



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 29 September 2020
location: by audio-visual link
time: 6:30 p.m.

ORDINARY MEETING

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Minutes of the Ordinary Meeting held by audio-visual link, Windsor, on 29 September 2020, commencing at 6:31pm.

Welcome

The Mayor, Councillor Patrick Conolly acknowledged the Indigenous Heritage.

The General Manager addressed the Council meeting, mentioning:

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

ATTENDANCE

PRESENT: Councillor Patrick Conolly, Mayor, Councillor Mary Lyons-Buckett, Deputy Mayor and Councillors Barry Calvert, 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, Strategic Planning Manager - Andrew Kearns, Manager City Design and Economic Development - Amanda Kearney, Manager Waste Management, Ramiz Younan, Manager Corporate Services and Governance – Charles McElroy and Administrative Support Coordinator - Tracey Easterbrook.

APOLOGIES AND LEAVE OF ABSENCE

An apology for absence was received from Councillor Emma-Jane Garrow.

232 RESOLUTION:

RESOLVED on the motion of Councillor Ross and seconded by Councillor Kotlash that the apology be accepted.

DECLARATIONS OF INTEREST

Councillor Lyons-Buckett declared an interest on Item 183.

Councillor Reynolds declared an interest on Item 183.

Councillor Richards declared an interest on Item 183.

Acknowledgement of Official Visitors to the Council

There were no official visitors to the Council.

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SECTION 1 - Confirmation of Minutes

233 RESOLUTION:

RESOLVED on the motion of Councillor Zamprogno and seconded by Councillor Reynolds that the Minutes of the Ordinary Meeting held on the 22 September 2020, be confirmed.

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SECTION 3 – Reports for Determination

PLANNING DECISIONS

Item: 181 **CP - Draft Vineyard Precinct S7.11 Developer Contributions Plan - (95498, 124414)**

Previous Item: 099, Ordinary (8 May 2018)
 192, Ordinary (14 August 2018)

Directorate: City Planning

A MOTION was moved by Councillor Zamprogno, seconded by Councillor Lyons-Buckett.

That Council:

1. Receive the update on the Draft Vineyard Precinct Section 7.11 Contributions Plan.
2. Endorse the amended Draft Vineyard Precinct Section 7.11 Contributions Plan included as Attachment 2 for the purposes of public exhibition.
3. Receive a post exhibition report to consider submissions and adoption of the final Draft Vineyard Precinct Section 7.11 Contributions Plan.

An AMENDMENT was moved by Councillor Ross.

That Council:

1. Defer consideration of the Draft Vineyard Precinct Section 7.11 Contributions Plan.
2. NSW Auditor General Performance Audit Report dated 17 August 2020 (titled "Governance and internal controls over local infrastructure contributions") findings inform a detailed review of Council's existing draft Plan.
3. The Department of Planning, Industry and Environment's Ministerial Delegate be requested to specifically nominate which four (4) elements of IPART's recommendations were rejected by him.
4. With presentation of a revised Plan, Council staff report to Council preparatory action undertaken for acceptance of development applications and their subsequent reporting to the community.

There was no seconder for the amendment and the amendment lapsed.

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MOTION:

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

Refer to RESOLUTION

234 RESOLUTION:

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

That Council:

1. Receive the update on the Draft Vineyard Precinct Section 7.11 Contributions Plan.
2. Endorse the amended Draft Vineyard Precinct Section 7.11 Contributions Plan included as Attachment 2 for the purposes of public exhibition.
3. Receive a post exhibition report to consider submissions and adoption of the final Draft Vineyard Precinct Section 7.11 Contributions Plan.

In accordance with Section 375A of the Local Government Act 1993 a division is required to be called whenever a planning decision is put at a council or committee meeting. Accordingly, the Chairperson called for a division in respect of the motion, the results of which were as follows:

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

Against the Motion: Councillor Ross.

Absent: Councillor Garrow.

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GENERAL MANAGER

Item: 182 **GM - Student Leadership - (79351)**

Directorate: General Manager

MOTION:

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

Refer to RESOLUTION

235 RESOLUTION:

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

That:

1. Council receive and note this report.
2. Due to the current COVID-19 restrictions, funding of the program be considered during the development of the 2021/2022 Operational Plan.

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

Against the Motion: Nil.

Absent: Councillor Garrow.

