



ORDINARY MEETING

Date of meeting: 11 July 2023
Location: Council Chambers
Time: 6:30 PM

MINUTES

ORDINARY MEETING

Table of Contents

Meeting Date: 11 July 2023

Table of Contents

1. PROCEDURAL MATTERS	5
ATTENDANCE.....	5
APOLOGIES AND LEAVE OF ABSENCE OR ATTENDANCE BY AUDIO-VISUAL LINK.....	5
DECLARATIONS OF INTEREST	5
2. CONFIRMATION OF MINUTES.....	6
CONDOLENCES	7
1.1.1. Condolence for Henry James (Ted) Books OAM - (79353, 138879)	7
3. MAYORAL MINUTES.....	8
3.1.1. MM - Kangaroo and Driver Safety on The Driftway - (138879, 79353).....	8
4. REPORTS FOR DETERMINATION	9
4.1. PLANNING DECISIONS.....	9
Nil reports.....	9
4.2. GENERAL MANAGER.....	9
4.2.1. GM - Councillor Numbers - (79351, 96333).....	9
4.2.2. GM - Media Policy - (79351, 15988)	10
4.2.3. GM - Code of Conduct and Procedures - (79351, 96333).....	11
4.3. CITY PLANNING	12
4.3.1. CP - Liveability Project - Windsor Town Centre - Stage 1 Updated Design, Material Schedule and Project Costings - (95498, 147666)	12
4.3.2. CP - Outcome of Public Exhibition - Draft Environmental Sustainability Strategy - (124414, 95498)	14
4.3.3. CP – Draft Child Safe Policy – (95498, 96328).....	15
4.3.4. CP - Draft Managing Conflict of Interest for Council Related Development Policy - (95498, 96329)	16
4.3.5. CP - Draft Local Approvals Policy - Caravan Parks - (95498, 124414)	17
4.4. CORPORATE SERVICES	18
4.4.1. CS - Investment Report - May 2023 - (95496, 96332).....	18
4.5. INFRASTRUCTURE SERVICES.....	19
4.5.1.IS - Macquarie Park Aquatic Safety Assessment - (95495, 159575).....	19

ORDINARY MEETING

Table of Contents

Meeting Date: 11 July 2023

4.5.2. IS - Western Sydney Regional Waste and Sustainable Materials Strategy - (95495, 159578) 20

5. REPORTS OF COMMITTEES..... 21

 Nil reports..... 21

6.1 NOTICES OF MOTION..... 22

 Nil reports..... 22

7. QUESTIONS FOR NEXT MEETING 23

 7.1.1. Question with Notice - 11 July 2023..... 23

 7.1.2. Responses to Councillor Questions Taken on Notice at the Council Meeting - 20 June 2023..... 24

8. CONFIDENTIAL REPORTS 25

 8.3. CORPORATE SERVICES 26

 8.3.1. CS - Code of Conduct Complaints and Investigation - (95496) 26

ORDINARY MEETING

1. PROCEDURAL MATTERS

Meeting Date: 11 July 2023

1. PROCEDURAL MATTERS

Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on 11 July 2023, commencing at 6:31pm.

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, Eddie Dogramaci, Amanda Kotlash, Mary Lyons-Buckett, Jill Reardon, Les Sheather, Paul Veigel, Danielle Wheeler and Nathan Zamprogno.

ALSO PRESENT: General Manager - Elizabeth Richardson, 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, Acting Manager City Design and Economic Development - Belinda Bathis, Manager Resource Recovery - Samuel Swain, Coordinator Open Space Services - Sean Perry, Manager Governance - Charles McElroy and Council Committee Officer - Amy Birks.

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

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

Councillor Conolly left the meeting at 9:35pm.

Councillor Kotlash left the meeting at 9:35pm

Councillor Dogramaci left the meeting at 9:47pm and returned at 10:12pm

DECLARATIONS OF INTEREST

Councillor McMahon declared an interest on Item 4.3.1.

Councillor Zamprogno declared an interest on item 8.3.1.

