



ORDINARY MEETING

Date of meeting: 13 August 2024
Location: Council Chambers
Time: 6:30 PM

MINUTES

ORDINARY MEETING

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1. WELCOME

Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on 13 August 2024, commencing at 6:30pm.

a) Acknowledgement of Indigenous Heritage

The Mayor, Councillor Sarah McMahon acknowledged the Indigenous Heritage.

b) General Manager's Matters for Mention

The General Manager addressed the Council meeting, mentioning:

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

2. ACKNOWLEDGEMENT OF OFFICIAL VISITORS TO THE COUNCIL

The Mayor, Councillor Sarah McMahon acknowledged that this is the last Council Meeting for Deputy Mayor, Councillor Barry Calvert and Councillor Patrick Conolly as they will not be participating in the 2024 Local Government Elections.

The Mayor, Councillor Sarah McMahon acknowledged former Mayor, Wendy Sledge who was seated in the Gallery.

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

Attendance

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

ALSO PRESENT: General Manager – Elizabeth Richardson, Director City Planning – Meagan Ang, Director Corporate Services - Laurie Mifsud, Director Infrastructure Services - Will Barton, Manager Governance and Risk - Patricia Krzeminski, Manager Communications and Events - Suzanne Stuart, Capital Program Director – Phil Moore, Manager Strategic Planning – Andrew Kearns and Administrative Support Coordinator - Melissa Ryan.

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4. DECLARATIONS OF INTERESTS

Councillor Conolly declared an Interest in Item 12.1.3.

Councillor Dogramaci declared an Interest in Item 10.4.2.

Councillor Lyons-Buckett declared an Interest in Item 10.4.2.

Councillor McMahon declared Interests in Items 10.5.1, 12.1.3 and 15.3.1.

Councillor Wheeler declared an Interest in Item 10.5.1.

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5. CONFIRMATION OF MINUTES

152 RESOLUTION:

RESOLVED on the motion of Councillor Reardon, seconded by Councillor Kotlash that the minutes of the Ordinary Meeting held on 23 July 2024, be confirmed.

A MOTION was moved by Councillor Dogramaci.

That in accordance with Section 9.3(a) of the Code of Meeting Practice, that Council consider an urgent motion of no confidence in Councillor Sarah McMahon as Mayor for Hawkesbury City Council.

As the urgency motion involved Councillor McMahon, she left the Chamber and did not participate in the discussion or voting on the matter.

In the absence of the Mayor, Councillor McMahon, the Deputy Mayor, Councillor Calvert in accordance with Section 369 (1) of the Local Government Act 1993, acted as Chairperson for this matter.

The Chairperson, Deputy Mayor, Councillor Calvert ruled the motion not to be of great urgency.

The Mayor, Councillor McMahon resumed the Chair following consideration of this matter.

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6. AGENDA ITEMS SUBJECT TO PUBLIC ADDRESS

The following items were subject to public address:

- Item 10.3.1. CP - Liveability Project - Windsor Town Centre Stage 1A and Stage 2 - (95498)
- Item 10.4.2. CS - Proposed Sale 295 Sackville Road, Wilberforce (95496, 122525)
- Item 12.1.1. NM1 - Section 7.12 Levy Relief for Dwellings Lost Through Catastrophic Loss
- Item 12.1.3. NM3 - Women's Cottage Extension
- Item 12.1.4. NM4 - Koala Plan of Management

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7. CONDOLENCES

Nil reports.

8. MAYORAL MINUTES

Nil reports.

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9. EXCEPTION REPORTS – ADOPTION OF ITEMS NOT IDENTIFIED FOR DISCUSSION AND DECISION

MOTION:

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

Refer to RESOLUTION

153 RESOLUTION:

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

That the following items are dealt with by exception:

- Item 10.4.1.
- Item 11.1.5.
- Item 11.1.6.

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

Against the Motion: Nil.

Absent: Nil.

