



# Ordinary Meeting

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Date of meeting: 09 August 2022  
Location: Council Chambers  
Time: 6:30 p.m.

**BUSINESS PAPER**



**ORDINARY MEETING**  
**Table of Contents**  
**Meeting Date:** 09 August 2022

**TABLE OF CONTENTS**

<b>ITEM</b>	<b>SUBJECT</b>	<b>PAGE</b>
	<b>PROCEDURAL MATTERS</b>	<b>3</b>
	<b>SECTION 1 - Confirmation of Minutes</b>	<b>6</b>
	<b>SECTION 2 – Mayoral Minutes</b>	<b>9</b>
Item: 137	MM - Upgrades to Evacuation Routes - (125610)	9
	<b>SECTION 3 – Reports for Determination</b>	<b>15</b>
	<b>GENERAL MANAGER</b>	<b>15</b>
Item: 138	GM - Review of Delegations of Authority under Section 377 of the Local Government Act 1993 - (79351)	15
Item: 139	GM - Motions - 2022 Local Government NSW Annual Conference - (79351, 79633)	25
	<b>SUPPORT SERVICES</b>	<b>28</b>
Item: 140	SS - Investment Report - June 2022 - (95496)	28
Item: 141	SS - Pecuniary Interest Returns - Designated Persons - (95496, 96333)	35
Item: 142	SS - Payment of Expenses and Provision of Facilities to Councillors Policy - (95496)	37
	<b>SECTION 4 – Reports of Committees</b>	<b>45</b>
Item: 143	ROC - Community Services Committee - 28 June 2022 - (151937)	45
Item: 144	ROC - Local Traffic Committee - 11 July 2022 - (80245)	66
Item: 145	ROC - Audit, Risk and Improvement Committee - 15 July 2022 - (158054, 95496)	81
	<b>SECTION 5 – Notices of Motion</b>	<b>93</b>
Item: 146	NM - Opting into the State Government e-Scooter Trial - (138884)	93
	<b>CONFIDENTIAL REPORTS</b>	<b>102</b>
Item: 147	MM - Staff Matter - (125610)	102

**ORDINARY MEETING**

**Procedural Matters**

**Meeting Date:** 09 August 2022

**ORDINARY MEETING**  
**Procedural Matters**  
**Meeting Date: 09 August 2022**

**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.

**Statement of Ethical Obligations**

On 11 January 2022 in accordance with Section 233A of the Local Government Act 1993, Councillors took an oath or made an affirmation of office to undertake the duties of the office of Councillor in the best interests of the people of the Hawkesbury City Council Local Government Area and the Hawkesbury City Council and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in Councillors under the Local Government Act 1993 or any other Act to the best of their ability and judgment.

Council's Code of Conduct requires Councillors to disclose and appropriately manage conflicts of interest.

**Apologies and Leave of Absence or Attendance by Audio-Visual Link**

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:** 09 August 2022

Ordinary

Section 1

Confirmation of minutes

**ORDINARY MEETING**

**SECTION 1 - Confirmation of Minutes**

**Meeting Date:** 09 August 2022

**SECTION 1 - Confirmation of Minutes**





# Ordinary Meeting

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Date of meeting: 19 July 2022  
Location: Council Chambers  
Time: 6:30 p.m.

MINUTES



**ORDINARY MEETING****Minutes: 19 July 2022****TABLE OF CONTENTS**

<b>ITEM</b>	<b>SUBJECT</b>	<b>PAGE</b>
<b>ATTENDANCE</b>		<b>2</b>
<b>APOLOGIES AND LEAVE OF ABSENCE OR ATTENDANCE BY AUDIO-VISUAL LINK</b>		<b>2</b>
<b>DECLARATIONS OF INTEREST</b>		<b>2</b>
<b>SECTION 1 - Confirmation of Minutes</b>		<b>3</b>
<b>CONDOLENCES</b>		<b>3</b>
Item: 120	Condolences for Paul Rasmussen - (125610)	3
<b>SECTION 2 – Mayoral Minutes</b>		<b>4</b>
Item: 121	MM1 - Raising the Warragamba Dam Wall - (125610)	4
Item: 122	MM2 - Accounting Treatment of NSW Rural Fire Service "Red Fleet" Assets - (125610)	7
<b>SECTION 3 – Reports for Determination</b>		<b>9</b>
<b>PLANNING DECISIONS</b>		<b>9</b>
Item: 123	CP - Redbank Voluntary Planning Agreement - Proposed Grose River Bridge - Location and Milestones - (95498)	9
<b>GENERAL MANAGER</b>		<b>11</b>
Item: 124	GM - Adjustment to the Making of Ordinary Rates for the year ending 30 June 2023 - (79351)	11
Item: 125	GM - Change in Councillor Numbers - (79351)	12
Item: 126	GM - 2022 Local Government NSW Annual Conference - (79351, 79633)	13
<b>INFRASTRUCTURE SERVICES</b>		<b>15</b>
Item: 127	IS - Rising Main C Failure - (95495)	15
Item: 128	IS - Road Naming Proposal Vineyard Precinct Stage 1 - Part 2 - (95495)	16
<b>SUPPORT SERVICES</b>		<b>17</b>
Item: 129	SS - Investment Report - May 2022 - (95496)	17
Item: 130	SS - Review of Council's Investment Policy - (95496, 96332)	18
<b>SECTION 4 – Reports of Committees</b>		<b>19</b>
Item: 131	ROC - Local Traffic Committee - 20 June 2022 - (80245)	19

## ORDINARY MEETING

Minutes: 19 July 2022

<b>SECTION 5 – Notices of Motion</b>	<b>20</b>
Item: 132 NM - Electricity Supply - (125612)	20
<b>CONFIDENTIAL REPORTS</b>	<b>22</b>
Item: 133 RM - Licence Agreement for Signage at Industry Road Reserve, Vineyard - (80107, 155345, 155346)	23
Item: 134 SS - Lease to Wesley Community Services Limited - Suite 2, Deerubbin Centre, Level 1, 300 George Street, Windsor - (144638, 95496, 112106)	24
Item: 135 SS - Lease to The Minister Administering the NPWS Act - Bowman Cottage, 368 Windsor Street, Richmond - (95496, 112106, 134759)	25
Item: 136 SS - Outstanding Receivables - Bad Debts Write Off - (95496, 96332)	26

## ORDINARY MEETING

Minutes: 19 July 2022

Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on 19 July 2022, commencing at 6:30pm.

### Welcome

The Mayor, Councillor Patrick Conolly acknowledged the Indigenous Heritage.

The General Manager addressed the Council meeting, mentioning:

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

### ATTENDANCE

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

**ALSO PRESENT:** General Manager - Elizabeth Richardson, Acting Director City Planning - Amanda Kearney, Director Infrastructure Services - Will Barton, Director Support Services - Laurie Mifsud, Manager Corporate Communication - Suzanne Stuart, Chief Financial Officer - Vanessa Browning, Manager Waste Management - Ramiz Younan, Manager Design and Mapping - Christopher Amit, Manager Strategic Planning - Andrew Kearns, Manager Corporate Services and Governance - Charles McElroy and Council Committee Officer - Amy Birks.

### APOLOGIES AND LEAVE OF ABSENCE OR ATTENDANCE BY AUDIO-VISUAL LINK

There were no apologies or leave of absence received from Councillors.

### DECLARATIONS OF INTEREST

Councillor McMahon declared an interest on Items 122 and 136.

Councillor Wheeler declared an interest on Item 122.

### Acknowledgement of Official Visitors to the Council

There were no official visitors to Council.

### ADJOURNMENT OF MEETING

The Mayor adjourned the meeting at 10:02pm for a short break. The meeting resumed at 10:15pm.

## ORDINARY MEETING

Minutes: 19 July 2022

### SECTION 1 - Confirmation of Minutes

#### 145 RESOLUTION:

RESOLVED on the motion of Councillor Veigel and seconded by Councillor Reardon that the Minutes of the Ordinary held on 14 June 2022, be confirmed.

### CONDOLENCES

#### Item: 120 Condolences for Paul Rasmussen - (125610)

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Ms Christine Paine and Ms Colleen Turnbull addressed Council, concerning the passing of former Councillor Paul Rasmussen.

#### MOTION:

RESOLVED on the motion by the Mayor, Councillor Conolly.

*Refer to RESOLUTION*

#### 146 RESOLUTION:

RESOLVED on the motion by the Mayor, Councillor Conolly.

That Council:

1. Recognise the recent passing of Paul Rasmussen, a former Hawkesbury City Councillor who served our community in this role and many others for over 20 years.
2. Express its condolences and gratitude for Paul's service, via letter, to the Rasmussen Family; and
3. Observe one minute's silence in respect of Paul's contribution to our community.

One minute's silence was observed in memory of Paul Rasmussen.

## ORDINARY MEETING

Minutes: 19 July 2022

### SECTION 2 – Mayoral Minutes

#### Item: 121                      MM1 - Raising the Warragamba Dam Wall - (125610)

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Mr Daniel Dalea and Mr Maurice Smith addressed Council speaking for the recommendation in the business paper.

Ms Sophie Devine, Ms Linda Fenech and Ms Sam Magnusson addressed Council speaking against the recommendation in the business paper.

A MOTION was moved by the Mayor, Councillor Conolly.

That Council:

1. Request a meeting with the NSW Minister for Water and Mayors and MPs representing areas within the Hawkesbury-Nepean Floodplain, to advocate for Warragamba Dam to be immediately used as a Flood Mitigation Dam.
2. Again calls on the NSW Government to urgently proceed with the raising of Warragamba Dam Wall as currently proposed.

An AMENDMENT was moved by Councillor Wheeler, seconded by Councillor Lyons-Buckett.

That Council:

1. Immediately contacts all members of the NSW Parliament requesting urgent action to facilitate the lowering of Warragamba for flood mitigation, stabilisation of river banks, and improvements to evacuation routes.
2. Contacts Mayors of Councils on and adjacent to the Hawkesbury-Nepean floodplain and WSROC seeking their support and advocacy for Part 1.

**For the Amendment:** Councillors Calvert, Djuric, Kotlash, Lyons-Buckett and Wheeler.

**Against the Amendment:** Councillors Conolly, McMahon, Reardon, Sheather, Veigel, and Zamprogno.

**Absent:** Councillor Dogramci.

The Amendment was lost.

## ORDINARY MEETING

Minutes: 19 July 2022

A MOTION was moved by the Mayor, Councillor Conolly.

That Council:

1. Request a meeting with the NSW Minister for Water and Mayors and MPs representing areas within the Hawkesbury-Nepean Floodplain, to advocate for Warragamba Dam to be immediately used as a Flood Mitigation Dam.
2. Notes that Council's position of calling for the NSW Government to proceed with the Warragamba Dam Raising Project, remains unchanged.

A PROCEDUAL MOTION was moved by Councillor Wheeler that this item be dealt with in seriatim.

The Procedural Motion was carried.

### **MOTION:**

RESOLVED on the motion of the Mayor, Councillor Conolly.

*Refer to RESOLUTION*

### **147 RESOLUTION:**

RESOLVED on the motion of the Mayor, Councillor Conolly.

1. Request a meeting with the NSW Minister for Water and Mayors and MPs representing areas within the Hawkesbury-Nepean Floodplain, to advocate for Warragamba Dam to be immediately used as a Flood Mitigation Dam.

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

**Against the Motion:** Nil.

**Absent:** Councillor Dogramaci.



## ORDINARY MEETING

Minutes: 19 July 2022

### MOTION:

RESOLVED on the motion of the Mayor, Councillor Conolly.

*Refer to RESOLUTION*

### 148 RESOLUTION:

RESOLVED on the motion of the Mayor, Councillor Conolly.

2. Notes that Council's position of calling for the NSW Government to proceed with the Warragamba Dam Raising Project, remains unchanged.

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

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

**Absent:** Councillor Dogramaci.

## ORDINARY MEETING

Minutes: 19 July 2022

### Item: 122                      MM2 - Accounting Treatment of NSW Rural Fire Service "Red Fleet" Assets - (125610)

Councillor McMahon declared a significant non-pecuniary conflict of interest in this matter as she is a member of the NSW Rural Fire Service. She left the Chamber and did not take part in voting or discussion on the matter.

Councillor Wheeler declared a less than significant non-pecuniary conflict of interest in this matter as she is a member of the NSW Rural Fire Service, as is her son. No further action is required as Councillor Wheeler is not involved in the management or administration of the Rural Fire Service and the interests of Council and the Rural Fire Service are not in conflict.

#### MOTION:

RESOLVED on the motion of the Mayor, Councillor Conolly.

#### *Refer to RESOLUTION*

#### 149 RESOLUTION:

RESOLVED on the motion of the Mayor, Councillor Conolly.

That:

1. Council writes to the local State Member the Hon Robyn Preston MP, the Treasurer the Hon Matt Kean MP, Minister for Emergency Services and Resilience the Hon Stephanie Cook MP and the Minister for Local Government Wendy Tuckerman MP:
  - a) Expressing Council's objection to the NSW Government's determination on ownership of RFS assets.
  - b) Advising of the impact of the Government's position on Council finances of this accounting treatment.
  - c) Informing that Council will not carry out RFS asset stocktakes on behalf of the NSW Government.
  - d) Calling on the NSW Government to take immediate action to permanently clear up inequities and inconsistencies around the accounting treatment of RFS assets by acknowledging that rural firefighting equipment is vested in, under the control of and the property of the RFS; and
  - e) Amending s119 of the *Rural Fires Act 1997* so that the effect is to make it clear that RFS assets are not the property of councils.
2. Council writes to the Shadow Treasurer Daniel Mookhey MLC, the Shadow Minister for Emergency Services Jihad Dib MP, the Shadow Minister for Local Government Greg Warren MP, the Greens Spokesperson for Local Government Jamie Parker MP and the leaders of the Shooters, Fishers and Farmers, Animal Justice and One Nation parties Robert Borsak MLC, Emma Hurst MLC and Mark Latham MLC:
  - a) Advising Members of Hawkesbury Council's position, including providing copies of correspondence to NSW Government Ministers; and
  - b) Seeking Members' commitments to support NSW Councils' call to amend the *Rural Fires Act 1997* as set out in correspondence.

## ORDINARY MEETING

Minutes: 19 July 2022

3. Council writes to the Auditor General advising that notwithstanding any overtures of future qualified audits, it will not carry out RFS stocktakes on behalf of the NSW Government, noting that the State Government's own *Local Government Accounting Code of Practice and Financial Reporting* provides for councils to determine whether or not they record the RFS assets as council assets.
4. Council re-affirms its complete support of and commitment to local RFS brigades noting that Hawkesbury Council's action is entirely directed towards the NSW Government's position that rather than being owned and controlled by local brigades, RFS assets are somehow controlled by councils, which councils consider to be a financial sleight of hand abdicating the NSW Government's responsibilities at the cost of local communities.
5. Council affirms its support to LGNSW and requests LGNSW continue advocating on Council's behalf to get clarification finally from the State Government about the accounting treatment of RFS assets.

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

**Against the Motion:** Nil.

**Absent:** Councillor McMahon.

## ORDINARY MEETING

Minutes: 19 July 2022

### SECTION 3 – Reports for Determination

#### PLANNING DECISIONS

**Item: 123**                      **CP - Redbank Voluntary Planning Agreement - Proposed Grose River Bridge - Location and Milestones - (95498)**

**Previous Item:**            152, Ordinary (10 August 2021)  
                                     11, Ordinary (11 February 2020)  
                                     294, Ordinary (11 December 2018)  
                                     124, Ordinary (29 May 2018)  
                                     118, Ordinary (27 June 2017)  
                                     99, Ordinary (24 June 2014 - deferred 1 July 2014)  
                                     54, Ordinary (25 March 2014)  
                                     223, Ordinary (12 November 2013)

**Directorate:**              City Planning

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Ms Jeanne Rasmussen addressed Council speaking for the recommendation in the business paper.

Ms Janet Hatherley, Ms Marian Wilcox and Ms Stephanie Calabornes addressed Council speaking against the recommendation in the business paper.

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

That Council:

1. Place the draft amended Redbank Voluntary Planning Agreement and Explanatory Note included as Attachment 1 to the report on public exhibition for a minimum of 28 days, with the draft amended Redbank VPA to be reported back to Council following exhibition prior to finalisation.
2. Note the proposed variation to the Voluntary Planning Agreement Milestone for practical completion of Peel Park as set out below:

Reference	Activity	Current Milestone	Proposed Amended Milestone
Refer VPA Schedule 2, Item 1.7, Page 5 of 9	Practical completion of Peel Park	901 <sup>st</sup> urban lot	915 <sup>th</sup> urban lot

## ORDINARY MEETING

Minutes: 19 July 2022

An AMENDMENT was moved by Councillor Wheeler, seconded by Councillor Lyons-Buckett.

That this matter be deferred to the Council Meeting in August 2022 so that further information can be provided about the change of route to go through the Wilcox property, and alternatives.

In accordance with Section 375A of the Local Government Act 1993 a division is required to be called whenever a planning decision is put at a council or committee meeting. Accordingly, the Chairperson called for a division in respect of the amendment, the results of which were as follows:

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

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

**Absent:** Nil.

The Amendment was lost.

### MOTION:

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

### *Refer to RESOLUTION*

### 150 RESOLUTION:

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

That Council:

1. Place the draft amended Redbank Voluntary Planning Agreement and Explanatory Note included as Attachment 1 to the report on public exhibition for a minimum of 28 days, with the draft amended Redbank VPA to be reported back to Council following exhibition prior to finalisation.
2. Note the proposed variation to the Voluntary Planning Agreement Milestone for practical completion of Peel Park as set out below:

Reference	Activity	Current Milestone	Proposed Amended Milestone
Refer VPA Schedule 2, Item 1.7, Page 5 of 9	Practical completion of Peel Park	901 <sup>st</sup> urban lot	915 <sup>th</sup> urban lot

3. Hold a Councillor Briefing Session so that further information can be provided about the change of route to go through the Wilcox property, and alternatives.

In accordance with Section 375A of the Local Government Act 1993 a division is required to be called whenever a planning decision is put at a council or committee meeting. Accordingly, the Chairperson called for a division in respect of the motion, the results of which were as follows:

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

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

**Absent:** Nil.

## ORDINARY MEETING

Minutes: 19 July 2022

### GENERAL MANAGER

**Item: 124**                      **GM - Adjustment to the Making of Ordinary Rates for the year ending 30 June 2023 - (79351)**

**Previous Item:**              074, Ordinary (14 June 2022)

**Directorate:**                General Manager

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#### **MOTION:**

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

***Refer to RESOLUTION***

#### **151 RESOLUTION:**

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

That in accordance with Section 494 of the Local Government Act, 1993, Council make the Ordinary Rates as shown in Table 1 in this report, based on a 50% Base Amount and the approved 2.5% Additional Special Variation for the rating year commencing 1 July 2022.

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

**Against the Motion:**        Councillors Lyons-Buckett and Wheeler.

**Absent:**                        Nil.

## ORDINARY MEETING

Minutes: 19 July 2022

**Item: 125**                      **GM - Change in Councillor Numbers - (79351)**

**Previous Item:**            114, Ordinary (14 June 2022)

**Directorate:**                General Manager

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### **MOTION:**

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

***Refer to RESOLUTION***

### **152 RESOLUTION:**

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

That:

1. The report regarding changing the number of Councillors be received and noted.
2. This matter be further discussed at a Councillor Briefing Session.

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

**Against the Motion:**            Nil.

**Absent:**                            Nil.

## ORDINARY MEETING

Minutes: 19 July 2022

**Item: 126**                      **GM - 2022 Local Government NSW Annual Conference - (79351, 79633)**

**Directorate:**                General Manager

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

That:

1. The report be received and noted.
2. Attendance of nominated Councillors and staff as considered by the General Manager, at the 2022 Local Government NSW Annual Conference at an approximate cost of \$2,650 plus travel expenses per delegate be considered.
3. The nomination of five Councillor voting delegates, for voting on Conference motions be considered.
4. Council consider whether to submit any motions to the 2022 Local Government NSW Annual Conference.
5. After participating in the Conference, delegates provide a written report to the General Manager detailing the proceedings and findings, as well as any other aspects of the Conference relevant to Council business and/or the local community.

An AMENDMENT was moved by Councillor McMahon, seconded by Councillor Veigel.

That:

1. The report be received and noted.
2. Attendance of nominated Councillors and staff as considered by the General Manager, at the 2022 Local Government NSW Annual Conference at an approximate cost of \$2,650 plus travel expenses per delegate be considered.
3. The nomination of two Councillor voting delegates, for voting on Conference motions be considered.
4. Council consider whether to submit any motions to the 2022 Local Government NSW Annual Conference.
5. After participating in the Conference, delegates provide a written report to the General Manager detailing the proceedings and findings, as well as any other aspects of the Conference relevant to Council business and/or the local community.

**For the Amendment:**        Councillors Conolly, Djuric, McMahon, Reardon, Sheather, Veigel and Zamprogn.

**Against the Amendment:** Councillors Calvert, Dogramaci, Kotlash, Lyons-Buckett and Wheeler.

**Absent:**                        Nil.

The Amendment was carried.



## ORDINARY MEETING

Minutes: 19 July 2022

### MOTION:

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

### *Refer to RESOLUTION*

### 153 RESOLUTION:

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

That:

1. The report be received and noted.
2. Attendance of Councillors Dogramaci and Wheeler and staff as considered by the General Manager, at the 2022 Local Government NSW Annual Conference at an approximate cost of \$2,650 plus travel expenses per delegate be approved.
3. Councillors Dogramaci and Wheeler be nominated as Council's voting delegates, for voting on Conference motions.
4. Council consider whether to submit any motions to the 2022 Local Government NSW Annual Conference.
5. After participating in the Conference, delegates provide a written report to the General Manager detailing the proceedings and findings, as well as any other aspects of the Conference relevant to Council business and/or the local community.

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

**Against the Motion:** Nil.

**Absent:** Nil.

## ORDINARY MEETING

Minutes: 19 July 2022

### INFRASTRUCTURE SERVICES

**Item: 127**                      **IS - Rising Main C Failure - (95495)**

**Previous Item:**            94, Ordinary (10 May 2022)

**Directorate:**               Infrastructure Services

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#### **MOTION:**

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

*Refer to RESOLUTION*

#### **154 RESOLUTION:**

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

That Council receive the report on the failure of Sewer Rising Main C and note the information within it.

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

**Against the Motion:**       Nil.

**Absent:**                       Nil.

## ORDINARY MEETING

Minutes: 19 July 2022

**Item: 128**                      **IS - Road Naming Proposal Vineyard Precinct Stage 1 - Part 2 - (95495)**

**Previous Item:**              037, Ordinary (22 February 2022)

**Directorate:**                Infrastructure Services

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### **MOTION:**

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

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

### **155 RESOLUTION:**

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

That Council:

1. In accordance with the requirements of the NSW Roads Act 1993, place on public exhibition the road names listed in Attachment 2 to this report, in Vineyard and Oakville, except the road names Lantana, Creeper, Lovegrass, Godwit and Whiteroot for a period of 28 days.
2. At the expiration of the public notification period outlined in Part 1 above, the following action be taken:
  - a) Should any material submissions of objection be received regarding the proposed Road Naming Proposal Vineyard Precinct Stage 1 – Part 2, a further report be submitted to Council, or
  - b) Should no material submissions of objection be received, Council adopt the Road Naming Proposal as shown in Attachment 2 to this report.
3. Begin preparation of a local street naming policy that is consistent with the Reconciliation Action Plan.

