



Ordinary Meeting

Date of meeting: 19 July 2022
Location: Council Chambers
Time: 6:30 p.m.

MINUTES

ORDINARY MEETING

Minutes: 19 July 2022

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE
ATTENDANCE		2
APOLOGIES AND LEAVE OF ABSENCE OR ATTENDANCE BY AUDIO-VISUAL LINK		2
DECLARATIONS OF INTEREST		2
SECTION 1 - Confirmation of Minutes		3
CONDOLENCES		3
Item: 120	Condolences for Paul Rasmussen - (125610)	3
SECTION 2 – Mayoral Minutes		4
Item: 121	MM1 - Raising the Warragamba Dam Wall - (125610)	4
Item: 122	MM2 - Accounting Treatment of NSW Rural Fire Service "Red Fleet" Assets - (125610)	7
SECTION 3 – Reports for Determination		9
PLANNING DECISIONS		9
Item: 123	CP - Redbank Voluntary Planning Agreement - Proposed Grose River Bridge - Location and Milestones - (95498)	9
GENERAL MANAGER		11
Item: 124	GM - Adjustment to the Making of Ordinary Rates for the year ending 30 June 2023 - (79351)	11
Item: 125	GM - Change in Councillor Numbers - (79351)	12
Item: 126	GM - 2022 Local Government NSW Annual Conference - (79351, 79633)	13
INFRASTRUCTURE SERVICES		15
Item: 127	IS - Rising Main C Failure - (95495)	15
Item: 128	IS - Road Naming Proposal Vineyard Precinct Stage 1 - Part 2 - (95495)	16
SUPPORT SERVICES		17
Item: 129	SS - Investment Report - May 2022 - (95496)	17
Item: 130	SS - Review of Council's Investment Policy - (95496, 96332)	18
SECTION 4 – Reports of Committees		19
Item: 131	ROC - Local Traffic Committee - 20 June 2022 - (80245)	19

ORDINARY MEETING

Minutes: 19 July 2022

SECTION 5 – Notices of Motion	20
Item: 132 NM - Electricity Supply - (125612)	20
CONFIDENTIAL REPORTS	22
Item: 133 RM - Licence Agreement for Signage at Industry Road Reserve, Vineyard - (80107, 155345, 155346)	23
Item: 134 SS - Lease to Wesley Community Services Limited - Suite 2, Deerubbin Centre, Level 1, 300 George Street, Windsor - (144638, 95496, 112106)	24
Item: 135 SS - Lease to The Minister Administering the NPWS Act - Bowman Cottage, 368 Windsor Street, Richmond - (95496, 112106, 134759)	25
Item: 136 SS - Outstanding Receivables - Bad Debts Write Off - (95496, 96332)	26

ORDINARY MEETING

Minutes: 19 July 2022

Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on 19 July 2022, commencing at 6:30pm.

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 Barry Calvert, Deputy Mayor and Councillors Shane Djuric, Eddie Dogramaci, Amanda Kotlash, Mary Lyons-Buckett, Sarah McMahon, Jill Reardon, Les Sheather, Paul Veigel, Danielle Wheeler and Nathan Zamprogno.

ALSO PRESENT: General Manager - Elizabeth Richardson, Acting Director City Planning - Amanda Kearney, Director Infrastructure Services - Will Barton, Director Support Services - Laurie Mifsud, Manager Corporate Communication - Suzanne Stuart, Chief Financial Officer - Vanessa Browning, Manager Waste Management - Ramiz Younan, Manager Design and Mapping - Christopher Amit, Manager Strategic Planning - Andrew Kearns, Manager Corporate Services and Governance - Charles McElroy and Council Committee Officer - Amy Birks.

APOLOGIES AND LEAVE OF ABSENCE OR ATTENDANCE BY AUDIO-VISUAL LINK

There were no apologies or leave of absence received from Councillors.

DECLARATIONS OF INTEREST

Councillor McMahon declared an interest on Items 122 and 136.

Councillor Wheeler declared an interest on Item 122.

Acknowledgement of Official Visitors to the Council

There were no official visitors to Council.

ADJOURNMENT OF MEETING

The Mayor adjourned the meeting at 10:02pm for a short break. The meeting resumed at 10:15pm.

ORDINARY MEETING

Minutes: 19 July 2022

SECTION 1 - Confirmation of Minutes

145 RESOLUTION:

RESOLVED on the motion of Councillor Veigel and seconded by Councillor Reardon that the Minutes of the Ordinary held on 14 June 2022, be confirmed.

