



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 08 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 8 September 2020, commencing at 6:31pm.

Welcome

The Mayor, Councillor Barry Calvert acknowledged the Indigenous Heritage.

The General Manager addressed the Council meeting, mentioning:

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

ATTENDANCE

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

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

APOLOGIES AND LEAVE OF ABSENCE

No apologies for absence were received from Councillors.

Councillor Garrow arrived at the meeting at 6:32pm.

Councillor Ross arrived at the meeting at 6:33pm.

Councillor Tree left the meeting at 7:22pm.

DECLARATIONS OF INTEREST

Councillor Richards declared an interest on Item 173.

Councillor Garrow declared an interest on Item 175.

Acknowledgement of Official Visitors to the Council

There were no official visitors to the Council.

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SECTION 1 - Confirmation of Minutes

211 RESOLUTION:

RESOLVED on the motion of Councillor Zamprogno and seconded by Councillor Rasmussen that the Minutes of the Ordinary Meeting held on the 25 August 2020, be confirmed.

MATTER OF URGENCY

Council Meeting - 22 September 2020

Councillor Conolly requested that Council consider, as a matter of urgency under Clause 9.3 of Council's Code of Meeting Practice, notice of business that had not been given, in relation to Council's next Ordinary Meeting on 22 September 2020.

MOTION:

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

Refer to RESOLUTION

212 RESOLUTION:

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

That Council consider, as a matter of urgency under Clause 9.3 of Council's Code of Meeting Practice, notice of business that had not been given.

The Mayor, Councillor Calvert ruled in accordance with Clause 9.3 (b) of Council's Code of Meeting Practice, that the matter of arrangements for Council's next Ordinary Meeting was of great urgency.

MOTION:

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

Refer to RESOLUTION

213 RESOLUTION:

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

That the meeting of 22 September 2020, be held in person at the Council Chambers, with Councillors to also have the option of attending via audio-visual link.

For the Motion: Councillors Calvert, Conolly, Kotlash, Richards, Ross, Tree and Zamprogno.

Against the Motion: Councillors Lyons-Buckett, Garrow, Rasmussen, Reynolds and Wheeler.

Absent: Nil.

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

That Item 170 regarding the Draft Masterplan for Colbee Park not be dealt with on "block", and be the subject of Councillor discussion.

For the Motion: Councillors Ross and Zamprogno.

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

Absent: Nil.

The Motion was lost.

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SECTION 3 – Reports for Determination

GENERAL MANAGER

Item: 168 **GM - Council's Code of Conduct and Procedures - (79351, 96333)**

Previous Item: 037, Ordinary (12 March 2019)

Directorate: General Manager

MOTION:

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

Refer to RESOLUTION

214 RESOLUTION:

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

That:

1. Council adopt the Code of Conduct attached as Attachment 1 to the report with the following amendment:
 - The \$50 gift limit is retained.
2. Council adopt the Procedures for the Administration of the Code of Conduct for Local Councils in NSW attached as Attachment 2 to the report.
3. The table on page 14 of the Business Paper be amended to read as "Panels of conduct reviewers can be appointed or terminated without a resolution of Council."

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

Against the Motion: Nil.

Absent: Nil.

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Item: 169 **GM - 2020 Local Government NSW Annual Conference - (79351, 79633)**

Previous Item: 145, Ordinary (11 August 2020)

Directorate: General Manager

MOTION:

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

Refer to RESOLUTION

215 RESOLUTION:

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

That:

1. Councillor Reynolds attend the 2020 Local Government NSW Annual Conference and be a Council voting delegate, in addition to Councillors Lyons-Buckett, Ross, Wheeler and Zamprogno.
2. After participating in the Conference, Councillor Reynolds 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, Ross, Tree, Wheeler and Zamprogno.

Against the Motion: Nil.

Absent: Nil.

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INFRASTRUCTURE SERVICES

Item: 170 **IS - Colbee Park Draft Masterplan - (95495, 79354)**

Directorate: Infrastructure Services

MOTION:

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

Refer to RESOLUTION

216 RESOLUTION:

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

That Council publicly exhibit the Colbee Park Masterplan for 21 days to give the community the opportunity to provide feedback on the plan.

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

Against the Motion: Nil.

Absent: Nil.

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SUPPORT SERVICES

Item: 171 **SS - Proposed Road Closure - Part Laws Farm Road adjoining 600 Laws Farm Road, Cumberland Reach - (95496, 112106, 131690, 149830)**

Directorate: Support Services

MOTION:

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

Refer to RESOLUTION

217 RESOLUTION:

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

That:

1. Council publicly exhibit and notify adjoining owners of the proposed road closure of an area of approximately 1.96 hectares adjoining 600 Laws Farm Road, Cumberland Reach, as shown in Attachment 1 to this report.
2. 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 as shown in Attachment 1 to this report, being part of the closed portion of the road reserve adjoining 600 Laws Farm Road, Cumberland Reach.
 - ii. Authority be given for the Road Closure Plan, and any documentation in association with the matter to be executed under the Seal of Council.

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

Against the Motion: Nil.

Absent: Nil.