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

**Against the Motion:**        Nil.

**Absent:**                        Nil.

### **156 RESOLUTION:**

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

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

## ORDINARY MEETING

Minutes: 19 July 2022

### SUPPORT SERVICES

**Item: 129**                      **SS - Investment Report - May 2022 - (95496)**

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

**Directorate:**               Support Services

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#### **MOTION:**

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

*Refer to RESOLUTION*

#### **157 RESOLUTION:**

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

That the Monthly Investment Report for May 2022 be received and noted.

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

**Against the Motion:**       Nil.

**Absent:**                      Councillor Lyons-Buckett.

## ORDINARY MEETING

Minutes: 19 July 2022

**Item: 130**                      **SS - Review of Council's Investment Policy - (95496, 96332)**

**Previous Item:**              95, Ordinary (25 May 2021)

**Directorate:**                Support Services

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### **MOTION:**

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

***Refer to RESOLUTION***

### **158 RESOLUTION:**

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

That Council adopt the Investment Policy attached as Attachment 1 to this report.

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

**Against the Motion:**        Nil.

**Absent:**                        Councillor Lyons-Buckett.

## ORDINARY MEETING

Minutes: 19 July 2022

### SECTION 4 – Reports of Committees

**Item: 131**                      **ROC - Local Traffic Committee - 20 June 2022 - (80245)**

**Directorate:**                      Infrastructure Services

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#### **MOTION:**

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

*Refer to RESOLUTION*

#### **159 RESOLUTION:**

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

That Council adopt the recommendations contained in the minutes of the Hawkesbury City Council Traffic Committee meeting held on 20 June 2022.

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

**Against the Motion:**                      Nil.

**Absent:**                                      Councillor Lyons-Buckett.

## ORDINARY MEETING

Minutes: 19 July 2022

### SECTION 5 – Notices of Motion

Item: 132                      NM - Electricity Supply - (125612)

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#### MOTION:

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

*Refer to RESOLUTION*

#### 160 RESOLUTION:

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

That Council:

1. Acknowledges the vulnerability of electricity supply during natural disasters.
2. Form a Councillor Working Group to consider the issue of electricity supply, including to communications towers, during natural disasters in the Hawkesbury. The Working Group should review the challenges involved in supplying electricity during a flood and potential solutions, and provide a report to the Disaster and Emergency Management Committee to make a recommendation to Council on a submission to the relevant agencies, outlining actions they could take to limit the loss of electricity supply and communications during natural disasters.
3. Provide a submission to Susan Templeman MP and Robyn Preston MP and a meeting requested to advocate for the improvements identified to be delivered by the NSW and Australian Governments.
4. Urgently seeks a response from the NSW Government on the timeframe around delivery of evacuation route upgrades in the Hawkesbury Local Government Area.
5. Requests from Infrastructure NSW, the details, costings and information about impacts of the McGraths Hill levee which was previously identified as a cost effective localised flood protection option.

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

**Against the Motion:** Nil.

**Absent:** Nil.

**ORDINARY MEETING**

**Minutes:** 19 July 2022

**Item: 133**                      **RM - Licence Agreement for Signage at Industry Road Reserve, Vineyard - (80107, 155345, 155346)**

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**MOTION:**

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

*Refer to RESOLUTION*

**161 RESOLUTION:**

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

That Item 133 be dealt with in closed session on the grounds that information would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, under Section 10A(2)(c) of the Local Government Act 1993.

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

**Against the Motion:**              Nil.

**Absent:**                                  Nil.



## ORDINARY MEETING

Minutes: 19 July 2022

### CONFIDENTIAL REPORTS

#### 162 RESOLUTION:

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

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: 133 RM – Licence Agreement for Signage at Industry Road Reserve, Vineyard - (80107, 155345, 155346)**

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

**Item: 134 SS – Lease to Wesley Community Services Limited - Suite 2 Deerubbin Centre, Level 1, 300 George Street, Windsor - (144638, 95496, 112106)**

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

**Item: 135 SS - Lease to The Minister Administering the NPWS Act - Bowman Cottage, 368 Windsor Street, Richmond - (95496, 112106, 134759)**

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

**Item: 136 SS - Outstanding Receivables - Bad Debts Write Off - (95496, 96332)**

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(a) of the Local Government Act, 1993 Act as it relates to personnel matters concerning particular individuals (other than councillors)*

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

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

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

#### 163 RESOLUTION:

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

## ORDINARY MEETING

Minutes: 19 July 2022

**Item: 133**                      **RM - Licence Agreement for Signage at Industry Road Reserve, Vineyard - (80107, 155345, 155346)**

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### **MOTION:**

The General Manager advised that whilst in closed session, the Council considered the motion of Councillor Sheather, seconded by Councillor Djuric.

That Council Resolution 143 from the Council meeting on 14 June 2022, being the resolution from Item 118 SS - Licence Agreement for Signage at Industry Road Reserve, Vineyard, be rescinded.

**For the Motion:**                      Councillors Djuric, Dogramaci, Lyons-Buckett, Sheather, Wheeler and Zamprogn.

**Against the Motion:**                Councillors Conolly, Calvert, Kotlash, McMahon, Reardon and Veigel.

**Absent:**                                  Nil.

The Motion was lost on the casting vote of the Mayor, Councillor Conolly.

## ORDINARY MEETING

Minutes: 19 July 2022

**Item: 134**                      **SS - Lease to Wesley Community Services Limited - Suite 2, Deerubbin Centre, Level 1, 300 George Street, Windsor - (144638, 95496, 112106)**

**Previous Item:**              191, Ordinary (31 July 2018)

**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 Kotlash.

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

### **164 RESOLUTION:**

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

That:

1. Council agree to enter into a new lease with Wesley Community Services Limited, in regard to Suite 2, Deerubbin Centre, Level 1, 300 George Street, Windsor, in accordance with the proposal outlined in the report.
2. Authority be given for any necessary documentation in association with this matter to be executed under the Seal of Council.
3. Details of Council's resolution be conveyed to the proposed Lessee, together with the advice that Council is not, and will not, be bound by the terms of its resolution, until such time as appropriate legal documentation to put such resolution into effect has been agreed to and executed by all parties.

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

**Against the Motion:**        Nil.

**Absent:**                        Councillor McMahon.

## ORDINARY MEETING

Minutes: 19 July 2022

**Item: 135**                    **SS - Lease to The Minister Administering the NPWS Act - Bowman Cottage, 368 Windsor Street, Richmond - (95496, 112106, 134759)**

**Previous Item:**            119, Ordinary (27 June 2017)

**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 Veigel, seconded by Councillor Kotlash.

***Refer to RESOLUTION***

### **165 RESOLUTION:**

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

That Council delegate authority to the General Manager to negotiate a lease with the Minister Administering the National Parks and Wildlife Act on behalf of the National Parks and Wildlife Service.

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

**Against the Motion:**      Nil.

**Absent:**                      Nil.

## ORDINARY MEETING

Minutes: 19 July 2022

**Item: 136**                      **SS - Outstanding Receivables - Bad Debts Write Off - (95496, 96332)**

**Previous Item:**              122, Ordinary (25 June 2019)

**Directorate:**                Support Services

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Councillor McMahon declared a significant non-pecuniary conflict of interest in this matter as she knew one of the debtors. She left the Chamber and did not take part in voting or discussion on the matter.

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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 Kotlash.

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

### **166 RESOLUTION:**

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

That:

1. Council write off the following debts as at 30 June 2022:
  - a) The debt owed by Debtor Account 7300213 in respect of residential rent and legal fees totalling \$7,827 be written off as a bad debt.
  - b) The debt owed by Debtor Account 7309310 in respect of commercial rent and disbursements totalling \$164,434 be written off as a bad debt.
  - c) The debt owed by Debtor Account 7309963 in respect of commercial sullage and food inspection fees totalling \$30,753 be written off as a bad debt.
  - d) The debt owed by Debtor Account 7309990 in respect of food inspection and legal fees totalling \$923 be written off as a bad debt.
  - e) The debt owed by Debtor Account 7310220 in respect of food inspection and legal fees totalling \$1,316 be written off as a bad debt.
  - f) The debt owed by Debtor Account 7312057 in respect of food inspection fees totaling \$886 be written off as a bad debt.
2. Council increases the delegated authority of the General Manager or Responsible Accounting Officer to write off bad debts to \$5,000 and amend the Debt Recovery, Pensioner Concession and Hardship Policy accordingly.
3. Council adopted the amended Debt Recovery, Pensioner Concession and Hardship Policy, attached as Attachment 1 to this report.

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

**Against the Motion:**        Nil.

**Absent:**                        Councillor McMahon.

**ORDINARY MEETING**

**Minutes:** 19 July 2022

The meeting terminated at 11:59pm.

Submitted to and confirmed at the Ordinary meeting held on 9 August 2022.

.....  
Mayor

Ordinary

Section **2**

Mayoral minutes

**ORDINARY MEETING**  
**SECTION 2 – Mayoral Minute**  
**Meeting Date:** 09 August 2022



**ORDINARY MEETING**  
**SECTION 2 – Mayoral Minute**  
**Meeting Date:** 09 August 2022

**SECTION 2 – Mayoral Minutes**

**Item: 137**                      **MM - Upgrades to Evacuation Routes - (125610)**

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**BACKGROUND**

The Resilient Valley, Resilient Communities Hawkesbury-Nepean Valley Flood Risk Management Strategy was published by the NSW Government in 2017.

The Strategy provided nine key outcomes, one of which was to ensure that our road network, across State, Regional and Local roads, is adequate for evacuating our people, removing them from harm's way.

In support of this key outcome, local evacuation roads will be upgraded to support flood evacuation. Around 40 high priority local evacuation road upgrades were identified for investment to maintain access to major regional evacuation roads.

There are currently nine major regional evacuation routes identified for the evacuation of Hawkesbury residents during flood events, including:

- Pitt Town Route
- Windsor, Road Route
- Hawkesbury Valley Way
- Richmond, Road Route
- The Northern, Road Route
- Llandilo, Road Route
- Londonderry, Road Route
- Castlereagh, Road Route
- Old Northern, Road Route.

These major regional evacuation routes are a combination of local roads (including local roads within Hawkesbury, Blacktown, Hornsby and Penrith Local Government Areas), access roads through National Park, and state controlled roads.

Of primary concern for Council and the community is the Pitt Town Route and the issues experienced with this evacuation route during the March and July 2022 Flood events.

The Pitt Town Route utilises a combination of the local road network and access roads through the Scheyville National Park. When not in use as an evacuation route, this local road network and access roads meets the service needs, function and capacity requirements. However, when used as an evacuation route, the function and capacity is increased significantly, at a time when the roads are at their weakest, and has proved to be substandard to say the least.

The increased use of this evacuation route has been a consequence of the increase in urban residential development within Pitt Town that was approved by the NSW State Government as a Part 3A approval for the Pitt Town development. To date there has been no significant State Government funding to improve the function and capacity of this evacuation route commensurate with the increased use of the route from the NSW Government approved Pitt Town development. Additionally, from the Community's perspective there is uncertainty about who is responsible for the operation and maintenance of this evacuation route, and put quite simply the Pitt Town community deserves a safe and reliable evacuation route to use when this community is most vulnerable and in need.

In terms of the other major regional evacuation routes, it should be noted that as devastating as the March 2022 (13.8 metres at Windsor) and July 2022 (13.93 metres at Windsor) Flood events have been, they have still only represented either a 1:20 year flood or slightly over a 1:20 year Flood event. The 1:100 year Flood event at Windsor is 17.3 metres (over 3 metres higher) and the 1867 flood of record at 19.7 metres

**ORDINARY MEETING**  
**SECTION 2 – Mayoral Minute**  
**Meeting Date: 09 August 2022**

(almost 6 metres higher). As such the other major evacuation routes have not had the same pressures and been tested to the same degree as the Pitt Town Route.

Last week, residents were provided an update from Transport for NSW on the Hawkesbury-Nepean Valley Flood Evacuation Road Resilience Program attached as Attachment 1 to this report. The communications showed that the majority of the evacuation route improvements were to be undertaken within the Penrith Local Government Area with very few upgrades to local road infrastructure in the Hawkesbury. The update also indicated that commencement of any construction would not occur until late 2025.

Having now experienced five Flood events since 2020 (including the two most significant events in March and July 2022), it is clear that a number of our evacuation routes, including that to the Pitt Town community, need urgent upgrades.

Early assessment by Council staff has indicated that a major safety upgrade to the Pitt Town evacuation route from Bootles Lane to Boundary Road could be delivered for approximately \$9 million. This would provide for widening to 8 metres, improved road alignments and two intersection upgrades to improve safety.

It is also noted that the Resilient Valley Resilient Communities Strategy was released in 2017, prior to the most recent five flood events, indeed the most recent lived experience of flooding prior to this was in February 1992. It is recommended that Council seek that the NSW Government review the recommendations of the Resilient Valley Resilient Communities Strategy in relation to flood evacuation routes now that the impacts and experiences of these events have been felt and observed.

It is further recommended that immediate funding be allocated towards providing safe and reliable evacuation routes from the Hawkesbury Local Government Area, particularly the Pitt Town Route.

**RECOMMENDATION**

That Council writes to the local State Member the Hon Robyn Preston MP, Minister for Metropolitan Roads the Hon Natalie Ward MP and the Minister for Emergency Services and Resilience the Hon Steph Cooke MP:

1. Seeking funding for the immediate safety upgrades of the Pitt Town Evacuation Route;
2. Advocating for an expedited delivery timetable for the current proposed improvements to existing flood evacuation routes in the Hawkesbury-Nepean Valley; and
3. Requesting that, with the knowledge acquired from the five most recent flood events, a thorough review be undertaken of what additional upgrades to flood evacuation routes may be necessary.

**ATTACHMENTS:**

- AT - 1** Communications from TfNSW - Hawkesbury-Nepean Valley Flood Evacuation Road Resilience Program – August 2022.

**ORDINARY MEETING**  
**SECTION 2 – Mayoral Minute**  
**Meeting Date: 09 August 2022**

**AT - 1      Communications from TfNSW - Hawkesbury-Nepean Valley Flood Evacuation Road Resilience Program – August 2022**

Transport for NSW

## Hawkesbury-Nepean Valley Flood Evacuation Road Resilience Program

Community Update | August 2022



The NSW Government is delivering the Resilient Valley, Resilient Communities – Hawkesbury-Nepean Valley Flood Risk Management Strategy (the Flood Strategy).

As part of the Flood Strategy, Transport for NSW have identified more than 100 infrastructure improvements at key low points of the flood evacuation road network in the Hawkesbury-Nepean Valley.

### About the Road Resilience Program

The NSW and Australian Governments have committed \$33 million towards planning for more than 100 improvements that will make the flood evacuation network more resilient.

Road infrastructure improvements have been identified across four Western Sydney Local Government areas: Penrith, Hawkesbury, Blacktown, and The Hills.

The improvement projects include road shoulder widening, new culvert and bridge structures, road raising, pinch point upgrades and drainage improvements to address local flash flooding which causes premature closure of evacuation routes.

The Hawkesbury-Nepean Valley has the highest flood exposure in NSW due to its unique landscape and large existing population. Floods in the Hawkesbury-Nepean Valley can and have had a significant impact on people's lives, livelihoods, and homes.

The objective of the Hawkesbury Nepean Valley Flood Evacuation Road Resilience Program is to improve the immunity of existing evacuation routes to local and flash flooding in a major flood event.

### Current planning stage

Transport is working closely with local councils on the planning of the improvements across state, local and regional roads.

Planning work will commence from August, including site investigations to inform the development of identified improvements.

Preliminary site investigation works will be undertaken across the four Local Government Areas as shown in the map overleaf.

The diagram below shows the planning lifecycle, outlining where the current planning stage is in relation to the overall timeframe of the program.



Transport for NSW  
[roads-maritime.transport.nsw.gov.au](https://roads-maritime.transport.nsw.gov.au)

**ORDINARY MEETING**  
**SECTION 2 – Mayoral Minute**  
**Meeting Date: 09 August 2022**

**Site investigation work**

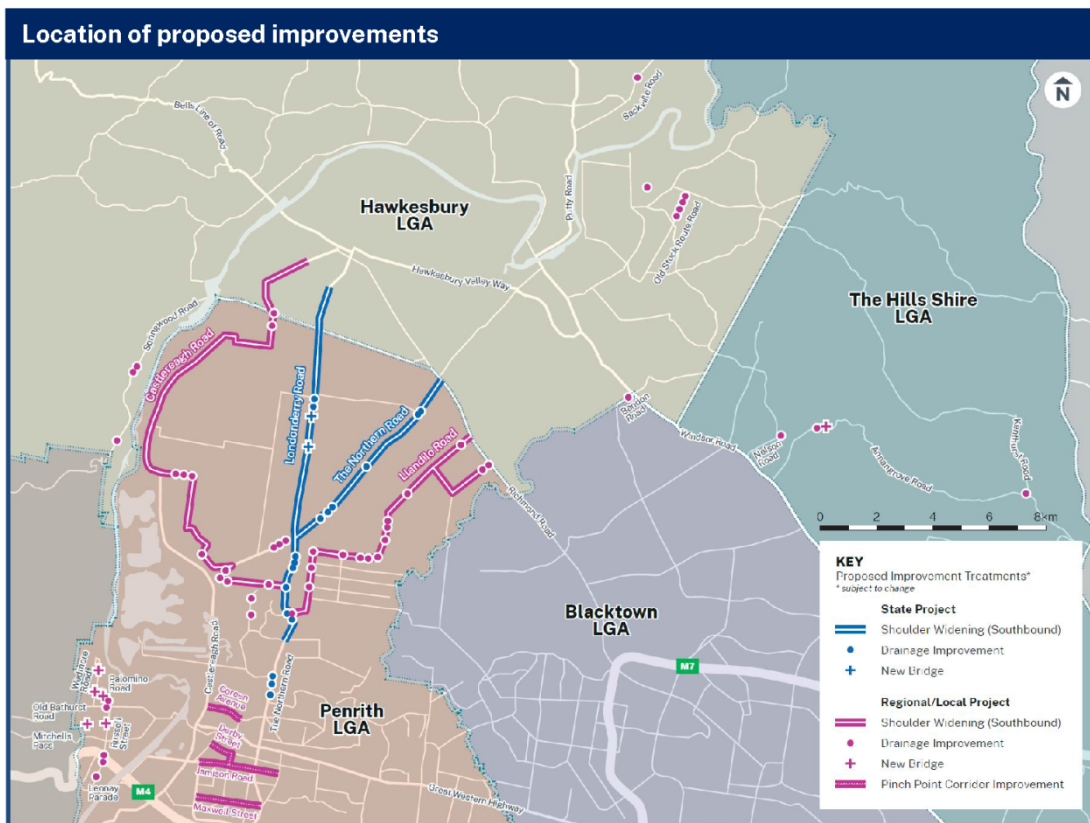
Investigations will include surveying, utility, environmental and geotechnical investigations.

The work may include some potholing, drilling or excavating holes to collect information on underground utilities, groundwater, soil and rock conditions.

Once complete we will reinstate the area by replacing soil.

Transport will soon be in contact with property owners where we require access to private property to carry out the investigations.

The map below shows the extent of preliminary site investigation works as part of the planning phase of the Program.



**Contact us**

If you have any questions or would like more information, please contact our program team:



1800 684 490



[hmvroadresilience@transport.nsw.gov.au](mailto:hmvroadresilience@transport.nsw.gov.au)



[roads-maritime.transport.nsw.gov.au](http://roads-maritime.transport.nsw.gov.au)



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oooO END OF MAYORAL MINUTE Oooo

Ordinary

Section 3

Reports  
for determination

**ORDINARY MEETING**

**SECTION 3 – Reports for Determination**

**Meeting Date:** 09 August 2022

**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 09 August 2022**

**SECTION 3 – Reports for Determination**

**GENERAL MANAGER**

**Item: 138**                      **GM - Review of Delegations of Authority under Section 377 of the Local Government Act 1993 - (79351)**

**Previous Item:**            129, Ordinary (25 July 2017)

**Directorate:**                General Manager

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**PURPOSE OF THE REPORT:**

The purpose of this report is to outline Council's delegations of authority under Section 377 of the Local Government Act 1993 for review.

**EXECUTIVE SUMMARY:**

Council is required to review its delegation within the first 12 months of each term of office.

Under Section 377 of the Local Government Act 1993, Council can, by resolution, delegate functions of Council under this or any other Act to the General Manager or to any other person or body.

The suggested delegated authorities include:

- The General Manager
- Council Committees, including:
  - Community Services Committee
  - Environment Committee
  - Innovation and Partnerships Committee
  - Disaster and Emergency Committee
  - Heritage Committee
  - General Manager's Performance Review Panel
- Community based management committees, for:
  - Child care centres
  - Pre-schools
  - Children and family centres
  - Community buildings, neighbourhood centres and halls
  - Playing fields/parks
  - Cemeteries
  - Externally funded services provided by Peppercorn Services Inc.

**RECOMMENDATION:**

That Council resolve to confirm the delegations attached as Attachment 1 to this report.

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**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 09 August 2022**

**BACKGROUND**

Under Section 380 of the Local Government Act 1993 (the Act), Council is required to review its delegations of authority during the first 12 months of each term of office.

Council's general power to delegate its functions is contained within Section 377 of the Act, which says:

*“(1) A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council under this or any other Act, other than the following—*

- (a) the appointment of a general manager,*
- (b) the making of a rate,*
- (c) a determination under section 549 as to the levying of a rate,*
- (d) the making of a charge,*
- (e) the fixing of a fee,*
- (f) the borrowing of money,*
- (g) the voting of money for expenditure on its works, services or operations,*
- (h) the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),*
- (i) the acceptance of tenders to provide services currently provided by members of staff of the council,*
- (j) the adoption of an operational plan under section 405,*
- (k) the adoption of a financial statement included in an annual financial report,*
- (l) a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,*
- (m) the fixing of an amount or rate for the carrying out by the council of work on private land,*
- (n) the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,*
- (o) the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the Environmental Planning and Assessment Act 1979,*
- (p) the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,*
- (q) a decision under section 356 to contribute money or otherwise grant financial assistance to persons,*
- (r) a decision under section 234 to grant leave of absence to the holder of a civic office,*
- (s) the making of an application, or the giving of a notice, to the Governor or Minister,*
- (t) this power of delegation,*



**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 09 August 2022**

- (u) *any function under this or any other Act that is expressly required to be exercised by resolution of the council.*
- (1A) *Despite subsection (1), a council may delegate its functions relating to the granting of financial assistance if—*
- (a) *the financial assistance is part of a specified program, and*
- (b) *the program is included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and*
- (c) *the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and*
- (d) *the program applies uniformly to all persons within the council's area or to a significant proportion of all the persons within the council's area.*
- (2) *A council may, by resolution, sub-delegate to the general manager or any other person or body (not including another employee of the council) any function delegated to the council by the Departmental Chief Executive except as provided by the instrument of delegation to the council."*

**Council Committees**

Since the last review of the delegations, Council's Committee structure has changed. At the Council Meeting held on 8 December 2020, Council resolved dissolve the following Council Committees as of 31 December 2020:

- Access and Inclusion Committee
- Human Services Advisory Committee
- Tourism Advisory Committee
- Waste Management Advisory Committee
- Civics and Citizenship Committee
- Floodplain Risk Management Advisory Committee
- Infrastructure Committee
- Environment Sustainability Advisory Committee.

The following Council Committees comprising of Councillors were established in their place:

- Community Services Committee
- Environment Committee
- Innovation and Partnerships Committee
- Disaster and Emergency Committee.

The Heritage Committee remained unchanged.

The Office of Local Government's 'Guidelines for the Appointment and Oversight of General Managers' released under Section 23A of the Act provides guidance on the delegations assigned to the General Manager's Performance Review Panel.

