



Hawkesbury City Council

ordinary meeting minutes

date of meeting: 28 May 2019

location: council chambers

time: 6:30 p.m.

ORDINARY MEETING
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Meeting Date: 28 May 2019

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ORDINARY MEETING

Minutes: 28 May 2019

Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on 28 May 2019, commencing at 6.32pm.

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, 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, Executive Manager - Community Partnerships - Joseph Litwin, Chief Financial Officer - Emma Galea, Manager Corporate Communication - Suzanne Stuart, Manager Corporate Services and Governance - Michael Wearne and Administrative Support Coordinator - Tracey Easterbrook.

APOLOGIES AND LEAVE OF ABSENCE

An apology for absence was received from Councillor Kotlash.

105 RESOLUTION:

RESOLVED on the motion of Councillor Conolly and seconded by Councillor Rasmussen that the apology be accepted and that leave of absence from the meeting be granted.

DECLARATIONS OF INTEREST

There were no Declarations of Interest made.

Acknowledgement of Official Visitors to the Council

There were no official visitors to Council.

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SECTION 1 - Confirmation of Minutes

106 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Zamprogno that the Minutes of the Ordinary Meeting held on Tuesday, 14 May 2019, be confirmed.

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SECTION 3 – Reports for Determination

GENERAL MANAGER

Item: 086 **GM - 2019 Hawkesbury Local Business Awards - (79351, 80198)**

Division: General Manager

MOTION:

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

Refer to RESOLUTION

107 RESOLUTION:

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

That:

1. Council sponsor the 2019 Hawkesbury Local Business Awards to the value of \$5,500 (excluding GST).
2. A Sponsorship Agreement be entered into with Precedent Productions Pty Ltd for the 2019 Local Business Awards.

Item: 087 **GM - Council's Media Policy - (79351)**

Previous Item: 39, Ordinary (13 March 2007)
278, Ordinary (28 November 2007)

Directorate: General Manager

MOTION:

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

Refer to RESOLUTION

108 RESOLUTION:

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

That:

1. The Media Policy, attached as Attachment 1 to this report, be placed on public exhibition for a period of 28 days.

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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 Media Policy, a further report be submitted to Council, or
 - b) Should no submissions be received, Council adopt the Media Policy, as attached as Attachment 1 to this report.

Councillor Ross requested that his name be recorded as having voted against the motion.

SUPPORT SERVICES

Item: 088 **SS - March 2019 Quarterly Budget Review Statement - (95496, 96332)**

Previous Item: 143, Extraordinary (13 June 2018)

Division: Support Services

MOTION:

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

Refer to RESOLUTION

109 RESOLUTION:

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

That:

1. The information contained in the report be received.
2. The Quarterly Budget Review Statement – March 2019 be adopted.

Councillor Reynolds and Councillor Ross requested that their names be recorded as having voted against the motion.

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Minutes: 28 May 2019

Item: 089 **SS - Monthly Investments Report - April 2019 - (95496, 96332)**

Previous Item: 150, Ordinary (26 June 2018)

Division: Support Services

MOTION:

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

Refer to RESOLUTION

110 RESOLUTION:

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

That the Monthly Investments Report for April 2019 be received and noted.

Item: 090 **SS - Pecuniary Interest Returns - Designated Persons - (95496, 96333)**

Division: Support Services

MOTION:

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

Refer to RESOLUTION

111 RESOLUTION:

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

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

ORDINARY MEETING

Minutes: 28 May 2019

Item: 091 **SS - 2019/2020 Remuneration for Mayor and Councillors - (95496, 96332)**

Division: Support Services

MOTION:

A motion was moved by Councillor Zamprogno, seconded by Councillor Conolly.

That:

1. The annual fee for Councillors for 2019/2020 be set at \$20,280.
2. The additional annual fee for the Mayor be set at \$44,250, and the Deputy Mayor's additional annual fee be set at \$6,637.50, to be deducted from the Mayor's \$44,250 annual fee.

