



Ordinary Meeting

Date of meeting: 23 November 2021
Location: By audio-visual link
Time: 6:30 p.m.

MINUTES

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Minutes of the Ordinary Meeting held by Audio-Visual Link, on 23 November 2021, commencing at 6:31pm.

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 Zamprogo.

ALSO PRESENT: General Manager - Elizabeth Richardson, Director City Planning - Linda Perrine, Director Infrastructure Services - Will Barton, Director Support Services - Laurie Mifsud, Chief Financial Officer - Emma Galea, Manager Strategic Planning - Andrew Kearns, Manager Corporate Communication - Suzanne Stuart, Deputy Chief Financial Officer - Vanessa Browning, Manager Parks and Recreation - Sean Perry, Manager Corporate Services and Governance - Charles McElroy and Administrative Support Coordinator - Tracey Easterbrook.

APOLOGIES AND LEAVE OF ABSENCE

There were no apologies or requests for leave of absence received from Councillors.

Councillor Ross arrived at the meeting at 6:35pm.

DECLARATIONS OF INTEREST

Councillor Kotlash declared an interest on Items 229 and 242.

Councillor Lyons-Buckett declared an interest on Item 244.

Councillor Reynolds declared an interest on Items 225.

Councillor Richards declared an interest on Items 233, 240, 241, 244 and 245.

Councillor Wheeler declared an interest on Item 233.

Acknowledgement of Official Visitors to the Council

There were no official visitors to the Council.

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SECTION 1 - Confirmation of Minutes

287 RESOLUTION:

RESOLVED on the motion of Councillor Garrow and seconded by Councillor Rasmussen that the Minutes of the Ordinary Meeting held on the 9 November 2021, be confirmed.

Councillors wishing to address Council at the last meeting of term

Councillors Rasmussen and Tree addressed Council noting their reflections of their past terms on Council.

A PROCEDURAL MOTION was moved by Councillor Tree, seconded by Councillor Richards that the following items be brought forward in the agenda to be dealt with:

- Item 234
- Exception Report - Items Not Identified for Discussion and Decision
 - Items 227, 228, 235, 236, 237, 238, 239 and 241
- Items 224 and 229
- Confidential Items 244, 245 and 246.

The Procedural Motion was carried.

PRESENTATION - From Council's Auditors - Financial Statements for Year Ended 30 June 2021

A presentation was provided by Council's Auditor, Mr Kenneth Leung from the NSW Audit Office and Mr James Winter from Grant Thornton in respect to Council's General Purpose Financial Statements and Special Purpose Financial Statements for the year ended 30 June 2021.

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SECTION 3 – Reports for Determination

PLANNING DECISIONS

Item: 224 **CP - Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012 - 2 Inverary Drive, Kurmond - (124414, 95498)**

Directorate: City Planning

Mr Glenn Apps addressed Council, speaking for the recommendation in the business paper.

Mr Michael Want addressed Council, speaking against the recommendation in the business paper.

MOTION:

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

Refer to RESOLUTION

288 RESOLUTION:

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

That Council:

1. Receive and note the outcome of consultation on the Planning Proposal and supporting documentation for Lot 2 DP 600414, 2 Inverary Drive, Kurmond.
2. Support the making of the plan to amend the Hawkesbury Local Environmental Plan 2012 in order to permit the subdivision of Lot 2 DP 600414, 2 Inverary Drive, Kurmond into a total of 11 lots with minimum lot size of not less than 4,000m², 1 hectare, or 2 hectares.
3. Submit the Planning Proposal and supporting documentation to the Department of Planning, Industry and Environment for the making of a plan to give effect to the Planning Proposal.
4. Publicly exhibit the Draft Voluntary Planning Agreement included as Attachment 2 to this report for a minimum of 28 days, with the Draft Voluntary Planning Agreement to be reported back to Council following public exhibition prior to finalisation.

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, Richards, Tree and Zamprogno.

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

Absent: Nil.