Within the General Manager's performance management framework should be a Performance Review Panel who are to be delegated the task of performance reviews of the General Manager. The Panel is to be comprised of the Mayor, the Deputy Mayor, another Councillor nominated by Council and a Councillor nominated by the General Manager.

At the Council Meeting held on 11 January 2022, Councillors Conolly, Calvert and Richards were appointed as representatives on Council's General Manager's Performance Review Panel.

**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 09 August 2022**

**Relevant Legislation**

Local Government Act 1993

**DISCUSSION**

To ensure the effective operation of the organisation, Council delegates authority to the General Manager, Committees and other organisations to provide a wide range of functions and services.

The General Manager sub-delegates appropriate authorities to various staff to facilitate the efficient and effective day-to-day operation of the Council.

The delegations of authority extended by Council under Section 377 of the Act are detailed below and in Attachment 1 to this report.

**Delegated Authority to the General Manager**

The delegated authority to the General Manager is:

*“That:*

1. *Hawkesbury City Council in order to provide for the expedient exercise and performance of its powers and duties and the efficient management of its business and responsibilities delegates under Section 377 of the Local Government Act 1993 to the General Manager the exercise of Council’s powers, functions, duties and authorities contained in legislation and the functions of the Council as specified in:*
  - i) *The Local Government Act and related Acts, and;*
  - ii) *Other Acts under which Council has powers, authorities, duties and functions.*
2. *This delegation is subject to the following limitations:*
  - i) *The provisions of the Local Government Act 1993 and any legislation relevant to the delegations;*
  - ii) *Council may by resolution direct the General Manager in the exercise of any function herein delegated;*
  - iii) *The General Manager shall exercise the functions herein delegated in accordance with and subject to:*
    - (a) *the provisions of the Local Government Act 1993 as amended*
    - (b) *all and every policy of the Council adopted by Resolution and current at the time of exercise of the functions herein delegated.*
3. *This delegation shall commence on the date of commencement of duties as General Manager of Hawkesbury City Council and shall remain in force until specifically altered or revoked in writing.”*

**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 09 August 2022**

**Delegated Authority to Committees**

**Council Committees**

These Council Committees have the following delegated authority:

- Community Services Committee
- Environment Committee
- Innovation and Partnerships Committee
- Disaster and Emergency Committee
- Heritage Committee.

*“The Committee shall have the following authorities delegated to it in accordance with the provisions of Section 377 of the Local Government Act 1993:*

- (i) to recommend to Council policies drawn up by professional staff;*
- (ii) to bring to Council’s attention, by way of recommendation, any item requiring a policy decision outside the authority granted to the Committee under Section 377.”*

**General Manager’s Performance Review Panel**

The delegated authority to the General Manager’s Performance Review Panel is:

*“That Council delegate authority to the General Manager’s Performance Review Panel to undertake the whole process of performance review and performance management, including discussions about performance, any actions that should be taken and the determination of the new performance agreement.”*

**Delegated Authority to Community Based Management Committees**

Council has appointed a number of community-based management committees and delegated authority for the care, control and management of their facilities and services to the committees under Section 377 of the Act. The committees are as follows:

**Child Care Centres**

- Hobartville – Hobartville Long Day Pre-School Inc.
- Greenhills – Greenhills Child Care Centre Inc.
- Glossodia – Golden Valley Learning Centre Inc.
- McGraths Hill – McGraths Hill Children’s Centre Inc.
- North Richmond – Elizabeth Street Extended Hours Pre-School Inc.
- Wilberforce – Wilberforce Early Learning Centre Inc.

**Pre-schools**

- Richmond Pre-school – Richmond Pre-school Inc.
- Wilberforce Pre-school – Wilberforce Pre-school Inc.
- Windsor Pre-school – Windsor Pre-school Inc.

**Children and Family Centres**

- Bligh Park Children’s Centre – Bligh Park Children’s Centre Committee
- Hawkesbury Early Intervention Centre – The Stewart Street Centre Management Committee

**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 09 August 2022**

***Community Buildings, Neighbourhood Centres and Halls***

- Bilpin Hall – The Bilpin District Hall Inc.
- Glossodia Community Centre – Glossodia Community Information and Neighbourhood Centre Inc.
- Hawkesbury Leisure and Learning Centre, Richmond – Peppercorn Services Inc.
- Hawkesbury Skills Centre, Bosworth Street Richmond – Hawkesbury Skills Inc.
- North Richmond Community Centre – North Richmond Community Centre Inc.
- Richmond Neighbourhood Centre – Richmond Community Services Inc.
- South Windsor Family Centre – Peppercorn Services Inc.
- St Albans School of Arts – St Albans School of Arts Hall Inc.
- Tiningi Community/Youth Centres and Bligh Park Neighbourhood Centre – Bligh Park Community Services Inc.
- Wilberforce School of Arts – Wilberforce School of Arts Inc.

***Playing Fields / Parks***

- Active playing fields previously determined by Council – Hawkesbury Sports Council Inc.
- Bowen Mountain Park – Bowen Mountain Management Committee
- McMahon Park – McMahon Park Management Committee
- St Albans Park – St Albans Sport & Recreation Association.

***Cemeteries***

- Lower Portland Cemetery – Lower Portland Cemetery Committee
- St Albans Cemetery – St Albans Cemetery Committee.

***Externally Funded Services***

The following services have been delegated to the care and control of Peppercorn Services Inc.:

- Families NSW EIPP Support Service
- Families NSW Hub
- Hawkesbury Community Transport
- Peppercorn Centre Based Meals Program
- Peppercorn Easy Care Garden Maintenance.

**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 2022-2042**

The proposal is consistent with the following Long-Term Community Objectives set out within the CSP.

Reliable Council

- 4.1 Provide representative, responsive and accountable governance.
- 4.3 Build strong financial sustainability for now and future generations.
- 4.4 Build strong relationships and shared responsibilities.
- 4.5 Encourage a shared responsibility for effective compliance.

**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date:** 09 August 2022

**FINANCIAL IMPACT**

There are no financial implications applicable to this report.

**ATTACHMENTS:**

**AT - 1** Proposed Delegation of Authority extended by Council under the Local Government Act 1993.

**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 09 August 2022**

**AT – 1 Proposed Delegation of Authority extended by Council under the Local Government Act 1993**

<b>Proposed Delegation of Authority extended by Council under the Local Government Act 1993</b>	
<b>Delegated Authority – General Manager</b>	
<b>Delegated Authority to the General Manager</b>	<ol style="list-style-type: none"> <li>1. Hawkesbury City Council in order to provide for the expedient exercise and performance of its powers and duties and the efficient management of its business and responsibilities delegates under Section 377 of the Local Government Act 1993 to the General Manager the exercise of Council's powers, functions, duties and authorities contained in legislation and the functions of the Council as specified in: <ol style="list-style-type: none"> <li>i) The Local Government Act and related Acts, and;</li> <li>ii) Other Acts under which Council has powers, authorities, duties and functions.</li> </ol> </li> <li>2. This delegation is subject to the following limitations: <ol style="list-style-type: none"> <li>i) The provisions of the Local Government Act 1993 and any legislation relevant to the delegations;</li> <li>ii) Council may by resolution direct the General Manager in the exercise of any function herein delegated;</li> <li>iii) The General Manager shall exercise the functions herein delegated in accordance with and subject to: <ol style="list-style-type: none"> <li>(a) the provisions of the Local Government Act 1993 as amended</li> <li>(b) all and every policy of the Council adopted by Resolution and current at the time of exercise of the functions herein delegated.</li> </ol> </li> </ol> </li> <li>3. This delegation shall commence on the date of commencement of duties as General Manager of Hawkesbury City Council and shall remain in force until specifically altered or revoked in writing.</li> </ol>
<b>Delegated Authority – Council Committees</b>	
<ul style="list-style-type: none"> <li>• <b>Community Services Committee</b></li> <li>• <b>Environment Committee</b></li> <li>• <b>Innovation and Partnerships Committee</b></li> <li>• <b>Disaster and Emergency Committee</b></li> <li>• <b>Heritage Committee</b></li> </ul>	<p>The Committee shall have the following authorities delegated to it in accordance with the provisions of Section 377 of the Local Government Act 1993:</p> <ol style="list-style-type: none"> <li>(i) to recommend to Council policies drawn up by professional staff;</li> <li>(ii) to bring to Council's attention, by way of recommendation, any item requiring a policy decision outside the authority granted to the Committee under Section 377.</li> </ol>
<b>General Manager's Performance Review Panel</b>	<p>That Council delegate authority to the General Manager's Performance Review Panel to undertake the whole process of performance review and performance management, including discussions about performance, any actions that should be taken and the determination of the new performance agreement.</p>

**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 09 August 2022**

<b>Proposed Delegation of Authority extended by Council under the Local Government Act 1993</b>	
<b>Community Based Management Committees – Care, Control and Management of a Facility or Service</b>	
<b>Child Care Centres</b>	<ul style="list-style-type: none"> <li>• Hobartville – Hobartville Long Day Pre-School Inc.</li> <li>• Greenhills – Greenhills Child Care Centre Inc.</li> <li>• Glossodia – Golden Valley Learning Centre Inc.</li> <li>• McGraths Hill – McGraths Hill Children’s Centre Inc.</li> <li>• North Richmond – Elizabeth Street Extended Hours Pre-School Inc.</li> <li>• Wilberforce – Wilberforce Early Learning Centre Inc.</li> </ul>
<b>Pre-schools</b>	<ul style="list-style-type: none"> <li>• Richmond Pre-school – Richmond Pre-school Inc.</li> <li>• Wilberforce Pre-school – Wilberforce Pre-school Inc.</li> <li>• Windsor Pre-school – Windsor Pre-school Inc.</li> </ul>
<b>Children and Family Centres</b>	<ul style="list-style-type: none"> <li>• Bligh Park Children’s Centre – Bligh Park Children’s Centre Committee</li> <li>• Hawkesbury Early Intervention Centre – The Stewart Street Centre Management Committee.</li> </ul>
<b>Community Buildings, Neighbourhood Centres and Halls</b>	<ul style="list-style-type: none"> <li>• Bilpin Hall – The Bilpin District Hall Inc.</li> <li>• Glossodia Community Centre – Glossodia Community Information and Neighbourhood Centre Inc.</li> <li>• Hawkesbury Leisure and Learning Centre, Richmond – Peppercorn Services Inc.</li> <li>• Hawkesbury Skills Centre, Bosworth Street Richmond – Hawkesbury Skills Inc.</li> <li>• North Richmond Community Centre – North Richmond Community Centre Inc.</li> <li>• Richmond Neighbourhood Centre – Richmond Community Services Inc.</li> <li>• South Windsor Family Centre – Peppercorn Services Inc.</li> <li>• St Albans School of Arts – St Albans School of Arts Hall Inc.</li> <li>• Tiningi Community/Youth Centres and Bligh Park Neighbourhood Centre – Bligh Park Community Services Inc.</li> <li>• Wilberforce School of Arts – Wilberforce School of Arts Inc.</li> </ul>
<b>Playing Fields / Parks</b>	<ul style="list-style-type: none"> <li>• Active playing fields previously determined by Council – Hawkesbury Sports Council Inc.</li> <li>• Bowen Mountain Park – Bowen Mountain Management Committee</li> <li>• McMahon Park – McMahon Park Management Committee</li> <li>• St Albans Park – St Albans Sport &amp; Recreation Association.</li> </ul>
<b>Cemeteries</b>	<ul style="list-style-type: none"> <li>• Lower Portland Cemetery – Lower Portland Cemetery Committee</li> <li>• St Albans Cemetery – St Albans Cemetery Committee.</li> </ul>

**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date:** 09 August 2022

**Proposed Delegation of Authority extended by Council under the Local Government Act 1993**

**Externally Funded Services  
delegated to the care and  
control of Peppercorn Services  
Inc.**

- Families NSW EIPP Support Service
- Families NSW Hub
- Hawkesbury Community Transport
- Peppercorn Centre Based Meals Program
- Peppercorn Easy Care Garden Maintenance.

**oooO END OF REPORT Oooo**



**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 09 August 2022**

**Item: 139**                      **GM - Motions - 2022 Local Government NSW Annual Conference - (79351, 79633)**

**Previous Item:**            126, Ordinary (19 July 2022)

**Directorate:**              General Manager

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**PURPOSE OF THE REPORT:**

The purpose of this report is to consider motions proposed to be submitted by Council to the 2022 Local Government NSW Annual Conference.

**EXECUTIVE SUMMARY:**

The 2022 Local Government NSW Annual Conference is to be held from 23 to 25 October 2022. At its meeting on 19 July 2022, Council resolved to nominate two Councillors to attend the Conference as Council's delegates for voting on motions.

At that stage Council had not resolved to submit any motions to the Conference. Local Government NSW requires any Conference motions to be submitted by Sunday, 25 September 2022. The report to Council's Meeting on 19 July 2022, noted that proposed motions should be provided to so they could be reported to this Council Meeting.

At its meeting on 28 June 2022, Council's Community Services Committee resolved in part as follows:

*"That the Committee recommend to Council that:*

2.     *Council develop a motion to Local Government NSW regarding inclusion of heatwaves as Natural Disasters and revision of the National Building Code and Basix to include heat resilience."*

No other motions have been received by Council.

**RECOMMENDATION:**

1.     That the report be received and noted.
  2.     Council submit to the 2022 Local Government NSW Annual Conference a motion regarding inclusion of heatwaves as Natural Disasters and revision of the National Building Code and Basix to include heat resilience.
- 

**BACKGROUND**

The Local Government NSW Annual Conference is the annual policy-making event for NSW councils and an opportunity for councillors to come together to share ideas and debate issues that shape the way councils govern.

**Voting Delegates**

Council is entitled to have five Voting Delegates at the Conference and Voting Delegates must be registered to attend the Conference.

**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 09 August 2022**

At its meeting on 19 July 2022 Council resolved:

*"That:*

- 1. The report be received and noted.*
- 2. Attendance of Councillors Dogramaci and Wheeler and staff as considered by the General Manager, at the 2022 Local Government NSW Annual Conference at an approximate cost of \$2,650 plus travel expenses per delegate be approved.*
- 3. Councillors Dogramaci and Wheeler be nominated as Council's voting delegates, for voting on Conference motions.*
- 4. Council consider whether to submit any motions to the 2022 Local Government NSW Annual Conference.*
- 5. After participating in the Conference, delegates provide a written report to the General Manager detailing the proceedings and findings, as well as any other aspects of the Conference relevant to Council business and/or the local community."*

**Motions**

Local Government NSW has called for motions to be considered at the Conference. Local Government NSW have requested councils submit any motions by Sunday, 25 September 2022.

The Board has resolved that motions will be included in the Business Paper for the Conference only where they:

1. Are consistent with the objects of Local Government NSW (see Rule 4 of the Association's Rules).
2. Relate to or concern local government as a sector in NSW and/or across Australia.
3. Seek to establish or change policy positions of Local Government NSW and/or improve governance of the Association (noting that the LGNSW Board is responsible for decisions around resourcing any campaigns or operational activities, and any necessary resource allocations will be subject to the Local Government NSW budgetary process).
4. Have a lawful purpose (a motion does not have a lawful purpose if its implementation would require or encourage non-compliance with prevailing laws).
5. Are clearly worded and unambiguous in nature.
6. Do not express preference for one or several members over one or several other members.

The format of motions, as much as possible, should call on a specific body (e.g. LGNSW, state government, federal government, a specific department or minister) and have a specific outcome that the motion is aiming to achieve. The wording should be unambiguous.

Attached as Attachment 1 to this report is the Local Government NSW 2022 Annual Conference Motion Submission Guide.

In 2021 the Annual Conference was held on-line on 29 November 2021. No Motions were considered at the 2021 Annual Conference, and following the Local Government Elections, Local Government NSW held a Special Conference on 28 February to 2 March 2022 during which Motions were considered. Council submitted one motion concerning refining post-disaster planning approval processes.

**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 09 August 2022**

Council has not resolved for any motions to be submitted to the 2022 Local Government NSW Conference. At its meeting on 28 June 2022 Council's Community Services Committee resolved as follows:

*"That the Committee recommend to Council that:*

2. *Council develop a motion to Local Government NSW regarding inclusion of heatwaves as Natural Disasters and revision of the National Building Code and Basix to include heat resilience."*

No other motions have been received by Council.

## **DISCUSSION**

A proposed Motion based on the recommendation in Part 2 of the resolution from Council's Community Services Committee meeting on 28 June 2022 is contained in the report of that Committee meeting contained in this Business Paper and is suggested for consideration. That proposed draft motion is as follows:

*"That Local Government NSW calls on the State and Federal Governments to:*

1. *Include heatwaves as Natural Disasters.*
2. *Revise the National Building Code and Basix to include heat resilience."*

## **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 2022-2042**

The proposal is consistent with the following Community Outcome and Long Term Objectives within the CSP.

### Reliable Council

- 4.1 Provide representative, responsive and accountable governance.
- 4.3 Build strong financial sustainability for now and future generations.
- 4.4 Build strong relationships and shared responsibilities.

## **FINANCIAL IMPACT**

There are no financial implications applicable to this report. The cost for nominated Councillors to attend the Conference was reported to Council on 19 July 2022 and the expenditure applicable is provided for in the Adopted 2022/2023 Operational Plan.

## **ATTACHMENTS:**

- AT - 1** Local Government NSW 2022 Annual Conference Motion Submission Guide - (*Distributed under separate cover*).

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 09 August 2022**

**SUPPORT SERVICES**

**Item: 140**                      **SS - Investment Report - June 2022 - (95496)**

**Previous Item:**            130, Ordinary (19 July 2022)

**Directorate:**               Support Services

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**PURPOSE OF THE REPORT:**

The purpose of this report is to provide the Council with a written report setting out details of all money that the Council has invested under Section 625 of the Local Government Act 1993.

**EXECUTIVE SUMMARY:**

This report indicates that Council held \$78.9 million in investments as at 30 June 2022 and outlines that all investments were made in accordance with the Act, the Regulation and Council's Investment Policy.

**RECOMMENDATION:**

That the Monthly Investment Report for June 2022 be received and noted.

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**BACKGROUND**

Council held \$78.9 million in investments as at 30 June 2022. Details on the composition of the Investment Portfolio, and its compliance with Council's Investment Policy are provided below. Details include the financial institutions with which the investments were made, the maturity date (where applicable), the rate of return achieved, the credit rating of the institutions both in the short term and the long term, the percentage of the total portfolio, exposure to credit ratings bands and the spread of maturities.

**Location Plan**

**1. Composition of Investment portfolio**

Tables 1 to 3 below provide details regarding the \$78.9 million in investments held as at 30 June 2022.

**Table 1 – Summary of Council's Investment Portfolio as at 30 June 2022**

<b>Product Type</b>	<b>Face Value</b>	<b>% of Total</b>
At Call Deposits	\$7,503,916	9.5%
Term Deposits - Fixed Rate	\$70,500,000	89.4%
NSWTCorp Long Term Growth Fund	\$880,098	1.1%
<b>Grand Total</b>	<b>\$78,884,014</b>	<b>100.0%</b>

**Table 2 – Total Investments by Issuer's Long – Term Credit Rating**

<b>Long Term Credit Rating</b>	<b>Face Value</b>	<b>% of Total</b>
AA-	\$71,003,916	90.0%
BBB+	\$7,000,000	8.9%
NSWTCorp Managed Funds	\$880,098	1.1%
<b>Grand Total</b>	<b>\$78,884,014</b>	<b>100.0%</b>

**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 09 August 2022**

**Table 3 – Fixed Term Deposits**

Institution	Long Term Rating	Short Term Rating	Maturity	Rate	Face Value
<b>Bank of Queensland</b>	BBB+	A-2	28-Oct-22	1.95%	\$2,500,000
			09-Nov-22	2.50%	\$1,500,000
			04-Mar-24	1.70%	\$2,000,000
<b>ME Bank (part of BOQ)</b>	BBB+	A-2	09-Dec-22	0.70%	\$1,000,000
<b>Commonwealth Bank of Australia</b>	AA-	A-1+	21-Jul-22	0.41%	**\$2,000,000
			10-Aug-22	1.47%	\$4,000,000
			29-Sep-22	0.52%	\$1,000,000
			29-Sep-22	2.44%	\$1,000,000
			12-Oct-22	2.42%	\$2,000,000
			28-Nov-22	0.46%	\$2,000,000
			08-Dec-22	0.46%	\$1,000,000
			02-Mar-23	0.85%	\$2,000,000
			21-Apr-23	2.20%	\$2,000,000
			05-May-23	3.08%	\$2,000,000
			08-Jun-23	3.68%	\$1,500,000
			20-Nov-23	0.65%	\$1,000,000
			10-Apr-24	3.01%	\$2,000,000
<b>National Australia Bank</b>	AA-	A-1+	07-Jul-22	0.35%	\$1,000,000
			22-Sep-22	0.35%	\$2,000,000
			29-Sep-22	2.28%	\$1,000,000
			29-Dec-22	0.45%	\$3,000,000
			22-Feb-23	0.50%	\$2,000,000
			08-Mar-23	0.50%	\$1,000,000
			08-Sep-23	0.60%	\$1,000,000
			19-Aug-24	0.75%	\$3,000,000
			10-Sep-24	0.80%	\$1,000,000
			19-Nov-24	0.75%	\$1,000,000
			15-Jan-25	0.80%	\$500,000
			05-Mar-25	1.05%	\$1,500,000
			03-Nov-25	0.95%	\$500,000
			19-Nov-25	0.90%	\$500,000
			13-Jan-26	1.00%	\$500,000
			04-Mar-26	1.30%	\$1,500,000
<b>Westpac</b>	AA-	A-1+	07-Jul-22	0.35%	\$2,000,000
			30-Sep-22	0.34%	\$3,000,000
			11-Jan-23	0.79%	**\$3,000,000
			25-Jan-23	3.10%	\$2,000,000
			10-Feb-23	0.88%	**\$2,000,000
			11-Apr-23	1.86%	\$1,500,000
			09-Jun-23	0.90%	**\$1,000,000
			27-Jun-23	3.81%	\$3,500,000
			10-Nov-23	1.11%	**\$1,000,000
<b>Grand Total</b>					<b>\$70,500,000</b>

\*\*Environmental, Social and Governance (ESG) investments as per Council's Investment Policy.

**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 09 August 2022**

**2. Environmental, Social and Governance (ESG) Investments**

Tables 4 and 5 below provide the details on Environment, Social and Governance (ESG) investments and the proportion compared to the total Investment Portfolio.

**Table 4 – ESG Investments**

Institution	Long Term Rating	Short Term Rating	Maturity	Rate	Face Value
Commonwealth Bank	AA-	A-1+	21-Jul-22	0.41%	\$2,000,000
Westpac	AA-	A-1+	11-Jan-23	0.79%	\$3,000,000
	AA-	A-1+	10-Feb-23	0.88%	\$2,000,000
			09-Jun-23	0.90%	\$1,000,000
			10-Nov-23	1.11%	\$1,000,000
<b>Grand Total</b>					<b>\$9,000,000</b>

**Table 5 – Summary of Council's Investment Portfolio in Terms of ESG**

Product Type	Face Value	% of Total
Environmental, Social and Governance (ESG)	\$9,000,000	12.8%
Other	\$61,500,000	87.2%
<b>Grand Total</b>	<b>\$70,500,000</b>	<b>100.0%</b>

**3. Compliance to Investment Policy**

Tables 6 to 7 below summarise Council's exposure limits to the credit ratings bands, term to maturity parameters and compliance with Council's Investment Policy.