Acknowledgement of Official Visitors to the Council

There were no official visitors to Council.

ORDINARY MEETING

2. CONFIRMATION OF MINUTES

Meeting Date: 11 July 2023

2. CONFIRMATION OF MINUTES

114 RESOLUTION:

RESOLVED on the motion of Councillor Reardon, seconded by Councillor Sheather that the minutes of the Ordinary Meeting held on 20 June 2023, be confirmed.

ORDINARY MEETING
CONDOLENCES
Meeting Date: 11 July 2023

CONDOLENCES

1.1.1. Condolence for Henry James (Ted) Books OAM - (79353, 138879)

A PROCEDURAL MOTION was moved by the Mayor, Councillor McMahon that Item 1.1.1 be brought forward in the agenda to be dealt with.

MOTION:

RESOLVED on the motion by the Mayor, Councillor McMahon.

Refer to RESOLUTION

115 RESOLUTION:

RESOLVED on the motion by the Mayor, Councillor McMahon.

That Council:

1. Recognise the recent passing of former Hawkesbury City Councillor and Deputy Mayor Henry James (Ted) Books OAM.
2. Note that the Mayor has expressed Council's condolences and gratitude for Ted's service, via letter, to the Books family; and
3. Observe one minute's silence in respect of Ted's contribution to the community.

One minute's silence was observed in memory of Henry James (Ted) Books OAM.

ORDINARY MEETING
3. MAYORAL MINUTES
Meeting Date: 11 July 2023

3. MAYORAL MINUTES

3.1.1. MM - Kangaroo and Driver Safety on The Driftway - (138879, 79353)

Dr Anne Marks, Ms Courtney Waters and Ms Kerry Reynolds addressed Council, speaking for the recommendation in the business paper.

MOTION:

RESOLVED on the motion of the Mayor, Councillor McMahon.

Refer to RESOLUTION

116 RESOLUTION:

RESOLVED on the motion of the Mayor, Councillor McMahon.

That:

1. Council receive a report as soon as possible, detailing the effectiveness, costs, viability and process of implementing safety measures at specific points along The Driftway, between Londonderry Rd and Castlereagh Road (as identified by local WIRES volunteers) to limit the amount of car accidents involving kangaroos. Council contact Western Sydney University and collate the data that is currently available. This report is to consider efficacy, costs, viability and process of implementing, including:
 - a) Kangaroo warning signage;
 - b) Painted markings on the road surface (for example lines, crossing zones or wildlife markings);
 - c) Flashing signs that are activated at dusk and dawn;
 - d) Speed humps;
 - e) Reducing the speed limit;
 - f) Virtual fencing.
2. Council continue to request Transport for NSW to incorporate measures to reduce the risk of vehicle-wildlife conflicts on the New Richmond Bridge Stage 1;
3. The Mayor submit a letter of support to Anne Marks' application for grant funding for 'virtual fencing', of which a grant is currently available through WIRES: <https://www.wires.org.au/national-grants-program> and would look similar to: <http://www.wildlifesafetysolutions.com.au>
4. Council consult with WIRES regarding any other areas of concern identified as having a high number of incidents.

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

Against the Motion: Nil.

Absent: Nil.

ORDINARY MEETING

4. REPORTS FOR DETERMINATION

Meeting Date: 11 July 2023

4. REPORTS FOR DETERMINATION

4.1. PLANNING DECISIONS

Nil reports.

4.2. GENERAL MANAGER

4.2.1. GM - Councillor Numbers - (79351, 96333)

Previous Item: 125, Ordinary (19 July 2022)
NM1, Ordinary (14 June 2022)
146, Ordinary (13 August 2019)
133, Ordinary (30 July 2019)

Directorate: General Manager

MOTION:

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

Refer to RESOLUTION

117 RESOLUTION:

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

That Council determines the number of its Councillors be twelve for the following Council term from 2024 to 2028.

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

Against the Motion: Nil.

Absent: Nil.

