119, Ordinary (30 June 2020)

**Directorate:**              Support Services

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Mr Lester Stump addressed Council speaking for the recommendation in the Business Paper.

### **MOTION:**

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

### ***Refer to RESOLUTION***

### **120 RESOLUTION:**

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

That:

1. Information provided by PCYC NSW by letter dated 19 April 2021, attached as Attachment 1 to the report, as to the history of the development of a PCYC in the Hawkesbury, Memorandum of Understanding between PCYC NSW and Council, the negotiation of the Development Agreement and Agreement for Lease, community consultation and the proposed development of the Hawkesbury PCYC, be received and noted.
2. Council note the Concept Design for the PCYC Hawkesbury Stadium, included in the Concept Design Presentation to Hawkesbury City Council on 1 December 2020, attached as Attachment 2 to this report.
3. Council agree to enter into a Development Agreement and Agreement for Lease as outlined in this report including the proposed leased area as outlined in Attachment 3 for the operation and development of the Hawkesbury Indoor Stadium.
4. Authority be given for the Development Agreement and Agreement for Lease and any documentation in association with this matter to be executed under the Seal of Council.
5. 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 its resolution until such time as appropriate legal documentation to put such resolution into effect has been agreed to and executed by all parties.

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

**Against the Motion:**        Councillor Ross.

**Absent:**                        Councillor Tree.



**ORDINARY MEETING**

**Minutes:** 27 April 2021

**Item: 084**                      **SS - Submission to the Review of the Rate Peg to Include Population Growth by the Independent Pricing and Regulatory Tribunal - (95496)**

**Directorate:**                Support Services

---

**MOTION:**

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

***Refer to RESOLUTION***

**121 RESOLUTION:**

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

That:

1.     The information contained within this report is received and noted, and that the proposed submission attached as Attachment 1 to this report be endorsed to be forwarded to IPART.
2.     Council forward to WSROC the submission attached as Attachment 1 to this report.

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

**Against the Motion:**        Nil.

**Absent:**                        Councillor Tree.



## ORDINARY MEETING

Minutes: 27 April 2021

### SECTION 4 – Reports of Committees

**Item: 085**                      **ROC - Local Traffic Committee - 12 April 2021 - (80245, 95495)**

**Directorate:**                Infrastructure Services

---

**MOTION:**

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

*Refer to RESOLUTION*

**122 RESOLUTION:**

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

That Council receive and note the Minutes of the Local Traffic Committee Meeting held on 12 April 2021.

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

**Against the Motion:**            Nil.

**Absent:**                            Councillor Tree.



**ORDINARY MEETING**

**Minutes:** 27 April 2021

**SECTION 5 – Notices of Motion**

**Item: 086**

**NM - Works In Environmentally Sensitive Areas - (79351, 125612)**

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**MOTION:**

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

*Refer to RESOLUTION*

**123 RESOLUTION:**

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

That:

1. Council commit to ensuring that best practice in protecting wildlife occurs when their habitat is being impacted or removed.
2. Councillors receive a briefing on existing conditions, policies and practice notes addressing works in environmentally sensitive areas. This includes the felling of trees (particularly those containing hollows), work in sensitive areas such as wetlands and riparian zones, and drainage of dams.
3. Following the briefing Council be advised what action can be undertaken to ensure best practice in protecting wildlife occurs, particularly in areas where consent is required, especially new release areas.

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

**Against the Motion:** Nil.

**Absent:** Councillor Tree.



## **ORDINARY MEETING**

**Minutes:** 27 April 2021

### **QUESTIONS FOR NEXT MEETING**

**Item: 087                      Responses to Councillor Questions Taken On Notice at the Council Meeting -  
20 April 2021 - (79351)**

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The responses to Questions Taken On Notice at the Council Meeting on 20 April 2021 were noted.

#### **Statement by Councillor Sarah Richards**

Councillor Richards addressed Council to make the following statement - On 3 November 2019, the Hawkesbury Liberal Team published a post on Facebook. We have since removed this post and we undertake not to post in this way again. We apologise for any offence this may have caused.



## ORDINARY MEETING

Minutes: 27 April 2021

### CONFIDENTIAL REPORTS

#### 124 RESOLUTION:

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

That:

1. The Council meeting be closed to deal with a confidential matter and in accordance with Section 10A of the Local Government Act 1993, members of Staff, the Press and the public be excluded from the Meeting during consideration of the following item:

**Item: 088 SS - Property Matter Investigation - (95496)**

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it relates to details concerning quotes for the supply of investigation 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.*

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.

No representations were made by members of the public as to why Council should not go into closed Council to deal with this confidential matter.

Council staff and the public left the Council Chambers.

#### 125 RESOLUTION:

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



## ORDINARY MEETING

Minutes: 27 April 2021

**Item: 088**                      **SS - Property Matter Investigation - (95496)**

**Previous Item:**            259, Ordinary (8 December 2020)

**Directorate:**                Support Services

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### **MOTION:**

The Mayor, Councillor Conolly advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Garrow, seconded by Councillor Reynolds

### ***Refer to RESOLUTION***

### **126 RESOLUTION:**

The Mayor, Councillor Conolly advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Garrow, seconded by Councillor Reynolds

That Council seek quotations from independent investigators to complete the investigation of the confidential property matter.

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

**Against the Motion:**        Nil.

**Absent:**                        Councillor Tree.

The meeting terminated at 11:20pm.

Submitted to and confirmed at the Ordinary meeting held on 11 May 2021.

.....  
Mayor



ordinary

section 2

mayoral minutes



**ORDINARY MEETING**  
**SECTION 2 – Mayoral Minute**  
**Meeting Date: 11 May 2021**



**ORDINARY MEETING**  
**SECTION 2 – Mayoral Minute**  
**Meeting Date: 11 May 2021**

**SECTION 2 – Mayoral Minutes**

There was no Mayoral Minute at the time of preparing this Business Paper.

Notwithstanding the above, pursuant to Clauses 9.6-9.9 of Council's Code of Meeting Practice, the Mayor may submit a Mayoral Minute to the meeting without notice in relation to any matter or topic that:

- Is within the jurisdiction of the Council
- Council has official knowledge of.

However, a Mayoral Minute must not be put without notice if it relates to a routine or non-urgent matter.

A matter is considered to be urgent when it requires a decision by the Council before the next scheduled ordinary meeting of the Council.



**ORDINARY MEETING**  
**SECTION 2 – Mayoral Minute**  
**Meeting Date: 11 May 2021**



ordinary

section 3

reports  
for determination



**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 11 May 2021**



**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 11 May 2021**

**SECTION 3 – Reports for Determination**

**CITY PLANNING**

**Item: 089**                      **CP - Expressions of Interest - Community Representatives for Hawkesbury Local Planning Panel - (95498, 144940)**

**Previous Item:**            20, Ordinary (13 February 2018)  
60, Ordinary (27 February 2018)

**Directorate:**              City Planning

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**PURPOSE OF THE REPORT:**

The purpose of this report is to:

1. Advise Council of the requirement and process to recruit community representatives for appointment to the Hawkesbury Local Planning Panel for a period of three years commencing on 1 July 2021 until 30 June 2024 by calling for an expression of interest.
2. Provide Council with information regarding the number and percentage of applications that have been referred to the Hawkesbury Local Planning Panel versus those determined by Council staff under delegation and the cost of the Hawkesbury Local Planning Panel to date, in response to a question taken on notice from Councillor Wheeler at Council's Meeting on 30 March 2021.

**EXECUTIVE SUMMARY:**

The Environmental Planning and Assessment Act 1979 (the Act) was amended on 1 March 2018 to introduce the requirement for all councils in the Greater Sydney Region to operate a Local Planning Panel to replace Council as the consent authority to determine specific types of development applications. In June 2018, a further Ministerial Direction was issued requiring that all planning proposals (other than those of a minor nature) be referred to the Panel for advice.

It is a requirement of the Act that Council's Local Planning Panel consists of four members: a Chair, appointed by the Minister, two expert panel members selected from a list compiled by the Department of Planning, Industry and Environment and one community representative. The term of the current members of the Hawkesbury Local Planning Panel ends on 30 June 2021.

It is Council's responsibility to recruit, select and appoint community representatives. Therefore, it is necessary to undertake an expression of interest to select community representatives in readiness for the 1 July 2021 commencement date for the next Hawkesbury Local Planning Panel.

Once the pool of experts endorsed by the Department of Planning, Industry and Environment is available, a separate report will be presented to Council regarding appointment of the Chair, alternate chair, and expert members for a period of three years commencing on 1 July 2021 until 30 June 2024.

Since its establishment in March 2018 the Hawkesbury Local Planning Panel has determined 18 development applications and provided advice on six planning proposals. The cost of the Local Planning Panel to date is \$84,399.