**Table 6 – Exposure Limits to credit ratings bands**

Long-Term Credit Rating	Exposure of Entire Portfolio		
	Actual	Maximum	Compliant
AAA to AA- or Major Bank and below	90.0%	98.9%	Yes
A+ to A- and below	0.0%	8.9%	Yes
BBB+ to BBB and below	8.9%	8.9%	Yes
BBB- and below	0.0%	0.0%	Yes
NSWTCorp Funds	1.1%	20%	Yes

**Table 7 – Term to Maturity**

Long-Term Credit Rating	Term to Maturity	
	Maximum	Compliant
AA+, AA, AA- (and Major Banks)	5 years	Yes
A+, A, A-	3 years	Yes
BBB+, BBB, BBB-	3 years	Yes
Non-rated ADIs	1 year	Yes

**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 09 August 2022**

#### **4. Portfolio Return**

Council's investment portfolio (excluding At Call Deposits and NSWTCorp Managed Funds) provided a weighted average return (running yield) as shown in Table 8 below.

**Table 8 – Portfolio Return**

<b>30 June 2022</b>	<b>Weighted Average Monthly Return</b>
Hawkesbury City Council – Investment Portfolio	0.117%
Benchmark – Bloomberg Ausbond Bank Bill Index	0.050%
<b>Performance Relative to Benchmark</b>	0.067%

Based on Council's Investment Advisor, Amicus Advisory Pty Ltd's advice, the running yield is the most appropriate for Council's portfolio. The rationale for this conclusion is that if all investments are purchased at par and mature at par, then the return over the holding period of that investment is simply the running yield.

#### **Relevant Legislation**

According to Clause 212 of the Local Government (General) Regulation 2021, the Responsible Accounting Officer must provide the Council with a written report setting out details of all money that the Council has invested under Section 625 of the Local Government Act 1993. The report must include a certificate as to whether investments have been made in accordance with the Act, the Regulation, and the Council's Investment Policy.

#### **Investment Certification**

The Responsible Accounting Officer, hereby certifies that the investments listed in this report have been made in accordance with Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulation 2021 and Council's Investment Policy.

#### **DISCUSSION**

Council's investments and returns achieved are driven and impacted by economic and market conditions. Council's Investment Advisor, Amicus Advisory Pty Ltd has reviewed Council's investments as at 30 June 2022 and has advised as follows:

- *Council's investment portfolio annual return is around 55bps above the Bank Bill index. This return excludes at Call Accounts and NSW TCorp Managed Fund. However, the benchmark index contains a large negative mark to market which will unwind in the coming months so performance relative to benchmark will fall from current levels.*
- *Overall, exposures to individual entities and to credit limits have been well managed. Amicus generally recommends its clients operate with "buffers" between policy limit maximums and minimums to provide flexibility and avoid breaches. We note that Council is close to the policy limit for CBA of 40% and our recommendation is the policy limit is increased to 50% to give more head room. Further to this point, many other Councils have a 40% or 45% limit, but generally have more expansive policies that allow for larger investments in lower rated categories and so are not "forced" to higher rated major bank investments in the same way as Hawkesbury Council. We therefore believe a larger individual entity limit for major banks is appropriate for Hawkesbury Council.*
- *Progress has been made in investing in ESG investments as part of the overall portfolio. However, to increase current levels, Council will need to aggressively pursue opportunities when they arise as Westpac has now reduced the rates on Westpac "Green" Term Deposits relative to "Non-Green" TDs and so this opportunity may be limited going forward.*

## ORDINARY MEETING

### SECTION 3 – Reports for Determination

Meeting Date: 09 August 2022

- *In the current investment environment, Amicus suggests Council pursues the following investment strategies with regards to any excess liquidity:*
  - *Invest in a major bank or other highly rated FRN at the next available opportunity so long as the credit margin is above 100bps. The rationale being:*
    - *FRN's are currently offering better value than Term Deposits*
    - *It is part of the overall agreed investment strategy to invest in Term Deposits when they offer better value than FRN's and vice versa, but in practice this policy cannot be implemented until Council is willing to invest in FRN's*
    - *New issue FRN's offer the best value but the timeframes for making an investment decision are around one half day (or one full day at most) and so Hawkesbury needs to have the internal processes in place to respond within these timeframes.*
    - *Usually once a Council has purchased its first FRN, the subsequent purchases are much easier because everyone involved in the process within Council is far more familiar and comfortable with the process, but this level of familiarity and comfort cannot be gained until the first purchase is made*
    - *While this is a short term objective it is of longer term strategic value effectively opening up this area of the market for ongoing investments for Council to be accessed when FRN's offer better value than Term Deposits*
- *Invest in the best Term Deposit rates available within the capacity of Policy limits.*
- *Consider investing in longer dated fixed rate investments in the current yield curve environment that is relatively steep. While interest rates may rise, taking a limited exposure to longer dated fixed rate investments to enhance current portfolio is prudent so long as these investments are with high quality institutions (Major Banks and other ADI's rated "A" or above).*
- *Take limited exposures to issuers outside the Major Banks in short-dated Term Deposits if rates are attractive. No more \$4 million of the total portfolio per entity is recommended based on the assumption the portfolio size will not fall below \$40 million and cause a breach of the 10% limit, i.e. \$4 million / \$75 million = 5.3% (current portfolio size), \$4 million / \$39 million = 10.3%. This is a very low risk strategy given the steps taken by the Reserve Bank of Australia to ensure no Authorised Deposit Taking Institutions will fail due to liquidity reasons in the short-term.*
- *Consider investing in Bonds and Floating Rate Notes where the yields and risks are attractive relative to Term Deposits. The relative value of these two instruments varies with market conditions and there are commonly periods where one is more attractive than the other and vice versa. Currently FRNs are offering the more attractive margins.*
- *In the current environment with the yield curve very steep, there are larger opportunity costs for not extending the maturity profile of the portfolio. Positively, Council has managed its cash balances very well (relative to peers) and has a relatively low cash balance, but as shorter dated investments mature the potential rewards for re-investing the monies as per the strategies recommended above have increased.*



**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 09 August 2022**

### Restriction of Funds

Council's total investment portfolio as at 30 June 2022 included funds that are restricted as to what they can be expended on.

**Table 9 – Restriction of Funds**

Restriction Type	Amount	%
External Restrictions - S7.11 and S7.12 Developer Contributions	\$19,339,987	24.52%
External Restrictions - Western Parkland City Liveability Program	\$2,583,801	3.28%
External Restrictions - Bushfire and Flood Grants	\$3,746,295	4.75%
External Restrictions - Other (e.g. domestic waste, sewerage)	\$13,572,857	17.21%
Internal Restrictions (e.g. election, workers compensation, Employee Leave Entitlements)	\$13,232,392	16.77%
Unrestricted	\$26,408,682	33.47%
<b>Total</b>	<b>\$78,884,014</b>	<b>100.00%</b>

Unrestricted funds, whilst not subject to a restriction for a specific purpose, are fully committed to fund operational and capital expenditure in line with Council's adopted Operational Plan. As there are timing differences between the accounting for income and expenditure in line with the Plan, and the corresponding impact on Council's cash funds, a sufficient level of funds is required to be kept at all times to ensure Council's commitments are met in a timely manner. Council's cash management processes are based on maintaining enough cash levels to enable commitments to be met when due, while at the same time ensuring investment returns are maximised through term investments where possible.

In addition to funds being fully allocated to fund the Operational Plan activities, funds relating to closed self-funded programs and that are subject to legislative restrictions cannot be utilised for any purpose other than that specified. Externally restricted funds include funds relating to Section 7.11 and Section 7.12 Contributions, Domestic Waste Management, Sewerage Management, Stormwater Management and Grants.

Funds subject to an internal restriction refer to funds kept aside for specific purposes, or to meet future known expenses. This allows for significant expenditures to be met in the applicable year without having a significant impact on that year. Internally restricted funds include funds relating to Tip Remediation, Workers Compensation, and Elections.

### 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 2022-2042

The proposal is consistent with the following Long-Term Community Objective set out within the CSP.

#### Reliable Council

- 4.3 Build strong financial sustainability for now and future generations.

**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 09 August 2022**

**FINANCIAL IMPACT**

The matters raised in this report have direct financial implications. The income applicable was provided for in the 2022/2023 Adopted Operational Plan.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 09 August 2022**

**Item: 141**                      **SS - Pecuniary Interest Returns - Designated Persons - (95496, 96333)**

**Directorate:**                Support Services

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**PURPOSE OF THE REPORT:**

The purpose of this report is to table two Disclosure of Pecuniary Interests and Other Matters Returns, which have been recently lodged by Designated Persons, as required by Clause 4.21(a) of Council's Code of Conduct.

**EXECUTIVE SUMMARY:**

Councillors and other members of Council staff identified as Designated Persons under Council's Code of Conduct are required to complete a Pecuniary Interest Return form identifying any pecuniary and other types of interests that they hold as at their date of commencement with Council.

Two Returns have recently been lodged with the General Manager, and are now tabled at the first Council meeting held after the required lodgement dates.

**RECOMMENDATION**

That the Clause 4.21(a) Pecuniary Interest Returns be received and noted.

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**BACKGROUND**

Councillors and other members of Council staff who hold a position involving the exercise of functions that, in their exercise, could give rise to a conflict between the person's duty as a member of staff and the person's private interest, are identified by Council as a "Designated Person", as defined by Clause 4.8 of Council's Code of Conduct (the Code).

Designated Persons are required by Clause 4.21(a) of the Code to complete a Return form identifying any pecuniary and other types of interests that they hold as at their date of commencement with Council.

The Return form must be lodged with the General Manager within three months of the Designated Person's date of commencement with Council (or within three months of the position being designated) and must be tabled at the first Council meeting held after the required lodgement date.

**Policy considerations**

Section 440AAB of the Local Government Act 1993, relates to the register of Pecuniary Interest Returns made by Councillors and Designated Persons, and the tabling of these Returns:

*"440AAB Register and tabling of returns*

- (1) The general manager must keep a register of returns disclosing interests that are required to be lodged with the general manager under a code of conduct.*
- (2) Returns required to be lodged with the general manager must be tabled at a meeting of the council, being the first meeting held after the last day specified by the code of lodgement, or if the code does not specify a day, as soon as practicable after the return is lodged."*

**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 09 August 2022**

In accordance with Section 440AAB(1) of the Act and Clause 4.24 of the Code, a register of all Returns lodged by Councillors and Designated Persons, in accordance with Clause 4.21 of the Code, is currently kept by Council, as required by this part of the Act and the Code.

In accordance with Section 440AAB(2) of the Act and Clause 4.25 of the Code, all Returns lodged by Councillors and Designated Persons under Clause 4.21(a) of the Code, must be tabled at the first Council meeting held after the required lodgement date.

### **DISCUSSION**

With regard to Section 440AAB(2) of the Act and Clause 25 of the Code, the following Clause 4.21(a) Returns have been lodged by the due dates required by the Code:

<b>Position</b>	<b>Return Date</b>	<b>Date Lodged</b>
Rates and Revenue Team Leader	17 April 2022	17 July 2022
Manager People and Development	26 April 2022	22 July 2022

The above details are now tabled in accordance with Section 440AAB(2) of the Act and Clause 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 2022-2042**

The proposal is consistent with the following Community Outcome and Long Term Objective within the CSP.

#### Reliable Council

4.1 Provide representative, responsive and accountable governance.

### **FINANCIAL IMPACT**

There are no financial implications 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: 09 August 2022**

**Item: 142**                      **SS - Payment of Expenses and Provision of Facilities to Councillors Policy - (95496)**

**Previous Item:**            113, Ordinary (15 June 2021)  
                                 133, Ordinary (13 July 2021)  
                                 143, Ordinary (27 July 2021)  
                                 206, Ordinary (26 October 2021)

**Directorate:**                Support Services

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**PURPOSE OF THE REPORT:**

The purpose of this report is to:

- Outline the process for the review and adoption of the Payment of Expenses and Provision of Facilities to Councillors Policy within the first 12 months of the Council term.
- Seek Council's endorsement to place the Draft Payment of Expenses and Provision of Facilities to Councillors Policy on public exhibition.

**EXECUTIVE SUMMARY:**

Council adopted its current Payment of Expenses and Provision of Facilities to Councillors Policy on 26 October 2021.

Council is required to adopt a Payment of Expenses and Provision of Facilities to Councillors Policy within 12 months after an ordinary election under Section 252 of the Local Government Act 1993 (the Act).

No significant changes are proposed to the current Policy. Only minor changes are proposed in relation to:

- Clarifying the scope of information technology equipment Councillors are entitled to purchase if they chose the option under the Policy of purchasing equipment rather than having it provided by Council
- Telephone allowances for Councillors having regard to changes to Council's mobile telephone provider contract
- Provision for the Mayoral motor vehicle to be a vehicle consistent with Council's motor vehicle fleet procurement arrangements.
- Formatting and consistency of expression.

A Draft Payment of Expenses and Provision of Facilities to Councillors Policy is attached as Attachment 1 to this report.

**RECOMMENDATION:**

That:

1. The Draft Payment of Expenses and Provision of Facilities to Councillors Policy, attached as Attachment 1 to this report, be placed on public exhibition for at least 28 days.
  2. At the expiration of the public notification period, a further report be submitted to Council.
-

**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 09 August 2022**

**BACKGROUND**

Section 252 of the Local Government Act 1993 (the Act) requires each council, within 12 months of each term of Council, to adopt a policy concerning the payment of expenses and provision of facilities to the Mayor, the Deputy Mayor, and Councillors in relation to discharging the functions of civic office.

At its meeting on 15 June 2021, Council considered a Notice of Motion in relation to a review of the Payment of Expenses and Provision of Facilities to Councillors Policy to reflect the current needs of Councillors and to create a more flexible Policy. One of the issues identified and addressed as part of the review was the provision of additional flexibility within Council's allocated budget for each Councillor to choose the information technology resources, such as mobile telephones, tablet devices, laptop computers, modems and printers, that best equip them to discharge Council business.

At its meeting on 27 July 2021 Council resolved to place the Draft Policy on exhibition. The Draft Policy was publicly exhibited for 28 days from 18 August 2021 to 15 September 2021.

The current Payment of Expenses and Provision of Facilities to Councillors Policy was adopted by Council at its meeting on 26 October 2021, following the public exhibition period.

The adopted Policy made the following changes to the previous Policy adopted on 11 October 2016:

***Part B – Expenses***

- Removal of the reference to payment of annual fees. Policies concerning expenses and facilities are not required to deal with Councillors' annual fees, although it is acknowledged that there is likely to be some correlation between the annual fees paid to mayors and Councillors and the level and scope of expenses and facilities required and provided for in a Councillor expenses and facilities policy.
- Removal of sacrificing annual fees to complying superannuation funds.

Advice was obtained from the Office of Local Government to the effect that Councils are not required to include provisions concerning annual fees and superannuation contributions in the Policy.

- In Clause 7, Specific expenses, additional flexibility was added to enable Councillors to choose information and communications technology resources from categories of resources which Council would otherwise make available.

***Part C – Facilities***

- Enhanced facilities for the Councillor Office adjacent to the Council Chambers to enable the holding of meetings for small groups.
- Re-ordering of provisions concerning reimbursement of call and data charges and reimbursement provisions.
- Removal of provisions concerning installation of land lines or fax machines for Councillors, and supply of Council Meeting recordings have been removed. Podcasts of Council meetings since podcasting commenced in November 2017 remain on Council's website.

**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 09 August 2022**

**Part D – Processes**

- Clarifies of the timeframe for reimbursement of expenses with all claims required to be made within three months of the expense being incurred.

**Legislative Requirements**

The Act provides that a policy concerning the payment of expenses and provision of facilities to councillors must:

- Prior to adoption, be publically exhibited for at least 28 days
- Comply with the provisions of the Act, the regulations and any relevant guidelines issued under Section 23A of the Act.

Guidelines for the Payment of Expenses and Provision of Facilities were issued by the then Division of Local Government in 2009 (the Guidelines).

Council must not pay any expenses incurred or to be incurred by, or provide any facilities to, Councillors otherwise than in accordance with a policy made under the Act.

The Guidelines refer to various aspects of the content of a policy for the purpose of the Act, but describe Council's obligations differently depending on the subject of the content. There are five content areas which Council must comply with:

- Expenses must be outlined in a council's policy and may be either reimbursed to a Councillor or paid directly by a council for something that is deemed to be a necessary expense to enable them to perform their civic functions.
- Inclusion of all of the specific expenses for which Councillors are entitled to receive reimbursement and all of the specific facilities which Councillors are entitled to use.
- Approval arrangements for all expenses and facilities provided.
- Processes for the reconciliation of and reimbursement of expenses, including a time frame for councillors to seek reimbursement of their expenses.
- Provision for advance payments to be reconciled at a future date within a time frame stated in the policy.

The Draft Policy, attached as Attachment 1 to this report, contains provisions dealing with each of these content areas which satisfy the requirements of the Guidelines.

There are a number of other content areas where the Guidelines provide that Council should include particular content or provisions. Attached to the Guidelines are notes which expressly do not form part of the Guidelines but which are provided to clarify issues and provide examples in relation to specific expenses. Some of the clauses contained in the Office of Local Government suggested template are based on these notes.

The Draft Policy follows the format of the Office of Local Government suggested policy template, as was used for the current Policy.

The Office of Local Government advises that the template has been prepared to be consistent with the Local Government Act 1993 and Local Government (General) Regulation 2021, and that the template has been designed to be amended to suit local needs and circumstances.

In preparing Council's adopted Policy, consideration was given to the mandatory provisions of the Guidelines and Council's past practices with respect to some aspects of the payment of expenses and provision of facilities. Using the format of the Office of Local Government template resulted in the inclusion of some explanatory and facilitative provisions and the rewording of some provisions concerning expenses and facilities.

**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 09 August 2022**

**DISCUSSION**

Since the adoption of the current Policy on 26 October 2021, Council has reviewed the Policy for the purpose of it being placed on public exhibition as required prior to the adoption of a policy within 12 months of the ordinary election.

One of the changes made when the current Policy was adopted was to give Councillors the option to purchase information technology equipment, rather than to have the equipment provided by Council.

The relevant provisions of the current Policy are as follows:

***Information and communications technology (ICT) expenses***

*In the following clauses a reference to a Councillor or Councillors includes the Mayor and Deputy Mayor except where the Mayor and Deputy Mayor are referred to separately.*

- 7.25 *Council will provide or reimburse Councillors for expenses associated with appropriate ICT devices and services up to a limit of the maximum cost of providing the equipment in Clause 7.26 during the term for each Councillor. This may include mobile phones and tablets, mobile phone and tablet services and data home internet costs.*
- 7.26 *Council will provide Councillors with the following items, which subject to this policy remain the property of Council, and, where applicable, must be returned to Council upon the Councillor ceasing to hold that office.*
- *An Apple or Android smart phone and associated data plan linked to Council's shared a data plan*
  - *Laptop computer*
  - *Apple iPad tablet or equivalent*
  - *Wireless Modem Router for connection to the internet at the Councillor's place of residence*
  - *Laser printer with wireless printing for PC, tablet and phone, and associated consumables.*
- 7.27 *In the alternative to being provided with any or all of the equipment referred to in Clause 7.26, Councillors may choose to provide any or all of that equipment themselves.*
- 7.28 *Where Councillors chose to provide their own equipment, they will be entitled to a reimbursement of their costs up to a maximum value of the equivalent equipment provided to Councillors under this policy.*
- 7.29 *Where Councillors chose to provide their own equipment they will be responsible for the cost of associated consumables such as printer cartridges, and for technical support and repairs.*
- 7.30 *Where Councillors chose to not to be provided with a Wireless Modem Router for home internet connection, they may choose to be reimbursed for home internet usage costs to a maximum of the cost of provision of the Wireless Modem Router for home internet connection.*
- 7.31 *Reimbursements will be made only for communications devices and services used for Councillors to undertake their civic duties, such as:*
- *receiving and reading council business papers*
  - *relevant phone calls and correspondence*
  - *diary and appointment management.*



**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 09 August 2022**

It is recommended that the following words be added to Clause 7.25:

*“...and reasonable ancillary accessories directly related to the devices and services.”*

This amendment would permit Councillors to purchase accessories related to the equipment which Councillors may choose to purchase instead of having Council supply that equipment. This is considered to be a reasonable application of Council resources consistent with the objectives of the Policy.

A further amendment is required in relation to mobile phone allowances to reflect changes in Council's Mobile phone Contract with Telstra. In early 2022 Council renegotiated and renewed the State Government Telecommunications Agreement contract with Telstra. The revised contract arrangements included:

- All voice services (Councillor and staff mobile telephones) being moved to a \$15 monthly plan which includes unlimited standard calls messages
- All data services being moved to a \$25 per 10 Gigabyte monthly plan.

The current Policy provides that Council will pay for all Council related call and data charges, applicable to a Councillor, to a maximum of \$150 per month, applicable to the Mayor to a maximum of \$300 per month and applicable to the Deputy Mayor to a maximum of \$225 per month; and rental/line charges. Councillors are responsible for reimbursing Council for amounts in excess of these limits, in addition to personal calls.

As Councillor mobile services are now subject to the \$15 monthly unlimited plan, it is proposed that the Policy be amended to reflect the fact that the cost to Council of the current plan is significantly lower than the amounts contained in the current provision.

A further change is proposed in relation to the motor vehicle provided for use by the Mayor.

Clause 11.1 currently provides as follows:

*11.1. Council will provide to the Mayor a maintained vehicle up to the value of the applicable Australian Taxation Office's Luxury Car Tax Thresholds, with a fuel card for all official and personal use.*

It is proposed that the clause be amended so that the vehicle provided for use by the Mayor is consistent with Council's motor vehicle fleet procurement policy as to the use of vehicles which align with Council's Net Zero Emissions and Water Efficiency Strategy.

Accordingly the Payment of Expenses and Provision of Facilities to Councillors Policy to be considered for adoption is attached as Attachment 1 to this report.

### **Lodgement and reconciliation of Councillor expense claims**

Council's resolution at its meeting on 15 June 2021 called for a report concerning online lodgement of Councillor expense claims.

In response, information was provided in the report to the Council Meeting on 27 July 2021. Currently, Councillors lodge claims for travel expenses (for kilometres travelled on Council business) and telephone expenses by manually completing forms provided by Council staff. Completed forms are approved by the Manager Corporate Services and Governance, provided to Payroll for processing, and registered in Council's Electronic Content Management system.

It was reported to Council in the previous term that the solution for an online system for lodgement and reconciliation of Councillor expense claims would likely involve the creation of online template forms. These would contain content options in the relevant fields in the forms, with capability to pre-populate the forms based on known information relevant to each Councillor.

**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 09 August 2022**

Such a system would ideally utilise the existing workflow capabilities within Council's Electronic Content Management System.

At its meeting on 25 January 2022 Council resolved to endorse Council entering into a new contract with Technology One Limited for the migration on-premise software for the Technology One suite to software as a service.

The migration process will involve rebuilding workflows in Council's electronic content management system. It is suggested that consideration be given to the requirements for electronic lodgement of Councillor expense claims during this process.

#### **COMMUNITY ENGAGEMENT**

The issues raised in this report concern matters which constitute a trigger for community engagement under Council's Community Engagement Policy. It is proposed that the Draft Payment of Expenses and provision of Facilities to Councillors Policy attached as Attachment 1 to this report be placed on public exhibition for at least 28 days.

#### **CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2022-2042**

The proposal is consistent with the following Community Outcome and Long Term Objective within the CSP.

##### Reliable Council

4.1 Provide representative, responsive and accountable governance.

#### **FINANCIAL IMPACT**

Financial implications arising from the payment of expenses and provision of facilities to Councillors, as detailed in the Policy, as proposed, are applicable and are provided for in the Adopted 2022/2023 Operational Plan.

#### **ATTACHMENTS:**

**AT - 1** Draft Payment of Expenses and Provision of Facilities to Councillors Policy - (*Distributed under separate cover*).

