



ORDINARY MEETING

Date of meeting: 10 October 2023
Location: Council Chambers
Time: 6:30 PM

MINUTES

ORDINARY MEETING

Table of Contents

Meeting Date: 10 October 2023

Table of Contents

1. PROCEDURAL MATTERS 5

2. CONFIRMATION OF MINUTES 6

4. REPORTS FOR DETERMINATION 7

 4.1. PLANNING DECISIONS..... 7

 4.1.1.CP - LEP003/23 - 7 and 9 Fitzgerald Street, Windsor - Post Exhibition Report (124414).... 7

 4.1.2.CP - LEP002/22 - 4 Hall Street, Pitt Town - Post Exhibition Report (124414, 82413) 8

 4.2. GENERAL MANAGER..... 9

 4.2.1.GM - Six Monthly Progress Report - 2022/2023 Operational Plan - (79351,159586) 9

 4.3. CITY PLANNING 10

 4.3.1.CP - South Windsor Shop Fronts and Facades Report - (95498, 147666) 10

 4.3.2.CP - Local Heritage Assistance Fund 2023/2024 - (95498, 124414, 80242) 11

 4.4. CORPORATE SERVICES 13

 4.4.1.CS - Investment Report - August 2023 - (95496, 96332) 13

 4.4.2.CS - Financial Statements for the year ended 30 June 2023 - (95496, 96332) 14

 4.4.3.CS - Fraud and Corruption Prevention Policy - (95496, 96333) 15

 4.4.4.CS - Disclosure of Pecuniary Interests and Other Matters Returns - (95496)..... 16

 4.5. INFRASTRUCTURE SERVICES..... 17

 4.5.1. IS - Kangaroo and Driver Safety on The Driftway - (95495, 159579) 17

5. REPORTS OF COMMITTEES..... 19

 5.1.1 ROC - Local Traffic Committee - 11 September 2023 - (95495, 80245)..... 19

7. QUESTIONS FOR NEXT MEETING 20

8. CONFIDENTIAL REPORTS 21

 8.1.1. MM – Staff Matter – (125610) 22

ORDINARY MEETING

Table of Contents

Meeting Date: 10 October 2023

ORDINARY MEETING

1. PROCEDURAL MATTERS

Meeting Date: 10 October 2023

1. PROCEDURAL MATTERS

Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on 10 October 2023, commencing at 6:30pm.

Welcome

The Mayor, Councillor Sarah McMahon acknowledged the Indigenous Heritage.

The General Manager addressed the Council Meeting, mentioning:

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

ATTENDANCE

PRESENT: Councillor Sarah McMahon, Mayor, Councillor Barry Calvert, Deputy Mayor and Councillors Patrick Conolly, Shane Djuric, Eddie Dogramaci, Amanda Kotlash, Mary Lyons-Buckett, Jill Reardon, Les Sheather, Paul Veigel, Danielle Wheeler and Nathan Zamprogno.

ALSO PRESENT: General Manager - Elizabeth Richardson, Director City Planning - Meagan Ang, Director Infrastructure Services - Will Barton, Director Corporate Services - Laurie Mifsud, Chief Financial Officer - Vanessa Browning, Manager Corporate Communications and Events - Suzanne Stuart, Manager Strategic Planning - Andrew Kearns, Manager Governance - Charles McElroy and Council Committee Officer – Amy Birks.

APOLOGIES AND LEAVE OF ABSENCE OR ATTENDANCE BY AUDIO-VISUAL LINK

There were no apologies or leave of absences received from Councillors.

Councillor Wheeler arrived at the meeting at 6:33pm.

DECLARATIONS OF INTEREST

Councillor Conolly declared an interest on Item 4.3.2.

Councillor McMahon declared interests on Items 4.3.1 and 4.3.2.

Councillor Sheather declared interests on Items 4.3.1 and 5.1.1.

Acknowledgement of Official Visitors to the Council

There were no official visitors to Council.

ORDINARY MEETING

2. CONFIRMATION OF MINUTES

Meeting Date: 10 October 2023

2. CONFIRMATION OF MINUTES

163 RESOLUTION:

RESOLVED on the motion of Councillor Reardon, seconded by Councillor Veigel that the minutes of the Ordinary Meeting held on 12 September 2023, be confirmed.

ADJOURMENT OF MEETING

The Mayor, Councillor McMahon adjourned the meeting at 9:01pm for a short break. The meeting resumed at 9:10pm.