CONDOLENCES

Item: 120 Condolences for Paul Rasmussen - (125610)

Ms Christine Paine and Ms Colleen Turnbull addressed Council, concerning the passing of former Councillor Paul Rasmussen.

MOTION:

RESOLVED on the motion by the Mayor, Councillor Conolly.

Refer to RESOLUTION

146 RESOLUTION:

RESOLVED on the motion by the Mayor, Councillor Conolly.

That Council:

1. Recognise the recent passing of Paul Rasmussen, a former Hawkesbury City Councillor who served our community in this role and many others for over 20 years.
2. Express its condolences and gratitude for Paul's service, via letter, to the Rasmussen Family; and
3. Observe one minute's silence in respect of Paul's contribution to our community.

One minute's silence was observed in memory of Paul Rasmussen.

ORDINARY MEETING

Minutes: 19 July 2022

SECTION 2 – Mayoral Minutes

Item: 121 MM1 - Raising the Warragamba Dam Wall - (125610)

Mr Daniel Dalea and Mr Maurice Smith addressed Council speaking for the recommendation in the business paper.

Ms Sophie Devine, Ms Linda Fenech and Ms Sam Magnusson addressed Council speaking against the recommendation in the business paper.

A MOTION was moved by the Mayor, Councillor Conolly.

That Council:

1. Request a meeting with the NSW Minister for Water and Mayors and MPs representing areas within the Hawkesbury-Nepean Floodplain, to advocate for Warragamba Dam to be immediately used as a Flood Mitigation Dam.
2. Again calls on the NSW Government to urgently proceed with the raising of Warragamba Dam Wall as currently proposed.

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

That Council:

1. Immediately contacts all members of the NSW Parliament requesting urgent action to facilitate the lowering of Warragamba for flood mitigation, stabilisation of river banks, and improvements to evacuation routes.
2. Contacts Mayors of Councils on and adjacent to the Hawkesbury-Nepean floodplain and WSROC seeking their support and advocacy for Part 1.

For the Amendment: Councillors Calvert, Djuric, Kotlash, Lyons-Buckett and Wheeler.

Against the Amendment: Councillors Conolly, McMahon, Reardon, Sheather, Veigel, and Zamprogno.

Absent: Councillor Dogramci.

The Amendment was lost.

ORDINARY MEETING

Minutes: 19 July 2022

A MOTION was moved by the Mayor, Councillor Conolly.

That Council:

1. Request a meeting with the NSW Minister for Water and Mayors and MPs representing areas within the Hawkesbury-Nepean Floodplain, to advocate for Warragamba Dam to be immediately used as a Flood Mitigation Dam.
2. Notes that Council's position of calling for the NSW Government to proceed with the Warragamba Dam Raising Project, remains unchanged.

A PROCEDUAL MOTION was moved by Councillor Wheeler that this item be dealt with in seriatim.

The Procedural Motion was carried.

MOTION:

RESOLVED on the motion of the Mayor, Councillor Conolly.

Refer to RESOLUTION

147 RESOLUTION:

RESOLVED on the motion of the Mayor, Councillor Conolly.

1. Request a meeting with the NSW Minister for Water and Mayors and MPs representing areas within the Hawkesbury-Nepean Floodplain, to advocate for Warragamba Dam to be immediately used as a Flood Mitigation Dam.

For the Motion: Councillors Conolly, Calvert, Djuric, Kotlash, Lyons-Buckett, McMahon, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

Against the Motion: Nil.

Absent: Councillor Dogramaci.

ORDINARY MEETING

Minutes: 19 July 2022

MOTION:

RESOLVED on the motion of the Mayor, Councillor Conolly.

Refer to RESOLUTION

148 RESOLUTION:

RESOLVED on the motion of the Mayor, Councillor Conolly.

2. Notes that Council's position of calling for the NSW Government to proceed with the Warragamba Dam Raising Project, remains unchanged.

For the Motion: Councillors Conolly, Calvert, Kotlash, McMahon, Reardon, Sheather, Veigel and Zamprogno.

Against the Motion: Councillors Djuric, Lyons-Buckett and Wheeler.

Absent: Councillor Dogramaci.