**oooO END OF REPORT Oooo**

Ordinary

Section **4**

Reports  
of committees

**ORDINARY MEETING**

**SECTION 4 – Reports of Committees**

**Meeting Date:** 09 August 2022

**ORDINARY MEETING**  
**SECTION 4 – Reports of Committees**  
**Meeting Date:** 09 August 2022

**SECTION 4 – Reports of Committees**

**Item: 143**                      **ROC - Community Services Committee - 28 June 2022 - (151937)**

**Directorate:**                Support Services

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**PURPOSE OF THE REPORT:**

The purpose of this report is to present the Minutes of the Community Services Committee, held on 28 June 2022.

**EXECUTIVE SUMMARY:**

One matter - (Item 1), contained within the minutes of the Community Services Committee has policy or financial implications to Council. 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 Community Services Committee Meeting held on the 28 June 2022 that:

1. Council receive and note the Community Services Committee Minutes in respect to Item 1 resolution part 1, namely:

*"That the Committee recommend to Council that:*

  1. *Council Officers continue involvement on the WSROC Heat Smart Program, and projects associated with addressing the impacts of urban heat."*
2. In respect of part 2 of the Community Services Committee Minutes, the following motion be put to Local Government NSW:
  - i. That Local Government NSW calls on the State and Federal Governments to:
    - a) Include heatwaves as Natural Disasters
    - b) Revise the National Building Code and Basix to include heat resilience.
3. In respect of part 3 of the Community Services Committee Minutes, that Council refer consideration to developing a long term Heat Plan to the 2023/2024 Operational Plan.
4. In respect of part 4 of the Community Services Committee Minutes, that resourcing of Council's involvement in the WSROC Heat Smart Program continue on the basis of Officers from across the organisation, rather than assigning a single Heat Smart Coordinator.

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**DISCUSSION**

The Community Services Committee met on 28 June 2022. The agenda is available [here](#) and attachments to items in the agenda are available [here](#).

**ORDINARY MEETING**  
**SECTION 4 – Reports of Committees**  
**Meeting Date: 09 August 2022**

The Committee considered staff reports one item – WSROC Heat Smart Program as shown in the attached minutes included as Attachment 1. The following items require specific consideration by Council:

*"That the Committee recommend to Council that:*

- 1. Council Officers continue involvement on the WSROC Heat Smart Program, and projects associated with addressing the impacts of urban heat.*
- 2. Council develop a motion to Local Government NSW regarding inclusion of heatwaves as Natural Disasters and revision of the National Building Code and Basix to include heat resilience.*
- 3. Council consider developing a long term Heat Plan.*
- 4. Council request the General Manager to nominate a staff member to become a Heat Coordinator."*

The Committee received a presentation from the Project and Policy Officer from WSROC in respect of the Heat Smart Program.

As outlined in the report to the Committee, over the past two years, Council Officers within the areas of environmental sustainability, emergency services, enterprise risk systems, and community planning and partnerships, have been actively involved in the WSROC Heat Smart Program. This active involvement from Council Officers across the organisation is able to continue.

It is considered appropriate for Council to develop a motion to Local Government NSW regarding inclusion of heatwaves as Natural Disasters and revision of the National Building Code and Basix to include heat resilience. As such, the following draft motion has been prepared for consideration:

*"That Local Government NSW calls on the State and Federal Governments to:*

- 1. Include heatwaves as Natural Disasters*
- 2. Revise the National Building Code and Basix to include heat resilience."*

In terms of developing a long term Heat Plan, it is considered that this should be considered as part of budget considerations for the 2023/2024 Financial Year.

With respect to nominating a single staff member to become a Heat Smart Program Coordinator, there is no current staff member with existing capacity to undertake such a role. As such it is recommended that the existing arrangement of Council Officers from across the organisation continuing their active involvement in the WSROC Heat Smart Program projects.

**ATTACHMENTS:**

**AT - 1** Minutes of the Community Services Meeting held on 28 June 2022.

**ORDINARY MEETING**  
**SECTION 4 – Reports of Committees**  
**Meeting Date: 09 August 2022**

**AT - 1 Minutes of the Community Services Meeting held on 28 June 2022**

Minutes of the Meeting of the Community Services Committee held in the Council Chambers, on 28 June 2022, commencing at 5:05pm.

**ATTENDANCE**

**Present:** Councillor Barry Calvert, Hawkesbury City Council (Chairperson)  
Councillor Sarah McMahon, Hawkesbury City Council  
Councillor Les Sheather, Hawkesbury City Council  
Councillor Danielle Wheeler, Hawkesbury City Council

**Audio-Visual Link:** Councillor Mary Lyons-Buckett, Hawkesbury City Council

**In Attendance:** Mr Laurie Mifsud, Hawkesbury City Council  
Ms Meagan Ang, Hawkesbury City Council  
Mr Andrew Kearns, Hawkesbury City Council  
Ms Tracey Easterbrook, Hawkesbury City Council  
Ms Amy Birks - Minute Secretary, Hawkesbury City Council

**Attendance Register of Community Services Committee**

Member	26/04/2022	28/06/2022
Councillor Barry Calvert	A	✓
Councillor Lyons-Buckett	A	✓
Councillor Sarah McMahon	✓	✓
Councillor Les Sheather	✓	✓
Councillor Danielle Wheeler	✓	✓

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

**APOLOGIES AND LEAVE OF ABSENCE**

The General Manager received a written request from Councillor Lyons-Buckett to attend the meeting by audio-visual link.

**RESOLVED** on the motion of Councillor Wheeler and seconded by Councillor Sheather that Councillor Lyons-Buckett attend the meeting via audio-visual link.

**DECLARATIONS OF INTEREST**

There were no Declarations of Interests made.

**CONFIRMATION OF MINUTES**

**RESOLVED** on the motion of Councillor McMahon and seconded by Councillor Sheather that the Minutes of the Community Services Committee held on the 26 April 2022, be confirmed.

**ORDINARY MEETING**  
**SECTION 4 – Reports of Committees**  
**Meeting Date:** 09 August 2022

**SECTION 2 - Reports for Determination**

**Item: 001**                      **CS - WSROC Heat Smart Program - (151937)**

**Previous Items:**        2, Community Services (26 April 2022)  
                                 069, Ordinary (29 March 2022)

**Directorate:**            City Planning

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Ms Kelly Gee, Project and Policy Officer, WSROC, addressed the meeting and presented on the impacts of urban heat, key outcomes to date, and next steps associated with the Heat Smart Project, including ongoing partnerships and collaboration with councils, including Hawkesbury City Council. A copy of the presentation is attached to these Minutes, as Attachment 1.

**OFFICER'S RECOMMENDATION:**

That Council Officers continue involvement on the WSROC Heat Smart Program, and projects associated with addressing the impacts of urban heat.

**COMMITTEE RECOMMENDATION:**

**RESOLVED** on the motion of Councillor McMahon, seconded by Councillor Wheeler.

That the Committee recommend to Council that:

1. Council Officers continue involvement on the WSROC Heat Smart Program, and projects associated with addressing the impacts of urban heat.
2. Council develop a motion to Local Government NSW regarding inclusion of heatwaves as Natural Disasters and revision of the National Building Code and Basix to include heat resilience.
3. Council consider developing a long term Heat Plan.
4. Council request the General Manager to nominate a staff member to become a Heat Coordinator.

**ATTACHMENTS:**

**AT - 1** Copy of Presentation - WSROC Heat Smart Program.

**For the Motion:**            Councillors Calvert, Lyons-Buckett, McMahon, Sheather and Wheeler.

**Against the Motion:**        Nil.

**Absent:**                        Nil.

The meeting was terminated at 6:12pm.



ORDINARY MEETING  
SECTION 4 – Reports of Committees  
Meeting Date: 09 August 2022

AT - 1 Copy of Presentation - WSROC Heat Smart Program



## Turn Down the Heat Strategy and Action Plan



Heat and Western Sydney | What do we mean by heat?

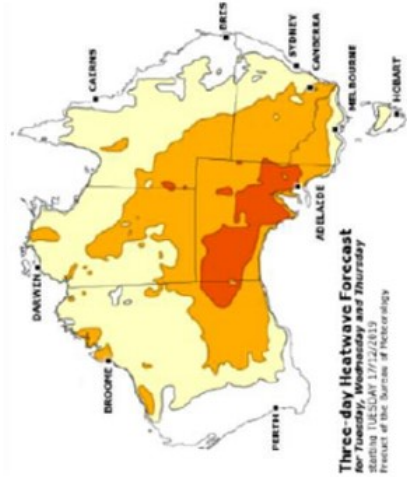
The issue of heat is multi-faceted, with multiple drivers.



Climate



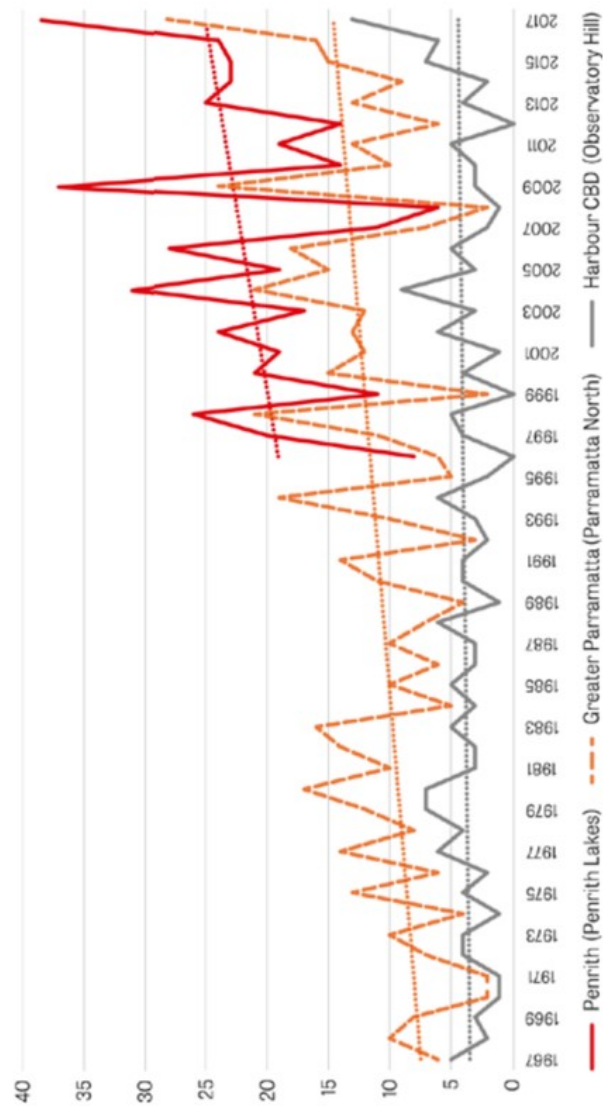
Urban heat islands



Heatwaves

## Heat and Western Sydney | a growing issue

Not only is Western Sydney hot, it is getting hotter faster than the Sydney CBD.



Source: Greater Sydney Commission (2018) using data from the Bureau of Meteorology



## Heat and Western Sydney | impacts

**Heat has killed more Australians than bushfire, flood and storms combined.**



Survey conducted by WSROC in May 2020. Respondents were from the general population, and most were not considered at-risk individuals.

## Heat and Western Sydney | impacts

Heat is also acknowledged to have cumulative and cascading impacts on city systems.



ENERGY NETWORK  
FAILURE



SERVICE DISRUPTIONS



INCREASED DEMAND ON  
HEALTH SERVICES



INCREASED WORKER  
ABSENTEEISM

## Heat in the Hawkesbury

One of the hottest areas in Sydney – despite limited development.

### Exposure:

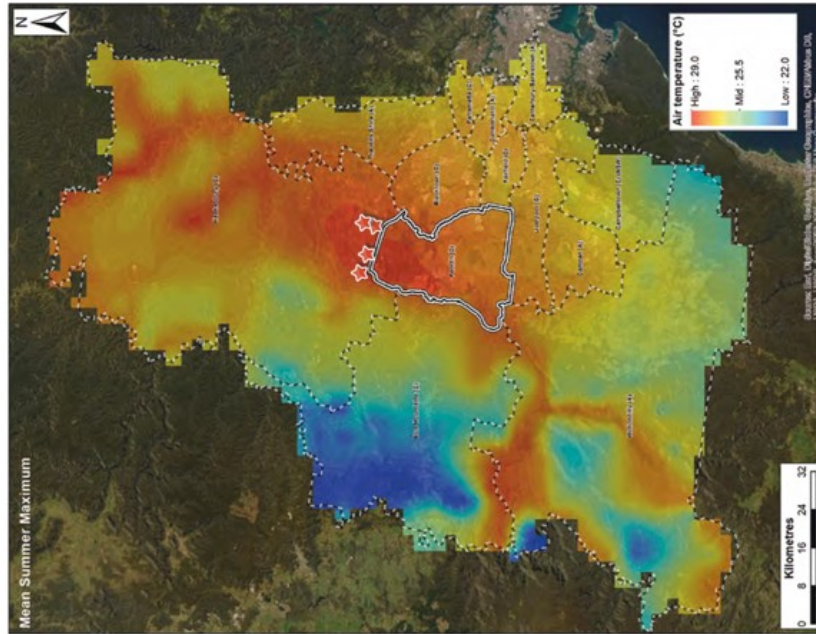
- Penrith heat study found hottest temp. at Agnes Banks – 52°C.
- Adapt NSW projects peri-urban development will double the temperature increases expected from climate change.

### Vulnerability:

- High rate of older persons living alone (16.7% in Richmond)
- Higher than average rates of diabetes, heart disease, overweight.
- Pockets of low-income.

### Other factors:

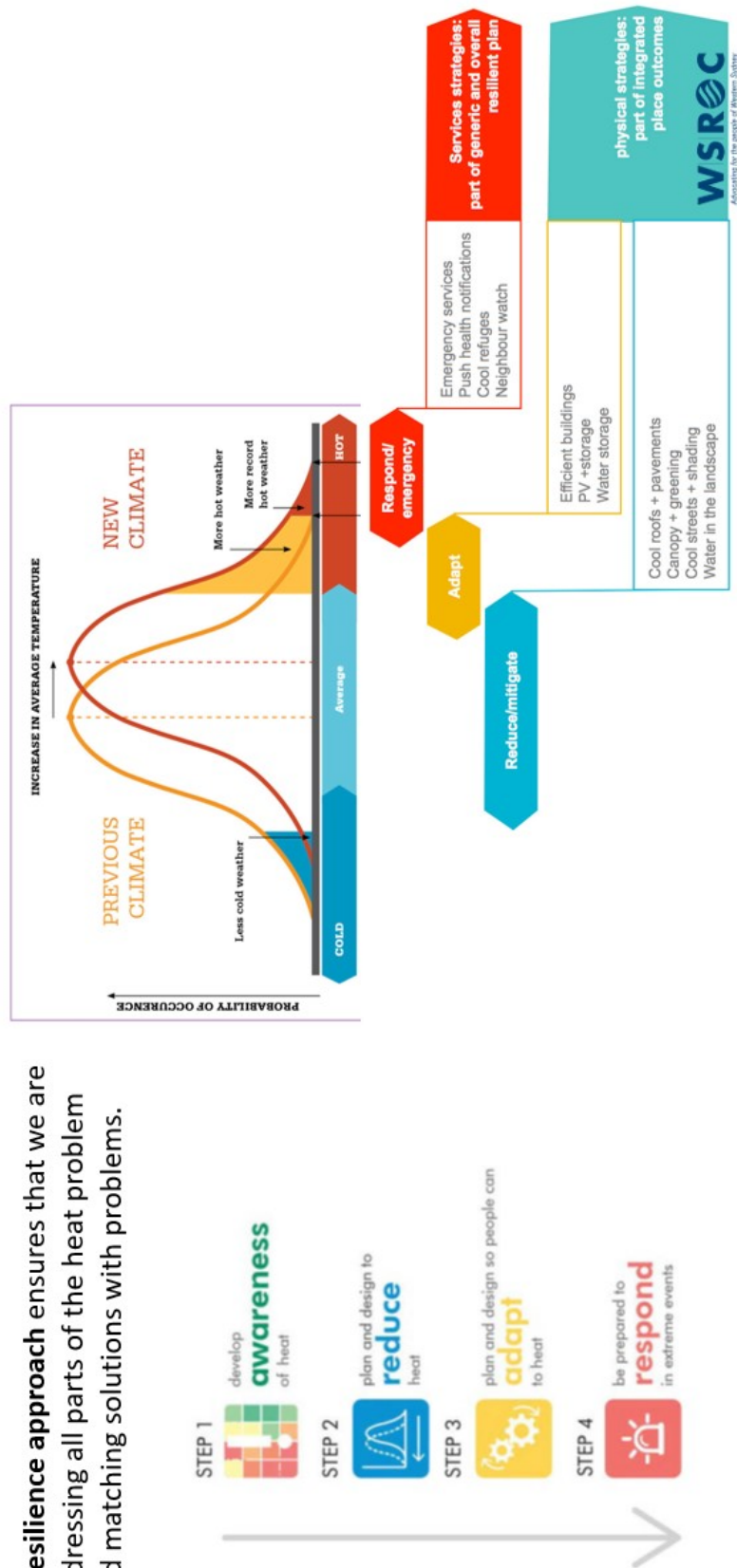
- Energy grid risks
- Geographic spread
- Limited public transport.



Adapted from Benchmarking summer heat across Penrith, NSW. Sebastian Pfautsch, Agnieszka Wujeska-Krause, Susanna Rouillard (2020).

## A resilience approach to heat

A **resilience approach** ensures that we are addressing all parts of the heat problem and matching solutions with problems.





# Heat Smart Western Sydney | Building heatwave resilience

**Aim: Building Western Sydney's resilience to heatwave with a focus on vulnerable people.**



Funded under the State Government Natural Disaster Resilience Program.

## Heat Smart | Co-design a better approach

### **GAP Analysis findings presented to stakeholders for review, discussion and feedback:**

Australian Medical Association (NSW)  
 Australian Red Cross  
 Blacktown City Council  
 Bureau of Meteorology  
 City of Adelaide  
 City of Melbourne  
 City of Parramatta  
 Cumberland City Council  
 Endeavour Energy  
 Hawkesbury City Council  
 Hume Housing  
 Link Wentworth Community Housing  
 Liverpool City Council  
 Local Land Services  
 Meals on Wheels  
 Multicultural NSW  
 Nepean Blue Mountains Local Health District

Nepean Blue Mountains Primary Health Network  
 NSW Council for the Aged (COTA)  
 NSW Council of Social Services (NCOSS)  
 NSW Department of Planning and Environment  
 NSW Health  
 NSW Nurses and Midwives Association  
 Office of Local Government  
 Penrith City Council  
 Resilience NSW  
 Resilient Sydney  
 Royal Australian College of General Practitioners  
 Seniors Rights Advocates  
 South Australian State Emergency Service  
 South Western Sydney Local Health District  
 Sri Lankan Association of NSW  
 Sweltering Cities  
 Sydney Alliance  
 Sydney Olympic Park Authority  
 Sydney University  
 Sydney Water

The Sydney Alliance  
 Transport for NSW  
 Victorian Department of Health and Human Services  
 WentWest Limited  
 Western Sydney Local Health District  
 Western Sydney University  
 Western Sydney Community Forum

### **Formal workshops held with:**

- Western Sydney LEMCs + council staff
- Regional Emergency Management Officers (REMOS)
- Community organisations (workshop +survey)

## Heat Smart | Framework recommendations

**As heat risk grows, we must heatwave planning in line with other natural hazards.**

### Governance

- Define a lead for heat risk management
- Clarify roles and responsibilities
- Develop standard processes for heat risk management

### Prevention

- Integrate heat-resilience into urban planning policy
- Housing standards and retrofit programs

### Preparedness

- Measure and quantify heat impacts
- Better identification of vulnerable people and facilities
- Upskill staff in heatwave risk planning

### Response

- Warning systems
- Provision of cooling shelters
- Plan for the expansion of outreach activities during emergencies



## Heat Smart | Community engagement and upskilling

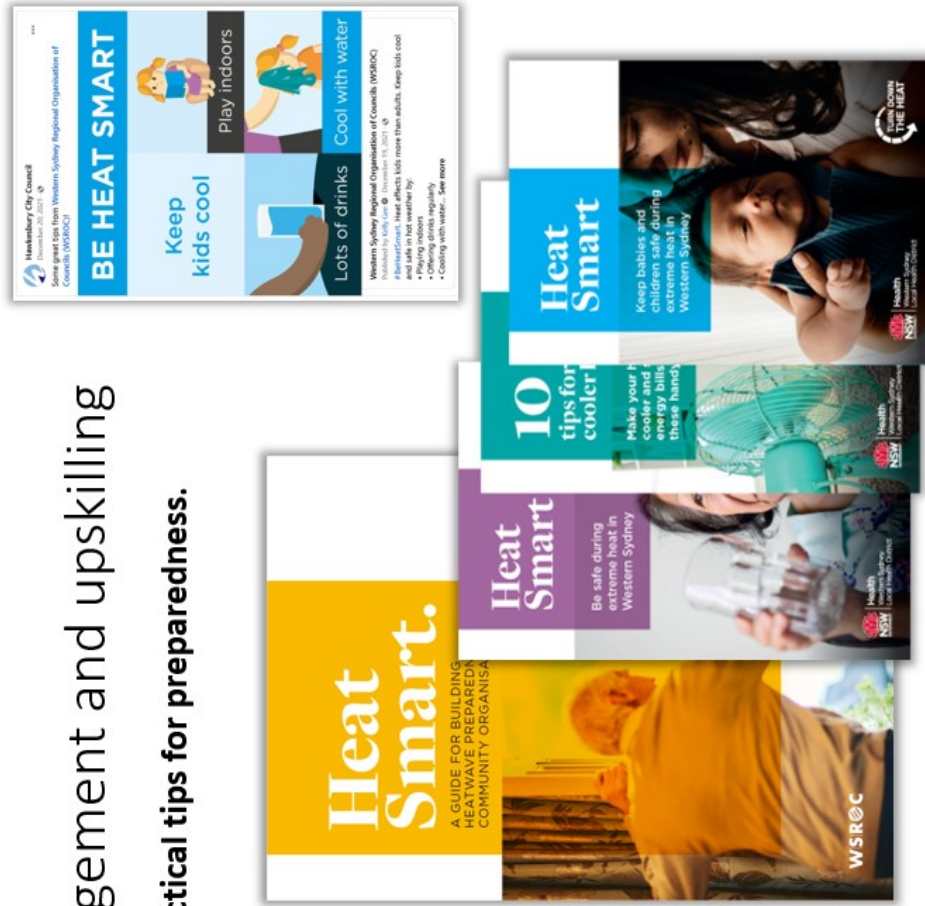
**Resources developed with LHDs to support practical tips for preparedness.**

### Community resources

- 3 community resources (print and digital)
  - Community tested (Neighbour Aid)
  - 10 languages
- Social media tiles
- Videos (in progress)

### Organisational resource

- Gap in current resources
- Advice on heat illness, who is at risk
- Key considerations when planning for heat
- Checklist for in-home carers.