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10. REPORTS FOR DETERMINATION

10.1. PLANNING DECISIONS

10.1.1. CP - Planning Proposal - LEP004/23 - 172 Commercial Road, Vineyard Amendment to Schedule 1 Additional Permitted Uses of Hawkesbury Local Environmental Plan 2012

Previous Item: 4.1.2, Ordinary (12 September 2023)

Directorate: City Planning

MOTION:

MOVED on the motion of Councillor Conolly, seconded by Councillor Reardon.

Refer to RESOLUTION

154 RESOLUTION:

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

That Council:

1. Notes the outcome of public agency consultation and public exhibition of Planning Proposal LEP004/23, 172 Commercial Road, Vineyard.
2. Supports the making of the proposed amendment to the Hawkesbury Local Environmental Plan 2012, which seeks to amend Schedule 1 - Additional Permitted Uses to permit (subject to consent) a depot, and warehouse or distribution centre.
3. Prepares and forwards the draft instruments associated with the Hawkesbury Local Environmental Plan 2012 amendment to the Department of Planning, Housing and Infrastructure.
4. Upon receiving confirmation from the NSW Parliamentary Counsel Office that the Hawkesbury Local Environmental Plan 2012 amendment may be legally made, Council request notification of the Hawkesbury Local Environmental Plan 2012 amendment on the NSW Legislation website to give effect to the amendment.

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 McMahon, Calvert, Conolly, Djuric, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogn.

Against the Motion: Nil.

Absent: Councillor Dogramaci.

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10.1.2. CP - Review of Hawkesbury Section 7.12 Contribution Plan

Directorate: City Planning

MOTION:

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

Refer to RESOLUTION

155 RESOLUTION:

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

That:

1. The Draft Hawkesbury Section 7.12 Contribution Plan 2024, attached as Attachments 1 and 2 to this report, be placed on public exhibition.
2. The outcome of public exhibition of the Draft Hawkesbury Section 7.12 Contribution Plan 2024 be reported to Council prior to adoption.

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 McMahon, Calvert, Conolly, Djuric, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

Against the Motion: Nil.

Absent: Councillor Dogramaci.

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10.2. GENERAL MANAGER

Nil reports.

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10.3. CITY PLANNING

10.3.1. CP - Liveability Project - Windsor Town Centre Stage 1A and Stage 2 - (95498)

Previous Item: 4.3.4, Ordinary (18 April 2023)

Directorate: City Planning

Mr Darren Pead and Mr Grant Gerrish addressed Council, speaking for the recommendation.

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

That Council:

1. Downscale Stage 2 being the Mall to a repaving only project.
2. Not proceed with Stage 1A being Thompson Square.
3. Remove and replace with appropriate trees in the Mall the trees that propose hazards in the way of tripping or maintenance of the paved area.
4. Bring a report back to the next meeting of Council covering:
 - a) Cost of estimates to the above.
 - b) A total costing for the Windsor project being from the railway station to the end of the mall.
 - c) That a monthly report on the project of the plan.
 - d) The proposed project above be planned to finish no later than the 30 June 2025.

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

That Council:

1. Endorse Option 1 within this report, being –

Endorse concept designs for Stage 1A (Thompson Square) and Stage 2 (Windsor Mall) to enable the preparation of detailed design, Quantity Survey, application for appropriate approvals and tender preparation to progress.
2. Note that delivery of Stage 2 will be subject to the cost estimates provided through a Quantity Survey and considered against the funding commitments required to complete Stage 1A.
3. Note that if Council Officers determine if there is insufficient Project funding remaining to complete Stage 2 (Windsor Mall), or insufficient time remaining to complete Stage 2 works by June 2025, that a further report will be provided to Council seeking Council resolution to either:
 - a) Not proceed to construction of Stage 2 (Windsor Mall), or;
 - b) To fund the shortfall of Stage 2 Project costs through a Quarterly Budget Review.

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

Against the Amendment: Councillor Sheather.

Absent: Nil.

The Amendment has been carried.