ORDINARY MEETING

4. REPORTS FOR DETERMINATION

Meeting Date: 10 October 2023

4. REPORTS FOR DETERMINATION

4.1. PLANNING DECISIONS

4.1.1. CP - LEP003/23 - 7 and 9 Fitzgerald Street, Windsor - Post Exhibition Report (124414)

Directorate: City Planning

MOTION:

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

Refer to RESOLUTION

164 RESOLUTION:

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

That Council:

1. Notes the outcome of public agency consultation and public exhibition of Planning Proposal LEP003/23, 7 and 9 Fitzgerald Street, Windsor.
2. Supports the making of the proposed amendment to the Hawkesbury Local Environmental Plan 2012, which seeks to:-
 - a) Rezone 7 and 9 Fitzgerald Street, Windsor from SP2 Infrastructure to E2 Commercial Centre, and;
 - b) Introduce a height of building control of 10 metres.
3. Prepares and forwards the draft instruments associated with the Hawkesbury Local Environmental Plan 2012 amendment to the Department of Planning and Environment.
4. Upon receiving confirmation from the Department of Planning and Environment that the Hawkesbury Local Environmental Plan 2012 amendment can be made, Council request notification of the Hawkesbury Local Environmental Plan 2012 amendment on the NSW Legislation website to give affect to the amendment.

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 McMahon, Calvert, Conolly, Djuric, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

Against the Motion: Nil.

Absent: Nil.

ORDINARY MEETING

4. REPORTS FOR DETERMINATION

Meeting Date: 10 October 2023

4.1.2. CP - LEP002/22 - 4 Hall Street, Pitt Town - Post Exhibition Report (124414, 82413)

Previous Item: 153, Ordinary (13 September 2022)
4.1.1, Ordinary (12 September 2023)

Directorate: City Planning

Mr Christian Pollock addressed Council, speaking for the recommendation in the business paper.

MOTION:

RESOLVED on the motion of Councillor Reardon, seconded by Councillor Sheather.

Refer to RESOLUTION

165 RESOLUTION:

RESOLVED on the motion of Councillor Reardon, seconded by Councillor Sheather.

That Council:

1. Notes the outcome of public agency consultation and public exhibition of Planning Proposal LEP002/22, 4 Hall Street, Pitt Town.
2. Supports the making of the Local Environmental Plan (LEP002/22) to:
 - a) Rezone 4 Hall Street, Pitt Town to R5 Large Lot Residential
 - b) Introduce a minimum lot size control of 4,000m²
 - c) Introduce a height of building control of 10 metres.
3. Notes that the Planning Proposal and supporting information will be forwarded to the Department of Planning and Environment for a final determination.

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, Djuric, Dogramaci, McMahon, Reardon, Sheather and Veigel.

Against the Motion: Councillors Calvert, Kotlash, Lyons-Buckett, Wheeler and Zamprogno

Absent: Nil.

ORDINARY MEETING

4. REPORTS FOR DETERMINATION

Meeting Date: 10 October 2023

4.2. GENERAL MANAGER

4.2.1. GM - Six Monthly Progress Report - 2022/2023 Operational Plan - (79351,159586)

Previous Item: 4.2.1, Ordinary (18 April 2023)

Directorate: General Manager

MOTION:

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

Refer to RESOLUTION

166 RESOLUTION:

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

That Council receive and note the Six Monthly Progress Report for period 1 January 2023 to 30 June 2023, on the 2022/2023 Operational Plan.

For the Motion: Councillors McMahon, Calvert, Djuric, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

Against the Motion: Nil.

Absent: Councillor Conolly.

ORDINARY MEETING

4. REPORTS FOR DETERMINATION

Meeting Date: 10 October 2023

4.3. CITY PLANNING

4.3.1. CP - South Windsor Shop Fronts and Facades Report - (95498, 147666)

Directorate: City Planning

Councillor McMahon declared a pecuniary interest in this matter as this report discusses potential funding from Windsor RSL, of which she is a current paid Director. She left the Chamber and did not take part in voting or discussion on the matter.

Councillor Sheather declared a significant non-pecuniary conflict of interest in this matter as he is a Director of Windsor RSL. He left the Chamber and did not take part in voting or discussion on the matter.

In the absence of the Mayor, Councillor McMahon, the Deputy Mayor, Councillor Calvert in accordance of Section 369 (1) of the Local Government Act 1933, acted as Chairperson.