**ORDINARY MEETING**  
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**RECOMMENDATION:**

That Council:

1. Seek expressions of interest from the community for the role of community representatives on Council's Local Planning Panel by placing at least two advertisements in local media publications for a period of not less than 28 days, as well as advertising through Council's website and social media.
2. Delegate to the General Manager responsibility for arranging the recruitment and shortlisting of suitable community representatives in accordance with the requirements of the Local Planning Panels Fact Sheet "Panel member selection guide for councils" dated August 2020 (Attached as Attachment 1) via an expression of interest.
3. Receive a further report to consider the General Manager's recommendations and determine the pool of community representatives to be appointed.
4. Write to the current community representatives on the Hawkesbury Local Planning Panel expressing appreciation for their contributions over the past three years and advising them of the forthcoming expression of interest opportunity.

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**BACKGROUND**

**Hawkesbury Local Planning Panel Representation**

The current members of the Hawkesbury Local Planning Panel are comprised of a Chair and two alternative Chairs, seven expert members from which two are chosen for each meeting and three community representatives from which one is chosen for each meeting. Members are rotated depending on their expertise, availability and to maintain gender balance.

Every three years the Chairs/alternate Chairs and independent expert members are recruited, selected, and approved by the Minister for Planning, Industry and Environment and are then appointed by Council. Once the new pool of experts endorsed by the Department of Planning, Industry and Environment is available, a report will be presented to Council regarding appointment of the Chair and alternate Chair, and selection of the expert members for a period of three years commencing on 1 July 2021 until 30 June 2024.

As part of the process to maintain Council's Local Planning Panel, Council is required to recruit, select, and appoint community representatives. Community representatives are appointed to bring local knowledge and experience to the Hawkesbury Local Planning Panel. A pool of community representatives should be appointed to ensure that the panel can proceed in the event that a member may be unavailable for any reason, and also to enable the Chair to rotate members periodically.

The Council must seek expressions of interest from the community for the role of community representative on the Hawkesbury Local Planning Panel by placing at least two advertisements in local media publications for a period of not less than 28 days as well as advertising through Council's website, and social media.

The selection criteria for community membership specified/recommended in the guidelines attached as Attachment 1 are as follows:

- Are current residents within the Local Government Area,
- Have an understanding of the Local Government Area and issues of concern to the local community,
- Have the capacity to form independent views and to contribute constructively to the determination of applications,



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- Are able to demonstrate a basic level of understanding of the planning system, ie, knowledge of the council's local environmental plan, development control plan, local strategic planning instrument or community strategic plan,
- Are committed to:
  - following the Code of Conduct for Local Planning Panel Members and the Local Planning Panels Operational Procedures,
  - attending the Local Planning Panel meetings and completing Panel business in required timeframes.

Mayors, Councillors, property developers and real estate agents are not eligible for appointment to Local Planning Panels.

Following the completion of the expression of interest process to identify a potential pool of community members, a further report will be submitted to Council to consider the General Manager's recommendations and determine the members of the pool of community representatives to be appointed for the period 1 July 2021 to 30 June 2024.

#### **Hawkesbury Local Planning Panel Activity Report**

At its meeting on 30 March 2021, the following question from Councillor Wheeler was taken on notice:

*"Could we get an indication of how many and what percentage of applications have gone to the Hawkesbury Local Planning Panel versus those that have been handled by Council staff and how much the Planning Panel has cost Council since their introduction?"*

A response is provided below.

#### **Relevant Legislation**

The Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000.

#### **DISCUSSION**

The following categories of applications are determined by the Hawkesbury Local Planning Panel as provided by Schedule 1 of the Ministerial Direction issued on 23 February 2018:

##### **1. Conflict of Interest**

Development for which the applicant or landowner is:

- a) the council,
- b) a councillor,
- c) a member of council staff who is principally involved in the exercise of council's functions under the *Environmental Planning and Assessment Act 1979*,
- d) a member of Parliament (either the Parliament of New South Wales or Parliament of the Commonwealth), or
- e) a relative (within the meaning of the *Local Government Act 1993*) of a person referred to in (b) to (d).

but not development for the following purposes:

- a) internal alterations and additions to any building that is not a heritage item,
- b) advertising signage,
- c) maintenance and restoration of a heritage item, or
- d) minor building structures projecting from the building façade over public land (such as awnings, verandas, bay windows, flagpoles, pipes and services, and sun shading devices).



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**2. Contentious Development**

Development that:

- a) in the case of a council having an approved submissions policy – is subject of the number of submissions set by that policy, or
- b) in any other case – is the subject of 10 or more unique submissions by way of objection.

**3. Departure from Development Standards**

Development that contravenes a development standard imposed by an environmental planning instrument by more than 10% or non-numerical development standards.

Note: If the Secretary allows concurrence to be assumed by council staff for contravening development standards, the Panel can delegate these applications to council staff to determine.

**4. Sensitive Development**

- a) Designated development
- b) Development to which *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development* applies.
- c) Development involving the demolition of a heritage item,
- d) Development for the purposes of new licensed premises, that will require one of the following liquor licences:
  - (i) A club licence under the *Registered Clubs Act 1976*,
  - (ii) A hotel (general bar) licence under the *Liquor Act 2007*, or
  - (iii) An on-premises licence for public entertainment venues under the *Liquor Act 2007*.
- e) Development for the purposes of sex services premises and restricted premises.
- f) Development applications for which the developer has offered to enter into a planning agreement.

The remaining development applications are determined in accordance with Clause 4.5 of the Environmental Planning and Assessment Act 1979 generally either under delegated authority, or by the regional planning panel under Clause 4.7 of the Act.

Table 1 below provides a summary of all matters considered by the Hawkesbury Local Planning Panel to date. A schedule outlining the full details of each matter is provided at Attachment 2 of this report noting that some applications were deferred and subsequently considered at more than one meeting.

**Table 1: Summary of Development Applications Determined and Planning Proposals advised on since 1 March 2018**

Number of DAs Approved Subject to Conditions	Refused	Deferred Commencement	Number of Planning Proposals advised on
10	6	2	6



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Tables 2 and 3 below provide a summary of all Development Applications considered and determined under delegation by Council staff which includes the Internal Development Review Panel.

**Table 2: Summary of Development Applications Determined under Delegation by the Internal Development Review Panel since 1 March 2018**

Number of DAs Approved Subject to Conditions	Refused	Deferred Commencement
451	102	3

**Table 3: Summary of Development Applications Determined under Officer's Delegation by since 1 March 2018**

Approved Subject to Conditions	Refused	Deferred Commencement
814	0	0

A total of 1389 applications have been determined since 1 March 2018. Applications determined by the Hawkesbury Local Planning Panel (18 applications) equates to less than 2% of the total.

40% of applications were determined by the Internal Development Review Panel and 58% under officer's delegation. In the same reporting period four development applications were required to be referred to the Sydney Western City Planning Panel for determination.

#### **COMMUNITY ENGAGEMENT**

The community representatives will be recruited by the General Manager and reported to Council following advertising for expressions of interest as outlined above, in accordance with the requirements of Department of Planning, Industry and Environment.

#### **CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2017-2036**

The proposal is consistent with the following Focus Area, Direction and Strategy within the CSP.

##### Our Leadership

- 1.4 Reinforcing and establishing effective strategic partnerships – Build strong relationships and shared responsibilities.
  - 1.4.1 Foster positive relationship with all tiers of government and peak bodies to ensure a thorough understanding of eth challenges and local requirements of the Hawkesbury.

#### **FINANCIAL IMPACT**

The operations of a Local Planning Panel are the responsibility, and at the expense of, each council. The Minister may make recommendations as to the remuneration for the Chair, experts, and community members. Council is responsible for the servicing of the Panel, ie assessment of applications by staff, all secretariat functions such as preparation of agendas, provision of premises to hold meetings, site inspections, notification of meetings to stakeholders and catering (if meetings are held in person).

From 1 March 2018 to date Council has held 15 Local Planning Panel meetings at a total cost of \$84,399 as follows:

2017/2018	\$20,887
2018/2019	\$41,237
2019/2020	\$21,263
2020/2021 (to date)	\$ 1,012



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The Hawkesbury Local Planning Panel meetings are held on the third Thursday of each month as required. The expenditure has been provided for in the 2020/2021 budget as well as in the 2021/2022 budget. The 2020/2021 Operational Plan includes an amount of \$51,025 however to date only \$1,012 has been expended. The 2021/2022 Draft Operational Plan includes an amount of \$30,000 for Hawkesbury Local Planning Panel meetings.