The motion was put and lost.

MOTION:

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

Refer to RESOLUTION

112 RESOLUTION:

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

That:

1. Council respectfully decline the offer of a further increase in the annual fees for Councillors, the Mayor and the Deputy Mayor.
2. The annual fees for the Councillors, the Mayor and the Deputy Mayor for 2019/2020 be set at the same fees applicable for 2018/2019 as follows:-
 - a) The annual fee for Councillors be set at \$19,310.
 - b) The additional annual fee for the Mayor be set at \$42,120, and the Deputy Mayor's additional annual fee be set at \$6,318, to be deducted from the Mayor's \$42,120 annual fee.

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Minutes: 28 May 2019

Item: 092 **SS - Code of Meeting Practice - (95496, 96333, 79351)**

Previous Item: 41, Ordinary (12 March 2019)
 55, Ordinary (27 February 2018)
 194, Ordinary (31 October 2017)

Division: Support Services

MOTION:

A motion was moved by Councillor Wheeler, seconded by Councillor Reynolds.

That the Code of Meeting Practice, attached as Attachment 1 to this report, be adopted, subject to the following amendments:

1. The subsequent Clauses to read as follows:-
 - 4.2 Members of the public may address Council on any items in the Business Paper, with the public only addressing Council in regard to the Confirmation of Minutes concerning the validity of the minutes.
 - 5.4 A Councillor's request for leave of absence from council meetings should identify (by date) the meetings from which the Councillor intends to be absent and the grounds upon which the leave of absence is being sought.
 - 9.10 If the General Manager considers that a Mayoral Minute submitted for consideration at an ordinary meeting of the Council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the General Manager may prepare a report in relation to the Mayoral Minute for inclusion with the business papers for the meeting at which the Mayoral Minute is to be considered by the Council.
 - 11.5 Voting at a meeting, including voting in an election at a meeting, is to be by open means with all Councillors who are present in the chamber required to stand in favour of the motion or amendment being voted on. However, the Council may resolve that the voting in any election by Councillors for Mayor or Deputy Mayor is to be by secret ballot.
2. The following non-mandatory Clauses be removed:
 - 3.15
 - 10.9
3. All Clause numbers in the Code of Meeting Practice be adjusted accordingly.

AMENDMENT

An amendment was moved by Councillor Conolly, seconded by Councillor Richards.

That the Code of Meeting Practice, attached as Attachment 1 to this report, be adopted.

The amendment was put and lost.

The motion was put and carried.

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Minutes: 28 May 2019

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

Refer to RESOLUTION

113 RESOLUTION:

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

That the Code of Meeting Practice, attached as Attachment 1 to this report, be adopted, subject to the following amendments:

1. The subsequent Clauses to read as follows:-
 - 4.2 Members of the public may address Council on any items in the Business Paper, with the public only addressing Council in regard to the Confirmation of Minutes concerning the validity of the minutes.
 - 5.4 A Councillor's request for leave of absence from council meetings should identify (by date) the meetings from which the Councillor intends to be absent and the grounds upon which the leave of absence is being sought.
 - 9.10 If the General Manager considers that a Mayoral Minute submitted for consideration at an ordinary meeting of the Council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the General Manager may prepare a report in relation to the Mayoral Minute for inclusion with the business papers for the meeting at which the Mayoral Minute is to be considered by the Council.
 - 11.5 Voting at a meeting, including voting in an election at a meeting, is to be by open means with all Councillors who are present in the chamber required to stand in favour of the motion or amendment being voted on. However, the Council may resolve that the voting in any election by Councillors for Mayor or Deputy Mayor is to be by secret ballot.
2. The following non-mandatory Clauses be removed:
 - 3.15
 - 10.9
3. All Clause numbers in the Code of Meeting Practice be adjusted accordingly.