MOTION:

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

Refer to RESOLUTION

167 RESOLUTION:

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

That Council:

1. Endorse the Draft Shop Fronts and Facades Improvement Guidelines attached as Attachment 1 to this report.
2. Nominate Option 2 – Expand Windsor Mall Scheme from Thompson Square to South Windsor - as its preferred option to pilot a small grants program to encourage improvements to Shop Fronts and Facades in Windsor and South Windsor.

For the Motion: Councillors Calvert, Conolly, Djuric, Kotlash, Lyons-Buckett, Reardon, Veigel, Wheeler and Zamprogno.

Against the Motion: Councillor Dogramaci.

Absent: Councillors McMahon and Sheather.

The Mayor, Councillor McMahon, resumed the Chair.

ORDINARY MEETING

4. REPORTS FOR DETERMINATION

Meeting Date: 10 October 2023

4.3.2. CP - Local Heritage Assistance Fund 2023/2024 - (95498, 124414, 80242)

Directorate: City Planning

Councillor McMahon declared a significant non-pecuniary conflict of interest in this matter as a relative of her partner is a proposed recipient of funding. She left the Chamber and did not take part in voting or discussion on the matter.

Councillor Conolly declared a significant non-pecuniary conflict of interest in this matter as one of his clients is an applicant for an application being considered. He left the Chamber and did not take part in voting or discussion on the matter.

In the absence of the Mayor, Councillor McMahon, the Deputy Mayor, Councillor Calvert in accordance of Section 369 (1) of the Local Government Act 1933, acted as Chairperson.

MOTION:

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

Refer to RESOLUTION

168 RESOLUTION:

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

That Council:

1. Approve grant funding under Section 356 of the Local Government Act 1993 for each of the following 30 successful applicants under the terms of the Local Heritage Assistance Fund 2023/2024:

Heritage Property	Funding
"Windsor Cottage" 267 George Street, Windsor	\$2,000
4 Catherine Street, Windsor	\$2,000
21 Fairfield Avenue, Windsor	\$2,000
1202 Settlers Road, Central Macdonald	\$2,000
14 Hall Street, Pitt Town	\$2,000
108 Pitt Town Ferry Road, Wilberforce	\$2,000
101 Old Bells Line of Road, Kurrajong	\$2,000
816 Grose Vale Road, Grose Vale	\$2,000
8 Mileham Street, Windsor	\$968
283 George Street, Windsor	\$2,000
166A George Street, Windsor	\$2,000
104 Bathurst Street, Pitt Town	\$2,000
29 Fitzgerald Street, Windsor	\$1,110
104 Lennox Street, Richmond	\$2,000
100 The Terrace, Windsor	\$2,000

ORDINARY MEETING

4. REPORTS FOR DETERMINATION

Meeting Date: 10 October 2023

96 Pitt Town Road, McGraths Hill	\$2,000
61 Francis Street, Richmond	\$2,000
4 Little Church Street, Windsor	\$2,000
26 West Market Street, Richmond	\$2,000
5 Putty Road, Wilberforce	\$1,701
1 Moses Street, Windsor	\$2,000
117 George Street, Windsor	\$2,000
135A and 135B Wollombi Road, St Albans	\$2,000
335 Windsor Street, Richmond	\$550
110 Bathurst Street, Pitt Town	\$2,000
"Longford" 38 Eldon Street, Pitt Town	\$2,000
9 Chapel Street, Richmond	\$2,000
"Lindfield House" 94 The Terrace, Windsor	\$2,000
2/16 Charles Street, North Richmond	\$500
15 Brabyn Street, Windsor	\$2,000
TOTAL	\$54,829

2. Approve execution of an Agreement which includes the provisions for acceptance of the offer of funding and any special conditions relating to each project, including recognition of the grant funding program and the funding contributors.
3. Approve that the grant amount as detailed in this report will be forwarded to each applicant following an inspection by authorised officers that confirms that work has been carried out in accordance with the Agreement.
4. Look to significantly increase the amount of funding for the Local Heritage Assistance Fund in the 2024/2025 Operational Plan and from State Government funding.

For the Motion: Councillors Calvert, Djuric, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

Against the Motion: Nil.

Absent: Councillors McMahon and Conolly.

The Mayor, Councillor McMahon, resumed the Chair.

ORDINARY MEETING

4. REPORTS FOR DETERMINATION

Meeting Date: 10 October 2023

4.4. CORPORATE SERVICES

4.4.1. CS - Investment Report - August 2023 - (95496, 96332)

Directorate: City Planning

MOTION:

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

Refer to RESOLUTION

169 RESOLUTION:

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

That the Monthly Investment Report for August 2023 be received and noted.