**FIT FOR THE FUTURE STRATEGY CONSIDERATIONS**

The proposal is aligned with Council's long term plan to improve and maintain organisational sustainability and achieve Fit for the Future financial benchmarks. The proposal has no resourcing implications, outside of Council's adopted Long Term Financial Plan.

**ATTACHMENTS:**

- AT - 1** Local Planning Panels Fact Sheet - Panel member selection guide for Council (August 2020)
- AT - 2** Schedule of matters referred to the Hawkesbury Local Planning since 1 March 2018



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**AT - 1 Local Planning Panels Fact Sheet - Panel member selection guide for Council**

**(August 2020)**

## Local Planning Panels

Fact sheet



### Panel member selection guide for councils

*This document provides an overview of the process of appointing members to local planning panels and provides guidance to assist local councils in that process.*

Mandatory requirements for the process of appointing members to local planning panels are set out in:

- sections 2.17-2.20 of the *Environmental Planning and Assessment Act 1979*, (EP&A Act)
- schedule 2 of the EP&A Act
- the Local Planning Panels Direction—Operational Procedures dated 23 February 2018.

This document provides best practice information and guidance to assist councils in addressing these requirements.

This guidance has sections on:

- panel membership
- approval of chairs and independent experts
- guidance on selecting an independent expert member
- recruitment of community representatives
- terms of appointment.

### Panel membership

A local planning panel consists of four members: a chair, two independent expert members and a community representative.

If a council is required to constitute a local planning panel, it must appoint chairs and independent expert members approved by the Minister for Planning.

Community representatives are recruited, selected and appointed by councils.

Mayors, councillors, property developers and real estate agents are not eligible for appointment to local planning panels.

### Approval and appointment of chairs and independent experts

The Minister for Planning and Public Spaces approves experts and chairs and alternate chairs for appointment by councils.

If the chair of a local planning panel vacates their position, council should request that the Minister for Planning and Public Spaces approve a replacement chair for appointment by council.

### Independent experts pool

A pool of over 200 independent experts has been approved.

Each expert has been approved on the basis of their professional standing, experience, technical ability and broad understanding of the development assessment process. Each expert has met one or more of the expertise requirements set out in the EP&A Act.



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## **Local Planning Panels**

Fact sheet



Each expert has completed probity checks and provided a statutory declaration that they have not been bankrupt, do not have a criminal record and are not developers or real estate agents. None of the experts is a Mayor, local councillor, or local council or State government employee.

The Planning Panels Secretariat at the Department of Planning, Industry and Environment maintains a list of approved independent experts and can make this list available to councils on request.

Council should select sufficient experts for appointment to ensure that panel meetings can proceed in the event that a member may be unavailable for any reason, and also to enable the chair to rotate panel members periodically (as required by clause 1.2.1.c of the Operational Procedures).

### **Guidance on the selection of independent expert members**

Council may discuss potential expert members with its appointed chair.

Chairs should not make unsolicited representations on behalf of experts to councils.

Experts should not approach councils or chairs to solicit or canvass appointments.

Experts can be appointed to more than one local planning panel.

Councils are not able to prohibit experts from carrying out consultancy work within the LGA.

It is up to each panel member to ensure that they comply with the code of conduct. The panel chair also must "ensure the panel fully discharges its responsibilities under...the code of conduct...in a timely manner" (as required by clause 3.1.3 of the Operational Procedures).

Breaches of the code of conduct may constitute a reason for removal from the panel and/or from the pool of approved independent experts.

### **Recruitment of community representatives**

Councils recruit, select and appoint community representatives. The following points are provided as guidance to assist councils in this process.

Community representatives are appointed to bring local knowledge and experience to the local planning panel. Community representatives should be selected from the local community. Community representatives are not expected to be experts in planning matters.

If the council area has wards, a community representative is needed to address matters for each ward. Community representatives can represent one or more wards.

The General Manager of the council should oversee the selection process for the community representatives of the local planning panel.

A sufficient number of community representatives should be appointed so that the panel can operate efficiently, even if a community representative is unable to attend for any reason, and so that community representatives can be periodically rotated (as required by clause 1.3.1.c of the Ministerial direction).

### **Advertising**

The council should seek expressions of interest from the community for the role of community representative on the local planning panel by placing at least two advertisements in local media publications (i.e. newspapers) as well as advertising through one or more of the following:



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## **Local Planning Panels**

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- the council's website, newsletters and social media e.g. council's Facebook, Twitter and LinkedIn pages
- any relevant community forums, ward or precinct committees etc. convened by the council
- local/community radio or magazines; or
- council offices, libraries, community or sports centres, schools, residents and community groups.

The advertising period should be no less than 28 days, in order to give community members enough time to apply.

Applications for the role of community representative at council may be sent to the General Manager at that council. Applications should not be sent to the Department of Planning, Industry and Environment.

### **Selection criteria**

Local community representatives may be selected on the basis that they:

- are current residents within the LGA
- have an understanding of the LGA and issues of concern to the local community
- have the capacity to form independent views and to contribute constructively to the determination of applications
- are able to demonstrate a basic level of understanding of the planning system, i.e. knowledge of the council's local environmental plan, development control plan, local strategic planning statement or community strategic plan
- are committed to:
  - following the *Code of Conduct for Local Planning Panel Members* and the Local Planning Panels Operational Procedures
  - attending local planning panel meetings and completing panel business in required timeframes.

### **Appointing community representatives**

Following the end of the advertising period, the General Manager should arrange a selection panel to:

- review the applications against the relevant selection criteria
- shortlist suitable candidates
- arrange for interviews (if required)
- recommend candidates suitable for appointment as community representatives.

### **Probity checks**

Probity checks are required for all panel members. The department conducts a range of background checks prior to the approval of chairs and expert members, including criminal, financial and academic checks.



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## Local Planning Panels

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Council must arrange probity checks for community representatives. These checks should include at a minimum:

- public register of real estate agents check
- bankruptcy record check
- National Police check (ACIC).

### Remuneration

The Minister has made a remuneration determination setting minimum per meeting rates for panel members. The determination is available, along with the Minister's Local Planning Panels Directions, at:

[www.planning.nsw.gov.au/Assess-and-Regulate/Development-Assessment/Local-Planning-Panels/Statutory-rules](http://www.planning.nsw.gov.au/Assess-and-Regulate/Development-Assessment/Local-Planning-Panels/Statutory-rules)

### Terms of appointment

Appointed members should accept their terms of appointment in writing. The terms of appointment should identify:

- the sections of the EP&A Act under which appointments are made and terminated
- period of appointments
- duties and responsibilities
- a commitment to comply with the *Code of Conduct for Local Planning Panel Members* and to complete the Disclosures Return at Schedule 2 of the Code of Conduct when appointed, and as required under clause 4.15 of the Code of Conduct
- remuneration; and
- limits of liability.

The General Manager should notify all applicants of the outcome of their application. The General Manager should also notify the panel chair of all decisions on appointments to the local planning panel.

The Planning Panels Secretariat at the Department of Planning, Industry and Environment must be advised of all appointments to the local planning panel, including any appointments as alternates, or as ward representatives.

### More information

Call the Planning Panels Secretariat on 8217 2060.

Email [enquiry@planningpanels.nsw.gov.au](mailto:enquiry@planningpanels.nsw.gov.au)

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© State of New South Wales through Department of Planning, Industry and Environment 2019. The information contained in this publication is based on knowledge and understanding at the time of writing (August 2020). However, because of advances in knowledge, users are reminded of the need to ensure that the information upon which they rely is up to date and to check the currency of the information with the appropriate officer of the Department of Planning, Industry and Environment or the user's independent adviser.

