



Ordinary Meeting

Date of meeting: 11 October 2022
Location: Council Chambers
Time: 6:30 p.m.

MINUTES

ORDINARY MEETING

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on 11 October 2022, commencing at 6:30pm.

Welcome

The Mayor, Councillor Sarah McMahon acknowledged the Indigenous Heritage.

The General Manager addressed the Council meeting, mentioning:

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

ATTENDANCE

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

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

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

The absence of Councillor Eddie Dogramaci was noted.

DECLARATIONS OF INTEREST

Councillor Djuric declared an interest on Item 170.

Councillor McMahon declared an interest on Item 178.

Acknowledgement of Official Visitors to the Council

There were no official visitors to Council.

SECTION 1 - Confirmation of Minutes

209 RESOLUTION:

RESOLVED on the motion of Councillor Reardon and seconded by Councillor Conolly that the Minutes of the Ordinary held on the 13 September, be confirmed.

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SECTION 3 – Reports for Determination

PLANNING DECISIONS

Item: 170 **CP - Proposed Standard Instrument (Local Environmental Plan) Amendment (Agritourism) Order - (95498, 124414)**

Previous Item: 072, Ordinary (12 April 2022)

Directorate: City Planning

Councillor Djuric made a special disclosure of interest in this matter as property owned by him is within a zone in the Hawkesbury Local Environmental Plan 2012 affected by the proposal. Councillor Djuric 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 Councillor Djuric:

- Identified 23 Glebe Road, Pitt Town (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 Hawkesbury Local Environmental Plan 2012
- Disclosed the proposed change of zone/planning control as draft agritourism the removal of land reservation acquisition
- Disclosed the effect of the proposed change of zone/planning control on him as appreciable financial gain.

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

MOTION:

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

Refer to RESOLUTION

210 RESOLUTION:

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

That Council:

1. Receive the update on the revised amendments to the agritourism and small-scale agricultural development provisions prepared by the Department of Planning and Environment.
2. Not nominate at this stage additional zones other than the RU1- Primary Production, RU2 – Rural Landscape, and RU4 – Primary Production Small Lots zones for the Agritourism provisions to apply.

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

Against the Motion: Nil.

Absent: Councillor Dogramaci.

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CITY PLANNING

Item: 171 **CP - Fernadell Park Draft Masterplan and Plan of Management - Fernadell Park, Pitt Town - (95498, 124414)**

Previous Item: 90, Ordinary (11 May 2021)

Directorate: City Planning

MOTION:

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

Refer to RESOLUTION

211 RESOLUTION:

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

That Council:

1. Categorise Fernadell Park as Sportsground, Park and General Community Use.
2. Adopt the Draft Fernadell Park Masterplan and Plan of Management as shown in Attachments 2 and 3 with the following amendments:
 - a) Masterplan:
 - Inclusion of a small play space between the sports amenity building and the courts
 - Investigate option to partially pipe the N-S channel to increase the amount of parking. Subject to funding, pipe entire drain with overflow path
 - Amend the key:
 - (1) Remove soccer in the field description – they are for any sport
 - (4) Replace the word 'Training Field' with 'Modified Field' as the field will be used for games as well as training.
 - 'Path' should be 'shared pathway'.
 - b) Plan of Management:
 - Change training field to modified field in Table 6, page 31
 - Indicate modified field is "minimum" 70m x 50m
 - Amend Section 4.2.6 Table 15:
 - Delete Harvest Stormwater for irrigating sports fields and associated text
 - Replace wording with the effect of "Utilise existing recycled water (purple pipe) infrastructure for all irrigation requirements".
 - Remove reference to stormwater on page 35. (last dot point)
 - Water harvesting for toilets.

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

Against the Motion: Nil.

Absent: Councillor Dogramaci.

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Item: 172 **CP - Draft Masterplan and Plan of Management - McMahon Park, Kurrajong - (95498, 124414)**

Directorate: City Planning

MOTION:

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

Refer to RESOLUTION

212 RESOLUTION:

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

That Council:

1. Request the Minister responsible for Crown Lands to consider adding an additional purpose to McMahon Park which would allow for ongoing use of the community centre, and upgrade to the bus garage.
2. Refer the McMahon Park Plan of Management and Masterplan draft documents (attached as Attachments 1 and 2 to the report) to the Minister responsible for Crown Land for review.
3. Upon receipt of approval from the Minister responsible for Crown Lands, publicly exhibit the Draft Masterplan and McMahon Park Plan of Management.
4. Report the matter back to Council following public exhibition.