ORDINARY MEETING

Minutes: 19 July 2022

Item: 122 MM2 - Accounting Treatment of NSW Rural Fire Service "Red Fleet" Assets - (125610)

Councillor McMahon declared a significant non-pecuniary conflict of interest in this matter as she is a member of the NSW Rural Fire Service. She left the Chamber and did not take part in voting or discussion on the matter.

Councillor Wheeler declared a less than significant non-pecuniary conflict of interest in this matter as she is a member of the NSW Rural Fire Service, as is her son. No further action is required as Councillor Wheeler is not involved in the management or administration of the Rural Fire Service and the interests of Council and the Rural Fire Service are not in conflict.

MOTION:

RESOLVED on the motion of the Mayor, Councillor Conolly.

Refer to RESOLUTION

149 RESOLUTION:

RESOLVED on the motion of the Mayor, Councillor Conolly.

That:

1. Council writes to the local State Member the Hon Robyn Preston MP, the Treasurer the Hon Matt Kean MP, Minister for Emergency Services and Resilience the Hon Stephanie Cook MP and the Minister for Local Government Wendy Tuckerman MP:
 - a) Expressing Council's objection to the NSW Government's determination on ownership of RFS assets.
 - b) Advising of the impact of the Government's position on Council finances of this accounting treatment.
 - c) Informing that Council will not carry out RFS asset stocktakes on behalf of the NSW Government.
 - d) Calling on the NSW Government to take immediate action to permanently clear up inequities and inconsistencies around the accounting treatment of RFS assets by acknowledging that rural firefighting equipment is vested in, under the control of and the property of the RFS; and
 - e) Amending s119 of the *Rural Fires Act 1997* so that the effect is to make it clear that RFS assets are not the property of councils.
2. Council writes to the Shadow Treasurer Daniel Mookhey MLC, the Shadow Minister for Emergency Services Jihad Dib MP, the Shadow Minister for Local Government Greg Warren MP, the Greens Spokesperson for Local Government Jamie Parker MP and the leaders of the Shooters, Fishers and Farmers, Animal Justice and One Nation parties Robert Borsak MLC, Emma Hurst MLC and Mark Latham MLC:
 - a) Advising Members of Hawkesbury Council's position, including providing copies of correspondence to NSW Government Ministers; and
 - b) Seeking Members' commitments to support NSW Councils' call to amend the *Rural Fires Act 1997* as set out in correspondence.

ORDINARY MEETING

Minutes: 19 July 2022

3. Council writes to the Auditor General advising that notwithstanding any overtures of future qualified audits, it will not carry out RFS stocktakes on behalf of the NSW Government, noting that the State Government's own *Local Government Accounting Code of Practice and Financial Reporting* provides for councils to determine whether or not they record the RFS assets as council assets.
4. Council re-affirms its complete support of and commitment to local RFS brigades noting that Hawkesbury Council's action is entirely directed towards the NSW Government's position that rather than being owned and controlled by local brigades, RFS assets are somehow controlled by councils, which councils consider to be a financial sleight of hand abdicating the NSW Government's responsibilities at the cost of local communities.
5. Council affirms its support to LGNSW and requests LGNSW continue advocating on Council's behalf to get clarification finally from the State Government about the accounting treatment of RFS assets.

For the Motion: Councillors Conolly, Calvert, Djuric, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

Against the Motion: Nil.

Absent: Councillor McMahon.

ORDINARY MEETING

Minutes: 19 July 2022

SECTION 3 – Reports for Determination

PLANNING DECISIONS

Item: 123 **CP - Redbank Voluntary Planning Agreement - Proposed Grose River Bridge - Location and Milestones - (95498)**

Previous Item: 152, Ordinary (10 August 2021)
 11, Ordinary (11 February 2020)
 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

Ms Jeanne Rasmussen addressed Council speaking for the recommendation in the business paper.

Ms Janet Hatherley, Ms Marian Wilcox and Ms Stephanie Calabornes addressed Council speaking against the recommendation in the business paper.

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

That Council:

1. Place the draft amended Redbank Voluntary Planning Agreement and Explanatory Note included as Attachment 1 to the report on public exhibition for a minimum of 28 days, with the draft amended Redbank VPA to be reported back to Council following exhibition prior to finalisation.
2. Note the proposed variation to the Voluntary Planning Agreement Milestone for practical completion of Peel Park as set out below:

Reference	Activity	Current Milestone	Proposed Amended Milestone
Refer VPA Schedule 2, Item 1.7, Page 5 of 9	Practical completion of Peel Park	901 st urban lot	915 th urban lot

ORDINARY MEETING

Minutes: 19 July 2022

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

That this matter be deferred to the Council Meeting in August 2022 so that further information can be provided about the change of route to go through the Wilcox property, and alternatives.