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NSW Department of Planning, Industry and Environment | August 2020 | 4



**ORDINARY MEETING**  
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**AT - 2 Schedule of matters referred to the Hawkesbury Local Planning since 1 March 2018**

Date of Meeting	Details of Matter	Reason for Referral	Decision
March 2018	DA0332/16 396 Bells Line of Road, Kurmond  Subdivision to create 37 residential lots within a community title scheme	<u>Sensitive Development</u> Developer offered to enter into a VPA	Deferred to allow the applicant an opportunity to submit amended plans
March 2018	DA0357/17 122 Hermitage Road, Kurrajong Hills  Telecommunications Facility/Tower	<u>Departure from Development Standards</u> Unable to be determined under Delegation of Council Staff	Approved subject to conditions
May 2018	DA0332/16 396 Bells Line of Road, Kurmond  Subdivision Involving Earthworks, Filling of Dams, Construction of Roads Including Creek Crossing, Installation of Sewer Main and Revegetation of Riparian Area to Create 37 Residential Lots	<u>Sensitive Development</u> 1. Deferred at March 2018 meeting 2. Developer offered to enter into a VPA	Deferred commencement consent requiring additional lot amalgamation.
May 2018	DA0545/16 122-132 Macquarie Street, Windsor  Demolition of Existing Structures and Construction of Residential Flat Building comprising 40 Residential Units and Basement Parking	<u>Departure from Development Standards and Sensitive Development</u> 1. Departure from development standards by more than 10% (Proposed variation 31.6% to the 12 metre maximum building height standard) 2. SEPP 65 development	Refused
June 2018	DA0703/17 1029 St Albans Road, Lower MacDonald  Construction of a car park and use of the former St Joseph Church as a function centre	<u>Contentious Development</u> 10 or more unique submissions by way of objection (approx. 104 objections)	Refused



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Date of Meeting	Details of Matter	Reason for Referral	Decision
October 2018	DA0539/17 152 Mountain Avenue, Yarramundi  Construction of a truck depot and associated driveway and manoeuvring area	<u>Contentious Development</u> 10 or more unique submissions by way of objection (21 objections)	Refused
October 2018	LEP001/17 27 Park Road Vineyard and 41 Park Road Mulgrave  Planning Proposal to amend Hawkesbury Local Environmental Plan 2012 Zoning Map from RU4 Primary Production Small Lots to IN1 General Industrial	Planning Proposal (not of a minor nature)	Advice only. Recommended that proposal proceed for Gateway Determination
October 2018	LEP009/16 42 Bells Lane, Kurmond  Planning Proposal to amend Hawkesbury Local Environmental Plan 2012 into five lots with a minimum lot size not less than 4000sqm	Planning Proposal (not of a minor nature)	Advice only. Recommended that proposal proceed for Gateway Determination following the preparation of key strategic documents and studies by Council.
October 2018	LEP006/16 98 Bells Lane, Kurmond  Planning Proposal to amend Hawkesbury Local Environmental Plan 2012 into four lots with a minimum lot size of not less than 4000sqm, 1ha and 2ha	Planning Proposal (not of a minor nature)	Advice only. Recommended that proposal proceed for Gateway Determination following the preparation of key strategic documents and studies by Council.



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Date of Meeting	Details of Matter	Reason for Referral	Decision
November 2018	<p>S82A0007/18 1029 St Albans Road, Lower MacDonald</p> <p>Request to review Panel's previous decision to refuse DA0703/17 for construction of a car park and use of the former St Joseph Church as function centre</p>	<p><u>Contentious Development</u></p> <ol style="list-style-type: none"> <li>10 or more unique submissions by way of objection (24 objections)</li> <li>Review request relating to decision of the Panel in June 2018.</li> </ol>	Deferred commencement consent to address bushfire safety, effluent disposal and conservation works
November 2018	<p>S960069/18 396 Bells Line of Road, Kurmond</p> <p>Section 4.55 Modification to consent for a community title subdivision seeking deletion and amendment to a number of conditions relating to sewer and works, dilapidation survey and building envelopes.</p>	Modification application in relation to DA0322/16 determined by the Panel in May 2018.	Advice only. Amendment to Condition 79 to delete reference to sewer connection for 406 Bells Line of Road is appropriate.
December 2018	<p>DA0225/18 114 March Street, Richmond</p> <p>Alterations and additions to existing child-care centre</p>	<u>Conflict of Interest</u> Development for which the land owner is Council	Deferred for submission of amended plans to provide for retention of 4 additional trees
December 2018	<p>DA0128/18 20 North Street, Windsor</p> <p>Construction of an outbuilding</p>	<u>Conflict of Interest</u> Development for which the land owner is a Councillor	Approved subject to conditions
December 2018	<p>DA0293/18 4 Christie Street, Windsor</p> <p>Internal alterations to an existing office building</p>	<u>Conflict of Interest</u> Development for which the land owner is Council	Approved subject to conditions



**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 11 May 2021**

Date of Meeting	Details of Matter	Reason for Referral	Decision
February 2019	LEP001/18  Planning Proposal to amend Hawkesbury Local Environmental Plan 2012 for Jacaranda Development (580 Lots). Proposal is to reconfigure zonings, minimum lot sizes and includes Biobank sites in order to achieve an improved ecological outcome than the previous 2014 rezoning	Planning Proposal (not of a minor nature)	Advice only. Recommended that the Planning Proposal be considered holistically with relevant VPA's, Biodiversity and Development Control Plan provisions. Additionally, that the proposal needs to respond to site constraints and reconsider the areas and location of open space.
March 2019	DA0558/18 231 Pitt Town Road, Pitt Town Bottoms  Demolition of fire damaged dwelling	<u>Sensitive Development</u> Development involving demolition of a heritage item	Approved subject to conditions
March 2019	DA0737/17 197 Windsor Street, Richmond  Construction of a shop top housing development comprising ground floor retail alterations and additions with 6 x 2 bed units above.	<u>Sensitive Development</u> SEPP 65 development	Refused
April 2019	DA0304/18 361 Kurmond Road, Freeman's Reach  Construction of a fire station for the NSW RFS	<u>Conflict of Interest</u> Development for which the land owner is Council	Approved subject to conditions
May 2019	DA0225/18 114 March Street, Richmond  Alterations and additions to existing child-care centre	<u>Conflict of Interest</u> 1. Condition of deferral at December 2018 meeting was requirement to refer amended plans back to the Panel. 2. Development for which the land owner is Council	Approved subject to conditions



**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 11 May 2021**

Date of Meeting	Details of Matter	Reason for Referral	Decision
May 2019	DA0237/18 3787 Putty Road, Colo Heights  Construction of buildings and structures for use as a poultry farm	<u>Sensitive Development</u> Designated development	Approved subject to conditions
August 2019	DA0281/18 20 North Street, Windsor  Alterations and additions to an existing dwelling and construction of a swimming pool	<u>Conflict of Interest</u> Development for which the land owner is a Councillor	Approved subject to conditions
November 2019	LEP001/19  Planning Proposal to reclassify and rezone land at 9 Industry Road, Vineyard, 312 Windsor Road, Vineyard and 7 Fernadell Drive, Pitt Town	Planning Proposal (not of a minor nature)	Advice only. Recommended that proposal proceed for Gateway Determination.
November 2019	DA0287/19 76 Chaseling Road North, Webbs Creek  Construction of a cooking facility (BBQ area) and wash-up facility at the existing caravan park.	<u>Conflict of Interest</u> Development for which the land owner is the relative of a Councillor	Approved subject to conditions
April 2020	DA0204/19 Group Home - Use of Existing Dwelling as Group Home	<u>Contentious Development</u> The application has received 11 unique submissions by way of objection.	Approved subject to conditions



**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 11 May 2021**

Date of Meeting	Details of Matter	Reason for Referral	Decision
April 2020	DA0147/19 Intensive Plant Agriculture - Demolition of Some Existing Structures, Clearing of Native Vegetation, Decommissioning of Existing Water Storage Facility, Construction of Sediment Control Dams and Regrading of the Site for Use as Turf Farm	<u>Contentious Development</u> The application has received 26 unique submissions by way of objection.	Refused
June 2020	LEP002/19  Planning Proposal to rezone part of the 'Hobartville Stud Farm' property to R2 Low Density Residential to permit residential subdivision of the subject site to accommodate 118 dwellings in the form of separate dwelling houses, attached terrace houses and dual occupancies.	Planning Proposal (not of a minor nature)	Advice only. Recommended that the Planning Proposal not proceed as it does not demonstrate strategic or site specific merit.
April 2021	DA0233/20 Centre Based Child Care Facility - Demolition of Existing Structures, Construction of a 58 Place Centre-Based Child Care Facility, Outdoor Play Areas, Basement Car Parking and Landscaping	<u>Contentious Development</u> The application has received 65 unique submissions by way of objection.	Refused

oooO END OF REPORT Oooo



**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 11 May 2021**

**INFRASTRUCTURE SERVICES**

**Item: 090**                      **IS - Draft Fernadell Park Masterplan and Plan of Management - (95495, 79354)**

**Directorate:**                      Infrastructure Services

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**PURPOSE OF THE REPORT:**

The purpose of this report is to place the Draft Fernadell Park Masterplan and Plan of Management on Public Exhibition.

**EXECUTIVE SUMMARY:**

Fernadell Park is a green field site of just over 9 hectares in the Pitt Town development area, at 7 Fernadell Street. The recreation space has been classified as a district level recreational facility given its scale, location and function.

Within the site it is proposed to also include a community centre and integrate this with active and passive recreation in the one precinct.

The provision of all community facilities within the one area allows Council and the community to create a sense of ownership and community connection around the multiple group activities that the site provides for.

Council has already undertaken community consultation with both internal and external stakeholders and the general community, through letterbox drop, drop-in session onsite and Council's "Have Your Say" website. Over 120 responses were received detailing community aspirations for the site.

