



Hawkesbury City Council

ordinary
meeting
minutes

date of meeting: 12 March 2019
location: council chambers
time: 6:30 p.m.

ORDINARY MEETING

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Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on Tuesday, 12 March 2019, commencing at 6.35pm.

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, Danielle Wheeler and Nathan Zamprogno.

ALSO PRESENT: General Manager - Peter Conroy, Director City Planning - Linda Perrine, Director Support Services - Laurie Mifsud, Acting Director Infrastructure Services - Christopher Amit, Executive Manager - Community Partnerships - Joseph Litwin, Chief Financial Officer – Emma Galea, Manager Corporate Communication - Suzanne Stuart, Manager Corporate Services and Governance - Michael Wearne and Administrative Support Coordinator - Tracey Easterbrook.

APOLOGIES AND LEAVE OF ABSENCE

An apology for absence was received from Councillor Tree.

41 RESOLUTION:

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

Councillor Rasmussen arrived at the meeting at 6.36pm.

DECLARATIONS OF INTEREST

There were no Declarations of Interest made.

Acknowledgement of Official Visitors to the Council

There were no official visitors to the Council.

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SECTION 1 - Confirmation of Minutes

42 RESOLUTION:

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

That the Minutes of the Ordinary Meeting held on Tuesday, 26 February 2019, be confirmed, subject to part 1. in Resolution No. 36 being amended as follows:-

"That Council:

1. *Support a bypass as the duplication of the Richmond Bridge in its current location is not a bypass."*

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SECTION 3 – Reports for Determination

PLANNING DECISIONS

Item: 035 **CP - Proposed Modification of Existing Covenant - Building Envelope Restriction Lot 42, DP 1237854 - 85 London Place, Grose Wold - (95498)**

Directorate: City Planning

MOTION:

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

Refer to RESOLUTION

43 RESOLUTION:

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

That:

1. Council agree to vary the building envelope covenant over Lot 42 in DP 1237854 at 85 London Place, Grose Wold to increase the size of the building envelope to incorporate the entire dwelling, water tank and a replacement tree.
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 by an authorised officer of Council.
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 42 in DP 1237854.

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	Against the Motion
Councillor Calvert	Councillor Rasmussen
Councillor Conolly	
Councillor Garrow	
Councillor Kotlash	
Councillor Lyons-Buckett	
Councillor Reynolds	
Councillor Richards	
Councillor Ross	
Councillor Wheeler	
Councillor Zamprogno	

Councillor Tree was absent from the meeting.

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GENERAL MANAGER

Item: 036 **GM - Event Sponsorship Round 2 2018/2019**

Division: General Manager

MOTION:

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

Refer to RESOLUTION

44 RESOLUTION:

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

That Council:

1. Under the 2018/2019 Event Sponsorship Program, agree to support the organisations and individuals listed at the level recommended in Table 1 of this report.
2. Approve the execution of Council's standard Sponsorship Agreement for the applications as identified in Table 1 of this report.
3. Continue to modify the timing of the sponsorship rounds offered as part of the Events Sponsorship Program to incorporate the ongoing findings from the implementation of the Events Strategy.

Item: 037 **GM - Council's Code of Conduct and Procedures - (79351)**

Previous Item: 128, Ordinary (25 July 2017)
 213, Ordinary (28 November 2017)

Division: General Manager

MOTION:

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

Refer to RESOLUTION

45 RESOLUTION:

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

That:

1. Council adopt the Code of Conduct, attached as Attachment 1 to this report, subject to Part 1 – Introduction reading as follows:-

"1.0 PART 1 INTRODUCTION

The Hawkesbury City Council's Code of Conduct was developed using the Model Code of Conduct for Local Councils in NSW (hereafter referred to as "the Model Code") set out under section 440 of the Local Government Act 1993 ("LGA") and the Local Government (General) Regulation 2005 ("the Regulation").

Section 440 of the LGA requires every councils, county councils and joint organisations to adopt a code of conduct that incorporates the provisions of the Model Code. An adopted code of conduct may include additional provisions that supplement or strengthen the code of conduct and may extend its application to persons other than "council officials" for the purposes of the code (e.g. contractors and members of wholly advisory committees).