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

Against the Motion: Nil.

Absent: Councillor Dogramaci.

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CORPORATE SERVICES

Item: 173 **CS - Investment Report - August 2022 - (95496)**

Previous Item: 129, Ordinary (19 July 2022)

Directorate: Corporate Services

MOTION:

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

Refer to RESOLUTION

213 RESOLUTION:

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

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

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

Against the Motion: Nil.

Absent: Councillor Dogramaci.

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Item: 174 **CS - Financial Statements for the Year Ended 30 June 2022 - (95496)**

Directorate: Corporate Services

MOTION:

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

Refer to RESOLUTION

214 RESOLUTION:

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

That:

1. Council note the following Statement in respect of Section 413(2)(c) of the Local Government Act 1993 as to its Annual Financial Statements:
 - a) Council's Annual Financial Statements for 2021/2022 have been drawn up in accordance with:
 - (i) The Local Government Act 1993 (NSW) (as amended) and the Regulations made thereunder;
 - (ii) The Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board; and
 - (iii) The Local Government Code of Accounting Practice and Financial Reporting.
 - b) The Statements present fairly the Council's financial position and operating result for the year.
 - c) The Statements are in accordance with the Council's accounting and other records.
 - d) The signatories do not know of anything that would make these Statements false or misleading in any way.
2. Council sign the "Statements by Councillors and Management". The Statements are to be signed by the Mayor, Deputy Mayor, General Manager, and the Responsible Accounting Officer.
3. Council note the endorsement made by the Audit and Risk Improvement Committee to submit the Financial Statements to Council.
4. Council seek a presentation from the NSW Audit Office, or its representative, at a Council Meeting following the completion of the audit.

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

Against the Motion: Nil.

Absent: Councillor Dogramaci.

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Item: 175 **CS - Disclosure of Pecuniary Interests and Other Matters Returns - (95496)**

Directorate: Corporate Services

MOTION:

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

Refer to RESOLUTION

215 RESOLUTION:

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

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

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

Against the Motion: Nil.

Absent: Councillor Dogramaci.

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Item: 176 **CS - Payment of Expenses and Provision of Facilities to Councillors Policy - (95496)**

Previous Item: 142, Ordinary (9 August 2022)

Directorate: Corporate Services

MOTION:

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

Refer to RESOLUTION

216 RESOLUTION:

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

That Council adopt the Payment of Expenses and Provision of Facilities to Councillors Policy, attached as Attachment 1 to the report.

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

Against the Motion: Nil.

Absent: Councillor Dogramaci.

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INFRASTRUCTURE SERVICES

Item: 177 **IS - Status of Hawkesbury Roads - (95495)**

Previous Item: 151, Ordinary (13 September 2022)

Directorate: Infrastructure Services

MOTION:

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

Refer to RESOLUTION

217 RESOLUTION:

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

That Council:

1. Receives and notes the report on the status of Hawkesbury Roads.
2. Endorses a plan to ensure long-term and systematic improvements to Council's road network that includes:
 - a) Prioritisation of the development of Council's asset management maturity;
 - b) A comprehensive review of Council's operational service areas;
 - c) Regular reporting to Council on the progress of the capital works program, including flood recovery works;
 - d) Development of a Local and Regional Road Risk Management Policy; and
 - e) Mapping tools for the community on Council's capital works programs.

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

Against the Motion: Nil.

Absent: Councillor Dogramaci.

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SECTION 4 – Reports of Committees

Item: 178 **ROC - Heritage Committee - 28 July 2022 - (95498, 80242)**

Directorate: City Planning

Councillor McMahon declared a less than significant non-pecuniary conflict of interest in this matter as signage is part of the Liveability Program and her partner has a commercial lease in a heritage building within the coverage area of the Liveability Program and no further action is required.

