



ORDINARY MEETING

Date of meeting: 14 February 2023
Location: Council Chambers
Time: 6:30 PM

MINUTES

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1. PROCEDURAL MATTERS

Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on 14 February 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:

At Council Chambers: 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, Danielle Wheeler and Nathan Zamprogno.

By Audio-Visual Link: Councillor Paul Veigel.

ALSO PRESENT: General Manager - Elizabeth Richardson, Acting Director City Planning - Meagan Ang, Director Infrastructure Services - Will Barton, Director Corporate Services - Laurie Mifsud, Manager Corporate Communication - Suzanne Stuart, Chief Financial Officer - Vanessa Browning, Manager Strategic Planning - Andrew Kearns, Manager Governance - Charles McElroy and Administrative Support Coordinator - Tracey Easterbrook.

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

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

The Mayor, Councillor Sarah McMahon advised that the General Manager received from Councillor Veigel a written request to attend tonight's Ordinary meeting by audio-visual link, as he is travelling interstate for business.

23 RESOLUTION:

RESOLVED on the motion of Councillor Reardon, seconded by Councillor Conolly that approval be granted to Councillor Veigel to attend the Ordinary Council Meeting on 14 February 2023 by audio-visual link as he is travelling interstate for business.

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DECLARATIONS OF INTEREST

Councillor Conolly declared an interest on Item 4.1.1.

Councillor Lyons-Buckett declared an interest on Item 4.1.1.

Councillor McMahon declared an interest on Item 4.1.1.

Councillor Veigel declared an interest on Item 4.1.1.

Acknowledgement of Official Visitors to the Council

There were no official visitors to Council.

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2. CONFIRMATION OF MINUTES

24 RESOLUTION:

RESOLVED on the motion of Councillor Reardon and seconded by Councillor Conolly that the Minutes of the Ordinary Meeting held on the 31 January 2023, be confirmed.

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4. REPORTS FOR DETERMINATION

4.1. PLANNING DECISIONS

4.1.1. CP - Planning Proposal - LEP005/22 - 6/21 Vincents Road, Kurrajong - Community Title Subdivision - (95498, 124414)

Directorate: City Planning

Councillor Conolly declared a significant non-pecuniary conflict of interest in this matter as the owner is a relative or close friend. He left the Chamber and did not take part in voting or discussion on the matter.

Councillor Lyons-Buckett declared an interest significant non-pecuniary conflict of interest in this matter as the site is in the Kurmond-Kurrajong Investigation Area, and she lives in that area. She has an outstanding administrative and potential legal issue associated with the Kurmond-Kurrajong Investigation Area matter. She left the Chamber and did not take part in voting or discussion on the matter.

Councillor McMahon declared a pecuniary interest in this matter as the land owner is a relative to her partner. She left the Chamber and did not take part in voting or discussion on the matter.

Councillor Veigel declared a significant non-pecuniary conflict of interest in this matter as he has an association with a person linked to this proposal. He left the Chamber and did not take part in voting or discussion on the matter.

In the absence of the Mayor, the Deputy Mayor, Councillor Calvert, in accordance of Section 369 (1) of the Local Government Act 1993, acted as Chairperson.

Ms Amy Sutherland addressed Council, speaking for the recommendation in the business paper.

A MOTION was moved by Councillor Zamprogno, seconded by Councillor Wheeler.

That this matter be deferred to a Councillor Briefing Session and reported back to Council for consideration.

An AMENDMENT was moved by Councillor Sheather, seconded by Councillor Reardon.

That:

1. Based on assessment of the Planning Proposal for 6/21 Vincents Road, Kurrajong, and the advice of the Hawkesbury Local Planning Panel, Council supports this Planning Proposal with the addition of Clause 6.16 3 (d):
 - enables amalgamation of the remainder of the land with Lot 1 DP 270827 to create an association property for the entire Seniors' Living development within the meaning of the Community Land Development Act 2021.
2. Council forward the Planning Proposal to the Department of Planning and Environment for a Gateway Determination.

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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 amendment, the results of which were as follows:

For the Amendment: Councillors Calvert, Dogramaci, Kotlash, Reardon and Sheather.

Against the Amendment: Councillors Djuric, Wheeler and Zamprogno.

Absent: Councillors McMahon, Conolly, Lyons-Buckett and Veigel.

The Amendment was carried.