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 amendment, the results of which were as follows:

For the Amendment: Councillors Djuric, Lyons-Buckett, Wheeler and Zamprogno.

Against the Amendment: Councillors Conolly, Calvert, Dogramaci, Kotlash, McMahon, Sheather, Reardon and Veigel.

Absent: Nil.

The Amendment was lost.

MOTION:

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

Refer to RESOLUTION

150 RESOLUTION:

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

That Council:

1. Place the draft amended Redbank Voluntary Planning Agreement and Explanatory Note included as Attachment 1 to the report on public exhibition for a minimum of 28 days, with the draft amended Redbank VPA to be reported back to Council following exhibition prior to finalisation.
2. Note the proposed variation to the Voluntary Planning Agreement Milestone for practical completion of Peel Park as set out below:

Reference	Activity	Current Milestone	Proposed Amended Milestone
Refer VPA Schedule 2, Item 1.7, Page 5 of 9	Practical completion of Peel Park	901 st urban lot	915 th urban lot

3. Hold a Councillor Briefing Session so that further information can be provided about the change of route to go through the Wilcox property, and alternatives.

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, Calvert, Dogramaci, Kotlash, McMahon, Reardon, Sheather, Veigel and Zamprogno.

Against the Motion: Councillors Djuric, Lyons-Buckett and Wheeler.

Absent: Nil.

ORDINARY MEETING

Minutes: 19 July 2022

GENERAL MANAGER

Item: 124 **GM - Adjustment to the Making of Ordinary Rates for the year ending 30 June 2023 - (79351)**

Previous Item: 074, Ordinary (14 June 2022)

Directorate: General Manager

MOTION:

RESOLVED on the motion of Councillor Sheather, seconded by Councillor Djuric.

Refer to RESOLUTION

151 RESOLUTION:

RESOLVED on the motion of Councillor Sheather, seconded by Councillor Djuric.

That in accordance with Section 494 of the Local Government Act, 1993, Council make the Ordinary Rates as shown in Table 1 in this report, based on a 50% Base Amount and the approved 2.5% Additional Special Variation for the rating year commencing 1 July 2022.

For the Motion: Councillors Conolly, Calvert, Djuric, Dogramaci, Kotlash, McMahon, Reardon, Sheather, Veigel and Zamprogno.

Against the Motion: Councillors Lyons-Buckett and Wheeler.

Absent: Nil.

ORDINARY MEETING

Minutes: 19 July 2022

Item: 125 **GM - Change in Councillor Numbers - (79351)**

Previous Item: 114, Ordinary (14 June 2022)

Directorate: General Manager

MOTION:

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

Refer to RESOLUTION

152 RESOLUTION:

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

That:

1. The report regarding changing the number of Councillors be received and noted.
2. This matter be further discussed at a Councillor Briefing Session.

For the Motion: Councillors Conolly, Calvert, Djuric, Dogramaci, Kotlash, Lyons-Buckett, McMahon, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

Against the Motion: Nil.

Absent: Nil.

ORDINARY MEETING

Minutes: 19 July 2022

Item: 126 **GM - 2022 Local Government NSW Annual Conference - (79351, 79633)**

Directorate: General Manager

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

That:

1. The report be received and noted.
2. Attendance of nominated Councillors and staff as considered by the General Manager, at the 2022 Local Government NSW Annual Conference at an approximate cost of \$2,650 plus travel expenses per delegate be considered.
3. The nomination of five Councillor voting delegates, for voting on Conference motions be considered.
4. Council consider whether to submit any motions to the 2022 Local Government NSW Annual Conference.
5. After participating in 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.

An AMENDMENT was moved by Councillor McMahon, seconded by Councillor Veigel.

That:

1. The report be received and noted.
2. Attendance of nominated Councillors and staff as considered by the General Manager, at the 2022 Local Government NSW Annual Conference at an approximate cost of \$2,650 plus travel expenses per delegate be considered.
3. The nomination of two Councillor voting delegates, for voting on Conference motions be considered.
4. Council consider whether to submit any motions to the 2022 Local Government NSW Annual Conference.
5. After participating in 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 Amendment: Councillors Conolly, Djuric, McMahon, Reardon, Sheather, Veigel and Zamprogo.

