



Hawkesbury City Council

extraordinary
meeting
minutes

date of meeting: 18 February 2020 and
Reconvened on
25 February 2020
location: council chambers
time: 6:30 p.m.

EXTRAORDINARY MEETING

Table of Contents

Meeting Date: 18 February 2020

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE
	ATTENDANCE	2
	APOLOGIES AND LEAVE OF ABSENCE	2
	DECLARATIONS OF INTEREST	2
	SECTION 1 - Confirmation of Minutes	3
	SECTION 5 – Notices of Motion	4
Item: 020	NM2 - Condolences for Captain Ian H McBeth, First Officer Paul Clyde Hudson and Flight Engineer Rick A De Morgan Jnr - (79351, 125612, 138883, 138880, 80106, 138885, 138882)	4
Item: 022	NM4 - Acknowledgement of Hawkesbury Bushfire Services - (138879)	5
Item: 023	NM5 - Update to Councillors of attendance at Roundtable hosted by BizRebuild - (79351, 125612)	6
Item: 019	NM1 - Funding from NSW State Government - Preparation of Planning Documents - (138883, 125612, 138880, 13882)	7
Item: 024	NM6 - Waiving of Development Application Fees for Bushfire affected Residents - (138885)	8
Item: 021	NM3 - Pitt Town Hindu Temple Consultation Period - (138884)	8
	SECTION 2 – Mayoral Minutes	10
Item: 001	MM - Reflections and Learnings from our Recent Bushfire Tragedy - An Analysis of Councils Policies and Procedures - (80093, 79351)	10
	SECTION 3 – Reports for Determination	16
	PLANNING DECISIONS	11
Item: 003	CP - Update on General Amendments to Hawkesbury Local Environment Plan 2012 Planning Proposal - (95498, 124414)	11
	CONTINUATION OF THE EXTRAORDINARY MEETING RECONVENED AT THE COUNCIL CHAMBERS, WINDSOR, WHICH WAS ADJOURNED AT 10:33PM AND RESUMED AT 6:34PM ON TUESDAY, 25 FEBRUARY 2020	
	ATTENDANCE	14
	APOLOGIES AND LEAVE OF ABSENCE	14
	DECLARATIONS OF INTEREST	14

EXTRAORDINARY MEETING

Table of Contents

Meeting Date: 18 February 2020

SECTION 3 – Reports for Determination	16
PLANNING DECISIONS	16
Item: 003 CP - Update on General Amendments to Hawkesbury Local Environment Plan 2012 Planning Proposal - (95498, 124414)	16
CITY PLANNING	18
Item: 008 CP - Bushfire Recovery - (95498, 124414)	18
PLANNING DECISIONS	19
Item: 004 CP - Redbank Voluntary Planning Agreement and Grose River Crossing - (95498, 79351)	19
Item: 005 SS - Reclassification of Birk Place Reserve, 8 Birk Place, Bligh Park - (95496, 24101)	21
SECTION 4 – Reports of Committees	22
Item: 018 ROC - Local Traffic Committee - 13 January 2020 - (80245, 95495)	22
GENERAL MANAGER	23
Item: 006 GM - 2020 Australian Local Government Women's Association (NSW Branch) Annual Conference (79351, 95655)	23
Item: 007 GM - Local Government NSW 2020 Annual Tourism Conference (79351, 79633)	24
INFRASTRUCTURE SERVICES	25
Item: 009 IS - Road Naming Proposal Associated with DA0332/16 (396 Bells Line Of Road) Kurmond - (95495, 79346)	25
SUPPORT SERVICES	26
Item: 010 SS - Monthly Investments Report - November 2019 - (95496)	26
SECTION 4 – Reports of Committees	27
Item: 017 ROC - Environmental Sustainability Advisory Committee - 9 December 2019 - (126363, 124414)	27
SECTION 3 – Reports for Determination	28
PLANNING DECISIONS	28
Item: 002 CP - Proposed Modification of Existing Restriction - Restriction on Use of Land on Lot 121, DP 1067098 - 144 Mountain View Close, Kurrajong Hills - (95498)	28

EXTRAORDINARY MEETING

Table of Contents

Meeting Date: 18 February 2020

SUPPORT SERVICES	29
Item: 011 SS - Monthly Investments Report - December 2019 - (95496, 96332)	29
Item: 012 SS - Audit Committee Annual Report - September 2019 - (95496, 91369, 79351)	30
Item: 013 SS - Code of Meeting Practice - (95496, 96333, 79351)	31
Item: 014 SS - Dementia Friendly Hawkesbury Plan 2020-2022 - (95496, 96328)	33
SECTION 4 – Reports of Committees	34
Item: 015 ROC - Audit Committee - 4 December 2019 - (95496, 91369, 79351)	34
Item: 016 ROC - Floodplain Risk Management Advisory Committee - (86589, 124414) - 5 December 2019	35
QUESTIONS FOR NEXT MEETING	36
Item: 025 Councillor Questions with Notice	36
Item: 026 SS - License Agreements - 1 Dight Street, Windsor - (126231, 138919, 136331, 133248, 136756, 136338, 132045, 142831, 134725, 95489, 95496, 112106)	37

EXTRAORDINARY MEETING

Table of Contents

Meeting Date: 18 February 2020

EXTRAORDINARY MEETING

Minutes: 18 February 2020

Minutes of the Extraordinary Meeting held at the Council Chambers, Windsor, on 18 February 2020, commencing at 6:43pm.