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Item: 225 **CP - Review of Hawkesbury Local Environment Plan 2012 - (95498, 124414)**

Previous Item: 146, Ordinary (11 August 2020)
 204, Ordinary (13 October 2020)

Directorate: City Planning

Councillor Reynolds made a special disclosure of interest in this matter as property owned by him is mentioned in and affected by the amendments to the Hawkesbury Local Environment Plan 2012. Councillor Reynolds relied on Clause 4.36 of the Code of Conduct to remain in the meeting during discussion and voting on the matter, and made a special disclosure in writing which was tabled at the meeting.

In the special disclosure Council Reynolds:

- Identified 10 Bridge Street, Windsor (the identified land) as the affected principal place of residence in which he has a proprietary interest
- Disclosed the identified land as the land that is subject to a change in zone/planning control in the LEP
- Disclosed the current zone/planning control as land reservation acquisition
- Disclosed the proposed change of zone/planning control as the removal of land reservation acquisition
- Disclosed the effect of the proposed change of zone/planning control on him as appreciable financial gain.

Councillor Reynolds remained in the meeting during discussion and voting on the matter.

Under Clause 4.36 of the Code of Conduct, Clause 4.29 (requirement to not be present at or in sight of, a Council meeting during consideration, discussion or voting on a matter in which a Councillor has disclosed a pecuniary interest) does not apply if:

- "a) *the matter is a proposal relating to:*
 - i) *the marking of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or*
 - ii) *the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and*
- b) *the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and*
- c) *the councillor made a special disclosure under clause 4.37 in relation to the interest before the commencement of the meeting."*

Clause 4.37 of the Code of Conduct provides:

"A special disclosure of a pecuniary interest made for the purposes of clause 4.36(c) must:

- a) *be in the form set out in schedule 3 of this code and contain the information required by that form, and*
- b) *be laid on the table at a meeting of the council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting."*

The Mayor, Councillor Conolly advised that a special disclosure of interest from Councillor Reynolds has been tabled.

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MOTION:

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

Refer to RESOLUTION

289 RESOLUTION:

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

That:

1. Council endorse the preparation of the Planning Proposal included as Attachment 1 of the report to amend the Hawkesbury Local Environment Plan 2012 and commence the LEP Amendment process.
2. Council Seek advice from the Hawkesbury Local Planning Panel as required by the Environmental Planning and Assessment Act and Regulation.
3. Following consideration of the Hawkesbury Local Planning Panel:
 - a) A report be submitted to Council if changes are recommended by the Hawkesbury Local Planning Panel.
 - b) If no changes are recommended, Council submit the Planning Proposal to the Department of Planning, Industry and Environment, requesting 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 Lyons-Buckett, Calvert, Garrow, Kotlash, Rasmussen, Reynolds, Ross, Wheeler and Zamprogno.

Against the Motion: Councillors Conolly, Richards and Tree.

Absent: Nil.

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Item: 226 **CP - New Hawkesbury Development Control Plan - (95498, 124414)**

Directorate: City Planning

Ms Matilda Julian addressed Council, speaking against the recommendation in the business paper.

MOTION:

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

Refer to RESOLUTION

290 RESOLUTION:

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

That Council:

1. Endorse the draft chapters included as part of stage 1 of the new Hawkesbury Development Control Plan included as Attachment 1 to this report, for the purposes of public exhibition.
2. Require public exhibition of the draft chapters included as part of stage 1 of the new Hawkesbury Development Control Plan be undertaken in accordance with Council's Community Participation Plan.
3. Receive a report on the outcome of public exhibition of the draft chapters included as part of stage 1 of the new Hawkesbury Development Control Plan prior to considering adopting those chapters.
4. Require that preparation of additional chapters of the Hawkesbury Development Control Plan continue, and be reported to Council by April 2022.

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, Ross, Tree, Wheeler and Zamprogno.

Against the Motion: Nil.

Absent: Nil.