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MOTION:

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

Refer to RESOLUTION

156 RESOLUTION:

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

That Council:

1. Endorse Option 1 within this report, being –

Endorse concept designs for Stage 1A (Thompson Square) and Stage 2 (Windsor Mall) to enable the preparation of detailed design, Quantity Survey, application for appropriate approvals and tender preparation to progress.
2. Note that delivery of Stage 2 will be subject to the cost estimates provided through a Quantity Survey and considered against the funding commitments required to complete Stage 1A.
3. Note that if Council Officers determine if there is insufficient Project funding remaining to complete Stage 2 (Windsor Mall), or insufficient time remaining to complete Stage 2 works by June 2025, that a further report will be provided to Council seeking Council resolution to either:
 - a) Not proceed to construction of Stage 2 (Windsor Mall), or;
 - b) To fund the shortfall of Stage 2 Project costs through a Quarterly Budget Review.

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

Against the Motion: Nil.

Absent: Nil.

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10.4. CORPORATE SERVICES

10.4.1. CS - Investment Report - June 2024 - (95496, 96332)

Previous Item: 4.4.6, Ordinary (14 May 2024)

Directorate: Corporate Services

MOTION:

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

Refer to RESOLUTION

157 RESOLUTION:

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

That the Monthly Investment Report for June 2024 be received and noted.

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

Against the Motion: Nil.

Absent: Nil.

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10.4.2. CS - Proposed Sale 295 Sackville Road, Wilberforce (95496, 122525)

Directorate: Corporate Services

Councillor Dogramaci declared a significant non-pecuniary interest in this Item, being that he has been supplying goods to the owner of the subject land for the past 24 years. Councillor Dogramaci left the Chamber and did not participate in the discussion or voting on the matter.

Councillor Lyons-Buckett declared a pecuniary interest in this Item, being that her husband is the owner of an adjacent property, 12 Ti-Tree Place, Wilberforce. Councillor Lyons-Buckett left the Chamber and did not participate in the discussion or voting on the matter.

Ms Annie Worth addressed the Council, speaking for the recommendation.

158 RESOLUTION:

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

That 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 item:

Attachment 2 to Item 10.4.2. - Proposed Sale of 295 Sackville Road, Wilberforce

REASON FOR CONFIDENTIALITY

*This report is **CONFIDENTIAL** in accordance with the provisions of Part 1 of Chapter 4 of the Local Government Act 1993 and the matters dealt with in this report are to be considered while the meeting is closed to the press and the public.*

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(c) of the Act 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.

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 this matter are to be withheld from the press and public.

160 RESOLUTION:

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

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MOTION:

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

Refer to RESOLUTION

159 RESOLUTION:

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

That:

1. Council sell the property known as 295 Sackville Road, Wilberforce (Lot 252 in Deposited Plan 1004592) to Hypro Investments Pty Ltd ATF Hypro Investment Trust for \$5,976,100 plus GST, if applicable, on the following terms:
 - a) The current tenant of part of the property, Woodlands Park Pony Club are to retain occupation of their leased area for three years. This will require a new lease to be entered into prior to settlement, for minimal rental, in accordance with Council's Property Management Policy.
 - b) Settlement period of 42 days.
 - c) 10% deposit payable on exchange.
 - d) Registration of proposed easement for access to enable Council to access its land at 10a and 12a Ti-Tree Place, Wilberforce. The easement would have an approximate area of 50m².
 - e) Any other conditions considered necessary by Council's Solicitors.
2. Authority be given for any documentation in association with this matter to be executed under the Seal of council.
3. Council's General Manager be granted delegated authority to execute any documentation in association with this matter, which do not require the Seal of Council.
4. Details of the resolution be conveyed to the prospective purchaser of the property and tenant of parts of the property with the advice that Council is not, and will not, be bound by the terms of the resolution until such time as appropriate documentation to put such a resolution into effect has been agreed to and executed by all parties.
5. The net proceeds of the sale be allocated to the following:
 - a) Purchase and associated costs of 6 McKinnons Road, Wilberforce, being the site of the Emergency Services Precinct.
 - b) The balance be allocated to the Land Acquisition and Capital Contingency Reserve.

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

Against the Motion: Councillors Djuric, Wheeler and Zamprogno.

Absent: Councillors Dogramaci and Lyons-Buckett.