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SECTION 4 – Reports of Committees

Item: 172 **ROC - Hawkesbury Tourism Advisory Committee - 3 August 2020 - (79351,140396)**

Directorate: General Manager

MOTION:

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

Refer to RESOLUTION

218 RESOLUTION:

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

That in relation to the Minutes of the Hawkesbury Tourism Advisory Committee Meeting held on the 3 August 2020:

1. Council receive and note the minutes of the Hawkesbury Tourism Advisory Committee in respect to Items Numbers 1,3 and 5.
2. Council endorse the Committee Recommendation in respect of Item 2, namely:
"The Hawkesbury Tourism Advisory Committee request that further information be provided to the Committee in relation to the signage that has been previously discussed as part of the Heritage Advisory Committee projects".
3. Council endorse the Committee Recommendation in respect of Item 4, namely:
"That the Hawkesbury Tourism Advisory Committee recommends that Council take action to gain additional resources to support tourism initiatives and activities."

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

Against the Motion: Nil.

Absent: Councillor Tree.

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SECTION 5 – Notices of Motion

Item: 173 NM1 - Naming of Ovals - Freemans Reach - (138879, 79351)

Councillor Richards declared a less than significant non-pecuniary conflict of interest in this matter as her children have played Milo Cricket at Freemans Reach and no further action is required.

Mr David Wassall, Mr Adrian Woodbury and Mr Mitchell Elvery addressed Council, speaking for the recommendation.

MOTION:

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

Refer to RESOLUTION

219 RESOLUTION:

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

That:

1. Council prepare a report regarding the process to officially name the two Ovals at what is known as 'The Breakaway', Freemans Reach, after Charlie and George Greentree, either, collectively, as 'THE GREENTREE OVALS' or individually name each oval as 'THE CHARLIE GREENTREE OVAL' and 'THE GEORGE GREENTREE OVAL'.
2. The report regarding the process to officially name the two Ovals at what is known as The Breakaway, Freemans Reach, after Charlie and George Greentree, either, collectively, as 'THE GREENTREE OVALS' or individually name each oval as 'THE CHARLIE GREENTREE OVAL' and 'THE GEORGE GREENTREE OVAL' be provided to a future Council Meeting.

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

Against the Motion: Nil.

Absent: Nil.

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Item: 174 **NM2 - LGNSW Annual Conference Motions - (125612, 79351)**

MOTION:

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

Refer to RESOLUTION

220 RESOLUTION:

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

That Council submit the following motion to the Local Government NSW Annual Conference:

“That the NSW Government include climate change considerations in approved terms of reference for investigations and reviews by the Independent Pricing and Regulatory Tribunal pursuant to the Independent Pricing and Regulatory Tribunal Act 1992.

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

Against the Motion: Councillors Conolly, Richards and Zamprogno.

Absent: Councillor Tree.

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Item: 175 NM3 - Peppercorn Services Inc Action Plan - (138885)

Councillor Garrow declared a less than significant non-pecuniary conflict of interest in this matter as she is a board member of Peppercorn Services Inc and no further action is required.

MOTION:

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

Refer to RESOLUTION

221 RESOLUTION:

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

That following passage of Council Resolution 203 at the Council Meeting on 25 August 2020 it is further requested that:

1. The Memorandum of Terms of Delegation initiated in 2013, be forthwith re-enlivened for a six month period only, pending its update by staff, as per Council's recent Resolution.
2. In order for Council to enhance future interactions with Peppercorn Services Inc, a report from the Peppercorn Services Inc executive officer each quarter would be required to regularly inform both Councillors and the community of Peppercorn's suite of outreach services.
3. Suggested report elements:
 - details of each current service delivered;
 - whether demand levels are met;
 - levels of client satisfaction;
 - perceived limitations with current services;
 - demand or need for new programmes to cater to Hawkesbury community needs;
 - commentary upon effectiveness and whether refinements to the current delivery model are under active consideration
4. All of Council's Third Party Organisations provide quarterly reports and minutes of their meetings to Council.

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

Against the Motion: Councillors Conolly, Kotlash and Zamprogno.

Absent: Councillor Tree.

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CONFIDENTIAL REPORTS

222 RESOLUTION:

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

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 items:

Item: 176 SS – Acquisition of Crown Land under Council’s Management by Transport for New South Wales – Part of Lot 7008 in DP 1029964 (now Lot 71 in DP 1238663) and Lot 345 in DP 752061, Bridge Street, Windsor – (14893, 100920, 95496)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(g) of the Local Government Act, 1993 as it relates to legal advice concerning ongoing Class 3 legal proceedings in the Land and Environment Court and the information is regarded as advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

223 RESOLUTION:

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

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Item: 176 **SS - Acquisition of Crown Land under Council's Management by Transport for New South Wales - Part of Lot 7008 in DP 1029964 (now Lot 71 in DP 1238663) and Lot 345 in DP 752061, Bridge Street, Windsor - (14893, 100920, 95496)**
CONFIDENTIAL

Previous Item: 32, Ordinary (23 February 2016)
 302, Ordinary (11 December 2018)
 210, Ordinary (12 November 2019)
 49, Ordinary (10 March 2020)

Directorate: Support Services

MOTION:

The Director of Support Services advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Richards, seconded by Councillor Lyons-Buckett.

Refer to RESOLUTION

224 RESOLUTION:

The Director of Support Services advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Richards, seconded by Councillor Lyons-Buckett.

That:

1. Council agree to accept Transport for New South Wales' offer for payment of Council's legal costs as set out in this report.
2. Authority be given for any other relevant documentation in association with this matter to be executed under the Seal of Council.
3. Authority be given for a copy of Council's resolution to be provided by Council's Solicitor to Transport for New South Wales.

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

Against the Motion: Nil.

Absent: Councillor Tree.

The meeting terminated at 8:32pm.

Submitted to and confirmed at the Ordinary meeting held on 22 September 2020.

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Mayor