Against the Amendment: Councillors Calvert, Dogramaci, Kotlash, Lyons-Buckett and Wheeler.

Absent: Nil.

The Amendment was carried.

ORDINARY MEETING

Minutes: 19 July 2022

MOTION:

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

Refer to RESOLUTION

153 RESOLUTION:

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

That:

1. The report be received and noted.
2. Attendance of Councillors Dogramaci and Wheeler and staff as considered by the General Manager, at the 2022 Local Government NSW Annual Conference at an approximate cost of \$2,650 plus travel expenses per delegate be approved.
3. Councillors Dogramaci and Wheeler be nominated as Council's voting delegates, for voting on Conference motions.
4. Council consider whether to submit any motions to the 2022 Local Government NSW Annual Conference.
5. After participating in 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 Conolly, Calvert, Djuric, Dogramaci, Kotlash, Lyons-Buckett, McMahon, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

Against the Motion: Nil.

Absent: Nil.

ORDINARY MEETING

Minutes: 19 July 2022

INFRASTRUCTURE SERVICES

Item: 127 **IS - Rising Main C Failure - (95495)**

Previous Item: 94, Ordinary (10 May 2022)

Directorate: Infrastructure Services

MOTION:

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

Refer to RESOLUTION

154 RESOLUTION:

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

That Council receive the report on the failure of Sewer Rising Main C and note the information within it.

For the Motion: Councillors Conolly, Calvert, Djuric, Dogramaci, Kotlash, Lyons-Buckett, McMahon, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

Against the Motion: Nil.

Absent: Nil.

ORDINARY MEETING

Minutes: 19 July 2022

Item: 128 **IS - Road Naming Proposal Vineyard Precinct Stage 1 - Part 2 - (95495)**

Previous Item: 037, Ordinary (22 February 2022)

Directorate: Infrastructure Services

MOTION:

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

Refer to RESOLUTION

155 RESOLUTION:

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

That Council:

1. In accordance with the requirements of the NSW Roads Act 1993, place on public exhibition the road names listed in Attachment 2 to this report, in Vineyard and Oakville, except the road names Lantana, Creeper, Lovegrass, Godwit and Whiteroot for a period of 28 days.
2. At the expiration of the public notification period outlined in Part 1 above, the following action be taken:
 - a) Should any material submissions of objection be received regarding the proposed Road Naming Proposal Vineyard Precinct Stage 1 – Part 2, a further report be submitted to Council, or
 - b) Should no material submissions of objection be received, Council adopt the Road Naming Proposal as shown in Attachment 2 to this report.
3. Begin preparation of a local street naming policy that is consistent with the Reconciliation Action Plan.

For the Motion: Councillors Conolly, Calvert, Djuric, Dogramaci, Kotlash, Lyons-Buckett, McMahon, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

Against the Motion: Nil.

Absent: Nil.

156 RESOLUTION:

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

That the meeting continue past 11pm to allow the Business Paper to be completed.

ORDINARY MEETING

Minutes: 19 July 2022

SUPPORT SERVICES

Item: 129 **SS - Investment Report - May 2022 - (95496)**

Previous Item: 097, Ordinary (25 May 2021)

Directorate: Support Services

MOTION:

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

Refer to RESOLUTION

157 RESOLUTION:

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

That the Monthly Investment Report for May 2022 be received and noted.

For the Motion: Councillors Conolly, Calvert, Djuric, Dogramaci, Kotlash, McMahon, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

Against the Motion: Nil.

Absent: Councillor Lyons-Buckett.

ORDINARY MEETING

Minutes: 19 July 2022

Item: 130 **SS - Review of Council's Investment Policy - (95496, 96332)**

Previous Item: 95, Ordinary (25 May 2021)

Directorate: Support Services

MOTION:

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

Refer to RESOLUTION

158 RESOLUTION:

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

That Council adopt the Investment Policy attached as Attachment 1 to this report.

For the Motion: Councillors Conolly, Calvert, Djuric, Dogramaci, Kotlash, McMahon, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

Against the Motion: Nil.

Absent: Councillor Lyons-Buckett.