ORDINARY MEETING
4. REPORTS FOR DETERMINATION

Meeting Date: 11 July 2023

4.2.2. GM - Media Policy - (79351, 15988)

Previous Item: 087, Ordinary (28 May 2019)

Directorate: General Manager

MOTION:

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

Refer to RESOLUTION

118 RESOLUTION:

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

That:

1. The Draft Media Policy, attached as Attachment 1 to this report, be placed on public exhibition for a period of 28 days.
2. At the expiration of the public notification exhibition process outlined in Part 1 above, the following action be taken:
 - a) Should any submissions be received regarding the Draft Media Policy, a further report be submitted to Council, or
 - b) Should no submissions be received, Council adopt the Draft Media Policy, as attached as Attachment 1 to this report.

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

Against the Motion: Nil.

Absent: Nil.

ORDINARY MEETING
4. REPORTS FOR DETERMINATION

Meeting Date: 11 July 2023

4.2.3. GM - Code of Conduct and Procedures - (79351, 96333)

Previous Item: 062, Ordinary (29 March 2022)
168, Ordinary (8 September 2020)
037, Ordinary (12 March 2019)
128, Ordinary (25 July 2017)

Directorate: General Manager

MOTION:

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

Refer to RESOLUTION

119 RESOLUTION:

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

That Council:

1. Adopt the Code of Conduct attached as Attachment 1 to this report.
2. Adopt the Procedures for the Administration of the Code of Conduct attached as Attachment 2 to this report.

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

Against the Motion: Nil.

Absent: Nil.

ORDINARY MEETING

4. REPORTS FOR DETERMINATION

Meeting Date: 11 July 2023

4.3. CITY PLANNING

4.3.1. CP - Liveability Project - Windsor Town Centre - Stage 1 Updated Design, Material Schedule and Project Costings - (95498, 147666)

Previous Item: 4.3.4, Ordinary (18 April 2023)
6.15, Ordinary (14 March 2023)
167, Ordinary (13 September 2022)
172, Ordinary (8 September 2020)

Directorate: City Planning

Councillor McMahon declared a less than significant non-pecuniary conflict of interest in this matter as she had previously declared an interest on the Liveability Project Area, Richmond due to her partner leasing a property within the Liveability precinct. This Item relates to the Liveability Project Area, Windsor and no further action is required.

Mr Darren Pead, Mr Grant Gerrish and Ms Anita Nogarotto addressed Council, speaking for the recommendation in the business paper.

Ms Gae Kelly, Mr Ben Woodbury and Mr John Ross addressed Council, speaking against the recommendation in the business paper.

A MOTION was moved by Councillor Sheather, seconded by Councillor Reardon.

That Council endorse the updated design plans, materials schedule and paving colour for Stage 1 of the Liveability Project, Windsor Town Centre to allow for the project to progress to Tender stage, with the following amendments:

- a) Include Georgian/Victorian style furniture.
- b) Investigate alternative designs for the shade structures adjacent to Thompson Square to provide improved shade.

A PROCEDUAL MOTION was moved by Councillor Kotlash that this item be dealt with in seriatim.

MOTION:

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

Refer to RESOLUTION

120 RESOLUTION:

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

That Council endorse the updated design plans, materials schedule and paving colour for Stage 1 of the Liveability Project, Windsor Town Centre to allow for the project to progress to Tender stage, with the following amendment:

- a) Include Georgian/Victorian style furniture.

ORDINARY MEETING
4. REPORTS FOR DETERMINATION

Meeting Date: 11 July 2023

For the Motion: Councillors McMahon, Djuric, Dogramaci, Reardon, Sheather, Veigel, and Zamprogno.

Against the Motion: Councillors Calvert, Conolly, Kotlash, Lyons-Buckett and Wheeler.

Absent: Nil.

MOTION:

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

Refer to RESOLUTION

121 RESOLUTION:

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

That Council endorse the updated design plans, materials schedule and paving colour for Stage 1 of the Liveability Project, Windsor Town Centre to allow for the project to progress to Tender stage, with the following amendment:

- b) Investigate alternative designs for the shade structures adjacent to Thompson Square to provide improved shade.

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

Against the Motion: Nil.