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GENERAL MANAGER

Item: 227 **GM - Council Policy Review - (79351)**

Previous Item: 236, Ordinary (25 September 2018)
 132, Ordinary (30 July 2019)

Directorate: General Manager

MOTION:

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

Refer to RESOLUTION

291 RESOLUTION:

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

That:

1. The Council Policy Framework, attached as Attachment 1 to this report, be received and noted.
2. Council endorse the Proposed Council Policies in the table in Attachment 2 to this report.

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

Against the Motion: Nil.

Absent: Councillor Richards.

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CITY PLANNING

Item: 228 CP - 2017-2021 End of Term Report, incorporating the 2020/2021 Annual Report and Audited Financial Statements - (79351, 124414)

Previous Item: 242, Ordinary (8 November 2016)

Directorate: General Manager

MOTION:

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

Refer to RESOLUTION

292 RESOLUTION:

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

That:

1. The report regarding Council's 2017-2021 End of Term Report, incorporating the 2020/2021 Annual Report and Audited Financial Statements be received and noted.
2. The 2017-2021 End of Term Report, incorporating the 2020/2021 Annual Report and Audited Financial Statements, as attached as Attachment 1 and 2 to this report be forwarded to the Office of Local Government and placed on Council's website by 10 December 2021.

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

Against the Motion: Nil.

Absent: Councillor Richards.

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Item: 229 CP - Draft Hawkesbury City Council Submission - Warragamba Dam Wall Raising Environmental Impact Statement - (95498, 124414)

Previous Item: MM, Ordinary (26 October 2021)
221, Ordinary (9 November 2021)

Directorate: City Planning

Councillor Kotlash declared a significant non-pecuniary conflict of interest in this matter as she is a member of the Greater Blue Mountains World Heritage Area Advisory Committee. The Committee has recently been briefed on the EIS for this project. She therefore felt it was not appropriate to be involved in discussions and decisions about this matter. She left the meeting and did not take part in voting or discussion on the matter.

MOTION:

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

Refer to RESOLUTION

293 RESOLUTION:

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

That Council endorse the draft submission to the Water NSW Warragamba Dam Raising Environmental Impact Statement included as Attachment 2 to the report.

For the Motion: Councillors Lyons-Buckett, Calvert, Garrow, Rasmussen, Reynolds, Ross, Wheeler and Zamprogno.

Against the Motion: Councillors Conolly, Richards and Tree.

Absent: Councillor Kotlash.

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INFRASTRUCTURE SERVICES

Item: 230 **IS - Domestic Sullage - (95498, 112179)**

Previous Item: 119, Ordinary (29 June 2021)

Directorate: Infrastructure Services

MOTION:

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

Refer to RESOLUTION

294 RESOLUTION:

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

That Council:

1. Enter into discussions with Sydney Water regarding their strategic plans for the North West area.
2. Review the Sullage service prior to the expiration of the current contract in May 2023 and report back to Council on services and contract options, and the associated financial, environmental and regulatory considerations, including exploring the option of Council carrying out its own Sullage collection.
3. An update on the outcomes of Parts 1 and 2 to be reported to Council no later than June 2022.
4. Engage a consultant to develop education material regarding various technologies available in regard to split systems, including the criteria applicable for each system.
5. Receive and note the results of the survey of pump-out households.
6. Receive and note the comment included in the revised Development Control Plan in regard to effluent disposal.
7. Receive and note the information that Council provides to homeowners concerning inspections.

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

Against the Motion: Nil.

Absent: Nil.

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Item: 231 **IS - Upper Colo Bridge Replacement Project - Various Initiatives - (95495)**

Previous Item: 181, Ordinary 28 September 2021

Directorate: Infrastructure Services

MOTION:

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

Refer to RESOLUTION

295 RESOLUTION:

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

That Council:

1. Keep Upper Colo Reserve closed in the short term.
2. Discuss the need for grading of local roads with affected residents.
3. Provide at least two Portaloo at Upper Colo Bridge.
4. Empty the garbage bins at least weekly.
5. Increase signage telling visitors to take their waste with them.
6. Investigate using local residents on a contractor basis to clean and maintain facilities at the site.
7. Be provided with a further report with long-term solutions including a potential Plan of Management.