A Rescission Motion has been received in regards to this matter.

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10.5. INFRASTRUCTURE SERVICES

10.5.1. IS - Quarter 4 - 2023/2024 Capital Projects Report - (95495)

Previous Item: 4.5.3, Ordinary (28 May 2024)

Directorate: Infrastructure Services

Councillor McMahon declared a less than significant non-pecuniary interest in this Item, being that she is a member of the Communications Brigade, at the Hawkesbury Rural Fire Service and she volunteers in the Fire Control Centre. Councillor McMahon's son plays for the Hawkesbury Hawks at Turnbull Oval. Councillor McMahon remained in the Chamber and participated in the discussion and voting on the matter.

Councillor Wheeler declared a less than significant non-pecuniary interest in this Item, being that she is a member of the Communications Brigade, at the Hawkesbury Rural Fire Service and she volunteers in the Fire Control Centre. Councillor Wheeler's son is a member of Wilberforce Brigade, NSW RFS. Councillor Wheeler remained in the Chamber and participated in the discussion and voting on the matter.

MOTION:

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

Refer to RESOLUTION

161 RESOLUTION:

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

That Council receive and note the Quarter 4 - 2023/2024 Capital Projects Report.

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

Against the Motion: Nil.

Absent: Nil.

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11. RECEIPT OF MINUTES OF OTHER COMMITTEES

11.1.1. ROC - Audit, Risk and Improvement Committee - 28 June 2024 - (158054, 95196)

Directorate: Corporate Services

MOTION:

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

Refer to RESOLUTION

162 RESOLUTION:

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

That Council receive and note the Minutes of the Audit, Risk and Improvement Committee Meeting held on 28 June 2024.

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

Against the Motion: Nil.

Absent: Nil.

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MOTION:

MOVED on the motion of Councillor Conolly, seconded by Councillor Veigel.

Refer to RESOLUTION

163 RESOLUTION:

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

That Council extend the duration of the meeting beyond 11:00pm in accordance with Clause 18.2 of the Code of Meeting Practice.

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

Against the Motion: Nil.

Absent: Nil

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11.1.2. ROC - Enhancing the Arts in the Hawkesbury Working Group - 16 July 2024 - (142963)

Directorate: Corporate Services

MOTION:

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

Refer to RESOLUTION

164 RESOLUTION:

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

That Council adopt the recommendations contained in the Minutes of the Enhancing the Arts in the Hawkesbury Working Group meeting held on 16 July 2024.

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

Against the Motion: Nil.

Absent: Nil.

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11.1.3. ROC - Disaster and Emergency Committee - 30 July 2024 - (151940)

Directorate: Infrastructure Services

MOTION:

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

Refer to RESOLUTION

165 RESOLUTION:

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

That Council adopt the recommendations contained in the Minutes of the Disaster and Emergency Committee meeting held on 30 July 2024.

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

Against the Motion: Nil.

Absent: Councillor Wheeler.

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11.1.4. ROC - Heritage Committee - 1 August 2024 - (80242)

Directorate: City Planning

MOTION:

MOVED on the motion of Councillor Kotlash seconded by Councillor Conolly.

Refer to RESOLUTION

166 RESOLUTION:

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

That in relation to the Minutes of the Heritage Committee Meeting held on the 1 August 2024:

1. Council receive and note the Heritage Committee Meeting Minutes of 1 August 2024 in respect to Item 3.1.3 and General Business.
2. Council note that the Committee Recommendations in respect of Item 3.1.1 will require further investigation prior to being considered by Council.
3. Council endorse the Committee Recommendations in respect of Item 3.1.2, namely:

“That the Heritage Committee:

1. *Note the status of the current development application for the demolition of “Allambie” cottages at Kurrajong Heights.*
2. *Congratulate the Kurrajong Heights and Kurrajong communities and Council in the campaign to save “Allambie” Cottages.”*
4. Council note the Committee Recommendations in respect of Item 3.1.4 will require further investigation prior to being considered by Council.

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

Against the Motion: Nil.

Absent: Nil.