MOTION:

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

Refer to RESOLUTION

25 RESOLUTION:

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

That:

1. Based on assessment of the Planning Proposal for 6/21 Vincents Road, Kurrajong, and the advice of the Hawkesbury Local Planning Panel, Council supports this Planning Proposal with the addition of Clause 6.16 3 (d):
 - enables amalgamation of the remainder of the land with Lot 1 DP 270827 to create an association property for the entire Seniors' Living development within the meaning of the Community Land Development Act 2021.
2. Council forward the Planning Proposal to the Department of Planning and Environment for a Gateway 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 Calvert, Dogramaci, Kotlash, Reardon and Sheather.

Against the Motion: Councillors Djuric, Wheeler and Zamprogno.

Absent: Councillors McMahon, Conolly, Lyons-Buckett and Veigel.

The Mayor, Councillor McMahon, resumed the Chair.

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**4.1.2. CP - Planning Proposal - LEP003/23 - 7 and 9 Fitzgerald Street, Windsor -
Rezone from SP2 Infrastructure to E2 Commercial Centre - (95498, 124414)**

Directorate: City Planning

MOTION:

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

Refer to RESOLUTION

26 RESOLUTION:

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

That:

1. Based on assessment of the Planning Proposal for 7 and 9 Fitzgerald Street, Windsor, and the advice of the Hawkesbury Local Planning Panel, Council supports this planning proposal.
2. Council forward the Planning Proposal to the Department of Planning and Environment for a Gateway 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 McMahon, Conolly, Calvert, Djuric, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

Against the Motion: Nil.

Absent: Nil.

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4.1.3. CP - Planning Proposal - LEP002/23 - 1905 and 1913 Bells Line of Road, Kurrajong Heights Reclassification of Land - (95498, 124414)

Directorate: City Planning

MOTION:

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

Refer to RESOLUTION

27 RESOLUTION:

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

That:

1. Based on assessment of the Planning Proposal for 1905 and 1913 Bells Line of Road, Kurrajong Heights, and the advice of the Hawkesbury Local Planning Panel, Council supports this Planning Proposal.
2. Council forward the Planning Proposal to the Department of Planning and Environment for a Gateway 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 McMahon, Conolly, Calvert, Djuric, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

Against the Motion: Nil.

Absent: Nil.

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4.4. CORPORATE SERVICES

4.4.1. CS - December 2022 Quarterly Budget Review Statement - (95496, 96332)

Previous Item: 101, Ordinary (14 June 2022)

Directorate: Corporate Services

MOTION:

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

Refer to RESOLUTION

28 RESOLUTION:

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

That Council receive the information contained in this report regarding the December 2022 Quarterly Budget Review, and that the Budget adjustments, as summarised in the report and detailed in Attachment 1 to the report, be adopted.

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

Against the Motion: Nil.

Absent: Nil.

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4.4.2. CS - Council Resolution Summary - (95496)

Previous Item: 215, Ordinary (13 December 2022)
088, Ordinary (10 May 2022)
239, Ordinary (23 November 2021)
063, Ordinary (30 March 2021)
188, Ordinary (29 September 2020)
088, Ordinary (12 May 2020)
190, Ordinary (29 October 2019)
040, Ordinary (12 March 2019)
213, Ordinary (28 August 2018)
NM2, Ordinary (24 June 2014)

Directorate: Corporate Services

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

That Council:

1. Adopt the recommended actions contained in Attachment 1 to this report regarding selected resolutions for the period 1 January 2022 to 30 June 2022.
2. Adopt the recommended actions contained in Attachment 2 to this report regarding the outstanding resolutions, except resolution 304/21 regarding the Third Party Review of Hawkesbury Sports Council.
3. Refer the matter of the Third Party Review of Hawkesbury Sports Council to the Audit, Risk and Improvement Committee for advice on the best way forward to proceed with this matter.
4. Note that when the online monthly reports updating the progress of Council resolutions are published on Council's website, the six monthly resolution summary reports will no longer be submitted to Council.

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

That Council:

1. Adopt the recommended actions contained in Attachment 1 to this report regarding selected resolutions for the period 1 January 2022 to 30 June 2022.
2. Adopt the recommended actions contained in Attachment 2 to this report regarding outstanding resolutions for the period 1 January 2018 to 31 December 2021.
3. Note that when the online monthly reports updating the progress of Council resolutions are published on Council's website, the six monthly resolution summary reports will no longer be submitted to Council.