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

I would like to remind all Councillors of the importance of the accurate and complete recording of all of the speakers at the meeting, and ask that prior to speaking Councillors please turn on their microphones, and speak clearly into the microphones.

ATTENDANCE

PRESENT: Councillor Barry Calvert, Mayor, Councillor Mary Lyons-Buckett, Deputy Mayor and Councillors Patrick Conolly, Emma-Jane Garrow, Amanda Kotlash, 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, Strategic Planning Manager - Andrew Kearns, Manager Communications, Manager Communications, Events and Visitor Services - Suzanne Stuart, Manager Corporate Services and Governance - Charles McElroy and Administrative Support Officer - Jodie Tillinghast.

APOLOGIES AND LEAVE OF ABSENCE

An apology for absence was received from Councillor Paul Rasmussen.

1 RESOLUTION:

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

DECLARATIONS OF INTEREST

Councillor Conolly declared an interest on Item 005.
Councillor Lyons-Buckett declared an interest on Item 003.
Councillor Reynolds declared an interest on Item 003.
Councillor Richards declared an interest on Items 003 and 004.

Acknowledgement of Official Visitors to the Council

There were no official visitors to the Council.

EXTRAORDINARY MEETING

Minutes: 18 February 2020

SECTION 1 - Confirmation of Minutes

2 RESOLUTION:

RESOLVED on the motion of Councillor Lyons-Buckett and seconded by Councillor Garrow that the Minutes of the Ordinary held on the 10 December 2019, be confirmed.

EXTRAORDINARY MEETING

Minutes: 18 February 2020

SECTION 5 – Notices of Motion

Item: 020 **NM2 - Condolences for Captain Ian H McBeth, First Officer Paul Clyde Hudson and Flight Engineer Rick A De Morgan Jnr - (79351, 125612, 138883, 138880, 80106, 138885, 138882)**

A PROCEDURAL MOTION was moved by Councillor Lyons-Buckett, seconded by Councillor Wheeler to have this item brought forward in the agenda to be dealt with.

MOTION:

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

Refer to RESOLUTION

3 RESOLUTION:

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

That Council:

1. Acknowledge the loss of human life during the course of the current bushfire season, with the passing of a total of 33 people.
2. Acknowledge the tragic passing of Captain Ian H McBeth; First Officer Paul Clyde Hudson; and Flight Engineer Rick A. de Morgan Jnr; crew of a Coulson Aviation C130 Hercules air tanker stationed at RAAF Base Richmond whilst assisting with the current national bushfire emergency.
3. Express its condolences and gratitude for service, via letter, to the families of these brave and generous men who lived in our community and lost their lives protecting us and our properties, as well as to Coulson Aviation; and
4. Observe one minute's silence in recognition of this tragic loss of life.

The Chamber observed one minute's silence.

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

Against the Motion: Nil.

Absent: Councillor Rasmussen.

EXTRAORDINARY MEETING

Minutes: 18 February 2020

Item: 022 NM4 - Acknowledgement of Hawkesbury Bushfire Services - (138879)

A PROCEDURAL MOTION was moved by Councillor Richards, seconded by Councillor Conolly to have this item brought forward in the agenda to be dealt with.

Mr Lionel Buckett, Ms Margaret Tadrosse and Ms Sue Guymer addressed Council speaking for the recommendation.

MOTION:

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

Refer to RESOLUTION

4 RESOLUTION:

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

That Council:

1. Acknowledge the extraordinary effort of our NSW Rural Fire Service, emergency services, military, volunteers and all who contributed in the Hawkesbury during the 2019/2020 bushfire season;
2. Express our sympathies for the lives lost, properties destroyed and wildlife casualties that resulted during this bushfire crisis;
3. Acknowledge the resilience and community spirit of Hawkesbury residents in combatting the fires and its threats and, as a Council, offer all possible assistance during the recovery phase;
4. Thank our Council staff for their timely coordination of the town meetings at Bilpin, Colo Heights and St Albans regarding recovery and for their compilation of the "Hawkesbury City Council – A Recovery Guide;
5. Acknowledge the NSW Rural Fire Service, Hawkesbury Rural Fire Service and the NSW State Government in its logistical management of the bush fire crisis; and
6. Acknowledge the compensation options available to those affected from the NSW and Commonwealth Governments, including but not limited to, the initial release of \$1 million to fire affected Councils (including Hawkesbury), injection of funds towards tourism, grants and loans for small businesses, assistance for families financially and for funds that will help with the clean-up process.

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

Against the Motion: Nil.

Absent: Councillor Rasmussen.

EXTRAORDINARY MEETING

Minutes: 18 February 2020

Item: 023 **NM5 - Update to Councillors of attendance at Roundtable hosted by BizRebuild - (79351, 125612)**

A PROCEDURAL MOTION was moved by Councillor Lyons-Buckett, seconded by Councillor Wheeler to have this item brought forward in the agenda to be dealt with.