The Model Code sets the minimum standards of conduct for council officials. It is prescribed by regulation to assist Council officials to:

- *understand and comply with the standards of conduct that are expected of them*
- *enable them to fulfill their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)*
- *act in a way that enhances public confidence in local government.*

An adopted code of conduct has no effect to the extent that it is inconsistent with the Model Code. However, an adopted code of conduct may prescribe requirements that are more onerous than those prescribed in the Model Code.

Council officials (i.e. Councillors, administrators, members of staff of councils, delegates of councils, (including members of council committees that are delegates of a council)) and any other person a council's adopted code of conduct applies to, must comply with the applicable provisions of the Code of Conduct. It is the personal responsibility of Hawkesbury City Council officials and designated others to comply with the standards in the Code and to regularly review their personal circumstances and conduct with this in mind.

Failure by a Councillor to comply with the standards of conduct prescribed under this Code constitutes misconduct for the purposes of the LGA. The LGA provides for a range of penalties that may be imposed on Councillors for misconduct, including suspension or disqualification from civic office. A Councillor who has been suspended on three or more occasions for misconduct is automatically disqualified from holding civic office for five years.

Failure by a member of staff or Council official to comply with a Hawkesbury City Council's Code of Conduct may give rise to disciplinary action."

2. Council adopt the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW, attached as Attachment 2 to this report.
3. Council's relevant policies and procedures be updated to reference the new Code of Conduct.

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SUPPORT SERVICES

Item: 038 **SS - Monthly Investments Report - January 2019 - (95496, 96332)**

Previous Item: 150, Ordinary (27 June 2018)

Directorate: Support Services

MOTION:

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

Refer to RESOLUTION

46 RESOLUTION:

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

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

Item: 039 **SS - Pecuniary Interest Return - Designated Person - (95496, 96333)**

Directorate: Support Services

MOTION:

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

Refer to RESOLUTION

47 RESOLUTION:

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

That the Section 449(1) Pecuniary Interest Return be received and noted.

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Item: 040 **SS - Council Resolution Summary - July 2018 to December 2018 - (95496, 96333)**

Previous Item: NM2, Ordinary (24 June 2014)
 213, Ordinary (28 August 2018)

Division: Support Services

MOTION:

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

Refer to RESOLUTION

48 RESOLUTION:

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

That the report regarding Council resolutions for the period 1 July 2018 to 31 December 2018, and those resolutions outstanding from previous summaries, be received and noted.

Item: 041 **SS - Code of Meeting Practice - (95496)**

Previous Item: 194, Ordinary (31 October 2017)
 55, Ordinary (27 February 2018)

Division: Support Services

MOTION:

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

Refer to RESOLUTION

49 RESOLUTION:

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

That:

1. The Draft Hawkesbury City Council Code of Meeting Practice, attached as Attachment 1 to this report, be placed on public exhibition for 28 days, with a submission period of 42 days, subject to the Draft Hawkesbury City Council Code of Meeting Practice incorporating the appropriate provisions to enable all voting at Council Meetings (including meetings that are closed to the public) to be recorded in the minutes of meetings.
2. The outcome of the public exhibition period be further reported of Council.

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SECTION 4 – Reports of Committees

Item: 042 **ROC - Hawkesbury Access and Inclusion Advisory Committee - 22 November 2018 - (124569, 96328)**

Directorate: Support Services

MOTION:

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

Refer to RESOLUTION

50 RESOLUTION:

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

That the Minutes of the Hawkesbury Access and Inclusion Advisory Committee Meeting held on the 22 November 2018 be received and noted.

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SECTION 5 – Notices of Motion

Item: 043 NM1 - Climate Emergency - (79351, 125612, 138882)

Mr William Porter, Ms Sophie Williams and Mr William Sneddon speaking for the recommendation, addressed Council.

Mr Michael Want speaking against the recommendation, addressed Council.

MOTION:

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

Refer to RESOLUTION

51 RESOLUTION:

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

That Council:

1. Recognises that we are in a state of climate emergency that requires urgent action by all levels of government, that human induced climate change represents one of the greatest threats to humanity, civilisation, and other species and that it is still possible to prevent the most catastrophic outcomes if, and only if, societies take emergency action.
2. Participates in a Climate Emergency Workshop to examine how our Community Strategic Plan, works program and planning documents can address the climate emergency, and which results in an outline of options available to Council to operationalise this emergency declaration.