For the Amendment: Councillors McMahon, Conolly, Calvert, Djuric, Dogramaci, Kotlash, Reardon, Sheather and Veigel.

Against the Amendment: Councillor Lyons-Buckett, Wheeler and Zamprogno.

Absent: Nil.

The Amendment was carried.

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MOTION:

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

Refer to RESOLUTION

29 RESOLUTION:

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

That Council:

1. Adopt the recommended actions contained in Attachment 1 to this report regarding selected resolutions for the period 1 January 2022 to 30 June 2022.
2. Adopt the recommended actions contained in Attachment 2 to this report regarding outstanding resolutions for the period 1 January 2018 to 31 December 2021.
3. Note that when the online monthly reports updating the progress of Council resolutions are published on Council's website, the six monthly resolution summary reports will no longer be submitted to Council.

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

Against the Motion: Nil.

Absent: Nil.

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4.4.3. CS - Investment Report - December 2022 - (95456)

Previous Item: 129, Ordinary (19 July 2022)

Directorate: Corporate Services

MOTION:

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

Refer to RESOLUTION

30 RESOLUTION:

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

That the Monthly Investment Report for December 2022 be received and noted.

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

Against the Motion: Nil.

Absent: Nil.

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7. QUESTIONS FOR NEXT MEETING

7.1.1. Responses to Councillor Questions Taken on Notice at the Council Meeting - 31 January 2023 - (79351)

Further questions and answers and comments to the Question Taken on Notice at the Council Meeting on 31 January 2023, were provided.

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8. CONFIDENTIAL REPORTS

31 RESOLUTION:

RESOLVED on the motion of Councillor Kotlash, 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: 8.3.1 CS - Expression of Interest - Provision of Code of Conduct Review Services - (95496)

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

Item: 8.3.2 CS - Administration of the 2024 Hawkesbury City Council Local Government Elections - (95496, 96333)

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

32 RESOLUTION:

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

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8.3. CORPORATE SERVICES

8.3.1. CS - Expression of Interest - Provision of Code of Conduct Review Services - (95496)

Previous Item: 039, Ordinary (26 February 2019)

Directorate: Corporate Services

MOTION:

The General Manager advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Conolly, seconded by Councillor Lyons-Buckett.

Refer to RESOLUTION

33 RESOLUTION:

The General Manager advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Conolly, seconded by Councillor Lyons-Buckett.

That Council:

1. Establish a Panel of Conduct Reviewers, in accordance with Council's Procedures for the Administration of the Code of Conduct.
2. Appoint the following applicants to Council's Panel of Conduct Reviewers, for a period of four years:

Applicant	Applicant's Organisation
Nick Iorfino	O'Connor Marsden & Associates Pty Ltd
Peter Moroney	National Workplace Investigations
Marian Parnaby	O'Connor Marsden & Associates Pty Ltd
John Renshaw	Noble Shore Pty Ltd
Kath Roach	SINC Solutions Pty Ltd
Michael Symons	O'Connor Marsden & Associates Pty Ltd
Kathy Thane	Train Reaction Pty Ltd
Chris Wheeler	Centium Pty Ltd

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

Against the Motion: Nil.

Absent: Nil.

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8.3.2. CS - Administration of the 2024 Hawkesbury City Council Local Government Elections - (95496, 96333)

Directorate: Corporate Services

MOTION:

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

Refer to RESOLUTION

34 RESOLUTION:

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

That Council:

1. Pursuant to Section 296 (2) and (3) of the Local Government Act 1993 (NSW) ("the Act") that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of Hawkesbury City Council.
2. Pursuant to Section 296 (2) and (3) of the Act, as applied and modified by Section 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of Hawkesbury City Council.
3. Pursuant to Section 296 (2) and (3) of the Act, as applied and modified by Section 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of Hawkesbury City Council.
4. Contact the NSW Electoral Commission seeking justification for the increased costs.
5. Prepare a motion for the Local Government NSW Conference raising concerns about the escalating cost of Local Government Elections.

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

Against the Motion: Nil.

Absent: Nil.

The meeting terminated at 8:32pm.

Submitted to and confirmed at the Ordinary meeting held on 14 March 2023.

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Mayor