



# Hawkesbury City Council

## ordinary meeting minutes

date of meeting: 27 July 2021

location: by audio-visual link

time: 6:30 p.m.



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## **ORDINARY MEETING**

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## ORDINARY MEETING

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Minutes of the Ordinary Meeting held by Audio-Visual Link, on 27 July 2021, commencing at 6:30pm.

### Welcome

The Mayor, Councillor Patrick Conolly acknowledged the Indigenous Heritage.

The General Manager addressed the Council Meeting, mentioning:

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

### ATTENDANCE

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

**ALSO PRESENT:** General Manager - Elizabeth Richardson, Director City Planning - Linda Perrine, Director Infrastructure Services - Jeff Organ, Director Support Services - Laurie Mifsud, Chief Financial Officer - Emma Galea, Manager Corporate Communication - Suzanne Stuart, Manager Corporate Services and Governance - Charles McElroy and Administration Support Officer - Jodie Tillinghast.

### APOLOGIES AND LEAVE OF ABSENCE

No apologies for absence were received from Councillors.

Councillor Ross arrived at the meeting at 6:32pm.

### DECLARATIONS OF INTEREST

Councillor Richards declared an interest on Item 149.

### Acknowledgement of Official Visitors to the Council

There were no official visitors to Council.

## SECTION 1 - Confirmation of Minutes

### 192 RESOLUTION:

RESOLVED on the motion of Councillor Zamprogno and seconded by Councillor Rasmussen that the Minutes of the Ordinary Meeting held on 13 July 2021, be confirmed.

## ORDINARY MEETING

Minutes: 27 July 2021

### SECTION 2 – Mayoral Minutes

#### Item: 151                      MM - General Manager Performance Review Process - (79351)

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A PROCEDURAL MOTION was moved by Councillor Ross seconded by Councillor Kotlash.

That Item: 151 - General Manager Performance Review Process be moved into open session.

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

**Against the Motion:**                Councillors Calvert, Kotlash and Zamprogno.

**Absent:**                                  Nil.

A MOTION was moved by the Mayor, Councillor Conolly.

1. The Council agree to engage an external facilitator to assist with the process of performance appraisal and the development of a performance plan for the General Manager.
2. Quotations be sought from suitable external facilitators in accordance with Council's Procurement Policy.
3. The Performance Review Panel select an external facilitator from the quotations received.

An AMENDMENT was moved by Councillor Wheeler, seconded by Councillor Ross

1. The Council agree to engage an external facilitator to assist with the process of performance appraisal and the development of a performance plan for the General Manager.
2. Quotations be sought from suitable external facilitators in accordance with Council's Procurement Policy.
3. The Performance Review Panel select an external facilitator from the quotations received.
4. The General Manager's Performance Review Panel consist of the Mayor, Councillor Conolly, the Deputy Mayor, Councillor Lyons-Buckett, Councillor Rasmussen and a Councillor nominated by the General Manager.

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

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

**Absent:**                                  Nil.

The amendment was lost on the casting vote of the Mayor.

## ORDINARY MEETING

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### MOTION:

RESOLVED on the motion of the Mayor, Councillor Conolly.

### *Refer to RESOLUTION*

### 193 RESOLUTION:

RESOLVED on the motion of the Mayor, Councillor Conolly.

That:

1. The Council agree to engage an external facilitator to assist with the process of performance appraisal and the development of a performance plan for the General Manager.
2. Quotations be sought from suitable external facilitators in accordance with Council's Procurement Policy.
3. The Performance Review Panel select an external facilitator from the quotations received.

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

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

**Absent:** Nil.

## ORDINARY MEETING

Minutes: 27 July 2021

### SECTION 3 – Reports for Determination

#### GENERAL MANAGER

**Item: 139**                      **GM - Western Sydney Regional Organisation of Councils Membership - (79351, 105109)**

**Previous Item:**              NM, Ordinary (12 July 2016)

**Directorate:**                General Manager

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

That Council:

1. Receive and note the information provided in this report regarding Council's membership of WSROC.
2. Discontinue membership in WSROC, provide the required six months' notice of its intention to discontinue and pay the pro rata fee of \$7,667. Council may choose to participate in projects with WSROC for an additional fee.

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

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

**Absent:**                        Nil.

The motion was lost.

