



# Ordinary Meeting

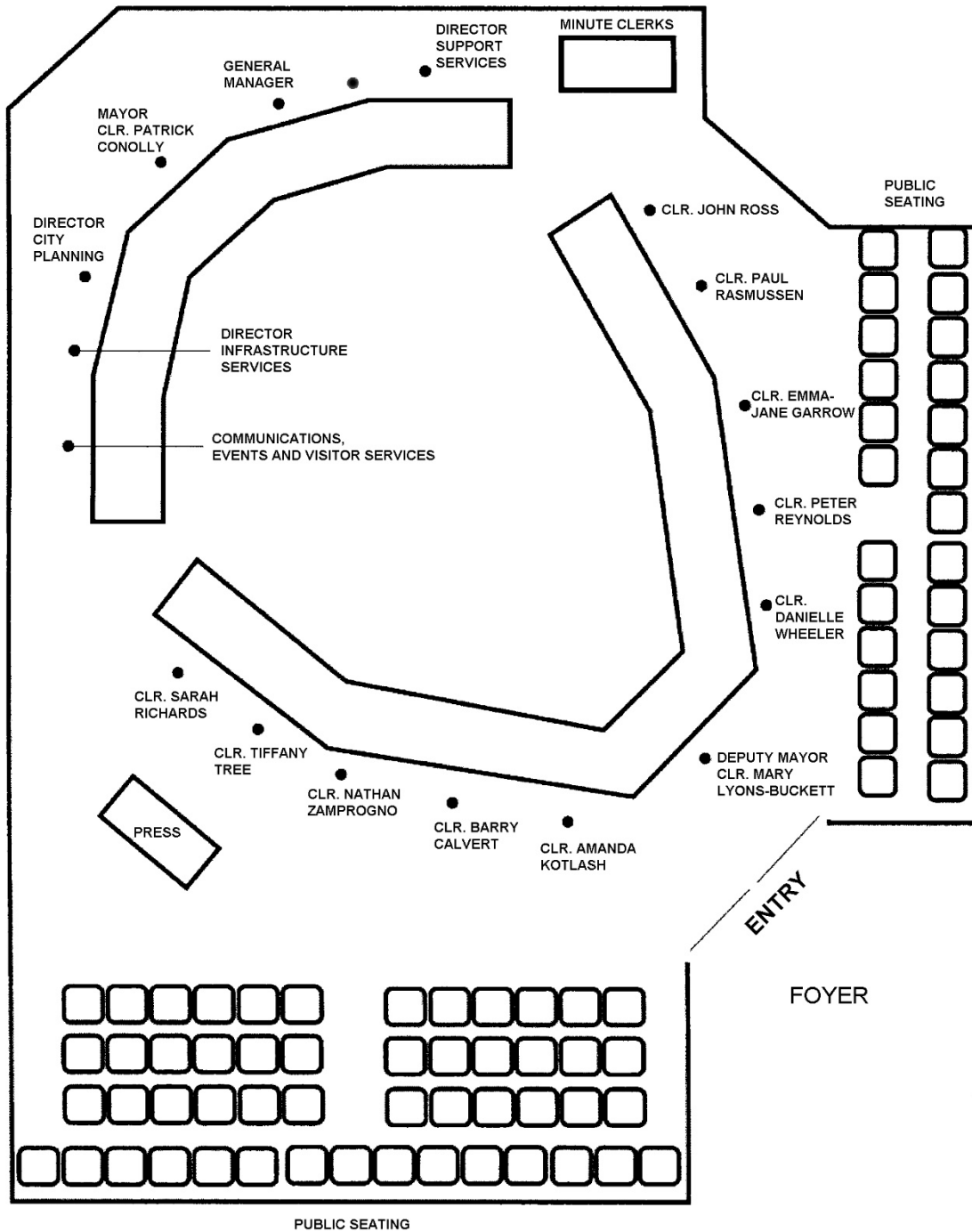
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Date of meeting: 12 October 2021  
Location: By audio-visual link  
Time: 6:30 p.m.

**BUSINESS PAPER**

# Mission Statement

*Hawkesbury City Council  
leading and working  
with our community  
to create a healthy  
and resilient future.*





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**ORDINARY MEETING**  
**Procedural Matters**  
**Meeting Date: 12 October 2021**

**PROCEDURAL MATTERS**

**Welcome**

The Mayor, Councillor Patrick Conolly will acknowledge the Indigenous Heritage.

The General Manager will address the Council meeting, mentioning:

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

**Attendance**

Attending Councillors and Council staff members will be noted for the purposes of the Minutes.

**Apologies and Leave of Absence**

The Mayor will ask for any Apologies or Leave of Absence Requests to be noted.

**Declaration of Interest**

The Mayor will ask for any Declaration of Interests from the attending Councillors. These will then be addressed at the relevant item.

**Acknowledgement of Official Visitors to the Council**

The Mayor will acknowledge and welcome official visitors to the Council and make any relevant presentations as required.

**ORDINARY MEETING**

**Procedural Matters**

**Meeting Date:** 12 October 2021



Ordinary

Section 1

Confirmation of minutes

**ORDINARY MEETING**

**SECTION 1 - Confirmation of Minutes**

**Meeting Date:** 12 October 2021

**SECTION 1 - Confirmation of Minutes**



# Ordinary Meeting

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Date of meeting: 28 September 2021  
Location: By audio-visual link  
Time: 6:30 p.m.

MINUTES



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## ORDINARY MEETING

Minutes: 28 September 2021

Minutes of the Ordinary Meeting held by Audio-Visual Link, on 28 September 2021, commencing at 6:31pm.

### Welcome

The Mayor, Councillor Patrick Conolly acknowledged the Indigenous Heritage.

The General Manager addressed the Council meeting, mentioning:

- Recording of the Council Meeting
- Statement regarding people addressing the Meeting

### ATTENDANCE

**PRESENT:** Councillor Patrick Conolly, Mayor, Councillor Mary Lyons-Buckett, Deputy Mayor and Councillors Barry Calvert, Emma-Jane Garrow, Amanda Kotlash, Paul Rasmussen, Peter Reynolds, Sarah Richards, John Ross, Tiffany Tree, Danielle Wheeler and Nathan Zamprogno.

**ALSO PRESENT:** General Manager - Elizabeth Richardson, Director City Planning - Linda Perrine, Director Infrastructure Services - Jeff Organ, Director Support Services - Laurie Mifsud, Chief Financial Officer – Emma Galea, Deputy Chief Financial Officer – Vanessa Browning, Design and Mapping Service Manager – Christopher Amit, Manager Corporate Communication - Suzanne Stuart, Manager Corporate Services and Governance - Charles McElroy, Administrative Support Officer - Jodie Tillinghast and Council Committee Officer - Amy Birks.

### APOLOGIES AND LEAVE OF ABSENCE

There were no apologies received from Councillors.

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

Councillor Reynolds arrived at the meeting at 6:36pm.

Councillor Kotlash arrived at the meeting at 6:37pm.

Councillor Kotlash left the meeting at 7:27pm.

Councillor Richards left the meeting at 9:00pm.

Councillor Richards re-joined the meeting at 9:26pm.

### DECLARATIONS OF INTEREST

Councillor Richards declared an interest on Item 188.

Councillor Rasmussen declared an interest on Item 188.

Director of Infrastructure Services Jeff Organ declared an interest on the Matter of Urgency.

### Acknowledgement of Official Visitors to the Council

There were no official visitors to Council

## ORDINARY MEETING

Minutes: 28 September 2021

### MATTER OF URGENCY

#### **Development Application No DA 508/18 - 374, 395 and 415 Freemans Reach Road, Freemans Reach**

Director of Infrastructure Services Jeff Organ declared a Significant Non-Pecuniary interest on this matter as he was a Member of Sydney Western City Planning Panel which made the decision relevant to this Development Application.

Councillor Wheeler requested that Council consider, as a matter of urgency under Clause 9.3 of Council's Code of Meeting Practice, notice of business that has not been given, in relation to Development Application No 508/18 regarding- 374, 395 and 415 Freemans Reach Road, Freemans Reach.

#### **MOTION:**

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

*Refer to RESOLUTION*

#### **237 RESOLUTION:**

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

That Council consider, as a matter of urgency under Clause 9.3 of Council's Code of Meeting Practice, notice of business that has not been given.

The Mayor, Councillor Conolly ruled in accordance with Clause 9.3(b) of Council's Code of Meeting Practice, that the matter of Development Application No 508/18 - regarding 374, 395 and 415 Freemans Reach Road, Freemans Reach was of great urgency.

#### **MOTION:**

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

*Refer to RESOLUTION*

#### **238 RESOLUTION:**

That Council requests the General Manager obtain legal advice as a matter of urgency detailing any means of appeal against the approval for the sand mining DA 508/18 granted by the Western Sydney Planning Panel, and that advice be reported to Council by the last Council meeting in October.

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

**Against the Motion:** Nil.

**Absent:** Nil.



**ORDINARY MEETING**

**Minutes:** 28 September 2021

**SECTION 1 - Confirmation of Minutes**

**239 RESOLUTION:**

RESOLVED on the motion of Councillor Wheeler and seconded by Councillor Rasmussen that the Minutes of the Ordinary Meeting held on the 14 September 2021, be confirmed.

## ORDINARY MEETING

Minutes: 28 September 2021

### SECTION 2 – Mayoral Minutes

Item: 177

MM - Windsor Mall Named Paver Project - (79351, 79353, 125610)

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Ms Venecia Wilson addressed Council, speaking against the recommendation in the Business Paper.

**MOTION:**

RESOLVED on the motion of the Mayor, Councillor Conolly.

*Refer to RESOLUTION*

**240 RESOLUTION:**

RESOLVED on the motion of the Mayor, Councillor Conolly.

That:

1. Council supports the Windsor Mall Named Paver project that will be initiated and promoted by Mr Darren Pead.
2. Council support the Windsor Mall Named Paver project by promoting the program through Council's social media channels and by providing online resources for the community to purchase the pavers.
3. Council include the pavers as part of the Liveability Project within the Windsor Town Centre.

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

**Against the Motion:** Nil.

**Absent:** Nil.

## ORDINARY MEETING

Minutes: 28 September 2021

### SECTION 3 – Reports for Determination

#### GENERAL MANAGER

**Item: 178**                      **GM - Communication and Engagement Strategy - (79351)**

**Previous Item:**              051, Ordinary (30 March 2021)

**Directorate:**                General Manager

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

That Council defer consideration of the matter to a Councillor Briefing Session.

An AMENDMENT was moved by Councillor Rasmussen, seconded by Councillor Wheeler

That:

1. Council adopt the Communication and Engagement Strategy as attached as Attachment 1 to this report.
2. The Communication and Engagement Strategy be reviewed in six months.

**For the Amendment:**        Councillors Conolly, Lyons-Buckett, Garrow, Rasmussen, Reynolds, Richards, Tree, Wheeler and Zamprogno.

**Against the Amendment:**    Councillors Calvert and Ross.

**Absent:**                        Councillor Kotlash.

#### **MOTION**

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

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

#### **241 RESOLUTION:**

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

That:

1. Council adopt the Communication and Engagement Strategy as attached as Attachment 1 to this report.
2. The Communication and Engagement Strategy be reviewed in six months.

## ORDINARY MEETING

**Minutes:** 28 September 2021

**For the Motion:** Councillors Conolly, Lyons-Buckett, Garrow, Rasmussen, Reynolds, Richards, Tree, Wheeler and Zamprogno.

**Against the Motion:** Councillors Calvert and Ross.

**Absent:** Councillor Kotlash.

The Mayor, Councillor Conolly adjourned the meeting at 9:26pm for a short break.  
The meeting resumed at 9:35pm.

## ORDINARY MEETING

Minutes: 28 September 2021

### CITY PLANNING

**Item: 179** CP - Proposed Exhibition of Draft Wayfinding and Signage Strategy - (95498, 124414, 147666)

**Previous Item:** 183, Ordinary (29 September 2020)

**Directorate:** City Planning

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#### **MOTION:**

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

*Refer to RESOLUTION*

#### **242 RESOLUTION:**

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

That:

1. Council approve public exhibition of the Draft Wayfinding and Signage Strategy attached as Attachment 1 to the report for a period of 28 days.
2. At the expiration of the public notification period, the following action should be taken:
  - a) Should any submissions be received regarding the proposed Draft Wayfinding and Signage Strategy, a further report be submitted to Council; or
  - b) Should no submissions be received, Council adopt the Wayfinding and Signage Strategy as shown in Attachment 1 to this report.

**For the Motion:** Councillors Conolly, Calvert, Garrow, Rasmussen, Reynolds, Richards, Tree, Wheeler and Zamprogno.

**Against the Motion:** Nil.

**Absent:** Councillors Kotlash, Lyons-Buckett and Ross.

## ORDINARY MEETING

Minutes: 28 September 2021

**Item: 180**                      **CP - Draft Western Sydney University Scholarship Program - (95498)**

**Directorate:**                City Planning

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### **MOTION:**

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

*Refer to RESOLUTION*

### **243 RESOLUTION:**

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

That:

1. The Hawkesbury Western Sydney University Scholarship Program be renewed; to operate for a period of three calendar years (being 2022 to 2024).
2. The Selection Criteria be updated as outlined in this report.
3. An amount of \$5,000 each for three students per annum be allocated for this purpose. The total value of the Scholarship Program Cost will be \$45,000 for a contract period of 2022 to 2024 (based on the University calendar year).
4. Council nominate a Councillor as a representative on the Western Sydney University Selection Panel at the time of selecting committee representatives.
5. Council liaise with the University with regard to executing the Scholarship Donor Agreement.
6. Authority be given to prepare all necessary documents to give effect to this resolution and authority be given for any documentation regarding this matter to be executed under the Seal of Council if required.

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

**Against the Motion:**        Nil.

**Absent:**                        Councillor Kotlash.

## ORDINARY MEETING

Minutes: 28 September 2021

### INFRASTRUCTURE SERVICES

**Item: 181**                      **IS - Upper Colo Bridge Replacement, Upper Colo - (95495, 79346, 73916)**

**Directorate:**                Infrastructure Services

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#### **MOTION:**

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

*Refer to RESOLUTION*

#### **244 RESOLUTION:**

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

That:

1. Council note and endorse the recommended approach to replace the existing flood damaged timber bridge across the Colo River at Colo Heights Road, Upper Colo with a reinforced concrete bridge.
2. Council, in conjunction with the local community undertake investigations into ways to recognise the history and character of the timber bridge through means including salvage of timbers, signage and incorporation of timber design elements.
3. Council undertake regular reporting to the community on progress and any issues or matters of interest as they arise.
4. Issues currently requiring engagement with community and immediate attention, particularly with regard to safety of locals and visitors are as follows. Council to receive a follow up report outlining associated costs, and avenues of potential funding through any Flood Recovery or COVID-related Initiatives.
  - a) Provision of bins at the bridge carpark
  - b) Increased frequency of collection, or skip bins
  - c) Provision of toilet facilities (Portaloo or mobile toilet unit)
  - d) Signage and controls around parking
  - e) Strengthening of barricade at broken bridge
  - f) Options for temporary solution for crossing.

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

**Against the Motion:**        Councillor Ross.

**Absent:**                        Councillor Kotlash.

## ORDINARY MEETING

Minutes: 28 September 2021

**Item: 182**                      **IS - Drainage Issues - Pitt Town Road, McGraths Hill - (95495)**

**Previous Item:**            136, Ordinary (13 July 2021)

**Directorate:**               Infrastructure Services

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### **MOTION:**

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

***Refer to RESOLUTION***

### **245 RESOLUTION:**

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

That:

1. The information be noted.
2. Council consider the allocation of funding to undertake a full ecological assessment of the site, in the 2022/2023 Operational Plan.

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

**Against the Motion:**       Councillor Ross.

**Absent:**                        Councillor Kotlash.



## ORDINARY MEETING

Minutes: 28 September 2021

### SUPPORT SERVICES

**Item: 183**                      **SS - Investment Report - August 2021 - (95496, 96332)**

**Previous Item:**            097, Ordinary (25 May 2021)

**Directorate:**               Support Services

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#### **MOTION:**

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

*Refer to RESOLUTION*

#### **246 RESOLUTION:**

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

That the Monthly Investment Report for August 2021 be received and noted.

**For the Motion:**            Councillors Conolly, Calvert, Reynolds, Richards, Tree, Wheeler and Zamprogno.

**Against the Motion:**       Nil.

**Absent:**                      Councillors Garrow, Kotlash, Lyons-Buckett, Rasmussen and Ross.

## ORDINARY MEETING

Minutes: 28 September 2021

**Item: 184**                      **SS - Financial Statements for the Year Ended 30 June 2021 - (95496, 96332)**

**Directorate:**                Support Services

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### **MOTION:**

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

*Refer to RESOLUTION*

### **247 RESOLUTION:**

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

That:

1. Council note the following Statement in respect of Section 413(2)(c) of the Local Government Act 1993 as to its Annual Financial Statements:
  - a) Council's Annual Financial Statements for 2020/2021 have been drawn up in accordance with:
    - (i) The Local Government Act 1993 (NSW) (as amended) and the Regulations made thereunder;
    - (ii) The Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board; and
    - (iii) The Local Government Code of Accounting Practice and Financial Reporting.
  - b) The Statements present fairly the Council's financial position and operating result for the year.
  - c) The Statements are in accordance with the Council's accounting and other records.
  - d) The signatories do not know of anything that would make these Statements false or misleading in any way.
2. Council sign the "Statements by Councillors and Management". The Statements are to be signed by the Mayor, Deputy Mayor, General Manager, and the Responsible Accounting Officer.
3. Council note the information regarding the presentation made to the Audit Committee on Council's financial results and the endorsement from the Audit Committee to submit the Financial Statements to Council.
4. Council seek a presentation from the NSW Audit Office, or its representative, at a Council Meeting following the completion of the audit.

**For the Motion:**                Councillors Conolly, Calvert, Rasmussen, Richards, Tree and Zamprogno.

**Against the Motion:**        Councillors Garrow, Lyons-Buckett, Reynolds, Ross and Wheeler.

**Absent:**                          Councillor Kotlash.

**ORDINARY MEETING**

**Minutes:** 28 September 2021

**SECTION 4 – Reports of Committees**

**Item: 185**                      **ROC - Local Traffic Committee - 13 September 2021 - (80245, 95495)**

**Directorate:**                Infrastructure Services

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**MOTION:**

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

*Refer to RESOLUTION*

**248 RESOLUTION:**

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

That Council receive and note the Minutes of the Local Traffic Committee Meeting held on 13 September 2021.

**For the Motion:**                Councillors Conolly, Calvert, Reynolds, Richards, Tree, Wheeler and Zamprogno.

**Against the Motion:**            Nil.

**Absent:**                          Councillors Garrow, Kotlash, Lyons-Buckett, Rasmussen and Ross.

## ORDINARY MEETING

Minutes: 28 September 2021

### SECTION 5 – Notices of Motion

Item: 186

NM1 - Litter on Major Roads - (125612, 79351)

#### MOTION:

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

*Refer to RESOLUTION*

#### 249 RESOLUTION:

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

That Council:

1.
  - a) Liaise as soon as possible with the communities of Bilpin and Upper Colo to identify sites requiring bins and litter-related signage
  - b) Advise of the cost of provision of bins/signs and availability of collection
  - c) Incorporate into the existing community waste education program, specifically to cafes and food outlets, information around disposable coffee cups with encouragement to utilise programs like the Responsible Café program.
2. Where areas are outside of Council's jurisdiction, engage with other agencies (such as TfNSW, NPWS) to ensure there is adequate provision for litter to be dealt with appropriately.
3. Direct the Environment Committee to investigate the formulation of a long term specific roadside litter strategy, including looking at the following:
  - a) Making a plan for placement of anti-littering signage
  - b) Liaising with fast food outlets regarding disposal of take away packaging
  - c) Reviewing community education around litter
  - d) Advising businesses of programs and incentives to reduce litter
  - e) Ensuring areas identified as having high levels of litter have sufficient bins, and waste collections
  - f) Ways to facilitate and support volunteers to take responsibility for localised clean ups.
4. Ensure outdoor Council staff implement the practice of removing visible rubbish prior to mowing to avoid litter being dispersed.

