



Hawkesbury City Council

ordinary
meeting
supplementary
business
paper

date of meeting: 30 March 2021

location: council chambers

time: 6:30 p.m.

ORDINARY MEETING

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SECTION 2 – Mayoral Minutes

SUPPLEMENTARY REPORTS

Item: 066 **MM1 - Additional River Height Gauges - (125610, 79351)**

BACKGROUND:

Within the Hawkesbury Local Government Area, the Bureau of Meteorology has a series of river height gauges that provide informative data in terms of river heights. The recent flood event has highlighted the benefits of having reliable river height gauges but it has also shown there are areas where we require gauges to be placed.

The existing gauges include:

Hawkesbury River

Hawkesbury R at North Richmond - Station Number: 567098

Hawkesbury R at Freemans Reach - Station Number: 563011

Hawkesbury R at Windsor SWC - Station Number: 567062

Hawkesbury R at Windsor PWD - Station Number: 567044

Hawkesbury R at Ebenezer - Station Number: 563010

Hawkesbury R at Sackville Ferry - Station Number: 063280

Hawkesbury R at Lower Portland - Station Number: 067094

Hawkesbury R at Wisemans Ferry - Station Number: 561004

Colo River

Colo R at Upper Colo - Station Number: 563033

Macdonald River

Macdonald R at St Albans - Station Number: 061353

Grose River

Grose R at Grose Wold (Burralow) - Station Number: 563024

Council's Floodplain Risk Management Advisory Committee had previously identified gaps in the location of Bureau of Meteorology river height gauges, and had advocated for additional gauges at:

- South Creek with the closest gauge being Ropes Creek at Debrincat Avenue (Blacktown/Penrith local government areas)
- Yarramundi – the data from the existing river height gauge has not been available for an extended period of time.

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Additionally, Council has secured funding to undertake a Flood Study and Flood Risk Management Study and Plan for the Macdonald and Colo Rivers, Greens and Webbs Creek. Part of the challenge in undertaking this Study will be the assessment of flood categorisation based on available data. At the present time there are no reliable gauges upstream of St Albans on the Macdonald River, and the Colo River Bridge on the Colo River.

It is recommended that Council call for the installation of reliable river height gauges on the Macdonald and Colo Rivers, South Creek and Yarramundi.

RECOMMENDATION:

That Council call for the Bureau of Meteorology to install reliable river height gauges at:

- Macdonald River upstream of St Albans
- Colo River upstream of the Colo River Bridge
- South Creek within the Hawkesbury Local Government Area
- Hawkesbury Nepean River at Yarramundi.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF MAYORAL MINUTE Oooo

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Item: 067

MM2 - Rural Boundary Clearing Code - (125610, 79351)

BACKGROUND:

Amendment Number 37 of the Rural Fires Act 1997 (Assented to 25 November 2020) makes provision for vegetation clearing for the purpose of bush fire hazard reduction within 25 metres of a boundary with adjoining land. Council also understands that clearing needs to comply with the Rural Boundary Clearing Code when that is in force. Clause 100RB details the requirements:

"100RB Carrying out vegetation clearing work in accordance with Rural Boundary Clearing Code:

- (1) Vegetation clearing work may be carried out on a holding under this section if all of the following apply -
 - (a) the vegetation clearing work is carried out within 25 metres of the holding's boundary with adjoining land,*
 - (b) the vegetation clearing work is carried out on land in a rural zone,*
 - (c) the vegetation clearing work is carried out by or with the authority of the owner of the holding,*
 - (d) the vegetation clearing work is carried out for the purpose of bush fire hazard reduction,*
 - (e) a Rural Boundary Clearing Code is in force under this Division,*
 - (f) the vegetation clearing work is carried out in accordance with the Rural Boundary Clearing Code.**
- (2) Vegetation clearing work may be carried out under this section despite any requirement for a licence, approval, consent or other authorisation for the work made by the Biodiversity Conservation Act 2016 or the Environmental Planning and Assessment Act 1979 or any other Act or instrument made under an Act (other than the Rural Boundary Clearing Code).*
- (3) A person is not guilty of an offence under any of the following Acts merely because of the carrying out of vegetation clearing work under this section -
 - (a) Environmental Planning and Assessment Act 1979,*
 - (b) Fisheries Management Act 1994,*
 - (c) Heritage Act 1977,*
 - (d) Part 5A of the Local Land Services Act 2013,*
 - (e) Protection of the Environment Operations Act 1997,*
 - (f) Soil Conservation Act 1938.**
- (4) To avoid doubt, this section does not limit or prevent the clearing of vegetation authorised under the Local Land Services Act 2013.*
- (5) In this section -*

holding means -

- (a) a parcel of land, or*
- (b) several parcels of land (whether held under the same title or different titles, or titles of different kinds) that -
 - (i) are contiguous with one another or are separated from one another only by a road, river, creek or other watercourse, and*
 - (ii) constitute or are worked as a single property."**

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DISCUSSION

The Rural Boundary Clearing Code does not come into effect until the written agreement of the relevant Ministers has been obtained, and the Code has been published.

At this stage, despite efforts to seek a date for the release, the timing of publication of the Code by the relevant State agency or the Minister's agreement is unknown.

Given the legislation was Assented to on 25 November 2020, it is considered that greater certainty and transparency is required with respect to preparation of the new Code and its requirements.

As such it is recommended that Council resolve to advocate for the release of the new Code so that both Council and the community can understand the proposed provisions and its implications, and provide informed comment before finalisation and adoption of the Code by the relevant Ministers.

RECOMMENDATION:

That Council call for the release of the Draft Rural Boundary Clearing Code associated with the Amendment of Rural Fires Act 1997 (Assented to 25 November 2020) so that Council and the community can understand the proposed provisions and its implications, and provide informed comment before finalisation and adoption of the code by the relevant Ministers.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF MAYORAL MINUTE Oooo



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