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: 232 **IS - Potential Sites for a Skate Park or BMX Pump Track in Bligh Park - (95495, 79354)**

Previous Item: 202, Ordinary (26 October 2021)

Directorate: Infrastructure Services

MOTION:

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

Refer to RESOLUTION

296 RESOLUTION:

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

That Council:

1. Receive and note the information provided regarding potential sites for a skate park or BMX track in Bligh Park, and the associated costs and funding sources.
2. Commence engagement with the community on the option of either a skate park or BMX track and its preferred location within Bligh Park.

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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Minutes: 23 November 2021

Item: 233 **IS - Wilberforce RFS Brigade and Hawkesbury Fire Control Centre Project - (95495, 79398, 73600)**

Previous Item: 244, Ordinary (10 December 2019)

Directorate: Infrastructure Services

Councillor Richards declared a significant non-pecuniary conflict of interest in this matter as she is a member of Hawkesbury Communications Rural Fire Brigade which operates outside of the mentioned building. She left the meeting and did not take part in voting or discussion on the matter.

Councillor Wheeler declared a less than significant non-pecuniary conflict of interest in this matter as she and her son are members of the Hawkesbury Communications Rural Fire Brigade and neither her or her son derive any personal or financial benefit from this project and no further action is required.

Mr Jeffrey Hudson addressed Council, speaking for the recommendation in the business paper.

MOTION:

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

Refer to RESOLUTION

297 RESOLUTION:

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

That Council:

1. Receive and note the information in this report regarding the current status of the new Wilberforce Rural Fire Brigade Station and Hawkesbury Fire Control Centre project.
2. Endorse the site of the new Wilberforce Rural Fire Brigade Station at the Council's Wilberforce Depot.
3. Endorse the site of the new Fire Control Centre at the Woodlands Reserve location off Sackville Road at 295, Sackville Road, Wilberforce (Ironbark Drive, opposite Woodlands Oval).
4. Endorse the commencement of the process to obtain the necessary planning approvals for the Wilberforce Rural Fire Brigade Station and Hawkesbury Fire Control project.
5. Undertake community engagement with relevant stakeholders as detailed information regarding the projects become available.

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

Against the Motion: Nil.

Absent: Councillor Richards.

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SUPPORT SERVICES

Item: 234 **SS - Audited Financial Statements for the year ended 30 June 2021 - (95496, 96332)**

Previous Item: Item 182, Ordinary (28 September 2021)

Directorate: Support Services

MOTION:

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

Refer to RESOLUTION

298 RESOLUTION:

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

That Council:

1. Note the completion of the General Purpose and Special Purpose Financial Statements and Special Schedules for the period ended 30 June 2021, attached as Attachment 1 to this report.
2. Thank the representatives from The NSW Audit Office and Grant Thornton, for their presentation in respect of Council's 2020/2021 Financial Statements.

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

Against the Motion: Councillor Ross.

Absent: Nil.

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Item: 235 **SS - September 2021 Quarterly Budget Review Statement - (95496, 96332)**

Previous Item: 118, Ordinary (29 June 2021)

Directorate: Support Services

MOTION:

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

Refer to RESOLUTION

299 RESOLUTION:

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

That:

1. Council receive the information contained in this report and that the Budget adjustments, as summarised in the report and detailed in Attachment 1 to the report, be adopted.
2. Council note the ongoing nature of the work being undertaken to restore public assets and infrastructure, and support the associated expenditure, with updates to be provided to Council in each Quarterly Budget Review Statement.

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

Against the Motion: Nil.

Absent: Councillor Richards.