ORDINARY MEETING

Minutes: 19 July 2022

SECTION 4 – Reports of Committees

Item: 131 **ROC - Local Traffic Committee - 20 June 2022 - (80245)**

Directorate: Infrastructure Services

MOTION:

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

Refer to RESOLUTION

159 RESOLUTION:

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

That Council adopt the recommendations contained in the minutes of the Hawkesbury City Council Traffic Committee meeting held on 20 June 2022.

For the Motion: Councillors Conolly, Calvert, Djuric, Dogramaci, Kotlash, McMahon, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

Against the Motion: Nil.

Absent: Councillor Lyons-Buckett.

ORDINARY MEETING

Minutes: 19 July 2022

SECTION 5 – Notices of Motion

Item: 132 NM - Electricity Supply - (125612)

MOTION:

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

Refer to RESOLUTION

160 RESOLUTION:

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

That Council:

1. Acknowledges the vulnerability of electricity supply during natural disasters.
2. Form a Councillor Working Group to consider the issue of electricity supply, including to communications towers, during natural disasters in the Hawkesbury. The Working Group should review the challenges involved in supplying electricity during a flood and potential solutions, and provide a report to the Disaster and Emergency Management Committee to make a recommendation to Council on a submission to the relevant agencies, outlining actions they could take to limit the loss of electricity supply and communications during natural disasters.
3. Provide a submission to Susan Templeman MP and Robyn Preston MP and a meeting requested to advocate for the improvements identified to be delivered by the NSW and Australian Governments.
4. Urgently seeks a response from the NSW Government on the timeframe around delivery of evacuation route upgrades in the Hawkesbury Local Government Area.
5. Requests from Infrastructure NSW, the details, costings and information about impacts of the McGraths Hill levee which was previously identified as a cost effective localised flood protection option.

For the Motion: Councillors Conolly, Calvert, Djuric, Dogramaci, Kotlash, Lyons-Buckett, McMahon, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

Against the Motion: Nil.

Absent: Nil.

ORDINARY MEETING

Minutes: 19 July 2022

Item: 133 **RM - Licence Agreement for Signage at Industry Road Reserve, Vineyard - (80107, 155345, 155346)**

MOTION:

RESOLVED on the motion of Councillor Reardon, seconded by Councillor McMahon.

Refer to RESOLUTION

161 RESOLUTION:

RESOLVED on the motion of Councillor Reardon, seconded by Councillor McMahon.

That Item 133 be dealt with in closed session on the grounds that information would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, under Section 10A(2)(c) of the Local Government Act 1993.

For the Motion: Councillors Conolly, Calvert, Djuric, Dogramaci, Kotlash, Lyons-Buckett, McMahon, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

Against the Motion: Nil.

Absent: Nil.

ORDINARY MEETING

Minutes: 19 July 2022

CONFIDENTIAL REPORTS

162 RESOLUTION:

RESOLVED on the motion of Councillor Reardon, seconded by Councillor McMahon.

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: 133 RM – Licence Agreement for Signage at Industry Road Reserve, Vineyard - (80107, 155345, 155346)

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

Item: 134 SS – Lease to Wesley Community Services Limited - Suite 2 Deerubbin Centre, Level 1, 300 George Street, Windsor - (144638, 95496, 112106)

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

Item: 135 SS - Lease to The Minister Administering the NPWS Act - Bowman Cottage, 368 Windsor Street, Richmond - (95496, 112106, 134759)

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

Item: 136 SS - Outstanding Receivables - Bad Debts Write Off - (95496, 96332)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(a) of the Local Government Act, 1993 Act as it relates to personnel matters concerning particular individuals (other than councillors)*

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 public left the Council Chambers.

163 RESOLUTION:

RESOLVED on the motion of Councillor Calvert, seconded by Councillor Kotlash that open meeting be resumed.

ORDINARY MEETING

Minutes: 19 July 2022

Item: 133 **RM - Licence Agreement for Signage at Industry Road Reserve, Vineyard - (80107, 155345, 155346)**

MOTION:

The General Manager advised that whilst in closed session, the Council considered the motion of Councillor Sheather, seconded by Councillor Djuric.

That Council Resolution 143 from the Council meeting on 14 June 2022, being the resolution from Item 118 SS - Licence Agreement for Signage at Industry Road Reserve, Vineyard, be rescinded.

For the Motion: Councillors Djuric, Dogramaci, Lyons-Buckett, Sheather, Wheeler and Zamprogno.

Against the Motion: Councillors Conolly, Calvert, Kotlash, McMahon, Reardon and Veigel.

