



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 28 April 2020

location: by audio-visual link

time: 6:30 p.m.

ORDINARY MEETING**Table of Contents**

Minutes: 28 April 2020

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE
	ATTENDANCE	1
	APOLOGIES AND LEAVE OF ABSENCE	1
	DECLARATIONS OF INTEREST	1
	SECTION 1 - Confirmation of Minutes	2
	SECTION 3 - Reports for Determination	3
	GENERAL MANAGER	3
Item: 072	GM - Draft 2020/2021 Operational Plan - (79351)	3
Item: 073	GM - Hardship and Debt Recovery Policy - (79351)	4
Item: 074	GM - Information regarding Council's spending during the 2016-2020 Term of Council - (79351)	5
	CITY PLANNING	6
Item: 075	CP - NSW State Government 20 Year Waste Strategy - Issues Paper - (95498, 96330)	6
	SUPPORT SERVICES	7
Item: 076	SS - Monthly Investments Report - March 2020 - (95496, 96332)	7
Item: 077	SS - Pecuniary Interest Return - Designated Person - (95496, 96333)	8
Item: 078	SS - Rate Exemption - 120 Porpoise Crescent, Bligh Park - (95496)	9
	CONFIDENTIAL REPORTS	11
Item: 079	SS - Lease to Ross Shaun Corporation Pty Ltd - Shop 7, Wilberforce Shopping Centre - 995496, 112106, 147403) CONFIDENTIAL	12
Item: 080	SS - Lease to The Trust Company (Australia) Limited - Part of Hollands Paddock - 50 The Terrace, Windsor - (132053, 95496, 112106) CONFIDENTIAL	13
Item: 081	SS - Tender for Management and Operation of the Oasis Aquatic and Leisure Centre - (95496) CONFIDENTIAL	14

ORDINARY MEETING

Table of Contents

Minutes: 28 April 2020

ORDINARY MEETING

Minutes: 28 April 2020

Minutes of the Ordinary Meeting held by audio-visual link on 28 April 2020, commencing at 6:31pm.

Welcome

The Mayor, Councillor Barry Calvert 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 Barry Calvert, Mayor, Councillor Mary Lyons-Buckett, Deputy Mayor and Councillors Patrick Conolly, Emma-Jane Garrow, Amanda Kotlash, Paul Rasmussen, Peter Reynolds, Sarah Richards, John Ross, Tiffany Tree, Danielle Wheeler and Nathan Zamprogno.

ALSO PRESENT: General Manager - Peter Conroy, Director City Planning - Linda Perrine, Director Infrastructure Services - Jeff Organ, Director Support Services - Laurie Mifsud, Chief Financial Officer - Emma Galea, Manager Communications, Events and Visitor Services - Suzanne Stuart, Manager Corporate Services and Governance - Charles McElroy and Administrative Support Coordinator - Tracey Easterbrook.

APOLOGIES AND LEAVE OF ABSENCE

No apologies or leave of absence were received from Councillors.

Councillor Ross arrived at the meeting at 6:34pm.

Councillor Tree left the meeting at 9:28pm.

Councillor Calvert left the meeting at 9:43pm and returned to the meeting at 10:04pm.

DECLARATIONS OF INTEREST

There were no Declarations of Interest made.

Acknowledgement of Official Visitors to the Council

There were no official visitors to Council.

ORDINARY MEETING

Minutes: 28 April 2020

83 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Reynolds that the Confirmation of Minutes be held over pending the attendance of Councillor Ross.

SECTION 1 - Confirmation of Minutes

84 RESOLUTION:

RESOLVED on the motion of Councillor Conolly and seconded by Councillor Rasmussen that the Minutes of the Ordinary Meeting held on the Tuesday, 31 March 2020, be confirmed.

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

Against the Motion: Councillor Ross.

Absent: Nil.

ORDINARY MEETING

Minutes: 28 April 2020

SECTION 3 – Reports for Determination

GENERAL MANAGER

Item: 072 **GM - Draft 2020/2021 Operational Plan - (79351)**

Directorate: General Manager

MOTION:

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

Refer to RESOLUTION

85 RESOLUTION:

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

That:

1. The General Manager's report regarding the Draft 2020/2021 Operational Plan be received.
2. The Draft 2020/2021 Operational Plan attached as Attachment 1 to the report, be approved for public exhibition and that Council give public notice of the exhibition of the Draft 2020/2021 Operational Plan for a minimum of 28 days in accordance with Section 405 of the Local Government Act 1993.
3. The Draft 2020/2021 Operational Plan be reported back to Council post the public exhibition period to consider any public submissions received and to consider the adoption of this document and to make and fix rates and charges for the year ended 30 June 2020.

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

Against the Motion: Councillors Conolly, Richards, Ross, Tree and Zamprogno.

Absent: Nil.