#### **MOTION:**

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

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

#### **194 RESOLUTION:**

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

That:

1. Council receive and note the information provided in this report regarding Council's Membership of WSROC.
2. Council write to WSROC to advise we are considering withdrawing our membership on the basis that we are not convinced of the value due to the significant contribution required, to give WSROC the opportunity to respond and look at its financial model and viability.

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

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

**Absent:**                        Nil.



## ORDINARY MEETING

Minutes: 27 July 2021

### INFRASTRUCTURE SERVICES

**Item: 140**                      **IS - Colbee Park Plan of Management and Masterplan - (95495, 79354)**

**Previous Item:**            170, Ordinary (8 September 2020)  
59, Ordinary (30 March 2021)

**Directorate:**                Infrastructure Services

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#### **MOTION:**

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

*Refer to RESOLUTION*

#### **195 RESOLUTION:**

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

That Council:

1. Adopt the Colbee Park Plan of Management and Masterplan attached as Attachments 3 and 4 to the report.
2. Categorise the Community land as detailed in Figure 1 of this report.

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

**Against the Motion:**        Nil.

**Absent:**                        Nil.

## ORDINARY MEETING

Minutes: 27 July 2021

### SUPPORT SERVICES

**Item: 141**                    **SS - Investment Report - June 2021 - (95496)**

**Previous Item:**        97, Ordinary (25 May 2021)

**Directorate:**            Support Services

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#### **MOTION:**

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

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

#### **196 RESOLUTION:**

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

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

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

**Against the Motion:**        Nil.

**Absent:**                      Nil.

## ORDINARY MEETING

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**Item: 142**                      **SS - Proposed Road Closure Part Laws Farm Road adjoining 600 Laws Farm Road, Cumberland Reach - (95496, 112106, 131690, 149830)**

**Previous Item:**              171, Ordinary (8 September 2020)

**Directorate:**                Support Services

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### **MOTION:**

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

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

### **197 RESOLUTION:**

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

That:

1. Council approve the road closure and new road alignment as shown in Attachment 1 to this report, adjoining 600 Laws Farm Road, Cumberland Reach.
2. Authority be given for the Road Acquisition and Road Closure Plans and any documentation in association with the matter to be executed under the Seal of Council.

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

**Against the Motion:**        Nil.

**Absent:**                        Nil.

## ORDINARY MEETING

Minutes: 27 July 2021

**Item: 143**                      **SS - Review of Payment of Expenses and Provisions of Facilities to Councillors Policy - (95496)**

**Previous Item:**            113, Ordinary (15 June 2021)  
                                 133, Ordinary (13 July 2021)

**Directorate:**              Support Services

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

That the Payment of Expenses and Provision of Facilities for Councillors Policy, included as Attachment 1 to the report, with the following amendments to Sections 10 and 11, be placed on public exhibition for a period of at least 28 days, and that the matter be reported back to Council at the conclusion of the exhibition period, along with the submissions received:

1. Section 10.1, first dot point be amended as follows:
  - A shared Councillor office appropriately furnished to include a telephone, photocopier, printer, desk computer terminal (or facility to plug in a laptop computer).
2. Section 11 be amended as follows:
  - 11.1 Council will provide to the Mayor a maintained electric or hybrid vehicle up to the value of the applicable Australian Taxation Office Luxury Car Tax Threshold. For electric vehicle an accessible charging point is to be provided in the Mayor's allocated parking spot. For hybrid vehicle a fuel card may be provided for fuel purchases if required. The vehicle will be supplied for use on business, professional development and attendance at the Mayor's office.
  - 11.2 The Mayor must keep a log book setting out the date, distance and purpose of all travel. This must include any travel for private benefit. The log book must be submitted to council on a monthly basis.
  - 11.3 The mayoral allowance will be reduced to cover the cost of any private travel recorded in the log book, calculated on a per kilometre basis by the rate set by the Local Government (State) Award.
  - 11.4 A parking space at council's offices will be reserved for the mayor's council-issued vehicle for use on official business, professional development and attendance at the mayor's office.
  - 11.5 Council will provide the mayor with a furnished office incorporating a computer configured to council's standard operating environment, telephone and meeting space.
  - 11.6 The services of a suitably qualified and experienced Executive Assistant.
  - 11.7 As per Section 4, staff in the mayor's office are expected to work on official business only, and not for matters of personal or political interest, including campaigning.
  - 11.8 The Mayor will also be provided with the following:
    - Mayoral Chain of Office for official/ceremonial use.
    - Refreshments cabinet located in the Mayoral Office which will be maintained and stocked by Council.
    - Provision of tea, coffee and refreshments to the Mayor when fulfilling his/her Mayoral duties, as required.
    - An appropriate diary, in hardcopy to assist in the conduct of civic duties.
    - Presentations gifts eg. Ties, scarves, books etc., for own use and presentations as appropriate.