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CITY PLANNING

Item: 183 **CP - Western Parkland City Liveability Program - (95498, 124414)**

Previous Item: 135, Ordinary (28 July 2020)

Directorate: City Planning

Councillor Lyons-Buckett declared a less than significant non-pecuniary conflict of interest in this matter as she owns property in one of the Town Centres and no further action is required.

Councillor Reynolds declared a less than significant non-pecuniary conflict of interest in this matter as his residence is adjacent to the study area and no further action is required.

Councillor Richards declared a significant non-pecuniary conflict of interest in this matter as a significant building, the old Richmond Post Office is set to become her partners business premises and she is part of the restoration project team for the building. The building is not directly involved with the Liveability Program but is in close proximity to a park that is mentioned in the report. She left the Chamber and did not take part in voting or discussion on the matter.

Mr Benjamin Woodbury, Mr Darren Pead and Ms Gae Kelly addressed Council, speaking against the recommendation.

MOTION:

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

Refer to RESOLUTION

236 RESOLUTION:

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

That Council:

1. Note the outcome of the public exhibition of the Draft Masterplan and Public Domain Plan for Richmond, South Windsor and Windsor.
2. Adopt the Masterplan and Public Domain Plan for Richmond, South Windsor and Windsor, attached as Attachment 1 to this report with the following caveats;
 - a) No commitment to open the south end of Windsor Mall
 - b) No endorsement of a bridge to Windsor beach due to feasibility concerns
 - c) Retain the water wheel and gas lights
 - d) Note the delicate balance between heritage, flooding, increased density and building style is not adequately addressed
 - e) Recommend that any new, three or four storey residential development include set-backs with the front storey lower, and prevention of shading and overlooking of lower density adjacent blocks.
3. Approve the list of projects outlined in the body of this report for detailed design.

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4. Acknowledge the work of and thank the Members of the Town Centre Master Plan Working Group in completing their role in the development of the Masterplan and Public Domain Plan.
5. Investigate opportunities to work with business operators and owners in South Windsor to improve facades and shop fronts. This investigation to be reported back to Council with a recommendation of whether or not to proceed to detailed design for this work within two months.

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

Against the Motion: Councillor Ross.

Absent: Councillors Garrow and Richards.

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Item: 184 **CP - Submission to Draft Cumberland Plain Conservation Plan - (95498, 124414)**

Directorate: City Planning

MOTION:

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

Refer to RESOLUTION

237 RESOLUTION:

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

That Council:

1. Receive and note the NSW State Government's Draft Cumberland Plain Conservation Plan
2. Note the key points in the Draft Submission, included as Attachment 2 to this report in relation to:
 - Use of outdated Mapping to inform Draft Plan
 - Issues associated with biodiversity offsets
 - Concerns in regard to compulsory acquisition and placing caveats on property
 - Proposed Strategic Conservation Area
 - The Confluence Reserve Investigation Area
 - Proposed New Legislation and Guidelines
 - Consideration of Future Additional Sites and/or Mapping being undertaken by Council.
3. Endorse the Draft Submission on the Cumberland Plain Conservation Plan included as Attachment 2 to this report, and include the following;
 - a) Request that the Plan is clear in terms of the level of support that will be provided to Council with respect to planning assessments against the proposed State Environmental Planning Policy for Strategic Conservation Planning
 - b) Request consideration of a way forward to address identified issues with the Confluence Reserve Investigation Area, including acquisition, and impacts from upstream development in the South Creek catchment
 - c) Request the identification of other processes to acquire identified land other than compulsory acquisition
 - d) Strengthen the points regarding funding of the Plan, and mechanisms to protect identified sites in perpetuity
 - e) Express Council's preference to retain as much of the existing ecological communities as possible, in order to alleviate the impacts of urban heat on humans and animals
 - f) Retain and enhance connectivity to ensure retention of biodiversity as provided for in the Environment Protection and Biodiversity Conservation Act 1999.

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

Against the Motion: Councillor Ross.

Absent: Councillor Garrow.

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Item: 185 **CP - Exhibition of Draft Voluntary Planning Agreement Policy - Post Exhibition Report - (95498, 124414)**

Previous Item: 233, Ordinary (10 December 2019)
 137, Ordinary (28 July 2020)

Directorate: City Planning

MOTION:

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

Refer to RESOLUTION

238 RESOLUTION:

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

That this matter be deferred to the next Council Meeting.