**For the Motion:** Councillors Conolly, Lyons-Buckett, Calvert, Garrow, Rasmussen, Reynolds, Richards, Ross, Tree, Wheeler and Zamprognio.

**Against the Motion:** Nil.

**Absent:** Councillor Kotlash.

## ORDINARY MEETING

Minutes: 28 September 2021

**Item: 187**                      **NM2 - Impact Assessment of Infrastructure Flood Mitigation Options Final Report - (79351, 125612)**

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### LATE SUPPLEMENTARY REPORT

**Item: 187**                      **Impact Assessment of Infrastructure Flood Mitigation Options Final Report - Additional Information from Infrastructure NSW - (79351, 125612)**

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#### **MOTION:**

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

*Refer to RESOLUTION*

#### **250 RESOLUTION:**

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

That Council:

1. Request a copy of the section of the report titled 'Impact Assessment of Infrastructure Flood Mitigation Options Final Report', related to post floodwater release, from WaterNSW.
2. Repeat the previous requests for information as outlined in Resolutions 338, 339 and 340 from 30 October 2018 attached as Attachment 1 to this report.
3. Request an update from Infrastructure NSW or WaterNSW on the timeframe for exhibition of the Environmental Impact Assessment (EIS) and the other initiatives from the *Resilient Valleys, Resilient Communities Flood Strategy* including the status of the Regional Land Use Study and the Cumulative Overland Flood Study.

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

**Against the Motion:**                      Nil.

**Absent:**                                      Councillor Kotlash.

#### **251 RESOLUTION:**

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

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

## ORDINARY MEETING

Minutes: 28 September 2021

### Item: 188                      NM3 - North Richmond Traffic - (79351, 138880)

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Councillor Richards declared a significant non-pecuniary conflict of interest in this matter as she was part of the announcement of the new Richmond Bridge Infrastructure. She left the meeting and did not take part in voting or discussion on the matter.

Councillor Rasmussen declared a pecuniary conflict of interest in this matter as the Gross River Bridge was referred to by a public speaker and the Gross River Bridge is to be built on part of his land.

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Mr Michael Morris addressed Council, speaking for the recommendation in the Business Paper.

Ms Amanda Norton-Knight addressed Council, speaking against the recommendation in the Business Paper.

#### **MOTION:**

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

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

#### **252 RESOLUTION:**

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

That an expedited report be received regarding the cost of the following:

1. Using Council's traffic model developed for stage 2 of Council's Traffic Study, an analysis of the current new Richmond Bridge options be conducted.
2. The analysis to include the performance of each option without any crossing of the Grose River.
3. Data used to be from existing pre COVID-19 traffic counts, sourced from Council's own Traffic Study as well as TFNSW.
4. Consider the viability of a southern option that follows high ground, does not impact on the Redbank development, does not impact on the culturally sensitive Richmond Hill site and uses existing road corridors where possible.
5. The analysis of the 2012 Richmond Bridge options.

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

**Against the Motion:** Councillors Conolly, Tree and Zamprogo.

**Absent:** Councillors Kotlash, Rasmussen and Richards.

## ORDINARY MEETING

Minutes: 28 September 2021

**Item: 189**

**NM4 - Humanitarian Crisis in Afghanistan - (79351, 138882)**

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

That Council:

1. Expresses its deep concern about the humanitarian crisis in Afghanistan and the particular at-risk status of women and Afghans who worked with Australian Forces, following the Taliban's return to power and the withdrawal of US-led military forces in August 2021.
2. Welcomes Afghan refugees to settle in the Hawkesbury local government area as part of our commitment as a Refugee Welcome Zone.
3. Acknowledges the contribution that refugees and migrants have made to the Hawkesbury, and offers support at this time to any Australians of Afghan background living, working or studying in the LGA.
4. Calls on the Federal Government to urgently review the current intake of Afghan refugees to Australia with a view to significantly increasing it, and for this intake to be over and above the number of refugees allocated in the existing Humanitarian Program.

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

That Council:

1. Expresses its deep concern about the humanitarian crisis in Afghanistan and the particular at-risk status of women and Afghans who worked with Australian Forces.
2. Accepts all refugees, regardless of their origin, as part of our commitment to the Refugee Welcome Zone and acknowledges the positive contribution that all refugees make to establishing a rich and diverse multicultural society.

**For the Amendment:** Councillors Conolly, Richards, Tree and Zamprogno.

**Against the Amendment:** Councillors Lyons-Buckett, Calvert, Garrow, Rasmussen, Reynolds, Ross and Wheeler.

**Absent:** Councillor Kotlash.

The Amendment was lost.

## ORDINARY MEETING

Minutes: 28 September 2021

### MOTION:

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

### *Refer to RESOLUTION*

### 253 RESOLUTION:

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

That Council:

1. Expresses its deep concern about the humanitarian crisis in Afghanistan and the particular at-risk status of women and Afghans who worked with Australian Forces, following the Taliban's return to power and the withdrawal of US-led military forces in August 2021.
2. Welcomes Afghan refugees to settle in the Hawkesbury local government area as part of our commitment as a Refugee Welcome Zone.
3. Acknowledges the contribution that refugees and migrants have made to the Hawkesbury, and offers support at this time to any Australians of Afghan background living, working or studying in the LGA.
4. Calls on the Federal Government to urgently review the current intake of Afghan refugees to Australia with a view to significantly increasing it, and for this intake to be over and above the number of refugees allocated in the existing Humanitarian Program.

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

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

**Absent:** Councillor Kotlash.



## ORDINARY MEETING

Minutes: 28 September 2021

### Item: 190                      NM5 - Climate Change and Emissions Targets - (79351, 138882)

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Ms Suze Pratten addressed Council, speaking for the recommendation in the Business Paper.

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

That Council:

1. Notes the warning from the Intergovernmental Panel on Climate Change (IPCC) that there is a narrowing window of opportunity to prevent catastrophic climate change.
2. In light of the latest IPCC science on keeping temperatures at 1.5 degrees or less of warming, Council changes its adopted zero emissions target of 2050 to 2030 for the community.
3. Notes that Australia has an abundance of low-cost renewable energy resources and can leverage our competitive advantages to meet growing global demand for zero-emissions products.
4. Requests that our local Federal Member, Susan Templeman MP, supports the Community Protection Pledge, a set of 10 commitments for keeping residents safe from worsening extreme weather, distilled from the Final report of the National Bushfire and Climate Summit 2020.
5. Write to the Energy Minister Angus Taylor and Prime Minister Scott Morrison urging them to take ambitious 2030 and 2050 targets to COP26 UN Climate Change Conference in November 2021 to modernise Australian industry and create jobs.

An AMENDMENT was moved by Councillor Richards, seconded by Councillor Tree.

Council requests a report into the cost of changing Council's Net Zero Emissions and Water Efficiency Strategy and the likely changes required to achieve net zero emissions by 2030.

**For the Amendment:**              Councillors Conolly, Calvert, Richards, Tree and Zamprogno.

**Against the Amendment:**      Councillors Lyons-Buckett, Garrow, Wheeler, Rasmussen, Reynold and Ross.

**Absent:**                                Councillor Kotlash.

The Amendment was lost.

## ORDINARY MEETING

Minutes: 28 September 2021

It was requested by Councillor Zamprogno that this motion be dealt with in seriatim.

### 254 RESOLUTION:

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

That Council:

1. Notes the warning from the Intergovernmental Panel on Climate Change (IPCC) that there is a narrowing window of opportunity to prevent catastrophic climate change.
3. Notes that Australia has an abundance of low-cost renewable energy resources and can leverage our competitive advantages to meet growing global demand for zero-emissions products.
4. Requests that our local Federal Member, Susan Templeman MP, supports the Community Protection Pledge, a set of 10 commitments for keeping residents safe from worsening extreme weather, distilled from the Final report of the National Bushfire and Climate Summit 2020.
5. Write to the Energy Minister Angus Taylor and Prime Minister Scott Morrison urging them to take ambitious 2030 and 2050 targets to COP26 UN Climate Change Conference in November 2021 to modernise Australian industry and create jobs.

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

**Against the Motion:** Councillors Conolly, Calvert and Tree.

**Absent:** Councillor Kotlash and Richards.

### 255 RESOLUTION:

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

That Council:

2. In light of the latest IPCC science on keeping temperatures at 1.5 degrees or less of warming, Council changes its adopted zero emissions target of 2050 to 2030 for the community.

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

**Against the Motion:** Councillors Conolly, Calvert, Tree and Zamprogno.

**Absent:** Councillor Kotlash and Richards.

**ORDINARY MEETING**

**Minutes:** 28 September 2021

**QUESTIONS FOR NEXT MEETING**

**Item: 191**

**Question with Notice - (79351)**

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There were no comments on responses to Questions With Notice at the Council Meeting on 28 September 2021.

## ORDINARY MEETING

Minutes: 28 September 2021

### CONFIDENTIAL REPORTS

#### 256 RESOLUTION:

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

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: 192 SS - Steve and Janes Harvest Trust Pty Ltd - Shop 12, Wilberforce Shopping Centre - (28061, 95496, 112106)**

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(C) of the Local Government Act, 1993 *Specifically, 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.*

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.

#### 257 RESOLUTION:

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

## ORDINARY MEETING

Minutes: 28 September 2021

**Item: 192**      **SS - Steve and Janes Harvest Trust Pty Ltd - Shop 12, Wilberforce Shopping Centre - (28061, 95496, 112106)**

**Directorate:**    Support Services

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### **MOTION:**

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

***Refer to RESOLUTION***

### **258 RESOLUTION:**

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

That:

1. Council agree to enter into a new lease with Steve and Janes Harvest Trust Pty Ltd in regard to Shop 12, Wilberforce Shopping Centre, in accordance with the proposal outlined in the report.
2. Authority be given for any documentation regarding this matter to be executed under the Seal of Council.

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

**Against the Motion:**              Nil.

**Absent:**                                  Councillor Kotlash.

The meeting terminated at 11:30pm.

Submitted to and confirmed at the Ordinary meeting held on 12 October 2021.

.....  
Mayor

Ordinary

Section **2**

Mayoral minutes

**ORDINARY MEETING**  
**SECTION 2 – Mayoral Minute**  
**Meeting Date:** 12 October 2021

**SECTION 2 – Mayoral Minutes**

There was no Mayoral Minute at the time of preparing this Business Paper.

Notwithstanding the above, pursuant to Clauses 9.6-9.9 of Council's Code of Meeting Practice, the Mayor may submit a Mayoral Minute to the meeting without notice in relation to any matter or topic that:

- Is within the jurisdiction of the Council
- Council has official knowledge of.

However, a Mayoral Minute must not be put without notice if it relates to a routine or non-urgent matter.

A matter is considered to be urgent when it requires a decision by the Council before the next scheduled ordinary meeting of the Council.

Ordinary

Section 3

Reports  
for determination



**ORDINARY MEETING**

**SECTION 3 – Reports for Determination**

**Meeting Date:** 12 October 2021

**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 12 October 2021**

**SECTION 3 – Reports for Determination**

**CITY PLANNING**

**Item: 193**                      **CP - Hawkesbury LGA Aboriginal Cultural Heritage Study - (80242, 124414, 95498)**

**Previous Item:**            154, Ordinary (10 August 2021)

**Directorate:**              City Planning

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**PURPOSE OF THE REPORT:**

The purpose of this report is to advise Council of the outcome of the public exhibition of the draft Hawkesbury LGA Aboriginal Cultural Heritage Study, and to seek adoption of the Study.

**EXECUTIVE SUMMARY:**

Following receipt of funding from the then Department of Environment and Heritage to undertake the Hawkesbury LGA Aboriginal Cultural Heritage Study, Council engaged GML Heritage to undertake the Study.

The Study completed site inspections and consultation with the local Aboriginal community and representative organisations.

The Study explored how a holistic assessment of Aboriginal heritage values can be undertaken and then built into land use planning and Environmental Impact Assessment.

The Study extends its focus beyond the management of archaeological sites and relics, towards the integration of natural and cultural heritage and consideration of the full range of traditional, historic and contemporary values of Aboriginal communities.

Council at its Ordinary Meeting on 10 August 2021 resolved to place the draft Hawkesbury LGA Aboriginal Cultural Heritage Study on public exhibition.

The draft Study was publicly exhibited between 2 September 2021 to 1 October 2021, with one submission (in support of the draft Study) received during the exhibition period. As such, it is recommended that Council adopt the Hawkesbury LGA Aboriginal Cultural Heritage Study.

**RECOMMENDATION:**

That Council:

1. Note the outcome of the public exhibition of the draft Hawkesbury LGA Aboriginal Cultural Heritage Study.
  2. Adopt the Hawkesbury LGA Aboriginal Cultural Heritage Study, attached as Attachment 2 to this report.
-

**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 12 October 2021**

## **BACKGROUND**

A \$30,000 grant was provided to Council by the then Department of Environment and Heritage on a dollar for dollar basis to undertake a Hawkesbury-wide Aboriginal Cultural Heritage Study. Council's original funding application had been for 100% funding.

The Hawkesbury local government area covers an area of approximately 2,766km<sup>2</sup>, and has not previously undertaken a comprehensive Aboriginal Cultural Heritage Study.

GML Heritage were engaged to carry out the Study, whilst Council undertook the project management with clear scope and objectives to limit uncertainty in the project. In addition, Council and GML Heritage have engaged with Aboriginal groups and Significant Community Elders in line with the Draft Reconciliation Action Plan from inception of the project to ensure transparency and sensitivity to any sites, and relics that may have been identified through the process. This engagement has been undertaken throughout the development of the Study, including site inspections of seven sites, in order to ensure that the Study is reflective and sympathetic of any sites and relics that are sensitive in nature.

The Study explored how a holistic assessment of Aboriginal heritage values can be undertaken and then built into land use planning and Environmental Impact Assessment.

It extends its focus beyond the management of archaeological sites and relics, towards the integration of natural and cultural heritage and consideration of the full range of traditional, historic, and contemporary values of Aboriginal communities.

Council's Heritage Committee considered the draft Study at its Meeting on 22 July 2021, and recommended that Council publicly exhibit the draft Hawkesbury LGA - Aboriginal Cultural Heritage Study.

Noting that Council's Heritage Committee at its Meeting on 22 July 2021 recommended to publicly exhibit the draft Study, Council at its Ordinary Meeting on 10 August 2021 resolved to place the draft Hawkesbury LGA Aboriginal Cultural Heritage Study on public exhibition.

The draft Study was publicly exhibited between 2 September 2021 to 1 October 2021, with one submission in support of the draft Study received during the exhibition period. That submission in support of the draft Study highlighted that the Hawkesbury area is highly important to Aboriginal peoples due to its landscape and water ways, a main water source being the Hawkesbury River and other water ways connecting and nearby the area. These water ways are highly significant to Aboriginal peoples who understand how the water ways were created, and outlined that they can be understood through oral traditions, stories and sky knowledge. The submission also highlighted the importance of cultural interpretation which is a key theme of the Study, in order to educate the wider community and our next generations about the traditional owners of the land.

## **DISCUSSION**

As there were no submissions raising issues in respect of the draft Hawkesbury LGA Aboriginal Cultural Heritage Study during the public exhibition period that may have required amendments to the Study, it is recommended that Council formally adopt the Study.

## **COMMUNITY ENGAGEMENT**

Council has engaged with Aboriginal groups and Significant Community Elders in line with the draft Reconciliation Action Plan from inception of the project to ensure transparency and sensitivity to any sites, and relics that may have been identified through the process.

The Study outlines that there is still much that needs to occur in order to fully understand Aboriginal Cultural Heritage, and particularly the relationship to the entire landscape which is not documented and has been handed down verbally through generations.

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In addition to public notices, social media posts, and the Your Hawkesbury Your Say page, Council wrote to all relevant Aboriginal representative groups to advise of the public exhibition of the draft Study. Many of these Aboriginal representative groups were actively engaged as part of the preparation of the draft Study.

**CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2017-2036**

The proposal is consistent with the following Focus Areas, Directions and Strategies within the Community Strategic Plan 2017-2036.

Our Community

- 2.5. Cultural Development and Heritage - Enable broad and rich celebration of our local culture and significant heritage
  - 2.5.3 Recognise, conserve and promote the areas history and heritage for current and future generations.

Our Future

5.2 Management of Aboriginal and Non Aboriginal Heritage and the Built Environment

- 5.2.1 Our planning and actions will ensure that Aboriginal and Non Aboriginal heritage are integral to our City
- 5.2.4 As a community, we will identify ways to become better connected with our Aboriginal people, their history and culture.

**FINANCIAL IMPACT**

The \$60,000 Study was jointly funded on a dollar for dollar basis by Council and the NSW Government.

The Study includes a series of recommendations that have direct and indirect financial implications. Implementation of some of these recommendations will require Council to investigate further grant funding opportunities, and future budget considerations.

**FIT FOR THE FUTURE STRATEGY CONSIDERATIONS**

Given the Study was part grant funded on a dollar for dollar basis, the proposal is aligned with Council's long-term plan to improve and maintain organisational sustainability and achieve Fit for the Future financial benchmarks.

**ATTACHMENTS:**

- AT - 1** Submission.
- AT - 2** Hawkesbury LGA Aboriginal Cultural Heritage Study – GML Heritage (Public Version) - *(Distributed under separate cover).*

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**AT - 1 Submission**

Dear [REDACTED],

Thank you for your Aboriginal Cultural Heritage Study for Hawkesbury. Here at [REDACTED] we hold 50 years of cultural knowledge of the area. We hold a deep connection to Mother Earth, the sky, and our water ways. Aboriginal people have a spiritual connection to the land, it holds stories, history. It is for this reason we must not destroy the land or pollute it as it will become sick and so will we. Mother Earth gives to us and in return we care for her. [REDACTED] aim to protect and conserve our sacred sites especially our burial sites and the tangible and intangible. The study area is highly significant to us Aboriginal people. The intangible aspects like being connected to land is of importance as we hold a spiritual connection to the land. The site is close to water ways that are utilised by aboriginal people.

The Hawksbury area is highly important to Aboriginal peoples due to its landscape and water ways, a main water source being the Hawksbury River and other water ways connecting and near by the area. These water ways are highly significant to us Aboriginal peoples. We understand how the water ways were created, they can be understood through oral traditions, stories and sky knowledge. Water ways are utilised by Aboriginal people for many reasons fishing, bathing, a fresh water source and many other daily activities. Camping would be an essential part for the Aboriginal peoples to have access to water sources daily. The flora and fauna would be thriving for the Aboriginal peoples allowing many resources in the area.

Has the proponent sort a cultural interpretation for the project to recognise Aboriginal people as the owners of the land? Ways in which this can be archived is through design, art, digital displays, apps, native gardens. It is important to incorporate interpretation into your project as it educates the wider community and our next generations about the traditional owners of the land. A keeping place should also be sort to house artefacts on country.

We would like to agree to your ACHS and we look forward to further consultation on this project.

Kind Regards  
[REDACTED]

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 12 October 2021**

**Item: 194**                      **CP - Council Support for Re-establishment of Caravan Parks - (95498)**

**Directorate:**                City Planning

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**PURPOSE OF THE REPORT:**

The purpose of this report is to seek Council's endorsement for a two year framework to enable the re-establishment of caravan parks located within the Hawkesbury local government area. In effect, this is providing a moratorium on enforcement action by Council relating only to lack of approval under Section 68 of the *Local Government Act 1993* to operate existing caravan parks. This will enable Council to determine:

- The development consent/permissibility history of the parks,
- Whether the parks are being operated as outlined in any development consents,
- Whether the parks are operating in accordance with the requirements of any existing Approvals to Operate, and
- The appropriate planning pathway to regularise any parks operating outside of any development consents or Approvals to Operate.

In addition, this time will also be used to provide guidance for caravan park owners/operators and for individual site owners in respect to what can and cannot be done within the individual parks and on individual sites within these parks. Any lack of planning approval for use of a caravan park and/or approval(s) for unauthorised structures within the park would continue to be investigated and (if appropriate) enforced by Council staff in the usual course.