## ORDINARY MEETING

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An AMENDMENT was moved by Councillor Zamprogno, seconded by Councillor Kotlash.

That the Payment of Expenses and Provision of Facilities to Councillors Policy, included as Attachment 1 to the report, be placed on public exhibition for a period of at least 28 days, and that the matter be reported back to Council at the conclusion of the exhibition period, along with any submissions received.

**For the Amendment:** Councillors Conolly, Calvert, Kotlash, Richards, Ross, Tree and Zamprogno.

**Against the Amendment:** Councillors Lyons-Buckett, Garrow, Rasmussen, Reynolds and Wheeler.

**Absent:** Nil.

### MOTION:

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

### *Refer to RESOLUTION*

### 198 RESOLUTION:

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

That the Payment of Expenses and Provision of Facilities to Councillors Policy, included as Attachment 1 to the report, be placed on public exhibition for a period of at least 28 days, and that the matter be reported back to Council at the conclusion of the exhibition period, along with any submissions received.

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

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

**Absent:** Nil.

## ORDINARY MEETING

Minutes: 27 July 2021

### SECTION 4 – Reports of Committees

Item: 144                      ROC - Environment Committee - 6 July 2021 - (151938, 95498)

Directorate:                City Planning

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#### MOTION:

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

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

#### 199 RESOLUTION:

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

That in relation to the Minutes of the Environment Committee Meeting held on 6 July 2021:

1. Council endorse the Committee Recommendation in respect of Item 1, namely:

*“That the Environment Committee receive a report characterising our natural environment. The report may include sub catchments, and should include a desktop analysis of our natural environment, including considerations such as:*

- *Koala habitat (SEPP)*
- *High-risk weed pathways*
- *Ecological endangered communities*
- *Biodiversity offset sites*
- *Riparian vegetation*
- *Remnant native vegetation*
- *Stormwater infrastructure*
- *Wetlands*
- *Platypus habitat*
- *Environmental groups*
- *Bushcare sites*
- *Frogwatch groups*
- *Bird watchers*
- *Indian Myna eradication sites*
- *Bee programs*
- *Natural environment monitoring by other agencies*
- *Zero litter to oceans work.”*

2. Council endorse the Committee Recommendations in respect of Item 2, namely:

*“That this item be deferred to the next Environment Committee Meeting to allow Council staff to consult the community on this matter as per the resolution from the 13 April 2021 Meeting, namely:*

- a) *What Council might have the capacity to do in the future to prevent litter going into our rivers and oceans.*
- b) *What future opportunities Council might have to partner with others to combat this problem.”*

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

**Against the Motion:** Nil.

**Absent:** Nil.

**ORDINARY MEETING**

**Minutes:** 27 July 2021

**Item: 145**                      **ROC - Local Traffic Committee - 12 July 2021 - (80245, 95495)**

**Directorate:**                Infrastructure Services

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**MOTION:**

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

***Refer to RESOLUTION***

**200 RESOLUTION:**

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

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

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

**Against the Motion:**           Nil.

**Absent:**                            Nil.



## ORDINARY MEETING

Minutes: 27 July 2021

### SECTION 5 – Notices of Motion

Item: 146                      NM1 - COVID-19 Vaccinations - (79351, 125612, 138882)

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#### MOTION:

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

*Refer to RESOLUTION*

#### 201 RESOLUTION:

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

That Council commit to Australia's vaccine rollout program by:

1. Contacting the relevant authority to offer the use of Council facilities for vaccination centres;
2. Investigating the provision of vaccines to Council staff in a similar way as delivery of the annual flu vaccine; and
3. Ensure all Council staff are aware that they are entitled to special leave under Clause 12 of the Local Government (COVID-19) Splinter (Interim Award) 2021 and do not need to take sick or annual leave to attend a vaccination clinic.

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

**Against the Motion:** Nil.

**Absent:** Nil.

The Mayor adjourned the meeting at 9:18pm for a short break.

