

# ordinary meeting minutes

date of meeting: 13 August 2019

location: council chambers

time: 6:30 p.m.



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## ORDINARY MEETING

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on 13 August 2019, commencing at 6:30pm.

### 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, Peter Reynolds, Sarah Richards, John Ross, 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, Strategic Planning Manager - Andrew Kearns, Manager Corporate Communication - Suzanne Stuart, Acting Manager Corporate Services and Governance - Charles Smith and Administrative Support Coordinator - Tracey Easterbrook.

### APOLOGIES AND LEAVE OF ABSENCE

Apologies for absence were received from Councillor Rasmussen and Councillor Tree.

### 178 RESOLUTION:

RESOLVED on the motion of Councillor Lyons-Buckett and seconded by Councillor Kotlash that the apologies be accepted and that leave of absence from the meeting be granted.

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

### DECLARATIONS OF INTEREST

Councillor Wheeler declared an interest on Item 150.

### ACKNOWLEDGEMENT OF OFFICIAL VISITORS TO THE COUNCIL

Ms Nicole Mulford, President of the Hawkesbury Sister City Association introduced the students from the Hawkesbury and Council's sister cities, Temple City, USA and Kyotamba, Japan, who are participating in the current Sister City Exchanges. The Mayor, Councillor Calvert presented certificates to the Sister City Exchange students.

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**SECTION 1 - Confirmation of Minutes**

**179 RESOLUTION:**

RESOLVED on the motion of Councillor Conolly and seconded by Councillor Wheeler that the Minutes of the Ordinary Meeting held on the Tuesday, 30 July 2019, be confirmed.

## ORDINARY MEETING

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### SECTION 3 – Reports for Determination

#### PLANNING DECISIONS

**Item: 145**                      **CP - Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012 Land Zoning Map, Lot Size Map and Height of Buildings Map and Application for Biodiversity Certification - Jacaranda Ponds, Glossodia - (95498, 124414, 136783)**

**Directorate:**                      City Planning

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Mr Robert Humphries and Ms Kate Tudehope addressed Council, speaking for the recommendation.

Mr Bill Sneddon, addressed Council speaking against the recommendation.

#### **MOTION:**

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

#### ***Refer to RESOLUTION***

#### **180 RESOLUTION:**

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

That Council:

1. Note the advice provided by the Hawkesbury Local Planning Panel on the matter.
2. Proceed with the planning proposal to amend the Hawkesbury Local Environmental Plan 2012 to allow development of the subject site for residential, public recreational, environmental conservation and infrastructure purposes as follows:
  - a) Amend the Land Zoning Map to:
    - (i) Rezone part of the subject site containing significant vegetation to E2 Environmental Conservation to provide better protection for the existing vegetation and achieve an improved ecological outcome for the subject site,
    - (ii) Rezone surplus SP2 Infrastructure zoned land to part R2 Low Density Residential and part RE1 Public Recreation, and
    - (iii) Reconfigure the existing R2 Low Density Residential, R5 Large Lot Residential and RE1 Public Recreation zoned land to enable approximately 580 residential lots on the subject site.
  - b) Amend the Height of Buildings Map to reconfigure the current 10m maximum permissible height provision corresponding to the proposed residential land within the subject site.
  - c) Amend the Lot Size Map corresponding to the proposed Land Zoning Map.
3. Forward the planning proposal to the Department of Planning, Industry and Environment, requesting a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.

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4. Prepare and submit an Application to the Minister for Energy and Environment for Biodiversity Certification over the subject site.
5. Delegate to the General Manager of Council the signing of the application for Biodiversity Certification.
6. Note that in the event that the planning proposal receives a Gateway Determination to proceed, community consultation not occur until such time as a Draft Voluntary Planning Agreement and site specific Development Control Plan, which includes protected riparian zones and conservation areas along Currency Creek, have been prepared and endorsed by Council.

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, Reynolds, Richards, Wheeler and Zamprognio.

**Against the Motion:** Councillor Ross.

**Absent:** Councillors Rasmussen and Tree.

### GENERAL MANAGER

**Item: 146** **GM - Questions of Number of Councillors, Establishment of Wards and Popularly Elected Mayor for Hawkesbury Local Government Area - (79351)**

**Previous Item:** 133, Ordinary (30 July 2019)  
119, Ordinary (28 June 2016)  
MM2, Ordinary (31 May 2016)  
120, Ordinary (8 July 2014)  
91, Ordinary (27 May 2014)  
MM, Ordinary (25 February 2014)  
166, Ordinary (26 July 2011)  
1, Ordinary (28 February 2006)  
33, Ordinary (1 November 2005)

**Directorate:** General Manager

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Mr Bill Sneddon addressed Council, speaking for the recommendation.