MOTION:

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

Refer to RESOLUTION

218 RESOLUTION:

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

That in relation to the Minutes of the Heritage Committee Meeting held on the 28 July 2022:

1. Council receive and note the Heritage Committee Minutes in respect to Items 1, 2 and 5.
2. Council endorse the Heritage Committee Recommendations in respect of Item 3 (Wayfinding and Signage – Heritage Interpretive Trail), namely:

"That the Heritage Committee provide additional areas to be investigated for inclusion in the Wayfinding and Signage Strategy:

- *Windsor Court House*
- *Remains of the Police Barracks and Fort*
- *Windsor Catholic Cemetery (located next to the Hawkesbury River)*
- *Windsor Railway Station and Former Goods Yard*
- *Thompson Square (brick wall remaining)*
- *Richmond Hill*
- *John Tebbutts Observatories"*

3. Council endorse the Heritage Committee Recommendations in respect of Item 4 (Update on Preparation of Hawkesbury Community Based Heritage Study), namely:

"That the Heritage Committee:

1. *Establish a Working Group to assist the completion of the Hawkesbury Community Based Heritage Study.*
2. *Committee Members nominated as members of the Working Group:*
 - *Ms Deborah Hallam*
 - *Mr Graham Edds*
 - *Ms Michelle Nichols*
 - *Mr Michael Edwards*
 - *Ms Jan Barkley-Jack*

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- *Councillor Danielle Wheeler (Chair)"*

4. Council endorse the Heritage Committee Recommendations in respect of Item 6 (Update on Various Heritage Related Matters), namely:

"That the Heritage Committee establish the following two Working Groups:

1. *Macquarie Towns State Heritage Working Group, Committee Members nominated as members of the Working Group:*
 - *Mr Graham Edds*
 - *Ms Jan Barkley-Jack*
 - *Mr Michael Edwards*
 - *Councillor Wheeler (Chair)*
2. *Windsor Bridge Artefacts Working Group, Committee Members nominated as members of the Working Group:*
 - *Ms Erin Wilkins*
 - *Ms Cheryl Ballantyne*
 - *Ms Cindy Laws*
 - *Mr Michael Edwards*
 - *Councillor Djuric*
 - *Councillor Wheeler (Chair)"*

5. The Heritage Committee meets no less than four times per year, with staff to provide Committee members with meeting dates until the end of the 2023 calendar year. Additional meetings may be called where required.

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

Against the Motion: Nil.

Absent: Councillor Dogramaci.

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Item: 179 **ROC - Local Traffic Report - 12 September 2022 - (95495, 80245)**

Directorate: Infrastructure Services

MOTION:

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

Refer to RESOLUTION

219 RESOLUTION:

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

That the Council adopt the recommendations contained in the minutes of the Hawkesbury City Council Traffic Committee meeting held on 12 September 2022.

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

Against the Motion: Nil.

Absent: Councillor Dogramaci.

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CONFIDENTIAL REPORTS

220 RESOLUTION:

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

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 item:

Item: 180 CS – Acquisition of Part of 39 Sam’s Way, Mountain Lagoon – (95496, 112106, 31659, 31657, 31660)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(*) of the Local Government Act, 1993 as it relates to details concerning the leasing of a Council property and it is considered that they 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.

221 RESOLUTION:

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

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Item: 180 **CS - Acquisition of Part of 39 Sam's Way, Mountain Lagoon - (95496, 112106, 31659, 31657, 31660)**

Directorate: Corporate Services

MOTION:

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

Refer to RESOLUTION

222 RESOLUTION:

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

That:

1. Council undertake the compulsory acquisition, under Sections 186 and 187 of the Local Government Act 1993 of an area of land as shown in Attachment 1, in the order of 768.7m² within part of 39 Sam's Way, Mountain Lagoon (Lot 62 in Deposited Plan 700643) being proposed Lots 621, 622 and 624 in Deposited Plan 1270744 for the purpose of fire control.
2. 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.
3. 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.
4. Following acquisition of the property, Council classify part of 39 Sam's Way, Mountain Lagoon (Lot 62 in DP 700643), being the area of land as shown in Attachment 1, as 'Operational' under Section 31(2A) of the Local Government Act, 1993.
5. 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.
6. Authority be given for the Assignment of Lease and any other relevant documentation in association with this matter to be executed under the Seal of Council.
7. Details of the resolution be conveyed to the affected landowner together with the advice that Council is not, and will not, be bound by the terms of the resolution until such time as appropriate documentation to put such a resolution into effect has been agreed to and executed.

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

Against the Motion: Nil.

Absent: Councillor Dogramaci.

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The meeting terminated at 7:18pm.

Submitted to and confirmed at the Ordinary meeting held on 15 November 2022.

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Mayor