MOTION:

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

Refer to RESOLUTION

5 RESOLUTION:

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

That Council:

1. Request information from all bushfire-affected properties in our LGA outlining any tools of trade, or equipment lost in the fires, and
2. Submit details to BizRebuild for the provision of tools.
3. Compile a list of such, accompanied by specific information of the potential of such equipment to be used in assisting with the local recovery.

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

Against the Motion: Nil.

Absent: Councillor Rasmussen.

EXTRAORDINARY MEETING

Minutes: 18 February 2020

Item: 019 **NM1 - Funding from NSW State Government - Preparation of Planning Documents - (138883, 125612, 138880, 13882)**

A PROCEDURAL MOTION was moved by Councillor Conolly, seconded by Councillor Tree to have this item brought forward in the agenda to be dealt with.

MOTION:

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

Refer to RESOLUTION

6 RESOLUTION:

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

That Council:

1. Requests immediate funding from the NSW State Government to assist with preparation of the planning documents currently under review (LEP, DCP and associated studies), and
2. Invites Blue Mountains City Council to join the call for this funding in light of the recent bushfire crisis which has affected both Local Government Areas.

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

Against the Motion: Nil.

Absent: Councillor Rasmussen.

EXTRAORDINARY MEETING

Minutes: 18 February 2020

Item: 024 NM6 - Waiving of Development Application Fees for Bushfire affected Residents - (138885)

A PROCEDURAL MOTION was moved by Councillor Conolly, seconded by Councillor Tree to have this item brought forward in the agenda to be dealt with.

MOTION:

A motion was moved by Councillor Ross, seconded by Councillor Lyons-Buckett.

That Council adopt along with Blue Mountains City Council and Lithgow City Council, the waiving of all fees and charges usually attendant to development applications in cases where the applicant is seeking to reinstate a structure affected by bushfire within the Local Government Area after 26 October 2019 for the remainder of the current "fire season", to be operative for applications lodged up to 4 years post date of occurrence.

For the Motion: Councillors Reynolds and Ross.

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

Absent: Councillor Rasmussen.

The motion was lost.

Item: 021 NM3 - Pitt Town Hindu Temple Consultation Period - (138884)

A PROCEDURAL MOTION was moved by Councillor Zamprogno, seconded by Councillor Ross to have this item brought forward in the agenda to be dealt with.

Ms Jacqueline Taylor addressed Council speaking for the recommendation.

MOTION:

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

That Council Staff attend or convene a public meeting to:

1. Provide information related to DA0513/19.
2. Explain how public submissions will continue to be received between now and the consideration of this matter before a Planning Panel.

EXTRAORDINARY MEETING

Minutes: 18 February 2020

An AMENDMENT was moved by Councillor Conolly, seconded by Councillor Lyons-Buckett.

That:

1. Council Staff attend any public meeting convened to provide information related to DA0513/19, where it is relevant.
2. Council reopen the period of public exhibition of DA0513/19 until 31 March 2020.

For the Amendment: Councillors Lyons-Buckett, Conolly, Garrow, Reynolds, Richards, Ross, Tree, Wheeler and Zamprogno.

Against the Amendment: Councillors Calvert and Kotlash.

Absent: Councillor Rasmussen.

The Amendment was carried.

MOTION:

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

Refer to RESOLUTION

7 RESOLUTION:

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

That:

1. Council Staff attend any public meeting convened to provide information related to DA0513/19, where it is relevant.
2. Council reopen the period of public exhibition of DA0513/19 until 31 March 2020.

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

Against the Motion: Councillors Calvert and Kotlash.

Absent: Councillor Rasmussen.

EXTRAORDINARY MEETING

Minutes: 18 February 2020

SECTION 2 – Mayoral Minutes

Item: 001 MM - Reflections and Learnings from our Recent Bushfire Tragedy - An Analysis of Councils Policies and Procedures - (80093, 79351)

Mr Michael Want addressed Council speaking for the recommendation.

MOTION:

RESOLVED on the motion of Councillor Calvert.

Refer to RESOLUTION

8 RESOLUTION:

RESOLVED on the motion of Councillor Calvert.

That:

1. Council conduct an internal review of council's policies, plans and procedures for all disaster/emergency responses.
2. This review might include, but not be limited to, identifying potential grant funding to assist the review and creating a:
 - a) Working Group to assist in this review;
 - b) Disaster/Emergency Management Committee that may include the role of the current Local Bushfire Management Coordination Committee;
 - c) Comprehensive Disaster and Emergency Response Policy;
 - d) Disaster and Emergency Response Team; and
 - e) Developing a Mayoral Appeal mechanism that can be launched at short notice in the case of any future emergency.
3. An update on all outstanding resolutions relating to emergency management be incorporated into this review.

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

Against the Motion: Nil.

Absent: Councillor Rasmussen.

EXTRAORDINARY MEETING

Minutes: 18 February 2020

SECTION 3 – Reports for Determination

PLANNING DECISIONS

Item: 003 **CP - Update on General Amendments to Hawkesbury Local Environment Plan 2012 Planning Proposal - (95498, 124414)**

Previous Item: 41, Ordinary (31 March 2015)
 227, Ordinary (10 December 2019)

Directorate: City Planning

Councillor Lyons-Buckett declared a pecuniary interest in this matter as she has a family member that operates a business that maybe affected by the proposed amendments to the LEP. She left the Chamber and did not take part in voting or discussion on the matter.