Absent: Nil.

ORDINARY MEETING
4. REPORTS FOR DETERMINATION

Meeting Date: 11 July 2023

4.3.2. CP - Outcome of Public Exhibition - Draft Environmental Sustainability Strategy - (124414, 95498)

Previous Item: 4.3.2, Ordinary (18 April 2023)

Directorate: City Planning

MOTION:

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

Refer to RESOLUTION

122 RESOLUTION:

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

That Council adopt the Environmental Sustainability Strategy, included as Attachment 1 to this report.

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

Against the Motion: Nil.

Absent: Nil.

ORDINARY MEETING
4. REPORTS FOR DETERMINATION

Meeting Date: 11 July 2023

4.3.3. CP – Draft Child Safe Policy – (95498, 96328)

Directorate: City Planning

MOTION:

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

Refer to RESOLUTION

123 RESOLUTION:

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

That:

1. The Draft Child Safe Policy, attached as Attachment 1 to this report, be placed on public exhibition for a period of 28 days.
2. At the expiration of the public notification exhibition process outlined in Part 1 above, the following action be taken:
 - a) Should any submissions be received regarding the Draft Child Safe Policy, a further report be submitted to Council, or
 - b) Should no submissions be received, Council adopt the Draft Child Safe Policy, as attached as Attachment 1 to this report.

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

Against the Motion: Nil.

Absent: Nil.

ORDINARY MEETING
4. REPORTS FOR DETERMINATION

Meeting Date: 11 July 2023

4.3.4. CP - Draft Managing Conflict of Interest for Council Related Development Policy - (95498, 96329)

Directorate: City Planning

MOTION:

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

Refer to RESOLUTION

124 RESOLUTION:

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

That:

1. The Draft Managing Conflict of Interest for Council Related Development Policy, attached as Attachment 1 to this report, be placed on public exhibition for a period of 28 days.
2. At the expiration of the public notification exhibition process outlined in Part 1 above, the following action be taken:
 - a) Should any submissions be received regarding the Draft Managing Conflict of Interest for Council Related Development Policy, a further report be submitted to Council, or
 - b) Should no submissions be received, Council adopt the Draft Managing Conflict of Interest for Council Related Development Policy, as attached as Attachment 1 to this report.

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

Against the Motion: Nil.

Absent: Nil.

ORDINARY MEETING
4. REPORTS FOR DETERMINATION

Meeting Date: 11 July 2023

4.3.5. CP - Draft Local Approvals Policy - Caravan Parks - (95498, 124414)

Previous Item: 213, Ordinary (13 December 2022)
4.3.1, Ordinary (18 April 2023)

Directorate: City Planning

Ms Lexia Wilson addressed Council, speaking against the recommendation in the business paper.

MOTION:

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

Refer to RESOLUTION

125 RESOLUTION:

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

That Council:

1. Note the outcome of public exhibition and consultation of the Draft Local Approvals Policy - Caravan Parks.
2. Adopt the Draft Local Approvals Policy - Caravan Parks included as Attachment 1 to the report with the following amendments:
 - a) Enclosed associated structures (such as sheds and garages) and rigid annexes will only be considered on land below the flood planning level subject to an objection being lodged with Council in accordance with Section 82 of the Local Government Act 1993 demonstrating that the location of these structures on land below the flood planning level will not be inconsistent with the purpose of this Policy to minimise the impacts from flooding of caravan parks.
 - b) Relocatable homes will only be considered on land below the flood planning level subject to an objection being lodged with Council in accordance with Section 82 of the Local Government Act 1993 demonstrating that the location of these structures on land below the flood planning level will not be inconsistent with the purpose of this Policy to minimise the impacts from flooding of caravan parks.
 - c) Amend 'flood planning level' in the Draft Policy to read: "means the level of a 1:100 ARI (average recurrent interval) flood event".
3. Endorse a period of 12 months from the adoption of the Draft Local Approvals Policy - Caravan Parks in which existing unlawful structures are required to be removed, in accordance with Policy provisions.