## Heat Smart | Community engagement and upskilling

### 20 heatwave preparedness workshops in partnership with councils and the Red Cross.

#### Benefits of partnership with Red Cross:

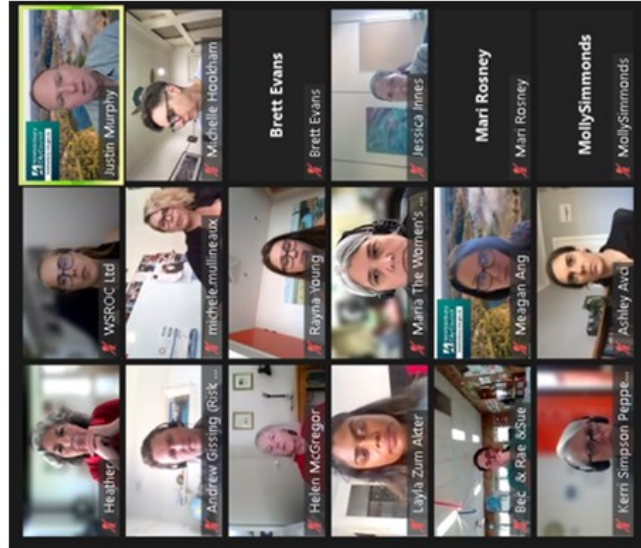
- Expertise in disaster preparedness education
- Red Cross now have heatwave content
- Volunteer network can deliver workshops ongoing.

#### Content:

- Overview of heatwaves
- Impact on community/organisations
- Tips for improving preparedness
- Scenarios

#### In the Hawkesbury:

- 2 workshops catering to Hawkesbury organisations
- 1 workshop for community members.
- 1 workshop for GPs and health professionals (all Western Sydney)



## Heat Smart | Key outcomes

**Program reporting is still underway, however the following outcomes have been achieved:**

### Heat Smart Framework:

- 500 professionals working in Western Sydney briefed on the need for better heat planning.
- Key organisations formally supported the Framework (e.g. AMA)
- Resilient Sydney Steering Committee resolved to support a Heat Taskforce

### Community engagement:

- 297 participants across 20 Heat Smart workshops
- 8.7 million community impressions via summer media campaign
- 3,324 downloads of the Heat Smart resources from WSROC website
- Partnership with LHDs to promote Heat Smart via intranet channels and push notifications to GPs at the start of summer.



## Heat Smart | Next steps

**WSROC is looking for opportunities to implement the Heat Smart Framework**

### **Grant applications in progress:**

- Heat Smart Taskforce
  - Funding to address issues pertaining to local councils:
  - Templates and guidance
  - Cool Shelters Guide
- Heat Risk Scale
  - Partnering with University of Sydney, NBMLHD, NBMPHN on application to improve heat risk communication.

### **Advocacy:**

- To recognise heatwave as a natural disaster under federal legislation.
- To integrate urban heat in state planning policies.
- Updates to the National Construction Code.





## Opportunities at the local scale

### AWARENESS

- Heat risk messaging over summer – comms/community development
- Build understanding of local heat impacts

### REDUCE

- Urban heat mitigation in local planning – planning
- Retrofit existing suburbs (e.g. greening) – parks/sustainability/planning
- Work towards emissions reduction – engineers/sustainability /planning/fleet

### ADAPT

- Energy resilience

### RESPOND

- Develop heatwave emergency plans and policies – EM staff
- How can Council support communities in partnership with community organisations? – Community development





ORDINARY MEETING  
SECTION 4 – Reports of Committees  
Meeting Date: 09 August 2022



oooO END OF REPORT Oooo

**ORDINARY MEETING**  
**SECTION 4 – Reports of Committees**  
**Meeting Date:** 09 August 2022

**Item: 144**                      **ROC - Local Traffic Committee - 11 July 2022 - (80245)**

**Directorate:**                      Infrastructure Services

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**PURPOSE OF THE REPORT:**

The purpose of this report is to present the Minutes of the Local Traffic Committee, held on 11 July 2022.

**EXECUTIVE SUMMARY:**

The Local Traffic Committee considered two items, contained within the Minutes of the Local Traffic Committee.

The Committee has been constituted for the purpose of providing technical review and advice on various traffic related matters, to Council in the exercising of its delegated functions as they relate to the regulation of traffic on the public road network, for which Council is the Roads Authority. The Committee has, however, no delegated authority in its own right and cannot bind Council.

The recommendations of the Committee are in line with the objectives of the Committee, as set out under the Delegation Instrument, and with established practices and procedures.

**RECOMMENDATION:**

That Council adopt the recommendations contained in the minutes of the Hawkesbury City Council Traffic Committee meeting held on 11 July 2022.

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**DISCUSSION**

The Committee considered staff reports on a range of matters as shown in the attached minutes as Attachment 1 to this report.

- Special Event Update – Cancellation / Rescheduling of 2022 Special Events
- Special Event Matter – Ironman 70.3 Western Sydney Event 2022.

**ATTACHMENTS:**

**AT - 1**     Minutes of the Local Traffic Committee held on 11 July 2022.

**ORDINARY MEETING**  
**SECTION 4 – Reports of Committees**  
**Meeting Date: 09 August 2022**

**AT - 1 Minutes of the Local Traffic Committee held on 11 July 2022**

Minutes of the Meeting of the Local Traffic Committee held remotely on Monday, 11 July 2022 commencing at 3pm.

**ATTENDANCE**

- Present:** Councillor Mary Lyons-Buckett, Hawkesbury City Council  
Ms Anu Mohandas, Transport for NSW  
Mr Steve Grady, Busways
- Apologies:** Senior Constable Damien Mitchell, NSW Police  
Inspector Mark Harvey, NSW Police  
Ms Thera Hobbs, representing Ms Robyn Preston MP (Member for Hawkesbury)
- In Attendance:** Mr Christopher Amit, Hawkesbury City Council, (Chair)  
Ms Cathy Mills, Hawkesbury City Council

RESOLVED on the motion of Councillor Mary Lyons-Buckett, seconded by Anu Mohandas that the apologies be accepted.

**SECTION 1 - Minutes**

**Item 1.1 Confirmation of Minutes**

The Committee resolved on the Motion of Councillor Mary Lyons-Buckett, seconded by Mr Christopher Amit, that the Minutes from the previous meeting held on Monday, 20 June 2022 be confirmed.

**Item 1.2 Business Arising**

There was no Business Arising from the previous minutes.

**SECTION 2 - Reports for Determination**

**Item: 2.1 LTC - Cancellation/Rescheduling of 2022 Special Events (Hawkesbury) - (80245)**

**Previous Item: LTC 20 June 2022 – Item 2.1**

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**REPORT:**

Several Events planned to be undertaken in 2022 within the Hawkesbury Local Government Area have been impacted by the recent weather events and flooding during February and March 2022.

The following event has been rescheduled:

1. The Hawkesbury 120 Ski Classic event: The event was originally approved for Saturday, 16 and Sunday, 17 October 2021 and due to COVID was rescheduled to Saturday, 26 and Sunday, 27 March 2022. Due to the flood event in March 2022 the event was once again postponed. The Event has now been rescheduled to Saturday, 15 and Sunday, 16 October 2022. The conditions of approval (affecting the traffic management of the event) granted for the original event dates were to apply for the March 2022 or apply to the rescheduled event dates should the event be undertaken within the 2022 calendar year. On this basis the conditions of approval (affecting the traffic management of the event) granted for the original event date are to apply to the rescheduled event dates of Saturday, 15 and Sunday, 16 October 2022.

**ORDINARY MEETING**  
**SECTION 4 – Reports of Committees**  
**Meeting Date: 09 August 2022**

**RECOMMENDATION TO COMMITTEE:**

That the information be received.

**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Councillor Mary Lyons-Buckett, seconded by Ms Anu Mohandas.

Support for the Recommendation:      Unanimous support

That the information be received.

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**Item: 2.2      LTC - Ironman 70.3 Western Sydney 2022 - Richmond/Anges Banks (Hawkesbury) - (80245, 73621, 123265, 128733, 140545)**

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**REPORT:**

An application has been received seeking approval (in traffic management terms) to conduct the Ironman 70.3 Western Sydney 2022 event, on Sunday, 25 September 2022.

The event organiser is proceeding with the event based on the current Public Health (COVID-19 General) Order 2022 under the Public Health Act 2010 (NSW).

The event organiser has advised;

- The Ironman 70.3 Western Sydney event is based at the Sydney International Regatta Centre, Penrith.
- The event is being held predominantly within the Penrith Council LGA, with a small section of the Cycling route contained within the Hawkesbury Council LGA.
- This is the seventh year the event is being run. The 2022 course follows the course from the 2019 event which has been in place since 2015. The event in 2020 and 2021 was cancelled due to COVID-19.
- The event will be conducted between 6:20am and 3:20pm. The set up and pack down times are between 4:30am and 3:30pm.
- Approximately 1,500 participants are expected for the event.
- Approximately 5,000 spectators are expected.
- The Ironman event is a race and involves participants swimming, cycling and running:
  - Swimming: 1.9 kilometres clockwise lap of the Sydney International Regatta Centre competition lake.
  - Cycling: 90 kilometres (2 laps of 45 kilometres) incorporating the major arterial roads of both Penrith City Council and Hawkesbury City Council from the Sydney International Regatta Centre to McCarthys Lane to Castlereagh Road, Brooks Lane, Wilshire Road, Jockbett Road,

**ORDINARY MEETING**  
**SECTION 4 – Reports of Committees**

**Meeting Date:** 09 August 2022

The Driftway (Hawkesbury) and returning via Jockbett Road, Wilshire Road, Brooks Lane, Castlereagh Road and McCarthys Lane. The course consists of two laps in a clockwise direction with a number of road closures.

- Running: 21.2 kilometres incorporating paths within and out of the Sydney International Regatta Centre. The run course heads out of the Sydney International Regatta Centre along Old Castlereagh Road, turning off Leland Street, Lugard Street, Borec Road and heading to the Great River Walk via Cassola Place before heading back to the Sydney International Regatta Centre and completing 1.5 laps around the competition lake.
- To facilitate the event build and competition, a comprehensive schedule of Road Closures has been designed. The majority of road closures are within the Penrith LGA. The only road closure required within the Hawkesbury LGA is The Driftway between Londonderry Road and Castlereagh Road.
- The safety of the event will be improved with the removal of through traffic along the course.
- Authorised Traffic Controllers will be used at all road closure points along the course, with motorists directed around the site.
- Full road closures are implemented restricting access to and from homes which is managed by NSW Police and Who Dares Traffic Management. Emergency Services have priority over the Race and NSW ambulance will be within the Event Operations Command, liaising with Emergency Services.
- Road Closures will be valid during the cycling and running components of the event. In exceptional circumstances, should a resident or emergency service require access to a closed section of road, arrangements will be made to ensure access of the authorised vehicle under escort.
- Residents directly impacted by the road closures will be advised of the traffic conditions. Special arrangements will be in place should a resident require to exit their property under exceptional circumstances.
- The detours will be advertised in advance by Variable Message Boards (VMS). The VMS will be in place in advance to advertise the road closures and applicable detours.
- Parking will be facilitated by the existing parking facilities of the Regatta Centre (southern side) with allowance for overflow parking at the grass field of the Centre (east from the main parking areas – sealed). There is capacity for approximately 1,600 vehicles and parking will be free on a first come-first served basis.
- Special Event Clearways are not required for this event. Existing kerbside parking conditions will be adequate.
- The residents along Hawkesbury roads: The Driftway, Bonner Road and Markwell Place are currently being consulted and as with previous events, the residents have responded in a positive manner and are supportive of the event in a similar manner to the previous events undertaken between 2015 and 2019 and the cancelled events from 2020 and 2021.

Details of the Event Route and Road Closure Plan, Bike Course Plan and Road Closure Schedule are contained in Attachments 1, 2 and 3.

**Discussion:**

The event is a cross regional event as it will traverse across two Local Government Areas and cross/traverse classified roads. The majority of the event is being undertaken within the Penrith Local Government Area.

**ORDINARY MEETING**  
**SECTION 4 – Reports of Committees**  
**Meeting Date: 09 August 2022**

The 2022 course follows the same route as the previous events undertaken from 2015 to 2019, noting that the 2020 and 2021 events were cancelled due to COVID-19. The 2015 event was originally approved by Penrith Council which inadvertently included The Driftway (Hawkesbury), as this is a bordering road. Penrith Council classified the event as a Class 2 and this classification has carried through since the 2015 event. To be consistent, the event within the Hawkesbury LGA should also be classified as a Class 2 event, even though there is the proposal to undertake Road Closures and Speed Zone reductions along a State Road within the Penrith Council LGA.

On this basis it would be appropriate to classify the event as a “Class 2” special event under the “Traffic and Transport Management for Special Events” guidelines issued by Transport for NSW – TfNSW (formerly RTA/RMS) as the event may disrupt traffic and transport systems along the specified route, which includes the proposed road closures, and there may be disruptions to the non-event community.

The following details in relation to the proposed road closure, within the Hawkesbury LGA, are listed below;

- Road Closure along The Driftway is proposed for Sunday, 25 September 2022, between 4:30am and 1pm. The overall road closures for the event within the Penrith Council area is until 3pm.
- Road Closure along The Driftway, Richmond/Agnes Banks, is between Castlereagh Road and Londonderry Road; which includes its intersections with Bonner Road, Jockbett Road and Markwell Place, with access provided for residents in Markwell Place from the Castlereagh Road end of The Driftway.
- The length of the road closure along The Driftway is approximately 2,750 metres.
- The speed limit along The Driftway is 80kph, with a road seal width ranging from 10.3 to 11.0 metres.
- Traffic volume recorded in 2020 indicates an ADT=1,687.
- There are approximately 65 properties along the proposed route within the Hawkesbury LGA affected by the Road Closure of The Driftway. These properties are in the vicinity of The Driftway, Bonner Road and Markwell Place. The properties are a mix of residential and rural properties.
- The consultation process is in progress. Based on previous years, the majority of adjoining property owners are supportive of the event and the traffic management measures proposed, in a similar manner to the previous 2015 to 2019 events and the cancelled 2020 and 2021 events. Further to this, the residents have been advised that this is a reoccurring event each year.

Castlereagh Road (State Road) within the Penrith LGA is to be closed at its northern point in the vicinity of Springwood Road and Brooks Lane. Traffic within the Hawkesbury LGA will be detoured via Southee Road and Londonderry Road. The event organiser is to ensure that all major traffic routes leading to the road closures are adequately signposted to warn motorists of the road closures and advise them of the available traffic detour routes.

The event organiser is to ensure that the current Public Health (COVID-19 General) Order 2022 under the Public Health Act 2010 (NSW), as a minimum, is adhered to and changes to the Public Health Order may lead to the event being cancelled/postponed

The event organiser has submitted the following items in relation to the event: Attachment 3 (ECM Document Set ID No: 7992168):

- Traffic and Transport Management for Special Events – HCC: Form A – Initial Approval - Application Form,
- Traffic and Transport Management for Special Events – HCC: Form B – Initial Approval Application - Checklist,
- Special Event Transport Management Plan Template – RTA (Transport for NSW – TfNSW)
- Event Overview,
- Event Route and Road Closure Plan.

The Transport Management Plan (TMP) and the associated Traffic Control Plans (TCP) are to be submitted to Transport for NSW – TfNSW (formerly TMC) for authorisation due to the proposed road closures.

**ORDINARY MEETING**  
**SECTION 4 – Reports of Committees**  
**Meeting Date: 09 August 2022**

**RECOMMENDATION TO COMMITTEE:**

That:

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council's web site, <https://www.hawkesbury.nsw.gov.au/your-council/events/traffic-management-for-special-events>, and refer to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they comply with the contents and requirements of this information which includes the Transport for NSW – TfNSW (formerly RTA/RMS) publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package.
2. The Ironman 70.3 Western Sydney 2022 event, which is a cross regional event and will traverse across two Local Government Areas, with the Hawkesbury LGA component being within the Richmond/Agnes Banks area, planned for Sunday, 25 September 2022 between 4:30am and 3:30pm be classified as a "Class 2" special event, in terms of traffic management, under the "Traffic and Transport Management for Special Events" guidelines issued by Transport for NSW – TfNSW (formerly RTA/RMS).
3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser and the event organiser is to ensure that the current Public Health (COVID-19 General) Order 2022 under the Public Health Act 2010 (NSW), as a minimum, is adhered to and changes to the Public Health Order may lead to the event being cancelled/postponed.
4. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted, the following road closures and traffic control measures;
  - Road Closure; The Driftway, Richmond/Agnes Banks, between Castlereagh Road and Londonderry Road; which includes its intersections with Bonner Road, Jockbett Road and Markwell Place, with access provided for residents in Markwell Place from the Castlereagh Road end of The Driftway.
  - Road Closure only permitted for Sunday, 25 September 2022, between 4:30am and 1pm.
  - No other road closures are permitted.
  - Due to the Road Closure of Castlereagh Road (State Road) within the Penrith LGA, Detour Routes and relevant Signage are to be provided within the Hawkesbury LGA and surrounding area to ensure alternate traffic routes are available and signposted.
  - The event organiser is to ensure that all major traffic routes leading to the road closures are adequately signposted to warn motorists of the road closures and advise them of the available traffic detour routes.

and the following conditions:

**Prior to the event:**

- 4a. the event organiser is responsible for ensuring the safety of all involved in relation to the proposed event and must fully comply with the requirements of the Work Health and Safety (WHS) Act 2011, WHS Regulations 2011 and associated Australian Standards and applicable Codes of Practice. It is incumbent on the organiser under this legislation to ensure all potential risks are identified and assessed as to the level of harm they may pose and that suitable control measures are instigated to either eliminate these or at least reduce them to an

**ORDINARY MEETING**  
**SECTION 4 – Reports of Committees**  
**Meeting Date: 09 August 2022**

acceptable level. This will include assessing the potential risks to spectators, participants and road/park/facility users etc during the event including setting up and clean-up activities. This process must also include (where appropriate) but is not limited to the safe handling of hazardous substances, electrical equipment testing, tagging and layout, traffic/pedestrian management plans, certification and licensing in relation to amusement rides, relevant current insurance cover and must be inclusive of meaningful consultation with all stakeholders. (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>; additionally Council has an events template which can be provided to assist in identifying and controlling risks);

- 4b. the event organiser is to assess the risk and address the suitability of the entire route/site as part of the risk assessment considering the possible risks for all participants. This assessment should be carried out by visual inspection of the route/site by the event organiser prior to preparing the TMP and prior to the event. The event organiser must have a risk assessment that includes COVID-19 risk and must have a COVID-19 Safety Plan developed;
- 4c. the event organiser is to obtain approval to conduct the event, from the NSW Police Force; a copy of the Police Force approval to be submitted to Council;
- 4d. the event organiser is to obtain approval from Transport for NSW – TfNSW (formerly TMC) as road closures are proposed; a copy of the Transport for NSW – TfNSW (formerly TMC) approval to be submitted to Council;
- 4e. the event organiser is to submit a Transport Management Plan (TMP) for the entire route/event incorporating Traffic Control Plans (TCPs) which need to include details such as the specific position of barriers, signs etc, required for the proposed road closures and traffic diversions to Council for acknowledgement and Transport for NSW – TfNSW (formerly TMC and RTA/RMS) for concurrence. The TCPs should be prepared by a person holding appropriate certification as required by Transport for NSW – TfNSW (formerly RTA/RMS) to satisfy the requirements of WHS legislation and associated Codes of Practice and Australian Standards;
- 4f. the event organiser is to submit to Council a copy of its Public Liability Policy in an amount not less than \$20,000,000 noting Council and Transport for NSW – TfNSW (formerly RTA/RMS) as interested parties on the Policy and that Policy is to cover both on-road and off-road activities;
- 4g. as the event involves the closure and the traverse of public roads, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy and close the road;
- 4h. the event organiser is to obtain approval from Penrith Council for the use of their roads and obtain any other necessary approvals from Penrith Council; a copy of this approval to be submitted to Council;
- 4i. the event organiser is to advertise the event in the local press stating the entire route/extent of the event, including the proposed traffic control measures, road closures, detour routes and the traffic impact/delays expected, due to the event, two weeks prior to the event; a copy of the proposed advertisement to be submitted to Council (indicating the advertising medium);
- 4j. the event organiser is to notify the details of the event to the NSW Ambulance Service, Fire and Rescue NSW, NSW Rural Fire Service and SES at least two weeks prior to the event; a copy of the correspondence to be submitted to Council;



**ORDINARY MEETING**  
**SECTION 4 – Reports of Committees**

**Meeting Date:** 09 August 2022

- 4k. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event, including the proposed traffic control measures, road closures, detour routes and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; a copy of the correspondence to be submitted to Council;
- 4l. the event organiser is to directly notify all the residences and businesses which may be affected by the event, including the proposed traffic control measures, road closures, detour routes and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; a copy of the correspondence to be submitted to Council;
- 4m. the event organiser is to submit the completed "Traffic and Transport Management for Special Events – Final Approval Application Form (Form C)" to Council;

**During the event:**

- 4n. access is to be maintained for businesses, residents and their visitors;
- 4o. a clear passageway of at least four metres in width is to be maintained at all times for emergency vehicles;
- 4p. all traffic controllers / marshals operating within the public road network or road related area, are to hold appropriate certification as required by Transport for NSW – TfNSW (formerly RTA/RMS);
- 4q. the participants are to be made aware of and are to follow all the general road user rules whilst participating on public roads;
- 4r. in accordance with the submitted TMP and associated TCPs, appropriate advisory signs and traffic control devices are to be placed along the event and detour route (including the road closure points and detour routes), during the event, under the direction of a traffic controller holding appropriate certification as required by Transport for NSW – TfNSW (formerly RTA/RMS);
- 4s. the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event; and,
- 4t. all roads and marshalling points are to be kept clean and tidy, with all signs and devices to be removed immediately upon completion of the activity.

**ATTACHMENTS:**

- AT – 1** Ironman 70.3 Western Sydney 2022 - Event Route and Road Closure Plan.
- AT – 2** Ironman 70.3 Western Sydney 2022 - Event Bike Course Plan.
- AT – 3** Ironman 70.3 Western Sydney 2022 - Road Closure Schedule.
- AT – 4** Special Event Application - (ECM Document Set ID No: 7992168) - *see attached*.