**EXECUTIVE SUMMARY:**

The March 2021 flood has and continues to have an impact on our community.

Council is working through various actions to support recovery and assist community members and businesses to re-establish themselves.

The caravan parks were either significantly or slightly impacted by the March 2021 floods. Assistance has been provided in relation to clean up and the owners of the caravan parks are keen to be able to open up before summer. To enable this, Council is establishing a short-term framework to enable the flood affected caravan parks to re-establish themselves and apply at an appropriate time for an Approval to Operate under the *Local Government Act 1993*.

The proposed framework will allow time for Council to work with each of the caravan park owners to ensure that the relevant planning approvals are in place and that the operation of the caravan parks is in accordance with these approvals. In doing so, it is considered that the impacts and losses from future flood events will be minimised.

**RECOMMENDATION:**

That Council establish a two year framework on enforcement action, relating only to lack of approval under the *Local Government Act 1993* to operate existing caravan parks, to ensure required planning and *Local Government Act* approvals for the parks and associated matters are in place.

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## **BACKGROUND**

In late March 2021, following persistent rain over several days, the Hawkesbury-Nepean region experienced the worst flood in three decades, which saw the Hawkesbury River at Windsor peaking at 12.9m above sea level.

From the data gathered by the SES it was seen that over 900 properties were impacted by the floods. Of these, 300 experienced minor damage and did not require assistance apart from some waste removal. With the remaining 600, just over half experienced moderate damage, 236 severe damage and over 60 were destroyed.

## **DISCUSSION**

Of the seventeen caravan parks within the Hawkesbury local government area, sixteen sustained some level of damage from the March 2021 flood.

Council officers have been working through the files for the caravan parks to understand what approvals have been issued both in relation to the parks and the individual sites, how the parks are operating within the approvals that are in place and what may be required to rectify any inconsistencies.

This work will take time and as such a two-pronged approach is underway.

In the short term, Council will continue to work with each caravan park owner to re-establish themselves in time for Summer, and (for parks which do not have a current Approval to Operate under the Local Government Act) to bring the parks into a state where they can apply for approval to operate in accordance with Section 68 of the Local Government Act and Part 3 of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*. This work will focus on ensuring that basic issues such as health, cleanliness, evacuation plans, fire safety and occupant safety, and sewer connections are all in place. Caravan owners will be permitted to reinstall previously existing lawful structures (like for like) for the two years, noting that longer term approvals will be addressed under the framework.

The proposed two year framework will then allow Council the time to determine:

- The development consent/permisibility history of the parks,
- Whether the parks are being operated as outlined in any development consents,
- Whether the parks are operating in accordance with the requirements of any existing Approvals to Operate, and
- The appropriate planning pathway to regularise any parks operating outside of any development consents or Approvals to Operate.

In addition, the proposed framework will also allow Council to then work with each of the caravan park owners/operators and individual site owners to ensure that the relevant planning approvals are in place and that the operation of the caravan parks are in accordance with these approvals. In doing so, it is considered that the impacts and losses from future flood events will be minimised.

## **Location Plan**

Caravan Parks covered by the proposed framework are as follows:

- A-vina Caravan Park
- Bundarra Ski Gardens
- Colo River Holiday Park
- Colo Riverside Caravan Park
- Del-Rio Riverside Resort
- Greenfield Caravan Park

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- Hawkesbury Riverside Retreat
- Hawkesbury Riverside Tourist Park
- The Hawkesbury Waters Leisure Park
- Kallawatta Ski Garden
- Mt Andrew Caravan and Ski Park
- Percy Place Caravan and Ski Park
- Ponderosa Ski Resort
- Riverside Ski Park
- Sackville Ski Gardens
- Tizzana Downs
- Windsor Riverside Van Park

**Relevant Legislation**

Environmental Planning and Assessment Act 1979  
Local Government Act 1993

**CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2017-2036**

The proposal is consistent with the following Focus Areas, Directions and Strategies within the CSP.

Our Leadership

- 1.5 Regulation and Compliance - Encourage a shared responsibility for effective local compliance.
  - 1.5.1 Undertake Council initiatives within a clear and fair framework of strategic planning, policies, procedures and service standards as required under all regulatory frameworks.
  - 1.5.2 Best practice, sustainability principles, accountability and good governance are incorporated in all activities undertaken by Council.

Our Community

- 2.1 Community safety is improved - Enable a shared responsibility for community safety and disaster management.
  - 2.1.1 Meet the needs of our community through effective flood, fire and other natural disaster management plans that promote the protection of life, property and infrastructure.
- 2.4 Community wellbeing and local services - Build on a sense of community and wellbeing.
  - 2.4.1 Work in partnership with government and community organisations to improve services and facilities for disadvantaged and vulnerable groups, and to build stronger and more cohesive communities.

Our Future

- 5.1 Strategic Planning Governance - Encourage informed planning, balanced growth and community engagement.
  - 5.1.3 Council will continually review its service provision to ensure best possible outcomes for the community.

**FINANCIAL IMPACT**

Legal advice may be required for some of the caravan parks. This would be highlighted in quarterly reviews.



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**FIT FOR THE FUTURE STRATEGY CONSIDERATIONS**

The proposal is not currently aligned with Council's long term plan to improve and maintain organisational sustainability and achieve Fit for the Future financial benchmarks. The proposal will require the allocation of additional financial and staffing resources which are currently not budgeted for in the Long-Term Financial Plan.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 12 October 2021**

**Item: 195**                      **CP - NSW Government (NSW Rural Fire Service) Rural Boundary Clearing Code - (95498)**

**Previous Item:**            067, Ordinary (30 March 2021)

**Directorate:**                City Planning

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**PURPOSE OF THE REPORT:**

The purpose of this report is to highlight that the NSW Government (NSW Rural Fire Service) recently announced the introduction of the Rural Boundary Clearing Code. The Code does not automatically apply to Sydney Metropolitan councils, who are instead provided an option as to whether or not to opt in to the Code. This report provides information about the Code, and some key considerations with respect to the matter.

**EXECUTIVE SUMMARY:**

In response to Recommendation No. 28 of the NSW Bushfire Inquiry following the 2019/2020 NSW bush fires, the NSW Rural Fire Service Rural Boundary Clearing Code commenced on 11 September 2021.

For areas where the Code applies, it permits property owners to remove vegetation within 25 metres of their property boundary subject to the requirements of the Code in order to reduce the potential for spread of bush fires (as outline in the Code).

This report provides information about the Code, identifies some key considerations, and recommends that Council undertake a period of public consultation with the Hawkesbury community and relevant stakeholders in order to gain a better understanding of the views on whether or not Council should opt in to the Rural Boundary Clearing Code.

**RECOMMENDATION:**

That Council consult with the Hawkesbury community, and relevant stakeholders in order to establish views of whether or not Council should opt in to the NSW Rural Fire Services Rural Boundary Clearing Code.

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**BACKGROUND**

In January 2020, the NSW Government commissioned an independent expert inquiry to provide advice to the NSW Government following the devastating 2019/2020 NSW bush fires which cost the lives of 26 people and destroyed 2,476 homes across NSW.

The NSW Bushfire Inquiry met with and heard directly from people who had been affected by the 2019/2020 bushfires. These meetings occurred face-to-face and online for communities in the following local government areas and localities:

- Lithgow
- Tenterfield
- Glen Innes
- Lake Conjola
- Mid North Coast
- Snowy Monaro

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- Snowy Valley
- Shoalhaven
- Northern Rivers and Clarence Valley
- Far South Coast
- Wollondilly
- Southern Highlands
- Hawkesbury
- Blue Mountains

The Inquiry received 1,967 submissions in total.

A final report of the NSW Bushfire Inquiry was released on 31 July 2020 which made 76 recommendations for future improvements to how NSW plans and prepares for, and responds to bushfires.

Council considered a Mayoral Minute on 30 March 2021 with respect to a request for the release of the draft Rural Boundary Clearing Code. The Mayoral Minute highlighted that 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. That clearing needs to comply with the Rural Boundary Clearing Code when that is in force. Following consideration of the Mayoral Minute, Council resolved:

*"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 implications, and provide informed comment before finalisation and adoption of the code by the relevant Ministers.*

Following the Council resolution on 30 March 2021, correspondence was forwarded to the Minister for Police and Emergency Services, and the Minister for Planning and Public Spaces seeking an update on when the Draft Rural Boundary Clearing Code will be completed and publicly exhibited."

The Rural Boundary Clearing Code (included as Attachment 1) was not publicly exhibited, and commenced on 11 September 2021. The Code has been introduced in response to Recommendation No. 28 of the NSW Bushfire Inquiry which recommended:

*28. That Government, acknowledging that a strategic approach to planning for bush fire will take time, and in order to protect, prepare and build resilience into existing communities better, should immediately:*

- *review vegetation clearing policies to ensure that the processes are clear and easy to navigate for the community, and that they enable appropriate bush fire risk management by individual landowners without undue cost or complexity.*

For areas where the Code applies, it permits property owners to remove vegetation within 25 metres of their property boundary subject to the requirements of the Code in order to reduce the potential for the spread of bushfires (as outlined in the Code).

It should be noted that the Inquiry did not make recommendations specific to boundary clearing, and as such the reason as to why a 25 metre boundary clearing was selected is unknown.

The Rural Boundary Clearing Code has been prepared in accordance with Section 100RA(5) of the Rural Fires Act 1997. The objective of the Rural Boundary Clearing Code is to simplify vegetation management for owners or occupiers of land for the purpose of bush fire hazard mitigation by allowing them to clear vegetation on their property subject to the requirements of the Code within 25 metres of their property boundary.

As outlined in the Code, it could assist landowners in meeting their obligations under Section 63(2) of the Rural Fires Act 1997, to take any notified steps or other practicable steps to minimise the occurrence and spread of bush fires on or from, their land.

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In conjunction with the Rural Boundary Clearing Code, a Fact Sheet (included as Attachment 2), and a Rural Boundary Clearing Tool has been developed. This is available on the NSW RFS website and allows a land owner to search to see if the Code applies to their property. The following is a link to the Rural Boundary Clearing Tool:

<https://www.rfs.nsw.gov.au/plan-and-prepare/boundary-clearing-tool>

It is the responsibility of the owner of the land to maintain a copy of the Rural Boundary Clearing online tool search results from the day that the clearing is undertaken. Landowners are required to provide evidence of the online search tool results in the circumstance that a relevant regulatory authority seeks such evidence.

#### **Relevant Legislation**

Rural Fires Act 1997

#### **DISCUSSION**

##### *Application of Land to the Rural Boundary Clearing Code*

The Code commenced on 11 September 2021, and applies to any holding within a rural zone within the Boundary Clearing Code Vegetation Map (derived from bush fire prone land 2015 Guide for Bush Fire Prone Land Mapping) and within 25 metres of the holding's boundary with adjoining land.

Rural zone means the following zones under the Standard Instrument or a zone under another instrument that is equivalent to one of the following zones:

- RU1 Primary Production
- RU2 Rural Landscape
- RU3 Forestry
- RU4 Primary Production Small Lots
- RU5 Village
- RU6 Transition

For the Hawkesbury local government area, if Council were to opt in then this Code would apply to the following broad areas: Oakville, Maraylya, Pitt Town Bottoms, parts of Wilberforce, Freemans Reach, Cornwallis, Richmond Lowlands, Kurmond, Kurrajong, Glossodia, Tennyson, East Kurrajong, Blaxlands Ridge, Grose Vale, Grose Wold, Bilpin, and Colo Heights.

It should be noted that there are a number of areas within the Hawkesbury local government area that are zoned E4 Environmental Living to which the Code would not apply to should Council elect to opt in. A number of these areas zoned E4 Environmental Living are either in close proximity to or directly adjoin National Parks.

Where a holding has two or more zones either partially or wholly affecting it, vegetation clearing under the Rural Boundary Clearing Code is considered to be authorised clearing only for that portion of the holding zoned as rural.

The allowable clearing applies to the boundary of the holding (i.e. several parcels of land whether held under the same title, different titles or different kinds of titles) that constitute or are worked as a single property and that are contiguous with one another, or are separated from one another only by a road, river, creek or other watercourse. It is the responsibility of the landowner to confirm the boundary of their holding.

If a landholder wishes to undertake boundary clearing on any land other than rural zoned land the existing regulatory requirements will apply. No clearing can be undertaken under the Code within the non-rural zoned portions of the holding.

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Vegetation clearing under the Rural Boundary Clearing Code may only be undertaken on parcels of land that are in the rural boundary clearing area as identified on the Rural Boundary Clearing online tool on the day of clearing.

Other requirements that property owners need to consider and comply with are detailed in the Code, including:

- The type of vegetation that cannot be cleared (including the types of trees) which are separated into three categories based on the availability and accuracy of mapping
- Requirements around the use of herbicides to provide the cleared area
- Requirements around the use of fire to provide the cleared area
- Managing soil erosion and landslip risks (including no tree removal on slopes greater than 18 degrees)
- Protection of riparian buffer zones
- Protection of Aboriginal modified trees and other cultural heritage
- Protection of Aboriginal heritage (other than modified trees)
- Protection of vegetation to which a legal obligation exists
- Avoiding harm to native and introduced animals.

However, the Rural Boundary Clearing Code does not apply to Sydney Metropolitan councils, including, Blacktown City, Campbelltown City, Camden, Cumberland, Fairfield City, Georges River, Hawkesbury City, The Council of the Shire of Hornsby, The Council of the Municipality of Hunters Hill, Ku-ring-Gai, Lane Cove Municipal, Liverpool City, Northern Beaches, City of Parramatta, Penrith City, Sutherland Shire and The Hills Shire Councils, unless the Council requests to have the Code apply to their local government area. Such requests must be made in writing to the Commissioner of the NSW Rural Fire Service. Should any of the Sydney Metropolitan councils opt in to the Code; this will be clearly identified on the NSW Rural Fire Service website.

Council has received correspondence from the NSW Rural Fire Service Deputy Commissioner, Preparedness and Capacity, dated 10 September 2021, advising of the commencement of the Code, and the opportunity to consider whether to opt in to having the Rural Boundary Clearing Code apply within the Hawkesbury local government area. The correspondence does not provide a date for which such a decision needs to be made by Sydney Metropolitan councils. A copy of that correspondence is included as Attachment 3.

*Potential Impacts*

As with any land use related decision, it is considered to be essential that the right balance of key considerations is achieved. On the one hand, opting in will according to the Code potentially provide property owners, subject to the requirements of the Code, the ability to minimise the occurrence and spread of bush fires on or from their property. With the commencement of this current bushfire season there could be a number of property owners seeking to apply the provisions of the Code should Council opt in to applying the Code within the Hawkesbury local government area in order to protect assets including homes and other improvements on their respective properties.

However, in considering as to whether to opt-in to the Code or not, Council would need to evaluate and understand the following potential impacts:

- Based on analysis through Council's mapping system, it is estimated that application of the Code, could over the passage of time (and in a worst-case scenario) should all property owners apply the Code, see a total of 15,800 Hectares of land cleared in zones that the Code would apply to. This is the equivalent of an area 12.57Km by 12.57Km (5.7% of the Hawkesbury local government area). The Plan included as Attachment 4 highlights the areas of the Hawkesbury local government area where the Code would apply to if Council was to opt in.

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- The impact on Koala habitat and the habitat of other native animals, due to the more permanent loss of available food, shelter or movement corridors. Conversely, there is also the loss of habitat from fire, however this is considered to be less permanent.
- Land not included in the scheme being cleared indiscriminately due to lack of knowledge, not checking with the requirements of the Rural Boundary Clearing Code, and assuming that the 25 metre clearing rule applies to all rural land. Application of the Code could potentially see irresponsible clearing occur, based on property owners not fully understanding the requirements of the Code.
- Conflict between neighbouring property owners due to clearing or not wanting to clear a property boundary where permitted to under the Code.
- The potential for massive fragmentation of habitats, particularly where adjoining landholders clear to the full extent. This will have an enormous impact on ground-dwelling fauna that need vegetative cover to move around. The potential for loss of connectivity in vegetation as a result of applying the Code could be significant, and once gone such connectivity is almost impossible to reinstate.
- There may be no regard for old-growth habitat trees with large hollows if they are within the 25m zone as there is no mention of these in the code.
- Potential for major soil erosion and water quality degradation as landholders could clear on steep land, even though the Code restricts clearing to gradients less than 18 degrees, but the question with this and indeed other aspects of compliance is who monitors this? This also raises the issues of compliance generally, with Council's Compliance section not being sufficiently resourced to have additional compliance requirements on top of current obligations. It is unclear at this time what additional staffing in Regulatory Services may be required.
- The Code states Shale Sandstone Transitional Forest and Sydney Turpentine Ironbark Forest as excluded vegetation, but these are considered to be under-mapped, and as such the potential for loss of these critically endangered communities is far greater. Given that the identification of these vegetation communities for the purposes of the Code is what is mapped under the Code and the source of mapping is unknown and unlikely to have been extensively ground truthed, if at all.
- In combination with the existing 10/50 Code, this could result in considerable or total clearing of some rural allotments.
- Landholders are already able to apply to the NSW Rural Fire Service for a Bush Fire Hazard Reduction Certificate to allow clearances of up to 6m from boundary fences (to protect those assets) which can be used to meet their obligations under Section 63(2) of the Rural Fires Act 1997, to take any notified steps or other practicable steps to minimise the occurrence and spread of bush fires on or from, their land.
- The designation of 25 metres of boundary clearing under this Code appears to be arbitrary and has no scientific basis.
- The boundary of the property is not always the most logical place to try and fight a fire or limit a fire's progression. It would be preferable to see a well thought out property fire management plan that shows the best locations for fire trails and fire breaks on a property, and that permission to clear vegetation be based on these plans instead of the location of a property boundary.

The last point is particularly relevant for large bush lots where clearing the boundary will often leave a lot of vegetation, often 100's of metres between that and a dwelling on the property. This has the potential to put

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lives at risk if it creates a false sense of security not only in terms of fire spreading, but also attempting to fight a fire on a boundary where it may spot over. Council could be promoting property fire management planning with advice from NSW Rural Fire Service as a better option than boundary clearing in many instances.

In providing balanced consideration as to whether to opt in or not, there may be other potential impacts associated with not opting-in to the Code, including criticism of Council by property owners in bushfire prone areas who would consider that the Code would give more flexible management of their properties with regard to minimising the spread of fire into or from their land. This could particularly be the case with the commencement of the latest bushfire season, with the potential for a number of property owners wanting to apply the Code should Council opt in.

It can be assumed that there are likely to be differences of opinion within the community as to whether or not Council should opt in to adopting the Code for the Hawkesbury local government area.

Given Council has the option of whether or not to opt in to the Rural Boundary Clearing Code, it may be prudent to attempt to understand the views and considerations of the community. Conducting a public consultation process on the matter, in order to gauge the sentiment and views of the Hawkesbury community before any future decisions are made either way has been recommended.

#### **COMMUNITY ENGAGEMENT**

This new legislation/code has been introduced by the NSW Government (NSW Rural Fire Service) in response to Recommendation No. 28 of the NSW Bushfire Inquiry. Neither the legislation, nor the new Code were publicly exhibited by the NSW Government prior to their commencement.

Given Council has the option of whether or not to opt in to the Rural Boundary Clearing Code, it may be prudent to attempt to understand the views and considerations of the community, and relevant stakeholders and conduct a period of public consultation on the matter. This would enable Council to gauge the sentiment and views of the Hawkesbury community before a decision was made in this respect.

#### **CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2017-2036**

The proposal is consistent with the following Focus Areas, Directions and Strategies within the Community Strategic Plan 2017-2036:

##### Our Community

2.1 Community safety is improved - Enable a shared responsibility for community safety and disaster management

2.1.1 Meet the needs of our community through effective flood, fire and other natural disaster management plans that promote the protection of life, property and infrastructure.

##### Our Environment

3.1 The natural environment is protected and enhanced

3.1.2 Act to protect and improve the natural environment, including working with key agency partners.

3.1.3 Minimise our community's impacts on habitat and biodiversity, and protect areas of conservation value

#### **FINANCIAL IMPACT**

There are no financial implications applicable to this report.