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

Against the Motion: Nil.

Absent: Councillor Garrow.

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SUPPORT SERVICES

Item: 186 **SS - Investment Report - August 2020 - (95496)**

Previous Item: 150, Ordinary (10 March 2020)

Directorate: Support Services

MOTION:

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

Refer to RESOLUTION

239 RESOLUTION:

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

That the Monthly Investments Report for August 2020 be received and noted.

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

Against the Motion: Nil.

Absent: Councillor Garrow.

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Item: 187 **SS - General Purpose Financial Statements and Special Purpose Financial Statements for the year ended 30 June 2020 - (95496)**

Directorate: Support Services

MOTION:

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

Refer to RESOLUTION

240 RESOLUTION:

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

That:

1. Council note that despite the circumstances that have confronted the Hawkesbury community over the past 12 months, in particular:
 - a) The bushfire and flood and the impacts that they have had on the condition of Council assets
 - b) The COVID-19 Pandemic and the impact this has had on Council's financial operations, including the value of its investment properties

Its end of year financial results as reported to the Audit Committee on 16 September 2020, include the allocation of the budgetary surplus of \$272K in line with the priorities adopted by Council at the Council meeting on 25 August 2020.
2. 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 2019/2020 have been drawn up in accordance with:
 - The Local Government Act 1993 (NSW) (as amended) and the Regulations made thereunder;
 - The Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board, and
 - 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.
3. Council sign the "Statement by Councillors and Management" for the General Purpose and Special Purpose Financial Statements. The Statements are to be signed by the Mayor, Deputy Mayor, General Manager and the Responsible Accounting Officer.
4. Council seek a presentation from the NSW Audit Office, or its representative, at a Council Meeting following the completion of the audit.

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

Against the Motion: Councillors Richards, Tree and Zamprogno.

Absent: Councillor Garrow.

Item: 188 **SS - Council Resolution Summary - (95496)**

Previous Item: 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 Lyons-Buckett, seconded by Councillor Rasmussen.

Refer to RESOLUTION

241 RESOLUTION:

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

That:

1. The Council Resolution Summary for 1 January 2020 to 30 June 2020, and those resolutions outstanding from previous summaries, be received and noted.
2. A further Councillor Briefing Session be held to work through the outstanding Council resolutions.

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

Against the Motion: Nil.

Absent: Councillor Garrow.

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SECTION 4 – Reports of Committees

Item: 189 **ROC - Audit Committee - 26 August 2020 - (95496, 91369, 79351)**

Directorate: Support Services

MOTION:

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

Refer to RESOLUTION

242 RESOLUTION:

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

That Council receive and note the Minutes of the Audit Committee Meeting held on 26 August 2020.

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

Against the Motion: Nil.

Absent: Councillor Garrow.

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Item: 190 **ROC - Local Traffic Committee - 14 September 2020 - (80245, 95495)**

Directorate: Infrastructure Services

MOTION:

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

Refer to RESOLUTION

243 RESOLUTION:

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

That in relation to the Minutes of the Local Traffic Committee Meeting held on 14 September 2020:

1. Council receive and note the Local Traffic Committee minutes.

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

Against the Motion: Nil.

Absent: Councillor Garrow.

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CONFIDENTIAL REPORTS

244 RESOLUTION:

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

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 item:

Item: 191 IS – Draft Water Industry Competition Amendment Bill 2020 – (95495, 112179, 147295)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(e) of the Local Government Act, 1993 as it relates to information that would, if disclosed, prejudice the maintenance of law 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 report, correspondence and other relevant documentation relating to this matter be withheld from the Press and public.

245 RESOLUTION:

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

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Item: 191 **IS - Draft Water Industry Competition Amendment Bill 2020 - (95495, 112179, 147295)**

Directorate: Infrastructure 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 Reynolds.

Refer to RESOLUTION

246 RESOLUTION:

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

That Council:

1. Receive and note the draft Water Industry Competition Amendment Bill 2020.
2. Endorse the Draft Submission contained in Attachment 3 to the report.

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

Against the Motion: Nil.

Absent: Councillor Garrow.

The meeting terminated at 9:02pm.

Submitted to and confirmed at the Ordinary meeting held on 13 October 2020.

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Mayor