Councillor Reynolds declared a pecuniary interest in this matter as his home is impacted by RMS land reservation. He left the Chamber and did not take part in voting or discussion on the matter.

Councillor Richards declared a significant non-pecuniary conflict of interest in this matter as she has associations with local residents that fall into items in the categories and also works on local tourism campaigns with people that fall into that zone in the LEP. She left the Chamber and did not take part in voting or discussion on the matter.

Mr Lionel Buckett and Ms Jane Hughes addressed Council speaking against the recommendation.

A PROCEDURAL MOTION was moved by Councillor Conolly, seconded by Councillor Ross to allow Mr Buckett to further address the meeting.

MOTION:

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

That:

1. Council amend the General Amendments (Housekeeping LEP) to reflect the release of the Sydney Region Plan and Western City District Plan.
2. Council amend the General Amendments (Housekeeping LEP) to address the public agency comments received from RFS with respect to Bed and Breakfast Accommodation, namely:
 - a) Insert additional controls for Bed and Breakfast Accommodation to ensure consistency with relevant SEPP controls
 - b) Insert a new clause into the LEP Amendment specifying requirements for this type of development.

EXTRAORDINARY MEETING

Minutes: 18 February 2020

3. Based on public agency consultation and consideration of the policy position of the NSW State Government through the Sydney Region Plan and Western City District Plan, Council separate the following elements from the General Amendment (Housekeeping LEP):
 - a) Extension of number of days of Temporary Use
 - b) Function Centres in Rural and Environmental Living Zones
 - c) Eco Tourist Facilities in Rural, Residential and Environmental Zones

and continue to process the remaining elements of the planning proposal, whilst working to resolve the separated elements through discussion with the Greater Sydney Commission, Department of Planning and Environment and other relevant state agencies. This to include *exploring with the Minister for Planning, and the Department of Planning Industry and Environment the opportunity to amend the LEP Standard Instrument to distinguish between rural lands affected by flood and rural lands not affected by flood.*

4. Council meet with the local State Member to gain support for the proposed amendment to the LEP Standard Instrument to distinguish between rural lands affected by flood and rural lands not affected by flood

An AMENDMENT was moved by Councillor Conolly, seconded by Councillor Tree.

That Council proceed with processing of the current General Amendments (Housekeeping) LEP Amendment with all elements, but with the following amendments:

1. Council amend the General Amendments (Housekeeping LEP) to reflect the release of the Sydney Region Plan and Western City District Plan.
2. Council amend the General Amendments (Housekeeping LEP) to address the public agency comments received from RFS with respect to Bed and Breakfast Accommodation, namely:
 - a) Insert additional controls for Bed and Breakfast Accommodation to ensure consistency with relevant SEPP controls
 - b) Insert a new clause into the LEP Amendment specifying requirements for this type of development.

For the Amendment: Councillors Calvert, Conolly, Tree, and Zamprogno.

Against the Amendment: Councillors Garrow, Kotlash, Ross and Wheeler.

Absent: Councillor Lyons-Buckett, Rasmussen, Reynolds and Richards.

The AMENDMENT was carried on the casting vote of the Mayor.

MOTION:

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

That Council proceed with processing of the current General Amendments (Housekeeping) LEP Amendment with all elements, but with the following amendments:

1. Council amend the General Amendments (Housekeeping LEP) to reflect the release of the Sydney Region Plan and Western City District Plan.

EXTRAORDINARY MEETING

Minutes: 18 February 2020

2. Council amend the General Amendments (Housekeeping LEP) to address the public agency comments received from RFS with respect to Bed and Breakfast Accommodation, namely:
 - a) Insert additional controls for Bed and Breakfast Accommodation to ensure consistency with relevant SEPP controls
 - b) Insert a new clause into the LEP Amendment specifying requirements for this type of development.

Due to an electrical blackout in the Council Administration Building the Meeting adjourned at 10:33pm and will be reconvened on Tuesday, 25 February 2020 at 6:30pm in the Council Chambers.

EXTRAORDINARY MEETING

Minutes: 18 February 2020

The meeting reconvened on Tuesday, 25 February 2020 at 6:30pm.

Minutes of the Extraordinary Meeting held at the Council Chambers, Windsor, on 25 February 2020, commencing at 6:34pm.

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, Strategic Planning Manager - Andrew Kearns, Manager Corporate Communication - Suzanne Stuart, Manager Corporate Services and Risk - Charles McElroy and Administrative Support Coordinator - Tracey Easterbrook.

APOLOGIES AND LEAVE OF ABSENCE

No apologies or leave of absence were received from Councillors.

Councillor Tree left the meeting at 10:30pm.

DECLARATIONS OF INTEREST

Councillor Conolly declared an interest on Item 005.
Councillor Lyons-Buckett an interest on Item 003.
Councillor Rasmussen declared an interest on Item 004.
Councillor Reynolds declared an interest on Item 003.
Councillor Richards declared interests on Items 003, 004, 016 and 018.

Acknowledgement of Official Visitors to the Council

There were no official visitors to the Council.

EXTRAORDINARY MEETING

Minutes: 18 February 2020

A MOTION of Dissent was moved by Councillor Ross.