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**FIT FOR THE FUTURE STRATEGY CONSIDERATIONS**

This proposal does not align with Council's Fit for the Future Strategy as it relates to new legislation/codes introduced by the NSW Government (NSW Rural Fire Service).

**ATTACHMENTS:**

- AT - 1** NSW Rural Fire Service - Rural Boundary Clearing Code for New South Wales - *(Distributed under separate cover)*.
- AT - 2** NSW Rural Fire Service – Fact Sheet.
- AT - 3** Correspondence from NSW Rural Fire Service Deputy Commissioner, Preparedness and Capability.
- AT - 4** Analysis of Vegetation Clearing – 25 Metre Rural Boundary Clearing - *(Distributed under separate cover)*.



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**AT - 2 NSW Rural Fire Service – Fact Sheet**



## **RURAL BOUNDARY CLEARING**

The NSW Government has introduced a Rural Boundary Clearing Code to help residents in identified areas remove vegetation from their property boundary to help prevent fire spreading.

This fact sheet provides a summary of what you can and can't do. You should **check the Rural Boundary Clearing Code** if you're unsure of how it may apply to your property. It is your responsibility to ensure you follow the requirements of the Code.

### **What does the Code allow?**

The Code allows landholders in identified areas to clear vegetation within 25 metres of the boundary of their land holding, without approval, to help prevent fire spreading.

### **Where does the Code apply?**

The Code only applies in areas that are zoned as rural, and only where local Greater Sydney councils have opted into the scheme.

For the Code to apply to a property, it also needs to be in an identified bush fire prone area. There are reduced restrictions for properties which were affected by the 2019-20 bush fires.

The Code doesn't apply to every property, so you need to check on the NSW RFS website to see if it applies to your land holding.

### **How can I check if it applies to my land?**

You can search for your property using the Rural Boundary Clearing Tool on the NSW RFS website.

It will show which parts of your property the provision may apply to.

### **Does it apply to my entire property?**

If the provision applies to your property, it allows for clearing of vegetation with 25 metres of your holding's boundary.

This means if you hold a number of lots as part of your land holding, it will only apply to the perimeter of your holding.

The Code may not apply to parts of your boundary, such as where there are environmental protections, or where the land isn't identified as bush fire prone. Clearing isn't allowed in these areas.

### **Can I clear on neighbouring land?**

No. You can only clear vegetation on your landholding if the Code allows it.

### **What environmental protections are in place?**

The Code provides for a number of environmental protections to ensure vegetation is only cleared for the purposes of reducing bush fire threat, and to protect the environment.

The Rural Boundary Clearing Tool shows many of the common reasons why the Code may not apply to an area due to environmental protections.

The Code provides for the protection of waterways, biodiversity, wildlife, koala populations and Aboriginal heritage sites. If you clear vegetation in these areas, heavy penalties apply.

There are also restrictions on the disposal of waste if you clear vegetation.

### **How can I make sure I'm allowed to clear?**

It is your responsibility to understand your obligations, outlined in the Code. You can also check our Frequently Asked Questions which provide more detail about the Code and where it applies.

### **If the Code doesn't apply, what are my options?**

The Rural Boundary Clearing Code is one of the many tools which are available to help reduce the risk of fires, and fires spreading.

Getting your property ready for bush fires may involve hazard reduction such as burning or mechanical clearing, creating firebreaks, ensuring you have appropriate firefighting equipment, and having a plan for what to do if a fire is on your property. Check the NSW RFS website for more information.

Check the Rural Boundary Clearing Code and tool at [www.rfs.nsw.gov.au/boundaryclearing](http://www.rfs.nsw.gov.au/boundaryclearing)

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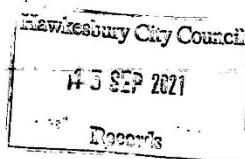
**AT - 3 Correspondence from NSW Rural Fire Service Deputy Commissioner,  
Preparedness and Capability**



**NSW RURAL FIRE SERVICE**

Hawkesbury City Council  
Ms Elizabeth Richardson  
PO Box 146  
WINDSOR NSW 2756

Our reference: DOC21/



10 September 2021

Dear Ms Richardson

**Opportunity for Sydney Council's to join the Rural Boundary Clearing Code Scheme**

In November 2020, the Bushfires Legislation Amendment Bill 2020 was passed by NSW Parliament. This Bill included amendments to the *Rural Fires Act 1997* (the Act) to empower land owners or occupiers to remove vegetation on their own land within 25 metres of their property boundary.

Section 100RA of the Act provides for the Minister for Police and Emergency Services to implement a Rural Boundary Clearing Code with the agreement of the:

- Minister for Energy and Environment;
- Minister for Planning and Public Spaces;
- Minister for Agriculture and Western New South Wales.

The Rural Boundary Clearing Code will commence on the 11 September 2021 to simplify and empower vegetation management for rural landholders in response to Recommendation 28 of the NSW Bushfire Inquiry, which states that *Government acknowledging that a strategic approach to planning for bush fire will take time, and in order to protect, prepare and build resilience into existing communities better, should immediately:*

- *review vegetation clearing policies to ensure that the processes are clear and easy to navigate for the community, and that they enable appropriate bush fire risk management by individual landowners without undue cost or complexity.*

The Rural Boundary Clearing Code permits rural landowners to clear vegetation within 25 metres of the boundary of their landholding to minimise the potential for the spread of bush fires, noting there are restrictions on clearing some vegetation based on environmental values. This Code extends the existing exempt clearing provisions in NSW to provide for clearing as firebreaks along property boundaries. This will assist landowners in meeting their obligation under Section 63 (2) of the *Rural Fires Act 1997* to take any notified or other practicable steps to minimise the occurrence and spread of bush fires on or from their land.



SCANNED

**Postal address**

NSW Rural Fire Service  
Locked Bag 17  
GRANVILLE NSW 2142

**Street address**

NSW Rural Fire Service  
4 Murray Rose Ave  
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555  
F (02) 8741 5550  
[www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)

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Landholders (and regulatory authorities including Councils) will be able to ascertain how and where the boundary clearing rules apply by searching the Rural Boundary Clearing online tool via the NSW RFS website [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)

The NSW Government has provided the following Councils the option to join this Scheme. As a result, the Rural Boundary Clearing provisions do not apply to these Council areas unless the Council makes a request in writing to the Commissioner of the NSW RFS.

Due consideration is required to the bush fire risk for your area and residents needs to undertake works to meet their obligations in accordance with Section 63 of the *Rural Fires Act 1997*:

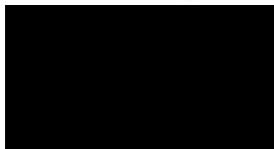
- Blacktown City;
- Campbelltown City;
- Camden;
- Cumberland;
- Fairfield City;
- Georges River;
- Hawkesbury City;
- Hornsby;
- Hunters Hill;
- Ku-ring-Gai;
- Lane Cove Municipal;
- Liverpool City;
- Northern Beaches;
- City of Parramatta;
- Penrith City;
- Sutherland;
- The Hills Shire.

At your earliest convenience, would you please confirm in writing to the Commissioner of the NSW RFS whether or not your Council area wish to participate in this Scheme.

Prior to making a determination I encourage you to read the Rural Boundary Clearing Code and associated frequently asked questions (FAQs) on the NSW RFS website [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)

If you have any questions about the Scheme, please contact the Built & Natural Environment team on 8741 5555 or email [builtinthenaturalenvironment@rfs.nsw.gov.au](mailto:builtinthenaturalenvironment@rfs.nsw.gov.au) in the first instance.

Yours sincerely,



Kyle Stewart  
Deputy Commissioner, Preparedness & Capability

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**SUPPORT SERVICES**

**Item: 196**                      **SS - Disclosure of Pecuniary Interests and Other Matters Returns - (95496)**

**Directorate:**                Support Services

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**PURPOSE OF THE REPORT:**

The purpose of this report is to table the required Pecuniary Interest Returns lodged by Councillors and Designated Persons.

**EXECUTIVE SUMMARY:**

Council's Code of Conduct details the statutory requirements in respect of the lodgement of Disclosure of Pecuniary Interests and Other Matters Returns by Councillors and Designated Persons. This report provides information regarding Returns recently lodged with the General Manager by Councillors and Designated Persons.

**RECOMMENDATION:**

That Council note that the Disclosures of Pecuniary Interests and Other Matters Returns, lodged with the General Manager, have been tabled.

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**BACKGROUND**

Sections 4.21 to 4.27 of Council's Code of Conduct (the Code) relate to the register of Pecuniary Interest Returns and the tabling of these Returns, which have been lodged by Councillors and Designated Persons. Section 4.21 of the Code is as follows:

*"4.21 A councillor or designated person must make and lodge with the general manager a return in the form set out in Schedule 2 to this code, disclosing the councillor's or designated person's interests as specified in Schedule 1 to this code within 3 months after:*

- (a) becoming a councillor or designated person, and*
- (b) 30 June of each year, and*
- (c) the councillor or designated person becoming aware of an interest they are required to disclose under Schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b)."*

As required by Section 4.24 of the Code, a register of all Returns to be completed under Section 4.21 is kept by Council.

In accordance with Section 4.25, all Returns lodged by Councillors and Designated Persons under Section 4.21(b) must be tabled at the first meeting of the Council after the last day the return is required to be lodged.

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With regard to Section 4.25, the following Returns have been lodged under Section 4.21(b):

| <b>Councillor</b>             | <b>Return Period</b>       | <b>Date Lodged</b> |
|-------------------------------|----------------------------|--------------------|
| Councillor Barry Calvert      | 1 July 2020 – 30 June 2021 | 13 September 2021  |
| Councillor Patrick Connolly   | 1 July 2020 – 30 June 2021 | 3 September 2021   |
| Councillor Emma-Jane Garrow   | 1 July 2020 – 30 June 2021 | 28 September 2021  |
| Councillor Amanda Kotlash     | 1 July 2020 – 30 June 2021 | 16 September 2021  |
| Councillor Mary Lyons-Buckett | 1 July 2020 – 30 June 2021 | 3 September 2021   |
| Councillor Paul Rasmussen     | 1 July 2020 – 30 June 2021 | 28 September 2021  |
| Councillor Peter Reynolds     | 1 July 2020 – 30 June 2021 | 28 September 2021  |
| Councillor Sarah Richards     | 1 July 2020 – 30 June 2021 | 28 September 2021  |
| Councillor John Ross          | 1 July 2020 – 30 June 2021 | 13 September 2021  |
| Councillor Tiffany Tree       | 1 July 2020 – 30 June 2021 | 29 September 2021  |
| Councillor Danielle Wheeler   | 1 July 2020 – 30 June 2021 | 30 September 2021  |
| Councillor Nathan Zamprogno   | 1 July 2020 – 30 June 2021 | 21 September 2021  |

| <b>Position</b>                              | <b>Return Period</b>       | <b>Date Lodged</b> |
|--|----------------------------|--------------------|
| General Manager                              | 1 June 2021 – 30 June 2021 | 31 August 2021     |
| Manager People and Development               | 1 July 2020 – 30 June 2021 | 20 September 2021  |
| Manager Corporate Communications             | 1 July 2020 – 30 June 2021 | 3 September 2021   |
| Visitor Information Coordinator              | 1 July 2020 – 30 June 2021 | 2 September 2021   |
| Director City Planning                       | 1 July 2020 – 30 June 2021 | 2 September 2021   |
| Manager Development Services                 | 1 July 2020 – 30 June 2021 | 1 September 2021   |
| Manager City Design and Economic Development | 1 July 2020 – 30 June 2021 | 2 September 2021   |
| Manager Strategic Planning                   | 1 July 2020 – 30 June 2021 | 1 September 2021   |
| Senior Strategic Asset Planner               | 1 July 2020 – 30 June 2021 | 21 September 2021  |
| Senior Strategic Land Use Planner            | 1 July 2020 – 30 June 2021 | 30 September 2021  |
| Senior Strategic Planner                     | 1 July 2020 – 30 June 2021 | 6 September 2021   |
| Senior Subdivision and Development Engineer  | 1 July 2020 – 30 June 2021 | 1 October 2021     |
| Development Engineering Coordinator          | 1 July 2020 – 30 June 2021 | 24 September 2021  |
| Town Planning Coordinator                    | 1 July 2020 – 30 June 2021 | 20 September 2021  |
| Development Services Support Officer         | 1 July 2020 – 30 June 2021 | 5 October 2021     |
| Senior Town Planner                          | 1 July 2020 – 30 June 2021 | 20 September 2021  |
| Senior Town Planner                          | 1 July 2020 – 30 June 2021 | 1 September 2021   |
| Senior Town Planner                          | 1 July 2020 – 30 June 2021 | 24 September 2021  |
| Senior Town Planner                          | 1 July 2020 – 30 June 2021 | 27 September 2021  |

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| <b>Position</b>                                   | <b>Return Period</b>            | <b>Date Lodged</b> |
|---|---------------------------------|--------------------|
| Town Planner                                      | 1 July 2020 – 30 June 2021      | 8 September 2021   |
| Town Planner                                      | 1 July 2020 – 30 June 2021      | 24 September 2021  |
| Duty Officer                                      | 1 July 2020 – 30 June 2021      | 27 September 2021  |
| Building Coordinator                              | 1 July 2020 – 30 June 2021      | 3 September 2021   |
| Senior Building and Development Officer           | 1 July 2020 – 30 June 2021      | 1 September 2021   |
| Senior Building and Development Officer           | 1 July 2020 – 30 June 2021      | 17 September 2021  |
| Building and Development Officer                  | 1 July 2020 – 30 June 2021      | 2 September 2021   |
| Building and Development Officer                  | 1 July 2020 – 30 June 2021      | 1 September 2021   |
| Manager Environment and Regulatory Services       | 1 July 2020 – 30 June 2021      | 27 September 2021  |
| Environmental Health Coordinator                  | 1 July 2020 – 30 June 2021      | 8 September 2021   |
| Environmental Health Officer                      | 1 July 2020 – 30 June 2021      | 30 September 2021  |
| Environmental Health Officer                      | 1 July 2020 – 30 June 2021      | 1 September 2021   |
| Environmental Health Officer                      | 1 July 2020 – 30 June 2021      | 2 September 2021   |
| Environmental Health Officer                      | 26 February 2021 – 30 June 2021 | 23 September 2021  |
| Sewerage Management Facility Coordinator          | 1 July 2020 – 30 June 2021      | 20 September 2021  |
| Technical Officer SMF                             | 1 July 2020 – 30 June 2021      | 9 September 2021   |
| SMF Inspections Officer                           | 1 July 2020 – 30 June 2021      | 20 September 2021  |
| Companion Animals Team Leader                     | 1 July 2020 – 30 June 2021      | 1 September 2021   |
| Companion Animals Controller                      | 1 July 2020 – 30 June 2021      | 21 September 2021  |
| Community Enforcement Officer – Animal Management | 1 July 2020 – 30 June 2021      | 21 September 2021  |
| Compliance Investigation Specialist               | 1 July 2020 – 30 June 2021      | 28 September 2021  |
| Community Enforcement Officer                     | 1 July 2020 – 30 June 2021      | 20 September 2021  |
| Coordinator Compliance                            | 1 July 2020 – 30 June 2021      | 1 September 2021   |
| Parking Patrol Officer                            | 1 July 2020 – 30 June 2021      | 3 September 2021   |
| Parking Patrol Officer                            | 1 July 2020 – 30 June 2021      | 13 September 2021  |
| Director Infrastructure Services                  | 1 July 2020 – 30 June 2021      | 25 September 2021  |
| Executive Manager Operations                      | 1 July 2020 – 30 June 2021      | 1 September 2021   |
| Manager Building and Associated Services          | 1 July 2020 – 30 June 2021      | 28 September 2021  |
| Building Services Coordinator                     | 1 July 2020 – 30 June 2021      | 27 September 2021  |
| Building Services Officer                         | 1 July 2020 – 30 June 2021      | 27 September 2021  |
| Building Services Officer                         | 1 July 2020 – 30 June 2021      | 20 September 2021  |
| Building Services Controls Officer                | 1 July 2020 – 30 June 2021      | 21 September 2021  |
| Manager Construction and Maintenance              | 1 July 2020 – 30 June 2021      | 22 September 2021  |
| Construction and Maintenance Engineer             | 1 July 2020 – 30 June 2021      | 12 September 2021  |

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| <b>Position</b>                              | <b>Return Period</b>             | <b>Date Lodged</b> |
|--|----------------------------------|--------------------|
| Asset Management Systems Engineer            | 1 July 2020 – 30 June 2021       | 6 September 2021   |
| Manager Parks and Recreation                 | 1 July 2020 – 30 June 2021       | 1 September 2021   |
| Land Management Officer                      | 1 July 2020 – 30 June 2021       | 15 September 2021  |
| Parks Project Officer                        | 1 July 2020 – 30 June 2021       | 1 September 2021   |
| Richmond Swimming Pool Superintendent        | 1 July 2020 – 30 June 2021       | 1 September 2021   |
| Manager Waste Management                     | 1 July 2020 – 30 June 2021       | 9 September 2021   |
| Trade Waste / Technical Officer              | 1 July 2020 – 30 June 2021       | 1 September 2021   |
| Trade Waste / Technical Officer              | 1 July 2020 – 30 June 2021       | 7 September 2021   |
| Wastewater Maintenance and Project Engineer  | 1 July 2020 – 30 June 2021       | 2 September 2021   |
| Waste Management Coordinator                 | 10 February 2021 – 30 June 2021  | 1 September 2021   |
| Manager Design and Mapping Services          | 1 July 2020 – 30 June 2021       | 6 September 2021   |
| Design and Investigation Coordinator         | 1 July 2020 – 30 June 2021       | 22 September 2021  |
| Design and Investigation Engineer            | 1 July 2020 – 30 June 2021       | 20 September 2021  |
| Project Engineer                             | 1 July 2020 – 30 June 2021       | 3 September 2021   |
| Spatial Information Coordinator              | 14 September 2020 – 30 June 2021 | 6 September 2021   |
| Director Support Services                    | 1 July 2020 – 30 June 2021       | 7 September 2021   |
| Manager Customer Services                    | 1 July 2020 – 30 June 2021       | 1 September 2021   |
| Manager Community Planning and Partnerships  | 1 July 2020 – 30 June 2021       | 30 September 2021  |
| Manager Corporate Services and Governance    | 1 July 2020 – 30 June 2021       | 14 September 2021  |
| Property Services Lead                       | 1 July 2020 – 30 June 2021       | 2 September 2021   |
| Property Officer                             | 1 July 2020 – 30 June 2021       | 2 September 2021   |
| Publishing Manager                           | 1 July 2020 – 30 June 2021       | 20 September 2021  |
| Chief Financial Officer                      | 1 July 2020 – 30 June 2021       | 29 September 2021  |
| Deputy Chief Financial Officer               | 1 July 2020 – 30 June 2021       | 3 September 2021   |
| Financial Accountant                         | 1 July 2020 – 30 June 2021       | 9 September 2021   |
| Procurement Officer                          | 1 July 2020 – 30 June 2021       | 1 September 2021   |
| Manager Information Services                 | 1 July 2020 – 30 June 2021       | 1 September 2021   |
| Corporate Systems and Database Administrator | 1 July 2020 – 30 June 2021       | 2 September 2021   |
| Senior Network Administrator                 | 1 July 2020 – 30 June 2021       | 8 September 2021   |
| Manager Cultural Services                    | 27 July 2020 – 30 June 2021      | 20 September 2021  |
| Library Coordinator                          | 1 July 2020 – 30 June 2021       | 21 September 2021  |
| Community History Librarian                  | 1 July 2020 – 30 June 2021       | 16 September 2021  |
| Customer Service Librarian                   | 1 July 2020 – 30 June 2021       | 1 September 2021   |
| Gallery and Museum Director                  | 1 July 2020 – 30 June 2021       | 20 September 2021  |

**ORDINARY MEETING**  
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Councillors and Designated Persons have lodged their Section 4.21(b) Returns prior to the due date of 30 September 2021, as required by the Code for the receipt of the Returns, with the exception of two Designated Persons where the Returns were received 1 October and 5 October 2021 respectively. Some staff did experience logistical difficulties in completing Returns electronically while working remotely.