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

Against the Motion: Councillors Djuric and Sheather

Absent: Nil.

ORDINARY MEETING
4. REPORTS FOR DETERMINATION

Meeting Date: 11 July 2023

4.4. CORPORATE SERVICES

4.4.1. CS - Investment Report - May 2023 - (95496, 96332)

Previous Item: 130, Ordinary (19 July 2022)

Directorate: Corporate Services

MOTION:

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

Refer to RESOLUTION

126 RESOLUTION:

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

That the Monthly Investment Report for May 2023 be received and noted.

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

Against the Motion: Nil.

Absent: Nil.

ORDINARY MEETING
4. REPORTS FOR DETERMINATION
Meeting Date: 11 July 2023

4.5. INFRASTRUCTURE SERVICES

4.5.1. IS - Macquarie Park Aquatic Safety Assessment - (95495, 159575)

Previous Item: 001, Ordinary (17 January 2023)

Directorate: Infrastructure Services

MOTION:

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

Refer to RESOLUTION

127 RESOLUTION:

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

That Council:

1. Note the Macquarie Park Aquatic Safety Assessment Report.
2. Adopt a safe systems approach to swimming at Macquarie Park, and
3. Undertake the development of a Hawkesbury Public Water Safety Strategy.

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

Against the Motion: Nil.

Absent: Nil.

ORDINARY MEETING
4. REPORTS FOR DETERMINATION

Meeting Date: 11 July 2023

4.5.2. IS - Western Sydney Regional Waste and Sustainable Materials Strategy - (95495, 159578)

Directorate: Infrastructure Services

MOTION:

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

Refer to RESOLUTION

128 RESOLUTION:

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

That Council endorse the Western Sydney Regional Waste and Sustainable Materials Strategy 2022-2027 attached as Attachment 1 to the report.

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

Against the Motion: Nil.

Absent: Nil.

ORDINARY MEETING

5. REPORTS OF COMMITTEES

Meeting Date: 11 July 2023

5. REPORTS OF COMMITTEES

Nil reports.

ORDINARY MEETING
6.1 NOTICES OF MOTION
Meeting Date: 11 July 2023

6.1 NOTICES OF MOTION

Nil reports.

ORDINARY MEETING

7. QUESTIONS FOR NEXT MEETING

Meeting Date: 11 July 2023

7. QUESTIONS FOR NEXT MEETING

7.1.1. Question with Notice - 11 July 2023

A response to the Question with Notice listed in the Business Paper of 11 July 2023 will be provided at a future Council Meeting.

ORDINARY MEETING

7. QUESTIONS FOR NEXT MEETING

Meeting Date: 11 July 2023

**7.1.2. Responses to Councillor Questions Taken on Notice at the Council Meeting -
20 June 2023**

There were no comments or questions on Questions Taken on Notice at the Council Meeting on 20 June 2023.

ORDINARY MEETING
8. CONFIDENTIAL REPORTS
Meeting Date: 11 July 2023

8. CONFIDENTIAL REPORTS

129 RESOLUTION:

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

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 - Code of Conduct Complaints and Investigation

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(i) of the Local Government Act, 1993 as it relates to alleged contraventions of any code of conduct requirements applicable under section 440.*

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.

130 RESOLUTION:

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

ORDINARY MEETING
8. CONFIDENTIAL REPORTS
Meeting Date: 11 July 2023

8.3. CORPORATE SERVICES

8.3.1. CS - Code of Conduct Complaints and Investigation - (95496)

Directorate: Corporate Services

Councillor Zamprogno declared a significant non-pecuniary conflict of interest in this matter due to a personal acquaintance with Councillor Dogramaci which predates their election to Council. He left the Chamber and 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 Veigel, seconded by Councillor Sheather.