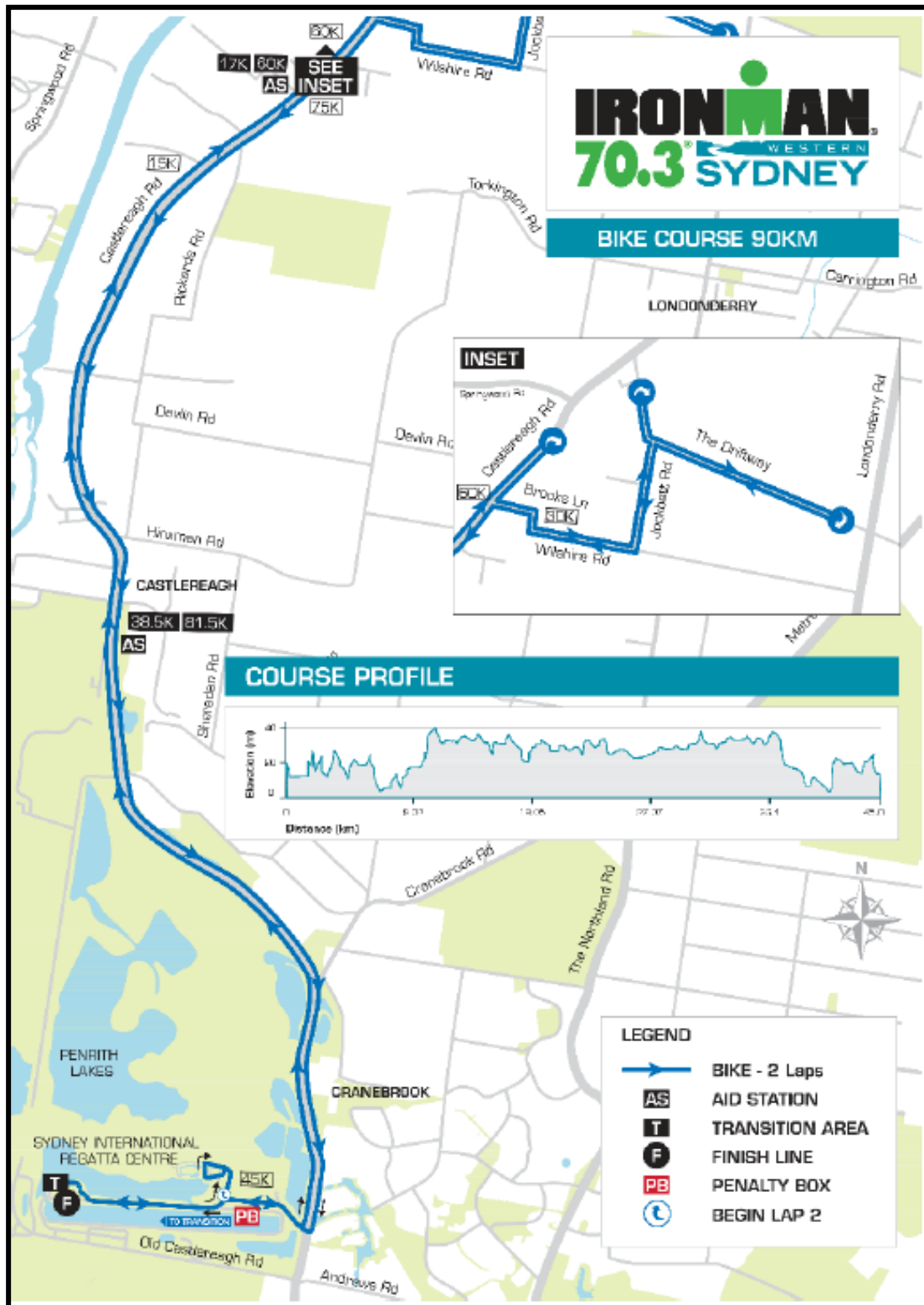
ORDINARY MEETING  
SECTION 4 – Reports of Committees  
Meeting Date: 09 August 2022

**AT – 1 Ironman 70.3 Western Sydney 2022 - Event Route and Road Closure Plan**



**ORDINARY MEETING**  
**SECTION 4 – Reports of Committees**  
**Meeting Date: 09 August 2022**

**AT – 2 Ironman 70.3 Western Sydney 2022 - Event Bike Course Plan**



**ORDINARY MEETING**  
**SECTION 4 – Reports of Committees**  
**Meeting Date: 09 August 2022**

**AT – 3 Ironman 70.3 Western Sydney 2022 – Road Closure Schedule**

Effective: Sunday, 25 November 2022

ROAD CLOSURE	Section	Direction	Start Time	Finish Time	Length of Road (m)
McCarthy Lane	Pipe Gate to Castlereagh Road	Inbound & Outbound	4:30am	1:00pm	1,315
Castlereagh Road	Between Andrews Road and Springwood Road	Inbound & Outbound	4:30am	1:00pm	3,278
Brooks Lane	Between Castlereagh Road and Wilshire Road	Inbound & Outbound	4:30am	1:00pm	14,919
Wilshire Road	Between Brookes Lane and Jockbett Road	Inbound & Outbound	4:30am	1:00pm	450
Jockbett Road	Between Wilshire Road and The Driftway	Inbound & Outbound	4:30am	1:00pm	1,376
The Driftway	Between Castlereagh Road and Londonderry Road	Inbound & Outbound	4:30am	1:00pm	1,193
Old Castlereagh Road	Between SIRC and Castlereagh Road	Inbound & Outbound	4:30am	3:00pm	2,749

**ORDINARY MEETING**  
**SECTION 4 – Reports of Committees**  
**Meeting Date: 09 August 2022**

**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Councillor Mary Lyons-Buckett, seconded by Ms Anu Mohandas.

Support for the Recommendation:        Unanimous support

That:

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council's web site, <https://www.hawkesbury.nsw.gov.au/your-council/events/traffic-management-for-special-events>, and refer to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they comply with the contents and requirements of this information which includes the Transport for NSW – TfNSW (formerly RTA/RMS) publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package.
2. The Ironman 70.3 Western Sydney 2022 event, which is a cross regional event and will traverse across two Local Government Areas, with the Hawkesbury LGA component being within the Richmond/Agnes Banks area, planned for Sunday, 25 September 2022 between 4:30am and 3:30pm be classified as a "Class 2" special event, in terms of traffic management, under the "Traffic and Transport Management for Special Events" guidelines issued by Transport for NSW – TfNSW (formerly RTA/RMS).
3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser and the event organiser is to ensure that the current Public Health (COVID-19 General) Order 2022 under the Public Health Act 2010 (NSW), as a minimum, is adhered to and changes to the Public Health Order may lead to the event being cancelled/postponed.
4. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted, the following road closures and traffic control measures;
  - Road Closure; The Driftway, Richmond/Agnes Banks, between Castlereagh Road and Londonderry Road; which includes its intersections with Bonner Road, Jockbett Road and Markwell Place, with access provided for residents in Markwell Place from the Castlereagh Road end of The Driftway.
  - Road Closure only permitted for Sunday, 25 September 2022, between 4:30am and 1pm.
  - No other road closures are permitted.
  - Due to the Road Closure of Castlereagh Road (State Road) within the Penrith LGA, Detour Routes and relevant Signage are to be provided within the Hawkesbury LGA and surrounding area to ensure alternate traffic routes are available and signposted.
  - The event organiser is to ensure that all major traffic routes leading to the road closures are adequately signposted to warn motorists of the road closures and advise them of the available traffic detour routes.

and the following conditions:

**ORDINARY MEETING**  
**SECTION 4 – Reports of Committees**  
**Meeting Date: 09 August 2022**

**Prior to the event:**

- 4a. the event organiser is responsible for ensuring the safety of all involved in relation to the proposed event and must fully comply with the requirements of the Work Health and Safety (WHS) Act 2011, WHS Regulations 2011 and associated Australian Standards and applicable Codes of Practice. It is incumbent on the organiser under this legislation to ensure all potential risks are identified and assessed as to the level of harm they may pose and that suitable control measures are instigated to either eliminate these or at least reduce them to an acceptable level. This will include assessing the potential risks to spectators, participants and road/park/facility users etc during the event including setting up and clean-up activities. This process must also include (where appropriate) but is not limited to the safe handling of hazardous substances, electrical equipment testing, tagging and layout, traffic/pedestrian management plans, certification and licensing in relation to amusement rides, relevant current insurance cover and must be inclusive of meaningful consultation with all stakeholders. (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>; additionally Council has an events template which can be provided to assist in identifying and controlling risks);
- 4b. the event organiser is to assess the risk and address the suitability of the entire route/site as part of the risk assessment considering the possible risks for all participants. This assessment should be carried out by visual inspection of the route/site by the event organiser prior to preparing the TMP and prior to the event. The event organiser must have a risk assessment that includes COVID-19 risk and must have a COVID-19 Safety Plan developed;
- 4c. the event organiser is to obtain approval to conduct the event, from the NSW Police Force; a copy of the Police Force approval to be submitted to Council;
- 4d. the event organiser is to obtain approval from Transport for NSW – TfNSW (formerly TMC) as road closures are proposed; a copy of the Transport for NSW – TfNSW (formerly TMC) approval to be submitted to Council;
- 4e. the event organiser is to submit a Transport Management Plan (TMP) for the entire route/event incorporating Traffic Control Plans (TCPs) which need to include details such as the specific position of barriers, signs etc, required for the proposed road closures and traffic diversions to Council for acknowledgement and Transport for NSW – TfNSW (formerly TMC and RTA/RMS) for concurrence. The TCPs should be prepared by a person holding appropriate certification as required by Transport for NSW – TfNSW (formerly RTA/RMS) to satisfy the requirements of WHS legislation and associated Codes of Practice and Australian Standards;
- 4f. the event organiser is to submit to Council a copy of its Public Liability Policy in an amount not less than \$20,000,000 noting Council and Transport for NSW – TfNSW (formerly RTA/RMS) as interested parties on the Policy and that Policy is to cover both on-road and off-road activities;
- 4g. as the event involves the closure and the traverse of public roads, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy and close the road;
- 4h. the event organiser is to obtain approval from Penrith Council for the use of their roads and obtain any other necessary approvals from Penrith Council; a copy of this approval to be submitted to Council;
- 4i. the event organiser is to advertise the event in the local press stating the entire route/extent of the event, including the proposed traffic control measures, road closures, detour routes and the traffic impact/delays expected, due to the event, two weeks prior to the event; a copy of the proposed advertisement to be submitted to Council (indicating the advertising medium);

**ORDINARY MEETING**  
**SECTION 4 – Reports of Committees**

**Meeting Date:** 09 August 2022

- 4j. the event organiser is to notify the details of the event to the NSW Ambulance Service, Fire and Rescue NSW, NSW Rural Fire Service and SES at least two weeks prior to the event; a copy of the correspondence to be submitted to Council;
- 4k. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event, including the proposed traffic control measures, road closures, detour routes and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; a copy of the correspondence to be submitted to Council;
- 4l. the event organiser is to directly notify all the residences and businesses which may be affected by the event, including the proposed traffic control measures, road closures, detour routes and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; a copy of the correspondence to be submitted to Council;
- 4m. the event organiser is to submit the completed "Traffic and Transport Management for Special Events – Final Approval Application Form (Form C)" to Council;

**During the event:**

- 4n. access is to be maintained for businesses, residents and their visitors;
- 4o. a clear passageway of at least four metres in width is to be maintained at all times for emergency vehicles;
- 4p. all traffic controllers / marshals operating within the public road network or road related area, are to hold appropriate certification as required by Transport for NSW – TfNSW (formerly RTA/RMS);
- 4q. the participants are to be made aware of and are to follow all the general road user rules whilst participating on public roads;
- 4r. in accordance with the submitted TMP and associated TCPs, appropriate advisory signs and traffic control devices are to be placed along the event and detour route (including the road closure points and detour routes), during the event, under the direction of a traffic controller holding appropriate certification as required by Transport for NSW – TfNSW (formerly RTA/RMS);
- 4s. the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event; and,
- 4t. all roads and marshalling points are to be kept clean and tidy, with all signs and devices to be removed immediately upon completion of the activity.

**SECTION 3 - Reports for Information**

There were no Reports for Information.

**SECTION 4 - General Business**

There was no General Business.

**ORDINARY MEETING**

**SECTION 4 – Reports of Committees**

**Meeting Date:** 09 August 2022

**SECTION 5 - Next Meeting**

The next Local Traffic Committee meeting will be held remotely on Monday, 8 August 2022 at 3pm.

The meeting terminated at 3:20pm.

**oooO END OF REPORT Oooo**



**ORDINARY MEETING**  
**SECTION 4 – Reports of Committees**  
**Meeting Date:** 09 August 2022

**Item: 145**                      **ROC - Audit, Risk and Improvement Committee - 15 July 2022 - (158054, 95496)**

**Directorate:**                Support Services

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**PURPOSE OF THE REPORT:**

The purpose of this report is to present the Minutes of the Audit, Risk and Improvement Committee, held on 15 July 2022.

**EXECUTIVE SUMMARY:**

The Audit, Risk and Improvement Committee considered ten items and General Business at its meeting on 15 July 2022.

All items and General Business 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, Risk and Improvement Committee held on the 15 July 2022.

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**DISCUSSION**

The Audit, Risk and Improvement Committee met on 15 July 2022 and discussed the following items:

- Item 1     2020/2021 and 2021/2022 Internal Audit Programs Update
- Item 2     Status of Internal Audit Management Actions
- Item 3     Internal Audit Function Review Internal Audit Report
- Item 4     Asbestos Management Internal Audit Report
- Item 5     2022/2023 Internal Audit Program
- Item 6     Meetings Dates for 2022/2023
- Item 7     Enterprise Risk Management
- Item 8     Finance Reports
- Item 9     Audit - NSW Audit Office Final Management Letter 2021
- Item 10    Annual Work Plan
- General Business - Internal Audit Working Papers and Report Formatting.

The Minutes of the Audit, Risk and Improvement Committee meeting held on 15 July 2022 are attached as Attachment 1 to this report.

The above items and General Business 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, Risk and Improvement Committee held on 15 July 2022.

**ORDINARY MEETING**  
**SECTION 4 – Reports of Committees**  
**Meeting Date: 09 August 2022**

**AT - 1 Minutes of the Audit, Risk and Improvement Committee held on 15 July 2022**

Minutes of the Meeting of the Audit Committee held in Council Committee Rooms, Windsor, on 15 July 2022, commencing at 11:00am.

**ATTENDANCE**

**Present:** Mr Michael Quirk (Chairperson)  
Ms Rachel Harris (Audio-Visual Link)  
Mrs Rhonda Wheatley  
Councillor Mary Lyons-Buckett, Hawkesbury City Council

**Apologies:** Nil.

**In Attendance:** Ms Elizabeth Richardson, Hawkesbury City Council  
Mr Laurie Mifsud, Hawkesbury City Council  
Ms Vanessa Browning, Hawkesbury City Council  
Mr Charles McElroy, Hawkesbury City Council  
Ms Rachel Ridges, Hawkesbury City Council  
Mr Conrad Webb, Hawkesbury City Council  
Mr James Winter, Grant Thornton  
Mr Kenneth Leung, NSW Audit Office  
Ms Penelope Corkill, Centium  
Ms Tracey Easterbrook - Minute Secretary, Hawkesbury City Council

Member	15/07/2022
Mr Michael Quirk (Chairperson)	✓
Ms Rachel Harris	✓
Mrs Rhonda Wheatley	✓
Councillor Mary Lyons-Buckett	✓

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

**APOLOGIES**

There were no apologies.

Ms Penelope Corkill arrived at the meeting at 10:07am.

Mr James Winter and Mr Kenneth Leung left the meeting at 11:24am.

**DECLARATIONS OF INTEREST**

There were no Declarations of Interests made.

**CONFIRMATION OF MINUTES**

RESOLVED on the motion of Mr Michael Quirk and seconded by Mrs Rhonda Wheatley.

That the Minutes of the Audit Committee held on the 24 November 2021, be received and noted.

The Chairperson requested Items 3, 4, 5 and 9 be brought forward in the agenda to be dealt with.

The Committee unanimously resolved to move these items forward in the agenda.

**ORDINARY MEETING**  
**SECTION 4 – Reports of Committees**  
**Meeting Date: 09 August 2022**

**SECTION 2 - Reports for Determination**

**Item: 1**                      **ARIC - 2020/2021 and 2021/2022 Internal Audit Program Update - (158054, 121470, 95496, 79351)**

**Directorate:**              Support Services

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**OFFICER'S RECOMMENDATION:**

That the progress on the 2020/2021 and the 2021/2022 Internal Audit Programs be received and noted.

**DISCUSSION:**

- The Director - Support Services advised the following three outstanding Internal Audits from the 2021/2022 Internal Audit Program would be likely be completed by the next Audit, Risk and Improvement Committee Meeting:
  - Child Protection Compliance Internal Audit
  - Asset Planning and Management Internal Audit
  - Transport for NSW Drives Compliance Internal Audit.
- Councillor Lyons-Buckett enquired as to the breath of the Child Protection Compliance Internal Audit. The General Manager advised that scope of the Internal Audit is focused on Council's compliance with the National Framework.

**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Mr Michael Quirk and seconded by Mrs Rhonda Wheatley.

That the progress on the 2020/2021 and the 2021/2022 Internal Audit Programs be received and noted.

**ORDINARY MEETING**  
**SECTION 4 – Reports of Committees**  
**Meeting Date: 09 August 2022**

**Item: 2**                      **ARIC - Status of Internal Audit Management Actions - (158054, 121470, 95496, 79351)**

**Directorate:**              Support Services

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**OFFICER'S RECOMMENDATION:**

That the Audit Committee receive and note the following reports:

1. Internal Audit Management Actions Summary Report as at 8 June 2022 as outlined in Attachment 1 to this report.
2. Incomplete Internal Audit Management Actions Report as at 8 June 2022 as outlined in Attachment 2 to this report.
3. Recently Completed Internal Audit Management Actions Report as outlined in Attachment 3 to this report.

**DISCUSSION:**

- The Director - Support Services provided an overview of Internal Audit Management Actions:
  - Council's Internal Audit Management Actions outlined in the report and attachments commenced in 2017/2018
  - 22 Internal Audits have been completed since 2017/2018, generating 310 Management Actions
  - 263 Management Actions have been completed and there are 47 Management Actions that are in progress.
- Rhonda Wheatley raised concerns regarding outstanding Management Actions containing a risk rating status of high or significant from 2017/2018, and that these to be dealt with at the executive management level. The Director - Support Services advised that all Management Actions are reported and managed by the Executive Leadership Team.

**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Mr Michael Quirk and seconded by Ms Rachel Harris.

That:

1. The following reports be received and noted:
  - a) Internal Audit Management Actions Summary Report as at 8 June 2022 as outlined in Attachment 1 to this report.
  - b) Incomplete Internal Audit Management Actions Report as at 8 June 2022 as outlined in Attachment 2 to this report.
  - c) Recently Completed Internal Audit Management Actions Report as outlined in Attachment 3 to this report.
2. A report be provided to the Audit, Risk and Improvement Committee on outstanding management actions and those that can be dealt with through management authority.

**ORDINARY MEETING**  
**SECTION 4 – Reports of Committees**  
**Meeting Date: 09 August 2022**

**Item: 3**                      **ARIC - Internal Audit Function Review Internal Audit Report - (158054, 121470, 95496, 95498, 79351)**

**Directorate:**              Support Services

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**OFFICER'S RECOMMENDATION:**

That the Audit, Risk and Improvement Committee receive and note the Internal Audit Function Review Internal Audit Report attached as Attachment 1 to this report.

**DISCUSSION:**

- Penelope Corkill from Centium provided an overview of the Internal Audit Function Review:
  - The Audit was undertaken against the preliminary Draft Guidelines for Risk Management and Internal Audit
  - The appointment by Council of an Internal Audit Coordinator was acknowledged.
  - Key finding around improvements to documentation and procedures for management actions
  - The newly implemented Committee is in line with the Guidelines for Risk Management and Internal Audit
- Rachel Harris enquired as to whether Council has enough resources available to implement the management actions from the Internal audit, and what is the estimated time frame of completion. The Director - Support Services advised Council has 14 Management Actions, four of which have been completed. Council has resourcing available to complete the remaining 10 within due date periods for those actions.

**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Mrs Rhonda Wheatley and seconded by Mr Michael Quirk.

That the Audit, Risk and Improvement Committee receive and note the Internal Audit Function Review Internal Audit Report attached as Attachment 1 to this report.

**Item: 4**                      **ARIC - Asbestos Management Internal Audit Report - (158054, 121470, 95496, 95498, 79351)**

**Directorate:**              Support Services

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**OFFICER'S RECOMMENDATION:**

That the Audit, Risk and Improvement Committee receive and note the Asbestos Management Internal Audit Report attached as Attachment 1 to this report.

**DISCUSSION:**

- Penelope Corkill from Centium provided an overview of the Asbestos Management Audit:
  - Council has identified buildings which contain asbestos
  - Council has Policy and Procedures in place to manage asbestos, including the management of illegal dumping of Asbestos
  - Council is compliant with asbestos record keeping and signage on buildings
  - Council maintains a regular training program for staff on the management of asbestos.

**ORDINARY MEETING**  
**SECTION 4 – Reports of Committees**  
**Meeting Date: 09 August 2022**

**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Mrs Rhonda Wheatley and seconded by Mr Michael Quirk.

That the Audit, Risk and Improvement Committee receive and note the Asbestos Management Internal Audit Report attached as Attachment 1 to this report.

**Item: 5**                      **ARIC - 2022/2023 Internal Audit Program - (158054, 121470, 95496, 79351)**

**Directorate:**              Support Services

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**OFFICER'S RECOMMENDATION:**

That the Audit, Risk and Improvement Committee approve the following 2022/2023 Annual Internal Audit Program:

**2022/2023 Internal Audit Program**

1. Records Management
2. Fire Safety, Sewer and Swimming Pool Inspections
3. Emergency Management including the Business Continuity Plan
4. Work Health and Safety including Workers Compensation
5. Transport for NSW DRIVES24 Compliance.

**DISCUSSION:**

- The Director - Support Services advised Council appointed Centium Pty Ltd for a three year period to undertake Councils Internal Audit Program. Five Internal Audits are proposed to be completed in 2022/2023.
- The Committee enquired as to how financial risks are dealt with in the Internal Audit Program. Council's Chief Financial Officer provided an overview of previous internal audits relating to finance, and of the way financial matters are dealt with through the external audit process. It was suggested by the Committee that future Internal Audit Program reports contain information as to how internal controls around financial matters are also dealt with outside of internal audits.
- The Committee enquired about the scope of the internal audit concerning Emergency Management including the Business Continuity Plan. The General Manager advised Council is governed by State Agencies and the Office of Local Government, and will ensure records and the Business Continuity Plan are kept up to date.

**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Mrs Rhonda Wheatley and seconded by Mr Michael Quirk.

That the Audit, Risk and Improvement Committee approve the following 2022/2023 Annual Internal Audit Program:

**2022/2023 Internal Audit Program**

1. Records Management
2. Fire Safety, Sewer and Swimming Pool Inspections
3. Emergency Management including the Business Continuity Plan
4. Work Health and Safety including Workers Compensation
5. Transport for NSW DRIVES24 Compliance.

**ORDINARY MEETING**  
**SECTION 4 – Reports of Committees**  
**Meeting Date: 09 August 2022**

**Item: 6**                      **ARIC - Meetings Dates for 2022/2023 - (158054, 121470, 95496, 79351)**

**Directorate:**              Support Services

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**OFFICER'S RECOMMENDATION:**

That the Audit, Risk and Improvement Committee meeting dates from July 2022 to June 2023, as outlined in the report, be approved.

**DISCUSSION:**

The Committee suggested that a meeting be convened to consider only Council's audited financial statements in advance of them being reported to Council, and that the unaudited financial statements be circulated to Committee members for review out of session. Council's Chief Financial Officer provided information as to the likely timing of the audited financial statements.

**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Mr Michael Quirk and seconded by Mrs Rhonda Wheatley.

That the Audit, Risk and Improvement Committee proposed meeting dates after July 2022, to June 2023, be as follows:

- Friday, 9 September 2022
- Friday, 4 November 2022 (Audited Financial Statements) - Tentative
- Friday, 10 February 2023
- Friday, 12 May 2023

**Item: 7**                      **ARIC - Enterprise Risk Management - (158054, 121470, 79351)**

**Directorate:**              General Manager

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**OFFICER'S RECOMMENDATION:**

That:

1. The Audit, Risk and Improvement Committee receive and note the Enterprise Risk Management report.
2. An Enterprise Risk Management report be provided at each meeting of the Audit, Risk and Improvement Committee.

**DISCUSSION:**

- The Manager Enterprise Risk Systems advised:
  - The current Enterprise Register was established in 2019, containing 155 risks with 11 being identified as high risk
  - The Risk Register is updated quarterly by Managers

**ORDINARY MEETING**  
**SECTION 4 – Reports of Committees**  
**Meeting Date: 09 August 2022**

- A Draft Enterprise Risk Management Policy and Framework has been established, with internal consultation to occur before report back to the Committee.
- Councillor Lyons-Buckett requested an update on the outstanding Third Party Reviews. The Manager - Corporate Services and Governance advised Third Party Reviews have been completed of Hawkesbury River County Council and Peppercorn Services Inc, and the review of the Hawkesbury Sports Council is in the completion of the scoping phase.

