



Hawkesbury City Council

ordinary meeting minutes

date of meeting: 15 June 2021

location: council chambers

and by audio-visual link

time: 6:30 p.m.

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor and by Audio-Visual Link, on 15 June 2021, commencing at 6:30pm.

Welcome

The Mayor, Councillor Patrick Conolly 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:

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, Tiffany Tree, Danielle Wheeler and Nathan Zamprogno.

By Audio-Visual Link: Councillor Paul Rasmussen.

ALSO PRESENT:

At Council Chambers: General Manager - Elizabeth Richardson, Director City Planning - Linda Perrine, Director Infrastructure Services - Jeff Organ, Director Support Services - Laurie Mifsud, Acting Chief Financial Officer - Vanessa Browning, Strategic Planning Manager - Andrew Kearns, Manager Corporate Communication - Suzanne Stuart, Acting Manager Property and Strategy - Linda Hewitt, Manager Corporate Services and Governance - Charles McElroy and Administrative Support Coordinator - Tracey Easterbrook.

APOLOGIES AND LEAVE OF ABSENCE

No apologies for absence were received from Councillors.

The 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 15 June 2021 by audio-visual link.

DECLARATIONS OF INTEREST

There were no Declarations of Interest made.

Acknowledgement of Official Visitors to the Council

There were no official visitors to Council.

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SECTION 1 - Confirmation of Minutes

153 RESOLUTION:

RESOLVED on the motion of Councillor Lyons-Buckett and seconded by Councillor Zamprogno that the Minutes of the Ordinary Meeting held on the 8 June 2021, be confirmed.

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SECTION 3 – Reports for Determination

PLANNING DECISIONS

Item: 109 CP - Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012 from RU4 Primary Production Small Lots to IN1 General Industrial - 27 Park Road, Vineyard and 41 Park Road, Mulgrave - (95498, 144940, 124414)

Previous Item: 269, Ordinary (13 November 2018)

Directorate: City Planning

MOTION:

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

Refer to RESOLUTION

154 RESOLUTION:

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

That Council:

1. Receive and note the outcome of consultation on the Planning Proposal and supporting documentation for 27 Park Road, Vineyard and 41 Park Road, Mulgrave.
2. Proceed with the making of the plan to amend the Hawkesbury Local Environmental Plan 2012 to allow development of 27 Park Road, Vineyard and 41 Park Road, Mulgrave for general industrial purposes as follows:
 - a) Amend the Land Zoning Map to change the current RU4 Primary Production Small Lots zoning of the subject site to IN1 General Industrial.
 - b) Amend the Height of Buildings Map to remove the current 10m maximum permissible height provision currently applying to the subject site.
 - c) Amend the Lot Size Map to remove the current 2ha minimum lot size provision currently applying to the subject site.
3. Submit the adopted Land Zoning, Height of Buildings and Lot Size Maps and supporting planning documentation to the Department of Planning, Industry and Environment for preparation and finalisation of a draft Instrument to give effect to the Planning Proposal.
4. Adopt and make the proposed amendment to the Hawkesbury Local Environmental Plan 2012 as outlined in this report, under the authorisation for Council to exercise delegation issued by the "Gateway" determination, upon receipt of the final Instrument from the Department of Planning, Industry and Environment.
5. Following the making of the plan advise the Department of Planning, Industry and Environment that the Plan has been made and request notification of the Plan on the NSW Legislation website.

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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, Tree and Zamprogno.

Against the Motion: Councillors Ross and Wheeler.

Absent: Nil.

SUPPORT SERVICES

Item: 110 **SS - Pecuniary Interest Return - Designated Person - (95496, 96333)**

Directorate: Support Services

MOTION:

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

Refer to RESOLUTION

155 RESOLUTION:

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

That the Clause 4.21(a) Pecuniary Interest Return be received and noted.