The community consultation, stakeholder meetings, and infrastructure requirement within the Section 7.11 Plan have informed the development of this Masterplan.

The Draft Masterplan provides a balance of structured and non-structured recreational opportunities and space for the community gather and socialise.

It is proposed to place the Draft Fernadell Park Masterplan and Plan of Management on Public Exhibition for a period of 42 days and to seek comment from the community.

**RECOMMENDATION:**

That:

1. Council approve the public exhibition of the Draft Fernadell Park Masterplan and Plan of Management distributed under separate cover as Attachments 1 and 2 to this report for a period of 42 days.
  2. The matter be reported back to Council following the exhibition period.
- 

**BACKGROUND**

Fernadell Park is a green field site of just over 9 hectares in the new Pitt Town development, at 7 Fernadell Street. The recreation space has been classified as a district level recreational facility that will service Pitt Town release area. Given its location the site will also benefit the surrounding area.



**ORDINARY MEETING**  
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Within the curtilage of the site it is proposed to include a community centre to include social, active and passive recreation within the one precinct.

The provision of all community facilities within the one area will allow Council and the community to create a sense of ownership and community connection around the multiple group activities that the site provides for.

The site is a new development and as such there are no previous recreation uses to consider, however the site following development will be the district's principle recreational facility. It will provide additional and improved community, sporting and recreation facilities for the Pitt Town area.

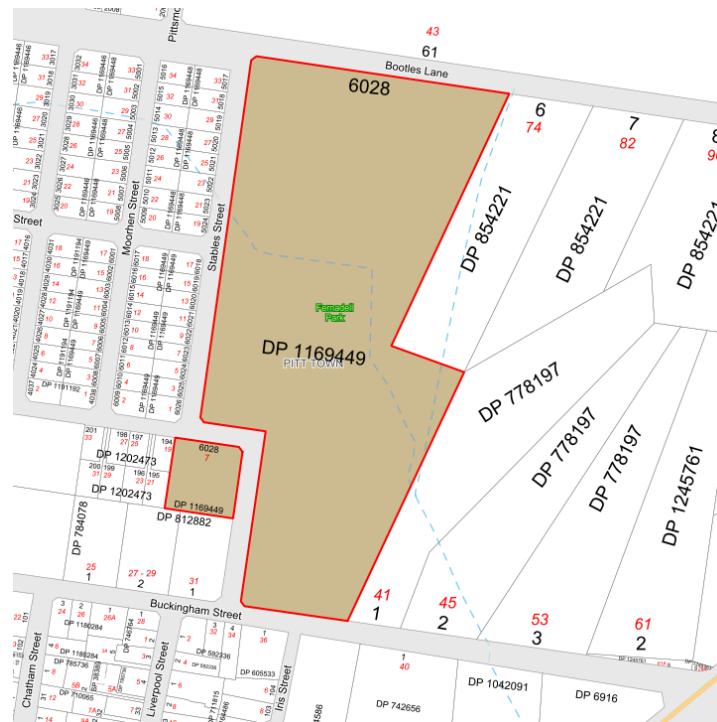
Within the Section 7.11 Plan for Pitt Town, it was identified that the following elements would be provided for:

- Multi-purposed building
- Level playing fields
- District level playground
- Shelters and BBQ's
- Toilet/Change rooms/Kiosk
- Sports Lighting
- Seating, bubblers
- 50 Car spaces, and
- Associated landscape works including irrigation

Separately the S7.11 Plan makes provision for a community facility on adjacent land in Stables Street, and it is proposed (subject to planning approvals) to incorporate this facility on the Fernadell site.

Funding of the implementation of the works within the Section 7.11 Plan is determined in line with the contributions raised as part of the development of the Pitt Town area. At this stage, as the release area is not fully developed, not all contributions have been raised and as such full implementation is not achievable in the short term. Staging plans are being prepared to enable progressive development in alignment with available funding including grants.

**Location Plan**





**ORDINARY MEETING**  
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Figure 1: Locality Map – 7 Fernadell Drive, Pitt Town

**Relevant Legislation**

Local Government Act 1993

**DISCUSSION**

In May 2019, Council appointed a consultant to undertake the development of the Masterplan and Plan of Management for the site including the community consultation.

As this site a green field site with no previous amenity or user it has provided Council a unique opportunity to develop a district level recreation space purpose built to accommodate the Pitt Town and surrounding community's needs.

Initial consultation involved meetings with key stakeholders both internally and externally including:

- Pitt Town Progress Association
- Hawkesbury Sports Council

In addition to the stakeholder consultation, Council consulted with the general community via:

- The Pitt Town Progress Association Town Meeting, August 2019
- On Line "Have Your Say" survey, September 2019
- On site drop in session, September 2019

The stakeholder consultation allowed for early identification of the needs of the community of Pitt Town. The subsequent further consultation through "Have Your Say" and the drop in session allowed for individuals the opportunity to express their needs and ideas about what can be achieved in this new recreation precinct.

In addition to community consultation the consultant undertook a facility assessment based on the Greater Sydney Outdoor Study for the Western City District (WCD) and AusPlay NSW 2018/2019 Survey Review. This facility assessment in conjunction with the community and stakeholder consultation underpins the amenity inclusions for Fernadell Park.

In summary the assessment identified significant demand for General Recreation with:

- 80% of the WCD like to walk, hike, jog or run
- 49% of the WCD like to visit playspaces
- 40% of the WCD like to walk dogs in open spaces
- 60% of the WCD like to gather in open spaces around water

In addition the studies identified the current and future growth in Organised Sports, as follows\*:

- Football (Soccer), has seen an increase of 53% in Pitt Town and predicted increase 25% across the Hawkesbury
- Cricket, an increase of 13% in Pitt Town and 25% predicted increase in Hawkesbury
- Netball, an increase of 10% in Pitt Town and 25% predicted increase in Hawkesbury
- Rugby League and Union, no data was provided for both Pitt Town or the Hawkesbury

\* Organised Sports Data Source Office of Sport – Hawkesbury Participation Rates 2016-2036

Based on the community consultation, Section 7.11 Plan and Facility Assessment has resulted in the development of the Draft Masterplan shown as Figure 2.

The Masterplan provides for:

- Multipurpose Sporting area – 2 full size Football Fields and Single Cricket (Lighting)



**ORDINARY MEETING**  
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- Three Hard court areas – 2 Netball, 1 Multipurpose
- Additional Training and Event Space
- District Level Playspace and Youth Space
- Community Space Provision
- Sport Amenities
- Circuit pathways
- Outdoor Fitness Equipment
- Associated Picnic Shelters, BBQs and landscaping
- Dog Off Leash Area
- Provision for over 100 car spaces of Bootles Lane

**FERNADELL PARK, PITT TOWN MASTER PLAN** Preferred Option - Illustrative

Hawkesbury City Council **COMPLETE** 1:1000 @A1



Figure 2: Overall Layout Draft – Fernadell Park Masterplan

The Masterplan proposed for public exhibition is attached as Attachment 1 to the report.

The Plan of Management for public exhibition is attached as Attachment 2 to the report.

## COMMUNITY ENGAGEMENT

The issues raised in this report concern matters which constitute a trigger for Community Engagement under Council's Community Engagement Policy. It is proposed that Council undertake the following community engagement process in compliance with Council's Policy:

It is proposed to publicly exhibit the Masterplan and Plan of Management for 42 days, through Council's media platforms including, Council notices, Facebook, HCC Website and notifications to external stakeholders. Submissions will be received by Council through the "Have Your Say" submissions platform.



**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
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**CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2017-2036**

The proposal is consistent with the following Focus Area, Direction and Strategies within the CSP.

Our Assets

**4.3 Places and Spaces - Provide the right places and spaces to serve our community**

- 4.3.1 Provide a variety of quality passive recreation spaces including river foreshores, parks, bushland reserves and civic spaces to enhance our community's health and lifestyle.
- 4.3.2 Provide a variety of quality active recreation spaces including playgrounds, sporting fields, pool, stadium and multipurpose centres to enhance our community's health and lifestyle.
- 4.3.3 Provide a variety of quality shared spaces including meeting spaces accommodating public art, cultural and environmental amenity to enhance our community's health and lifestyle.

**FINANCIAL IMPACT**

Although funding for the preparation of the Masterplan and Plan of Management is provided in the 2020/2021 Operational Plan, the ultimate delivery of works will have financial implications.

The Pitt Town Section 7.11 Plan provides for funding contributions. At this stage as not all development has occurred and therefore not all contributions have been raised, delivery of all works in the draft Masterplan (valued at approximately \$10.5m) is not immediately achievable.