The above details are now tabled in accordance with Section 4.25 of the Code, and the abovementioned Returns are available for inspection, if requested.

**COMMUNITY ENGAGEMENT**

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy.

**CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2017-2036**

The proposal is consistent with the following Focus Area, Direction and Strategy within the CSP.

Our Leadership

1.5 Regulation and Compliance - Encourage a shared responsibility for effective local compliance.

1.5.2 Best practice, sustainability principles, accountability and good governance are incorporated in all activities undertaken by Council.

**FINANCIAL IMPACT**

There are no financial implications applicable to this report.

**FIT FOR THE FUTURE STRATEGY CONSIDERATIONS**

There are no Fit For The Future Strategy Considerations applicable to this report.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**



**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 12 October 2021**

**Item: 197**                      **SS - Crown Land Manager of Hawkesbury Showground - 40 Racecourse Road, Clarendon - (112106, 95496, 74207)**

**Directorate:**                **Support Services**

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**PURPOSE OF THE REPORT:**

The purpose of this report is to consider a request for Council to relinquish its role as the Crown Land Manager for Crown Reserve 97055, Hawkesbury Showground located at 40 Racecourse Road, Clarendon.

**EXECUTIVE SUMMARY:**

Council received a request from Hawkesbury District Agricultural Association (HDAA) asking Council to relinquish its role as Crown Land Manager for the portion of the Crown Reserve that they use for the Showground, to enable them to be appointed in that role. This report recommends that Council remain as the Crown Land Manager.

**RECOMMENDATION:**

That:

1. Council remain appointed as the Crown Land Manager for the entire Crown Reserve Number 76765 and Crown Reserve Number 97055, Hawkesbury Showground located at 40 Racecourse Road, Clarendon.
2. Council write to NSW Treasury requesting that Hawkesbury District Agricultural Association be provided with insurance through the Treasury Managed Fund.

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**BACKGROUND**

Hawkesbury Showground is located at 40 Racecourse Road, Clarendon and is also known as Crown Reserves 76765 and 97055. Council was appointed as the Crown Land Manager for:

- Crown Reserve Number 76765 in a Government Gazette on 21 May 1954 for the purpose of public recreation, and
- Crown Reserve Number 97055 in a Government Gazette on 11 November 1983 for the purpose of public recreation and showground.

The Crown Reserves consist of four parcels of land, as shown in Attachment 1. Each parcel of land is explained below:

| Lot/Deposited Plan | Area                | Colour on map | Crown Reserve | Use  |
|--------------------|---------------------|---------------|---------------|--|
| 2/814397           | 382.8m <sup>2</sup> | Red           | 76765         | Leased to Hawkesbury District Agricultural Association |
| 7004/1030961       | 2.122 Ha            | Red           | 76765         | Leased to Hawkesbury District Agricultural Association |
| 1872/1253353       | 22.66 Ha            | Blue          | 97055         | Leased to Hawkesbury District Agricultural Association |
| 1871/1253353       | 14.1 Ha             | Green         | 97055         | Leased to Hawkesbury Equestrian Centre                 |

## ORDINARY MEETING

### SECTION 3 – Reports for Determination

Meeting Date: 12 October 2021

Previously, the Showground was located in Racecourse Road on the site currently occupied by Hawkesbury Race Club. The Hawkesbury District Agricultural Association (HDAA) sought a site that would be for the Showground only. The Showground moved to the current location in 1985.

Council currently has a lease for 20 years with no option period with the HDAA. This lease commenced on 1 February 2014 and expires on 31 January 2034. The annual rental payable under the lease is \$20. The lease also requires the HDAA to comply with rules and regulations, this includes Council policies such as the Circus Policy and the Emergency Helicopters Policy.

In March 2021, Council received a request from the HDAA for Council to relinquish its role as the Crown Land Manager at the Showground. This would enable the HDAA to request Crown Lands to appoint them as the Crown Land Manager. The HDAA are seeking appointment of Lot 7004 in DP 1030961, Lot 2 DP 814397 and Lot 1872 in DP 1253353 as all lots are used for Showground events.

If the HDAA was appointed as the Crown Land Manager, the lease should be surrendered and removed from the Certificate of Title.

Crown Land Managers are responsible for ensuring Crown Reserves are used for their Gazetted purpose and for protecting the Reserve for future generations. They have the responsibilities to decide how a Reserve is used, environmental management, and what commercial arrangement will be entered into.

Council's Generic Plan of Management - General Community Use applies to the Showground. However, under recent legislation Plans of Management prepared for Crown Land have changed. Section 3.33 of the Crown Land Management Act requires Plans of Management to contain a statement from a Native Title Manager and be approved by the relevant Minister after public exhibition. Costs for preparing these Plans is estimated at \$22,000.

It is important to note that should there be multiple managers for a Crown Reserve, that each Plan of Management speaks to the other to ensure the Reserve is managed as a Showground Precinct.

If a Crown Reserve has multiple Crown Land Managers, then each Manager is responsible for preparing a Plan of Management for their individual area.

There are 169 Showgrounds located on Crown Land in New South Wales. The breakdown of how those are managed is as follows:-

- 45% managed by Volunteer Reserve Trusts
- 45% managed by Councils
- 10% managed by Show Societies or the Department of Crown Lands

Of the nearby LGAs, the Showgrounds located on Crown Land that are managed by Councils include:

- Castle Hill Showground
- Blacktown Showground
- Penrith Park
- Katoomba Showground

Crown Lands have advised that it is possible for multiple parties to be appointed to manage one Crown Reserve. The Crown Land Managers can be appointed to manage parts by their function or by area. For Hawkesbury Showground the lot boundaries could be used to identify the areas managed by different entities.

Council staff have spoken with Officers at Crown Land regarding the request received by the HDAA. Two senior staff have advised that the preference is for Council to remain appointed as the Crown Land Manager as Council will always exist and have set governance measures to act under.

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The request received from the HDAA is attached as Attachment 2 to this report. Following the initial request Council sought additional information from the HDAA, such as confirming the area sought for management and the benefit for the community. The response to the request is attached as Attachment 3 to this report.

The assets located on the Showground such as the Grandstand and Exhibition Pavilion have been constructed by the HDAA and they insure and maintain these buildings. The lease provides that when the lease expires or is terminated, the Lessor (the Reserve Trustee) becomes the owner of all the structures and improvements.

The HDAA has advised the benefits for their appointment as Crown Land Manager are:

1. Direct and improved communications with Crown Lands,
2. Greater ability to apply for grants,
3. Cheaper insurance, and
4. Can apply for Crown Land Volunteer Award.

The following comments are provided in regard to the benefits outlined above:

1. The HDAA can contact Crown Lands, when a matter arises relating to Crown Land Manager responsibilities. Council has been willing to attend to any correspondence required. These requests have been infrequent grant applications.
2. Council has always provided support for grants that the HDAA advise they wish to apply for. In regard to the recent Showground Stimulus Grants, Council lodged nine applications prepared by the HDAA and organised the transfer of funds and grant obligations to the HDAA to allow them to project manage the works applied for.
3. The HDAA may be eligible for cheaper public liability, property, volunteer, loss of revenue, workers compensation, motor vehicle and contractor insurance from NSW Treasury, at an estimated saving of \$50,000 per year.

NSW Treasury offer insurance at no cost to Crown Land Managers who are appointed as Statutory Land Managers (not Council or Companies). The insurance covers public liability, property damage and personal accident for volunteers.

If Council were to remain the Crown Land Manager, Council could write to NSW Treasury supporting the case for the HDAA to receive insurance through them as they are the long term tenant of the property.

4. Winners of the Crown Land Volunteer Awards received \$2,000 and a trophy. Winning such an award would provide some monetary assistance to the HDAA and recognition for their hard work. It is noted that Council previously has acknowledged the efforts of the HDAA's President, Mr Ross Matheson, by awarding him the 2019 Citizen of the Year.

Council should consider remaining the Crown Land Manager for the following reasons:

- Any Lessee would be required to comply with relevant Council Policies, such as the Circus Policy.
- Council would lose input into the future of the Showground land and precinct planning,
- Council is the Crown Land Manager of the Showground for the benefit of the community and the community have not been allowed to have input into this decision.
- Councils will always exist to manage the Showground. The HDAA currently manage the Showground well, however that may not always be the case with future Committee Membership.
- If Council relinquished its appointment as Crown Land Manager this could set a precedent for tenants in other Crown Land sites such as the adjoining land leased by Hawkesbury Equestrian Centre, Windsor Town Hall and Local Pony Clubs.

**ORDINARY MEETING**  
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**DISCUSSION**

There are three options available to Council, with each option explained below:

1. *Consult with the community*

Given that Crown Reserves should be managed for the benefit of the community, it may be prudent that the community be consulted on the proposal to change the Crown Land Manager.

Consultation could be carried out via Your Hawkesbury Your Say, advertised on Facebook and in the Hawkesbury Courier. Information pamphlets could be prepared by Council with the HDAA also allowed to prepare information to put forward their points.

The results of the community consultation would be reported back to Council for a decision on the role of Crown Land Manager to be determined at that time.

2. *Council agrees to relinquish role as Crown Land Manager*

Council resolves to write to the relevant Minister advising that the role of Crown Land Manager over Lot 2 in DP 814397, Lot 7004 in DP 1030961 and Lot 1872 in DP 1253353 be relinquished, and Council support the appointment of the HDAA to the role.

Whilst the HDAA are justified to ask Council to relinquish their role as Crown Land Manager as the current Association do manage the day-to-day tasks at the Showground well, that may not always be the case with future Committee Membership. Proceeding with this option may see the independent management by the HDAA change as the membership of the HDAA successors evolves over time.

Crown Lands have advised that generally requests to relinquish a Crown Land Manager's appointment.

Proceeding with this option may cause the Crown Reserve to not to be managed with a consistent approach into the future. It is unknown if Council staff and the HDAA members in decades time would share the same views for the Showground.

3. *Council remains the Crown Land Manager for the entire site*

Council resolves to remain the Crown Land Manager to the entire Crown Reserve Numbers 76765 and 97055, Hawkesbury Showground.

Council maintaining management ensures compliance with future policies that Council adopts that are relevant to the Showground.

The three subject lots have of an area of 24.8 hectares and Council is currently the Crown Land Manager of these sites. The land would have a substantial value. The Valuer General has determined the value at \$1.1 million. Council manages substantial land holdings in this Precinct, including these three lots, the land leased to Hawkesbury Equestrian Centre and Ham Common and Council's ongoing management and use of these parcels will be included in Council's Property Development Strategy which is being developed.

Council will also be undertaking planning of the Clarendon Precinct that includes the subject Crown Land as well as other properties in the Precinct including Hawkesbury Racecourse, Western Sydney University and RAAF. Therefore, it is considered it would be premature for Council to relinquish its appointment as Crown Land Manager whilst the precinct planning has not been undertaken.

To assist the HDAA with the insurance costs Council can write to NSW Treasury seeking their approval to allow the HDAA to access the Treasury Managed Fund insurance.

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It is considered that Council could proceed with Option 3 for the following reasons:

- Any Lessee would be required to comply with relevant Council Policies, such as the Circus Policy and Emergency Helicopters Policy.
- Council would continue to have input into the future of the Showground and precinct planning.
- The subject land is a substantial size of 24.8 hectares and would have a significant value to Council.
- Council is developing its Property Development Strategy as well as planning the Clarendon Precinct which includes the subject properties therefore, relinquishing Council's appointment as Crown Land Manager would reduce Council's landholdings and ability to plan the Clarendon precinct.
- Council manages the Showground for the community and the community have not had input into this decision.
- Council will always exist to manage the Showground; however, the HDAA may not always have a committee to manage the Showground in the best way for the Hawkesbury community.
- If Council relinquished its appointment as Crown Land Manager this could set a precedent for tenants in other Crown Land sites.
- The savings the HDAA might receive by obtaining insurance through NSW Treasury will be partly offset by the cost of preparing and updating a Plan of Management.

**Recommendation:**

Proceeding with Option 3 is preferred as it will ensure the ongoing management of the Crown Reserve for the community into the future. Further, it would not set a precedent where other tenants on Crown Land seek appointment as Crown Land Managers. Council would continue to lease the site to the HDAA, continuing to provide support for grant applications and other matters as they arise.

**COMMUNITY ENGAGEMENT**

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy.

**CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2017-2036**

The proposal is consistent with the following Focus Area, Direction and Strategy within the CSP.

**Our Assets**

4.3 Places and Spaces - Provide the right places and spaces to serve our community

4.3.4 Manage commercial spaces available for business and investment across the Hawkesbury's local centres.

**FINANCIAL IMPACT**

The matters raised in this report do not have direct financial implications.

**FIT FOR THE FUTURE STRATEGY CONSIDERATIONS**

The proposal is aligned to the following Fit For The Future Strategy/Strategies.

The proposal is aligned with Council's long term plan to improve and maintain organisational sustainability and achieve Fit for the Future financial benchmarks. The proposal has no resourcing implications, outside of Council's adopted Long Term Financial Plan.

**ATTACHMENTS:**

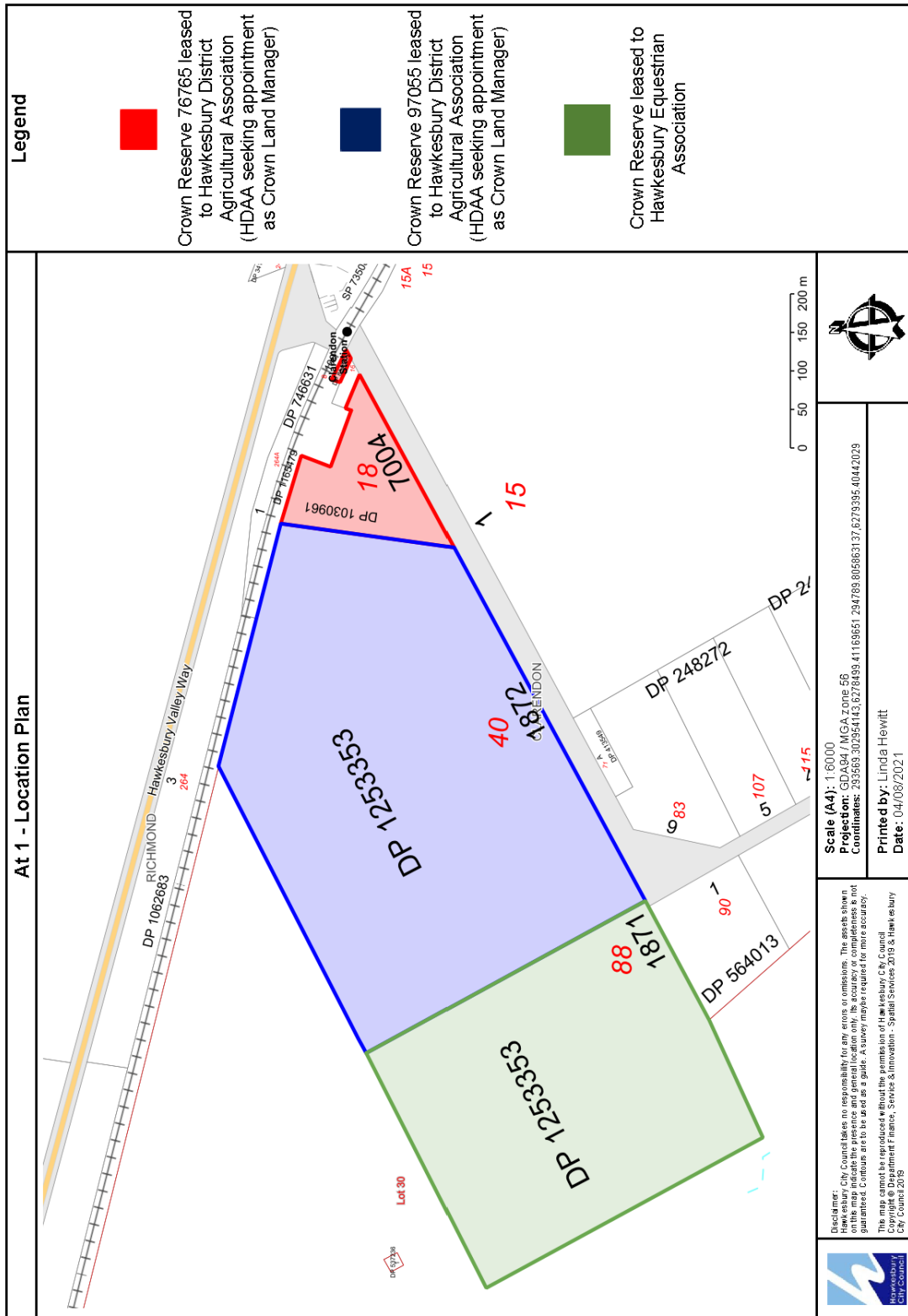
**AT - 1** Location Plan.

**AT - 2** Initial Request letter.

**AT - 3** Additional information provided by the HDAA.

**ORDINARY MEETING**  
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**AT - 1 Location Plan**



**ORDINARY MEETING**  
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**AT - 2 Initial Request letter**

**HAWKESBURY DISTRICT AGRICULTURAL ASSOCIATION**

**PO Box 382, Richmond, NSW, 2753**

**President:**  
Mr Ross Matheson  
**Administration/Business Manager:**  
Miss Andrea Roth



ABN: 67 002 420 297

40 Racecourse Rd, Clarendon, 2756  
**Web:** [www.hawkesburyshowground.com.au](http://www.hawkesburyshowground.com.au)  
**Email:** [hdaa@hawkesburyshow.com.au](mailto:hdaa@hawkesburyshow.com.au)  
**Telephone:** 02 4577 3591

12 March 2021

The General Manager  
Hawkesbury City Council  
366 George Street (PO Box 146)  
WINDSOR NSW 2756

Dear Sir,

**HAWKESBURY SHOWGROUND – CROWN LAND MANAGER ROLE**

The Hawkesbury Showground is situated on crown land for which Hawkesbury City Council (HCC) is the Crown Land Manager (CLM) and Hawkesbury District Agricultural Association (HDAA) is the long-term lessee of the land from HCC (see Attachment A for detailed history of the arrangement).

This arrangement has been in place for some 35 years however in view of the ongoing growth in the operations of the Showground business and changing requirements in the management of this community asset HDAA now sees significant benefits for the Crown Land Manager role to be transferred from HCC to HDAA and seeks the support of HCC to pursue this outcome. Crown Land has indicated that the 'transfer' process is straight forward provided stakeholders are in agreement with the proposal. The process will require HCC to resign as Crown Land Manager and subsequently support HDAA's application for appointment.

The benefits to the Hawkesbury Showground of HDAA being the Crown Land Manager has become evident during recent dealings with NSW Crown Land on a range of issues involving the ongoing development and management of the showground. In particular, whilst under the long-term lease agreement with HCC (as Crown Land Manager) HDAA is responsible for the development of the Hawkesbury Showground and its ongoing care, control and management, NSW Crown Land does not recognise the existence and rights of a long-term lessee for a range of operational and management matters.

In brief, the appointment of HDAA to the role of Crown Land Manager would generate significant benefits to HDAA which are currently **not** available including:

- Direct and improved communications with NSW Crown Land
- Crown Land initiated 'user benefits' such as grant funding for Reserves managed by **volunteer groups and community organisations** (as NSW Crown Land records list the Hawkesbury Showground as being managed by a local city council, HCC)
- NSW Treasury 'no cost' building and property insurance (estimated current saving to HDAA of some \$50,000 pa).
- Consideration for volunteer awards from NSW Crown Lands for which HDAA is currently not eligible.