For the Motion: Councillors McMahon, Calvert, Djuric, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

Against the Motion: Nil.

Absent: Councillor Conolly.

ORDINARY MEETING

4. REPORTS FOR DETERMINATION

Meeting Date: 10 October 2023

4.4.2. CS - Financial Statements for the year ended 30 June 2023 - (95496, 96332)

Directorate: Corporate Services

MOTION:

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

Refer to RESOLUTION

170 RESOLUTION:

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

That:

1. Council note the following Statement in respect of Section 413(2)(c) of the Local Government Act 1993 as to its Annual Financial Statements:
 - a) Council's Annual Financial Statements for 2022/2023 have been drawn up in accordance with:
 - (i) The Local Government Act 1993 (NSW) (as amended) and the Regulations made thereunder;
 - (ii) The Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board; and
 - (iii) The Local Government Code of Accounting Practice and Financial Reporting.
 - b) The Statements present fairly the Council's financial position and operating result for the year.
 - c) The Statements are in accordance with the Council's accounting and other records.
 - d) The signatories do not know of anything that would make these Statements false or misleading in any way.
2. Council sign the "Statements by Councillors and Management". The Statements are to be signed by the Mayor, Deputy Mayor, General Manager, and the Responsible Accounting Officer.
3. Council note the endorsement made by the Audit and Risk Improvement Committee to submit the Financial Statements to Council.
4. Council seek a presentation from the NSW Audit Office, or its representative, at a Council Meeting following the completion of the audit.

For the Motion: Councillors McMahon, Calvert, Djuric, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

Against the Motion: Nil.

Absent: Councillor Conolly.

ORDINARY MEETING

4. REPORTS FOR DETERMINATION

Meeting Date: 10 October 2023

4.4.3. CS - Fraud and Corruption Prevention Policy - (95496, 96333)

Previous Item: 232, Ordinary (12 December 2017)

Directorate: Corporate Services

MOTION:

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

Refer to RESOLUTION

171 RESOLUTION:

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

That:

1. The Draft Fraud and Corruption Prevention Policy, attached as Attachment 1 to this report, be placed on public exhibition for 28 days.
2. At the expiration of the public exhibition period, the following action be taken:
 - a) Should any submissions be received, a further report be submitted to Council, or
 - b) Should no submissions be received, Council adopt the Fraud and Corruption Prevention Policy, attached as Attachment 1 to this report.

For the Motion: Councillors McMahon, Calvert, Djuric, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

Against the Motion: Nil.

Absent: Councillor Conolly.

ORDINARY MEETING
4. REPORTS FOR DETERMINATION

Meeting Date: 10 October 2023

4.4.4. CS - Disclosure of Pecuniary Interests and Other Matters Returns - (95496)

Directorate: Corporate Services

MOTION:

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

Refer to RESOLUTION

172 RESOLUTION:

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

That Council note that the Disclosures of Pecuniary Interests and Other Matters Returns, lodged with the General Manager, have been tabled.

For the Motion: Councillors McMahon, Calvert, Djuric, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

Against the Motion: Nil.

Absent: Councillor Conolly.

ORDINARY MEETING

4. REPORTS FOR DETERMINATION

Meeting Date: 10 October 2023

4.5. INFRASTRUCTURE SERVICES

4.5.1 IS - Kangaroo and Driver Safety on The Driftway - (95495, 159579)

Previous Item: 3.1.1, Ordinary (11 July 2023)

Directorate: Infrastructure Service

Dr Anne Marks addressed Council, speaking for the recommendation in the business paper.

MOTION:

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

That Council:

1. Install Kangaroo warning signage along The Driftway.
2. Progress painted road markings on the road surface to the Local Traffic Committee for The Driftway.
3. Staff liaise with WIRES and TfNSW on the prospect of a targeted approach to reducing kangaroo mortality on The Driftway, Londonderry Road and Castlereagh Road.

Councillor Connolly withdrew his motion.