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Item: 236 **SS - Investment Report - October 2021 - (95496, 96332)**

Previous Item: 097, Ordinary (25 May 2021)

Directorate: Support Services

MOTION:

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

Refer to RESOLUTION

300 RESOLUTION:

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

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

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

Against the Motion: Nil.

Absent: Councillor Richards.

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Item: 237 **SS - Code of Conduct Complaints Statistics Report - 1 September 2020 to 31 August 2021 - (96496)**

Previous Item: 168, Ordinary (8 September 2020)

Directorate: Support Services

MOTION:

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

Refer to RESOLUTION

301 RESOLUTION:

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

That the report under Clause 11.1 of the Council's Procedures for the Administration of the Code of Conduct, in respect of the Code of Conduct complaints statistics for the period from 1 September 2020 to 31 August 2021, be noted.

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

Against the Motion: Nil.

Absent: Councillor Richards.

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Item: 238 **SS - Pecuniary Interest and Other Matters Return - (95496, 96333)**

Directorate: Support Services

MOTION:

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

Refer to RESOLUTION

302 RESOLUTION:

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

That the Clause 4.21(c) Pecuniary Interests and Other Matters Return be received and noted.

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

Against the Motion: Nil.

Absent: Councillor Richards.

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Item: 239 **SS - Council Resolution Summary - January 2021 to June 2021 - (95496)**

Previous Item: 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: Support Services

MOTION:

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

Refer to RESOLUTION

303 RESOLUTION:

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

That:

1. The Council Resolution Summary for the period 1 January 2021 to 30 June 2021 attached as Attachment 1 to this report, be received and noted.
2. The Council Resolution Summary of Outstanding Council resolutions for the period 1 January 2018 to 31 December 2020, attached as Attachment 2 to this report, be received and noted.
3. Council adopt the recommendations contained in Attachment 3 to this report regarding outstanding resolutions for the period 1 January 2018 to 31 December 2020.

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

Against the Motion: Nil.

Absent: Councillor Richards.

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Item: 240 **SS - Third Party Reviews - (95496)**

Directorate: Support Services

Councillor Richards declared a less than significant non-pecuniary conflict of interest in this matter as she is Council's representative on the Hawkesbury Sports Council and no further action is required.

MOTION:

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

Refer to RESOLUTION

304 RESOLUTION:

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

That:

1. The information concerning the implementation of recommendations from reviews of Peppercorn Services Inc and the Hawkesbury River County Council be received and noted.
2. Council carry out a review of the Hawkesbury Sports Council Inc based on the methodology endorsed by Council's Audit Committee, with a focus on compliance, governance, and management of risk.

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

Against the Motion: Councillor Ross.

Absent: Nil.

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SECTION 4 – Reports of Committees

Item: 241 **ROC - Local Traffic Committee - 8 November 2021 - (80245, 95495)**

Directorate: Infrastructure Services

Councillor Richards declared a significant non-pecuniary conflict of interest in this matter as her partner's business is within this area. She left the meeting and did not take part in voting or discussion on the matter.

MOTION:

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

Refer to RESOLUTION

305 RESOLUTION:

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

That Council receive and note the Minutes of the Local Traffic Committee Meeting held on 8 November 2021.

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

Against the Motion: Nil.

Absent: Councillor Richards.

ORDINARY MEETING

Minutes: 23 November 2021

SECTION 5 – Notices of Motion

Item: 242 **NM1 - Warragamba Dam Water Level - (79351, 138880)**

Councillor Kotlash declared a significant non-pecuniary conflict of interest in this matter as she is a member of the Greater Blue Mountains World Heritage Area Advisory Committee. The Committee has recently been briefed on the EIS for this project. She therefore felt it was not appropriate to be involved in discussions and decisions about this matter. She left the meeting and did not take part in voting or discussion on the matter.

Mr Robert Buchanan addressed Council, speaking for the recommendation in the business paper.