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: 111 **SS - Request for Use of Windsor Mall - Christmas in July Promotion - (95496, 112106)**

Directorate: Support Services

MOTION:

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

Refer to RESOLUTION

156 RESOLUTION:

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

That Council:

1. Agree to use parts of the Windsor Mall in front of Guy Stuff at 156 George Street, Windsor for an artificial snow machine and in front of Loder House at 126 George Street, Windsor for a large Christmas Tree, from 1 July to 31 July 2021, as part of the Christmas in July promotion program, subject to the conditions set out in this report.
2. Agree to waive the 'Display and Promotions – Owners/Shopkeepers in the Mall' fee in the amount of \$220.55.
3. Agree that any future requests for financial assistance for events will require applicants to apply under Rounds 1 and 2 of Council's Event Sponsorship Program.

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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SECTION 4 – Reports of Committees

Item: 112 ROC - Audit Committee - 26 May 2021 - (91369, 95496)

Directorate: Support Services

MOTION:

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

Refer to RESOLUTION

157 RESOLUTION:

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

That in relation to the Minutes of the Audit Committee Meeting held on the 26 May 2021

1. Council receive and note the Audit Committee Minutes in respect to Items 1, 2, 3, 4, 6, 7 and 8.
2. Council endorse the Committee Recommendation in respect of Item 5, namely:

"That:

1. *The Audit Committee Charter, attached as Attachment 1 to the report, be adopted.*
2. *The Audit Committee noted that changes to the Audit Committee Charter will be required following the release of A New Risk Management and Internal Audit Framework for Local Councils in NSW.*
3. *Audit Committee members be provided with copies of the report (Item 111) considered by Council at its meeting on 30 June 2009 and the resolutions of Council (Resolutions 183 and 184) regarding the Audit Committee."*

3. Council endorse the Committee Recommendation in respect of Item 9, namely:

"That:

1. *The Request for Tender for the Provision of Internal Audit Services document attached as Attachment 1 to this report be received and noted with the following amendments:*

a) Section C5 on page 24

- *Remove the 7th dot point and replace with the following:*
 - *Identify any risks when carrying out the internal audits to ensure that Council's Risk Register is updated.*
- *Remove the 8th dot point and replace with the following:*
 - *Stay up to date with the relevant risk and audit legislation and provide relevant advice to Council accordingly.*

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b) Points 3, 4 and 5 on page 26

- The words "Chief Audit Executive" be replaced with "General Manager or relevant Officer in accordance with the adopted legislative requirements."

2. The Audit Committee nominated Ms Ellen Hegarty and Councillor Paul Rasmussen to be part of the Tender Evaluation Panel for the Tender for the Provision of Internal Audit Services.

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

Against the Motion: Nil.

Absent: Nil.

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SECTION 5 – Notices of Motion

Item: 113 **NM1 - Review of Payment of Expenses and Provision of Facilities to Councillors Policy - (138884, 79351)**

MOTION:

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

Refer to RESOLUTION

158 RESOLUTION:

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

That:

1. Council concludes a review of its "Payment of Expenses and Provision of Facilities to Councillors" policy so that the revised policy is active in time for the new term of Council in September.
2. The draft policy to be formulated and presented for exhibition consider the following issues:
 - a) Additional flexibility within the allocated budget for each Councillor to choose the resources that best equip them to discharge Council business, i.e Phones, iPads, laptop, cellular modem, printer etc.
 - b) Updating anachronistic clauses such as those referring to the installation of land lines or fax machines for Councillors (Part 3.2.a.ix and Part 3.2.c.iii)
 - c) Examines what options can be presented in the policy without contravening Section 403 of the Local Government General Regulation 2005 (Payment of expenses and provision of facilities) which states: *"A policy under section 252 of the Act must not include any provision enabling a council: (a) to pay any councillor an allowance in the nature of a general expense allowance."*
 - d) Considers updating section Part 2.2.d (Superannuation) to reflect recent changes to Section 254B of the Local Government Act as they relate to Superannuation for Local Government Councillors, and suggest clauses that become enacted if and when Council decides to make such payments, preferably on an opt-out basis, after 1 July 2022.
 - e) Deletes Part 3.13 (Provision of recordings of Council meetings to Councillors), so long as the retention period for publicly available podcasts of Council meetings is extended to the whole term of Council.
3. Council report on the feasibility and cost of moving to an on-line system for the lodgment and reconciliation of Councillor expense claims.