### **MOTION:**

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



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That:

1. The existing number of twelve councillors at Hawkesbury City Council be maintained for the 2020 Local Government Elections in accordance with Section 224(2) of the Local Government Act, 1993.
2. It be noted that Council has undertaken the required review of and made the required determination in respect to the number Councillors that will hold office at the next election after the 2020 Local Government Elections.
3. Council hold a Constitutional Referendum at the 2020 Local Government Elections to reduce the number of Councillors to eleven for the following election.
4. A report be prepared for Council's consideration that outlines the Constitutional Referendum process to follow, the community consultation required and the costs associated.
5. No change be proposed to Hawkesbury City Council's status as an undivided council area with no wards.
6. No change be proposed to the current process of the mayor at Hawkesbury City Council being elected by the councillors.

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

That:

1. The existing number of twelve councillors at Hawkesbury City Council be maintained for the 2020 Local Government Elections in accordance with Section 224(2) of the Local Government Act, 1993.
2. It be noted that Council has undertaken the required review of and made the required determination in respect to the number Councillors that will hold office at the next election after the 2020 Local Government Elections.
3. Council hold a Constitutional Referendum at the 2020 Local Government Elections to increase the number of Councillors to thirteen for the following election.
4. A report be prepared for Council's consideration that outlines the Constitutional Referendum process to follow, the community consultation required and the costs associated.
5. No change be proposed to Hawkesbury City Council's status as an undivided council area with no wards.
6. No change be proposed to the current process of the mayor at Hawkesbury City Council being elected by the councillors.

**For the Amendment:** Councillors Lyons-Buckett, Reynolds, Ross and Wheeler.

**Against the Amendment:** Councillors Calvert, Conolly, Garrow, Kotlash, Richards and Zamprogno.

**Absent:** Councillors Rasmussen and Tree.

The amendment was lost.

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

That:

1. The existing number of twelve Councillors at Hawkesbury City Council be maintained in accordance with Section 224(2) of the Local Government Act, 1993.
2. It be noted that Council has undertaken the required review of and made the required determination in respect to the number Councillors that will hold office at the next election after the 2020 Local Government Elections.
3. No change be proposed to Hawkesbury City Council's status as an undivided council area with no wards.
4. No change be proposed to the current process of the mayor at Hawkesbury City Council being elected by the councillors.

**For the Amendment:** Councillors Calvert, Lyons-Buckett, Garrow, Kotlash, Reynolds, Ross, Wheeler and Zamprogno.

**Against the Amendment:** Councillors Conolly and Richards.

**Absent:** Councillors Rasmussen and Tree.

The amendment was carried.

### MOTION:

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

### *Refer to RESOLUTION*

### 181 RESOLUTION:

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

That:

1. The existing number of twelve Councillors at Hawkesbury City Council be maintained in accordance with Section 224(2) of the Local Government Act, 1993.
2. It be noted that Council has undertaken the required review of and made the required determination in respect to the number Councillors that will hold office at the next election after the 2020 Local Government Elections.
3. No change be proposed to Hawkesbury City Council's status as an undivided council area with no wards.
4. No change be proposed to the current process of the mayor at Hawkesbury City Council being elected by the councillors.

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**For the Motion:** Councillors Calvert, Garrow, Kotlash, Reynolds, Ross, Wheeler and Zamprogno.

**Against the Motion:** Councillors Conolly and Richards.

**Absent:** Councillors Lyons-Buckett, Rasmussen and Tree.

### SUPPORT SERVICES

**Item: 147**                    **SS - Lease by Council of Bilpin Oval Reserve, 2526 Bells Line of Road, Bilpin (95496, 134759)**

**Previous Item:**        53, Ordinary (14 March 2006)  
                              129, Ordinary (29 May 2018)

**Directorate:**            Support Services

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#### **MOTION:**

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

#### ***Refer to RESOLUTION***

#### **182 RESOLUTION:**

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

That:

1. Council agree to enter into a licence agreement with The Minister administering the National Parks and Wildlife Act, 1974 in regard to Bilpin Oval Reserve, 2526 Bells Line of Road, Bilpin, as outlined in the report.
2. Authority be given for any 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 Licensor, 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.
4. Council continue to pursue the transfer of the subject land into Council's ownership, in accordance with the resolution of 29 May 2018.

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

**Against the Motion:** Nil.

**Absent:** Councillors Rasmussen and Tree.

**ORDINARY MEETING**

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**SECTION 4 – Reports of Committees**

**Item: 148**                      **ROC - Hawkesbury Access and Inclusion Advisory Committee - 27 June 2019 - (124569, 96328)**

**Directorate:**                Support Services

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**MOTION:**

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

***Refer to RESOLUTION***

**183 RESOLUTION:**

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

That:

1. The Minutes of the Hawkesbury Access and Inclusion Advisory Committee Meeting held on 27 June 2019 be received and noted.
2. The Access and Inclusion Advisory Committee, provide a briefing of their dementia friendly objectives to the Town Centres Master Plan Working Group.