Development on this scale to contemporary requirements will require Council to undertake staged implementation of the Masterplan and to seek grant funding through both Federal and State Government Grant opportunities. Staging Plans will be finalised following adoption of the Masterplan, and these can reflect priorities and inclusion of specific elements in those stages to align with available funding.

**FIT FOR THE FUTURE STRATEGY CONSIDERATIONS**

The proposal is aligned with Council's long term plan to improve and maintain organisational sustainability and achieve Fit for the Future financial benchmarks subject to the availability of contributions and grants for capital works. The proposal will enable Council to continue to provide and maintain service levels to meet established community expectations as budgeted for in the Long-Term Financial Plan subject to the availability of contributions and grants for capital works.

**ATTACHMENTS:**

**AT - 1** Fernadell Park Masterplan – *(Distributed under separate cover)*..

**AT - 2** Fernadell Park Plan of Management – *(Distributed under separate cover)*.

**oooO END OF REPORT Oooo**



**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 11 May 2021**

**SUPPORT SERVICES**

**Item: 091**                      **SS - Attendance by Councillors at Council Meetings and Committee Meetings - (95496)**

**Previous Item:**            82, Ordinary (27 April 2021)

**Directorate:**               Support Services

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**PURPOSE OF THE REPORT:**

The purpose of this report is to recommend the adoption of amended procedures for attendance by Councillors at meetings by audio-visual link, pending the outcome of the consultation process on proposed changes to the Model Code of Meeting Practice.

**EXECUTIVE SUMMARY:**

At its meeting on 27 April 2021, Council resolved as follows:

*“That Council:*

- 1. Adopt Procedures for Attendance by Councillors at Meetings by audio-visual link, attached as Attachment 2 to this report.*
- 2. Endorse Council’s draft submission in response to the Office of Local Government’s Consultation Paper concerning proposed changes to the Model Code of Meeting Practice, attached as Attachment 4 to this report.”*

The submission referred to in Part 2 of the resolution relates to proposed changes to the Model Code of Meeting Practice. Those changes provide a mechanism for Councillors to attend meetings by audio-visual link, provided certain conditions are met, including the giving of notice. The submission endorsed by Council seeks to permit Councillors to give less than seven days’ notice of a request to attend by audio-visual link.

On 31 March 2021 the Local Government (General) Regulation 2005 was amended to exempt councils from having to comply with the personal attendance requirements in codes of meeting practice. This permits Councillors to attend meeting by audio-visual link until changes to the Model Code of Meeting Practice take effect. The Regulation will be in place until 31 December 2021.

The Office of Local Government issued Draft Procedures for attendance by audio-visual link which it suggested councils adopt. At its meeting on 27 April 2021 Council adopted Procedures based on the Draft Procedures. However:

- The adopted Procedures say that seven *business* days’ notice is required for a request to attend by audio-visual link. This is inconsistent with the period for Notices of Motion in Council’s Code of Meeting Practice. The correct period should be seven days.
- There is no provision in the adopted Procedures for providing less than seven days’ notice. This is inconsistent with Council’s submission in response to the Consultation Paper and leaves no provision for giving less than seven days’ notice during the period in which the Regulation applies.

The Procedures attached as attachment 1 to this report have been amended to rectify these issues.



**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 11 May 2021**

**RECOMMENDATION:**

That Council adopt the amended 'Procedures for attendance by Councillors at meetings by audio-visual link', attached as Attachment 1 to this report.

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**BACKGROUND**

The Office of Local Government's Circular of 1 April 2021 '21-02 Temporary exemption from the requirement for councillors to attend meetings in person' (the Circular) discussed proposed amendments to the Model Code of Meeting Practice, and included suggested Draft procedures for councils to facilitate Councillors attending meetings by audio-visual link until the Model Code of Meeting Practice is amended.

Procedures in line with the Office of Local Government Draft Procedures were adopted by Council at the Council Meeting on 27 April 2021.

The Circular also included the March 2021 Consultation Paper 'Remote Attendance by Councillors at Council Meetings'. The Office of Local Government invited councils to provide submissions in response to the Consultation Paper by 3 May 2021. Council's submission generally supports the Office of Local Government's suggested amendments to the Model Code of Meeting Practice. It also captured suggestions made by Councillors at a Councillor Briefing Session including that is flexibility as to the period of notice required to be given by Councillors of a request to attend by audio-visual link.

Council's letter of submission was endorsed by Council at the Council Meeting on 27 April 2021, and the letter was submitted to the Office of Local Government on 30 April 2021.

**DISCUSSION**

The Draft Procedures require requests by Councillors to attend meetings remotely by audio-visual link to be made in writing to the General Manager within a timeframe consistent with the timeframe for lodging notices of motion. In Council's case this would be five business days, or seven days in total, prior to a meeting.

The adopted Procedures include a requirement to provide seven business days' notice of a request to attend a meeting by audio-visual link. This should be seven days in total so as to be consistent with Council's Code of Meeting Practice.

The Consultation Paper proposes the same period of notice of requests to attend meetings by audio-visual link as the draft procedures (referred to as five business days). However, Council's submission to the Office of Local Government supports greater flexibility in the period of notice required to be given by Councillors.

The notice period in the adopted Procedures does not provide that flexibility. Therefore the adopted Procedures have been amended as attached in Attachment 1 to this report.

The amendment is that Council have discretion to approve requests by councillors to attend remotely where those requests are made less than the recommended period of five business days before the meeting, in exceptional circumstances.

Council could consider adopting the amended Procedures, and determine whether the test of exceptional circumstances is appropriate.

**COMMUNITY ENGAGEMENT**

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy.



**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 11 May 2021**

**CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2017-2036**

The proposal is consistent with the following Focus Area, Direction and Strategy within the CSP.

Our Leadership

- 1.5 Regulation and Compliance - Encourage a shared responsibility for effective local compliance.
  - 1.5.1 Undertake Council initiatives within a clear and fair framework of strategic planning, policies, procedures and service standards as required under all regulatory frameworks.
  - 1.5.2 Best practice, sustainability principles, accountability and good governance are incorporated in all activities undertaken by Council.

**FINANCIAL IMPACT**

There are no financial implications applicable to this report.

**FIT FOR THE FUTURE STRATEGY CONSIDERATIONS**

The proposal has no resourcing implications, outside of Council's adopted Long Term Financial Plan.

**ATTACHMENTS:**

- AT - 1** Hawkesbury City Council amended Procedures for attendance by councillors at meetings by audio-visual link.



**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 11 May 2021**

**AT - 1 Hawkesbury City Council amended Procedures for attendance by councillors at meetings by audio-visual link.**

**Procedures for attendance by Councillors  
at meetings by audio-visual link**



**What is an “audio visual link”**

- For the purposes of these procedures, an audio-visual link is a facility that enables audio and visual communication between persons at different places.

**Approval for Councillors to attend meetings by audio visual link**

- The Council and Committees of the Council comprising wholly of Councillors may, in response to a request made by a Councillor, resolve to permit the Councillor to attend one or more meetings of the Council or Committee remotely by audio visual link where it is satisfied that the Councillor will be prevented from attending the meeting/s in person because of illness, disability, caring responsibilities, or such other reason that is acceptable to the council or committee.
- Requests by Councillors to attend meetings remotely by audio-visual link must be made in writing to the General Manager at least seven days before a meeting, and must provide information about the meetings the Councillor will be prevented from attending in person and the reason why the Councillor will be prevented from attending the meeting/s in person.
- In exceptional circumstances, such as a natural disaster, requests by Councillors to attend meetings remotely by audio-visual link may be made in writing to the General Manager less than seven days before a meeting.
- A resolution by the Council or a Committee of the Council permitting a Councillor to attend one or more meetings by audio-visual link must provide the following information:
  - the grounds on which the Councillor is being permitted to attend meetings remotely by audio visual link, but not where those grounds relate to illness, disability or caring responsibilities, and
  - details of the meetings the resolution applies to.
- The Council or Committee of the council may permit more than one Councillor to attend a meeting by audio-visual link but must not permit all Councillors to attend a meeting by audio-visual link.
- A decision to permit a Councillor to attend a meeting remotely by audio-visual link is at the Council's or the Committee's discretion. The council and its Committees must act reasonably when considering requests by Councillors to attend meetings remotely by audio-visual link.
- The Council and its Committees are under no obligation to permit a Councillor to attend a meeting remotely by audio-visual link where the technical capacity does not exist to allow the Councillor to attend a meeting by these means.
- The Council and its Committees may refuse a Councillor's request to attend a meeting remotely by audio-visual link where the Councillor has failed to appropriately declare and manage conflicts of interest, observe confidentiality or comply with the Council's Code of Meeting Practice on one or more previous occasions when they have attended a meeting of the Council or its Committees by audio-visual link.