That:

1. The ruling as expressed by the Mayor fails to consider the termination of the Extraordinary Meeting on 18 February 2020, which was required to comply with Code of Meeting Practice under clauses 18.14 and 18.15
2. The meeting was not concluded by a resolution of Council.
3. The moving forward of business from 18 February 2020 to this meeting has neither been properly notified nor subject to notification of which parts of the business for the meeting are to be dealt with which would normally be notified.
4. In reference to point 3 reference is made to Code of Meeting Practice Clauses 3.10, 3.12 and 3.15 as justification for the reason for the dissent.

For the Motion: Councillor Ross.

Against the Motion: Councillors Calvert, Conolly, Garrow, Kotlash, Rasmussen, Tree, Wheeler and Zamprogno.

Absent: Councillors Lyons-Buckett, Reynolds and Richards.

The Motion of Dissent was lost.

EXTRAORDINARY MEETING

Minutes: 18 February 2020

SECTION 3 – Reports for Determination

PLANNING DECISIONS

Item: 003 **CP - Update on General Amendments to Hawkesbury Local Environment Plan 2012 Planning Proposal - (95498, 124414)**

An AMENDMENT was moved by Councillor Wheeler, seconded by Councillor Garrow.

That:

1. Council amend the General Amendments (Housekeeping LEP) to reflect the release of the Sydney Region Plan and Western City District Plan.
2. Council amend the General Amendments (Housekeeping LEP) to address the public agency comments received from RFS with respect to Bed and Breakfast Accommodation, namely:
 - a) Insert additional controls for Bed and Breakfast Accommodation to ensure consistency with relevant SEPP controls
 - b) Insert a new clause into the LEP Amendment specifying requirements for this type of development.
3. Based on public agency consultation, consideration of the policy position of the NSW State Government through the Sydney Region Plan and Western City District Plan, and Council's concerns about intensification of use on the Floodplain, Council separate the following elements from the General Amendment (Housekeeping LEP):
 - a) Extension of number of days of Temporary Use
 - b) Function Centres in Rural and Environmental Living Zones

and continue to process the remaining elements of the planning proposal, whilst working to resolve the separated elements through discussion with the Greater Sydney Commission, Department of Planning and Environment and other relevant state agencies.

For the Amendment: Councillors Garrow, Rasmussen and Wheeler.

Against the Amendment: Councillors Calvert, Conolly, Kotlash, Ross, Tree and Zamprogno.

Absent: Councillors Lyons-Buckett, Reynolds and Richards.

The Amendment was lost.

MOTION:

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

Refer to RESOLUTION

9 RESOLUTION:

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

EXTRAORDINARY MEETING

Minutes: 18 February 2020

That Council proceed with processing of the current General Amendments (Housekeeping) LEP Amendment with all elements, but with the following amendments:

1. Council amend the General Amendments (Housekeeping LEP) to reflect the release of the Sydney Region Plan and Western City District Plan.
2. Council amend the General Amendments (Housekeeping LEP) to address the public agency comments received from RFS with respect to Bed and Breakfast Accommodation, namely:
 - a) Insert additional controls for Bed and Breakfast Accommodation to ensure consistency with relevant SEPP controls
 - b) Insert a new clause into the LEP Amendment specifying requirements for this type of development.

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 Calvert, Conolly, Kottash, Rasmussen, Tree, and Zamprogno.

Against the Motion: Councillors Garrow, Ross and Wheeler.

Absent: Councillors Lyons-Buckett, Reynolds and Richards.

EXTRAORDINARY MEETING

Minutes: 18 February 2020

CITY PLANNING

Item: 008 **CP - Bushfire Recovery - (95498, 124414)**

Directorate: City Planning

A PROCEDURAL MOTION was moved by Councillor Lyons-Buckett, seconded by Councillor Wheeler to have this item brought forward in the agenda to be dealt with.

Mr Stephen Kavanagh addressed Council speaking for the recommendation.

Ms Sue Guymer and Mr Lionel Buckett addressed Council speaking against the recommendation.

A PROCEDURAL MOTION was moved by Councillor Garrow, seconded by Councillor Rasmussen to allow Ms Joan Opbroek to address Council to speak for the recommendation.

MOTION:

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

Refer to RESOLUTION

10 RESOLUTION:

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

That Council:

1. Endorse the proposed bushfire recovery and renewal program as outlined in the report indicating how the \$1 million Commonwealth grant will be expended with the following amendment;
 - a) Allocate \$50,000 to Business, Tourism and Industry;
 - b) Reduce Contingency by \$50,000.
2. Authorise works and expenditure on private properties impacted by the bushfires.
3. Note the General Manager's delegations and authority to waive fees, in this instance the delegation will be used in relation to matters involving the bushfire recovery and bushfire affected properties.
4. Note that a further report will be submitted to Council in March 2020.

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

Against the Motion: Councillor Ross.

Absent: Nil.