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As background, whilst HCC is the appointed Crown Land Manager for the showground site, under the terms of a long-term lease agreement entered into by HCC and HDAA the 'care, custody and control' of the land is the responsibility of HDAA. During the period the lease has been in place, some 35 years, HDAA has developed the site, in accordance with its 'Permitted Use', to one of the premier showgrounds in NSW, with no financial, management or operational involvement from HCC. HDAA's annual operational budget currently approximates \$1.5m and is totally 'self-funded' with no financial burden on HCC or the Hawkesbury ratepayers. Additionally, the Hawkesbury Community has received significant benefit from the work of HDAA in the development of a low cost, quality event facility which is available to a range of hirers, including community group organisers at ground hire rates significantly below commercial hirer rates.

Hawkesbury District Agricultural Association Limited is long established, volunteer based, financially viable 'not for profit' company incorporated under the Corporations Act 2001. Annual Financial Accounts are produced and independently audited, presented to members and subsequently lodged with ASIC. HDAA's principal activities are the staging of the Annual Hawkesbury Show and development and hire of the Showground as a community and event facility. The Association has been in existence since the 1880's, has current membership of some 500, an annually elected Committee of 50 members and an annually elected Business Management Committee of 9 members.

Transfer of the Crown Land Manager role from HCC to HDAA will require no financial outlay from either party and will produce mutual benefits to both HCC and HDAA. The administrative workload of HCC in its role as Crown Land manager is minimal (viz, submission of an annual report) and it has no financial involvement in the operations and management of the Showground with all operational and financial obligations being met by HDAA and all assets and activities reflecting in the financial accounts of HDAA with no impact on the financial accounts of HCC.

In brief, it has become evident that for the benefit of the Hawkesbury Showground's ongoing development, operations, administration efficiency and cost minimisation HDAA should be the Crown Land Manager of the showground site. Such a move will create long term benefits for the local community and ratepayers through development opportunities which will arise to further consolidate the showground as a premier event facility within the Hawkesbury. Over the past 35 years during the development of the showground HDAA has demonstrated and it has proven management capabilities, financial disciplines and controls, stable financial performance and an established corporate structure to competently take on the role of Crown Land manager of the showground site. HDAA is aware that as a Crown Land Manager it will have daily and annual compliance, regulatory and reporting requirements which can be accommodated within its current administrative resources/operations.

**Outcome Sought**

The agreement of Hawkesbury City Council for the transfer the Crown Land Manager role for the Hawkesbury Showground site to Hawkesbury District Agricultural Association. Subject to this agreement Hawkesbury District Agricultural Association will then work with NSW Crown Land to prepare the necessary documentation to facilitate the transfer.



Ross Matheson  
President, Hawkesbury District Agricultural Association



**ORDINARY MEETING**  
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Attachment A

**BACKGROUND TO CROWN LAND STATUS**

1. Hawkesbury Showground is situated on Lot 1872 in Deposited Plan 1253353 which is Crown Land subject to Reserve 97055 managed by Hawkesbury City Council as the appointed Crown Land Manager.
2. HDAA was formed in 1879 and the first 'exhibition' was held at the Hawkesbury Racecourse in April 1880. This arrangement continued for some 100 years, the grounds being held co-jointly with the Hawkesbury Race Club.
3. In 1954 a HDAA 'sub - committee' was formed to 'look into the desirability of obtaining a new standalone showground'. The sub - committee investigated a range of possible sites but no suitable land was found until 1978 when HDAA approached the then Principal of the Hawkesbury Agricultural College and proposed the 'acquisition' of 60 acres of College land off Racecourse Road, Clarendon. After some 5 years of negotiations, in 1983 the NSW Government approved the transfer of trusteeship of 36.76 hectares of undeveloped land from Hawkesbury Agricultural College (then Hawkesbury College of Advanced Education) to Hawkesbury City Council, the reserve to be dedicated for the purpose of Show Ground and Public Recreation.
4. In 1985 HCC granted, with the approval of the NSW Government, a lease to HDAA of part of Reserve 97055. The lease allowed Permitted Use of the land being "Agricultural Showground, Trade Exhibitions, Horse Competitions, Dog Shows, Private Meetings and facilities incidental to such uses as may from time to time be approved by the Lessor in writing."

The lease has been renewed several times since the initial agreement and the current lease commenced on 1 February 2014 for a period of 20 years.

Annual rental under the lease is minimal and HDAA has, in accordance with the terms of the lease been responsible for the care, custody, control and development of the site. This has included all infrastructure developments (buildings, electricity, water, waste management, internal roadways, drainage) and all operating costs such as repairs, maintenance, insurances etc. etc. To meet these costs HDAA has over many years worked under a strict dynamic business model to ensure its ongoing financial performance self-generates the required income to entirely fund its operations and ensure its hiring charges are kept to a minimum for local community groups.

5. The first annual Hawkesbury Show was held at the new showground in 1987 and over the period the site has developed into one of the premier regional showgrounds in NSW.

The Association maintains a full time Administration and Business Office.

The Association's Short and Long Term Objectives are:

Short-term objectives:

- promote agriculture and associated activities by the development of Hawkesbury Showground for competition and exhibition,
- provide a quality venue for the conduct of certain non-agricultural events and the development of supplementary revenue streams,
- development of multi – purpose facilities to broaden the community engagement and broaden revenue streams.

Long-term objectives:

- ensure the financial viability of the company.
- continue the development of Hawkesbury Showground; - encourage and promote agricultural and associated activities - encourage and promote membership of the company.

In addition, HDAA follows the Crown Land mantra of reinvestment of all funds generated by its operations into the ongoing development and management of the Hawkesbury Showground facility. As such, the Showground operates as a low cost community facility and is utilised by a range of commercial and community groups.

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**AT - 3 Additional information provided by the HDAA**

**HAWKESBURY DISTRICT AGRICULTURAL ASSOCIATION**

**PO Box 382, Richmond 2753**  
40 Racecourse Road, CLARENDON, NSW 2756

**President:**  
Mr Ross Matheson  
**Administration/Business Manager:**  
Miss Andrea Roth



Tel: 02 4577 3591

ABN: 67 002 420 297  
Web: [www.hawkesburyshowground.com.au](http://www.hawkesburyshowground.com.au)  
Email: [hdaa@hawkesburyshow.com.au](mailto:hdaa@hawkesburyshow.com.au)

Hawkesbury City Council

17 MAY 2021

Records

10 May 2021

The Acting Director Support Services  
Hawkesbury City Council  
WINDSOR NSW

Dear Ms Galea,

**Hawkesbury Showground – Crown Land Management Role**

We refer to your letter of 8 April 2021 and provide the following responses:

**1. Land Subject to Request**

The request relates only to the land parcel, Lot 1872 currently leased by the Association from Hawkesbury City Council (HCC). However, should HCC consider it desirable that its crown management role on Lot 1871 should also be relinquished, either now or in the future, the Association would be happy to consider appointment.

**2. Community Benefit**

The benefit of HDAA's appointment as Crown Land Manager are numerous and include:

- A supportive and appropriate legal status which will allow direct communication and dealings with government departments in particular the NSW Department of Planning, Industry and Environment (NSW Crown Land). Under current status communications and dealings have to be made through HCC, as Crown Land Manager, and this administrative 'layering' is adding to the workload and costs of both HDAA and HCC, provides no 'value add' and increases overhead costs within both entities and for HCC this cost in effect is met by the ratepayer. To our knowledge HCC has never sought any grant funds to assist HDAA in the development of the Hawkesbury Showground. Available eligible grant programs have been identified and sourced by the Association notwithstanding an application for those programs administered by NSW Crown Land being required to be submitted through HCC. As stated in the previous paper the Association and the Hawkesbury Showground does not appear to be 'front of mind' for HCC when relevant grant programs are announced by the Government, eg on 16 April 2021 the NSW Government announced a \$4.1m grant program to support asset and health and safety improvements on Crown land reserves across the State to help them recover from the impacts of COVID-19. Refer <https://www.industry.nsw.gov.au/media/releases/2021-media-releases/grant-applications-open-for-crown-reserves>. Applications close 31 April 2021 and to date the Association has received no information in this regard from HCC.



SCANNED

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- The Association's operating costs will be reduced as Crown Land Manager, in particular the annual cost of insurance for cover on buildings/improvements/ equipment and contents on the Showground as the Association, as a volunteer based crown land manager it's assets will be eligible to be covered by NSW Treasury 'no cost' building and property insurance.
- the operating surplus of the Association is directly invested in the development of the Showground, and all cost savings frees up further available funds for infrastructure development.
- the receipt of grant funds and the internal generation of operating surpluses through the utilisation of a predominantly 'volunteer based' workforce allows the ongoing development of the showground on a cost minimisation basis. This allows the Association to provide community user groups with hiring access to the showground at below commercially available ground hiring rates.

**3. Continuity of Showground Management**

The Hawkesbury District Agricultural Association has been in existence since 1881 and has since that time held 134 annual agricultural shows and from 1986 has developed the current Hawkesbury Showground site into the premier event facility within the Hawkesbury. The Association, is a fully incorporated corporate entity, has membership of 500, has an annually elected General Committee of 50 members and an annually elected Business Management Committee of 9 members. The Association employs a full time Administration and Business Manager to undertake the day – to – day management of the showground. This employee is recruited through the usual commercial recruitment process.

History has demonstrated that the Association's structure has the longevity which is often not seen in other business or community entities, including local government.

**4. Benefits to Hawkesbury District Agricultural Association**

- Direct communications with NSW Crown Land in regard to the ongoing development and management of the Showground site is not available to the Association as NSW Crown Land only recognises the Crown Land Manager, which in the case of the Hawkesbury Showground site is HCC. In brief, NSW Crown Land does not recognise the rights of a 3<sup>rd</sup> party user of crown land arising from the Crown Land Manager contracting out the 'care, custody and control' of the land under a lease or licence agreement (eg. The Association's lease over the showground site is not with NSW Crown Land but with HCC).
- There are numerous grant programs announced from time to time for volunteers groups managing crown land reserves and these can be found on the NSW Crown Land website. An example was the announcement by Minister Melinda Pavey on 17 November 2020:

**"Crown land gets a boost in NSW budget**

Minister for Water, Property and Housing Melinda Pavey said showgrounds, community facilities, Men's Sheds, and Crown reserves will all benefit.....

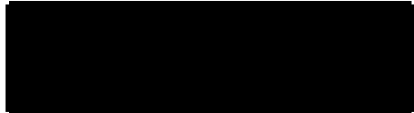
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....The Budget includes a \$104 million package over two years to **support volunteer** Crown land managers and community organisations operating on Crown land to upgrade and maintain public reserves, showgrounds, and other community infrastructure."

- The Association has not been considered for any 'volunteer awards' from either Hawkesbury City Council or NSW Crown Land. In regard to the latter, its criterion is simple, it only considers a volunteer entity who in its records is the Crown Land Manager (refer website <https://www.industry.nsw.gov.au/media/releases/2020-media-releases/crown-land-manager-finalists-named-for-awards>).

Following the successful completion of the 2021 Hawkesbury Show, the Association is now moving on to some major development improvements on the Showground and we look forward to this matter being reported to Council and resolved at the earliest opportunity.

Yours faithfully,



Ross F Matheson  
President  
Hawkesbury District Agricultural Association,

oooO END OF REPORT Oooo

**ORDINARY MEETING**

**SECTION 3 – Reports for Determination**

**Meeting Date:** 12 October 2021

Ordinary

Section **4**

Reports  
of committees

**ORDINARY MEETING**

**SECTION 4 – Reports of Committees**

**Meeting Date:** 12 October 2021

**ORDINARY MEETING**  
**SECTION 4 – Reports of Committees**  
**Meeting Date:** 12 October 2021

**SECTION 4 – Reports of Committees**

**Item: 198**                      **ROC - Disaster and Emergency Committee - 7 September 2021 - (151940, 95495)**

**Directorate:**                Infrastructure Services

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**PURPOSE OF THE REPORT:**

The purpose of this report is to present the Minutes of the Disaster and Emergency Committee, held on 7 September 2021.

**EXECUTIVE SUMMARY:**

The Disaster and Emergency Committee considered one item. It has policy or financial implications to Council and it therefore requires specific consideration by Council, the details of which are discussed in the report below.

**RECOMMENDATION:**

That in relation to the Minutes of the Disaster and Emergency Committee Meeting held on the 7 September 2021:

1. Council receive and note the Disaster and Emergency Committee minutes in respect to points 1, 4, 6, 7 and 8.
2. Council endorse the Committee Recommendations in respect of 2, namely:

*"Endorse, in principle, the establishment of the position of a dedicated Emergency Management Coordinator, to provide oversight and control of Councils role and responsibilities in Emergency Management including Planning, Preparedness, Response and Recovery."*

3. In regard to Point 3 of the Recommendation, Council receives and notes the information contained within this report in regard to details of the Emergency Management Coordinator role and the financial aspects of establishing the role on a permanent basis.

*"Receive a report providing details of that role and the financial aspects of establishing that role on a permanent basis."*

4. In regard to Point 5 of the Recommendation, Council receives and notes the information contained within this report and endorses the finalisation and mail out of the Emergency Management Guide, and allocation of funding to a maximum of \$23,000.

*"Allocate \$12,000 for the preparation and printing of the Emergency Management Guide to be distributed with the rates notices and highlight the Dashboard and seek a price from staff regarding a separate mail out as soon as possible."*

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**ORDINARY MEETING**  
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**DISCUSSION**

The Disaster and Emergency Committee met on 7 September 2021. The agenda is available [here](#) and attachments to items in the agenda are available [here](#).

In relation to Point 2, 3 and 5 of the Committee Recommendation, the following comments are provided:

*Establishment of a Emergency Management Coordinator*

- "2. *Endorse, in principle, the establishment of the position of a dedicated Emergency Management Coordinator, to provide oversight and control of Councils role and responsibilities in Emergency Management including Planning, Preparedness, Response and Recovery.*"

As detailed in the report considered by the Committee at its meeting on 7 September 2021, it is becoming clear that the issue of coordinating the elements of Emergency Management across the continuum of Resilience, Planning, Response and Recovery is becoming an imperative in all areas of Australia. The growth and spread of populations into areas of heightened risk along with an awareness of the levels of risk and the need to plan for more extreme events, requires consideration of additional resourcing to manage each of these elements.

Council has a significant role in each of these aspects. Whilst traditionally the focus has been on the response phase and the agencies and functional areas response to the incident or emergency, the role of local government in mitigating loss, damage and other human and social impacts, in conjunction with other levels of government, is a critical aspect.

Throughout the most recent situations of bushfire, flooding and pandemic significant management and coordination of not only internal work, but also management and response to external agency and other organisations has been required. This includes grant management, project coordination and delivery and community engagement. Whilst a large range of grants have become available, generally for specific projects or programs and additional resources have been employed where eligible, there has been a significant extra workload for Council in coordinating many of the aspects of those projects, noting that internal costs are generally not considered eligible expenditures. The management of this additional workload has come at the cost of other operational and strategic work being delayed. The approach of seconding existing staff to planning and managing emergencies is not sustainable, in particular in light of the expectations as discussed by the Committee.

In order to fulfil the future demands of emergency management, dedicated resourcing needs to be considered. Advocacy has taken place in numerous forums and meetings with both State and Commonwealth agencies in regard to the desirability of having a permanent program to enable councils in general, and Hawkesbury specifically, to not only have dedicated staff but also resourcing to undertake ongoing planning and response works.

Whilst this advocacy for grant funding can continue, there is an immediate need to have suitably experienced staff engaged to maximise and optimise our emergency management activities, and minimise impacts on the other normal or routine business of Council.

It is recommended that Council endorse in principle the employment on a permanent basis of an Emergency Management Coordinator, who would have oversight of all aspects of Council's Emergency Management responsibilities and act as either the Local Emergency Management Officer (LEMO) or Deputy Local Emergency Management Officer.

Whilst temporary appointment could be considered to align with available funding, this approach is not recommended as it will be difficult to recruit a suitably qualified and experienced person to a short-term role.

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*Details of the Emergency Management Coordinator Role and Financial aspects*

- "3. Receive a report providing details of that role and the financial aspects of establishing that role on a permanent basis."

As discussed in Part 2 above, it is recommended that a new position - Resilience and Emergency Management Coordinator is established.

The objectives of the position are as follows:

- The position will provide effective and efficient management and delivery of Resilience and Emergency Management services in accordance with legislation and best practice
- Leading Council's emergency management planning function in partnership with other Council staff, emergency service agencies, community safety organisations and the broader community.
- Carry out all responsibilities associated with the function of the Local Emergency Management Officer (LEMO), which provides executive support to the Local Emergency Management Committee; as per the
- LEMC handbook, NSW State EMPLAN and SERM Act 1989
- Development and implementation of strategic emergency management including policy, strategy, planning and research and development controls
- Monitor and report on Council's natural disaster mitigation programs including bushfire planning and prevention, flood planning and prevention, coastal erosion planning and prevention and community education
- Ensuring Council's legislative/regulatory/liability obligations with regard to emergency management are met
- Work with the Community Services team to build and embed resilience both within the organisation and in its services/support to the community to enable improved response and recovery capability in the event of disasters.

The key accountabilities of the role are as follows:

- Facilitate the development of "risk based" strategic plans that protect the community from incidents and emergencies in collaboration with Council staff, emergency service agencies and community safety organisations
- Liaise and develop relationships with internal stakeholders and partner emergency management agencies to enable the sharing of information, expertise and resources
- Review and maintain the Emergency Resilience Framework that incorporates Council and community resilience strategies, implementation plans and tools that aid preparedness and recovery following disaster events
- Provide leadership and actively participate in After Action Reviews following activation of the Emergency Operations Centre; including Council's internal response activities supporting the Emergency Operations Centre. Incorporate the outcome of the AAR into existing emergency management plans and strategies
- Coordinate community participation in resilience planning projects and activities that informs the direction resilience planning takes
- Ensure open and engaging community information sharing channels.

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It is proposed that funding for the position is addressed as follows:

Subject to Council endorsing the appointment of the position on a permanent basis, the position can be funded as follows:

- Sufficient funding remains from bushfire grant funding to cover approximately six months of the role being in place. Taking into consideration the likely timing of appointment, it is anticipated that this would align with funding required in this financial year
- In regard to funding on an ongoing basis in future financial years, this would need to be included in the annual Operational Plans
- As funding for the proposed role has not been included in Council's Long-Term Financial, it is recommended that Council seek to include a charge for emergency service management, similar to the charge made by Blue Mountains City Council as an additional annual charge, which would apply to all properties in the local government area. It is envisaged that any charge made by Council would cover the cost of an employee as well as funding of programs related to emergency management, training and readiness exercises. Indicatively a flat rate charge in the order of \$15 per property is considered adequate (Blue Mountains City Council charge is \$57 per property). Based on a \$15 charge per property, an amount of approximately \$401,820 would be generated. This amount would fully fund the proposed position, estimated to cost in the order of \$150,000, as well as fund programs and activities managed by the position
- The details of the process necessary to implement this type of charge are yet to be confirmed, but it is anticipated that the charge may require an approval process by the Office of Local Government or IPART, and that the implementation of the charge would be subject to a public consultation process, either as part of the Operational Plan or separately. It is envisaged that the consultation process would also include an education component in regard to emergency preparedness and management.

Emergency Management Guide

- "5. Allocate \$12,000 for the preparation and printing of the Emergency Management Guide to be distributed with the rates notices and highlight the Dashboard and seek a price from staff regarding a separate mail out as soon as possible."

Staff have been working on a draft Emergency Management Guide and have invited Council input to enable finalisation of the document. The final cost of preparing and printing the document will be known when the detailed design is finalised. Based on the draft document and not including any Councillor input that may impact on the cost, it is anticipated that this cost of preparing and printing the guide will not exceed approximately \$12,000.

To ensure that the guide reaches all households in the local government area a separate mail out to the rates notice is proposed. This will be done through a mail out "To the resident", and is anticipated to cost in the order of \$11,000.

In regard to the postage costs, Council has received advice from Infrastructure NSW that they may be able to meet cost subject to Council including their emergency preparedness material. Council are also engaging with RFS and SES with a view to also including any relevant material that they may have with Council's mail out, and potentially contributing to any shortfall in costs being met.

As detailed above, the total cost of the Emergency Management Guide is anticipated to be in the order of \$23,000, with \$11,000 of this amount potentially being met fully, or in part, by State Government Agencies. Council has sufficient funds in the Crisis Management and Response Reserve to meet the remaining costs.