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11.1.5. ROC - Local Traffic Committee - 8 July 2024 - (82045)

Directorate: Infrastructure Services

MOTION:

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

Refer to RESOLUTION

167 RESOLUTION:

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

That the Council adopt the recommendations contained in the Minutes of the Hawkesbury City Council Local Traffic Committee meeting held on 8 July 2024.

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

Against the Motion: Nil.

Absent: Nil.

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11.1.6. ROC - Local Traffic Committee - 5 August 2024 - (82045)

Directorate: Infrastructure Service

MOTION:

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

Refer to RESOLUTION

168 RESOLUTION:

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

That the Council adopt the recommendations contained in the Minutes of the Hawkesbury City Council Local Traffic Committee meeting held on 5 August 2024.

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

Against the Motion: Nil.

Absent: Nil.

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12. NOTICES OF MOTION

12.1.1. NM1 - Section 7.12 Levy Relief for Dwellings Lost Through Catastrophic Loss

Mr Robert Reece addressed the Council, speaking for the recommendation.

MOTION:

MOVED on the motion of Councillor Zamprogno, seconded by Councillor Veigel.

Refer to RESOLUTION

169 RESOLUTION:

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

That:

1. Council's policy be that Section 7.12 fees are generally not charged for applicants seeking to rebuild homes or structures following catastrophic loss (being so long as the new structures do not exceed 110% of the floor area of the lost Structures).
2. If a replacement structure exceeds 110% of the floor area of the original structure, that 7.12 fees are only charged on the difference in replacement cost between a replacement structure of the same floor area and the proposed new structures.
3. Council's policy be that after a catastrophic loss, that the assessment not define the new DA as occurring on 'vacant land' so long as the gap between loss and application for rebuild does not exceed five years.
4. The date of a "Loss" shall be defined as the date that the property was damaged by a flood, fire or storm event.
5. "Catastrophic Loss" shall be defined as the substantial destruction of a dwelling or structure that renders it uninhabitable due to a fire, flood, earthquake or other natural disaster. A dwelling or structure must be deemed inhabitable, either by damage impact assessment (as undertaken by an emergency response agency) or by an insurer's assessment.
6. Council's Draft Contributions Plan be amended prior to being placed on public exhibition to reflect this policy.

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

Against the Motion: Nil.

Absent: Nil.

ORDINARY MEETING

Meeting Date: 13 August 2024

12.1.2. NM2 - Efficient and Cost-Effective Weed Management

A MOTION was moved by Councillor Kotlash, seconded by Councillor Calvert.

That:

1. Council writes to the Minister for Local Government the Hon. Ron Hoenig MP proposing that:
 - a) As a preference, the Minister dissolves the Hawkesbury River County Council (HRCC);
or
 - b) In the event the dissolution of the HRCC is not supported by the Minister, he instead amends the constitution of the HRCC to permit Hawkesbury City Council (HCC) to leave the Hawkesbury River County Council (HRCC) at the end of June 2025; and
 - c) In the event that either of the above circumstances are supported by the Minister, Hawkesbury City Council receives an equitable share of the assets of the HRCC (estimated over \$4 million) that HCC has been contributing to for many years. This would allow each constituent council to choose to do their own weed management or to form a new modern shared services model based on their needs and resources.
2. Council writes to the Chair of Hawkesbury River County Council (HRCC) to advise that Council no longer feels that the County Council model is delivering either the best value for money or community outcomes in fulfilling its responsibilities under the *NSW Biosecurity Act 2015* and advising them of the above resolution.
3. In the letter to the Minister the following information and reasons should be included in the following 4 sections:
 - a) Better value for rate payers' money
 - b) Why the County Council model is no longer appropriate or efficient.
 - c) Better strategic outcomes
 - d) Hawkesbury Council's ability to maintain a regional focus

AN AMENDMENT was moved by Councillor Sheather, seconded by Councillor Lyons-Buckett.

That Council receive and note the information.

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

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

Absent: Nil.

The Amendment was lost.