EXTRAORDINARY MEETING

Minutes: 18 February 2020

SECTION 3 – Reports for Determination

PLANNING DECISIONS

Item: 004 **CP - Redbank Voluntary Planning Agreement and Grose River Crossing - (95498, 79351)**

Previous Item: 230, Ordinary (10 December 2019)
 294, Ordinary (11 December 2018)
 124, Ordinary (29 May 2018)
 118, Ordinary (27 June 2017)
 99, Ordinary (24 June 2014 - *deferred* 1 July 2014)
 54, Ordinary (25 March 2014)
 223, Ordinary (12 November 2013)

Directorate: City Planning

Councillor Rasmussen declared a pecuniary interest in this matter as he is an owner of a property directly affected by the Grose River Bridge. He left the Chamber and did not take part in voting or discussion on the matter.

Councillor Richards declared a less than significant non-pecuniary conflict of interest in this matter as she lives in Redbank, only currently renting and no further action is required.

Mr Michael Want addressed Council speaking against the recommendation.

MOTION:

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

Refer to RESOLUTION

11 RESOLUTION:

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

That:

1. The report be received and noted.
2. Council confirm its "In Principle" support for the proposed "Alternative Route" based on:
 - a) The fact that it does not involve any loss of public open space
 - b) The contribution it will make towards providing an alternative flood route for local residents
 - c) The offer of Roads and Maritime Services to acquire and fund land required for the alternative route.
3. Council staff work with the Developer and Roads and Maritime Services to draft a Memorandum of Understanding to confirm way forward, the key features of such a document to include:
 - a) Limiting Redbank's financial contribution to the cost of original "Navua" alignment (Grose River Road from Grose Vally Road to Springwood Road, via Navua Reserve) less expenditure (surveys, studies, plans, applications etc) to date

EXTRAORDINARY MEETING

Minutes: 18 February 2020

- b) Finalising a new design, new costings, approval process, supporting documentation and revised timetable
 - c) Confirmation that Roads and Maritime Services will both acquire and fund the acquisition of land required for the revised crossing/alignment
 - d) Confirmation that Roads and Maritime Services will commence acquisition after July 2020.
4. Council staff initiate discussion with Roads and Maritime Services and other relevant State Agencies to establish a process for ensuring that the balance of the route between Grose Vale Road and Springwood is above the 1:100 flood level.
5. Council staff advise the community of the points outlined in points 1-4 above and confirm that subject to the execution of the Memorandum of Understanding Council will be working with the Developer and Roads and Maritime Services to:
- a) Develop detailed documentation including plans, studies, and a Draft Amended Voluntary Planning Agreement
 - b) Submit a relevant application and formally notify the local community, seeking community feedback
 - c) Arrange for the "Independent" assessment and determination of the application and Draft Amended Voluntary Planning Agreement.

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 Calvert, Lyons-Buckett, Conolly, Garrow, Kotlash, Rasmussen, Reynolds, Richards, Tree, Wheeler and Zamprogno.

Against the Motion: Councillor Ross.

Absent: Councillor Rasmussen.

EXTRAORDINARY MEETING

Minutes: 18 February 2020

Item: 005 **SS - Reclassification of Birk Place Reserve, 8 Birk Place, Bligh Park - (95496, 24101)**

Previous Item: 129, Ordinary (29 July 2014)
 27, Ordinary (10 March 2015)

Division: Support Services

Councillor Conolly declared a pecuniary interest in this matter as the reserve is close to his home. He left the Chamber and did not take part in voting or discussion on the matter.

Mr Bruce Grimes, Mr Dayne Parker and Ms Kristen Roche addressed Council speaking against the recommendation.

MOTION:

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

Refer to RESOLUTION

12 RESOLUTION:

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

That:

1. The classification Birk Place Reserve, 8 Birk Place, Bligh Park remain as 'Community' land under the Local Government Act 1993.
2. The issue of pocket parks and Wentworth Community Housing be the subject of a Councillor Workshop.

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 Calvert, Lyons-Buckett, Garrow, Kotlash, Rasmussen, Reynolds, Richards, Tree, Wheeler and Zamprogno.

Against the Motion: Councillor Ross.

Absent: Councillor Conolly.

EXTRAORDINARY MEETING

Minutes: 18 February 2020

SECTION 4 – Reports of Committees

Item: 018 **ROC - Local Traffic Committee - 13 January 2020 - (80245, 95495)**

Directorate: Infrastructure Services

Councillor Richards declared a significant non-pecuniary conflict of interest in this matter as she discussed these roundabouts in her Federal Campaign. She left the Chamber and did not take part in voting or discussion on the matter.

Mr William Sneddon addressed Council speaking against the recommendation.

MOTION:

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

Refer to RESOLUTION

13 RESOLUTION:

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

That the Minutes of the Local Traffic Committee meeting held on 13 January 2020 be received and noted.

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

Against the Motion: Councillor Ross.

Absent: Councillors Richards and Tree.

EXTRAORDINARY MEETING

Minutes: 18 February 2020

SECTION 3 – Reports for Determination

GENERAL MANAGER

Item: 006 **GM - 2020 Australian Local Government Women's Association (NSW Branch) Annual Conference (79351, 95655)**

Directorate: General Manager

MOTION:

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

Refer to RESOLUTION

14 RESOLUTION:

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

That:

1. The report be received and noted.
2. Attendance of nominated Councillors and/or staff as considered by the General Manager, at the Australian Local Government Women's Association (NSW Branch) Annual Conference at an approximate cost of \$1,835, plus travel expenses, per delegate be considered.
3. After returning from the Conference, delegates provide a written report to the General Manager detailing the proceedings and findings, as well as any other aspects of the Conference relevant to Council business and/or the local community.