**ORDINARY MEETING**

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If Council resolves to proceed with preparing and distributing an Emergency Management Guide to all residents, it will be critical that the Guide is distributed as soon as practical. It is therefore recommended that Council endorses the finalisation and mail out of the Emergency Management Guide, and allocation of funding to a maximum of \$23,000.

**ATTACHMENTS:**

**AT - 1** Minutes of the Disaster and Emergency Committee held on 7 September 2021.

**ORDINARY MEETING**  
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**AT - 1 Minutes of the Disaster and Emergency Committee held on 7 September 2021**

Minutes of the Meeting of the Disaster and Emergency Committee held by Audio-Visual link, on 7 September 2021, commencing at 5:30pm.

**Present:** Councillor Barry Calvert, Hawkesbury City Council  
Councillor Patrick Conolly, Mayor, Hawkesbury City Council - Chairperson  
Councillor Emma-Jane Garrow, Hawkesbury City Council  
Councillor Amanda Kotlash, Hawkesbury City Council  
Councillor Mary Lyons-Buckett, Deputy Mayor, Hawkesbury City Council  
Councillor Paul Rasmussen, Hawkesbury City Council  
Councillor Peter Reynolds, Hawkesbury City Council  
Councillor Sarah Richards, Hawkesbury City Council  
Councillor John Ross, Hawkesbury City Council  
Councillor Tiffany Tree, Hawkesbury City Council  
Councillor Danielle Wheeler, Hawkesbury City Council  
Councillor Nathan Zamprogno, Hawkesbury City Council

**In Attendance:** Mr Phil Bow, New South Wales Police Force  
Mr Jim Stewart, New South Wales Police Force  
Mr Kevin Jones, NSW State Emergency Service  
Ms Anne Leadbeater, Leadbeater Group  
Ms Karen Hodges, Rural Fire Services NSW  
Mr Stephen Yeo, Infrastructure NSW  
Mr Dean Betts, Resilience NSW  
Ms Elizabeth Richardson, Hawkesbury City Council  
Mr Laurie Mifsud, Hawkesbury City Council  
Mr Jeff Organ, Hawkesbury City Council  
Ms Linda Perrine, Hawkesbury City Council  
Ms Emma Galea, Hawkesbury City Council  
Ms Suzanne Stuart, Hawkesbury City Council  
Ms Meagan Ang, Hawkesbury City Council  
Ms Jackie Carr, Hawkesbury City Council  
Mr Charles McElroy, Hawkesbury City Council  
Ms Melissa Simpson, Hawkesbury City Council  
Ms Tracey Easterbrook, Hawkesbury City Council

**APOLOGIES AND LEAVE OF ABSENCE**

There were no apologies of leave of absence.

Councillor Calvert arrived at the meeting at 5:38pm.

Councillor Garrow arrived at the meeting at 5:42pm.

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**Attendance Register of Disaster and Emergency Committee**

| Member                        | 14/04/2021 | 7/9/2021 |
|-------------------------------|------------|----------|
| Councillor Barry Calvert      | ✓          | ✓        |
| Councillor Patrick Conolly    | ✓          | ✓        |
| Councillor Emma-Jane Garrow   | ✓          | ✓        |
| Councillor Amanda Kotlash     | ✓          | ✓        |
| Councillor Mary Lyons-Buckett | ✓          | ✓        |
| Councillor Paul Rasmussen     | A          | ✓        |
| Councillor Peter Reynolds     | A          | ✓        |
| Councillor Sarah Richards     | ✓          | ✓        |
| Councillor John Ross          | ✓          | ✓        |
| Councillor Tiffany Tree       | A          | ✓        |
| Councillor Danielle Wheeler   | ✓          | ✓        |
| Councillor Nathan Zamprogno   | ✓          | ✓        |

**Key:** A = Formal Apology    ✓ = Present    X = Absent - no apology

**DECLARATION OF INTERESTS**

There were no Declarations of Interests made.

**CONFIRMATION OF MINUTES**

**RESOLVED** on the motion of Councillor Zamprogno, seconded by Councillor Kotlash that the Minutes of the Disaster and Emergency Committee held on the 14 April 2021, be confirmed.

**Item: 1**                      **DE - Emergency Management - (151940, 95495)**

**Previous Item:**        162, Ordinary (24 August 2021)

**Directorate:**            Infrastructure Services

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Ms Anne Leadbeater from the Leadbeater Group provided the Disaster and Emergency Committee with a presentation on Reflection of Council's role in Emergency Management.

The Mayor, Councillor Patrick Conolly tabled a community member submission received from Council through YourHawkesbury-YourSay, attached as Attachment 1 to Item 1.

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**OFFICER'S RECOMMENDATION:**

That:

1. The Committee consider the information in the report addressing each part of the Resolution.
2. Identify matters for further action or resolution by Council.

**COMMITTEE RECOMMENDATION**

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

The Committee recommends that Council:

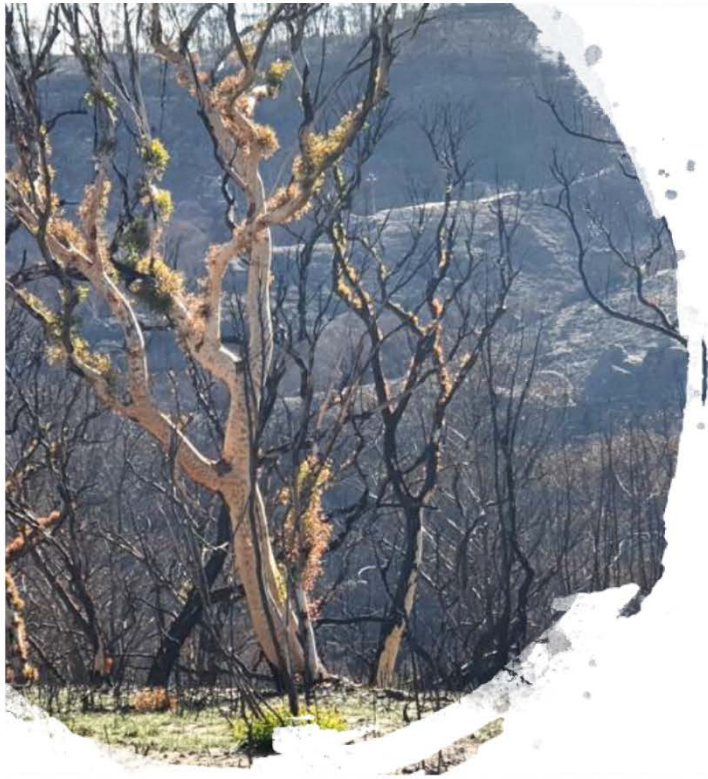
2. Receive and note the information in the Committee Business Paper Report.
3. Endorse, in principle, the establishment of the position of a dedicated Emergency Management Coordinator, to provide oversight and control of Council's role and responsibilities in Emergency Management including Planning, Preparedness, Response and Recovery.
4. Receive a report providing details of that role and the financial aspects of establishing that role on a permanent basis.
4. Receive an update on the advocacy seeking increased resilience for infrastructure, in particular electricity, during extreme weather events.
5. Allocate \$12,000 for the preparation and printing of the Emergency Management Guide to be distributed with the rates notices and highlight the Dashboard and seek a price from staff regarding a separate mailout as soon as possible.
6. Hold a workshop for Councillors, and invite Robyn Preston MP and Susan Templeman MP to participate:
  - a) To establish a protocol around engagement at the representative level between the 3 levels of government;
  - b) To define the role of Councillors in Emergency Management;
  - c) To compile a list of frequently asked questions received by Councillors from residents during and after extreme events, which can be incorporated into existing, or if necessary, new plans or policies;
  - d) To assess the need for sub-committees or working groups to address any identified gaps which may require further investigation and solutions; and
7. Revisit the options as to how we can support vulnerable communities access upgrades to their back up electricity supply for telecommunications towers.
8. Place on Council's website a link to Council's Emergency Management reports.

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

**Against the Motion:** Nil.

**Absent:** Nil.

**AT - 1 Tabled Anne Leadbeater report Reflection of Council's role in Emergency Management**



2021

## Report for Hawkesbury City Council

REFLECTING ON COUNCIL'S ROLE IN EMERGENCY MANAGEMENT

Leadbeater Group Pty Ltd



**ORDINARY MEETING**  
**SECTION 4 – Reports of Committees**  
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## Report for Hawkesbury City Council

### Reflecting on Council's Role in Emergency Management

#### Background

The 2019/20 'Black Summer' bushfires started in the hottest and driest year on record and resulted in more than 24 million hectares of land being burnt across multiple Australian jurisdictions.<sup>1</sup>

The Gospers Mountain fire is recorded as the largest bushfire in Australia's history from a single point of ignition. With a duration of 79 days, the fire burned more than 512,000 hectares<sup>2</sup> including 73.3 percent (2,035 square km) of the Hawkesbury local government area.

The impact of the bushfires within the Hawkesbury City Council LGA<sup>3</sup> included:

- 1,846 sq km of bushland and forests affected by fire
- 5 sq km of agricultural area
- 13 houses damaged and 19 destroyed
- 29 outbuildings damaged and 65 destroyed

Bushfires were quickly followed by flooding of the Hawkesbury Nepean Valley, resulting in damage to approximately 463 properties, and a range of impacts to the agricultural and tourism industries along the Hawkesbury River that are yet to be quantified.<sup>4</sup>

In December 2020, Councillors of the Hawkesbury City Council were invited to participate in one-on-one telephone interviews to explore the contribution of elected representatives in responding to emergencies. Six councillors participated in interviews that canvassed communication and information-sharing, roles and responsibilities, priorities for response and recovery, contributions by Councillors, and future suggestions from Councillors for emergency management in the Hawkesbury region.

Following is a synopsis of the responses provided by Councillors together with a summary of key issues and observations that may assist in the further development of emergency management arrangements for Hawkesbury City Council.

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<sup>1</sup> Royal Commission into National Natural Disaster Arrangements Report, October 2020

<sup>2</sup> ABC Gospers Mountain Megablaze investigation, July 2020

<sup>3</sup> <https://www.bushfirerecovery.gov.au/your-community/local-area-profiles#/map>

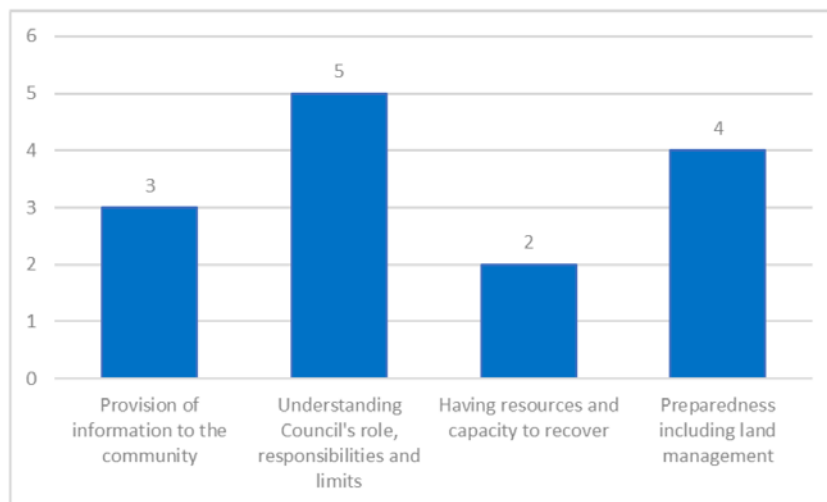
<sup>4</sup> <https://mapcentre-nswses.hub.arcgis.com/> Damage Assessment

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## Interview Responses

### Top three priorities for emergency management?

Councillors were asked to consider the top three priorities for emergency management.



The most common response related to the importance of having a clear understanding of the role of Council in emergencies, including those things for which Council is responsible and the delineation between responsibilities of Council and other tiers of government. It was also noted that there is an assumption that *'Council can draw on what it needs, but there can be challenges that exceed local capability'*, so a realistic understanding of Council's limitations is also important, as well as a working knowledge of how neighbouring councils are responding.

There was also strong support for Council's role in preparedness. This included encouraging the community to have a level of understanding of the hazards and risks and to be prepared for major emergencies, as well as preventative work such as weed management, that could help to mitigate the impacts of a disaster.

The provision of information to the community was seen as a priority and this included 'real time' provision of information, warnings and advice, with a *'round the clock'* focus on keeping Council's website and Facebook page up to date. It was observed that while it is not Council's job to run the emergency *'the lay person doesn't understand this and has an expectation of being informed.'* Promotion of the emergency dashboard was also identified as an opportunity to improve communication and information-sharing.

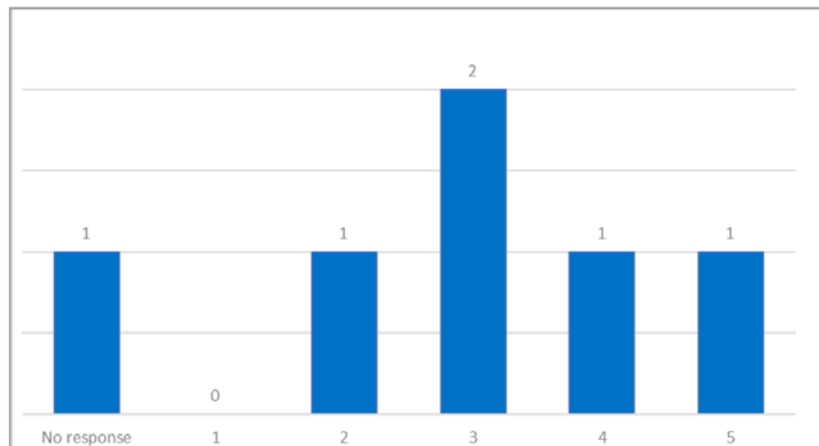
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In terms of developing and maintaining capability, there was a focus on having sufficient resources and capacity within Council to support recovery *'in any ways that Council can help.'* In terms of the type of support that may be needed, it was observed that *'recovery can be physical, mental, community-wide [and] individual; not just a Council perspective, but a community perspective.'*

Other priorities nominated by interview participants included supporting people with disabilities, including during evacuations; establishing centres for evacuation or disaster welfare; and the monitoring and upkeep of warning equipment.

#### Supporting bushfire response and recovery

Respondents were asked to assign a score out of five in terms of how successful Council had been in supporting bushfire response and recovery, with a score of 1 being 'not at all successful' and a score of 5 being 'highly successful'.



The purpose of this question was not to assess response and recovery but rather to identify the degree of consensus among Councillors about how successful Council's response and recovery efforts had been.

A majority of respondents assigned a score of 3 or above, and while none of the respondents scored the success of Council's support as a '1', there was a degree of variation among respondents' scores. This suggests there is not a consensus view among Councillors about the relative success of Council's response and recovery support.

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### Council's contributions to response and recovery

Respondents were asked to identify Council's most important contributions to bushfire response and recovery. These included:

- Attending meetings (led by General Manager) and liaising with response agencies and communities
- Support to response agencies (manning phones, etc)
- Release of staff who had RFS responsibilities
- Community consultation meetings and recovery updates
- Local leadership and visibility of Councillors
- Discussion re new location of EM headquarters
- Helping with humanitarian aspects and supporting the community

*Having a physical presence on the ground was important and Council staff provided tremendous support..."*

### Key challenges

Interview respondents were asked to identify what they felt were the biggest challenges relating to response and recovery from Council's perspective. A summary of responses included:

- Support for people living in unapproved dwellings
- Equality of access to information and social support
- Failure to call an evacuation
- People don't understand who is responsible for what
- Unrealistic expectations of Council
- How to effectively use resources to help as many residents as possible
- Political infighting being detrimental to success
- Needed a proper emergency management plan with clear roles
- Lack of local knowledge of responders, e.g. police
- Sometimes grants and funding haven't worked for people
- Lack of locally available information via media and radio
- Clean up response and build up of debris created issues for flooding
- Needed better collaboration with state agencies (including responders)
- Challenging local geography
- Need to create a 'go-to' contact list for emergency management and to consider a 'national cabinet' type model
- Increasingly urbanized society with little local knowledge of risks
- Not having locally-based staff (can look like you care but you don't understand)
- Need to look at the whole risk profile – fires and floods
- The potential impacts of a major flood on critical infrastructure
- Not having an evacuation centre meant that other services were not mobilised

*"Failure to call an evacuation meant that Council had to deal with a lot of issues that should have been the responsibility of state agencies."*

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### The most important role for Councillors

In considering the most important role for Councillors in an emergency, respondents identified a range of potential contributions, including:

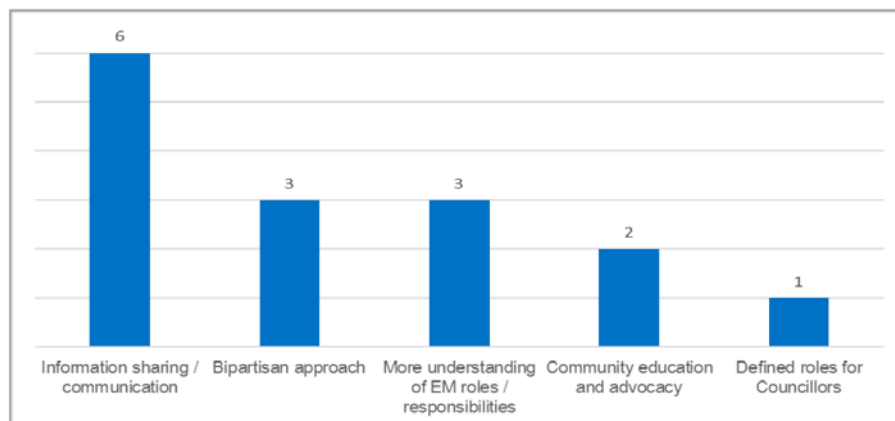
- Being briefed regularly and staying informed so everyone is on the same page and knows the same information
- Understanding that people have different skills, knowledge and expertise
- Providing a supportive role – identifying gaps, advocacy for residents, animal support, attending public meetings, gathering information and passing it on to the right people
- Providing leadership, expertise and local knowledge and legitimacy
- Demonstrating support and leadership and managing competing demands
- Leading public debate, education campaigns, championing political causes where needed and providing advocacy for those impacted
- Coordination of spontaneous volunteers

*"Be available, listen, be present at public meetings – gather information and pass it to the right people."*

All respondents identified the critical importance of communication, and the role Councillors could play in ensuring they were kept up to date and well briefed so they could, in turn, effectively relay current and relevant information to their community and identify any communication / knowledge gaps.

### What support do Councillors need

Interview respondents were asked to think about what Councillors need to support them in their roles during an emergency.



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100 percent of respondents felt that information sharing and communication were vital elements in supporting Councillors in their role. Respondents spoke about the need for *'effective, regular briefings – especially in such a dynamic environment,' 'keeping the lines of communication open,'* having advance notice of public meetings, *'a single point of truth and presenting consistent information'* and *'Councillors being kept informed and in the loop.'*

A critical aspect for half the respondents was the need to better understand emergency management plans and responsibilities in order to enhance the effectiveness of Councillors in response and recovery. Suggestions included briefings on the emergency management structure, roles and responsibilities, and/or online training for Councillors to complete that is repeated each election cycle (as with Code of Conduct training).

Another key factor was the importance of a bipartisan approach between Councillors in maintaining trust and confidence within the community. It was noted that *'while Councillors represent different ideologies and parties, politics needs to be put aside during emergencies.'* There was also a sense that politics could impede the flow and effective sharing of information.

It was noted by respondents that Councillors have a valuable role in community education and advocacy in relation to emergency management. Being well-informed about hazards, risks and mitigation options and having access to information and talking points that support expert advice can help to build consensus about the best approaches and inform decision making. Having agreed, defined roles during response and recovery could help to build the confidence of Councillors and facilitate their ability to support and advocate for their communities.