Refer to RESOLUTION

131 RESOLUTION:

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

"That:

1. In relation to the Code of Conduct complaints lodged on 7 February, 22 and 23 March 2023, Council note that, after investigation, an Investigator found that:
 - a) (i) Councillor Eddie Dogramaci drafted and distributed Leaflets, identified as Leaflets 1 to 5 in the Final Investigation Report, to residents in the Hawkesbury City Council Local Government Area. The leaflets contain statements that adversely affect the reputation of Council and that suggest Council has mismanaged their response in relation to a sewer leak (Rising Main C) and withheld information from him in relation to Rising Main C.
 - (ii) Councillor Eddie Dogramaci's conduct in relation to drafting and distributing Leaflets 1 to 5 to residents in the Hawkesbury City Council Local Government Area amounts to a breach of the Hawkesbury City Council Code of Conduct.
 - (iii) In two previous Code of Conduct complaints about Councillor Eddie Dogramaci (the July 2022 and November 2022 complaints), preliminary assessments into the complaints found there was information to indicate that Councillor Dogramaci had distributed leaflets to the community which adversely impacted on the reputation of Council.
 - In relation to the July 2022 complaint, Councillor Dogramaci was counselled about his behaviour, and it was drawn to his attention that his behaviour affected public confidence in Council.
 - In relation to the November 2022 complaint, Councillor Dogramaci was issued with a formal warning to refrain from the offending behaviours, including distributing leaflets containing information that adversely impacted on the reputation of Council.

ORDINARY MEETING
8. CONFIDENTIAL REPORTS
Meeting Date: 11 July 2023

- (iv) By drafting and distributing Leaflets 1 to 5, Councillor Eddie Dogramaci has failed to comply with the Hawkesbury City Council Code of Conduct in particular, Councillor Dogramaci has breached Sections 3.1 (a) and (c) of the Code, which state:

"3.1 You must not conduct yourself in a manner that:

(a) is likely to bring the council or other council officials into disrepute

...

(c) is improper or unethical"

- b) (i) Councillor Eddie Dogramaci attached his Council business card to Leaflets 3 and 4 that referred to his campaigning to become a member of the NSW Parliament. By doing this:

- Councillor Dogramaci used Council property for the purpose of assisting with his election campaign to become a member of the NSW Parliament.
- Councillor Dogramaci's actions could give the appearance that his leaflets were official Council material for the purpose of assisting with his election campaign to become a member of the NSW Parliament.

- (ii) On 18 August 2022, Councillor Eddie Dogramaci was provided with an email from Hawkesbury City Council in relation to using his business card on leaflets. The email reminded the Councillor that *'Council resources cannot be used for campaigning'* and drew his attention to Sections 8.17 and 8.18 of the Code.

- (iii) By drafting and distributing Leaflets 3 and 4, Councillor Eddie Dogramaci has failed to comply with the Hawkesbury City Council Code of Conduct, in particular, he has breached Sections 8.17 and 8.18 of the Code, which state:

"8.17 You must not use council resources (including council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.

8.18 You must not use the council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material:

- a) for the purpose of assisting your election campaign or the election campaign of others, or*
- b) for other non-official purposes.*

- c) By engaging in behaviours that are in breach of the Code, Councillor Eddie Dogramaci has engaged in misconduct, as defined by Section 440F of the Local Government Act 1993, which states:

ORDINARY MEETING
8. CONFIDENTIAL REPORTS
Meeting Date: 11 July 2023

"440F Definitions

(1) In this Chapter -

misconduct of a councillor mean any of the following -

...

(b) a failure by the councillor to comply with an applicable requirement of a code of conduct"

2. In accordance with Clause 7.58(b) of the Procedures for the Administration of the Code of Conduct, Council:
- a) Formally censure Councillor Eddie Dogramaci for breaching Sections 3.1(a), 3.1(c), 8.17 and 8.18 of the Hawkesbury City Council Code of Conduct under Section 440G of the Local Government Act, 1993, and
 - b) Refer the matter to the Office of Local Government for further action under the misconduct provision of the Local Government Act, 1993."

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

Against the Motion: Nil.

Absent: Councillors Conolly, Dogramaci, Kotlash and Zamprogno.

The meeting terminated at 10:18pm.

Submitted to and confirmed at the Ordinary meeting held on 8 August 2023.

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Mayor



Ordinary Meeting

End of Minutes

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