ORDINARY MEETING

Meeting Date: 13 August 2024

MOTION:

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

Refer to RESOLUTION

170 RESOLUTION:

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

That:

1. Council writes to the Minister for Local Government the Hon. Ron Hoenig MP proposing that:
 - a) As a preference, the Minister dissolves the Hawkesbury River County Council (HRCC);
or
 - b) In the event the dissolution of the HRCC is not supported by the Minister, he instead amends the constitution of the HRCC to permit Hawkesbury City Council (HCC) to leave the Hawkesbury River County Council (HRCC) at the end of June 2025; and
 - c) In the event that either of the above circumstances are supported by the Minister, Hawkesbury City Council receives an equitable share of the assets of the HRCC (estimated over \$4 million) that HCC has been contributing to for many years. This would allow each constituent council to choose to do their own weed management or to form a new modern shared services model based on their needs and resources.
2. Council writes to the Chair of Hawkesbury River County Council (HRCC) to advise that Council no longer feels that the County Council model is delivering either the best value for money or community outcomes in fulfilling its responsibilities under the *NSW Biosecurity Act 2015* and advising them of the above resolution.
3. In the letter to the Minister the following information and reasons should be included in the following 4 sections:
 - a) Better value for rate payers' money
 - b) Why the County Council model is no longer appropriate or efficient.
 - c) Better strategic outcomes
 - d) Hawkesbury Council's ability to maintain a regional focus

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

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

Absent: Nil.

A Rescission Motion has been received in regards to this matter.

ORDINARY MEETING

Meeting Date: 13 August 2024

12.1.3. NM3 - Women's Cottage Extension

Councillor Conolly declared a pecuniary interest in this Item, being that the firm completing the planning work for the proposed extension is the sub-lessor of a building used by his business. Councillor Conolly left the Chamber and did not participate in discussion or voting on the matter.

Councillor McMahon declared a significant non-pecuniary interest in this Item, due to private circumstances. Councillor McMahon left the Chamber and did not participate in discussion or voting on the matter.

In the absence of the Mayor, Councillor McMahon, the Deputy Mayor, Councillor Calvert in accordance with Section 369 (1) of the Local Government Act 1993, acted as Chairperson for this Item.

Ms Maria Losurdo, Mr Troy Myers and Ms Rhiannon Dark addressed Council, speaking for the recommendation.

MOTION:

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

Refer to RESOLUTION

171 RESOLUTION:

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

That Council:

1. Acknowledges the outstanding work of the Women's Cottage and Hawkesbury Action Network Against Domestic Violence (HANADV) in providing support, advocacy, care and access to safety for women and children affected by domestic and family violence in the Hawkesbury Local Government Area (LGA).
2. Notes that the incidence of family and domestic violence has increased in the Hawkesbury LGA in the last five years following COVID, repeated natural disasters and increased financial pressures.
3. Notes that the Women's Cottage is unable to meet service needs in its current premises and requires additional funding for an extension to its Bosworth Street, Richmond site.
4. Commits to providing funding from the 2025/2026 Budget and additional project management support to enable the extension of the Women's Cottage to be completed and receives a report at the time of the September 2024 Quarterly Budget Review regarding project management resourcing and costings, the potential funding sources and partnerships.

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

Against the Motion: Nil.

Absent: Councillors McMahon and Conolly.

The Mayor, Councillor McMahon resumed the Chair following consideration of this Item.

ORDINARY MEETING

Meeting Date: 13 August 2024

12.1.4. NM4 - Koala Plan of Management

Ms Stephanie Carrick, Ms Sarah Thompson and Mr Eric Finley addressed Council, speaking for the recommendation.

Councillor Wheeler presented a petition to fund the Koala Plan of Management.

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

That Council:

1. Receives the Petition from the Hawkesbury Environment Network calling for Council to commit to funding habitat mapping for a Koala Plan of Management
2. Commits to funding habitat mapping at the September Quarterly Review.
3. Commits to fully funding a Koala Plan of Management in the 2025/2026 Operational Plan.

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

That Council defer consideration of this matter to the next term of Council.

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

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

Absent: Nil.

The Amendment was carried.