#### [Future opportunities for emergency management within the Hawkesbury region](#)

Interview respondents were asked what would make the biggest change to emergency management within the Hawkesbury City Council region. The following suggestions were provided:

*'Have a Councillor or staff member based at the emergency coordination centre during a crisis in a liaison and collaboration role so that Council has a voice. A decision maker with delegated authority – the Council 'vest' in the ICC.'*

*'An emergency management centre complete with other services including ambulance, that fulfills the role of educating our community about vulnerability and risk. People need more education about living in the region and especially about [their] risk profile and impacts, and engagement with the challenges of living in the bush (loss of power, water, sewer, etc).'*

*'Community electricity storage facility – this would impact on communication as well as utilities.'*

*'Overdevelopment is an issue for emergency management – land use planning should articulate why there can be no further development due to emergency risk. More clarity [needed] about whether land use planning rules should align with one in one hundred or probable maximum flood (PMF) levels.'*



**ORDINARY MEETING**  
**SECTION 4 – Reports of Committees**  
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Future opportunities (continued)

*'Failure to call an evacuation – outside Council's control but this was a real low point.'*

*'There is a more strategic approach to messaging and clear information about flooding, but there was a degree of hesitancy about messaging re the fire. No sense that this wouldn't happen again.'*

*'Reliable communication – the current situation in the Northern Rivers with 15 flood rescues points to a failure of communication.'*

*'All Councillors coming together, understanding their role and working collaboratively.'*

## Summary

The impacts of the 2019/20 fire season have had a profound effect on individuals and communities within the Hawkesbury region and on Councillors and staff of the Hawkesbury City Council. In considering Council's response to this significant and dynamic disaster, it is important to acknowledge the immense efforts undertaken to implement existing plans and processes and the collaboration and innovation demonstrated in responding to unanticipated challenges.

Throughout the interviews that informed this report, there were some key themes that recurred in almost every conversation:

### Information and communication

For Councillors to be effective representatives of their communities in a disaster, the importance of being able to regularly access timely, accurate, consistent information cannot be overstated. The community will look to their elected representatives as a trusted source of information and local knowledge, and in turn, will share their direct knowledge and experience of the disaster. This exchange of information can help build a more comprehensive understanding of impacts and needs during response and early recovery and in the longer-term.

Processes such as twice-daily briefings can be established early in the emergency so that Councillors are informed and up to date with emerging issues and arrangements and can confidently and consistently relay this information to their communities. Council will also be a vital source of local information for response and recovery agencies from other areas and levels of government.



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**Recommendation:** Establish a communication protocol for implementation during disasters and emergencies that will ensure Councillors have timely access to current information about response and recovery activities, and can provide input from their respective communities into emergency management arrangements. Agreement on a consistent process for communication – for example, twice-daily briefings via teleconference, at a predetermined time - would help emergency managers to know when information would need to be available and support the efficient and effective operation of the communication protocol.

#### **Roles and responsibilities**

Having a clear understanding of emergency arrangements, roles and responsibilities helps to build trust and confidence in the disaster response and avoids duplication, gaps and wasted resources. While Councillors may not have operational responsibilities, they can collaborate to play an invaluable role in facilitating communication, providing comfort to those affected, supporting morale and advocating for their communities.

Understanding the roles and responsibilities of other stakeholders can also help Councillors to manage community expectations and to direct the information and requests for assistance they receive from the community to the most appropriate agency or service.

**Recommendation:** Develop a concise module of training for new Councillors on emergency management arrangements at the local, state and national level and the role of key stakeholders in response and recovery. Provide Councillors with an annual training update, including information on the psychosocial impacts of disaster, and seasonal briefings on predicted disaster risk to help them to be prepared for the potential impacts of disaster on their constituents and the organisation.

#### **Preparedness**

The work undertaken in preparedness is a critical aspect in mitigating the effects of disaster. From a local government perspective, preparedness can include everything from encouraging individuals and households to take actions to minimise their risk of disaster through to strategic decisions about land use planning, business continuity, resourcing and protection of critical infrastructure.

Preparedness also includes organisational readiness. Having comprehensive arrangements and processes in place that are well understood, exercised and can be surged according to need help to ensure organisations are able to anticipate potential disaster impacts and respond effectively.

**Recommendation:** Identify opportunities to partner with relevant agencies (for example, Rural Fire Service, SES, Landcare, Red Cross) to promote a Council and community-wide understanding of risk and to improve preparedness for emergencies within the Hawkesbury region. Consider including '*implications for emergency management*' as a criterion for decision-making within Hawkesbury City Council.

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[A bipartisan approach](#)

The political elements of response and recovery represent a particular challenge for those who have been affected by a disaster. In the disruption and uncertainty that occurs during response, and the grief and distress of the recovery environment, differing political ideologies and opinions being expressed by representatives of one organisation can commonly be interpreted by those effected as conflicting information. The impact of receiving conflicting information in periods of high distress is generally increased levels of anxiety and anger, and diminished levels of confidence and trust.

Everyone wants the best outcome for their communities, and this is particularly true following a disaster. The ability to identify and endorse an agreed 'common ground' of principles, priorities and actions to facilitate recovery will help communities to feel universally supported by Council in ways that transcend political imperatives.

**Recommendation:** Through a collaborative process involving Councillors and staff, identify and endorse a role for Councillors during emergencies that reflects the National Principles for Disaster Recovery, mobilises the leadership skills and capabilities of elected representatives, and maximises the confidence of the community and the cohesion of the recovery effort.

**ORDINARY MEETING**  
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## Acknowledgements

Sincere thanks to Councillors who participated in the interviews that provided the basis for this report. Your engagement with and consideration of the issues raised, and the experience and insights you provided are greatly appreciated.

## Resources

National Principles for Disaster Recovery

<https://knowledge.aidr.org.au/resources/national-principles-disaster-recovery/>

Evacuation Planning Handbook

<https://knowledge.aidr.org.au/resources/handbook-evacuation-planning/>

AUS Red Cross - Communicating in Recovery

<https://www.redcross.org.au/get-help/emergencies/resources-about-disasters/help-for-agencies/communicating-in-recovery>

Community Engagement for Disaster Resilience Handbook

<https://knowledge.aidr.org.au/resources/handbook-community-engagement/>

Community Recovery Handbook

<https://knowledge.aidr.org.au/resources/handbook-2-community-recovery/>

Resilience NSW (formerly Office of Emergency Management) Recovery Tool Kit

<https://www.emergency.nsw.gov.au/Pages/publications/guidelines-legislation-policies/recovery/community-recovery-toolkit.aspx>

Communities Responding to Disasters: Planning for spontaneous volunteers Handbook

<https://knowledge.aidr.org.au/resources/handbook-spontaneous-volunteers/>

National Guidelines for Managing Donated Goods

[https://dcsi.sa.gov.au/data/assets/pdf\\_file/0004/1894/national-guidelines-for-managing-donated-goods.pdf](https://dcsi.sa.gov.au/data/assets/pdf_file/0004/1894/national-guidelines-for-managing-donated-goods.pdf)

NZ Red Cross - Leading in Disaster Recovery: a companion through the chaos

<https://preparecenter.org/resource/leading-in-disaster-recovery-a-companion-through-the-chaos/>

**ORDINARY MEETING**  
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**AT - 2 Tabled submissions received from Council through YourHawkesbury-YourSay**

| Your feedback | <p>A couple of items for the Disaster and Emergency Committee + a few questions.</p> <p>-----</p> <p>FLOOD STUDY- for awareness</p> <p>The criticality of Councils 2019 grant of \$147k for a Flood Study of the Macdonald River, Colo Rivers, Webbs Creek and Greens Creek is highlighted by the following points: [1]</p> <ul style="list-style-type: none"> <li>• SES Flood Bulletins / Warning Alerts: in the 2021 floods only Flood Bulletins 1-3 of the 56 bulletins included localised advice for the Macdonald River (local flooding). Flood Bulletin #8, from 21 March onwards, with Colo River advice, included reference to Macdonald River levels. It appears that at no point in the public information distributed by SES was there advice or reference to the Macdonald River geographic area, that was of an advisory, action oriented or warning nature, as compared to other catchment locations. [2]</li> <li>• Bureau of Meteorology Flood Warning Monitoring: The Macdonald River is not included in the BOM/NSW Government flood monitoring/alert system; therefore, we do not receive SES Alerts. Two water level only monitoring stations exist at St Albans and Howes Valley, but are not included in flood alert monitoring. Robyn Preston MP - Member for Hawkesbury, was requested by the Macdonald Valley Association (MVA) to take up the issue of BOM/NSW Flood Warning system in 2020, after the February 2020 floods. Susan Templeman MP took up the issue with Federal Government and provided Federal Minister for the Environment's advice to the MVA, identifying and action under NSW Government Floodplain risk management process.</li> <li>• Public awareness: NSW Government's myfloodrisk.nsw.gov.au does not address the extent of the local valleys and locations and residents receive the message "YOUR SUBURB IS NOT IN THE FLOODPLAIN". It's hard to imagine there is value for money in awareness programs, postbox drops and advertising trucks, when the system excludes us.</li> </ul> <p>-----</p> <p>COMMUNITY EMERGENCY MANAGEMENT - for awareness</p> <p>Macdonald Valley community has a project underway to create a Community Emergency Response Plan. This initiative of the Macdonald Valley Association has some funding support from Council and the intent is that this compliments Council's Delivery Program 2017-2021 and to achieve Councils objective of "Meet the needs of our community through effective flood, fire and other natural disaster management plans that promote the protection of life, property and infrastructure." We know from experience that communities that plan and manage their own needs before, during and after an emergency recover more quickly and suffer less long term effects. The over-arching objective for this project is to support the Macdonald Valley community to become safer and more resilient toward the impacts from emergency events.</p> <p>-----</p> |
|---------------|---|
|---------------|---|

**ORDINARY MEETING**  
**SECTION 4 – Reports of Committees**  
**Meeting Date: 12 October 2021**

|  | Your feedback  |
|--|--|
|  | <p>QUESTIONS FOR THE COMMITTEE</p> <p>1. Hawkesbury Rural &amp; Remote Community Emergency Plan? Will Council develop a program and template for a Hawkesbury Rural &amp; Remote Community Emergency Plan (similar to Macdonald Valley Community's)? The Hawkesbury's rural and remote communities often share similar issues and experiences that differentiate them from the Hawkesbury's urban residential and business area. These communities are already networked and also engaged with SES, RFS and Council and network with each other, so a template Hawkesbury Rural &amp; Remote Community Emergency Plan could have ready application.</p> <p>2. SES 2021 Floods Survey (lessons learnt) - Will Council undertake a review of the Hawkesbury SES community survey conducted following the floods? This could provide Council with pragmatic feedback on the experiences and opportunities for improvement.</p> <p>3. BOM Flood monitoring - Will council request of / lobby NSW Government for the inclusion of Macdonald R at Howes Valley (Station Number: 561036 ) and Macdonald R at St Albans (Station Number: 061353) in the BOM/NSW Flood Warning system?"</p> |

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oooO END OF REPORT Oooo

**ORDINARY MEETING**  
**SECTION 4 – Reports of Committees**  
**Meeting Date: 12 October 2021**

**Item: 199**                      **ROC - Audit Committee - 22 September 2021 - (91369, 95496, 79351)**

**Directorate:**                Support Services

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**PURPOSE OF THE REPORT:**

The purpose of this report is to present the Minutes of the Audit Committee, held on 22 September 2021.

**EXECUTIVE SUMMARY:**

The Audit Committee considered three items at its meeting on 22 September 2021.

All items have no policy or financial implications for Council and therefore, they are presented for information only.

**RECOMMENDATION:**

That Council receive and note the Minutes of the Audit Committee Meeting held on the 22 September 2021.

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**DISCUSSION**

The Audit Committee met on 22 September 2021 and discussed the following items:

- Item 1    Election of Chairperson
- Item 2    Election of Deputy Chairperson
- Item 3    Unaudited Financial Statements for the year ended 30 June 2021

The Minutes of the Audit Committee meeting held on 22 September are attached as Attachment 1 to this report.

The above items do not have any policy or financial implications for Council, and therefore they are presented for information only.

**ATTACHMENTS:**

**AT - 1**    Minutes of the Audit Committee held on 22 September 2021.

**ORDINARY MEETING**  
**SECTION 4 – Reports of Committees**  
**Meeting Date: 12 October 2021**

**AT - 1 Minutes of the Audit Committee held on 22 September 2021**

Minutes of the Meeting of the Audit Committee held by Audio-Visual Link, on 22 September 2021, commencing at 4.02pm.

**ATTENDANCE**

**Present:** Councillor John Ross, Hawkesbury City Council  
 Mr Craig Bennett, Community Representative (Chairperson)  
 Ms Ellen Hegarty, Community Representative

**Apologies:** Councillor Paul Rasmussen, Hawkesbury City Council  
 Ms Nisha Maheshwari, Community Representative

**In Attendance:** Mr Elizabeth Richardson, Hawkesbury City Council  
 Mr Laurie Mifsud, Hawkesbury City Council  
 Ms Emma Galea, Hawkesbury City Council  
 Ms Penelope Corkill, Centium  
 Mr James Winter, Grant Thornton  
 Ms Lesley Yang, Grant Thornton  
 Mr Kenneth Leung, NSW Audit Office  
 Ms Vanessa Browning, Hawkesbury City Council  
 Ms Rachel Ridges, Hawkesbury City Council  
 Ms Tracey Easterbrook, Hawkesbury City Council  
 Ms Melissa Simpson, Hawkesbury City Council

| Member                                 | 16/9/2020 | 2/12/2020 | 24/2/2021 | 26/05/2021 | 22/09/2021 |
|--|-----------|-----------|-----------|------------|------------|
| Councillor Paul Rasmussen              | ✓         | ✓         | ✓         | ✓          | A          |
| Councillor John Ross                   | ✓         | ✓         | A         | ✓          | ✓          |
| Councillor Patrick Conolly (Alternate) | N/A       | N/A       | N/A       | N/A        | N/A        |
| Mr Craig Bennett                       | ✓         | ✓         | ✓         | ✓          | ✓          |
| Ms Ellen Hegarty                       | A         | ✓         | ✓         | ✓          | ✓          |
| Ms Nisha Maheshwari (Chairperson)      | ✓         | ✓         | ✓         | ✓          | A          |

**Key:** A = Formal Apology      ✓ = Present      X = Absent - no apology

In the absence of the Chairperson, Ms Nisha Maheshwari, the Deputy Chairperson, Mr Craig Bennett chaired the meeting.

**RESOLVED** on the motion of Councillor John Ross and seconded by Ms Ellen Hegarty that the apologies be accepted.

**ORDINARY MEETING**  
**SECTION 4 – Reports of Committees**  
**Meeting Date: 12 October 2021**

**DECLARATION OF INTERESTS**

There were no Declarations of Interests made.

**CONFIRMATION OF MINUTES**

**RESOLVED** on the motion of Ms Ellen Hegarty and seconded by Councillor John Ross that the Minutes of the Audit Committee held on the 11 August 2021, be confirmed.

**SECTION 2 - Reports for Determination**

**Item: 1**                      **AC - Election of Chairperson - (91369, 95496, 79351)**

**Directorate:**              Support Services

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**OFFICER'S RECOMMENDATION:**

That a Chairperson of the Audit Committee for the next three months, from September 2021 to December 2021, be determined.

**DISCUSSION:**

The Chairperson, Mr Craig Bennett, called for nominations for the position of Chairperson. One nomination was received, being:

Ms Nisha Maheshwari

Nominated by Mr Craig Bennett

Seconded by Ms Ellen Hegarty

The Director of Support Services, Mr Laurie Mifsud advised that Ms Nisha Maheshwari had previously advised that she would accept the nomination.

**COMMITTEE RECOMMENDATION:**

**RESOLVED** on the motion of Ms Ellen Hegarty, seconded by Councillor John Ross.

That a Chairperson of the Audit Committee for the next three months, from September 2021 to December 2021, be determined.

**RESOLVED** on the motion of Mr Craig Bennett, seconded by Ms Ellen Hegarty.

That Ms Nisha Maheshwari be elected as Chairperson of the Audit Committee from September 2021 to December 2021.





**ORDINARY MEETING**  
**SECTION 4 – Reports of Committees**  
**Meeting Date: 12 October 2021**

For the financial year ending 30 June 2021, Council's net operating result before capital grants and contributions was a deficit of \$25.5 million. The flood had a significant impact on Council's operating result as follows:

- Flood related expenditure - \$3.1 million
- Asset Impairment - \$19.4 million

It is anticipated that flood related expenditure will be mostly recovered as a result of claims submitted. The reimbursement will be reflected in the 2021/2022 financial results.

Asset Impairment reflects the reduction in value and impact on useability of flood impacted assets. The \$19.4 million reduction in asset value, reflected as an expenditure item in 2020/2021 is a timing difference only. The impaired assets are being restored and the values of these assets will be adjusted accordingly as asset replacements take place. It is noted however, that the increase in asset values in 2021/2022 are not able to be accounted for as income in that year.

The other main contributor to the result is the Depreciation expense, which has increased by \$6 million over the previous financial year. This increase is attributed to a significant increase in the roads assets valuation.

The Financial Statements are prepared in accordance with Australian Accounting Standards and the Local Government Accounting Code. These requirements include non-cash accounting entries such as Asset Impairment and Depreciation. These requirements are to be taken into consideration when using Financial Statements to evaluate Council's performance against the annual Budget.

As shown in Attachment 3 to this report, Council's Bottom Line Result for the year ended 30 June 2021 is a deficit of \$1.7 million. This is predominantly a reflection of the additional costs of the March 2021 Flood of \$3.1 million. Without this event, Council would have achieved a Budget surplus of \$1.4 million.

- Committee members discussed the results and raised questions with the Chief Financial Officer and Deputy Chief Financial Officer.

Specific questions were raised in regard to:

- Asset Impairment
- Investment Properties
- Civic Risk
- Outstanding Rates and Charges

All questions were answered by staff.

**COMMITTEE RECOMMENDATION:**

**RESOLVED** on the motion of Ms Ellen Hegarty and seconded by Councillor John Ross.

That:

1. The information regarding the General Purpose Financial Statements and Special Purpose Financial Statements for the year ended 30 June 2021 be received.
2. The Audit Committee endorse the General Purpose Financial Statements and Special Purpose Financial Statements for the year ended 30 June 2021, as attached to this report, be submitted to Council to be referred to Audit at its meeting on 22 September 2021.

**ORDINARY MEETING**  
**SECTION 4 – Reports of Committees**  
**Meeting Date:** 12 October 2021

**SECTION 3 - General Business**

There was no General Business.

The meeting terminated at 4.47pm.

**oooO END OF REPORT Oooo**

Ordinary

Section 5

Notices of motion

**ORDINARY MEETING**  
**SECTION 5 – Notices of Motion**  
**Meeting Date:** 12 October 2021

**SECTION 5 – Notices of Motion**

No Notices of Motion.

**ORDINARY MEETING**  
**Questions for Next Meeting**  
**Meeting Date:** 12 October 2021

**QUESTIONS FOR NEXT MEETING**

**Item: 200**

**Response to Councillor Question Taken on Notice at the Council Meeting - 28 September 2021 - (79351)**

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The following question was received from a Councillor regarding matters on the Council Meeting Business Paper of 28 September 2021. This question was taken on notice and the response is provided below.

| # | Councillor | Question  | Response   |
|---|------------|---|--|
| 1 | Ross       | In relation to the grant of that development in the area of Ivy Avenue, what was agreed upon if anything and did it involve the developer of that site. | The Director City Planning advised that Council has retrieved its archived development files relating to the Ivy Avenue subdivision. The development of the Ivy Avenue residential lots took place in two stages, and further review of the documents in the development files is required to provide the relevant information. This will be reported to the next Council meeting. |

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**  
**Confidential Reports**  
**Meeting Date:** 12 October 2021

**CONFIDENTIAL REPORTS**

**Item: 201**                      **SS - Tender for the Provision of Internal Audit Services - (95496 79351, 128732)**

**Previous Item:**            125, Ordinary (30 June 2020)

**Directorate:**               Support Services

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**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.*

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## Ordinary Meeting

## End of Business Paper

This business paper has been produced electronically to reduce costs, improve efficiency and reduce the use of paper. Internal control systems ensure it is an accurate reproduction of Council's official copy of the business paper.