ORDINARY MEETING

Minutes: 28 April 2020

Item: 073 **GM - Hardship and Debt Recovery Policy - (79351)**

Previous Item: 66, Ordinary (31 March 2020)
 222, Ordinary (28 November 2017)

Directorate: Support Services

MOTION:

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

Refer to RESOLUTION

86 RESOLUTION:

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

That:

1. The Hardship and Debt Recovery 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 exhibition period outlined in Part 1 above, a further report be submitted to Council.
3. Councillors have the opportunity to contact the General Manager or the Chief Financial Officer in relation to any changes to the Guidelines.
4. The easy read version of the Guidelines be placed on Council's website.

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

Against the Motion: Councillors Kotlash and Ross

Absent: Nil.

ORDINARY MEETING

Minutes: 28 April 2020

Item: 074 **GM - Information regarding Council's spending during the 2016-2020 Term of Council - (79351)**

Previous Item: 047, Ordinary (10 March 2020)

Directorate: General Manager

MOTION:

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

Refer to RESOLUTION

87 RESOLUTION:

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

That the information regarding various financial matters, as resolved at the Meeting on 10 March 2020, be submitted to Council in May 2020.

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

Against the Motion: Councillors Conolly and Richards.

Absent: Nil.

Chairperson at Meeting

At 9:43pm the Mayor, Councillor Calvert requested that the Deputy Mayor, Councillor Lyons-Buckett preside at the meeting. The Mayor, Councillor Calvert left the meeting.

ORDINARY MEETING

Minutes: 28 April 2020

CITY PLANNING

Item: 075 **CP - NSW State Government 20 Year Waste Strategy - Issues Paper - (95498, 96330)**

Item:

Directorate: City Planning

MOTION:

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

Refer to RESOLUTION

88 RESOLUTION:

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

That Council:

1. Receive and note the information.
2. Endorse the draft submission on the NSW State Government 20 Year Waste Strategy Issues Paper, and lodge the submission with the Department of Planning, Industry and Environment.

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

Against the Motion: Nil.

Absent: Councillor Calvert and Tree.

ORDINARY MEETING

Minutes: 28 April 2020

SUPPORT SERVICES

Item: 076 **SS - Monthly Investments Report - March 2020 - (95496, 96332)**

Previous Item: 150, Ordinary (10 March 2020)

Directorate: Support Services

MOTION:

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

Refer to RESOLUTION

89 RESOLUTION:

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

That:

1. The Monthly Investments Report for March 2020 be received and noted.
2. Council undertake cash flow planning to determine what pressure any of the initiatives to support the community during the COVID-19 crisis may put on the investment portfolio and the requirement for liquidity.

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

Against the Motion: Councillor Ross.

Absent: Councillors Calvert and Tree.

ORDINARY MEETING

Minutes: 28 April 2020

Item: 077 **SS - Pecuniary Interest Return - Designated Person - (95496, 96333)**

Directorate: Support Services

MOTION:

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

Refer to RESOLUTION

90 RESOLUTION:

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

That the Clause 4.21(a) Pecuniary Interest Return be received and noted.

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

Against the Motion: Councillor Ross.

Absent: Councillors Calvert and Tree.

Chairperson at Meeting

At 10:04pm, the Mayor, Councillor Calvert returned and presided at the meeting.

ORDINARY MEETING

Minutes: 28 April 2020

Item: 078 **SS - Rate Exemption - 120 Porpoise Crescent, Bligh Park - (95496)**

Directorate: Support Services

MOTION:

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

That:

1. The Uniting Church in Australia Property Trust be granted an exemption from rating from 1 March 2020 for the property known as 120 Porpoise Crescent, Bligh Park (Lot 1504, DP 805976).
2. An amount of \$340.31 be abandoned in respect of rates for the period 1 March 2020 to 30 June 2020 for the property known as 120 Porpoise Crescent, Bligh Park (Lot 1504, DP 805976).

An AMENDMENT was moved by Councillor Zamprogno, seconded by Councillor Reynolds.

That:

1. The Uniting Church in Australia Property Trust be granted an exemption from rating from 1 March 2020 for the property known as 120 Porpoise Crescent, Bligh Park (Lot 1504, DP 805976).
2. An amount of \$340.31 be abandoned in respect of rates for the period 1 March 2020 to 30 June 2020 for the property known as 120 Porpoise Crescent, Bligh Park (Lot 1504, DP 805976).
3. Council identify those rate exempt properties whose status may change from time to time and conduct an annual audit.

For the Amendment: Councillors Kotlash, Reynolds, Ross and Zamprogno.

Against the Amendment: Councillors Calvert, Conolly, Garrow, Lyons-Buckett, Rasmussen, Richards and Wheeler.

Absent: Councillor Tree.

The amendment was lost.

ORDINARY MEETING

Minutes: 28 April 2020

MOTION:

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

Refer to RESOLUTION

91 RESOLUTION:

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

That:

1. The Uniting Church in Australia Property Trust be granted an exemption from rating from 1 March 2020 for the property known as 120 Porpoise Crescent, Bligh Park (Lot 1504, DP 805976).
2. An amount of \$340.31 be abandoned in respect of rates for the period 1 March 2020 to 30 June 2020 for the property known as 120 Porpoise Crescent, Bligh Park (Lot 1504, DP 805976).