MOTION:

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

Refer to RESOLUTION

306 RESOLUTION:

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

That:

1. Council write to the relevant NSW Ministers urgently requesting amendments to NSW legislation covering operation of Warragamba Dam.
2. These amendments allow for the drawing down of the dam water level to preempt forecast rainfalls in the catchment area to help mitigate associated forecast flooding of the Hawkesbury Nepean River should the dam spill.

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

Against the Motion: Councillor Calvert.

Absent: Councillor Kotlash.

ORDINARY MEETING

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Item: 243 NM2 - Colo Bridge Replacement - (79351, 138885)

A MOTION was moved by Councillor Ross, seconded by Councillor Reynolds.

That a Council report be provided as a matter of priority to the incoming elected Council detailing the following:

- a) Total area within the scope of the project including both banks and adjoining road network.
- b) A bridge design of at least 1:10 flood operating capability.
- c) Proposed bridge or viaduct extension(s) to permit safe heavy vehicle access from either direction of Upper Colo Road.
- d) Removal of 2020 flooding flotsam from Southern bank riparian zone.
- e) Planned community recreational facilities on both sides of the stream, including public conveniences, refuse bins, and vehicle parking areas.
- f) Projected key dates through to project completion.
- g) Funding avenues.

For the Motion: Councillors Garrow, Reynolds and Ross.

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

Absent: Nil.

The Motion was lost.

ORDINARY MEETING

Minutes: 23 November 2021

CONFIDENTIAL REPORTS

307 RESOLUTION:

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

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: 244 GM - Nominations for 2022 Australia Day Awards - (79351)

*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).*

Item: 245 CP - Appointments to Hawkesbury Local Planning Panel - (95498)

*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).*

Item: 246 CP - Legal Advice - Development Application No. DA0508-18 - Extractive Industries - 374, 395 and 415 Freemans Reach Road, Freemans Reach - (95498)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(g) of the Local Government Act, 1993 as it relates to legal advice concerning the means to lodge an appeal against the approval of the subject Development Application and the information is regarded as advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege 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.

308 RESOLUTION:

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

ORDINARY MEETING

Minutes: 23 November 2021

Item: 244 **GM - Nominations for 2022 Australia Day Awards - (79351)**

Directorate: General Manager

Councillor Lyons-Buckett declared a less than significant non-pecuniary conflict of interest as she has an association with nominees in award categories Citizen of the Year, Young Citizen of the Year and Volunteer of the Year. She left the meeting and did not take part in voting or discussion on these award categories.

Councillor Richards declared a less than significant non-pecuniary conflict of interest as she has an association with nominees in award categories Citizen of the Year, Young Citizen of the Year and Junior Sports Person of the Year. She left the meeting and did not take part in voting or discussion on these award categories.

A PROCEDURAL MOTION was moved by Councillor Lyons-Buckett, seconded by Councillor Garrow, that consideration of each award category be dealt with in seriatim.

The Procedural Motion was carried.

MOTION:

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

Refer to RESOLUTION

309 RESOLUTION:

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

That Council adopt the confidential recommendation developed in closed session of Council in regard to the recipient of the 2022 Citizen of the Year Award.

For the Motion: Councillors Conolly, Calvert, Garrow, Rasmussen, Reynolds, Ross, Tree, Wheeler and Zamprogno.

Against the Motion: Nil.

Absent: Councillors Lyons-Buckett, Kotlash and Richards.

ORDINARY MEETING

Minutes: 23 November 2021

MOTION:

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

Refer to RESOLUTION

310 RESOLUTION:

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

That Council adopt the confidential recommendation developed in closed session of Council in regard to the recipient of the 2022 Young Citizen of the Year Award.

For the Motion: Councillors Conolly, Calvert, Garrow, Rasmussen, Reynolds, Ross, Tree, Wheeler and Zamprogno.

Against the Motion: Nil.

Absent: Councillors Lyons-Buckett, Kotlash and Richards.

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

311 RESOLUTION:

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

That Council adopt the confidential recommendation developed in closed session of Council in regard to the recipient of the 2022 Volunteer of the Year Award.