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

**Against the Motion:**        Nil.

**Absent:**                        Councillors Rasmussen and Tree.

**Item: 149**                      **ROC - Human Services Advisory Committee - 25 July 2019 - (123486, 124414)**

**Directorate:**                City Planning

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**MOTION:**

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

***Refer to RESOLUTION***

**184 RESOLUTION:**

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

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That:

1. The Minutes of the Human Services Advisory Committee Meeting held on 25 July 2019 be received and noted.
2. In relation to Item 3 of the Minutes, Council endorse the recommendations of the Human Services Advisory Committee, namely that:
  - a) Receive and note this information;
  - b) Receive ongoing updates at future Human Services Advisory Committee meetings on the progress of implementation of Council's adopted recommendations from the Affordable Housing Working Group.
  - c) The Human Services Advisory Committee receive feedback on the preparation of a Property Strategy at the next meeting.

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

**Against the Motion:** Nil.

**Absent:** Councillors Rasmussen and Tree.

The Mayor asked for the Meeting to be adjourned at 8:53pm.

The Meeting was resumed at 9:03pm.

## ORDINARY MEETING

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### SECTION 5 – Notices of Motion

**Item: 150**                      **NM1 - Australiana Pioneer Village - (79351,138884)**

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Councillor Wheeler declared a pecuniary interest in this matter as her son is contracted by the Lessee of the Australiana Pioneer Village. She left the Chamber and did not take part in voting or discussion on the matter.

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**MOTION:**

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

*Refer to RESOLUTION*

**185 RESOLUTION:**

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

That:

1. The cost of completing a Conservation Management Plan for the Australiana Pioneer Village be reported to Councillors to enable the Lessees, the Friends of the Australiana Pioneer Village, to better justify and secure grant funding, and
2. Any identified shortfall in funding between monies already secured for this purpose and those required to complete the process be factored into the 2020/2021 budget process.

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

**Against the Motion:**              Nil.

**Absent:**                                  Councillors Rasmussen, Tree and Wheeler.

**Item: 151**                      **NM2 - Invitation to Federal and State MPs to attend Council Meeting - (79351, 801106)**

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**MOTION:**

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

*Refer to RESOLUTION*

**186 RESOLUTION:**

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

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That Council:

1. Invite both the Federal Member Susan Templeman, MP and the State Member Robyn Preston, MP to a Council Meeting or a Councillor Briefing Session to outline their objectives and plans for the Hawkesbury LGA and how both members propose to work constructively and mutually with Council to deliver those objectives and plans for the best outcome for the people of the Hawkesbury.
2. Provide an agenda outlining the items for discussion.

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

**Against the Motion:** Councillors Conolly and Kotlash.

**Absent:** Councillors Rasmussen and Tree.

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**QUESTIONS FOR NEXT MEETING**

**Item: 152                      Councillor Questions with Notice**

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Responses to Councillor Questions with Notice listed in the Business Paper of 13 August 2019 were provided and discussed.



## ORDINARY MEETING

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### CONFIDENTIAL REPORTS

#### 187 RESOLUTION:

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

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: 153 IS - Extension of Tender No. 00978 - Hire and Maintenance of Landfill Plan at Hawkesbury City Waste Management Facility - (95495, 112179, 82995)**

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act, 1993 as it relates to details concerning tenders for the supply of goods and/or services to Council and the information is regarded as being commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, confer a commercial advantage on a competitor of the Council, or reveal a trade secret and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

2. In accordance with the provisions of Section 11(2) & (3) of the Local Government Act, 1993 the reports, correspondence and other relevant documentation relating to these matters be withheld from the Press and public.

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

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

#### 188 RESOLUTION:

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

## ORDINARY MEETING

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**Item: 153**                      **IS - Extension of Tender No. 00978 - Hire and Maintenance of Landfill Plant at Hawkesbury City Waste Management Facility - (95495, 112179, 82995)**

**Previous Item:**              151, Ordinary (26 July 2016)

**Directorate:**                Infrastructure Services

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### **MOTION:**

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

### ***Refer to RESOLUTION***

### **189 RESOLUTION:**

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

That the current contract for the "Hire and Maintenance of Landfill Plant at Hawkesbury City Waste Management Facility" with Select Civil Pty Ltd be extended until midnight on 30 August, 2020 based on the proposed agreed rates (Option B - fixed for the one year period with the option of three by one year period extensions).

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

**Against the Motion:**        Nil.

**Absent:**                        Councillors Rasmussen and Tree.

The meeting terminated at 9:40pm.

Submitted to and confirmed at the Ordinary meeting held on 27 August 2019.

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Mayor