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: 114 NM2 - Natural Environment Conservation and Restoration Strategy - (138881)

It was requested by Councillor Lyons-Buckett that this item be dealt with in seriatim.

159 RESOLUTION:

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

That Council agree that a Natural Environment Conservation and Restoration Strategy is a necessary addition to Council's set of strategic documents, that could be nested under the higher umbrella Sustainability Strategy and would complement many of Council's existing strategic documents.

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

Against the Motion: Councillors Rasmussen and Ross.

Absent: Nil.

160 RESOLUTION:

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

That Council request that staff produce a report for the Environment Committee on options available to Council to prepare such a Strategy by mid July 2021, using the information provided in the background section below as a guide.

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

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

Absent: Nil.

161 RESOLUTION:

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

That Council request that the Environment Committee assess the options identified in the staff report and advise Council on the best way of achieving a Strategy that has achievable actions that will make a discernible difference to the natural environment.

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

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

Absent: Nil.

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CONFIDENTIAL REPORTS

162 RESOLUTION:

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

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: 115 Acquisition for Drainage Purposes - Part of Lot 2 in Deposited Plan 76375, being 130 Hall Street, Pitt Town - (95496, 112106, 10535, 5247)

*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.*

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.

163 RESOLUTION:

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

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Item: 115 **SS - Acquisition for Drainage Purposes - Part of Lot 2 in Deposited Plan 76375, being 130 Hall Street, Pitt Town - (95496, 112106, 10535, 5247)**

Previous Item: 278, Ordinary (13 November 2018)
 167, Ordinary (25 August 2020)

Directorate: Support Services

MOTION:

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

Refer to RESOLUTION

164 RESOLUTION:

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

That:

1. Council undertake the compulsory acquisition, under Sections 187 and 196 of the Local Government Act 1993 of an area of land as shown in Attachment 1, in the order of 4.142 hectares within part of 130 Hall Street, Pitt Town (Lot 2 in DP 76375), being Proposed Lots 31 and 32 in DP 1268597, for the purposes of creating a retention basin and associated infrastructure.
2. Council undertake the compulsory acquisition, under Sections 187 and 196 of the Local Government Act 1993 of an area of land as shown in Attachment 1 for a right of carriageway over Proposed Lot 33 in DP 1268597 (marked A on the Plan of Acquisition), 15 meters wide and variable within part of 130 Hall Street, Pitt Town (Lot 2 in DP 76375), for the purposes of creating an access way to the retention basin and associated infrastructure.
3. Council undertake the compulsory acquisition, under Sections 187 and 196 of the Local Government Act 1993 of an area of land as shown in Attachment 1 for a right of carriageway and easement for services over Proposed Lot 33 in DP 1268597 (marked B and C on the Plan of Acquisition), 7.5 meters wide and variable within part of 130 Hall Street, Pitt Town (Lot 2 in DP 76375), for the purposes of creating an access way to the retention basin and associated infrastructure.
4. Council approve the making of an application to the Minister for Local Government for the issue of a Proposed Acquisition Notice (PAN) under the Land Acquisition (Just Terms Compensation) Act 1991 with respect to the acquisition of the land and right of carriageways and easement for services.
5. Council approve the making of an application to the Governor for the publication of an Acquisition Notice in the NSW Government Gazette under the Land Acquisition (Just Terms Compensation) Act 1991 with respect to the acquisition of the land and right of carriageways and easement for services.
6. Council bear all costs associated with the process of acquiring the land, rights of carriageways and easement for services.
7. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.

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8. Council grant delegation to the General Manager to execute any documents on behalf of Council, associated with the compulsory acquisition process, which do not require the Seal of Council to be affixed.
9. Details of Council's resolution be conveyed to the affected landowners together with the advice that Council is not and will not be bound by the terms of its resolution until such time as appropriate documentation to put such resolution into effect has been executed.

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

Against the Motion: Councillors Reynolds and Ross.

Absent: Nil.

The meeting terminated at 8:20pm.

Submitted to and confirmed at the Ordinary meeting held on 29 June 2021.

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Mayor