For the Motion: Councillors Conolly, Calvert, Garrow, Rasmussen, Reynolds, Ross, Tree, Wheeler and Zamprogno.

Against the Motion: Nil.

Absent: Councillors Lyons-Buckett, Kotlash and Richards.

ORDINARY MEETING

Minutes: 23 November 2021

MOTION:

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

Refer to RESOLUTION

312 RESOLUTION:

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

That Council adopt the confidential recommendation developed in closed session of Council in regard to the recipient of the 2022 Local Hero Award.

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

Against the Motion: Nil.

Absent: Nil.

MOTION:

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

Refer to RESOLUTION

313 RESOLUTION:

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

That Council adopt the confidential recommendation developed in closed session of Council in regard to the recipient of the 2022 Community Organisation of the Year Award.

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: 23 November 2021

MOTION:

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

Refer to RESOLUTION

314 RESOLUTION:

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

That Council adopt the confidential recommendation developed in closed session of Council in regard to the recipient of the 2022 Community Arts Award.

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

Against the Motion: Nil.

Absent: Nil.

MOTION:

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

Refer to RESOLUTION

315 RESOLUTION:

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

That Council adopt the confidential recommendation developed in closed session of Council in regard to the recipient of the 2022 Junior Sports Person of the Year Award.

For the Motion: Councillors Conolly, Calvert, Garrow, Rasmussen, Reynolds, Ross, Tree, Wheeler and Zamprogno.

Against the Motion: Nil.

Absent: Councillors Lyons-Buckett, Kotlash and Richards.

ORDINARY MEETING

Minutes: 23 November 2021

MOTION:

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

Refer to RESOLUTION

316 RESOLUTION:

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

That Council adopt the confidential recommendation developed in closed session of Council in regard to the recipient of the 2022 Sports Person of the Year Award.

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: 23 November 2021

Item: 245 **CP - Appointments to Hawkesbury Local Planning Panel - (95498)**

Previous Item: 089, Ordinary (11 May 2021)
 056, Ordinary (30 March 2021)

Directorate: City Planning

Councillor Richards declared a significant non-pecuniary conflict of interest in this matter as one nominee is working with her partner and another nominee is a member of her Rotary Club. She left the Meeting did not take part in voting or discussion on the matter.

MOTION:

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

Refer to RESOLUTION

317 RESOLUTION:

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

That:

1. Council select the following two community representatives for the pool of community members of the Hawkesbury Local Planning Panel for meetings of the Local Planning Panel until 31 December 2021:
 - Paul Rogers
 - Graham Edds
2. A report be provided to the first Council Meeting of the new Council Term in relation to the role of community representatives and to select any additional community representatives.
3. Council advise the Department of Planning, Industry and Environment of the community representatives appointed by Council to the Hawkesbury Local Planning Panel.
4. Council advise all applicants of Council's determination and thank them for their interest in this matter.

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

Against the Motion: Councillors Conolly, Calvert, Tree and Kotlash.

Absent: Councillor Richards.

ORDINARY MEETING

Minutes: 23 November 2021

Item: 246 CP - Legal Advice - Development Application No. DA0508-18 - Extractive Industries - 374, 395 and 415 Freemans Reach Road, Freemans Reach - (95498)

Directorate: City Planning

MOTION:

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

Refer to RESOLUTION

318 RESOLUTION:

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

That Council:

1. Note the report regarding the legal advice obtained regarding the means to lodge an appeal against the approval of Development Application DA 0508/18 granted by the Sydney Western City Planning Panel at 374, 395 and 415 Freemans Reach Road, Freemans Reach on 14 September 2021.
2. Not proceed with an appeal of the decision granted by the Sydney Western City Planning Panel.

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

Against the Motion: Nil.

Absent: Nil.

The meeting terminated at 10:46pm.

Submitted to and confirmed at the Ordinary meeting held on 11 January 2022.

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Mayor