**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 11 May 2021**



**Attendance by Councillors at meetings by audio visual link**

- Where a Councillor attends a meeting by audio-visual link with the approval of the Council or a Committee of the Council they are to be taken as attending the meeting in person for the purposes of the Council's Code of Meeting Practice and will have the same voting rights as if they were attending the meeting in person.
- The Council's Code of Meeting Practice will apply to a Councillor attending a meeting remotely by audio-visual link, in the same way it would if the Councillor was attending the meeting in person.
- Councillors must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link.
- Councillors must be appropriately dressed when attending meetings by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the Council or the Committee into disrepute.
- Where a Councillor attends a meeting of the Council or a Committee of the Council by audio-visual link, the minutes of the meeting must record that they attended the meeting by audio-visual link.

**Conflicts of interest**

- Councillors attending a meeting by audio-visual link must declare and manage any conflicts of interest they may have in matters being considered at the meeting in accordance with the Council's Code of Conduct.
- Where a Councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the Councillor's audio-visual link to the meeting must be terminated and the Councillor must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the Council or Committee, or at any time during which the Council or Committee is voting on the matter.

**Confidentiality**

- Councillors attending a meeting by audio-visual link must ensure that no other person is within sight or hearing of the meeting at any time that the meeting has been closed to the public under section 10A of the *Local Government Act 1993*.

**Maintenance of order**

- Where a Councillor is attending a meeting by audio-visual link, the chairperson or a person authorised by the chairperson may mute the Councillor's audio link to the meeting for the purposes of enforcing compliance with the Council's Code of Meeting Practice.
- If a Councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson, may terminate the Councillor's audio-visual link to the meeting.

**Compliance with the Health Privacy Principles**

- The Council must comply with the Health Privacy Principles prescribed under the *Health Records and Information Privacy Act 2002* when collecting, holding, using and disclosing health information in connection with a request by a Councillor to attend a meeting remotely by audio-visual link.



ordinary

section 4

reports  
of committees



**ORDINARY MEETING**  
**SECTION 4 – Reports of Committees**  
**Meeting Date: 11 May 2021**



**ORDINARY MEETING**  
**SECTION 4 – Reports of Committees**  
**Meeting Date: 11 May 2021**

**SECTION 4 – Reports of Committees**

**Item: 092**                      **ROC - Audit Committee - 24 February 2021 - (91369, 95496)**

**Directorate:**                Support Services

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**PURPOSE OF THE REPORT:**

The purpose of this report is to present the Minutes of the Audit Committee, held on 24 February 2021.

**EXECUTIVE SUMMARY:**

The Audit Committee considered eight items at its meeting on 24 February 2021.

All Items have no policy or financial implications for Council, and therefore are presented for information only.

**RECOMMENDATION:**

That Council receive and note the Minutes of the Audit Committee Meeting held on 24 February 2021.

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**DISCUSSION**

The Audit Committee met on 24 February 2021 and considered reports on the following matters, as shown in the minutes, attached as Attachment 1 to this report.

- Item: 1        2019/2020 and 2020/2021 Internal Audit Programs Update
- Item: 2        Status of Internal Audit Management Actions
- Item: 3        Customer Service Standards and Complaints Audit Report
- Item: 4        Audit Committee Charter Review
- Item: 5        NSW Audit Office Final Management Letter 2020
- Item: 6        NSW Audit Office Focus Areas for 2020/2021 Audit
- Item: 7        Finance Reports
- Item: 8        Updates to the Enterprise Risk Register

**General Business**

- A.    Public Liability Claim Process
- B.    Condition Assessments of Council Assets
- C.    Council's Policy and Procedures
- D.    Tree - Bells Line of Road, Kurmond
- E.    Risk Officer Position

The above items do not have any policy or financial implications to Council, and therefore, are presented to Council to receive and note.

**Comment**

Item 4, Audit Committee Charter Review was deferred to the next Audit Committee meeting.

**ATTACHMENTS:**

**AT - 1**    Minutes of the Audit Committee meeting held on 24 February 2021.



**ORDINARY MEETING**  
**SECTION 4 – Reports of Committees**  
**Meeting Date: 11 May 2021**

**AT - 1 Minutes of the Audit Committee meeting held on 24 February 2021**

Minutes of the Meeting of the Audit Committee held in Council Committee Rooms, Windsor, on 24 February 2021, commencing at 4:03pm.

**ATTENDANCE**

**Present:** Councillor Paul Rasmussen, Hawkesbury City Council  
 Mr Craig Bennett, Community Representative  
 Ms Ellen Hegarty, Community Representative  
 Ms Nisha Maheshwari, Community Representative (Chairperson)

**Apologies:** Councillor John Ross, Hawkesbury City Council  
 Mr Kenneth Leung, NSW Audit Office

**In Attendance:** Mr Laurie Mifsud, Hawkesbury City Council  
 Ms Emma Galea, Hawkesbury City Council  
 Ms Penelope Corkill, Centium  
 Ms Shirley Huang, Grant Thornton  
 Mr James Winter, Grant Thornton  
 Ms Linda Perrine, Hawkesbury City Council  
 Mr Jeff Organ, Hawkesbury City Council  
 Mr Conrad Webb, Hawkesbury City Council  
 Mr Charles McElroy, Hawkesbury City Council  
 Ms Tracey Easterbrook - Minute Secretary, Hawkesbury City Council

Member	11/9/2019	6/11/2019	4/12/2019	04/3/2020	3/6/2020	26/8/2020	16/9/2020	2/12/2020	24/2/2021
Councillor Paul Rasmussen	A	A	✓	✓	✓	✓	✓	✓	✓
Councillor John Ross	✓	✓	✓	✓	✓	✓	✓	✓	A
Councillor Patrick Conolly (Alternate)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Mr Craig Bennett	✓	✓	✓	A	✓	✓	✓	✓	✓
Ms Ellen Hegarty	✓	A	✓	✓	✓	✓	A	✓	✓
Ms Nisha Maheshwari (Chairperson)	✓	✓	A	✓	✓	✓	✓	✓	✓

**RESOLVED** on the motion of Councillor Paul Rasmussen and seconded by Ms Ellen Hegarty that the apologies be accepted.

Mr Craig Bennett left the meeting at 5:15pm

**DECLARATIONS OF INTERESTS**

There were no Declaration of Interests made.



**ORDINARY MEETING**  
**SECTION 4 – Reports of Committees**  
**Meeting Date: 11 May 2021**

**CONFIRMATION OF MINUTES**

**RESOLVED** on the motion of Ms Ellen Hegarty and seconded by Councillor Paul Rasmussen that the Minutes of the Audit Committee held on the 2 December 2020, be confirmed.

**SECTION 3 - Reports for Determination**

**Item: 1**                      **AC - 2019/2020 and 2020/2021 Internal Audit Programs Update - (91369, 121470, 95496, 79351)**

**Directorate:**              Support Services

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**OFFICER'S RECOMMENDATION:**

That the progress on the 2019/2020 and the 2020/2021 Internal Audit Programs be received and noted.

**DISCUSSION:**

The Acting General Manager provided status updates on the Internal Audit Programs:

**2019/2020**

- DRIVES24 Compliance Audit - Completed.
- The City Planning Applications and Certificates Audit - Completed.
- The Customer Service - Standards and Complaints Audit - Completed, and is in the business paper.

**2020/2021**

- Payroll Audit – Fieldwork completed and draft report has been issued. Final report is scheduled to be presented to the next Audit Committee Meeting in May 2021.
- Internal Audit Function Audit - Terms of Reference are being formulated.
- DRIVES24 Compliance Audit - Scheduled to commence in May 2021. Scheduled completion date of June 2021.

**COMMITTEE RECOMMENDATION:**

**RESOLVED** on the motion of Councillor Paul Rasmussen, seconded by Councillor Mr Craig Bennett.

That the progress on the 2019/2020 and the 2020/2021 Internal Audit Programs be received and noted.

**Item: 2**                      **AC - Status of Internal Audit Management Actions - (91369, 121470, 95496, 79351)**

**Directorate:**              Support Services

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**OFFICER'S RECOMMENDATION:**

That the Audit Committee receive and note the following reports:



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1. Internal Audit Management Actions Status Report as at 3 February 2021, as outlined in Attachment 1 to this report.
2. Incomplete Internal Audit Management Actions Report as at 3 February 2021, as outlined in Attachment 2 to this report.
3. Overdue Extreme/High Risk Internal Audit Management Actions Report, as outlined in Attachment 3 to this report.
4. Request for Due-Date Extension for Internal Audit Management Actions items, as outlined in Attachment 4 to this report.