Item: 044 NM2 - Bell Quarry Rehabilitation Project - (79351, 138882, 138885)

Mr Morgan Burnside, Ms Megan Lawrence and Mr William Sneddon speaking for the recommendation, addressed Council.

MOTION:

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

Refer to RESOLUTION

52 RESOLUTION:

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

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That Council:

1. Notes that:

- a) The Development Application including Environmental Impact Statement for Bell Quarry Rehabilitation Project at Clarence [DA294/18] is now on exhibition with Lithgow Council until 20 March 2019,
- b) The impact of the proposed project on Hawkesbury residents will be high, with Bells Line of Road carrying 40% of truck movements, in particular that 2.2 million tonnes of fill from Sydney and Central West development projects is proposed to be transported using the Great Western Highway, Darling Causeway and Bells Line of Road, generating an average 74 truck movements a day for around 15 years.

2. Make a submission on the Development Application for Bell Quarry Rehabilitation Project identifying the likely impacts of the DA on Bells Line of Road users and residents, local roads and other relevant impacts including:

- a) Impacts on the natural environment
- b) Hydrology
- c) Bushfire management
- d) The desirability of managing waste product within the area that it is created, rather than transporting it by road to an out of region location

3. Notify properties fronting the Bells Line of Road, BLORCAG, Hawkesbury Environment Network, the NRDCAA, Kurrajong Forum, Colo Heights Progress Association, and other known stakeholder groups informing them of the DA and the submissions process.

Item: 045

NM3 - Asset Management and Depreciation - (79351, 138885)

MOTION:

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

Refer to RESOLUTION

53 RESOLUTION:

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

That Council Staff prepare a brief report to the Audit Committee and Council in respect of Council's current Asset Management Policies and Procedures and their compliance or otherwise, with the following principles:

1. All fixed and intangible assets being recorded at "Fair Value".
2. Depreciation charges being "conditioned based."

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3. All assets in the above classes being the subject of independent annual valuation, by appropriately qualified valuer(s).
4. Appropriate written terms of engagement being provided in each instance, informed by approval of the Auditor General agent charged with conduct of Council's financial audit.
5. Terms to include recommended rate(s) of depreciation, to be assigned to each class or sub-class of asset, having regard to the condition, state, efficacy, utilisation, and any other relevant factor of impairment.
6. Management arrange for annual engagement of valuer(s), such that their recommendations are able to be reported to Council in time for inclusion in the audited financial reports of Council.
7. Council will be informed by this process henceforth, unless a subsequent resolution with contrary intent is adopted.

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QUESTIONS FOR NEXT MEETING

Item: 046 Councillor Questions from Previous Meetings and Responses - 12 February 2019 - (79351)

There were no responses to the Question in relation to previous Question for the next Meeting - 12 February 2019.

Item: 047 Councillor Questions from Previous Meetings and Responses - 26 February 2019 - (79351)

Questions and Responses in relation to previous Questions for the next Meeting - 26 February 2019 were provided. The following additional follow up questions were asked with no responses given at the meeting.

#	Councillor	Question	Response
4	Lyons - Buckett	Requested an update on the road works upgrade program for the flood evacuation routes the RMS are contemplating	The Director City Planning and the Director Infrastructure Services
6	Wheeler	Enquired as to the estimated time of delivery of the signage.	The Director Infrastructure Services
15	Ross	Enquired as to: <ul style="list-style-type: none">• What action Council has taken in regard to the Sports Lighting Standards Compliance Consultants Audit Report since Council received the Report in September 2018.• Did the Report measure lux units on the playing areas.• Did the lux units on the playing surfaces exceed training ground permissibility levels and match competition levels with already installed lighting infrastructure.• Advice of the timeline for which the grant has to be implemented.	The Director Infrastructure Services
17	Ross	Requested further clarification/information on the refurbishment of the Richmond Pre-School and the amount budgeted for this work including the use of Section 7.11 funds.	The Director Support Services