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

Against the Motion: Councillor Ross.

Absent: Councillor Tree.

No attendees were nominated to attend the Conference.

EXTRAORDINARY MEETING

Minutes: 18 February 2020

Item: 007 **GM - Local Government NSW 2020 Annual Tourism Conference (79351, 79633)**

Directorate: General Manager

MOTION:

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

Refer to RESOLUTION

15 RESOLUTION:

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

That:

1. The report be received and noted.
2. Attendance of nominated Councillors and/or staff as considered by the General Manager, at the Local Government NSW 2020 Annual Tourism Conference at an approximate cost of \$1,650, plus travel expenses, per delegate be considered.
3. After returning from the Conference, delegates are requested to provide a written report to the General Manager detailing the proceedings and findings, as well as any other aspects of the Conference relevant to Council business and/or the local community.

16 RESOLUTION:

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

That Councillors Garrow and Rasmussen attend the 2020 Annual Tourism Conference as Council's nominated delegates.

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

Against the Motion: Councillor Ross.

Absent: Councillor Tree.

EXTRAORDINARY MEETING

Minutes: 18 February 2020

INFRASTRUCTURE SERVICES

Item: 009 **IS - Road Naming Proposal Associated with DA0332/16 (396 Bells Line Of Road) Kurmond - (95495, 79346)**

Directorate: Infrastructure Services

MOTION:

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

Refer to RESOLUTION

17 RESOLUTION:

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

That Council:

1. In accordance with the requirements of the NSW Roads Act 1993, in respect of the road naming proposal connected to DA0332/16, the proposed names Amara Drive, Angophora Place, Olearia Place, Prunina Place and Villosa Place in the suburb of Kurmond, be publically advertised for a period of 28 days, seeking comment on the proposed names.
2. The matter be reported back to Council following the public exhibition process.

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

Against the Motion: Nil.

Absent: Councillor Tree.

EXTRAORDINARY MEETING

Minutes: 18 February 2020

SUPPORT SERVICES

Item: 010 **SS - Monthly Investments Report - November 2019 - (95496)**

Previous Item: 150, Ordinary (26 June 2018)

Directorate: Support Services

MOTION:

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

Refer to RESOLUTION

18 RESOLUTION:

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

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

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

Against the Motion: Nil.

Absent: Councillor Tree.

EXTRAORDINARY MEETING

Minutes: 18 February 2020

SECTION 4 – Reports of Committees

Item: 017 **ROC - Environmental Sustainability Advisory Committee - 9 December 2019 - (126363, 124414)**

Directorate: City Planning

MOTION:

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

Refer to RESOLUTION

19 RESOLUTION:

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

That:

1. The Minutes of the Environmental Sustainability Advisory Committee held on 9 December 2019 be received and noted.
2. In relation to Item 2 of the Minutes, Council endorse the recommendation of the Environmental Sustainability Advisory Committee, namely that:
 - a) Council investigate the use of data, performance targets and measures that are provided in climate resilience strategies such as Bega Valley Shire Council.

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

Against the Motion: Nil.

Absent: Councillor Tree.

EXTRAORDINARY MEETING

Minutes: 18 February 2020

SECTION 3 – Reports for Determination

PLANNING DECISIONS

Item: 002 **CP - Proposed Modification of Existing Restriction - Restriction on Use of Land on Lot 121, DP 1067098 - 144 Mountain View Close, Kurrajong Hills - (95498)**

Directorate: City Planning

MOTION:

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

Refer to RESOLUTION

20 RESOLUTION:

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

That:

1. Council agree to modify the covenant on the use of the land over Lot 121 in DP 1067098 in swapping the dwelling house location for the effluent disposal area location on the site.
2. The wording of the modified covenant to effect this resolution be determined by the General Manager in consultation with Council's Legal Advisors as is necessary, to ensure compliance with the technical, administrative, and legal requirements of NSW Land Registry Services.
3. Authority be given for the Section 88E 'Variation or Modification of Restriction on the Use of Land' to be executed under delegation.
4. All costs associated with the preparation and drafting of necessary documentation and plans and any registration and lodgement fees be borne by the owner of Lot 121 in DP 1067098.

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 Calvert, Lyons-Buckett, Conolly, Garrow, Kotlash, Rasmussen, Reynolds, Richards, Wheeler and Zamprognio.

Against the Motion: Councillor Ross.

Absent: Councillor Tree.

EXTRAORDINARY MEETING

Minutes: 18 February 2020

SUPPORT SERVICES

Item: 011 **SS - Monthly Investments Report - December 2019 - (95496, 96332)**

Previous Item: 150, Ordinary (26 June 2018)

Division: Support Services

MOTION:

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

Refer to RESOLUTION

21 RESOLUTION:

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

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

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

Against the Motion: Nil.

Absent: Councillor Ross and Tree.

EXTRAORDINARY MEETING

Minutes: 18 February 2020

Item: 012 **SS - Audit Committee Annual Report - September 2019 - (95496, 91369, 79351)**

Directorate: Support Services

MOTION:

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

Refer to RESOLUTION

22 RESOLUTION:

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

That the Audit Committee's Annual Report for the period ending 11 September 2019, attached as Attachment 1 to this report, be received and noted.