ORDINARY MEETING

Minutes: 28 May 2019

SECTION 4 – Reports of Committees

Item: 093 **ROC - Hawkesbury Civic and Citizenship Committee - 9 April 2019 - (79351, 96972)**

Directorate: General Manager

MOTION:

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

Refer to RESOLUTION

114 RESOLUTION:

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

That the minutes of the Hawkesbury Civic and Citizenship Committee held on 9 April 2019 be received and the recommendations therein be noted and adopted, in particular:

- That the 2019 Sports Awards be incorporated into the 2020 Australia Day Awards (Item 1).
- That the nominations for the 2019 Sports Awards recipients be held over until the Australia Day Awards in January 2020 (Item 2).
- That the number of Sports Awards categories be reduced to three categories, those being Sports Person of the Year, Junior Sports Person of the Year and All Ability Sportsperson of the Year (Item 2).
- That the proposed Hawkesbury Sports Awards Criteria be adopted with the following amendments: (Item 3)
 - The Essential Criterion - *Level of Representation in other Sports* be removed from the document.
 - That the criterion *Not a member of a Hawkesbury Sporting Club/Association* be amended from 0 to 1 point.

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Item: 094 **ROC - Local Traffic Committee - 13 May 2019 - (95495, 80245)**

Directorate: Infrastructure Services

MOTION:

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

Refer to RESOLUTION

115 RESOLUTION:

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

That the minutes of the Local Traffic Committee held on 13 May 2019 be received and the recommendations therein be adopted and noted.

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QUESTIONS FOR NEXT MEETING

Item: 095 Councillor Questions from Previous Meetings and Responses - 14 May 2019 - (79351)

Responses and Questions in relation to previous Questions for the next Meeting - 14 May 2019 were provided and discussed.

ORDINARY MEETING**Minutes: 28 May 2019****Questions – 28 May 2019**

#	Councillor	Question	Response
1	Zamprogno	Enquired as to whether Council could provide a list of private car parks in the Hawkesbury Local Government Area, which Council staff are responsible for parking enforcement and if contractual arrangements are in place.	The Director City Planning
2	Zamprogno	Enquired as to whether Brennans Dam Road, Old Stock Route Road and Commercial Road in the vicinity of the culvert could be graded.	The Director Infrastructure Services
3	Wheeler	Enquired as to whether electronic links to brochures could be provided in future reports to Council in lieu of printed copies.	The General Manager
4	Garrow	Requested that Council and Hawkesbury Local Police discuss the need for a gate at Governor Phillip Park.	The Director Infrastructure Services
5	Rasmussen	Referenced two recent development application approvals of childcare centres in the vicinity of roundabouts and enquired as to how Council handles the safety concerns associated with these type of approvals.	The Director City Planning
6	Ross	Enquired as to whether the adjustment of \$139,000 for Pump Station Q included in the March 2019 Quarterly Budget Review is in addition to the contract amount of \$298,000 reported in the December 2018 Quarterly Review.	The Director Support Services
7	Ross	Enquired as to why the Tender for Pump Station F is not included in the list of contracts awarded as reported in the March 2019 Quarterly Budget Review.	The Director Support Services
8	Ross	Enquired as to why the Tender for the diffusers was not included in the list of contracts awarded as reported to Council.	The Director Support Services
9	Ross	Enquired as to whether the fine for the sewer spill in 2015 was paid and Council's liability settled.	The Director Infrastructure Services
10	Ross	Enquired as to whether asset disposal is accounted for as part of the March 2019 Quarterly Budget Review or whether it will be reported as at 30 June 2019.	The Director Support Services
11	Garrow	Enquired as to whether it is Council or Australian Electoral Commission responsibility to remove Federal Election signage.	The Director City Planning

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CONFIDENTIAL REPORTS

116 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen, 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 Council Chambers during consideration of the following items:

Item: 096 SS - Land Acquisition - Parts 269 and 669 Upper Macdonald Road, St Albans - (95496, 27078, 27079)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it relates to details concerning the purchase of property by the 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.*

Item: 097 SS - Proposed Road Closure adjoining 1273 and 1275 Upper Macdonald Road, Upper Macdonald - (95496, 112106, 34783, 27338)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it relates to details concerning the purchase of property by the 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 be withheld from the Press and public.