MOTION:

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

Refer to RESOLUTION

172 RESOLUTION:

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

That Council defer consideration of this matter to the next term of Council.

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

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

Absent: Nil.

ORDINARY MEETING

Meeting Date: 13 August 2024

13. QUESTIONS WITH NOTICE

Nil reports.

ORDINARY MEETING

Meeting Date: 13 August 2024

14. RESPONSES TO QUESTIONS WITH NOTICE FROM PREVIOUS MEETING

**14.1.1. Responses to Councillor Questions Taken on Notice at the Council Meeting -
23 July 2024**

Comments and further questions were provided to the Councillor Questions Taken on Notice at the Council Meeting on 23 July 2024.

ORDINARY MEETING

Meeting Date: 13 August 2024

15. CONFIDENTIAL REPORTS

173 RESOLUTION:

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

That 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:

15.1.1. GM - Appointment of Chairperson and Independent Members to the Audit Risk and Improvement Committee - (79351)

Previous Item: 100, Ordinary (10 May 2022)

Directorate: General Manager

REASON FOR CONFIDENTIALITY

This report is CONFIDENTIAL in accordance with the provisions of Part 1 of Chapter 4 of the Local Government Act 1993 and the matters dealt with in this report are to be considered while the meeting is closed to the press and the public.

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(a) of the Act as it relates to personnel matters concerning particular individuals (other than councillors).

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 this matter are to be withheld from the press and public.

15.3.1. CS - Code of Conduct Complaint and Investigation - (95496)

Previous Item: 15.3.2., Ordinary (23 July 2024)

Directorate: Corporate Services

REASON FOR CONFIDENTIALITY

This report is CONFIDENTIAL in accordance with the provisions of Part 1 of Chapter 4 of the Local Government Act 1993 and the matters dealt with in this report are to be considered while the meeting is closed to the press and the public.

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(i) of the Act as it relates to alleged contraventions of any code of conduct requirements applicable under Section 440.

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 this matter are to be withheld from the press and public.

ORDINARY MEETING

Meeting Date: 13 August 2024

Attachment 1 to Item 10.5.1. - Detailed Status Report Major Capital Projects

REASON FOR CONFIDENTIALITY

This report is CONFIDENTIAL in accordance with the provisions of Part 1 of Chapter 4 of the Local Government Act 1993 and the matters dealt with in this report are to be considered while the meeting is closed to the press and the public.

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(c) of the Act as it relates to details concerning tenders for the supply of goods and/or services to Council 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.

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 this matter are to be withheld from the press and public.

174 RESOLUTION:

RESOLVED on the motion of Councillor Reardon, seconded by Councillor Lyons-Buckett that open meeting be resumed.

ORDINARY MEETING

Meeting Date: 13 August 2024

15.1. GENERAL MANAGER

15.1.1. GM - Appointment of Chairperson and Independent Members to the Audit Risk and Improvement Committee - (79351)

Previous Item: 100, Ordinary (10 May 2022)

Directorate: General Manager

MOTION:

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

Refer to RESOLUTION

175 RESOLUTION:

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

That Council appoint the following independent Chairperson and two independent Members to Council's Audit, Risk and Improvement Committee as outlined below, subject to satisfactory probity checks:

Name	Role	Expiry
Michael Quirk	Chairperson	To 30 September 2028
Rachel Harris	Independent Member	To 31 December 2026
Rhonda Wheatley	Independent Member	To 31 December 2027

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

Against the Motion: Nil.

Absent: Nil.

ORDINARY MEETING

Meeting Date: 13 August 2024

15.3. CORPORATE SERVICES

15.3.1. CS - Code of Conduct Complaint and Investigation - (95496)

Previous Item: 15.3.2., Ordinary (23 July 2024)

Directorate: Corporate Services

Councillor McMahon declared a significant non-pecuniary interest in this Item, being that she is a subject matter in this Item. Councillor McMahon left the Chamber and did not participate in discussion or voting of the matter.

In the absence of the Mayor, Councillor McMahon, the Deputy Mayor, Councillor Calvert in accordance with Section 369 (1) of the Local Government Act 1993, acted as Chairperson for this Item.