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

Refer to RESOLUTION

173 RESOLUTION:

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

That Council:

1. Install Kangaroo warning signage along The Driftway.
 2. Progress painted road markings on the road surface to the Local Traffic Committee for The Driftway.
 3. Staff liaise with WIRES and TfNSW on the prospect of a targeted approach to reducing kangaroo mortality on The Driftway, Londonderry Road and Castlereagh Road, including to request an investigation into the reduction of speed limits from 80km/h to 60km/h and grant funding for electronic signage.
 4. Work with WIRES to publicly distribute information about the prevention and treating of wildlife accidents on roads.
 5. Seek funding for electronic signage through Council's internal Quarterly Budget Review process.
-

ORDINARY MEETING

4. REPORTS FOR DETERMINATION

Meeting Date: 10 October 2023

For the Motion: Councillors McMahon, Calvert, Djuric, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

Against the Motion: Councillor Conolly.

Absent: Nil.

ORDINARY MEETING

5. REPORTS OF COMMITTEES

Meeting Date: 10 October 2023

5. REPORTS OF COMMITTEES

5.1.1 ROC - Local Traffic Committee - 11 September 2023 - (95495, 80245)

Councillor Sheather declared a significant non-pecuniary conflict of interest in this matter as he is on the Bridge to Bridge Committee and the finish organiser. He left the Chamber and did not take part in voting or discussion on the matter.

Ms Jennifer Hogan, Ms Jacqueline Leal and Ms Louise Ross addressed Council, speaking against the recommendation in the business paper.

MOTION:

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

Refer to RESOLUTION

174 RESOLUTION:

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

That:

1. Council adopt the recommendations contained in the minutes of the Hawkesbury City Council Local Traffic Committee meeting held on 11 September 2023 other than for Item 4.1.2.
2. Item 4.1.2 regarding Proposed Traffic Calming Road Safety Treatments along Francis Street, Richmond be referred to a Councillor Briefing Session and then reported back to a Council Meeting.

For the Motion: Councillors McMahon, Calvert, Conolly, Djuric, Kotlash, Lyons-Buckett, Reardon, Veigel, Wheeler and Zamprogno.

Against the Motion: Councillor Dogramaci.

Absent: Councillor Sheather.

ORDINARY MEETING

7. QUESTIONS FOR NEXT MEETING

Meeting Date: 10 October 2023

7. QUESTIONS FOR NEXT MEETING

**7.1.1 Responses to Councillor Questions Taken on Notice at the Council Meeting -
12 September 2023**

Comments were provided to answers to Questions Taken on Notice at the Council Meeting on 12 September 2023.

ORDINARY MEETING

8. CONFIDENTIAL REPORTS

Meeting Date: 10 October 2023

8. CONFIDENTIAL REPORTS

175 RESOLUTION:

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

That:

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

Item: 8.1.1 MM – Staff Matter – (125610)

*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.

176 RESOLUTION:

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Reardon that open meeting be resumed.

ORDINARY MEETING
8. CONFIDENTIAL REPORTS
Meeting Date: 10 October 2023

8.1 MAYORAL MINUTE

8.1.1 MM – Staff Matter – (125610)

MOTION:

The Mayor, Councillor McMahon advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Conolly, seconded by Councillor Reardon .

Refer to RESOLUTION

177 RESOLUTION:

The Mayor, Councillor McMahon advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Conolly , seconded by Councillor Reardon.

That the Mayoral Minute regarding the General Manager's Performance Review for 2022/2023 by the General Manager's Performance Review Panel be received and noted.

NOTE:

The General Manager's Performance Review Panel agreed and recommended as follows:

1. In accordance with Clause 8.3 of the Standard Contract of Employment, General Managers of Local Government in NSW and the Guidelines for the Appointment and Oversight of General Managers, a discretionary increase of 5% be awarded to the General Manager's total remuneration package in recognition of:
 - a) Their performance and the results achieved for the period
 - b) Market remuneration rates in like sized councils, and
 - c) The absence of there being a CPI adjustment awarded this year by the Statutory and Other Officers Remuneration Tribunal (SOORT)
2. The discretionary increase is to take effect from the General Managers most recent anniversary date, being the 1st June 2023.
3. The Panel, General Manager and Facilitator are to develop a draft performance agreement for the coming year, for review and adoption by all Councillors.

For the Motion: Councillors McMahon, Calvert, Conolly, Djuric, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

Against the Motion: Nil.

Absent: Nil.

ORDINARY MEETING
8. CONFIDENTIAL REPORTS
Meeting Date: 10 October 2023

Meeting terminated at 10:06pm.

Submitted to and confirmed at the Ordinary meeting on 21 November 2023.

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Mayor



Ordinary Meeting

End of Minutes

This business paper has been produced electronically to reduce costs, improve efficiency and reduce the use of paper. Internal control systems ensure it is an accurate reproduction of Council's official copy of the business paper.