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

Against the Motion: Councillor Reynolds.

Absent: Councillor Tree.

ORDINARY MEETING

Minutes: 28 April 2020

CONFIDENTIAL REPORTS

1. Council closed the meeting 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: 079 SS - Lease to Ross Shaun Corporation Pty Ltd - Shop 7, Wilberforce Shopping Centre - 995496, 112106, 147403)

*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 a 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.*

Item: 080 SS - Lease to The Trust Company (Australia) Limited - Part of Hollands Paddock - 50 The Terrace, Windsor - (132053, 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 a 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.*

Item: 081 SS - Tender for Management and Operation of the Oasis Aquatic and Leisure Centre - (95496)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it relates to details concerning tenders for the supply of services to Council and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the Council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

2. In accordance with the provisions of Section 11(2) & (3) of the Local Government Act, 1993 the reports, correspondence and other relevant documentation relating to these matters will be withheld from the Press and public.

92 RESOLUTION:

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

ORDINARY MEETING

Minutes: 28 April 2020

Item: 079 **SS - Lease to Ross Shaun Corporation Pty Ltd - Shop 7, Wilberforce Shopping Centre - 995496, 112106, 147403) CONFIDENTIAL**

Previous Item: 212, Ordinary (12 November 2019)

Directorate: Support Services

MOTION:

The Director of Support Services advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Conolly, seconded by Councillor Rasmussen.

Refer to RESOLUTION

93 RESOLUTION:

The Director of Support Services advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Conolly, seconded by Councillor Rasmussen.

That:

1. Council agree to enter into a new lease with Ross Shaun Corporation Pty Ltd for the property known as Shop 7, Wilberforce Shopping Centre, as outlined in the report.
2. Authority be given for the lease 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 Lessee, 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 a resolution into effect has been agreed to and executed by all parties.

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

Against the Motion: Nil.

Absent: Councillor Tree.

ORDINARY MEETING

Minutes: 28 April 2020

Item: 080 **SS - Lease to The Trust Company (Australia) Limited - Part of Hollands Paddock - 50 The Terrace, Windsor - (132053, 95496, 112106) CONFIDENTIAL**

Directorate: Support Services

MOTION:

The Director of Support Services advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Kotlash.

Refer to RESOLUTION

94 RESOLUTION:

The Director of Support Services advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Kotlash.

That consideration of this matter be deferred.

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

Against the Motion: Nil.

Absent: Councillor Tree.

ORDINARY MEETING

Minutes: 28 April 2020

Item: 081 **SS - Tender for Management and Operation of the Oasis Aquatic and Leisure Centre - (95496) CONFIDENTIAL**

Directorate: Support Services

MOTION:

The Director of Support Services advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Conolly, seconded by Councillor Rasmussen.

Refer to RESOLUTION

95 RESOLUTION:

The Director of Support Services advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Conolly, seconded by Councillor Rasmussen.

That:

1. In accordance with Clause 178(1)(b) of the Local Government (General) Regulation 2005, Council decline to accept any of the Tenders received in response to T00100 – Tender for the Management and Operation of the Oasis Aquatic and Leisure Centre.
2. Council advise the tenderers who tendered for the Management and Operation of the Oasis Aquatic and Leisure Centre that none of the tenders for the proposed contract were accepted.
3. In accordance with Clause 178(3)(e) of the Local Government (General) Regulation 2005, Council enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract which is the subject matter of the tender to manage and operate the Oasis Aquatic and Leisure Centre from 1 July 2020, for a period of up to 18 months.
4. In accordance with Clause 178(4)(a) of the Local Government (General) Regulation 2005, Council is declining to invite fresh tenders due to the following:
 - a) The current and ongoing, impact of COVID-19 on the operation of the Oasis Aquatic and Leisure Centre, and in particular the current Government directive that the Centre remain closed.
 - b) The uncertainty as to when that impact will cease.
 - c) The risk that the circumstances which now exist due to COVID-19 are substantially different from those upon which the Request for Tender, and therefore the proposed Contract, were based, resulting in significant contractual and commercial risk and uncertainty for both Council and the new contractor.
5. In accordance with Clause 178(4)(b) of the Local Government (General) Regulation 2005, Council has determined to enter into negotiations with any person (whether or not the person was a tenderer), due to the following:
 - a) The current Contract for the management and operation of the Oasis Aquatic and Leisure Centre ends on 30 June 2020.
 - b) The circumstances which now exist due to COVID-19 are substantially different from those upon which the Request for Tender, and therefore the proposed Contract, were based.
 - c) Council therefore considers that it is appropriate to negotiate specific arrangements for the management of the Oasis Aquatic and Leisure Centre beyond 30 June 2020 to specifically address the impact of COVID-19.

ORDINARY MEETING

Minutes: 28 April 2020

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

Against the Motion: Councillor Ross.

Absent: Councillor Tree.

The meeting terminated at 11:09pm.

Submitted to and confirmed at the Ordinary meeting held on 12 May 2020.

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Mayor