MOTION:

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

Refer to RESOLUTION

176 RESOLUTION:

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

That:

1. In relation to the Code of Conduct complaint lodged on 11 September 2023, regarding the distribution of a Media Release of a Facebook Post on 5 September 2023, by Councillor Nathan Zamprogno, Council note that, after investigation, an Investigator found that:-
 - a) Councillor Zamprogno published a Media Release and made a Facebook Post on 5 September 2023, titled, *'Out Of The Liberal Party. About The Mayoral Election'* The Media Release and Facebook Post state:
 - The Mayor “bullied him out of the Liberal Party” based on “statements (he) made in the Chamber and elsewhere about planning matters before Council” where he should have “enjoyed a free vote to judge matters on their merits, without threat of punishment.”
 - There was a “cozy deal” between political parties to secure the mayoralty in 2023.
 - The Mayor lacked “integrity” and used improper influence to bring the complaint against him and “pre-emptively assassinate a rival”.
 - He was “unable to walk past the standard of conduct ... by some in the Liberal Party”.
 - The Mayor had a conflict in matters brought by her “developer partner, Mr Bennett and his family” in relation to which she “had already declared a significant pecuniary interest...”
 - A “lack of leadership has created a toxic tone in our Chamber”.

ORDINARY MEETING

Meeting Date: 13 August 2024

- The Mayor is the “worst bully of all”.
 - b) Councillor Zamprogno did not make a Code of Conduct complaint about Councillor McMahon, in accordance with the Procedures, prior to publishing the post and media release.
 - c) Councillor Zamprogno has been subject to eight prior Code of Conduct complaints.
 - One complaint was declined.
 - Four complaints were resolved by way of alternative strategies, including,
 - The General Manager holding informal conversations with Councillor Zamprogno and seeking undertakings not to repeat the behaviour.
 - The Conduct Reviewer discussing with Councillor Zamprogno his obligations to consider the reputation of Council, adhere to his responsibilities under the Code, and exercise care when communicating with others in his capacity as a Councillor.
 - The Conduct Reviewer writing to Councillor Zamprogno to urge him to “exercise a higher level of care, objectivity, accuracy, restraint, and courtesy” when making public comment about matters before Council and/or in relation to fellow Councillors.
 - Three complaints proceeded to investigation but, prior to the finalisation of the Investigation Report, were discontinued and resolved by alternative means. In these cases, the Conduct Reviewers wrote to Councillor Zamprogno counselling him regarding,
 - Demonstrating greater consideration and respect towards fellow Councillors.
 - Making inappropriate comments on Councillor McMahon’s conflict of interest.
 - d) Prior to the investigation, there has been no finding or determination that Councillor Zamprogno has breached the Code.
 - e) Councillor Zamprogno has received training on his obligations and responsibilities as a councillor and the requirements of the Code in respect to his conduct and behaviour.
2. There is sufficient evidence, that, on balance, the distribution of a Media Release and a Facebook Post on 5 September 2023 by Councillor Nathan Zamprogno, constituted conduct in breach of Clauses 3.1(a), (b), (e) and (g) of Council's Code of Conduct."
3. In accordance with Clause 7.58(c) of the Procedures for the Administration of the Code of Conduct, Council:-
- a) Formally censure Councillor Nathan Zamprogno under Section 440G of the Local Government Act, 1993, for breaching Clauses 3.1(a), (b), (e) and (g) of Hawkesbury City Council's Code of Conduct, and
 - b) Refer the matter to the Office of Local Government for further action under the misconduct provisions of the Local Government Act, 1993.

ORDINARY MEETING

Meeting Date: 13 August 2024

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

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

Absent: Councillors McMahon and Zamprogno.

The Mayor, Councillor McMahon resumed the Chair following consideration of this Item.

ORDINARY MEETING

Meeting Date: 13 August 2024

Meeting terminated at 1:00am Wednesday, 14 August 2024.

Submitted to and confirmed at the Ordinary meeting on 15 October 2024.

.....
Mayor



Ordinary Meeting

End of Minutes

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