Absent: Nil.

The Motion was lost on the casting vote of the Mayor, Councillor Conolly.

ORDINARY MEETING

Minutes: 19 July 2022

Item: 134 **SS - Lease to Wesley Community Services Limited - Suite 2, Deerubbin Centre, Level 1, 300 George Street, Windsor - (144638, 95496, 112106)**

Previous Item: 191, Ordinary (31 July 2018)

Directorate: Support Services

MOTION:

The General Manager advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Lyons-Buckett, seconded by Councillor Kotlash.

Refer to RESOLUTION

164 RESOLUTION:

The General Manager advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Lyons-Buckett, seconded by Councillor Kotlash.

That:

1. Council agree to enter into a new lease with Wesley Community Services Limited, in regard to Suite 2, Deerubbin Centre, Level 1, 300 George Street, Windsor, in accordance with the proposal outlined in the report.
2. Authority be given for any necessary documentation in association with this matter to be executed under the Seal of Council.
3. Details of Council's resolution be conveyed to the proposed Lessee, together with the advice that Council is not, and will not, be bound by the terms of its resolution, until such time as appropriate legal documentation to put such resolution into effect has been agreed to and executed by all parties.

For the Motion: Councillors Conolly, Calvert, Djuric, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

Against the Motion: Nil.

Absent: Councillor McMahon.

ORDINARY MEETING

Minutes: 19 July 2022

Item: 135 **SS - Lease to The Minister Administering the NPWS Act - Bowman Cottage, 368 Windsor Street, Richmond - (95496, 112106, 134759)**

Previous Item: 119, Ordinary (27 June 2017)

Directorate: Support Services

MOTION:

The General Manager advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Veigel, seconded by Councillor Kotlash.

Refer to RESOLUTION

165 RESOLUTION:

The General Manager advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Veigel, seconded by Councillor Kotlash.

That Council delegate authority to the General Manager to negotiate a lease with the Minister Administering the National Parks and Wildlife Act on behalf of the National Parks and Wildlife Service.

For the Motion: Councillors Conolly, Calvert, Djuric, Dogramaci, Kotlash, Lyons-Buckett, McMahon, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

Against the Motion: Nil.

Absent: Nil.

ORDINARY MEETING

Minutes: 19 July 2022

Item: 136 **SS - Outstanding Receivables - Bad Debts Write Off - (95496, 96332)**

Previous Item: 122, Ordinary (25 June 2019)

Directorate: Support Services

Councillor McMahon declared a significant non-pecuniary conflict of interest in this matter as she knew one of the debtors. She left the Chamber and did not take part in voting or discussion on the matter.

MOTION:

The General Manager advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Lyons-Buckett, seconded by Councillor Kotlash.

Refer to RESOLUTION

166 RESOLUTION:

The General Manager advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Lyons-Buckett, seconded by Councillor Kotlash.

That:

1. Council write off the following debts as at 30 June 2022:
 - a) The debt owed by Debtor Account 7300213 in respect of residential rent and legal fees totalling \$7,827 be written off as a bad debt.
 - b) The debt owed by Debtor Account 7309310 in respect of commercial rent and disbursements totalling \$164,434 be written off as a bad debt.
 - c) The debt owed by Debtor Account 7309963 in respect of commercial sullage and food inspection fees totalling \$30,753 be written off as a bad debt.
 - d) The debt owed by Debtor Account 7309990 in respect of food inspection and legal fees totalling \$923 be written off as a bad debt.
 - e) The debt owed by Debtor Account 7310220 in respect of food inspection and legal fees totalling \$1,316 be written off as a bad debt.
 - f) The debt owed by Debtor Account 7312057 in respect of food inspection fees totaling \$886 be written off as a bad debt.
2. Council increases the delegated authority of the General Manager or Responsible Accounting Officer to write off bad debts to \$5,000 and amend the Debt Recovery, Pensioner Concession and Hardship Policy accordingly.
3. Council adopted the amended Debt Recovery, Pensioner Concession and Hardship Policy, attached as Attachment 1 to this report.

For the Motion: Councillors Conolly, Calvert, Djuric, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

Against the Motion: Nil.

Absent: Councillor McMahon.

ORDINARY MEETING

Minutes: 19 July 2022

The meeting terminated at 11:59pm.

Submitted to and confirmed at the Ordinary meeting held on 9 August 2022.

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Mayor