The Mayor asked for representation from members of the public as to why Council should not go into closed Council to deal with these confidential matters.

There was no response, therefore, the Press and the public left the Council Chambers.

117 RESOLUTION:

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

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Item: 096 **SS - Land Acquisition - Parts 629 and 669 Upper Macdonald Road, St Albans - (95496, 27078, 27079)**

Previous Item: 107, Ordinary (31 May 2016)

Directorate: Support Services

MOTION:

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

Refer to RESOLUTION

118 RESOLUTION:

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

That:

1. The acquisition of an area of land in the order of 6,115.6m² within 629 and 669 Upper Macdonald Road, St Albans (Lot 2 in DP 1104141 and Lot 1 in DP 154934), as outlined in Attachment 1 to this report, proceed.
2. Compensation in the amount detailed in this report be paid to the property owners in respect of the acquisition of part of 629 and 669 Upper Macdonald Road, St Albans (Lot 2 in DP 1104141 and Lot 1 in DP 154934).
3. Council bear all costs associated with the process of acquiring the subject portions of land excluding any fencing affected by the acquisition.
4. Following the acquisition of the land, Council classify proposed Lots 3, 4, 5 and 6 in Deposited Plan 1222864 as 'Operational Land' under Section 31(2a) of the Local Government Act, 1993.
5. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.
6. Details of Council's resolution be conveyed to the affected landowners together with the advice that Council is not, and will not, be bound by the terms of its resolution until such time as appropriate documentation to put such resolution into effect has been agreed to and executed by all parties.

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Item: 097 **SS - Proposed Road Closure adjoining 1273 and 1275 Upper Macdonald Road, Upper Macdonald - (95496, 112106, 34783, 27338)**

Previous Item: 48, Ordinary (11 March 2014)

Directorate: Support Services

MOTION:

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

Refer to RESOLUTION

119 RESOLUTION:

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

That:

1. Council publicly exhibit and notify adjoining owners of the proposed road closure of an area in the order of 2,116.8m² adjoining 1273 and 1275 Upper Macdonald Road, Upper Macdonald, as shown in Attachment 1 to this report.
2. Council publish an amended version of this report, that does not contain the financial compensation details, for the purposes of public exhibition and for notification to the relevant Government agencies.
3. At the expiration of the public exhibition period outlined in Part 1, the following action be taken:
 - (a) Should any submissions be received regarding the proposed road closure a further report be submitted to Council, or
 - (b) Should no submissions be received:
 - i. Council approve the road closure of proposed Lot 1, being part of the closed portion of the former road reserve adjoining 1273 Upper Macdonald Road, Upper Macdonald, with Council retaining ownership.
 - ii. Council approve the road closure and transfer proposed Lot 2, being part of the closed portion of former road reserve to the owners of 1275 Upper MacDonald Road, Upper Macdonald (Formerly Lot 1349 in DP997871 now Lot 5 in DP1206627) at no cost.
 - iii. Upon closure of the former road reserve (proposed Lots 1 and 2) the land be classified as 'Operational Land' under Section 31(2A) of the Local Government Act, 1993.
 - iv. Council is to bear all costs associated in the closure of the former road reserve.
 - v. Authority be given for the Road Closure Plan, Transfer and any documentation in association with the matter to be executed under the Seal of Council.

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- vi. Details of Council's resolution be conveyed to the adjoining owner of 1275 Upper Macdonald Road, Upper Macdonald, together with the advice that Council is not, and will not, be bound by the terms of the resolution, until such time as appropriate legal documentation to put such resolution into effect has been agreed to and executed by all parties.

The meeting terminated at 8.55pm.

Submitted to and confirmed at the Ordinary meeting held on 25 June 2019.

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Mayor