The meeting resumed at 9:25pm

## ORDINARY MEETING

Minutes: 27 July 2021

Item: 147

NM2 - Better Weed Management Model (79351, 138881)

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### MOTION:

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

*Refer to RESOLUTION*

### 202 RESOLUTION:

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

That Council:

1. Write to the NSW Minister for Agriculture and Western New South Wales, the Hon.Adam Marshall, MP and to the General Managers of the three other constituent Councils that make up the Hawkesbury River County Council (HRCC) (Penrith, The Hills and Blacktown councils) requesting:
  - a) A meeting to start a cooperative dialogue to investigate the establishment of a better weed management model (see below for proposed new model).
  - b) Some funds, in the order of \$15,000 from each council, be put towards engaging an independent consultant to review, make recommendations and produce a solid business case for a new more efficient weed management model.
2. Receive a report following initial response from all parties that also includes recommendations on how this matter may then be progressed.

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

**Against the Motion:** Councillors Ross and Zamprogno.

**Absent:** Nil.

## **ORDINARY MEETING**

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### **QUESTIONS FOR NEXT MEETING**

**Item: 148**

**Response to Councillor Question Taken On Notice at the Council Meeting - 13 July 2021 - (79351)**

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An additional question was asked concerning the age of the 23 retrospective Development Applications to be determined, which was taken on notice and will be answered in the Business Paper for the next Council Meeting.

## ORDINARY MEETING

Minutes: 27 July 2021

### CONFIDENTIAL REPORTS

#### 203 RESOLUTION:

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

That:

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

**Item: 149      SS - Lease to Josephine Saliba - 264 Hawkesbury Valley Way, Richmond - (95495, 112106, 33449, 137013) CONFIDENTIAL**

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it relates to details concerning the leasing of a Council property and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the Council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

**Item: 150      GM - Property Matter Investigation Outcome - (79351) CONFIDENTIAL**

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

2. In accordance with the provisions of Section 11(2) & (3) of the Local Government Act, 1993 the reports, correspondence and other relevant documentation relating to these matters be withheld from the Press and public.

#### 204 RESOLUTION:

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

## ORDINARY MEETING

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**Item: 149**                      **SS - Lease to Josephine Saliba - 264 Hawkesbury Valley Way, Richmond - (95495, 112106, 33449, 137013) CONFIDENTIAL**

**Directorate:**                      Support Services

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Councillor Richards declared a less than significant non-pecuniary conflict of interest in this matter as she has promoted the proposed Lessee's business, but has no interest in that business and is not a personal friend and no further action is required.

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### **MOTION:**

The General Manager advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Zamprogno, seconded by Councillor Kotlash.

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

### **205 RESOLUTION:**

The General Manager advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Zamprogno, seconded by Councillor Kotlash.

That:

1. Council agree to enter into a lease with Josephine Saliba for the property known as 264 Hawkesbury Valley Way, Richmond, as outlined in the report.
2. In conjunction with part 1. above, Council agree to surrender the current lease with Anthony Riley for the property known as 264 Hawkesbury Valley Way, Richmond, as outlined in the report.
3. Authority be given for the Lease, Surrender of Lease and any other relevant documentation in association with this matter to be executed under the Seal of Council.
4. Details of Council's resolution be conveyed to the current and proposed Lessees, together with the advice that Council, is not and will not, be bound by the terms of its resolution, until such time as appropriate legal documentation to put such a resolution into effect has been agreed to and executed by all parties.

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

**Against the Motion:**                      Nil.

**Absent:**                                      Nil.

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**Item: 150**                      **GM - Property Matter Investigation Outcome - (79351) CONFIDENTIAL**

**Previous Item:**            259, Ordinary (8 December 2020)  
88, Ordinary (27 April 2021)

**Directorate:**              General Manager

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### **MOTION:**

The General Manager advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Zamprogno, seconded by Councillor Rasmussen.

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

### **206 RESOLUTION:**

The General Manager advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Zamprogno, seconded by Councillor Rasmussen.

That:

1. The investigation report regarding Kurrajong Memorial Park, prepared by Robert Ball, Blackadder Associates Pty Ltd, and attached as Attachment 1 to this report, be received and noted.
2. Management responses to the recommendations, and proposed actions detailed in the report attached as Attachment 1 to this report be received and noted.
3. The report be provided to the Audit Committee for information

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

**Against the Motion:**      Nil.

**Absent:**                      Nil.

The meeting terminated at 11:58pm.

Submitted to and confirmed at the Ordinary meeting held on 10 August 2021.

.....  
Mayor