



# Hawkesbury City Council

## ordinary meeting minutes

date of meeting: 09 February 2021

location: council chambers and  
by audio-visual link

time: 6:30 p.m.



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## ORDINARY MEETING

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Minutes of the Ordinary Meeting held at the Council Chambers and by Audio-Visual Link, Windsor, on 9 February 2021, commencing at 6:31pm.

### 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 and Councillors Sarah Richards and Nathan Zamprogno.

By Audio-Visual Link: Councillor Mary Lyons-Buckett, Deputy Mayor and Councillors Barry Calvert, Emma-Jane Garrow, Amanda Kotlash, Paul Rasmussen, Peter Reynolds, Tiffany Tree and Danielle Wheeler.

#### 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 Communications - Suzanne Stuart, Manager Corporate Services and Governance - Charles McElroy and Administrative Support Coordinator - Tracey Easterbrook.

By Audio-Visual Link: Strategic Planning Manager - Andrew Kearns and Manager Community Services - Meagan Ang.

### APOLOGIES AND LEAVE OF ABSENCE

The Acting General Manager advised that a leave of absence from Council was received from Councillor John Ross for the Council Meeting on 9 February 2021.

#### 25 RESOLUTION:

RESOLVED on the motion of Councillor Richards and seconded by Councillor Zamprogno that the leave of absence be granted to Councillor Ross for the Council Meeting on 9 February 2021.

### DECLARATIONS OF INTEREST

Councillor Lyons-Buckett declared an interest on Item 026.

Councillor Richards declared an interest on Item 026.

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### Acknowledgement of Official Visitors to the Council

There were no official visitors to the Council.

### SECTION 1 - Confirmation of Minutes

#### 26 RESOLUTION:

RESOLVED on the motion of Councillor Zamprogno and seconded by Councillor Calvert that the Minutes of the Ordinary Meeting held on 25 January 2021, be confirmed.

### CONDOLENCES

#### MOTION:

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

*Refer to RESOLUTION*

#### 27 RESOLUTION:

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

That Council write to Cobar Shire Council to express our condolences upon the passing of Mayor Lillian Brady to the community of Cobar and to Mrs Brady's family. Within the letter we acknowledge the enormous contribution Mrs Brady has made to Local Government in NSW and to the Shire of Cobar.

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

**Against the Motion:** Nil.

**Absent:** Councillor Ross.

## ORDINARY MEETING

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### SECTION 2 – Mayoral Minutes

#### SUPPLEMENTARY REPORT

**Item: 026**                      **MM - Kurmond-Kurrajong Investigation Area - (125610)**

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Councillor Lyons-Buckett declared a significant non-pecuniary conflict of interest in this matter as she lives at 90 Kurrajong Road, Kurrajong which is within the Investigation Area. She left the Meeting and did not take part in voting or discussion on the matter.

Councillor Richards declared a pecuniary interest in this matter as her partner owns property within the Kurmond-Kurrajong Investigation Area. She left the Meeting and did not take part in voting or discussion on the matter.

#### **MOTION:**

RESOLVED on the motion be the Mayor, Councillor Conolly.

*Refer to RESOLUTION*

#### **28 RESOLUTION:**

RESOLVED on the motion be the Mayor, Councillor Conolly.

That Council:

1. Note that Council still has outstanding planning proposals from 2014 that have not been determined in the Kurmond-Kurrajong Investigation Area.
2. Note that consideration of the Kurmond-Kurrajong Investigation Area Structure Plan has been deferred and this has delayed the determination of these proposals.
3. Receive a report at the next meeting of Council outlining options to finalise the consideration of the Kurmond-Kurrajong Investigation Area Structure Plan.

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, Calvert, Kotlash, Reynolds, Tree and Zamprogno.

**Against the Motion:**                Councillors Garrow, Wheeler and Rasmussen.

**Absent:**                                  Councillors Lyons-Buckett, Richards and Ross.

## ORDINARY MEETING

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### SECTION 3 – Reports for Determination

#### PLANNING DECISIONS

**Item: 018** CP - Planning Proposal to Amend Written Statement, Land Zoning, Lot Size and Height of Buildings and Restricted Lot Yield Maps of Hawkesbury Local Environmental Plan 2012 and Biodiversity Certification Application - Jacaranda Development, Glossodia

**Previous Item:** 145, Ordinary (13 August 2019)

**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.

#### **MOTION:**

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

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

#### **29 RESOLUTION:**

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

That Council:

1. Receive and note the update on the Jacaranda Development, Glossodia.
2. Endorse the amended draft Jacaranda Planning Proposal, draft Biodiversity Certification Application, Report and Strategy, draft Jacaranda Development Control Plan, and draft Local Voluntary Planning Agreement contained in Attachments 1, 2, 3 and 4 respectively to this report as being generally consistent with Council's earlier decisions with respect to this matter.
3. Approve public exhibition of the amended draft Jacaranda Planning Proposal in accordance with s3.34(2) and clause 4 of Schedule 1 of the Environmental Planning and Assessment Act 1979 and Council's Community Participation Plan.
4. Approve public exhibition of the draft Jacaranda Development Control Plan in accordance with clause 18 of the Environmental Planning and Assessment Regulation 2000 and Council's Community Participation Plan, noting that the draft Jacaranda Development Control Plan and draft Jacaranda Planning Proposal must be published on Council's website for the same period as that for exhibition of the draft Planning Proposal.
5. Approve public exhibition of the draft Local Voluntary Planning Agreement in accordance with clause 25D(1A) of the Environmental Planning and Assessment Regulation 2000 and Council's Community Participation Plan, noting that this exhibition is to be part of and contemporaneous with that for the draft Planning Proposal.
6. Consult with the NSW government agencies listed in Condition 6 of the Gateway Determination.



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7. Approve public notification of the draft Biodiversity Certification Application, Report and Strategy in accordance with s126N(2) of the former Threatened Species Conservation Act 1995.
8. Receive a post exhibition/notification report for items 3, 4, 5 and 7 above.
9. Facilitate a COVID safe meeting or drop-in session where members of the public can ask questions about the process and changes from the original proposal and request representatives from the developer also attend.

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, Wheeler and Zamprognio.

**Against the Motion:** Nil.

**Absent:** Councillor Ross.

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**Item: 019**                      **CP - Proposed Optional Natural Disasters Clause to the Standard Instrument (Local Environmental Plans) Order 2006 - (95498, 124414)**

**Previous Item:**            158, Ordinary (25 August 2020)  
                                 002, Ordinary (25 January 2021)

**Directorate:**              City Planning

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### **MOTION:**

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

*Refer to RESOLUTION*

### **30 RESOLUTION:**

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

That Council not opt into including the new Standard Instrument Natural Disaster Clause into the Hawkesbury Local Environmental Plan 2012 at this time.

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, Wheeler and Zamprogno.

**Against the Motion:**      Nil.

**Absent:**                      Councillor Ross.

## ORDINARY MEETING

Minutes: 09 February 2021

### GENERAL MANAGER

**Item: 020**                      **GM - Planning for Non-Planners Course and Planning 101 for Councillors - (79351)**

**Previous Item:**              004, Ordinary (25 January 2021)

**Directorate:**                General Manager

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#### **MOTION:**

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

*Refer to RESOLUTION*

#### **31 RESOLUTION:**

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

That:

1. The report be received and noted.
2. Consideration be given to the participation of nominated Councillors at the Planning 101 for Councillors Course conducted by Local Government NSW on 26 February 2021.

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

**Against the Motion:**        Nil.

**Absent:**                        Councillor Ross.

#### **32 RESOLUTION:**

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

That Councillors Kotlash, Lyons-Buckett, Reynolds, Richards, Wheeler and Zamprogno attend the Planning 101 for Councillors Course conducted by Local Government NSW on 26 February 2021.

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

**Against the Motion:**        Nil.

**Absent:**                        Councillor Ross.

## ORDINARY MEETING

Minutes: 09 February 2021

### SUPPORT SERVICES

**Item: 021**                      **SS - Review of Council Committees - (95496)**

**Previous Item:**            256, Ordinary (8 December 2020)  
                                 010, Ordinary (25 January 2021)

**Directorate:**               Support Services

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

That:

1. The outstanding actions from the dissolved committees be reassigned to the relevant new committee in accordance with Attachment 1 to this report, as amended at the meeting including with the addition of due dates.
2. The projects currently assigned to working groups be reassigned to the relevant new committee in accordance with Table 1 in this report.
3. Members of the Dementia Friendly Working Group be advised that the Working Group will not be disbanded and will now report to the Community Services Committee.

An AMENDMENT was moved by Councillor Wheeler, seconded by Councillor Lyons-Buckett.