**DISCUSSION:**

- Nisha Maheshwari requested an explanation as to why items on the Overdue Extreme/High Risk Attachment were not subject to a request for due date extension. The Acting Director Support Services advised that at the time of reporting it was considered that extensions of the due dates were not required.
- Council has identified key staff across the organisation to undertake training in the GIPPA process, to provide backup for the GIPPA Officer, and to assist with clearing the backlog of GIPPA requests. In the interim a secondment from another Council has been approved to provide immediate assistance to clear the backlog of GIPPA requests for a period of three to six months.

**COMMITTEE RECOMMENDATION:**

**RESOLVED** on the motion of Councillor Paul Rasmussen, seconded by Mr Craig Bennett.

That the Audit Committee receive and note the following reports:

1. Internal Audit Management Actions Status Report as at 3 February 2021, as outlined in Attachment 1 to this report.
2. Incomplete Internal Audit Management Actions Report as at 3 February 2021, as outlined in Attachment 2 to this report.
3. Overdue Extreme/High Risk Internal Audit Management Actions Report, as outlined in Attachment 3 to this report.
4. Request for Due-Date Extension for Internal Audit Management Actions items, as outlined in Attachment 4 to this report.

**Item: 3**                      **AC - Customer Service Standards and Complaints Audit Report - (91369, 121470, 95496, 79351)**

**Directorate:**              Support Services

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**OFFICER'S RECOMMENDATION:**

That the Audit Committee receive and note the Customer Service Standards and Complaints Audit Report, attached as Attachment 1 to this report.



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**DISCUSSION:**

- The Acting Director Support Services advised the audit highlighted areas for improvement in regard to:
  - Council Procedures
  - Focus on Social Media
  - Customer Service Training
- Penelope Corkill from Centium provided an overview of the Customer Services Standards and Complaints Audit:
  - A significant number of customer service requests received over this period, with minimal complaints received
  - Senior Management are actively committed to customer service
  - Council's focus improvement areas being policy and procedure frameworks
  - Capturing customer requests in a central location would facilitate better customer service
  - Council is focused on modernising the customer service policy frameworks and reviewing the customer service standard across the organisation
  - Opportunity for training staff on the customer service standards
  - Reporting improvements have been identified for the customer service requests system.
- Craig Bennett enquired as to whether the main concerns of complaints received could be provided. The Acting General Manager advised that the main concerns are regarding timeliness of dealing with actions.
- Ellen Hegarty enquired as to how social media requests are handled. The Acting Director Support Services advised Council has dedicated staff members who monitor and respond to these requests.
- Nisha Maheshwari requested clarification of the difference between "listings and registers" on page 23 of Attachment 1 to this report. Penelope Corkill advised that Council staff could produce lists of complaints but a register was not available.

**COMMITTEE RECOMMENDATION:**

**RESOLVED** on the motion of Mr Craig Bennett, seconded by Councillor Paul Rasmussen.

That the Audit Committee receive and note the Customer Service Standards and Complaints Audit Report, attached as Attachment 1 to this report.

**Item: 4**                      **AC - Audit Committee Charter Review - (95496, 79351, 91369)**

**Directorate:**              General Manager

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**OFFICER'S RECOMMENDATION:**

That the Audit Committee Charter, attached as Attachment 1 to the report, be adopted.

**COMMITTEE RECOMMENDATION:**

**RESOLVED** on the motion of Councillor Paul Rasmussen, seconded by Ms Ellen Hegarty.

That this matter be deferred to the next Audit Committee Meeting.



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**Item: 5**                      **AC - NSW Audit Office Final Management Letter 2020 - (91369, 121470, 95496, 79351)**

**Directorate:**              Support Services

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**OFFICER'S RECOMMENDATION:**

That the information contained with the NSW Audit Office Final Management Letter 2020, attached as Attachment 1 to this report, be received and noted.

**DISCUSSION:**

- The Acting Director Support Services advised that the identified unresolved matter in relation to the Voluntary Planning Agreement Register is currently in progress to be completed.
- James Winter, from Grant Thornton acknowledged the work Council has done in the current year.

**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Councillor Paul Rasmussen, seconded by Ms Ellen Hegarty.

That the information contained with the NSW Audit Office Final Management Letter 2020, attached as Attachment 1 to this report, be received and noted.

**Item: 6**                      **AC - NSW Audit Office Focus Areas for 2020/2021 Audit - (91369, 121470, 95496, 79351)**

**Directorate:**              Support Services

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**OFFICER'S RECOMMENDATION:**

That the information regarding the focus areas for the 2020/2021 annual audit, be noted.

**DISCUSSION:**

- Nisha Maheshwari enquired as to whether AABS16 will be a focus area for the year. The Acting Director Support Services advised that the implementation of AABS16 will be reviewed as part of the audit.
- Nisha Maheshwari questioned if additional resources are required to undertake the audit. The Acting Director Support Services advised the work will be absorbed by Council's current resources.

**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Mr Craig Bennett, seconded by Ms Ellen Hegarty.

That the information regarding the focus areas for the 2020/2021 annual audit, be noted.



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**Item: 7**                      **AC - Finance Reports - (91369, 121470, 95496, 79351)**

**Directorate:**              Support Services

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**OFFICER'S RECOMMENDATION:**

That the Audit Committee receive and note the report on the December 2020 Quarterly Budget Review Statement and the December 2020 Investment Report.

**DISCUSSION:**

The Acting Director Support Services advised the December 2020 Quarterly Budget was not adopted by Council prior to the publication of the Audit Committee agenda. The report was adopted by Council on Tuesday, 22 February 2021, the report and resolution will be circulated to Committee Members.

**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Councillor Paul Rasmussen, seconded by Ms Ellen Hegarty.

That the Audit Committee receive and note the report on the December 2020 Quarterly Budget Review Statement and the December 2020 Investment Report.

**Item: 8**                      **AC - Updates to the Enterprise Risk Register - (91369, 121470, 95496, 79351, 79509)**

**Directorate:**              General Manager

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**OFFICER'S RECOMMENDATION:**

That the updates to the Hawkesbury City Council Enterprise Risk Register be noted.

**DISCUSSION:**

- The Manager Enterprise Risk Systems advised that no risks have been added to Council's Enterprise Risk Register this quarter. Managers are engaging with the register in Pulse and are notified of tasks.
- Nisha Maheshwari enquired if Council has been affected by cyber security recently. The Manager Enterprise Risk Systems advised Council is experiencing activity around phishing emails. Council staff undergoes regular training on cyber security.
- Ellen Hegarty enquired if Council is aware of any cyber security concerns utilising Council's email.

**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Councillor Paul Rasmussen, seconded by Ms Ellen Hegarty.

That the Audit Committee:

1. Note the updates to the Hawkesbury City Council Enterprise Risk Register.
2. Invite Council's Information Services Manager to a future Audit Committee Meeting, to present Council's strategy and security measures in regard to cyber security.



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**SECTION 4 - General Business**

**A. Public Liability Claim Process**

Councillor Rasmussen enquired as to Council's process in regard to public liability claims. The Manager Corporate Services and Governance advised as follows:

- Public Liability claims are received via Council's website, by email or in writing.
- All claims are referred to the relevant Section within Council to see if there is any rectification action required to be taken in respect of any reported hazards.
- The applicant is then contacted by Council staff to discuss their claim. If the applicant wishes to proceed with a Public Liability Claim, it is requested that the Public Liability Claim Form is completed by the applicant, if that has not already been done.
  - There is no admission of liability at this stage.
- Council staff then assess the claim and decide what action is required.
  - Council can dispute the claim.
  - Where liability is disputed and the claim is pressed, the matter is referred to Council's claims managers, Claims Management Australasia.

**B. Condition Assessments of Council Assets**

Councillor Rasmussen enquired in regard to condition assessments of Council assets. The Director Infrastructure Services advised condition assessments are carried out on a regular basis and procedures have been put in place to satisfy requirements of claims should natural disasters occur.

**C. Council's Policy and Procedures**

Councillor Rasmussen enquired as to Council's policy and procedure in regard to sexual assault in the workplace.

- The Acting General Manager confirmed there are policies and procedures in place for staff members to follow to report complaints regarding sexual assault. Council also has an Internal Reporting Policy and provides assistance to staff and family members, through the Employee Assistance Program.

**D. Tree - Bells Line of Road, Kurmond**

Ellen Hegarty enquired in regard to the incident of the fallen tree at Bells Line of Road, Kurmond. The Acting General Manager advised of the processes associated with this incident.

**E. Risk Officer Position**

Councillor Rasmussen enquired in regard to the risk officer position. The Manager Corporate Services and Governance advised the status of the associated vacant position.

The meeting terminated at 5:48pm.

**oooO END OF REPORT Oooo**



ordinary

section 5

notices of motion



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**SECTION 5 – Notices of Motion**

No Notices of Motion.





ordinary  
meeting

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