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20	Ross	Requested a full copy of the program of rectification works for Bensons Lane indicated in the tender documents, and details of the publication of the tender including closing dates for bids. Also, please indicate the timeline for when the successful bidder was chosen and for the completion of the project.	The Director Infrastructure Services
21	Ross	Enquired as to how the issues raised in correspondence were addressed.	The Director Infrastructure Services
22	Ross	Enquired as to when Council submitted the application for the grant for the playground at South Windsor, and what program from the Office of Open Space and Parklands was relevant to this grant.	The Director Infrastructure Services

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#	Councillor	Question	Response
1	Ross	Requested if Council Officers could investigate the movement of soil in the area relating to DA0508/18 at Freemans Reach Road.	The Director City Planning
2	Rasmussen	Enquired as to whether Council has received any responses from the relevant bodies to provide assistance in keeping Yarramundi Lane, Inalls Lane and Crowley Lane safe and secure for local residents to travel on.	The Director Infrastructure Services
3	Garrow	Requested if Council Officers could urgently investigate the feral goats that have been eating and stripping trees on McGraths Hill flats.	The Director City Planning
4	Garrow	Enquired as to whether overnight camping with caravans and campervans in the Hawkesbury's LGA parks and car parks is allowed and if not could the appropriate signage be erected as a matter of urgency.	The Director Infrastructure Services
5	Garrow	Requested if it could be confirmed that Woolworths trucks are not allowed to use the roads between Baker and Bridge Streets, Windsor as part of their development approval.	The Director City Planning

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6	Garrow	<p>Requested advice as to if it is possible to write to the EPA and the Australian Department of Defence regarding the PFAS contamination of the areas around the RAAF Base Richmond requesting:</p> <ol style="list-style-type: none"> 1. A follow up public forum regarding PFAS contamination for the community be held 2. The establishment of a single point of contact within the PFAS investigation team for Council residents 3. Additional soil testing in the Hawkesbury to define the edge of the contaminated area 4. All Council properties within the affected area be tested at the expense of the EPA 5. Clear and factual plain English information be disseminated to all Hawkesbury residents at the expense of the Australian Department of Defence 6. Voluntary blood testing for residents found to have increased exposure at the expense of the Australian Defence Department 7. Soil testing for businesses and residents who use the affected river water/creek water for irrigation 8. Consideration of the needs and circumstances all residents and businesses who either own or use affected land for their livelihoods 	The General Manager
7	Reynolds	<p>Enquired as to whether the following have been tested for PFAS:</p> <ol style="list-style-type: none"> 1. Animal feed grown and sold by Council 2. Water used to irrigate Council crops 3. Council's recycled water. 	The Director Infrastructure Services
8	Reynolds	<p>Requested that investigations be carried out into contractors cutting tree roots under footpaths to get rid of the bumps in the footpath in George Street, Windsor and other areas in the Hawkesbury LGA.</p>	The Director Infrastructure Services
9	Wheeler	<p>Enquired as to whether the Cypress Canker disease has any likely disease control implications for green waste at Council's Waste Management Facility.</p>	The Director Infrastructure Services

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10	Lyons-Buckett	Enquired as to whether there maybe a possibility of having dual purpose shading at Richmond Pool that are shade shelters that also have solar panels and could possible collect rain water.	The Director Infrastructure Services and The Director City Planning
11	Lyons-Buckett	Requested an update on the pathway north of McDonalds in George Street, Bligh Park.	The Director City Planning
12	Zamprogno	Enquired as to the removal of the Return and Earn Facility in the car park of the Australian Hotel, McGraths Hill.	The Director City Planning
13	Richards	Requested an update on the previous resolution regarding the RSL Criteria.	The Director Infrastructure Services
14	Richards	Requested an update on the previous resolution regarding school children visiting the Council Chamber.	The General Manager
15	Richards	Enquired as to whether the parking on The Terrace, Windsor can be restricted to one side of the road as the road is narrow and is quite dangerous for local motorists.	The Director Infrastructure Services
16	Ross	Enquired as to an update on the Council resolution from 27 November 2018 regarding acid sulphate soils, in relation to the Windsor Bridge Project.	The Director Infrastructure Services

The meeting terminated at 9.14pm.

Submitted to and confirmed at the Ordinary meeting held on Tuesday, 26 March 2019.

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Mayor