That:

1. The outstanding actions from the dissolved committees be reassigned to the relevant new committee in accordance with Attachment 1 to this report, as amended at the meeting including with the addition of due dates.
2. The projects currently assigned to working groups be reassigned to the relevant new committee in accordance with Table 1 in this report.
3. Members of the Dementia Friendly Working Group be advised that the Working Group will not be disbanded and will now report to the Community Services Committee.
4. The proposed outstanding actions of the Heritage Committee be referred to the Heritage Committee to consider the prioritisation and deadlines of the actions, and be reported back to Council.

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

**Against the Amendment:**       Nil.

**Absent:**                              Councillor Ross.

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### MOTION:

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

### *Refer to RESOLUTION*

### 33 RESOLUTION:

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

That:

1. The outstanding actions from the dissolved committees be reassigned to the relevant new committee in accordance with Attachment 1 to this report, as amended at the meeting including with the addition of due dates.
2. The projects currently assigned to working groups be reassigned to the relevant new committee in accordance with Table 1 in this report.
3. Members of the Dementia Friendly Working Group be advised that the Working Group will not be disbanded and will now report to the Community Services Committee.
4. The proposed outstanding actions of the Heritage Committee be referred to the Heritage Committee, to consider the prioritisation and deadlines of the actions, and be reported back to Council.

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

**Against the Motion:** Nil.

**Absent:** Councillor Ross.

## ORDINARY MEETING

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### SECTION 4 – Reports of Committees

**Item: 022**                      **ROC - Hawkesbury Civic and Citizenship Committee - 24 November 2020 - (96972, 79351)**

**Directorate:**                General Manager

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#### **MOTION:**

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

***Refer to RESOLUTION***

#### **34 RESOLUTION:**

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

That in the Minutes of the Hawkesbury Civic and Citizenship Committee Meeting held on the 24 November 2020 be received and noted.

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

**Against the Motion:**                Nil.

**Absent:**                                Councillor Ross.

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**QUESTIONS FOR NEXT MEETING**

**Item: 023**

**Questions with Notice - 9 February 2021**

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Further questions, and comments to Councillor Questions with Notice listed in the Business Paper, were provided.

## ORDINARY MEETING

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### CONFIDENTIAL REPORTS

#### 35 RESOLUTION:

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

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: 024 SS - Property Matter - Easement Over 698 George Street, South Windsor - (10612, 95496, 112106)**

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it relates to details concerning the purchase of an easement over property owned by the 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: 025 SS - Property Matter - Licence Agreement with Coles Supermarkets Australia Pty Ltd - Car Spaces in part of Magnolia Mall Car Park, 7 West Market Street, Richmond (148887, 95496, 112106)**

*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 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.

#### 36 RESOLUTION:

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



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**Item: 024**                      **SS - Property Matter - Easement Over 698 George Street, South Windsor - (10612, 95496, 112106)**

**Directorate:**                Support Services

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### **MOTION:**

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

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

### **37 RESOLUTION:**

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

That:

1. Council approve the extension of an easement area, in the order of 34.15m<sup>2</sup> within 698 George Street, South Windsor (Lot 1 DP 879466) owned by Windsor Leagues Club, as shown in the Location Plan in this report, and compensation in the amount detailed in this report be accepted by Council.
2. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.
3. Details of the resolution be conveyed to the owner 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 agreed to and executed by all parties.

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

**Against the Motion:**        Nil.

**Absent:**                        Councillor Ross.

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**Item: 025**                      **SS - Property Matter - Licence Agreement with Coles Supermarkets Australia Pty Ltd - Car Spaces in part of Magnolia Mall Car Park, 7 West Market Street, Richmond (148887, 95496, 112106)**

**Previous Item:**              132, Ordinary (14 July 2020)

**Directorate:**                Support Services

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### **MOTION:**

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

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

### **38 RESOLUTION:**

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

That:

1. Council agree to enter into a new licence agreement with Coles Supermarkets Australia Pty Ltd for part of the property known Magnolia Mall Car Park, 7 West Market Street, Richmond, as outlined in the report.
2. Authority be given for the licence agreement and any other relevant documentation in association with this matter to be executed under the Seal of Council.
3. Details of Council's resolution be conveyed to the proposed Licensee, 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, Tree, Wheeler and Zamprogno.

**Against the Motion:**        Nil.

**Absent:**                        Councillor Ross.

The meeting terminated at 8:13pm.

Submitted to and confirmed at the Ordinary meeting held on 23 February 2021.

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Mayor