**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Mr Michael Quirk and seconded by Mrs Rhonda Wheatley.

That:

1. The Audit, Risk and Improvement Committee receive and note the Enterprise Risk Management report.
2. An Enterprise Risk Management report be provided at each meeting of the Audit, Risk and Improvement Committee.

**Item: 8**                      **ARIC - Finance Reports - (158054, 95496, 79351)**

**Directorate:**              Support Services

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**OFFICER'S RECOMMENDATION:**

That the Audit, Risk and Improvement Committee receive and note the report regarding the March 2022 Quarterly Budget Review Statement, the April 2022 Investment Report, and the May 2022 Monthly Financial Report.

**DISCUSSION:**

- The Chief Financial Officer provided an overview of the finance reports:
  - March 2022 Quarterly Budget Review Statements
  - April 2022 Investment Report.
- Rhonda Wheatley requested that additional commentary relating to adjustments is included in future reports.

**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Mrs Rhonda Wheatley and seconded by Ms Rachel Harris.

That the Audit, Risk and Improvement Committee receive and note the report regarding the March 2022 Quarterly Budget Review Statement, the April 2022 Investment Report, and the May 2022 Monthly Financial Report.



**ORDINARY MEETING**  
**SECTION 4 – Reports of Committees**  
**Meeting Date: 09 August 2022**

**Item: 9**                      **ARIC - Audit - NSW Audit Office Final Management Letter 2021 - (158054, 95496, 79351)**

**Directorate:**              Support Services

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**COMMITTEE RECOMMENDATION:**

That the information contained with the Final Management Letter for the year ended 30 June 2021, attached as Attachment 1 to the report be received and noted.

**DISCUSSION:**

- Mr Kenneth Leung, from NSW Audit Office identified three Moderate Risk Issues:
  - Access to Journal Posting
  - Updating of Bank Signatories
  - Approval of Credit Card Expenditure
- Council has addressed all Management points outlined in the letter on the Final Phase of the Audit Year Ended 30 June 2021.
- Mr James Winter, from Grant Thornton advised that the Audit Engagement Plan has been provided to Council and has commenced audit testing. The Committee confirmed the Audit Engagement Plan will be addressed in March or April 2023.

**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Mr Michael Quirk and seconded by Mrs Rhonda Wheatley.

That:

1. The information contained with the Final Management Letter for the year ended 30 June 2021, attached as Attachment 1 to the report be received and noted.
2. The Draft Audited Financial Statements be provided to Audit, Risk and Improvement Committee before being reported to Council.

**ORDINARY MEETING**  
**SECTION 4 – Reports of Committees**  
**Meeting Date: 09 August 2022**

**Item: 10**                      **ARIC - Annual Work Plan - (158054, 121470, 95496, 79351)**

**Directorate:**              Support Services

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**OFFICER'S RECOMMENDATION:**

That an Audit, Risk and Improvement Committee Annual Work Plan be developed based on the Draft Audit, Risk and Improvement Committee Work Plan attached as Attachment 1 to this report, and discussion by the Audit, Risk and Improvement Committee.

**DISCUSSION:**

- The Manager- Corporate Services and Governance provided an overview of the requirements of the Office of Local Government's Audit Risk and Improvement Guidelines which remain in draft.
- The Draft Audit, Risk and Improvement Committee Work Plan has been circulated to Committee members. The Chairperson, Michael Quirk requested that consultation with the Manager - Corporate Services and Governance work take place on the Committee Work Plan, before report back to the next Committee Meeting.
- The Chairperson, Michael Quirk requested that Council and the Committee review the Committee Work Plan annually.

**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Mrs Rhonda Wheatley and seconded by Mr Michael Quirk.

That:

1. An Audit, Risk and Improvement Committee Annual Work Plan be developed based on the Draft Audit, Risk and Improvement Committee Work Plan attached as Attachment 1 to this report.
2. The Chairperson, Michael Quirk and the Manager - Corporate Services and Governance consult on the Committee Work Plan and report back to the next Committee Meeting.

**SECTION 3 - General Business**

**A. Internal Audit Working Papers**

Internal Audit working papers for internal audits conducted by Centium from 2017 will be provided by Centium for the purpose of registration in Council's record keeping system.

**B. Report Formatting**

The Chairperson, Michael Quirk requested that Council review the consistency of the format of attachments to reports to the Committee dealing with actions generated from external audits, internal audits and other audits and reviews.

The meeting terminated at 12:47pm.

**oooO END OF REPORT Oooo**

Ordinary

Section 5

Notices of motion

**ORDINARY MEETING**  
**SECTION 5 – Notices of Motion**  
**Meeting Date:** 09 August 2022

**ORDINARY MEETING**  
**SECTION 5 – Notices of Motion**  
**Meeting Date:** 09 August 2022

**SECTION 5 – Notices of Motion**

**Item: 146**                      **NM - Opting into the State Government e-Scooter Trial - (138884)**

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**Submitted by:** Councillor Zamprogno

**NOTICE OF MOTION:**

That Hawkesbury Council expresses its interest in joining the E-Scooter trial program by writing to the NSW Transport Minister Mr Rob Stokes.

**BACKGROUND**

Small-scale electric mobility vehicles like “E-Scooters” are either already legal elsewhere in Australian (Queensland, Victoria and the ACT) or are now the subject of trial programs (Tasmania, SA, WA and the NT).

NSW have been late to this field, but in April 2022, the Transport Minister Rob Stokes announced a trial program for Council areas selected by Transport for NSW. After a larger than expected and positive response, the scope was widened to *any* NSW Council who wished to express interest in joining the trial.

Modern E-Scooters represent an increasingly mature technology with improved range between charges and the ability to geofence (limit the range of operation, even to a per-street level. Lower speeds in shared pedestrian zones like malls can be enforced. They contain embedded GPS trackers, they auto-report vandalism or theft, and they can incentivise preferred journey end-points such as racks, which lessens abandonment in unwanted locations.

Studies have shown that communities that have adopted E-Scooters have largely embraced them and that misadventure is comparable to that of bicycles or rollerblades after a period of acclimatisation.

Their operation is clean, green and silent. They represent an opportunity for participating Councils to be at the vanguard of an emerging transport mode that will potentially take cars off the road, free up car-parking spaces in congested town centres, promote tourism, recreational use, improve accessibility, and stimulate the economy.

It would be expected that the trial will allow Council to trial the use of both commercial rental of E-Scooters (through Apps and providers like Beam and Neuron) and private E-Scooters. Participation in a trial would not require Council to run or even establish the commercial viability of a rental market – properly determined by commercial providers, but rather to create a regulatory environment where this innovative technology can flourish.

**NOTE BY MANAGEMENT**

Transport for NSW requires councils and their nominated provider(s) to respond to the requirements listed in the NSW E-Scooter Shared Scheme Trial Guidelines to be considered for the E-Scooter trial. The NSW E-Scooter Shared Scheme Trial Guidelines are attached as Attachment 1.

Items of note in the NSW E-Scooter Share Scheme Trial Guidelines and the outcome of preliminary investigations against items of note are provided below.

**ORDINARY MEETING**  
**SECTION 5 – Notices of Motion**  
**Meeting Date: 09 August 2022**

**NSW E-Scooter Shared Scheme Trial Guidelines**

- E-Scooter users can travel on:
  - Bicycle paths
  - Shared paths
  - Roads (including bicycle lanes) on which the speed limit is up to 50 kilometres per hour.
- E-Scooter users cannot travel on footpaths.
- Trial locations to be clearly marked and include signage / safety messaging.
- Designated scooter parking to be considered.
- Recommended that roads and bicycle/shared paths with steep gradients may not be appropriate for inclusion in the trial.
- Council and nominated provider consider how E-Scooter shared schemes facilitate end to end journeys to local centres/services.
- Transport for NSW requires councils and their nominated provider(s) to engage a practicing professional to conduct Road Safety Audits on all bicycle paths/lanes, shared paths, and roads that are part of a proposed trial location.
- Transport for NSW recommends councils and their nominated provider(s) consider designated scooter parking, that is safely integrated with the existing environment and appropriate to the surrounding amenity (e.g. – limit obstruction and clutter on pathways and public spaces).

**Preliminary Findings from Investigations**

- Existing bicycle paths and bicycle lanes within the LGA have been considered against the Guidelines and it has been determined that all have one or more features that would render them not suitable as a trial site, including being on high traffic roads, having steep gradients or requiring works from line marking to shoulder widening.

The only shared path that is prospectively suitable as a trial site may be Ham Common shared path, noting that this route does not link major town centres and is adjacent to an existing public transport route.

- Council has not allocated the staff or financial resources to engage a Road Safety Auditor or participate in the Road Safety Audit process required for the trial. Council has however obtained a contribution of \$70,000 from Transport for NSW to develop an Active Transport Strategy in the 2022/2023 financial year.

This Strategy will be developed over the coming 12 months and will include identification of new routes and infrastructure that will align with the Transport for NSW Guidelines, including those issued for the E-Scooter trial.

Should Council opt not to nominate for participation, the work being undertaken through the Liveability Project and in the Strategy will encompass a review of infrastructure and its suitability for all modes of Active Transport. This Strategy is likely to identify the infrastructure improvements required that could facilitate an E-Scooter trial, as well as prioritise funding within Council's works program to undertake these works.

**ORDINARY MEETING**  
**SECTION 5 – Notices of Motion**  
**Meeting Date: 09 August 2022**

- Council's Net Zero Emissions and Water Efficiency Strategy includes the following action;

*‘Collaborate with Transport for NSW and electric bike providers to pilot electric bike infrastructure in Hawkesbury’s Centres’*

Whilst there is a current lack of bicycle or scooter parking in environments such as those identified as required under the E-Scooter trial Guidelines, works being undertaken through Council’s Liveability Project and the development of the Active Transport Strategy will enable Council to give effect to this action.

The Liveability Project is delivering footpath improvements and installing bicycle parking in town centres. The Active Transport Strategy will identify suitable routes for use by electric bikes and E-Scooters and will prioritise the capital works required to complete identified routes.

Should Council determine to delay participation in an E-Scooter trial, full delivery of works within the Liveability Project and development of the new Active Transport Strategy will position Council firmly to apply to participate in a trial in future years.

**FINANCIAL IMPACT**

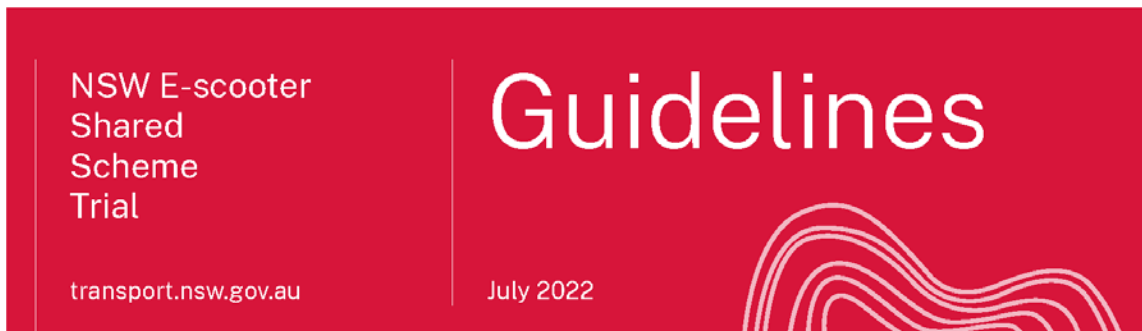
There will be costs associated with the process of registering an interest to participate in the E-Scooter trial, including staff resources to coordinate the information required for consultancy engagement, as well as the engagement of a practicing Road Safety Professional to undertake audits. It is estimated that it will cost between \$5,000 and \$10,000 per site for an audit by a practicing Road Safety Professional and there will be additional costs associated with line marking and signage at each site should a trial proceed. These costs have not been provided for in Council’s Adopted 2022/2023 Operational Plan.

If Council were to proceed with participating in the E-Scooter trial program, both funding and resources will need to be directed away from another project or program within the 2022/2023 Operational Plan.

**ATTACHMENTS:**

**AT - 1** NSW E-Scooter Shared Scheme Trial Guidelines.

**AT - 1 NSW E-Scooter Shared Scheme Trial Guidelines**



**A guide for councils and providers interested in participating in the NSW E-scooter Shared Scheme Trial**

Working together with local councils, e-scooter shared scheme providers, and Transport for NSW (Transport), we have an opportunity to trial a new way of getting around our metropolitan and regional communities in NSW.

This guide sets out Transport's requirements and recommendations to councils and providers interested in participating in the trial.

This guide has been developed to help councils determine the suitability of proposed trial location(s) in their community and nominate e-scooter shared scheme provider(s) before making a submission to Transport to be considered for the trial.

The guide is recommended to be used in:

- Investigations of potential trial locations
- Investigating local community interest
- Conversations with potential service providers
- Preparing Request to Participate submission documentation.

Transport requires councils and their nominated provider(s) to respond to the requirements listed in this guide in their Request to Participate submission to Transport to be considered for the trial.

This guide should be read in conjunction with the E-scooters Shared Scheme Proposed Trial Parameters (and E-Scooter Trial regulations, when made).



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**ORDINARY MEETING**  
**SECTION 5 – Notices of Motion**  
**Meeting Date: 09 August 2022**

**1. Trial locations**

- a. Transport requires councils and their nominated provider(s) to put forward trial locations that support safe and connected movement on roads and paths, consistent with the proposed trial parameters. At selected trial locations, e-scooters users can only travel on:
  - i. bicycle paths
  - ii. shared paths
  - iii. roads (including bicycle lanes) on which the speed-limit is up to 50 kilometres per hour. (an e-scooter will be prohibited from travelling in a bicycle lane if the road has a speed limit of greater than 50 kilometres per hour).
- b. Transport requires councils and their nominated provider(s) to outline how they will clearly mark trial locations for customers and the community. This includes signage important information and safety messaging to riders and the public.
- c. Transport recommends councils and their nominated provider(s) put forward trial locations that safely integrate into and support the existing network and do not impact key public transport corridors or high traffic roads.
- d. Transport recommends councils and their nominated provider(s) consider designated scooter parking, that is safely integrated with the existing environment and appropriate to the surrounding amenity (eg – limit obstruction and clutter on pathways and public spaces).
- e. Transport recommends that roads and bicycle/shared paths with steep gradients may not be appropriate for inclusion in the trial.
- f. Transport requires councils and their nominated provider(s) to engage a practicing professional registered on the Transport's [Register of Road Safety Auditors](#) to conduct Road Safety Audits on all bicycle paths/lanes, shared paths, and roads that are part of a proposed trial location. Road Safety Audits must be in line with NSW Centre for Road Safety Guidelines for Road Safety Audit Practices and Austroads Guide to Road Safety: Part 6 Road Safety Audit. Completed audits should be submitted to Transport along with responses and mitigation measures that remove or reduce the highlighted road safety risk so far as is reasonably practicable. Transport recommends that a Transport representative is included as part of any Road Safety Audit as an observer.

**2. Customer journeys and network connectivity**

- a. Transport recommends councils and their nominated provider(s) consider how e-scooter shared schemes could facilitate end-to-end journeys to local centres/services, neighbourhoods or strategic centres (eg – employment hubs, hospitals, universities/TAFEs).
- b. Transport recommends that councils and their nominated provider(s) consider how e-scooter shared schemes could facilitate 'first and last' kilometre journeys to and from transport interchanges or where there are current transport service gaps.

**ORDINARY MEETING**  
**SECTION 5 – Notices of Motion**  
**Meeting Date: 09 August 2022**

- c. Transport recommends councils and their nominated provider(s) consider how e-scooter shared schemes could facilitate recreational journeys to/in areas of cultural and social significance.

**3. Community needs / interests**

- a. Transport recommends councils and their nominated provider(s) consider existing community needs / interests for increased sustainable transport options and interests in smart technology and the share economy

**4. E-scooter and safety equipment specifications**

- a. Transport requires councils to nominate provider(s) who will provide e-scooters that meet the definition of an e-scooter in the proposed trial parameters.
- b. Transport requires councils to nominate provider(s) who will provide a description of the types of e-scooters to be used in each trial location.
- c. Transport recommends that council nominate provider(s) who have e-scooters that comply with the following weight and dimensions: not more than 1,250 millimetres in length by 700 millimetres in width by 1,350 millimetres in height and, when the device is not carrying a person or other load, 25 kilograms in weight.

If council and their nominated provider(s) propose to provide an e-scooter that does not meet these requirements, information provided about the e-scooter will be considered in the context of use in the trial location.

- d. Transport requires councils to nominate provider(s) who can ensure that each e-scooter in their fleet includes:
  - i. Bells, horns or other similar warning devices
  - ii. Functional kick stands
  - iii. Speedometer
  - iv. White front light and red rear lights and a red rear reflector.
- e. Transport requires to councils nominate providers who can ensure e-scooters cannot exceed maximum speed limit of 20 kilometres per hour as set out in the proposed trial parameters. During the trial maximum speed limits are as follows:
  - i. 20 kilometres per hour on bicycle paths/lanes and roads.
  - ii. 10 kilometres per hour on shared paths.
- f. Transport requires councils to nominate provider(s) who can ensure all e-scooters are equipped with approved helmets, as riders must wear an approved bicycle helmet.
- g. Transport recommends councils nominate provider(s) who have a system to ensure helmets are available for all users and have measures in place to ensure they are not lost (eg – helmet locks).

**ORDINARY MEETING**  
**SECTION 5 – Notices of Motion**  
**Meeting Date: 09 August 2022**

- h. Transport requires councils to nominate provider(s) who can ensure their fleet in the public domain is clearly identifiable for customers, the community, and the NSW Police.
- i. Transport recommends councils nominate provider(s) who can ensure that each e-scooter in their fleet displays a unique identification number that is clearly visible from at least 5 metres away from and that is fixed to the e-scooter.
- j. Transport recommends councils nominate provider(s) who can ensure that each e-scooter in their fleet displays contact information for the provider including a phone number.
- k. Transport recommends councils nominate provider(s) who can ensure that each e-scooter in their fleet is fitted with GPS tracking.
- l. Transport recommends councils nominate provider(s) who can ensure that their e-scooters do not contain any third-party advertising.
- m. Transport requires councils to nominate provider(s) who will ensure e-scooters are locked from starting a new trip between the hours of 12am to 5am, unless the trial has been approved to operate at these times by Transport.

**5. Insurances**

- a. Transport requires councils nominate provider(s) who have insurance to protect the public, riders and council in the event of serious injuries, death, or property damage.
- b. Transport requires councils to nominate provider(s) who hold a current public liability insurance policy with coverage for any injuries or damage that may result from use of its e-scooters, which names and indemnifies the (participating) council(s) to cover legal liability to third parties for personal injury or property damage as a result of an occurrence in connection with the business of the insured, as specified in the public liability policy in the name of the provider(s).
- c. Transport requires councils to ensure the public liability policy extends to cover each of the (participating) council(s) in respect to claims for personal injury or property damage arising out of the negligence of the provider(s).
- d. Transport requires the sum for public liability insured should not be less than \$20,000,000 and the provider(s) should provide evidence of this insurance to the (participating) council(s) at the commencement of the agreement and each year upon renewal of the insurance policy within 30 days.
- e. Transport requires provider(s) have appropriate third-party insurance to cover for potential injuries and property damage for pedestrians, other road users and property owners.
- f. Transport requires councils to nominate provider(s) who have appropriate personal accident insurance to cover injuries to riders.

**ORDINARY MEETING**  
**SECTION 5 – Notices of Motion**  
**Meeting Date: 09 August 2022**

**6. Management and operation of e-scooters**

- a. Transport requires that council(s) establish an agreement with nominated provider(s) to offer members of the public e-scooters for hire on a commercial basis as only riders of e-scooters under such an agreement will be able to legally ride on NSW roads. This agreement may incorporate a financial arrangement negotiated between council(s) and provider(s).
- b. Transport recommends that council(s) nominate provider(s) who have a fleet management system that includes:
  - i. Safety / slow down / stop
  - ii. No go / exclusion zones
  - iii. Cleaning
  - iv. Maintenance
  - v. Operational expertise (on the ground team)
  - vi. Collection of dumped or abandoned e-scooters.
- c. Transport recommends that council(s) nominate provider(s) who will take responsibility for parking management of e-scooters in their fleet, including adequate guidance / incentives to e-scooter users to ensure e-scooters are parked within designated parking zones.
- d. Transport requires councils nominate provider(s) who have a system for reporting, escalating and mitigating safety incidents (ie - crashes and injuries) and will share information about incidents with councils and Transport in the format required by Transport and in a timely manner.
- e. Transport recommends councils nominate provider(s) who have a system for the timely reporting and resolution of safety issues, including placement and condition of e-scooters.
- f. Transport recommends councils nominate provider(s) who have a system that ensures the timely resolution of customer and community complaints.
- g. Transport requires councils to nominate provider(s) who will provide educational information / programs to e-scooter shared scheme users about how to use the e-scooter; safety; user responsibilities; considerations for other users of bicycle path/lanes, shared paths, road users; and provider's terms of use.
- h. Transport recommends councils nominate provider(s) who have a system for managing customers who repeatedly fail to comply with the terms of the trial and terms of use of their e-scooters.
- i. Transport recommends councils nominate provider(s) who have sound fire prevention / safety practices in place to ensure fire hazard is managed in the operation and maintenance of the e-scooter fleet. This includes ensuring that the fire risks associated with batteries is managed.
- j. Transport requires that councils and their nominated provider(s) prepare a Safety Management Plan hazard and risk management relating to the trial operation and management.



**ORDINARY MEETING**  
**SECTION 5 – Notices of Motion**  
**Meeting Date: 09 August 2022**

- k. Transport requires councils and their nominated provider(s) establish a local working group with membership of local stakeholders such as Local Police Area Command, Local Health District, council, e-scooter provider, and Transport to monitor, manage the e-scooter trial, and provide regular updates to Transport.
- l. Transport requires councils and their nominated provider(s) to work collaboratively with councils and Transport in management of media related to the trial.

**7. Data Collection and Reporting**

- a. Transport recommends councils nominate provider(s) who are prepared to provide regular reports and share information such as trip data and customers insights with councils and Transport in the format required by Transport.
- b. Transport recommends councils nominate provider(s) whose terms and conditions for customers cover how the data will be stored, used and shared, and importantly gives permission for Transport and councils to use de-identified data insights to improve transport services and place outcomes.
- c. Transport requires councils to nominate provider(s) who will enter into an approved data sharing agreement with Transport.
- d. Transport requires councils nominate provider(s) who either:
  - i. comply with the Australian Privacy Principles in the *Privacy Act 1988* (Cth), or
  - ii. if they are not subject to the *Privacy Act 1988* (Cth), agree to comply with the *Privacy and Personal Information Protection Act 1988* (NSW) and the *Health Records and Information Privacy Act 2002* (NSW) as if they were a public agency.

**8. Demonstrated capability**

- a. Transport recommends councils nominate provider(s) who have demonstrated experience in managing e-scooter shared scheme trials in Australian jurisdictions. This may include asking providers to submit testimonials from councils they have worked with.

**9. Sustainability and social equity**

- a. Transport recommends councils consider provider(s) who can provide information about their sustainability goals and programs, including demonstrated outcomes.
- b. Transport recommends councils consider provider(s) who can provide information about their social equity goals and programs, including demonstrated outcomes.

**ORDINARY MEETING**  
**Confidential Reports**  
**Meeting Date:** 09 August 2022

**CONFIDENTIAL REPORTS**

**Item: 147**                      **MM - Staff Matter - (125610)**

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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)(a) of the Act as it relates to personnel matters concerning particular individuals (other than councillors).*

*In accordance with the provisions of Section 11(2) & (3) of the Local Government Act 1993, the reports, correspondence and other relevant documentation relating to this matter are to be withheld from the press and public.*

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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.