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

Against the Motion: Nil.

Absent: Councillor Ross and Tree.

EXTRAORDINARY MEETING

Minutes: 18 February 2020

Item: 013 **SS - Code of Meeting Practice - (95496, 96333, 79351)**

Previous Item: 226, Ordinary (26 November 2019)
 171, Ordinary (10 September 2019)
 92, Ordinary (28 May 2019)
 41, Ordinary (12 March 2019)

Directorate: Support Services

MOTION:

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

Refer to RESOLUTION

23 RESOLUTION:

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

That:

1. The Code of Meeting Practice, attached as Attachment 1 to this report, be adopted.
2. The person who made the submission in response to the exhibition of the Code of Meeting Practice be advised of Council's decision in this regard and the relevant comments in the report.

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

That:

1. The Code of Meeting Practice, attached as Attachment 1 to this report, be adopted.
2. The person who made the submission in response to the exhibition of the Code of Meeting Practice be advised of Council's decision in this regard and the relevant comments in the report.
3. Council write to the Minister for Local Government requesting removal of clauses 9.14 to 9.19 of the Code of Meeting Practice as now in operation on the following grounds:
 - a) Both Federal and State Parliaments enable the raising of questions "without notice" by elected members when convened.
 - b) Those clauses may be "Ultra Vires" in view of a decision of the High Court of Australia relating to the right of political discourse implied within the Australian Constitution, as amended.

For the Amendment: Councillors Reynolds and Ross.

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

Absent: Councillor Tree.

The amendment was lost.

EXTRAORDINARY MEETING

Minutes: 18 February 2020

MOTION:

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

Refer to RESOLUTION

24 RESOLUTION:

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

That:

1. The Code of Meeting Practice, attached as Attachment 1 to this report, be adopted.
2. The person who made the submission in response to the exhibition of the Code of Meeting Practice be advised of Council's decision in this regard and the relevant comments in the report.

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

Against the Motion: Councillor Ross.

Absent: Councillor Tree.

25 RESOLUTION:

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Lyons-Buckett, that the meeting continue past 11pm to allow the Business Paper to be completed.

EXTRAORDINARY MEETING

Minutes: 18 February 2020

Item: 014 **SS - Dementia Friendly Hawkesbury Plan 2020-2022 - (95496, 96328)**

Previous Item: 207, Ordinary (12 November 2019)

Directorate: Support Services

MOTION:

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

Refer to RESOLUTION

26 RESOLUTION:

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

That:

1. Council adopt the Dementia Friendly Hawkesbury Plan 2020-2022, attached as Attachment 1 to the report.
2. Council commission the Access and Inclusion Advisory Committee to establish a Dementia Working Group to oversee implementation of the Dementia Friendly Hawkesbury Plan 2020-2022.
3. The person who made the submission in response to the exhibition of the Draft Dementia Friendly Hawkesbury Plan be advised at Council's decision in this regard and the relevant comments in the report.

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

Against the Motion: Councillor Ross.

Absent: Councillor Tree

EXTRAORDINARY MEETING

Minutes: 18 February 2020

SECTION 4 – Reports of Committees

Item: 015 **ROC - Audit Committee - 4 December 2019 - (95496, 91369, 79351)**

Directorate: Support Services

MOTION:

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

Refer to RESOLUTION

27 RESOLUTION:

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

That the minutes of the Audit Committee Meeting held on 4 December 2019 be received and noted.

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

Against the Motion: Councillor Ross.

Absent: Councillor Tree.

EXTRAORDINARY MEETING

Minutes: 18 February 2020

Item: 016 **ROC - Floodplain Risk Management Advisory Committee - (86589, 124414) - 5 December 2019**

Directorate: City Planning

Councillor Richards declared a significant non-pecuniary conflict of interest in this matter as the duplication of North Richmond Bridge this was an election commitment of hers at the Federal Election. She left the Chamber and did not take part in voting or discussion on the matter.

MOTION:

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

Refer to RESOLUTION

28 RESOLUTION:

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

RECOMMENDATION:

That this matter be deferred to the next Floodplain Risk Management Advisory Committee Meeting.

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

Against the Motion: Councillor Ross.

Absent: Councillors Richards and Tree.

EXTRAORDINARY MEETING

Minutes: 18 February 2020

QUESTIONS FOR NEXT MEETING

Item: 025 **Councillor Questions with Notice**

There were no responses to Questions in relation to previous Questions for Next Meeting.

EXTRAORDINARY MEETING

Minutes: 18 February 2020

Item: 026 **SS - License Agreements - 1 Dight Street, Windsor - (126231, 138919, 136331, 133248, 136756, 136338, 132045, 142831, 134725, 95489, 95496, 112106)**

Previous Item: Ordinary, (30 January 2018)

Directorate: Support Services

MOTION:

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

Refer to RESOLUTION

29 RESOLUTION:

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

That this matter be deferred to the next Council Meeting.

The meeting terminated at 11:20pm.

Submitted to and confirmed at the Ordinary meeting held on 10 March 2020.

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Mayor